

**THE CITY COUNCIL
NILES, MICHIGAN
PUBLIC HEARING
VACATION OF A PORTION OF THE ALLEY BETWEEN
EAST MAIN STREET AND CEDAR STREET, WEST OF NORTH 4TH STREET
Monday, August 27, 2018, 5:45p.m.**

At 5:45 pm, Mayor Shelton asked if anyone in the audience wished to address the council on the proposed vacation of a portion of alley. Hearing no response, the Public Hearing was closed at 5:46pm.

**THE CITY COUNCIL
NILES, MICHIGAN
PUBLIC HEARING
LIQUOR LICENSE FOR NILES BREWING COMPANY
Monday, August 27, 2018, 5:50p.m.**

At 5:50 pm, Mayor Shelton asked if anyone in the audience wished to address the council on the proposed liquor license for Niles Brewing Company. Brandon and Allysa Townsley along with eight other individuals who spoke in support of a liquor license for Niles Brewing Company. The Mayor asked if anyone else wished to address the council, hearing no response, the Public Hearing was closed at 5:57pm.

**THE CITY COUNCIL
NILES, MICHIGAN
PUBLIC HEARING
PROPOSED UTILITY RATE ADJUSTMENTS
Monday, August 27, 2018, 5:58p.m.**

At 5:58 pm, Mayor Shelton asked if anyone in the audience wished to address the council on the proposed Utility Rates. Hearing no response, the Public Hearing was closed at 5:59pm.

**CITY OF NILES
REGULAR CITY COUNCIL MEETING MINIUTES
MONDAY, August 27, 2018**

The meeting was called to order by Mayor Shelton in the City Council Chambers, 1345 East Main Street, Niles, Michigan at 6:00 p.m., August 13, 2018. The Pledge of Allegiance was led by Mayor Shelton.

PRESENT: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Robert Durm Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede William Weimer and Mayor Nick Shelton
ABSENT: None
STAFF: Casperson and Huff

CITIZEN PARTICIPATION: Marie Weimer recalled an incident that happened when their CO2 detector warning went off. The Fire Department came out and detected a leak and prevented what could have been a dangerous situation. She encouraged everyone to get a CO2 detector. Chief Lamb stated that they have some available to city residents.

PRESENTATION: Dawn Lund, Vice President of Utility Financial Solutions, LLC presented to the Niles City Council an explanation of utility rate increase. The proposed rate adjustments for Niles City residents are: Electric 2.5% (\$2 per month average), Water 5.9% (\$1.65 per month average) and Wastewater 4.9% (\$1.20 per month average). There was a lengthy discussion regarding the base rate, low income users and seasonal customers.

CONSENT AGENDA:

1. Approval of the Minutes of August 13, 2018.

2. Approval of the Bills dated August 22, 2018.
3. Consideration of approving a request from the Community Development Department to waive fees and approve the closure of the upper parking lot at the Niles History Center from noon to 8:00 pm on October 5, 2018 to facilitate activities during an event called, "A Magical Night of Wizardy".

REMOVED FROM THE AGENDA

- ~~4. Consideration of approving a request from the Community Development Department to waive fees and approve the closure of the upper parking lot at the Niles History Center from 10:00 am to 2:00 pm on September 29, 2018 to facilitate activities during an event called, "Civil War Day".~~
5. Consideration of approving a request from RKM Fireworks for the use of the Jerry Tyler Memorial Airport property to conduct the Apple Festival Fireworks on Saturday, September 29, 2018 and consideration of approving the Department of Public Work's request for a \$500.00 deposit for cleanup of the property after the event, if required.
6. Consideration of approving a request from the Utilities Department for staff to continue the investigation of options for power delivery to the proposed Indeck Niles Energy Center and consideration of authorizing the ~~mayer~~ utility manager to sign the Interconnection Study.
7. Consideration of approving a request from the Information Systems Division for the use of hosted VoIP services with a one-time cost of \$977.83 and a monthly cost of \$392.36 from Jive Communications of Orem, UT and consideration of approving the expansion of the hosted VoIP subscription and monthly services to other departments and buildings.
8. Consideration of approving a request from the Police Department to purchase of two Lifepak 1000 Automated External Defibrillators (AEDs) from Aventric Technologies of Warren, MI at a cost of \$3,250.00.
9. Consideration of approving a request from the Utilities Department to make payments to the Joint Michigan Apprentice Program c/o Wolverine Power Cooperative of Cadillac, MI in the amount of \$12,000.00 for year-2, year-3, and year-4 line worker apprentice school.
10. Consideration of approving a request from the Police Department to purchase a new camera system for use at the Niles Law Enforcement Complex at a cost of \$19,325.25 to SHI International Corp. of Somerset, New Jersey.
11. Consideration of authorizing the emergency expenditure of \$24,740.87 to Precision Electric of Mishawaka, IN for repair of the Raw Sewage pumps and motors.
12. Consideration of approving a request from the Utilities Department to pay Year 2 and Year 3 of a three-year Enterprise Licensing Agreement with Microsoft Corporation of Redmond, WA for software and services (via Microsoft reseller SHI International Corp).

Weimer moved, **Bertschy** supported, **MOTION CARRIED**, to approve the consent agenda as amended, Items 1-3 and Items 5 - 12.

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Robert Durm, Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede, and William Weimer

NAY: None **ABSENT:** None **ABSTAIN:** None

CITY ADMINISTRATOR'S REPORT:

Introduction of Items for Discussion

Items for Council Action

13. Consideration of adopting a resolution to affirm the vacation of the south Main Street Alley as described.

RESOLUTION REGARDING VACATION OF A PORTION OF THE ALLEY

LYING BETWEEN E MAIN STREET AND CEDAR STREET, WEST OF NORTH 4th STREET

RESOLUTION #2018-08/2064

Council Member Weimer offered the following resolution and moved for its adoption, seconded by **Council Member Bertschy**.

RESOLVED BY: City Council, City of Niles, Michigan,

WHEREAS, the City Council of the City of Niles, Michigan (“City”) deems it advisable for the health, welfare, comfort, and safety of the people of the City to vacate a portion of the alley between E Main Street and Cedar Street, consisting of approximately 174 feet of alley directly west of North 4th Street, as depicted on the map attached hereto as Exhibit A.

WHEREAS, the City Council wishes to approve of such vacation, discontinuance and abandonment subject to the following conditions:

1. Such vacation, discontinuance and abandonment shall not be effective prior to the sale of the City owned property commonly known as 322 E. Main Street, Niles, Michigan and identified as Parcel Numbers 11-72-8550-0011-01-2, 11-72-8550-0013-02-3, 11-72-8550-0010-03-2, 11-72-8550-0015-00-0 to General Capital Acquisitions, LLC or its assignee (“Buyer”).
2. Subject to the fulfillment of condition 1, Buyer shall pay all costs attendant to relocation or removal of improvements or infrastructure for public utilities existing in the vacated alley and if no relocation or removal of improvements or infrastructure for public utilities is required City shall retain an easement as necessary for access to and completion of future maintenance, repair, improvement, replacement or removal of the improvement or infrastructure for public utilities. Further, determination as to relocation or removal of any improvement or infrastructure for public utilities shall be made in the sole determination of City.

NOW, THEREFORE, BE IT RESOLVED that the City Council deems it advisable and necessary for the health, welfare, comfort, and safety of the people of the City to discontinue, vacate, and abandon, subject to the above-referenced conditions, a portion of the alley lying between E Main Street and Cedar Street, west of North 4th as depicted on the attached Exhibit A.

BE IT FURTHER RESOLVED that a that a public hearing on the proposed discontinuance, vacation, and abandonment of the same shall be scheduled for August 27, 2018 at 5:55 p.m. before the City Council at the Council Chambers, 333 North Second Street, Niles, Michigan 49120.

BE IT FURTHER RESOLVED that a notice of such hearing, with a copy of the resolution, shall be given in the manner prescribed by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Robert Durm, Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede, and William Weimer

NAY: None **ABSENT:** None **ABSTAIN:** None

RESOLUTION 2018/08-2064 DECLARED ADOPTED.

14. Consideration of approving a renewal of the Uniform Video Service Local Franchise Agreement between the City of Niles and Comcast of Indiana/Michigan/Pennsylvania, LLC.

Weimer moved, **Bertschy** supported, **MOTION CARRIED**, to approve a renewal of the Uniform Video Service Local Franchise Agreement between the City of Niles and Comcast of Indiana/Michigan/Pennsylvania, LLC. and authorize the mayor to sign the agreement.

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Robert Durm, Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede, and William Weimer

NAY: None **ABSENT:** None **ABSTAIN:** None

15. Consideration of approving the granting of an easement at 1265 S. 15th Street to Semco Energy, Inc. for the installation of natural gas equipment and consideration of authorizing the mayor to sign the easement.

Weimer moved, **Bertschy** supported, **MOTION CARRIED**, to approve the granting of an easement at 1265 S. 15th Street to Semco Energy, Inc. for the installation of natural gas equipment and consideration of authorizing the mayor to sign the easement.

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Robert Durm, Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede, and William Weimer

NAY: None **ABSENT:** None **ABSTAIN:** None

16. Consideration of authorizing the implementation of electric, water and sewer rate adjustments, effective October 1, 2018 for one year.

VandenHeede voiced his concern of the decline in utility benefits to the consumer. He also added that industries are getting tax exemptions and could off-set the cost of service. He would like to see it structured differently.

Huff stated that the system requires a capital investment of nearly \$90 million dollars. It can come from a cost of service charge or roll it into actual kilowatt hours sold. The council can choose to alter the rate structure; we just have to be able to defend it, if challenged,

Dunlap: Nationally we are facing an infrastructure crises, the only people that are going to be able to fund it are the users. The east coast has implemented an income base rate structure.

Weimer moved, **Bertschy** supported, **MOTION CARRIED**, to authorize the implementation of electric, water and sewer rate adjustments, effective October 1, 2018 for one year.

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Robert Durm, Charlie McAfee, Wm. Tim Skalla, and William Weimer

NAY: Daniel VandenHeede **ABSENT:** None **ABSTAIN:** None

16A. Consideration of authorizing Niles Brewing Company, LLC to apply to the State of Michigan for a liquor license and brewpub license.

Durm moved, **Bertschy** supported, **MOTION CARRIED**, to authorize Niles Brewing Company, LLC to apply to the State of Michigan for a liquor license and brewpub license.

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Robert Durm, Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede, and William Weimer

NAY: None **ABSENT:** None **ABSTAIN:** None

16B. Consideration of approving the purchase of a 2018 Western Wideout Plow form Campbell Ford of Niles, at a cost of \$5,960.00.

Bertschy moved, **Weimer** supported, **MOTION CARRIED**, to approve the purchase of a 2018 Western Wideout Plow form Campbell Ford of Niles, at a cost of \$5,960.00.

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Robert Durm, Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede, and William Weimer

NAY: None **ABSENT:** None **ABSTAIN:** None

16C. Consideration of approving the request from Niles High School Student Council to conduct the annual Homecoming Parade on Friday, September 21, 2018.

Bertschy moved, **Weimer** supported, **MOTION CARRIED**, to approve the request from Niles High School Student Council to conduct the annual Homecoming Parade on Friday, September 21, 2018.

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Robert Durm, Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede, and William Weimer

NAY: None **ABSENT:** None **ABSTAIN:** None

CITY ATTORNEY'S REPORT:

17. **Second Reading and Enactment** of a proposed City of Niles Tax Exemption Ordinance – Old Post Office Apartments.

DiCostanzo moved, **Skalla** supported, **MOTION CARRIED**, to enact a City of Niles Tax Exemption Ordinance – Old Post Office Apartments.

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Robert Durm Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede and William Weimer

NAY: None

ABSENT: None **ABSTAIN:** None

ORDINANCE 484 ENACTED

COUNCIL MEMBER’S REPORT:

Council Member Boggs this is the last week for neighborhood clean-up. The kids were invited to attend a South Bend Cubs game. At the August Primary Election only 14% voted. The City’s revenue sharing is not what it should be. We are trying to get things done in Niles and we can’t get it done if you don’t vote.

Council Member Bertschy moved, VandenHeede supported, **MOTION CARRIED**, to excuse Council Member Boggs from the August 13, 2018 council meeting. YAYS: 8 NAYS:0

Council Member Skalla: I think it is exciting times. We have a new distillery, a new apartment complex, new brewpub and possibly more new apartments coming to downtown. Mr. Huff you get a lot of credit for that.

Council Member DiCostanzo the Planning Commission has approved the site plan for General Capital for the Old Post Office Apartment complex with some contingencies. They also approved a site plan for an addition to a building in the industrial park. The Planning Commission are starting the process for the Master Plan. There is a kick-off meeting on September 11.

MAYOR’S REPORT: Mayor Shelton thanked all the council members for their comments. Points were well taken. It’s back to school time. Third Thursday that was well attended. He thanked Brandon Townsley, Niles Brewing Company and his group for coming to the council meeting and wished them luck.

ADJOURNMENT: Council Member Weimer moved to adjourn at 7:22pm.

Linda Casperson
Niles City Clerk

Date