

**THE CITY COUNCIL
NILES, MICHIGAN
PUBLIC HEARING
MONDAY, JUNE 10, 2019**

Zoning Ordinance – Recreational Marihuana, Industrial Greenhouses

At 5:50 pm, Mayor Shelton asked if anyone in the audience wished to address the council on the proposed Zoning Ordinance – Recreational Marihuana, Industrial Greenhouses, etc.

Five people spoke in opposition

Four people spoke in support

The Public Hearing was closed at 6:10pm.

**CITY OF NILES
REGULAR CITY COUNCIL MEETING MINIUTES
MONDAY, JUNE 10, 2019**

The meeting was called to order by Mayor Shelton in the City Council Chambers, 1345 East Main Street, Niles, Michigan at 6:10 p.m., June 10, 2019. The Pledge of Allegiance was led by Mayor Shelton.

PRESENT: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Charlie McAfee, Jessica Nelson, Travis Timm, Daniel VandenHeede, William Weimer and Mayor Nick Shelton

ABSENT: None

STAFF: Casperson, Huff, Landgraf

CITIZEN PARTICIPATION:

Doug Beckwith reported an incident that happened during the Bluegrass Festival.

Scott Moore, Wonderland Cinema, reported that the Bluegrass has outgrown the area and requested that the fair move to another location.

Heather Bosch, Park Board Chairperson requested that the council waive all fees related to the Niles Summer Festival.

PROCLAMATIONS

100th Year Anniversary – Women’s Right to Vote
Nursing Assistants Week June 13 – 19, 2019

CONSENT AGENDA:

1. Consideration of approving the City Council Minutes of May 20, 2019.
2. Consideration of approving the list of bills dated June 5, 2019.
3. Consideration of approving a request from Dr. Michael Nassaney of Western Michigan University to provide a contribution of \$2,500.00 to assist in sponsoring the 2019 Fort St. Joseph Archaeology Open House.
4. Consideration of approving a request from the Niles Park Board and DDA Main Street to conduct the Niles Summer Festival on Friday and Saturday, August 2nd & August 3rd, 2019 to conduct the Niles Summer Festival in Riverfront Park including use of the Amphitheater and consideration of waiving all fees except the application fee and vendor fees.
5. Consideration of approving the emergency expenditure of \$3,000.42 payable to Clean Fuels of Keystone, IN for the purpose of filtering fuel and cleaning the underground fuel tank at the DART facility.
6. Consideration of approving a payment of \$3,425.00 to Villa Environmental Consultants, Inc. for environmental testing of Island Park.

City Administrator Huff explained that the application and vendor fees are taken from the department's budget and transferred over the General Fund. Handled in the same manner as the Renaissance Faire.

Council Member Weimer moved, **Council Member McAfee** seconded to approve the consent agenda as submitted. **MOTION CARRIED**

ROLL CALL:

YEAS: Charlie McAfee, William Weimer, John DiCostanzo Jessica Nelson, Georgia Boggs, Gretchen Bertschy, Daniel VandenHeede and Travis Timm

NAYS: None **ABSENT:** None **ABSTAIN:** None

CITY ADMINISTRATOR'S REPORT:
Introduction of Items for Discussion
Items for Council Action

7. Consideration of adopting a resolution to establish the City's millage rate for the 2019 tax year as prescribed by Act 5, Public Acts of Michigan 1982

Council Member DiCostanzo moved, **Council Member Bertschy** seconded to adopt the resolution as submitted. **MOTION CARRIED. RESOLUTION 2019-06/2087 ADOPTED**

ROLL CALL:

YEAS: William Weimer, John DiCostanzo Jessica Nelson, Georgia Boggs, Gretchen Bertschy, Daniel VandenHeede, Travis Timm and Charlie McAfee,

NAYS: None **ABSENT:** None **ABSTAIN:** None

8. Consideration of adopting a resolution to establish the (1%) one percent administrative fee to be levied on the tax rolls on all taxes collected as allowed by the State of Michigan to perform assessment of property values, collection of property tax levies and operations of the review and appeal process; and consideration of authorizing the City Treasurer/Finance Director to impose and collect the fee.

Council Member DiCostanzo moved, **Council Member Weimer** seconded to adopt the resolution as submitted. **MOTION CARRIED. RESOLUTION 2019-06/2088 ADOPTED**

ROLL CALL:

YEAS: John DiCostanzo Jessica Nelson, Georgia Boggs, Gretchen Bertschy, Daniel VandenHeede, Travis Timm, Charlie McAfee and William Weimer.

NAYS: None **ABSENT:** None **ABSTAIN:** None

9. Consideration of approving Mr. Edward VanderVries as the Assessor of Record for the Indeck Niles Power Plant Project with an annual fee of \$15,000.00 shared equally between the Brownfield Redevelopment Fund and the General Fund's Assessing Division.

Council Member VandenHeede questioned why bids weren't obtained. City Administrator Huff explained that there are very few Level 4 assessors and Mr. VanderVries has assisted the City during the Brownfield Assessment process.

Council Member DiCostanzo moved, **Council Member Weimer** seconded to approve Mr. Edward VanderVries as the Assessor of Record for the Indeck Niles Power Plant Project with an annual fee of \$15,000.00 shared equally between the Brownfield Redevelopment Fund and the General Fund's Assessing Division. **MOTION CARRIED.**

ROLL CALL:

YEAS: Jessica Nelson, Georgia Boggs, Gretchen Bertschy, Travis Timm, Charlie McAfee, William Weimer and John DiCostanzo

NAYS: Daniel VandenHeede **ABSENT:** None **ABSTAIN:** None

10. Consideration of approving the attached revised bylaws for the Fort St. Joseph Archaeology Advisory Committee

Council Member Nelson moved, **Council Member Bertschy** seconded to approve the revised bylaws for the Fort St. Joseph Archaeology Advisory Committee

ROLL CALL:

YEAS: Georgia Boggs, Gretchen Bertschy, Daniel VandenHeede, Travis Timm, Charlie McAfee, William Weimer, John DiCostanzo and Jessica Nelson,

NAYS: None **ABSENT:** None **ABSTAIN:** None

APPOINTMENTS:

Consideration of appointing Charles Spillman to the Niles Historical District Commission to a three year term effective immediately and expiring 12/31/2021.

Council Member Nelson moved, **Council Member Timm** seconded to approve the appointment. YEAS: 8
NAYS: 0

CITY ATTORNEY’S REPORT: No Report

COUNCIL MEMBER’S REPORT:

Council Member Weimer stated that the city council should look into a public safety millage

Council Member DiCostanzo stated that the changes to the zoning ordinance are a supplement to the existing ordinance.

Council Member Nelson the Bluegrass Festival has outgrown its space and would like to see it move to another location next year.

Council Member VandenHeede stated that the carnival pays for the bands at the Bluegrass Festival. He received a correspondences regarding noise from the gun range, concerns over Indeck, and Lake Orion zoning ordinance. He also mentioned an article from Power magazine on the rates study.

MAYOR’S REPORT: Mayor Shelton mentioned the he was looking forward to the Nurses Assistant pinning ceremony at Brentwood Assisted Living facility. He attended the Chamber of Commerce Business After Hours at the South Bend Cub field. He also received concerns that the Bluegrass Festival is too big for the area, though the music portion was just right. He attended the Olde Boys Toys car show and choice a car for the City’s Choice Award. He also thanked the people in the audience for being civil on the marijuana controversial subject.

CLOSED SESSION: Review of Written Legal Opinion: Pucker Street Dam

Bertschy moved, **Weimer** supported, **MOTION CARRIED**, to go into closed session for Legal Opinion on Pucker Street Dam at 7:09pm.

ROLL CALL:

YEAS: Gretchen Bertschy, Daniel VandenHeede, Travis Timm, Charlie McAfee, William Weimer, John DiCostanzo Jessica Nelson, and Georgia Boggs.

NAYS: None **ABSENT:** None **ABSTAIN:** None

OPEN SESSION:

Mayor Shelton declared the council back in open session at 7:44 pm.

ADJOURNMENT: Council Member Weimer moved to adjourn at 7:44pm.

Linda Casperson
Niles City Clerk

Date