

CITY OF NILES
REGULAR CITY COUNCIL MEETING
MONDAY, NOVEMBER 9, 2015, 6:00PM

The meeting was called to order by Mayor Michael McCauslin in the City Council Chambers, 1345 East Main Street, at 6:00 p.m. The Pledge of Allegiance was led by Mayor Michael McCauslin.

PRESENT: Gretchen Bertschy, Georgia Boggs Scott Clark, Robert Durm, David Mann, Tim Skalla, Daniel VandenHeede William Weimer, Mayor Michael McCauslin

ABSENT: None

STAFF: Casperson, Dunlap, Huff, Jackson, Lamb, Millin, Ray, Wise, Phillips

AUDIENCE: 15

CITIZEN PARTICIPATION:

Jan Personette stated that contrary to what she's been told in the past no one from the state Department of Health and Human Services ever comes to the library to help residents fill out forms for assistance and other state aid/services.

Mark Fritch asked the city to consider installing a shelter for homeless people in city limits as the closest ones are in Benton Harbor or South Bend.

Charlie McAfee announced that Mt. Olive Baptist Church on Moulder Drive in Niles would celebrate Councilwoman Georgia Boggs for all the work she does in the community Nov. 14 and 15.

PRESENTATION: *Presentation of Proclamation, accepted by Deborah Hayes*
National Hospice & Palliative Care Month

McCauslin proclaimed November as Hospice and Palliative Care Month. A plaque of the proclamation was given to Deborah Hayes of Lakeland Hospice at Home.

CONSENT AGENDA:

1. Approval of the Minutes of October 26, 2015 with the following corrections:

ITEM 9

READ:

ROLL CALL: AYES: Bertschy, Boggs, Durm, Skalla, VandenHeede, Weimer
NAY: None **ABSENT:** Clark, Mann **ABSTAIN:** None

CORRECTION:

ROLL CALL: AYES: Bertschy, Boggs, Durm, Skalla, VandenHeede, Weimer
NAY: Clark, Mann **ABSENT:** None **ABSTAIN:** None

ITEM 10

READ:

ROLL CALL: AYES: Bertschy, Boggs, Clark, Durm, Mann, Skalla, VandenHeede
NAY: None **ABSENT:** Weimer **ABSTAIN:** None

CORRECTION:

ROLL CALL: AYES: Bertschy, Boggs, Clark, Durm, Mann, Skalla, VandenHeede
NAY: Weimer **ABSENT:** None **ABSTAIN:** None

2. Approval of the Bills.
3. Consideration of scheduling a public hearing for 5:55pm on November 23, 2015 to receive citizen input on the proposed Parks & Recreation Plan for 2016 - 2020.

Council Member Weimer moved, Council Member Mann seconded, MOTION CARRIED, to approve Items 1-3 as submitted with corrections made to the minutes as described.

ROLL CALL: AYES: Bertschy, Boggs, Clark, Durm, Mann, Skalla, VandenHeede, Weimer
NAY: None ABSENT: None ABSTAIN: None

ADMINISTRATOR'S REPORT:

Introduction of Items for Discussion

Items for Council Action

4. Consideration of adopting a resolution to approve MDOT Contract #15-5490 for the rehabilitation of the Grant Street Viaduct, consideration of approving the local match estimated at \$13,400.00 and consideration of authorizing the mayor to sign the contract.

**CITY OF NILES
MDOT LOCAL BRIDGE PROGRAM
GRANT STREET BRIDGE REPAIR
RESOLUTION #2015-11/1972**

Council Member Skalla offered the following resolution and moved for its adoption, seconded by Council Member Clark.

RESOLVED BY: City Council, City of Niles, Michigan,
WHEREAS, the Grant Street Bridge is in deteriorating condition; and
WHEREAS, a detailed inspection has been performed for the Grant Street Bridge and certain defects have been identified; and
WHEREAS, the Michigan Department of Transportation is accepting new applications for Local Bridge Program funds; and
WHEREAS, the City of Niles is committing our share of the funding for the 2015 fiscal year; and
WHEREAS, the estimate for the repair costs for the bridge is as follows:

<u>Total Estimated Construction Cost</u>	<u>Local Bridge Program Funds</u>	<u>City Share</u>
\$267,200	\$253,800	\$13,400

NOW, THEREFORE, BE IT RESOLVED that the Niles City Council hereby certifies its support of the filing of an application by the Public Works Director on behalf of the City of Niles for repairs to the Grant Street Bridge under the Michigan Department of Transportation Local Bridge Program.

ROLL CALL: AYES: Bertschy, Boggs, Clark, Durm, Mann, Skalla, VandenHeede, Weimer
NAY: None ABSENT: None ABSTAIN: None

RESOLUTION 2015-11/1972 DECLARED ADOPTED

5. Consideration of adopting a resolution to approve a new five-year ground lease at Jerry Tyler Memorial Airport for Larry Fischer of Berrien Center, MI, effective January 1, 2016 and expiring on December 31, 2020 and consideration of authorizing the mayor to sign the lease.

**LARRY FISCHER, 7382 POKAGON ROAD, BERRIEN CENTER, MI 49102
JERRY TYLER MEMORIAL AIRPORT GROUND LEASE
RESOLUTION #2015-11/1971**

Council Member Mann offered the following resolution and moved for its adoption, supported by Council Member Weimer.

WHEREAS, the City of Niles does own and maintain the Jerry Tyler Memorial Airport; and
WHEREAS, the City of Niles does let and lease portions of said premises in consideration of rents; and
WHEREAS, Larry Fischer, 7382 Pokagon Road, Berrien Center, MI desires a Ground Lease for the maintenance and storage of aircraft at said premises; and
WHEREAS, the City of Niles has drawn up said lease, to be signed by its Mayor and Clerk, by which Larry Fischer may occupy said described premises for a period of five (5) years commencing on the 1st day of January 1, 2016 with renewal subject to provisions contained in said lease; and
WHEREAS, the lessee shall pay all rents and abide by all covenants and conditions of said lease for the prescribed term.

NOW, THEREFORE, BE IT RESOLVED that the City of Niles shall enter into a Ground Lease with Larry Fischer for a term of five (5) years beginning January 1, 2016; and

BE IT FURTHER RESOLVED that the Mayor and City Clerk be authorized and directed to execute the lease on behalf of the City of Niles.

ROLL CALL: AYES: Bertschy, Boggs, Clark, Durm, Mann, Skalla, VandenHeede, Weimer
NAY: None ABSENT: None ABSTAIN: None

RESOLUTION 2015-11/1971 DECLARED ADOPTED.

6. Consideration of adopting a resolution to approve a new five-year ground lease at Jerry Tyler Memorial Airport for Dan and Gayle Carson of Buchanan, effective January 1, 2016 and expiring on December 31, 2020 and consideration of authorizing the mayor to sign the lease.

**DAN & GAYLE CARSON, 14368 FEDORE, BUCHANAN, MICHIGAN 49107
JERRY TYLER MEMORIAL AIRPORT GROUND LEASE
RESOLUTION #2015-11/1968**

Council Member Weimer offered the following resolution and moved for its adoption, supported by Council Member Mann.

WHEREAS, the City of Niles does own and maintain the Jerry Tyler Memorial Airport; and
WHEREAS, the City of Niles does let and lease portions of said premises in consideration of rents; and
WHEREAS, Dan and Gayle Carson, 14368 Fedore, Buchanan, MI 49107 desires a Ground Lease for the maintenance and storage of aircraft at said premises; and
WHEREAS, the City of Niles has drawn up said lease, to be signed by its Mayor and Clerk, by which Dan & Gayle Carson may occupy said described premises for a period of five (5) years commencing on the 1st day of January 1, 2016 with renewal subject to provisions contained in said lease; and
WHEREAS, the lessee shall pay all rents and abide by all covenants and conditions of said lease for the prescribed term.

NOW, THEREFORE, BE IT RESOLVED that the City of Niles shall enter into a Ground Lease with Dan & Gayle Carson for a term of five (5) years beginning January 1, 2016; and

BE IT FURTHER RESOLVED that the Mayor and City Clerk be authorized and directed to execute the lease on behalf of the City of Niles.

ROLL CALL: AYES: Bertschy, Boggs, Clark, Durm, Mann, Skalla, VandenHeede, Weimer

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

RESOLUTION 2015-11/1968 DECLARED ADOPTED.

7. Consideration of adopting a resolution to approve a new five-year ground lease at Jerry Tyler Memorial Airport for the Experimental Aircraft Association, Inc. (EAA) Chapter 865 in Niles, effective January 1, 2016 and expiring on December 31, 2020 and consideration of authorizing the mayor to sign the lease.

**CITY OF NILES
RESOLUTION #2015/11/1970
AIRPORT GROUND LEASE RENEWAL
EXPERIMENTAL AIRCRAFT ASSOCIATION, INC. (EAA)
LOCAL CHAPTER 865**

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

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

WHEREAS, the City of Niles does own and maintain the Jerry Tyler Memorial Airport; and
WHEREAS, the City of Niles does let and lease portions of said premises in consideration of rents; and
WHEREAS, Local Chapter No. 865 of the Experimental Aircraft Association (EAA), Niles, Michigan, desires a Ground Lease for the maintenance and storage of aircraft at said premises; and
WHEREAS, the City of Niles has drawn up said lease, to be signed by its Mayor and City Clerk, by which the Local Chapter No. 865 of the Experimental Aircraft Association may occupy said described premises for a period of five (5) years commencing on the 1st day of January, 2016 with renewal subject to provisions contained in said lease; and

WHEREAS, the lessee shall pay all rents and abide by all covenants and conditions of said lease for the prescribed term.

NOW, THEREFORE, BE IT RESOLVED that the City of Niles shall enter into a Ground Lease with Local Chapter No. 865 of the Experimental Aircraft Association for a term of five (5) years beginning January 1, 2016; and

BE IT FURTHER RESOLVED that the Mayor and City Clerk be authorized and directed to execute the lease on behalf of the City of Niles.

ROLL CALL: AYES: Bertschy, Boggs, Clark, Durm, Mann, Skalla, VandenHeede, Weimer

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

RESOLUTION #2015-11/1970 DECLARED ADOPTED

8. Consideration of adopting a resolution to approve a new five-year ground lease at Jerry Tyler Memorial Airport for NCP Coatings, Inc., effective January 1, 2016 and expiring on December 31, 2020 and consideration of authorizing the mayor to sign the lease.

**NCP COATINGS, 225 FORT STREET, NILES, MI 49120
JERRY TYLER MEMORIAL AIRPORT GROUND LEASE
RESOLUTION #2015-11/1969**

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

WHEREAS, the City of Niles does own and maintain the Jerry Tyler Memorial Airport; and
WHEREAS, the City of Niles does let and lease portions of said premises in consideration of rents; and
WHEREAS, NCP Coatings, 225 Fort Street, Niles, MI desires a Ground Lease for the maintenance and storage of aircraft at said premises; and
WHEREAS, the City of Niles has drawn up said lease, to be signed by its Mayor and Clerk, by which NCP Coatings may occupy said described premises for a period of five (5) years commencing on the 1st day of January 1, 2016 with renewal subject to provisions contained in said lease; and
WHEREAS, the lessee shall pay all rents and abide by all covenants and conditions of said lease for the prescribed term.

NOW, THEREFORE, BE IT RESOLVED that the City of Niles shall enter into a Ground Lease with NCP Coatings for a term of five (5) years beginning January 1, 2016; and

BE IT FURTHER RESOLVED that the Mayor and City Clerk be authorized and directed to execute the lease on behalf of the City of Niles.

ROLL CALL: **AYES:** Bertschy, Boggs, Clark, Durm, Mann, Skalla, VandenHeede, Weimer

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

RESOLUTION 2015-11/1969 DECLARED ADOPTED.

APPOINTMENT TO BOARDS:

9. Consideration of approving the mayor's appointment of Ms. Barbara Craig to the Niles Main Street/DDA board to complete the unexpired term of Ms. Jeanne Watson, effective immediately and expiring on December 31, 2017. Council Member Mann moved, Council Member Weimer seconded, **MOTION CARRIED**, to approving the mayor's appointment of Ms. Barbara Craig to the Niles Main Street/DDA board to complete the unexpired term of Ms. Jeanne Watson, effective immediately and expiring on December 31, 2017. **AYES: 8 NAYS: 0**

10. Consideration of approving the immediate removal of three members from the Planning Commission and consideration of appointing Brad Paquette to the Planning Commission to complete the unexpired term of Tammy Pressler, effective immediately and expiring on December 31, 2016.

Council Member Weimer moved, Council Member Mann seconded, **MOTION CARRIED**, to approve the immediate removal of three members from the Planning Commission for nonattendance and consideration of appointing Brad Paquette to the Planning Commission to complete the unexpired term of Tammy Pressler, effective immediately and expiring on December 31, 2016. **AYES: 8 NAYS: 0**

CLOSED SESSION: City Administrator's Evaluation

Council Member Bertschy moved, Council Member Boggs seconded, **MOTION CARRIED**, to go into Closed Session at 6:19 p.m. to discuss City Administrator's evaluation.

ROLL CALL: **AYES:** Bertschy, Boggs, Clark, Durm, Mann, Skalla, VandenHeede, Weimer

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

The Council reconvened in Open Session at 6:38 p.m.

Council Member Mann moved, Council Member Weimer seconded, **MOTION CARRIED** to grant City Administrator Huff a \$1,000 performance bonus.

ROLL CALL: **AYES:** Bertschy, Boggs, Clark, Durm, Mann, Skalla, VandenHeede, Weimer

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

TAKE FROM THE TABLE:

Council Member Durm moved, Council Member VandenHeede seconded, **MOTION CARRIED** to take from the table adopting the Boards and Commission Handbook.

ROLL CALL: **AYES:** Bertschy, Boggs, Clark, Durm, Mann, Skalla, VandenHeede, Weimer
 NAY: None **ABSENT:** None **ABSTAIN:** None

TABLED ITEM

Consideration of adopting the Boards and Commissions Handbook.

Council Member Durm moved, **Council Member VandenHeede** seconded, **MOTION CARRIED** to adopt the Boards and Commissions Handbook.

ROLL CALL: **AYES:** Bertschy, Boggs, Clark, Durm, Mann, Skalla, VandenHeede, Weimer
 NAY: None **ABSENT:** None **ABSTAIN:** None

CITY ATTORNEY’S REPORT: None

COUNCIL MEMBER’S REPORT:

Council Member VandenHeede announced that the Ordinance Committee has been postponed until November 23, 2015. Council Member Durm stated that the council would like to do more for Administrator Huff however, budget constraints are tight.

City Administrator Huff thanked the council for their support.

MAYOR’S REPORT: Mayor McCauslin announced that City Administrator Huff scored at 90 percent or above in all five areas of his annual evaluation. He also congratulated Council Member Boggs for her recognition in the community.

ADJOURNMENT: Council Member Weimer moved to adjourn at 7:15pm.

Linda Casperson

Date