

**CITY OF NILES
REGULAR CITY COUNCIL MEETING MINIUTES
MONDAY, September 12, 2016**

The meeting was called to order by Mayor McCauslin in the City Council Chambers, 1345 East Main Street, Niles, Michigan at 6:00 p.m., September 12, 2016. The Pledge of Allegiance was led by Mayor McCauslin then followed by a moment of silence for the 9/11 Memorial.

PRESENT: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, David Mann, Tim Skalla, Daniel VandenHeede, William Weimer, Mayor McCauslin

ABSENT: Robert Durm

STAFF: Casperson, Huff, Millin, Wise,

CITIZEN PARTICIPATION: Melissa Smith, DDA Board Member, announce that the DDA is sponsoring an event downtown and Riverfront Park, "Fright Night Zombie Walk" on October 8th.

PRESENTATION:

Proclamation: Constitution Week - DAR - Rebecca Dewey Chapter Mary Ellen Drolet, Chapter Regent

Berkshire Niles Independent Senior Community - Josh Hafron, General Capital Group, presented to the City Council renderings of the proposed Berkshire Independent Senior Community project located at 215 Broadway Street (Kelly's Corner).

CONSENT AGENDA:

1. Consideration of approving the City Council Minutes of August 22, 2016.
2. Consideration of approving the Bills dated September 6, 2016.
3. Consideration of approving a request from RKM Fireworks for the use of a portion of Jerry Tyler Memorial Airport to perform the annual Apple Festival Fireworks on Saturday, October 1, 2016.
4. Consideration of approving a request from the Apple Festival Committee to approve holding the Youth Parade on Saturday, September 24, 2016 at 1:00 pm and consideration of waiving the approximate costs of \$50.00 for Police Services and \$100.00 for Public Works Services.
5. Consideration of approving a request from the EAA Chapter 865, Inc. to use a portion of the Jerry Tyler Memorial Airport property for the purpose of conducting the 30th Annual Fly-In Breakfast beginning at 11 am on Saturday, October 8, 2016.
6. Consideration of approving the purchase of computer security services at a cost of \$10,864.00 for the first year.
7. Consideration of accepting the bid of \$21,000.00 from Abonmarche of Benton Harbor, MI to provide design and construction engineering services for improvements to Sycamore Street from Thirteenth Street to Seventeenth Street.

Council Member Weimer moved, **Council Member Mann** supported, **MOTION CARRIED**, to approve Items 1-7 as submitted.

ROLL CALL: AYES: Bertschy, Boggs, VandenHeede, Mann, Weimer, DiCostanzo, Skalla

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

ADMINISTRATOR'S REPORT:

Introduction of Items for Discussion

Items for Council Action

8. Consideration of adopting a resolution to approve a new Master Agreement between the City of Niles and the Michigan Department of Transportation (MDOT) to make available state and federal grant funding for Niles Dial A Ride Transportation Services.

RESOLUTION #2016-09/1994

Council Member Mann offered the following resolution and moved for its adoption, seconded by **Council Member Skalla**:

RESOLVED BY: City Council, City of Niles, Michigan

MASTER AGREEMENT RESOLUTION

WHEREAS, the City of Niles has the authority to contract with the Michigan Department of Transportation for State and/or Federal funds for passenger related services; and

WHEREAS, the City of Niles, does hereby approve Master Agreement Number 2017-0107;

NOW, THEREFORE, BE IT RESOLVED that the Mayor of the City of Niles, Michigan be authorized and directed to execute said agreement for and on behalf of the City of Niles.

PROJECT AUTHORIZATION RESOLUTION

WHEREAS, this resolution shall also approve the execution of Project Authorizations for any programs designated by the City of Niles and/or Project Authorizations for any amount determined by the City of Niles with the Michigan Department of Transportation which are issued under Master Agreement Number 2017-0107;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and/or the City Administrator of the City of Niles, Michigan are authorized to enter into and execute on behalf of the City of Niles all such Project Authorizations with the Michigan Department of Transportation for passenger transportation related services for the Agreement period.

ROLL CALL: AYES: Bertschy, Boggs, VandenHeede, Mann, Weimer, DiCostanzo, Skalla

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

RESOLUTION DECLARED ADOPTED

9. Consideration of adopting a Resolution of Community Support for the Berkshire Niles Limited Dividend Housing Association, LLC Project for the construction of the Berkshire Niles Independent Senior Living Complex.

CITY OF NILES

COUNTY OF BERRIEN COUNTY, MICHIGAN

Resolution No. 16-09/1995

**A RESOLUTION OF COMMUNITY SUPPORT FOR THE
DEVELOPMENT OF BERKSHIRE – NILES INDEPENDENT SENIOR COMMUNITY**

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

RESOLVED BY: City Council, City of Niles, Michigan

WHEREAS, the City of Niles is committed to the ongoing success of its Downtown and immediately surrounding downtown residential neighborhoods and has adopted specific plans to promote the revitalization of these areas; and

WHEREAS, the City of Niles has continually invested in this area to promote ongoing economic development and community revitalization; and

WHEREAS, the City of Niles adopted the 2004 "Community Master Plan" to guide the revitalization of the community, including specific recommendations for neighborhood revitalization for the Central Business District and neighborhoods immediately surrounding; and

WHEREAS, the City of Niles adopted the 2009 City of Niles Downtown Design Guidelines to promote coordinated development and a unique identity for Downtown Niles; and

WHEREAS, the City of Niles adopted the 2016 PlacePlan to guide Niles in identifying, developing and implementing strategies that will grow and strengthen the community in the coming decades, specifically through "place making initiatives" that recognize that the physical form, land use diversity and density positively contribute to a community's quality of life; and

WHEREAS, General Capital plans to construct a 53-unit independent senior apartment community utilizing low income housing tax credits under section 42 of the IRC at 215 Broadway that complies with the spirit and intent of the community's revitalization plans, particularly the PlacePlan; and

WHEREAS, General Capital intends to submit an application for affordable housing tax credits to the Michigan State Housing Development Authority (MSHDA) and as part of the application desires to achieve certain points in the Community Revitalization category; and

WHEREAS, to achieve such points, the development must clearly demonstrate community support and that it directly contributes to the revitalization of the immediate neighborhood and greater Niles community;

NOW THEREFORE BE IT RESOLVED, The City of Niles supports the development of the Berkshire – Niles independent senior community at 215 Broadway and considers the proposal a positive contribution to the revitalization of Downtown Niles.

This resolution shall be effective immediately.

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

RESOLUTION DECLARED ADOPTED

10. Consideration of adopting a resolution to authorize acceptance of a "SAFER" Grant Agreement with the US Department of Homeland Security and authorize the use of grants funds up to \$146,543.00 to be deposited for the purpose of recruitment and training of On-Call Firefighters over the next four years.

**CITY OF NILES, MICHIGAN
BERRIEN COUNTY
AUTHORIZING ACCEPTANCE OF "SAFER" GRANT FROM FEMA
RESOLUTION 2016-09-1996**

Councilmember Skalla offered the following resolution and moved for its adoption, supported by **Councilmember Bertschy**.

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

NOW THEREFORE, BE IT RESOLVED, that the proper city officials are hereby authorized to accept Grant Agreement No. EMW-2015-FF-00083 from the U.S. Department of Homeland Security, federal emergency agency, staffing for adequate fire and emergency response (SAFER) grant program, a copy of which is on file in the office of the City Clerk, in the amount of \$146,543, said funds to be deposited for the purpose of recruitment and training On-Call Firefighters over the next four (4) years.

This resolution shall be effective immediately.

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

RESOLUTION DECLARED ADOPTED

11. Consideration of approving entering into a Development Agreement with Berkshire Niles Limited Dividend Housing Association, LLC for the development of an Affordable Senior Housing Complex utilizing low income housing tax credits under section 42 of the Internal Revenue Code and consideration of authorizing the mayor and the city clerk to sign the agreement.

Council Member Mann moved, **Council Member Weimer** supported, **MOTION CARRIED**, to approve entering into a Development Agreement with Berkshire Niles Limited Dividend Housing Association, LLC for the development of an Affordable Senior Housing Complex utilizing low income housing tax credits under section 42 of the Internal Revenue Code and consideration of authorizing the mayor and the city clerk to sign the agreement.

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

12. Consideration of approving entering into a Municipal Emergency Services Agreement with Berkshire Niles Limited Dividend Housing Association, LLC and consideration of authorizing the mayor to sign the agreement.
Council Member Bertschy moved, **Council Member Skalla** supported, **MOTION CARRIED**, to approve entering

into a Municipal Emergency Services Agreement with Berkshire Niles Limited Dividend Housing Association, LLC and consideration of authorizing the mayor to sign the agreement.

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

13. Consideration of approving the payment of \$62,279.00 to Microsoft Corporation of Redmond, WA for the year 3 payment of the Enterprise Licensing Agreement for software and services.

Council Member Mann moved, **Council Member Weimer** supported, **MOTION CARRIED**, to approve the payment of \$62,279.00 to Microsoft Corporation of Redmond, WA for the year 3 payment of the Enterprise Licensing Agreement for software and services.

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

14. Consideration of approving a loan of \$45,000.00 from the City's Revolving Loan Fund program to Ms. Stephanie Reno for the expansion of the SLR Pilates Studio at 127 Main Street and consideration of authorizing the mayor and the City Clerk to sign the Security Agreement.

**SECURITY AGREEMENT
BETWEEN THE CITY OF NILES AND STEPHANIE RENO (SLR PILATES)
RESOLUTION 2016-09/1997**

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

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

WHEREAS, THIS AGREEMENT made and entered into this 12th day of September, 2016 by and between the CITY OF NILES, a Michigan municipal corporation, whose mailing address is City Hall, 333 N. Second Street, Niles, Michigan 49120, hereinto referred to as "City" and STEPHANIE RENO (a.k.a. SLR Pilates), a Michigan corporation, whose mailing address is 127 E. Main Street, Niles, Michigan 49120 hereinafter referred to as "Borrower"; and

NOW, THEREFORE, BE IT RESOLVED, that the City grants permission to Loan [\$45,000] from the City's Revolving Loan Fund (RLF-Fund 297) to the borrower; and that the annual interest rate of the Loan shall be [2.6%]; and that the Loan shall mature in eleven (11) years [December 12, 2027] ; and that the Loan shall be due and payable in full at the end of such period; and that the Loan shall be evidenced by a Security Agreement (the "Security Agreement") and Promissory Note (the "Promissory Note").

RESOLVED FURTHER, that the Mayor and City Clerk of this City are hereby authorized, directed and empowered to execute, for and on behalf of this City and in its name, any and all documents required in connection with the Loan, including but not limited to the Security Agreement and the Promissory Note, and such approval to be conclusively evidenced by the execution and delivery to carry out the purposes and intent of foregoing adopted resolution; and hereby are within the authority conferred to ratify, confirm and approve as the acts and deeds of this City.

This resolution shall be effective immediately.

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

RESOLUTION DECLARED ADOPTED

APPOINTMENT TO BOARDS: None

CITY ATTORNEY'S REPORT:

15. **Second Reading and Enactment** of a proposed tax exemption ordinance to provide for a Payment in Lieu of Taxes (PILOT) service charge for the development of Berkshire Niles Independent Senior Community.

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

ORDINANCE 475 DECLARED ENACTED

COUNCIL MEMBER'S REPORT:

Congratulations went out to Ms. Reno of SLR Pilates on her business expansion. Congratulations also went out to Fire Chief Lamb for obtaining the "SAFER" grant from FEMA.

MAYOR'S REPORT:

Mayor McCauslin announced that there is a "Boil Water Order" for the following streets:

Westside of Front Street, River Street and Marmont Street
Eastside of Front Street North of Courthouse to Dowagiac River.

Due to a water main break caused while fighting a barn fire north on M139.

CLOSED SESSION: Union Negotiations

Council Member Weimer moved, **Council Member Mann** seconded, **MOTION CARRIED**, to go into a Closed Session to discuss Union Negotiations at 6:43pm

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

Reconvene at 7:28pm. No action taken.

ADJOURNMENT Council Member Weimer moved to adjourn at 7:30pm.

Linda Casperson, Niles City Clerk

Date