

**CITY OF NILES
REGULAR COUNCIL MEETING
Monday, November 28, 2011, 6:00 p.m.**

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

PRESENT: Georgia Boggs, Patricia Gallagher, David Mann, Michael McCauslin, Tim Skalla, Daniel VandenHeede, William Weimer, Scott Clark

ABSENT: None

STAFF: Caspersen, Huff, Landgraf, Lamb, Rossow, Ray, Millin, Wise

CITIZEN PARTICIPATION: County Commissioner Zach Perkins reported that the County Commissioner voted last Thursday on the placing the Road Millage proposal on the November 2012 ballot. There were 29 jurisdictions that were in support of the Road Millage and 9 opposed. He also explained that the County has reduced the workforce by 9 employees, 4 were vacancies the others were due to retirements.

CONSENT AGENDA:

1. Approval of the Minutes of November 14, 2011.
2. Approval of the Bills.
3. Consideration of approving a request from the Main Street/DDA to conduct the annual Hunter Ice Festival in the downtown from January 13th through January 15th, 2012 and consideration of approving various other requests for the event, including a contribution of \$2,500.00 to help promote the activity.
4. Consideration of accepting the low quote of \$2,686.96 from Power Line Supply of Reed City, MI for the purchase of a Burndy Tool for use by the Electrical Division.
5. Consideration of accepting the low quote of \$8,820.00 from SCI of South Bend, IN for the purchase and installation of a badge access system for use at all Utilities Department building locations.
6. Consideration of accepting a proposal to enter into a contract with single-source supplier Fishbeck, Thompson, Carr & Huber of Grand Rapids, MI to conduct a General Plan Update to meet the MDEQ 2011 Water System Sanitary Survey requirements at a cost of \$10,500.00 and consideration of authorizing the city administrator to sign the contract.

Council Member Weimer moved, Council Member Clark seconded, **MOTION CARRIED**, to approve Items 1 through 6 of the Consent Agenda as submitted.

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

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

CITY ADMINISTRATOR'S REPORT:

Introduction of Items for Discussion

Items for Council Action

7. Consideration of adopting a resolution by at least a two-third vote to indicate the City's intention to "Opt-Out" of the requirements of the "Publicly Funded Health Insurance Contribution Act" also known as Public Act 152.

**OPTING OUT OF THE PUBLICLY FUNDED
HEALTH INSURANCE CONTRIBUTION ACT aka Public Act 152
City of Niles
County of Berrien, State of Michigan**

The following Resolution was offered by Council Member VandenHeede and supported by Council Member Skalla

WHEREAS, the "Publicly Funded Health Insurance Contribution Act" also known as Public Act 152, was passed by the Michigan Legislature and signed by Governor Snyder on September 27th, 2011; and

WHEREAS, although the new law imposes a maximum that public employers may contribute to employee health care costs, it also provides a mechanism for Cities and other "local units of government" to OPT OUT of the Act's requirements for a one (1) year period by a two-thirds vote of the City Council, allowing the City to determine, on its own, how much it contributes to employee health insurance without reference to hard caps or the 80/20 plan in the Act. A new two-thirds vote would be required to extend the exemption in each subsequent year.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Niles City Council has, by at least a two-thirds vote, indicated its intention to OPT OUT of the requirements of the "Publicly Funded Health Insurance Contribution Act" also known as Public Act 152.

2. All Resolutions and parts of Resolutions, insofar as they conflict with the provisions of this Resolution be and they, hereby, are rescinded.

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

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

RESOLUTION 2011/11-1872 DECLARED ADOPTED this 28th day of November 2011.

8. Consideration of adopting a resolution to approve a five-year Airport Ground Lease for Randy Rentz and Larry Verhostra, effective January 1, 2012 and expiring on December 31, 2016 and consideration of authorizing the mayor and city clerk to sign the lease.

**CITY OF NILES
RESOLUTION #2011/11-1873
AIRPORT GROUND LEASE RENEWAL
Randy Rentz and Larry Verhostra**

Council Member Gallagher 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 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, Randy Rentz and Larry Verhostra of 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 Randy Rentz and Larry Verhostra may occupy said described premises for a period of five (5) years commencing on the 1st day of January, 2012 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 Randy Rentz and Larry Verhostra for a term of five (5) years beginning January 1, 2012; and

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

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

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

RESOLUTION 2011/11-1873 DECLARED ADOPTED this 28th day of November 2011.

Addendum: 8A. Mayor McCauslin explained that the bid for removal of dead, dying, and dangerous trees that was awarded to Willima M. Coar at the November 14 council meeting has been withdrawn, forfeiting his bond. The next lowest bid was from Payne's Tree Service however, they stipulate a 10% add-on if the City keeps the wood. There has been discussion of installing a wood burning unit at the Street Department Garage. A-1 Expert Tree Service would be the next lowest bidder in the total amount of \$17,785. with the City keeping the wood.

Council Member Durm moved, Council Member Weimer seconded, **MOTION CARRIED** to approve the bid from A-1 Expert Tree Service in the amount \$17,785.

APPOINTMENT TO BOARDS:

9. Consideration of approving the re-appointment of Marlene Vandenburg to a three-year term on the Board of Review effective January 1, 2012 and expiring on December 31, 2014.

Council Member Weimer moved, Council Member Mann seconded, **MOTION CARRIED**, to approve the re-appointment of Marlene Vandenburg to a three-year term on the Board of Review effective January 1, 2012 and expiring on December 31, 2014.

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

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

10. Consideration of approving the appointment of Neil Coulston to the Community Development Citizens' Committee.

Council Member VandenHeede moved, Council Member Boggs seconded, **MOTION CARRIED**, to approve the appointment of Neil Coulston to the Community Development Citizens' Committee.

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

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

CITY ATTORNEY'S REPORT: None

COUNCIL MEMBER'S REPORT:

Council Member VandenHeede stated that he was in support of the Opt Out option for the City of Niles to allow the City to investigate its options for one year.

MAYOR'S REPORT: Welcomed Council Member Mann and Clark. He also stated that he had taken the Oath of Office a few days prior.

ADJOURNMENT

Weimer moved to adjourn at 6:25p.m.

Linda Casperson, City Clerk

UNOFFICIAL
Date Approved