

PUBLIC HEARING
CDBG Substantial Amendment to the Annual Action Plan
MONDAY, SEPTEMBER 14, 2015, 5:55PM

Mayor McCauslin called the Public Hearing for the CDBG Substantial Amendment to the Annual Action Plan. He asked if anyone in the audience wishes to address the council on the CDBG Substantial Amendment to the Action Plan, hearing none, the public hearing was closed at 5:57 pm.

CITY OF NILES
REGULAR CITY COUNCIL MEETING
MONDAY, SEPTEMBER 14, 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, Robert Durm, David Mann, Tim Skalla, Daniel VanddenHeede, William Weimer, Mayor Michael McCauslin

ABSENT: Scott Clark

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

AUDIENCE: 42

CITIZEN PARTICIPATION:

Cindy Cataldo reported that the Park Board has met with the Southwest Michigan Pickleball organization and support the groups effort to find a place in Niles where they can play and conduct tournaments.

Doug Clark, President of the SWMP, requested that the council consider an area in Niles where

Granish Milling (sp)

Brian Rogers

Curtis Smith

PRESENTATION:

Proclamation: Constitution Week

September 17-23, 2015

DAR - Rebecca Dewey Chapter

Mary Ellen Drolet, Chapter Regent

CONSENT AGENDA:

1. Approval of the Minutes of August 10, 2015.
2. Approval of the Bills.
3. Consideration of scheduling a public hearing on September 28, 2015 at 5:55 pm for the purpose of receiving citizen input on the proposed electric, water and wastewater rate increases.
4. Consideration of approving a request from the Niles Noon Optimist Club to close a portion of Second Street to hold the 4th Annual Great Pumpkin Race in the city on Saturday, October 24, 2015 between the hours of 7:00 a.m. and 4:00 pm.
5. Consideration of accepting the quote of \$4,056.00 from PCMG, Inc. of Chantilly, VA for the purchase of Adobe Acrobat Pro DC and Adobe Acrobat Standard DC licenses.
6. Consideration of accepting the sole-source quote of \$7,107.35 for the purchase of Leaf Vacuum Replacement parts for use by the Street Division.
7. Consideration of accepting the sole-source quote of \$16,835.00 from Laser Shot of Stafford, TX for the purchase of a Portable Small Arms Training Simulator for use by the Police Department.

8. Consideration of approving the payment of \$62,279.00 for the Year 2 Enterprise Licensing Agreement the City has with Microsoft Corporation of Redmond, WA.
Council Member Weimer moved, **Council Member Mann** seconded, **MOTION CARRIED**, to approve Items 1-8 as submitted.
ROLL CALL: **AYES:** Bertschy, Boggs, Durm, Mann, Skalla, VandenHeede, Weimer
NAY: None **ABSENT:** Clark **ABSTAIN:** None

CITY ADMINISTRATOR'S REPORT:

Introduction of Items for Discussion

Items for Council Action

9. Consideration of approving the proposed revisions to the Niles Prohibited Substances/Drug-Free Workplace Policy.
Council Member Mann moved, **Council Member Weimer** seconded, **MOTION CARRIED**, to approve the proposed revisions to the Niles Prohibited Substances/Drug-Free Workplace Policy.
ROLL CALL: **AYES:** Bertschy, Boggs, Durm, Mann, Skalla, VandenHeede, Weimer
NAY: None **ABSENT:** Clark **ABSTAIN:** None
10. Consideration of approving a Severe Inclement Weather Plan for the Dial A Ride Transportation System (DART).
Council Member Mann moved, **Council Member Skalla** seconded, **MOTION CARRIED**, to approve a Severe Inclement Weather Plan for the Dial A Ride Transportation System (DART).
ROLL CALL: **AYES:** Bertschy, Boggs, Durm, Mann, Skalla, VandenHeede, Weimer
NAY: None **ABSENT:** Clark **ABSTAIN:** None
11. Consideration of canceling all current printer/copier/fax agreements with US Business Systems of Elkhart, IN and approving entering into a new agreement with US Business Systems that provides city-wide hardware, software, supplies and services for printer, copier and fax management.
Council Member Mann moved, **Council Member Bertschy** seconded, **MOTION CARRIED**, to approve canceling all current printer/copier/fax agreements with US Business Systems of Elkhart, IN and approving entering into a new agreement with US Business Systems that provides city-wide hardware, software, supplies and services for printer, copier and fax management.
ROLL CALL: **AYES:** Bertschy, Boggs, Durm, Mann, Skalla, VandenHeede, Weimer
NAY: None **ABSENT:** Clark **ABSTAIN:** None
12. Consideration of entering into an agreement with the Michigan Department of Natural Resources (DNR) to obtain a \$100,000.00 grant for the Pucker Street Dam Removal Project and consideration of authorizing the mayor to sign the agreement.

City of Niles
County of Berrien
Resolution Authorizing the Dam Management Grant Program
Project Number: DM13-308
Resolution #2015-09/1967

Council Member Weimer moved, **Council Member Mann** supported, to adopt the following resolution:

WHEREAS, The Agreement is between the City of Niles, a local unit of government in the County of Berrien, hereinafter referred to as the "GRANTEE" and the Michigan Department of Natural Resources, an agency of the State of Michigan, hereinafter referred to as the "DEPARTMENT." Funds are appropriated from the Michigan General Fund to the DEPARTMENT for the Dam Management Grant Program (DMGP), through which the DEPARTMENT may issue grants for projects to remove, repair or provide major maintenance on dams in the State. The GRANTEE has been approved by the DEPARTMENT to receive an DMGP grant for the project described in this Agreement; and

WHEREAS, as a precondition to the execution of the Agreement, the GRANTEE is required to sign the Agreement and return it to the DEPARTMENT with the necessary attachments no later than September 15, 2015 or the Agreement may be cancelled by the DEPARTMENT; and

WHEREAS, once this Agreement is received by the DEPARTMENT, the Agreement will be reviewed and if acceptable, will be signed by the DEPARTMENT thus executing the Agreement; and

NOW, THEREFORE, BE IT RESOLVED THAT: The GRANTEE acknowledges that the Agreement is a contract between the City of Niles and the Michigan Department of Natural Resources; and

BE IT FURTHER RESOLVED THAT: The City of Niles "GRANTEE" authorizes the Mayor to sign a said Agreement.

ROLL CALL:

YEAS: Gretchen Bertschy, Georgia Boggs, Robert Durm, Daniel VandenHeede, David Mann, William Weimer, Wm. Timothy Skalla

NAY: None **ABSENT:** Scott Clark **ABSTAIN:** None

RESOLUTION 2015-09/1967 DECLARED ADOPTED

13. Consideration of approving an extension agreement with Abraham & Gaffney, P.C. of East Lansing, MI to provide audit services for fiscal years ending September 30, 2015 and September 30, 2016 at a cost not to exceed \$24,200.00 and \$24,700.00, respectively and consideration of authorizing the city administrator to sign the agreement.

Council Member Mann moved, **Council Member Bertschy** seconded, **MOTION CARRIED**, to approve an extension agreement with Abraham & Gaffney, P.C. of East Lansing, MI to provide audit services for fiscal years ending September 30, 2015 and September 30, 2016 at a cost not to exceed \$24,200.00 and \$24,700.00, respectively and consideration of authorizing the city administrator to sign the agreement.

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

14. Consideration of affirming the purchase of a 2004 MT Trackless municipal tractor with attachments at the total price of \$54,300.00.

Council Member Skalla moved, **Council Member Bertschy** seconded, **MOTION CARRIED**, to approve affirming the purchase of a 2004 MT Trackless municipal tractor with attachments at the total price of \$54,300.00.

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

15. Consideration of approving a substantial amendment to the City's CDBG Annual Action Plan.

Council Member Mann moved, **Council Member Weimer** seconded, **MOTION CARRIED**, to approve a substantial amendment to the City's CDBG Annual Action Plan.

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

16. Consideration of authorizing the Public Art Commission to raise funds in the City's name to benefit the Public Art Commission's efforts to commission and install public art in the city.

Council Member Mann moved, **Council Member Weimer** seconded, **MOTION CARRIED**, to approve authorizing the Public Art Commission to raise funds in the City's name to benefit the Public Art Commission's efforts to commission and install public art in the city.

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

17. Consideration of approving the sale of parcel 11-71-0025-0024-00-8 (13th & Lake Streets) to Toefco Engineered Coating Systems, Inc. for \$3,000.00, contingent upon the City reserving the right to re-acquire the property from Toefco for the actual costs paid to the City in acquiring the property, if Toefco does not complete the proposed project as stated.

Council Member Durm moved, **Council Member Skalla** seconded, **MOTION CARRIED**, to approve the sale of parcel 11-71-0025-0024-00-8 (13th & Lake Streets) to Toefco Engineered Coating Systems, Inc. for \$3,000.00, contingent upon the City reserving the right to re-acquire the property from Toefco for the actual costs paid to the City in acquiring the property, if Toefco does not complete the proposed project as stated.

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

ADDENDUM

17a. Consideration of authorizing the payment of \$4,600 to West Shore Services, Inc. for 50% of the purchase and installation cost of weather siren control equipment and authorize a budget amendment of \$4,600 to the Emergency Operations Center's Capital Outlay account.

Council Member Mann moved, **Council Member Bertschy** seconded, **MOTION CARRIED**, to approve authorizing the payment of \$4,600 to West Shore Services, Inc. for 50% of the purchase and installation cost of weather siren control equipment and authorize a budget amendment of \$4,600 to the Emergency Operations Center's Capital Outlay account.

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

APPOINTMENT TO BOARDS:

18. Consideration of approving the appointment of Jill Haboush to the Downtown Development Authority (DDA) to complete the un-expired term of Evan Smith, effective immediately and expiring on December 31, 2016.

Council Member Mann moved, **Council Member Skalla** seconded, **MOTION CARRIED**, to approve the appointment of Jill Haboush to the Downtown Development Authority (DDA) to complete the un-expired term of Evan Smith, effective immediately and expiring on December 31, 2016. Voice Vote: AYE: 7 NAY: 0 ABSENT: 1

ADDENDUM

18a. Consideration of approving the appointment of Michael Caldwell to the Downtown Development Authority (DDA) to complete the un-expired term of Fred Boothby, effective immediately and expiring on December 31, 2017.

Council Member Bertschy moved, **Council Member VandenHeede** seconded, **MOTION CARRIED**, to approve the appointment of Michael Caldwell to the Downtown Development Authority (DDA) to complete the un-expired term of Fred Boothby, effective immediately and expiring on December 31, 2017. Voice Vote: AYE: 7 NAY: 0 ABSENT: 1

CITY ATTORNEY'S REPORT: None

COUNCIL MEMBER'S REPORT: Council Member Mann moved, Council Member Weimer supported, **MOTION CARRIED**, to excuse Council Member Clark for the September 14, 2015 meeting. Voice Vote: AYE: 7 NAY: 0

MAYOR'S REPORT: None

ADJOURNMENT: Council Member Weimer moved to adjourn at 6:30pm.

Linda Casperson, Niles City Clerk

Date