

CITY OF NILES
REGULAR CITY COUNCIL MEETING MINUTES
MONDAY, JANUARY 11, 2016

The meeting was called to order by Mayor Michael McCauslin in the City Council Chambers, 1345 East Main Street, Niles, Michigan at 6:00 p.m., January 11, 2016. The Pledge of Allegiance was led by Mayor Michael McCauslin.

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

ABSENT: None

OPEN SEAT: 4th Ward/Precinct 4 (TBA)

STAFF: Casperson, Huff, Lamb, Millin, Ray, Wise

AUDIENCE: 12

CITIZEN PARTICIPATION: Lisa Croteau announced that the Hunter Ice Festival has record sponsors this year. She stated that a local ice cream maker was found to provide the exact Hunter Ice Cream recipe. Frigid 5k will be January 16 and Ice Fights will be on Friday and Saturday, January 22, 23 and many more activities throughout the weekend.

PRESENTATION: None

CONSENT AGENDA:

1. Consideration of approving the minutes of the December 14th and December 21st, 2015 regular council meetings.
2. Consideration of approving the Bills.
3. Consideration of approving the emergency replacement of a 60' utility pole on North 5th Street and consideration of authorizing the payment of \$906.30 to Midwest Energy Cooperative of Cassopolis and \$4,237.31 to The Robert Henry Corporation of South Bend, IN for the pole purchase and for assistance with equipment and labor to set the pole.
4. Consideration of accepting the quote of \$4,300.00 from Power Line Supply of Reed City, MI for the purchase of discontinued electric meters for the Electric Division's inventory.
5. Consideration of approving the payment of \$5,500.00 to the State of Michigan's Department of Environmental Quality for the annual National Pollution Discharge Elimination System (NPDES) Permit.
6. Consideration of approving a request to purchase laboratory equipment for the Wastewater Treatment Plant from USABlueBook of Waukegan, IL at a cost of \$9,498.50 and consideration of authorizing the Utilities Manager to sign the purchase order.
7. Consideration of approving the purchase of a replacement bus for the Niles Dial A Ride Transportation (DART) System from Hoekstra Transportation, Inc. of Grand Rapids, MI using Michigan's MiDeal program at a cost not to exceed \$67,500.00.

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

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

ADMINISTRATOR’S REPORT:
Introduction of Items for Discussion
Items for Council Action

8. Consideration of adopting a resolution to approve entering into a five-year Agricultural Land Lease with Critzer Farms of Galien, MI at the high bid of \$130.00 per acre for use of property at Jerry Tyler Memorial Airport and consideration of authorizing the mayor to sign the agreement.

JERRY TYLER MEMORIAL AIRPORT AGRICULTURAL LAND LEASE
CRITZER FARMS, NILES, MI 49120
RESOLUTION #2016-01/1976

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 for farming purposes;
and

WHEREAS, Critzer Farms of Niles, MI desires to lease the approximate 150.5 acres for farming at said premises; and

WHEREAS, the City of Niles has drawn up said lease, to be signed by its Mayor and Clerk, by which John and Matt Critzer may farm said described premises for a period of five (5) years commencing on the 1st day of January 1, 2016 with a provision allowing one (1) year extensions for up to three (3) additional years provided both parties agree; and

WHEREAS, the lessee shall 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 an Agricultural Land Lease with John and Matt Critzer for a term of five (5) years beginning January, 2016 with a provision allowing one (1) year extensions for up to three (3) additional years provided both parties agree; 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, Durm, Mann, Skalla, VandenHeede, Weimer
 NAY: None **ABSENT:** None **ABSTAIN:** None

RESOLUTION 2016-01/1976 DECLARED ADOPTED.

9. Consideration of adopting a resolution in support of the Police Department acquiring a Tactical Controlled Vehicle through the Defense Logistics Agency 1033 Program at a cost estimated at less than \$1,500.00 for transport of the vehicle to city. Council Member VandenHeede voiced concern that it would be viewed upon as militarizing the police department. Police Chief Millin responded that the department would be better prepared during difficult situations. Mayor McCauslin expressed his opinion in favor.

CITY OF NILES
IN SUPPORT OF THE DEFENSE LOGISTICS AGENCY (DLA) 1033 PROGRAM
RESOLUTION #2016-01/1977

Councilmember Weimer offered the following resolution and moved for its adoption, supported, by **Councilmember Mann**.

WHEREAS, In January 2015, Executive Order No. 13688 deleted some of the surplus items available for distribution under 1033; and

WHEREAS, the Armored Personnel Carrier (APC) that the City of Niles acquired through the Defense of Logistics Agency (DLA) was returned in December of 2015; and

WHEREAS, the DLA has been working with agencies affected by the President's order to begin replacing recalled "tracked" vehicles with similar "wheeled" vehicles; and

WHEREAS, as law enforcement agencies across the country strive to find a balance in providing needed tactical resources to police officers while maintaining and strengthening connections to the community and legitimacy in the eyes of the communities they serve; and

WHEREAS, it is imperative that the council take a balanced view of federal efforts to assist local law enforcement in controlling crime and disorder and doing so in a democratic manner; and

NOW, THEREFORE, BE IT RESOLVED, that the Niles City Council recognizes the specialized equipment can be used in difficult terrain and conditions that lessens the risk of vehicle immobilization and increases the likelihood of mission success which is particularly important in rescue situations.

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

RESOLUTION #2016-01/1977 DECLARED ADOPTED.

- 10.** Consideration of entering into an agreement with MAAC Property Services of Niles for various item costs to provide Snow Removal Services for the Niles History Center and consideration of authorizing the mayor to sign the agreement.

Council Member Mann moved, **Council Member Weimer** seconded, **MOTION CARRIED**, to approve entering into an agreement with MAAC Property Services of Niles for various item costs to provide Snow Removal Services for the Niles History Center and consideration of authorizing the mayor to sign the agreement.

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

- 11.** Consideration of entering into an agreement with Riverside Estates MHC LLC of Buchanan, MI for continuation of the community water system oversight assistance in 2016 and consideration of authorizing the mayor to sign the Consultation Agreement.

Council Member Weimer moved, **Council Member Mann** seconded, **MOTION CARRIED**, to approve entering into an agreement with Riverside Estates MHC LLC of Buchanan, MI for continuation of the community water system oversight assistance in 2016 and consideration of authorizing the mayor to sign the Consultation Agreement.

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

- 12.** Consideration of entering into an agreement with Indiana Michigan Power Company for a 2016 Recreational Lease of 527 N. Front Street and consideration of authorizing the mayor to sign the agreement.

Council Member Weimer moved, **Council Member Bertschy** seconded, **MOTION CARRIED**, to approve entering into an agreement with Indiana Michigan Power Company for a 2016 Recreational Lease of 527 N. Front Street and consideration of authorizing the mayor to sign the agreement.

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

13. Consideration of entering into a two-year agreement with Ferguson Michiana of Eau Claire, MI to perform directional drilling projects for the Utilities Department at a cost of \$14/LFT for 2-inch HDPE and \$17/LFT for 4-inch HDPE and other prices as shown on the contract and consideration of authorizing the mayor to sign the contract.

Council Member Mann moved, **Council Member Weimer** seconded, **MOTION CARRIED**, to approve entering into a two-year agreement with Ferguson Michiana of Eau Claire, MI to perform directional drilling projects for the Utilities Department at a cost of \$14/LFT for 2-inch HDPE and \$17/LFT for 4-inch HDPE and other prices as shown on the contract and consideration of authorizing the mayor to sign the contract.

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

APPOINTMENT TO BOARDS:

14. Consideration of approving the appointments of Kathryn Ender, Kim Gallagher/Debra Panozzo, David Markel, Linda McLane, Joanne Johnson, Angela Holy and Consuela Williams to DART’s Local Advisory Committee, effective immediately and expiring on staggered terms as outlined.

Council Member Weimer moved, **Council Member Mann** seconded, **MOTION CARRIED**, to approve the appointments of Kathryn Ender, Kim Gallagher/Debra Panozzo, David Markel, Linda McLane, Joanne Johnson, Angela Holy and Consuela Williams to DART’s Local Advisory Committee, effective immediately and expiring on staggered terms as outlined. **AYES: 7 NAYS: 0**

15. Consideration of approving the reappointment of Marie Weimer and the appointment of Beth Stehilk and Rea Vinall to three-year terms on the Planning Commission, effective immediately and expiring on December 31, 2018.

Council Member Mann moved, **Council Member Bertschy** seconded, **MOTION CARRIED**, to approve the reappointment of Marie Weimer and the appointment of Beth Stehilk and Rea Vinall to three-year terms on the Planning Commission, effective immediately and expiring on December 31, 2018. **AYES: 7 NAYS: 0**

16. Consideration of approving the appointment of Steve Arseneau to the Historic District Commission to complete the term of John Willis, effective immediately and expiring on March 31, 2018.

Council Member Weimer moved, **Council Member Mann** seconded, **MOTION CARRIED**, to approve the appointment of Steve Arseneau to the Historic District Commission to complete the term of John Willis, effective immediately and expiring on March 31, 2018. **AYES: 7 NAYS: 0**

CITY ATTORNEY’S REPORT: None

COUNCIL MEMBER’S REPORT:

Council Member Boggs reported that there is no place for the homeless to go in the surrounding area. Sanya Phillips replied that the YMCA has been working with the Center for the Homeless. Council Member Boggs also inquired about the elimination of the “straight party” vote and if there would be a financial ramification. Clerk

Casperson replied that there is no financial ramification. The only difference is that the voter will now vote for each candidate in every race thereby creating longer time in the voting booths.

Council Member Bertschy promoted the Hunter Ice Festival, beginning January 22, 2016.

Council Member Weimer voiced that he is in favor of getting the Tactical Controlled Vehicle.

Council Member VandenHeede announced that January 18, 2016 is Martin Luther King Day. He also inquired the sale of the old YMCA property and the status timeline.

Council Member Skalla announced his support for John DiCostanzo for the 4th Ward Council Member vacancy.

MAYOR'S REPORT: Mayor McCauslin reported that the Leader Publication published an article on the accomplishments in the City of Niles. He also recommended that everyone attend the Hunter Ice Festival.

ADJOURNMENT: Council Member Weimer moved to adjourn at 6:37pm.

Linda Casperson
Niles City Clerk

Date