

**CITY OF NILES
REGULAR CITY COUNCIL MEETING MINIUTES
MONDAY, September 26, 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 26, 2016. The Pledge of Allegiance was led by Mayor McCauslin.

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

ABSENT: None

STAFF: Casperson, Huff, Millin, Wise,

PRESENTATION: None

CITIZEN PARTICIPATION:

Sandy Whitmyer announced that the Downtown Design Committee will be decorating the downtown area with 2"x8" snowmen. Sponsorship forms may be obtained from Lisa Croteau.

John "Buzz" Opick, President of the Rolling Thunder, Chapter 2, Indiana, requested that a sign be placed on the corner of Merriemfield/14th Street in honor a soldier from Niles.

Paul Bowman, requested that the City hire more police officers.

Charlie McAfee, thanked City Clerk Linda Casperson for answering questions she and others had in reference to the upcoming election.

CONSENT AGENDA:

1. Consideration of approving the City Council Minutes of September 12, 2016.
2. Consideration of approving the Bills dated September 20, 2016.
3. Consideration of approving a request from the Michigan Municipal League to cast a vote for the two named candidates to the MML Liability and Property Pool 2017 Board of Directors.
4. Consideration of approving a request from the Four Flags Apple Festival Committee to hold the Annual Apple Festival event beginning Thursday, September 29th thru Sunday, October 1st; consideration of approving the Annual Apple Festival Grande Parade and consideration of various other requests for the Public Works Department, Police Department, the Utilities Department and the Fire Department as indicated.
5. Consideration of approving the purchase of modular storage equipment from DBI of Lansing, MI using the State's MiDEAL contract with the estimated cost of equipment at \$3,607.00 and consideration of authorizing the Utilities Manager to sign the proposal.
6. Consideration of approving the purchase of an Ikena Spotlight audio/video redaction software from MotionDSP of Burlingame, CA at a cost of \$3,995.00.
7. Consideration of approving the purchase of a Ford Explorer Utility vehicle for use by the Police Department from Campbell Ford of Niles, MI at a cost of \$27,500.00.
8. Consideration of approving a one-year renewal of the current contract for Utility Department Line Clearance and Public Works Department Boulevard trimming for FY2017 and consideration of authorizing the mayor to sign the contracts.

Council Member Weimer moved, **Council Member Mann** supported, **MOTION CARRIED**, to approve Items 1-8 as submitted.

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

ADMINISTRATOR'S REPORT:

Introduction of Items for Discussion

Items for Council Action

9. Consideration of adopting a resolution to approve amendments to the FY2016 budget as indicated in the supplied budget amendment spreadsheet.

**CITY OF NILES
2016 FISCAL YEAR BUDGET AMENDMENT
RESOLUTION #2016-09-1998**

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

WHEREAS, the City Council approved the 2016 Fiscal Year Budget on August 24, 2015; and

WHEREAS, at the conclusion of each fiscal year the City's budget may require amendments to accurately reflect revenues and expenses during the fiscal year, and

WHEREAS, the City of Niles continues to provides essential services to the citizens of the city; and

WHEREAS, the cost of providing these services continues to increase, and

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Niles, County of Berrien, State of Michigan, that the amendments to the approved budget of 2016 be made.

ROLL CALL:

AYES: Georgia Boggs, Gretchen Bertschy, Danial VandenHeede, Robert Durm, David Mann, William Weimer, John DiCostanzo, Wm. Tim Skalla

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

RESOLUTION DECLARED ADOPTED.

10. Consideration of accepting the quote of \$39,300.00 from Ostrander Roofing of Bedding, MI to replace the roof of the Wastewater Treatment Plant office and lab building and consideration of authorizing the mayor to sign the contract.

Council Member Bertschy moved, **Council Member Boggs** supported, **MOTION CARRIED**, to accept the quote of \$39,300.00 from Ostrander Roofing of Bedding, MI to replace the roof of the Wastewater Treatment Plant office and lab building and consideration of authorizing the mayor to sign the contract.

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

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

11. Consideration of approving, by mutual agreement, dissolving the Sub-recipient Agreement between the City of Niles and Kinexus of Benton Harbor for the management of the Homeowners Assistance Program.

Council Member Mann moved, **Council Member Weimer** supported, **MOTION CARRIED**, to approve by mutual agreement, dissolving the Sub-recipient Agreement between the City of Niles and Kinexus of Benton Harbor for the management of the Homeowners Assistance Program.

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

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

12. Consideration of approving the hire of the Fishbeck, Thompson, Carr & Huber (FTC&H) of Lansing, MI to provide engineering services on the SRF Project Plan, Phase III at a cost of \$7,900.000 and consideration of authorizing the mayor to sign the agreement.

Council Member Bertschy moved, **Council Member Boggs** supported, **MOTION CARRIED**, to approve the hiring of the Fishbeck, Thompson, Carr & Huber (FTC&H) of Lansing, MI to provide engineering services on the SRF Project Plan, Phase III at a cost of \$7,900.000 and consideration of authorizing the mayor to sign the agreement.

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

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

13. Consideration of approving a Permanent Traffic Order Request that would prohibit parking to allow a loading/unloading zone on the south side of Grant Street in front of the 122 Grant Street address.

Council Member Skalla moved, **Council Member Mann** supported, **MOTION CARRIED**, to approve a Permanent Traffic

Order Request that would prohibit parking to allow a loading/unloading zone on the south side of Grant Street in front of the 122 Grant Street address.

ROLL CALL: AYES: Bertschy, Boggs, Durm, VandenHeede, Mann, Weimer, DiCostanzo, Skalla
NAYS: None **ABSENT:** None **ABSTAIN:** None
TRAFFIC ORDER 341 **ADOPTED**

14. Consideration of approving a request from the Niles Dial A Ride General Manager to approve the payment of a retrospective adjustment of invoices from the Michigan Transit Pool in the amount of \$4,941.44 and consideration of authorizing the DART Manager to process future retrospective adjustments, even if the amount exceeds \$2,500.00.

Council Member Bertschy moved, **Council Member Durm** supported, **MOTION CARRIED**, to approve a request from the Niles Dial A Ride General Manager to approve the payment of a retrospective adjustment of invoices from the Michigan Transit Pool in the amount of \$4,941.44 and consideration of authorizing the DART Manager to process future retrospective adjustments, even if the amount exceeds \$2,500.00.

Council Member Skalla voiced concern of the amount overage.

ROLL CALL: AYES: Boggs, Durm, VandenHeede, Weimer, McCauslin (TIE VOTE).
NAYS: Bertschy, Mann, DiCostanzo, Skalla **ABSENT:** None **ABSTAIN:** None

14A Consideration of granting a Memorandum of Understanding between Niles Charter Township and the City of Niles for the maintenance of the Indiana Michigan River Valley Trail crossing at Fort Street.

Council Member Weimer moved, **Council Member Mann** supported, **MOTION CARRIED**, to grant a Memorandum of Understanding between Niles Charter Township and the City of Niles for the maintenance of the Indiana Michigan River Valley Trail crossing at Fort Street.

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

14B Consideration of adopting a resolution to grant Ultra Camp \$59,000 with the DDA responsible for repayment to the Revolving Loan Fund.

RESOLUTION #2016-09/1999

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

WHEREAS, the City of Niles has received a request from Niles DDA/Main Street to assist its effort to open new businesses at 123 E. Main Street by granting facade rehab in the amount of \$59,000; and

WHEREAS, at a regular meeting of the City of Niles Downtown Development Authority on August 25, 2015 at 7:30 a.m., the Downtown Development Authority Board of Directors requested that the Niles City Council approve the grant request of \$59,000; and

WHEREAS, the Downtown Development Authority Board of Directors hereby recommends that said grant is to be defrayed through payments from the Niles Downtown Development Authority Tax Increment Finance Fund; and

WHEREAS, Ultra Camp, L.L.C. will invest over \$1.2 million of other funds in the project and create four (4) new jobs, thereby meeting the requirements of the Revolving Loan Fund program guidelines.

NOW, THEREFORE, BE IT RESOLVED that the City of Niles accepts the recommendation as stated, approving the use of Revolving Loan Fund funds to finance façade improvements by Ultra Camp, L.L.C. in the amount of \$59,000; and

BE IT FURTHER RESOLVED that the use of these funds is contingent upon the creation of four (4) new jobs over the next two (2) years, and

BE IT FURTHER RESOLVED that the City Council of the City of Niles, Michigan hereby authorizes the use of the tax increment at 123 E. Main Street, for the purpose of repayment of said grant to Ultra Camp, L.L.C.

BE IT FURTHER RESOLVED that the project shall be under the supervision of the Community Development Director of the City of Niles who shall work with the Finance Director and City Attorney to ensure that the project is carried out in accordance with the City of Niles Revolving Loan Fund guidelines.

ROLL CALL:

AYES: Georgia Boggs, Gretchen Bertschy, Danial VandenHeede, Robert Durm, David Mann, William Weimer, John DiCostanzo, Wm. Tim Skalla

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

RESOLUTION DECLARED ADOPTED.

APPOINTMENT TO BOARDS:

15. Consideration of appointing Larry Pickles to the Zoning Board of Appeals to complete the unexpired term of Al Casperson, effective immediately and expiring on December 31, 2017 and consideration of the appointment of Larry Wilson to a three-year term on the Zoning Board of Appeals, effective immediately and expiring on December 31, 2019.

Council Member Weimer moved, **Council Member Mann** supported, **MOTION CARRIED**, to appoint Larry Pickles to the Zoning Board of Appeals to complete the unexpired term of Al Casperson, effective immediately and expiring on December 31, 2017 and consideration of the appointment of Larry Wilson to a three-year term on the Zoning Board of Appeals, effective immediately and expiring on December 31, 2019.

AYES: 8 NAYS: 0

16. Consideration of appointing Jason Wesaw to a three-year term on the Fort St. Joseph Archaeology Advisory Committee, effective immediately and expiring on December 31, 2019.

Council Member Weimer moved, **Council Member Mann** supported, **MOTION CARRIED**, to appoint Jason Wesaw to a three-year term on the Fort St. Joseph Archaeology Advisory Committee, effective immediately and expiring on December 31, 2019.

AYES: 8 NAYS: 0

CITY ATTORNEY'S REPORT: Attorney Landgraf suggested that the City Council appoint the City Administrator as the Interim Zoning Administrator in the absence of Sanya Phillips.

Council Member Mann moved, **Council Member Weimer** supported, **MOTION CARRIED**, to appoint the City Administrator as the Interim Zoning Administrator, AYES: 8 NAYS: 0

CLOSED SESSION: Union Negotiations

Council Member Durm moved, **Council Member Bertschy** seconded, **MOTION CARRIED**, to go into a Closed Session to discuss Union Negotiations at 6:50pm

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

NAY: None ABSENT: None ABSTAIN: None

Reconvene at 7:15pm. No action taken.

COUNCIL MEMBER'S REPORT:

Council Member Boggs thanked everyone that showed for the Peace Day event at the Riverfront Amphitheater on Sunday, September 24.

Council Member Bertschy announced that the local churches are conducting a tour of historical churches on Wednesday, October 5.

Council Member VandenHeede moved. **Council Member Mann** supported, **MOTION CARRIED**, to excuse Council Member Durm from the September 12 council meeting.

Council Member Skalla announced that the Friends of Silverbrook Cemetery is conducting a tour of the cemetery on October 8, 2016.

MAYOR'S REPORT:

Set the Official Time & Date for Neighborhood Trick or Treat:

→ Neighborhood Door to Door Trick or Treat: Monday, October 31st from 6pm to 7:30pm

→ Downtown Safe Trick or Treat: Saturday, October 29th from 4pm to 5pm sponsored by Niles Downtown Merchants

ADJOURNMENT Council Member Weimer moved to adjourn at 7:20pm.

Linda Casperson, Niles City Clerk

Date