

**CITY OF NILES
REGULAR CITY COUNCIL MEETING MINIUTES
MONDAY, NOVEMBER 28, 2016**

The meeting was called to order by Mayor Nicholas J. Shelton in the City Council Chambers, 1345 East Main Street, Niles, Michigan at 6:00 p.m., November 28, 2016.

Mayor Shelton acknowledged former Mayor McCauslin in the audience and asked him to lead the Pledge of Allegiance.

PRESENT: Council Members Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Robert Durm, Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede, William Weimer and Mayor Nicholas Shelton.

ABSENT: None

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

AUDIENCE: 14

CITIZEN PARTICIPATION: None

PRESENTATION: None

CONSENT AGENDA:

1. Consideration of approving the City Council Minutes of November 14, 2016.
2. Consideration of approving the Bills dated November 22, 2016.
3. Consideration of approving the payment of \$5,594.20 to the State of Michigan's Department of Environmental Quality for the Community Public Water Supply annual fee.
4. Consideration of accepting the quote of \$20,780.05 from Huber Technology of Huntersville, NC for parts and labor to complete the overhaul of the RoS 3Q screw press at the Wastewater Treatment Plant.
5. Consideration of accepting the quote of \$70,652.84 for the purchase of two 2017 Ford F250 pickup trucks with snow plows from Campbell Ford of Niles for use at the Utilities Service Center and Wastewater Treatment Plant and consideration of authorizing the mayor to sign the sales order and consideration of approving the reassignment of a Utilities Service Center pickup truck to the Department of Public Works.

Council Member Weimer moved, **Council Member Skalla** supported, **MOTION CARRIED**, to approve Items 1-5 as submitted.

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

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

ADMINISTRATOR'S REPORT:

Introduction of Items for Discussion

Items for Council Action

6. Consideration of adopting a resolution to approve the updated DART Title VI/Limited English Proficiency Plan.

RESOLUTION #2016-11/2002

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

WHEREAS, the federal government enacted Title VI of the Civil Rights Act of 1964, as amended, to ensure that individuals (including those with limited English proficiency, LEP) are not excluded from participation in, denied benefits of, or otherwise subjected to discrimination under any program or activity receiving federal financial assistance on the basis of race, color, or national origin; and

WHEREAS, the City of Niles, as a grantee of the Federal Transit Administration (FTA) on behalf of Dial-A-Ride Transportation (DART), is required to adhere to the Title VI regulation; and

WHEREAS, the City of Niles DART assures that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity; and

WHEREAS, on October 1, 2012, the FTA issued Circular 4702.1B which sets out new criteria for recipients of federal financial assistance, including the development of a Title VI Program; and

WHEREAS, DART has established a Title VI/LEP Plan in accordance with federal law and FTA Circular 4702.1B; and
WHEREAS, the Title VI/LEP Plan must be updated at least every three years and approved by the recipient's governing body;
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Niles, Michigan does hereby approve and adopt the City of
Niles DART Title VI/LEP Plan attached hereto as Exhibit A.

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

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

7. Consideration of approving the acceptance of a grant in the amount of \$4,500.00 from the Berrien Community Foundation to help fund the Roots and Wings Project; a collaboration between the Niles History Center and the Niles District Library to provide history education to elementary and middle school children.

Council Member Weimer moved, **Council Member Skalla** supported, **MOTION CARRIED**, to approve the acceptance of a grant in the amount of \$4,500.00 from the Berrien Community Foundation to help fund the Roots and Wings Project; a collaboration between the Niles History Center and the Niles District Library to provide history education to elementary and middle school children.

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

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

8. Consideration of authorizing the Finance Director to transfer an amount not to exceed \$300,000.00 from the Electric Division Dam Surcharge Fund to the Electric Division cash reserves as reimbursement for a portion of costs incurred in the dam removal and river restoration project.

Council Member Skalla moved, **Council Member DiCostanzo** supported, **MOTION CARRIED**, to authorize the Finance Director to transfer an amount not to exceed \$300,000.00 from the Electric Division Dam Surcharge Fund to the Electric Division cash reserves as reimbursement for a portion of costs incurred in the dam removal and river restoration project.

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

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

9. Consideration of approving the issuing of a Request for Proposals for remodeling, pursuing financing and finalizing an agreement with the State of Michigan for the lease of 322 E. Main Street.

Council Member Weimer moved, **Council Member Skalla** supported, **MOTION CARRIED**, to approve the issuing of a Request for Proposals for remodeling, pursuing financing and finalizing an agreement with the State of Michigan for the lease of 322 E. Main Street.

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

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

10. Consideration of entering into an agreement with Utility Financial Solutions, LLC (UFS) of Leland, MI for a water cost of services study with rate designs and a Niles Charter Township wastewater rate design for the Utilities Department's Water and Wastewater Divisions at a total estimated cost of between \$22,500.00 and \$24,500.00 and consideration of authorizing the mayor the sign the agreement.

Council Member Bertschy moved, **Council Member Boggs** supported, **MOTION CARRIED**, to enter into an agreement with Utility Financial Solutions, LLC (UFS) of Leland, MI for a water cost of services study with rate designs and a Niles Charter Township wastewater rate design for the Utilities Department's Water and Wastewater Divisions at a total estimated cost of between \$22,500.00 and \$24,500.00 and consideration of authorizing the mayor the sign the agreement.

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

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

11. Consideration of entering into an agreement with Edward Jones & Company for suite rental at \$900.00 per month at 322 E. Main Street and consideration of authorizing the mayor to sign the agreement.

Council Member Weimer moved, **Council Member DiCostanzo** supported, **MOTION CARRIED**, to enter into an agreement with Edward Jones & Company for suite rental at \$900.00 per month at 322 E. Main Street and consideration of authorizing the mayor to sign the agreement.

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

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

APPOINTMENT TO BOARDS:

12. Consideration of approving the re-appointment of Marie Weimer to a three-year term on the Board of Review, effective immediately and expiring on December 31, 2019 and consideration of approving the appointment of

Wanda Richard to the Board of Review to complete the unexpired term of Mrs. Marlene Vandenburg, which term expires December 31, 2017.

Council Member DiCostanzo moved, **Council Member Skalla** supported, **MOTION CARRIED**, to approve the re-appointment of Marie Weimer to a three-year term on the Board of Review, effective immediately and expiring on December 31, 2019 and consideration of approving the appointment of Wanda Richard to the Board of Review to complete the unexpired term of Mrs. Marlene Vandenburg, which term expires December 31, 2017.
AYES: 8 NAYS: 0

13. Consideration of approving the re-appointment of Mary Ellen Drolet to the Historic District Commission, effective immediately and expiring March 31, 2019.

Council Member Bertschy moved, **Council Member Durm** supported, **MOTION CARRIED**, to approve the re-appointment of Mary Ellen Drolet to the Historic District Commission, effective immediately and expiring March 31, 2019. AYES: 8 NAYS: 0

CITY ATTORNEY'S REPORT:

COUNCIL MEMBER'S REPORT:

Council Member Bertschy stated that the light show at the Niles History Center/Chapin Mansion is being re-synchronized with the music.

MAYOR'S REPORT: Reminded everyone that the Depot Lighting will be Saturday from 4pm to 6pm.

ADJOURNMENT:

Council Member Weimer moved to adjourn at 6:22pm.

Linda Casperson, Niles City Clerk

Date