CITY OF NILES
REGULAR CITY COUNCIL MEETING MINIUTES
MONDAY, JANUARY 23, 2017

The meeting was called to order by Mayor Nicholas Shelton in the City Council Chambers, 1345 East Main Street, Niles, Michigan at 6:00 p.m., January 23, 2017.

PRESENT: Council Members Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede, William Weimer and Nicholas Shelton
ABSENT: Robert Durm
STAFF: Casperson, Dunlap, Huff, Lamb, Landgraf, Millin, Ray, Wise
AUDIENCE: 40

CITIZEN PARTICIPATION:

Jevin Weyenberg, Portage, MI stated that he was grateful that the Niles City Council has the foresight of looking into the Medical Marijuana Ordinance. He stated that he currently travels to Ann Arbor or Lansing to obtain medicine needed during his chemotherapy treatments. He encouraged the council to continue to move forward with the implementation of the Medical Marijuana Ordinance.

Michael Majerek, newly elected 12th District County Commissioner, introduced himself to the Niles City Council.

- He reported that the county is rehiring staff that left after the shooting of two bailiffs.
- Berrien County Animal Control is currently updating the Animal Control Ordinance. Written comments were requested to be sent to the county administrator prior to the final draft.
- Southwest Michigan Planning Commission (SWMPC) is currently working on countywide service plan.
- August 7, 2017 at 6:00pm the County Commissioner will be meeting at the South County Courthouse in Niles.

Gary Grathwohl stated that he received a parking ticket during the Hunter Ice Festival for parking on Front Street. He did not realize that parking is restricted. He requested that parking be allowed during festivals or change the hours of restricted parking to accommodate festival goers.

Lisa Croteau reported that downtown was full during the Hunter Ice Festival. Hunter ice cream was sold out and the book store was well attended. Ice sculptures didn't last long with above freezing temperatures.

CONSENT AGENDA:

1. Consideration of approving the City Council Minutes of January 9, 2017.

2. Consideration of approving the Bills dated January 18, 2017.

3. Consideration of accepting the bid of $6,480.00 from Automatic Door Services, Inc. of Grand Rapids, MI for the installation of a power-assist/automatic door openers on the main floor of City Hall and consideration of authorizing the mayor to sign the agreement.

4. Consideration of accepting the proposal of $7,740.00 from Wade Trim of Taylor, MI to conduct Pipeline Assessment training and consideration of authorizing the Utilities Manager to sign the proposal.

5. Consideration of approving the payment of annual dues in the amount of $13,386.00 to the Michigan Municipal Electric Association (MMEA) of Lansing, Michigan.

6. Consideration of accepting the quote of $23,300.00 from Windermuller of Grand Rapids, MI for the purchase, installation and integration of two (2) Hach samplers, Ultrasonic flower sensor and Junction box assemblies for the Wastewater Treatment Plant.

7. Consideration of accepting a Memorandum of Understanding (MOU) between the City of Niles Utilities Department and the Michigan Agency for Energy (MAE) OF Lansing, MI to provide for reporting and cooperation on security of the City's infrastructure and consideration of authorizing the mayor to sign the MOU.

Council Member Weimer moved, **Council Member Bertschy** supported, **MOTION CARRIED,** to approve Items 1-7 on the Consent Agenda as submitted.
ROLL CALL: AYES: Bertschy, Boggs, Durm, VandenHeede, McAfee, Weimer, DiCostanzo, Skalla
NAYS: None **ABSENT:** Durm **ABSTAIN**: None

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

8. Consideration of adopting a resolution to approve the certifications and assurances affirming the City's compliance with required FTA rules and regulations and consideration of authorizing the mayor and city attorney to execute the documents and consideration of authorizing staff to file and PIN the necessary documentation in TrAMS, the electronic grant management system for the DART FY2017 FTA Certifications and Assurances.

RESOLUTION #2017-01/2004
NILES DIAL-A-RIDE TRANSPORATION (DART)
FY2017 FEDERAL TRANSIT ADMINISTRATION (FTA)
CERTIFICATE AND ASSURANCE

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

RESOLVED BY: City Council, City of Niles, Michigan

WHEREAS, Niles Dial-A-Ride Transportation (DART) receives Section 5307 funds from the Federal Transit Administration (FTA) to help finance the cost of operations, preventative maintenance, and capital expenditures; and

WHEREAS, the City of Niles, as grantee of these funds, is required to affirm to the FTA on an annual basis that it intends to comply with certain regulations in consideration for receiving these funds;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Niles, Michigan does hereby authorize Nicholas Shelton, Mayor, and Robert L. Landgraf, Jr. Attorney to sign the fiscal year 2017 FTA Certifications and Assurances affirming compliance with all rules and regulations governing the receipt of federal assistance to operate the DART system.

AYES: Bertschy, Boggs, VandenHeede, McAfee, Weimer, DiCostanzo, Skalla
NAYS: None **ABSENT:** Durm **ABSTAIN**: None

DECLARED ADOPTED this 23rd day of January, 2017.

9. Consideration of adopting a resolution to authorize staff to submit the FY2018 MDOT Regular Services Program Application for capital and operating funds for DART and consideration of authorizing the mayor to sign the necessary forms, clauses, certifications, and assurances on behalf of the City of Niles.

FY2018 RESOLUTION OF INTENT
DIAL-A-RIDE TRANSPORTATION
PROPOSED STATE AND FEDERAL APPLICATION
FOR OPERATING AND CAPITAL ASSISTANCE
RESOLUTION 2017/01-2005

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

RESOLVED BY: City Council, City of Niles, Michigan,

WHEREAS, pursuant to Act 51 of the Public Acts of 1951, as amended (Act 51), it is necessary for the City of Niles,

(hereby known as THE APPLICANT) established under Act 279, to provide a local transportation program for the state fiscal year of 2018 and, therefore, apply for state financial assistance under provisions of Act 51; and

WHEREAS, it is necessary for the governing body, to name an official representative for all public transportation matters, who is authorized to provide such information as deemed necessary by the State Transportation Commission or department for its administration of Act 51; and

WHEREAS, it is necessary to certify that no changes in eligibility documentation have occurred during the past state fiscal year; and

WHEREAS, the performance indicators have been reviewed and approved by the governing body, and

WHEREAS, THE APPLICANT, has reviewed and approved the proposed balanced (surplus) budget, and funding sources of estimated federal funds $235,000, estimated state funds $179,984, estimated local funds $98,650, estimated fare box $71,500, estimated other funds $1,300, with total estimated expenses of $553,103.

NOW THEREFORE, be it resolved that THE APPLICANT hereby makes its intentions known to provide public transportation services and to apply for state financial assistance with this annual plan, in accordance with Act 51;

HEREBY, appoints Kelly Getman-Dissette as the Transportation Coordinator, for all public transportation matters, who is authorized to provide such information as deemed necessary by the State Transportation Commission or department for its administration of Act 51 for 2018.

ROLL CALL: AYES: Bertschy, Boggs, VandenHeede, McAfee, Weimer, DiCostanzo, Skalla
NAYS: None **ABSENT:** Durm **ABSTAIN**: None
RESOLUTION 2017/01-2005 DECLARED ADOPTED.

10. Consideration of entering into telecommunication service agreements with AT&T Corporation of Wyoming, MI to provide CompleteLink 2.0, Centrex and Long Distance services and consideration of authorizing the mayor to sign the contracts.

Council Member Weimer moved, **Council Member DiCostanzo** supported, **MOTION CARRIED,** to approve entering into telecommunication service agreements with AT&T Corporation of Wyoming, MI to provide CompleteLink 2.0, Centrex and Long Distance services and consideration of authorizing the mayor to sign the contracts.

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

APPOINTMENT TO BOARDS:

11. Consideration of approving Appointment Committee's recommendation to appoint Elaine Pack to the DART Local Advisory Committee to complete the unexpired term of Consuelo Williams, effective immediately and expiring on December 31, 2017; and consideration of approving the appointment of Serita Mason to complete the unexpired term of Angela Holy, effective immediately and expiring December 31, 2018; and consideration of appointing Megan Noll and Debra Panozzo to three-year terms, effective immediately and expiring on December 31, 2019.

Council Member Bertschy moved, **Council Member VandenHeede** supported, **MOTION CARRIED,** to approve the Appointment Committee's recommendation to appoint Elaine Pack to the DART Local Advisory Committee to complete the unexpired term of Consuelo Williams, effective immediately and expiring on December 31, 2017; and consideration of approving the appointment of Serita Mason to complete the unexpired term of Angela Holy, effective immediately and expiring December 31, 2018; and consideration of appointing Megan Noll and Debra Panozzo to three-year terms, effective immediately and expiring on December 31, 2019. **AYES: 7 NAYS: 0**

11A. Consideration of approving the Mayor's recommendation to appoint Michael McCauslin for the citizen representative on the Pension Board and John DiCostanzo as the council representative to the Pension Board.

Council Member Bertschy moved, **Council Member VandenHeede** supported, **MOTION CARRIED,** to approve the Mayor's recommendation to appoint Michael McCauslin for the citizen representative on the Pension Board and John DiCostanzo as the council representative to the Pension Board. **AYES: 7 NAYS: 0**

11B. Consideration of approving the Appointment Committee's recommendation to reappoint Jennifer Baide to the Parks and Recreation Board effective immediately and expiring 12/31/2020.

Council Member Bertschy moved, **Council Member VandenHeede** supported, **MOTION CARRIED,** to approve the Appointment Committee's recommendation to reappoint Jennifer Baide to the Parks and Recreation Board effective immediately and expiring 12/31/2020. **AYES: 7 NAYS: 0**

11C. Consideration of approving the Appointment Committee's recommendation to appoint Mary F. McAfee to the NATS Policy Committee effective immediately.

Council Member Bertschy moved, **Council Member VandenHeede** supported, **MOTION CARRIED,** to approve the Appointment Committee's recommendation to appoint Mary F. McAfee to the NATS Policy Committee effective immediately. **AYES: 7 NAYS: 0**

11D. Consideration of approving the Appointment Committee's recommendation to appoint Jeanette Pearson to fill the term vacated by Robert Coryell, Sr. effective immediately and expiring December 31, 2017 and the reappointment of Brad Paquette and Greg Nasstrom to the Planning Commission effective immediately and expiring December 31, 2019.

Council Member Bertschy moved, **Council Member VandenHeede** supported, **MOTION CARRIED,** to approve the Appointment Committee's recommendation to appoint Jeanette Pearson to fill the term vacated by Robert Coryell, Sr. effective immediately and expiring December 31, 2017 and the reappointment of Brad Paquette and Greg Nasstrom to the Planning Commission effective immediately and expiring December 31, 2019. **AYES: 7 NAYS: 0**

11E. Consideration of approving the Appointment Committee's recommendation to reappoint Betty Knowles, Patricia Young and Candace Skalla to Niles Public Arts Commission effective immediately and expiring December 31, 2019 and appoint Andrea Burns to fill the term vacated by John Lidecker effective immediately and expiring on December 31, 2017.

Council Member Bertschy moved, **Council Member VandenHeede** supported, **MOTION CARRIED,** to approve the Appointment Committee's recommendation to reappoint Betty Knowles, Patricia Young and Candace Skalla to Niles Public Arts Commission effective immediately and expiring December 31, 2019 and appoint Andrea Burns to fill the term vacated by John Lidecker effective immediately and expiring on December 31, 2017. **AYES: 7 NAYS: 0**

CITY ATTORNEY'S REPORT: None

COUNCIL MEMBER'S REPORT:

Council Member Skalla had a great time at Hunter Ice Festival. He also thanked Gary Grathwohl for volunteering during the festival.

Council Member DiCostanzo thanked Mr. Jevin Weyenberg for his input on the proposed Medical Marijuana Ordinance.

Council Member Boggs said it was great to see people downtown for the Hunter Ice Festival. She thanked Lisa and the downtown businesses that donated to the festival.

Council Member Bertschy thanked everyone for their support toward the Hunter Ice Festival. She also encouraged culinary businesses to open in Niles.

Council Member VandenHeede thanked all the volunteers. A reporter from the New York Times interviewed several people who attended the Hunter Ice Festival and wrote an article in reference to the Women's March happening around the nation.

Council Member McAfee expressed that it was wonderful to see people throughout the downtown during Hunter Ice Festival.

Council Member Weimer also enjoyed the Hunter Ice Festival.

MAYOR'S REPORT: Mayor Shelton stated that he and his step daughter attended the Hunter Ice Festival and enjoyed the cup cake and chili contests.

ADJOURNMENT

Council Member Weimer moved to adjourn at 6:32pm.

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Linda Casperson, Niles City Clerk Date