

**CITY OF NILES  
REGULAR CITY COUNCIL MEETING MINIUTES  
MONDAY, MAY 8, 2017**

The meeting was called to order by Mayor Shelton in the City Council Chambers, 1345 East Main Street, Niles, Michigan at 6:00 p.m., May 8, 2017. The Pledge of Allegiance was led by Mayor Shelton.

**PRESENT:** Gretchen Bertschy, Georgia Boggs (6:06pm), John DiCostanzo, Robert Durm, David Mann, Wm. Tim Skalla, Daniel VandenHeede, William Weimer, Mayor McCauslin

**ABSENT:** None

**STAFF:** Casperson, Huff

**PRESENTATION:** The Oath of Office was administered to Police Officer Alan Vietzke.

**CITIZEN PARTICIPATION:**

Jan Personette requested that city council be consistent when waving the fees for special events.

Sandy Whitmyer representing the Downtown Development Authority Promotion Committee announced the Color our World Art in the Alley in the 100 block. Fredda Zeiter announced that Lowe's will be donating plants for the downtown planters. Help is needed to prepare the planters on Friday, May 19, 2017.

Marie Weimer requested that all council members use the microphones.

Craig Arnolph, Attorney, Cannabis Legal Group was interested in the Medical Marijuana Ordinance.

**CONSENT AGENDA:**

1. Consideration of approving the City Council Minutes of April 24, 2017.
2. Consideration of approving the Bills dated May 2, 2017.
3. Consideration of approving a request from the LeRue Messenger Post #26 of the American Legion in Niles to conduct the Annual Memorial Day parade on Main Street on Monday, May 29, 2017 from 10:00 a.m. to approximately 11:15 a.m. and consideration of approving Police, Fire and the Public Works Departments to provide support services for the event.
4. Consideration of approving a request from the Experimental Aircraft Association (EAA), Chapter 865 to conduct the 31<sup>st</sup> Annual Fly-In Breakfast at Jerry Tyler Memorial Airport on Saturday, June 25<sup>th</sup> at 10 am.
5. Consideration of approving a request from the Main Street DDA to hold the annual Niles Downtown Market every Saturday and Sunday morning starting on June 3<sup>rd</sup> through October 29<sup>th</sup>, 2017 and also during special events such as "Third Thursdays" and Wednesday's "Forever Young Car Shows" and consideration of waiving the Transient Merchant License for vendors and any other fees or costs.
6. Consideration of approving the casting of a proxy vote for or against the Blue Cross / Blue Shield of Michigan's 2017 Slate of Directors.

**Council Member Weimer** moved, **Council Member Skalla** supported, **MOTION CARRIED**, to approve Items 1-6 as submitted.

**ROLL CALL:**

**AYE:** Bertschy, Boggs, DiCostanzo, Durm, McAfee, Skalla, VandenHeede and Weimer

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

**ADMINISTRATOR'S REPORT:**

**Introduction of Items for Discussion**

**Items for Council Action**

7. Consideration of adopting a resolution to approve the submission of a grant application to the State of Michigan for the purchase of election equipment including tabulators, accessible voting devices for the disabled and related Election Management System software.

**GRANT APPLICATION TO THE SECRETARY OF STATE FOR  
THE PURCHASE OF NEW VOTING SYSTEM  
RESOLUTION 2017-05/2013**

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

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

**WHEREAS**, the City of Niles wishes to apply to the Secretary of State for a grant to purchase a new voting system, which includes precinct tabulators, Absent Voter Counting Board (AVCB) tabulators, accessible voting devices for use by individuals with disabilities, and related Election Management System (EMS) software.

**WHEREAS**, partial funding for the new voting system will be provided by the State, and will include a combination of Federal Help America Vote Act and State-appropriated funds. Local funding obligations are detailed in the attached Election Source quote.

**WHEREAS**, the City of Niles plans to begin implementation of the new voting system in 2017.

**WHEREAS**, the deadline for submitting the required State Grant Application is upon receipt of the Grant Agreement.

**NOW, THEREFORE, BE IT RESOLVED** that the City Clerk is authorized to submit this Grant Application on behalf of the City of Niles, Berrien County on this day of 8<sup>th</sup> day of May, 2017.

**ROLL CALL:**

**AYE:** Bertschy, Boggs, DiCostanzo, Durm, McAfee, Skalla, VandenHeede and Weimer

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

**RESOLUTION 2017-05/2013 DECLARED ADOPTED.**

8. Consideration of approving the adoption of bylaws for the local Brownfield Redevelopment Authority and consideration of providing support to the Brownfield Redevelopment Authority in the areas of compliance and operational oversight, fund management, legal services and other services as needed.

**Council Member Weimer** moved, **Council Member DiCostanzo** supported, **MOTION CARRIED**, to approve the adoption of bylaws for the local Brownfield Redevelopment Authority and consideration of providing support to the Brownfield Redevelopment Authority in the areas of compliance and operational oversight, fund management, legal services and other services as needed.

**ROLL CALL:**

**AYE:** Bertschy, Boggs, DiCostanzo, Durm, McAfee, Skalla, VandenHeede and Weimer

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

9. Consideration of accepting a proposal in the amount of \$65,100.00 from Abonmarche of Benton Harbor to provide engineering services for the expansion of the Riverfront Park Trail to facilitate the development of a trailhead onto Lakeland Hospital property and consideration of authorizing the city administrator to sign the engineering agreement.

**Council Member Weimer** moved, **Council Member DiCostanzo** supported, **MOTION CARRIED**, to accept a proposal in the amount of \$65,100.00 from Abonmarche of Benton Harbor to provide engineering services for the expansion of the Riverfront Park Trail to facilitate the development of a trailhead onto Lakeland Hospital property and consideration of authorizing the city administrator to sign the engineering agreement.

**ROLL CALL:**

**AYE:** Bertschy, Boggs, DiCostanzo, Durm, McAfee, Skalla, VandenHeede and Weimer

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

10. Consideration of entering into a Sub-recipient Agreement with Kil & Associates of South Bend, IN to provide architectural services for blight elimination at a cost of approximately \$10,000.00 from the Community Development Block Grant fund and consideration of authorizing the mayor and city clerk to sign the Sub-recipient Agreement.

**Council Member Skalla** moved, **Council Member DiCostanzo** supported, **MOTION CARRIED**, to enter a Sub-recipient Agreement with Kil & Associates of South Bend, IN to provide architectural services for blight elimination at a cost of approximately \$10,000.00 from the Community Development Block Grant fund and consideration of authorizing the mayor and city clerk to sign the Sub-recipient Agreement.

**ROLL CALL:**

**AYE:** Bertschy, Boggs, DiCostanzo, Durm, McAfee, Skalla, VandenHeede and Weimer

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

11. Consideration of authorizing health care and prescription administrative services with Blue Cross/Blue Shield of Michigan for June 1, 2017 through May 31, 2018 and consideration of authorizing the mayor to sign the

Administrative Services Contract.

**Council Member Weimer** moved, **Council Member Bertschy** supported, **MOTION CARRIED**, to authorize health care and prescription administrative services with Blue Cross/Blue Shield of Michigan for June 1, 2017 through May 31, 2018 and consideration of authorizing the mayor to sign the Administrative Services Contract.

**ROLL CALL:**

**AYE:** Bertschy, Boggs, DiCostanzo, Durm, McAfee, Skalla, VandenHeede and Weimer

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

12. Consideration of authorizing the purchase of stop loss coverage from Tokio Marine HCC/HCC Life Insurance Company for the time period of June 1, 2017 through May 31, 2018 at a cost of \$225,416.00 and consideration of authorizing the mayor to sign the agreement application.

**Council Member Weimer** moved, **Council Member Bertschy** supported, **MOTION CARRIED**, to authorize the purchase of stop loss coverage from Tokio Marine HCC/HCC Life Insurance Company for the time period of June 1, 2017 through May 31, 2018 at a cost of \$225,416.00 and consideration of authorizing the mayor to sign the agreement application.

**ROLL CALL:**

**AYE:** Bertschy, Boggs, DiCostanzo, Durm, McAfee, Skalla, VandenHeede and Weimer

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

13. Consideration of approving the Niles Family Fun Fair/Bluegrass/Americana/Folk Music Festival to be held in Riverfront Park June 1<sup>st</sup> through June 4, 2017 and consideration of approving the recommendations of the City Administrator and City Clerk as listed.

Council Member VandenHeede questioned the request to fill-in dirt at the grass lot. City Administrator stated that it would be done after the event otherwise it would be a waste of money. Bertschy suggested that the food vendors and campers be at the south of the Broadway Bridge in Riverfront Park. Total in-kind services \$3,044.00 with no cash contribution. Bertschy questioned if vendor fees would be paid to the city or the organizers. City Administrator explained that although the food vendor ordinance has been adopted, the fee schedule has not been approved.

**Council Member Bertschy** moved, **Council Member VandenHeede** supported, **MOTION CARRIED**, to approve the Niles Family Fun Fair/Bluegrass/Americana/Folk Music Festival to be held in Riverfront Park June 1<sup>st</sup> through June 4, 2017 and consideration of approving the recommendations of the City Administrator and City Clerk as listed.

1. Organizers provide a current liability insurance coverage certificate; and
2. That the Petting Zoo with pony and camel rides company provide a separate insurance policy naming the City of Niles as additional insured in the amount of \$1million; and
3. Organizers provide a Gaming License Permit; and
4. Organizers provide additional Port-a-jons; and
5. Organizers provide additional trash containers; and
6. Organizers be responsible for any clean up and/or restoration after the event; and
7. Organizers provide a financial statement within 6 months after the event; and
8. Waive in-kind Services.

**ROLL CALL:**

**AYE:** Bertschy, Boggs, Durm, McAfee, Skalla, VandenHeede and Weimer

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

**APPOINTMENT TO BOARDS:**

14. Consideration of approving the appointment of Justin Foster to a three-year term on the Historic District Commission, effective immediately and expiring on March 31, 2019.

**Council Member Weimer** moved, **Council Member Skalla** supported, **MOTION CARRIED**, approve the appointment of Justin Foster to a three-year term on the Historic District Commission, effective immediately and expiring on March 31, 2019. AYES: 8 NAYS: 0

**CITY ATTORNEY'S REPORT:**

15. **First Reading and Introduction** of a proposed change to the Public Park & Recreation Board Ordinance for the City of Niles, Michigan; to revise certain portions of the ordinance including provisions for the membership of the Public Park & Recreation Board; to provide for the operation of the Public Park & Recreation Board and to provide for the responsibilities and duties of the Public Park & Recreation Board.

**COUNCIL MEMBER'S REPORT:**

Council Member DiCostanzo clarified this position on special events. His opinion is that events should be self-sustaining. Taxpayers are being asked to pay for special interest events. Organizers should work harder to raise enough

money to compensate the city for costs associated with events.

Council Member VandenHeede stated that every governmental entity provides services that not all citizens use. Police services, for instance, are used by only a small portion of the population. Festivals bring people from the outside to the community as part of the promoting the city. It's a good use of services.

Council Member Weimer welcomed Office Vietzke to the City of Niles. He also reminded the organizers of the festival that financial statements will be required within six months after the event.

**MAYOR'S REPORT:**

Mayor Shelton welcomed the newly hired Police Officer Alan Vietzke to the City of Niles. The Niles New Tech is having a Health Fair at Niles High School on May 19. One of the events is "Run with the Mayor" along with other activities.

**ADJOURNMENT**

Council Member Weimer moved to adjourn at 6:40pm.

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Linda Casperson, Niles City Clerk

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Date Approved