

CITY OF NILES
REGULAR CITY COUNCIL MEETING
MONDAY, July 27, 2015, 6:00PM

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

PRESENT: Gretchen Bertschy, Georgia Boggs, Scott Clark, Robert Durm, David Mann, Tim Skalla, Daniel VanddenHeede, William Weimer, Mayor Michael McCauslin

ABSENT: None

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

MEDIA: Niles Daily Star and Herald Palladium

AUDIENCE: 30

CITIZEN PARTICIPATION:

Myles Nugent requested that the City Council consider permanent pickleball courts at the parking lot behind the old public safety building near the boat ramp. Nugent also invited the council to attend the pickleball tournament being held at Plym Park during the Niles Trail and Ales Festival, August 1 at 8:30am.

Scott Zeiter urged the City Council to reconsider the raising utility rates.

David Lutin spoke in opposition of raising the utility rates.

John Simpson thanked the City Council and Administrator Huff for eliminating the swing shift at the Waste Water Treatment Plant.

PRESENTATION: None

CONSENT AGENDA:

1. Approval of the Minutes of July 13, 2015.
2. Approval of the Bills.
3. Consideration of approving a request from the Four Flags Area Chamber of Commerce to hold an additional Craft Brew & Wine Event in Riverfront Park in conjunction with the Niles Trails & Ales Festival on Sunday, August 2, 2015 from noon until 4:00 p.m. and consideration of waiving electric and water fees.
4. Consideration of approving a request from Mount Calvary Baptist Church to hold a Community Block Party on August 29, 2015 from 10:00 a.m. to 6:00 p.m. and consideration of approving use of street barricades and a temporary closure for 6th Street from Ferry to Cass Streets.
5. Consideration of approving the purchase of a Fieldmaster Infield Groomer for use at Tyler Fields at a cost of \$3,195.00 plus shipping and handling from Partac Peat Corporation of Great Meadows, NJ.
6. Consideration of accepting the quote of \$8,666.82 from Power Line Supply Company of Reed City Michigan for the purchase of three (3) 900A Hubbell GOAB Tie Switches for use by the Electric Division. Council Member Weimer moved, Council Member Mann seconded, **MOTION CARRIED**, to approve Items 1-6 as submitted.

ROLL CALL: **AYES:** Bertschy, Boggs, Clark, Durm, Mann, Skalla, VanddenHeede, Weimer

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

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

7. Consideration of adopting a resolution to authorize staff to execute annual Certifications and Assurances and to apply for and to execute grants from the Federal Transit Administration on behalf of the City for Niles Dial A Ride Transportation.

RESOLUTION #2015-07/1962

Council Member Mann offered the following resolution and moved for its adoption seconded by Council Member Bertschy.

RESOLVED BY: City Council, City of Niles, Michigan

WHEREAS, the Federal Transit Administration (FTA) has been delegated authority to award Federal financial assistance for transportation projects; and

WHEREAS, the grant or cooperative agreement for Federal financial assistance will impose certain obligations upon the Applicant, and may require the Applicant to provide the local share of the project cost; and

WHEREAS, the Applicant has or will provide all annual certifications and assurances to the FTA required for the project;

NOW, THEREFORE, BE IT RESOLVED BY the City Council of the City of Niles, Michigan that:

1. The DART General Manager is authorized to execute and file an application for Federal assistance on behalf of the City of Niles for Dial-A-Ride Transportation with the FTA authorized by 49 U.S.C. Chapter 53, title 23, United States Code, or other Federal statutes authorizing a project administered by the FTA.
2. The Community Development Director is authorized to execute and file with its applications the annual certifications and assurances and other documents the FTA requires before awarding a Federal assistance grant or cooperative agreement.
3. The Community Development Director and Finance Director are authorized to execute grant and cooperative agreements with the FTA on behalf of the City of Niles for Dial-A-Ride.
4. The Finance Director is authorized to create and submit Federal Financial Reports on behalf of the City of Niles for Dial-A-Ride.
5. The Senior Accountant is authorized to execute requests to draw down Federal funds through the Electronic Clearing House Operations (ECHO) system.

ROLL CALL:

YEA: Georgia Boggs, Gretchen Bertschy, Daniel VandenHeede, Robert Durm, David Mann, William Weimer, Scott Cark and Timothy Skalla

NAY: None ABSENT: None ABSTAIN: None

RESOLUTION DECLARED ADOPTED.

8. Consideration of adopting a resolution to authorize staff to submit the FY 2016 MDOT Regular Services Program Application for capital and operating funds for Niles Dial A Ride Transportation and consideration of authorizing the mayor to sign the necessary forms, clauses, certifications, and assurances on behalf of the City of Niles.

FY2016 RESOLUTION OF INTENT
DIAL-A-RIDE TRANSPORTATION
PROPOSED STATE AND FEDERAL APPLICATION
FOR OPERATING AND CAPITAL ASSISTANCE
RESOLUTION 2015/07-1963

Council Member Weimer offered the following resolution and moved for its adoption seconded by Council Member Clark.

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 2016 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
WHEREAS, THE APPLICANT, has reviewed and approved the proposed balanced (surplus) budget, and funding sources of estimated federal funds \$243,044, estimated state funds \$158,357, estimated local funds \$98,650, estimated fare box \$63,000, estimated other funds \$300, with total estimated expenses of \$496,492.

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 2016.

ROLL CALL:

YEA: Georgia Boggs, Gretchen Bertschy, Daniel VandenHeede, Robert Durm, David Mann, William Weimer, Scott Cark and Timothy Skalla

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

RESOLUTION DECLARED ADOPTED.

- 9.** Consideration of approving rate increases of 3.2% for electric, 10% for water and 10% for sewer effective October 1, 2015 to facilitate needed capital improvements, debt obligations, increases in Operating and Maintenance costs, etc. The rate increases would result in an approximate average monthly dollar increase of \$2.55 for electric, \$2.59 for water and \$2.25 for sewer.

Discussion followed regarding the elimination of raising the rate for electric. Clark voiced concern that if the increase was not approved, the deficit would increase for future years. VandenHeede concurred with Clark and referenced the cost of service study plan that projected deficits.

Council Member Clark moved, Council Member Weimer seconded, **MOTION DENIED**, to approve rate increases of 10% for water and 10% for sewer effective October 1, 2015 to facilitate needed capital improvements, debt obligations, increases in Operating and Maintenance costs, etc. The rate increases would result in an approximate average monthly dollar increase of \$2.59 for water and \$2.25 for sewer.

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

ABSENT: None **ABSTAIN:** None

Council Member Clark moved, Council Member Bertschy seconded, **MOTION CARRIED**, to approve rate increases of 3.2% of electric, 10% for water and 10% for sewer effective October 1, 2015 to facilitate needed capital improvements, debt obligations, increases in Operating and Maintenance costs, etc. The rate increases would result in an approximate average monthly dollar increase of \$2.55 for electric, \$2.59 for water and \$2.25 for sewer.

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

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

- 10.** Consideration of approving the hire of Fishbeck, Thompson, Carr & Huber (FTC&H) to provide engineering services for the SRF Project Plan, Phase II at a cost of \$3,900.00 and consideration of authorizing the mayor to sign the agreement.

Council Member Weimer moved, Council Member Bertschy seconded, **MOTION CARRIED**, to approve the hire of Fishbeck, Thompson, Carr & Huber (FTC&H) to provide engineering services for the SRF Project Plan, Phase II at a cost of \$3,900.00 and consideration of authorizing the mayor to sign the agreement.

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

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

- 11.** Consideration of establishing the formation of the Niles Public Art Commission and consideration of approving the proposed Bylaws of the Public Art Commission.

They Bylaws have been reviewed therefore, just the establishment of the Niles Pubic Art Commission will the considered at this time.

Council Member Skalla moved, Council Member VandenHeede seconded, **MOTION CARRIED**, to establish the formation of the Niles Public Art Commission.

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

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

APPOINTMENT TO BOARDS:

12. Consideration of approving the mayor's appointment of James Furkis to the Downtown Development Authority to complete the unexpired term of Scott Roberts, which expires December 31, 2015. Council Member Weimer moved, Council Member Mann seconded, MOTION CARRIED, to approve the mayor's appointment of James Furkis to the Downtown Development Authority to complete the unexpired term of Scott Roberts, which expires December 31, 2015. AYES: 8 NAYS: 0
13. Consideration of approving the mayor's re-appointment of Wendy Halder and Larry Wilson to three-year terms on the Historic District Commission, effective immediately and expiring on March 31, 2018. Council Member Skalla moved, Council Member Clark seconded, MOTION CARRIED, to approve the mayor's re-appointment of Wendy Halder and Larry Wilson to three-year terms on the Historic District Commission, effective immediately and expiring on March 31, 2018. AYES: 8 NAYS: 0

CITY ATTORNEY'S REPORT:

COUNCIL MEMBER'S REPORT:

Council Member Boggs thanked everyone involved in the Law Enforcement Q & A session. Questions were fielded by Niles Police Chief Jim Millin, Michigan State Police Niles Post Commander Mike Dawson, Berrien County Sheriff L. Paul Bailey, Berrien County Sheriff Capt. Robert Boyce, Berrien County Sheriff Lt. Trent Babcock and MSP Community Service Trooper Maurice Burton.

Council Member Weimer stated that the Federal Government will be placing demands on local government to comply on the Clean Air Act.

Council Member VandenHeede reported that the Trails & Ales event will be August 1-2. The event will have the sport activities, vendors, music and a craft beer and wine tasting tent. The park board is aware of the pickleball interest in the community.

Council Member Durm mentioned with the growing interest in pickleball, he suggested that the interest group help raise funds with the development and maintenance of courts.

Council Member Skalla reported that Friends of Silverbrook have donated \$500 to go toward the columbarium landscape plantings.

MAYOR'S REPORT: None

CLOSED SESSION: Labor Negotiations at 6:50pm

Council Member Durm moved, **Council Member VandenHeede** supported, MOTION CARRIED, to go into closed session to discuss labor negotiations. Reconvened at 7:20pm. No action taken.

ADJOURNMENT: Council Member Skalla moved to adjourn at 7:21pm.

Linda Casperson, Niles City Clerk

Date