

**CITY OF NILES
REGULAR CITY COUNCIL MEETING MINIUTES
MONDAY, January 22, 2018**

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., January 22, 2018. The Pledge of Allegiance was led by Mayor Shelton.

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

ABSENT: None

STAFF: Casperson, Huff, Landgraf

CITIZEN PARTICIPATION:

Jan Personett, questioned the waiver of fees and costs for special events.

Debra Johnson, member of the DDA, presented Hunter Ice Festival ice cream to the city council and audience.

Steve Adolph, Bill Wetzel, and Jan Gordon were present to answer questions as it relates to the Niles Burn Run.

Joe Augustino mentioned that he owns acreage in Howard Township that abuts city limits and would like the City Council to consider his land for future development.

PRESENTATIONS:

NAACP 75th Anniversary – State of Michigan Special Tribute

Niles Amtrak Train Station 125th Anniversary – State of Michigan Special Tribute

CONSENT AGENDA:

1. Consideration of approving the City Council Minutes of January 8, 2018.
2. Consideration of approving the Bills dated January 16, 2018.
3. Consideration of approving a request from the Pregnancy Care Center of Niles to conduct the Super Hero 10K/5K run on April 14, 2018 from 6:00 am to noon and to conduct the Annual LifeWalk on June 16, 2018 from 7:00 am to 1:00 pm and consideration of other requests including use of the amphitheater, street closures and waiving all fees & costs.

REMOVED FROM CONSENT AGENDA

- ~~4. Consideration of approving a request from the Niles Burn Run Committee to hold the annual Ride & Festival July 20th – July 22nd, 2018 in Riverfront Park and consideration of approving various requests including street closures, Utilities Department assistance, a donation of water & electricity, overnight camping, etc. and consideration of waiving all fees & costs.~~
5. Consideration of approving the Niles Summer Concerts in the Park on Thursdays during June, July and August 2018 at the Riverfront Amphitheater and consideration of various other requests including allowing vending in Riverfront Park during Thursday evening concerts and consideration of waiving all fees and costs for the event.
6. Consideration of accepting the quote of \$4,792.00 each for the purchase of two 6" Neptune Compound Water Meters from Ferguson Waterworks of Madison Heights, MI.
7. Consideration of accepting the quote of \$5,250.00 from Alsup Painting, Inc. of Saint Joseph, MI for the painting of the Return Activated Sludge building at the Waste Water Treatment Plant.
8. Consideration of approving the emergency purchase of a radiant tube heating system for the Utilities Service Center from Combustion Research Corporation of Rochester Hills, MI at a cost of \$12,874.13.
9. Consideration of approving the emergency authorization of \$92,598.00 to Wightman & Associates, Inc. of Benton Harbor, MI for completion of additional change orders to the Pucker Street Dam and River Restoration Project.
10. Consideration of approving the purchase of a replacement DART bus from Hoekstra Transportation, Inc. of Grand Rapids, MI through the Michigan MiDeal program at a cost not to exceed \$72,000.00, with the expense to be paid with FTA/MDOT capital grants.

11. Consideration of accepting and approving a Letter of Engagement from Peerless Midwest of Benton Harbor, MI for potential impacts to the City's water production wells as identified in the Groundwater Modeling and Capture Zone Analysis report.

Weimer moved, **Skalla** supported, **MOTION CARRIED**, to approve Items 1 -3 and 5-11 as submitted. Item #4 was removed from the Consent Agenda. **Bertschy** inquired why low bid was not recommended on Item 6. **Jeff Dunlap** stated that Neptune equipment is work with existing equipment.

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Robert Durm, Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede, and William Weimer

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

ADMINISTRATOR'S REPORT:

Introduction of Items for Discussion
Items for Council Action

4. Consideration of approving a request from the Niles Burn Run Committee to hold the annual Ride & Festival July 20th – July 22nd, 2018 in Riverfront Park and consideration of approving various requests including street closures, Utilities Department assistance, a donation of water & electricity, overnight camping, etc. and consideration of waiving all fees & costs.

There was a discussion on the fencing around the area designated for alcohol consumption. It was also determined that Sycamore and Front Street cannot be closed because of private parking spaces.

VandenHeede moved, **Skalla** supported, **MOTION CARRIED**, to approve request from the Niles Burn Run Committee to hold the annual Ride & Festival July 20th – July 22nd, 2018 in Riverfront Park and consideration of approving various requests including street closures (exception of Sycamore/Front), Utilities Department assistance, a donation of water & electricity, overnight camping, etc. and consideration of waiving all fees & costs and require fencing around the area where there will be alcohol consumption.

12. Consideration of adopting a Resolution of Intent to provide public transportation services, authorizes staff to submit the FY2019 MDOT Regular Services Program Application for capital and operating funds for DART so as to apply for state financial assistance for the City's local transportation plan for Fiscal Year 2019 in accordance with Act 51 and to appoint Kelly Getman-Dissette as the Transportation Coordinator for the City of Niles Dial A Ride Transportation Plan and to authorize the mayor and city administrator to sign all necessary documents.

FY 2019 RESOLUTION OF INTENT

DIAL-A-RIDE TRANSPORTATION

PROPOSED STATE AND FEDERAL APPLICATION FOR OPERATING AND CAPITAL ASSISTANCE

RESOLUTION 2018/01-2045

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, 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 2019 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 \$197,955, and estimated local funds \$169,950, with total estimated expenses of \$597,072;

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; and

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 2019.

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Robert Durm, Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede, and William Weimer

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

13. Consideration of approving entering into a Memorandum of Understanding with the Southwest Michigan Planning Commission for Niles Dial-A-Ride Transportation and consideration of authorizing the mayor to sign the Memorandum of Understanding.

Weimer moved, **Durm** supported, **MOTION CARRIED**, to approve entering into a Memorandum of Understanding with the Southwest Michigan Planning Commission for Niles Dial-A-Ride Transportation and consideration of authorizing the mayor to sign the Memorandum of Understanding.

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Robert Durm, Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede, and William Weimer

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

14. Consideration of approving expenditures, not to exceed \$50,000.00 and consideration of entering into an agreement with American Electric Power (AEP) to perform electric system studies for Niles in regards to increasing the incoming metering voltage from 34.5kV to 69kV, and consideration of authorizing the utilities manager to sign the agreements.

DiCostanzo moved, **Weimer** supported, **MOTION CARRIED**, to approve expenditures, not to exceed \$50,000.00 and consideration of entering into an agreement with American Electric Power (AEP) to perform electric system studies for Niles in regards to increasing the incoming metering voltage from 34.5kV to 69kV, and consideration of authorizing the utilities manager to sign the agreements.

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Robert Durm, Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede, and William Weimer

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

COMMITTEE/BOARD APPOINTMENTS:

15. Consideration of approving the re-appointment of Martin Klubeck to a four-year term on the Niles District Library Board, effective immediately and expiring on December 31, 2021.

Durm moved, **Bertschy** supported, **MOTION CARRIED**, to approve the re-appointment of Martin Klubeck to a four-year term on the Niles District Library Board, effective immediately and expiring on December 31, 2021. **AYES: 8**
NAYS: 0

16. Consideration of approving the re-appointment of Marshall Downs to a five-year term on the Niles Housing Commission, effective immediately and expiring on December 31, 2022.

Durm moved, **Bertschy** supported, **MOTION CARRIED**, to approve the re-appointment of Marshall Downs to a five-year term on the Niles Housing Commission, effective immediately and expiring on December 31, 2022. **AYES: 8**
NAYS: 0

17. Consideration of approving the re-appointment of Jerome Warburton to a three-year term on the Niles Planning Commission, effective immediately and expiring on December 31, 2020.

Durm moved, **Bertschy** supported, **MOTION CARRIED**, to approve the re-appointment of Jerome Warburton to a three-year term on the Niles Planning Commission, effective immediately and expiring on December 31, 2020. **AYES: 8**
NAYS: 0

18. Consideration of approving the appointment of Shannon Weinberg to the DART Local Advisory Committee to complete the unexpired term of Debra Panozzo, effective immediately and expiring on December 31, 2019; and consideration of approving the re-appointments of Elaine Pack and Kathryn Ender to three-year terms on that board, effective immediately and expiring on December 31, 2019.

Durm moved, **Bertschy** supported, **MOTION CARRIED**, to approve the appointment of Shannon Weinberg to the DART Local Advisory Committee to complete the unexpired term of Debra Panozzo, effective immediately and expiring on December 31, 2019; and consideration of approving the re-appointments of Elaine Pack and Kathryn Ender to three-year terms on that board, effective immediately and expiring on December 31, 2019. **AYES: 8 NAYS: 0**

19. Consideration of approving the appointment of Charles Nelson to a three-year term on the Niles Public Arts Commission, effective immediately and expiring on December 31, 2020.

Durm moved, **Bertschy** supported, **MOTION CARRIED**, to approve the appointment of Charles Nelson to a three-year term on the Niles Public Arts Commission, effective immediately and expiring on December 31, 2020. **AYES: 8 NAYS: 0**

20. Consideration of approving the re-appointments of Larry Pickles and John Klimek to three-year terms on the Zoning Board of Appeals, effective immediately and expiring on December 31, 2020 and the appointment of John DiCostanzo to a three-year term on that board, effective immediately and expiring on December 31, 2020 or on the day that Mr. DiCostanzo's position on the City Council is revoked by a vote of the people; whichever is earliest, as required by the Michigan Zoning Enabling Act – Act 110 of 2006.

Durm moved, **Bertschy** supported, **MOTION CARRIED**, to approve re-appointments of Larry Pickles and John Klimek to three-year terms on the Zoning Board of Appeals, effective immediately and expiring on December 31, 2020 and the appointment of John DiCostanzo to a three-year term on that board, effective immediately and expiring on December 31, 2020 or on the day that Mr. DiCostanzo's position on the City Council is revoked by a vote of the people; whichever is earliest, as required by the Michigan Zoning Enabling Act – Act 110 of 2006. **AYES: 8 NAYS: 0**

20A. Consideration of approving the re-appointment of John Klimek to a three-year term to the Board of Public Utilities effective immediately and expiring December 31, 2020.

DiCostanzo moved, **Skalla** supported, **MOTION CARRIED**, to re-appointment of John Klimek to a three-year term to the Board of Public Utilities effective immediately and expiring December 31, 2020. **AYES: 8 NAYS: 0**

CITY ATTORNEY'S REPORT: None

COUNCIL MEMBER'S REPORT:

All council members and mayor commented on the success of the Hunter Ice Festival and thanked everyone that volunteered.

Council Member McAfee mentioned that she enjoyed MLK Day celebrations throughout the area.

Council Member Bertschy announced that the Ultra Camp (former Gallery Building) had an open house during the Hunter Ice Festival.

Council Member Weimer had an opportunity to see the new drone.

MAYOR'S REPORT:

Mayor Shelton stated that he was very proud of the Downtown Development Authority members for stepping up and putting on a successful Hunter Ice Festival. He also announced that Lisa Croteau's father passed away.

Thoughts and prayers go out to her family. A special thanks to Saundria Wilson, President of the NAACP Niles Chapter and Derrick James, Amtrak Director for accepting the special tributes.

ADJOURNMENT: Council Member Weimer moved to adjourn at 6:47 pm.

Linda Casperson
Niles City Clerk

Date