

**CITY OF NILES
REGULAR CITY COUNCIL MEETING MINIUTES
MONDAY, November 26, 2018**

The meeting was called to order by Mayor Pro-Tem Bertschy in the City Council Chambers, 1345 East Main Street, Niles, Michigan at 6:00 p.m., November 26, 2018. The Pledge of Allegiance was led by Mayor Pro-Tem Bertschy.

OATH OF OFFICE: City Clerk Linda Casperson read the Oath of Office to newly elected Council Members, Gretchen Bertschy, Jessica Nelson, Travis Timm, and William Weimer

PRESENT: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Charlie McAfee, Jessica Nelson, Travis Timm, Daniel VandenHeede. William Weimer
ABSENT: Mayor Nick Shelton
STAFF: Casperson, Huff and Landgraf

CITIZEN PARTICIPATION:

Justin Flagel reported on the Small Business Saturday event that was well attended. He thanked the city and city staff for their support in the success of the event.

Charles Fouche spoke out on the recent passing of the recreational marijuana proposal and that the Niles City Council needs to come up with a plan to work together for potential businesses.

Brad Paquette, newly elected State Representative for the 78th District, stated that he has a full-time commitment of representing the people within his district and encouraged anyone to contact him with questions or concern. He stated that he will have access to legislative services that are available to us and will share what he learns in Lansing. He congratulated Travis Tim and Jessica Nelson on their successful campaigns as newly elected Niles City Council Members. Niles is his home and he plans to make sure that we tap into opportunities for this area. He also mentioned that he is involved in a community revitalization program called Neighbors of Knock,

Marie Weimer Congratulations to the new the members of council and offered a bit of advice to vote what is best for the city.

Susan Anderson spoke about her personal experience as a victim of discrimination, slander and abuse. She offered to place a Christmas tree at the amphitheater so that people can decorate and show empathy for one another.

CONSENT AGENDA:

1. Approval of the Minutes of November 12, 2018.
2. Approval of the Bills dated November 20, 2018.
3. Consideration of scheduling a public hearing for Monday, December 10, 2018 at 5:55pm to receive public input regarding the HUD Community Development Block Grant Annual Report.
4. Consideration of approving the 15th Annual Hunter Ice Festival to be held in the downtown area January 18, 2019 to January 20, 2019 and consideration of various other requests as listed including use of Riverfront Park, the Amphitheater, assistance in removing snow, closure of certain streets, reserve officers, use of downtown electricity and various other requests including the waiver of all fees.
5. Consideration of approving the emergency expenditure of \$3,083.60 to TPC Technologies, Inc. of Niles for the 2018 Chapin Mansion Light Show.
6. Consideration of approving the payment of \$5,853.46 to the State of Michigan – Department of Environmental Quality for the Utilities Department’s Community Public Water Supply annual fee.

7. Consideration of approving the purchase of power quality monitoring equipment from Power Monitors of Mt. Crawford, VA at a cost of \$8,355.46 for use by the Electric Division.
8. Consideration of approving the hiring of Dixon Engineering, Inc. of Lake Odessa, MI for inspection services and water tower recoat on the Cherry Street Water Tower at an estimated cost of \$31,550.00.
9. Consideration of approving the purchase of one Ford F-450, 4-wheel drive cab and chassis from Campbell Ford of Niles at a cost of \$45,517.00 and consideration of authorizing the mayor to sign the quote.
10. Consideration of approving DART's use of FY2018 Section 5339 FTA/MDOT grant funds to purchase a small bus from Hoekstra Transportation, Inc. via MiDEAL at an amount not to exceed \$72,000.00.

Council Member Weimer moved, **Council Member McAfee** supported, **MOTION CARRIED**, to approve the consent agenda as submitted.

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Charlie McAfee, Jessica Nelson, Travis Timm, Daniel VandenHeede, and William Weimer

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

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

11. Consideration of adopting a resolution to reject the transfer of foreclosed properties from the Berrien County Treasurer.

CITY OF NILES
REJECTION OF TAX FORECLOSURE PROPERTY
RESOLUTION #2018/11-2071

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

RESOLVED BY: City Council, City of Niles, Michigan,
WHEREAS, Berrien County recently held a no minimum bid auction on September 18, 2018; and
WHEREAS, properties that are unsold are deeded to the local unit unless they reject them pursuant to MCL 211.78m(6); and
WHEREAS, a resolution authorizing the rejection has been required.
NOW, THEREFORE, BE IT RESOLVED THAT:
The Niles City Council has agreed to the rejection of the listed properties not sold in the 2018 Foreclosed Tax Sale within the City of Niles.
BE IT FURTHER RESOLVED:
This resolution is adopted by the Niles City Council for the City of Niles, Michigan on the 26th day of November, 2018, and authorizes the rejection of said premises.

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Charlie McAfee, Jessica Nelson, Travis Timm, Daniel VandenHeede, and William Weimer

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

RESOLUTION 2018/11-2071 DECLARED ADOPTED.

12. Consideration of approving a Transit Asset Management Plan, as submitted, for Niles Dial A Ride Transportation (DART).
Council Member Weimer moved, **Council Member DiCostanzo** supported, **MOTION CARRIED**, to approve a Transit Asset Management Plan, as submitted, for Niles Dial-A-Ride Transportation (DART).

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Charlie McAfee, Jessica Nelson, Travis Timm, Daniel VandenHeede, and William Weimer

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

13. Consideration of approving the acceptance of the Niles Community Health Center located at 1951 Oak Street in Niles Charter Township as a Niles City retail water customer as requested by Niles Charter

Township and consideration of authorizing the mayor and city clerk to sign Amendment #1 to the 2012 Water Supply Agreement with Niles Charter Township.

Council Member Weimer moved, **Council Member McAfee** supported, **MOTION CARRIED**, to approve the acceptance of the Niles Community Health Center located at 1951 Oak Street in Niles Charter Township as a Niles City retail water customer as requested by Niles Charter Township and consideration of authorizing the mayor and city clerk to sign Amendment #1 to the 2012 Water Supply Agreement with Niles Charter Township.

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Charlie McAfee, Jessica Nelson, Travis Timm, Daniel VandenHeede, and William Weimer

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

14. Consideration of approving the indicated and proposed revisions to the personnel manual.

Council Member Weimer moved, **Council Member Nelson** supported, **MOTION CARRIED**, to approve the indicated and proposed revisions to the personnel manual.

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Charlie McAfee, Jessica Nelson, Travis Timm, Daniel VandenHeede, and William Weimer

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

15. Consideration of approving a three-year contract with Kaiser Landscaping of Stevensville, MI to complete grounds maintenance for Silverbrook Cemetery at a cost of \$66,528.40 per year and consideration of authorizing the mayor to sign the agreement.

Council Member Weimer moved, **Council Member DiCostanzo** supported, **MOTION CARRIED**, to a three-year contract with Kaiser Landscaping of Stevensville, MI to complete grounds maintenance for Silverbrook Cemetery at a cost of \$66,528.40 per year and consideration of authorizing the mayor to sign the agreement.

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Charlie McAfee, Jessica Nelson, Travis Timm, Daniel VandenHeede, and William Weimer

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

16. Consideration of approving a three-year contract with M.A.A.C. Property Services of Niles to complete grounds maintenance work for Chapin Mansion (Niles History Center) and the Street Division grounds at a cost of \$6,150.00 each year for the History Center and \$3,050.00 each year for the Street Division grounds.

Council Member Weimer moved, **Council Member DiCostanzo** supported, **MOTION CARRIED**, to approve a three-year contract with M.A.A.C. Property Services of Niles to complete grounds maintenance work for Chapin Mansion (Niles History Center) and the Street Division grounds at a cost of \$6,150.00 each year for the History Center and \$3,050.00 each year for the Street Division grounds.

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Charlie McAfee, Jessica Nelson, Travis Timm, Daniel VandenHeede, and William Weimer

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

CITY ATTORNEY'S REPORT:

17. **Second Reading and Enactment** of a proposed ordinance to prohibit the purchase, consumption, or possession of alcoholic liquor by a minor that changes the charges from a misdemeanor to a civil infraction.

Council Member Weimer moved, **Council Member VandenHeede** supported, **MOTION CARRIED**, to enact a proposed ordinance to prohibit the purchase, consumption, or possession of alcoholic liquor by a minor

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Charlie McAfee, Jessica Nelson, Travis Timm, Daniel VandenHeede, and William Weimer

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

ORDINANCE 487 ENACTED.

COUNCIL MEMBER’S REPORT:

Council Member DiCostanzo mentioned that he voted against the opt-out recreational marijuana ordinance but felt that opting out was probably the right thing to do until more is known at the state level. He and other council members are going to a Michigan Municipal League seminar in Cassopolis on December 4 to review the provisions and regulations of the newly initiated marijuana law.

Council Member Nelson stated that residents feel betrayed in how the ordinance was handled and that the council will have to earn their trust back. The wait and see isn’t good enough the citizens deserve a better answer. It’s up to the city council to find out as much as possible so that we can create a business-friendly culture. She also reported that she attended the Small Business Saturday that was well participated. She thanked everyone involved.

Council Member Boggs said that she did not want to submit to something that’s going to be detrimental to the community.

Council Member Bertschy mentioned that the council meeting scheduled for December 24 will need to be rescheduled.

Council Member Boggs moved, **Council Member Weimer** supported, **MOTION CARRIED**, to reschedule the December 24, 2018 council meeting for December 17, 2018. AYES: 8 NAYS: 0.

She also thanked everyone for the well-attended Small Business Saturday.

Council Member VandenHeede welcomed and thanked Brad Paquette for attending the Niles City Council meeting. He also thanked Justin Flagel and Lisa Croteau for Small Business Saturday and Christina Arseneau for the Chapin Open House. He echoed Council Member DiCostanzo’s thoughts on the opt-out ordinance. He asked that people in the community be patient as the state writes the rules. The first retail businesses aren’t expected to be in business until 2020.

Council Member Timm stated that it is an honor to serve the people of the City of Niles. He also commented on the opt-out ordinance and said that patience and caution are extremely valuable assets to have but, you don’t want to last at the dinner table. The council needs to take a very progressive approach and not allow a long drawn-out process.

Council Member McAfee stated that her goal as a council member is to be a voice for the people and not how she feels. She also mentioned the lighting of the tree at Donovan’s Park and how cheerful it looks.

Council Member Weimer stated that the City of Niles is a friendly community. Leaf pickup has been a challenge with the inclement weather, staff shortage and aging equipment.

ADJOURNMENT: Council Member Weimer moved to adjourn at 6:41pm.

Linda Casperson
Niles City Clerk

Date