

**THE CITY COUNCIL
NILES, MICHIGAN
PUBLIC HEARING
COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL REPORT
Monday, December 10, 2018, 5:55p.m.**

At 5:55 pm, Mayor Shelton asked if anyone in the audience wished to address the council on the proposed Community Development Block Grant Annual Report. Hearing no response, the Public Hearing was closed at 5:58pm.

**CITY OF NILES
REGULAR CITY COUNCIL MEETING MINUTES
MONDAY, December 10, 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., December 10, 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 and Huff

CITIZEN PARTICIPATION:

Mike Haskett, HDS Investments encourage the council to approve the sale of the property on Lake and 13th Street.

Mary McAfee announced that Mt. Olive Missionary Baptist Church is hosting a holiday bazaar on Friday, December 14 from 10am to 2 pm at the Bell Building, 305 N. 3rd Street. There will be several vendors and refreshments. The public is welcome.

CONSENT AGENDA:

1. Approval of the Minutes of November 26, 2018.
2. Approval of the Bills dated December 4, 2018.
3. Consideration of approving a request from Jackie Murdock of Integrity Real Estate to hold a concert event at the Riverfront Park Amphitheater on June 15, 2019, with set-up at 10:00 am for the concert that is scheduled from 5:00 pm to 8:00 pm and consideration of waiving all fees, except vendor fees.
4. Consideration of approving a request from Olde Boys Toys to hold a series of Cruise-In Vintage & Classic Car shows in Riverfront Park every Wednesday beginning June 5, 2019 thru August 28, 2019 from 5:00 pm to 8:00 pm and consideration of other requests as listed including food vendors who must apply for a food vendor permit from the City Clerk in addition to the County Health Department's approval and consideration of waiving all fees, with the exception of vendor fees.
5. Consideration of approving a request from LifePlan, formerly known as the Pregnancy Care Center, to hold a Super-Hero 10K/5K fund raising event in Riverfront Park at the amphitheater from 6:00 am to Noon on April 13, 2019 and consideration of approving their Life Fest event on July 13, 2019 from 9:00 am to 2:00 pm at the Riverfront Park Amphitheater and consideration of approving food vendors with the permission of the County's Health Department and food vendor permits from the city clerk and consideration of waiving all fees associated with these events, with the exception of vendor fees.

6. Consideration of approving a request from the Police Department to purchase NetMotion Mobility software from SHI International Corp of Somerset, NJ at a cost of \$7,480.54.
7. Consideration of approving the Community Development Department's request to raise funds through the Patroncity campaign to secure the final funds needed for the Chapin Mansion North Porch Accessibility Project.

Council Member Weimer moved, **Council Member DiCostanzo** 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

8. Consideration of adopting a resolution to adopt a Local Pavement Warranty Program for the development of one standardized method of applying pavement warranties on local agency projects to provide a consistent, quantifiable and transparent program that pavement contractors can recognize and implement.

NILES CITY COUNCIL
RESOLUTION TO ADOPT A LOCAL PAVEMENT WARRANTY PROGRAM
RESOLUTION 2018/12-2072

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

RESOLVED BY: City Council, City of Niles, Michigan

WHEREAS, the Michigan Legislature (MCL 247.663) requires each city or village to adopt a Local Agency Pavement Warranty Program that was approved by the Michigan Department of Transportation in 2018;

WHEREAS, the Michigan Local Agency Pavement Warranty Program was developed by the Local Agency Pavement Warranty Task Force for use by all 533 cities and villages in the format approved by the Michigan Department of Transportation in 2018;

WHEREAS, the Michigan Department of Transportation has reviewed and approved the Michigan Local Agency Pavement Warranty Program consisting of Special Provisions (Boilerplate, Concrete, HMA, Location, Pass-Through Warranty Bond); a Warranty Bond Form and Contract Form; and Guidelines for Local Agency Pavement Warranty Programs;

NOW THEREFORE BE IT RESOLVED, the City of Niles hereby adopts the Michigan Local Agency Pavement Warranty Program and accompanying documents in accordance to the requirements of MCL 247.663;

BE IT FURTHER RESOLVED, this resolution is made a part of the minutes of the City of Niles meeting on the 10th day of December 2018.

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 2018/12-2072 DECLARED ADOPTED

9. Consideration of adopting a resolution to approve the Implementation of the Local Pavement Warranty Program.

NILES CITY COUNCIL
RESOLUTION TO IMPLEMENT A LOCAL PAVEMENT WARRANTY PROGRAM
RESOLUTION 2018/12-2073

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, The Michigan Legislature created a requirement (MCL 247.663) as part of the Transportation Funding Package of 2015 that requires each city and village to adopt a Local Agency Pavement Warranty Program that was approved by

the Michigan Department of Transportation in 2018;

WHEREAS, the City of Niles adopted the Michigan Local Agency Pavement Warranty Program on the 10th day of December 2018;

WHEREAS, the City of Niles agrees to consider a local pavement warranty on each project that includes \$2 million or more in paving-related items *and* includes any state or federal funds;

WHEREAS, the Local Agency Pavement Warranty Program law requires each city and village to report annually on each project that includes \$2 million or more in paving-related items *and* includes any state or federal funds, whether or not a warranty was utilized in the project;

WHEREAS, the City of Niles agrees to implement the Michigan Local Agency Pavement Warranty Program consistent with the Guidelines for Local Agency Pavement Warranty Program document that was approved by the Michigan Department of Transportation in 2018; and which City of Niles adopted Implementation Policy defines the City of Niles intent of its pavement warranty program;

NOW THEREFORE BE IT RESOLVED, the City of Niles hereby agrees to implement the Local Agency Pavement Warranty Program and annually report in accordance with the law.

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 2018/12-2073 DECLARED ADOPTED

10. Consideration of approving a purchase agreement with HDS Investments, LLC for the sale of city property for the purchase price of \$30,001.00 for property located at the southeast corner of Lake and 13th Streets (11-71-0025-0024-00-8).

Council Member Bertschy moved, **Council Member DiCostanzo** supported, **MOTION CARRIED**, to approve a purchase agreement with HDS Investments, LLC for the sale of city property for the purchase price of \$30,001.00 for property located at the southeast corner of Lake and 13th Streets (11-71-0025-0024-00-8).

ROLL CALL:

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

NAY: Georgia Boggs **ABSENT:** None **ABSTAIN:** None

11. Consideration of approving the Discharge of Mortgage and the Mortgage Note associated with 531 Grant Street and consideration of authorizing the mayor to sign the required documents.

Council Member VandenHeede moved, **Council Member McAfee** supported, **MOTION CARRIED**, to approve the Discharge of Mortgage and the Mortgage Note associated with 531 Grant Street and consideration of authorizing the mayor to sign the required documents.

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

APPOINTMENTS:

12. Consideration of appointing Pantelis L. Pappas to the Board of Review to complete the unexpired term of Ms. Wanda Richards, effective immediately and expiring on December 31, 2019.

Council Member DiCostanzo moved, **Council Member Weimer** supported, **MOTION CARRIED**, to approve the appointment of Pantelis L. Pappas to the Board of Review to complete the unexpired term of Ms. Wanda Richards, effective immediately and expiring on December 31, 2019. AYES: 8 NAYS:0

- 12A. Consideration of approving the grant agreement in the amount of \$4,000 from the Berrien Community Foundation for the Niles History Center project, "From Forts to Flight".

Council Member Bertschy moved, **Council Member Weimer** supported, **MOTION CARRIED**, to approve the grant agreement from the Berrien Community Foundation for the Niles History Center project, "From Forts to Flight".

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:

COUNCIL MEMBER’S REPORT:

Council Member Nelson mentioned that the Holiday Lighting of the Amtrak Depot was wonderful and she thanked the Niles Garden Club for the decorations and that it was nice to see the art exhibit on display. She also thanked the street crew for the removal of the snow covered leaves.

Council Member Boggs also thanked the Niles Garden Club for the homemade cookies at the lighting of the depot.

Council Member Bertschy mentioned that the Niles Amtrak Depot is a landmark. She also reported that she and others attended the Michigan Municipal League recreational marijuana seminar.

Council Member Timm encouraged Niles city citizens to contact their council member with concerns or questions. He also thanked the street crew for the second round of leaf removal.

Council Member McAfee moved, **Council Member VandenHeede** supported, **MOTION CARRIED**, to excuse Mayor Shelton from the November 26, 2018 council meeting. **AYES: 8 NAYS: 0**

Council Member McAfee also encourage the public to attend the Mr. Olive Missionary Baptist Church holiday bazaar at the Bell Building on December 14.

Council Member DiCostanzo moved, **Council Member Bertschy**, **MOTION CARRIED**, to pass a resolution to revisit the council’s earlier decision to opt-out ordinance of future marijuana business, as soon as they have pertinent information to vote on the issue.

VandenHeede wanted to clarify that it doesn’t rescind the Opt-Out Resolution previously passed. It is a resolution of intent that might provide some reassurance to potential investors looking to establish a marijuana business in Niles.

ROLL CALL:

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

NAY: Georgia Boggs **ABSENT:** None

ABSTAIN: None

Council Member DiCostanzo also thanked the Planning Commission members for attending the council meeting. Congratulations to HDS Investments and good luck. The MML recreational marijuana training was very informative. LARA just completed medical marijuana regulations and hope to have recreational regulations within six months.

MAYOR’S REPORT: Mayor Shelton welcomed the new members of the city council and mentioned that he attended the reception for the out-going council members. He thanked Mr. Fouché for the holiday card and Council Member Bertschy for filling-in for him in his absence. The Lighting of the Depot was a tremendous events. The recreational marijuana was very informative. Recreational marijuana goes in effect December 6, 2018.

ADJOURNMENT: Council Member Weimer moved to adjourn at 6:38pm.

Linda Casperson
Niles City Clerk

Date