

**CITY OF NILES
REGULAR CITY COUNCIL MEETING MINIUTES
MONDAY, FEBRUARY 11, 2019**

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., February 11, 2019. The Pledge of Allegiance was led by Mayor Shelton.

PRESENT: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Charlie McAfee, Jessica Nelson, Travis Timm Daniel VandenHeede, William Weimer and Mayor Nick Shelton
ABSENT: None
STAFF: Casperson, Huff, and Landgraf

CITIZEN PARTICIPATION:

Steve Gargis announced that his son, **Thomas Gargis** had an Eastside School challenge to write a thank note. Thomas chose to write a thank you note to Firefighter Cpt. Don Wise who snow blows the neighborhood to help them travel safely.

Marie Weimer stated that last year she and Mr. Weimer had an incident with carbon monoxide. At that time she encouraged everyone to get a carbon monoxide detector. She asked who on the council had taken her advice. Nearly all council members raised their hand. If city residents need a carbon monoxide smoke detector they can get a free one from the Niles Fire Department.

Ricky Fouché reported that the HOPE organization had a town hall meeting where Council Members McAfee, Timm and Nelson attended along with State Representative Paquette. They spoke about different issues within the city. He encouraged everyone to come to the next meeting on the first Friday at 7:00pm at the Bell Building at 305 N. 3rd Street, Niles.

PRESENTATION: **Niles High School Agricultural Forum**
Identifying Farm Stress

Mrs. Cheryl Rogers introduced Emma Rauch, Alexis Stump, Jose Velez, Parker Lyden and Hanna Kiggins. They are the Agricultural Issues Team from Niles New Tech who received 1st Place in the district and they will go on to regionals. The presentation topic was to identifying the impact that the Farm Bill has on American farmers. For dairy farmers, it has been particularly difficult to manage the margin between the price of raising cattle and the price of milk. Reform in the Farm Bill has made significant progress like expanding access to rural credit, establishing innovative conservation, and developing new markets for products. A question and answer session followed.

CONSENT AGENDA:

1. Approval of the Minutes of January 21, 2019.
2. Consideration of approving the list of bills dated January 23rd and February 6th, 2019.
3. Consideration of accepting the bid of \$16,790.00 from Pelley Excavating of Niles for residential demolition and environmental abatement of any contaminants with costs to be borne by the Community Development Block Grant and consideration of authorizing the mayor to sign the contract.
4. Consideration of approving the purchase of a replacement bus for Dial A Ride Transportation from Hoekstra Transportation, Inc. of Grand Rapids, MI through use of the MiDeal procurement process and consideration of approving the use of FY 2018 FTA/MDOT matching grant funds, with costs not to exceed \$71,500.00.
5. Consideration of accepting a proposal from Wightman and Associates for professional services in the amount of \$65,900.00 and consideration of authorizing the mayor to sign the proposal.

Council Member Weimer moved, **Council Member McAfee** seconded to approve the consent agenda as

submitted. **MOTION CARRIED**

ROLL CALL:

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

NAYS: None **ABSENT:** None **ABSTAIN:** None

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

6. Consideration of adopting a Resolution of Support for the Niles District Library's mission to provide our community with access and guidance to resources that inform, entertain and enrich and to recognize the value of preserving the city's history by transforming community memories through digital preservation.

CITY OF NILES
BERRIEN COUNTY MICHIGAN
RESOLUTION #2019/02-2080
NILES DISTRICT LIBRARY/NILES HISTORY CENTER
CITY OF NILES
NOTICE OF SUPPORT TO APPLY FOR A PUBLIC GRANT

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

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

WHEREAS, the Niles District Library's mission is to provide our community with access and guidance to resources that inform, entertain, and enrich; and

WHEREAS, the Niles History Center interprets and shares the history of our City and nearby region; and

WHEREAS, the City of Niles recognizes the value of preserving the city's history by transforming community memories through digital preservation.

NOW, THEREFORE, BE IT RESOLVED that the City of Niles approves the submittal of a Notice of Support to the Niles District Library and Niles History Center in order to complete and submit the grant application to the Institute of Museum and Library Services; and

ROLL CALL:

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

NAYS: None **ABSENT:** None **ABSTAIN:** None

RESOLUTION 2019-02/2080 DECLARED ADOPTED

7. Consideration of authorizing staff to submit the FY 2020 MDOT Regular Services Program Application for capital and operating funds for DART and consideration of authorizing the mayor to sign the necessary documents for submittal.

FY 2020 RESOLUTION OF INTENT
DIAL-A-RIDE TRANSPORTATION
PROPOSED STATE AND FEDERAL APPLICATION FOR OPERATING AND CAPITAL ASSISTANCE
RESOLUTION 2019/02-2081

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

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 \$247,000, estimated state funds \$202,886, and estimated local funds \$163,240, with total estimated expenses of \$612,113;

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 2020.

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 2019-02/2081 DECLARED ADOPTED dated this 11th day of February 2019.

8. Consideration of approving a request for additional Revolving Loan Fund funds in the amount of \$30,000.00 with a 2.6% interest rate and consideration of combining a current loan balance of \$40,000.00 with this new request and placing a lien on 219 E. Main Street and consideration of authorizing the mayor to sign the new loan agreement in the amount of \$70,000.00.

Council Member Bertschy moved, **Council Member Boggs** seconded to approve a request for additional Revolving Loan Fund funds in the amount of \$30,000.00 with a 2.6% interest rate and consideration of combining a current loan balance of \$40,000.00 with this new request and placing a lien on 219 E. Main Street and consideration of authorizing the mayor to sign the new loan agreement in the amount of \$70,000.00. **MOTION CARRIED**

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:

Mayor Shelton mentioned that the Appointment Committee met and approved the following recommendations to the city council.

9. Consideration of approving the appointment of Ralph McDonald to a two-year term on the Building Board of Appeals, effective immediately and expiring on December 31, 2010.

Council Member Bertschy moved, **Council Member VandenHeede** seconded to approve (with correction) the appointment of Ralph McDonald to a two-year term on the Building Board of Appeals, effective immediately and expiring on December 31, ~~2010~~ 2020. Voice Vote: Unanimous **MOTION CARRIED (8/0)**

10. Consideration of approving the appointment of Jennifer Kruegar to the DART Local Advisory Committee to complete the unexpired term of Kathryn Ender, effective immediately and expiring on December 31, 2020.

Council Member DiCostanzo moved, **Council Member VandenHeede** seconded to approve the appointment of Jennifer Kruegar to the DART Local Advisory Committee to complete the unexpired term of Kathryn Ender, effective immediately and expiring on December 31, 2020. Voice Vote: Unanimous **MOTION CARRIED (8/0)**

11. Consideration of approving the appointment of George Thomas to the Zoning Board of Appeals to complete the unexpired term of John Klimek, effective immediately and expiring on December 31,

2020.

Council Member DiCostanzo moved, **Council Member Bertschy** seconded to approve the appointment of George Thomas to the Zoning Board of Appeals to complete the unexpired term of John Klimek, effective immediately and expiring on December 31, 2020. Voice Vote: Unanimous **MOTION CARRIED (8/0)**

12. Consideration of approving the appointment of Sam Slaughter to the Parks and Recreation Board to complete the unexpired term of Aydin Goens, effective immediately and expiring December 31, 2020 and consideration of approving the appointment of George Thomas to a new term on the Parks & Recreation Board, also effective immediately and expiring on December 31, 2021.

Council Member DiCostanzo moved, **Council Member Weimer** seconded to approve appointment of Sam Slaughter to the Parks and Recreation Board to complete the unexpired term of Aydin Goens, effective immediately and expiring December 31, 2020 and consideration of approving the appointment of George Thomas to a new term on the Parks & Recreation Board, also effective immediately and expiring on December 31, 2021. Voice Vote: Unanimous **MOTION CARRIED (8/0)**

13. Consideration of approving the appointments of Jamie Bennett, Mark Wagner and Matthew Bussler to three-year terms on the Fort St. Joseph Archaeology Committee, effective immediately and expiring on December 31, 2021.

Council Member DiCostanzo moved, **Council Member Bertschy** seconded to approve appointments of Jamie Bennett, Mark Wagner and Matthew Bussler to three-year terms on the Fort St. Joseph Archaeology Committee, effective immediately and expiring on December 31, 2021. Voice Vote: Unanimous **MOTION CARRIED (8/0)**

14. Consideration of approving the appointments of Brian Thomas, Jennifer Scally and John Pulling to three-year terms on the Niles Planning Commission, effective immediately and expiring December 31, 2021.

Council Member DiCostanzo moved, **Council Member Nelson** seconded to approve the appointments of Brian Thomas, Jennifer Scally and John Pulling to three-year terms on the Niles Planning Commission, effective immediately and expiring December 31, 2021. Voice Vote: Unanimous **MOTION CARRIED (8/0)**

15. Consideration of approving the appointment of Tiffani Dash to the Public Arts Commission, to complete the unexpired term of Judith Racht, effective immediately and expiring on December 31, 2019.

Council Member Bertschy moved, **Council Member Boggs** seconded to approve appointment of Tiffani Dash to the Public Arts Commission, to complete the unexpired term of Judith Racht, effective immediately and expiring on December 31, 2019. Voice Vote: Unanimous **MOTION CARRIED (8/0)**

16. Consideration of the re-appointments of Fredda Zeiter and Steve Arseneau and the appointment of Brian Thomas to the Niles Historic District Commission to three year terms, effective immediately and expiring on December 31, 2019.

Council Member DiCostanzo moved, **Council Member Nelson** seconded to approve (with correction) re-appointments of Fredda Zeiter and Steve Arseneau and the appointment of Brian Thomas to the Niles Historic District Commission to three year terms, effective immediately and expiring on December 31, 2019 2021. Voice Vote: Unanimous **MOTION CARRIED (8/0)**

CITY ATTORNEY'S REPORT: None

COUNCIL MEMBER'S REPORT:

Council Member McAfee said that at the last council meeting she mentioned that the library did not have a display for Martin Luther King Day. However, they are currently honoring Black History Month by displaying large posters of local black leaders and their contributions to the community. She went on to say, "Respect each other, Black History Month celebration is for everyone."

Council Member Weimer mentioned that his view on marijuana changed when a member of his family was given medical CBD oil (derived from hemp) to alleviate the pain. He asked if the Ag Team looked into the farming hemp which is also raised for its fiber. Jackson Lyden replied that because of the

controversy associated, the subject was not considered.

Council Member DiCostanzo commended the students for an outstanding job on their presentation. He stated that he is a proponent of the cannabis industry. It's a new industry and there are many medical uses for the product. We really do need to stop criminalizing it.

Council Member Nelson wanted to thank the HOPE organization. They put on a program to meet the newly elected officials that Mr. Fouche was talking about during public comment. It's a once a month meeting and it's a great opportunity to talk about issues that are important and what kinds of things that want to see in the community. One of the subjects talked about was, "What can we do for our young folks?" So, the idea of putting together a Boys and Girls Club was mentioned. The interesting aspect of the discussion was that there are several programs being offered by organizations that aren't being communicated. Her desire is that hopefully more people will attend the meetings once a month.

Council Member Boggs thanked the students for their presentation.

Council Member Bertschy attended a Parks Board meeting and there was a representative from the DNR that talked about invasive species of vegetation.

Council Member VandenHeede mentioned that the Niles District Library is featuring the Smithsonian Waterways display and the other display is the profiles of familiar faces within the community, one of which is Council Member Boggs. He also mentioned that the growing of hemp has been decriminalized at the Federal level. Hemp is grown primarily for its fiber and CDB medicinal oil.

Council Member Timm stated that he really enjoyed the opportunity that the HOPE organization offered. He encouraged people to attend. The meetings are informal and a great opportunity to voice concerns or ideas. He also thanked the students for their presentation.

MAYOR'S REPORT:

Mayor Shelton thanked the students for their presentation and was impressed by the way everyone memorized their part.

It is Black History Month. He shared on his Facebook page, an article from the South Bend Tribune where Niles High School students, in conjunction with the Niles History Center, interviewed fourteen African-Americans and their families' history in Niles. The project is being showcased at the Niles District Library for Black History Month.

Mayor Shelton also mentioned that Midwest Energy and Communications is expanding their high-speed fiber internet for Niles City residents. They are collecting interest from the community to help them decide. He encouraged everyone to go on Midwest Energy's website to register your address at www.teammidwest.com/internet.

He congratulated Ms. Reno, owner of SLR, 219 E. Main Street for offering more fitness opportunities in the City of Niles.

Last week schools were closed because of the harsh weather conditions. He thanked the city crews that repaired broken water mains in the below zero weather.

ADJOURNMENT: Council Member Weimer moved to adjourn at 6:55pm.

Linda Casperson
Niles City Clerk

Date