

**CITY OF NILES
REGULAR CITY COUNCIL MEETING MINUTES
MONDAY, APRIL 22, 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., April 22, 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, Landgraf

CITIZEN PARTICIPATION:

Caryn Adler presented to the city council an update on the Niles Summer Concert Series at the Riverfront Amphitheater every Thursday beginning June 6 from 6pm to 8pm.

Marie Weimer presented a knitted blanket for the mayor's new born son.

Willa Collins reported that there is a noise problem in her neighborhood. Chief Millin said he would follow-up with her to address the issue.

PRESENTATION: **Law Enforcement Oath of Office** - Police Officer Vincent Horton

CONSENT AGENDA:

1. Consideration of approving the City Council Minutes of April 8, 2019.
2. Consideration of approving the list of bills dated April 17, 2019.
3. Consideration of approving a request from the Niles High School Band Director to conduct an event called "Jazz on the River" featuring local jazz groups at the Riverfront Amphitheater on May 10, 2019 from noon to 10:00 pm and consideration of allowing local food trucks that are required to apply for a permit and consideration of waving all fees, except vendor permit fees.
4. Consideration of accepting the proposal of Great Lakes Chloride, Inc. of Grand Haven, MI to perform the annual dust control program for unpaved streets at a cost of \$7,780.00.
5. Consideration of approving the emergency expenditure of \$3,462.50 for the purchase of room alert water monitors to be installed in City Hall at potential water leak locations.
6. Consideration of approving the purchase of 28 batteries from Batteries Plus Bulbs of Indianapolis, IN at a cost of \$4,058.60 for use by the Electric Division.
7. Consideration of approving the purchase of Buckingham fall restraint and positioning equipment from Power Line Supply of Reed City, MI at a cost of \$4,818.00 for use by the Electric Division.

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

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

CITY ADMINISTRATOR'S REPORT:

Introduction of Items for Discussion

Items for Council Action

8. Consideration of approving entering into an agreement with General Capitol Acquisitions, LLC for reimbursement of utility relocation design fees up to \$15,000.00 for the 322 E. Main Street Project.

Council Member DiCostanzo moved, **Council Member McAfee** seconded to approve entering into an agreement with General Capitol Acquisitions, LLC for reimbursement of utility relocation design fees

up to \$15,000.00 for the 322 E. Main Street Project. **MOTION CARRIED**

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

9. Consideration of approving the extension of a service agreement with Service Express, Inc. of Grand Rapids, MI for existing servers and tape backups at a cost of \$9,002.94 with costs split 50/50 between the General Fund and the Utilities Fund.

Council Member DiCostanzo moved, **Council Member Bertschy** seconded to approve the extension of a service agreement with Service Express, Inc. of Grand Rapids, MI for existing servers and tape backups at a cost of \$9,002.94 with costs split 50/50 between the General Fund and the Utilities Fund.

MOTION CARRIED

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

10. Consideration of approving year two of a possible three-year extension of the Utilities Department's Ground Maintenance Contract with Simmons Tree & Lawn of Niles, MI at a cost of \$26,000.00 and consideration of authorizing the mayor to sign the contract extension.

Council Member Nelson moved, **Council Member Bertschy** seconded to approve year two of a possible three-year extension of the Utilities Department's Ground Maintenance Contract with Simmons Tree & Lawn of Niles, MI at a cost of \$26,000.00 and consideration of authorizing the mayor to sign the contract extension. **MOTION CARRIED**

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

10A. Consideration of approving the Consent of Assignment Agreements between the City of Niles and Redevelopment Authority and Indeck Niles, LLC of Buffalo Grove, Illinois; which documents include BNP Paribas and Deutsche Bank Trust Company Americas, and authorize the Mayor to sign both agreements.

Council Member DiCostanzo moved, **Council Member Weimer** seconded to approve the Consent of Assignment Agreements between the City of Niles and Brownfield Redevelopment Authority and Indeck Niles, LLC of Buffalo Grove, Illinois; which documents include BNP Paribas and Deutsche Bank Trust Company Americas, and authorize the Mayor to sign both agreements. **MOTION CARRIED**

ROLL CALL:

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

NAYS: Daniel VandenHeede

ABSENT: None

ABSTAIN: None

10B. Consideration of approving a Termination of Easement document between the City of Niles and Indeck Niles, LLC of Buffalo Grove, Illinois and authorize the Mayor and City Administrator to sign the documents.

Council Member DiCostanzo moved, **Council Member Weimer** seconded to approve a Termination of Easement document between the City of Niles and Indeck Niles, LLC of Buffalo Grove, Illinois and authorize the Mayor and City Administrator to sign the documents. **MOTION CARRIED**

ROLL CALL:

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

NAYS: Daniel VandenHeede

ABSENT: None

ABSTAIN: None

10C. Consideration of accepting an Irrevocable Standby Letter of Credit pursuant to requirements of the Development Agreement naming the City of Niles as beneficiary in the amount of \$1,000,000.00 and issued by BNP Paribas c/o BNP Paribas RCC, Inc. of Jersey City, New Jersey.

Council Member Nelson moved, **Council Member Bertschy** seconded at accept an Irrevocable Standby Letter of Credit pursuant to requirements of the Development Agreement naming the City of Niles as beneficiary in the amount of \$1,000,000.00 and issued by BNP Paribas c/o BNP Paribas RCC, Inc. of Jersey City, New Jersey. **MOTION CARRIED**

ROLL CALL:

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

NAYS: Daniel VandenHeede

ABSENT: None

ABSTAIN: None

10D. Consideration of approving a captive stop loss policy through Everlong with Tokio Marine HCC. The City of Niles has stop loss insurance to protect the City's self-insured employee and retiree health and prescription insurance plan. Current rate request a premium increase of 27.4%.

Council Member DiCostanzo moved, **Council Member McAfee** seconded to approve a captive stop loss policy Option 2 through Everlong with Tokio Marine HCC. **MOTION CARRIED**

ROLL CALL:

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

NAYS: None

ABSENT: None

ABSTAIN: None

APPOINTMENTS:

11. Consideration of approving the appointment of Charles Spilman to a four-year term on the Downtown Development Authority, effective immediately and expiring on December 31, 2022.

Council Member Nelson moved, **Council Member Timm** seconded, **MOTION CARRIED**, to approve the appointment of Charles Spilman to a four-year term on the Downtown Development Authority, effective immediately and expiring on December 31, 2022.

CITY ATTORNEY'S REPORT: None

COUNCIL MEMBER'S REPORT:

Council Member Bertschy reported that there has been a lot of feedback on social media about Island Park. The financing to remediate the park is hard to explain and for people to understand. She appreciated that the mayor has gotten the information out to the community. She also welcomed Charles Spilman to the Downtown Development Authority.

Council Member Timm wished Ricky Fouche a speedy recovery for his upcoming surgery.

Council Member McAfee thanked the Fire Department for helping her during the fire to her home. She also mentioned that her pastor had a prom dress giveaway that was successful. Girls came from surrounding communities to get a free new designer prom dress.

Council Member Weimer moved, **Council Member Bertschy** seconded to excuse Council Member McAfee from the April 8, 2019 council meeting. **MOTION CARRIED. YEAS: 8 NAYS: 0**

Council Member Weimer also mentioned that he toured Island Park and was heartbroken to see trees down and deep silt all over. He suggested that community think about taxing through assessment over a period of time to restore the Island Park.

Council Member DiCostanzo also toured Island Park and it was quite disturbing. He viewed pictures he had taken before the flood and he had forgotten how beautiful it was. He felt that the estimated amount of \$250,000 may be too conservative.

He encouraged the community to reach out to their state representatives to speak out about the Tax Revenue Sharing owned to local governments.

He mentioned that the Ordinance Committee needs to meet regarding the interest rate the city is paying on utility deposits. The Ordinance Committee may also need to look at the Food Truck

Ordinance now that it is in effect, the fee may be too high.

Council Member Nelson reported on the Historic District Committee is going over the Old Post Office Apartments project. Niles Public Arts Commission are working on implementing some events to showcase local artist. HOPE did not meet.

She also concurred with everything that was said regarding the Island Park devastation.

Council Member Boggs reported that people are complaining that on the way to the YMCA on Pokagon Street the street needs to be safer for pedestrians.

She was thankful that Chief Millin offered to assist Ms. Collins on the excessive noise in her neighborhood.

MAYOR'S REPORT:

Mayor Shelton thanked everyone that came to the meeting.

He thanked Mrs. Weimer for their son Rocky's blanket.

He also mentioned that he was grateful that Mrs. McAfee and her family were safe from the fire incident to their home.

He said that there were a lot of people commenting on his Facebook page on what to do about Island Park. Without getting a first-hand look at the condition of the park it's hard to understand the cost to restore it. People have volunteered but, there is liability concern. The city has \$48,000 from insurance coverage to repair the bridge. It may take more. He stated that repairing the bridge would be a good faith effort to eventually restore the park. By seeking bids to repair the bridge it would give the city a better estimate and perhaps more from the insurance.

Council Member VandenHeede voice concern that it wouldn't be the best use of funds.

Council Member DiCostanzo moved, **Council Member Weimer** seconded to seek bids for the repair of the Island Park Bridge. **MOTION CARRIED.**

ROLL CALL:

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

NAYS: Daniel VandenHeede

ABSENT: None

ABSTAIN: None

ADJOURNMENT: Council Member Weimer moved to adjourn at 7:10 pm.

Linda Casperson
Niles City Clerk

Date