

**CITY OF NILES  
REGULAR CITY COUNCIL MEETING MINIUTES  
MONDAY, MAY 13, 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., May 13, 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

**CITIZEN PARTICIPATION:**

**Steve Gargis** gave an update on Mr Fouche's surgery and offered anyone to sign a get well card.

**Justin Flagel, DDA; Ian Martin, Radio Shack; and Tyler Ganis, SEBC Landfill** presented to the community with a method of disposing old batteries. A drop-off site is at Radio Shack, Niles.

**Jenny Gowen** is requesting help with the noise coming from vehicle boom boxes on 13<sup>th</sup> street. She also voiced a complaint on her neighbor's barking dogs. She was advised to call the police as violations are happening.

**Queen Carrie L** (dressed in Renaissance period attire) invited the royal council court to join the Renaissance Faire, May 17-19. A scrolled invitation was given to each council member.

**Mike Wheeler** asked for an update on Island Park. City Administrator explained that the sediment deposits on the Island was more extensive than Riverfront Park. An insurance check was received to fix the bridge but, it's not enough.

**Marie Weimer** presented a blanket to Emery (the Mayor's daughter) and one for Council Member McAfee, who lost her blanket in the house fire.

**CONSENT AGENDA:**

1. Consideration of approving the City Council Minutes of April 22, 2019.
2. Consideration of approving the list of bills dated May 8, 2019.
3. Consideration of approving a request from the Downtown Development Authority to hold the annual Niles Downtown Market and Art in the Alley every Sunday from 10am to 4pm, use of sidewalks and alleyways along the 100 block of Main St, specifically 2<sup>nd</sup> St from Main to Sycamore for Market and Art in the Alley every Sunday from May 26<sup>th</sup> to September 1<sup>st</sup>, and for Third Thursdays from 4pm to 11pm through November, 2019.
4. Consideration of approving a request by EAA Chapter 865, Inc. to conduct the "Flights on the EAA Ford Tri-Motor" event at Jerry Tyler Memorial Airport from May 23<sup>rd</sup> – May 26<sup>th</sup>, 2019 and consideration of approving the 33<sup>rd</sup> Annual "Fly-In Breakfast" on June 23<sup>rd</sup>, 2019 beginning at 10:30 am at the airport.
5. Consideration of authorizing a vote to be cast for the recommended slate of Directors for the Blue Cross Blue Shield of Michigan Board of Directors and consideration of authorizing the mayor and city clerk to sign the proxy document.
6. Consideration of approving the renewal of the City's annual membership in the Michigan Municipal League and authorizing the payment of our annual dues of \$6,403.00.
7. Consideration of approving the acceptance of the quote of \$9,926.00 from Ferguson Equipment, Inc. for supplying and installing a 10' Dump Body for the Department of Public Works' Street Division.
8. Consideration of approving the emergency expenditure of \$10,429.33 for the purchase of bulk fuel for DART buses from PRI Mar of St. Joseph, MI and consideration of renewing the authorization for

DART staff to purchase bulk fuel as needed at the lowest of three quotes received until December 31, 2021.

9. Consideration of authorizing a payment of \$18,229.00 for membership dues to the Greater Niles Economic Chamber of Commerce for business and economic development activities within the City of Niles and the greater Niles area.

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

**CITY ADMINISTRATOR'S REPORT:**

**Introduction of Items for Discussion**

**Items for Council Action**

10. Consideration of approving the retraction of a 1957 traffic order that prohibits overnight parking in the downtown.

**Council Member Weimer** moved, **Council Member Nelson** seconded to approve the retraction of a 1957 traffic order that prohibits overnight parking in the downtown. **MOTION CARRIED**

**ROLL CALL:**

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

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

11. Consideration of approving an increase in Part-Time and On-Call Firefighter pay to \$15 per hour at a cost of approximately \$6,200.00 per year.

**Council Member Weimer** moved, **Council Member DiCostanzo** seconded to approve an increase in Part-Time and On-Call Firefighter pay to \$15 per hour at a cost of approximately \$6,200.00 per year. **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

12. Consideration of approving the revised Niles Public Arts Commission bylaws, mission statement and vision statements for clarity and to better reflect the commission's plans.

**Council Member Nelson** moved, **Council Member Bertschy** seconded to approve the revised Niles Public Arts Commission bylaws, mission statement and vision statements for clarity and to better reflect the commission's plans. **MOTION CARRIED**

**ROLL CALL:**

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

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

13. Consideration of approving a renewal of the Administrative Services Contract with Blue Cross Blue Shield of Michigan and consideration of authorizing the City Administrator to sign the contract.

**Council Member DiCostanzo** moved, **Council Member Nelson** seconded to approve a renewal of the Administrative Services Contract with Blue Cross Blue Shield of Michigan and consideration of authorizing the City Administrator to sign the contract. **MOTION CARRIED**

**ROLL CALL:**

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

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

14. Consideration of approving a new contract with New Avenues, Inc. of South Bend, IN effective June 1, 2019 through May 31, 2020 as the provider for the Employee Assistance Program for employees and consideration of authorizing the mayor to sign the contract.

**Council Member DiCostanzo** moved, **Council Member Weimer** seconded to approve a new contract with New Avenues, Inc. of South Bend, IN effective June 1, 2019 through May 31, 2020 as the provider for the Employee Assistance Program for employees and consideration of authorizing the mayor to sign the contract.

**MOTION CARRIED**

**ROLL CALL:**

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

**NAYS:** None

**ABSENT:** None

**ABSTAIN:** None

**APPOINTMENTS:** None

**CLOSED SESSION: Property Acquisition**

**Bertschy** moved, **Weimer** supported, **MOTION CARRIED**, to go into closed session for property acquisition at 6:34pm.

**ROLL CALL:**

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

**NAYS:** None

**ABSENT:** None

**ABSTAIN:** None

**OPEN SESSION:**

Mayor Shelton declared the council back in open session at 6:56 pm.

**CITY OF NILES  
PURCHASE OF PROPERTY  
RESOLUTION #2019-05/2085**

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

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

**WHEREAS**, the City of Niles, Michigan desires to the purchase three (3) properties located on North 5<sup>th</sup> Street in said City from Berrien County tax sale for a purchase price of Eight Thousand One Hundred Dollars (\$8,100.00); and

**WHEREAS**, the purchase of the property would be to eliminate blight and promote future redevelopment, and

**WHEREAS**, the purchase is ready to be consummated; and

**WHEREAS**, a resolution authorizing the purchase has been required.

**NOW, THEREFORE, BE IT RESOLVED** as follows:

1. The City of Niles agrees to purchase from Berrien County the following described properties located in the City of Niles to wit:

THE N 16' OF LOT 105 & THE S 24' OF LOT 108 O P LACEY'S 2ND ADD TO NILES (11-71-4510-0105-01-1)

THE S 50' OF LOT 105 O P LACEY'S 2ND ADD TO NILES ALSO THE N 10' OF LOT 104 OF SD ADD (11-71-4510-0105-00-3)

LOT 74 H B HOFFMANS ADD TO NILES (11-72-3050-0074-00-7)

2. That the purchase price shall be Eight Thousand One Hundred Dollars (\$8,100.00).

3. That the Deed of conveyance shall be executed by the Mayor of the City of Niles and the City Clerk of the City of Niles.
4. This resolution is passed by the City Council for the City of Niles, Michigan on May 13, 2019, the same date as the date of execution of the Deed conveying said premises as herein described.

**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

**RESOLUTION 2019-05/2085   DECLARED ADOPTED.**

**CITY ATTORNEY'S REPORT:** No Report

**COUNCIL MEMBER'S REPORT:**

**Council Member VandenHeede** spoke about an article he read where a new housing initiative was introduced to encourage the building of new homes. The incentive for the construction was to offer free land, free building plan review and free utility connections.

**Council Member McAfee** thanked Mrs. Weimer for replacing the afghan she lost in the house fire. She was also thankful for the fire fighters who do so much. The part time wage increase was well deserved.

**Council Member Weimer** commented that in his ward he has a problem with children's yard toys being left out all year long. He asked for a solution. Chief Lamb responded that there is no violation for yard toys being left out.

**Council Member DiCostanzo** said that Mr. Fouche absence from the council meeting is recognized and missed. The Planning Commission had to schedule a special meeting because there is a lot going on.

**Council Member Nelson**

**Council Member Boggs** thanked the Garden Club for the plant sale. She talked about her ordeal being stuck in the high rise elevator. The Fire Department responded immediately. Habitat for Humanity is seeking help and support.

**Council Member Bertschy** moved, Council Member Boggs seconded to reschedule the next City Council Meeting for May 20, 2019 at 6:00pm instead of May 27 which is observance of Memorial Day. Unanimous vote: **MOTION CARRIED.**

**MAYOR'S REPORT: Mayor Shelton** thanked Mrs. Weimer for the afghan for their daughter Emery. He wished all mothers a belated Happy Mother's Day. He reported that he was present at the Berkshire Apartment ribbon cutting and Oh My, LLC formal and bridal shop ribbon cutting. The Memorial Day parade will be Monday, May 27 at 9am. If anyone is interested in marching in the parade contact him. Radio U93 was looking for a community project to do so the mayor contacted them to help with the revitalization and cleanup of the planters along Front Street. The project is in the making.

**ADJOURNMENT:** Council Member Weimer moved to adjourn at 7:11pm.

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Linda Casperson  
Niles City Clerk

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Date