

**City of Niles
Regular Council Meeting
Monday, March 9, 2009**

The meeting was called to order by Mayor McCauslin in the City Council Chambers, 1345 East Main Street, at 6:00 p.m.

The Pledge of Allegiance was led by Mayor McCauslin.

PRESENT: Arndt, Boggs, Durm, McCauslin, Skalla, VandenHeede, Weimer, Williams

ABSENT: Gallagher

STAFF: Coulston, Eull, Ganum, Harte, Huff, Lamb, Landgraf, Lehmkuhl, Miller, Naugle, Ray, Wise

CITIZEN PARTICIPATION:

State Representative Sharon Tyler presented an update of state government noting the current large deficit and 10% pay cut for state officials which will be effective in 2011. She stated that the legislature is currently working on education bills for dual diplomas, raising the dropout age to 18 and full-time kindergarten. Tyler reported that she will be in Niles on Mondays and Fridays to meet with constituents. Two citizens complained that the current utility rates for the City of Niles have been rising on a steady scale and that they are too high.

CONSENT AGENDA:

1. Approval of the Minutes of the Regular Council Meeting of **February 23, 2009**
2. Approval of the Bills.
3. Consideration of approving a request from the Pregnancy Care Center to hold the annual LifeWalk in downtown Niles on May 31, 2009 from 6:00 a.m. until 12:00 p.m.
4. Consideration of approving a request from the Knights of Columbus, Council 708 to conduct their annual tootsie roll fundraiser in support of their mental impairment program from Friday, April 3 to Sunday, April 5, 2009.
5. Consideration of approving a request from the Berrien County Civitan Club, in conjunction with area merchants, to conduct their annual Easter Egg Hunt in Riverfront Park on Saturday, April 4, 2009 from 9:00 a.m. to 12:30 p.m.
6. Consideration of approving a request from the Utilities Department to contract with Regal Excavating, Inc., Berrien Springs, MI for the repair of the retaining wall at the Pucker Street Dam at a cost of \$3,900.00.
7. Consideration of approving a request from the Public Works Department to accept the quote of \$6,352.00 from Hi-Tech/SMR Communications, Niles, MI to provide a new Kenwood radio repeater.
8. Consideration of approving a request from the Police Department to purchase a police service dog, training, and equipment from Midwest K9 Training, Inc., Lakeville, IN at a cost of \$12,800.
9. Consideration of approving a request from the Public Works Department to commit to purchasing 1,200 tons of bulk rock salt for the 2009/2010 winter season through the MiDEAL state program and consideration of authorizing the Public Works Director to sign the commitment.

Weimer moved, Arndt seconded, **MOTION CARRIED**, to approve the Consent Agenda as presented.

ROLL CALL: **AYE:** Arndt, Boggs, Durm, Skalla, VandenHeede, Weimer, Williams

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

CITY ADMINISTRATOR'S REPORT: **ITEMS FOR COUNCIL ACTION:**

City Administrator Eull asked Council's consideration of the following:

10. Consideration of accepting the low bid of \$30,981.00 from Arnt Asphalt Sealing, Benton Harbor, MI for the 2009 Municipal Parking Lot Improvement Program and consideration of approving additional parking lot work to bring the total expenditure to \$48,334.00.

Weimer moved, Arndt seconded, **MOTION CARRIED**, to accept the low bid of Arnt Asphalt and approve the additional work as presented.

ROLL CALL: **AYE:** Arndt, Boggs, Durm, Skalla, VandenHeede, Weimer, Williams

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

11. Consideration of accepting the low bid of \$33,914.00 from Northern Construction Services Corporation, Niles, MI for the 2009 Sidewalk Improvement Program and consideration of approving additional sidewalk work to bring the total expenditure to \$50,000.00.
Weimer moved, Arndt seconded, **MOTION CARRIED**, to accept the low bid of Northern Construction Services and approve the additional work as presented.
ROLL CALL: **AYE:** Arndt, Boggs, Durm, Skalla, VandenHeede, Weimer, Williams
NAY: None **ABSENT:** Gallagher **ABSTAIN:** None
12. Consideration of accepting the low bid of \$296,860.05 from Consumers Asphalt Company, Benton Harbor, MI for the 2009 Street Resurfacing Program and consideration of approving additional street work to bring the total expenditure to \$348,333.00.
Weimer moved, Arndt seconded, **MOTION CARRIED**, to accept the low bid of Consumers Asphalt Company and approve the additional work as presented.
ROLL CALL: **AYE:** Arndt, Boggs, Durm, Skalla, VandenHeede, Weimer, Williams
NAY: None **ABSENT:** Gallagher **ABSTAIN:** None
- Administrator Eull stated that the projects in Items 10 - 12 are being funded with Federal Entitlement monies.
13. Consideration of authorizing a three-year contract for repair and maintenance of police vehicles to the low bidder, Clark's Service, Niles, MI and consideration of authorizing the city administrator to sign the contract.
Weimer moved, Williams seconded, **MOTION CARRIED**, to approve the three-year contract with Clark's Service for the maintenance of city police vehicles and authorize the city administrator to sign the contract.
ROLL CALL: **AYE:** Arndt, Boggs, Durm, Skalla, VandenHeede, Weimer, Williams
NAY: None **ABSENT:** Gallagher **ABSTAIN:** None

ATTORNEY'S REPORT: No report

COUNCIL'S REPORT:

Boggs: Thanked Representative Tyler for attending the meeting.

VandenHeede: In response to the citizens comments, he stated that the current customer service charge is to pay for the fixed costs incurred by the department. Administrator Eull explained the fixed costs, why the bills composition was changed and the causes for the rate increases, noting that the utility is required by law not to operate in the red.

Weimer: Inquired of Representative Tyler the status of the state shared revenue. She responded that for the current year the amounts will be flat, no changes, but that there will most likely be a decrease for the coming year.

Skalla: Skalla moved, Weimer seconded, **MOTION CARRIED**, to excuse the absence Council Member Williams from the Regular Meeting of February 23, 2009.

MAYOR'S REPORT:

Inquired of Representative Tyler what projects will be approved by the state. She responded that the High-speed Rail is in the current stimulus plan, as is the completion of the 33 Bypass.

Mayor McCauslin reported that the city is scheduled to receive Stimulus funds for 20 - 25% of the \$6.8 million cost of the Wastewater Improvement Project, \$310,000 for sealcoat of federally eligible roads, Dial-A-Ride increased funding, \$89,000 for Entitlement Program funding and \$280,000.00 for Housing Commission.

Weimer moved to adjourn at 6:48 p.m.

Ruth Harte, Clerk

Date Approved