

James Stump, IS Director explained the following:

In accordance with Gov. Gretchen Whitmer and the Michigan Department of Health and Human Services' recommendations designed to help prevent the spread of Coronavirus Disease 2019 (COVID-19) and Executive Order 2020-15 declaring public bodies subject to the Open Meetings Act can use telephone or video conferencing technology to meet and conduct business, the City of Niles City Council will hold such a meeting via telephone conferencing at **6:00 p.m. on Monday, May 24, 2021**, for the purpose of adopting City of Niles policy temporarily allowing remote attendance by members of City Councilmembers and other City public boards and members of the public at public meetings due to Coronavirus outbreak.

Members of the public wishing to participate in the meeting through electronic means will have access to the meeting through the following methods:

### **ZOOM WEBINAR CITY COUNCIL MEETING ACCESS**

Please click the link below to join the webinar:

<https://nilesmi.zoom.us/j/99669867810>

Webinar ID: 996 6986 7810 Or iPhone one-tap:

US: +13017158592, 99669867810# or +13126266799, 99669867810#

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 301 715 8592 or +1 312 626 6799 or +1 929 205 6099 or +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833 or 877 853 5247 (Toll Free) or 888 788 0099 (Toll Free) Webinar ID: 996 6986 7810

International numbers available: <https://nilesmi.zoom.us/j/99669867810>

## **CITY COUNCIL MINUTES**

City of Niles, Michigan

Electronic Meeting

May 24, 2021

**PRESENT:** Council Members: Georgia Boggs, Gretchen Bertschy, John DiCostanzo, Amanda Dunnem, William Weimer, Charlie McAfee, Jessica Nelson, Travis Timm, and Mayor Shelton

**ABSENT:** None

**STAFF:** Richard Huff, Robert Landgraf, Linda Casperson, and James Stump

### **REGULAR COUNCIL MEETING**

The regular Niles City Council meeting was called to order by Mayor Shelton at 6:03 p.m. May 24, 2021. The Pledge of Allegiance was led by Mayor Shelton.

### **APPROVAL OF THE AGENDA**

**Council Member DiCostanzo** moved, **Council Member Timm** seconded to approve the agenda with the addition of Certificate of Appreciation Certificates during Presentations.

**ROLL CALL: YEA:** Boggs, Bertschy, Dunnem, Timm, McAfee, Weimer, DiCostanzo, Nelson

**NAY:** None **MOTION CARRIED**

### **CITIZEN PARTICIPATION: (PUBLIC COMMENTS)**

#### **PRESENTATIONS:**

Presentation of Certificate of Appreciation to Lt. Joseph Hixenbaugh and Lt. Kendra Hixenbaugh of The Salvation Army for their work in the Niles area for the past four years.

#### **CONSENT AGENDA:**

1. Consideration of approving the Minutes of May 10, 2021.
2. Consideration of approving the list of bills dated May 19, 2021.
3. Consideration of approving a 1<sup>st</sup> Ward Community Garage Sale to be held July 22, 23, and 24 and waiving the individual \$1 Garage Sale Permit Fee for any participating homes in the 1<sup>st</sup> Ward.
4. Consideration of approving the purchase and installation of a Yaskawa p1000 Variable Frequency Drive from Peerless Midwest of Mishawaka, Indiana at a cost of \$18,969.00 to be charged to the Maintenance-Well Control System Fund.

5. Consideration of approving the emergency expenditure of \$7,399.00 being charged to the Maintenance- Equipment Southside Sub Fund to Turner Electric Services of Sylvania, Ohio for the purchase and installation of a new battery charger for the Southside Substation.
6. Consideration of approving to accept the quote of \$4,459.00 to be charged to the Maintenance- Plant Equipment Replacement Fund from HESCO of Warren, Michigan for one (1) Replacement Aluminum Gate for the Wastewater Treatment Plant.

**Council Member Nelson** moved, **Council Member Bertschy** seconded to approve consent agenda.

**ROLL CALL: YEA:** Bertschy, Dunnem, Timm, McAfee, Weimer, DiCostanzo, Nelson, Boggs

**NAY:** None **MOTION CARRIED**

#### **CITY ADMINISTRATOR'S REPORT:**

##### **Introduction of Items for Discussion**

##### **Items for Council Action**

7. Consideration of authorizing payment of \$18,229.00 to the Greater Niles Chamber of Commerce for business and economic development activities within the City of Niles and the Greater Niles area with 50% of this expense being charged to the City's General Fund and 50% of this expense being charged to the City's Utility Funds.

**Council Member DiCostanzo** moved, **Council Member Boggs** seconded to authorize payment of \$18,229.00 to the Greater Niles Chamber of Commerce for business and economic development activities within the City of Niles and the Greater Niles area with 50% of this expense being charged to the City's General Fund and 50% of this expense being charged to the City's Utility Funds.

**ROLL CALL: YEA:** Dunnem, Timm, McAfee, Weimer, DiCostanzo, Nelson, Boggs, Bertschy

**NAY:** None **MOTION CARRIED**

8. Consideration of renewing the Michigan Municipal League Membership dues including legal defense fund dues at a cost of \$6,617.00 for the period of July 1, 2021 – June 30, 2022 with 50% of this expense being charged to the City's General Fund and 50% of this expense being charged to the City's Utility Fund.

**Council Member Nelson** moved, **Council Member Timm** seconded to renew the Michigan Municipal League Membership dues including legal defense fund dues at a cost of \$6,617.00 for the period of July 1, 2021 – June 30, 2022 with 50% of this expense being charged to the City's General Fund and 50% of this expense being charged to the City's Utility Fund.

**ROLL CALL: YEA:** Timm, McAfee, Weimer, DiCostanzo, Nelson, Boggs, Bertschy, Dunnem

**NAY:** None **MOTION CARRIED**

9. Consideration of accepting the allocation of \$7,031,749.00 from the Department of the Treasury and authorizing the Mayor and the Community Development Director to execute and submit the necessary documents.

**Council Member DiCostanzo** moved, **Council Member McAfee** seconded to accept the allocation of \$7,031,749.00 from the Department of the Treasury and authorizing the Mayor and the Community Development Director to execute and submit the necessary documents.

**ROLL CALL: YEA:** McAfee, Weimer, DiCostanzo, Nelson, Boggs, Bertschy, Dunnem, Timm

**NAY:** None **MOTION CARRIED**

10. Consideration of approving an engineering agreement with Wightman Engineering for project oversight of the Progressive Drive Lift Station for an estimated fee of \$12,000.00 plus reimbursable expenses being charged to the Wastewater Collection System and authorizing the Mayor to sign the proposal.

**Council Member Nelson** moved, **Council Member Bertschy** seconded to approve an engineering agreement with Wightman Engineering for project oversight of the Progressive Drive Lift Station for an estimated fee of \$12,000.00 plus reimbursable expenses being charged to the Wastewater Collection System and authorizing the Mayor to sign the proposal.

**ROLL CALL: YEA:** Weimer, DiCostanzo, Nelson, Boggs, Bertschy, Dunnem, Timm, McAfee

**NAY:** None **MOTION CARRIED**

11. Consideration of granting permission to the Niles Riverfront Optimist Club to conduct the Bluegrass Festival and the related requests including staff recommendations and the approximate total cost of \$2,710.00 to various departments.

**Council Member Nelson** moved, **Council Member Bertschy** seconded to grant permission to the Niles Riverfront Optimist Club to conduct the Bluegrass Festival and the related requests including staff recommendations and the approximate total cost of \$2,710.00 to various departments.

**ROLL CALL: YEA:** DiCostanzo, Nelson, Boggs, Bertschy, Dunnem, Timm, McAfee, Weimer

**NAY:** None **MOTION CARRIED**

12. Consideration of approving the new Emergency Services Agreement (ESA) with Arbor Trails Apartments Limited Dividend Housing Association L.L.C. which will result in a \$25,000.00 annual payment to the General Fund and authorizing the Mayor to sign the ESA.

**Council Member Nelson** moved, **Council Member Bertschy** seconded to approve the new Emergency Services Agreement (ESA) with Arbor Trails Apartments Limited Dividend Housing Association L.L.C. which will result in a \$25,000.00 annual payment to the General Fund and authorizing the Mayor to sign the ESA.

**ROLL CALL: YEA:** Nelson, Boggs, Bertschy, Dunnem, Timm, McAfee, Weimer, DiCostanzo

**NAY:** None **MOTION CARRIED**

13. Consideration of authorizing the Mayor and Clerk to sign the necessary tax rate documents pertaining to the 2021 Millage Rates.

**Council Member Nelson** moved, **Council Member Bertschy** seconded to authorize the Mayor and Clerk to sign the necessary tax rate documents pertaining to the 2021 Millage Rates.

**ROLL CALL: YEA:** Boggs, Bertschy, Dunnem, Timm, McAfee, Weimer, DiCostanzo, Nelson

**NAY:** None **MOTION CARRIED**

14. Consideration of adopting a resolution to accept the terms of the Investment Policy Statement pertaining to the City of Niles General Agency Account and authorizing the Mayor to sign the Investment Policy Statement.

**Council Member Nelson** moved, **Council Member Bertschy** seconded to adopt a resolution to accept the terms of the Investment Policy Statement pertaining to the City of Niles General Agency Account and authorizing the Mayor to sign the Investment Policy Statement.

**ROLL CALL: YEA:** Bertschy, Dunnem, Timm, McAfee, Weimer, DiCostanzo, Nelson, Boggs

**NAY:** None **MOTION CARRIED - RESOLUTION 2021-05/2144 ADOPTED**

15. Consideration of adopting a resolution to accept the terms of the Investment Policy Statement pertaining to the City of Niles Agency Account and authorizing the Mayor to sign the Investment Policy Statement.

**Council Member Nelson** moved, **Council Member Bertschy** seconded to adopt a resolution to accept the terms of the Investment Policy Statement pertaining to the City of Niles Agency Account and authorizing the Mayor to sign the Investment Policy Statement.

**ROLL CALL: YEA:** Dunnem, Timm, McAfee, Weimer, DiCostanzo, Nelson, Boggs, Bertschy

**NAY:** None **MOTION CARRIED - RESOLUTION 2021-05/2145 ADOPTED**

16. Consideration of adopting a resolution to accept the terms of the Investment Policy Statement pertaining to the City of Niles Cemetery Board Agency Account and authorizing the Mayor to sign the Investment Policy Statement.

**Council Member Nelson** moved, **Council Member Bertschy** seconded to adopt a resolution to accept the terms of the Investment Policy Statement pertaining to the City of Niles Cemetery Board Agency Account and authorizing the Mayor to sign the Investment Policy Statement.

**ROLL CALL: YEA:** Timm, McAfee, Weimer, DiCostanzo, Nelson, Boggs, Bertschy, Dunnem

**NAY:** None **MOTION CARRIED - RESOLUTION 2021-05/2146 ADOPTED**

#### **CITY ATTORNEY'S REPORT:**

17. Consideration of approving a second reading of an Ordinance to amend Ordinance 417 and enactment.

**Council Member Bertschy** moved, **Council Member DiCostanzo** seconded to enact an Ordinance to amend Ordinance 417 Arbor Trails Tax Exemption P.I.L.O.T.

**ROLL CALL: YEA:** McAfee, Weimer, DiCostanzo, Nelson, Boggs, Bertschy, Dunnem, Timm

**NAY:** None **MOTION CARRIED – ORDINANCE 499 ENACTED**

#### **COUNCIL MEMBER'S REPORT:**

**Council Member Boggs** urged the community to lock their car doors. There has been surge of car break-ins.

**Council Member Bertschy** referred to a Facebook post about an incident at the Spring Carnival that took place on the Apple Festival grounds. No calls were made to the police department.

**Council Member Dunnem** attended the 3<sup>rd</sup> Thursday downtown activities at the NODE and excited to see a large attendance.

**Council Member McAfee** announced that Island Park is open again.

**Council Member Nelson** thanked Kiewit, Indeck, MAAC Properties, and City employees for their part in making the opening of Island Park happen. They made a lot of people happy.

**MAYOR'S REPORT:**

- Mayor Shelton also thanked everyone involved in the re-opening of Island Park.
- He thanked Lisa Croteau for the update on the downtown planters. On behalf of the City, he thanked the volunteers who are working hard to make the city beautiful.
- Third Thursday was a huge success at the NODE.
- Spring Carnival at the Apple Festival grounds was terrific.
- Memorial Day Parade is next Monday at 9am. He encouraged people to line the streets downtown in support.
- The lifting of restrictions for outdoor attendance has allowed for the possibility of having a fireworks' display for the 4<sup>th</sup> of July. The volunteer group that showed interest has determined that there would not be enough time to put it together. The City Administrator is seeking a fireworks company that would put on a fireworks' display for the 4<sup>th</sup> of July celebration. Apple Festival committee said they would provide the volunteers to help organize the event. The council would need to do a budget amendment.

**MOTION**

Council Member DiCostanzo moved, Council Member Bertschy seconded to approve a budget amendment to provide a 4<sup>th</sup> of July celebration by authorizing the City Administrator to spend up to \$20,000 for fireworks.

**ROLL CALL: YEA:** Weimer, DiCostanzo, Nelson, Boggs, Bertschy, Dunnem, Timm, McAfee

**NAY:** None      **MOTION CARRIED**

**ADJOURNMENT**

Council Member Weimer moved to adjourn at 6:48pm.

\_\_\_\_\_  
Linda Casperson  
Niles City Clerk

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Date