

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, April 26, 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

April 26, 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, Sanya Vitale and James Stump

REGULAR COUNCIL MEETING

The regular Niles City Council meeting was called to order by Mayor Shelton at 6:03 p.m. April 26, 2021. The Pledge of Allegiance was led by Mayor Shelton.

APPROVAL OF THE AGENDA

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

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

NAY: None **MOTION CARRIED**

CITIZEN PARTICIPATION: (PUBLIC COMMENTS)

Mina Oda reserve time to speak on Item #15

Mike Noonan, Kevin Burke, and Christopher Monson, of Southland Farms introduced themselves. They are applying for a cannabis microbusiness. Southland Farm's initial investment is \$1.25 million and plan to employ minimum of 9 employees at a minimum of \$16 per hour.

PRESENTATIONS: Certificates of Appreciation:

Frank VanLeeuwen, Dial-A-Ride Transportation 32 years

Lt. Scott Reith, Fire Department 28 years
Diane Bass, Executive Assistant 24 years
Lt. Bill McCallister, Fire Department 21 years
Diane Wilcox, 5/3 Bank 47 Years.

CONSENT AGENDA:

1. Consideration of approving the Minutes of April 12, 2021.
2. Consideration of approving the list of bills dated April 21,2021.
3. Consideration of approving a 1-1/2" meter water and sewer ready-to-serve (RTS) customer rate tariff for FY2021 and FY 2022.
4. Consideration of approving the purchase of 130 LED Dusk to Dawn Lights from Border States of Grand Haven, MI for \$9613.50 being charged to the Electrical Division Fund.
5. Consideration of approving the single source purchase of two NOVA 15 kV reclosers and associated appurtenances from Cooper Power Systems of Waukesha, Wisconsin for \$43,944.52 being charged to the Electric Division Fund.

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

ROLL CALL: YEA: DiCostanzo, Nelson, Boggs, Bertschy, Dunnem, Timm, McAfee, Weimer
NAY: None **MOTION CARRIED**

CITY ADMINISTRATOR'S REPORT:

Introduction of Items for Discussion
Items for Council Action

6. Consideration of approving the purchase of 52 S 3rd Street for \$14,000 to be expensed to the General Fund and paid for with a donation from a local foundation and authorizing the Mayor and City Clerk to sign and file the necessary documents.

Council Member Bertschy moved, **Council Member Timm** seconded to approve the purchase of 52 S 3rd Street for \$14,000 to be expensed to the General Fund and paid for with a donation from a local foundation and authorizing the Mayor and City Clerk to sign and file the necessary documents.

ROLL CALL: YEA: DiCostanzo, Nelson, Boggs, Bertschy, Dunnem, Timm, McAfee, Weimer
NAY: None **MOTION CARRIED**

7. Consideration of approving the low bid from Asphalt Restoration of Kalamazoo, MI for street joint/crack sealing of \$25,277.00 to be charged to the Major and Local Street funds and authorizing the Mayor to sign the contract. Modified to add "in the amount" after sealing.

Council Member Nelson moved, **Council Member Timm** seconded to approve the low bid from Asphalt Restoration of Kalamazoo, MI for street joint/crack sealing *in the amount* of \$25,277.00 to be charged to the Major and Local Street funds and authorizing the Mayor to sign the contract.

ROLL CALL: YEA: DiCostanzo, Nelson, Boggs, Bertschy, Dunnem, Timm, McAfee, Weimer
NAY: None **MOTION CARRIED**

8. Consideration of approving to continue the *Mutual Aid Memorandum of Understanding* with Consumers Energy Company and DTE Electric Company until December 31, 2021 and month-to-month thereafter, and authorizing the Utilities Manager to sign the MOU.

Council Member DiCostanzo moved, **Council Member Bertschy** seconded to approve to continue the *Mutual Aid Memorandum of Understanding* with Consumers Energy Company and DTE Electric Company until December 31, 2021 and month-to-month thereafter, and authorizing the Utilities Manager to sign the MOU.

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

NAY: None **MOTION CARRIED**

9. Consideration of approving to accept a city easement on Parcel ID 11-14-0013-0015-00-7 to install and maintain Dowagiac River monitoring equipment with monthly \$40 service and approximate repair costs of \$400 being charged to the Electric Division, and authorizing the City Administrator to sign the agreement.

Council Member DiCostanzo moved, **Council Member Timm** seconded to approve an easement on Parcel ID 11-14-0013-0015-00-7 to install and maintain Dowagiac River monitoring equipment with monthly \$40 service and approximate repair costs of \$400 being charged to the Electric Division, and authorizing the City Administrator to sign the agreement.

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

NAY: None **MOTION CARRIED**

10. Consideration of approving an emergency expenditure of \$5,350 being charged to the Utility Department Fund to CP Construction of Niles, MI for rehabilitation and repair work at City owned house on the Pucker Street farm property

Council Member DiCostanzo moved, **Council Member Bertschy** seconded to approve an emergency expenditure of \$5,350 being charged to the Utility Department Fund to CP Construction of Niles, MI for rehabilitation and repair work at City owned house on the Pucker Street farm property

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

NAY: None **MOTION CARRIED**

11. Consideration of approving a resolution for an Interfund Loan/Environmental Lease between the Utilities Department Electric Division *cash reserve* and the Electric Division *dam surcharge* funds in the amount of \$359,200 plus interest to offset any future liabilities with the Pucker Dam Removal and Dowagiac River Restoration Project.

Council Member DiCostanzo moved, **Council Member Bertschy** seconded to approve a resolution for an Interfund Loan/Environmental Lease between the Utilities Department Electric Division *cash reserve* and the Electric Division *dam surcharge* funds in the amount of \$359,200 plus interest to offset any future liabilities with the Pucker Dam Removal and Dowagiac River Restoration Project.

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

NAY: None **MOTION CARRIED TO ADOPT RESOLUTION 2021-04/2140**

12. Consideration of approving to accept bid of \$54,907.63 being charged to the Electric Division Fund from Asplundh of Fort Wayne, Indiana for installation of material for the upgrade project, and authorizing the Mayor to sign the contract.

Council Member Nelson moved, **Council Member Timm** seconded to approve to accept bid of \$54,907.63 being charged to the Electric Division Fund from Asplundh of Fort Wayne, Indiana for installation of material for the upgrade project, and authorizing the Mayor to sign the contract.

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

NAY: None **MOTION CARRIED**

13. Consideration of approving a Cannabis Festival contingent on staff recommendations being met.

Modification: *Consideration of approving Michigan Cannabis Festival as the event organizer for a cannabis festival contingent on staff recommendations being met.*

The proposed event would be July 30-31, 2021 limiting to 500 tickets sold. Staff recommendations were read. Nelson asked if the event organizers are aware of the staff recommendation. Huff replied that the organizers are aware staff recommendation but, not all recommendations are conclusive, the staff continues to meet with the organizers to go over the plans as they are being developed.

Council Member Timm moved, **Council Member Bertschy** seconded to approve a *Michigan Cannabis Festival* as modified contingent on staff recommendations being met.

ROLL CALL: YEA: DiCostanzo, Nelson, Bertschy, Dunnem, Timm, McAfee

NAY: Boggs and Weimer **MOTION CARRIED**

14. Consideration of issuing provisional adult use microbusiness license to Southfield Farms. Correction from Southfield to Southland Farms.

Council Member DiCostanzo moved, **Council Member Bertschy** seconded to approve issuing provisional adult use microbusiness license to ~~Southfield~~ *Southland Farms*.

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

NAY: None **MOTION CARRIED**

15. Consideration of issuing provisional adult use microbusiness license to MCB Ventures.

Modified: add Class B grow license after the word provisional. Mina Oda introduced herself. MCB Venture's Giving Tree/Incredible Genetics initial investment is \$1-1.5 million, employ 20-30 at \$15-20/hr.

Council Member DiCostanzo moved, **Council Member Nelson** seconded to approve issuing provisional *Class B grow license* adult use microbusiness license to MCB Ventures.

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

NAY: None **MOTION CARRIED**

APPOINTMENTS:

16. Consideration of confirming the appointment of Charles Fouche to the Niles Planning Commission.

Council Member Nelson moved, **Council Member Bertschy** seconded to confirm the appointment of Charles Fouche to the Niles Planning Commission. **YEA: 8 NAY: 0**

17. Consideration of confirming the Mayor's appointment of Luigi Alberganti, Paul Klimson, and Elizabeth Keller to the Niles Main Street/Downtown Development Authority Board.

Council Member Nelson moved, **Council Member McAfee** seconded to confirm the appointment of of Luigi Alberganti, Paul Klimson, and Elizabeth Keller to the Niles Main Street/Downtown Development Authority Board. **YEA: 8 NAY: 0**

CITY ATTORNEY'S REPORT:

18. Consideration of approving a first reading of an ordinance to regulate fireworks.

19. Consideration of approving a first reading of an ordinance to amend Article 6 – 6 of Chapter 6 of the City of Niles, Michigan Code of Ordinances.

COUNCIL MEMBER'S REPORT:

Council Member Nelson moved, **Council Member DiCostanzo** seconded to excuse Council Member Timm from the April 12, 2021 meeting. **MOTION CARRIED.**

Council Member Boggs thanked Joe Ray for the work he is doing. She also thanked the people who were concerned about her during the bereavement of her brother-in-law and cousin.

Council Member Bertschy moved, **Council Member DiCostanzo** seconded to excuse Council Member Boggs from the April 12, 2021 meeting. **MOTION CARRIED**

Council Member McAfee spoke of her experience contacting COVID-19 and being hospitalized. She was asked if she was going to receive the vaccination. She did receive the shot and encouraged everyone to do the same.

Council Member Weimer announced that he also received the vaccinations. He also wished his brother-in-law Frank VanLeeuwen a happy retirement.

MAYOR'S REPORT:

Mayor Shelton attended the retirement gathering for Diane Bass, Executive Assistant. She will be greatly missed. Ryan Millin has accepted the position and has created a City of Niles Facebook page.

Although Diane Wilcox is not a city employee, she deserved to be recognized for her 47 years with 5/3 Bank. The City of Niles wishes her well.

Brentwood Assisted Living facility planted a tree in honor of our local fallen heroes.

Swirly's ice cream shop is back open.

The Appointment Committee will be meeting after the meeting.

ADJOURNMENT

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

Linda Casperson
Niles City Clerk

Date