

**REGULAR CITY COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS,  
1345 E. Main Street  
City of Niles, Michigan**

**Monday, September 27, 2021**

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

**ABSENT:** None

**STAFF:** Richard Huff, Robert Landgraf, Linda Casperson

**REGULAR COUNCIL MEETING**

The regular Niles City Council meeting was called to order by Mayor Shelton at 6:00 p.m. September 27, 2021. The Pledge of Allegiance was led by Mayor Shelton.

**APPROVAL OF THE AGENDA**

**Council Member Nelson** moved, **Council Member Bertschy** to approve the agenda as submitted.

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

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

**PUBLIC HEARINGS:**

Receive public comment concerning a waiver request to a portion of City Ordinance 458.

*The public hearing was opened at 6:00pm. Mayor Shelton asked if anyone would like to speak on the waiver request to a portion of City Ordinance 458. Mayor Shelton asked once again if anyone would like to speak regarding the waiver request to a portion of City Ordinance 458. Hearing no response, the public hearing was closed at 6:02pm.*

**CITIZEN PARTICIPATION: (PUBLIC COMMENTS)**

**Caryn Adler** representing the Niles Music and More local nonprofit organization that brings the Niles Summer Concert Series to the Riverfront Amphitheater brought in 15 different bands, two of which were nationally known. They raised \$9,290 for the year which was donated to area non-profit organizations.

**Kevin McVeary, CEO of Dabpak** is seeking approval for medical grow, recreational grow and recreational processing license. Their business would be located in the Industrial Park.

**PRESENTATIONS:** None

**CONSENT AGENDA:**

1. Consideration of approving the minutes of September 13, 2021.
2. Consideration of approving the list of bills dated September 22, 2021.
3. Consideration of approving a ballot cast by the City Clerk for the list of candidate directors to the Michigan Municipal League Liability and Property Pool.
4. Consideration of approving to accept the quote of \$4,884.46 to be charged to the Maintenance-Plant Equipment Fund from Precision Electric Inc. of Mishawaka, Indiana for the emergency repair of Raw Sewage Pump #4 at the Wastewater Treatment Plant.

5. Consideration of approving the emergency purchase and installation of a 4" Inserta valve from Ferguson Waterworks of South Bend, Indiana in the amount of \$5,340.00 to be charged to the Maintenance-Distribution Mains Fund.
6. Consideration of approving to accept the quote of \$5,495.00 to be charged to the Underground Commercial Fund from T&R Electric Supply Co, Inc. of Colman, South Dakota for the purchase of one (1) pad mount three phase 150 KVA transformer for the Dunkin Donut project.
7. Consideration of authorizing the purchase of three 4-camera surveillance systems for the three recently acquired DART revenue vehicles from Safe Fleet in Coquitlam, BC (Canada) in the amount of \$6,454.00 to be paid for by the DART CARES Act grant.
8. Consideration of approving to accept the low bid of \$7,250.00 to be charged to the Maintenance Equipment Fund from T&R Electric Co, Inc. of Colman, South Dakota for the purchase of one (1) voltage regulator for replacement at the Westside substation.
9. Consideration of approving to accept the bid of \$14,000.00 to be charged to the Maintenance-Plant Equipment Fund from Pipetek Infrastructure Services of Livonia, Michigan for wet well cleaning and grit removal.

**Council Member Nelson** moved, **Council Member Bertschy** to approve the Consent Agenda as submitted.

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

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

##### **Introduction of Items for Discussion** **Items for Council Action**

10. Consideration of approving the implementation of a RATE 5 Electric Tariff for Large Industrial Power Plant(s) in the City.

**Council Member DiCostanzo** moved, **Council Member Timm** to approve the implementation of a RATE 5 Electric Tariff for Large Industrial Power Plant(s) in the City.

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

11. Consideration of authorizing a waiver of Section 7.c. of City Ordinance 458 to allow for certain at grade and below grade structures to remain and for the property at 901 Howard Street to be capped as green space.

**Council Member Bertschy** moved, **Council Member Dunnem** to authorize a waiver of Section 7.c. of City Ordinance 458 to allow for certain at grade and below grade structures to remain and for the property at 901 Howard Street to be capped as green space.

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

12. Consideration of approving the Michigan Main Street Program Community Requirements and Expectations Agreement and authorizing the City Administrator to sign the agreement.

**Council Member Nelson** moved, **Council Member Timm** to approve the Michigan Main Street Program Community Requirements and Expectations Agreement and authorizing the City Administrator to sign the agreement.

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

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

13. Consideration of granting provisional approval to Dabpak, LLC for medical marijuana growing, recreational marijuana growing, and recreational marijuana processing at 2190 Industrial Drive, Niles, Michigan.

**Council Member Timm** moved, **Council Member Dunnem** to grant provisional approval to Dabpak, LLC for medical marijuana growing, recreational marijuana growing, and recreational marijuana processing at 2190 Industrial Drive, Niles, Michigan.

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

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

14. Consideration of approving the purchase of a Bio Mass/Wood Exterior Boiler and related expenses including a budget amendment to the FY 2022 budget for use at the Street Department with a not to exceed amount of \$29,000.00 to be charged to the Building Repairs-Street Department Fund.

**Council Member Bertschy** moved, **Council Member Timm** to approve the purchase of a Bio Mass/Wood Exterior Boiler and related expenses including a budget amendment to the FY 2022 budget for use at the Street Department with a not to exceed amount of \$29,000.00 to be charged to the Building Repairs-Street Department Fund.

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

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

15. Consideration of approving the application for a SHPO-CLG grant in the amount of \$50,000.00 for repairs to the Chapin Mansion roof and authorizing the Mayor and/or the City Administrator and/or the Finance Director to sign any necessary documents.

**Council Member Nelson** moved, **Council Member Weimer** to approve the application for a SHPO-CLG grant in the amount of \$50,000.00 for repairs to the Chapin Mansion roof and authorizing the Mayor and/or the City Administrator and/or the Finance Director to sign any necessary documents.

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

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

16. Consideration of approving the single source purchase of six (6) Cooper NOVA reclosers and associated hardware for replacement in the electric distribution system form Power Line Supply of Reed City, Michigan at a cost of \$116,404.40 to be charged to the Overhead Conductors and Devices Fund.

**Council Member DiCostanzo** moved, **Council Member Timm** to approve approving the single source purchase of six (6) Cooper NOVA reclosers and associated hardware for replacement in the electric distribution system form Power Line Supply of Reed City, Michigan at a cost of \$116,404.40 to be charged to the Overhead Conductors and Devices Fund.

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

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

17. Consideration of approving the Utilities Department to purchase a forestry mulcher to be used for vegetation management in right-of-way (ROW) and other locations from Michigan CAT for \$120,370.00 to be charged to the Construction in Progress Fund under the Michigan MiDEAL program and authorizing the Mayor to sign the quote.

**Council Member DiCostanzo** moved, **Council Member Nelson** to approve the Utilities Department to purchase a forestry mulcher to be used for vegetation management in right-of-way (ROW) and other locations from Michigan CAT for \$120,370.00 to be charged to the Construction in Progress Fund under the Michigan MiDEAL program and authorizing the Mayor to sign the quote.

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

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

18. Consideration of approving a resolution in support of the 2024-2026 Transportation Improvement Program Call for Projects with \$181,733.00 to be charged to the Major Street Fund.

**Council Member DiCostanzo** moved, **Council Member Timm** to approve a resolution in support of the 2024-2026 Transportation Improvement Program Call for Projects with \$181,733.00 to be charged to the Major Street Fund.

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

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

19. Consideration of authorizing a fiscal year 2021 expense budget amendment of \$479,630.00 for General Funds and \$2,011,245.00 for other funds including Utility Funds.

**Council Member Bertschy** moved, **Council Member Dunnem** to authorize a fiscal year 2021 expense budget amendment of \$479,630.00 for General Funds and \$2,011,245.00 for other funds including Utility Funds.

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

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

**APPOINTMENTS:** None

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

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

**Council Member DiCostanzo** mentioned that the Niles Utility Board has sharp individuals representing the City. The Planning Commission recently approved a Dunkin Donuts and plans have been submitted for the old Niles Inn property. The Planning Commission also has good solid people on the board.

**Council Member Boggs** thanked Chief Millin for representing Niles City during the townhall meeting against violence in the community. The State Police and Sherriff representatives were also present. She also thanked Andy Roberts for making poster signs. Area ministers will be holding a meeting on Friday at noon. She thanked volunteers for the wonderful music throughout the season; and the decorating the downtown. The Apple Festival Youth Parade was last weekend and her grandson won first prize in the bicycle race.

**Council Member Bertschy** noted that most of the agenda items were for infrastructure improvements. This is taxpayer money paying for these projects. She thanked the constituents for entrusting the council to make decisions on behalf of the community.

**Council Member Dunnem** thanked Caryn Adler and River Essence. Apple Festival is this upcoming weekend. She is very excited, as person who has to look at the old Nation Standard dilapidated structures every day, it's good to see that it is finally coming down.

**Council Member McAfee** spoke about an incident where kids egged every house on her block. She provides cookies and sweets to the neighborhood kids and threatened to stop unless someone came forward. Someone did come forward to apologize and the problem was solved.

**MAYOR'S REPORT:**

**Mayor Shelton** thanked Caryn Adler, Music and More for a terrific job. He also thanked Viki Jurgonski and River Essence group for the beautiful downtown in time for Apple Festival. The Apple Festival parade starts at 1:30pm on Saturday. He also read a correspondence letter from the Knights of Columbus announcing that they going to be at surrounding areas collecting donations during their fundraiser. He encouraged support.

**CLOSED SESSION:**

Discussion of Personnel Matters at the Request of the Employees

**Council Member Nelson** moved, **Council Member Bertschy** seconded to go into Closed Session to discuss the personnel matters at the request of the employee.

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

**NAY:** None **MOTION CARRIED** at 6:47pm.

**RECONVENED:** Mayor Shelton declared the regular council meeting back in session at 7:23pm.

**Bertschy** moved, **DiCostanzo** seconded to accept and sign the resignation agreement with Sanya Vitale.

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

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

**Nelson** moved, **Dunnem** seconded to approve the 2% pay increase, \$1,000 bonus one-time payment, and reconfirmation Item 10 in the City Administrator's contract Hours of Work to recognize that he devotes a great amount of time outside regular office hours conducting business for the City of Niles by allowing him to take compensatory time off as he deems appropriate to off-set regular office hours, effective October 1, 2021.

Mayor thanked Administrator Huff's assistant Ryan Millin for her help putting the documents together.

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

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

**ADJOURNMENT**

Council Member Weimer moved to adjourn at 7:30pm.

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Linda Casperson  
Niles City Clerk

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Date