

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

Monday, February 27, 2023

PRESENT: Council Members: Georgia Boggs, Gretchen Bertschy, Amanda Dunnem, Timothy Rogers, Charlie McAfee, William Weimer, John DiCostanzo, Michael Thompson, and Mayor Nick Shelton

ABSENT:

STAFF: Huff, Landgraf, Bergman, Nyenhuis, J. Millin, R. Millin, Ray, Dunlap, Stevens, Miller, Arseneau

REGULAR COUNCIL MEETING

The regular Niles City Council meeting was called to order by Mayor Shelton at 6:00 p.m. February 27, 2023. The Pledge of Allegiance was led by Mayor Nick Shelton.

APPROVAL OF THE AGENDA

Councilmember Rogers moved, **Councilmember McAfee** seconded to approve the agenda as submitted.

ROLL CALL: YEA: Thompson, Boggs, Bertschy, Dunnem, Rogers, McAfee, Weimer, DiCostanzo

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

PUBLIC HEARINGS:

To hear public comment on the proposed resolution of support for a DDA Liquor License at 204 N. 4th Street in the City of Niles, Michigan.

CITIZEN PARTICIPATION: (PUBLIC COMMENTS)

Mike McCauslin requested time to be reserved for item #13.

Marie Weimer shared that it had been 40 years since her son was 10 and came before City Council regarding an issue at the park. The Council acted and removed the basketball hoop resolving the issue.

PRESENTATIONS:

CONSENT AGENDA:

1. Consideration of approving the minutes of February 13, 2023 Regular, Appointment Committee and Committee of the Whole meeting.
2. Consideration of approving the list of bills dated February 21, 2023.
3. Consideration of approving a resolution of support for a DDA Liquor License at 204 N. 4th Street for Underground Laugh Lounge, LLC.
4. Consideration of approving the Assignment of Ground Lease from Mr. Kenneth J. Kasner to the Kasner Family Trust with an expiration date of December 31, 2025 and authorizing the Mayor to sign the Assignment.

City Administrator Huff corrected item #1 by removing Appointment Committee.

Councilmember Bertschy moved, **Councilmember McAfee** seconded to approve the consent

agenda as submitted with the correction to item #1.

ROLL CALL: YEA: Boggs, Bertschy, Dunnem, Rogers, McAfee, Weimer, DiCostanzo, Thompson

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

RESOLUTION 2175 DECLARED ADOPTED

CITY ADMINISTRATOR'S REPORT:

Introduction of Items for Discussion

Items for Council Action

5. Consideration of approving the quote of \$46,382.65 from Ari-Hetra of Lebanon, Ohio to purchase four (4) BPW-9-4-AJ mobile column lifts for use by the Department of Public Works – Street Division funded by ARPA grant funds.

Councilmember Bertschy moved, **Councilmember Dunnem** seconded to approve the quote of \$46,382.65 from Ari-Hetra of Lebanon, Ohio to purchase four (4) BPW-9-4-AJ mobile column lifts for use by the Department of Public Works – Street Division funded by ARPA grant funds.

ROLL CALL: YEA: Bertschy, Dunnem, Rogers, McAfee, Weimer, DiCostanzo, Thompson, Boggs

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

6. Consideration of approving the Municipal Emergency Services of Sanford, Michigan's contract price of \$16,110.00 through the NPP.gov bidding process for the purchase of six (6) Ska-Pak Confined Space SCBAs to be used by the Fire Department with the cost to be charged to the Utility Department Risk Management Fund.

Councilmember Rogers moved, **Councilmember Boggs** seconded to approve the Municipal Emergency Services of Sanford, Michigan's contract price of \$16,110.00 through the NPP.gov bidding process for the purchase of six (6) Ska-Pak Confined Space SCBAs to be used by the Fire Department with the cost to be charged to the Utility Department Risk Management Fund.

ROLL CALL: YEA: Dunnem, Rogers, McAfee, Weimer, DiCostanzo, Thompson, Boggs, Bertschy

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

7. Consideration of approving the quote of \$5,660.00 from Radian Research, Inc. of Lafayette, Indiana for the purchase of an electric meter test system to be charged to Utilities Department, Electric Division and authorize the Utilities Manager to sign the purchase order.

Councilmember DiCostanzo moved, **Councilmember Dunnem** seconded to approve the quote of \$5,660.00 from Radian Research, Inc. of Lafayette, Indiana for the purchase of an electric meter test system to be charged to Utilities Department, Electric Division and authorize the Utilities Manager to sign the purchase order.

ROLL CALL: YEA: Rogers, McAfee, Weimer, DiCostanzo, Thompson, Boggs, Bertschy, Dunnem

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

8. Consideration of approving the rental of a hydro excavation unit from MacAllister Machinery Company, Inc. of Novi, Michigan under the Michigan MiDeal annual contract rate of \$162,000.00 which has been budgeted for in the 5-year Capital Plan and authorize the Utilities Manager to sign the rental contract.

Councilmember DiCostanzo moved, **Councilmember Rogers** seconded to approve the rental of a hydro excavation unit from MacAllister Machinery Company, Inc. of Novi, Michigan under the Michigan MiDeal annual contract rate of \$162,000.00 which has been budgeted for in the 5-year Capital Plan and authorize the Utilities Manager to sign the rental contract.

ROLL CALL: YEA: McAfee, Weimer, DiCostanzo, Thompson, Boggs, Bertschy, Dunnem, Rogers

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

9. Consideration of approving the two-year contract between the City of Niles and Jones & Jones Cleaning at a cost of \$1,130.00 per month for years 2023-2025 to be charged to the General Fund and Utility Fund, equally, and authorize the Mayor to sign the contract.

Councilmember Bertschy moved, **Councilmember Dunnem** seconded to approve the two-year contract between the City of Niles and Jones & Jones Cleaning at a cost of \$1,130.00 per month for years 2023-2025 to be charged to the General Fund and Utility Fund, equally, and authorize the Mayor to sign the contract.

ROLL CALL: YEA: Weimer, DiCostanzo, Thompson, Boggs, Bertschy, Dunnem, Rogers, McAfee

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

10. Consideration of approval to accept the quote of \$8,448.00 from H & G Services of South Bend, Indiana for installation of electrical components for the compact/washer for use at the Wastewater Treatment Plant to be charged to the Utilities Department - Wastewater Division and authorize the Utilities Manager to sign the proposal.

Councilmember DiCostanzo moved, **Councilmember Thompson** seconded to approve to accept the quote of \$8,448.00 from H & G Services of South Bend, Indiana for installation of electrical components for the compact/washer for use at the Wastewater Treatment Plant to be charged to the Utilities Department - Wastewater Division and authorize the Utilities Manager to sign the proposal.

ROLL CALL: YEA: DiCostanzo, Thompson, Boggs, Bertschy, Dunnem, Rogers, McAfee, Weimer

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

11. Consideration of approving the quote of an approximate cost \$229,486.00 from Altec Industries, Inc. of Birmingham, Alabama for the purchase of a hydraulic derrick to be charged to the Utilities Department - Electric Division and authorize the Utilities Manager to sign the purchase order.

Councilmember DiCostanzo moved, **Councilmember Rogers** seconded to approve the quote of an approximate cost \$229,486.00 from Altec Industries, Inc. of Birmingham, Alabama for the purchase of a hydraulic derrick to be charged to the Utilities Department - Electric Division and authorize the Utilities Manager to sign the purchase order.

ROLL CALL: YEA: Thompson, Boggs, Bertschy, Dunnem, Rogers, McAfee, Weimer, DiCostanzo

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

12. Consideration of approving the quote of \$7,221.68 from Power Line Supply of Reed City, Michigan and Border States of Grand Haven, Michigan to purchase power line equipment to be charged to the Utilities Department -Electric Division and authorize the Utilities Manager to sign the purchase order.

Councilmember DiCostanzo moved, **Councilmember Bertschy** seconded to approve the quote of \$7,221.68 from Power Line Supply of Reed City, Michigan and Border States of Grand Haven, Michigan to purchase power line equipment to be charged to the Utilities Department -Electric Division and authorize the Utilities Manager to sign the purchase order.

ROLL CALL: YEA: Boggs, Bertschy, Dunnem, Rogers, McAfee, Weimer, DiCostanzo, Thompson

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

13. Consideration of approving the low bid of \$764,409.00 from AnLaan Corporation of Grand Haven, Michigan for the Downtown Sidewalk Replacement project to be funded equally with RAP grant funds and ARPA grant funds and authorize the Mayor to sign the contract.

Mike McCauslin spoke in favor of supporting the local bidders Selge Construction and Northern Construction.

Councilmember DiCostanzo moved, **Councilmember Bertschy** seconded to approve the low bid of \$764,409.00 from AnLaan Corporation of Grand Haven, Michigan for the Downtown Sidewalk Replacement project to be funded equally with RAP grant funds and ARPA grant funds and authorize the Mayor to sign the contract.

There was discussion between councilmembers and staff clarifying questions asked.

Councilmember DiCostanzo moved, **Councilmember Bertschy** seconded to amend the original motion to approve the bid of \$936,510.00 from Northern Construction Services, Inc. of Niles, Michigan for the Downtown Sidewalk Replacement project to be funded equally with RAP grant funds and ARPA grant funds and authorize the Mayor to sign the contract.

ROLL CALL: YEA: Bertschy, Dunnem, Rogers, McAfee, Weimer, DiCostanzo, Boggs

NAY: Thompson **ABSENT:** **MOTION CARRIED**

14. Consideration of approval to apply for the Department of Energy's GRIP (Grid Resilience and Innovation Partnerships) grant through the Michigan Municipal Electric Association and commit to local match contributions for use with the Advanced Metering Infrastructure, the total cost project is estimated at \$2M-\$3M, with the local match contribution being either borrowed from Utilities or bonded, and authorize the Utilities Manager to act as point of contact and authorized representative.

Councilmember Rogers moved, **Councilmember Dunnem** seconded to approve to apply for the Department of Energy's GRIP (Grid Resilience and Innovation Partnerships) grant through the Michigan Municipal Electric Association and commit to local match contributions for use with the Advanced Metering Infrastructure, the total cost project is estimated at \$2M-\$3M, with the local match contribution being either borrowed from Utilities or bonded, and authorize the Utilities Manager to act as point of contact and authorized representative.

ROLL CALL: YEA: Dunnem, Rogers, McAfee, Weimer, DiCostanzo, Boggs, Bertschy

NAY: Thompson **ABSENT:** **MOTION CARRIED**

15. Consideration of approval to accept the quote of \$23,211.60 from Euflooria, of Dowagiac, Michigan for replacing floors at the Fort St. Joseph Museum with the cost being funded by ARPA funds.

Councilmember Bertschy moved, **Councilmember Rogers** seconded to approve to accept the quote of \$23,211.60 from Euflooria, of Dowagiac, Michigan for replacing floors at the Fort St. Joseph Museum with the cost being funded by ARPA funds.

ROLL CALL: YEA: Rogers, McAfee, Weimer, DiCostanzo, Thompson, Boggs, Bertschy, Dunnem

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

16. Consideration of a resolution to authorize the submission of the FY 2023 FTA Certifications and Assurances on behalf of DART and to authorize the Mayor and the City Attorney to sign the documents.

Councilmember DiCostanzo moved, **Councilmember Bertschy** seconded to approve consideration of a resolution to authorize the submission of the FY 2023 FTA Certifications and Assurances on behalf of DART and to authorize the Mayor and the City Attorney to sign the documents.

ROLL CALL: YEA: McAfee, Weimer, DiCostanzo, Thompson, Boggs, Bertschy, Dunnem, Rogers

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

RESOLUTION 2176 DECLARED ADOPTED

17. Consideration of approval of a resolution authorizing the submission of the FY 2024 MDOT Grant Application on behalf of DART and to authorize the Mayor and the City Attorney to sign the documents.

Councilmember Bertschy moved, **Councilmember Dunnem** seconded to approve of a resolution authorizing the submission of the FY 2024 MDOT Grant Application on behalf of DART and to authorize the Mayor and the City Attorney to sign the documents.

ROLL CALL: YEA: Weimer, DiCostanzo, Thompson, Boggs, Bertschy, Dunnem, Rogers, McAfee

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

RESOLUTION 2177 DECLARED ADOPTED

17a. Consideration of approving to continue the \$471,200 Letter of Credit (LOC) with United Federal Credit Union for wetland mitigation on the Pucker Street Dam project for an additional six months, and to authorize the Finance Director to sign required documentation.

City Administrator Huff amended the Council item to authorize staff to sign required documentation. **Councilmember Bertschy** moved, **Councilmember Dunnem** seconded to approve to continue the \$471,200 Letter of Credit (LOC) with United Federal Credit Union for wetland mitigation on the Pucker Street Dam project for an additional six months, and to authorize the staff to sign required documentation.

ROLL CALL: YEA: DiCostanzo, Thompson, Boggs, Bertschy, Dunnem, Rogers, McAfee, Weimer
NAY: None **ABSENT:** **MOTION CARRIED**

APPOINTMENTS:

CITY ATTORNEY'S REPORT:

18. Consideration of approving the second reading and enactment of an ordinance to amend Ordinance 439 the City of Niles Zoning map.

Councilmember Bertschy moved, **Councilmember Rogers** seconded to approve Consideration of approving the second reading and enactment of an ordinance to amend Ordinance 439 the City of Niles Zoning map.

ROLL CALL: YEA: Thompson, Bertschy, Dunnem, Rogers, McAfee, Weimer, DiCostanzo
NAY: Boggs **ABSENT:** **MOTION CARRIED**

ORDINANCE 509 ENACTED

COUNCILMEMBER'S REPORT:

Councilmember Thompson moved, **Councilmember Bertschy** seconded to excuse Councilmember McAfee and Councilmember DiCostanzo from the January 23, 2023 City Council meeting.

AYES: 8 **NAYS:** 0 **MOTION CARRIED**

Councilmember McAfee stated that she hoped that everyone enjoyed Black History Month as she enjoyed Black History year.

Councilmember DiCostanzo shared that he had an awesome time at his recent visit to the National Museum of African American Music in Nashville, TN. He stated that the Planning Commission is continuing working on amendments to the Zoning Ordinance and the changes will enable a higher degree of economic development in the City.

MAYOR'S REPORT:

Mayor Shelton congratulated Round Barn and looked forward to them coming to the westside. The Mayor stated that he had the opportunity to see the work done by the Koebel's to the Carnegie Library and he is excited for it to open. He added that 2nd & Main had their soft opening that he attended and encouraged everyone to welcome them to our community.

CLOSED SESSION:

ADJOURNMENT

Councilmember Weimer moved to adjourn at 7:06 p.m.

Tina Bergman

Tina Bergman
Niles City Clerk

3/13/23

Date