

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

Monday, March 11, 2024

PRESENT: Council Members: Georgia Boggs (6:37 p.m.), Gretchen Bertschy, Timothy Rogers, William Weimer, John DiCostanzo, Michael Thompson, and Mayor Nick Shelton

ABSENT: Amanda Dunnem, Charlie McAfee

STAFF: Huff, Bergman, Landgraf, Miller, Ray, Stump, Elkins, Millin

REGULAR COUNCIL MEETING

The regular Niles City Council meeting was called to order by Mayor Shelton at 6:00 p.m. March 11, 2024. The Pledge of Allegiance was led by Mayor Nick Shelton.

APPROVAL OF THE AGENDA

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

ROLL CALL: YEA: Rogers, Weimer, DiCostanzo, Thompson, Bertschy

NAY: None **ABSENT:** Boggs, Dunnem, McAfee **MOTION CARRIED**

PUBLIC HEARING:

CITIZEN PARTICIPATION: (PUBLIC COMMENTS)

George Lynch of Green Stem, asked what could be done with the condition of 9th Street.

Vikki Jurgonski announced the River Essence Polar Plunge March 24th at Front Street Pizza with doors opening at noon and the plunge starting at 2:00. Proceeds to help continue to beautify downtown. Vikki encouraged others to donate to Mayor Nick.

Jennifer Scally of 1531 Superior St. asked Council to take into consideration van accessible parking when voting on the parking lot resurfacing project.

PRESENTATIONS:

Presentation of 2023 City of Niles Audit by Bill Tucker, CPA of Maner Costerisan

CONSENT AGENDA:

1. Consideration of approving the minutes of February 19, 2024.
2. Consideration of approving the list of bills dated February 21, 2024.
3. Consideration of approving the list of bills dated March 5, 2024.

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

ROLL CALL: YEA: Weimer, DiCostanzo, Thompson, Bertschy, Rogers

NAY: None **ABSENT:** Boggs, Dunnem, McAfee **MOTION CARRIED**

CITY ADMINISTRATOR'S REPORT:

Introduction of Items for Discussion
Items for Council Action

4. Consideration of approving to continue the Letter of Credit (LOC) with United Federal Credit Union for wetland mitigation on the Pucker Street Dam project for one year and the authorize the Finance Director to sign required documentation.

Councilmember DiCostanzo moved, **Councilmember Thompson** seconded to approve the to continue the Letter of Credit (LOC) with United Federal Credit Union for wetland mitigation on the Pucker Street Dam project for one year and the authorize the Finance Director to sign required documentation.

ROLL CALL: YEA: DiCostanzo, Thompson, Bertschy, Rogers, Weimer

NAY: None **ABSENT:** Boggs, Dunnem, McAfee **MOTION CARRIED**

5. Consideration of approving the PY23 CDBG Agreement with WeECHO for WEYS2 Grow and authorize the Mayor to sign the agreement.

Councilmember Bertschy moved, **Councilmember DiCostanzo** seconded to approve the PY23 CDBG Agreement with WeECHO for WEYS2 Grow and authorize the Mayor to sign the agreement.

ROLL CALL: YEA: Thompson, Bertschy, Rogers, Weimer, DiCostanzo

NAY: None **ABSENT:** Boggs, Dunnem, McAfee **MOTION CARRIED**

6. Consideration of approving the PY23 CDBG Agreement with the Greater Michiana YMCA for Summer My Way and authorize the Mayor to sign the agreement.

Councilmember Rogers moved, **Councilmember Thompson** seconded to approve the PY23 CDBG Agreement with the Greater Michiana YMCA for Summer My Way and authorize the Mayor to sign the agreement.

ROLL CALL: YEA: Bertschy, Rogers, Weimer, DiCostanzo, Thompson

NAY: None **ABSENT:** Boggs, Dunnem, McAfee **MOTION CARRIED**

7. Consideration of accepting the bid from Chorba Asphalt Paving, LLC of Dowagiac, MI in the amount of \$262,154.00 for the 2024 Municipal Parking Lot Resurfacing Project, Lots A, B, C, F, and H and authorize the Mayor to sign the contract.

Councilmember DiCostanzo moved, **Councilmember Rogers** seconded to accept the bid from Chorba Asphalt Paving, LLC of Dowagiac, MI in the amount of \$262,154.00 for the 2024 Municipal Parking Lot Resurfacing Project, Lots A, B, C, F, and H and authorize the Mayor to sign the contract.

Councilmember DiCostanzo moved to amend the motion, **Councilmember Rogers** seconded to accept the bid from Chorba Asphalt Paving, LLC of Dowagiac, MI in the amount of \$354,461.00 for all eight (8) of the 2024 Municipal Parking Lot Resurfacing Project, Lots A, B, C, D, E, F, G, and H and using interest from ARPA Funds and authorize the Mayor to sign the contract.

ROLL CALL: YEA: Rogers, Weimer, DiCostanzo, Thompson, Bertschy

NAY: None **ABSENT:** Boggs, Dunnem, McAfee **MOTION CARRIED**

8. Consideration of approving the purchase of a 2024 Ford Explorer from Campbell Ford of Niles, MI in the amount of \$41,207.00 for use by the Department of Public Works, with the cost to be charged to the Vehicle Capital Equipment Outlay Account.

Councilmember Bertschy moved, **Councilmember Rogers** seconded to approve the purchase of a 2024 Ford Explorer from Campbell Ford of Niles, MI in the amount of \$41,207.00 for use by the Department of Public Works, with the cost to be charged to the Vehicle Capital Equipment Outlay Account.

ROLL CALL: YEA: Weimer, DiCostanzo, Thompson, Bertschy, Rogers

NAY: None **ABSENT:** Boggs, Dunnem, McAfee **MOTION CARRIED**

9. Consideration of waiving the late fees totaling \$16,690.29 on the Indeck-Niles, LLC's winter tax bill, due to the conflicting due date information on the tax bills.

Councilmember DiCostanzo moved, **Councilmember Bertschy** seconded to waive the late fees totaling \$16,690.29 on the Indeck-Niles, LLC's winter tax bill, due to the conflicting due date information on the tax bills.

ROLL CALL: YEA: DiCostanzo, Thompson, Bertschy, Rogers, Weimer

NAY: None **ABSENT:** Boggs, Dunnem, McAfee **MOTION CARRIED**

10. Consideration of approving the Community Development Block Grant Policies & Procedures Manual updated February 15, 2024.

Councilmember Thompson moved, **Councilmember Bertschy** seconded to approve the Community Development Block Grant Policies & Procedures Manual updated February 15, 2024.

ROLL CALL: YEA: Thompson, Bertschy, Rogers, Weimer, DiCostanzo

NAY: None **ABSENT:** Boggs, Dunnem, McAfee **MOTION CARRIED**

11. Consideration of approving an extension of the Promissory Note with the Fraternal Order of Police Lodge 95 and authorize the Mayor to sign the agreement.

Councilmember Thompson moved, **Councilmember DiCostanzo** seconded to approve an extension of the Promissory Note with the Fraternal Order of Police Lodge 95 and authorize the Mayor to sign the agreement.

Councilmember Thompson moved to amend the motion, **Councilmember DiCostanzo** seconded to approve an extension of the Promissory Note with the Fraternal Order of Police Lodge 95 and authorize the Mayor to sign the agreement at the rate of 7.51%.

ROLL CALL: YEA: Thompson

NAY: Bertschy, Rogers, Weimer, DiCostanzo **ABSENT:** Bogs, Dunnem, McAfee **MOTION DENIED**

Councilmember Bertschy moved, **Councilmember Boggs** seconded to approve an extension of the Promissory Note with the Fraternal Order of Police Lodge 95 and authorize the Mayor to sign the agreement at the rate of 3.3%.

ROLL CALL: YEA: Rogers, Weimer, DiCostanzo, Bertschy

NAY: Thompson, Boggs **ABSENT:** Dunnem, McAfee **MOTION CARRIED**

12. Consideration of approving a resolution in support of the 2027 Local Bridge Funding Grant Applications and authorize the Public Works Director to sign the application.

Councilmember Thompson moved, **Councilmember Bertschy** seconded to approve a resolution in support of the 2027 Local Bridge Funding Grant Applications and authorize the Public Works Director to sign the application.

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

NAY: None **ABSENT:** Dunnem, McAfee **MOTION CARRIED**

13. Consideration of approving the purchase of one Setina K-9 Containment Insert from Winder Police Equipment of Southgate, Michigan in the amount of \$5,235.90 for use by the Police Department in a current Ford Explorer patrol vehicle.

Councilmember Rogers moved, **Councilmember Bertschy** seconded to approve the purchase of one Setina K-9 Containment Insert from Winder Police Equipment of Southgate, Michigan in the amount of \$5,235.90 for use by the Police Department in a current Ford Explorer patrol vehicle.

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

NAY: None **ABSENT:** Dunnem, McAfee **MOTION CARRIED**

14. Consideration of accepting the bid from Milpro Marine, LLC of Grand Rapids, Michigan at a cost of \$47,678.00 for the purchase of three (3) replacement boats for use by the fire department, utilizing ARPA funds.

Councilmember Rogers moved, **Councilmember Bertschy** seconded to accept the bid from Milpro Marine, LLC of Grand Rapids, Michigan at a cost of \$47,678.00 for the purchase of three (3) replacement boats for use by the fire department, utilizing ARPA funds.

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

NAY: None **ABSENT:** Dunnem, McAfee **MOTION CARRIED**

15. Consideration of approving hiring SWATMOD of St. Cloud, Minnesota to perform necessary repairs to the police department's special service vehicle windows at a cost of \$4,980.00, with the costs to be charged to the police departments budget and authorize the Public Safety Director to sign the quote.

Councilmember Rogers moved, **Councilmember Boggs** seconded to approve hiring SWATMOD of St. Cloud, Minnesota to perform necessary repairs to the police department's special service vehicle windows at a cost of \$4,980.00, with the costs to be charged to the police departments budget and authorize the Public Safety Director to sign the quote.

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

NAY: None **ABSENT:** Dunnem, McAfee **MOTION CARRIED**

16. Consideration of approving a resolution authorizing the submission of the FY 2025 MDOT Regular Services Program Application for capital and operating funds for DART and authorize the Mayor to sign the necessary documents.

Councilmember Bertschy moved, **Councilmember Rogers** seconded to approve a resolution authorizing the submission of the FY 2025 MDOT Regular Services Program Application for capital and operating funds for DART and authorize the Mayor to sign the necessary documents.

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

NAY: None **ABSENT:** Dunnem, McAfee **MOTION CARRIED**

17. Consideration of approving a resolution authorizing the Mayor and City Attorney to sign the FY 2024 FTA Certifications and Assurances and authorize the DART staff to PIN the necessary documentation in TrAMS (the electronic grant management system).

Councilmember Rogers moved, **Councilmember Thompson** seconded to approve a resolution authorizing the Mayor and City Attorney to sign the FY 2024 FTA Certifications and Assurances and authorize the DART staff to PIN the necessary documentation in TrAMS (the electronic grant management system).

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

NAY: None **ABSENT:** Dunnem, McAfee **MOTION CARRIED**

18. Consideration of adopting the Poverty Exemption Policy and Guidelines dated March, 2024.

Councilmember Thompson moved, **Councilmember DiCostanzo** seconded to adopt the Poverty Exemption Policy and Guidelines dated March, 2024.

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

NAY: None **ABSENT:** Dunnem, McAfee **MOTION CARRIED**

19. Consideration of confirming the appointment of Ann Young to the position of Community Development Director.

Councilmember DiCostanzo moved, **Councilmember Bertschy** seconded to confirm the appointment of Ann Young to the position of Community Development Director.

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

NAY: None **ABSENT:** Dunnem, McAfee **MOTION CARRIED**

APPOINTMENTS:

CITY ATTORNEY'S REPORT:

20. Consideration of approving the first reading of the City of Niles, Michigan Workforce Housing PILOT Ordinance.

COUNCILMEMBER'S REPORT:

Councilmember DiCostanzo shared that he was glad to have a new Community Development Director and that he looked forward to meeting her and working with her.

Councilmember Thompson announced for anyone interested in the book The Richest Man in Babylon, there are till 3 copies out front.

Councilmember Boggs introduced Pastor and Mrs. Baldwin, which recently moved to Niles. She hoped that they enjoy their stay in Niles.

Councilmember Bertschy asked about the condition of 9th St. Joe Ray explained that gravel roads are not designed for high volumes of traffic that has occurred over the past few years. He gave an estimated cost of \$700,000 - \$800,000 to build the road which would be a shared cost to the adjoining property owners.

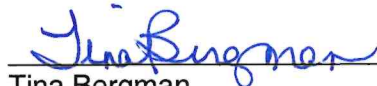
MAYOR'S REPORT:

Mayor Shelton announced the Polar Plunge March 24, 2024 raising money for downtown beautification and extended an invitation to dunk him.

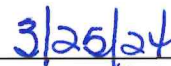
CLOSED SESSION:

ADJOURNMENT

Council Member Weimer moved to adjourn at 7:02 p.m.



Tina Bergman
Niles City Clerk



Date