

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

**Monday, May 20, 2024**

**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, Bergman, Dunlap, Millin, Mosier, Ray, Stevens, Young

**REGULAR COUNCIL MEETING**

The regular Niles City Council meeting was called to order by Mayor Shelton at 6:00 p.m. May 20, 2024. 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:** Boggs, Bertschy, Dunnem, Rogers, McAfee, Weimer, DiCostanzo, Thompson

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

**PUBLIC HEARING:**

**CITIZEN PARTICIPATION: (PUBLIC COMMENTS)**

**Ricky Fouche** of 1640 Michigan St., asked for an explanation of how the marihuana funds received were distributed.

**PRESENTATIONS:**

**CONSENT AGENDA:**

1. Consideration of approving the minutes of May 13, 2024.
2. Consideration of approving the list of bills dated May 15, 2024.

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

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

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

**CITY ADMINISTRATOR'S REPORT:**

3. Consideration of authorizing the fire department to accept the quote from Damage Control of Niles, Michigan in the amount of \$4,325.00 for fabrication work to the stacked boat trailer and charge the expense to the fire department's vehicle maintenance account.

**Councilmember Rogers** moved, **Councilmember Dunnem** seconded to authorize the fire department to accept the quote from Damage Control of Niles, Michigan in the amount of \$4,325.00 for fabrication work to the stacked boat trailer and charge the expense to the fire department's vehicle maintenance account.

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

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

4. Consideration of authorizing the fire department to accept the quote from Firehouse Heating and Cooling of Edwardsburg, Michigan to replace air conditioning unit #2 and for installation of a humidifier at the fire department and charge the expense to the building repairs account.

**Councilmember Rogers** moved, **Councilmember Bertschy** seconded to authorize the fire department to accept the quote from Firehouse Heating and Cooling of Edwardsburg, Michigan to replace air conditioning unit #2 and for installation of a humidifier at the fire department and charge the expense to the building repairs account.

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

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

5. Consideration of authorizing the police department to accept the quote from Tele-Rad, Inc. of Benton Harbor, Michigan in the amount of \$71,333.00 to outfit four (4) new patrol vehicles and pay for the expense with ARPA funds.

**Councilmember Thompson** moved, **Councilmember Bertschy** seconded to authorize the police department to accept the quote from Tele-Rad, Inc. of Benton Harbor, Michigan in the amount of \$71,333.00 to outfit four (4) new patrol vehicles and pay for the expense with ARPA funds.

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

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

6. Consideration of authorizing the Utilities Department to sole-source 4,975 water meters from Zenner USA of Addison, Texas at an approximate cost of \$526,742.00, charge the expense to the Water and Wastewater Division – Meters account, and authorize the Mayor to sign the quote.

**Councilmember Bertschy** moved, **Councilmember Boggs** seconded to authorize the Utilities Department to sole-source 4,975 water meters from Zenner USA of Addison, Texas at an approximate cost of \$526,742.00, charge the expense to the Water and Wastewater Division – Meters account, and authorize the Mayor to sign the quote.

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

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

7. Consideration of authorizing the Utilities Department Wastewater Division to accept the quote from Kendall Electric of Benton Harbor, Michigan in the amount of \$32,136.89 for five (5) Allen-Bradley PanelView screens for use at the Wastewater Treatment Plant and charge the expense in their Machinery & Equipment account.

**Councilmember DiCostanzo** moved, **Councilmember Bertschy** seconded to authorize the Utilities Department Wastewater Division accept the quote from Kendall Electric of Benton Harbor, Michigan in the amount of \$32,136.89 for five (5) Allen-Bradley PanelView screens for use at the Wastewater Treatment Plant and charge the expense in their Machinery & Equipment account.

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

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

8. Consideration of authorizing the Utilities Department to emergency purchase services from Precision Electric of Mishawaka, Indiana in the amount of \$5,517.24 to rebuild the Vaughan Chopper Pump and charge the expense to their Maintenance-Plant Equipment account.

**Councilmember Bertschy** moved, **Councilmember Rogers** seconded to authorize the Utilities Department to emergency purchase services from Precision Electric of Mishawaka, Indiana in the amount of \$5,517.24 to rebuild the Vaughan Chopper Pump and charge the expense to their Maintenance-Plant Equipment account.

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

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

9. Consideration of authorizing the Utilities Department to accept the quote from Ferguson Equipment of South Bend, Indiana in the amount of \$16,101.00 for body/bed repairs to the 1997 International "Digger Derrick" truck and charge the expense to the Vehicle Maintenance account.

**Councilmember Bertschy** moved, **Councilmember McAfee** seconded to authorize the Utilities Department to accept the quote from Ferguson Equipment of South Bend, Indiana in the amount of \$16,101.00 for body/bed repairs to the 1997 International "Digger Derrick" truck and charge the expense to the Vehicle Maintenance account.

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

10. Consideration of authorizing the Utilities Department to accept the quote from Stateline Diesel Services of Edwardsburg, Michigan in the amount of \$14,703.66 to replace the engine on a 2013 Ford F550 "Telescopic Bucket" and charge the expense to the Vehicle Maintenance account.

**Councilmember Thompson** moved, **Councilmember Dunnem** seconded to authorize the Utilities Department to accept the quote from Stateline Diesel Services of Edwardsburg, Michigan in the amount of \$14,703.66 to replace the engine on a 2013 Ford F550 "Telescopic Bucket" and charge the expense to the Vehicle Maintenance account.

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

11. Consideration of approving a Performance Resolution for Governmental Agencies as required by MDOT allowing designated city officials to apply for work permits within MDOT right of way and authorize the City Clerk to sign the resolution.

**Councilmember DiCostanzo** moved, **Councilmember Bertschy** seconded to approve a Performance Resolution for Governmental Agencies as required by MDOT allowing designated city officials to apply for work permits within MDOT right of way and authorize the City Clerk to sign the resolution.

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

12. Consideration of authorizing the Mayor to sign the Contract for Use of a School Facility to use the Apple Festival Grounds for the Fourth of July fireworks and submission of the contract to the Niles Community Schools for approval.

**Councilmember Bertschy** moved, **Councilmember Dunnem** seconded to authorize the Mayor to sign the Contract for Use of a School Facility to use the Apple Festival Grounds for the Fourth of July fireworks and submission of the contract to the Niles Community Schools for approval.

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

13. Consideration of approving the request of Riverfront Optimist Club to conduct the Niles Bluegrass Festival from May 30, 2024 through June 2, 2024, as presented with staff recommendations.

**Councilmember DiCostanzo** moved, **Councilmember Thompson** seconded to approve the request of Riverfront Optimist Club to conduct the Niles Bluegrass Festival from May 30, 2024 through June 2, 2024, as presented with staff recommendations and a provisional to provide in-kind services as long as there is remaining budget by the City.

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

14. Consideration of approving the request of Greater Niles Chamber of Commerce to hold their Third Thursdays after-hours event on June 20, 2024, as presented.

**Councilmember DiCostanzo** moved, **Councilmember McAfee** seconded to approve the request of Greater Niles Chamber of Commerce to hold their Third Thursdays after-hours event on June 20, 2024, as presented.

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

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

15. Consideration of approving the request of Niles High School Student Council to conduct the Homecoming Parade September 27, 2024, as presented.

**Councilmember DiCostanzo** moved, **Councilmember Dunnem** seconded to approve the request of Niles High School Student Council to conduct the Homecoming Parade September 27, 2024, as presented.

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

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

16. Consideration of authorizing the fire department to purchase report writing software from ESO of Austin, Texas at an initial cost of \$4,089.00, with an annual recurring cost of \$2,899.00, and charge the expense to the fire department's budget.

**Councilmember Rogers** moved, **Councilmember Dunnem** seconded to authorize the fire department to purchase report writing software from ESO of Austin, Texas at an initial cost of \$4,089.00, with an annual recurring cost of \$2,899.00, and charge the expense to the fire department's budget.

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

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

#### **APPOINTMENTS:**

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

#### **COUNCILMEMBER'S REPORT:**

**Councilmember Bertschy** stated that she was going to ask questions about the Bluegrass Festival but the festival representatives had already left. She asked if anyone knew if there was going to be music and a carnival. Lisa Croteau responded that based on her knowledge, there would be both. Bertschy added that she had the great fortune to attend Blossomtime where she presented keys to the city to Miss Niles and Mr. Niles, to find out that both names were not spelled correctly (no fault of the City's). She said that she was able to meet a lot of wonderful representatives of Berrien County.

**Councilmember Rogers** shared that he was able to visit the Renaissance Faire and enjoyed it very much.

**Councilmember Thompson** reported that he also attended the Renaissance Faire with his grandson, in which they both enjoyed their time there. Thompson then invited others to watch a video of Jared Bernstein, head of Joe Biden's council on economics, trying to explain how our economic system works. Thompson added they he ordered copies of a pamphlet for Council, "What Has Government Done to Our Money" by Murray Rothbard, to help better understand the economic world around us and to better understand his personal actions inside and outside of Council.

#### **MAYOR'S REPORT:**

**Mayor Shelton** stated that he was going to bring it back to the Niles empire of local nonpartisan politics. He answered Ricky's question about marijuana, explaining that the money goes to the general fund which helps pay for streets, sidewalks, public safety, parks and other administrative items. There has

been discussion about earmarking those funds for a particular item(s).

**CLOSED SESSION:**

**ADJOURNMENT**

Councilmember Weimer moved to adjourn at 6:38 p.m.

Tina Bergman, Niles City Clerk

Approved by City Council June 10, 2024.