

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

**Monday, May 8, 2023**

**PRESENT:** Council Members: Georgia Boggs (6:03), Gretchen Bertschy, Amanda Dunnem, Timothy Rogers, William Weimer, John DiCostanzo, Michael Thompson, and Mayor Nick Shelton

**ABSENT:** Charlie McAfee,

**STAFF:** Huff, Landgraf, Bergman

**REGULAR COUNCIL MEETING**

The regular Niles City Council meeting was called to order by Mayor Shelton at 6:00 p.m. May 8, 2023. The Pledge of Allegiance was led by Mayor Nick Shelton.

**APPROVAL OF THE AGENDA:**

**Councilmember DiCostanzo** moved, **Councilmember Weimer** seconded to approve the agenda as submitted

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

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

**PUBLIC HEARINGS**

**CITIZEN PARTICIPATION: (PUBLIC COMMENTS)**

**Caryn Adler** President of Niles Music & More, announced that there will be 20 concerts in the park beginning May 21<sup>st</sup> and also 13 Free Friday Night Movies.

**Carrie Nyenhuis** co-owner of Wolfhead Productions, which puts on the Renaissance Faire. Carrie asked that Council approve this festival tonight.

**Brittany Kessick** of 2253 Monterey Dr., explained how awful the noise is coming from the power plant.

**Laurie Gregory** of South Bend, IN who has deeded property in Niles, stated that the ongoing noise is terrible. Laurie then read Facebook posts regarding Indeck. She added that she hasn't slept in three days and is getting angry.

**Phil Mazzotta** of 1932 Creek Dr., addressed Councilmembers by saying that he was angry at all of them. He volunteered to be the organizer to stand outside of Indeck with a sign and also protest the reelections of the Councilmembers.

**Chris Geisinger** of 2247 Monterey Dr., asked that something be done about the noise at least at night.

**John Ferris** of 1272 Thompson Rd., stated that he was very frustrated and sleep deprived. He added that since Friday it has been better. John has concerns with selling his house.

**Melanie VanLue** of 2217 Burton Rd., said that the noise has been nonstop for a month & ½. She was hoping to sell her house but feels there is no chance of that now. Melanie feels that Indeck just doesn't care.

**Diane Hill** daughter of Grace Singer of 2722 Creek Rd., asked for a meeting with Indeck. She said that she has concerns with people snapping due to the stress that is affecting their mental health.

**Judy Weeks** of 2249 Monterey Dr., stated that she feels that the sound barriers are a band aid. They want the noise fixes permanently and soon.

**Tim Glover** of 532 Invicta Dr., said that no one can sleep. The noise is also bothering his dogs. He put a glass of water near his bed and it showed the vibration coming from Indeck.

**Becky Hamm** of 2317 Invicta Dr., stated that Indeck has a responsibility to fix the issue. She also asked for a meeting with Indeck.

**Sue Jurgonski** of 2235 Impala Dr., thanked Mr. Huff for his communication. She explained that she doesn't trust Indeck to do the sound study and is asking for an independent study.

**Kathy Schiele** of 2297 Invicta Dr., said she believes that Indeck knows what is causing the problem so they just need to fix it.

**Norm Shiefsick** of 548 Invicta Dr., stated that he is very irritated and that he can hear it worse at night due to less noise elsewhere. He would like to downsize in the future and probably won't be able to. He said that he is also not happy with the lights.

**Dave Sands** of 2256 Invicta Dr., asked what's the point of a sound study when it's acceptable. He would like a session with Indeck.

**Vikki Jurgonski** of 518 Impala Dr., stated that she fought against Indeck the first time. She added that the residents are afraid of not coming to the meetings for fear of being forgotten.

**Mayor Shelton** responded that Indeck was invited but did not come. The Mayor said that he is also in favor of a meeting and would hold Indeck responsible.

## **PRESENTATIONS:**

### **CONSENT AGENDA:**

1. Consideration of approving the minutes of April 24, 2023.
2. Consideration of approving the list of bills dated May 2, 2023.
3. Consideration of approving the scheduling of a public hearing on May 22, 2023 for purposes of hearing public comment on the proposed additions to the CDBG Area Map.

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

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

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

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

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



4. Consideration of authorizing a proxy vote for the proposed slate of Blue Cross Blue Shield directors and authorizing the Mayor and City Clerk to sign the proxy ballot.

**Councilmember DiCostanzo** moved, **Councilmember Rogers** seconded to authorize a proxy vote for the proposed slate of Blue Cross Blue Shield directors and authorizing the Mayor and City Clerk to sign the proxy ballot.

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

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

5. Consideration of approving a resolution in support of pension funding, approving letters to Legislators encouraging their support and authorizing the Mayor to sign the letters.

**Councilmember Bertschy** moved, **Councilmember Rogers** seconded to approve a resolution in support of pension funding, approving letters to Legislators encouraging their support and authorizing the Mayor to sign the letters.

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

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

6. Consideration of accepting the bid of \$129,220.00 from Northern Construction Services, Corp. of Niles, Michigan for the DART parking lot improvements, with the entire amount to be paid by Federal Transit Administration Grants and authorize the Mayor to sign the contract.

**Councilmember Rogers** moved, **Councilmember Dunnem** seconded to accept the bid of \$129,220.00 from Northern Construction Services, Corp. of Niles, Michigan for the DART parking lot improvements, with the entire amount to be paid by Federal Transit Administration Grants and authorize the Mayor to sign the contract.

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

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

7. Consideration of approving the Niles Renaissance Faire on May 20-21, 2023, including overnight camping, tents and vending in Plym Park with a portion of the park reserved for this event.

**Councilmember Bertschy** moved, **Councilmember Dunnem** seconded to approve the Niles Renaissance Faire on May 20-21, 2023, including overnight camping, tents and vending in Plym Park with a portion of the park reserved for this event.

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

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

8. Consideration of approving Niles Burn Run, Inc. to conduct their annual event July 28-30, 2023, including related requests, as amended by staff recommendations.

**Councilmember Rogers** moved, **Councilmember DiCostanzo** seconded to approve Niles Burn Run, Inc. to conduct their annual event July 28-30, 2023, including related requests, as amended by staff recommendations.

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

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

9. Consideration of approving Niles Riverfront Optimist Club to conduct the Bluegrass Festival June 1-4, 2023, including related requests, as amended by staff recommendations.

**Councilmember DiCostanzo** moved, **Councilmember Dunnem** seconded to approve Niles Riverfront Optimist Club to conduct the Bluegrass Festival June 1-4, 2023, including related requests, as amended by staff recommendations.

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

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



10. Consideration of approving Western Michigan University Anthropology Department, along with the Niles History Center, to host the Fort St. Joseph Archaeology Open House on August 7-8, 2023 from 10:00 am to 6:00 pm at the Riverfront Park fort site and waive all fees.

**Councilmember Rogers** moved, **Councilmember Dunnem** seconded to approve Western Michigan University Anthropology Department, along with the Niles History Center, to host the Fort St. Joseph Archaeology Open House on August 7-8, 2023 from 10:00 am to 6:00 pm at the Riverfront Park fort site and waive all fees.

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

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

#### **APPOINTMENTS:**

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

11. Consideration of approving the introduction and first reading of an ordinance to amend the Zoning Ordinance Section 503,1,d, as presented.

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

**Councilmember DiCostanzo** thanked everyone for attending the meeting. He felt that Indeck needs to be more open and agreed the problem needs to be fixed, not just installing a sound barrier. He explained that many public meetings were held leading up to the approvals that lead to the construction of the plant. He was surprised that there weren't more people concerned at that time. The noise level should not affect property values and shouldn't cause this pain. DiCostanzo also commented on the events that are approved with waiving of fees. He felt that the organizations should take on some of the fees that are asking to be waived.

**Councilmember Thompson** asked to be contacted by anyone that is interested in removing the City Ordinances. He added that when the City pays to help subsidize any charity it is currency taken from other citizens to fund these. Thompson added that he will be voting no for this in the next budget.

**Councilmember Boggs** said that she is supportive of the public in regards to Indeck and that she feels sorry for what they have had to endure.

**Councilmember Bertschy** shared that she drove threw Misty Acres and felt that is was more of a feel then a sound. She said that she questions a sound study because it's a vibration. She explained that as far as the events, City Council put aside tax dollars for the fireworks so she asked for some help from the organizations to help with the cost of the fireworks.

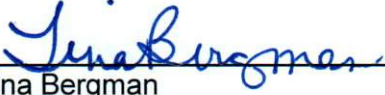
#### **MAYOR'S REPORT:**

**Mayor Shelton** thanked the public for staying the duration of the meeting. He offered to continue the conversation. The Mayor stated that he heard that Indeck was putting up a sound barrier. He thought that it worked because he hadn't heard from anyone until this meeting. He added that when he ran for this office he said that he was going to be somebody that fought for the citizens of this community. He stated that he would do what he could to move this along and get it taken care of.

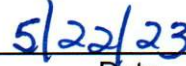
#### **CLOSED SESSION:**

**ADJOURNMENT**

Councilmember Weimer moved to adjourn at 6:52 p.m.



Tina Bergman  
Niles City Clerk



Date