

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

Monday, April 10, 2023

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

ABSENT: Charlie McAfee,

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

REGULAR COUNCIL MEETING

The regular Niles City Council meeting was called to order by Mayor Shelton at 6:00 p.m. April 10, 2023. The Pledge of Allegiance was led by Mayor Nick Shelton.

APPROVAL OF THE AGENDA

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

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

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

PUBLIC HEARINGS:

CITIZEN PARTICIPATION: (PUBLIC COMMENTS)

Dave Belvins, Indeck Interim Plant Manager, addressed the concerns of the citizens affected by the recent noise coming from the Power Plant. Dave stated that they are researching the reason causing the issue and are expected to have the results by the end of the week.

Sue Jurgonski of Misty Acres voiced her concerns regarding the noise.

Dave Sands of 2256 Invicta Dr. stated that it's a serious problem.

Ginger Brawley of Misty Acres added that it's not just the noise that is an issue but the pollutants that it is putting out.

Steve Gargis of 1325 Sheffield invited everyone to Culver's to help support the fundraiser for the Ring Lardner Track Team.

Becky Hamm of Misty Acres compared the noise to someone sitting in her driveway playing loud music. They are unable to sleep.

Phil Mazzotta of 1932 Capri Dr. is not able to sleep due to the noise.

Matt Herm of 2312 Invicta Dr. spoke about the physiological impact of the noise.

Brian Englehart of 506 Impala Dr. stated that he is almost deaf and he can hear the noise.

Lamanda Hilty of Misty Acres stated that the sound from the plant is changing her outlook of the neighborhood.

PRESENTATIONS:

CONSENT AGENDA:

1. Consideration of approving the minutes of March 27, 2023 Regular meeting and Council Retreat.
2. Consideration of approving the list of bills dated April 4, 2023.

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

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

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

CITY ADMINISTRATOR'S REPORT:

Introduction of Items for Discussion

Items for Council Action

3. Consideration of approving a Performance Resolution for Governmental Agencies as required by MDOT which authorizes Joseph Ray, Public Works Director, to apply for permits to work within MDOT Right of Way within the City of Niles.

Councilmember Bertschy moved, **Councilmember Weimer** seconded to approve a Performance Resolution for Governmental Agencies as required by MDOT which authorizes Joseph Ray, Public Works Director, to apply for permits to work within MDOT Right of Way within the City of Niles.

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

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

RESOLUTION # 2023-04/2180 DECLARED ADOPTED

4. Consideration of accepting the National Opioids Settlement Agreement in the amount of \$62,051.70, to be received over a 13-year period, with funds being used to educate and train first responders in providing lifesaving treatment for opioid overdoses as well as to purchase Narcan, and to authorize the City Administrator to complete the document and digitally sign it.

Councilmember Bertschy moved, **Councilmember Boggs** seconded to approve of accepting the National Opioids Settlement Agreement in the amount of \$62,051.70, to be received over a 13-year period, with funds being used to educate and train first responders in providing lifesaving treatment for opioid overdoses as well as to purchase Narcan, and to authorize the City Administrator to complete the document and digitally sign it.

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

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

5. Consideration of authorizing payment in the amount of \$18,229.00 to the Greater Niles Chamber of Commerce to be used for business, economic development, and education services within the City of Niles and the Greater Niles area.

Councilmember DiCostanzo moved, **Councilmember Rogers** seconded to approve of authorizing payment in the amount of \$18,229.00 to the Greater Niles Chamber of Commerce to be used for business, economic development, and education services within the City of Niles and the Greater Niles area.

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

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

6. Consideration of extending a service agreement with Services Express, Inc. of Grand Rapids, Michigan for existing Dell servers and data storage arrays in the amount of \$13,879.08, to be charged 50% to the City's and 50% to the Utilities Computer Equipment and Supplies fund and authorize the Mayor to sign the agreement.

Councilmember DiCostanzo moved, **Councilmember Rogers** seconded to approve of extending a service agreement with Services Express, Inc. of Grand Rapids, Michigan for existing Dell servers and data storage arrays in the amount of \$13,879.08, to be charged 50% to the City's and 50% to the Utilities Computer Equipment and Supplies fund and authorize the Mayor to sign the agreement.

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

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

7. Consideration of accepting the bid from Bryce Saylor's Total Lawn Care of Dowagiac, Michigan for the mowing of noxious weeds and grass on both residential and commercial properties, at the hourly rate of \$60.00, to be charged to the Building Department, Contracted Services fund.

Councilmember DiCostanzo moved, **Councilmember Dunnem** seconded to approve of accepting the bid from Bryce Saylor's Total Lawn Care of Dowagiac, Michigan for the mowing of noxious weeds and grass on both residential and commercial properties, at the hourly rate of \$60.00, to be charged to the Building Department, Contracted Services fund.

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

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

8. Consideration of accepting the quote from David Krueger's Company of Dowagiac, Michigan in the amount of \$7,700.00 to replace the east entry door at the Chapin Mansion, with the cost being paid for with ARPA funds.

Councilmember Rogers moved, **Councilmember Bertschy** seconded to approve of accepting the quote from David Krueger's Company of Dowagiac, Michigan in the amount of \$7,700.00 to replace the east entry door at the Chapin Mansion, with the cost being paid for with ARPA funds.

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

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

9. Consideration of accepting the quote from Migala Rug & Tile, LLC of St. Joseph, Michigan in the amount of \$26,779.53, with the cost being paid for with ARPA funds.

Councilmember Bertschy moved, **Councilmember Dunnem** seconded to approve of accepting the quote from Migala Rug & Tile, LLC of St. Joseph, Michigan in the amount of \$26,779.53, with the cost being paid for with ARPA funds.

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

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

APPOINTMENTS:

10. Consideration of confirming the appointment of Jess Nelson to a four-year term on the Main Street DDA Board.

Councilmember DiCostanzo moved, **Councilmember Dunnem** seconded to approve of appointing Jess Nelson to a four-year term on the Main Street DDA Board.

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

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

11. Consideration of confirming the appointment of Linda Casperson to the remainder of a four-year term on the Main Street DDA Board.

Councilmember Bertschy moved, **Councilmember Rogers** seconded to approve of appointing Linda Casperson to the remainder of a four-year term on the Main Street DDA Board.

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

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

CITY ATTORNEY'S REPORT:

COUNCILMEMBER'S REPORT:

Councilmember Rogers announced that Firehouse Subs is open.

Councilmember DiCostanzo asked for prayers for Councilmember McAfee to fully recover.

Councilmember Thompson encouraged the public to document all the circumstances regarding to Indeck.

Council Member Bertschy stated the downtown is looking terrific and added her concern with the lack of communication between the residents and the company.

City Administrator Huff explained that the manager of the plant had a very significant medical complication and is unable to return to work. The interim manager was brought in from California at the last minute. There is a new manager lined up and expect the communication to be much better.


MAYOR'S REPORT:

Mayor Shelton said he is thankful how the public comment was conducted, is appreciative of the communication and hopeful that it will be resolved quickly. He added that he did get the opportunity to go to Firehouse subs and it was awesome. The Mayor attended the ribbon cutting ceremony for Congressman Walberg. He thanked Ryan, Jeff and the Chamber for their efforts in brining that to Niles. He announced that construction has started on the Dunkin Donuts project. The sidewalk project has begun and it already feels more open. Finally, April 16th is the Polar Plunge at Front Street Pizza at noon to raise money for the downtown beautification.

CLOSED SESSION:

ADJOURNMENT

Councilmember Weimer moved to adjourn at 6:44 p.m.



Tina Bergman
Niles City Clerk

4/24/23

Date