

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

**Monday, August 14, 2023**

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

**ABSENT:** Charlie McAfee, John DiCostanzo

**STAFF:** Huff, Bergman, Dawson, Dunlap, Ray, Stump

**REGULAR COUNCIL MEETING**

The regular Niles City Council meeting was called to order by Mayor Shelton at 6:00 p.m. August 14, 2023. The Pledge of Allegiance was led by Mayor Nick Shelton.

**APPROVAL OF THE AGENDA:**

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

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

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

**PUBLIC HEARINGS**

To hear public comment on the proposed FY 2024 City of Niles Budget.

**CITIZEN PARTICIPATION: (PUBLIC COMMENTS)**

**Judy Woodson** of 1007 N 7<sup>th</sup> St. stated that she feels that she is being harassed by the Building Department for a citation that she received on her door and in the mail. She explained why she disagrees and feels that they are threats.

**Pat Matthews** developer of the Forge on Fort St. requested that Council approve the tax abatement for this property.

**Theresa Briand** of 1615 N 5<sup>th</sup> St. addressed Council with a concern of the handling of a recent FOIA Request by chairman Justin Flagel of the Downtown Development Authority Board and asked that Council address the issue.

**TJ Martin** of Riverfest Optimist Club thanked Council for approving the events as well as the involvement of department heads, staff and crew.

**PRESENTATIONS:**

**CONSENT AGENDA:**

1. Consideration of approving the minutes of July 24, 2023.
2. Consideration of approving the list of bills dated August 8, 2023.
3. Consideration of approving the construction and placement of a Gaga Ball Pit by Girl Scout Troop 51017 at Eastside Park.

4. Consideration of approving Change Order #2 from Mihm Enterprises for the roofing project at the Niles History Center.

**Councilmember Bertschy** moved, **Councilmember Dunnem** seconded to approve the consent agenda as submitted with the moving of Thompson and Boggs to a NAY vote for 11a in the minutes.

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

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

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

5. Consideration of approving City Staff to take initial steps towards obtaining a Residential Facilities Exemption Act Tax Abatement for a housing development at 421 Fort Street.

**Councilmember Rogers** moved, **Councilmember Bertschy** seconded to approve City Staff to take initial steps towards obtaining a Residential Facilities Exemption Act Tax Abatement for a housing development at 421 Fort Street.

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

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

6. Consideration of approving the use of Help for Homes funds in the amount of \$5485.00 to replace a roof at 1349 Eagle Street.

**Councilmember Thompson** moved, **Councilmember Bertschy** seconded to approve the use of Help for Homes funds in the amount of \$5485.00 to replace a roof at 1349 Eagle Street.

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

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

7. Consideration of designating Ryan Millin as the administration delegate and Kyle Gunderson as the employee delegate, with Robin Bays as the alternate employee delegate, to the MERS Annual Convention.

**Councilmember Bertschy** moved, **Councilmember Boggs** seconded to designate Ryan Millin as the administration delegate and Kyle Gunderson as the employee delegate, with Robin Bays as the alternate employee delegate, to the MERS Annual Convention.

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

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

8. Consideration of approving an Easement and Right of Way Agreement with AEP Indiana Michigan Transmission Company, Inc. for 1.432 acres on parcel 14-020-009-037-00 and authorize the Mayor to sign the Agreement.

**Councilmember Rogers** moved, **Councilmember Dunnem** seconded to approve an Easement and Right of Way Agreement with AEP Indiana Michigan Transmission Company, Inc. for 1.432 acres on parcel 14-020-009-037-00 and authorize the Mayor to sign the Agreement.

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

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

9. Consideration of accepting the quote of \$3,605.40 from SHI of Somerset, New Jersey for a one-year subscription for Knowbe4 Security Awareness Training, with costs being charged to the City and Utility Department Computer Equipment and Supply accounts.

**Councilmember Thompson** moved, **Councilmember Woodson** seconded to accept the quote of \$3,605.40 from SHI of Somerset, New Jersey for a one-year subscription for Knowbe4 Security Awareness Training, with costs being charged to the City and Utility Department Computer Equipment and Supply accounts.

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

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

10. Consideration of approving the CDBG PY2023 Annual Action Plan as presented, authorize the Mayor to execute the Application for Federal Assistance and authorize the Community Development Director to submit the Annual Action Plan to HUD.

**Councilmember Bertschy** moved, **Councilmember Dunnem** seconded to approve the CDBG PY2023 Annual Action Plan as presented, authorize the Mayor to execute the Application for Federal Assistance and authorize the Community Development Director to submit the Annual Action Plan to HUD.

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

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

11. Consideration of adopting a resolution to approve the City of Niles Fiscal 2024 Annual Budget by Funds as presented.

**Councilmember Bertschy** moved, **Councilmember Thompson** seconded to adopt a resolution to approve the City of Niles Fiscal 2024 Annual Budget by Funds as presented.

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

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

**RESOLUTION 2023-08-2188 DECLARED ADOPTED**

#### **APPOINTMENTS:**

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

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

**Councilmember Rogers** moved, **Councilmember Bertschy** seconded to excuse Councilmember Dunnem from the July 24<sup>th</sup> City Council meeting. **AYES: 6 NAYS: 0 MOTION CARRIED**  
Rogers added that he attended Riverfest, the Burn Run car show and the Berrien County Youth Fair. All were well attended.

**Councilmember Thompson** moved, **Councilmember Bertschy** seconded to excuse Councilmember DiCostanzo from tonight's meeting. **AYES: 6 NAYS: 0 MOTION CARRIED**

Thompson inquired, on behalf of Joel Rogers of Kensington Drive, about the status of repairing the roads. Joe Ray responded that they were scheduled to spray patch this week.

Thompson stated that he had a constituent ask if "Rent-a-Cops" could be used to fill vacancies in our police department. City Administrator Huff responded that police officers cannot be security guards and security guards cannot be police officers in the State of Michigan.

Thompson gave suggestions of investment opportunities for the Cemetery Fund and other investments that he would like to discuss further.

City Administrator Huff added that the City engaged with an independent 3<sup>rd</sup> party to review all investments and compliance with Michigan statutes on what could and could not be invested in. A report should be available in a couple of weeks and the company are willing to make a presentation to Council.

**Councilmember Boggs** said that she was sorry that Mrs. Woodson was having the problems that she has. She hopes that it can be cleared up. Boggs also reported pot holes on Vine to Ash and 5<sup>th</sup> to 8<sup>th</sup> Streets.

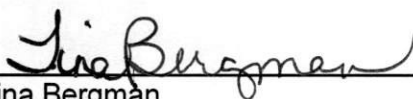
**Councilmember Bertschy** stated that the bounce house at Riverfest was a great idea and hoped to see it again next year. Bertschy added that she was also upset regarding the situation with Mrs. Woodson.

**MAYORS REPORT:**

**CLOSED SESSION:**

**ADJOURNMENT**

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



Tina Bergman  
Niles City Clerk

  
Date