

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

**Monday, August 28, 2023**

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

**ABSENT:** Charlie McAfee, Mayor Nick Shelton

**STAFF:** Huff, Bergman, Landgraf, Dunlap, Stump

**REGULAR COUNCIL MEETING**

The regular Niles City Council meeting was called to order by Mayor Shelton at 6:00 p.m. September 11, 2023. The Pledge of Allegiance was led by Mayor Nick Shelton.

**APPROVAL OF THE AGENDA:**

**Councilmember Rogers** moved, **Councilmember Thompson** seconded to approve the agenda as submitted with the addition of 5a and 12a.

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

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

**PUBLIC HEARINGS**

**CITIZEN PARTICIPATION: (PUBLIC COMMENTS)**

**Theresa Briand** of 1615 N. 5<sup>th</sup> St. addressed Council with concerns of disregard to her FOIA Request sent to the DDA.

**Marie Weimer** of 418 Michigan St. stated that she has been going to City Council meetings for 40 years and feels that all members do a wonderful job.

**PRESENTATIONS:**

**CONSENT AGENDA:**

1. Consideration of approving the minutes of August 14, 2023.
2. Consideration of approving the list of bills dated August 22, 2023.
3. Consideration of approving the transfer of a 2005 Case backhoe from the Utilities Department to the Department of Public Works, as outlined in the council agenda on November 28, 2022.
4. Consideration of authorizing the purchase of a Getac ruggedized laptop, for use by the Electric Meter Technician, from SHI of Somerset, New Jersey for \$4,963.72 and charge the expense to the Utilities Department.
5. Consideration of authorizing the Utilities Department to accept the quote in the amount of \$5,077.75 from Integrity Solutions Field Services of Alma, Michigan for the purchase of services to perform repairs, install coatings, wraps and straps on corroded gas lines at the Wastewater Treatment Plant, and charge the expense to the Wastewater Division.

- 5a. Consideration of scheduling a Public Hearing to Receive Public Comment on the creation of a Residential Housing District to Facilitate the request by 411 Fort Street to receive a Residential Facilities Exemption.

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

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

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

**CITY ADMINISTRATOR'S REPORT:**

6. Consideration of authorizing the purchase of a Ford Police Interceptor Explorer from Gorno Ford of Woodhaven, Michigan for \$46,919.00, which is pursuant to the MiDeal contract price, and charge the expense to the Police Department budget.

**Councilmember Rogers** moved, **Councilmember Dunnem** seconded to authorize the purchase of a Ford Police Interceptor Explorer from Gorno Ford of Woodhaven, Michigan for \$46,919.00, which is pursuant to the MiDeal contract price, and charge the expense to the Police Department budget.

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

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

7. Consideration of authorizing the Utilities Department to accept the bid from Ostrander Windows, Siding and Roofing of Belding, Michigan in the amount of \$420,000.00 for a roof rehabilitation at the Service Center, charge the cost equally between the Electric and Water Division, and authorize the Mayor to sign the contract.

**Councilmember DiCostanzo** moved, **Councilmember Thompson** seconded to authorize the Utilities Department to accept the bid from Ostrander Windows, Siding and Roofing of Belding, Michigan in the amount of \$420,000.00 for a roof rehabilitation at the Service Center, charge the cost equally between the Electric and Water Division, and authorize the Mayor to sign the contract.

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

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

8. Consideration of authorizing the Utilities Department to accept the quote in the amount of \$119,128.00 from J. Ranck Electric Inc. of Mount Pleasant, Michigan for the purchase of services to install a 750-k VA pad mount oil-filled transformer at the Wastewater Treatment Plant, including the demolition and disposal of the existing transformer, and charge the expense to the Wastewater Division.

**Councilmember Rogers** moved, **Councilmember Dunnem** seconded to authorize the Utilities Department to accept the quote in the amount of \$119,128.00 from J. Ranck Electric Inc. of Mount Pleasant, Michigan for the purchase of services to install a 750-k VA pad mount oil-filled transformer at the Wastewater Treatment Plant, including the demolition and disposal of the existing transformer, and charge the expense to the Wastewater Division.

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

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

9. Consideration of authorizing the Utilities Department to enter into a professional services agreement with Fishbeck of Lansing, Michigan for consultation and design services and authorize the Mayor to sign the contract.

**Councilmember DiCostanzo** moved, **Councilmember Dunnem** seconded to authorize the Utilities Department to enter into a professional services agreement with Fishbeck of Lansing, Michigan for consultation and design services and authorize the Mayor to sign the contract.

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

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

**10.** Consideration of authorizing the Utilities Department to accept a proposal of \$15,000.00 from Fishbeck of Lansing, Michigan to evaluate flow information from the recently completed SAW Grant and make recommendations for necessary sewer improvements on Niles' Westside, with the cost being paid by the Utilities Department Wastewater Division, and authorize the Mayor to sign the proposal.

**Councilmember DiCostanzo** moved, **Councilmember Rogers** seconded to authorize the Utilities Department to accept a proposal of \$15,000.00 from Fishbeck of Lansing, Michigan to evaluate flow information from the recently completed SAW Grant and make recommendations for necessary sewer improvements on Niles' Westside, with the cost being paid by the Utilities Department Wastewater Division, and authorize the Mayor to sign the proposal.

**City Administrator Huff** added that there is a force main that goes to Bertrand Crossing Industrial Park. There is a desire to make some expansions in that area as well as existing businesses seeking to expand. We need to know what upgrades will be necessary to make those upgrades so we would like to share that cost with them.

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

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

**11.** Consideration of authorizing the Utilities Department to accept the bid of \$17,250.00 from Perceptive Services & Operation of Plainwell, Michigan for wet well cleaning and grit removal at the Wastewater Treatment Plant and charge the expense to the Wastewater Division.

**Councilmember DiCostanzo** moved, **Councilmember Dunnem** seconded to authorize the Utilities Department to accept the bid of \$17,250.00 from Perceptive Services & Operation of Plainwell, Michigan for wet well cleaning and grit removal at the Wastewater Treatment Plant and charge the expense to the Wastewater Division.

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

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

**12.** Consideration of authorizing the Utilities Department to amend the present lease between the City of Niles and the State of Michigan, Department of Natural Resources to reflect possession of a portion of the former Pucker Street dam site on October 1, 2024, ending September 30, 2044, with any costs being charged to the Utilities Department, Maintenance – Park Improvements, and authorize the Mayor to sign the amendment.

**Councilmember DiCostanzo** moved, **Councilmember Rogers** seconded to authorize the Utilities Department to amend the present lease between the City of Niles and the State of Michigan, Department of Natural Resources to reflect possession of a portion of the former Pucker Street dam site on October 1, 2024, ending September 30, 2044, with any costs being charged to the Utilities Department, Maintenance – Park Improvements, and authorize the Mayor to sign the amendment.

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

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

**12a.** Consideration of approval for the City Clerk to have the authority to pursue and Early Voting Agreement.

**Councilmember DiCostanzo** moved, **Councilmember Thompson** seconded to approve for the City Clerk to have the authority to pursue an Early Voting Agreement.

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

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

## **APPOINTMENTS:**

**CITY ATTORNEY'S REPORT:**

**COUNCILMEMBER'S REPORT:**

**Councilmember Rogers** reported that the City had some damages to some property on S. 11<sup>th</sup> St. as the result of someone texting and driving. It is illegal to have handheld devices in your hand while driving. He also encouraged others to pay attention to what you vote for as Proposal 2 comes with a lot of cost to the City, County and State.

**Councilmember DiCostanzo** gave thanks for being excused from the last meeting and added that the Planning Commission continues to work hard on updating the Zoning Ordinance under the leadership of Ryan Millin. He also thanks Theresa Briand for bringing forward her concerns and felt that she had a right to have her questions answered.

**Councilmember Thompson** shared that a Texas school district shut down after a surge of COVID cases and reported the CDC's response. Also, republicans in 9 Florida counties adopted a resolution to ban COVID-19 vaccines. He asked Attorney Landgraf if the City has the authority to prevent the local hospital from forcing people to wear masks and does the City have the authority to prevent local medical providers from providing any vaccines. **Attorney Landgraf** responded NO to both.

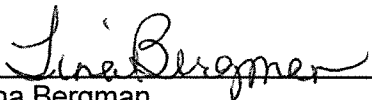
**Councilmember Bertschy** thanked everyone for their patience in the Mayor's absence and also asked everyone to be careful with school buses back on the road.

**MAYORS REPORT:**

**CLOSED SESSION:**

**ADJOURNMENT**

Councilmember Weimer moved to adjourn at 6:42 p.m.

  
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Tina Bergman  
Niles City Clerk

9-11-23  
\_\_\_\_\_  
Date

**City of Niles  
Committee of the Whole Meeting  
Monday, August 28, 2023 at 6:52 p.m.**

The Committee of the Whole Meeting was called to order by Mayor Pro Tem Bertschy in the City Council Chambers, 1345 East Main Street, at 6:52 p.m.

**PRESENT: Niles City Council:** Georgia Boggs, Gretchen Bertschy, Amanda Dunnem, Timothy Rogers, William Weimer, John DiCostanzo, Michael Thompson

**ABSENT:** Charlie McAfee, Mayor Nick Shelton

**Staff Present:** Administrator Richard Huff, Clerk Tina Bergman, and Attorney Landgraf

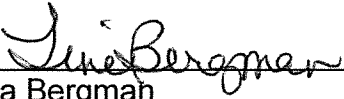
**Citizen Participation:**

**Introduction of Items for Discussion:**

**1. Michigan Public Power Agency presentation**

Bob LaLonde, Director of Energy Supply and Market Operations and Steve Donkersloot, Director of Strategic Energy Resource and Service of MPPA gave a presentation on Behind the Meter ("BTM") Power Supply Resource Optimization Solution. MPPA leads projects and opportunities to help their municipal members provide reliable cost effective, and environmentally responsible electric utility services to their communities.

**ADJOURNMENT:** The meeting was adjourned at 7:31 pm.

  
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Tina Bergman  
Niles City Clerk

9-11-23  
Date