

**CITY OF NILES  
REGULAR CITY COUNCIL MEETING MINIUTES  
MONDAY, JULY 8, 2019**

The meeting was called to order by Mayor Shelton in the City Council Chambers, 1345 East Main Street, Niles, Michigan at 6:00 p.m., July 8, 2019. The Pledge of Allegiance was led by Mayor Shelton.

**PRESENT:** Gretchen Bertschy, Georgia Boggs, John DiCostanzo Charlie McAfee, Jessica Nelson Daniel VandenHeede, Travis Timm, William Weimer and Mayor Nick Shelton  
**ABSENT:** None  
**STAFF:** Casperson, Huff, Landgraf

**CITIZEN PARTICIPATION:**

**Mike Gelatak** from MJM Holding Company gave an update on the progress of their medical marijuana facility in the Industrial Park. They have scheduled final inspections from the Building Inspector and State Inspector. They hope to open in mid to late August for the cultivation portion.

**CONSENT AGENDA:**

1. Consideration of approving the City Council Minutes of June 24, 2019.
2. Consideration of approving the list of bills dated July 2, 2019.
3. Consideration of authorizing a vote to be cast on two ballots received for the three named candidates to the Michigan Municipal League Worker's Compensation Board of Trustees.

**Council Member Weimer** moved, **Council Member Nelson** seconded to approve the consent agenda as submitted. **MOTION CARRIED**

**ROLL CALL:**

**YEAS:** John DiCostanzo Jessica Nelson, Georgia Boggs, Gretchen Bertschy, Daniel VandenHeede, Travis Timm, Charlie McAfee and William Weimer

**NAYS:** None                    **ABSENT:** None                    **ABSTAIN:** None

**CITY ADMINISTRATOR'S REPORT:**

**Introduction of Items for Discussion**

**Items for Council Action**

4. Consideration of adopting a Bond Authorizing Resolution in the amount of \$4,055,000.00 to assist in funding a portion of the City's costs for the decommissioning and demolition of the Pucker Street Dam and restoration of the Dowagiac River.

Council Member DiCostanzo expressed the council's responsibility to continue with the removal of the dam and thanked all who were involved in the process.

Council Member Bertschy preferred to call the removal of the dam as, "the restoration of the Dowagiac River."

**Council Member DiCostanzo** moved, **Council Member Bertschy** seconded to adopt the resolution as submitted. **MOTION CARRIED. RESOLUTION 2019-07/2089 ADOPTED**

**ROLL CALL:**

**YEAS** Jessica Nelson, Georgia Boggs, Gretchen Bertschy, Daniel VandenHeede, Travis Timm, Charlie McAfee, William Weimer and John DiCostanzo

**NAYS:** None                    **ABSENT:** None                    **ABSTAIN:** None

5. Consideration of accepting the low bid of \$7,801,681.51 from Milbocker & Sons, Inc. of Allegan, MI to complete the Pucker Street Dam Removal & Restoration Project, to approve Contract Modification 1 in the amount of \$511,500.00 and consideration of authorizing the mayor to sign the Contract and Contract Modification 1.

**Council Member DiCostanzo** moved, **Council Member McAfee** seconded to accept the low bid of

\$7,801,681.51 from Milbocker & Sons, Inc. of Allegan, MI to complete the Pucker Street Dam Removal & Restoration Project, to approve Contract Modification 1 in the amount of \$511,500.00 and consideration of authorizing the mayor to sign the Contract and Contract Modification 1.

**ROLL CALL:**

**YEAS:** Georgia Boggs, Gretchen Bertschy, Daniel VandenHeede, Travis Timm, Charlie McAfee, William Weimer, John DiCostanzo and Jessica Nelson,

**NAYS:** None

**ABSENT:** None

**ABSTAIN:** None

6. Consideration of approving a request from AT&T Michigan for an easement at the North East corner of Third and Cedar Streets for the placement of a new fiber optic cabinet.

**Council Member DiCostanzo** moved, **Council Member Bertschy** seconded to approve a request from AT&T Michigan for an easement at the North East corner of Third and Cedar Streets for the placement of a new fiber optic cabinet.

**ROLL CALL:**

**YEAS:** Gretchen Bertschy, Daniel VandenHeede, Travis Timm, Charlie McAfee, William Weimer, John DiCostanzo, Jessica Nelson and Georgia Boggs,

**NAYS:** None

**ABSENT:** None

**ABSTAIN:** None

7. Consideration of approving entering into a Compliance Services Agreement and a Business Associate Agreement between the City of Niles and Benefit Administrative Services Corporation and consideration of authorizing the mayor to sign the required documents.

**Council Member Nelson** moved, **Council Member DiCostanzo** seconded to approve entering into a Compliance Services Agreement and a Business Associate Agreement between the City of Niles and Benefit Administrative Services Corporation and consideration of authorizing the mayor to sign the required documents.

**ROLL CALL:**

**YEAS:** Daniel VandenHeede, Travis Timm, Charlie McAfee, William Weimer, John DiCostanzo, Jessica Nelson, Georgia Boggs, and Gretchen Bertschy,

**NAYS:** None

**ABSENT:** None

**ABSTAIN:** None

**CITY ATTORNEY'S REPORT:** No Report

**COUNCIL MEMBER'S REPORT:**

**Council Member DiCostanzo** attended the outstanding fireworks display. He voiced concern with people shooting off fireworks near the attendees.

**Council Member Nelson** reported that HOPE Community Family Fun event is July 20 at Plym Park.

**Council Member Boggs** commented that it is nice to see people enjoying all of the events.

**Council Member Bertschy** reminded people to complete the online survey for parks strategic planning.

<https://www.surveymonkey.com/r/NilesPRPlan>

**Council Member VandenHeede** mentioned that all the events are really impressive. He attended the Heartland Mainly Marathon and was amazed by the participants and professionalism of the organization. He also commented on an article he read in the Review magazine, "The Power of Neighborhood Visionaries," spurring small-scale development which was similar to the Incremental Development Alliance work he wanted to start in Niles.

**Council Member Timm** welcomed attendee Ricky Fouche back. He encouraged everyone to take part in the Park survey. He also mentioned the wonderful events going on in the community.

**Council Member McAfee** expressed the joy of the numerous events happening in the city.

**MAYOR'S REPORT:**

Good to see Ricky Fouche back in the audience. Congrats to Brandon Townsley on acquiring the building downtown for the Niles Brewing Company. He encouraged everyone to participate in the Park survey. He also thanked everyone for the success in the One Good Deed Michiana event which generated approximately \$2,000 to the Niles City Parks. Fireworks were awesome and he thanked the sponsors and organizers for making it happen in the City of Niles.

**CLOSED SESSION:** Union Negotiations.

**Council Member DiCostanzo** moved, **Council Member Weimer** supported, **MOTION CARRIED**, to go into closed session for Union Negotiations at 6:28pm.

**ROLL CALL:**

**YEAS:** Travis Timm, Charlie McAfee, William Weimer, John DiCostanzo, Jessica Nelson, Georgia Boggs, Gretchen Bertschy, and Daniel VandenHeede,

**NAYS:** None            **ABSENT:** None            **ABSTAIN:** None

**OPEN SESSION:**

Mayor Shelton declared the council back in open session at 7:14 pm.

**ADJOURNMENT:** Council Member Weimer moved to adjourn at 7:15pm.

\_\_\_\_\_  
Linda Casperson  
Niles City Clerk

\_\_\_\_\_  
Date