

**THE CITY COUNCIL
NILES, MICHIGAN
PUBLIC HEARING
PROPOSED SMCAS SPECIAL ASSESSMENT DISTRICT
Monday, September 25, 2017, 5:55p.m.**

At 5:55 pm, Mayor Shelton asked if anyone in the audience wished to address the council on the proposed SMCAS Special Assessment District.

City Administrator Huff took the time explain the reason for the special assessment. SMCAS was formed in 1975 by six municipalities, Niles City, Niles Township, Buchanan City, Buchanan Township, Bertrand Township and Howard Township. They have had a difficult time collecting recovery costs; in addition, Medicaid pays .30/100 and Medicare pays .45/100. This brings a shortfall of approximately \$400,000 divided up by the six municipalities. For the last eight years a millage was voted in at \$20/unit which ended in December 2016. It was decided to create a special assessment district to assess \$20 per parcel/per unit for the next 5 years to help off-set the costs to the municipalities. Mayor Shelton asked once again if anyone in the audience wished to address the council; hearing no response, the Public Hearing was closed at 5:59pm.

**CITY OF NILES
REGULAR CITY COUNCIL MEETING MINIUTES
MONDAY, SEPTEMBER 25, 2017**

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., September 25, 2017. The Pledge of Allegiance was led by Mayor Shelton.

PRESENT: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede, William Weimer, and Mayor Nick Shelton.

ABSENT: Robert Durm,

STAFF: Casperson, Huff, Landgraf

CITIZEN PARTICIPATION:

Leslie Bookout, Sorority Psi Iota Xi and Apple Festival Arts and Crafts volunteer, stated that they were unaware that the City was going to be collecting a \$20 fee for each vendor beginning January 1, 2018. They begin collecting application from craft vendors for next year's Apple Festival and requested that fees be delayed until 2019.

Mr. Lundberg inquired about electric rate increases he heard about on the news. He also asked about the delay on the demolition of the old Nation Standard structure. City Administrator Huff stated that the City of Niles does not have an electric rate increase at this time. He also explained the delay to demolish the old National Standard structure is due to a lawsuit between the company that was hired to demolish the building and Heico Companies, which purchased National Standard division.

CONSENT AGENDA:

1. Consideration of approving the City Council Minutes of September 11th, 2017.
2. Consideration of approving the Bills dated September 19, 2017.
3. Consideration of approving a request from the Niles High School Student Council to conduct the annual Homecoming Parade on Friday, September 29th at 1:15 pm beginning at 15th and Merrifield Streets and ending at the High School's north parking lot and consideration of providing a fire truck for the parade and the assistance of police officers for traffic control.
4. Consideration of approving the acceptance of recreational vehicle dumping at the Wastewater Treatment Plant for a fee of \$20 per discharge.
5. Consideration of accepting the quote of \$2,647.00 from Power Line Supply of Reed City, MI for the purchase of one Ritz current transformer to be stored in inventory so as to minimize down time in the event of failure to one of the critical transmission circuits.
6. Consideration of approving the emergency replacement of Western Well's old valve assembly, mounts, etc. and

installation of a new assembly, support brackets, etc. by Peerless Midwest of Mishawaka at a cost of \$3,550.00.

7. Consideration of approving the purchase of TIMS records management training for all police department employees from Caliber Public Safety of Lansing, MI at a cost of \$3,800.00 and consideration of authorizing the Police Chief to sign the Quote of Acceptance.
8. Consideration of accepting the quote of \$5,000.00 from Allied Mechanical Services (AMS) to provide engineering services to include three dimensional scans of the Primary Clarifiers at the Wastewater Treatment Plant.
9. Consideration of approving the emergency expenditure of \$6,188.00 to T&R Service Company of Colman, SD for disposal of PCB filled transformers that were removed from service.
10. Consideration of approving the emergency purchase of material from ETNA Supply of Grand Rapids, MI at a cost of \$6,453.72 for the upgrade of 21 water meter settings.

Council Member Weimer moved, **Council Member Skalla** supported, **MOTION CARRIED**, to approve the Consent Agenda as submitted.

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede, and William Weimer

NAY: None **ABSENT:** Robert Durm **ABSTAIN:** None

ADMINISTRATOR'S REPORT:

Introduction of Items for Discussion

Items for Council Action

11. Consideration of adopting a resolution to confirm the special assessment roll for the Special Assessment District (District 1) and to set the special assessment at \$20 per parcel/unit for Emergency Medical Services through the Southwestern Michigan Community Ambulance Service.

CITY OF NILES

**SPECIAL ASSESSMENT DISTRICT FOR EMERGENCY MEDICAL SERVICES
THROUGH SOUTHWESTERN MICHIGAN COMMUNITY AMBULANCE SERVICE,
DISTRICT NO. 1**

**RESOLUTION NO. 4
CONFIRMATION OF SPECIAL ASSESSMENT ROLL**

The following Resolution was offered by **Council Member Weimer** and seconded by **Council Member Bertschy**.
RESOLUTION 2017-09/2040

WHEREAS, pursuant to Act 368 of 1978, as amended by Act 179 of 1990 (MCL 333.20948), a combination of local governmental units may operate an ambulance authority and defray, in whole or part, the cost of ambulance service by special assessment, with such special assessments conforming as nearly as possible to the procedure set forth in section 1 of Act 33 of 1951; and

WHEREAS, Act 33 of 1951 provides that all proceedings related to special assessments shall conform as nearly as practicable to Act 188 of 1954; and

WHEREAS, pursuant to Act 368 of 1978, as well as the Urban Cooperation Act, Act 7 of 1967, the City and other local governmental units have formed the Southwestern Michigan Community Ambulance Service ("SMCAS"), which provides ambulance services to the member municipalities and certain other municipalities pursuant to contracts ("Services"); and

WHEREAS, the costs of maintaining and operating SMCAS are shared by the local governmental units who are members of SMCAS, including the City, pursuant to the Articles of Incorporation of SMCAS; and

WHEREAS, the City wishes to defray its share of the cost of maintaining and operating SMCAS ("SMCAS Costs") by establishing a special assessment district pursuant to Act 368 of 1978, as amended by Act 179 of 1990; and

WHEREAS, following a properly noticed public hearing on August 28, 2017, the City Council adopted a resolution on August 28, 2017, to determine the "Special Assessment District for Emergency Medical Services Through Southwestern Michigan Community Ambulance Service, District No. 1" (the "District") and directed the City Assessor to prepare a Special Assessment Roll for the District; and

WHEREAS, the City Assessor has made and certified a special assessment roll for the parcels located in the District and has reported the special assessment roll to the City Council; and

WHEREAS, after giving proper notice, the City Council held a public hearing on September 25, 2017, to consider the proposed special assessment roll for the District and objections thereto; and

WHEREAS, after hearing all persons interested therein, giving due consideration to all written objections to said special assessment roll filed with the City Clerk and after reviewing said special assessment roll, the City Council deems said special

assessment roll to be fair, just and equitable, and that each of the assessments contained therein is proportionate to the benefits to be derived by the parcel of land assessed.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The special assessment roll prepared by the City Assessor, and reported to the City Council, and in the form attached as **Exhibit A**, is hereby confirmed and shall be known and designated for the District as Special Assessment Roll No. 1 (the "Roll").
2. The City Clerk shall endorse on the Roll the date of this meeting as the date of confirmation of said Roll.
3. The Roll shall be divided into 5 (five) equal annual installments, each of which installments shall be levied on December 1 and shall be due and payable in February of the following year, in the same manner as general property taxes. The first installment shall be levied on December 1, 2017.
4. If an installment of a special assessment is not paid when due, then the installment shall be considered to be delinquent and there shall be collected a penalty at the rate of one percent (1%) for each month or fraction of a month, that the installment remains unpaid before being reported to the City Council for reassessment upon the City tax roll.
5. All special assessments contained in the Roll shall, from the date of confirmation of the Roll, constitute a lien upon the respective parcels of land assessed. Such lien shall be of the same character and effect as the lien created for City taxes and shall include accrued penalties.
6. The special assessments made in the Roll are hereby ordered and directed to be collected and the City Clerk shall deliver the Roll to the City Treasurer with her warrant attached thereto, which said warrant shall command the City Treasurer to collect the special assessments in the Roll in accordance with the direction of the City Council in respect thereto and which warrant shall further require the City Treasurer to include as a delinquent tax any unpaid special assessment which is delinquent on the last day of February, and the delinquent taxes returned to the County Treasurer the next day pursuant to Section 55 of the General Property Tax Act, MCL 211.55. The form of said warrant is attached as **Exhibit B**.
7. Upon receiving the Roll and warrant, the City Treasurer shall proceed to collect the several amounts assessed therein as the same shall become due.
8. The City Clerk shall, as soon as possible but in no event more than seven (7) days after confirmation of the Roll, send notice of special assessment, in the form attached as **Exhibit C**, to the person responsible for payment of the ad valorem property taxes on, the record owner of, or party in interest in, each parcel of land assessed, at the address shown for such persons upon the last City tax assessment roll for ad valorem tax purposes which was reviewed by the City Council of Review, subject to any subsequent changes in the names and addresses of the owners or parties listed thereon.
9. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution shall be and the same are hereby rescinded.

NOW, THEREFORE, THE CITY OF NILES RESOLVES AS FOLLOWS:

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede, and William Weimer

NAY: None **ABSENT:** Robert Durm **ABSTAIN:** None

RESOLUTION 2017-09/2040 DECLARED ADOPTED

12. Consideration of approving an amendment to the FY2017 City of Niles Expense Budget.

Council Member Bertschy moved, **Council Member VandenHeede** supported, **MOTION CARRIED**, to approve the amendments to the FY2017 City of Niles Expense Budget.

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede, and William Weimer

NAY: None **ABSENT:** Robert Durm **ABSTAIN:** None

13. Consideration of approving the implementation of a surcharge rate schedule for the Wastewater Treatment Plant
Council Member Skalla moved, **Council Member DiCostanzo** supported, **MOTION CARRIED**, to approve the implementation of a surcharge rate schedule for the Wastewater Treatment Plant.

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede, and William Weimer

NAY: None **ABSENT:** Robert Durm **ABSTAIN:** None

14. Consideration of authorizing a deviation from the Niles City Purchasing Policy in order to accept the quote of \$10,482.20 from Ferguson Enterprises, Inc. of Granger, IN for the purchase of one (1) sewer inspection camera.

Council Member DiCostanzo moved, **Council Member Skalla** supported, **MOTION CARRIED**, to approve a deviation from the Niles City Purchasing Policy in order to accept the quote of \$10,482.20 from Ferguson Enterprises, Inc. of Granger, IN for the purchase of one (1) sewer inspection camera.

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede,

and William Weimer

NAY: None **ABSENT:** Robert Durm **ABSTAIN:** None

15. Consideration of approving entering into a five-year lease agreement with US Business Systems, Inc. of Elkhart Indiana to provide copiers & maintenance for offices on the 2nd floor of City Hall at a cost of \$2,016.24 annually and consideration of authorizing the city administrator to sign the lease agreement.

Council Member DiCostanzo moved, **Council Member Weimer** supported, **MOTION CARRIED**, to approve entering into a five-year lease agreement with US Business Systems, Inc. of Elkhart Indiana to provide copiers & maintenance for offices on the 2nd floor of City Hall at a cost of \$2,016.24 annually and consideration of authorizing the city administrator to sign the lease agreement.

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede, and William Weimer

NAY: None **ABSENT:** Robert Durm **ABSTAIN:** None

16. Consideration of approving entering into a lease agreement with Word Systems, Inc. of Indianapolis, IN for the purchase of an iRecord interview room recording system at a cost of \$5,413.94 annually for the next five years with the Michigan State Police sharing in the cost for years 2 through 5.

Council Member DiCostanzo moved, **Council Member Skalla** supported, **MOTION CARRIED**, to approve

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede, and William Weimer

NAY: None **ABSENT:** Robert Durm **ABSTAIN:** None

17. Consideration of entering into an Energy Services Agreement with the Michigan Public Power Agency and consideration of designating the Utility Manager as the City's "Member Authorized Representative, and consideration of authorizing the mayor to sign the agreement.

Council Member DiCostanzo moved, **Council Member Skalla** supported, **MOTION CARRIED**, to approve entering into an Energy Services Agreement with the Michigan Public Power Agency and consideration of designating the Utility Manager as the City's "Member Authorized Representative, and consideration of authorizing the mayor to sign the agreement.

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede, and William Weimer

NAY: None **ABSENT:** Robert Durm **ABSTAIN:** None

18. Consideration of accepting the proposal from Abonmarche of Benton Harbor, MI to provide design and construction engineering services at a cost of \$27,000.00 for improvements to 17th Street from Broadway to East Main Street and considering of authorizing the mayor to sign the proposal

Council Member Bertschy moved, **Council Member VandenHeede** supported, **MOTION CARRIED**, to approve the proposal from Abonmarche of Benton Harbor, MI to provide design and construction engineering services at a cost of \$27,000.00 for improvements to 17th Street from Broadway to East Main Street and considering of authorizing the mayor to sign the proposal

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede, and William Weimer

NAY: None **ABSENT:** Robert Durm **ABSTAIN:** None

CITY ATTORNEY'S REPORT:

19. **Second Reading and Enactment** of a Proposed Ordinance to revoke ordinances Sections 2-101 through 2-141, such portions of the Code of Ordinances of the City of Niles, Michigan, pertain to Retirement Plan "A" and Retirement Plan "B" for employees of the City of Niles, Michigan.

Council Member DiCostanzo moved, **Council Member VandenHeede** supported, **MOTION CARRIED**, to adopt an ordinance to revoke Sections 2-101 through 2-141, such portions of the Code of Ordinances of the City of Niles, Michigan, pertain to Retirement Plan "A" and Retirement Plan "B" for employees of the City of Niles, Michigan, effective November 1, 2017.

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede,

and William Weimer

NAY: None **ABSENT:** Robert Durm **ABSTAIN:** None
ORDINANCE 480 DECLARED ADOPTED

COUNCIL MEMBER’S REPORT:

Council Member DiCostanzo stated that the Planning Commission met regarding a Special Land Use for property located on Lake Street.

Council Member Skalla reported that he attended the 125th Anniversary of the Niles Amtrak Station hosted by the Four Flags Garden Club. He also attended the 3rd Thursday event downtown.

Council Member Boggs moved, **Council Member Bertschy** supported, **MOTION CARRIED**, to waive the Vendor fee of \$20 and Food Truck Vendor fee of \$50 for the Apple Festival Committee and Psi Iota Xi in 2018 to allow time for their vendors to prepare for the cost in 2019.

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede, and William Weimer

NAY: None **ABSENT:** Robert Durm **ABSTAIN:** None

Council Member Bertschy stated that she attended the DDA meeting and they discussed the plans for the upcoming Hunter Ice Festival.

Council Member VandenHeede voiced his concerns with the old National Standard property. Encouraging a social media campaign.

MAYOR’S REPORT:

Mayor Sets & Announces the Official Time & Date for Neighborhood Trick or Treat:

- Neighborhood Door to Door Trick or Treat: Tuesday, October 31st from 6pm to 7:30pm
- Downtown Safe Trick or Treat: Saturday, October 28th from 4pm to 5pm sponsored by the Niles Downtown Merchants

ADJOURNMENT: Council Member Weimer moved to adjourn at 6:45pm.

After the meeting Mr. Jerry Skarbek requested to go on record in opposition of the SMCAS Special Assessment.

Linda Casperson
Niles City Clerk

Date