

**PUBLIC HEARING
SMCAS ANNUAL BUDGET AND SPECIAL ASSESSMENT**

Monday, May 18, 2015, 5:55pm

Mayor McCauslin called the Public Hearing for the SMCAS Annual Budget and Special Assessment. He asked if anyone in the audience wishes to address the council hearing none, the public hearing was closed at 5:56 pm.

**CITY OF NILES
REGULAR CITY COUNCIL MEETING
MONDAY, May 18, 2015, 6:00PM**

The meeting was called to order by Mayor Michael McCauslin in the City Council Chambers, 1345 East Main Street, at 6:00 p.m. The Pledge of Allegiance was led by Mayor Michael McCauslin.

PRESENT: Gretchen Bertschy, Georgia Boggs, Scott Clark, Robert Durm, David Mann, Tim Skalla, Daniel VandenHeede, William Weimer, Mayor Michael McCauslin

ABSENT: None

STAFF: Casperson, Dunlap, Lamb, Landgraf, Millin, Ray, Wise

MEDIA: Niles Daily Star

AUDIENCE: 15

CITIZEN PARTICIPATION: None

CONSENT AGENDA:

1. Approval of the Minutes of May 11, 2015.

2. Approval of the Bills.

REMOVED

3. ~~Consideration of approving a request from the Niles Main Street DDA, in conjunction with the Kar Club, Inc., to hold the Bring It! Cruise In and Car Show in Riverfront Park every Wednesday starting June 3, 2015 through August 26, 2015 from 4:00 pm to 10:00 pm and consideration of approving various other requests including the use of electricity estimated to cost \$784.00, the waiver of all fees and approval of a 30 minute car auction limited to no more than five (5) vehicles auctioned per approved car show days.~~

4. Consideration of approving a request from the Niles Main Street DDA to hold a Junk In The Trunk and Summer Chili Crawl downtown on Saturday, June 20, 2015, with a setup time that starts at 5:00 pm on Friday, June 19th and a take-down time of no later than 11:00 pm on June 20th and consideration of approving various other requests listed.

Council Member Mann moved, **Council Member Weimer** seconded, **MOTION CARRIED**, to approve Items 1-2 & 4 as submitted.

ROLL CALL: **AYES:** Bertschy, Boggs, Clark, Durm, Mann, Skalla, VandenHeede, Weimer

NAY: None **ABSENT:** None **ABSTAIN:** None

CITY ADMINISTRATOR'S REPORT:

Introduction of Items for Discussion

Items for Council Action

3. Consideration of approving a request from the Niles Main Street DDA, in conjunction with the Kar Club, Inc., to hold the Bring It! Cruise In and Car Show in Riverfront Park every Wednesday starting June 3, 2015 through August 26, 2015 from 4:00 pm to 10:00 pm and consideration of approving various other requests including the use of electricity estimated to cost \$784.00, the waiver of all fees and approval of a 30-minute car auction limited to no more than five (5) vehicles auctioned per approved car show days.

Council Member Clark objected to providing electricity to the Bring It Cruise In and Car Show event for a profit

making venue and requested that the council exclude waiving the fee. VandenHeede pointed out that the fee was to read the meter not actual electric usage. Attorney Landgraf

Council Member Mann moved, **Council Member Weimer** seconded, **MOTION CARRIED**, to approve a request from the Niles Main Street DDA, in conjunction with the Kar Club, Inc., to hold the Bring It! Cruise In and Car Show in Riverfront Park every Wednesday starting June 3, 2015 through August 26, 2015 from 4:00 pm to 10:00 pm and consideration of approving various other requests ~~including~~ **excluding** the use of electricity estimated to cost \$784.00, the waiver of all fees and approval of a 30-minute car auction limited to no more than five (5) vehicles auctioned per approved car show days.

ROLL CALL: AYES: Bertschy, Boggs, Clark, Durm, Mann, Skalla, Weimer

NAY: VandenHeede **ABSENT:** None **ABSTAIN:** None

5. Consideration of adopting a resolution to approve the Southwestern Michigan Community Ambulance Service (SMCAS) 2015-2016 Budget which includes a Special Assessment amount of \$20.00 per parcel/unit.

**RESOLUTION # 2015-05/1958
CITY OF NILES, BERRIEN COUNTY, MICHIGAN**

SOUTHWESTERN MICHIGAN COMMUNITY AMBULANCE SERVICE (SMCAS) SPECIAL ASSESSMENT

Resolution made by Council Member Weimer; seconded by Council Member Skalla.

BE IT RESOLVED THAT the Township of Buchanan, acting jointly and in concert with the Cities of Buchanan and Niles, the Townships of Bertrand and Niles Charter in Berrien County, and the Township of Howard in Cass County, pursuant to a certain assessment district resolution for the support of SMCAS adopted May 15, 2008, and approved by the majority vote of the electorate on August 4, 2008, does hereby take the following action:

1. The special assessment district, pursuant to such resolution, is hereby established.
2. The proposed SMCAS financial budget for fiscal year 2015-2016 indicating an assessment of \$20.00 per dwelling is hereby approved.
3. The amount of the special assessment is \$20.00 and the assessing officer is directed to spread the assessment as provided in the resolution along with the December, 2015 tax assessment to be due and collected as provided in the resolution.
4. As a further clarification of the parcels/units to be assessed (as set out in paragraph three (3) of the resolution) the assessing officer is directed to levy the assessment amount of \$20.00 per unit as follows:
 - a. Campground – One (1) unit for the campground itself and one (1) unit for each permanent dwelling situated on the campground. Each rental "hook up" will not be considered as a separate unit.
 - b. Mobile Home Parks – One (1) unit for each mobile home, the number of mobile homes being determined by the average number of mobile homes located in the mobile home park for the calendar year in which the special assessment is levied.
 - c. Hotels and Motels – One (1) unit for each hotel and motel or one (1) unit for each living unit occupied by a permanent resident.
 - d. Commercial – One (1) unit for each improved parcel, which shall include all contiguous commercial parcels as one (1) unit, and one (1) unit for each dwelling therein.
 - e. Residential – One (1) unit for each dwelling that is occupied or is available for occupancy and is permanently affixed.
 - f. Where provisions herein are inconsistent with the joint resolution, these provisions herein shall supersede such provisions and be controlling.
5. The Public Hearing of the City of Niles to hear objections to the distribution of the \$20.00 special assessment levy was held at the Council Chambers, 1345 E. Main Street, Niles, MI 49120 on May 18, 2015 at 5:55 p.m., Local Time.

ROLL CALL VOTE:

ROLL CALL: AYES: Bertschy, Boggs, Clark, Durm, Mann, Skalla, VandenHeede, Weimer

NAY: None **ABSENT:** None **ABSTAIN:** None

RESOLUTION DECLARED ADOPTED this 18TH day of May, 2015.

6. Consideration of accepting the bid of \$121,149.35 from NCSC of Niles, MI to complete the 2015 CDBG Pavement Resurfacing Program in which CDBG will pay \$100,000.00 and the Major Street Fund will pay \$21,149.35 and consideration of authorizing the mayor to sign the pavement contracts.

Council Member Durm moved, **Council Member Clark** seconded, **MOTION CARRIED**, to accept the bid of \$121,149.35 from NCSC of Niles, MI to complete the 2015 CDBG Pavement Resurfacing Program in which CDBG will pay \$100,000.00 and the Major Street Fund will pay \$21,149.35 and consideration of authorizing the mayor to sign the pavement contracts.

ROLL CALL: AYES: Bertschy, Boggs, Durm, Mann, Skalla, VandenHeede, Weimer

NAY: None **ABSENT:** None **ABSTAIN:** Clark

7. Consideration of accepting the bid of \$146,936.00 from Reith-Riley Construction Company of Benton Harbor, MI for the completion of the 2015 Major/Local Resurfacing Program and consideration of authorizing the mayor to sign the contract.

Council Member Skalla moved, **Council Member Clark** seconded, **MOTION CARRIED**, to accept the bid of \$146,936.00 from Reith-Riley Construction Company of Benton Harbor, MI for the completion of the 2015 Major/Local Resurfacing Program and consideration of authorizing the mayor to sign the contract.

ROLL CALL: AYES: Bertschy, Boggs, Durm, Mann, Skalla, VandenHeede, Weimer

NAY: None **ABSENT:** None **ABSTAIN:** Clark

CITY ATTORNEY'S REPORT: No report.

COUNCIL MEMBER'S REPORT: Council and Mayor wished everyone a happy Memorial Day.

Council Member Mann requested for the record: "The City pays Michigan Municipal League a considerable amount of money each year to represent us in Lansing. Recently they decided to back, in a major way, the failed proposal of Governor Rick Synder. I feel that they exceeded what they should have been doing in supporting the proposal. I feel that they money that was used for that comes from tax payers and they essentially were pushing for policy proposal using tax payers funds and I do believe that it was an inappropriate use of our money and especially given the fact that the proposal ultimately failed. "

Council Member Weimer reported that SMCAS will be asking for an increase in their special assessment in the upcoming year. It's been 8-9 years since there was an increase and hopes that the community will support and appreciate the fact that they have held out this long without an increase.

Council Member Clark agreed with council member Weimer. Equipment is getting older and in need of replacement. He also agreed with council member Mann.

Council Member Skalla reported that the Friends of Silverbrook Cemetery are busy putting up flags for the Memorial Day event. They have purchased 300 flags, 50 flag holders, and 2 sets of service flags. Visit the Silverbrook Cemetery website, they have over 14,000 visits per month, 5600 obituaries and over 12,000 pictures of tombstones.

Council Member Weimer moved to adjourn at 6:26pm.