

GLADSTONE



GLADSTONE CITY COMMISSION REGULAR MEETING

City Hall Chambers – 1100 Delta Avenue

August 12, 2024

6:00 PM

MINUTES

Mayor Joe Thompson called the meeting to order; Commissioner Steve O'Driscoll gave the Invocation and Clerk Kimberly Berry called the roll:

PRESENT

Mayor Joe Thompson
Mayor Pro-Tem Brad Mantela
Commissioner Robert Pontius
Commissioner Steve O'Driscoll

ABSENT - EXCUSED

Commissioner Judy Akkala

No public was present at the meeting.

Motion made by Mayor Pro-Tem Mantela, Seconded by Mayor Thompson to approve the consent agenda as presented and include the approval of Electric Power Systems International Invoice #00155163 for \$25,119.49 for inspection of half of the North Bluff Substation and Hawkins, Inc. Invoice #6813517 \$6396.66 and Chemtrade Chemicals Invoice #9012853 \$5626.35 for treatment chemicals for the Water & Wastewater Departments.

MOTION CARRIED.

Motion made by Mayor Thompson, Seconded by Commissioner O'Driscoll to table the ATC Offer for Easement to the August 26, 2024 regular meeting.

MOTION CARRIED

Motion by Mayor Thomspson, Seconded by Commissioner Pontius to add to the New Business Agenda Item #18 Resolution No. 2024-07 approving Ballot Language for Petition of Charter Amentment.

MOTION CARRIED

Motion made by Commissioner O'Driscoll, Seconded by Mayor Pro-Tem Mantela to approve Change Order No. 11 as recommended by C2AE Engineering for a net increase to the contract price of \$13,102.25 for the Wastewater Treatment Plant Improvements Project.

MOTION CARRIED

Motion made by Mayor Pro-Tem Mantela, Seconded by Mayor Thompson to approve Request for Disbursement of Funds Draw #25 totaling \$918,386.00.

MOTION CARRIED.

Motion made by Mayor Pro-Tem Mantela, Seconded by Commissioner O'Driscoll to authorize the purchase of a 2018 Doosan Model P185 compressor from Midway Rentals in the amount of \$18,600.00.

MOTION CARRIED

Motion made by Mayor Thompson, Seconded by Mayor Pro-Tem Mantela to appoint Commissioner Pontius as the MML Voting Delegate for Gladstone and appoint Commissioner O'Driscoll as the alternate.

MOTION CARRIED

Motion made by Commissioner O'Driscoll, Seconded by Mayor Pro-Tem Mantela to approve the MERS Administrative Services Agreement for the POLC Command Officers Division and authorize Manager Eric Buckman and Mayor Joe Thompson to sign.

MOTION CARRIED

Motion made by Mayor Pro-Tem Mantela, Seconded by Commissioner O'Driscoll to approve the MERS Administrative Services Agreement for the PSO Division and authorize Manager Eric Buckman and Mayor Joe Thompson to sign.

MOTION CARRIED

Motion by Commissioner O'Driscoll; seconded by Commissioner Pontius to table Resolution No. 2024-07 Approving Ballot Language for Petitioned Charter Amendment to the August 26, 2024 meeting.

Commissioner O'Driscoll	Yes
Commissioner Pontius	Yes
Commissioner Mantela	No
Commissioner Akkala	Absent - Excused
Mayor Thompson	No

MOTION FAILED

**RESOLUTION 2024-07
APPROVING BALLOT LANGUAGE FOR
PETITIONED CHARTER AMENDMENT**

CITY OF GLADSTONE
County of Delta, State of Michigan

Minutes of a regular meeting of the City Commission of the City of Gladstone, County of Delta, State of Michigan, held on the 12th day of August, 2024, at 6:00 p.m. Eastern Daylight Time.

PRESENT: Mayor Joe Thompson, Commissioners Brad Mantela, Stephen O’Driscoll and Robert Pontius

ABSENT: Commissioners Judy Akkala - Excused

The following resolution was offered by Commissioner Brad Mantela and supported by Mayor Joe Thompson:

WHEREAS, Chapter XI, Special Assessments, of the City Charter of the City of Gladstone, County of Delta, State of Michigan (the “City”) authorizes the City to levy and collect special assessments upon property specially benefitted from certain public improvements; and

WHEREAS, the City Clerk has received an initiatory petition proposing an amendment to the charter to remove the City’s authority to levy and collect special assessments by abrogating Sections 2 through 28 and amending the text of Section 1 to read: “The commission shall not have the power to levy and collect special assessments. The City of Gladstone shall immediately cease all actions to collect any special assessment.”; and

WHEREAS, a copy of the initiatory petition, which has no reverse side, is attached hereto at Exhibit A; and

WHEREAS, the City Clerk has certified the sufficiency of the petition; and

WHEREAS, the initiatory petition does not set forth the question on the proposed amendment to be submitted to the voters, and, therefore, it is appropriate for the City Commission to approve the ballot question for the proposed amendment; and

WHEREAS, the proposal is required to be submitted to the qualified electors of the City at the 2024 general election to be held in the City on Tuesday, November 5, 2024 (the “2024 General Election Date”).

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Proposed Amendment; Chapter XI, Section 1. The initiatory petition proposes that Chapter XI, Section 1 of the Charter, be amended to read as follows:

Section 1 – [Power to levy and collect.]
The commission shall not have the power to levy and collect special assessments. The City of Gladstone shall immediately cease all actions to collect any special assessment.

2. Proposed Amendment; Existing Provisions. The existing Charter provisions, Chapter XI, Sections 1-28 which would be altered or abrogated by the proposed charter amendment, if adopted, now read as shown on Exhibit B, attached hereto and incorporated herein by reference.

3. Form of Ballot Proposal. The proposed amendment shall be submitted to the electors in the following form:

**PROPOSED GLADSTONE CHARTER AMENDMENT TO REMOVE
THE CITY’S POWER TO LEVY AND COLLECT SPECIAL
ASSESSMENTS**

It is proposed by an initiative petition that Chapter XI, Special Assessments, be amended to remove the city’s authority to levy and collect special assessments by abrogating Sections 2 through 28 and replacing the text of Section 1 with: “The commission shall not have the power to levy and collect special assessments. The City of Gladstone shall immediately cease all actions to collect any special assessment.”

Shall the proposed amendment be adopted?

YES

NO

3. Submission to the Governor and Attorney General. The City Clerk shall transmit copies of this resolution to the Governor of the State of Michigan for approval of the proposed amendment and to the Attorney General of the State of Michigan for approval of the proposed ballot language, as required by law.

4. Submission at the General Election. The proposal shall be, and the same is hereby ordered to be, submitted to the qualified electors of this City at a general election to be held on November 5, 2024, and the City Clerk is hereby directed to give notice of the election and notice of registration thereof in the manner prescribed by law and to do all things and to provide all supplies necessary to submit the charter amendment to the vote of the electors as required by law.

5. Publication. The proposed charter amendment shall be published in full together with the existing charter provisions altered or abrogated thereby as part of the notice of election.

6. Canvass. The canvass and determination of votes of said question shall be made in accordance with the laws of the State of Michigan and the City Charter of the City of Gladstone.

7. Repealer. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution be and the same hereby are rescinded.

The foregoing resolution was offered by Commissioner Brad Mantela and supported by Mayor Thompson.

AYES: Commissioners Brad Mantela, Stephen O’Driscoll, Robert Pontius and Mayor Joe Thompson

NAYS: None

ABSENT: Judy Akkala - Excused

RESOLUTION DECLARED ADOPTED.

Kimberly Berry
City Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Gladstone, County of Delta, State of Michigan, at a regular meeting held on the 12th day of August, 2024, and that public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of the meeting were kept and will be or have been made available as required by said Act.

Kimberly Berry
City Clerk

EXHIBIT A

INITIATORY PETITION

INSTRUCTIONS ON REVERSE SIDE

The circulator of this petition is (check one)
 A paid signature gatherer
 A volunteer signature gatherer

LOCAL PROPOSAL PETITION

If the petition circulator does not comply with all of the requirements of the Michigan election law for petition circulators, any signature obtained by that petition circulator on that petition is invalid and will not be counted.

We, the undersigned qualified and registered electors, residents in the City of Gladstone in the County of Delta, State of Michigan, respectively petition for: Michael O'Connor is interested in and responsible for the circulation of the petition and the securing of the amendment to: Kim Berry, Gladstone City Clerk. [Power to levy and collect.] The commission shall the City of Gladstone Charter Chapter XI - Special Assessments be amended by replacing Sections 1-28 with Section 1, [Power to levy and collect.] The commission shall not have the power to levy and collect special assessments. The City of Gladstone shall immediately cease all actions to collect any special assessment.

WARNING - A PERSON WHO KNOWINGLY SIGNS THIS PETITION MORE THAN ONCE, SIGNS A NAME OTHER THAN HIS OR HER OWN, SIGNS WHEN NOT A QUALIFIED AND REGISTERED ELECTOR, OR SETS OPPOSITE HIS OR HER SIGNATURE ON A PETITION, A DATE OTHER THAN THE ACTUAL DATE THE SIGNATURE WAS AFFIXED, IS VIOLATING THE PROVISIONS OF THE MICHIGAN ELECTION LAW.

SIGNATURE	PRINTED NAME	STREET ADDRESS OR RURAL ROUTE	ZIP CODE	MONTH	DAY	YEAR
<i>[Signature]</i>	Rick Harsie	309 Wisconsin Ave	49837	6	2	2024
<i>[Signature]</i>	GARY GRAY	204 SOUTH 3RD ST	49837	6	2	2024
<i>[Signature]</i>	Linda Black	2065 3RD ST	49837	6	2	2024
<i>[Signature]</i>	Heidi Wilber	215 Wisconsin Ave	49837	6	2	2024
<i>[Signature]</i>	Joe Valerice	1784 Montana Avenue	49837	6	4	2024
<i>[Signature]</i>	Eileen M. Valerice	9431 Bayside Dr Gladstone	49837	6	4	2024
<i>[Signature]</i>	Isaac Veen	1715 Dakota Ave	49837	6	4	2024
<i>[Signature]</i>	Steph Veen	1685 Dakota Ave	49837	6	4	2024
<i>[Signature]</i>	Adrian Collins	1407 Dakota Ave	49837	6	4	2024

CIRCULATOR - DO NOT SIGN OR DATE CERTIFICATE UNTIL AFTER CIRCULATING PETITION.

(Signature of Circulator) Michael O'Connor (Date) 6 4 24
 (Printed Name of Circulator)
 (Complete Residence Address [Street and Number or Rural Route]) - [Do not enter a post office box]
526 Northwest Ave
 (City or Township, State, Zip Code) Gladstone MI 49837
 (County of Registration, if Registered to Vote, of a Circulator who is not a Resident of Michigan)

If the circulator is not a resident of Michigan, the circulator shall make a cross (X) or check mark (✓) in the box provided, otherwise each signature on this petition sheet is invalid and the signatures will not be counted by a filing official. By making a cross or check mark in the box provided, the undersigned circulator asserts that he or she is not a resident of Michigan and agrees to accept the jurisdiction of this state for the purpose of any legal proceeding or hearing that concerns a petition sheet executed by the circulator and agrees that legal process served on the Secretary of State or a designated agent of the Secretary of State has the same effect as if personally served on the circulator.

WARNING-A CIRCULATOR KNOWINGLY MAKING A FALSE STATEMENT IN THE ABOVE CERTIFICATE, A PERSON WHO SIGNS AS A CIRCULATOR WHO SIGNS AS A CIRCULATOR, OR A PERSON WHO SIGNS A NAME OTHER THAN HIS OR HER OWN AS CIRCULATOR IS GUILTY OF A MISDEMEANOR.

EXHIBIT B

EXISTING CHARTER PROVISIONS

Section 1 – [Power to levy and collect.]

The commission shall have the power to provide for the payment of all or any part of the cost of construction, reconstruction, repairs, operation or maintenance of any structure or work in the nature of public improvements by levying and collecting special assessments upon property specially benefitted. Such special assessments may be made payable in yearly installments for a period not exceeding 20 years.

Section 2 – [Public Improvements]

When the owners of the majority of the frontage of land are liable to be assessed in any special assessment district, or part of the city which may be constituted a special assessment district, the commission may order such improvements to be made. In other cases public improvements shall be made in the discretion of the commission.

Section 3 – [Costs and expenses approved to be defrayed by special assessment; exception.]

The cost and expense of any improvements which may be defrayed by special assessment shall include the cost of survey, plans, assessments, and cost of construction. In no case shall the whole amount to be levied by special assessment upon any lot or premises for any one improvement exceed fifty percent of the value of such lot or land as last before valued and assessed by the state and county taxation in the general tax roll; any cost that would exceed that percent which would otherwise be chargeable upon that lot or premises shall be paid from the general funds of the city. The commission shall prescribe the fees that may be charged in the work of making any special assessment as a part of the assessment.

Section 4 – [Declaration by resolution of determination.]

When the commission shall determine to make any public improvement or repairs and defray the whole or part of the cost and expense thereof by special assessment, they shall so declare by resolution, stating the nature of the improvement and what part or proportion of the expenses thereof shall be paid by special assessment and what part, if any, shall be paid by the general funds of the city, and shall designate the district or lands and premises upon which the special assessment shall be levied.

Section 5 – [Estimates of expense; publication of notice.]

Before ordering any public improvements or repairs, any part of the expenses of which is to be defrayed by special assessment, the commission shall cause estimates of the expense thereof to be made, and also plat and diagram, when practicable, of the work and of the locality to be improved, and deposit the same with the clerk for public examination, and they shall give notice thereof, and of the proposed improvements, and of the district to be assessed, and of the time and place when the

commission will meet and consider any objections thereto, by publication at least once five days prior to such meeting, in a newspaper published and circulated in the city.

Section 6 – [When made according to frontage or benefits.]

When any special assessment is to be made pro rata upon lots and premises in any special assessment district, according to frontage or benefits, the commission shall, by resolution, direct the same to be made by the assessor, and shall state therein the amount to be assessed and whether according to frontage or benefits, and describe or designate an assessment district comprising the lands to be assessed.

Section 7 – [Assessment roll.]

Upon receiving such orders and directions, the assessor shall make out an assessment roll, entering and describing therein all the lots, premises and parcels of land to be assessed, with the names of the persons, if known, chargeable with the assessments thereon, and shall levy thereon and against such property the amount to be assessed, in the manner directed by the commission and provisions of this Charter applicable to the assessment. In all cases where the ownership of any description is unknown to the assessor, he shall, in lieu of the name of the owner, insert the word "unknown," and if by mistake or otherwise any person shall be improperly designated as the owner of any lot or parcel of land or premises, or if the same shall be assessed without the name of the owner, such assessment shall not for any cause be vitiated, but shall in all respects be as valid upon and against such lot, parcel of land or premises as though assessed in the name of the owner, and when the assessment shall have been confirmed it shall be a lien on such lot, parcel of land or premises, and collected as in this Charter provided.

Section 8 – [Division between each lot or parcel.]

If the assessment is required to be according to frontage, the assessor shall assess to each lot or parcel of land such relative portion of the whole amount to be levied as the length or front of such premises abutting upon the improvement bears to the whole frontage of all lots to be assessed, unless on account of the shape or size of any lot, an assessment for a different number of feet would be more equitable. If the assessment is directed to be according to benefits, they shall assess upon each lot such relative portion of the whole sum to be levied as shall be proportioned to the estimated benefits resulting to such lot improvement. When he shall have completed the assessment roll, he shall report the same to the commission. Such report shall be signed by the assessor and may be in the form of a certificate, endorsed on the assessment roll, as follows:

State of Michigan,
City of Gladstone
ss.

TO THE COMMISSION OF THE CITY OF GLADSTONE

I hereby certify and report that the foregoing is a special assessment roll and the assessment made by me, pursuant to a resolution of the commission of the said city, adopted on the _____ day of _____ / _____ / _____, A.D. 19 _____, for the purpose

of paying that part of the cost which the commission decided should be paid and borne by special assessment for the (insert here object of the assessment) and in making such assessment I have, as near as may be according to my best judgment, conformed in all things to the direction contained in the resolution of the commission hereinbefore referred to and the Charter of the city, relating to such assessment.

Dated

	_____ Assessor
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Section 9 – [Expense incurred for separate or single lot, parcel or premises.]

When any expense shall be incurred by the city upon or in respect to any separate or single lot, parcel of land or premises which, by the provisions of this Charter, the commission is authorized to charge and collect as a special assessment against the same, and not being that class of special assessments required to be made pro rata upon several lots or parcels of land in a special assessment district, an account of the labor, material or services for which such expense was incurred, verified by the manager, with a description of the lot or premises upon or in respect to which the expense was incurred, and the name of the owner or person, if known, chargeable therewith, shall be reported to the commission in such manner as they shall prescribe. The provisions of the preceding section of this Charter with reference to special assessments generally, and the proceedings necessary to be had before making the improvements, shall not apply to assessments to cover the expenses incurred in respect to that class of improvements contemplated in this section.

Section 10 – [Determination of expense amount chargeable.]

The commission shall determine what amount or part of every such expense shall be charged, and the person, if known, against whom, and the premises upon which the same shall be levied as a special assessment, and as often as the commission shall deem it expedient, they shall require all of the several amounts so reported and determined and the several lots or premises, and the persons chargeable therewith, respectively, to be reported by the clerk to the assessor for assessment.

Section 11 – [Special roll and levy.]

Upon receiving the report mentioned in the preceding section [10], the assessor shall make a special roll and levy as a special assessment therein upon each lot or parcel of land so reported to him and against the person chargeable therewith, if known, the whole amount or amounts of all the charges so directed as aforesaid, to be levied upon each of such lots or premises respectively, and when completed, he shall report the assessment to the commission, and all the several assessments shall be kept separated.

Section 12 – [Filing and numbering of roll; publication of notice.]

When any special assessment roll shall be reported by the assessor to the commission, as in this Charter directed, the same shall be filed in the office of the clerk and numbered consecutively. Before adopting such assessment roll, the commission shall cause five days' notice to be published in some newspaper of the city of the filing of the same with the clerk, and appointing a time when

the commission and the assessor will meet to review said assessment. Any person objecting to the assessment may file his objections thereto in writing with the clerk. The notice provided for in this section may be addressed to the persons whose names appear upon the special assessment roll and to all others interested therein, and may be in the following form:

"Notice of Special Assessment."

To (insert the names of the persons against whom the assessment appears) and to all other persons interested:

Take notice, that the roll of the special assessment heretofore made by the assessor for the purpose of defraying that part of the cost which the commission decided should be paid and borne by special assessment for the (insert the object of the assessment and the locality of the proposed improvement in general terms) is now on file in my office for public inspection. Notice is also hereby given that the commission and the assessor of the City of Gladstone will meet at the city hall in said city on _____ / _____ / _____ to review said assessment, at which time and place opportunity will be given all persons interested to be heard.

Dated ____	
	____ City Clerk

Section 13 – [Meeting to review roll.]

At the time and place appointed for the purpose as aforesaid, the commission and assessor shall meet and there, or at some adjourned meeting, review the assessment roll, and shall hear any objections to any assessments which may be made by any person deeming himself aggrieved thereby, and the commission may correct said roll as to any assessment, or description of premises appearing therein, and may confirm it as reported, or as corrected, or they may refer the assessment back to the assessor for revision, or annul it and direct a new assessment, in which case the same proceeding shall be held as in respect to the previous assessment. When a special assessment shall be confirmed, the clerk shall make an endorsement upon the roll, showing the date of confirmation.

Section 14 – [Confirmation.]

When any special assessment roll shall be confirmed by the commission it shall be final and conclusive.

Section 15 – [Lien upon lot or parcel of land after confirmation.]

All special assessments shall, from the date of confirmation thereof, constitute a lien upon the respective lots or parcels of land assessed, and shall be a charge against the respective owners of the several parcels as assessed until paid.

Section 16 – [Division into installments; due annually.]

Upon the confirmation of any special assessments, the amount thereof may be divided into not more than 20 installments, one of which shall be collected each year, at such times as the commission shall determine, with annual interest at a rate not [to exceed the lawful interest rate], but the whole assessment after confirmation may be paid to the city treasurer at any time in full, with the accrued interest thereon, provided that no interest shall be charged until twenty days after confirmation.

Section 17 – [Due and payable upon confirmation; exception.]

All special assessments, except such installments thereof as the commission shall make payable at a future time, as provided in the preceding section, shall be due and payable upon confirmation.

Section 18 – [Invalidity; reassessment.]

In all cases of special assessments of any kind against any property where such assessments have failed to be valid in whole or in part, the commission shall be and they are hereby authorized to cause to be reassessed such special taxes or assessment, and to enforce their collection, and it is further provided that whenever, for any cause, mistake or inadvertence, the amount assessed shall not be sufficient to pay the cost of such improvements made and enjoined on the property, or on the owners of property in the local assessment district where the same are made, that it shall be lawful, and the commission is hereby directed and authorized to cause to be made, a reassessment upon all the property in each local assessment district to pay for such improvements and to continue requiring such reassessments until a valid and sufficient assessment shall have been made.

[Section 19 – Reserved.]

Section 20 – [Description of lots and premises contained in roll, names of owners and occupants; levy; collection.]

Whenever any special assessment shall be confirmed and be payable, the commission may direct the clerk to report to the assessor a description of such lots and premises as are contained in said roll, with the amount of the assessment levied upon each and the name of the owner or occupant against whom the assessment was made, and direct said assessor to levy the several sums so assessed respectively. The assessor shall levy the sum therein mentioned upon the respective lots and premises to which they are specially assessed and against the persons chargeable therewith, as a tax, in the general tax roll next thereafter to be made in a column for special assessments, and thereupon the amount so levied in said tax roll shall be enforced and collected with the other taxes in the tax roll and in the same manner, and shall continue to be a lien upon the premises assessed until paid, and when collected shall be paid into the city treasury.

Section 21 – [Warrant for collection.]

Whenever any special assessment shall be confirmed and be payable as hereinbefore provided, the commission instead of requiring assessments to be reported to [sic] the assessment so made in the special assessment roll to be collected directly therefrom, and thereupon the clerk shall attach his warrant to a certified copy of said special assessment roll, therein commanding the treasurer to collect from each of the persons assessed in said roll the amount of money assessed to and set opposite his name therein, and in case any person named in said roll shall neglect or refuse to pay

his assessment, upon demand, then to levy and collect the same by distress and sale of the goods and chattels of such person and return said roll and warrant, together with his doing thereon, within sixty days from the date of such warrant.

Section 22 – [Responsibility for collection; nonpayment.]

Upon receiving said special assessment roll and warrant, the treasurer shall proceed to collect the amount assessed therein. If any person shall neglect or refuse to pay his assessment upon demand, the treasurer shall seize and levy upon any personal property found within the city or elsewhere within the State of Michigan belonging to such person and sell the same at public auction, first giving six days' notice of the time and place of such sale, by posting such notice in three public places in the city or township where such property may be found. The proceeds of such sale, or so much thereof as may be necessary for that purpose, shall be applied to the payment of the assessment, the costs and expenditures of seizure and sale, and the surplus, if any, shall be paid to the person entitled thereto.

Section 23 – [Return of roll and warrant to clerk; list of delinquencies.]

The treasurer shall make return of said assessment roll and warrant to the clerk, according to the requirements of the warrant, and if any of the assessments in said roll shall be returned unpaid, the treasurer shall attach to his return a statement, verified by affidavit, containing a list of the persons delinquent and a description of the lots and premises upon which the assessment remains unpaid, and the amount unpaid by each.

Section 24 – [Renewal of warrant.]

Said warrant may be renewed from time to time by the clerk if the commission shall so direct, and for such time as they shall determine, and during the time of such renewals the warrant shall have the same force and the treasurer shall perform the same duties and make the like returns as above provided. In case any assessment shall be finally returned by the treasurer unpaid, as aforesaid, the name shall be certified to the assessor, in the manner provided in section 19 of this chapter, and shall then be levied, together with the penalty of ten percent of the amount of said assessment, in the next tax roll, and be collected and paid in all respects as provided in section 19 of this chapter.

Section 25 – [Collection of delinquencies by suit.]

At any time after a special assessment has become payable, the same may be collected by suit, in the name of the city, against the person assessed, in an action of assumpsit in any court having jurisdiction of the amount. In every such action a declaration upon the common counts for money paid shall be sufficient. The special assessment roll and a certified order or resolution confirming the same shall be prima facie evidence of the regularity of all the proceedings in making the assessment of the whole amount due, and of the right of the city to recover judgment therefor.

Section 26 – [Assessments not properly made.]

If, in any such action, it shall appear that, by reason of any irregularities or informalities, the assessment has not been properly made against the defendant, or upon the lot or premises sought to be charged, the court may never-the-less on satisfactory proof that expenses have been incurred by

the city which are a proper charge against the defendant or the lot or premises in question, render judgment for the amount properly chargeable against such defendant, or upon such lot or premises.

Section 27 – [Sidewalks to be kept free of obstructions, etc.]

If the owner or occupant of any lot or premises shall fail to remove the snow, ice and filth from the sidewalk upon which such property abuts, or to remove and keep the same from obstruction, encroachments, encumbrances or other nuisances, or fail to perform any other duties required by the city in respect to such sidewalks or the premises of any person, within such time and in such manner as the city shall require, the city may cause the same to be done, and the expenses or such part thereof as the city shall have determined, together with a penalty of ten per centum, may be charged and collected as a special assessment against such property as in this Charter provided.

Section 28 – [Crediting and use of revenues and moneys raised; surplus.]

Revenues and moneys raised by taxation in every special assessment district in the city shall be credited to separate special assessment funds, and money so raised shall be used solely for the purpose specified. Provided, if there be a surplus after paying for the specified improvements, such surplus shall be refunded pro rata, as follows: by refund where the tax has been paid in full, and by credit on the assessment roll where the tax has not been fully paid.

There being no further business before the Commission, Mayor Thompson adjourned the meeting at 7:48 PM.

MOTION CARRIED

Mayor Joe Thompson

City Clerk Kimberly Berry