

MINUTES OF THE REGULAR MEETING OF THE ROGERS CITY CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON TUESDAY, JANUARY 4, 2022

Mayor McLennan called the meeting to order at 6 p.m. The Pledge of Allegiance was recited.

ROLL CALL: PRESENT – Council Members Richard Adair, Kenneth Bielas, Larry Fuhrman, Gary Nowak and Mayor Scott McLennan.

OTHER CITY PERSONNEL PRESENT – City Atty. Michael Vogler, Police Chief Jamie Meyer and City Mgr. Joseph Hefele.

APPROVAL OF AGENDA

It was moved by Council Member Nowak, seconded by Council Member Adair, to approve the agenda with the addition of wedding reception – Lakeside Park.

ROLL CALL: Ayes – All, the motion carried.

CITIZENS APPEARING BEFORE THE COUNCIL:

Brittany VanderWall, Presque Isle Conservation District Forester, said she had received grant funds through Huron Pines, which would be used to purchase approximately 500 trees to plant at South Shore Park; and they secured \$40,000, that has allowed them to hire a full-time director.

APPROVAL OF MINUTES

It was moved by Council Member Fuhrman, seconded by Council Member Adair, that the minutes of the Regular Council Meeting of December 21, 2021 be approved as written.

ROLL CALL: Ayes – All, the motion carried.

CITY CLERK'S REPORT:

CHECK AND INVOICE APPROVAL:

It was moved by Council Member Adair, seconded by Council Member Fuhrman, that the following total fund expenditures be recognized as payments made and payments to be made, in the amount of \$242,035.62 and the Mayor is authorized to sign the check register.

ROLL CALL: Ayes – All, the motion carried.

CITY ATTORNEY'S REPORT:

City Atty. Vogler commented on the status of the class action opioid suit against Purdue Pharmacy.

CITY MANAGER'S REPORT:

City Mgr. Hefele commented on the First Street water project and the rental inspection program.

COMMISSION AND BOARD REPORTS: None.

LIAISONS: None.

MAYOR:

Mayor McLennan provided an update on the hiring process associated with the Main Street director.

UNFINISHED BUSINESS:

ORDINANCE NO. 2022-1

A motion was made by Council Member Adair, seconded by Council Member Nowak, that the following Ordinance No. 2022-1, which was introduced for first reading at the December 21, 2021 Council meeting, be adopted and that proper publication be made within 15 days required from the date thereof in the *Presque Isle County Advance*. Said ordinance to become effective upon publication on January 13, 2022.

AN ORDINANCE AMENDING CHAPTER 13 OF THE ROGERS CITY CODE OF ORDINANCES (PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS) BY ADDING ARTICLE 4, TITLED "MOBILE FOOD VENDING."

THE CITY OF ROGERS CITY ORDAINS:

I. Chapter 13 of the Code of Ordinances of the City of Rogers City, Michigan, is hereby amended by adding Article 4, which shall read as follows:

Sec. 13-91 - Purpose

It is the purpose of this Article to permit the operation of Mobile Food Vending Units that add to the vibrancy and desirability of the City of Rogers City, while providing a framework under which such businesses operate; and to protect the public health, safety and welfare of the City.

Sec. 13-92 - Definitions

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- a) *License*. A license issued under this Article, as required for operation of a Mobile Food Vending Unit.
- b) *Mobile Food Vending*. Serving or offering for sale, food and/or beverages from a Mobile Food Vending Unit which may include the ancillary sales of branded items consistent with the food, such as a tee shirt that bears the name of the organization engaged in Mobile Food Vending.

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- c) *Mobile Food Vending Unit.* Any motorized or non-motorized vehicle, trailer, stand, cart, or other device designed to be portable and not permanently attached to the ground from which food is served or offered for sale.
- d) *Operate.* All activities associated with the conduct of business, not including set up and take down.
- e) *Police Department.* The Rogers City Police Department.
- f) *Stationary.* Any Mobile Food Vending Unit that is not immobilized or that remains in the same location for greater than 5 minutes.
- g) *Vendor.* Any person(s) engaged with or employed by a Mobile Food Vending Unit.

Sec. 13-93 – Scope

- a) General. The provisions of this Section apply to Mobile Food Vending Units engaged in the business of cooking, preparing and distributing food or beverage with or without charge on any property within the City of Rogers City.
- b) Exceptions. A license issued under this Article shall not be required for:
 - 1) Any school or government-sponsored Mobile Food Vending Unit operating on school or government property.
 - 2) Authorized participants in any City-sponsored event (fair, festival, special event, civic event).
 - 3) Any other event otherwise approved by the City.
 - 4) Not-for-profit groups who operate Mobile Food Vending Units on an infrequent and irregular basis and on private property.
 - 5) Mobile Food Vending Units operating on private property and that are not open to the general public; these include but are not limited to; graduation parties, open houses, family reunions, or other private events.
 - 6) Unless operating upon a public street or within the right of way, food establishments that operate a permanent business that appears on the City tax roll are also exempt from this Article. When operating upon a public street or within the right of way immediately adjacent to their permanent location, permanent businesses are exempt from the minimum distance requirements in Sec. 13-97(b)(c). A license granted to a permanent business shall not count toward the 24-license-per-month limit.
- c) Exempted entities must notify the City of intent to operate a Mobile Food Vending Unit and may be denied if operation conflicts with other events. Exempted entities shall not constitute a license to be counted against the 24-license-per-month limit established in Sec. 13-94(a).

Sec. 13-94 License required; non-transferrable.

- a) General. No vendor shall engage in Mobile Food Vending without a license from the Police Department authorizing such vending. All licenses shall be prominently displayed on the Mobile Food Vending Unit. A license issued is not transferable from person to person or between vehicles. The City shall issue up to 24 licenses per calendar month. A vendor may purchase a day license no sooner than 90 days prior to the intended date of operation, and no later than 48 hours prior to the intended date of operation. **Not more than eight (8) licenses can be issued to a single vendor per calendar month. Not more than three (3) licenses can be issued on any one day.**
- b) License. A license allows the Vendor to operate in the City for one day.

Sec. 13-95 Application.

Every Vendor desiring to engage in Mobile Food Vending shall submit a written application for such license to the Police Department. The application for a license shall include the following documentation:

- a) Complete license application.
- b) Copy of Health Department license.
- c) Copy of valid driver's license, current vehicle registration, and insurance including automobile liability coverage.
- d) Proof of General Comprehensive Liability policy with limits of not less than \$1 million Combined Single Limit coverage issued by an insurer licensed to do business in this State and which names the City as an additional insured.
- e) Signed statement that the licensee shall indemnify and hold harmless the City, its officers and employees for any claims, damages, or injuries to persons or property which arise out of any activity by the licensee, its employees, or agents carried on under terms of the license.

Sec. 13-96 Fees.

An application for a license under this Article shall be accompanied by a fee in an amount established by resolution of the City Council of the City of Rogers City. Fees are non-refundable once a license has been issued by the Police Department. No fee shall be charged to a business which is on the City's tax rolls whose normal business includes the sale of food and/or beverages. No one shall hire or subcontract such vendors in an attempt to evade the provisions of this Article. Special events sponsored by the City are exempt from licensing fees associated with Mobile Food Vending Units if all other requirements are met.

Sec. 13-97 Permitted locations.

- a) Permitted Locations. Appropriate locations for Mobile Food Vending Units shall be limited to public areas authorized by resolution of City Council or on private property with a written agreement signed by the property owner. The use of other public areas is prohibited without written permission from the City.
- b) Proximity to Existing Food Service Establishments. Any Mobile Food Vending Unit may not operate within five hundred (500) feet from the door of an eating establishment that is actively open for business unless the restaurant owner has signed a waiver for that purpose.

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- c) Proximity to other Mobile Food Vending Units. Any Mobile Food Vending Unit operating within the City must be at least 10 feet from another Mobile Food Vending Unit, measured by the walkable distance between the two units. Food establishments who operate a permanent business that appears on the City tax roll are exempted from this distance requirement.

Sec. 13-98 Requirements.

Any vendor engaging in Mobile Food Vending within the City of Rogers City must:

- a) Provide appropriate waste receptacles at the site of the unit and remove all litter, debris and other waste attributable to the vendor on a daily basis.
- b) Not operate during a City-authorized street fair, public festival, farmers' market or other public event without authorization from the Police Department.
- c) Immobilize the Mobile Food Vending Unit while operating in the City.
- d) Not use flashing, blinking or strobe lights; all exterior lights over sixty (60) watts shall contain opaque, hood shields to direct the illumination downward.
- e) Not use loud music, amplification devices, or any other audible methods to gain attention. Any safety hazard or excessive noise associated with the operation of a Mobile Food Vending Unit, including generators, will be addressed by the Police Department and may result in license revocation.
- f) Comply with all applicable City Ordinances unless stated otherwise herein.
- g) Comply with all applicable federal, state, county, and health department regulations.
- h) Operate only between the hours of 8:00 a.m. and 11:00 p.m.
- i) Not park a Mobile Food Vending Unit on the street overnight or leave a Mobile Food Vending Unit unattended and unsecured at any time. Any Mobile Food Vending Unit found to be unattended shall be considered a public safety hazard and may be ticketed and impounded.
- j) Not represent the granting of a license under this Article as an endorsement by the City.
- k) Not utilize any electricity or power without the written authorization of the power customer; no power cable or similar device shall be extended at or across any City street, sidewalk, or pathway.
- l) Not dispose of waste generated by a Mobile Food Vending Unit into storm drains or sanitary sewer.
- m) Not be located so as to block or impede pedestrian or vehicular movement at any public sidewalk, roadway, driveway, approach, designated fire lane, or other means of ingress/egress not mentioned herein.
- n) Display any licenses granted to the vendor by state, county, and City authorities.

Sec. 13-99 Signage.

The operator of a Mobile Food Vending Unit may have one portable sign not more than six square feet, with no dimension greater than three feet and no height (with legs) greater than four feet, located within five feet of the unit; under no circumstances shall such a sign be placed upon a street or sidewalk in a manner that impedes pedestrian and/or vehicle safety.

Sec. 13-100 Enforcement.

Any license holder operating a Mobile Food Vending Unit in violation of any provision of this Article or any rules and regulations promulgated by the City shall be subject to a civil infraction pursuant to Sec. 1-8 of the Rogers City Code of Ordinances. Each act of violation and every day upon which a violation shall occur shall constitute a separate offense.

Sec. 13-101 Impoundment.

Any equipment associated with food vending that is not in compliance with this Article and/or left on public property may be impounded at the owner's expense.

Sec. 13-102 Revocation.

- a) The Police Department shall revoke the license of a Mobile Food Vending Unit for any of the following reasons:
 - 1) Fraud, misrepresentation, or a false statement on an application or in the course of operating the Mobile Food Vending Unit.
 - 2) Creation of a public nuisance constituting a danger to public health, safety, and welfare.
- b) Once a license has been issued it may be revoked, suspended or not renewed by the Police Department for failure to comply with the provisions of this Article and/or any other applicable rules or regulations promulgated by the City. Immediately upon such revocation the license shall become null and void and the Police Department shall provide written notice to the license holder by certified mail to the address provided on the application. No person whose Mobile Food Vending Unit license has been revoked shall be eligible to receive another license within the City for one (1) year from the date of license revocation.

Sec. 13-103 Right of appeal.

Vendors seeking to operate outside the above requirements, or who wish to appeal a decision of the Police Department associated with the denial or revocation of a license, may petition the City Council. The City Council is not obligated to approve a request and will, at its discretion, permit or deny a request for any reason. Applicant must still follow all application procedures and documentation requirements. To appear on the agenda for consideration of an appeal, a written request for appeal must be made to the Police Department not later than seven (7) business days before the City Council meeting for which redress is sought.

Sec. 13-104 Validity and severability.

The provisions of this Article are severable and the invalidity of any phrase, clause or part of this Article shall not affect the validity or effectiveness of the remainder of the Article.

Secs. 13-105 through 13-114 Reserved

- II. A summary of this Ordinance shall be published within 15 days after its adoption.
 - III. This Ordinance shall become effective upon publication of a summary of its provisions.
- ROLL CALL: Ayes – All, the motion carried.

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FOOD TRUCK FEES

RESOLUTION NO. 2022-1

A motion was made by Council Member Nowak, seconded by Council Member Bielas, to establish mobile food vending unit application fee of \$150 for a calendar year, \$75 for a calendar month, and \$25 for a single day.

ROLL CALL: Ayes – All, the motion carried.

FOOD TRUCK – PUBLIC AREAS

No action was taken; non-exempt mobile food vending units are not permitted on public property until such time as properties are established by Council.

LETTER OF SUPPORT TROUT RIVER DAM

RESOLUTION NO. 2022-2

A motion was made by Council Member Nowak, seconded by Council Member Adair, to authorize mayor to sign revised letter of support for seasonal fish passage barrier on Trout River.

ROLL CALL: Ayes – All, the motion carried.

NEW BUSINESS:

WEDDING RECEPTION – LAKESIDE PARK

Blaise Ryan and Ashley Adams have asked to conduct their wedding reception September 17, 2022, with a tent erected for this event in the location of the Nautical Festival tent. Blaise was present to answer questions; the City park use policy, as currently written, does not allow such events at Lakeside Park.

RESOLUTION NO. 2022-3

A motion was made by Council Member Nowak, seconded by Council Member Fuhrman, to table the request until the next Council meeting.

ROLL CALL: Ayes – All, the motion carried.

LAKE STREET WATER SEWER ENGINEERING

RESOLUTION NO. 2022-4

A motion was made by Council Member Nowak, seconded by Council Member Bielas, to amend the sewer budget by \$2,000 and the water budget by \$5,400, and authorize the city manager to execute the proposal from engineering firm OHM to move forward with the design necessary to secure EGLE permits for water main replacement on all of Lake Street, Ontario between Lake and Lake, and Orchard between Lake and First, and sewer main construction on Lake, between Ontario and Woodward.

ROLL CALL: Ayes – All, the motion carried

REQUEST FROM ONAWAY - VACTOR

RESOLUTION NO. 2022-5

A motion was made by Council Member Adair, seconded by Council Member Fuhrman, to authorize the manager to allow the City's staffed Vactor truck to travel to Onaway should emergencies arise while Onaway's Vactor truck is being recommissioned for 6-8 weeks over this winter.

ROLL CALL: Ayes – All, the motion carried.

PARADE APPROVAL

RESOLUTION NO. 2022-6

A motion was made by Council Member Bielas, seconded by Council Member Nowak, to approve Little League Parade, Memorial Day Parade, Flag Day Parade, Pirate Parade, Nautical Festival Grand Parade, Nautical Festival Antique Car Parade, Nautical Festival Kiddie Parade, RCHS Fall Homecoming Parade, Halloween Parade and Christmas Light Parade.

ROLL CALL: Ayes – All, the motion carried.

APPOINTMENTS

Council Member Nowak requested that the appointment of Mayor Pro Tem be handled separate of the other appointments under consideration.

RESOLUTION NO. 2022-7

A motion was made by Council Member Bielas, seconded by Council Member Adair, to appoint Council Member Nowak as Mayor Pro Tem in 2022 Said position shall perform the duties of the Mayor when the Mayor is absent or temporarily unable to perform the duties of the office.

ROLL CALL: Ayes – All, the motion carried.

RESOLUTION NO. 2022-8

A motion was made by Council Member Nowak, seconded by Council Member Adair, to appoint Council Member Fuhrman to the Fire Authority Board, Mayor McLennan to the Ambulance Authority Board, DDA and NEMCOG, Council Member Adair to the Planning Commission and Harbor

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Advisory Commission, and Council Member Bielas to the Parks & Recreation Commission and HUNT Advisory Board.

ROLL CALL: Ayes – All, the motion carried.

OTHER BUSINESS:

Council Member Nowak suggested that the Housing Commission (Hilltop Manor) be encouraged to use the same auditor as the City, as he believes this change would provide consistency and improve Council's understanding of the finances of the Manor.

CLOSED SESSION: None.

ADJOURNMENT:

With nothing further to come before Council, Mayor McLennan declared the meeting adjourned at 6:57 p.m.

SCOTT MCLENNAN, MAYOR

TERRI L. KOSS, CITY CLERK/TREASURER

MINUTES OF THE SPECIAL MEETING OF THE ROGERS CITY CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, JANUARY 12, 2022

Mayor McLennan presided and called the meeting to order at 9 a.m.

ROLL CALL: PRESENT – Council Members Richard Adair, Kenneth Bielas, Larry Fuhrman, Gary Nowak and Mayor Scott McLennan.

OTHER CITY PERSONNEL PRESENT – Police Chief Jamie Meyer, City Mgr. Joseph Hefele and City Clerk/Treasurer Terri Koss.

APPROVAL OF AGENDA

A motion was made by Council Member Adair, seconded by Council Member Bielas, to approve the agenda with the addition of Drinking Water Asset Management (DWAM) grant approval.

ROLL CALL: Ayes – All, the motion carried.

NEW BUSINESS:

LOW INCOME HOUSING WATER ASSISTANCE PROGRAM

City Mgr. Hefele reviewed the proposed program.

RESOLUTION NO. 2022-9

A motion was made by Council Member Nowak, seconded by Council Member Bielas, to approve the Low Income Household Water Assistance Program Memorandum of Understanding between the City of Rogers City, State of Michigan Department of Health and Human Services and the Wayne Metropolitan Community Action Agency.

ROLL CALL: Ayes – All, the motion carried.

DWAM GRANT

City Mgr. Hefele reviewed the purpose of the DWAM grant.

RESOLUTION NO. 2022-10

A motion was made by Council Member Fuhrman, seconded by Council Member Nowak, to authorize City Mgr. Hefele to sign the Drinking Water Asset Management (DWAM) grant agreement for the City of Rogers City pending review by City Atty. Vogler.

ROLL CALL: Ayes – All, the motion carried.

OTHER BUSINESS: None.

ADJOURNMENT:

With nothing further to come before Council, Mayor McLennan declared the meeting adjourned at 9:25 a.m.

SCOTT MCLENNAN, MAYOR

TERRI L. KOSS, CITY CLERK/TREASURER

MINUTES OF THE REGULAR MEETING OF THE ROGERS CITY CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, JANUARY 19, 2022

Mayor McLennan called the meeting to order at 5 p.m. Council Member Adair led the Pledge of Allegiance.

ROLL CALL: PRESENT – Council Members Richard Adair, Kenneth Bielas, Larry Fuhrman, Gary Nowak and Mayor Scott McLennan.

OTHER CITY PERSONNEL PRESENT – City Atty. Michael Vogler, Police Chief Jamie Meyer, City Mgr. Joseph Hefele and City Clerk/Treasurer Terri Koss.

APPROVAL OF AGENDA

It was moved by Council Member Nowak, seconded by Council Member Adair, to approve the agenda and remove First Street water bids and add Low Income Housing Water Assistance Program reconsideration.

ROLL CALL: Ayes – All, the motion carried.

CITIZENS APPEARING BEFORE THE COUNCIL: None.

APPROVAL OF MINUTES

It was moved by Council Member Fuhrman, seconded by Council Member Adair, that the minutes of the Regular Council Meeting of January 4, 2022 and Special Meeting of January 12, 2022 be approved as written.

ROLL CALL: Ayes – All, the motion carried.

CITY CLERK'S REPORT:

CHECK AND INVOICE APPROVAL:

It was moved by Council Member Adair, seconded by Council Member Bielas, that the following total fund expenditures be recognized as payments made and payments to be made, in the amount of \$257,441.30 and the Mayor is authorized to sign the check register.

ROLL CALL: Ayes – All, the motion carried.

CITY ATTORNEY'S REPORT: None.

CITY MANAGER'S REPORT:

City Mgr. Hefele reported that he started working on the FY2022-2023 budget.

COMMISSION AND BOARD REPORTS:

Included in the meeting packet were the minutes from the December 16, 2021 Parks and Recreation meeting and January 11, 2022 Harbor Advisory meeting.

LIAISONS: None.

MAYOR:

Mayor McLennan reported that he met with City Mgr. Hefele and Mike Mahler to review economic development.

UNFINISHED BUSINESS:

PARK USE POLICY

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City Mgr. Hefele reviewed the current policy. Discussion was had by Council reviewing the pros and cons of allowing events in the park.

RESOLUTION NO. 2022-11

A motion was made by Council Member Nowak, seconded by Council Member Bielas, that the Park Use Policy be amended to state that Lakeside Park cannot be used for private events that include a tent, but events that include tents may be held in the marina parking lot. Tents cannot be erected more than 48 hours prior to the event and must be removed within 48 hours of the event.

ROLL CALL: Ayes – Adair, Bielas, Nowak and McLennan.
Nays – Fuhrman, the motion carried.

RESOLUTION NO. 2022-12

PARK USE FEES

A motion was made by Council Member Adair, seconded by Council Member Nowak, to establish a fee of \$250.00 for private events that include a tent in the marina parking lot and a fee of \$50.00 for private events that include a tent at other approved park locations.

ROLL CALL: Ayes – Adair, Bielas, Nowak and McLennan.
Nays – Fuhrman, the motion carried.

REQUEST TO CONDUCT WEDDING RECEPTION

RESOLUTION NO. 2022-13

A motion was made by Council Member Nowak, seconded by Council Member Bielas, to approve the request from Blaise Ryan and Ashley Adams to conduct a wedding reception on Saturday, September 17, 2022 with a tent placed in the marina parking lot.

ROLL CALL: Ayes – Adair, Bielas, Nowak and McLennan.
Nays – Fuhrman, the motion carried.

NEW BUSINESS:

DWAM ENGINEERING AGREEMENT

RESOLUTION NO. 2022-14

A motion was made by Council Member Nowak, seconded by Council Member Fuhrman, to authorize City Mgr. Hefele to sign the proposal on behalf of the City of Rogers City and C2AE for Professional Engineering Services Drinking Water Asset Management - Grant Implementation Services upon review by City Atty. Vogler.

ROLL CALL: Ayes – All, the motion carried.

LOW INCOME HOUSING WATER ASSISTANCE PROGRAM-RECONSIDERATION

RESOLUTION NO. 2022-15

A motion was made by Council Member Adair, seconded by Council Member Nowak, to direct City Mgr. Hefele not to sign or send the Low Housing Water Assistance Program agreement.

ROLL CALL: Ayes – All, the motion carried.

FINANCE REPORT 2ND QUARTER 2021-2022

RESOLUTION NO. 2022-16

A motion was made by Council Member Bielas, seconded by Council Member Fuhrman, to review and accept the FY 2021/2022 second quarter financial report as presented.

ROLL CALL: Ayes – All, the motion carried.

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BUDGET AMENDMENTS
RESOLUTION NO. 2022-17

A motion was made by Council Member Fuhrman, seconded by Council Member Nowak, BE IT RESOLVED, by the City Council of the City of Rogers City, Michigan to amend the FY2021-2022 Annual Budget as prepared by City Staff, presented to Council in writing, and reviewed at this January 19, 2022 meeting. A copy of said amendment to be placed on file in the City Clerk's office.
ROLL CALL: Ayes – All, the motion carried.

PI NEWSPAPERS VISITOR'S GUIDE
RESOLUTION NO. 2022-18

A motion was made by Council Member Nowak, seconded by Council Member Fuhrman, to send the request to purchase an ad in the 2022 PI Advance Visitor's Guide to the Downtown Development Authority for consideration.
ROLL CALL: Ayes – All, the motion carried.

OTHER BUSINESS:

Mayor McLennan suggested reviewing policies on a more frequent basis. City Mgr. Hefele stated he will make a list of policies for review.

CLOSED SESSION:
RESOLUTION NO. 2022-19

A motion was made by Council Member Bielas, seconded by Council Member Nowak, to enter into Closed Session to discuss legal strategy of the Moran Iron Works tax appeal.
ROLL CALL: Ayes: All, the motion carried and the meeting adjourned to Closed Session at 5:56 p.m. Upon reconvening in public session at 6:12 p.m. no action was taken.

ADJOURNMENT:

With nothing further to come before Council, Mayor McLennan declared the meeting adjourned at 6:13 p.m.

SCOTT MCLENNAN, MAYOR

TERRI L. KOSS, CITY CLERK/TREASURER

MINUTES OF THE REGULAR MEETING OF THE ROGERS CITY CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON TUESDAY, FEBRUARY 1, 2022

Mayor McLennan called the meeting to order at 6 p.m. Council Member Nowak led the Pledge of Allegiance.

ROLL CALL: PRESENT – Council Members Richard Adair, Kenneth Bielas, Larry Fuhrman, Gary Nowak and Mayor Scott McLennan.

OTHER CITY PERSONNEL PRESENT – City Atty. Michael Vogler, Police Chief Jamie Meyer, City Mgr. Joseph Hefele and City Clerk/Treasurer Terri Koss.

APPROVAL OF AGENDA

It was moved by Council Member Adair, seconded by Council Member Bielas, to approve the agenda as amended to remove the Marina Ordinance first reading and add Budget Amendments and the Site Specific – Huron Pines grant agreement.

ROLL CALL: Ayes – All, the motion carried.

CITIZENS APPEARING BEFORE THE COUNCIL:

Marie Fielder addressed Council stating she is running for State Representative in the 106th District.

APPROVAL OF MINUTES

It was moved by Council Member Bielas, seconded by Council Member Fuhrman, that the minutes of the Regular Council Meeting of January 19, 2022 be approved as written.

ROLL CALL: Ayes – All, the motion carried.

CITY CLERK'S REPORT:

CHECK AND INVOICE APPROVAL:

It was moved by Council Member Adair, seconded by Council Member Fuhrman, that the following total fund expenditures be recognized as payments made and payments to be made, in the amount of \$200,322.0678 and the Mayor is authorized to sign the check register.

ROLL CALL: Ayes – All, the motion carried.

CITY ATTORNEY'S REPORT:

City Atty. Vogler stated that he will be ready to revisit Moran tax appeal at the next meeting. Discussion was had on the proposed marina ordinance.

CITY MANAGER'S REPORT:

City Mgr. Hefele stated that the packet for the budget workshop was available for review. Hefele then reviewed the list of grants we have secured and may be pursuing. Council Member Adair inquired about the Inn Project/Brownfield. Hefele stated the contamination makes it eligible for MEDC funding.

COMMISSION AND BOARD REPORTS: None.

LIAISONS:

Council Member Fuhrman stated the new Fire Authority building is on hold because of material and labor shortages. Mayor McLennan reported funding has become available for first responder training. Council Member Bielas reported on the recent Hunt board meeting.

MAYOR:

Mayor McLennan invited everyone to the town hall meeting at the Rogers City Theater on Wednesday, February 9, 2022 at 6 pm.

February 1, 2022

UNFINISHED BUSINESS: None.

NEW BUSINESS:

FIRST STREET WATER PROJECT

City Mgr. Hefele reviewed the First Street project.

RESOLUTION NO. 2022-20

A motion was made by Council Member Bielas, seconded by Council Member Adair, to award the First Street Water project to MacArthur Construction as the low bidder.

ROLL CALL: Ayes – Adair, Bielas, Fuhrman and McLennan.

Nayes – Nowak, the motion carried.

2022-2023 BUDGET AMENDMENT

City Mgr. Hefele reviewed the proposed budget amendment.

RESOLUTION NO. 2022-21

A motion was made by Council Member Adair, seconded by Council Member Fuhrman, BE IT RESOLVED, by the City Council of the City of Rogers City, Michigan to amend the FY2021-2022 Annual Budget as prepared by City Staff, presented to Council in writing, and reviewed at this February 1, 2022 meeting. A copy of said amendment to be placed on file in the City Clerk's office.

ROLL CALL: Ayes – All, the motion carried.

PICKLE BALL COURTS

RESOLUTION NO. 2022-22

A motion was made by Council Member Nowak, seconded by Council Member Bielas, to amend the parks budget by \$3,100 for improvement to the pickle ball court.

ROLL CALL: Ayes – All, the motion carried.

FY2022-2023 BUDGET WORKSHOP SCHEDULE

RESOLUTION NO. 2022-23

A motion was made by Council Member Fuhrman, seconded by Council Member Adair, to schedule a FY2022-2023 Budget Workshop for Wednesday, February 9, 2022 at 11 am.

ROLL CALL: Ayes – All, the motion carried.

SITE SPECIFIC - HURON PINES INVENTORY GRANT AGREEMENT

RESOLUTION NO. 2022-24

A motion was made by Council Member Nowak, seconded by Council Member Adair, to approve the Huron Pines tree inventory grant agreement between Site Specific and Huron Pines.

ROLL CALL: Ayes – All, the motion carried.

OTHER BUSINESS: None.

CLOSED SESSION: None.

ADJOURNMENT:

With nothing further to come before Council, Mayor McLennan declared the meeting adjourned at 7:00 p.m.

SCOTT MCLENNAN, MAYOR

TERRI L. KOSS, CITY CLERK/TREASURER

MINUTES OF THE REGULAR MEETING OF THE ROGERS CITY CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON TUESDAY, FEBRUARY 15, 2022

Mayor McLennan called the meeting to order at 6 p.m. and led the Pledge of Allegiance.

ROLL CALL: PRESENT – Council Members Richard Adair, Kenneth Bielas, Larry Fuhrman, Gary Nowak and Mayor Scott McLennan.

OTHER CITY PERSONNEL PRESENT – City Atty. Michael Vogler, Police Chief Jamie Meyer, City Mgr. Joseph Hefele and City Clerk/Treasurer Terri Koss.

APPROVAL OF AGENDA

It was moved by Council Member Bielas, seconded by Council Member Nowak, to approve the agenda as presented.

ROLL CALL: Ayes – All, the motion carried.

CITIZENS APPEARING BEFORE THE COUNCIL: None.

APPROVAL OF MINUTES

It was moved by Council Member Adair, seconded by Council Member Fuhrman, that the minutes of the Regular Council Meeting of February 1, 2022 and February 9, 2022 Workshop be approved as written.

ROLL CALL: Ayes – All, the motion carried.

CITY CLERK'S REPORT:

CHECK AND INVOICE APPROVAL:

It was moved by Council Member Adair, seconded by Council Member Fuhrman, that the following total fund expenditures be recognized as payments made and payments to be made, in the amount of \$169,719.48 and the Mayor is authorized to sign the check register.

ROLL CALL: Ayes – All, the motion carried.

CITY ATTORNEY'S REPORT: None.

CITY MANAGER'S REPORT: None.

COMMISSION AND BOARD REPORTS: None.

LIAISONS: None.

MAYOR:

Mayor McLennan requested Chief Meyer provide an update on a grant he recently applied for. Chief Meyer provided information on the grant application he recently submitted.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

HIRING OF MAIN STREET PROGRAM EXECUTIVE DIRECTOR

DDA Directors **John Budnik** and **Kim Margherio** addressed Council regarding the hiring of the Michigan Main Street director.

RESOLUTION NO. 2022-25

February 15, 2022

A motion was made by Council Member Adair, seconded by Council Member Bielas, to approve hiring Alex Harimoto as the City of Rogers City Michigan Main Street Executive Director by the Downtown Development Authority, with the compensation package as outlined in the Employment Agreement included in the meeting packet.

ROLL CALL: Ayes – All, the motion carried.

CONSIDERATION OF ZONING MATTER

RESOLUTION NO. 2022-26

A motion was made by Council Member Nowak, seconded by Council Member Fuhrman, to send the zoning issue of Nonconforming Lots or Parcels to the Planning Commission for review and recommendation.

ROLL CALL: Ayes – All, the motion carried.

PRESQUE ISLE CONSERVATION DISTRICT (PICD)

RESOLUTION NO. 2022-27

A motion was made by Council Member Nowak, seconded by Council Member Fuhrman, to allow the PICD use of the pavilion from April 16, to May 7, 2022 for their annual tree sale.

ROLL CALL: Ayes – All, the motion carried.

SCHEDULE BUDGET WORKSHOP #2

Consensus of Council was to hold a budget workshop on Tuesday, February 22, 2022 at 5 pm.

OTHER BUSINESS: None.

CLOSED SESSION:

RESOLUTION NO. 2022-28

A motion was made by Council Member Nowak, seconded by Council Member Bielas, to enter into Closed Session to discuss legal strategies and land ownership.

ROLL CALL: Ayes: All, the motion carried and the meeting adjourned to Closed Session at 6:31 p.m. Upon reconvening in public session at 7:09 p.m. The following action was taken.

RESOLUTION NO. 2022-29

A motion was made by Council Member Nowak, seconded by Council Member Bielas, to enter into consent judgement in the Moran Iron Works tax appeal that would establish true cash value, assessed value and taxable value at zero for the tax year in question, conditioned on there being no interest or penalty as part of the refund and further conditioned on the city being able to obtain the refund that has been paid to the county.

ROLL CALL Ayes - All, the motion carried.

ADJOURNMENT:

With nothing further to come before Council, Mayor McLennan declared the meeting adjourned at 7:15 p.m.

SCOTT MCLENNAN, MAYOR

TERRI L. KOSS, CITY CLERK/TREASURER

MINUTES OF THE SPECIAL MEETING OF THE ROGERS CITY CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON THURSDAY, FEBRUARY 17, 2022

Mayor McLennan presided and called the meeting to order at 5:00 pm.

ROLL CALL: PRESENT – Council Members Richard Adair, Kenneth Bielas, Larry Fuhrman, Gary Nowak and Mayor Scott McLennan.

OTHER CITY PERSONNEL PRESENT – City Atty. Michael Vogler, City Mgr. Joseph Hefele and City Clerk/Treasurer Terri Koss.

APPROVAL OF AGENDA

It was moved by Council Member Adair, seconded by Council Member Fuhrman, to approve the agenda with the addition of property and liability insurance RFP.

ROLL CALL: Ayes – All, the motion carried.

CITIZENS APPEARING BEFORE THE COUNCIL: None.

CLOSED SESSION:
RESOLUTION NO. 2022-30

A motion was made by Council Member Fuhrman, seconded by Council Member Nowak, to enter into Closed Session to discuss legal strategy tax appeal.

ROLL CALL: Ayes: All, the motion carried and the meeting adjourned to Closed Session at 5:01 p.m. Upon reconvening in public session at 5:13 p.m. The following action was taken.

RESOLUTION NO. 2022-31

A motion was made by Council Member Bielas, seconded by Council Member Nowak, to authorize attorney to make a settlement offer to ON Minerals as set forth in letter dated February 15, 2022.

ROLL CALL: Ayes – All, the motion carried.

INSURANCE RFP

City Mgr. Hefele reviewed our current insurance carrier and policy. Discussion was had regarding the pros and cons of doing an RFP.

RESOLUTION NO. 2022-32

A motion was made by Council Member Adair, seconded by Council Member Bielas, to stay with Michigan Municipal League for property and liability insurance.

ROLL CALL: Ayes – Adair, Bielas, Fuhrman and McLennan.

Nayes – Nowak, the motion carried.

ADJOURNMENT:

With nothing further to come before Council, Mayor McLennan declared the meeting adjourned at 5:21 p.m.

SCOTT MCLENNAN, MAYOR

TERRI L. KOSS, CITY CLERK/TREASURER

MINUTES OF THE SPECIAL MEETING OF THE ROGERS CITY CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON MONDAY, FEBRUARY 21, 2022

Mayor McLennan presided and called the meeting to order at 4:00 pm.

ROLL CALL: PRESENT – Council Members Richard Adair, Kenneth Bielas, Larry Fuhrman, Gary Nowak and Mayor Scott McLennan.

OTHER CITY PERSONNEL PRESENT – City Atty. Michael Vogler and City Clerk/Treasurer Terri Koss.

CITIZENS APPEARING BEFORE THE COUNCIL: None.

CLOSED SESSION:

RESOLUTION NO. 2022-33

A motion was made by Council Member Fuhrman, seconded by Council Member Adair, to enter into Closed Session to discuss legal strategy tax appeal.

ROLL CALL: Ayes: All, the motion carried and the meeting adjourned to Closed Session at 4:02 p.m. Upon reconvening in public session at 4:13 p.m. The following action was taken.

RESOLUTION NO. 2022-34

A motion was made by Council Member Bielas, seconded by Council Member Adair, to authorize the attorney to make an offer of settlement to ON Minerals in accordance with the letter dated February 18, 2022 with added condition that if accepted, all interest would be waived on said refund.

ROLL CALL: Ayes – All, the motion carried.

ADJOURNMENT:

With nothing further to come before Council, Mayor McLennan declared the meeting adjourned at 4:16 p.m.

SCOTT MCLENNAN, MAYOR

TERRI L. KOSS, CITY CLERK/TREASURER

MINUTES OF THE SPECIAL MEETING OF THE ROGERS CITY CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, FEBRUARY 23, 2022

Mayor McLennan presided and called the meeting to order at 3:07 pm.

ROLL CALL: PRESENT – Council Members Richard Adair, Kenneth Bielas, Larry Fuhrman and Mayor Scott McLennan.

ABSENT: Council Member Gary Nowak.

OTHER CITY PERSONNEL PRESENT – City Atty. Michael Vogler, City Mgr. Hefele and City Clerk/Treasurer Terri Koss.

CITIZENS APPEARING BEFORE THE COUNCIL: None.

CLOSED SESSION:

RESOLUTION NO. 2022-35

A motion was made by Council Member Adair, seconded by Council Member Fuhrman, to enter into Closed Session to discuss legal strategy tax appeal.

ROLL CALL: Ayes: All, the motion carried and the meeting adjourned to Closed Session at 3:09 p.m. Upon reconvening in public session at 3:31 p.m. The following action was taken.

RESOLUTION NO. 2022-36

A motion was made by Council Member Bielas, seconded by Council Member Adair, to amend original ON Minerals counter offer which was \$15,919,301 true cash value with a taxable value of \$7,959,650.50 amending the offer for the 2020 tax year, would also apply to the 2021 tax year with interest waived on said refund.

ROLL CALL: Ayes – All, the motion carried.

ADJOURNMENT:

With nothing further to come before Council, Mayor McLennan declared the meeting adjourned at 3:33 p.m.

SCOTT MCLENNAN, MAYOR

TERRI L. KOSS, CITY CLERK/TREASURER

**MINUTES OF THE REGULAR MEETING OF THE ROGERS CITY, CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON TUESDAY, MARCH 15, 2022**

Mayor McLennan called the meeting to order at 6:00 p.m. Council Member Bielas led the Pledge of Allegiance.

ROLL CALL: PRESENT – Council Members Richard Adair, Kenneth Bielas, Larry Fuhrman, Gary Nowak and Mayor Scott McLennan.

OTHER CITY PERSONNEL PRESENT – City Atty. Michael Vogler, Police Chief Jamie Meyer, City Mgr. Joseph Hefele and Deputy Clerk/Treasurer Elizabeth Fuhrman.

APPROVAL OF AGENDA:

It was moved by Council Member Fuhrman, seconded by Council Member Adair, to approve the agenda with the following additions; (J) use of Trout River Park for Vogelheim Reunion and (K) Huron Pines Forest Stewardship Plan.

ROLL CALL: Ayes – All, the motion carried.

CITIZENS APPEARING BEFORE THE COUNCIL:

- Julie Brooks commented that she will continue to take pictures of the area and send them to 7&4 news.
- Mike Kosiara supplied Council with information on his continuing “sinkhole” issue.
- David Viegelahn was present on the behalf of Paul and Ann Przybyla (septic tank issue); feels the City should step up and provide a solution.

APPROVAL OF MINUTES:

It was moved by Council Member Bielas, seconded by Council Member Nowak, that the minutes of the Regular Council Meeting of February 15, 2022 and Special Meetings of February 17, 2022, February 21, 2022 and February 23, 2022, be approved as written.

ROLL CALL: Ayes – All, the motion carried.

CITY CLERK’S REPORT:

CHECK AND INVOICE APPROVAL:

It was moved by Council Member Adair, seconded by Council Member Nowak, that the following total fund expenditures be recognized as payments made and payments to be made, in the amount of \$944,516.15 and the Mayor is authorized to sign the check register.

ROLL CALL: Ayes – All, the motion carried.

CITY ATTORNEY’S REPORT: None.

CITY MANAGER’S REPORT:

City Mgr. Hefele updated Council on the following:

- First Street Water Project is slated to begin in July 2022.
- Westminster Park Project grant has been approved; pledges are being secured. Work to start in the spring.
- State of Michigan Grant for the Pavilion bathrooms and Lakeside Park playground improvements, money should be received within the next month; project is expected to start after Nautical Festival, 2022.

COMMISSION AND BOARD REPORTS:

Minutes from DDA, Planning Commission, Parks and Recreation were included with the packet.

LIAISONS: None.

March 15, 2022

MAYOR:

Mayor McLennan recognized a letter received from Jim Stamas, State Senator 36th District on Council's support of Senate Bill 783 and 784 (100% Disabled Veterans Property Tax Exemption).

UNFINISHED BUSINESS: None.

NEW BUSINESS:

**FEDERAL GRANT COMPLIANCE – SECTION 3 POLICY
RESOLUTION NO. 2022-37**

A motion was made by Council Member Nowak, seconded by Council Member Bielas, to approve Federal Grant Compliance – Section 3 Policy as presented.

ROLL CALL: Ayes – All, the motion carried.

**FEDERAL GRANT COMPLIANCE – FAIR HOUSING POLICY
RESOLUTION NO. 2022-38**

A motion was made by Council Member Adair, seconded by Council Member Fuhrman, to approve Federal Grant Compliance – Fair Housing Policy as presented.

ROLL CALL: Ayes – All, the motion carried.

**FEDERAL GRANT COMPLIANCE – SECTION 504 SELF-ASSESSMENT
RESOLUTION NO. 2022-39**

A motion was made by Council Member Bielas, seconded by Council Member Nowak, to approve Federal Grant Compliance – Section 504 Self-Assessment as presented.

ROLL CALL: Ayes – All, the motion carried.

**FEDERAL GRANT COMPLIANCE – SECTION 504 GRIEVANCE PROCEDURE
RESOLUTION NO. 2022-40**

A motion was made by Council Member Fuhrman, seconded by Council Member Adair, to approve Federal Grant Compliance – Section 504 Grievance Procedure as presented.

ROLL CALL: Ayes – All, the motion carried.

**FEDERAL GRANT COMPLIANCE – NON-DISCRIMINATION ON BASIS OF HANDICAP
RESOLUTION NO. 2022-41**

A motion was made by Council Member Bielas, seconded by Council Member Nowak, to approve Federal Grant Compliance – Non-Discrimination on Basis of Handicap as presented.

ROLL CALL: Ayes – All, the motion carried.

**FEDERAL GRANT COMPLIANCE – EXCESSIVE FORCE POLICY
RESOLUTION NO. 2022-42**

A motion was made by Council Member Bielas, seconded by Council Member Nowak, to approve Federal Grant Compliance – Excessive Force Policy as presented.

ROLL CALL: Ayes – All, the motion carried.

SCHEDULE BUDGET WORK SHOP – APRIL 6, 2022 AT 10:00 A.M.

Consensus of Council was to hold a Budget Workshop on Wednesday, April 6, 2022 at 9:00 am.

**REQUEST – FAT HOGS FISHING TOURNEY
RESOLUTION NO. 2022-43**

A motion was made by Council Member Nowak, seconded by Council Member Fuhrman, to approve the Fat Hogs Ladies Tournament, Saturday, August 13, 2022, alternate date of Sunday, August 14, 2022 and

March 15, 2022

the Fat Hogs Big Tournament, Saturday, September 3, 2022 and Sunday, September 4, 2022, alternate date of Monday, September 5, 2022.

ROLL CALL: Ayes – All, the motion carried.

REQUEST – KIWANIS EASTER EGG HUNT
RESOLUTION NO. 2022-44

A motion was made by Council Member Bielas, seconded by Council Member Nowak, to approve the Kiwanis request to hold an Easter Egg Hunt at Westminster Park on Saturday, April 16, 2022, at 10:00 am.

ROLL CALL: Ayes – All, the motion carried.

REQUEST - VOGELHEIM FAMILY REUNION/TROUT RIVER PARK

Richard Bennett was present to answer any questions.

RESOLUTION NO. 2022-45

A motion was made by Council Member Nowak, seconded by Council Member Fuhrman, to approve the Vogelheim Family's request to use Trout River Park, Saturday, July 24, 2022 through Sunday, July 31, 2022 for a family reunion; to include working with City staff on tent placement, etc.

ROLL CALL: Ayes – All, the motion carried.

FOREST STEWARDSHIP PLAN – 40 ACRE PARCEL

RESOLUTION NO. 2022-46

A motion was made by Council Member Adair, seconded by Council Member Nowak, to accept the proposed Forest Stewardship Plan for the 40-acre parcel located on 646 Hwy., north of Rogers City as presented.

ROLL CALL: Ayes – All, the motioned carried.

OTHER BUSINESS: None.

ADJOURNMENT:

With nothing further to come before Council, Mayor McLennan declared the meeting adjourned at 6:36 p.m.

SCOTT MCLENNAN, MAYOR

ELIZABETH A. FUHRMAN,
DEPUTY CLERK/TREASURER