

MINUTES OF THE REGULAR MEETING OF THE ROGERS CITY CITY COUNCIL  
HELD IN COUNCIL CHAMBERS ON TUESDAY, JULY 5, 2022

Mayor McLennan called the meeting to order at 6 p.m. Mr. Brian Brooks 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 with the following additions Pension Liability Grants and Mike Darga Food Truck.

ROLL CALL: Ayes – All, the motion carried.

**CITIZENS APPEARING BEFORE THE COUNCIL:**

Brian Brooks addressed Council regarding a jamboree held at the Westminster Park Gazebo. Katie Carrigan requested use of the band shell for an improv night on July 16, 2022.

**APPROVAL OF MINUTES**

It was moved by Council Member Nowak, seconded by Council Member Fuhrman, that the minutes of the Regular Council Meeting of June 21, 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 \$145,321.64 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 stated that research is being done for contracting work at the Waste Water Treatment Plant and the financial status of the marina.

**COMMISSION AND BOARD REPORTS:** None.

**LIAISONS:** None.

**MAYOR:**

Mayor McLennan complimented DPW Superintendent Roger Wenzel for his hard work. The Pirate Festival and Sunday Jam went well. Council Member Nowak thanked the Mayor and Kim Margherio for their hard work on the pirate festival.

**UNFINISHED BUSINESS:** None.

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**NEW BUSINESS:**  
**CREDIT CARD RESOLUTION**  
**RESOLUTION NO. 2022-93**

A motion was made by Council Member Fuhrman, seconded by Council Member Adair, to change the City of Rogers City credit card company from Chase Bank (and close the account) to Huntington Bank as outlined in the Managers Report, but not including the Main Street Director as the DDA-Main Street Board will have to approve the credit card policy so the Director can get a credit card.  
ROLL CALL: Ayes – All, the motion carried.

**UNIFIRST AGREEMENT**  
**RESOLUTION NO. 2022-94**

A motion was made by Council Member Nowak, seconded by Council Member Bielas, to approve the agreement between the City of Rogers City and Unifirst as included in the meeting packet.  
ROLL CALL: Ayes – All, the motion carried.

**WATER TOWER AGREEMENT**  
**RESOLUTION NO. 2022-95**

A motion was made by Council Member Adair, seconded by Council Member Nowak, to approve the lease agreement between the City of Rogers City and New Cingular Wireless PCS, LLC with changes as outlined by City Atty. Vogler and City Mgr. Hefele.  
ROLL CALL: Ayes – All, the motion carried.

**RESCHEDULE AUGUST 2, 2022 MEETING**  
**RESOLUTION NO. 2022-96**

A motion was made by Council Member Nowak, seconded by Council Member Bielas, to move the August 2, 2022 Regular Council to Wednesday, August 3, 2022 at 9 am.  
ROLL CALL: Ayes – All, the motion carried.

**PENSION LIABILITY GRANTS**  
**RESOLUTION NO. 2022-97**

The following resolution was offered by Council Member Bielas, seconded by Council Member Nowak, at a regular meeting of the Rogers City Council conducted July 5, 2022:

WHEREAS, HB 5783, was adopted on July 1, 2022 by the Michigan Legislature, establishing a budget for the 2022-23 State fiscal year to provide to Gov. Gretchen Whitmer for consideration; and

WHEREAS, the budget proposed by the Legislature includes \$750 million in grants to local units of governments with pensions funded at less than 60 percent; and

WHEREAS, the proposed budget makes no dollars available to local units with pensions funded at 60 percent or greater; and

WHEREAS, many of the local units that have achieved a funding level greater than 60 percent, have had to make responsible, but difficult, decisions to achieve that funding level; and

WHEREAS, the City of Rogers City has reduced staff, ended its pension and OPEB programs, delayed critical capital projects, and issued pension bonds, to address its underfunded status; and

WHEREAS, these difficult but necessary actions allowed Rogers City to increase its pension funded level from 47 percent on December 31, 2018 to 95 percent on December 31, 2021; and

WHEREAS, when factoring in its \$5.5 million pension bond principal balance on December 31, 2021, Rogers City's pension assets are only 67 percent of its pension-related liabilities; and

WHEREAS, it is unfair to provide grants to only local units with pensions funded at less than 60 percent, some of whom have done very little to address these legacy costs, as this penalizes those who have made cuts and postponed important projects to address them; and

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WHEREAS, the budget considered by the Legislature prior to adoption on July 1, 2022 included, but was adopted without, \$250 million in grants for local units with pensions funded at greater than 60 percent; and

WHEREAS, there remains approximately \$7 billion in unspent State funds, a small portion of which could be added to the 2022-23 budget, allowing this \$250 million to be included;

THEREFORE BE IT RESOLVED, that the City Council of the City of Rogers City asks Gov. Whitmer and the Michigan Legislature to negotiate a final 2022-23 budget that allocates these funds to local units with pension funding ratios of not less than 60 percent; and

BE IT FURTHER RESOLVED, that the City Council requests that the State authorize eligible local units to use those allocations to pay down pension liability, pension bonds, or on infrastructure capital expenditures, if neither of the first two uses is applicable.

ROLL CALL: Ayes – All, the motion carried.

**MIKE DARGA FOOD TRUCK**

**RESOLUTION NO. 2022-98**

A motion was made by Council Member Nowak, seconded by Council Member Bielas, to allow Mike Darga's food truck at Westminster Park on the 3<sup>rd</sup> Sunday of the month.

ROLL CALL: Ayes – All, the motion carried.

**OTHER BUSINESS:** Council Member Nowak requested a moment of silence in respect for the recent mass shootings.

**CLOSED SESSION:** None.

**ADJOURNMENT:**

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

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SCOTT MCLENNAN, MAYOR

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TERRI L. KOSS, CITY CLERK/TREASURER

MINUTES OF THE REGULAR MEETING OF THE ROGERS CITY CITY COUNCIL  
HELD IN COUNCIL CHAMBERS ON TUESDAY, JULY 19, 2022

Mayor McLennan called the meeting to order at 5 p.m.

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 Fuhrman, seconded by Council Member Adair, to approve the agenda with the following additions; Theater Letter of Support and POLC Letter of Understanding.

ROLL CALL: Ayes – All, the motion carried.

**CITIZENS APPEARING BEFORE THE COUNCIL:** None.

**APPROVAL OF MINUTES**

It was moved by Council Member Nowak, seconded by Council Member Bielas, that the minutes of the Regular Council Meeting of July 5, 2022 be approved as written.

ROLL CALL: Ayes – All, the motion carried.

**CITY CLERK'S REPORT:**

City Clerk/Treasurer Koss reminded Council that July Board of Review is Wednesday, July 20, 2022 at 4:30 pm.

**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 \$240,493.23 and the Mayor is authorized to sign the check register.

ROLL CALL: Ayes – All, the motion carried.

**CITY ATTORNEY'S REPORT:**

City Atty. Vogler reported on correspondence from the Department of Labor in regard to the AFSCME Letter of Understanding extending probationary terms. Probation can't be extended and back wages have to be paid. Federal Law supersedes all contracts.

**CITY MANAGER'S REPORT:**

City Mgr. Hefele reported that he attended today's training exercise at Carmeuse.

**COMMISSION AND BOARD REPORTS:**

Included in the meeting packet were the minutes from the Main Street-DDA meeting and Harbor Advisory Committee meeting.

**LIAISONS:** None.

**MAYOR:**

Mayor McLennan stated that recent Parks and Recreation appointments need clarification: Jean Garrett to replace Mike Peltz with term ending September 2024 and Shannon McKinstry (beginning September 2022) to replace Josh Brown with term ending September 2025.

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**RESOLUTION NO. 2022-99**

A motion was made by Council Member Nowak, seconded by Council Member Adair, to approve the following Parks & Recreation appointments; Jean Garrett to replace Mike Peltz with term ending September 2024 and Shannon McKinstry (beginning September 2022) to replace Josh Brown with term ending September 2025.

ROLL CALL: Ayes – All, the motion carried.

**UNFINISHED BUSINESS:** None.

**NEW BUSINESS:**

**CREDIT CARD RESOLUTION**

**RESOLUTION NO. 2022-100**

A motion was made by Council Member Adair, seconded by Council Member Nowak, to increase the Huntington Bank credit card limit for City Employees with a city credit card to \$3,000.

ROLL CALL: Ayes – All, the motion carried.

**TECHNOLOGY CONTRACT**

**RESOLUTION NO. 2022-101**

A motion was made by Council Member Fuhrman, seconded by Council Member Bielas, to approve the one year contract with Northern Technology Services in the amount of \$3,200.

ROLL CALL: Ayes – All, the motion carried.

**NAUTICAL FESTIVAL FENCING**

**RESOLUTION NO. 2022-102**

A motion was made by Council Member Nowak, seconded by Council Member Adair, to allow DPW to install snow fence to assist with the 2022 Nautical Festival. City Mgr. Hefele will then inform those that it effects that this will be the last year that DPW will be installing fence for the festival other than at the church where it is required for the tent liquor license.

ROLL CALL: Ayes – All, the motion carried.

**2022-23 BUDGET AMENDMENTS**

**RESOLUTION NO. 2022-103**

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 FY2022-2023 Annual Budget as prepared by City Staff, presented to Council in writing, and reviewed at this July 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.

**THEATER SUPPORT**

**RESOLUTION NO. 2022-104**

A motion was made by Council Member Bielas, seconded by Council Member Nowak, to approve sending the letter drafted in support of the Presque Isle District Library's State Historic Preservation Grant Application.

ROLL CALL: Ayes – All, the motion carried.

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**POLC LETTER OF UNDERSTANDING**  
**RESOLUTION NO. 2022-105**

A motion was made by Council Member Nowak, seconded by Council Member Bielas, to approve the Police Officers Labor Council Letter of Understanding in regard to the hiring of Jack Ryan, with the Mayor and City Clerk/Treasurer to sign said agreement.

ROLL CALL: Ayes – All, the motion carried.

**OTHER BUSINESS:**

Council Member Fuhrman inquired if any traffic calming can be done at the US-23/M-68 intersection. City Mgr. Hefele will draft a letter to MDOT for review. Council Member Nowak inquired what can be done to recruit police officers.

**CLOSED SESSION:** None

**ADJOURNMENT:**

With nothing further to come before Council, Mayor McLennan declared the meeting adjourned at 5:23 p.m.

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SCOTT MCLENNAN, MAYOR

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TERRI L. KOSS, CITY CLERK/TREASURER

MINUTES OF THE REGULAR MEETING OF THE ROGERS CITY CITY COUNCIL  
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, AUGUST 3, 2022

Mayor McLennan called the meeting to order at 6 p.m. Chief Meyer 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 – 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 July 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 \$400,946.67 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 the Westminster Park Gazebo restoration has begun, the First Street and Lead and Copper projects will start Monday, August 8, 2022, the student participation for City Council, Parks and Recreation and DDA is being worked on. Hefele stated a new police officer will be starting on August 15, 2022 and he and Chief Meyer will be meeting with the Presque Isle Sheriff Department and the Michigan State Police to discuss scheduling. Hefele also thanked the clerk and her staff for their work on August 2, 2022 Primary election.

**COMMISSION AND BOARD REPORTS:** None.

**LIAISONS:**

Council Member Fuhrman reported on the fire hall construction. Mayor McLennan reported on Ambulance staffing issues.

**MAYOR:**

Mayor McLennan stated that the Nautical Festival is in full swing and thanked the City for their cooperation.

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**RESOLUTION NO. 2022-106**

A motion was made by Council Member Fuhrman, seconded by Council Member Nowak, to commend City Clerk/Treasurer Terri Koss and staff on a successful election, and DPW Superintendent Roger Wenzel and staff for their hard work on festival preparation.

ROLL CALL – Ayes, all the motion carried

**UNFINISHED BUSINESS:** None.

**NEW BUSINESS:**

**REQUEST TO DRILL A WATER WELL**

**RESOLUTION NO. 2022-107**

A motion was made by Council Member Nowak, seconded by Council Member Fuhrman, to table the request to drill a well until the August 16, 2022 Council meeting.

ROLL CALL: Ayes – All, the motion carried.

**CEMENT PILE – PARK DRIVE**

**RESOLUTION NO. 2022-108**

A motion was made by Council Member Nowak, seconded by Council Member Adair, to allow the cement debris from the First Street project be temporarily piled on city owned property on Park Drive until June 1, 2023, with penalty if not removed by said date. City Mgr. Hefele to draft said agreement.

ROLL CALL: Ayes – All, the motion carried.

**RESOLUTION TO ACCEPT NATURAL RESOURCES TRUST FUND GRANT**

**RESOLUTION NO. 2022-109**

The following resolution was offered by Council Member Bielas, seconded by Council Member Nowak, at a regular meeting of the Rogers City Council conducted August 3, 2022:

“IT IS RESOLVED, that the City Council of the City of Rogers City, Michigan, does hereby accept the terms of the Agreement as received from the Michigan Department of Natural Resources, and that the City Council does hereby specifically agree, but not by way of limitation, as follows:

- 1) To appropriate all funds necessary to complete the project during the project period and to provide not less than eighty thousand dollars (\$80,000.00) dollars, which includes in-kind services valued at twenty thousand dollars (\$20,000.00), to match the grant authorized by the DEPARTMENT.
- 2) To maintain satisfactory financial accounts, documents, and records, and to make them available to the DEPARTMENT for auditing at reasonable times.
- 3) To construct the project and provide such funds, services, and materials as may be necessary to satisfy the terms of said Agreement.
- 4) To regulate the use of the facility constructed and reserved under this Agreement to assure the use thereof by the public on equal and reasonable terms.
- 5) To comply with any and all terms of said Agreement including all terms not specifically set forth in the foregoing portions of this Resolution.”

ROLL CALL: Ayes – All, the motion carried.

**AUTHORIZATION TO SIGN GRANT AGREEMENT**

**RESOLUTION NO. 2022-110**

A motion was made by Council Member Fuhrman seconded by Council Member Adair, to authorize City Mgr. Hefele to sign the Michigan Department of Natural Resources Trust Fund development project agreement upon review by City Atty. Vogler.

ROLL CALL: Ayes – All, the motion carried.



August 3, 2022

**CONSUMERS ENERGY – TREE PLANTING GRANT  
RESOLUTION NO. 2022-111**

A motion was made by Council Member Nowak, seconded by Council Member Bielas, to approve an application be submitted to the Consumers Energy Community Street & Boulevard Tree Planting Grant Program and split the local match between the City and Downtown Development Authority.  
ROLL CALL: Ayes – All, the motion carried.

**COMMUNITY SERVICE**

At this time all requests are being denied by the City Mgr. Discussion was had and consensus was to have City Mgr. Hefele review these requests when received.

**OTHER BUSINESS:** None.

**CLOSED SESSION:** None.

**ADJOURNMENT:**

With nothing further to come before Council, Mayor McLennan declared the meeting adjourned at 9:35 a.m.

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SCOTT MCLENNAN, MAYOR

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TERRI L. KOSS, CITY CLERK/TREASURER

MINUTES OF THE REGULAR MEETING OF THE ROGERS CITY CITY COUNCIL  
HELD IN COUNCIL CHAMBERS ON TUESDAY, AUGUST 16, 2022

Mayor McLennan called the meeting to order at 6 p.m. Main Street Director Alex Harimoto 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, Water Superintendent Chuck Kieliszewski, Main Street Director Alex Harimoto, City Mgr. Joseph Hefele and City Clerk/Treasurer Terri Koss.

**APPROVAL OF AGENDA**

It was moved by Council Member Nowak, seconded by Council Member Bielas, to approve the agenda with the addition of the MacArthur Construction temporary concrete storage agreement.

ROLL CALL: Ayes – All, the motion carried.

**CITIZENS APPEARING BEFORE THE COUNCIL:**

Chief Meyer introduced new Rogers City Police Officer Jack Ryan to the Council Members.

**APPROVAL OF MINUTES**

It was moved by Council Member Bielas, seconded by Council Member Nowak, that the minutes of the July 19, 2022 Joint Workshop and Regular Council Meeting of August 3, 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 \$213,391.39 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 will be updating the rental list and will be moving ahead with inspections soon. Hefele stated that McArthur Construction will be back in town tomorrow and all departments are helping with projects.

**COMMISSION AND BOARD REPORTS:** None.

**LIAISONS:**

Council Member Fuhrman reported on the Firehall construction.

**MAYOR:**

Mayor McLennan stated the festival went extremely well this year and thanked the volunteers.

**UNFINISHED BUSINESS:**

**REQUEST TO DRILL A WATER WELL**

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City Mgr. Hefele reviewed the current ordinance. Mr. Bennet is requesting permission to construct a well to feed his trout pond. Hefele stated the ordinance would need to be amended.

**RESOLUTION NO. 2022-112**

A motion was made by Council Member Nowak, seconded by Council Member Adair, to authorize City Mgr. Hefele draft an amendment to the current ordinance to come before council for consideration at the next meeting.

ROLL CALL: Ayes – Adair, Bielas and Nowak.

Nayes – Fuhrman and McLennan, the motion carried.

**MACARTHUR TEMPORARY STORAGE**

**RESOLUTION NO. 2022-113**

A motion was made by Council Member Nowak, seconded by Council Member Fuhrman, to authorize City Mgr. Hefele to sign temporary storage agreement between the City of Rogers City and MacArthur Construction.

ROLL CALL: Ayes – All, the motion carried.

**NEW BUSINESS:**

**TRIANGLE PROPERTY**

Voters approved the selling of the property.

**RESOLUTION NO. 2022-114**

A motion was made by Council Member Adair, seconded by Council Member Fuhrman, to authorize City Mgr. Hefele to begin discussions and develop a plan for the sale of the triangle property.

ROLL CALL: Ayes – All, the motion carried.

**PARKS & RECREATION COMMISSION ORDINANCE AMENDMENT – FIRST READING**

**ORDINANCE NO. 2022-6**

A motion was made by Council Member Nowak, seconded by Council Member Bielas, for first reading

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 4, DIVISION 5 OF THE ROGERS CITY CODE OF ORDINANCES BY ELIMINATING THE REQUIREMENT THAT A MEMBER OF THE BOARD OR STAFF OF THE PRESQUE ISLE CONSERVATION DISTRICT BE APPOINTED TO THE PARKS AND RECREATION COMMISSION OF THE CITY OF ROGERS CITY

THE CITY OF ROGERS CITY ORDAINS:

- I. Chapter 2, Article 4, Division 5 of the Code of Ordinances of the City of Rogers City, Michigan, is hereby amended as follows, with language in green print added and language in red print, with strike-through, eliminated:

**DIVISION 5. – PARKS AND RECREATION COMMISSION**

Sec. 2-300. – Creation; purpose.

Sec. 2-301. – Composition, appointment.

Sec. 2-302. - Qualifications.

Sec. 2-303. - Vacancies.

Sec. 2-304. – Ex officio members.

Sec. 2-305. – Organization

Sec. 2-306. – Duties and responsibilities

Secs. 2-307 – 2-320 – Reserved

**Sec. 2-300. - Creation; purpose.**

The purpose of this section shall be to establish a Parks and Recreation Commission pursuant to Act 156 of 1917, for the City of Rogers City, which Commission shall assume positive leadership in formulating a philosophy of recreation and recreation program suitable to the City and shall serve as an

August 16, 2022

advisory body to the City Council on all matters related to and necessary to the recreational needs of the City.

**Sec. 2-301. - Composition, appointment.**

The Parks and Recreation Commission shall consist of nine (9) members to be, (including voting ex officio members) appointed by the Mayor subject to the approval of the City Council for a term of three (3) years commencing September 17, 2001. For the first appointment, two (2) members shall be appointed for a one (1) year term, two (2) members for a two (2) year term and three (3) members for a three (3) year term.

**Sec. 2-302. - Qualifications.**

No less than six of the nine members of the Parks and Recreation Commission appointed in accordance with Sec. 2-301 shall be residents of this city. ~~The Presque Isle Conservation District ex officio representative is among the three exempted from the residency requirement and shall be selected by the Presque Isle Conservation District Board of Directors. The Conservation District representative shall be a board or staff member of that organization.~~

**Sec. 2-303. - Vacancies.**

Vacancies on the Parks and Recreation Commission shall be filled by appointment for unexpired terms in the same manner as the original appointment.

**Sec. 2-304. - Ex officio members.**

The City Manager or designee and the Supervisor of the Department of Public Works shall serve as ex officio members of the Parks and Recreation Commission in an advisory capacity only. In addition, one member of the City Council, ~~and the Conservation District representative~~ shall be ~~an ex officio member~~ ~~ex officio members~~ of the Parks and Recreation Commission and shall serve the Commission as ~~a full voting member~~ ~~full voting members~~. One of the appointed members of the Parks and Recreation Commission may be a member of the Planning Commission, in which case the member shall serve as an ex officio full voting member.

**Sec. 2-305. - Organization.**

- a) The Parks and Recreation Commission shall hold a regular meeting at least once each month. Such meetings shall be conducted under the auspices of the Open Meetings Act, Public Act 267 of 1976.
- b) The Parks and Recreation Commission shall adopt by-laws governing the procedure for the regular and special meetings of the commission and defining the duties and powers of the commission.
- c) The Parks and Recreation Commission shall elect a Chairperson, Vice-chairperson and a Secretary all of whom shall serve for a term of one year commencing from the date of the first regular meeting. Officers, thereafter, shall be elected for a one-year term upon the expiration of the preceding terms of the previously elected officers.

**Sec. 2-306 - Duties and responsibilities.**

- a) The Parks and Recreation Commission shall review and comment on proposed park projects and park property acquisition prior to final action by City Council.
- b) The Parks and Recreation Commission shall help coordinate park-related activities, including recreational activities and volunteer service for park improvements.
- c) The Parks and Recreation Commission shall assist in updating or creating plans for parks and the park system, recreational facilities and conservancies. The Parks and Recreation Commission shall assist the City with preparation and updating of the Parks and Recreation Master Plan.
- d) The Parks and Recreation Commission shall cooperate with other institutions within and outside the City (such as schools, state and federal government agencies, and civic organizations) to champion, promote and utilize parks and recreational facilities, including agreements with such groups for joint planning, use of facilities and services, or other arrangements of mutual advantage in the conduct of a recreational program.
- e) The Parks and Recreation Commission shall make budget requests to the City Manager for review by the City Council as part of the budget process and review and comment on park related budget items.

**Sec. 2-307--2-320. - Reserved.**

II. This ordinance shall be published within 15 days after its adoption.

III. This ordinance shall become effective upon publication.

ROLL CALL: Ayes – All, the motion carried.

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**SICK TIME ACCUMULATION**

City Mgr. Hefele thanked those that are here when they need to be.

**RESOLUTION NO. 2022-115**

A motion was made by Council Member Bielas, seconded by Council Member Adair, to uncap sick time for the DPW Superintendent and Water Superintendent.

After discussion, Council Member Bielas withdrew his motion and Council Member Adair withdrew his second and the issue was tabled to the next meeting.

**RESOLUTION NO. 2022-116**

A motion was made by Council member Nowak, seconded by Council Member Adair, to table the sick time accumulation agenda item to the next meeting.

ROLL CALL: Ayes – All, the motion carried.

**AMENDMENT TO WORK RULES FOR PUBLIC WORKS, WATER AND WWTP**

**RESOLUTION NO. 2022-117**

A motion was made by Council Member Nowak, seconded by Council Member Fuhrman, to add under “Other Offenses” No.6 (“Other”) a prohibition on any form of smoking, vaping or e-cigarettes within any City building, vehicle or equipment.

ROLL CALL: Ayes – All, the motion carried.

**PART-TIME RCPD COMPENSATION**

**RESOLUTION NO. 2022-118**

A motion was made by Council Member Bielas, seconded by Council Member Nowak, to increase the part-time police officers pay rate to coincide with their years of service retroactive to July 1, 2022, and increase the blight officer’s pay from \$16 to \$17 per hour retroactive to May 1, 2022.

ROLL CALL: Ayes – All, the motion carried.

**PARKS POLICY INSURANCE REQUIREMENT**

No action was taken.

**EVENT REQUEST - AFSP**

**RESOLUTION NO. 2022-119**

A motion was made by Council Member Adair, seconded by Council Member Bielas, to approve the Tent in Lakeside Park request from the American Foundation for Suicide Prevention for their event on October 1, 2022.

ROLL CALL: Ayes – All, the motion carried.

**OTHER BUSINESS:**

Lana Kowalski addressed Council regarding barking dogs and other issues at her residence. Mayor McLennan stated that he has had many people recently say how great our town is.

**CLOSED SESSION:** None.

**ADJOURNMENT:**

With nothing further to come before Council, Mayor McLennan declared the meeting adjourned at 7:10 p.m.

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SCOTT MCLENNAN, MAYOR

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TERRI L. KOSS, CITY CLERK/TREASURER

MINUTES OF THE REGULAR MEETING OF THE ROGERS CITY CITY COUNCIL  
HELD IN COUNCIL CHAMBERS ON TUESDAY, SEPTEMBER 6, 2022

Mayor McLennan called the meeting to order at 6 p.m. Brian Brooks 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 Fuhrman, to approve the agenda with the following addition – Consideration of the purchase of property.

ROLL CALL: Ayes – All, the motion carried.

**CITIZENS APPEARING BEFORE THE COUNCIL:**

**Chief Meyer** introduced new police officer Joe Kerr to the Council.

**Brian Brooks** addressed Council regarding a ribbon cutting when the Westminster gazebo is complete.

**Julie Brooks** addressed Council regarding photographing current City projects.

**APPROVAL OF MINUTES**

It was moved by Council Member Bielas, seconded by Council Member Nowak, that the minutes of the Regular Council Meeting of August 16, 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 \$656,785.83 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 the City is on a city wide boil water due to a broken water main. Hefele also reported on the First Street and the lead and copper projects. Council Member Nowak and Council Member Fuhrman questioned why they were not invited to the recent governors' visit.

**COMMISSION AND BOARD REPORTS:**

Included in the meeting packet were the minutes from the Planning Commission, Harbor Advisory and MS-DDA meetings.

**LIAISONS:**

Mayor McLennan stated EGLE and NEMCOG are putting on an electronic recycling day on September 21, 2022 at the Rogers City Transfer Station.

**MAYOR:** None.

September 6, 2022

**UNFINISHED BUSINESS:**

**PARKS & RECREATION COMMISSION ORDINANCE AMENDMENT – 2<sup>ND</sup> READING AND ADOPTION**

**ORDINANCE NO. 2022-6**

**A motion was made by Council Member Nowak, seconded by Council Member Bielas, that the following Ordinance No. 2022-6, which was introduced for first reading at the August 16, 2022 Council meeting, be adopted and that proper publication of the summary be made within 15 days required from the date thereof in the *Presque Isle County Advance*. Said ordinance to become effective upon publication on September 15, 2022.**

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 4, DIVISION 5 OF THE ROGERS CITY CODE OF ORDINANCES BY ELIMINATING THE REQUIREMENT THAT A MEMBER OF THE BOARD OR STAFF OF THE PRESQUE ISLE CONSERVATION DISTRICT BE APPOINTED TO THE PARKS AND RECREATION COMMISSION OF THE CITY OF ROGERS CITY

THE CITY OF ROGERS CITY ORDAINS:

- I. Chapter 2, Article 4, Division 5 of the Code of Ordinances of the City of Rogers City, Michigan, is hereby amended as follows, with language in green print added and language in red print, with strike-through, eliminated:

***DIVISION 5. – PARKS AND RECREATION COMMISSION***

Sec. 2-300. – Creation; purpose.

Sec. 2-301. – Composition, appointment.

Sec. 2-302. - Qualifications.

Sec. 2-303. - Vacancies.

Sec. 2-304. – Ex officio members.

Sec. 2-305. – Organization

Sec. 2-306. – Duties and responsibilities

Secs. 2-307 – 2-320 – Reserved

***Sec. 2-300. - Creation; purpose.***

The purpose of this section shall be to establish a Parks and Recreation Commission pursuant to Act 156 of 1917, for the City of Rogers City, which Commission shall assume positive leadership in formulating a philosophy of recreation and recreation program suitable to the City and shall serve as an advisory body to the City Council on all matters related to and necessary to the recreational needs of the City.

***Sec. 2-301. - Composition, appointment.***

The Parks and Recreation Commission shall consist of nine (9) members to be, (including voting ex officio members) appointed by the Mayor subject to the approval of the City Council for a term of three (3) years commencing September 17, 2001. For the first appointment, two (2) members shall be appointed for a one (1) year term, two (2) members for a two (2) year term and three (3) members for a three (3) year term.

***Sec. 2-302. - Qualifications.***

No less than six of the nine members of the Parks and Recreation Commission appointed in accordance with Sec. 2-301 shall be residents of this city. ~~The Presque Isle Conservation District ex officio representative is among the three exempted from the residency requirement and shall be selected by the Presque Isle Conservation District Board of Directors. The Conservation District representative shall be a board or staff member of that organization.~~

***Sec. 2-303. - Vacancies.***

Vacancies on the Parks and Recreation Commission shall be filled by appointment for unexpired terms in the same manner as the original appointment.

***Sec. 2-304. - Ex officio members.***

The City Manager or designee and the Supervisor of the Department of Public Works shall serve as ex officio members of the Parks and Recreation Commission in an advisory capacity only. In addition, one member of the City Council, ~~and the Conservation District representative~~ shall be **an ex officio member** ~~ex officio members~~ of the Parks and Recreation Commission and shall serve the Commission as **a full voting member** ~~full voting members~~. One of the appointed members of the Parks and Recreation

September 6, 2022

Commission may be a member of the Planning Commission, in which case the member shall serve as an ex officio full voting member.

**Sec. 2-305. - Organization.**

- a) The Parks and Recreation Commission shall hold a regular meeting at least once each month. Such meetings shall be conducted under the auspices of the Open Meetings Act, Public Act 267 of 1976.
- b) The Parks and Recreation Commission shall adopt by-laws governing the procedure for the regular and special meetings of the commission and defining the duties and powers of the commission.
- c) The Parks and Recreation Commission shall elect a Chairperson, Vice-chairperson and a Secretary all of whom shall serve for a term of one year commencing from the date of the first regular meeting. Officers, thereafter, shall be elected for a one-year term upon the expiration of the preceding terms of the previously elected officers.

**Sec. 2-306 - Duties and responsibilities.**

- a) The Parks and Recreation Commission shall review and comment on proposed park projects and park property acquisition prior to final action by City Council.
- b) The Parks and Recreation Commission shall help coordinate park-related activities, including recreational activities and volunteer service for park improvements.
- c) The Parks and Recreation Commission shall assist in updating or creating plans for parks and the park system, recreational facilities and conservancies. The Parks and Recreation Commission shall assist the City with preparation and updating of the Parks and Recreation Master Plan.
- d) The Parks and Recreation Commission shall cooperate with other institutions within and outside the City (such as schools, state and federal government agencies, and civic organizations) to champion, promote and utilize parks and recreational facilities, including agreements with such groups for joint planning, use of facilities and services, or other arrangements of mutual advantage in the conduct of a recreational program.
- e) The Parks and Recreation Commission shall make budget requests to the City Manager for review by the City Council as part of the budget process and review and comment on park related budget items.

**Sec. 2-307--2-320. - Reserved.**

II. This ordinance shall be published within 15 days after its adoption.

III. This ordinance shall become effective upon publication.

ROLL CALL: Ayes – All, the motion carried.

**PRIVATE WATER WELLS**

City Mgr. Hefele reviewed the proposed ordinance. Discussion was had regarding the pros and cons of drilling a well within the City limits.

**ORDINANCE NO. 2022-7**

A motion was made by Council Member Nowak, seconded by Council Member Adair, for first reading removing the word “possible” in Section 1, d, 1.

ROLL CALL: Ayes Adair and Nowak.

Nayes – Bielas, Fuhrman and McLennan, the motion failed.

**SICK TIME ACCUMULATION/SHORT-TERM DISABILITY POLICY**

City Mgr. Hefele requested additional time to research short term disability.

**RESOLUTION NO. 2022-120**

A motion was made by Council Member Bielas, seconded by Council Member Adair, to take no action at this time pending further information from City Mgr. Hefele.

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

Nayes – Nowak, the motion carried.

**CONSIDERATION OF THE PURCHASE OF PROPERTY**



September 6, 2022

City Mgr. Hefele reviewed the discussion recently held with Rob and Clay Vogelheim. Consensus of Council was to have the assessor develop a value of the lakefront property.

**NEW BUSINESS:**

**PORCH IN RIGHT-OF-WAY**

Discussion was had on the porch location.

**RESOLUTION NO. 2022-121**

A motion was made by Council Member Nowak, seconded by Council Member Bielas, to allow Mr. Bober's deck to encroach into the City Street-right-of-way until a variance request for the deck can be considered, the deadline to request the said variance is September 23, 2022.

ROLL CALL: Ayes – All, the motion carried.

**LETTER OF UNDERSTANDING POLC**

City Mgr. Hefele reviewed the proposed letter of understanding.

**RESOLUTION NO. 2022-122**

A motion was made by Council Member Bielas, seconded by Council Member Nowak, to approve the POLC Letter of Understanding as presented.

ROLL CALL: Ayes – All, the motion carried.

**AT&T LEASE BUY OUT**

It was consensus of Council to have City Mgr. Hefele do additional research.

**OPERATION OF WWTP**

Consensus of Council was to keep investigating this process.

**CITY RIGHT-OF-WAY REQUEST**

**RESOLUTION NO. 2022-123**

A motion was made by Council Member Bielas, seconded by Council Member Nowak, to allow Culligan to replace the grass in the City Right-of-way with cement.

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 7:08 p.m.

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SCOTT MCLENNAN, MAYOR

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TERRI L. KOSS, CITY CLERK/TREASURER

MINUTES OF THE REGULAR MEETING OF THE ROGERS CITY CITY COUNCIL  
HELD IN COUNCIL CHAMBERS ON TUESDAY, SEPTEMBER 22, 2022

Mayor McLennan called the meeting to order at 6 pm, 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 Bruce Collins, 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 with the following amendments: remove sick time accumulation and water tower lease buy out and add paving in the City Right-of-Way.

ROLL CALL: Ayes – All, the motion carried.

**CITIZENS APPEARING BEFORE THE COUNCIL:** None.

**APPROVAL OF MINUTES**

It was moved by Council Member Bielas, seconded by Council Member Nowak, that the minutes of the Regular Council Meeting of September 6, 2022 be approved as written.

ROLL CALL: Ayes – All, the motion carried.

**CITY CLERK'S REPORT:**

Clerk/Treasurer Koss reported that approximately 200 absent ballot requests have been submitted for the November 8, 2022 election.

**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 \$172,353.13 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 the First Street project is going well.

**COMMISSION AND BOARD REPORTS:** None.

**LIAISONS:** None.

**MAYOR:**

Mayor McLennan stated that the e-recycling is September 21<sup>st</sup> and the Art Walk is September 30<sup>th</sup>.

**UNFINISHED BUSINESS:**

**CODE AMENDMENT – PRIVATE WATER WELLS – FIRST READING**

City Mgr. Hefele reviewed the information he gathered since the last meeting.

**ORDINANCE NO 2022-7**

A motion was made by Council Member Nowak, seconded by Council Member Adair, to introduce the following for first reading: for three acres

September 20, 2022

AN ORDINANCE AMENDING CHAPTER 18, ARTICLE 2, SECTION 18-44, SUBSECTION 3 OF THE ROGERS CITY CODE OF ORDINANCES BY ALLOWING FOR PRIVATE WATER WELLS TO BE DRILLED AND OPERATED WHERE CITY WATER IS AVAILABLE WITHIN 200 FEET OF THE PROPERTY LINE, FOR REASONS OTHER THAN DEWATERING/MONITORING, UNDER CERTAIN CIRCUMSTANCES AND AS AUTHORIZED BY THE CITY COUNCIL.

THE CITY OF ROGERS CITY ORDAINS:

- I. Chapter 18, Article 2, Section 18-44, Subsection 3 of the Code of Ordinances of the City of Rogers City, Michigan, is hereby amended as follows, with language in green print added and language in red print, with strike-through, eliminated:
    - 1) Permitted Water Wells. The following water wells are permitted within the City under the terms and conditions specified:
      - a) A water well used solely for the purpose of construction site dewatering or for conducting response activities, including sampling or treatment of the groundwater.
      - b) A water well lawfully in existence at the time of the enactment of this ordinance, provided, however, the size of such water well shall not be expanded.
      - c) A water well for new development when a water main is not located within 200 feet of the property, provided that the water from the water well is tested annually and approved for human consumption by the Michigan Department of Environmental Quality, or the county health department.
      - d) A water well authorized in advance by the City Council subject to the following:
        - 1) Connection to the City system is not possible or practical, as determined by City Council;
        - 2) The drilling and operation of the well will not impact public health and safety or the reliable and safe operation of the City water system, as determined by City Council;
        - 3) The property on which the well is proposed is not less than three acres in size;
        - 4) The well may not be used to supply potable water;
        - 5) The well may not be connected to the City water system;
        - 6) The City reserves the right to inspect the well upon request;
        - 7) The drilling and operation of the well at all times complies with State and County health department rules and regulations;
        - 8) In the event that use of the well is discontinued, it must be capped within 30 days in accordance with applicable State and County health department rules and regulations.
  - II. This ordinance shall be published within 15 days after its adoption.
  - III. This ordinance shall become effective upon publication.
- ROLL CALL: Ayes – Adair, Fuhrman, Nowak and McLennan.  
Nayes - Bielas, the motion carried.

**OPERATION OF WWTP**

**RESOLUTION NO. 2022-124**

A motion was made by Council Member Adair, seconded by Council Member Bielas, to allow City Mgr. Hefele to create and issue an RFP for the Operation of the Waste Water Treatment Plant.

ROLL CALL: Ayes – All, the motion carried.

**NEW BUSINESS:**

**ASSESSOR CONTRACT**

**RESOLUTION NO. 2022-125**

A motion was made by Council Member Bielas, seconded by Council Member Adair, to approve with one year contract with Berg Assessing in the amount of \$31,500.

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

Nayes – Nowak, the motion carried.

**INN PROJECT ABATEMENT**

**RESOLUTION NO. 2022-126**

September 20, 2022

A motion was made by Council Member Nowak, seconded by Council Member Fuhrman, that the City Council is willing to consider the establishment of an abatement district and Brownfield tax increment financing for the Inn Project.

ROLL CALL: Ayes – All, the motion carried.

**ZONING AMENDMENT – COMMERCIAL FIRST FLOOR APARTMENTS**

**RESOLUTION NO. 2022-127**

A motion was made by Council Member Bielas, seconded by Council Member Nowak, to send the matter of commercial first-floor apartments to the Planning Commission for consideration and recommendation to City Council.

ROLL CALL: Ayes – All, the motion carried.

**OPTIMIST TREE LIGHTING**

**RESOLUTION NO. 2022-128**

A motion was made by Council Member Fuhrman, seconded by Council Member Nowak, to approve the Optimist Club Tree Lighting in Westminster Park on Wednesday, November 23, 2022.

ROLL CALL: Ayes – All, the motion carried.

**PAVING IN CITY RIGHT-OF WAY**

**RESOLUTION NO. 2022-129**

A motion was made by Council Member Nowak, seconded by Council Member Adair, to approve the paving of the Greka's gravel shoulder with the property owner agreeing to pay the entire cost, and tentative approval on the paving of the alley behind B Save More if staff can satisfy the water run off issue and the owner agrees to pay the entire cost.

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

**OTHER BUSINESS:** None

**CLOSED SESSION:**

**RESOLUTION NO. 2022-130**

A motion was made by Council Member Bielas, seconded by Council Member Nowak to enter into Closed Session to discuss a written legal opinion provided by City Atty Vogler.

ROLL CALL: Ayes: All, the motion carried and the meeting adjourned to Closed Session at 6:45 p.m. Upon reconvening in public session at 7:00 p.m. The following action was taken.

**TRIANGLE PROPERTY**

City Mgr. Hefele reviewed the current negotiations.

**RESOLUTION NO. 2022-131**

A motion was made by Council Member Bielas, seconded by Council Member Nowak, to have staff draft an agreement based on the terms outlined in the manager's report for the next meeting

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

**ADJOURNMENT:**

With nothing further to come before Council, Mayor McLennan declared the meeting adjourned at 7:13 p.m.

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SCOTT MCLENNAN, MAYOR

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TERRI L. KOSS, CITY CLERK/TREASURER