

MINUTES OF THE REGULAR MEETING OF THE ROGERS CITY CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON TUESDAY, OCTOBER 7, 2008

Mayor Hall presided and called the meeting to order at 7 p.m. with Council Member Nowak leading the Pledge of Allegiance.

ROLL CALL: PRESENT – Council Members Darrin Darga, Debra Greene, Gary Nowak, Thomas Sobeck and Mayor Beach Hall.

OTHER CITY PERSONNEL PRESENT – City Mgr. Mark Slown, City Atty. Michael Vogler, Office Dan Kulik (for Police Chief Quaine), Clerk/Treasurer Theresa Heinzl.

It was moved by Council Member Greene, seconded by Council Member Darga, that the minutes of the Regular Council Meeting of September 16, 2008 be approved as written.

ROLL CALL: Ayes – All, the motion carried.

CITIZENS APPEARING BEFORE THE COUNCIL: None.

CITY CLERK'S REPORT:

Clerk/Treasurer Heinzl reported that the City Election Commission will be meeting immediately after this Council meeting to appoint the election inspectors for the upcoming November 4, 2008 General Election. She also informed Council that absentee ballots are available and approximately 180 ballots have already been issued to City voters.

CHECK AND INVOICE APPROVAL:

It was moved by Council Member Greene, seconded by Council Member Nowak, that the following total fund expenditures be recognized as payments made and payments to be made, approved as such, and the Mayor authorized to sign the check register.

General Fund	198,963.25
Major Street Fund	102,449.30
Local Street Fund	29,580.55
Band Fund	61.29
Community Development Authority	1,341.70
Wastewater Treatment Operation Fund	17,726.33
Water Utility Fund	40,858.46
Marina Operations Fund	25,318.92
Garbage Collection Fund	8,590.85
Equipment Fund	36,586.02
Trust and Agency Fund	574,708.54

ROLL CALL: Ayes – All, the motion carried.

CITY ATTORNEY'S REPORT: Atty. Vogler had no report for this meeting.

CITY MANAGER'S REPORT:

City Mgr. Slown reported on the following:

- **MML Convention:** Council Members Darga, Greene, and Nowak, and the City Manager attended the Michigan Municipal League Annual Convention at Mackinac Island last week. It was reported to be a very informative conference.
- **Police Door:** The entry door was recently replaced for the Police Department.
- **Sunrise Coastal Hwy Council:** A meeting is scheduled in Alpena on Wednesday, October 8th. Information is available for anyone interested in attending.
- **WWTP/DPW Roofs:** Both the DPW and WWTP are getting new roofs. Money was budgeted for the DPW garage roof; however, WWTP is requesting use of designated funds. This is an upcoming agenda item for this meeting.
- **MI Oral History Conference:** The City has been working with Marilou Ikens, representing the Michigan Oral History Association on the annual conference scheduled to take place in Rogers City on November 7-8, 2008. This is a statewide conference and one of the features is a recognition dinner for all veterans, but especially the World War II veterans. The dinner takes place on Friday, November 7th. It is hoped that the veterans will share their stories verbally and these will be recorded for historical purposes.
- **Meeting Schedule:** Slown detailed the following upcoming meetings: City Staff will be meeting with area contractors on October 23rd at Kortman's Restaurant; there is a "Business Buzz" on October 22nd at 7:30 a.m. at the Senior Center. The main topic will be the USA Main Street Program. Boyne City representatives will be making a presentation on the success of their Main Street venture. Slown continued that there is a Michigan Main Street Free Training Session in Clare on October 21st; the Metz

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Fire Anniversary event is scheduled for October 15th; an Incubator Project Road Trip will take place on October 13th; and the Safe Routes "Walk to School" is Wednesday, October 8th at 7:30 a.m.

COMMISSION AND BOARD REPORTS:

Council was provided with copies of the minutes from the **August 14th Housing Commission Meeting** and the **September 17th Parks & Recreation Meeting** in their meeting packets.

LIAISONS:

RCAFDA: Mayor Hall reported that the RCAFDA met Thursday, October 2nd. There was discussion about both the City's and Fire Authority's budgets as well as preparing for the purchase of a new fire truck in the very near future.

MAYOR:

Mayor Hall expressed the sympathy of the Council to Council Member Sobeck on the death of his father. Hall stated that the DEQ meeting held on Wednesday, October 1st to provide information on the proposed Wolverine Power Project was deemed to be a success. Many questions were asked of the DEQ representatives. Mayor Hall then informed all present that this is the first time that the Michigan Oral History Association has met north of Lansing.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

CHARTER COMMUNICATIONS AGREEMENT

Mayor Hall acknowledged Ed Kavanaugh, representing Charter Communications. Mr. Kavanaugh addressed Council on the upgrade of cable in Rogers City. It is a \$1 million project and connects Rogers City to Alpena. He explained the broadband network and its capabilities. Charter began working in Rogers City in July 2008 and some areas have experienced a brief power outage. There will be a complete new channel lineup and this will change on December 2, 2008. Channel 12 will become Channel 99. Kavanaugh gave a brief overview of the channels that will be available for the Rogers City community. A cable subscriber will transition with little or no problems and will not need to purchase any other equipment. The Charter lineup includes approximately 200 channels. Kavanaugh explained the letter of understanding provided to Council in their meeting packets and specifically pointed out paragraph two (2) on page one (1) of the letter.

Atty Vogler stated that he reviewed the letter included in the meeting packet and stated he did not understand all that the letter addressed. He asked if the letter was due by a certain date, to which Mr. Kavanaugh responded that December 2nd is the target date. Mayor Hall asked how the community will be notified. Kavanaugh stated that the community will be receiving a letter about the change with a notice of a rate change for subscribers; Charter employees may also be going door to door to promote the three-tiered package of cable, phone, and internet service. Vogler asked if Alpena received a similar letter of understanding. Kavanaugh answered that Alpena is receiving a letter currently and the details are basically the same.

Mayor Hall pointed out that Rich Warwick, TAB Chair, was present at this meeting. Warwick deferred to City Mgr. Slown to report on the meeting attended by Charter staff members and City staff on October 6th. Slown explained that the meeting was to formulate a plan to make the transition from Channel 12 to Channels 99 and 994. He offered details on what was covered at the meeting and the projected costs for the City, which will be approximately \$1800-\$2000. It is expected that the funds will be taken from the franchise fees.

RESOLUTION NO. 2008-114

A motion was made by Council Member Nowak, seconded by Council Member Sobeck, to approve the Letter of Understanding between CC Michigan, LLC, dba Charter Communications, and the City of Rogers City relating to the transition to a digitized television format. Said Council approval to be contingent upon a favorable review and approval by the City Attorney.

ROLL CALL: Ayes – All, the motion carried.

ORDINANCES

ORDINANCE NO. 2008-08: ZONING MAP AMENDMENT

Mayor Hall explained that this ordinance amendment changes the described parcels from the Waterfront District to R-3 Single Family Residential District. The parcels are located on the lake side of North First Street.

The following ordinance was introduced for first reading by Council Member Nowak, seconded by Council Member Greene:

ORDINANCE NO. 2008 - 08

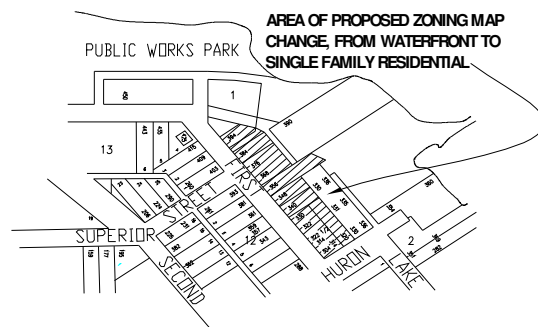
AN ORDINANCE TO AMEND THE ZONING MAP.

THE CITY OF ROGERS CITY ORDAINS:

The Zoning Map is hereby amended to change the zoning designation of the following described parcels from the waterfront district to R-3 Single Family Residential District:

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- PIN: 150-001-000-001-00
ORIGINAL PLAT BLOCK 1 COM 520FT N 34DEG 30MIN W AND 110FT N 55DEG 30MIN E OF MOST SLY COR BLK 1, S 55DEG 30MIN W 100FT, N 34DEG 30MIN W 50FT, N 55DEG 30MIN E 69FT, S 73DEG 53MIN E 64.7FT TO POB.
- PIN: 150-001-000-015-00
ORIGINAL PLAT BLOCK 1 PARC COM S COR BLK 1 TH N 34D 30M W 450FT TO POB, TH CONT 50FT TH N 55D 30M E 125FT TH S 34D 30M E 50FT TH S 55D 30M W 125FT TO POB.
- PIN: 150-001-000-014-00
ORIGINAL PLAT BLOCK 1 PARC COM N 34DEG 30MIN W 450FT FROM MOST SLY COR BLK 1; N 55DEG 30MIN E 125FT, S 34DEG 30MIN E 30FT, S 55DEG 30MIN W 65FT, S 34DEG 30MIN E 10FT, S 55DEG 30MIN W 60FT, N 34DEG 30MIN W 40FT TO POB.
- PIN: 150-001-000-013-00
ORIGINAL PLAT BLOCK 1 COM S COR TH N34-30-00W 350FT TO POB TH CONT 60FT TH N 55-30-00 E 60FT TH N34-30-00W 10FT TH N55-30-00E 65FT TH S34-30-00E 70FT TH S55-30-00W 125FT TO POB.
- PIN: 150-001-000-012-00
ORIGINAL PLAT BLOCK 1 PARC COM 300FT N 34D 30M W FROM MOST SLY COR OF BLK 1 TH N 34D 30M W 50FT TH N 55D 30M E 210FT TH S 61D E 55FT TH S 55D 30M W 235FT TO POB.
- PIN: 150-001-000-006-00
ORIGINAL PLAT OF VILLAGE NOW CITY OF ROGERS CITY, BLK 1 COM 250FT N 34D 30M W FROM S COR TH CONT 50FT TH N 55D 30M E 125FT TH S 34D 30M E 50FT TH S 55D 30M W 125FT TO POB.
- PIN: 150-001-000-011-00
ORIGINAL PLAT BLOCK 1 COM S COR TH N 34D 30M W 200FT TO POB, TH CONT 50FT TH N 55D 30M E 125FT TH S 34D 30M E 50FT TH S 55D 30M W 125FT TO POB.
- PIN: 150-001-000-005-00
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- PIN: 150-001-000-009-00
ORIGINAL PLAT BLK 1 COM S COR SD BLK TH N 34D 30M W 100FT TO POB, TH N 55D 30M E 125FT TH N 34D 30M W 50FT TH S 55D 30M W 125FT TH S 34D 30M E 50FT TO POB.
- PIN: 150-001-000-008-00
ORIGINAL PLAT BLOCK 1 COM N 34D 30M W 50FT FROM S COR TH N 55D 30M E 125FT TH N 34D 30M W 50FT TH S 55D 30M W 125FT TH S 34D 30M E 50FT TO POB.
- PIN: 150-001-000-007-00
ORIGINAL PLAT BLOCK 1 COM AT S COR TH N55-30-00E 125FT TH N34-30-00W 50FT TH S55-30-00W 125FT TH S34-30-00E 50FT TO POB.
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ROLL CALL: Ayes – All, the motion carried.

Following the roll call, Council Member Greene stated that she wanted to clarify that this change is being made for the purpose that these properties would be conforming uses in the R-3 Single Family Residential District.

ORDINANCE NO. 2008-06: DOGS RUNNING AT LARGE AMENDMENT

Mayor Hall moved back to this ordinance and acknowledged that letters were received on the ordinance amendment and provided to Council in their meeting packets. He asked for comments from the persons who were present at this meeting. Mike Leow, of Spruce Street, addressed Council and asked for an explanation of the amendment versus the original ordinance on the books. He felt this would make the City an unfriendly one for any tourists. Leow walks his dog and most of the time he does not have the dog on a leash, but it is under his control. Council Member Nowak asked how a police officer can make the determination about a “dog under or not under control”. Council Member Greene feels the previous law is adequate and does not need changing. She added that a dog running loose without an owner in sight is wrong; however, there are many dog owners who do enroll in dog obedience classes and the dog is trained to walk unleashed with the owner. Mayor Hall asked Atty. Vogler on changing the current ordinance to address the civil infraction. Greene may be in favor of the civil infraction, but is not in favor of a leash requirement. Council Member Sobeck added that he feels that there are areas within the City that can be used for walking dogs without a leash, but he believes that dogs should be leashed in the downtown area. A leash makes the determination a little easier for a police officer. City Mgr. Slown agreed that this ordinance may need to be revisited. He asked Council to give staff a period of time at Council’s discretion to do some public education on owner responsibility, increase enforcement activity, etc. to obtain greater cooperation from the citizens to control the running at large problem. Should this fail, then the amendment could be reconsidered. With the discussion concluding, Council Member Nowak asked that Chief Quaine provide a summation of the history on this issue. Susie Leow of 1066 Spruce

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then asked to address Council and explained her procedure for handling her dogs. She also pointed out that cats are not addressed with an ordinance and she feels that this is a larger issue.

RESOLUTION NO. 2008-115

A motion was made by Council Member Nowak, seconded by Council Member Sobeck, to table the following Ordinance No. 2008-06 until the next regular Council meeting and obtain input from the Police Chief on the ordinance and history of the addressed issue. Any suggested changes to the ordinance are to be brought up at the next meeting.

ROLL CALL: Ayes -- Nowak, Sobeck and Hall.

Nays -- Greene and Darga. The motion carried.

ORDINANCE NO. 2008-06 (as introduced for first reading and published in the local newspaper)
AN ORDINANCE AMENDING THE ROGERS CITY CODE OF ORDINANCES,
CHAPTER 5 ANIMALS, ARTICLE II DOGS SECTION 5-26 RUNNING AT LARGE.

THE CITY OF ROGERS CITY ORDAINS:

1. The Rogers City Code of Ordinances, Chapter 5 Animals, Article II Dogs, Section 5-26 Running at Large is amended to read as follows:

Section 5-26 Running at Large

No person shall bring or allow any dog owned by him or in his custody into any public place unless such dog is secured by a leash. A person who violates this section is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50.00 or more than \$500.00 plus costs for each violation. The City Police are authorized to issue municipal civil infraction citations for violations of this section.

2. This Ordinance shall be published once within 15 days after its adoption and shall be effective upon publication.

Section 5-26 Running at Large currently reads as follows:

It shall be unlawful for any person owning, possessing or harboring any dog to suffer or permit it to run at large within the corporate limits. Dogs on leash or accompanied by their owners or custodians having reasonable control of such dogs shall not be deemed to be running at large.

Council Member Darga asked to explain his "no" vote as he feels there is too much wrong with the ordinance as it is presented. Council Member Nowak suggested that Darga make changes as he sees fit; however, Darga reiterated that he would have preferred to pull the entire amendment altogether.

Wendy Sweeso then asked if anyone has contacted a dog trainer, to which Council Members agreed that this would be a good source to contact for information.

ORDINANCE NO. 2008-07: REMOVAL OF DOG WASTE AMENDMENT

Mayor Hall addressed this ordinance before dealing with the dog leash ordinance amendment. Council was provided copies of the letters received from residents in their meeting packets and there were at least four persons present to speak on both the dog leash and dog waste ordinance amendments. Wendy Sweeso offered her comments on the dog waste amendment. She stated she agrees with dog owners picking up after their animals, however, although not an issue in the summer, in the winter months, she said there were no garbage cans around town in which to deposit the waste bags. Council Member Greene agreed that garbage containers are not available in the winter months. Mayor Hall thanked Ms. Sweeso for her comments and asked for any other comments from those present.

ORDINANCE NO. 2008-07

A motion was made by Council Member Sobeck, seconded by Council Member Nowak, that the following Ordinance No. 2008-07, which was introduced for first reading at the September 16, 2008 Council meeting, be adopted and that proper publication be made within the 15 days required from the date hereof in the *Presque Isle County Advance*.

ORDINANCE NO. 2008-07

AN ORDINANCE AMENDING THE ROGERS CITY CODE OF ORDINANCES,
CHAPTER 5 ANIMALS, ARTICLE II DOGS TO ADD SECTION 5-33 REQUIRING
THE REMOVAL OF DOG FECES AND PROVIDING FOR PENALTIES FOR
VIOLATION THEREOF.

THE CITY OF ROGERS CITY ORDAINS:

1. The Rogers City Code of Ordinances Chapter 5 Animals, Article II Dogs, is hereby amended to add Section 5-33 as follows:

Section 5-33 Removal of Dog Feces

No person shall permit a dog to defecate on land owned by another or upon any street, sidewalk, passageway, park or other public place unless such person shall

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immediately remove and dispose of, in a sanitary manner, all such feces deposited by such dog. The deposit shall be properly wrapped, packaged or protected so as to prevent unsightly disposal, odor, or to interfere with the health and welfare of the community. A person who violates this section is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50.00 or more than \$500.00 plus costs for each violation. The City Police are authorized to issue municipal civil infraction citations for violations of this section.

2. This Ordinance shall be published once within 15 days after its adoption and shall be effective upon publication.

ROLL CALL: Ayes – All, the motion carried.

Council Greene commented on allowing dogs to be walked on the trail within Lakeside Park; she does not mean that this would allow dogs to play in the Lakeside Park area. Safety is a concern as persons walking on the trail must use Lake Street if they are walking a dog. Mayor Hall suggested that Council Member Greene request that the ordinance addressing dogs in Lakeside Park be revisited. City Mgr. Slown will look into the Lakeside Park “no dogs” ordinance.

Kari Sobeck added a comment about the dog waste ordinance stating that as a dog owner, she picks up after her dogs wherever she walks. She asked what could be done if a person observes a dog owner allowing his dog to defecate on a public street or facility and does not take care of the waste. She was advised to report the owner to the authorities, who will address the issue.

APPROVAL – PURCHASE OF POLICE VEHICLE

Council was provided a memo from Police Chief Quaine regarding the purchase of a new police vehicle. He asked for quotes from Mike Lynch, Inc., A-P Super Service, and Rogers City Buick Pontiac. He received a quote for a 2009 Chevrolet Impala Police Package from Rogers City Buick Pontiac in the amount of \$24,200 and a quote from Mike Lynch, Inc. for a 2009 Crown Victoria Police Interceptor for \$20,985. Quaine is recommending that the purchase be made from Mike Lynch, Inc. as this quote was only \$206 higher than the state bid from Signature Ford of Owosso.

RESOLUTION NO. 2008-116

A motion was made by Council Member Darga, seconded by Council Member Nowak, to authorize the City Manager and Police Chief to enter into a lease agreement through Ford Municipal Financing to obtain a 2009 Crown Victoria Police Interceptor from Mike Lynch, Inc. Said lease will consist of three annual payments of \$7,504.75 with purchase of the vehicle for \$1 upon conclusion of the term of the lease agreement.

ROLL CALL: Ayes – All, the motion carried.

DESIGNATED FUNDS – WWTP ROOF REPLACEMENT

Wastewater Treatment Plant Supt. Ray Hansen secured quotes for removing and replacing the roof on the main office building and the digester building at the WWTP. Hansen is recommending acceptance of the quote from Great Lakes of Sault Ste. Marie, Michigan in the amount of \$34,750. The quote is higher than the amount budgeted for this project. Council is asked to approve the use of designated funds in the amount of \$15,000 for this work.

RESOLUTION NO. 2008-117

A motion was made by Council Member Nowak, seconded by Council Member Sobeck, to authorize the use of designated funds in the amount of \$15,000 to pay for removing and replacing the roof on the main office building and the digester building at the Wastewater Treatment Plant.

ROLL CALL: Ayes – All, the motion carried.

APPROVAL OF FLEIS & VANDENBRINK ENGINEERING, INC. SERVICES AGREEMENT

Council, at a previous meeting, accepted the proposal from Fleis & VandenBrink Engineering, Inc. to provide general consultation services for the Downtown Street Lighting Project. Harry Wierenga of Fleis & VandenBrink Engineering introduced himself and stated that the firm was excited to be part of this project. City Atty. Vogler stated that there were some changes to the document that he felt should be made, some of which have already been agreed to by Mr. Wierenga.

RESOLUTION NO. 2008-118

A motion was made by Council Member Nowak, seconded by Council Member Darga, to authorize the Mayor and Clerk to sign the Professional Services Agreement between the City and Fleis & VandenBrink Engineering, Inc. subject to approval of the document by the City Attorney.

ROLL CALL: Ayes – All, the motion carried.

KIWANIS CLUB REQUEST – HALLOWEEN PARADE & PARTY

A letter was received from the Rogers City Kiwanis Club asking to hold a Halloween Parade on Friday, October 31st and also to use the Fire Hall for a party following the parade. The Kiwanis Club is also asking that the DPW furnish six picnic tables to be used in the Fire Hall and that the Police Department provide supervision during the parade, which is to begin at 5:30 p.m. at the Westminster Church parking lot. The parade will

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proceed down Third Street to Michigan Avenue and end at the Fire Hall. Council was also asked to designate the "trick or treat" hours to be from 5:30 p.m. to 7:30 p.m. on October 31st.

RESOLUTION NO. 2008-119

A motion was made by Council Sobeck, seconded by Council Member Nowak, to approve the request of the Rogers City Kiwanis Club to hold the annual Halloween Parade on Friday, October 31st beginning at 5:30 p.m. with the parade route to commence at Westminster Church parking lot, proceeding down Third Street to Michigan Avenue, ending at the Fire Hall. Said approval to include a Police Department escort for the parade, use of the Fire Hall for the annual Halloween Party, and use of six picnic tables to be provided by the Department of Public Works. By this resolution, Council is also designating the hours for Trick-or-Treating within the City to be from 5:30 p.m. to 7:30 p.m. on October 31, 2008.

ROLL CALL: Ayes – All, the motion carried.

RESOLUTION FOR CHARITABLE GAMING LICENSE – ROGERS CITY HURONS ATHLETIC BOOSTERS ASSOCIATION

A request was made by the Hurons Athletic Boosters Association to approve a resolution that would allow the group to obtain a charitable gaming license from the State of Michigan.

RESOLUTION NO. 2008-120

The following resolution was offered by Council Member Greene, seconded by Council Member Darga, that the request from the Rogers City Hurons Athletic Boosters Association of Rogers City, County of Presque Isle, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining charitable gaming licenses, be considered for approval.

ROLL CALL: Ayes – All, the motion carried.

OTHER BUSINESS:

Council Member Nowak stated that the area of the City Garage from Riverview Street needs some work. As the corner is turned, the area is very unkempt—possibly a berm would help to hide some of this unsightly area. Council Member Greene agreed that it needs some additional attention and City Mgr. Slown stated he will look into it. Nowak also mentioned that Dale Plume suggested some art work for the board in front of the vacant lot next to the former Brooks Hotel on Third Street. Council Member Nowak also inquired about Forest Avenue, He received a complaint that the street is like a washboard. Slown explained that there is some work being done on that street, which may be the reason for the temporary effect.

Council Member Greene talked about the motivational speakers at the Michigan Municipal League Convention and said that she brought back materials about the seminars she attended. She also talked about the letter from Jerry Klaf and Len Lukowski regarding the sidewalk on Erie Street from Hilltop Manor to the shopping center property. Greene has been an advocate of a sidewalk in this area for some time and feels this should be part of the City's visioning plan. Council Member Nowak asked what the time frame was for the Safe Routes to School Program. Slown responded on the expected timing for the Safe Routes Program and agreed to check on it and report back to Council at the next meeting. Another concern of Council Member Greene's is the energy efficiency of the lights around town. She appreciates the lights at Well House No. 5, but feels they are too bright. Another area she questioned is the bandshell lights on the outside of the building. City Mgr. Slown will check into this as well.

Council Member Nowak questioned if the camera at the Marina is up and running to which Slown replied that it is still being worked on. Nowak also asked if the Marina year-end report has been completed. It was explained that the Marina is still operating and the report is prepared on a calendar basis.

CLOSED SESSION: None.

ADJOURNMENT:

With nothing further to come before Council, Mayor Hall declared the meeting adjourned at 8:25 p.m.

BEACH HALL, MAYOR

THERESA A. HEINZEL, CITY CLERK/
TREASURER