

MINUTES OF THE REGULAR MEETING OF THE ROGERS CITY CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON TUESDAY, OCTOBER 21, 2008

Mayor Hall presided and called the meeting to order at 7 p.m. with Council Member Darga 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, Police Chief Matt Quaine, and Clerk/Treasurer Theresa Heinzl.

Addition to Agenda: Mayor Hall asked that the Identity Theft Prevention Program Policy be added to this meeting agenda. Council Members had no objection to the addition.

It was moved by Council Member Nowak, seconded by Council Member Sobeck, that the minutes of the Regular Council Meeting of October 7, 2008 be approved as written.

ROLL CALL: Ayes – All, the motion carried.

CITIZENS APPEARING BEFORE THE COUNCIL:

Bill Valentine, Director of Economic Development for Presque Isle County and consultant to the CDA Main Street Program, asked to address Council on two issues: 1) formation of a tourism promotion in Presque Isle County. He briefed Council on recent meetings and the issues and events addressed by the group. This group wants to establish a formal association with representatives of the entities within the County, i.e., Rogers City, Millersburg, Onaway, Posen and the respective Chambers, the PI District Library, the County Commissioners and the CDC. He is asking Council to participate in the formation of the group and consider naming someone as the City's representative on the steering committee. Mayor Hall asked if an appointment could be made at the next Council meeting (Nov. 4th) to which Valentine responded that the group would like to be established by the end of 2008. Council agreed to act on an appointment at their next regular meeting. 2) the letter received from EC&S and copied to Council about funding a baseline environmental assessment within the County at large and within the City limits. Valentine explained the two types of assessments that would be included in the proposal and explained what would be undertaken if a grant was received from the US EPA. The cost for working with EC&S to develop a proposal is approximately \$1,500. Mayor Hall stated that a conference call with EC&S is being arranged for 11 a.m. on October 31st. Hall had some concerns due to the City's involvement with EC&S on the Lakeview Project. Valentine is asking for a \$500 contribution from the City for the EC&S work and Mayor Hall asked that this be considered at the November 4th Council meeting. Valentine felt the November 4th date would meet his deadline. Council Members agreed to add this to the November 4th meeting agenda and Council Member Nowak suggested that a portion of the \$500 be requested from the CDA. Council Member Greene asked if the City would be responsible for the cleanup of the property. City Mgr. Slown added that the MML did communicate that grant funds are available for remediation and should be looked into by the various entities if all conditions are met.

Gary Rickard was present and addressed Council based on Mr. Valentine's comments. He suggested that the Council consider a non-resident or seasonal resident for appointment to the newly intended tourism council. He feels this provides a different perspective from a long time resident. He added that he is interested in this appointment.

CITY CLERK'S REPORT:

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	274,746.89
Major Street Fund	17,667.74
Local Street Fund	36,822.64
Community Development Authority	31,446.97
VSCI Capital Projects Fund	114,106.45
Wastewater Treatment Operation Fund	44,585.44
Water Utility Fund	50,212.83
Marina Operations Fund	93,706.41
Equipment Fund	25,765.29

ROLL CALL: Ayes – All, the motion carried.

Prior to the vote, Council Member Darga questioned a bill listing and was satisfied with the explanation from the Clerk/Treasurer.

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

CITY MANAGER'S REPORT:

City Mgr. Slown reported on the following:

- **Sunrise Coastal Highway Management Council:** A regional meeting was attended by Bill Valentine, who was asked to report on the proceedings. The next meeting is scheduled in Alpena for November 11th at 10 a.m. at the Marine Sanctuary. He added that there also was a two-day conference held recently in Traverse City attended by himself and Brian Wagner, Anne Belanger, and Jan Stevenson. The Heritage Route in our area is 197 miles.
- **City Garage:** A berm with screening will be built on the Riverview Street side of the building and the DPW roof has also been repaired.
- **Business Buzz:** This event is to take place on Wednesday, October 22nd at 7:15 a.m. at the Senior Center. Boyne City representatives will be attending to make a presentation on their Main Street Program and the effects of the Program.
- **Michigan Main Street Training:** Slown and Valentine attended a training session on the Michigan Main Street Program earlier in the day in Clare. Council Member Greene would like to see some of the CDA members interested in this Program.
- **Safe Routes to School:** Chief Quaine was asked to report on the "Walk to School" day and stated that the event took place on October 9th with 85 students participating. There were four designated meeting points. Matthew Altman of St. Ignatius won the drawing for the \$100 savings bond. Council Member Greene questioned the walking audit and if it included the sidewalk to Gilpin Field. Slown added that the sidewalk from Hilltop to the shopping center lot is at least a \$10,000 project and if funding can be obtained with the Safe Routes Grant Program, he suggested that this be made part of the grant application for the Safe Routes Program.
- **Art Work in City:** Slown made some contacts, i.e., Sports Boosters, High School Art Class, for suggestions for the board in front of the vacant lot in the 100 block of North Third Street. He is now waiting for a response from those contacted.
- **Facade Project Update:** The Nautical Enterprises property owner backed out of the Façade Grant Project. They will proceed with renovations on their own. The bids for A-P Super Service and Rogers City Theatre will be opened on Thursday, October 23rd. Grulke Hardware and Domaci Gallery will be moving ahead with their projects in the spring of 2009 as will those of Gary Rickard and Larry Bruski.
- **VSCI Updates:** Three bids were received for the Senior Center parking lot project. The low bid was \$11,000 over the original estimate. MSHDA has agreed to fund 50% of this amount and the Senior Center is looking into funding the remaining \$5500. The Street Light Project is moving ahead with the approval of the engineering agreement with Fleis & VandenBrink. The revised final agreement will be reviewed by the City Attorney prior to signing.
- **American Wind Symphony Orchestra:** Communication was received from the leader of this group to again visit the City for another concert. Council Member Nowak asked Slown to obtain some information on impact on the community from the previous concert.
- **Audit Report:** The City's auditor, David Gwizdala, has agreed to attend the next Council meeting to present his report on the City's FY2007-2008 audit. Council suggested that he be present at 6:30 p.m. to answer any questions from Council.
- **Council Meeting – November 18, 2008:** Events surrounding the Bradley Commemorative are scheduled to take place on November 18th, which is a regular Council meeting night. It may be necessary to change the meeting date to allow everyone to participate in the associated activities.

COMMISSION AND BOARD REPORTS:

Council was provided copies of the minutes from the **September 29th Zoning Board of Appeals Meeting**, the **September 30th Technology Advisory Board Meeting**, and the **October 8th CDA Meeting**.

LIAISONS:

Harbor Advisory Committee: Mayor Hall provided information from the Harbor Advisory Committee (HAC) regarding their estimated report of the year's activities. The Waterways Commission has notified the Marina that rates for the 2009 boating season will remain the same. Council Member Greene asked about the use of the former comfort station. Slown explained that the HAC is looking at renovating it for use as a boaters' lounge by the seasonal boaters. Nowak felt that a money venture may be a better use of the building. Slown explained that HAC is attempting to make the marina more attractive to boaters, thereby attracting more boating traffic. The discussion continued with some suggestions offered by the Council with the intent that any action not be a financial burden to the Marina.

MAYOR:

Mayor Hall reported that the DEQ hearings on Wolverine Power will be held on October 29th and 30th at the Rogers City High School Gymnasium. Halloween is next week and reminded all of the parade and party sponsored by the Kiwanis Club. The party will take place in the Fire Hall following the parade, which begins at Westminster Park. The Presidential election is November 4th and falls on the regular Council meeting night.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

ORDINANCE NO. 2008-08: AMEND THE ZONING MAP – SECOND READING & ADOPTION

This ordinance was approved for first reading at the October 7, 2008 regular Council meeting and is now ready for second reading and adoption.

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A motion was made by Council Member Nowak, seconded by Council Member Greene, that the following Ordinance No. 2008-08, which was introduced for first reading at the October 7, 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*. Said ordinance to become effective on the eighth (8th) day following publication, which is October 30, 2008.

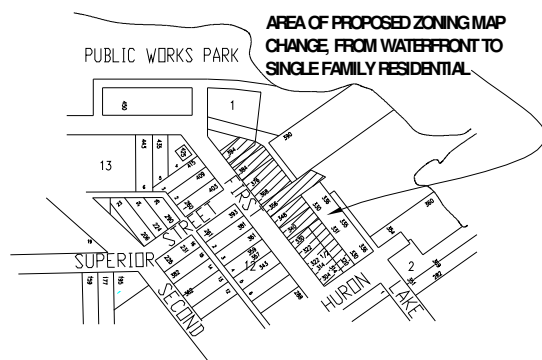
ORDINANCE NO. 2008 - 08

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:

- 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
ORIGINAL PLAT OF VILLAGE NOW CITY OF ROGERS CITY BLK 1 COM AT SLY COR OF BLK 1 TH N 34D 30M W 150FT TO NELY ROW LN FIRST ST & 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: 150-001-000-009-00
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.

ORDINANCE NO. 2008-06: DOG LEASH AMENDMENT

This ordinance was tabled from the October 7th Council meeting and Mayor Hall stated that each Council Member has talked with the Police Chief on this ordinance. Chief Quaine feels that the current ordinance is adequate, but it may be necessary to educate the public on reasonable control. Council Member Nowak would like to have the ordinance remain tabled. Council Member Greene then asked that the Planning Commission check into the number of animals allowed by a resident within the City limits. She would like the zoning

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requirement and ordinance to be the same. Slown will address this with the Planning Commission at their next meeting.

Following discussion, it was the consensus of the Council that Ordinance No. 2008-06 – Dog Leash Amendment is to remain tabled until further notice. Council Member Nowak asked that in the future, if any issue is brought up by the CDA, the ordinances be checked before the subject is referred to Council.

OPTIMIST CLUB REQUEST – MEMORIAL TREE DISPLAY

Council was provided a copy of the letter from the Rogers City Optimist Club asking to use Westminster Park for their annual Memorial Tree display. The annual lighting event will take place on November 26th at 6 p.m.

RESOLUTION NO. 2008-121

A motion was made by Council Member Sobeck, seconded by Council Member Greene, to approve the request of the Rogers City Optimist Club to use Westminster Park for the annual Memorial Tree display with the lighting event to take place on Wednesday, November 26, 2008 at 6 p.m.

ROLL CALL: Ayes – All, the motion carried.

DDA DISTRICT AMENDMENT PLAN

City Staff has been working on the areas to be added and subtracted from the CDA district as requested by Council during a recent workshop. Staff is now asking for Council concurrence with the proposed changes as depicted on the maps provided to Council. City Mgr. Slown explained that the Grambau Center area must be rezoned from residential to OS-1 to be included in the CDA district.

After a brief discussion, it was the consensus of the Council that the areas on the maps to be added and removed are correct as Council directed at the workshop and staff will continue to work on the monetary value of these changes.

FY2008-2009 BUDGET AMENDMENT NO. 1

Council was provided a detailed budget amendment for FY2008-2009 in their meeting packets. City Mgr. Slown explained that MSHDA is allowing the \$67,500 VSCI money match to remain in the General Fund. It is not necessary to tie up these dollars until the match is required.

RESOLUTION NO. 2008-122

The following resolution was offered by Council Member Sobeck, seconded by Council Member Nowak:

BE IT RESOLVED, by the City Council of the City of Rogers City, Michigan to approve the FY2008-2009 Budget Amendment No. 1 as prepared by City Staff, presented to Council in writing, and reviewed at this October 21, 2008 meeting. A copy of said amendment to be placed on file in the City Clerk's office.

ROLL CALL: Ayes – All, the motion carried.

IDENTITY THEFT PREVENTION POLICY

This agenda item was added to the meeting at the request of both the City Manager and City Attorney. Atty. Vogler prepared the "Identity Theft Prevention Policy" and explained that the policy directs the City Clerk to develop, implement, and administer an identity theft prevention program. The federal mandate affects the City as we provide water, sewer, and garbage utilities to our residents.

RESOLUTION NO. 2008-123

A motion was offered by Council Member Darga, seconded by Council Member Sobeck, to adopt the following policy as required by federal mandate and direct the Mayor and City Clerk/Treasurer to sign the policy on behalf of the City:

IDENTITY THEFT PREVENTION PROGRAM POLICY

It is the policy of the City of Rogers City to establish and maintain an Identity Theft Prevention Program consistent with the guidelines set forth in the Fair and Accurate Credit Transaction Act of 2003.

I OBJECTIVE

- A. To protect the identity and personal financial data of our customers and minimize the possibility of identity theft of customer information.
- B. To comply with the Fair and Accurate Credit Transaction Act of 2003 and the requirements of the Federal Trade Commission and their Red Flags Rules as published in the Federal Register on November 9, 2007.
- C. To establish a program to detect, prevent and mitigate identity theft.

II SCOPE

- A. This policy applies to all employees, management, and contractors of the City of Rogers City.
- B. This policy supplements but does not replace existing policies.

III POLICY

- A. The City Clerk will be responsible for ongoing involvement in the development, implementation and administration of the Identity Theft Prevention Program.
- B. Training for employees who handle sensitive personal information will be provided as necessary.
- C. Oversight of third party service providers will assure that they also comply with the Program.

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- D. A written annual report will be made and presented to the City Manager on compliance with the Program and any incidents experienced for the year. The report will include:
 - 1. The effectiveness of the policies and procedures in addressing the risk of identity theft.
 - 2. Significant incidents that have occurred and management=s response.
 - 3. Recommendations for changing the Program.
- E. As risk factors are discovered, such as identity theft, customer information breach, etc., the policy will be revisited to address any future risks.
- F. An investigation will be conducted when any of the following "Red Flags" are discovered. They may include but are not limited to:
 - 1. Incidents of identity theft.
 - 2. Methods of identity theft that reflect identify theft risks.
 - 3. Alerts, notifications or other warnings received from a consumer reporting agency or their party service provider.
 - 4. The presentation of suspicious documents, such as altered or forged.
 - 5. The presentation of suspicious personal identification information.
 - 6. The unusual use of an account.
 - 7. Notice from customers, victims of identity theft, law enforcement authorities, or other persons regarding possible identity theft.
 - 8. A fraud or active duty alert is included with a consumer credit report.
 - 9. A consumer credit reporting agency provides a notice of address discrepancy.
 - 10. Identification photo that does not match the person.
 - 11. Invalid Social Security Number.
 - 12. Mail sent to a customer is frequently returned.
- G. When setting up a new customer or changing an address for an existing customer, every effort should be made to verify all information given.
- H. Monitoring the security of customer identity data must be an ongoing process. When it is determined that a customer=s information has been jeopardized, the following procedure will be followed:
 - 1. Contact the customer(s),
 - 2. Notify the City Manager,
 - 3. Take immediate steps to eliminate the cause of the breach of information, and
 - 4. Notify law enforcement if the situation warrants.
- I. The City Clerk will provide ongoing oversight of third party software providers and service providers that utilize customer information to assure that customer identity information is secure and utilized properly.

IV RESPONSIBILITY

The City Clerk is responsible for the administration of this policy.

ROLL CALL: Ayes – All, the motion carried.

OTHER BUSINESS: None.

CLOSED SESSION: None.

ADJOURNMENT:

There being nothing further to come before Council, Mayor Hall declared the meeting adjourned at 8:09 p.m.

BEACH HALL, MAYOR

THERESA A. HEINZEL, CITY CLERK/
TREASURER