

MINUTES OF THE REGULAR MEETING OF THE ROGERS CITY CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON TUESDAY, JUNE 1, 2010

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

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

ABSENT – Council Member Darrin Darga.

OTHER CITY PERSONNEL PRESENT – City Mgr. Mark Slown, City Atty. Michael Vogler, Sgt. Jamie Meyer, and Clerk/Treasurer Theresa Heinzl.

Additions to Agenda: Mayor Hall stated that there are three additions to the agenda: Chamber of Commerce requests for three events; Optimist Club request to use Lakeside Park for Fish Boil; and a proclamation for the Relay for Life event. It was the consensus of Council that these items be added.

It was moved by Council Member Nowak, seconded by Council Member Greene, that the minutes of the Regular Council Meeting of May 18, 2010 be approved as written.

ROLL CALL: Ayes – All, the motion carried.

CITIZENS APPEARING BEFORE THE COUNCIL:

Chris Veenstra, of Watkins, Ross & Co., addressed Council on OPEB (Other Post-Employment Benefits). Watkins, Ross & Co. was contracted by the City to prepare the actuarial information in order for the City to conform to GASB 45. He began his presentation explaining 1) plan provisions; 2) the actuarial component; 3) the accounting component. GASB 45 requires accrual accounting for the benefits; they need to be recognized when they are being earned to plan accordingly. Veenstra provided an overview of the information provided to Council Members in their meeting packets. The present value of projected benefits is \$1,053,625 and the annual required contribution is \$96,209. He explained how a change in the amortization period will reduce the number required to fund OPEB and also how actual benefit payments already made can affect the number. A more accurate report can be created based on actual numbers. Responding to a question, Veenstra stated that GASB 45 requires a formal report every three years for plans covering less than 200 lives. Mayor Hall thanked Mr. Veenstra for his detailed presentation.

Sally Goupell, Executive Director of the Rogers City Housing Authority, addressed Council on the recent resolution approved for multi-unit residential facilities. She is objecting to the \$10/unit fee, which was included in the current June bill, and is higher than the total water/sewer usage for the Housing Authority. She wants the Council to help the Housing Authority by extending some type of relief for this unit fee. She suggested that possibly a reduction could be made in the PILT (payment in lieu of taxes). Mayor Hall stated that her comments would be taken under advisement and thanked Goupell for her address.

Harry Wierenga, of Fleis and VandenBrink, Inc. and Alan Shaver of Robert Shaver, Inc., were both present to talk about the streetlights. Wierenga illustrated a drawing of the present lighting fixture placed in the downtown area and explained the assembly of the various parts of the lamp. He also explained how the manufacturer's choice of glue affected the lighting levels. Beacon, the manufacturer, has made changes to increase the level of light. The LED unit was redesigned and the replacements have been made. The public should be able to experience the change as of this date on the north side of Third Street. The south side corrections will be made on Wednesday, June 2nd. Shaver stressed that the light issue was not the fault of the engineering firm (Fleis and VandenBrink); it was a manufacturing issue. He stressed that his company's motto rests on taking care of business and he is very concerned that the issue be completely resolved. Council agreed to meet at the corner of Michigan and Third at about 10:15 p.m. later this evening to experience a first-hand view of the replacements versus the originally-installed lights.

CITY CLERK'S REPORT:

Clerk/Treasurer Heinzl presented Council with a copy of the Treasurer's Annual Report for the 2009 Tax Collection period. The report showed a collection of nearly the same percentage of taxes paid in 2009 as in 2008. Along with the report was a list of unpaid personal property tax accounts, some of which have been unpaid for a few years. Heinzl stated that, by law, she can pursue necessary means to collect these unpaid balances, which includes filing a claim with the Small Claims Court. Per her request, Council was in consensus that the unpaid taxes be pursued via Small Claims Court with the assistance of the City Attorney.

RESOLUTION NO. 2010-58

A motion was made by Council Member Nowak, seconded by Council Member Greene, to accept the Year 2009 report on the collection of taxes as prepared by the City Clerk/Treasurer and direct that it be placed on file in the office of the City Clerk/Treasurer.

ROLL CALL: Ayes -- All, the motion carried.

JUNE 1, 2010

CHECK AND INVOICE APPROVAL:

It was moved by Council Member Greene, seconded by Council Member Sobeck, 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	85,279.34
Major Street Fund	36,076.83
Local Street Fund	19,190.57
Band Fund	2,000.00
Community Development Authority	20,364.85
Wastewater Treatment Operation Fund	110,261.19
Water Utility Fund	52,136.68
Marina Operations Fund	2,377.64
Garbage Collection Fund	233.30
Equipment Fund	5,023.31
Trust and Agency Fund	147.50

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:

- **USDA Project:** All three projects have been advertised and are due June 24th. Council Members agreed that a special meeting is to be called for June 29th. Council Member Nowak asked if information on how the bidding will affect the utility rates can be provided for this meeting, to which the City Manager agreed would be available.
- **Sheriff's Work Crew:** The various City departments are taking advantage of the work crews established through the efforts of the Sheriff's Department and NEMCOG.
- **Fire Chief Position:** The position was advertised and the deadline for applications is Wednesday, June 2nd.
- **CDBG Regionalization:** MEDC is moving forward to recoup the remaining loan funds that are on the City's books. A questionnaire is to be sent to the City to determine the steps to be followed in this process.
- **Marina Computer:** Harbor Master Wagner is experiencing the need for a new computer; however, City Mgr. Slown is asking that if Council is agreeable and funds of \$1,000 are available, a computer would be purchased. Council agreed that the computer should be purchased without hesitation.
- **Dave Ivan Presentation:** Dave Ivan will be making a 7 a.m. presentation for improving business in the community. MSU is paying his speaking fee and Cheryl Peters will make the introductions. Council Member Nowak reiterated the strengths of Mr. Ivan's speaking abilities.
- **Scheduled Power Outage:** Those present were reminded of the scheduled power outage for Saturday, June 5th between 2 a.m. and 8 a.m., with the alternate date of Sunday, June 6th at the same time.

COMMISSION AND BOARD REPORTS:

Council was provided a copy of the minutes from the **May 24th Planning Commission Meeting.** Council Member Greene feels the new zoning regulations include a lot of gray areas that will require the Planning Commission to make discretionary decisions. Atty. Vogler remarked that he has been reviewing the regulations as they have been presented and did notice some areas that would require the Planning Commission to make discretionary decisions. Greene noted in particular, setbacks and fencing. She would like to see more specifics in black and white. City Mgr. Slown offered his comments about securing public input on zoning standards such as those brought up at this time.

LIAISONS: No reports.

MAYOR:

Mayor Hall asked Council Member Greene to address the MML Regional Meeting. Greene stated that this meeting will be held on Friday, June 4th at the Rogers City Senior Center from 10 a.m. to 3 p.m. Forty people are expected to attend from various communities. A tour of Carmeuse will be provided upon conclusion of the meeting.

Mayor Hall continued with his report and thanked the VFW and Servicemen's Club for holding the parade and speeches on Memorial Day. He appreciated the City being in great shape for the holiday weekend, was happy that the Pavilion Grille was open and operating, and remarked that he attended the "Open House" at the Sheriff's Department, which he found to be a very interesting display.

UNFINISHED BUSINESS: None.

JUNE 1, 2010

NEW BUSINESS:

RESOLUTION – ADMINISTRATION FEE

Included within the FY2010-2011 budget adopted by the City Council at their May 18th meeting was the 1% administration fee, which can be imposed on all property tax levies. A resolution to authorize the collection of the 1% fee is necessary.

RESOLUTION NO. 2010-59

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

WHEREAS, the City of Rogers City, Presque Isle County, Michigan is responsible for assessing ad valorem property taxes, collecting property tax levies, and handling review and appeal matters arising there from, and,

WHEREAS, PA 503 of 1982 provides for imposition of a property tax administration fee (PTAF) of not more than one (1%) percent, and,

WHEREAS, it is the desire of this City Council to approve and authorize the imposition of a property tax administration fee as a fee to offset the cost incurred in assessing property values, collecting tax levies and in the review and appeal process.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Rogers City that: The City Council does hereby approve and authorize the imposition of a property tax administration fee of **1%** (no more than 1%) percent on all sums voluntarily paid for property taxes before February 15 of the succeeding year in which the same shall become due and payable.

This resolution shall apply to all property tax levies that shall become due in 2010 or any year thereafter and this resolution shall continue in full force and effect unless and until revoked or rescinded by resolution of the City Council of the City of Rogers City.

ROLL CALL: Ayes – Greene, Sobeck, and Hall.

Nays – Nowak.

Absent – Darga. The motion carried.

APPROVAL – RESIDENTIAL WASTE CONTRACT

Included in the meeting packet was the contract between the City of Rogers City and PAC Sanitation, Inc. The contract is for a three-year period beginning July 1, 2010 through June 30, 2013.

RESOLUTION NO. 2010-60

A motion was made by Council Member Nowak, seconded by Council Member Sobeck, to approve the contract between the City of Rogers City and Presque Isle & Cheboygan Sanitation, Inc. (PAC, Inc.) for residential waste pickup and to authorize the Mayor and Clerk/Treasurer to sign the document on behalf of the City. Said contract will begin July 1, 2010 and continue through June 30, 2013.

ROLL CALL: Ayes – All, the motion carried.

APPROVAL OF PAVILION LEASE

Council direction at their June 1, 2010 meeting directed the City Manager, City Attorney, and Mayor to negotiate a contract with Randy and Jackie Klump to operate the Pavilion Grille. The revised lease was prepared for a three-year period with a reduced lease payment for the first year.

RESOLUTION NO. 2010-61

A motion was made by Council Member Nowak, seconded by Council Member Greene, to approve the lease agreement prepared by the City Manager and reviewed by the City Attorney between the City of Rogers City and Randy and Jackie Klump. Said lease arrangement is for operation of the Pavilion Grille for a three-year period beginning May 1 of each year through September 30th of each year. The Mayor and Clerk/Treasurer are authorized to sign the agreement on behalf of the City.

ROLL CALL: Ayes – All, the motion carried.

APPROVAL – NAUTICAL CITY FESTIVAL

Mayor Hall addressed this agenda item and asked Mike Myers, representing the Nautical Festival Committee, to make his presentation to Council on the 2010 festival requests. Myers stated that other than the appropriate date changes, there are no changes to the requests. He explained that the size of the tent will increase from 80' x 240' to 80' x 270' due to capacity issues that occurred in 2009. Mayor Hall reported that Council Member Darga had a question pertaining to the vendor permitting process. Atty. Vogler offered his opinion that the City can meet the request regarding vendors on City-owned property, i.e., parks, rights of way, etc. He did not feel that vendors operating from private property could be required to secure a permit through the festival committee. Myers mentioned that there will be a meeting with City staff on Wednesday, June 16th.

RESOLUTION NO. 2010-62

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

BE IT RESOLVED that the City Council does hereby approve the requests of the **Nautical Festival Committee**, which include the following:

1. Permission to hold the Nautical City Festival from Tuesday, August 3rd through Sunday, August 8th at Lakeside Park.
2. Permission to close Lake Street from Ontario to Michigan and Michigan and Erie from First Street to Lake Street for the entirety of the Nautical Festival.
3. City to obtain necessary permits for the Festival parades.

JUNE 1, 2010

4. "NO PARKING" signs on Third Street on Sunday, August 8th from Woodward Avenue to Huron Avenue. Handicapped parking to be on east side of Third Street from Woodward to Ontario.
5. Provide Police protection where required.
6. Get Police and Fire Chief approval for the shooting of fireworks.
7. Permission to leave beer truck at tent area. Truck will be locked at all times.
8. Pavilion restrooms open for Carnival employees. City to man restrooms daily until 2:00 a.m. during Festival.
9. If the fireworks are cancelled, they will be held the Saturday following the Festival.
10. Request the use of the Sports Park (the Hole) and the Little League Fields for the P.I.C. Men's Softball League's Men's and Women's Slow Pitch Softball Tournament on Saturday and Sunday, August 7th & 8th.
11. Request that any concessions/vendors that request permits to operate during the Festival week must also have a signed contract with the Nautical Festival Committee to operate. (Pertains to City properties only).
12. Permission to place up to an 80' x 270' tent on the Marina parking lot. The tent company to put stakes in the asphalt and plug holes when stakes are removed. City will also clean tent with sweeper as needed.
13. City Band to play at Lakeside Park bandshell on Tuesday, August 3rd from 7:00-8:30 p.m.
14. Permission to use Westminster Park on Friday, August 6th and Saturday, August 7th for Antique & Classic Car Show.
15. Permission to use the bandshell when necessary during the Festival.
16. Permission to use the portable bandshell when necessary during the Festival.
17. Request Handicap Parking signs at North end of Courthouse Square on Huron for the Arts & Crafts Show Thursday, August 5th through Sunday, August 8th.
18. City to pick up bagged garbage and broken down boxes at curbside each day during the Arts & Crafts Show.
19. Permission to block off Second Street from Woodward to Ontario for the Antique & Classic Car Show on Saturday, August 7th.
20. The Festival Committee requests the City of Rogers City to limit the parking at the Marina parking lot to vehicles with boats, holders of seasonal slip permits, handicapped people, and Festival Committee members.
21. City to waive the "No Animals in Lakeside Park" Ordinance for two hours prior and two hours after Pet Show.
22. School parking lot to be allowed for self-contained camper use by crafters and Pow-Wow participants only. (No softball players will be allowed). Permit only.

Said approval to include obtaining parade permits for the following:

- The Kiddies Parade on Wednesday, August 4, 2010 at 6 p.m. beginning at Westminster Church following the route of Third Street to Huron Street to Lakeside Park;
- The Antique & Classic Car Show Cruise on Saturday, August 7, 2010 at 3:30 p.m. starting on Second Street by Westminster Park following the route of Second Street to Orchard Street to Third Street to Depot Street;
- The Grand Parade on Sunday, August 8, 2010 at 12:30 p.m. beginning at Gilpin Field continuing north on Third Street to the Water's Edge Restaurant.

ROLL CALL: Ayes – All, the motion carried.

APPROVAL OF POSTAGE MACHINE LEASE

The current lease for the postage machine between the City and Pitney Bowes is expiring. Pitney Bowes is proposing a 48-month lease at the same rate as is currently being charged, which is \$259/month. The dollars have been budgeted for FY2010-2011.

RESOLUTION NO. 2010-63

A motion was made by Council Member Sobeck, seconded by Council Member Nowak, to enter into the lease agreement with Pitney Bowes Global Financial Services for lease of a Connect+ 1000 Series postage machine. Said term of the lease is for 48 months at the monthly amount of \$259, which is to be billed quarterly.

ROLL CALL: Ayes – All, the motion carried.

APPROVAL OF BOND COUNSEL PROPOSAL

Mayor Hall stated that the CDA is requesting that the City work to complete the Streetlight Project. The CDA intends to bond for the needed \$67,000 match, which includes \$6,000 for bond counsel fees. The City would issue the bonds with the CDA making the payments. No funds will be expended until the replacement fixtures are installed and meet specifications.

RESOLUTION NO. 2010-64

The following motion was made by Council Member Nowak and seconded by Council Member Sobeck:

BE IT HEREBY RESOLVED, that the City of Rogers City accepts the proposal from Paul Wyzgoski of Dickinson Wright PLLC to provide services as bond counsel for the City in connection with capital improvement bonds as part of a project in the City's CDA District. Said agreement to be signed by the City Manager on behalf of the City.

ROLL CALL: Ayes – All, the motion carried.

JUNE 1, 2010

RESOLUTION OF SUPPORT – LINDEN STREET BRIDGE STRUCTURE

In order for the City to obtain federal funding for the Linden Street Bridge Project, a resolution is needed from the City Council supporting the preventive maintenance project.

RESOLUTION NO. 2010-65

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

BE IT RESOLVED THAT, the Rogers City City Council does hereby support the Preventive Maintenance Project for the Linden Street Bridge Structure No. 8996.

ROLL CALL: Ayes – All, the motion carried.

Council Member Nowak asked to receive more information regarding the work that needs to be done on the bridge. He suggested a site visit to discuss the scope of the project.

ACCESSIBILITY TRANSITION PLAN – CITY HALL

The USDA funding for the water and sewer projects requires a structural and a non-structural accessibility checklist be completed to eliminate any deficiencies identified. There were four deficiencies identified that must be corrected within two years. The deficiencies include handicap parking, lever door handles, and public restroom features. The Department of Public Works will be able to make the corrections; however, Council is asked to authorize use of the designated funds to pay for this work.

RESOLUTION NO. 2010-66

A motion was made by Council Member Greene, seconded by Council Member Nowak, that the City Council authorizes use of \$1,000 from the designated funds set aside for City Hall improvements to pay for the identified deficiencies as noted in the USDA structural and non-structural accessibility checklist, which includes handicap parking, lever door handles, and public restroom features.

ROLL CALL: Ayes – All, the motion carried.

APPROVAL OF USE OF CITY FACILITIES

Prior to the commencement of the meeting, Council was provided a copy of the letters from the following requesting use of City Facilities for various events:

1. Chamber of Commerce:
 - a) Westminster Park for Spring Arts and Crafts Show – June 12-13, 2010;
 - b) Lakeside Park Pavilion for Doublehanded Sailing Association Dinner – June 28th;
 - c) Lakeside Park for Family Fun Day/Fireworks Celebration – July 3rd;

RESOLUTION NO. 2010-67

A motion was made by Council Member Greene, seconded by Council Member Nowak, to approve the requests of the Chamber of Commerce for use of Westminster Park for the Spring Arts and Crafts Show to be held on June 12-13, 2010, use of the Lakeside Park Pavilion for the Doublehanded Sailing Association Dinner to take place on Monday, June 28th, and use of Lakeside Park for the Family Fun Day/Fireworks Celebration scheduled for Saturday, July 3rd.

ROLL CALL: Ayes – All, the motion carried.

2. Optimist Club:
 - a) Lakeside Park for Fish Boil in conjunction with Chamber Family Fund Day;

RESOLUTION NO. 2010-68

A motion was made by Council Member Nowak, seconded by Council Member Greene, to approve the request of the Optimist Club of Rogers City to hold a “Fish Boil” at Lakeside Park on Saturday, July 3rd in conjunction with the Chamber of Commerce Fun Day activities.

ROLL CALL: Ayes – All, the motion carried.

PROCLAMATION – RELAY FOR LIFE

At the request of Eileen Ries, representative for Relay for Life, Mayor Hall read the following proclamation:

The City Council of the City of Rogers City, Presque Isle County, Michigan, does hereby proclaim the week of June 14, 2010 as “Paint the County Purple” Week. This will signify the official “kick off” of the Presque Isle County Relay for Life Event on June 19-20, 2010.

This celebration of purple ribbons will signify the unified commitment of City residents in the fight against cancer.

May God bless us all as we offer support to all cancer victims in our efforts to help them in “celebrating another birthday”.

CELEBRATE Those Who Have Survived!
REMEMBER. Those We Have Lost!
FIGHT BACK Until They Find A Cure!

JUNE 1, 2010

RESOLUTION NO. 2010-69

A motion was made by Council Member Greene, seconded by Council Member Sobeck, that the City Council does hereby support the efforts of the Relay for Life and approves the proclamation as presented by the Mayor at this regular meeting.

ROLL CALL: Ayes – All, the motion carried.

OTHER BUSINESS:

Council Member Nowak suggested that a letter be sent to Wolverine Power thanking them for their efforts to secure the power plant for our community and ask them to continue working to secure the plant with special thanks for all that they have done for the City. He asked that the Mayor and City Manager prepare the letter for the signature of all Council members.

RESOLUTION NO. 2010-70

A motion was made by Council Member Nowak, seconded by Council Member Sobeck, to authorize the Mayor and City Manager to prepare a letter to be sent to Wolverine Power expressing the City's gratitude for their efforts to secure the Power Plant in our community and asking that they continue working to obtain the necessary permits for this project. Said letter to be signed by all members of the Council.

ROLL CALL: Ayes – All, the motion carried.

CLOSED SESSION: None.

ADJOURNMENT:

With nothing further to come before Council, Mayor Hall declared the meeting adjourned at 8:37 p.m.

BEACH HALL, MAYOR

THERESA A. HEINZEL, CITY CLERK/
TREASURER