

MINUTES OF THE REGULAR MEETING OF THE ROGERS CITY CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON TUESDAY, JUNE 15, 2010

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, Officer Ken Bielas, and Clerk/Treasurer Theresa Heinzl.

It was moved by Council Member Greene, seconded by Council Member Nowak, that the minutes of the Regular Council Meeting of June 1, 2010 be approved as written.

ROLL CALL: Ayes – All, the motion carried.

CITIZENS APPEARING BEFORE THE COUNCIL:

Bill Bruning addressed Council regarding a letter he received from the Engineering Department that he must hook up to City water at the building he now owns (formerly Mart's Bear Alignment). He explained his use of the building and stated he does not require water service at the building. He is not convinced that this is a benefit to the property. City Mgr. Slown was asked for his comments, which he explained that it was the intention to follow the City's ordinance. Based on Mr. Bruning's comments, Slown will review this with the attorney to determine the City's course of action. Bruning stated the property is currently for sale. Previously, water usage was obtained from the neighboring property owner. He stated that if forced to hook up to the City's utility system, he will demolish the building using the lot to park his dump truck. There was a brief discussion about the issue and City Mgr. Slown stated that this would be placed on the next meeting agenda. The appropriate ordinances would be copied with a recommendation from City staff for Council's review.

Alice Spurgeon, of 1145 D'Vincent Street, addressed Council and asked the Council to consider installing soap dispensers in the City's public restrooms.

Richard Tyll addressed Council about the first reading of the ordinance for the moratorium on marijuana and explained that he wished to speak to this agenda item. Mayor Hall agreed that he could comment on the issue when it is addressed under New Business.

CITY CLERK'S REPORT:

CHECK AND INVOICE APPROVAL:

It was moved by Council Member Darga, 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	85,664.47
Major Street Fund	14,271.98
Local Street Fund	1,873.13
Community Development Authority	14,646.31
VSCI Capital Projects Fund	4,006.28
Wastewater Treatment Operation Fund	55,262.34
Water Utility Fund	71,440.33
Marina Operations Fund	5,079.52
Garbage Collection Fund	7,940.43
Equipment Fund	4,656.21
Trust and Agency Fund	333.12

ROLL CALL: Ayes – All, the motion carried.

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

CITY MANAGER'S REPORT:

City Mgr. Slown reported on the following:

- **USDA Projects:** A Pre-bid meeting was held earlier this day for the three USDA projects. Approximately twelve interested parties attended the meeting. Bids will be accepted until 2 p.m. on June 24th at which time they will be opened publicly. A special council meeting is scheduled for June 29th to award the bids. USDA will review the bids and give final approval. It is expected that construction will begin around August 1st.
- **USDA Vehicles:** Letters were received from USDA giving approval for all seven applications; however, the conditions have changed. An e-mail will be sent with the details regarding financing the balance of the vehicles. After some comments from Council, it was decided that this be added to the special meeting agenda.
- **City Sanitary and Water Connections:** Letters were sent to the property owners affected by the upcoming water system improvements giving them the opportunity to consider new residential water connections at their expense.

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- **Fire Chief Position:** Five applications have been received for the fire chief position. Interviews will be conducted by three members of the Fire Authority beginning June 21st, including the City Manager and two members from the Fire Authority.
- **Scheduled Power Outage:** The most recent power outage (Sunday, June 13th) was not noticed to the City and Slown will send a letter to Consumers Energy stating the City's displeasure with no notice to the City and its residents. Slown will e-mail the draft letter to Council prior to sending it on to Consumers Energy.

COMMISSION AND BOARD REPORTS:

Council was provided copies of the minutes of the **May 12th CDA Meeting** and the **June 8th Harbor Advisory Meeting** for their review.

LIAISONS:

Ambulance Authority: Council Member Greene reported that ambulance transports are down, which is good for the community, but not so good for business. However, she reported that the ambulance authority millage is expected to be decreased in the next fiscal year. New beds were purchased for the ambulance barn.

MAYOR:

Mayor Hall offered his congratulations to Steve Kroll, named as the National Marine Sanctuary Volunteer of the Year at a dinner meeting in Washington, D.C. Reporting on the games that took place earlier today, the RCHS baseball team lost their game, but the Onaway softball team won theirs and will move on. Hall thanked all the teams for a very good year. He then reported that he received a letter from Beckett and Raeder regarding the unpaid bill of \$32,500 for the CDA Lakeview Residential Project. It was pointed out that the responsibility for this bill belongs to the CDA.

BOARD APPOINTMENTS

Mayor Hall recommended the reappointments of John Budnik and Erik Nadolsky to the CDA and Ray Zielinski and Chuck Vogelheim to the Planning Commission.

RESOLUTION NO. 2010-71

A motion was made by Council Member Greene, seconded by Council Member Nowak, to approve the reappointments of John Budnik and Erik Nadolsky to the CDA and Ray Zielinski and Chuck Vogelheim to the Planning Commission.

ROLL CALL: Ayes – All, the motion carried.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

FIRST READING; ORDINANCE NO. 2010-03 – MEDICAL MARIJUANA MORATORIUM

Mayor Hall explained that this ordinance, which was recommended by the Planning Commission, is to give the City Council and the Planning Commission six months to review the law regarding establishing businesses for medical marijuana. Council Member Darga questioned the "six months" time period. He felt this time frame is excessive in his opinion to review information and have an ordinance adopted. Slown explained the time frame allows the Planning Commission to review how the ordinance applies to our community. The Planning Commission then recommends to Council and each of these steps consumes a certain amount of time. The time frame allows up to six months, but the actual enactment could be completed before that deadline. Council Member Nowak asked what prompted the need for the ordinance, which was explained by City Mgr. Slown.

Within the discussion, Council Member Darga then offered a motion that six-month time period in the ordinance be changed to three months. Council Member Nowak agreed to second the motion provided that there is a provision for 30-day extensions if necessary, to which Darga agreed. Comments were then heard from Council Members Sobeck and Greene as to the need for the six months. Richard Tyll, who was present, wished to address Council on the ordinance. He offered his opinion on procedures dealing with the medical marijuana law. He felt that a store front opening as a dispensary would not be an issue for Rogers City. The law allows a caregiver to assist only five individuals and this is done from the privacy of the caregiver's home. He feels this is a very good law and is well structured. He explained what is required of an individual to become a caregiver. Mr. Tyll continued for a few minutes about the regulations required by the law and answered questions from Council Members. Mayor Hall commented that with the information Mr. Tyll provided, he learned a lot about the medical marijuana issue as did the other Council Members.

At the conclusion of the discussion, Council Member Nowak withdrew his second of the motion, whereupon Council Member Darga withdrew the motion. This left the moratorium ordinance in its original state of a six-month time period. At this time, Council Member Sobeck offered the motion to introduce the ordinance for first reading. There was no second and the motion died for lack of a second.

Council Member Greene stated that the Planning Commission could continue discussions without a moratorium ordinance in place. This was agreed to by the Council as research is necessary to determine even if an ordinance is necessary.

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REQUEST – RELAY FOR LIFE

Council was provided a copy of the letter from Tracy Niedzwiecki, Community Representative for the American Cancer Society, requesting a camping permit, use of the portable bandshell, trash cans, and park benches for the annual Relay For Life, which is to take place on June 19-20, 2010.

RESOLUTION NO. 2010-72

A motion was made by Council Member Greene, seconded by Council Member Darga, to approve the request of the American Cancer Society Relay For Life Committee for an overnight camping permit, use of the portable bandshell, and trash cans and park benches for the annual Relay For Life event scheduled for June 19-20, 2010.

REQUEST – PRESQUE ISLE PANTHERS SOFTBALL TEAM

Michael Tulgestke, representing the Presque Isle Panthers 18 U Fast Pitch Softball Team, sent a letter requesting use of the Little League Fields and the Sports Park to hold a softball tournament in Rogers City on July 23-25, 2010.

RESOLUTION NO. 2010-73

A motion was made by Council Member Nowak, seconded by Council Member Greene, to grant approval to the Presque Isle Panthers 18 U Fast Pitch Softball Team for use of the Little League Fields and the Sports Park to hold their first tournament in Rogers City on July 23-25, 2010.
ROLL CALL: Ayes – All, the motion carried.

ADOPTION OF FEE SCHEDULE – FY 2010-2011

Council was provided a copy of the proposed fee schedule for FY2010-2011 with their meeting packets. There were some changes suggested by staff and prior to the roll call on the motion, Council Member Greene asked to briefly review the changes and the reasons for making the changes. The fees affected included a \$25 increase in the waste hauling licenses, which had not been changed for a number of years, clarification on the term of “non-raised” produce, eliminating the rental fee on the portable bandshell as it can no longer be transported out of town due to the age of the unit, an increase from \$140 to \$160 for trees purchased and planted in the City right of way, a \$50 increase for the winter burial charges, however, the beginning and ending time for winter rates was shortened to December 1 thru March 31, eliminating the fee for inspection of water service construction or replacement by the Engineering Department, eliminating the fee for change of use by staff, and the final change is the customer requested turn-off or turn-on fee will be no charge.

RESOLUTION NO. 2010-74

A motion was made by Council Member Nowak, seconded by Council Member Sobeck, to approve the fee schedule for FY2010-2011 as presented.
ROLL CALL: Ayes – All, the motion carried.

FY 2009-2010 FINAL BUDGET AMENDMENTS

Mayor Hall pointed out that this being the last Council meeting of the current fiscal year, the final budget adjustments were presented to Council for adoption. He noted that the rate of interest on investments has dropped significantly affecting the City’s revenues.

RESOLUTION NO. 2010-75

The following resolution was offered by Council Member Greene, seconded by Council Member Nowak:
BE IT RESOLVED, by the City Council of the City of Rogers City, Michigan to amend the 2009-2010 Annual Budget as prepared by City Staff, presented to Council in writing, and reviewed at this June 15, 2010 meeting. A copy of said amendment to be placed on file in the City Clerk’s office.
ROLL CALL: Ayes – Greene, Nowak, Sobeck, and Hall.
Nays – Darga. The motion carried.

SET PUBLIC HEARING – ICE GRANT APPLICATION FOR STREETLIGHTS

The CDA is proceeding with an ICE grant application to continue the Streetlight Project. A public hearing must be held by the City Council prior to submitting the application. The CDA has made the commitment to making the payments for this project.

RESOLUTION NO. 2010-76

A motion was made by Council Member Sobeck, seconded by Council Member Nowak, that the public hearing as required for the ICE grant application be scheduled for Tuesday, July 6, 2010 at 7 p.m. and that notice of same be placed in the next edition of the local newspaper.
ROLL CALL: Ayes – All, the motion carried.

OTHER BUSINESS:

Council Member Nowak remarked that he was in the area of the Fourth Street parking lot and noticed that it was quite dirty. He wanted an update on the issue brought to Council by a resident. City Mgr. Slown responded that it is being monitored and he himself has traveled the route and has not noticed any unruly behavior or large amounts of trash. He suggested a barrier to screen the parking lot from the neighborhood

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and asked Council for approval. Nowak felt that the City should not have to spend money; this should be up to those using the parking lot to act sensibly or lose the privilege of congregating there. Council Member Greene stated she has been riding her bike around the area each evening and she also has not been aware of any issues. A call to the complainant keeping him informed about the monitoring of the area might be helpful.

Council Member Nowak mentioned that he was impressed with the report at the MML Regional Meeting on the youth group and how other communities are placing pictures of young children from the community on the banners showcasing the area's activities. Nowak also mentioned that the VFW told him that nothing is to be higher than the American flags on the banner poles. Doug Richards, who teaches flag etiquette, was present and stated that nothing is to be placed above the lowest part of the flag. He also pointed out that flags are to be lighted after dark and should be over the street. In particular, the City Hall flag is one that is not lighted and it should be. Slown will check into this.

Nowak asked that the City Manager send out a weekly update so that they are aware of what is taking place. Based on this comment, Mayor Hall stated that he has been discussing the purchase of a new computer with the City Manager. Council felt that the City Manager having a working computer is very important and that the computer should be purchased with General Fund monies.

Police Officer Kulik having replaced Officer Bielas due to shift change was asked about any complaints on the Fourth Street parking lot to which he replied that there have been no calls recently and the officers are checking it out periodically throughout the evening.

CLOSED SESSION:

ADJOURNMENT:

Hearing nothing further to come before Council, Mayor Hall declared the meeting adjourned at 8:11 p.m.

BEACH HALL, MAYOR

THERESA A. HEINZEL, CITY CLERK/
TREASURER