

MINUTES OF THE REGULAR MEETING OF THE ROGERS CITY CITY COUNCIL  
HELD IN COUNCIL CHAMBERS ON FRIDAY, OCTOBER 7, 2022

Mayor McLennan called the meeting to order at 10 am. Council Member Fuhrman 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 Nowak, seconded by Council Member Bielas, to approve the agenda with the removal of the triangle property agenda item

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 September 20, 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 Nowak, that the following total fund expenditures be recognized as payments made and payments to be made, in the amount of \$1,360,360.27 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 was able to prepared first floor apartment ordinance change, and the First Street project continues to move forward.

**COMMISSION AND BOARD REPORTS:** None.

**LIAISONS:** None.

**MAYOR:**

Mayor McLennan stated that the recent Art Walk went well.

**UNFINISHED BUSINESS:**

**CODE AMENDMENT – PRIVATE WELLS – SECOND READING AND ADOPTION  
ORDINANCE NO. 2022-7**

A motion was made by Council Member Nowak, seconded by Council Member Adair, that the following Ordinance No. 2022-7, which was introduced for first reading at the September 20, 2022 Council meeting, be adopted and that proper publication be made within 15 days

October 7, 2022

**required from the date thereof in the *Presque Isle County Advance*. Said ordinance to become effective upon publication on October 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, Bielas and Nowak  
Nayes – Fuhrman and McLennan, the motion carried.

**REQUEST TO DRILL WELL – DICK BENNETT**  
**RESOLUTION NO. 2022-132**

A motion was made by Council Member Nowak, seconded by Council Member Adair, to approve the request submitted by Dick Bennett to allow the well to be drilled with in the City limits.

ROLL CALL: Ayes – Adair and Nowak.  
Nayes – Bielas, Fuhrman and McLennan, the motion failed.

**NEW BUSINESS:**  
**ARCHITECTURAL AGREEMENT – LAKESIDE PARK**  
**RESOLUTION NO. 2022-133**

A motion was made by Council Member Bielas, seconded by Council Member Fuhrman, to authorize City Mgr. Hefele to sign the agreement with Driven Design to move forward with the architectural services for the Lakeside Park pavilion project.

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

October 7, 2022

**HURON STATE BANK PROJECT  
RESOLUTION NO. 2022-134**

A motion was made by Council Member Nowak, seconded by Council Member Fuhrman, that City Council will consider the development of a Brownfield district and creation of an Obsolete Property Rehabilitation Act (OPRA) district for the Huron State Bank project located at 192 N. Second Street.  
ROLL CALL: Ayes – All, the motion carried.

**CHAMBER OF COMMERCE – ANNUAL DINNER  
RESOLUTION NO. 2022-135**

A motion was made by Council Member Adair, seconded by Council Member Bielas, to allow the City to cover the \$30 Chamber dinner fee for up to eight Council and/or staff members.  
ROLL CALL: Ayes – Adair, Bielas and McLennan.  
Nayes - Fuhrman and Nowak, the motion carried.

**TRICK OR TREAT HOURS  
RESOLUTION NO. 2022-136**

A motion was made by Council Member Bielas, seconded by Council Member Fuhrman, to approve that Trick or Treating be held on Monday, October 31, 2022 from the 5:30 to 7:30 pm and approve the Kiwanis Cub request to use of the fire hall with annual parade beginning at 5 pm.  
ROLL CALL: Ayes – All, the motion carried.

**OTHER BUSINESS:** None.

**CLOSED SESSION:** None.

**ADJOURNMENT:**

With nothing further to come before Council, Mayor McLennan declared the meeting adjourned at 10:27 am.

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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, OCTOBER 18, 2022

Mayor McLennan called the meeting to order at 6 p.m. Council Member Adair 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 Fuhrman, to approve the agenda with the addition of possible plow truck purchase.

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 Bielas, that the minutes of the Regular Council Meeting of October 7, 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 \$248,817.81 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:** None.

**COMMISSION AND BOARD REPORTS:** None.

**LIAISONS:** None.

**MAYOR:**

Mayor McLennan stated a candlelight vigil for domestic violence awareness is tonight at 6:30 pm.

**UNFINISHED BUSINESS:**

**CREDIT CARDS**

**RESOLUTION NO. 2022-137**

A motion was made by Council Member Nowak, seconded by Council Member Adair, that the City Council of Rogers City resolves that the following employees be issued credit cards through Huntington Bank: Joe Hefele, Terri Koss, Jamie Meyer, Roger Wenzel, Chuck Kieliszewski, Ray Hansen, Wayne Saile and Toby Kuznicki with the credit cards issued by Chase Bank be closed out and the City's Credit Card Policy to be followed.

ROLL CALL: Ayes – All, the motion carried.

**NEW BUSINESS:**

**2022-23 1<sup>ST</sup> QUARTER FINANCE REPORT**

**RESOLUTION NO. 2022-138**

A motion was made by Council Member Bielas, seconded by Council Member Adair, to accept and file the FY 2022-2023 first quarter financial report as presented.

ROLL CALL: Ayes – All, the motion carried.

**PLOW TRUCK PURCHASE**

**RESOLUTION NO. 2022-139**

A motion was made by Council Member Bielas, seconded by Council Member Nowak, to allow City Mgr. Hefele to bid up to \$25,000 on a used dump truck that is up for auction.

ROLL CALL: Ayes – All, the motion carried.

**OTHER BUSINESS:** None.

**CLOSED SESSION:** None.

**ADJOURNMENT:**

With nothing further to come before Council, Mayor McLennan declared the meeting adjourned at 6:13 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, NOVEMBER 1, 2022

Mayor McLennan called the meeting to order at 6 p.m. Council Member Fuhrman 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 Nowak, seconded by Council Member Bielas, to approve the agenda with the following addition: MDOT Performance Resolution.

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 October 18, 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 \$145,096.48 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 provided information on the First Street and Westminster Park projects.

**COMMISSION AND BOARD REPORTS:** None.

**LIAISONS:**

Council Member Fuhrman stated that construction was wrapping up on the firehall.

**MAYOR:**

Mayor McLennan stated there was an open house for contractors for upcoming projects, and Fish and Wildlife will assist with repair/replacement of the Trout River Dam.

**UNFINISHED BUSINESS:**

**TRIANGLE PROPERTY**

**RESOLUTION NO. 2022-140**

A motion was made by Council Member Bielas, seconded by Council Member Nowak, to authorize Mayor McLennan to sign the agreement for the triangle property as presented.

ROLL CALL: Ayes – All, the motion carried.

November 1, 2022

**REQUEST TO PLACE PORCH IN CITY RIGHT OF WAY**  
**RESOLUTION NO. 2022-141**

A motion was made by Council Member Nowak, seconded by Council Member Bielas, to grant Mr. Bober a license to have part of the porch in the City Right of Way which can be revoked at any time, if property sells, the new owner would have to make request to have porch in that location.

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

**NEW BUSINESS:**

**ZONING AMENDMENT – LOWER FLOOR RESIDENTIAL UNITS IN B1, B2 AND W**  
**COMMERCIAL BUILDINGS – FIRST READING**  
**ORDINANCE No. 2022-8**

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

**AN ORDINANCE AMENDING ARTICLE 8, SECTION 32-111, ARTICLE 12, SECTION 32-151, ARTICLE 13, SECTION 32-161, AND ARTICLE 19, SECTION 32-220, OF THE CITY OF ROGERS CITY ZONING ORDINANCE (ORDINANCE 2011-1, AS AMENDED) BY ADDING, AS A SPECIAL LAND USE SUBJECT TO SUPPLEMENTAL DEVELOPMENTAL REGULATIONS, DWELLING UNITS ON THE LOWER FLOOR OF COMMERCIAL ESTABLISHMENTS WITHIN THE WATERFRONT, LOCAL BUSINESS, AND CENTRAL BUSINESS DISTRICTS.**

**THE CITY OF ROGERS CITY ORDAINS:**

**Section 1.** The tables included in Article 8, Section 32-111, Article 12, Section 32-151, Article 13, Section 32-161, and Article 19, Section 32-220, are amended by adding, as a special land use subject to supplemental developmental regulations, dwelling units on the lower floor of commercial establishments within the Waterfront, Local Business, and Central Business districts.

**Section 2.** If any clause, sentence, paragraph or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

**Section 3.** The City of Rogers City Zoning Ordinance, except as herein or heretofore amended, shall remain in full force and effect. The amendments provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

**Section 4.** A summary of the provisions of this ordinance shall be published within fifteen (15) days of adoption.

**Section 5.** This ordinance shall take effect upon the expiration of seven days after the publication of a summary of its provisions.

ROLL CALL: Ayes – All, the motion carried.

**ZONING AMENDMENT – SUPPLEMENTAL REGULATIONS FOR DWELLING UNITS IN**  
**COMMERCIAL BUILDINGS – FIRST READING**  
**ORDINANCE No. 2022-9**

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

**AN ORDINANCE AMENDING ARTICLE 21, SECTION 32-262 OF THE CITY OF ROGERS CITY ZONING ORDINANCE (ORDINANCE 2011-1, AS AMENDED) BY AMENDING THE SUPPLEMENTAL REGULATIONS FOR DWELLING UNITS ABOVE COMMERCIAL DWELLING ESTABLISHMENTS AND ESTABLISHING SUPPLEMENTAL DEVELOPMENTAL REGULATIONS FOR DWELLING UNITS ON THE LOWER FLOOR OF COMMERCIAL ESTABLISHMENTS.**

**THE CITY OF ROGERS CITY ORDAINS:**

**Section 1.** Article 21, Section 32-262, of the City of Rogers City Zoning Ordinance (Ordinance 2011-1, as amended) is amended as follows (language in green is added; language in red, with strikethrough, is eliminated):

November 1, 2022

**32-262 Dwelling Units Above Commercial Establishment**

~~A. Dwelling units shall not be located below the second floor~~

~~B. A minimum floor area of 400 square feet for a one-bedroom or efficiency unit shall be provided. For each additional bedroom, an additional 100 square feet of floor area shall be provided.~~

**32-262 Dwelling Units Within Commercial Establishment**

**A. Dwelling Units Above Commercial Establishment**

1. Shall not be located below the second floor
2. Shall provide a minimum floor area of 400 square feet for a one-bedroom or efficiency unit; for each additional bedroom, an additional 100 square feet of floor area shall be provided
3. Shall be complete housekeeping units, with each containing kitchen and bathroom facilities
4. Shall be provided with trash removal services to avoid trash being placed in front of the commercial establishment
5. Drawings that identify the location, size, and layout of the dwelling units shall be submitted to the zoning administrator prior to construction
6. Section 32-43, Subsection 14(e)(1), is not applicable to dwelling units within commercial establishments; a minimum of two parking spaces per dwelling unit must be included on the property, unless this requirement is waived in advance by the Planning Commission

**B. Dwelling Units on the Lower Floor of Commercial Establishments**

1. Must be located to the rear of the business/commercial space; shall not occupy the storefront of the establishment
2. A minimum floor area of 400 square feet for a one-bedroom or efficiency unit shall be provided. For each additional bedroom, an additional 100 square feet of floor area shall be provided.
3. Shall be complete housekeeping units, with each containing kitchen and bathroom facilities
4. Shall be provided with trash removal services to avoid trash being placed in front of the commercial establishment
5. Drawings that identify the location, size, and layout of the dwelling units, as well as the location, size, and layout of the areas to be used for commercial purposes shall be submitted to the zoning administrator prior to construction
6. Section 32-43, Subsection 14(e)(1), is not applicable to dwelling units within commercial establishments; a minimum of two parking spaces per dwelling unit must be included on the property, unless this requirement is waived in advance by the Planning Commission.

**Section 2.** If any clause, sentence, paragraph or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

**Section 3.** The City of Rogers City Zoning Ordinance, except as herein or heretofore amended, shall remain in full force and effect. The amendments provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

**Section 4.** A summary of the provisions of this ordinance shall be published within fifteen (15) days of adoption.

**Section 5.** This ordinance shall take effect upon the expiration of seven days after the publication of a summary of its provisions.

ROLL CALL: Ayes – All, the motion carried.

**REQUEST TO PRORATE RCAFDA LEASE**  
**RESOLUTION NO. 2022-142**

A motion was made by Council Member Adair, seconded by Council Member Bielas, to prorate the Rogers City Area Fire Department Authority December rent if their move is complete prior to the end of the month.

ROLL CALL: Ayes – All, the motion carried.

November 1, 2022

**RESCHEDULE NOVEMBER 15, 2022 MEETING**

**RESOLUTION NO. 2022-143**

A motion was made by Council Member Bielas, seconded by Council Member Fuhrman, to move the November 15, 2022 Regular Council meeting to November 22, 2022 at 6 pm.

ROLL CALL: Ayes – All, the motion carried.

**MDOT PERFORMANCE RESOLUTION FOR MUNICIPALITIES**

**RESOLUTION NO. 2022-144**

A motion was made by Council Member Fuhrman, seconded by Council Member Adair, to approve the MDOT Performance Resolution for Municipalities as presented.

ROLL CALL: Ayes – All, the motion carried.

**OTHER BUSINESS:** None.

**CLOSED SESSION:** None.

**ADJOURNMENT:**

With nothing further to come before Council, Mayor McLennan declared the meeting adjourned at 6:50 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, NOVEMBER 22, 2022

Mayor McLennan called the meeting to order at 6 p.m. Council Member Nowak 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 Nowak, seconded by Council Member Bielas, to approve the agenda as presented.

ROLL CALL: Ayes – All, the motion carried.

**CITIZENS APPEARING BEFORE THE COUNCIL:**

**Jim Cherette** addressed Council regarding driving the quad he recently purchased on City Streets. Mayor McLennan inquired about snowmobiles in town and asked if Council was interested in allowing ORV's on City Streets,

**APPROVAL OF MINUTES**

It was moved by Council Member Fuhrman, seconded by Council Member Adair, that the minutes of the Regular Council Meeting of November 1, 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 \$232,609.99 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 the signs and status of the ticket that was issued and dismissed.

**CITY MANAGER'S REPORT:**

City Mgr. Hefele reported on the First Street, Westminster Park and Lead and Copper projects.

**COMMISSION AND BOARD REPORTS:** None.

**LIAISONS:** None.

**MAYOR:**

Mayor McLennan commented on Timeen Adair and Brittany Vanderwall and how they handled the recent City Council tie breaker. The Christmas parade is December 2, 2022 at 6 pm and DTE is sponsoring the event.

**UNFINISHED BUSINESS:**

**ORDINANCE NO. 2022-8**

**ZONING AMENDMENT – LOWER FLOOR RESIDENTIAL UNITS IN B1, B2 AND W COMMERCIAL BUILDINGS**

**ORDINANCE NO 2022-9**

November 22, 2022

**ZONING AMENDMENT – SUPPLEMENTAL REGULATIONS FOR DWELLING UNITS IN COMMERCIAL BUILDINGS**

City Mgr. Hefele stated that language still needs to be completed regarding parking around the first floor apartments. **Jesse Streich** addressed council regarding first floor apartments in downtown businesses.

**RESOLUTION NO. 2022-145**

A motion was made by Council Member Nowak, seconded by Council member Fuhrman, to table both ordinances to the December 6, 2022 meeting.

ROLL CALL: Ayes – All, the motion carried.

**NEW BUSINESS:**

**RRC AGREEMENT**

**RESOLUTION NO. 2022-146**

A motion was made by Council Member Bielas, seconded by Council Member Nowak, to approve the RRC Technical Assistance Match Funding agreement and authorize City Mgr. Hefele to sign said agreement.

ROLL CALL: Ayes – All, the motion carried.

**CEDAM FELLOW**

City Mgr. Hefele reviewed the program and how it could assist promoting and marketing Rogers City.

**RESOLUTION NO. 2022-147**

A motion was made by Council Member Bielas, seconded by Council Member Adair, to approve that \$2,000 be used to support the CEDAM program from the Radar Trust in the marina fund.

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

Nayes - Fuhrman, the motion carried.

**401A AGREEMENT**

**RESOLUTION NO. 2022-148**

A motion was made by Council Member Adair, seconded by Council Member Nowak, to accept and file and not object to the 401A agreement as presented.

ROLL CALL: Ayes – All, the motion carried.

**OTHER BUSINESS:**

Council Member Nowak addressed Council regarding information that he feels should be included with the tax assessment notices.

**RESOLUTION NO. 2022-149**

A motion was made by Council Member Nowak, seconded by Council Member Fuhrman, to include the inflation rate wording on or with the tax assessment notices that go out in February.

ROLL CALL: Ayes – All, the motion carried.

**CLOSED SESSION:** None.

**ADJOURNMENT:**

With nothing further to come before Council, Mayor McLennan declared the meeting adjourned at 6:50 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, DECEMBER 6, 2022

Mayor McLennan called the meeting to order at 6 p.m. City Mgr. Hefele 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 Officer Joe Kerr, 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 as presented.

ROLL CALL: Ayes – All, the motion carried.

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

**APPROVAL OF MINUTES**

It was moved by Council Member Fuhrman, seconded by Council Member Adair, that the minutes of the Regular Council Meeting of November 22, 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 \$158,187.37 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 on the certificate of substantial completion for the First Street Project and the architectural work on the pavilion is almost complete. Mayor McLennan inquired about Spark Grant opportunities.

**COMMISSION AND BOARD REPORTS:** None.

**LIAISONS:** None.

**MAYOR:**

Mayor McLennan thanked those that participated in the Christmas parade.

**RESOLUTION NO. 2022-150**

A motion was made by Council Member Nowak, seconded by Council Member Bielas, to acknowledge and thank Wayne Saile, Toby Kuznicki and Joe Hefele and anyone else that helped with Christmas parade float and thanked DTE for sponsoring the parade.

ROLL CALL: Ayes – All, the motion carried.

December 6, 2022

**UNFINISHED BUSINESS:**

**ORDINANCE NO. 2022-8**

**ZONING AMENDMENT – LOWER FLOOR RESIDENTIAL UNITS IN B1, B2 AND W COMMERCIAL BUILDINGS**

A motion was made by Council Member Nowak, seconded by Council Member Adair, that the following Ordinance No. 2022-8, which was introduced for first reading at the November 1, 2022 Council meeting, be adopted and that proper publication be made within 15 days required from the date thereof in the *Presque Isle County Advance*. Said ordinance to become effective seven days after publication. Publication date is December 15, 2022.

AN ORDINANCE AMENDING ARTICLE 8, SECTION 32-111, ARTICLE 12, SECTION 32-151, ARTICLE 13, SECTION 32-161, AND ARTICLE 19, SECTION 32-220, OF THE CITY OF ROGERS CITY ZONING ORDINANCE (ORDINANCE 2011-1, AS AMENDED) BY ADDING, AS A SPECIAL LAND USE SUBJECT TO SUPPLEMENTAL DEVELOPMENTAL REGULATIONS, DWELLING UNITS ON THE LOWER FLOOR OF COMMERCIAL ESTABLISHMENTS WITHIN THE WATERFRONT, LOCAL BUSINESS, AND CENTRAL BUSINESS DISTRICTS.

**THE CITY OF ROGERS CITY ORDAINS:**

**Section 1.** The tables included in Article 8, Section 32-111, Article 12, Section 32-151, Article 13, Section 32-161, and Article 19, Section 32-220, are amended by adding, as a special land use subject to supplemental developmental regulations, dwelling units on the lower floor of commercial establishments within the Waterfront, Local Business, and Central Business districts.

**Section 2.** If any clause, sentence, paragraph or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

**Section 3.** The City of Rogers City Zoning Ordinance, except as herein or heretofore amended, shall remain in full force and effect. The amendments provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

**Section 4.** A summary of the provisions of this ordinance shall be published within fifteen (15) days of adoption.

**Section 5.** This ordinance shall take effect upon the expiration of seven days after the publication of a summary of its provisions.

ROLL CALL: Ayes – All, the motion carried.

**ORDINANCE NO 2022-9**

**ZONING AMENDMENT – SUPPLEMENTAL REGULATIONS FOR DWELLING UNITS IN COMMERCIAL BUILDINGS**

A motion was made by Council Member Bielas, seconded by Council Member Nowak, that the following Ordinance No. 2022-9, which was introduced for first reading at the November 1, 2022 Council meeting, be adopted and that proper publication be made within 15 days required from the date thereof in the *Presque Isle County Advance*. Said ordinance to become effective seven days after publication. Publication date is December 15, 2022.

AN ORDINANCE AMENDING ARTICLE 21, SECTION 32-262 OF THE CITY OF ROGERS CITY ZONING ORDINANCE (ORDINANCE 2011-1, AS AMENDED) BY AMENDING THE SUPPLEMENTAL REGULATIONS FOR DWELLING UNITS ABOVE COMMERCIAL ESTABLISHMENTS AND ESTABLISHING SUPPLEMENTAL DEVELOPMENTAL REGULATIONS FOR DWELLING UNITS ON THE LOWER FLOOR OF COMMERCIAL ESTABLISHMENTS.

**THE CITY OF ROGERS CITY ORDAINS:**

**Section 1.** Article 21, Section 32-262, of the City of Rogers City Zoning Ordinance (Ordinance 2011-1, as amended) is amended as follows (language in green is added; language in red, with strikethrough, is eliminated):

~~32-262 Dwelling Units Above Commercial Establishment~~

~~A. Dwelling units shall not be located below the second floor~~

December 6, 2022

~~B. A minimum floor area of 400 square feet for a one-bedroom or efficiency unit shall be provided. For each additional bedroom, an additional 100 square feet of floor area shall be provided.~~

**32-262 Dwelling Units Within Commercial Establishment**

**A. Dwelling Units Above Commercial Establishment**

1. Shall not be located below the second floor
2. Shall provide a minimum floor area of 400 square feet for a one-bedroom or efficiency unit; for each additional bedroom, an additional 100 square feet of floor area shall be provided
3. Shall be complete housekeeping units, with each containing kitchen and bathroom facilities
4. Shall be provided with trash removal services to avoid trash being placed in front of the commercial establishment
5. Drawings that identify the location, size, and layout of the dwelling units shall be submitted to the zoning administrator prior to construction
6. Section 32-43, Subsection 14(e)(1), is not applicable to dwelling units within commercial establishments; a minimum of two parking spaces shall be provided for each unit which shall be located on private property within 300 feet of the premises or premises within 300 feet of a public parking lot.

**B. Dwelling Units on the Lower Floor of Commercial Establishments**

1. Must be located to the rear of the business/commercial space; shall not occupy the storefront of the establishment
2. A minimum floor area of 400 square feet for a one-bedroom or efficiency unit shall be provided. For each additional bedroom, an additional 100 square feet of floor area shall be provided.
3. Shall be complete housekeeping units, with each containing kitchen and bathroom facilities
4. Shall be provided with trash removal services to avoid trash being placed in front of the commercial establishment
5. Drawings that identify the location, size, and layout of the dwelling units, as well as the location, size, and layout of the areas to be used for commercial purposes shall be submitted to the zoning administrator prior to construction
6. Section 32-43, Subsection 14(e)(1), is not applicable to dwelling units within commercial establishments; a minimum of two parking spaces shall be provided for each unit which shall be located on private property within 300 feet of the premises or premises within 300 feet of a public parking lot.

**Section 2.** If any clause, sentence, paragraph or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

**Section 3.** The City of Rogers City Zoning Ordinance, except as herein or heretofore amended, shall remain in full force and effect. The amendments provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

**Section 4.** A summary of the provisions of this ordinance shall be published within fifteen (15) days of adoption.

**Section 5.** This ordinance shall take effect upon the expiration of seven days after the publication of a summary of its provisions.

ROLL CALL: Ayes – All, the motion carried.

**NEW BUSINESS:**

**ORDINANCE NO. 2022-10**

**CODE OR ORDINANCES – AMENDMENT - GARBAGE**

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

AN ORDINANCE AMENDING CHAPTER 7, ARTICLE 1, DIVISION 1 OF THE ROGERS CITY CODE OF ORDINANCES BY MAKING IT A VIOLATION TO PLACE WASTE AT CURBSIDE EARLIER THAN 5 P.M. THE DAY BEFORE THE COLLECTION DAY AND ESTABLISHING PENALTIES FOR SUCH VIOLATIONS.

December 6, 2022

THE CITY OF ROGERS CITY ORDAINS:

I. Chapter 7, Article 1, Division 1 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:

**Sec. 7-26 ~~Collection time~~; placing at curbside**

Curbside waste/bulk items shall be placed at curbside not earlier than 5 p.m. the day before the collection day, unless authorized in advance by the City police ~~not later than 7 a.m. on the collection day~~

Residential waste containers, and/or any waste or bulk items not collected by the contractor during curbside collection, shall be removed by the owner, lessee, or occupant of the premise not later than 5 p.m. the day following the collection day. ~~Removal of containers for residential waste. After collection, empty containers shall be removed promptly by the owner, lessee, or occupant of the premises.~~

Any person violating a provision of this Section shall be responsible for a municipal civil infraction punishable by a fine of not more than \$500.00. Any condition caused or permitted to exist in violation of any of the provisions of this Section shall be deemed a new and separate offense for each day that such condition continues to exist. The City police are authorized to issue citations.

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.

## **PROPERTY TAX POVERTY EXEMPTIONS** **RESOLUTION NO. 2022-151**

A motion was made by Council Member Nowak, seconded by Council Member Fuhrman, **WHEREAS**, the principal residence of persons who an assessor and board of review determines by reason of poverty to be unable to contribute to the public charge is eligible for exemption in whole or in part from taxation under Public Act 390 of 1994; and

**WHEREAS**, Public Act 390 of 1994 requires that the City Council adopt guidelines to be followed by the assessor and board of review when considering such poverty exemptions;

**NOW THEREFORE BE IT RESOLVED**, that pursuant to PA 390 of 1994, the City Council of the City of Rogers City adopts the following guidelines that the assessor and board of review shall follow in granting or denying an exemption:

### **CITY OF ROGERS CITY, MICHIGAN** **2023 POVERTY EXEMPTION POLICY AND GUIDELINES**

The following policy and guidelines, adopted by the City Council of the City of Rogers City, shall be followed by the City of Rogers City Board of Review when considering poverty exemptions according to PA 390 of 1994, Section 211.7u of the Michigan Compiled Laws (MCL).

#### **APPLICATION GUIDELINES**

To be eligible for a Poverty Exemption in Rogers City:

- 1) The applicant must own and occupy the property as his/her principle residence and satisfy all requirements of PA 390 of 1994.
- 2) The applicant must file Form 5737 (Application for MCL 211.7u Poverty Exemption) and Form 5739 (Affirmation of Ownership and Occupancy to Remain Exempt by Reason of Poverty).
- 3) The applicant must provide signed federal and state income tax returns for the most recent filing period, including supporting schedules, if the applicant is required to file income tax returns. If the applicant did not file federal or state tax returns, Michigan Department of Treasury Form 4988 must be filed.
- 4) The applicant must provide income and asset information for all owners and occupants of the property. Potential income and asset sources include, but are not limited to:  
Income from all sources, interest and dividends, salaries and wages before deductions, pensions, net receipts from self-employment, supplemental security income, veteran payments, net rental income, royalties, scholarships and grants, unemployment compensation, insurance, workers compensation, retirement accounts, alimony, child support, general assistance, IRA/Keogh annuities, Social Security, new or reverse mortgages, cash, stocks and bonds, checking & savings accounts, investments, money market accounts, gifts, assets in trust accounts and deferred compensation.

December 6, 2022

- 5) The Income Test and Asset Test, both included herein, will be used by the Board of Review in its consideration of the poverty exemption application. The Board of Review will review all applications and determine whether the applicant is eligible for a 100% reduction in taxable value. Partial exemptions will not be granted to those who do not meet the eligibility requirements set forth herein.

**INCOME TEST**

- 1) Total annual household income limits shall be based on federal poverty income guidelines, adjusted annually to comply with the federally-established amounts.
- 2) Total annual household income shall not exceed the following amount applicable to the number of persons living in the household:

Size of family unit	Maximum income level in 2022
1	\$13,590
2	\$18,310
3	\$23,030
4	\$27,750
5	\$32,470
6	\$37,190
7	\$41,910
8	\$46,630
For each additional person	\$4,720

**ASSET TEST**

Eligible applicants must meet the following criteria to pass the asset test required for consideration of a poverty exemption:

- 1) Total cash assets cannot exceed 1/12 of the applicable annual household income or \$2,500.00, whichever is lower.
- 2) Total non-cash assets, excluding the principle residence for which the exemption is being considered, the personal property included therein, and one primary vehicle, cannot have a total value that exceeds 120% of the applicable annual household income or \$25,000, whichever is lower.
- 3) An applicant cannot have an ownership stake in property other than his/her principle residence.

**EVALUATION PROCEDURES**

- 1) The Board of Review shall follow the above policy and guidelines in all instances when making poverty exemption decision.
- 2) The applicant should be prepared to answer questions relevant to the exemption request.
- 3) All information provided by the applicant is subject to verification.

ROLL CALL: Ayes – All, the motion carried.

**ASSESSOR CONTACT RESOLUTION**  
**RESOLUTION NO. 2022-152**

A motion was made by Council Member Bielas, seconded by Council Member Adair,

Date: December 6, 2022

County: Presque Isle County

Municipality Name: City of Rogers City

City Hall Address

WHEREAS, 2018 PA 660, MCL 211.10g (“the Act”) provides that the State Tax Commission shall adopt and publish guidelines applicable to municipal audit procedures; and

WHEREAS, the State Tax Commission has, in turn, adopted such guidelines, STC Guideline 2020-1 (“the guidelines”), as required by the Act; and

WHEREAS, the guidelines provide that each assessing district must have and follow a published policy under which its assessor’s office is reasonably accessible to taxpayers, and that the published policy must address the items listed in Section 10g, Subsection (1), of the Act; and

WHEREAS, the City of Rogers City, County of Presque Isle desires to comply with the requirement to establish such a policy by adopting the present resolution and making the resolution available to the public.

NOW, THEREFORE, BE IT RESOLVED that the City of Rogers City, County of Presque Isle, establishes the following policy and provides the following information in connection with its assessor’s office:

December 6, 2022

The City of Rogers City, County of Presque Isle, currently employs an assessor of record that is certified by the State of Michigan as Michigan Advanced Assessing Officer (MAAO) Certification Number R-7862.

The City of Rogers City, County of Presque Isle, uses State of Michigan-approved BS&A CAMA assessing software; contact information for **BS&A software, 14965 Abbey lane, Bath Twp. MI 49908. Telephone number 517-641-8900. <http://www.bsasoftware.com> and <http://www.bsaonline.com>**

The City of Rogers City, County of Presque Isle, employs Allan Berg as the assessor of record, and the contact information for this assessor is as follows:

NAME:	Allan Berg
TELEPHONE NUMBER:	989-734-3555
ELECTRONIC MAIL:	info@assessingoffice.com

The assessor contact information can also be found by accessing the municipality website at <http://www.rogerscity.com> or the assessor's website at <http://www.assessingoffice.com>. The City of Rogers City, County of Presque Isle, ensures that any taxpayer inquiring about property records maintained by the assessor's office within the City of Rogers City, County of Presque Isle, will have a response from the assessor of record within seven (7) business days from the date the request was submitted to the above listed assessor either by telephone or electronic mail using the assessor contact information listed above.

Taxpayers may request a meeting with the assessor for any property assessment-related inquiries by submitting in writing to the above electronic mail address or contacting by telephone the assessor.

Taxpayers may request, using the above electronic mail or telephone number, to inspect the records maintained by the assessor's office, and taxpayers will be contacted to set up a time and date to meet at Rogers City Hall, 193 E. Michigan Ave., Rogers City, MI 49779.

Taxpayers may request, using the above electronic mail or telephone number, any questions or processes the assessor uses to informally hear and resolve any disputes taxpayers may have before the March Board of Review meeting.

BE IT FURTHER RESOLVED that this Resolution/Policy shall take effect as of the date set forth below.

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

Nayes - Nowak, the motion carried on December 6, 2022.

## **BANKING**

### **RESOLUTION NO. 2022-153**

A motion was made by Council Member Bielas, seconded by Council Member Nowak, to open a checking account with Huron State Bank; begin investing existing CD's with Calcite Credit Union and/or Awakon Credit Union with City Mgr. Joseph Hefe and City Clerk/Treasurer Terri Koss as signatories on all accounts. City Mgr. Hefe and Mayor McLennan disclose that they are both currently on the Calcite Credit Union Board.

ROLL CALL: Ayes – All, the motion carried.

## **PIC HAZARDOUS MITIGATION PLAN**

### **RESOLUTION NO. 2022-154**

It was moved by Council Member Adair, seconded by Council Member Fuhrman, that WHEREAS the City Council of the City of Rogers City recognizes the threat that natural hazards pose to people and property within Presque Isle County; and

WHEREAS Presque Isle County has prepared a multi-hazard mitigation plan, hereby known as the 2021 Presque Isle County Hazard Mitigation Plan, in accordance with the Disaster Mitigation Act of 2000; and WHEREAS the 2021 Presque Isle County Hazard Mitigation Plan identifies mitigation goals and actions to reduce or eliminate long-term risk to people and property in Presque Isle County from impacts of future hazards and disasters; and

WHEREAS adoption by the City of Rogers City demonstrates its commitment to hazard mitigation and achieving the goals outlined in the 2021 Presque Isle County Hazard Mitigation Plan;

NOW THEREFORE, BE IT RESOLVED THAT the City of Rogers City adopts the 2021 Presque Isle County Hazard Mitigation Plan, including all maps and attachments thereto, on this Sixth day of December, 2022.

ROLL CALL: Ayes – All, the motion carried.

December 6, 2022

**METRO ACT RESOLUTION**  
**RESOLUTION NO. 2022-155**

A motion was made by Council Member Bielas, seconded by Council Member Nowak, to approve the ACD.NET Metro Act application.

ROLL CALL: Ayes – All, the motion carried.

**2023 CITY COUNCIL SCHEDULE**  
**RESOLUTION NO. 2022-156**

A motion was made by Council Member Fuhrman, seconded by Council Member Adair, to adopt the 2023 City Council meeting schedule as presented.

ROLL CALL: Ayes – All, the motion carried.

**OTHER BUSINESS:** None.

**CLOSED SESSION:** None.

**ADJOURNMENT:**

With nothing further to come before Council, Mayor McLennan declared the meeting adjourned at 6:44 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, DECEMBER 20, 2022

Mayor McLennan called the meeting to order at 6 p.m. Council Member Adair 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 Nowak, seconded by Council Member Adair, 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 Nowak, seconded by Council Member Bielas, that the minutes of the Regular Council Meeting of December 6, 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 \$ 171,234.30 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 on a grant opportunity through the Presque Isle County Land Bank.

**COMMISSION AND BOARD REPORTS:** None.

**LIAISONS:**

Council Member Fuhrman stated that the fireboard is requesting that fire hydrant rental be cancelled and they be allowed to pay based on their usage.

**RESOLUTION NO. 2022-157**

A motion was made by Council Member Nowak, seconded by Council Member Adair, to discuss hydrant rental at the FY2023-24 budget workshops.

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

Naves – Fuhrman, the motion carried.

**MAYOR:**

Mayor McLennan stated committee re-appointments are needed.

December 20, 2022

**RESOLUTION NO. 2022-158**

A motion was made by Council Member Bielas, seconded by Council Member Nowak, to re-appoint Al Gapczynski and Mary Thomas to Planning Commission with terms to expire December 2025, re-appoint Beach Hall to the Local Officers Compensation Committee with the term to expire September 2027 and re-appoint Kaelie Fessler and Gregory Zurakowski to the Parks and Recreation Commission with the terms to expire September 2025.

ROLL CALL: Ayes – All, the motion carried.

**UNFINISHED BUSINESS:**

City Mgr. Hefele reviewed the ordinance language and discussion was had on the times listed in the ordinance. It was consensus of Council to change the set out time to noon the day prior.

**ORDINANCE NO 2022-10**

**CODE AMENDMENT – GARBAGE – SECOND READING AND ADOPTION**

A motion was made by Council Member Fuhrman, seconded by Council Member Adair, that the following Ordinance No. 2022-10, which was introduced for first reading at the December 6, 2022 Council meeting, be adopted and that proper publication be made within 15 days required from the date thereof in the *Presque Isle County Advance*. Said ordinance to become effective upon publication on January 5, 2023.

AN ORDINANCE AMENDING CHAPTER 7, ARTICLE 1, DIVISION 1 OF THE ROGERS CITY CODE OF ORDINANCES BY MAKING IT A VIOLATION TO PLACE WASTE AT CURBSIDE EARLIER THAN 12 P.M. (NOON) THE DAY BEFORE THE COLLECTION DAY, AND/OR LEAVING WASTE OR WASTE CONTAINERS AT CURBSIDE BEYOND 5 P.M. THE DAY AFTER COLLECTION DAY, AND ESTABLISHING PENALTIES FOR SUCH VIOLATIONS.

THE CITY OF ROGERS CITY ORDAINS:

- I. Chapter 7, Article 1, Division 1 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:

**Sec. 7-26 ~~Collection time;~~ placing at curbside**

Curbside waste/bulk items shall be placed at curbside not earlier than 12 p.m. (noon) the day before the collection day, unless authorized in advance by the City police ~~not later than 7 a.m. on the collection day~~ Residential waste containers, and/or any waste or bulk items not collected by the contractor during curbside collection, shall be removed by the owner, lessee, or occupant of the premise not later than 5 p.m. the day following the collection day. ~~Removal of containers for residential waste. After collection, empty containers shall be removed promptly by the owner, lessee, or occupant of the premises.~~

Any person violating a provision of this Section shall be responsible for a municipal civil infraction punishable by a fine of not more than \$500.00. Any condition caused or permitted to exist in violation of any of the provisions of this Section shall be deemed a new and separate offense for each day that such condition continues to exist. The City police are authorized to issue citations.

- 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.

**PROPERTY TAX POVERTY EXEMPTIONS**

**RESOLUTION NO. 2022-159**

A motion was made by Council Member Nowak, seconded by Council Member Fuhrman, to rescind resolution no. 2022-151 (previous poverty resolution) and approve the new language as included in the meeting packet.

**WHEREAS**, the adoption of guidelines for poverty exemptions is required of the City Council of the City of Rogers City; and

**WHEREAS**, the principal residence of persons, who the Assessor and Board of Review determines by reason of poverty to be unable to contribute to the public charge, are eligible for exemption in whole or in part from taxation under Public Act 390 of 1994 (MCL 211.7u); and

December 20, 2022

**WHEREAS**, pursuant to PA 390 of 1994, the City of Rogers City, located within Presque Isle County, adopts the following guidelines for the Board of Review to implement. The guidelines shall include, but not be limited to, the specific income and asset levels of the claimant and all persons residing in the household, including any property tax credit returns, filed in the current or immediately preceding year; to be eligible, a person shall do all the following on an annual basis:

- 1) Be an owner of, and occupy as a principal residence, the property for which an exemption is requested.
- 2) File a claim with the Assessor or Board of Review, accompanied by federal and state income tax returns for all persons residing in the principal residence, including any property tax credit returns filed in the immediately preceding year or in the current year.
- 3) File a claim reporting that the combined assets of all persons do not exceed the current guidelines. Assets include but are not limited to, real estate other than the principal residence, personal property, motor vehicles, recreational vehicles and equipment, certificates of deposit, savings accounts, checking accounts, stocks, bonds, life insurance, retirement funds, etc.
- 4) Produce a valid driver's license or other form of identification.
- 5) Produce, if requested, a deed, land contract, or other evidence of ownership of the property for which an exemption is requested.
- 6) Meet the federal poverty income guidelines as defined and determined annually by the United States Department of Health and Human Services or alternative guidelines adopted by the governing body, provided that the alternative guidelines do not provide eligibility requirements less than the federal guidelines.
- 7) File the application for an exemption after January 1, but one day prior to the last day of the Board of Review. The filing of this claim constitutes an appearance before the Board of Review for the purpose of preserving the right of appeal to the Michigan Tax Tribunal.

The following are the federal poverty income guidelines which are updated annually by the United States Department of Health and Human Services. The annual allowable income includes income for all persons residing in the principal residence.

***Federal Poverty Guidelines for the 2023 Assessment Year***

***No. of persons residing in principal residence      Annual allowable income***

1 Person	\$13,590
2 Persons	\$18,310
3 Persons	\$23,030
4 Persons	\$27,750
5 Persons	\$32,470
6 Persons	\$37,190
7 Persons	\$41,910
8 Persons	\$46,630
Each additional person, add	\$4,720

**2023 RESOLUTION FOR POVERTY EXEMPTION - Continued**

The following is a limit on the amount of assets an applicant can have:

- Limit on Cash Balances: \$2,500 (check/savings). All bank statements must be submitted with application.
- 1 personal vehicle is exempt from overall asset value limit.
- Primary Residence is excluded, however, excess land over 5 acres will count toward overall asset limit.
- Annual dividend income (taxable & non-taxable) must be less than \$1,000.
- Overall Asset Value Limit: \$20,000.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Assessor and Board of Review shall follow the above stated policy and federal guidelines in granting or denying an exemption. As this policy and resolution do not establish specific guidelines for granting a 25% or 50% reduction in taxable value as allowed by MCL 211.7u, the Board of Review shall be limited to a 0% reduction (denial) or 100% reduction (approval).

ROLL CALL: Ayes – All, the motion carried.

**NEW BUSINESS:**

December 20, 2022

**FY2021-22 AUDIT REPORT – QUAST JANKE**

Dave Gwizdala with Quast Janke addressed Council regarding the FY2021-22 audit.

**RESOLUTION NO. 2022-160**

A motion was made by Council Member Bielas, seconded by Council Member Nowak, that the City's Fiscal Year 2021-22 audited financial statements be accepted and that a copy of the audit document be kept on file in the office of the City Clerk/Treasurer.

ROLL CALL: Ayes – All, the motion carried.

**MARINA 2022-23 SEASON**

City Mgr. Hefele reviewed Harbor Advisory's and Harbor Master's recommendation.

**RESOLUTION NO. 2022-161**

A motion was made by Council Member Fuhrman, seconded by Council Member Adair, to approve the rates and discounts for the 2022-23 year per the recommendation of the Harbor Advisory.

ROLL CALL: Ayes – All, the motion carried.

**RESOLUTION NO. 2022-162**

A motion was made by Council Member Bielas, seconded by Council Member Nowak, to approve the seasonal slip service contract, charter fishing contract, and short term rental contract with service and storage fees as recommend by Harbor Advisory.

ROLL CALL: Ayes – All, the motion carried.

**RESOLUTION NO. 2022-163**

A motion was made by Council Member Adair, seconded by Council Member Bielas, to approve the rules and regulations for the 2022-23 season at the Rogers City Marina.

ROLL CALL: Ayes – All, the motion carried.

**RESOLUTION NO. 2022-164**

A motion was made by Council Member Bielas, seconded by Council Member Nowak, to approve a bonus of \$5,000 for Harbor Master Wayne Saile.

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

**CITY MANAGER COMPENSATION**

Council Member Nowak stated that he requested a list of grants the City has received. Nowak recommended City Mgr. Hefele receive a bonus. Mayor McLennan stated that Hefele did not take a raise this year.

**RESOLUTION NO. 2022-165**

A motion was made by Council Member Nowak, seconded by Council Member Adair, to approve City Mgr. Hefele receive a bonus in the amount of \$2,000.

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

**OTHER BUSINESS:**

**DICK ADAIR RESOLUTION**

**RESOLUTION NO. 2022-166**

The following resolution was offered Council Member Nowak, seconded by Council Member Bielas, at a regular meeting of the City Council of the City of Rogers City at a regular meeting December 20, 2022:

December 20, 2022

WHEREAS, Richard Adair was appointed to the City Council of the City of Rogers City on January 29, 2015, selected by Council to fill a vacancy due to his regular attendance at its meetings and his unquestionable support for, and interest in, the community; and

WHEREAS, Council Member Adair has rewarded Council's decision to appoint him with nearly eight years of dedicated service to the community and nearly spotless attendance at meetings despite health-related obstacles that would have kept others home; and

WHEREAS, Council Member Adair always prioritized completely understanding an issue before deciding how he'd vote, and always tried to put the people of Rogers City first in any and all decisions he was tasked with making; and

WHEREAS, Council Member Adair, while soft spoken and adverse to confrontation, was also passionate about serving the community and never afraid to fight for what he believed was in the best interest of Rogers City; and

WHEREAS, Council Member Adair will take his final bow on the Council on December 20, 2022, before ceding his seat at the table to none other than his daughter Timeen, who had a great teacher on how to serve the taxpayers with grace and dignity;

THEREFORE BE IT RESOLVED, that the City Council of the City of Rogers City takes this moment to express its profound appreciation for Council Member Adair's eight years of dedicated service and wishes him the very best in his retirement from this board.

ROLL CALL: Ayes – All, the motion carried.

**CLOSED SESSION:** None.

**ADJOURNMENT:**

With nothing further to come before Council, Mayor McLennan declared the meeting adjourned at 7:18 p.m.

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SCOTT MCLENNAN, MAYOR

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TERRI L. KOSS, CITY CLERK/TREASURER