

MINUTES OF THE REGULAR MEETING OF THE ROGERS CITY CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON TUESDAY, OCTOBER 5, 2021

Mayor McLennan called the meeting to order at 6 p.m. City Mgr. Hefeled 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 Brad Haske, City Mgr. Joseph Hefeled and City Clerk/Treasurer Terri Koss.

APPROVAL OF AGENDA

It was moved by Council Member Nowak, seconded by Council Member Fuhrman, to approve the agenda as presented.

ROLL CALL: Ayes – All, the motion carried.

CITIZENS APPEARING BEFORE THE COUNCIL:

Brian Brooks addressed Council stating it would be the last meeting they would be attending for the year due to golf cart darkness driving regulations.

APPROVAL OF MINUTES

It was moved by Council Member Bielas, seconded by Council Member Nowak, that the minutes of the Regular Council Meeting of September 21, 2021 and Special Meeting of September 29, 2021 be approved as written.

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

Nayes – Fuhrman, the motion carried.

CITY CLERK'S REPORT:

CHECK AND INVOICE APPROVAL:

It was moved by Council Member Adair, seconded by Council Member Bielas, that the following total fund expenditures be recognized as payments made and payments to be made, in the amount of \$313,727.14 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:

Included in the meeting packet were the minutes from the recent DDA and Parks & Recreation meetings.

LIAISONS: None.

MAYOR:

Mayor McLennan stated that he and Mike Mahler will be visiting local businesses. Council Member Nowak stated he was disappointed in the lack of press coverage for Mahler's recent presentation. McLennan mentioned that the Harris Law office open house is October 8, the Fire Authority ground breaking is October 11, 2021 and October is Domestic Violence Awareness month.

RESOLUTION NO. 2021-139

A motion was made by Council Member Nowak, seconded by Council Member Adair, to re-appoint Barb Mills, Travis Peltz and Preston Mertz to the Downtown Development Authority with the term to expire June 2025, re-appoint Erik Nadolsky, Jan Dullack and appoint Scott Pauly to the Building Authority with the term to expire July 2025, re-appoint Dick Lappan and John Krajenta to the Harbor Advisory Commission with the term to expire May 2026, re-appoint Travis Peltz to the Local Officers Compensation Committee with the term to expire September 30, 2026 and re-appoint Brittany Vanderwall, Valerie Meharg and Mike Peltz to the Parks and Recreation Commission with the term to expire September 2024.

ROLL CALL: Ayes – All, the motion carried.

UNFINISHED BUSINESS:

ORDINANCE NO. 2021-19

DRIVE APPROACH ORDINANCE – SECOND READING

A motion was made by Council Member Nowak, seconded by Council Member Fuhrman, for second reading and adoption of the following Ordinance No. 2021-19, which was introduced for first reading at the September 21, 2021 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 which is October 14, 2021.

AN ORDINANCE AMENDING CHAPTER 16 (STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES), ARTICLE 3 (OBSTRUCTIONS AND EXCAVATIONS), DIVISION 2 (CURB CUTS), OF THE CODE OF ORDINANCES OF THE CITY OF ROGERS CITY.

THE CITY OF ROGERS CITY ORDAINS:

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I. Chapter 16, Article 3, Division 2, of the Code of Ordinances of the City of Rogers City, Michigan, is hereby amended as follows (language in red with strike-through is eliminated; language in green is added):

DIVISION 2. - CURB CUTS AND DRIVEWAY ACCESS

Sec. 16-71. - Permit required.

Sec. 16-72. - Specifications.

Sec. 16-73. - Costs of adjusting public improvements.

Sec. 16-74. – Appeals to City Council.

Secs. 16-75—16-85. - Reserved.

Sec. 16-71. - Permit required.

No opening in or through any curb, driveway access from a street or alley, or public sidewalk driveway crossing ~~curb of any street~~ shall be made without first obtaining a written permit from the city manager or his/her authorized representative.

Sec. 16-72. - Specifications.

~~Curb cuts and sidewalk driveway crossings to provide access to private property shall comply with the following:~~

- ~~1) No single curb cut shall exceed twenty-five (25) feet or be less than ten (10) feet.~~
- ~~2) The minimum distance between any curb cut and a public crosswalk shall be five (5) feet.~~
- ~~3) The minimum distance between curb cuts, except those serving residential property, shall be twenty-five (25) feet.~~
- ~~4) The maximum number of lineal feet of sidewalk driveway crossing permitted for any lot, parcel of land, business or enterprise, shall be forty-five (45) percent of the total abutting street frontage up to and including two hundred (200) lineal feet of street frontage plus twenty (20) percent of the lineal feet of street frontage in excess of two hundred (200) feet.~~

Curb cuts, driveway accesses, and sidewalk driveway crossings to provide access to private property shall comply with the following:

- 1) Residential-zoned districts
 - a) No single curb cut or driveway access shall exceed a width of twenty-five (25) feet, or be less than a width of ten (10) feet at the line where the driveway connects to an improved or unimproved public street or alley.
 - b) The minimum distance between any curb cut or driveway access and a public crosswalk shall be five (5) feet.
 - c) The maximum number of curb cuts or driveway accesses per residential property is three (3) and the maximum number of curb cuts or driveway accesses per frontage is two (2) regardless of the number of tax parcels that comprise a residential property or the number of residential units on a property.
- 2) Commercial districts
 - a) The minimum distance between curb cuts or driveway accesses shall be ten (10) feet.
 - b) The minimum distance between any curb cut or driveway access and a public cross walk shall be five (feet).
 - c) The maximum number of lineal feet of sidewalk driveway crossings permitted for any lot, parcel of land, business or enterprise, shall be forty-five (45) percent of the total abutting street frontage up to and including two hundred (200) lineal feet of street frontage plus twenty (20) percent of the lineal feet of street frontage in excess of two hundred (200) feet.

Sec. 16-73. - Costs of adjusting public improvements.

The adjustments to utility poles, light standards, fire hydrants, catch basins, street or railway signs, signals, or other public improvements or installations made necessary by curb cuts or driveway crossings shall be accomplished without cost to the city.

Sec. 16-74. – Appeals to City Council

Requests for an exception to any of the requirements established in this Division must be made to City Council, which may deviate from the requirements only when following them would clearly constitute a hardship to the individual making the appeal; if granted, the hardship must be documented in the minutes of the public meeting in which the appeal is considered.

Secs. 16-75—16-85. - Reserved.

II. A summary of this ordinance shall be published within 15 days after its adoption.

III. This ordinance shall become effective upon publication of a summary of its provisions.

ROLL CALL: Ayes – All, the motion carried.

MARINERS MALL PARKING LOT – LOADING & UNLOADING

No action was taken.

NEW BUSINESS:

ZONING AMENDMENT (FENCES) – FIRST READING

ORDINANCE NO. 2021-20

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

AN ORDINANCE AMENDING ARTICLE 3, SECTION 32-41, SUBSECTIONS A-C, OF THE CITY OF ROGERS CITY ZONING ORDINANCE (ORDINANCE 2011-1, AS AMENDED) TO CREATE SETBACKS FOR SIDEWALKS OR FUTURE SIDEWALKS AND PROVIDE CLARIFICATION REGARDING CORNER AND DRIVEWAY CLEARANCES.

THE CITY OF ROGERS CITY ORDAINS:

Section 1. Article 3 (General Provisions), Section 32-41 (Fences and Walls), Subsection A (Construction and Maintenance – All Districts), Subsection B (Residential Fences and Walls), and Subsection C (Commercial and

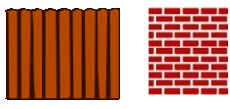
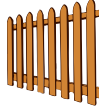
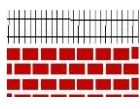
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Industrial Fences and Wall) are amended as follows, with language to be deleted shown in red with strike-through, and items in green to be added:

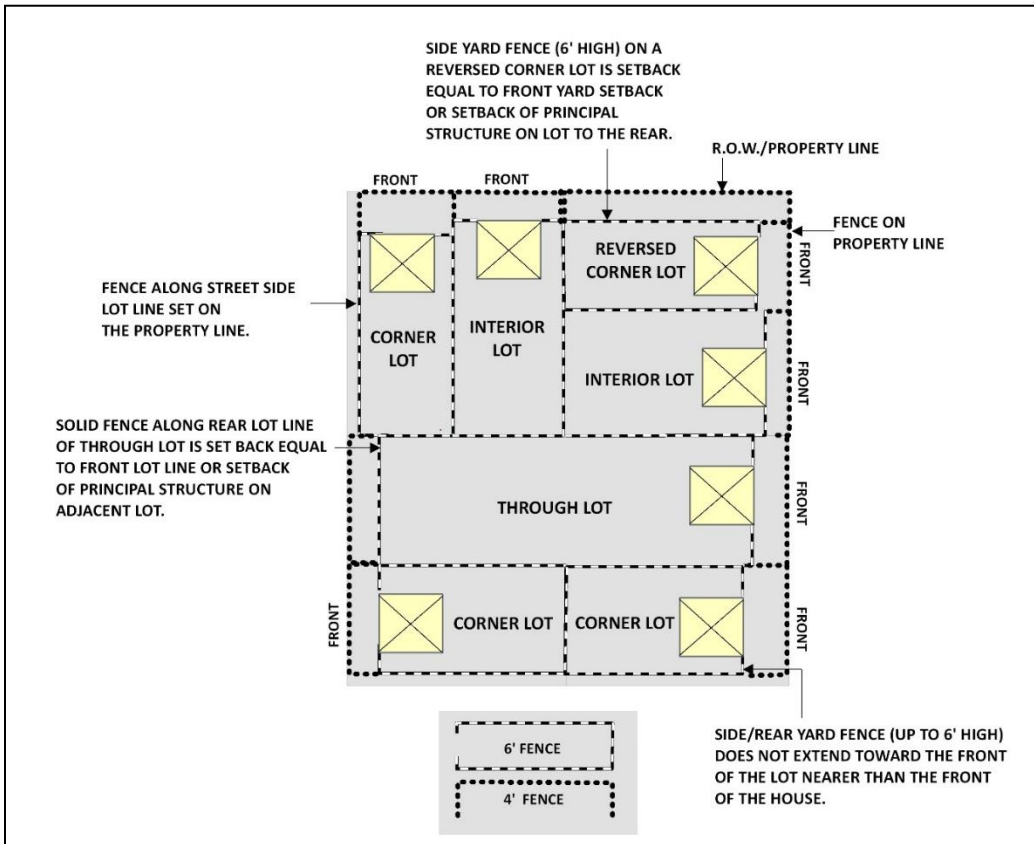
A. CONSTRUCTION AND MAINTENANCE - ALL DISTRICTS:

1. Fence and wall materials may include treated wood, painted/stained wood, split rail, ornamental wrought iron, brick, stone, masonry block, molded vinyl, or chain link. Scrap lumber, plywood, woven wire, welded wire, agricultural or livestock wire fencing, slab wood, rough sawn lumber, sheet metal, plastic, or fiberglass sheets are specifically prohibited. *(⁴⁰Amended by Ordinance 2018-07)*
 - a. Fences located in front yards shall be constructed using split rail, pickets, wrought iron, molded vinyl or brick. No chain link fences or masonry block walls shall be permitted in front yards. Fences in a front yard must contain openings at least fifty (50) percent the width of the slats. A fence, wall, or wall/fence combination is allowed and the wall may be solid up to two (2) feet in height and an open-style fence can make up the balance to total four (4) feet in height. *(⁴⁰Amended by Ordinance 2018-07)*
2. Fences on residential or commercial lots shall not contain barbed wire, electric current, or charge of electricity.
3. ¹⁸The portions of all fences facing property other than the property of the fence owner or facing a street right-of-way shall be finished and constructed so that, to the extent possible by the design of the fence, the fence posts and the horizontal and/or vertical fence supports are not visible from that other property or from the street right-of-way.
4. Fences shall be maintained to retain their original appearance, shape and configuration. Elements of a fence that are missing, damaged, destroyed or deteriorated shall be replaced and repaired to maintain conformity with the original fence appearance and design.
5. ~~VISIBILITY TRIANGLE CORNER AND DRIVEWAY CLEARANCE~~ **VISIBILITY TRIANGLE CORNER AND DRIVEWAY CLEARANCE**: Fences, walls, or hedges installed, constructed, or planted in accordance with the provisions of this Ordinance shall not obstruct ~~visibility triangles~~ **clear vision areas** as regulated in **§32-30**.
6. Fence height shall be measured from the existing grade. *(⁴⁰Amended by Ordinance 2018-07)*

B. RESIDENTIAL FENCES AND WALLS: Fences and walls shall require a Zoning Permit issued by the Zoning Administrator and shall comply with the following regulations and requirements:

Table 32-41 B: Residential Fences & Walls			
	Solid Fences & Walls	Open Style Fences	Wall/Fence Combination
	Have less than 50% open space.	Have 50% or more open space.	
			
Front Yard	Not allowed	<ul style="list-style-type: none"> ▪ Up to 4' high. ▪ Fences may be set on the property line except for the following: Fences shall be setback at least 1' from the inside edge of the existing sidewalk or from the inside edge of a future sidewalk location. 	<ul style="list-style-type: none"> ▪ Up to 4' high. ▪ Fence/wall combinations may be set on the property line except for the following: Fences shall be setback at least 1' from the inside edge of the existing sidewalk or from the inside edge of a future sidewalk location. ▪ May be solid up to 2' high. Open-style fence may make up the balance.
Side Yard	<ul style="list-style-type: none"> ▪ Interior Side Yards – Fences up to 6' high: Outer face may abut property line. ▪ Street Side Corner Side Yards (for corner lots with abutting rear yards) – Fences up to 6' high: Outer face may abut property line except for the following: Fences shall be setback at least 1' from the inside edge of the existing sidewalk or from the inside edge of a future sidewalk location. ▪ Street Side Yard on Reversed Corner Lots: Fences six (6) feet high shall be set back a distance equal to the front yard setback of the lot to the rear or the setback of the principal structure of the lot to the rear, whichever is less. <i>(⁴⁰Amended by Ordinance 2018-07)</i> ▪ Fences over 4' high may not extend toward the front of the lot nearer than the front of the house. ▪ Corner Side Yards: Fences over 4' high shall be set back a distance equal to the front yard setback of the lot to the rear or the set back of the principal structure of the lot to the rear, whichever is less². 		
Rear Yard	<ul style="list-style-type: none"> ▪ Up to 6' high: Outer face may abut property line 		
Through Lots:			
Front Yard (the lot line upon which the front of the principal structure faces)	Not allowed	<ul style="list-style-type: none"> ▪ Up to 4' high. ▪ Fences may be set on property line except for the following: Fences shall be setback at least 1' from the inside edge of the existing sidewalk or from the inside edge of a future sidewalk location. 	<ul style="list-style-type: none"> ▪ Up to 4' high. ▪ Fences may be set on property line except for the following: Fences shall be setback at least 1' from the inside edge of the existing sidewalk or from the inside edge of a future sidewalk location. ▪ May be solid up to 2' high. Open-style fence may make up the balance.

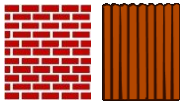

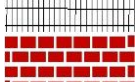
<p>Rear Yard (the lot line opposite the front lot line)</p>	<ul style="list-style-type: none"> Up to 6' high: Set back equal to the front yard setback of the district or equal to an average of the setbacks of the existing principal structures on adjacent lots. 	<ul style="list-style-type: none"> Up to 4' high: Outer face may be on property line except for the following: Fences shall be setback at least 1' from the inside edge of the existing sidewalk or from the inside edge of a future sidewalk location. Over 4' to 6' high: Set back equal to the front yard setback of the district or equal to an average of the setbacks of the existing principal structures on adjacent lots. 	<ul style="list-style-type: none"> Up to 4' high: Outer face may be on property line except for the following: Fences shall be setback at least 1' from the inside edge of the existing sidewalk or from the inside edge of a future sidewalk location. May be solid up to 2' high. Open-style fence may make up the balance. Over 4' to 6' high: Set back equal to the front yard setback of the district or equal to an average of the setbacks of the existing principal structures on adjacent lots.
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Residential Fence Diagram¹

~~**1** **Visibility Triangle:** Fences, walls, or hedges installed, constructed, or planted in accordance with the provisions of this Ordinance shall not obstruct visibility triangles as regulated in §32-30. **VISIBILITY TRIANGLE CORNER AND DRIVEWAY CLEARANCE:** Fences, walls, or hedges installed, constructed, or planted in accordance with the provisions of this Ordinance shall not obstruct clear vision areas as regulated in §32-30.~~

C. **COMMERCIAL & INDUSTRIAL FENCES & WALLS:** Fences and walls which are not part of an approved site plan require a Zoning Permit from the Zoning Administrator. All fences and walls shall comply with the following regulations and requirements:

<p align="center">Table 32-41 C Commercial and Industrial Fences & Walls</p>			
	Solid Fences & Walls	Open Style Fences	Wall/Fence Combination
	Have less than 50% open space.	Have 50% or more open space.	
			
<p>Front Yard</p>	<p>Not allowed</p>	<ul style="list-style-type: none"> Up to 4' high. May be set on the property line except for the following: Fences shall be setback at least 1' from the inside edge of the existing sidewalk or from the inside edge of a future sidewalk location. 	<ul style="list-style-type: none"> Up to 4' high. May be set on the property line except for the following: Fences shall be setback at least 1' from the inside edge of the existing sidewalk or from the inside edge of a future sidewalk location. May be solid up to 2' high. Open-style fence may make up the balance.

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Rear Yard & Interior/Street Side Yard	<ul style="list-style-type: none"> ▪ Commercial Lots: Up to 6' high. ▪ Industrial Lots: Up to 8' high. ▪ 6 additional inches in height allowed for fence posts. ▪ Outer face may abut property line except for the following on Street Side Yards: Fences shall be setback at least 1' from the inside edge of the existing sidewalk or from the inside edge of a future sidewalk location. 		
Corner Street Side Yard (on reversed corner lot)	<ul style="list-style-type: none"> ▪ Commercial: Up to 6' high. Set back a distance equal to the front yard setback of the lot to the rear or the setback of the principal structure of the lot to the rear, whichever is less. ▪ Industrial Lots: Up to 8'. Set back a distance equal to the front yard setback of the lot to the rear or the setback of the principal structure of the lot to the rear, whichever is less. 		
Through Lots:			
Front Yard (the lot line upon which the front of the principal structure faces)	Not allowed	<ul style="list-style-type: none"> ▪ Up to 4' high. ▪ May be set on the property line except for the following: Fences shall be setback at least 1' from the inside edge of the existing sidewalk or from the inside edge of a future sidewalk location. 	<ul style="list-style-type: none"> ▪ Up to 4' high. ▪ May be set on the property line except for the following: Fences shall be setback at least 1' from the inside edge of the existing sidewalk or from the inside edge of a future sidewalk location. May be solid up to 2' high. Open-style fence may make up the balance.
Rear Yard (the lot line opposite the front lot line)	<ul style="list-style-type: none"> ▪ Commercial Lots: Up to 6' high: Set back equal to the front yard setback of the district or, if there are existing structures on adjacent lots, equal to an average of the setbacks of the existing principal structures on adjacent lots. ▪ Industrial Lots: Up to 8' high. Set back equal to the front yard setback of the district or, if there are existing structures on adjacent lots, equal to an average of the setbacks of the existing principal structures on adjacent lots. 		

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 (DANGEROUS AND ABANDONED SIGNS) – FIRST READING
ORDINANCE NO. 2021-21

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

AN ORDINANCE AMENDING ARTICLE 3, SECTION 32-45, SUBSECTION E (GENERAL SIGN STANDARDS), PARAGRAPH 13 (UNSAFE, DAMAGED AND ILLEGAL SIGNS) OF THE CITY OF ROGERS CITY ZONING ORDINANCE (ORDINANCE 2011-1, AS AMENDED) TO ADDRESS THE STRUCTURES, FRAMES, AND BASES ASSOCIATED WITH SUCH SIGNS, WHILE REMOVING THE ZONING ADMINISTRATOR’S ABILITY TO GRANT EXTENSIONS ASSOCIATED WITH COMPLIANCE. THE CITY OF ROGERS CITY ORDAINS:

Section 1. Article 3 (General Provisions), Section 32-45 (Signs), Subsection E (General Sign Standards), Paragraph 13 (Unsafe, Damaged, and Illegal Signs), is amended as follows, with language to be deleted shown in red with strike-through, and items in green to be added:

13. UNSAFE, DAMAGED, AND ILLEGAL SIGNS:

In the event that any sign **and/or sign structure, frame, or base** becomes insecure, in danger of falling, unsafe, damaged, or if any sign **and/or sign structure, frame, or base** shall be unlawfully installed, erected, or maintained in violation of any of the provisions of this Ordinance, the owner or lessee shall, within ten (10) days of receipt of a written notice from the Zoning Administrator, make such sign conform to the provisions of this Ordinance or shall cause **it the sign and/or sign structure, frame, or base** to be removed. ~~The Zoning Administrator may grant a time extension if, after inspection, the Zoning Administrator determines that no immediate danger exists.~~ In the event said owner or lessee does not remove said sign **and/or sign structure, frame, or base** pursuant to said notice, or cannot establish a good faith effort to comply, the Zoning Administrator is authorized to cause removal of such sign **and/or sign structure, frame, or base** and any expense incident thereto shall be paid by the owner or lessee of the sign or, if such person cannot be found, by the owner of the building or structure or property to which such sign or structure is affixed. If such expense is not paid, the City shall have a lien on the property and such cost shall be added to the tax bill for the property. The Zoning Administrator shall refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed. The Zoning Administrator may cause any sign **and/or sign structure, frame, or base** or other advertising structure which is an immediate peril to persons or property to be removed summarily and without notice.

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.

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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 (CORNER & DRIVEWAY CLEARANCES – FIRST READING
ORDINANCE NO. 2021-22**

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

AN ORDINANCE AMENDING ARTICLE 3, SECTION 32-30, SUBSECTION A, OF THE CITY OF ROGERS CITY ZONING ORDINANCE (ORDINANCE 2011-1, AS AMENDED) TO CREATE AN EXCEPTION FOR THE B-2 DISTRICT AND REDUCE DRIVEWAY AND VISIBILITY REQUIREMENTS

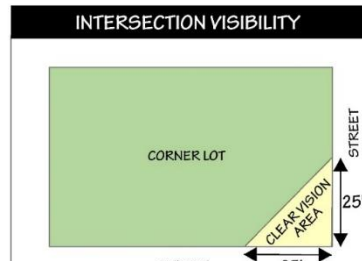
THE CITY OF ROGERS CITY ORDAINS:

Section 1. Article 3 (General Provisions), Section 32-30 (Corner and Driveway Clearance/Residential Entranceway), Subsection A (Corner and Driveway Clearance), is amended as follows, with language to be deleted shown in red with strike-through, and items in green, and the “driveway visibility” picture to be added.

A. CORNER & DRIVEWAY CLEARANCE:

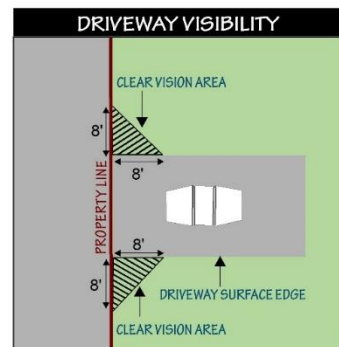
Except for in the B-2 district, no fence, wall, shrubbery, sign, or other structure or planting shall obstruct vision between the height of two (2) feet and ten (10) feet. Such heights of clear vision areas shall be measured from established street grades within the triangular area formed:

Intersection Visibility. At the intersection of any street or alley of pavement, a triangle formed by a straight line drawn between said distance along each line of twenty-five (25) feet from their point of intersection. (⁴⁵Amended by Ordinance 2018-07)



lines at a

- 1. Driveway Visibility.** At the intersection of a driveway and a street or alley where two (2) sides of the triangle defined formed by measuring ~~twenty-five (25)~~ eight (8) feet in length along the surface edge of the driveway and along the ~~curb edge of the roadway~~ property line from the point of intersection and the third side is a diagonal connecting the first two. (⁴⁵Amended by Ordinance 2018-07)



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.

**FOOD TRUCK ORDINANCE – FIRST READING
RESOLUTION NO. 2021-140**

A motion was made by Council Member Bielas, seconded by Council Member Adair, to table this Ordinance discussion until the next meeting.

ROLL CALL: Ayes – All, the motion carried.

**WATER CURB STOP ORDINANCE – FIRST READING
ORDINANCE NO. 2021-23**

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

AN ORDINANCE AMENDING CHAPTER 18 (UTILITIES), ARTICLE 2 (CITY WATER UTILITY), SECTION 18-28 (TURNING ON WATER SERVICE), OF THE CODE OF ORDINANCES OF THE CITY OF ROGERS CITY.

THE CITY OF ROGERS CITY ORDAINS:

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IV. Chapter 18, Article 2, Section 18-28, of the Code of Ordinances of the City of Rogers City, Michigan, is hereby amended as follows (language in red with strike-through is eliminated; language in green is added):

Sec. 18-28. - Turning on and off water service at the curb stop.

- a) No person, other than an authorized employee of the department, shall turn on or off any water service at the curb stop. ~~except that a licensed plumber may turn on water service for testing his work (when it must be immediately turned off) or upon receiving written order from the department, may be turned on for construction purposes only, prior to the granting of a certificate of occupancy for the premises, and upon payment of the charges applicable thereto, which shall include the connection fee, meter installation fee and deposit.~~
- b) No person shall remove the cover from any curb stop or place any dirt, stone, or other obstruction in it, or tamper with it in any way so as to obstruct the use thereof. No person shall impede the department's ability to operate the curb stop by placing items, including but not limited to vehicles, on top of it. In addition to the penalties described in Sec. 1-8 and any other legal remedies that may be available, the City may take steps to remove the obstruction necessary to access and operate the curb stop and pass along all costs associated with doing so to the customer.

V. A summary of this ordinance shall be published within 15 days after its adoption.

VI. This ordinance shall become effective upon publication of a summary of its provisions.

ROLL CALL: Ayes – All, the motion carried.

**ASSESSING CONTRACT
RESOLUTION NO. 2021-141**

A motion was made by Council Member Bielas, seconded by Council Member Nowak, to approve the contract with Berg Assessing as presented.

ROLL CALL: Ayes – All, the motion carried.

**ONLINE BANKING AGREEMENT – HUNTINGTON BANK
RESOLUTION NO. 2021-142**

A motion was made by Council Member Bielas, seconded by Council Member Adair, to approve the on-line banking agreement with Huntington National Bank, effective October 12, 2021.

ROLL CALL: Ayes – All, the motion carried.

**MEDC GRANT (FIRST STREET) SIGNATORY/CERTIFYING OFFICER
RESOLUTION NO. 2021-143**

A motion was made by Council Member Nowak, seconded by Council Member Fuhrman, WHEREAS, the City of Rogers City (City) has secured Community Development Block Grant No. MSC-220069-WRI (Grant) through the Michigan Economic Development Corporation (MEDC); and WHEREAS, the MEDC requires the City to have an authorized signatory for all Grant documents, materials, and contracts, as well as a certifying officer for the environmental review for the project; and WHEREAS, the city manager has been entrusted with the day-to-day operation of the City and is in the office daily and therefore more readily available to perform Grant-related tasks than is the Mayor; THEREFORE BE IT RESOLVED, that the city manager is hereby authorized and directed to be the signatory on all Grant documents, materials, and contracts, as well as the certifying officer for the environmental review.

ROLL CALL: Ayes – All, the motion carried.

**HALLOWEEN – TRICK OR TREAT HOURS/USE OF FIRE HALL
RESOLUTION NO. 2021-144**

A motion was made by Council Member Adair, seconded by Council Member Bielas, to set Trick or Treating hours on Sunday, October 31, 2021 from 5:30 to 7:30 pm. and approve use of the Fire Hall and Halloween parade.

ROLL CALL: Ayes – All, the motion carried.

**OPTIMIST CLUB – TREE LIGHTING
RESOLUTION NO. 2021-145**

A motion was made by Council Member Nowak, seconded by Council Member Fuhrman, to approve the request from the Optimist Club for the annual tree lighting on Wednesday, November 24, 2021.

ROLL CALL: Ayes – All, the motion carried.

OTHER BUSINESS:

Council Member Nowak inquired when the rental inspections would begin. City Mgr. Hefele stated he is hesitant because of COVID and invoices still need to be sent out.

CLOSED SESSION: None.

ADJOURNMENT:

With nothing further to come before Council, Mayor McLennan declared the meeting adjourned at 6:56 p.m.

MINUTES OF THE REGULAR MEETING OF THE ROGERS CITY CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON TUESDAY, OCTOBER 19, 2021

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 as presented.

ROLL CALL: Ayes – All, the motion carried.

CITIZENS APPEARING BEFORE THE COUNCIL:

Mike Koslarski read and provided a statement to Council regarding a sinkhole issue near his residence.

APPROVAL OF MINUTES

It was moved by Council Member Fuhrman, seconded by Council Member Nowak, that the minutes of the Regular Council Meeting of October 5, 2021 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 \$196,242.85 and the Mayor is authorized to sign the check register.

ROLL CALL: Ayes – All, the motion carried.

CITY ATTORNEY'S REPORT:

The MLO tax tribunal hearing has been set for November 22, 2021; a trial date may result.

CITY MANAGER'S REPORT:

City Mgr. Hefele reported on the First Street project; it is moving quickly.

COMMISSION AND BOARD REPORTS:

Included in the meeting packet were the minutes of the Downtown Development Authority, Harbor Advisory Commission and Planning Commission.

LIAISONS:

Council Member Fuhrman stated the fire authority had their ground breaking recently. Mayor McLennan mentioned that Emergency Management is looking into grant opportunities for a rescue boat.

MAYOR:

Mayor McLennan stated we are still awaiting word on the Michigan Main Street selection, McLennan stated that he and Mike Mahler recently visited many local businesses.

UNFINISHED BUSINESS:

ZONING ORDINANCE NO. 2021-20 – FENCES -SECOND READING AND ADOPTION

A motion was made by Council Member Nowak, seconded by Council Member Adair, that the following Ordinance No. 2021-20, which was introduced for first reading at the October 5, 2021 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 October 28, 2021.

AN ORDINANCE AMENDING ARTICLE 3, SECTION 32-41, SUBSECTIONS A-C, OF THE CITY OF ROGERS CITY ZONING ORDINANCE (ORDINANCE 2011-1, AS AMENDED) TO CREATE SETBACKS FOR SIDEWALKS OR FUTURE SIDEWALKS AND PROVIDE CLARIFICATION REGARDING CORNER AND DRIVEWAY CLEARANCES.

THE CITY OF ROGERS CITY ORDAINS:

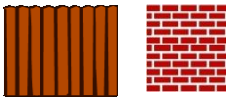

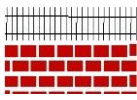
Section 1. Article 3 (General Provisions), Section 32-41 (Fences and Walls), Subsection A (Construction and Maintenance – All Districts), Subsection B (Residential Fences and Walls), and Subsection C (Commercial and Industrial Fences and Wall) are amended as follows, with language to be deleted shown in red with strike-through, and items in green to be added:

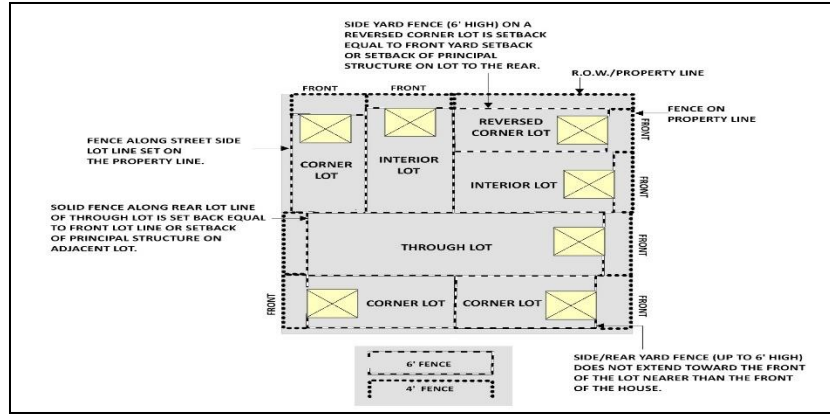
A. CONSTRUCTION AND MAINTENANCE - ALL DISTRICTS:

1. Fence and wall materials may include treated wood, painted/stained wood, split rail, ornamental wrought iron, brick, stone, masonry block, molded vinyl, or chain link. Scrap lumber, plywood, woven wire, welded wire, agricultural or livestock wire fencing, slab wood, rough sawn lumber, sheet metal, plastic, or fiberglass sheets are specifically prohibited. (⁴⁰Amended by Ordinance 2018-07)
 - a. Fences located in front yards shall be constructed using split rail, pickets, wrought iron, molded vinyl or brick. No chain link fences or masonry block walls shall be permitted in front yards. Fences in a front yard must contain openings at least fifty (50) percent the width of the slats. A fence, wall, or wall/fence combination is allowed and

the wall may be solid up to two (2) feet in height and an open-style fence can make up the balance to total four (4) feet in height. ⁽⁴⁰⁾Amended by Ordinance 2018-07)

2. Fences on residential or commercial lots shall not contain barbed wire, electric current, or charge of electricity.
 3. ¹⁸The portions of all fences facing property other than the property of the fence owner or facing a street right-of-way shall be finished and constructed so that, to the extent possible by the design of the fence, the fence posts and the horizontal and/or vertical fence supports are not visible from that other property or from the street right-of-way.
 4. Fences shall be maintained to retain their original appearance, shape and configuration. Elements of a fence that are missing, damaged, destroyed or deteriorated shall be replaced and repaired to maintain conformity with the original fence appearance and design.
 5. **VISIBILITY TRIANGLE CORNER AND DRIVEWAY CLEARANCE:** Fences, walls, or hedges installed, constructed, or planted in accordance with the provisions of this Ordinance shall not obstruct **visibility triangles clear vision areas** as regulated in **§32-30**.
 6. Fence height shall be measured from the existing grade. ⁽⁴⁰⁾Amended by Ordinance 2018-07)
- B. **RESIDENTIAL FENCES AND WALLS:** Fences and walls shall require a Zoning Permit issued by the Zoning Administrator and shall comply with the following regulations and requirements:

Table 32-41 B: Residential Fences & Walls			
	Solid Fences & Walls	Open Style Fences	Wall/Fence Combination
	Have less than 50% open space.	Have 50% or more open space.	
			
Front Yard	Not allowed	<ul style="list-style-type: none"> ▪ Up to 4' high. ▪ Fences may be set on the property line except for the following: Fences shall be setback at least 1' from the inside edge of the existing sidewalk or from the inside edge of a future sidewalk location. 	<ul style="list-style-type: none"> ▪ Up to 4' high. ▪ Fence/wall combinations may be set on the property line except for the following: Fences shall be setback at least 1' from the inside edge of the existing sidewalk or from the inside edge of a future sidewalk location. ▪ May be solid up to 2' high. Open-style fence may make up the balance.
Side Yard		<ul style="list-style-type: none"> ▪ Interior Side Yards – Fences up to 6' high: Outer face may abut property line. ▪ Street Side Corner Side Yards (for corner lots with abutting rear yards) – Fences up to 6' high: Outer face may abut property line except for the following: Fences shall be setback at least 1' from the inside edge of the existing sidewalk or from the inside edge of a future sidewalk location. ▪ Street Side Yard on Reversed Corner Lots: Fences six (6) feet high shall be set back a distance equal to the front yard setback of the lot to the rear or the setback of the principal structure of the lot to the rear, whichever is less. ⁽⁴⁰⁾Amended by Ordinance 2018-07) ▪ Fences over 4' high may not extend toward the front of the lot nearer than the front of the house. ▪ Corner Side Yards: Fences over 4' high shall be set back a distance equal to the front yard setback of the lot to the rear or the set back of the principal structure of the lot to the rear, whichever is less². 	
Rear Yard		<ul style="list-style-type: none"> ▪ Up to 6' high: Outer face may abut property line 	
Through Lots:			
Front Yard (the lot line upon which the front of the principal structure faces)	Not allowed	<ul style="list-style-type: none"> ▪ Up to 4' high. ▪ Fences may be set on property line except for the following: Fences shall be setback at least 1' from the inside edge of the existing sidewalk or from the inside edge of a future sidewalk location. 	<ul style="list-style-type: none"> ▪ Up to 4' high. ▪ Fences may be set on property line except for the following: Fences shall be setback at least 1' from the inside edge of the existing sidewalk or from the inside edge of a future sidewalk location. ▪ May be solid up to 2' high. Open-style fence may make up the balance.
Rear Yard (the lot line opposite the front lot line)	<ul style="list-style-type: none"> ▪ Up to 6' high: Set back equal to the front yard setback of the district or equal to an average of the setbacks of the existing principal structures on adjacent lots. 	<ul style="list-style-type: none"> ▪ Up to 4' high: Outer face may be on property line except for the following: Fences shall be setback at least 1' from the inside edge of the existing sidewalk or from the inside edge of a future sidewalk location. ▪ Over 4' to 6' high: Set back equal to the front yard setback of the district or equal to an average of the setbacks of the existing principal structures on adjacent lots. 	<ul style="list-style-type: none"> ▪ Up to 4' high: Outer face may be on property line except for the following: Fences shall be setback at least 1' from the inside edge of the existing sidewalk or from the inside edge of a future sidewalk location. ▪ May be solid up to 2' high. Open-style fence may make up the balance. ▪ Over 4' to 6' high: Set back equal to the front yard setback of the district or equal to an average of the setbacks of the existing principal structures on adjacent lots.



Residential Fence Diagram¹

~~¹Visibility Triangle: Fences, walls, or hedges installed, constructed, or planted in accordance with the provisions of this Ordinance shall not obstruct visibility triangles as regulated in §32-30.~~ **VISIBILITY TRIANGLE CORNER AND DRIVEWAY CLEARANCE:** Fences, walls, or hedges installed, constructed, or planted in accordance with the provisions of this Ordinance shall not obstruct clear vision areas as regulated in §32-30.

C. **COMMERCIAL & INDUSTRIAL FENCES & WALLS:** Fences and walls which are not part of an approved site plan require a Zoning Permit from the Zoning Administrator. All fences and walls shall comply with the following regulations and requirements:

Table 32-41 C Commercial and Industrial Fences & Walls			
	Solid Fences & Walls	Open Style Fences	Wall/Fence Combination
	Have less than 50% open space.	Have 50% or more open space.	
Front Yard	Not allowed	<ul style="list-style-type: none"> Up to 4' high. May be set on the property line except for the following: Fences shall be setback at least 1' from the inside edge of the existing sidewalk or from the inside edge of a future sidewalk location. 	<ul style="list-style-type: none"> Up to 4' high. May be set on the property line except for the following: Fences shall be setback at least 1' from the inside edge of the existing sidewalk or from the inside edge of a future sidewalk location. May be solid up to 2' high. Open-style fence may make up the balance.
Rear Yard & Interior/Street Side Yard	<ul style="list-style-type: none"> Commercial Lots: Up to 6' high. Industrial Lots: Up to 8' high. 6 additional inches in height allowed for fence posts. Outer face may abut property line except for the following on Street Side Yards: Fences shall be setback at least 1' from the inside edge of the existing sidewalk or from the inside edge of a future sidewalk location. 		
Corner Street Side Yard (on reversed corner lot)	<ul style="list-style-type: none"> Commercial: Up to 6' high. Set back a distance equal to the front yard setback of the lot to the rear or the setback of the principal structure of the lot to the rear, whichever is less. Industrial Lots: Up to 8'. Set back a distance equal to the front yard setback of the lot to the rear or the setback of the principal structure of the lot to the rear, whichever is less. 		
Through Lots:			
Front Yard (the lot line upon which the front of the principal structure faces)	Not allowed	<ul style="list-style-type: none"> Up to 4' high. May be set on the property line except for the following: Fences shall be setback at least 1' from the inside edge of the existing sidewalk or from the inside edge of a future sidewalk location. 	<ul style="list-style-type: none"> Up to 4' high. May be set on the property line except for the following: Fences shall be setback at least 1' from the inside edge of the existing sidewalk or from the inside edge of a future sidewalk location. May be solid up to 2' high. Open-style fence may make up the balance.
Rear Yard (the lot line opposite the front lot line)	<ul style="list-style-type: none"> Commercial Lots: Up to 6' high: Set back equal to the front yard setback of the district or, if there are existing structures on adjacent lots, equal to an average of the setbacks of the existing principal structures on adjacent lots. Industrial Lots: Up to 8' high. Set back equal to the front yard setback of the district or, if there are existing structures on adjacent lots, equal to an average of the setbacks of the existing principal structures on adjacent lots. 		

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

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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 NO 2021-21 – DANGEROUS SIGNS AND SIGN STRUCTURES – SECOND READING AND ADOPTION

A motion was made by Council Member Adair, seconded by Council Member Bielas, that the following Ordinance No. 2021-21, which was introduced for first reading at the October 5, 2021 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 October 28, 2021.

AN ORDINANCE AMENDING ARTICLE 3, SECTION 32-45, SUBSECTION E (GENERAL SIGN STANDARDS), PARAGRAPH 13 (UNSAFE, DAMAGED AND ILLEGAL SIGNS) OF THE CITY OF ROGERS CITY ZONING ORDINANCE (ORDINANCE 2011-1, AS AMENDED) TO ADDRESS THE STRUCTURES, FRAMES, AND BASES ASSOCIATED WITH SUCH SIGNS, WHILE REMOVING THE ZONING ADMINISTRATOR'S ABILITY TO GRANT EXTENSIONS ASSOCIATED WITH COMPLIANCE.
THE CITY OF ROGERS CITY ORDAINS:

Section 1. Article 3 (General Provisions), Section 32-45 (Signs), Subsection E (General Sign Standards), Paragraph 13 (Unsafe, Damaged, and Illegal Signs), is amended as follows, with language to be deleted shown in red with strike-through, and items in green to be added:

13. UNSAFE, DAMAGED, AND ILLEGAL SIGNS:

In the event that any sign **and/or sign structure, frame, or base** becomes insecure, in danger of falling, unsafe, damaged, or if any sign **and/or sign structure, frame, or base** shall be unlawfully installed, erected, or maintained in violation of any of the provisions of this Ordinance, the owner or lessee shall, within ten (10) days of receipt of a written notice from the Zoning Administrator, make such sign conform to the provisions of this Ordinance or shall cause **it the sign and/or sign structure, frame, or base** to be removed. ~~The Zoning Administrator may grant a time extension if, after inspection, the Zoning Administrator determines that no immediate danger exists.~~ In the event said owner or lessee does not remove said sign **and/or sign structure, frame, or base** pursuant to said notice, or cannot establish a good faith effort to comply, the Zoning Administrator is authorized to cause removal of such sign **and/or sign structure, frame, or base** and any expense incident thereto shall be paid by the owner or lessee of the sign or, if such person cannot be found, by the owner of the building or structure or property to which such sign or structure is affixed. If such expense is not paid, the City shall have a lien on the property and such cost shall be added to the tax bill for the property. The Zoning Administrator shall refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed. The Zoning Administrator may cause any sign **and/or sign structure, frame, or base** or other advertising structure which is an immediate peril to persons or property to be removed summarily and without notice.

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 NO 2021-22 – CORNER & DRIVEWAY CLEARANCES- SECOND READING AND ADOPTION

A motion was made by Council Member Fuhrman, seconded by Council Member Nowak, that the following Ordinance No. 2021-22, which was introduced for first reading at the October 5, 2021 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 October 28, 2021.

AN ORDINANCE AMENDING ARTICLE 3, SECTION 32-30, SUBSECTION A, OF THE CITY OF ROGERS CITY ZONING ORDINANCE (ORDINANCE 2011-1, AS AMENDED) TO CREATE AN EXCEPTION FOR THE B-2 DISTRICT AND REDUCE DRIVEWAY AND VISIBILITY REQUIREMENTS
THE CITY OF ROGERS CITY ORDAINS:

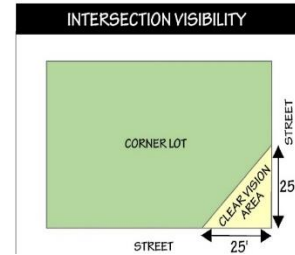
October 19, 2021

Section 1. Article 3 (General Provisions), Section 32-30 (Corner and Driveway Clearance/Residential Entranceway), Subsection A (Corner and Driveway Clearance), is amended as follows, with language to be deleted shown in red with strike-through, and items in green, and the “driveway visibility” picture to be added.

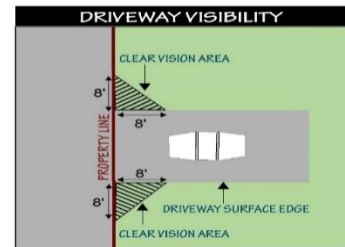
A. CORNER & DRIVEWAY CLEARANCE:

Except for in the B-2 district, no fence, wall, shrubbery, sign, or other structure or planting shall obstruct vision between the height of two (2) feet and ten (10) feet. Such heights of clear vision areas shall be measured from established street grades within the triangular area formed:

Intersection Visibility. At the intersection of any street or alley ~~of pavement, a~~ triangle formed by a straight line drawn between said lines at a distance along each line of twenty-five (25) feet from their point of intersection. ^(45 Amended by Ordinance 2018-07)



Driveway Visibility. At the intersection of a driveway and a street or alley where two (2) sides of the triangle ~~defined~~ formed by measuring ~~twenty-five (25)~~ eight (8) feet in length along the surface edge of the driveway and along the ~~curb edge of the roadway~~ property line from the point of intersection and the third side is a diagonal connecting the first two. ^(45 Amended by Ordinance 2018-07)



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.

WATER CURB STOP ORDINANCE NO 2021-23- SECOND READING AND ADOPTION

A motion was made by Council Member Bielas, seconded by Council Member Nowak, that the following Ordinance No. 2021-23, which was introduced for first reading at the October 5, 2021 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 October 28, 2021.

AN ORDINANCE AMENDING CHAPTER 18 (UTILITIES), ARTICLE 2 (CITY WATER UTILITY), SECTION 18-28 (TURNING ON WATER SERVICE), OF THE CODE OF ORDINANCES OF THE CITY OF ROGERS CITY.

THE CITY OF ROGERS CITY ORDAINS:

I. Chapter 18, Article 2, Section 18-28, of the Code of Ordinances of the City of Rogers City, Michigan, is hereby amended as follows (language in red with strike-through is eliminated; language in green is added):

Sec. 18-28. - Turning on ~~and off~~ water service at the curb stop.

- a) No person, other than an authorized employee of the department, shall turn on or off any water service at the curb stop. ~~except that a licensed plumber may turn on water service for testing his work (when it must be immediately turned off) or upon receiving written order from the department, may be turned on for construction purposes only, prior to the granting of a certificate of occupancy for the premises, and upon payment of the charges applicable thereto, which shall include the connection fee, meter installation fee and deposit.~~
- b) No person shall remove the cover from any curb stop or place any dirt, stone, or other obstruction in it, or tamper with it in any way so as to obstruct the use thereof. No person shall impede the department’s ability to operate the curb stop by placing items, including but not limited to vehicles, on top of it. In addition to the penalties described in Sec. 1-8 and any other legal remedies that may be available, the City may take steps to remove the obstruction necessary to access and operate the curb stop and pass along all costs associated with doing so to the customer.

II. A summary of this ordinance shall be published within 15 days after its adoption.

III. This ordinance shall become effective upon publication of a summary of its provisions.

ROLL CALL: Ayes – All, the motion carried.

FOOD TRUCK ORDINANCE 2021-24 – FIRST READING

October 19, 2021

Consensus of Council was to place an ad in the paper asking for input on the food truck issue.

NEW BUSINESS:

MARINA – 2022 SEASON RATES AND FEES

RESOLUTION NO. 2021-146

A motion was made by Council Member Fuhrman, seconded by Council Member Nowak, to adopt the 2022 Marina Rates and Fees as presented.

ROLL CALL: Ayes – All, the motion carried.

MARINA – 2022 SEASON RULES AND REGULATIONS

RESOLUTION NO. 2021-147

A motion was made by Council Member Adair, seconded by Council Member Nowak, to adopt the 2022 Marina Season Rules and Regulations as presented.

ROLL CALL: Ayes – All, the motion carried.

MARINA – 2022 SEASON SLIP CONTRACT

RESOLUTION NO. 2021-148

A motion was made by Council Member Nowak, seconded by Council Member Fuhrman, to approve the 2022 Marina Season Slip Contract as presented.

ROLL CALL: Ayes – All, the motion carried.

MARINA – 2022/2023 STORAGE AND SERVICE CONTRACT

RESOLUTION NO. 2021-149

A motion was made by Council Member Bielas, seconded by Council Member Nowak, to approve the 2022-2023 Marina Storage and Service Contract as presented.

ROLL CALL: Ayes – All, the motion carried.

FY 2021-22 FIRST QUARTER FINANCE REPORT

RESOLUTION NO. 2021-150

A motion was made by Council Member Bielas, seconded by Council Member Adair, to approve the FY 2021/2022 first quarter financial report as presented.

ROLL CALL: Ayes – All, the motion carried.

BUDGET AMENDMENTS

RESOLUTION NO. 2021-151

A motion was made by Council Member Nowak, seconded by Council Member Fuhrman, BE IT RESOLVED, by the City Council of the City of Rogers City, Michigan to amend the FY2021-2022 Annual Budget as prepared by City Staff, presented to Council in writing, and reviewed at this October 19, 2021 meeting. A copy of said amendment to be placed on file in the City Clerk's office.

ROLL CALL: Ayes – All, the motion carried.

HUNTINGTON BANK RESOLUTION – NIGHT DEPOSITS

RESOLUTION NO. 2021-152

A motion was made by Council Member Bielas, seconded by Council Member Fuhrman, to approve the Night Deposit agreement contingent upon review by City Atty. and City Mgr. determining who should be placed on the list

ROLL CALL: Ayes – All, the motion carried.

OTHER BUSINESS:

Council Member Bielas reported on a recent HUNT meeting that he and Chief Meyer recently attended. Mayor McLennan stated that public comment is very important and appreciated.

CLOSED SESSION:

RESOLUTION NO. 2021-153

A motion was made by Council Member Nowak, seconded by Council Member Bielas, to enter into Closed Session to discuss collective bargaining strategy.

ROLL CALL: Ayes: All, the motion carried and the meeting adjourned to Closed Session at 6:45 p.m. Upon reconvening in public session at 6:57 p.m. no action was taken.

ADJOURNMENT:

With nothing further to come before Council, Mayor McLennan declared the meeting adjourned at 6:58 p.m.

SCOTT MCLENNAN, MAYOR

TERRI L. KOSS, CITY CLERK/TREASURER

MINUTES OF THE REGULAR MEETING OF THE ROGERS CITY CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON TUESDAY, NOVEMBER 2, 2021

Mayor McLennan called the meeting to order at 6 p.m. The Girl Scouts 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 Fuhrman, to approve the agenda with the addition of the wellhead protection grant and opposition to HB 4722.

ROLL CALL: Ayes – All, the motion carried.

CITIZENS APPEARING BEFORE THE COUNCIL:

Rayah McDonald addressed Council regarding a proposed skate park in Rogers City. Mayor McLennan stated that the issue will be referred to the Parks and Recreation Commission.

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 19, 2021 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 \$156,010.49 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:

Included in the meeting packet were minutes from the Parks and Recreation Commission.

LIAISONS:

Council Member Fuhrman stated the construction of the fire hall has begun. Mayor McLennan reviewed the need for paramedics and EMS services.

MAYOR:

Mayor McLennan stated that Rogers City is now a Michigan Main Street community.

UNFINISHED BUSINESS:

FOOD TRUCK ORDINANCE - PUBLIC INPUT

City Mgr. Hefele reviewed that there is nothing regulating food trucks in Rogers City. Council Member Fuhrman suggested a distance of 500 feet from other brick and mortar restaurants. Consensus of Council was to move ahead with first reading at the next Council meeting with the changes suggested incorporated into the ordinance.

ABANDONED SIGN ORDINANCE

RESOLUTION NO. 2021-154

A motion was made by Council Member Nowak, seconded by Council Member Adair, to refer the abandoned sign issue to the Planning Commission for recommendation.

ROLL CALL: Ayes – All, the motion carried.

NEW BUSINESS:

DOG PARK – SOUTH SHORE PARK

Maggie List addressed Council regarding the possibility of a dog park in Rogers City. Discussion was had regarding the pros and cons of dog parks. Consensus of Council was to gather additional information to assist the group in determining a location.

FRISBEE GOLF – TROUT RIVER PARK

November 2, 2021

City Mgr. Hefele reviewed requests for usage of Trout River Park. Hefele liked the idea of adding activities to that area. An area at the park was staked out for Council's review. Parks and Recreation supports the Frisbee golf idea. Consensus of Council was gather additional information.

MEMORIAL PARK BENCH PROGRAM

City Mgr. Hefele reviewed the program and suggested pausing it until Parks and Recreation determined additional locations. Council Member Fuhrman stated that the program is a great memorial option, maybe other ideas could be pursued.

HEALTH INSURANCE OPT OUT

Mayor McLennan will call a special meeting Wednesday, November 10, 2021 at 9 am in regard to the health insurance opt out payment.

**AUTHORIZED SIGNER – RADER CHARITABLE TRUST
RESOLUTION NO. 2021-155**

A motion was made by Council Member Adair, seconded by Council Member Nowak, to approve City Clerk/Treasurer Koss as authorized signer for the Rader Trust.

ROLL CALL: Ayes – All, the motion carried.

**OUT OF DARKNESS COMMUNITY WALK
RESOLUTION NO. 2021-156**

A motion was made by Council Member Bielas, seconded by Council Member Nowak, to approve the request to hold the Out of Darkness Community Walk on October 1, 2022 which includes use of the pavilion.

ROLL CALL: Ayes – All, the motion carried.

**WELLHEAD PROTECTION GRANT
RESOLUTION NO. 2021-157**

A motion was made by Council Member Nowak, seconded by Council Member Bielas, to authorize City Mgr. Hefele to sign the Wellhead Protection Grant Agreement contingent upon review of said agreement by City Atty. Vogler and City Mgr. Hefele.

ROLL CALL: Ayes – All, the motion carried.

**SHORT TERM RENTALS – HB 4722
RESOLUTION NO. 2021-158**

A motion was made by Council Member Bielas, seconded by Council Member Nowak, to authorize Mayor McLennan to sign a letter in opposition to HB 4722 to be sent to Sen. Stamas and Gov. Whitmer.

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 7:09 p.m.

SCOTT MCLENNAN, MAYOR

TERRI L. KOSS, CITY CLERK/TREASURER

MINUTES OF THE SPECIAL MEETING OF THE ROGERS CITY CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, NOVEMBER 10, 2021

Mayor McLennan presided and called the meeting to order at 9 a.m.

ROLL CALL: PRESENT – Council Members Richard Adair, Kenneth Bielas, Larry Fuhrman, Gary Nowak and Mayor Scott McLennan.

OTHER CITY PERSONNEL PRESENT – Police Officer John Alley, City Mgr. Joseph Hefele and City Clerk/Treasurer Terri Koss.

APPROVAL OF AGENDA

A motion was made by Council Member Nowak, seconded by Council Member Bielas, to approve the agenda with the addition of EZ Catch sailboat winter storage.

ROLL CALL: Ayes – All, the motion carried.

NEW BUSINESS:

HEALTH INSURANCE OPT OUT

City Mgr. Hefele reviewed the information in the Manager's report regarding the health insurance opt out. Discussion was had by Council; Council Member Fuhrman did not participate in the discussion.

RESOLUTION NO. 2021-159

A motion was made by Council Member Fuhrman, seconded by Council Member Nowak, to allow Council Member Fuhrman to abstain from the Health Insurance Opt out agenda item.

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

RESOLUTION NO. 2021-160

A motion was made by Council Member Bielas, seconded by Council Member Adair, to authorize the Mayor and Clerk to sign the letters of understanding between the City and unions, and that identical terms be offered to all non-union employees eligible for City health insurance, with such action contingent upon not less than three additional City employees agreeing to opt out of the City health insurance.

ROLL CALL: Ayes – Adair, Bielas and McLennan.

Nayes – Nowak, the motion carried.

Abstain – Fuhrman.

EZ CATCH WINTER STORAGE

Discussion was had regarding winter storage for the sailboat.

RESOLUTION NO. 2021-161

A motion was made by Council Member Nowak, to charge full winter storage fees.

Motion dies for lack of support.

RESOLUTION NO. 2021-162

A motion was made by Council Member Adair, to remove one month of the cost winter storage cost. Motion dies for lack of support.

RESOLUTION NO. 2021-163

A motion was made by Council Member Bielas, seconded by Council Member Fuhrman, to allow the EZ Catch to stay at the Rogers City Marina until June 1, 2022 if not removed by said date, full winter storage fees will be charged. Agreement to be put in writing and signed by Frank Rolfs, EZ Catch owner.

ROLL CALL – Ayes - Adair, Bielas and Fuhrman.

Nayes – Nowak and McLennan, the motion carried.

OTHER BUSINESS: None.

ADJOURNMENT:

With nothing further to come before Council, Mayor McLennan declared the meeting adjourned at 9:34 a.m.

SCOTT MCLENNAN, MAYOR

TERRI L. KOSS, CITY CLERK/TREASURER

MINUTES OF THE REGULAR MEETING OF THE ROGERS CITY CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON TUESDAY, NOVEMBER 16, 2021

Mayor McLennan called the meeting to order at 6 p.m. and 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 – Police Officer Bruce Collins, 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:

Cliff Fisher addressed Council regarding his opposition to locating the proposed dog park near Public Works Park.

APPROVAL OF MINUTES

It was moved by Council Member Nowak, seconded by Council Member Adair, that the minutes of the Regular Council Meeting of November 2, 2021 and Special meeting of November 10, 2021 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 \$119,985.85 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 additional grant opportunities – DWAM (lead & copper) determination and the DNR trust fund grant. He should have additional information in the upcoming weeks.

COMMISSION AND BOARD REPORTS:

Included in the meeting packet were the minutes from the Downtown Development Authority and Harbor Advisory.

LIAISONS: None.

MAYOR:

Mayor McLennan stated that Michigan Main Street group would like to meet with City Council on Monday, December 13, 2021 at 4 pm.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

ORDINANCE NO. 2021-24

November 16, 2021

FOOD TRUCK ORDINANCE – FIRST READING

A motion was made by Council Member Nowak, seconded by Council Member Fuhrman, for first reading AN ORDINANCE AMENDING CHAPTER 13 OF THE ROGERS CITY CODE OF ORDINANCES (PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS) BY ADDING ARTICLE 4, TITLED “MOBILE FOOD VENDING.”

THE CITY OF ROGERS CITY ORDAINS:

- I. Chapter 13 of the Code of Ordinances of the City of Rogers City, Michigan, is hereby amended by adding Article 4, which shall read as follows:

Sec. 13-91 - Purpose

It is the purpose of this Article to permit the operation of Mobile Food Vending Units that add to the vibrancy and desirability of the City of Rogers City, while providing a framework under which such businesses operate; and to protect the public health, safety and welfare of the City.

Sec. 13-92 - Definitions

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- a) *License*. A license issued under this Article, as required for operation of a Mobile Food Vending Unit.
- b) *Mobile Food Vending*. Serving or offering for sale, food and/or beverages from a Mobile Food Vending Unit which may include the ancillary sales of branded items consistent with the food, such as a tee shirt that bears the name of the organization engaged in Mobile Food Vending.
- c) *Mobile Food Vending Unit*. Any motorized or non-motorized vehicle, trailer, stand, cart, or other device designed to be portable and not permanently attached to the ground from which food is served or offered for sale.
- d) *Operate*. All activities associated with the conduct of business, not including set up and take down.
- e) *Police Department*. The Rogers City Police Department.
- f) *Stationary*. Any Mobile Food Vending Unit that is not immobilized or that remains in the same location for greater than 5 minutes.
- g) *Vendor*. Any person(s) engaged with or employed by a Mobile Food Vending Unit.

Sec. 13-93 – Scope

- a) General. The provisions of this Section apply to Mobile Food Vending Units engaged in the business of cooking, preparing and distributing food or beverage with or without charge on any property within the City of Rogers City.
- b) Exceptions. A license issued under this Article shall not be required for:
 - 1) Any school or government-sponsored Mobile Food Vending Unit operating on school or government property.
 - 2) Authorized participants in any City-sponsored event (fair, festival, special event, civic event).
 - 3) Any other event otherwise approved by the City.
 - 4) Not-for-profit groups who operate Mobile Food Vending Units on an infrequent and irregular basis and on private property.
 - 5) Mobile Food Vending Units operating on private property and that are not open to the general public; these include but are not limited to; graduation parties, open houses, family reunions, or other private events.
 - 6) Unless operating upon a public street or within the right of way, food establishments that operate a permanent business that appears on the City tax roll are also exempt from this Article. When operating upon a public street or within the right of way immediately adjacent to their permanent location, permanent businesses are exempt from the minimum distance requirements in Sec. 13-97(b)(c). A license granted to a permanent business shall not count toward the 15-license-per-month limit.
- c) Exempted entities must notify the City of intent to operate a Mobile Food Vending Unit and may be denied if operation conflicts with other events. Exempted entities shall not constitute a license to be counted against the 15-license-per-month limit established in Sec. 13-94(a).

Sec. 13-94 License required; non-transferrable.

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- a) General. No vendor shall engage in Mobile Food Vending without a license from the Police Department authorizing such vending. All licenses shall be prominently displayed on the Mobile Food Vending Unit. A license issued is not transferable from person to person or between vehicles. The City shall issue up to 15 licenses per calendar month. A vendor may purchase a day license no sooner than 90 days prior to the intended date of operation, and no later than 48 hours prior to the intended date of operation.
- b) License. A license allows the Vendor to operate in the City for one day.

Sec. 13-95 Application.

Every Vendor desiring to engage in Mobile Food Vending shall submit a written application for such license to the Police Department. The application for a license shall include the following documentation:

- a) Complete license application.
- b) Copy of Health Department license.
- c) Copy of valid driver's license, current vehicle registration, and insurance including automobile liability coverage.
- d) Proof of General Comprehensive Liability policy with limits of not less than \$1 million Combined Single Limit coverage issued by an insurer licensed to do business in this State and which names the City as an additional insured.
- e) Signed statement that the licensee shall indemnify and hold harmless the City, its officers and employees for any claims, damages, or injuries to persons or property which arise out of any activity by the licensee, its employees, or agents carried on under terms of the license.

Sec. 13-96 Fees.

An application for a license under this Article shall be accompanied by a fee in an amount established by resolution of the City Council of the City of Rogers City. Fees are non-refundable once a license has been issued by the Police Department. No fee shall be charged to a business which is on the City's tax rolls whose normal business includes the sale of food and/or beverages. No one shall hire or subcontract such vendors in an attempt to evade the provisions of this Article. Special events sponsored by the City are exempt from licensing fees associated with Mobile Food Vending Units if all other requirements are met.

Sec. 13-97 Permitted locations.

- a) Permitted Locations. Appropriate locations for Mobile Food Vending Units shall be limited to public areas authorized by resolution of City Council or on private property with a written agreement signed by the property owner. The use of other public areas is prohibited without written permission from the City.
- b) Proximity to Existing Food Service Establishments. Any Mobile Food Vending Unit may not operate within five hundred (500) feet from the door of an eating establishment that is actively open for business unless the restaurant owner has signed a waiver for that purpose.
- c) Proximity to other Mobile Food Vending Units. Any Mobile Food Vending Unit operating within the City must be at least 10 feet from another Mobile Food Vending Unit, measured by the walkable distance between the two units. Food establishments who operate a permanent business that appears on the City tax roll are exempted from this distance requirement.

Sec. 13-98 Requirements.

Any vendor engaging in Mobile Food Vending within the City of Rogers City must:

- a) Provide appropriate waste receptacles at the site of the unit and remove all litter, debris and other waste attributable to the vendor on a daily basis.
- b) Not operate during a City-authorized street fair, public festival, farmers' market or other public event without authorization from the Police Department.
- c) Immobilize the Mobile Food Vending Unit while operating in the City.
- d) Not use flashing, blinking or strobe lights; all exterior lights over sixty (60) watts shall contain opaque, hood shields to direct the illumination downward.
- e) Not use loud music, amplification devices, or any other audible methods to gain attention. Any safety hazard or excessive noise associated with the operation of a Mobile Food Vending Unit, including generators, will be addressed by the Police Department and may result in license revocation.
- f) Comply with all applicable City Ordinances unless stated otherwise herein.
- g) Comply with all applicable federal, state, county, and health department regulations.

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- h) Operate only between the hours of 8:00 a.m. and 11:00 p.m.
- i) Not park a Mobile Food Vending Unit on the street overnight or leave a Mobile Food Vending Unit unattended and unsecured at any time. Any Mobile Food Vending Unit found to be unattended shall be considered a public safety hazard and may be ticketed and impounded.
- j) Not represent the granting of a license under this Article as an endorsement by the City.
- k) Not utilize any electricity or power without the written authorization of the power customer; no power cable or similar device shall be extended at or across any City street, sidewalk, or pathway.
- l) Not dispose of waste generated by a Mobile Food Vending Unit into storm drains or sanitary sewer.
- m) Not be located so as to block or impede pedestrian or vehicular movement at any public sidewalk, roadway, driveway, approach, designated fire lane, or other means of ingress/egress not mentioned herein.
- n) Display any licenses granted to the vendor by state, county, and City authorities.

Sec. 13-99 Signage.

The operator of a Mobile Food Vending Unit may have one portable sign not more than six square feet, with no dimension greater than three feet and no height (with legs) greater than four feet, located within five feet of the unit; under no circumstances shall such a sign be placed upon a street or sidewalk in a manner that impedes pedestrian and/or vehicle safety.

Sec. 13-100 Enforcement.

Any license holder operating a Mobile Food Vending Unit in violation of any provision of this Article or any rules and regulations promulgated by the City shall be subject to a civil infraction pursuant to Sec. 1-8 of the Rogers City Code of Ordinances. Each act of violation and every day upon which a violation shall occur shall constitute a separate offense.

Sec. 13-101 Impoundment.

Any equipment associated with food vending that is not in compliance with this Article and/or left on public property may be impounded at the owner's expense.

Sec. 13-102 Revocation.

- a) The Police Department shall revoke the license of a Mobile Food Vending Unit for any of the following reasons: -Fraud, misrepresentation, or a false statement on an application or in the course of operating the Mobile Food Vending Unit.
 - 1) Creation of a public nuisance constituting a danger to public health, safety, and welfare.
- b) Once a license has been issued it may be revoked, suspended or not renewed by the Police Department for failure to comply with the provisions of this Article and/or any other applicable rules or regulations promulgated by the City. Immediately upon such revocation the license shall become null and void and the Police Department shall provide written notice to the license holder by certified mail to the address provided on the application. No person whose Mobile Food Vending Unit license has been revoked shall be eligible to receive another license within the City for one (1) year from the date of license revocation.

Sec. 13-103 Right of appeal.

Vendors seeking to operate outside the above requirements, or who wish to appeal a decision of the Police Department associated with the denial or revocation of a license, may petition the City Council. The City Council is not obligated to approve a request and will, at its discretion, permit or deny a request for any reason. Applicant must still follow all application procedures and documentation requirements. To appear on the agenda for consideration of an appeal, a written request for appeal must be made to the Police Department not later than seven (7) business days before the City Council meeting for which redress is sought.

Sec. 13-104 Validity and severability.

The provisions of this Article are severable and the invalidity of any phrase, clause or part of this Article shall not affect the validity or effectiveness of the remainder of the Article.

Secs. 13-105 through 13-114 Reserved

- II. A summary of this Ordinance shall be published within 15 days after its adoption.
- III. This Ordinance shall become effective upon publication of a summary of its provisions.

ROLL CALL: Ayes – All, the motion carried.

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USE OF AMERICAN RESCUE PLAN ACT (ARPA) FUNDS
RESOLUTION NO. 2021-164

A motion was made by Council Member Bielas, seconded by Council Member Adair, to pledge up to \$20,000 of the APRA funds per year for five years to the Michigan Main Street Program.

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 6:41 p.m.

SCOTT MCLENNAN, MAYOR

TERRI L. KOSS, CITY CLERK/TREASURER

MINUTES OF THE REGULAR MEETING OF THE ROGERS CITY CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON TUESDAY, DECEMBER 7, 2021

Mayor McLennan called the meeting to order at 6 p.m. and 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 Nowak, to approve the agenda as presented.

ROLL CALL: Ayes – All, the motion carried.

A moment of silence was held in remembrance of Pearl Harbor and the Oxford School Shooting.

CITIZENS APPEARING BEFORE THE COUNCIL:

Mike Darga addressed Council regarding the proposed food truck ordinance.

APPROVAL OF MINUTES

It was moved by Council Member Fuhrman, seconded by Council Member Nowak, that the minutes of the Regular Council Meeting of November 16, 2021 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 \$282,783.81 and the Mayor is authorized to sign the check register.

ROLL CALL: Ayes – All, the motion carried.

CITY ATTORNEY'S REPORT:

City Atty. Vogler stated that the closed session regarding ON Mineral tax appeal will not be necessary at tonight's meeting.

CITY MANAGER'S REPORT: None.

COMMISSION AND BOARD REPORTS: None.

LIAISONS: None.

MAYOR:

Mayor McLennan stated that paramedics are in short supply.

UNFINISHED BUSINESS:

FOOD TRUCK ORDINANCE - SECOND READING AND ADOPTION

Consensus of Council was to increase the number of permits available to 24 per month with no more than eight per vender per month.

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NEW BUSINESS:
FOOD TRUCK FEES, FOOD TRUCK – PUBLIC AREAS
RESOLUTION NO. 2021-165

A motion was made by Council Member Nowak, seconded by Council Member Adair, to table the Food Truck Ordinance, Food Truck Fees and Food Truck – Public Areas Agenda items to the next meeting.

ROLL CALL: Ayes – All, the motion carried.

ZONING AMENDMENT (ABANDONED SIGNS) FIRST READING
ORDINANCE NO. 2021-25

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

AN ORDINANCE AMENDING ARTICLE 3, SECTION 32-45, SUBSECTION E, NUMBER 12, OF THE CITY OF ROGERS CITY ZONING ORDINANCE (ORDINANCE 2011-1, AS AMENDED) TO REQUIRE THAT NONCONFORMING SIGNS, AS WELL AS ANY SUPPORTS, BRACES, GUYS, AND ANCHORS THAT ARE NONCONFORMING STRUCTURES, BE REMOVED IF THEY HAVE BEEN ABANDONED, AS DEFINED IN THE ZONING ORDINANCE, OR HAVE NOT BEEN USED IN 12 CONSECUTIVE MONTHS TO ADVERTISE AN EXISTING BUSINESS, SERVICE, COMMODITY, ACCOMMODATIONS, ATTRACTION, ENTERPRISE, OR ACTIVITY

THE CITY OF ROGERS CITY ORDAINS:

Section 1. Article 3 (General Provisions), Section 32-45 (Signs), Item E (General Sign Standards), Number 12 (Nonconforming signs), is amended as follows, with the language in green added to the text and the language in red eliminated from the text:

12. NONCONFORMING SIGNS:

- a. Nonconforming signs that were otherwise lawful on the effective date of this Zoning Ordinance may be continued.
- b. No person shall increase the extent of nonconformity of a nonconforming sign. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition. Nor may illumination be added to any nonconforming sign.
- c. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this section.
- d. If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all provisions of this Zoning Ordinance. The remnants of the former sign structure not usable for a new conforming sign shall be removed within one hundred eighty (180) days. For purposes of this section, a nonconforming sign is considered destroyed if it is damaged to an extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign equals or exceeds the value of the sign so damaged.
- e. Subject to the other provisions of this section, nonconforming signs may be repaired, maintained, serviced or repainted if the framework and/or the size and/or shape of the sign remain unchanged. If such framework is altered or removed or the size and/or shape of the sign are altered, said sign must be changed to a conforming sign.
- f. If a nonconforming sign, other than an off-premise sign, **either meets the definition of “abandoned sign” included in Article 2 or fails for a continuous period of 12 months to legibly advertise within the sign area** ~~advertises~~ a business, service, commodity, accommodation, attraction, or other enterprise or activity that is ~~no longer~~ operating or being offered or conducted **on the property**, that sign, **including supports, braces, guys, and anchors that are nonconforming structures**, shall be removed by ~~the owner of the sign, the owner of the property where the sign is located, or~~ the party having control over such sign within thirty (30) days ~~after such abandonment~~ **of notification to do so by the Zoning Administrator .**
- ~~g.~~ If a nonconforming off-premise sign **either meets the definition of “abandoned sign” included in Article 2 or fails for a continuous period of 12 months to legibly advertise within the sign area** a business, service, commodity, accommodation, attraction, or other enterprise or activity that is operating or being offered, ~~remains “blank” for a continuous period of 180 days,~~ that off-premise sign, **including**

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supports, braces, guys, and anchors that are nonconforming structures, shall ~~be deemed abandoned and~~, within 30 days of notification to do so by the Zoning Administrator ~~after such abandonment~~, be altered to comply with this Zoning Ordinance or be removed by the ~~owner of the sign, the owner of the property where the sign is located, or the~~ persons having control over such sign. ~~For purposes of this section, a sign is "blank" if:~~

- ~~(1) It fails to advertise advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted;~~
- ~~(2) The advertising message it displays becomes illegible in whole or substantial part; or~~
- ~~(3) The advertising copy that either has been paid for by a party other than the sign owner or promotes an interest other than rental of the sign has been removed.~~

h. ~~Subsections f and g above shall not apply to signs advertising seasonal businesses.~~

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.

2022 CITY COUNCIL MEETING SCHEDULE **RESOLUTION NO. 2021-166**

A motion was made by Council Member Nowak, seconded by Council Member Fuhrman, to keep the 2022 Regular Council meetings on the first and third Tuesday of each month at 6 pm.

ROLL CALL: Ayes – All, the motion carried.

BUDGET AMENDMENT **RESOLUTION NO. 2021-167**

A motion was made by Council Member Fuhrman, seconded by Council Member Adair, BE IT RESOLVED, by the City Council of the City of Rogers City, Michigan to amend the FY2021-2022 Annual Budget as prepared by City Staff, presented to Council in writing, for a chain root cutter in the amount of \$3,000, and \$29,000 in the sewer capital outlay for repair on the WWTP clarifier and reviewed at this December 7, 2021 meeting. A copy of said amendment to be placed on file in the City Clerk's office.

ROLL CALL: Ayes – All, the motion carried.

BUDGET AMENDMENT **RESOLUTION NO. 2021-168**

A motion was made by Council Member Fuhrman, seconded by Council Member Bielas, BE IT RESOLVED, by the City Council of the City of Rogers City, Michigan to amend the FY2021-2022 Annual Budget as prepared by City Staff, presented to Council in writing, for part-time office staff in the amount of \$4,500 and reviewed at this December 7, 2021 meeting. A copy of said amendment to be placed on file in the City Clerk's office.

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

Nayes – Nowak, the motion carried.

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OTHER BUSINESS: None.

CLOSED SESSION: None.

ADJOURNMENT:

With nothing further to come before Council, Mayor McLennan declared the meeting adjourned at 7:03 p.m.

SCOTT MCLENNAN, MAYOR

TERRI L. KOSS, CITY CLERK/TREASURER

MINUTES OF THE REGULAR MEETING OF THE ROGERS CITY CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON TUESDAY, DECEMBER 21, 2021

Mayor McLennan called the meeting to order at 6:10 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 Fuhrman, seconded by Council Member Bielas, to approve the agenda with the addition of a letter of support for seasonal fish barrier on Trout River.

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 December 7, 2021 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 \$113,875.58 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 Purdue Pharma bankruptcy litigation.

CITY MANAGER'S REPORT: None.

COMMISSION AND BOARD REPORTS:

Council Member Fuhrman reported that money has become available for first responder training.

LIAISONS: None.

MAYOR:

RESOLUTION NO. 2021-169

A motion was made by Council Member Fuhrman, seconded by Council Member Adair, to re-appoint Mohamed Elkammash and David Walters to the Planning Commission with the terms to expire December 2024.

ROLL CALL: Ayes – All, the motion carried.

UNFINISHED BUSINESS:

ZONING AMENDMENT (ABANDONED SIGNS) SECOND READING AND ADOPTION

ORDINANCE NO. 2021-25

A motion was made by Council Member Bielas, seconded by Council Member Nowak, that the following Ordinance No. 2021-26, which was introduced for first reading at the December 7, 2021 Council meeting, be adopted and that proper publication be made within 15 days required from the

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date thereof in the *Presque Isle County Advance*. Said ordinance to become effective seven days after publication on December 30, 2021.

AN ORDINANCE AMENDING ARTICLE 3, SECTION 32-45, SUBSECTION E, NUMBER 12, OF THE CITY OF ROGERS CITY ZONING ORDINANCE (ORDINANCE 2011-1, AS AMENDED) TO REQUIRE THAT NONCONFORMING SIGNS, AS WELL AS ANY SUPPORTS, BRACES, GUYS, AND ANCHORS THAT ARE NONCONFORMING STRUCTURES, BE REMOVED IF THEY HAVE BEEN ABANDONED, AS DEFINED IN THE ZONING ORDINANCE, OR HAVE NOT BEEN USED IN 12 CONSECUTIVE MONTHS TO ADVERTISE AN EXISTING BUSINESS, SERVICE, COMMODITY, ACCOMMODATIONS, ATTRACTION, ENTERPRISE, OR ACTIVITY

THE CITY OF ROGERS CITY ORDAINS:

Section 1. Article 3 (General Provisions), Section 32-45 (Signs), Item E (General Sign Standards), Number 12 (Nonconforming signs), is amended as follows, with the language in green added to the text and the language in red eliminated from the text:

12. NONCONFORMING SIGNS:

- a. Nonconforming signs that were otherwise lawful on the effective date of this Zoning Ordinance may be continued.
- b. No person shall increase the extent of nonconformity of a nonconforming sign. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition. Nor may illumination be added to any nonconforming sign.
- c. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this section.
- d. If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all provisions of this Zoning Ordinance. The remnants of the former sign structure not usable for a new conforming sign shall be removed within one hundred eighty (180) days. For purposes of this section, a nonconforming sign is considered destroyed if it is damaged to an extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign equals or exceeds the value of the sign so damaged.
- e. Subject to the other provisions of this section, nonconforming signs may be repaired, maintained, serviced or repainted if the framework and/or the size and/or shape of the sign remain unchanged. If such framework is altered or removed or the size and/or shape of the sign are altered, said sign must be changed to a conforming sign.
- f. If a nonconforming sign, other than an off-premise sign, **either meets the definition of "abandoned sign" included in Article 2 or fails for a continuous period of 12 months to legibly advertise within the sign area** ~~advertises~~ a business, service, commodity, accommodation, attraction, or other enterprise or activity that is ~~no longer~~ operating or being offered or conducted **on the property,** that sign, **including supports, braces, guys, and anchors that are nonconforming structures,** shall be removed by ~~the owner of the sign, the owner of the property where the sign is located, or~~ the party having control over such sign within thirty (30) days ~~after such abandonment~~ of notification **to do so by the Zoning Administrator .**
- ~~g.~~ If a nonconforming off-premise sign **either meets the definition of "abandoned sign" included in Article 2 or fails for a continuous period of 12 months to legibly advertise within the sign area** a business, service, commodity, accommodation, attraction, or other enterprise or activity that is operating or being offered, ~~remains "blank" for a continuous period of 180 days,~~ that off-premise sign, **including supports, braces, guys, and anchors that are nonconforming structures,** shall ~~be deemed abandoned and,~~ within 30 days of notification to do so by the Zoning Administrator ~~after such abandonment,~~ be altered to comply with this Zoning Ordinance or be removed by the ~~owner of the sign, the owner of the property where the sign is located, or the~~ persons having control over such sign. ~~For purposes of this section, a sign is "blank" if:~~
 - ~~(1) It fails to advertise~~ **advertises** a business, service, commodity, accommodation, attraction, or other enterprise or activity that is ~~no longer operating or being offered or conducted;~~
 - ~~(2) The advertising message it displays becomes illegible in whole or substantial part; or~~
 - ~~(3) The advertising copy that either has been paid for by a party other than the sign owner or promotes an interest other than rental of the sign has been removed.~~

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~~h. Subsections f and g above shall not apply to signs advertising seasonal businesses.~~

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:

FY 2020-2021 AUDIT REPORT

Dave Gwizdala with Quast, Janke presented information regarding the FY2020/2021 audit.

RESOLUTION NO. 2021-170

A motion was made by Council Member Nowak, seconded by Council Member Adair, that the City's Fiscal Year 2020-2021 audited financial statements be received and filed and that a copy of the audit document be kept on file in the office of the City Clerk/Treasurer, and compliments to the staff for their hard work.

ROLL CALL: Ayes – All, the motion carried

FOOD TRUCK ORDINANCE – FIRST READING

Mike Darga addressed Council regarding the proposed food truck ordinance.

ORDINANCE NO. 2021-26

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

AN ORDINANCE AMENDING CHAPTER 13 OF THE ROGERS CITY CODE OF ORDINANCES (PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS) BY ADDING ARTICLE 4, TITLED "MOBILE FOOD VENDING."

THE CITY OF ROGERS CITY ORDAINS:

I. Chapter 13 of the Code of Ordinances of the City of Rogers City, Michigan, is hereby amended by adding Article 4, which shall read as follows:

Sec. 13-91 - Purpose

It is the purpose of this Article to permit the operation of Mobile Food Vending Units that add to the vibrancy and desirability of the City of Rogers City, while providing a framework under which such businesses operate; and to protect the public health, safety and welfare of the City.

Sec. 13-92 - Definitions

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- a) *License.* A license issued under this Article, as required for operation of a Mobile Food Vending Unit.
- b) *Mobile Food Vending.* Serving or offering for sale, food and/or beverages from a Mobile Food Vending Unit which may include the ancillary sales of branded items consistent with the food, such as a tee shirt that bears the name of the organization engaged in Mobile Food Vending.
- c) *Mobile Food Vending Unit.* Any motorized or non-motorized vehicle, trailer, stand, cart, or other device designed to be portable and not permanently attached to the ground from which food is served or offered for sale.

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- d) *Operate*. All activities associated with the conduct of business, not including set up and take down.
- e) *Police Department*. The Rogers City Police Department.
- f) *Stationary*. Any Mobile Food Vending Unit that is not immobilized or that remains in the same location for greater than 5 minutes.
- g) *Vendor*. Any person(s) engaged with or employed by a Mobile Food Vending Unit.

Sec. 13-93 – Scope

- a) General. The provisions of this Section apply to Mobile Food Vending Units engaged in the business of cooking, preparing and distributing food or beverage with or without charge on any property within the City of Rogers City.
- b) Exceptions. A license issued under this Article shall not be required for:
 - 1) Any school or government-sponsored Mobile Food Vending Unit operating on school or government property.
 - 2) Authorized participants in any City-sponsored event (fair, festival, special event, civic event).
 - 3) Any other event otherwise approved by the City.
 - 4) Not-for-profit groups who operate Mobile Food Vending Units on an infrequent and irregular basis and on private property.
 - 5) Mobile Food Vending Units operating on private property and that are not open to the general public; these include but are not limited to; graduation parties, open houses, family reunions, or other private events.
 - 6) Unless operating upon a public street or within the right of way, food establishments that operate a permanent business that appears on the City tax roll are also exempt from this Article. When operating upon a public street or within the right of way immediately adjacent to their permanent location, permanent businesses are exempt from the minimum distance requirements in Sec. 13-97(b)(c). A license granted to a permanent business shall not count toward the 24-license-per-month limit.
- c) Exempted entities must notify the City of intent to operate a Mobile Food Vending Unit and may be denied if operation conflicts with other events. Exempted entities shall not constitute a license to be counted against the 24-license-per-month limit established in Sec. 13-94(a).

Sec. 13-94 License required; non-transferrable.

- a) General. No vendor shall engage in Mobile Food Vending without a license from the Police Department authorizing such vending. All licenses shall be prominently displayed on the Mobile Food Vending Unit. A license issued is not transferable from person to person or between vehicles. The City shall issue up to 24 licenses per calendar month. A vendor may purchase a day license no sooner than 90 days prior to the intended date of operation, and no later than 48 hours prior to the intended date of operation. **Not more than eight (8) licenses can be issued to a single vendor per calendar month. Not more than three (3) licenses can be issued on any one day.**
- b) License. A license allows the Vendor to operate in the City for one day.

Sec. 13-95 Application.

Every Vendor desiring to engage in Mobile Food Vending shall submit a written application for such license to the Police Department. The application for a license shall include the following documentation:

- a) Complete license application.
- b) Copy of Health Department license.
- c) Copy of valid driver's license, current vehicle registration, and insurance including automobile liability coverage.
- d) Proof of General Comprehensive Liability policy with limits of not less than \$1 million Combined Single Limit coverage issued by an insurer licensed to do business in this State and which names the City as an additional insured.
- e) Signed statement that the licensee shall indemnify and hold harmless the City, its officers and employees for any claims, damages, or injuries to persons or property which arise out of any activity by the licensee, its employees, or agents carried on under terms of the license.

Sec. 13-96 Fees.

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An application for a license under this Article shall be accompanied by a fee in an amount established by resolution of the City Council of the City of Rogers City. Fees are non-refundable once a license has been issued by the Police Department. No fee shall be charged to a business which is on the City's tax rolls whose normal business includes the sale of food and/or beverages. No one shall hire or subcontract such vendors in an attempt to evade the provisions of this Article. Special events sponsored by the City are exempt from licensing fees associated with Mobile Food Vending Units if all other requirements are met.

Sec. 13-97 Permitted locations.

- a) Permitted Locations. Appropriate locations for Mobile Food Vending Units shall be limited to public areas authorized by resolution of City Council or on private property with a written agreement signed by the property owner. The use of other public areas is prohibited without written permission from the City.
- b) Proximity to Existing Food Service Establishments. Any Mobile Food Vending Unit may not operate within five hundred (500) feet from the door of an eating establishment that is actively open for business unless the restaurant owner has signed a waiver for that purpose.
- c) Proximity to other Mobile Food Vending Units. Any Mobile Food Vending Unit operating within the City must be at least 10 feet from another Mobile Food Vending Unit, measured by the walkable distance between the two units. Food establishments who operate a permanent business that appears on the City tax roll are exempted from this distance requirement.

Sec. 13-98 Requirements.

Any vendor engaging in Mobile Food Vending within the City of Rogers City must:

- a) Provide appropriate waste receptacles at the site of the unit and remove all litter, debris and other waste attributable to the vendor on a daily basis.
- b) Not operate during a City-authorized street fair, public festival, farmers' market or other public event without authorization from the Police Department.
- c) Immobilize the Mobile Food Vending Unit while operating in the City.
- d) Not use flashing, blinking or strobe lights; all exterior lights over sixty (60) watts shall contain opaque, hood shields to direct the illumination downward.
- e) Not use loud music, amplification devices, or any other audible methods to gain attention. Any safety hazard or excessive noise associated with the operation of a Mobile Food Vending Unit, including generators, will be addressed by the Police Department and may result in license revocation.
- f) Comply with all applicable City Ordinances unless stated otherwise herein.
- g) Comply with all applicable federal, state, county, and health department regulations.
- h) Operate only between the hours of 8:00 a.m. and 11:00 p.m.
- i) Not park a Mobile Food Vending Unit on the street overnight or leave a Mobile Food Vending Unit unattended and unsecured at any time. Any Mobile Food Vending Unit found to be unattended shall be considered a public safety hazard and may be ticketed and impounded.
- j) Not represent the granting of a license under this Article as an endorsement by the City.
- k) Not utilize any electricity or power without the written authorization of the power customer; no power cable or similar device shall be extended at or across any City street, sidewalk, or pathway.
- l) Not dispose of waste generated by a Mobile Food Vending Unit into storm drains or sanitary sewer.
- m) Not be located so as to block or impede pedestrian or vehicular movement at any public sidewalk, roadway, driveway, approach, designated fire lane, or other means of ingress/egress not mentioned herein.
- n) Display any licenses granted to the vendor by state, county, and City authorities.

Sec. 13-99 Signage.

The operator of a Mobile Food Vending Unit may have one portable sign not more than six square feet, with no dimension greater than three feet and no height (with legs) greater than four feet, located within five feet of the unit; under no circumstances shall such a sign be placed upon a street or sidewalk in a manner that impedes pedestrian and/or vehicle safety.

Sec. 13-100 Enforcement.

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Any license holder operating a Mobile Food Vending Unit in violation of any provision of this Article or any rules and regulations promulgated by the City shall be subject to a civil infraction pursuant to Sec. 1-8 of the Rogers City Code of Ordinances. Each act of violation and every day upon which a violation shall occur shall constitute a separate offense.

Sec. 13-101 Impoundment.

Any equipment associated with food vending that is not in compliance with this Article and/or left on public property may be impounded at the owner's expense.

Sec. 13-102 Revocation.

- a) The Police Department shall revoke the license of a Mobile Food Vending Unit for any of the following reasons:
 - 1) Fraud, misrepresentation, or a false statement on an application or in the course of operating the Mobile Food Vending Unit.
 - 2) Creation of a public nuisance constituting a danger to public health, safety, and welfare.
- b) Once a license has been issued it may be revoked, suspended or not renewed by the Police Department for failure to comply with the provisions of this Article and/or any other applicable rules or regulations promulgated by the City. Immediately upon such revocation the license shall become null and void and the Police Department shall provide written notice to the license holder by certified mail to the address provided on the application. No person whose Mobile Food Vending Unit license has been revoked shall be eligible to receive another license within the City for one (1) year from the date of license revocation.

Sec. 13-103 Right of appeal.

Vendors seeking to operate outside the above requirements, or who wish to appeal a decision of the Police Department associated with the denial or revocation of a license, may petition the City Council. The City Council is not obligated to approve a request and will, at its discretion, permit or deny a request for any reason. Applicant must still follow all application procedures and documentation requirements. To appear on the agenda for consideration of an appeal, a written request for appeal must be made to the Police Department not later than seven (7) business days before the City Council meeting for which redress is sought.

Sec. 13-104 Validity and severability.

The provisions of this Article are severable and the invalidity of any phrase, clause or part of this Article shall not affect the validity or effectiveness of the remainder of the Article.

Secs. 13-105 through 13-114 Reserved

- II. A summary of this Ordinance shall be published within 15 days after its adoption.
 - III. This Ordinance shall become effective upon publication of a summary of its provisions.
- ROLL CALL: Ayes – All, the motion carried.

POVERTY EXEMPTION POLICY AND GUIDELINES
RESOLUTION NO. 2021-171

A motion was made by Council Member Nowak, seconded by Council Member Adair, **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:

2022 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

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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	Deferred compensation
- 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 2021
1	\$12,880
2	\$17,420
3	\$21,960
4	\$26,500
5	\$31,040
6	\$35,580
7	\$40,120
8	\$44,660
For each additional person	\$4,540

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.
- 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.
- 3) An applicant cannot have an ownership stake in property other than his/her principle residence.

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EVALUATION PROCEDURES

- 4) The Board of Review shall follow the above policy and guidelines in all instances when making poverty exemption decisions.
- 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.

**TROUT RIVER FISH BARRIER – LETTER OF SUPPORT
RESOLUTION NO. 2021-172**

A motion was made by Council Member Nowak, seconded by Council Member Adair, to approve a letter be signed by the Mayor in support of the Trout River Fish Barrier upon approval by the Mayor and City Manager.

ROLL CALL: Ayes – All, the motion carried.

OTHER BUSINESS: None.

**CLOSED SESSION:
RESOLUTION NO. 2021-173**

A motion was made by Council Bielas, seconded by Council Member Fuhrman, to enter into Closed Session to discuss legal strategy (ON Mineral tax appeal)

ROLL CALL: Ayes: All, the motion carried and the meeting adjourned to Closed Session at 7:00 p.m. Upon reconvening in public session at 7:17 p.m. The following action was taken.

RESOLUTION NO. 2021-174

A motion was made by Council Member Fuhrman, seconded by Council Member Bielas, to reject the current settlement offer.

ROLL CALL: Ayes – All, the motion carried.

ADJOURNMENT:

With nothing further to come before Council, Mayor McLennan declared the meeting adjourned at 7:20 p.m.

SCOTT MCLENNAN, MAYOR

TERRI L. KOSS, CITY CLERK/TREASURER