

MINUTES OF THE REGULAR MEETING OF THE ROGERS CITY CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON TUESDAY, JANUARY 3, 2023

Mayor McLennan called the meeting to order at 6 p.m. Council Member Adair led the Pledge of Allegiance.

ROLL CALL: PRESENT – Council Members Timeen 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 with the addition of the Harbor Advisory Committee Board membership number.

ROLL CALL: Ayes – All, the motion carried.

CITIZENS APPEARING BEFORE THE COUNCIL: None.

APPROVAL OF MINUTES

It was moved by Council Member Fuhrman, seconded by Council Member Adair, that the minutes of the Regular Council Meeting of December 20, 2022 be approved as written.

ROLL CALL: Ayes – All, the motion carried.

CITY CLERK'S REPORT:

CHECK AND INVOICE APPROVAL:

It was moved by Council Member Adair, seconded by Council Member Nowak, that the following total fund expenditures be recognized as payments made and payments to be made, in the amount of \$255,940.32 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 budget process, that MEDC will be in town to review upcoming projects, Tractor Supply is still moving forward, the cost of the pavilion project has increased, DSMI is wrapping up, the ice rink was attempted, but weather is not cooperating, and the Rental Inspection needs to complete a new random draw so it can move forward.

COMMISSION AND BOARD REPORTS:

Included in the packet were the minutes from the October 27, 2022 Planning Commission meeting.

LIAISONS: None.

MAYOR:

Mayor McLennan reported on the Trout River Dam structural collapse, the fishery situation and that the Marina surveys need to be tallied.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

January 3, 2023

HARBOR ADVISORY MEMBERSHIP NUMBERS

Mayor McLennan requested a change from ten to eleven members on the Harbor Advisory Committee.

RESOLUTION NO. 2023-1

A motion was made by Council Member Nowak, seconded by Council Member Bielas, to increase the number on the Harbor Advisory Committee Board members from ten to eleven.

ROLL CALL: Ayes – All, the motion carried.

APPOINTMENTS

RESOLUTION NO. 2023-2

A motion was made by Council Member Nowak, seconded by Council Member Adair, to appoint Mayor McLennan to the Ambulance Authority, Planning Commission, Presque Isle County Emergency Planning, NEMCOG and the Main Street-DDA, Council Member Nowak to the Fire Authority, Council Member Fuhrman to the Planning Commission, Council Member Bielas to Parks and Recreation and HUNT and Council Member Timeen Adair to the Housing Commission and Harbor Advisory Committee and outgoing Council Member Dick Adair to the Harbor Advisory Committee.

ROLL CALL: Ayes – All, the motion carried.

MAYOR PRO TEM

RESOLUTION NO. 2023-3

A motion was made by Council Member Bielas, seconded by Council Member Fuhrman, to appoint Council Member Nowak as Mayor Pro Tem in 2023 Said position shall perform the duties of the Mayor when the Mayor is absent or temporarily unable to perform the duties of the office.

ROLL CALL: Ayes – All, the motion carried.

PARADE APPROVAL

RESOLUTION NO. 2023-4

A motion was made by Council Member Nowak, seconded by Council Member Adair, to approve 2023 parades including the Little League Parade, Memorial Day Parade, Flag Day Parade, Pirate Parade, Nautical Festival Grand Parade, Nautical Festival Antique Car Parade, Nautical Festival Kiddie Parade, RCHS Fall Homecoming Parade, Halloween Parade and Christmas Light Parade.

ROLL CALL: Ayes – All, the motion carried.

OTHER BUSINESS: None.

ADJOURNMENT:

With nothing further to come before Council, Mayor McLennan declared the meeting adjourned at 6:21 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, JANUARY 17, 2023

Mayor McLennan called the meeting to order at 6 p.m. Council Member Nowak led the Pledge of Allegiance.

ROLL CALL: PRESENT – Council Members Timeen 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:

Main Street Director Alex Harimoto, reported on the possible Avenue of Flags improvement, several businesses are interested in moving to Rogers City and upcoming events.

APPROVAL OF MINUTES

It was moved by Council Member Fuhrman, seconded by Council Member Adair, that the minutes of the Regular Council Meeting of January 3, 2023 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 \$228,069.86 and the Mayor is authorized to sign the check register.

ROLL CALL: Ayes – All, the motion carried.

CITY ATTORNEY'S REPORT: None.

CITY MANAGER'S REPORT:

City Mgr. Hefele reported on the ice rink development attempts, the plans are complete on the pavilion project and since the plant in Hillman closed, brush chipping has been a problem.

COMMISSION AND BOARD REPORTS:

Included in the meeting packet were the minutes from the January 11, 2023 MS/DDA meeting.

LIAISONS: None.

MAYOR:

Mayor McLennan thanked City Mgr. Hefele for assisting the Rogers City Sr. Center in coordinating their roof repair issues, and Goupell Window & Door has opened in the old Wheelhouse building.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

CREATION OF OBSOLETE PROPERTY REHABILITATION ACT (OPRA)

City Mgr. Hefele stated additional time is needed to make sure we are eligible to create the OPRA district.

January 17, 2023

RESOLUTION NO. 2023-5

A motion was made by Council Member Nowak, seconded by Council Member Adair, to table the creation of an OPRA District to a Special Meeting to be held Tuesday, January 24, 2023 at 6 pm.

ROLL CALL: Ayes – All, the motion carried.

RENTAL INSPECTION CONTRACT

RESOLUTION NO. 2023-6

A motion was made by Council Member Nowak, seconded by Council Member Bielas, to approve the Residential Rental Inspection contract with Gilmet Construction as included in the packet.

ROLL CALL: Ayes – All, the motion carried.

POSTAGE METER CONTRACT

RESOLUTION NO. 2023-7

A motion was made by Council Member Fuhrman, seconded by Council Member Adair, to approve the quote and request the postage meter lease agreement from Kraft Business Systems.

ROLL CALL: Ayes – All, the motion carried.

2ND QUARTER FINANCE REPORT

RESOLUTION NO. 2023-8

A motion was made by Council Member Nowak, seconded by Council Member Adair, to approve the FY 2022/2023 2nd Quarter Finance Report with included budget amendments.

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

Nayes – Fuhrman, the motion carried.

2023 OUT OF DARKNESS COMMUNITY WALK

Renee Szymanski was in attendance for questions.

RESOLUTION NO. 2023-9

A motion was made by Council Member Nowak, seconded by Council Member Bielas, to approve the Out of Darkness Community Walk on Sunday, September 17, 2023 which includes the use of tents. The group must coordinate with City Mgr. Hefele and Police Chief Meyer.

ROLL CALL: Ayes – All, the motion carried.

PRESQUE ISLE GIRLS SOFTBALL TOURNAMENT

RESOLUTION NO. 2023-10

A motion was made by Council Member Fuhrman, seconded by Council Member Bielas, to approve the Presque Isle Girls softball tournament July 21-23, 2023 which includes use of the Sports Park and Little League fields.

ROLL CALL: Ayes – All, the motion carried.

OTHER BUSINESS:

Mayor McLennan stated that January is Human Trafficking Awareness Month.

CLOSED SESSION: None.

ADJOURNMENT:

With nothing further to come before Council, Mayor McLennan declared the meeting adjourned at 6:40 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 TUESDAY, JANUARY 24, 2023

Mayor McLennan presided and called the meeting to order at 6:03 pm.

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

OTHER CITY PERSONNEL PRESENT – City Atty. Michael Vogler, Police Officer Jack Ryan, 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.

UNFINISHED BUSINESS:

CREATION OF OBSOLETE PROPERTY REHABILITATION ACT (OPRA) ABATEMENT DISTRICTS

RESOLUTION NO. 2023-11

A motion was made by Council Member Nowak, seconded by Council Member Adair, to schedule a pair of public hearings in consideration of creating OPRA abatement districts at 192. N. Second Street and 530 N. Third Street on February 21, 2023 at 6 pm.

ROLL CALL: Ayes – All, the motion carried.

NEW BUSINESS: None.

OTHER BUSINESS: None.

ADJOURNMENT:

With nothing further to come before Council, Mayor McLennan declared the meeting adjourned at 6:13 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, FEBRUARY 7, 2023

Mayor McLennan called the meeting to order at 6 p.m. City Atty. Vogler led the Pledge of Allegiance.

ROLL CALL: PRESENT – Council Members Timeen 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: None.

APPROVAL OF MINUTES

It was moved by Council Member Fuhrman, seconded by Council Member Nowak, that the minutes of the Regular Council Meeting of January 17, 2023 and Special Meeting of January 24, 2023 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 \$417,771.24 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 stated that he provided a list of the residential rentals to Council, and a positive meeting with Rogers City Area Schools was recently held.

COMMISSIONS AND LIAISONS:

Included in the packet were the minutes from the January 19, 2023 Parks & Recreation meeting.

MAYOR:

Mayor McLennan sent condolences to the Tebo family in Cheboygan, and recommended the appointment of Maggie List to the Parks and Recreation Commission. Council Member Nowak requested new appointees attend meetings so Council can meet them.

RESOLUTION NO. 2023-12

A motion was made by Council Member Nowak, seconded by Council Member Adair, to appoint Maggie List to the Parks & Recreation Commission with the term to expire September, 2025.

ROLL CALL: Ayes – All, the motion carried.

February 7, 2023

UNFINISHED BUSINESS:
POSTAGE METER AGREEMENT
RESOLUTION NO. 2023-13

A motion was made by Council Member Nowak, seconded by Council Member Bielas, to table the postage meter agreement to the February 21, 2023 meeting.

ROLL CALL: Ayes – All, the motion carried.

NEW BUSINESS:
MOTEL REGISTRATION AND INSPECTION

City Mgr. Hefele reviewed the information included in the packet.

RESOLUTION NO. 2023-14

A motion was made by Council Member Nowak, seconded by Council Member Adair, to draw up an ordinance regarding motel registration and inspection for Council consideration.

ROLL CALL: Ayes – Adair, Nowak and McLennan.

Nayes: Bielas and Fuhrman, the motion carried.

CERTIFICATES OF DEPOSIT
RESOLUTION NO. 2023-15

A motion was made by Council Member Bielas, seconded by Council Member Nowak, to allow staff to invest \$1,000,000 in a local financial institution including Calcite Credit Union, Awakon Credit Union or Huron State Bank that is paying highest interest rates for Certificates of Deposit. The account signatories to be City Mgr. Joseph Hefele and City Clerk/Treasurer Terri Koss.

ROLL CALL: Ayes – All, the motion carried.

MARINA PROJECT – PRELIMINARY ARCHITECTURAL

City Mgr. Hefele reviewed the history of the project.

RESOLUTION NO. 2023-16

A motion was made by Council Member Bielas, seconded by Council Member Nowak, to approve the contract with Driven Design Studio for preliminary renderings of the proposed marina project.

ROLL CALL: Ayes – All, the motion carried.

CONSTRUCTION CHANGE ORDER – FIRST STREET PROJECT
RESOLUTION NO. 2023-17

A motion was made by Council Member Bielas, seconded by Council Member Adair, to approve Change Order #1 for the First Street Project.

ROLL CALL: Ayes – All, the motion carried.

OTHER BUSINESS: None.

ADJOURNMENT:

With nothing further to come before Council, Mayor McLennan declared the meeting adjourned at 6:45 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, FEBRUARY 21, 2023

Mayor McLennan called the meeting to order at 6 p.m. Council Member Nowak led the Pledge of Allegiance. A moment of silence was held for Rob Fairbanks

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

OTHER CITY PERSONNEL PRESENT – City Atty. Michael Vogler, Police Chief Jamie Meyer, City Mgr. Joseph Hefele and City Clerk/Treasurer Terri Koss.

APPROVAL OF AGENDA

It was moved by Council Member Nowak, seconded by Council Member Bielas, to approve the agenda with the removal of the motel inspection ordinance.

ROLL CALL: Ayes – All, the motion carried.

CITIZENS APPEARING BEFORE THE COUNCIL: None.

APPROVAL OF MINUTES

It was moved by Council Member Fuhrman, seconded by Council Member Nowak, that the minutes of the Regular Council Meeting of February 7, 2023 be approved as written.

ROLL CALL: Ayes – All, the motion carried.

CITY CLERK'S REPORT:

CHECK AND INVOICE APPROVAL:

It was moved by Council Member Adair, seconded by Council Member Nowak, that the following total fund expenditures be recognized as payments made and payments to be made, in the amount of \$1,492,037.37 and the Mayor is authorized to sign the check register.

ROLL CALL: Ayes – All, the motion carried.

CITY ATTORNEY'S REPORT: None.

CITY MANAGER'S REPORT:

City Mgr. Hefele reported on the following:

- US23/M68 intersection and a recent fatality.
- Sr. Center roof issues.
- Gathering information for grants for the purchase of new plow truck.
- Electric chargers – things are moving in the right direction.
- Budget workshop on March 15, 2023.
- City Mgr. and the Water Dept. may attend the next fire board meeting to discuss hydrant rental.

COMMISSIONS AND LIAISONS:

Included in the packet were the minutes from the February 14, 2023 Harbor Advisory Committee meeting.

MAYOR:

Mayor McLennan stated that Council Member Nowak is resigning from the Rogers City Area Fire Authority Board. McLennan also thanked the library for the information provided to Council.

RESOLUTION NO. 2023-18

February 21, 2023

A motion was made by Council Member Nowak, seconded by Council Member Fuhrman, to appoint Matt Quaine to the Local Officers Compensation Committee with the term to expire September 2024.

ROLL CALL: Ayes – All, the motion carried.

UNFINISHED BUSINESS:
POSTAGE METER AGREEMENT
RESOLUTION NO. 2023-19

A motion was made by Council Member Fuhrman, seconded by Council Member Adair, to approve the postage meter lease agreement between the City of Rogers City and Quadient, Inc.

ROLL CALL: Ayes – All, the motion carried.

NEW BUSINESS:
OPRA DISTRICT – 192 N. SECOND – PUBLIC HEARING

Ron Drzewicki with Revitalize addressed Council regarding the OPRA districts.

The public hearing was opened by Mayor McLennan at 6:35 pm. Erik Nadolsky with Huron State Bank stated they would like to begin construction within 60 to 90 days. No written comments were received. The public hearing closed at 6:39 pm.

RESOLUTION NO. 2023-20 Establishing Obsolete Property Rehabilitation (OPRA) District #1 for Huron State Bank at 192 N. Second Street in the City of Rogers City

A motion was made by Council Member Nowak, seconded by Council Member Bielas, WHEREAS, pursuant to PA 146 of 2000, the City Council of the City of Rogers City has the authority to establish "Obsolete Property Rehabilitation Districts" within the City of Rogers City; and WHEREAS, Huron State Bank has filed a written request with the clerk of the City of Rogers City requesting the establishment of the Obsolete Property Rehabilitation District for an area in the vicinity of 192 N. Second St located in the City of Rogers City hereinafter described; and WHEREAS, the City Council of the City of Rogers City has determined that the district meets the requirements set forth in section 3(1) of PA 146 of 2000; and WHEREAS, written notice has been given by mail to all owners of real property located within the proposed district and to the public by newspaper advertisement in the Presque Isle Advance and/or by public posting of the hearing on the establishment of the proposed district; and WHEREAS, on February 21, 2023 a public hearing was held and all residents and taxpayers of the City of Rogers City were afforded an opportunity to be heard thereon; and WHEREAS, the City Council of the City of Rogers City deems it to be in the public interest of the City of Rogers City to establish the Obsolete Property Rehabilitation District as proposed. NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rogers City that the following described parcel(s) of land situated in the City of Rogers City, Presque Isle County, and State of Michigan, to wit:

Parcel 150-001-000-084-00, legally described as Original Plat Block 10, Lot 16, commonly known as 192 N. Second, Rogers City, MI 49779 (vacant multi-family housing facility), owned by Huron State Bank; and

be and here is established as an Obsolete Property Rehabilitation District pursuant to the provisions of PA 146 of 2000 to be known as Rogers City Obsolete Property Rehabilitation District No.1.

ROLL CALL: Ayes – All, the motion carried.

OPRA DISTRICT – 530 N. THIRD – PUBLIC HEARING

The public hearing was opened by Mayor McLennan at 6:40 pm. No written or oral comments were received. The public hearing was closed at 6:41 pm.

RESOLUTION NO. 2023-21 Establishing Obsolete Property Rehabilitation (OPRA) District #2 for 23 North Properties LLC at 530 N. Third Street in the City of Rogers City

February 21, 2023

A motion was made by Council Member Adair, seconded by Council Member Fuhrman, WHEREAS, pursuant to PA 146 of 2000, the City Council of the City of Rogers City has the authority to establish "Obsolete Property Rehabilitation Districts" within the City of Rogers City; and WHEREAS, 23 North Properties LLC has filed a written request with the clerk of the City of Rogers City requesting the establishment of the Obsolete Property Rehabilitation District for an area in the vicinity of 530 N. Third St located in the City of Rogers City hereinafter described; and WHEREAS, the City Council of the City of Rogers City has determined that the district meets the requirements set forth in section 3(1) of PA 146 of 2000; and WHEREAS, written notice has been given by mail to all owners of real property located within the proposed district and to the public by newspaper advertisement in the Presque Isle Advance and/or by public posting of the hearing on the establishment of the proposed district; and WHEREAS, on February 21, 2023 a public hearing was held and all residents and taxpayers of the City of Rogers City were afforded an opportunity to be heard thereon; and WHEREAS, the City Council of the City of Rogers City deems it to be in the public interest of the City of Rogers City to establish the Obsolete Property Rehabilitation District as proposed. NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rogers City that the following described parcel(s) of land situated in the City of Rogers City, Presque Isle County, and State of Michigan, to wit:

Parcel 150-115-000-001-00, legally described as COM AT W 1/4 COR OF SEC 15, TH N 03D 25M E ALG SEC LN 215 FT; TH S 60D 27M 45S E 595.40 FT TO POB; TH S 29D 53M 37S W 115 FT; TH S 60D 27M 45S W 400 FT; TH N 29D 53M 37S E 215 FT; TH N 60D 27M 45S W 400 FT; TH S 29D 53M 37S W 100 FT TO POB, SEC 15 T35N R5E, commonly known as 530 N. Third (Up North 23 Restaurant and banquet space), owned by 23 North Properties LLC.

be and here is established as an Obsolete Property Rehabilitation District pursuant to the provisions of PA 146 of 2000 to be known as Rogers City Obsolete Property Rehabilitation District No.2.

ROLL CALL: Ayes – All, the motion carried.

MATCH ON MAIN

RESOLUTION NO. 2023-22

A motion was made by Council Member Nowak, seconded by Council Member Adair, to have City Council submit grant applications to Match on Main on behalf of L Rose Studio of Dance and The Purple Martin.

ROLL CALL: Ayes – All, the motion carried.

BEER FESTIVAL – RESOLUTION OF SUPPORT

RESOLUTION NO. 2023-23

A motion was made by Council Member Bielas, seconded by Council Member Nowak, to approve resolution that is included in the meeting packet.

ROLL CALL: Ayes – All, the motion carried.

OTHER BUSINESS:

Council Member Bielas brought up the stop signs that were removed at the corner of First and Orchard. Consensus of Council was to have the stop signs re-installed.

ADJOURNMENT:

With nothing further to come before Council, Mayor McLennan declared the meeting adjourned at 6:53 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, MARCH 7, 2023

Mayor McLennan called the meeting to order at 6 p.m. City Mgr. Hefele led the Pledge of Allegiance.

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

OTHER CITY PERSONNEL PRESENT – City Atty. Michael Vogler, Police Chief Jamie Meyer, City Planner Toby Kuznicki, Main Street Director Alex Harimoto and City Mgr. Joseph Hefele.

APPROVAL OF AGENDA

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

ROLL CALL: Ayes – All, the motion carried.

CITIZENS APPEARING BEFORE THE COUNCIL: None.

APPROVAL OF MINUTES

It was moved by Council Member Fuhrman, seconded by Council Member Adair, that the minutes of the Regular Council Meeting of February 21, 2023 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 Bielas, that the following total fund expenditures be recognized as payments made and payments to be made, in the amount of \$228,398.59 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 status of the sale of Lakeview lots.

CITY MANAGER'S REPORT:

City Mgr. Hefele commented on working toward pension funding from State, commercial development projects, Michigan Avenue and Marina preliminary design, first draft of the FY2023-24 budget, his work on the RC Area Seniors Center roof funding, Match on Main grants, Alpena Chamber's hiring of a grant coordinator, and the work that coordinator already has done on the Grambau Center. Council asked about the meeting between City staff and MDOT regarding safety near the US-23/M-68 intersection.

RESOLUTION NO. 2023-24

A motion was made by Council Member Nowak, seconded by Council Member Bielas, to send a letter to MDOT high-ups and other political representatives, signed by the Mayor, requesting a reduction of the speed limit at and around this intersection.

ROLL CALL: Ayes – All, the motion carried.

COMMISSION, BOARD REPORTS AND LIAISONS:

Included in the meeting packet were the minutes from the February 8, 2023 MS-DDA meeting, February 17, 2023 MS-DDA Special meeting and the February 23, 2023 Planning Commission meeting. Mayor McLennan reported on the hard work the Main Street Director and volunteers are doing. City Mgr. Hefele stated he will be attending the next fire board meeting.

MAYOR: None.

UNFINISHED BUSINESS:

March 7, 2023

MOTEL INSPECTION ORDINANCE

City Mgr. Hefele reviewed the proposed ordinance. Discussion was had on the effect of workers on a long-term job in the area.

NEW BUSINESS:

ZONING AMENDMENTS – REZONING OF 290 S. THIRD STREET

Correspondence in opposition of the zoning amendment was reviewed.

ORDINANCE NO. 2023-1

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

AN ORDINANCE TO AMEND THE CITY OF ROGERS CITY ZONING ORDINANCE (ORDINANCE 2011-1, AS AMENDED) TO REZONE PARCEL 150-009-000-013-00 (GUMMS ADDITION, BLOCK 2, LOTS 9 AND 10, COMMONLY KNOWN AS 290 S. THIRD) FROM R-2 SINGLE FAMILY RESIDENTIAL TO B-1 LOCAL BUSINESS.

THE CITY OF ROGERS CITY ORDAINS:

Section 1. The Zoning Map of the Rogers City Zoning Ordinance (Ordinance 2011-1, as amended) is amended to change the zoning classification of the following described parcel from R-2 Single Family Residential to B-1 Local Business:

Block 2, Lots 9 and 10, of Gumm’s Addition to the Village, now City, of Rogers City, Parcel 150-009-000-013-00, commonly known as 290 South Third Street

Section 2. A summary of the provisions of this ordinance shall be published within fifteen (15) days of adoption.

Section 3. This ordinance shall be effective on the expiration of seven (7) days after the publication of a summary of its provisions.

ROLL CALL: Ayes – All, the motion carried.

PURCHASE OF CITY HALL MICROPHONES

RESOLUTION NO. 2023-25

A motion was made by Council Member Nowak, seconded by Council Member Bielas, to purchase a Logitech Group Video Conferencing Bundle with Expansion Mics for Big Meeting Rooms at an approximate cost of \$1,342.99.

ROLL CALL: Ayes – All, the motion carried.

INVESTMENT IN SHORT TERM CD’S

RESOLUTION NO. 2023-26

A motion was made by Council Member Nowak, seconded by Council Member Bielas, to authorize the City Manager to invest up \$500,000 in 91 day certificates with Huron State Bank at an interest rate of 3%.

ROLL CALL: Ayes – All, the motion carried.

OTHER BUSINESS: None.

CLOSED SESSION:

RESOLUTION NO. 2023-27

A motion was made by Council Member Fuhrman, seconded by Council Member Adair, 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 6:47 p.m.

Upon reconvening in public session at 6:56 p.m. no action was taken.

ADJOURNMENT:

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

SCOTT MCLENNAN, MAYOR

TERRI L. KOSS, CITY CLERK/TREASURER

**CITY COUNCIL WORKSHOP HELD AT CITY HALL
ON WEDNESDAY, MARCH 15, 2023**

Mayor McLennan called the meeting to order at 6 p.m.

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

OTHER CITY PERSONNEL PRESENT – City Mgr. Joseph Hefele and City Clerk/Treasurer Terri Koss.

Mayor McLennan call the workshop to order at 9:07 am

WORKSHOP ITEMS
FY2023-2024 BUDGET

City Mgr. Hefele reviewed the entire barebones budget that was provided to Council Members. Hefele also reviewed the effect that inflation has had on City operations and equipment fund costs.

The workshop was adjourned at 11:03 am

Mayor Scott McLennan

City Clerk/Treasurer Terri L. Koss

MINUTES OF THE REGULAR MEETING OF THE ROGERS CITY CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON TUESDAY, MARCH 21, 2023

Mayor McLennan called the meeting to order at 4:15 p.m. and led the Pledge of Allegiance.

ROLL CALL: PRESENT – Council Members Timeen 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 Adair, to approve the agenda with the addition of first reading on 290 S. Third zoning amendment.

ROLL CALL: Ayes – All, the motion carried.

CITIZENS APPEARING BEFORE THE COUNCIL: None.

APPROVAL OF MINUTES

It was moved by Council Member Bielas, seconded by Council Member Nowak, that the minutes of the Regular Council Meeting of March 7, 2023 and March 15, 2023 Workshop 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 \$33,037.77 and the Mayor is authorized to sign the check register.

ROLL CALL: Ayes – All, the motion carried.

CITY ATTORNEY'S REPORT: None.

CITY MANAGER'S REPORT:

City Mgr. Hefele reported on the meeting with the fire authority regarding hydrant rental. Discussion was had regarding how to charge them for the water they use.

COMMISSION AND BOARD REPORTS:

Mayor McLennan reported that NEMCOG stated there is grant money available for recycling projects.

MAYOR: None.

UNFINISHED BUSINESS:

ZONING AMENDMENT – REZONING OF 290 S. THIRD STREET – FIRST READING

Katy Carignan addressed Council regarding the possible uses for the rezoned area.

ORDINANCE NO. 2023-1

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

March 21, 2023

AN ORDINANCE TO AMEND THE CITY OF ROGERS CITY ZONING ORDINANCE (ORDINANCE 2011-1, AS AMENDED) TO CONDITIONALLY REZONE PARCEL 150-009-000-013-00 (GUMMS ADDITION, BLOCK 2, LOTS 9 AND 10, COMMONLY KNOWN AS 290 S. THIRD) FROM R-2 SINGLE FAMILY RESIDENTIAL TO B-1 LOCAL BUSINESS.

THE CITY OF ROGERS CITY ORDAINS:

Section 1. The Zoning Map of the Rogers City Zoning Ordinance (Ordinance 2011-1, as amended) is amended to change the zoning classification of Block 2, Lots 9 and 10, of Gumm’s Addition to the Village, now City, of Rogers City, Parcel 150-009-000-013-00, commonly known as 290 South Third Street from R-2 Single Family Residential to B-1 Local Business with the condition that it be used exclusively as an arts and cultural center; the property would revert back to R-2 Single Family Residential if either of the following occur:

- a) It ceases to be used for arts and cultural purposes
- b) It becomes vacant, with utilities such as water, gas, and/or electricity shut off for a period of 24 consecutive months.

Section 2. A summary of the provisions of this ordinance shall be published within fifteen (15) days of adoption.

Section 3. This ordinance shall be effective on the expiration of seven (7) days after the publication of a summary of its provisions.

ROLL CALL: Ayes – All, the motion carried.

MOTEL INSPECTION ORDINANCE – FIRST READING
ORDINANCE NO. 2023-2

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

AN ORDINANCE ADDING A NEW ARTICLE TO CHAPTER 23 (HOUSING) TO THE ROGERS CITY CODE OF ORDINANCES, TO BE NUMBERED ARTICLE 2 AND TITLED “LODGING ESTABLISHMENTS,” CREATING DIVISION 1 WITHIN THAT ARTICLE TO BE TITLED “REGISTRATION” AND CREATING DIVISION 2 WITHIN THAT ARTICLE TO BE TITLED “INSPECTIONS.”

THE CITY OF ROGERS CITY ORDAINS:

I. Chapter 23 (Housing) of the Code of Ordinances of the City of Rogers City, Michigan, is hereby amended by adding Article 2, titled “Lodging Establishments,” and creating Division 1 within that Article, to be titled “Registration,” and Division 2 within that Article, to be titled “Inspections.”

II. Chapter 23, Article 2, Division 1 of the Code of Ordinances of the City of Rogers City, Michigan shall read as follows:
Sec. 23-51. - Definitions.

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

Contact person. An individual listed by the owner on a registration form that should be contacted on matters related to the lodging establishment instead of, or in addition to, the owner, or if the owner cannot be reached; can be the local agent.

Dwelling unit. Space within a lodging establishment featuring at least one bed and one bathroom furnished for rent by the hour, day, night, week, or longer.

Kitchenette. A portion of a dwelling unit used, or intended to be used, for the preparation of food, or for both the preparation and consumption of food, while the remainder of the room is used, or may be intended at least partially for, purposes other than food preparation/consumption. A kitchenette shall have a sink, cooktop, cabinets or storage shelves, counter or table, and refrigerator, all of which shall be in good repair.

Local agent. An individual or company representing the owner of a lodging establishment and responsible for day-to-day operation and/or maintenance of that lodging establishment, whose fulltime residence is within 40 miles of the City. A local agent is required if the owner of the lodging establishment resides more than 40 miles from the City limits more than 90 days in a calendar year.

March 21, 2023

Lodging establishment. A building or group of buildings containing dwelling units which primarily provide daily and weekly accommodations for short-term stays but may also be rented for longer periods. Every building or structure kept, used, maintained as, advertised, or held out to the public to be a hotel, motel, resort, inn, or bed and breakfast shall be included in this definition. Exempted from this definition are long-term and short-term residential units defined and regulated in Chapter 23, Article 1.

Long-term guest. A person renting a dwelling unit within a lodging establishment for more than 90 consecutive days and/or a person who has claimed the address of the lodging establishment as his/her residence.

Property owner. The individual or organization supported on tax records as owning the lodging establishment.

Short-term guest. A person renting a dwelling unit within a lodging establishment for not more than 90 consecutive day and who has not claimed the address of the lodging establishment as his/her residence.

Sec. 23-52. - Registration.

- a) Within 90 days of the effective date of this Division, all existing lodging establishments operating within the corporate limits of Rogers City must register at City Hall on a form provided by the City A lodging establishment sold, transferred or conveyed from one property owner to another shall be re-registered by the new property owner within 30 days of the completion of the sale, transfer, or conveyance.
- b) A newly-constructed lodging establishment, or a property converted to a lodging establishment from a prior use, must register prior to accepting guests.

Sec. 23-53. - Registration information.

The following information shall be provided by the property owner, contact person, or local agent, on a form provided by the City, at the time of registration:

- a) Name of the lodging establishment.
- b) Address, phone number, email address, and web site of the lodging establishment.
- c) Number of total dwelling units in the lodging establishment, with all room numbers listed.
- d) Number of dwelling units with kitchenettes, if any, with those room numbers listed.
- e) Dwelling units available and/or rented to long-term guests, if any, with those room numbers listed.
- f) Property owner's name, address, phone number, and e-mail address.
- g) Local agent and/or contact person's name, address, phone number, and email address, if applicable.
- h) Signature of owner, contact person, or local agent attesting to the truthfulness of the information provided. If owner is a company or organization, only a duly authorized officer or administrator may sign the registration form.

Changes to the any of the registration information listed above must be provided to the City in writing within 30 days of those changes occurring.

Sec. 23-54. - Fees; late fees.

There shall be no fee for the registration, re-registration, or updating of registration information occurring within the time allotments specified in this Division. If a lodging establishment fails to register within the specified time allotment, a late fee established in advance by City Council will be charged.

Sec. 23-55. - Penalty for failure to register, update registration, or provide accurate information.

Failure to properly register a lodging establishment, or update registration, as required in this Division shall constitute a municipal civil infraction punishable by a fine of not more than \$500.00. Each day a violation of this Article is committed shall constitute a separate offense. The City Manager, City Police, or the duly authorized representative of either, are authorized to issue citations for violations of this Division.

The submission of false, inaccurate, or incomplete information on a lodging establishment registration form shall constitute a municipal civil infraction punishable by a fine of not more than \$500.00. Each day a violation of this Division is committed shall constitute a separate offense. The City Manager, City Police, or the duly authorized representative of either, are authorized to issue citations for violation of this Division.

Secs. 23-56 – 23-70. – Reserved

III. Chapter 23, Article 2, Division 2 of the Code of Ordinances of the City of Rogers City, Michigan shall read as follows:

Sec. 23-71. - Intent.

March 21, 2023

The City recognizes the economic impact of the lodging industry in Rogers City and relies on these establishments to provide quality accommodations to guests looking to discover and enjoy all that the community has to offer. It is vital to the reputation of the City that the lodging located within its borders meet minimum property maintenance standards. Benefits to the City of requiring such standards include:

- a) Protection of the health, safety and welfare of guests to the community.
- b) Attraction of tourists the local economy needs to survive and thrive.
- c) Preservation of quality of life Rogers City residents have come to enjoy and tax base City needs to operate successfully.
- d) Enforcement of common minimum standards consistent with those already applied to both short-term rentals and apartments.
- e) Requirement of basic living conditions for those dwelling units serving as long-term guest residences.

Sec. 23-72. - Definitions.

As used in this Division, the following words shall have the meanings ascribed to them in this section, unless context clearly indicates otherwise:

Certificate of compliance: Official document stating that the lodging establishment is registered, has passed inspection, and meets the minimum standards established by the City as described in this Division.

Contact person. An individual listed by the owner on a registration form that should be contacted on matters related to the lodging establishment instead of, or in addition to, the owner, or if the owner cannot be reached; can be the local agent.

Dwelling unit. Space within a lodging establishment featuring at least one bed and one bathroom furnished for rent by the hour, day, night, week, or longer.

Kitchenette. A portion of a dwelling unit used, or intended to be used, for the preparation of food, or for both the preparation and consumption of food, while the remainder of the room is used, or may be intended at least partially for, purposes other than food preparation/consumption. A kitchenette shall have a sink, cooktop, cabinets or storage shelves, counter or table, and refrigerator, all of which shall be in good repair.

Local agent. An individual or company representing the owner of a lodging establishment and responsible for day-to-day operation and/or maintenance of that lodging establishment, whose fulltime residence is within 40 miles of the City. A local agent is required if the owner of the lodging establishment resides more than 40 miles from the City limits more than 90 days in a calendar year.

Lodging establishment. A building or group of buildings containing dwelling units which primarily provide daily and weekly accommodations for short-term stays but may also be rented for longer periods. Every building or structure kept, used, maintained as, advertised, or held out to the public to be a hotel, motel, resort, inn, or bed and breakfast shall be included in this definition. Exempted from this definition are long-term and short-term residential units defined and regulated in Chapter 23, Article 1.

Lodging establishment premises: The site upon which a lodging establishment is located as well as its common shared spaces, and mechanical, electrical, and plumbing facilities, including, but not limited to, yards, walkways, driveways, patios, decks, fences, landscaping, offices, guest computer rooms, lobbies, laundry facilities, exercise rooms, pool and spas, saunas, and bathrooms.

Long-term guest. A person renting a dwelling unit within a lodging establishment for more than 90 consecutive days and/or a person who has claimed the address of the lodging establishment as his/her residence.

Property owner. The individual or organization supported on tax records as owning the lodging establishment.

Rental inspector: The person, company, or organization contracted by the City to perform the daily administration of the lodging establishment inspection program including scheduling of appointments, inspections, re-inspections and record keeping.

Short-term guest. A person renting a dwelling unit within a lodging establishment for not more than 90 consecutive day and who has not claimed the address of the lodging establishment as his/her residence.

Sec. 23-73. - Certificate of compliance required.

- a) No person shall lease, rent or cause to be occupied a dwelling unit within a lodging establishment unless a valid certificate of compliance is issued by the City. A certificate of compliance shall be issued only upon the successful completion of an inspection of the lodging establishment by the rental inspector and other inspectors as may be deemed necessary and described later in this Division.

March 21, 2023

- b) A certificate of compliance shall be valid for a period of five years from the date of issuance unless revoked by the City.
- c) A lodging establishment in existence on the date this Division takes effect may continue to operate without a certificate of compliance until passing initial inspections, as long as the lodging establishment continues to follow all regulations in Chapter 3, Article 2.
- d) The City may inspect a lodging establishment that has not been registered if it deems doing so to be in the public's best interest, but a certificate of compliance cannot be issued to an unregistered lodging establishment.

Sec. 23-74. - Inspection criteria.

a) Electrical Hazards

All dwelling units must be free from electrical hazards. Ground Fault Interrupter (GFI) outlets are required where a plug and any water source may come in contact in the kitchen, bathroom or laundry room. Other electrical hazards of concern include:

- 1) Broken or frayed electrical wires.
- 2) Bare metal wires not covered by rubber or plastic insulation.
- 3) Loose or improper wire connections to outlets.
- 4) Improper splicing of wires.
- 5) Light fixtures hanging from electric wire with no other firm support.
- 6) Missing or badly cracked cover plates on outlets and switches.
- 7) Any outlet that does not work and gives off a shock and/or shows evidence of scorch marks.
- 8) Electric cords under rugs/floor coverings.
- 9) A wire laying in or near standing water or where water might splash.
- 10) Lamp cord that is part of the permanent wiring system of the unit.
- 11) Improper connections, insulation or grounding of any component of the electrical system.
- 12) Exposed fuse box connections.
- 13) Overloaded circuits evidenced by frequently "blown" fuses.
- 14) Any rubber- or plastic-coated electrical wiring mounted on the surface of a wall or ceiling in a manner that allows it to be abused (broken, cut or damaged in other ways).

b) Security

All outer doors and windows must be capable of being locked.

1) Door locks

- A) All locks should be operable and securely fastened to the door.
- B) The lock "striker plate" should be working and be fastened securely to the door frame.
- C) A chain lock alone is not considered adequate to pass. However, a chain lock with another properly working lock would be adequate and would pass.
- D) A simple slide "bolt" lock (keyless lock) would not be adequate as the only lock on the only door of the unit.
- E) The door frame itself must be able to hold the door and securely lock when closed.
- F) Security bars are not allowed as a primary means of locking a door.

2) Window locks

- A) Locks installed on windows must work and when placed in the locked position, hold securely.
- B) Security bars are not allowed as a primary means of locking a window.
- C) A window that is nailed shut is not an acceptable means of locking.

c) Window condition

1) Windows in a dwelling unit must meet the following conditions:

- A) No missing or broken-out panes.
- B) No dangerously loose, cracked panes.
- C) No windows that will not close.
- D) No windows that, when closed, don't form a reasonably tight seal, and allow serious drafts to enter.

2) A screen on at least one window in the living room/bedroom of the dwelling unit is required unless air conditioning is provided in that space.

d) Ceiling condition

March 21, 2023

Ceilings shall be free from:

- 1) Severe bulging or buckling.
- 2) Large holes.
- 3) Severely peeling plaster or paint.
- 4) Loose sections of plaster or drywall in danger of falling.
- 5) Many missing parts such as ceiling tile.

e) Wall condition

Walls shall be free from:

- 1) Severe buckling, bulging, or leaning.
- 2) Damaged or loose structural members.
- 3) Large holes or any holes, regardless of size, that allow significant drafts.
- 4) Severely peeling plaster or paint.

f) Floor condition

Floors shall be free from:

- 1) Severe buckling, sagging, or movement when walked upon.
- 2) Large sections of damaged/missing parts (e.g., missing or partially missing floor boards).
- 3) Holes which penetrate both the finish floor and the subflooring that may allow weather or vermin to enter.
- 4) Permanent floor covering/boards which are serious tripping hazards.

g) Lighting

All rooms within the dwelling unit must have adequate lighting, with at least one permanent, hardwired fixture in each room.

h) Living room/bathroom

A dwelling unit must include at least one room, in addition to the bathroom, with not less than one full, double, queen, or king bed.

i) Bathroom

A dwelling unit shall contain a bathroom for the exclusive use of the guest with a working toilet, wash basin, shower and/or bathtub, hot and cold running water, and adequate water pressure.

j) Kitchenette

With the exception of a properly functioning microwave oven or coffee maker provided by the lodging establishment, the cooking of food within a dwelling unit, except in a kitchenette in compliance with this Division, is prohibited. Hot plates or similar equipment to heat or cook food are not permitted. A kitchenette must include the following:

- 1) A sink with piped hot and cold water.
- 2) A cooktop in which all burners work properly.
- 3) An adequate counter on which to prepare food.
- 4) Cabinets and/or storage shelves in which to store food and kitchen items.
- 5) A refrigerator/freezer unit in good repair.
- 6) An oven is not required but, if provided, must be in good working order.

k) Smoke detectors/fire suppression

- 1) A dwelling unit shall have at least one battery operated or hardwired smoke detector in proper operating condition installed on each level.
- 2) Where fire suppression is required by State of Michigan code, the fire suppression system must be maintained and proven to be in good working order.

l) Heating Equipment:

A dwelling unit must have properly working, vented heating equipment capable of providing adequate heat to all rooms in the dwelling unit.

m) Plumbing

- 1) A dwelling unit must have plumbing free from major leaks or corrosion that cause serious and persistent levels of rust or contamination of the drinking water.
- 2) The plumbing system must be free of significant leaks or persistent dripping.

n) Sanitary sewer connection

March 21, 2023

- A dwelling unit must be connected to an approved disposal system and be free from sewer back-up.
- o) Access to unit
A guest must have direct access to the dwelling unit without having to go through another dwelling unit.
 - p) Infestation/basic cleanliness
A dwelling unit shall be free from infestation or a preponderance of the following:
 - 1) Rats, mice, or other potentially harmful vermin.
 - 2) Bed bugs, cockroaches, flies, fleas, ticks, or other insects
 - 3) Mold or mildew
 - 4) Dirt, garbage, or rubbish
 - q) Structure
The lodging establishment must be free from obvious and/or severe structural defects that could endanger both staff and guests.
 - r) Lodging establishment premises
The lodging establishment grounds, common areas, staff areas, and utility infrastructure must be free from obvious causes of serious injury or illness including, but not limited to trip hazards, sharp or blunt objects that can cut or impale, garbage, rubbish, or debris, or obvious, clear, and potentially dangerous violations of State of Michigan building, electrical, mechanical, plumbing, or health codes.
 - s) Requirements for long-term guests
 - 1) While a lodging establishment can rent dwelling units to long-term guests, the following conditions must be met:
 - A) The dwelling unit must include a City-approved kitchenette.
 - B) The dwelling unit must include an adequate number of beds for the number of long-term guests residing in the space.
 - C) In addition to a bed or beds, the dwelling unit must provide seating, such as a couch or chairs, adequate for the number of long-term guests residing in the space.
 - 2) All dwelling units in existence on the date this Division is adopted must be able to meet these requirements to continue to rent space to long-term guests.
 - 3) All dwelling units previously rented to short-term guests must be inspected following an update of the registration by the property owner, contact person, or local agent before it can be rented to a long-term guest.

Sec. 23-75. - Inspection procedures.

- a) For each lodging establishment:
 - 1) Twenty percent (20%) of all dwelling units to be rented to short-term guests shall be inspected every five years, with all fractions rounded up (i.e. two inspections required for an establishment renting between six and 10 units). All inspections will be conducted within the same year, and on the same day, if possible, and the dwelling units to be inspected will be selected by the rental inspector on the date of the inspection, with the inspector doing his/her best to work with lodging establishment to avoid disturbing guests.
 - 2) All dwelling units to be rented to long-term guests shall be inspected every five years, with an inspection required before a dwelling unit that had been rented to short-term guests can be rented to long-term guests. It shall be the responsibility of the property owner, contact person, or local agent to coordinate inspection with existing long-term guest.
- b) Newly constructed and/or registered lodging establishments shall be scheduled for an inspection as immediately following registration as practical and shall be inspected and secure a certificate of compliance prior to operation.
- c) At least 30 days prior to an inspection or inspections, the rental inspector shall notify the property owner, contact person, or local agent of the date and time of the inspection. The property owner, contact person, or local agent may request a change in the appointment date/time not less than ten days prior to the scheduled inspection. In the event a property owner, contact person, or local agent learns that he/she cannot be present at the scheduled appointment, the rental inspector must be notified at least 24 hours in advance. A new inspection appointment shall be scheduled not more than 30 days from the original appointment. A missed

March 21, 2023

appointment by a property owner, contact person, or local agent shall be rescheduled by the inspector, and a "missed appointment fee" established in advance by City Council shall be imposed.

- d) A property owner, contact person, or local agent shall provide access to the selected dwelling unit(s). The City will take necessary action against those refusing entry including, but not limited to, issuance of a citation, obtaining a search warrant, posting the unit as uninhabitable and/or instituting other legal action as prescribed in section 23-78, failure to comply.
- e) A lodging establishment in compliance with the requirements included in the inspection checklist shall be issued a certificate of compliance valid for a period of five years from the date of issuance unless revoked by the city per section 23-76, revocation of certificate of compliance.
- f) For lodging establishments that fail inspections, the rental inspector shall provide a written notice of the violations to the property owner, contact person, or local agent, who shall have 30 days from receipt of the notice to correct those violations. More time may be granted by the rental inspector in those situations in which the property owner, contact person, or local agent can demonstrate a justifiable need and the additional time will not, in the opinion of the rental inspector, result in conditions deteriorating further or significantly endangering public health or safety. Less time may also be specified for life or health threatening situations. If any violation remains uncorrected following the allotted repair time, an additional ten days may be granted; however, a re-inspection fee shall be imposed for each subsequent re-inspection. The re-inspection fee shall be paid prior to the inspection.
- g) The rental inspector shall be responsible for scheduling renewal inspections at least 45 days prior to the expiration of a certificate of compliance.
- h) If, during the course of an inspection, the rental inspector becomes alarmed that a lodging establishment poses a risk to existing or future guests, staff, or the public, the rental inspector may notify other agencies of his concerns and request that other agencies including, but not limited to, building, electrical, mechanical, plumbing, and health departments, conduct their own investigation/inspection.
- i) Additional Inspections. The rental inspector may schedule and conduct inspections of additional dwelling units within a lodging establishment, beyond those required in Section 23-75(a), if the inspections he/she performs turn up serious and consistent violations and he/she has reason to believe similar violations exist in the uninspected units.

Sec. 23-76. - Revocation of certificate of compliance.

A certificate of compliance may be revoked by the rental inspector under the following circumstances:

- a) A lodging establishment is not operated for that purpose for 90 consecutive days and/or the property owner, contact person, or local agent asks that its registration with the City be rescinded. In either of these scenarios, the lodging establishment must be re-registered and a new certificate of compliance must be obtained prior to its reopening for operation.
- b) A property owner, contact person, or local agent has failed to correct code violations within the required timeframe upon reregistering and has been officially cited by the City as in violation of this Division.

Sec. 23-77. - Fees.

Fees for inspections, missed appointments, re-inspections, and late registrations shall be established annually by City Council. All fees shall be billed by the City prior to inspections being scheduled. A late fee shall be charged for all inspection fees not paid prior to the inspection through ten days after the inspection is performed. Fees remaining unpaid more than ten days following an inspection shall be charged an additional late fee. All charges may be added to the tax bills of the applicable property, and such charges shall become a lien in the same manner as the regular property taxes applied to such premises, until such charges are paid.

Sec. 23-78. - Failure to comply.

A violation of any of the provisions of this Division shall be a municipal civil infraction. A copy of the citation need not be personally served upon the alleged violator, but may be served by sending the same to the alleged violator by first-class mail at his or her last known address. A fine of not more than \$500.00 shall be assessed in accordance with the law. Each day a violation is committed or permitted shall constitute a separate offense and shall be punished as such hereunder.

March 21, 2023

Sec. 23-79. - Enforcement authorization.

The city manager, city police department, or duly authorized representative for either, is authorized to enforce the provisions of this Division and issue citations pursuant hereto.

Sec. 23-80. - Program implementation.

The city manager, or his/her duly authorized representative, shall be responsible for the implementation and operation of the city lodging establishment inspection program, with oversight provided by City Council.

Secs. 23-81—23-100. - Reserved.

IV. This ordinance shall be published, or alternatively a summary will be published as allowed, within 15 days after its adoption.

V. This ordinance shall become effective upon publication.

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

Nayes – Fuhrman, the motion carried.

NEW BUSINESS:

PURCHASE OF HARBOR VEHICLE

RESOLUTION NO. 2023-28

A motion was made by Council Member Nowak, seconded by Council Member Bielas, to approve the purchase of a 2017 Chrysler Pacifica from Bishop Chevrolet for \$18,299 to be used as the harbor vehicle.

ROLL CALL: Ayes – All, the motion carried.

FAT HOGS FISHING TOURNAMENT

RESOLUTION NO. 2023-29

A motion was made by Council Member Fuhrman, seconded by Council Member Adair, to approve the Fat Hogs Ladies Tournament on August 12, 2023 (August 13 alternate date) and FAT Hogs Labor Day Weekend Tournament on September 2-3, 2023 (September 4 alternate date).

ROLL CALL: Ayes – All, the motion carried.

KIWANIS EASTER EGG HUNT

RESOLUTION NO. 2023-30

A motion was made by Council Member Adair, seconded by Council Member Fuhrman, to approve the Kiwanis Easter Egg Hunt on Saturday, April 8, 2023 in Westminster Park.

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 4:52 p.m.

SCOTT MCLENNAN, MAYOR

TERRI L. KOSS, CITY CLERK/TREASURER