

CALUMET VILLAGE SPECIAL MEETING
CALUMET VILLAGE TOWN HALL
340 SIXTH STREET
CALUMET, MICHIGAN 49913
March 7, 2019 - 5:00 PM

Present: President David Geisler
Trustees: Virginia Dwyer, Joshua Rowe, Nathan Anderson, Doug Harrer,
Jeffrey Paul Mihelcich (a.k.a. Paulie Mihelcich)

Also present from the Village: Village Clerk Kevin Weir

Public present: Leah Polzien (Executive Director Main Street Calumet), Peggy Germain,
Graham Jaehnig, and 1 additional member of the public

Absent: Trustee Roxanne King, Village Treasurer Stephani Camp

I. 5:00 PM President David Geisler called the meeting to order and the pledge was recited

II. Review and Approval of Agenda

Motion made by Nathan Anderson and seconded by Doug Harrer to accept the agenda.

President David Geisler conducted a voice vote:

Yeas: 4 Nays: 0

Motion Carried

III. Agenda

A. Petitions from the Public

Leah Polzien addressed the council regarding a miscommunication between Main Street Calumet and the village regarding the Sacs lot and its potential development as a green space. Ms. Polzien clarified she thought she had the “go ahead” to form a committee and sign a non-binding letter of intent. Ms. Polzien would like to discuss the matter further at the next regular village council meeting and explore how the issue might move forward.

A brief discussion was had about the Sacs lot, concerns related to the reverter clause and ownership, as well as how the project could be a positive opportunity for community involvement and “curb appeal”.

Peggy Germain presented a question and answer item from a past issue of *The Review* (the official magazine of the Michigan Municipal League), which defined work sessions as meetings under the *Opening Meetings Act* and must meet all requirements of that act. A copy of the item is attached as Appendix 1.

A brief discussion was had regarding the importance of thorough meeting minutes and that the rules of order dictate how minutes are kept along with the duration they are kept, which can be above and beyond the minimum specified in the *Opening Meetings Act*.

B. Old Family Dollar Roof Collapse Update

President David Geisler provided an update on the collapse of the old family dollar building roof. U.P. Engineers and Architects Inc. (UPEA) and MJO Contracting were called out, and UPEA recommended that Calumet Floral be closed and evacuated as well as the apartments above and the street cordoned off due to concerns about structural integrity. President Geisler and Village Attorney Jim Tercha continue to inform the owners that their building poses a serious danger to the village. President Geisler shared that initial estimates from MJO to remove the snow and demolition the building would be between \$15,000 and \$25,000, and snow removal alone, as the building lays, would cost between \$5,000 and \$10,000.

A discussion was had regarding housing concerns for those displaced by the evacuation, as well as, how to hold property owners responsible for dangerous buildings through ordinance enforcement.

C. Village Administrator Hiring Process

A discussion was had regarding numerous items including:

- how to provide the full village council with all applicant materials
- the number of applicants
- refining salary/compensation range/job description/clear expectations of the administrator
- requesting the personnel committee recommend a fixed number to interview
- beginning the interview process.

Motion made by Nathan Anderson and seconded by Doug Harrer that Virginia Dwyer be appointed to the finance committee replacing Paulie Mihelcich.

President David Geisler conducted a voice vote:

Yeas: 4 Nays: 0

Motion Carried

The council coordinated necessary meetings to facilitate the administrator hiring process:

- Personnel Committee will meet at 4:00 PM on Tuesday, March 12, 2019
- Finance Committee will meet at 5:30 PM on Tuesday, March 12, 2019
- Special Village Council Meeting will meet at 5:00 PM on Thursday, March 14, 2019

IV. Adjournment

A motion to adjourn was made by Doug Harrer and seconded by Paulie Mihelcich.

President David Geisler conducted a voice vote:

Yeas: 2 Nays: 0

Motion Carried, meeting adjourned at 6:02 PM

Respectfully Submitted,

Kevin P. Weir
Calumet Village Clerk
March 10, 2019

Appendix 1.

Spotlight on Michigan's Open Meetings Act (PA 267 of 1976)

Q. Was there a new court case regarding email use of local government councils?

A. Yes, the recent case was *Markel v Mackley*. The Michigan Court of Appeals opinion was regarding email deliberations. The Court ruled that email deliberations among a quorum of public body members violated the Open Meetings Act, PA 267 of 1976 (OMA). In *Markel*, four members of a seven-member elected public body engaged in numerous email exchanges regarding matters of public policy which would soon come before the public body for consideration. Three of the members on the group emails actively exchanged thoughts and plans on how to handle the matters. The fourth member on the group emails simply received the emails but did not actively engage in the exchange. At subsequent public meetings, the matters were handled just as had been planned in the email exchanges. The Court found that the group emails constituted a "meeting" under the OMA because there was a quorum present and deliberations occurred on a matter of public policy. Furthermore, the Court found that, "Because the meeting was held privately via email, the four defendants violated [Section 3(3) of the OMA] which required such deliberations to be open to the public."

See the League's new Fact Sheet: Open Meetings Act—Email Quorum Violation at mml.org

Q. Are minutes required to be taken at work sessions? Is a work session a meeting if no action is taken?

A. Work sessions fall under the definition of a meeting in the Open Meetings Act. They must be posted, open to the public, (except for those issues that by law are permitted to be addressed in closed session), and like all meetings defined under the OMA, minutes must be taken. The requirements are:

- 1) posting:
 - Notice to include the name of the public body, telephone number, and address.
 - Notice always be posted at principal office and any other locations considered appropriate by the public body (cable television may also be used).
 - Notice to be posted within ten days after the first meeting in each calendar or fiscal year, and notice of special meetings shall be posted at least 18 hours before the meeting.

- 2) minutes:
 - the date, time, and place; and
 - members present and absent

See the League's Fact Sheet: Work Sessions — Use by Legislative Bodies at mml.org

Q. Can the public speak at a special meeting?

A. A special meeting is considered a public meeting under the Open Meetings Act. All the requirements for a regular meeting apply to special meetings. Members of the public must be allowed to speak under the same rules your municipality has for members of the public speaking during regular council meetings.

Q. How do we call a closed session?

A. A public body calls a closed session meeting while in an open meeting. A two-thirds roll call vote is required, except for closed sessions permitted under MCL 15.268(a) (discipline, personnel evaluation, etc. of official/employee) or MCL 15.268(c) (collective bargaining) which require a majority vote. A roll call vote and the purpose for calling a closed session shall be entered into minutes of the open meeting.

See the League's Fact Sheet: Open Meetings Act—Calling Closed Meetings at mml.org

Q. Are minutes required to be taken during closed session?

A. Yes, the Open Meetings Act requires minutes to be taken of closed sessions. According to an opinion of the Michigan attorney general, these minutes must reflect:

- the date, time, and place;
- members present and absent; and
- the purpose of the closed session. (Opinion of the Attorney (OAG) No. 6817)

See the League's Fact sheet: Open Meetings Act—Closed Meeting Minutes at mml.org.

Q. Who approves the minutes of a closed meeting?

A. The public body approves minutes of its closed session(s). The public body may meet in closed session to approve the minutes of a closed session if the decision to go into closed session to approve the minutes of the past closed session is made in an open session of the public body.

See the League's Fact Sheet: Open Meetings Act—Closed Meeting Minutes at mml.org.

The League's Information Service provides member officials with answers to questions on a vast array of municipal topics. Email questions to info@mml.org or call 1-800-653-2483.

