

CALUMET REGULAR VILLAGE COUNCIL MEETING
 CALUMET VILLAGE TOWN HALL
 340 SIXTH STREET
 CALUMET, MICHIGAN 49913
 April 16, 2019 - 5:30 PM

Present: President David Geisler
 Trustees: Virginia Dwyer, Joshua Rowe, Doug Harrer, Roxanne King, Nathan Anderson

Also present from the village: Village Attorney Jim Tercha, Village Clerk Kevin Weir,
 Village Administrator Joe Snow

Public present: Executive Director Main Street Calumet Leah Polzien, and 12 additional
 members of the public.

Absent: Village Treasurer Stephani Camp

5:29 PM Trustee Paulie Mihelcich announced his resignation from the Village Council due to health
 concerns, and exited the meeting.

I. 5:30 PM President David Geisler called the meeting to order and the pledge was recited

II. Review and Approval of Agenda

Motion made by Trustee Anderson to amend the agenda by moving the *Bond Proposal* agenda item to
 directly after *Petitions from the Public* and that the public be allowed to comment.

President David Geisler conducted a voice vote:

Yeas: All Nays: None

Motion Carried 6/0

1. Old & New Business

None

2. Petitions from the Public

Peggy Germain expressed her concern in regards to interviewing Manager candidates prior to a
 Manager Ordinance being adopted.

President Geisler clarified that the Village is interviewing an Administrator not a Manager.

3. Bond Proposal (Regarding - Snow Removal Equipment)

Village Attorney Jim Tercha provided an update on the Bond Proposal and the resulting
 successful petition.

- There were 53 signatures on the petition.

- All signatures are registered voters living within the village.

- The petition form is satisfactory.
- The petition is valid.

Motion made by Trustee Anderson and seconded by Trustee King that in view of the fact that a valid petition has been filed, the village intends to move ahead with a special election on the issue of bonds in August at the appropriate date.

Vote Not Held

A discussion was had regarding the bond proposal, potential equipment cost, the purchase process, as well as the urgency of need.

Additional Petitions from the Public

Tim Gasperich reminded the council that there is a cost related to a special election.

Sandy Johnson addressed the council regarding the proposed Medical Marihuana Facilities Ordinance. Sandy Johnson expressed her concerns that all costs related to developing the ordinance, registration, inspection, and regulation be the responsibility of the applicant/facility.

Trustee Anderson provided clarification for proposed ordinance and offered a copy of the proposed ordinance to Ms. Johnson. Ms. Johnson declined a copy.

Scott Pacetti shared information with the council regarding the state marihuana revenue sharing process.

Peggy Germain inquired if a potential village manager ordinance could be put to the voters in August along with the bond proposal. Peggy Germain also inquired after her current FOIA request.

Clarification regarding Ms. Germain's FOIA request was provided to Ms. Germain by the Village Administrator, the Village Attorney, the Village Clerk, and Trustee Anderson. The Village Attorney reminded Ms. Germain that her FOIA request is complete and available for pick up in the Village Office pending payment of a small fee.

Graham Jaehning reminded the public that he has recordings of the Village Council should anyone want them.

4. Minutes

Motion made by Trustee Harrer and seconded by Trustee Rowe to accept the March 14, 2019 Special Village Council Meeting Minutes.

President David Geisler conducted a voice vote:

Yeas: All Nays: None

Motion Carried 6/0

Motion made by Trustee Harrer and seconded by Trustee Anderson to accept the March 19, 2019 Regular Village Council Meeting Minutes as amended.

President David Geisler conducted a voice vote:

Yeas: All Nays: None
 Motion Carried 6/0

Motion made by Trustee Rowe and seconded by Trustee Anderson to accept the April 13, 2019 Special Village Council Meeting Minutes.

President David Geisler conducted a voice vote:

Yeas: All Nays: None
 Motion Carried 6/0

5. Houghton County Jail Task Force Representative

Motion made by Trustee Dwyer and seconded by Trustee Rowe to appoint Virginia Dwyer to the Houghton County Jail Task Force.

President David Geisler conducted a voice vote:

Yeas: All Nays: None
 Motion Carried 6/0

6. Committee (Department) Reports

A. Street, Sanitation, Public Buildings (Street)

Trustee Anderson presented the Street report.

A discussion was had regarding how to fund stated repairs to the Village Hall/Theater roof.

Motion made by Trustee Anderson for the village to set up a *Go Fund Me* account specifically for repairs to the Village Hall.

No Second. Motion Withdrawn.

A brief discussion was had regarding the potential for MEDC grant funding for a community revitalization project for non-government owned buildings through a non-profit organization, as well as pending updates from Lake State Roofing regarding potential roof repairs.

Motion made by Trustee Anderson and seconded by Trustee King to accept the street, sanitation, buildings, verbal report.

President David Geisler conducted a voice vote:

Yeas: All Nays: None
 Motion Carried 6/0

B. Public Safety - Did Not Meet

Motion made by Trustee Dwyer and seconded by Trustee Rowe to contribute to U.P.S.E.T. West in the amount of \$1000.00 for the current calendar year.

Motion made by Trustee Anderson and seconded by Trustee King to table the prior motion until the next meeting.

President David Geisler polled the council:

Yes: King, Rowe, Anderson

No: Harrer, Dwyer, Geisler

Motion Failed 3/3

President David Geisler polled the council on the original motion to contribute to U.P.S.E.T. West in the amount of \$1000.00 for the current calendar year.

Yes: Harrer, Rowe, Dwyer, Geisler, King

No: Anderson

Motion Carried 5/1

Motion made by Trustee Dwyer and seconded by Trustee Anderson to remove the overnight street parking restrictions effective April 16, 2019

President David Geisler conducted a voice vote:

Yeas: All Nays: None

Motion Carried 6/0

Trustee Anderson reiterated the need for the police to conducted door lock safety checks at the Village Hall.

A discussion was had regarding a notation on the Public Safety Report regarding a backup or second patrol car.

Motion made by Trustee King and seconded by Trustee Harrer to close the current grant that was made because of insufficient funds for a second patrol car at this time.

Motion to amend the previous motion made by Trustee King and seconded by Trustee Harrer to include that the village office communicate that the current grant should be closed by notifying the granting authority.

President David Geisler conducted a voice vote:

Yeas: All Nays: None

Motion Carried 6/0

Trustee Harrer recognized Tim Gasperich to speak to the council on behalf of the fire department.

Tim Gasperich informed the council that the fire department submitted a successful bid on a replacement fire truck for the amount of \$19,128 without approaching the village council in advance nor with financing in place. The fire department requested that the village look for financing which could then be funded by the firefighters wages and travel checks.

A discussion was had regarding how to finance/purchase the fire truck, potential challenges, and the appropriateness of the action.

Motion made by Trustee Anderson and seconded by Trustee King to accept the Public Safety verbal report.

President David Geisler conducted a voice vote:

Yeas: All Nays: None
 Motion Carried 6/0

C. (Administrative)

Kevin Weir provided the Clerk report.

Motion made by Trustee Anderson and seconded by Trustee Rowe to authorize the Clerk to set up a *Youtube* channel or other media posting provider account and to test the feasibility of uploading videos to be linked to the village website.

President David Geisler conducted a voice vote:

Yeas: All Nays: None
 Motion Carried 6/0

Joe Snow provided the office report including an update regarding the old family dollar building, as well a timeline for the elm street project:

- Bids going out the week of April 15th
- Bids in by May 15th
- Possible council approval at the May 21st Regular Village Council Meeting
- Work to begin early June
- Substantial completion by September 27th
- Final completion October 11th

A brief discussion was had regarding the cost effectiveness of exploring a special assessment for sidewalks on the Elm St. project.

A discussion was had regarding the hole in the sidewalk next to the Monkey Business Building, and road restrictions in regard to truck traffic related to the CLK Project.

Motion made by Trustee Harrer and seconded by Trustee Anderson to accept the Clerk and Administrator report.

President David Geisler conducted a voice vote:

Yeas: All Nays: None
 Motion Carried 6/0

D. Finance - Did Not Meet

E. Ordinance

Trustee King presented a proposed Medical Marihuana Facilities Ordinance, updates regarding a proposed amendment to the Winter Parking Ordinance, and a draft Village Manager Ordinance.

A discussion was had regarding the Medical Marihuana Facilities Ordinance.

Motion made by Trustee Anderson and seconded by Trustee Rowe to adopt. Ordinance No. 152, the Medical Marihuana Facilities Ordinance in its entirety as submitted to the clerk with exception on section 3, line 6, to add the word, "submit" after, "within 30 days from conditional authorization from the village of Calumet the conditionally authorized applicant must." Additionally, on number 7, change "per," to "pre" in regard to, "qualification."

President David Geisler conducted a voice vote:

Yeas: 5 Nays: 1 (Yeas: King, Harrer, Rowe, Anderson, Geisler Nays: Dwyer)

Motion Carried 5/1

**Village of Calumet
County of Houghton, State of Michigan**

ORDINANCE NO. 152

MEDICAL MARIHUANA FACILITIES ORDINANCE

An ordinance to provide a title to the ordinance; to authorize and regulate medical marihuana facilities in the Village of Calumet pursuant to Act 281 of 2016 of the State of Michigan, as may be amended; to provide definitions; to provide for an annual fee; to provide penalties for violations of this ordinance; to provide severability and to provide an effective date.

THE VILLAGE OF CALUMET HOUGHTON COUNTY, MICHIGAN ORDAINS:

SECTION I: Title

This ordinance shall be known as and cited as the Village of Calumet Medical Marihuana Facilities Ordinance.

SECTION II: Definitions

Words used herein shall have the definitions as provided for in Public Act 281 of 2016 as amended,

SECTION III: Authorized Medical Marihuana Facilities

1. The following medical marihuana facilities may be authorized to operate within the Village of Calumet by the holder of a state operating license, subject to compliance with PA 281 of 2016, as may be amended; the rules thereunder and this ordinance: Three (3) provisioning centers, Two (2) safety compliance facilities, Two (2) secure transporters, Three (3) Processors and Three (3) Growers.

2. The operation of these various facilities is restricted to the general commercial, downtown commercial, and Industrial districts as defined by the Village of Calumet Zoning Ordinance.

3. Unlicensed marihuana, growing, processing and dispensing operations and unlicensed medical marihuana marihuana facilities are forbidden in all zoning districts.

4. As permitted by Michigan law and regulation, various facilities may be located on the same site and within the same structure.

5. On and after June 11, 2019 the Village of Calumet shall accept applications for authorization to operate a medical marihuana facility within in the Village. Application should be made on a Village of Calumet form and must be submitted to the Village Clerk and/or other persons designated by the Village Council (hereinafter referred to as clerk). Once the Clerk receives a complete application including the initial annual medical marihuana facility fee, the application shall be time and date stamped. Completed applications shall be considered for authorization in consecutive time and date stamped order. Upon consideration, if the facility type authorization is available within the specified number specified above, then the applicant shall receive conditional authorization to operate such a medical marihuana facility within the Village of Calumet. Once the limit on the number of authorized is conditionally reached, then any additional complete application shall be held in consecutive time and date stamped order for future conditional authorization. After the applicant receives conditional operation the initial annual medical marihuana facility fee is non refundable. Any applicant waiting for future conditional authorization may withdraw their submission by written notice to the Clerk at any time and receive a refund of the initial, annual medical marihuana facility fee submitted.

6. Within thirty days from conditional authorization from the Village of Calumet the conditionally authorized applicant must submit, copies of applications to the state, a business plan and proof to the Clerk that the applicant has applied for pre-qualification for a state operating license or has submitted full application for such license. If the applicant fails to submit such proof, then such authorization shall be canceled by the Clerk.

7. If a conditionally authorized applicant is denied pre-qualification for a state operating license or is denied on full application for a state operating license, then such conditional authorization shall be canceled by the Clerk.

8. A conditionally authorized applicant shall receive full authorization from the Village of Calumet to operate the medical marihuana facility within the Village of Calumet upon the applicant providing to the Clerk proof that the applicant has received a state operating license for the medical marihuana facility in the Village of Calumet and the applicant has met all the other requirements of this ordinance for operation.

9. If a conditionally authorized applicant fails to obtain full authorization from the Village of Calumet within one year from the date of conditional authorization, then such conditional authorization shall be canceled by the Clerk. The Village of Calumet Council shall have authority to extend the deadline to obtain full authorization for up to an additional six months on written request of the applicant, within thirty days prior to cancellation, upon the reasonable discretion of the Village of Calumet Council finding good cause for the extension.

SECTION IV: General regulations regarding authorized medical marihuana facilities

1. An authorized medical marihuana facility shall only be operated within the Village of Calumet by the holder of a valid state operating license issued pursuant to PA 281 of 2016, as may be amended, and the rules promulgated thereunder. The facility shall only be operated as long as the state operating license remains in effect.

2. Prior to operating an authorized medical marihuana facility within the Village of Calumet pursuant to a state operating license, the facility must comply with all Village of Calumet ordinance regulations. The facility shall only be operated as long as remains in compliance with all Village of Calumet ordinance regulations.

3. Upon written notice an authorized medical marihuana facility shall consent to inspection of the facility by the Village of Calumet Clerk; the Village of Calumet Police and Fire Chief; the Houghton County Sheriff and the Michigan State police to verify compliance with this ordinance.

4. No odors or fumes, associated with the facility's operation shall be detectable beyond the exterior limits of the structure or enclosure. All medical marihuana facilities are required to operate and maintain an air filtration system capable of allowing no odors or fumes, associated with the facility's operation, detectable beyond the exterior limits of the structure or enclosure.

5. Solid, Liquid, chemical and organic waste must be handled and disposed of in accordance with existing law and regulation. They must not have an adverse effect on public assets.

6. If at any time an authorized medical marihuana facility violates this ordinance the Village of Calumet may request that the state revoke or refrain from renewing the facility's state operating license. Once such state operating license is revoked or fails to be renewed, the Clerk Shall cancel the Village of Calumet authorization. Any fees paid to the township are forfeit.

7. It is hereby expressly declared that nothing in this ordinance be held or construed to give or grant to any authorized medical facility a vested right, license, privilege or permit to continued authorization from the Village of Calumet for operations within the Village of Calumet.

8. The Village of Calumet expressly reserves the right to amend or repeal this ordinance in any way including but not limited to complete elimination of or reduction in the type and/or number of authorized medical marihuana facilities authorized to operate in the Village of Calumet.

SECTION V: Annual medical marihuana facility fee

There is hereby established an annual nonrefundable Village of Calumet medical marihuana facility fee in the amount of \$5,000 for each authorized marihuana facility within the Village of Calumet, to help defray administrative, enforcement, and other costs associated therewith. Authorized medical marihuana facilities identified in Section III, above, are individual entities regardless of ownership, management, or location. An initial annual

non-refundable medical marihuana facility fee of \$5,000 shall be payable at the time of application for Village of Calumet authorization and thereafter the same nonrefundable amount shall be payable each year by the anniversary of the date of full Village of Calumet authorization to operate the facility.

SECTION VI: Violations and penalties

1. Any person who disobeys, neglects or refuses to comply with any provision of this ordinance or who causes, allows or consents to any of the same shall be deemed responsible for a violation of this ordinance. A violation of this ordinance is deemed to be a nuisance per se.

2. A violation of this ordinance is a municipal civil infraction, for which the fines shall not be less than \$100 nor more than \$500 for the first offense and not less than \$250 nor more than \$1,000 for subsequent offenses, in the discretion of the Court. For purposes of this section, "subsequent offenses" means a violation of the provisions of this ordinance committed by the same person within 12 months of a previous violation of the same provision of this ordinance for which said person admitted responsibility or was adjudicated to be responsible. The forgoing sanctions shall be in addition to the rights of the Village of Calumet to proceed at law or at equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Village of Calumet incurs in connection with the municipal civil infraction.

3. Each day during which any violation continues shall be deemed a separate, subsequent offense.

4. In addition, the Village of Calumet may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief that may be provided by law.

5. This ordinance shall be administered and enforced by the Clerk or by such other person (s) designated by the Village of Calumet Council from time to time.

SECTION VII: Severability

The provisions of this ordinance are hereby declared to be severable if any clause, section, sentence, word or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect. The provisions herein shall be construed as not interfering or conflicting with the statutory regulations for licensing medical marihuana facilities pursuant to PA 281 of 2016, as may be amended.

SECTION VIII: Repeal

All ordinance or parts of ordinances in conflict herewith are hereby repealed.

SECTION IX: Effective Date

This Ordinance shall become effective 30 days after its publication, as required by law.

Passed and adopted by the Village Council of the Village of Calumet, County of Houghton, and State of Michigan on the 16th day of April, 2019.

VILLAGE OF CALUMET

BY _____
DAVID GEISLER
VILLAGE OF CALUMET PRESIDENT

PASSED AND ADOPTED this 16th day of April, 2019.

Attest:

KEVIN WEIR,
VILLAGE OF CALUMET CLERK

YEAS: Nathan Anderson, Douglas Harrer, Roxanne King, Joshua Rowe, David Geisler

NAYS: Virginia Dwyer

ABSENT/ABSTAIN: None

I hereby certify that the foregoing is a true and complete copy of Ordinance 152, duly adopted by the Village Council of the Village of Calumet, County of Houghton, and State of Michigan, at a regular public meeting held on April 16, 2019, and that this meeting was conducted and a public notice of this meeting was given, pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan 1976, and that the minutes of this meeting were kept and will be or have been made available, as required by said Act.

I further certify that the following members were present at said meeting: Nathan Anderson, Virginia Dwyer, Douglas Harrer, Roxanne King, Joshua Rowe, David Geisler (Village President); and that no members were absent.

KEVIN WEIR,
VILLAGE OF CALUMET CLERK

F. Personnel

Trustee Harrer delivered the Personnel Committee report. Trustee Harrer updated the Council regarding Administrator candidate negotiations.

Motion made by Trustee Dwyer and seconded by to offer Caleb Katz the dual position of Village Administrator and Attorney, by entering into a two year contract with a base annual salary of \$54,000, plus a \$6000 annual medical stipend for a total of \$60,000 annually, including prior approved benefits. President David Geisler polled the council:

Yes: King, Harrer, Rowe, Dwyer, Geisler

No: Anderson

Motion Carried 5/1

Trustee Dwyer announced her resignation from the council effective at the end of the meeting.

Motion made by Trustee Anderson and seconded by Trustee Rowe to accept the resignations of Paulie Mihelcich and Virginia Dwyer and begin the process as outlined in the rules and procedures to fill the vacancies, with inquires due to the Clerk no later than the Friday (May 17th) before the next regular village meeting on May 21, 2019.

President Geisler conducted a voice vote:

Yeas: All Nays: None

Motion Carried 6/0

Motion made by Trustee Anderson to accept the Personnel Committee written and verbal report. No Second, Motion withdrawn to hold a discussion on another matter.

Trustee Harrer provided the findings of the Personnel Committee investigation into the communication process between the Administrator and the Council regarding the 5th St. fire insurance check.

Motion made by Trustee Anderson and seconded by Trustee Harrer to end discussion.

President Geisler conducted a voice vote:

Yeas: All Nays: None

Motion Carried 6/0

7. DDA

Leah Polzien presented the DDA report including updates on:

- The CDBG facade project
- Sach's Lot Steering Committee member inquiries
- The GIS Committee formation
- The Community Marketing grant through WUPPDR.

Motion made by Trustee Harrer and seconded by Trustee Anderson to appoint Tim Bies to the DDA.

President David Geisler conducted a voice vote:

Yeas: All Nays: None

Motion Carried 6/0

A discussion was had regarding the appointment process for the DDA.

Motion made by Trustee Harrer and seconded by Trustee Anderson to have the DDA inform KEDA, WUPPDR, Loveland Technology, Houghton County, Calumet Township, and UPEA, of the formation of the GIS Committee as well as notifying them that they will be invited to speak in the future.

President David Geisler conducted a voice vote:

Yeas: All Nays: None

Motion Carried 6/0

8. HDC

9. Planning Commission

President Geisler reported that Darla Hane has resigned from the Planning Commission, that Roxanne King has agreed to serve on the Sach's Steering Committee, and Chris Green has agreed to serve on the GIS Committee.

10. Zoning Board of Appeals - Did Not Meet

11. Bills

New bills: \$21,676.79

Prior bills: \$33,868.63

Motion made by Trustee Harrer and seconded by Trustee Anderson to pay bills.

President David Geisler conducted a voice vote:

Yes: King, Harrer, Rowe, Dwyer, Geisler

No: Anderson

Motion Carried 5/1

12. Adjournment

Motion made by Trustee Anderson and seconded by Trustee King to adjourn at 8:42 PM
President David Geisler conducted a voice vote:
Yeas: All Nays: None
Motion Carried 6/0

Respectfully Submitted,

Kevin P. Weir
Calumet Village Clerk
April 22, 2019

Addendum 1

To the President and Trustees of Calumet Village,


First and foremost this position has been a monumental experience for me. I enjoyed each of your talking points views, gripes, complaints and voices that can be heard among the people. Each one of you bringing something different to the table makes this all worth while and makes this more saddening as I vacate my seat.

I am resigning from my seat purely on health issues as of now. It takes away from what I want to do for the village and working with each part of this government. Now don't count me out, I will return, how long, as soon as possible. I have seen the wheel start to turn in the right direction and it's great to see.

I don't want to make a public scene or rant. That's not how I handle business. This is an in house resignation, and nothing further.

I have enjoyed this council and the people, I have been energized to work with all the ins and outs of it. We have some great people on here. I shall return.

Thank you all,


Jeffrey (Paulie) Mihelcich

Addendum 2

April 16,2019

As of the conclusion of the April 16, 2019, I resign my position as village trustee.

A handwritten signature in black ink, appearing to read "V. A. Dwyer", written in a cursive style.

Virginia A. Dwyer