

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

Present: President David Geisler

Trustees: Joshua Rowe, Roxanne King, Brian Abramson, Doug Harrer, Nathan Anderson.
 Trustee Anderson exited the meeting at 7:30 PM

Also present from the village: Village Administrator Caleb Katz, Village Clerk Kevin Weir,
 Main Street Calumet/DDA Leah Polzien, Public Works Superintendent Marc Klein

Public present: 15 members of the public present

Absent: Trustee Andrew Ranville, Treasurer Stephani Camp

I. 5:45 PM President David Geisler called the meeting to order and the pledge was previously recited

II. Acceptance of Agenda

Motion made by Trustee Anderson and seconded by Trustee Harrer to move number 14 [Committee Reports} up to number 2 and in the subsection of Committee Reports move F [Ordinance] to B and B [Public Safety] to F, and move number 12 [Ryding Properties for Sale] to just before 15 [Bills].

President David Geisler conducted a voice vote:

Yeas: All Nays: None

Motion Carried 6/0

III. Agenda

1. Petitions from the Public

Leah Polzien, Main Street Calumet, requested street closures for the following dates and times during Pasty Fest:

Please See Page 2...

**Pasty Fest 2019
Saturday, August 17th
Street Closure and Parking Restriction Request**

This year's Pasty Fest event will be conducted much the same as last year's event. Vendors will line 5th Street in the 100-200 blocks (maintaining a fire line on one side of street). The parade will travel from Mine Street along Red Jacket Road, Wedge St and then onto 6th Street to end at Elm.

Traffic will then disperse along Elm Street or onto Pine St, depending on stage of construction of Elm Street project at the time of the event.

Main Street is requesting the following Street Closures for the Event and Parade:

Scott Street between 4th and 6th Streets on Saturday, August 17th from 8am-8pm.

6th Street from Wedge to Elm from approximately 1:45-2:45pm on Saturday, August 17th for the Pasty Fest Parade.

5th Street from Wedge to Oak 8am-8pm, Saturday, August 17th.

Additional street closures will be requested via Calumet Township to secure the remainder of the parade route not within the Village limits.

Main Street is requesting the following Parking Restrictions:

No parking on 5th Street from Wedge to Oak Streets from Friday evening, August 16th through Saturday, August 17th, 8pm. This request is to ensure cars are not parked on the street Saturday morning.

No parking on east side of 6th Street from Oak to Elm Streets on Saturday, August 17th from 8am until after parade/2:45pm.

Main Street volunteers will move all barricades provided by the Village into place and remove them after the event.

Street Closures and Parking Restrictions will be posted a few days prior to the event in downtown businesses and apartment buildings and on Main Street website and Facebook pages.

Main Street will coordinate with the Village Streets as well as Calumet Township and Houghton County and State Police to ensure a safe and orderly parade and event.

Please see addendum 1 for parade map...

Motion made Trustee Anderson and seconded by Trustee Harrer to approve the request with the condition that flyers are posted on 5th and 6th Streets to notify residents that the parking will be restricted on those dates.

President David Geisler conducted a voice vote:

Yeas: All Nays: None

Motion Carried 6/0

Jake Pressel expressed concerns to the council about a vehicle parked on Elm Street near the Italian Hall Park.

Shelly Hahn expressed concerns to the council regarding the cleanliness of 5th Street.

Chris Holmes, Upper Peninsula Engineers and Architect, shared a brief update regarding the Elm Street Project.

2. Blight

Jerry Younce addressed the council regarding the current condition of the Ruppe/JCPenny Building by reading a letter from Rebecca Glotfelty, Executive Director of Real People Media into the record. The text of the letter follows:

Dear Council Members,

This week, Real People Media, a 501c3 nonprofit organization which helps people share their stories through the literary, visual, performing and media arts will have acquired the Woolworth's building (the former Family Dollar building) at 215 Fifth Street in down town Calumet. The building will be our headquarters and that of The Red Jacket Jamboree and home of the Keweenaw Folklife and Storytelling Center. The Center will provide services to the community and to tourists.

Real People Media is very concerned with the building adjacent ours- the Ruppe building located at 211 Fifth Street. In 2017 when Real People Media Executive Director, Rebecca Glotfelty spoke to John Gladney- the regional manager of Family Dollar Stores, about the property at 215 Fifth Street, Mr. Gladney disclosed that a delivery man for Family Dollar, was nearly struck by a falling brick from the property next door. As Family Dollar was trying to sell the property at the time, we have no reason to believe that they would have made up a fictitious incident that could possibly prevent a sale.

In May, Real People Media hired Stephen Wright of U.P. Engineers and Architects, to make an assessment of the Woolworth's building at 215 Fifth Street. While making the inspection, Mr. Wright was able to view the extensive damage to the back of the Ruppe building. Mr. Wright sent a letter to the Village stating that in his professional opinion- the building was a dangerous building.

It is also of the opinion of our general contractor, that the building- may not last another winter if the roof and back of the building is not repaired.

It is evident that the current owners of the building- Jeff and Kathy Jacobs, have no plans to repair their building. This is despite the fact that the Jacobs were awarded a matching MEDC grant soon after purchasing the building in the early 2000s.

If immediate action is not taken, the building will surely collapse. At the very least, Calumet will lose a historic structure within our historic district. More seriously, the building collapse could cause severe damage to our building and to other adjacent building and could even result in loss of life.

Real People Media hopes that the Village will take immediate action to enforce its blight ordinance by hiring qualified engineers and contractors to immediately stabilize the structure. Contractor fees would be charged to the Jacobs. Failure to pay these fees would mean the building would go into the Houghton Land Bank. We hope to see action within the next few weeks as winter is not so very far away.

Real People Media's board is already drafting a resolution which will allow our organization to take legal action against the Village if the Village fails to enforce its blight ordinance. This is an action that we do not wish to take, but are compelled to as we can not risk our financial investment in our building at 215 Fifth Street nor risk injury or loss of life to our patrons.

Respectfully Submitted,
Rebecca Glotfelty, Executive Director of Real People Media

President Geisler opened the topic for public comment:

Shelly Hahn addressed the council regarding blight in the village.

A discussion was had regarding blight in the village and how to address it.

Leah Polzien, DDA Chair/Main Street Calumet Executive Director, reminded the council of previous work done on the blight ordinance, and that legal representation has already been identified.

Motion made by Trustee Anderson that the village contact said attorneys [Kendricks, Bordeau, Keefe, Seavoy, and Larsen, PC] and begin negotiations on the retainer and fees and upon their advice, if we retain them, begin with *Demolition by Neglect* and *Blight Ordinances*.

No Second

Motion failed

Chris [last name unknown] addressed the council regarding the *Demolition by Neglect Ordinance* versus a *Blight Ordinance*.

Leah Polzien addressed the council regarding the feasibility of enforcing a *Blight Ordinance* over A *Demolition by Neglect Ordinance*.

Jerry Younce addressed the council regarding the condition of the Ruppe/JCPenny Building and its impact on another building in which he is involved.

Peggy Germain addressed the council regarding blighted buildings being potential health concerns.

Motion made by Trustee King and seconded by Trustee Harrer to issue an infraction against the property at the Ruppe Building, pursuant to enforcement of the blight ordinance, and retain an attorney or hire an attorney for the purpose to pursue all legal avenues.

President David Geisler conducted a voice vote:

Yeas: All Nays: None

Motion Carried 6/0

3. Committee Reports

A. Street, Sanitation, Public Buildings (Street Dept.)

Public Works Superintendent Marc Klein presented the Streets Report. A discussion was had regarding street sweeping, equipment, and staffing/labor needs.

Motion made by Trustee King and seconded by Trustee Rowe that going forward the Street Superintendent and the Village Administrator will set the calendar for fall and spring cleanup, and make the appropriate announcements on the website with flyers, and the newspaper and that it not be the responsibility of the village council.

President David Geisler conducted a voice vote:

Yeas: All Nays: None

Motion Carried 6/0

Motion made by Trustee Anderson and seconded by Trustee King to allow Marc to contact the Sheriff's Department and schedules times for the county work crew to sweep streets, and paint lines at his discretion for up to 8 days at a cost of \$1600.00.

President David Geisler polled the Council:

Yes: King, Rowe, Harrer, Abramson, Anderson, Geisler

No: None

Motion Carried 6/0

Motion made by Trustee Anderson and seconded by Trustee Harrer to adjust the bill to William's Parts to \$862.32.

President David Geisler polled the Council:

Yes: King, Rowe, Harrer, Abramson, Anderson, Geisler

No: None

Motion Carried 6/0

A discussion was had related to snow damage complaints.

Motion made by Trustee Abramson and seconded by Trustee Rowe to end discussion.

President David Geisler conducted a voice vote:

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

Motion Carried 5/1

Motion made by Trustee Harrer and seconded by Trustee Abramson to accept the Street Department and Street Committee Reports.

President David Geisler conducted a voice vote:

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

Motion Carried 5/1

B. Ordinance

A discussion was had regarding how to best proceed with a proposed Adult-Use Marihuana Facilities Ordinance.

Jeff McMahon addressed the council regarding the proposed ordinance and how it might benefit a potential business.

Motion made by Trustee Anderson and seconded by Trustee Rowe to place the proposed ordinance no. 153 on the ballot for the November 5, 2020 with the Clerk working with an attorney, or the village attorney to prepare the ballot language and have it submitted before August 13, 2019, and if the village attorney will not touch it, Trustee Anderson will assist the Clerk himself.

President David Geisler conducted a voice vote:

Yeas: All Nays: None

Motion Carried 6/0

The text of the proposed ordinance is as follows:

Village of Calumet

County of Houghton, State of Michigan

Proposed Ordinance no.153

ADULT-USE MARIHUANA FACILITIES ORDINANCE

An ordinance to provide a title to the ordinance; to authorize and regulate adult-use marihuana facilities in the Village of Calumet pursuant to the Michigan Regulation and Taxation of Marihuana Act Initiated Law 1 of 2018, of the State of Michigan and the rules promulgated thereunder, as may be amended. To provide definitions; to provide for an annual fee; to provide penalties for violations of this ordinance; to provide sever ability and to provide an effective date.

The Village of Calumet, Houghton County, Michigan Ordains:

SECTION I: Title

This ordinance shall be known and cited as the Village of Calumet Adult-Use Marihuana Facilities ordinance.

SECTION II: Definitions

1. Words used herein shall have the definitions as provided for in the Michigan Regulation and Taxation of Marihuana Act Initiated Law 1 of 2018 of the State of Michigan, as may be amended, and those defined hereunder.

- A. "Location" means one or more adjoining buildings on a contiguous parcel of land owned or leased by an adult-use marihuana facility.

SECTION III: Authorized Marihuna Facilities

1. The following adult-use marihuana facilities shall be authorized to operate within the Village of Calumet by the holder of a state operating license, subject to compliance with the Michigan Regulation and Taxation of Marihuana Act Initiated Law 1 of 2018 of the State of Michigan, as may be amended; the rules thereunder and this ordinance: Micro Businesses, Marihuana Retailers, Temporary Marihuana Event Organizers, Safety Compliance Facilities, Secure Transporters, Processors, Designated Consumption Establishments and Excess Marihuana Growers.
2. The operation of these various facilities is restricted to 10 locations within 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 marihuana facilities are forbidden in all zoning districts.
4. As permitted by Michigan law and regulation, various facilities and licenses may be located on the same site and within the same structure each license applied for by the state requires separate approval, application and annual fee from the Village of Calumet.
5. On and after November 5, 2019, within fifteen days after the approval of this ordinance by the voters of the Village of Calumet, the Village of Calumet shall accept applications for authorization to operate an adult-use marihuana facility within the Village of Calumet. Applications shall be submitted 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). A separate application and approval is required for every license that will be or has been applied for to the State of Michigan. Once the Clerk receives a complete application(s) including the initial annual adult-use marihuana facility fee(s) of \$5,000.00 per license associated with the facility, the application shall be time and date stamped. Completed applications shall be considered for authorization in consecutive time and date stamped order. Upon consideration by the Village Clerk, manager or official appointed by the Village of Calumet Council, if the facility type authorization is available within the number of locations specified in section III. 2., then the applicant shall receive conditional authorization to operate such an adult-use marihuana facility within the Village of Calumet. Once the limit on the number of authorized locations 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 adult-use 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 adult-use marihuana facility fee submitted.
6. Within thirty days from conditional authorization from the Village of Calumet the conditionally authorized applicant must submit 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 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 adult-use 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 by the Village Clerk 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.

10. Outdoor growing facilities are prohibited.

SECTION IV: General regulations regarding authorized Adult-Use Marihuana Facilities

1. An authorized adult-use marihuana facility shall only be operated within the Village of Calumet by the holder of a valid state operating license issued pursuant to the Michigan Regulation and Taxation of Marihuana Act Initiated Law 1 of 2018; the rules promulgated thereunder. The facility shall only be operated as long as a state operating license remains in effect.

2. Prior to operating an authorized adult-use marihuana facility within the Village of Calumet pursuant to a state operating license, the facility must comply with all Village of Calumet ordinance regulations.

3. Upon written notice an authorized adult-use 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 or other official designated by the Village of Calumet Council 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 adult-use 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 anytime an authorized adult-use marihuana facility violates this or any ordinance of the Village of Calumet, the Village of Calumet Council 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 Village of Calumet are forfeit.

7. It is hereby expressly declared that nothing in this ordinance be held or construed to give or grant to any authorized 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 locations of authorized adult-use marihuana facilities authorized to operate in the Village of Calumet.

SECTION V: Annual Marihuana Facility Fee

There is hereby established an annual non refundable Village of Calumet adult-use marihuana facility fee in the amount of \$5,000 for each license of each authorized location of an adult-use marihuana facility within the Village of Calumet, to help defray administrative, enforcement, and other costs associated therewith. Authorized adult-use marihuana facilities identified in Section III, above, are individual entities regardless of ownership, management, or location. An initial annual non-refundable marihuana facility fee of \$5,000 shall be payable at the time of application for Village of Calumet authorization and thereafter the same non refundable 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 facility violating any rules promulgated by the state or ordinances of the Village of Calumet is guilty of a civil infraction for which the fine 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.

3. A violation of this ordinance is a municipal civil infraction, for which the fine 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.

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

5. 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.

6. 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 adult-use marihuana facilities pursuant to the Michigan Regulation and Taxation of Marihuana Act Initiated Law 1 of 2018 of the State of Michigan and the rules promulgated thereunder, as may be amended; may be amended.

SECTION VIII: Repeal

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

SECTION IX: Effective Date

This Ordinance shall become effective immediately upon approval by the voters of the Village of Calumet and as required by law.

I hereby certify that the foregoing is a true and complete copy of Proposed Ordinance no. 153, proposed by the Village Council of the Village of Calumet, County of Houghton, and State of Michigan, at a regular public meeting held on July 16th, 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: _____; and that _____ members were absent.

Kevin Weir, Calumet Village Clerk

Clerk name, signature and date

Motion made by Trustee King and seconded by Trustee Harrer to accept the Ordinance Report.

President David Geisler conducted a voice vote:

Yeas: All Nays: None

Motion Carried 6/0

C. Administrator

Administrator Katz presented the administrator report:

- Pickleball Court has been painted
- Basketball Court has been painted and nets donated

- Attended MML Adult Use Webinar
- Working on new contract for the Public Works Superintendent
- Goal Setting, Code of Conduct Work Session
- Trustee Email Addresses

A discussion was had regarding how to move forward with interviews and who should be considered for the open Street Assistant position.

Motion made by Trustee Anderson and seconded by Trustee Abramson to accept the administrator's report.

President David Geisler conducted a voice vote:

Yeas: All Nays: None

Motion Carried 6/0

Trustee Anderson exited the meeting at 7:30 pm.

D. Public Safety

Trustee Rowe presented the Public Safety Committee Report.

Motion made by Trustee Harrer and seconded by Trustee Abramson to accept the Public Safety Committee Report.

President David Geisler conducted a voice vote:

Yeas: All Nays: None

Motion Carried 5/0

E. Personnel

Trustee Harrer presented the Personnel Committee Report.

- Trustee Rowe did not participate in the open Street Assistant application review due to being an applicant
- Working on new contract for the Public Works Superintendent
- New Office Hours: 8 am - 12 Noon, Monday - Friday

Motion made by Trustee Harrer, and seconded by Trustee Abramson to implement new village office, open hours from 8 am - 12 Noon, Monday - Friday, being open to the public, with administrator hours from 1 pm - 4 pm where the doors would remain locked, and that the new hours be posted at the village office and on the website.

President David Geisler conducted a voice vote:

Yeas: All Nays: None

Motion Carried 5/0

Motion made by Trustee Harrer and seconded by Trustee Abramson that we close interviews for the full-time Street Assistant after interviewing the 2 candidates previously mentioned in discussion.

President David Geisler conducted a voice vote:

Yeas: All Nays: None

Motion Carried 5/0

Motion made by Trustee Harrer and seconded by Trustee Abramson to accept the Personnel Committee Report.

President David Geisler conducted a voice vote:

Yeas: All Nays: None

Motion Carried 5/0

4. Minutes

Motion made by Trustee Harrer and seconded by Trustee Rowe to amend the minutes of June 18, 2019 with the following amendment, on the top of page 3 change language to name Caleb as, "the certifying officer for purposes of environmental review."

Motion made by Trustee King and seconded by Trustee Harrer to accept the meeting minutes of June 18, 2019 as amended and June 25, 2019.

President David Geisler conducted a voice vote:

Yeas: All Nays: None

Motion Carried 5/0

5. DDA

Motion made by Trustee Harrer and seconded by Trustee King to appoint Lorri Oikarinen and Rick Campioni to 3 year terms to the DDA.

President David Geisler conducted a voice vote:

Yeas: All Nays: None

Motion Carried 5/0

6. RRC Resolution

Motion made by Trustee King and seconded by Trustee Rowe that the Village Council resolves to continue with the RRC Certification Program (Redevelopment Ready Communities).

President David Geisler conducted a voice vote:

Yes: King, Rowe, Abramson, Geisler

No: Harrer

Motion Carried 4/1

7. HDC

Did Not Met

8. Ryding Properties for Sale

Motion made by Trustee Harrer and seconded by Trustee King to go into closed session at 7:45 PM to consider the purchase of leased or real property, 4th Street lots 14, the other half of 15, and 18, potentially providing the village with contiguous property on 4th Street from lots 14 through 18.

President David Geisler polled the Council:

Yes: King, Rowe, Harrer, Abramson, Geisler

No: None

Motion Carried 5/0

Returned from closed session at 7:55 PM

Motion made by Trustee Rowe and seconded by Trustee King for the administrator to negotiate an offer for 4th Street lots: 14, the other half of 15, and 18 for up to \$5000.

President David Geisler polled the Council:

Yes: King, Rowe, Harrer, Abramson, Geisler

No: None

Motion Carried 5/0

9. Bills

Motion made by Trustee Rowe and seconded by Trustee King to pay new bills in the amount of \$15,585.24 and prior bills in the amount of \$31,799.31.

President David Geisler polled the Council:

Yes: King, Rowe, Harrer, Abramson, Geisler

No: None

Motion Carried 5/0

10. Adjournment

Motion made by Trustee Rowe and seconded by Trustee Abramson to adjourn at 7:56 PM

President David Geisler conducted a voice vote:

Yeas: All Nays: None

Motion Carried 5/0

Respectfully Submitted,

Kevin P. Weir
Calumet Village Clerk
July 24, 2019

Addendum 1

