

CALUMET REGULAR VILLAGE COUNCIL MEETING
CALUMET VILLAGE TOWN HALL
340 SIXTH STREET
CALUMET, MICHIGAN 49913
October 15, 2019 - 5:30 PM

Present: President David Geisler

Trustees: Roxanne King, Joshua Rowe, Andrew Ranville, Doug Harrer, Nathan Anderson
(exited the meeting at 7:20 PM)

Also present from the village: Village Administrator Caleb Katz, Village Clerk Kevin Weir,
Village Attorney Jim Tercha

Public present: 19 members of the public present

Absent: Trustee Brian Abramson, Treasurer Stephani Camp

I. 5:32 PM President David Geisler called the meeting to order and the pledge was recited

II. Acceptance of Agenda

Motion made by Trustee Anderson and seconded by Trustee King to accept the agenda with the following amendments: move item 8 (*Adult Use Marijuana Ordinance No. 153*), item 9 (*Village Manager Ordinance No 154*), and item 10F (*Ordinance No. 109*) to directly after meeting minutes.

President David Geisler conducted a voice vote:

Yeas: All Nays: None

Motion Carried 6/0

III. Agenda

1. Petitions from the Public

Bob Langseth thanked the council for their work on the blight enforcement campaign.

Peggy Germain addressed the council regarding a refund for an incomplete FOIA Request.

President David Geisler agreed to refund Peggy Germain's payment for stated FOIA Request. No motion required.

Peggy Germain requested an executed copy of the Village Manager's Contract. Peggy Germain addressed the council regarding the *Village Manager Ordinance* and the petition process.

Virginia Dwyer addressed the council regarding problems at the state level with the petition forms as well as challenges the issue would pose to the public wishing to petition any proposed ordinances. Additionally, Virginia Dwyer addressed the council regarding the validity of the adopted *Village Manager Ordinance*, and the fire withholding insurance check from the Sanchez Property.

Penny Menze addressed the council regarding winter parking on her sidewalk.

2. Trimble

Motion made by Trustee Anderson and seconded by Trustee Ranville to table the Trimble Antenna discussion until the next meeting.

President David Geisler conducted a voice vote:

Yeas: All Nays: None

Motion Carried 6/0

3. Minutes

Motion made by Trustee Anderson and seconded by Trustee Rowe to accept the meeting minutes from September 17, 2019 Regular Village Council Meeting.

President David Geisler conducted a voice vote:

Yeas: 4 Nays: 2 (Yeas: King, Rowe Harrer, Geisler Nays: Anderson, Ranville)

Motion Carried 4/2

4. Elm St. Improvement Project Payment Request

Chris Holmes of U.P. Engineers & Architects provided an update on the Elm Street Project, and presented a resolution to pay Bacco Construction.

Motion made by Trustee Anderson and seconded by Trustee King that the Village of Calumet resolves to pay Bacco Construction \$240,564.12 for work done on the Elm St. Project through the following resolution.

*VILLAGE OF CALUMET
RESOLUTION*

***WHEREAS**, invoices and appropriate documentation of delivery of services or goods for the Village of Calumet Elm Street Improvements Project have been received, reviewed, and approved.*

***THEREFORE**, the Village of Calumet hereby approves the payment of the following invoices and expenses which are to be paid for through the Elm Street Improvements Project Fund, or other funds as appropriate:*

<i>Category</i>	<i>Payee</i>	<i>Purpose</i>	<i>Total</i>
<i>Contracted Services</i>	<i>Bacco Construction Co.</i>	<i>Construction</i>	<i>\$240,564.12</i>

Adopted this 15th day of October, 2019 at a Regular Meeting of the Village of Calumet Council by the following vote:

AYES: Anderson, Geisler, Harrer, King, Ranville

NAYS: Rowe

ABSENT: Abramson

RESOLUTION DECLARED ADOPTED.

Kevin P. Weir, Clerk
Village of Calumet

President David Geisler polled the Council:
Yes: Anderson, Geisler, Harrer, King, Ranville
No: Rowe
Motion Carried 5/1

5. Restatement of Ordinance No. 109

A discussion was held regarding restating Ordinance No. 109 to provide for varying degrees of authorization for the police, superintendent of the streets department, and residents to cite and remove obstructions from village sidewalks during the winter parking ban timeframe.

Virginia Dwyer addressed the council regarding the proposed restatement of Ordinance No. 109.

Penny Menze addressed the council regarding the proposed restatement of Ordinance No. 109.

Motion made by Trustee Anderson and seconded by Trustee Harrer to end discussion.
President David Geisler conducted a voice vote:
Yeas: All Nays: None
Motion Carried 6/0

Motion made by Trustee Anderson and seconded by Trustee Ranville to adopt version 3 of the restatement of *Ordinance No. 109* with amendments to Section 5. The adopted restatement to read as follows:

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

ORDINANCE NO. 109

Amended and Restated

*AN ORDINANCE PERTAINING TO THE TOWING AWAY OF ILLEGALLY
PARKED MOTOR VEHICLES. (winter parking ban)*

THE VILLAGE OF CALUMET, HOUGHTON COUNTY, MICHIGAN ORDAINS:

Ordinance No. 109 of the ordinances of the Village of Calumet is amended and restated as follows:

SECTION 1. All members of the police department of the Village, the superintendent of the Street Department of the Village and/or his designee or designees from among the employees of the street department, and persons designated for this purpose from time to time by the Village Council by resolution are hereby authorized to issue parking citations and to remove and tow away, or have removed and towed away by a commercial towing service, any motor vehicle or other vehicle illegally parked in any place where such parked vehicle creates or constitutes a traffic hazard, blocks the use of a fire hydrant, or obstructs or may obstruct the movement of any emergency vehicle, or which

remains on village streets during periods of time which are designated from time to time by the Village Council as periods of time when all vehicles shall be removed from the streets for snow removal purposes.

SECTION 2. During periods of time designated by the village council that require all vehicles be removed from the streets for snow removal, an owner of a property outside of the Downtown Development Authority boundaries, may park or authorize to park registered and insured vehicles upon the sidewalk immediately adjacent to that property.

SECTION 3. When clearly marked as authorized parking only and identifying the towing company to be used. The owner or their agent of a property may remove any vehicle or obstruction from a sidewalk immediately adjacent to that property. The owner of any obstruction shall be liable for any costs incurred removing the obstruction.

SECTION 4. Motor vehicles or vehicles so towed away for illegal parking shall be stored in a safe place and shall be restored to the owner or operator of such vehicle upon payment of a fee set by a fee schedule established or amended from time to time by the Village Council, together with payment or reimbursement of the cost of towing and payment of all sums owed to the Village for traffic violations or illegal parking by the owner of the impounded motor vehicle or vehicles.

SECTION 5. This ordinance shall become effective twenty days after its adoption or on the day after it is published in a newspaper of general circulation in Houghton County, Michigan, whichever occurs first.

Passed and adopted by the Village Council of the Village of Calumet, County of Houghton, and State of Michigan on the 15th day of October, 2019.

VILLAGE OF CALUMET

By: David Geisler,
Its President

PASSED AND ADOPTED this 15 day of October, 2019.

Attest:

KEVIN P. WEIR,
Village Clerk

Yeas: Nathan Anderson, David Geisler, Roxanne King, Andrew Ranville, Joshua Rowe

Nays: Douglas Harrer

Absent/Abstain: Brian Abramson

I hereby certify that the foregoing is a true and complete copy of Ordinance No. 106, as amended and restated, duly adopted by the Village Council of the Village of Calumet, County of Houghton, and State of Michigan, at a regular meeting held on October 15 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, David Geisler, Douglas Harrer, Roxanne King, Andrew Ranville, Joshua Rowe, and that the following members were absent: Brian Abramson.

I further certify that the Ordinance has been recorded in the Ordinance Book of the Village, and that such recording has been authenticated by the signatures of the Village President and the Village Clerk.

KEVIN P. WEIR,
Village Clerk

President David Geisler polled the Council:
Yes: King, Ranville, Rowe, Anderson, Geisler
No: Harrer
Motion Carried 5/1

6. Adult Use Marihuana Ordinance

Motion made by Trustee Anderson and seconded by Trustee Ranville to adopt a version of the *Adult Use Marihuana Ordinance No. 153* that prohibits the sale of edibles.

A discussion was held regarding the exclusion of saleable marihuana edibles as well as the number of potential authorized facilities in the village.

Jeff McMahon addressed the council regarding the exclusion of saleable marihuana edibles.

Lorri Oikarinen inquired about the number of marihuana facilities allowed in the downtown area.

Virginia Dwyer addressed the council regarding a lack of a public hearing for the proposed *Adult Use Marihuana Ordinance*, as well as the absence of state petition forms.

An unidentified member of the public inquired if Jeff McMahon's business model was legal under the proposed ordinance.

Pastor Joel Evilsizer addressed the council regarding the dangers of marihuana and his opposition to legal marihuana.

Marlene Verty addressed the council regarding her concerns of a lack of a public forum to discuss the current issue as well as the number of potential authorized facilities.

President David Geisler polled the Council:
Yes: Anderson
No: King, Ranville, Rowe, Harrer, Geisler
Motion Defeated 5/1

Motion made by Trustee Ranville and seconded by Trustee Anderson to adopt the original version of the *Adult Use Marihuana Ordinance No. 153* as amended, which reads as follows below:

Village of Calumet

County of Houghton, State of Michigan

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 severability 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 Marihuana 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, and Designated Consumption Establishments.

The operation of these various facilities is restricted to five (5) locations within the General Commercial, Downtown Commercial, and Industrial Districts as defined by the Village of Calumet Zoning Ordinance.

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

3. 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.

4. Within fifteen days after the effective date of this ordinance, the Village of Calumet shall accept applications for authorization to operate adult-use marihuana facilities 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 completed 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 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. Part 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 completed application shall be held in consecutive time and date stamped order for future conditional authorization. After the applicant receives conditional authorization. The initial annual adult-use marihuana facility fee is nonrefundable. 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.

5. 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 and the application fee shall be forfeited.

6. 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 and the application fee shall be forfeited.

7. 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.

8. If a conditionally authorized applicant fails to obtain full authorization from the Village of Calumet by the 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.

9. 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 unreasonable 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 unreasonable 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 laws and regulations. They must not have an adverse effect on public assets.

6. If at any time 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 nonrefundable 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 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 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 \$500 for subsequent offenses, at 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 \$500 for subsequent offenses, at 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 foregoing 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.

SECTION VIII: Repeal

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

SECTION IX: Effective Date

This Ordinance shall become effective 45 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 15th day of October, 2019.

VILLAGE OF CALUMET

BY _____
DAVID GEISLER,
VILLAGE OF CALUMET PRESIDENT

PASSED AND ADOPTED this 15th day of October ,2019.

Attest:

KEVIN WEIR,
VILLAGE OF CALUMET CLERK

YEAS: Nathan Anderson, Roxanne King, Andrew Ranville, Joshua Rowe,

NAYS: Douglas Harrer, David Geisler

ABSENT: Brian Abramson

I hereby certify that the foregoing is a true and complete copy of Ordinance 153, 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 October 15, 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, David Geisler, Douglas Harrer, Roxanne King, Andrew Ranville, and Joshua Rowe; and that the following member was absent: Brian Abramson.

_____/_____/2019
KEVIN WEIR, VILLAGE OF CALUMET CLERK

Motion made by Trustee Anderson and seconded by Trustee Rowe to end discussion.
President David Geisler conducted a voice vote:
Yeas: 4 Nays: 2 (Yeas: King, Rowe, Anderson, Geisler Nays: Harrer, Ranville)
Motion Carried 4/2

President David Geisler polled the Council:
Yes: King, Ranville, Rowe, Anderson
No: Harrer, Geisler
Motion Carried 4/2

Nathan Anderson submitted a written letter of resignation (Addendum 1) to President David Geisler and exited the meeting at 7:20 PM.

Motion made by Trustee King and seconded by Trustee Harrer to accept the handwritten resignation of Trustee Nathan Anderson from the Village Council.
President David Geisler polled the Council
Yes: King, Harrer, Geisler
No: Ranville, Rowe
Motion Carried 3/2

7. Village Manager Ordinance

Virginia Dwyer addressed the council regarding an inaccuracy in the vote required to adopt in *Ordinance No. 154*.

Motion made by Trustee King and seconded by Trustee Rowe to amend *Ordinance No. 154* to reflect a majority vote being required for adoption.

Motion made by Trustee King and seconded by Trustee Trustee Harrer to adopt *Ordinance No. 154 Village Manager Ordinance* as amended. Full ordinance text below:

Village of Calumet

County of Houghton, State of Michigan

ORDINANCE NO. 154

VILLAGE MANAGER ORDINANCE

An Ordinance establishing the office of Village Manager; providing for the appointment compensation, and discharge of such official; specifying the branches of the village government and activities under the manager's control and defining the rights, powers and liabilities of the village manager.

THE VILLAGE OF CALUMET ORDAINS:

SECTION 1 – DEFINITIONS

In this ordinance:

“Village” means Village of Calumet.

“Council” or “Village Council” means all of the Trustees and the President of the Village presently serving, whether elected or appointed who may also be referred to collectively as the members of the Council.

“Majority Vote” means a vote equal to or greater than a majority of the Council presently serving. A majority vote of a quorum of the Council present for a meeting of the council is not a Majority Vote unless it is at least equal to a majority of all Trustees and the President of the Village presently serving.

“Village Official” means any person elected or appointed to the Council, the Downtown Development Authority, the Historic District Commission, the Planning Commission and any committees established by the Council, the Downtown Development Authority, the Historic District Commission or the Planning Commission.

“Village Manager” or “Manager” means a village manager appointed and serving under the terms of this ordinance.

Section 2 – ESTABLISHMENT OF OFFICE

In accordance with the authority for the appointment of a Village Manager granted to the Village in section 2 of chapter 11 and section 8 of chapter V of the General Law Village act (1895 PA 3 as amended), the office of Village Manager is established with attendant duties of the office as set forth in this ordinance.

Section 3 – APPOINTMENT OF VILLAGE MANAGER

The Council by a Majority Vote shall appoint a Village Manager. The Council may enter into an employment contract with a Village Manager with terms and conditions of employment determined by a Majority Vote of the Council. The term of such contract may be for a period extending beyond the terms of the members of the Council, but not exceeding four years. An employment contract with a Manager shall be in writing and shall specify the compensation to be paid to the Manager, any procedure for changing compensation, any fringe benefits, and any other conditions of employment. The contract shall state that the Manager serves at the pleasure of the council. The contract may provide for severance pay or other benefits in the event the employment of the Manager is terminated by the Council. In the event of a conflict between the contract and this ordinance, the terms of this ordinance shall prevail.

The Council may suspend the Manager by a Majority Vote with or without full pay and benefits. Within seven days of this action, the Council shall hold a public hearing. At that hearing the Council shall decide by a Majority Vote whether the Manager shall be discharged from service, be suspended with pay pending further review by the Council, and/or be subjected to disciplinary action. The vote shall be a roll call vote.

The Manager shall serve at the pleasure of the Council and may be removed by a Majority Vote of the Council. The Manager shall be selected solely on the basis of administrative and executive abilities, with special reference to training and experience.

The Village Manager shall be available to deal with emergency situations throughout the day. The Manager must reside within 16 miles of the Village of Calumet to assure 24-hour availability for service. However, in the event of sickness, the Village Manager need not be available for duty. Except in an emergency declared by the Village President or the Council, the Village Manager need not be available for duty during authorized absences such as a vacation.

In general, the Council will typically review the performance of the Manager after the initial 180 days of the Manager’s employment and thereafter on an annual basis.

Section 4 – ACTING VILLAGE MANAGER

Upon the termination, suspension, resignation or incapacitation of the Manager, the Council shall appoint or designate an acting manager by a Majority Vote during a vacancy in the office of Village Manager and shall make a permanent appointment within 180 days from the effective date of the vacancy also by a Majority Vote.

Section 5 – COMPENSATION

The Village Manager shall receive such compensation as the council shall determine by resolution. Pursuant to Section 3 of this ordinance, this compensation will be specified in a written contract made by the Village and the Village Manager.

Section 6 – DUTIES

The Village Manager shall be the chief administrative officer of the Village and shall be responsible to the Village President and the Village Council for the efficient administration of all affairs of the Village. The Manager shall exercise management supervision over all departments and over all public property belonging to the Village. The Manager shall keep the Council informed regarding Village affairs. The Manager shall follow directives established for the Manager by resolutions or motions passed by the Council. The Manager shall keep and make available all records of the Village to the Council and to the public except such information which is exempted from disclosure by the Open Meetings Act or other laws of the State which protect privacy.

The Manager shall have the following functions, duties and responsibilities:

- A. To attend and participate in all meetings of the Village Council and Village committees but the Manager shall not have a vote on such Council or committees;*
- B. To be responsible for personnel management and the issuance, subject to Council approval, of personnel rules applicable to all village employees.*
- C. To appoint, suspend, or remove all appointed administrative officers and department heads, subject to Council approval. The Manager shall recommend to the Council the salary or wage for each such official.*
- D. To exercise supervisory control over all employees working in the central office of the Village as well as all Village departments including the police department, the department of public works, and the fire department.*
- E. To hire, discipline or discharge any Village employee who is not a department head but only after consultation with the appropriate department head. The Manager shall recommend the salary or wage for each such employee.*
- F. To exercise supervisory responsibility over the accounting, budgeting, personnel, purchasing, and related management functions of the Village Clerk. With approval of the Council by a Majority Vote, the Manager may delegate duties of the Village Clerk to appointed officers or employees unless prohibited by law. The Manager shall nevertheless have the ultimate responsibility for supervision and the proper conduct of all such delegated duties.*
- G. To attend and participate in all meetings of Village boards and commissions, including the Village Planning Commission, but the Manager shall not have a vote on such boards or committees.*
- H. Shall be the fiscal officer and shall prepare and administer the budget as provided for in the Uniform Budgeting and Accounting Act, 1968 PA 2, as amended, and any Village ordinance that may be adopted.*
- I. To be the purchasing agent of the Village subject to constraints established by resolutions and ordinances adopted by the Village Council.*
- J. To prepare and maintain written policies and procedures defining the duties and functions of the several officers and departments of the Village subject to approval by the Council.*
- K. To investigate complaints concerning the administration of the Village, having at all times the authority to inspect the books and papers of any agent, employee or officer of the Village except books and papers of the Village Attorney and books and papers related to matters that require separation of duties such as those of the Village Treasurer.*
- L. To make recommendations to the Council for adoption of such measures as the Village Manager shall deem to be in the best interest of the Village.*
- M. To perform all duties related to zoning and land use administration as set forth in the Village Zoning Ordinance.*
- N. To perform duties necessary for the administration and enforcement of Village ordinances.*
- O. To perform other duties as required by the Village Council from time to time; and*
- P. To keep and maintain an inventory of all Village property.*

Section 7 – PURCHASING RESPONSIBILITIES

The Village Manager shall act as purchasing agent for all village offices and departments. The Manager, with the approval of the Village Council, may delegate some or all of these duties as purchasing agent to another officer or employee, provided that such delegation shall not relieve the Manager of the responsibility for the proper conduct of those duties.

The Village Manager shall in any event have the authority to purchase any product or service if such purchase is in accordance with purchasing policies established by the Village Council.

The Village Manager shall have the authority to purchase any product or service the cost of which does not exceed an amount to be set from time to time by resolution adopted by the Village Council, provided that funds have been appropriated. The cost of the product or service shall not exceed the unencumbered balance of the appropriation for that account. Any product or service the cost of which exceeds the above dollar amount shall be purchased only if prior approval of the Village Council has been obtained. The Village Manager may promulgate rules governing the purchase of products or services.

The Village Manager shall have the authority to purchase any product or service regardless of its cost when such purchase is necessitated by an emergency condition. Emergency condition is defined to mean any event which presents an imminent threat to the

public health or safety, or any event which would result in the disruption of a Village service which is essential to the public health or safety.

Section 8 – DEALING WITH EMPLOYEES.

Neither the Council, the Downtown Development Authority, the Historic District Commission, the Planning Commission, nor the Village President or any elected or appointed officer shall attempt to influence the employment of any person by the Village Manager or the conduct by the employee of the employee's duties or in any way interfere in the management of departments under the jurisdiction of the Manager. Except for the purpose of inquiry or when authorized by a Majority Vote of the Council, the President, Trustees and all other elected or appointed officials, shall deal with departments under the jurisdiction of the Village Manager through the Manager.

Section 9 – SEVERABILITY

If any portion or section of this ordinance or its application to any person or circumstance shall be found to be invalid by a court, such invalidity shall not affect the validity of the remaining portions or applications.

Section 10 – EFFECTIVE DATE

This ordinance shall take effect 45 days after the date of its adoption, unless a petition signed by not less than ten percent of the registered electors of the Village is filed with the acting Village Clerk or Village office within such 45 days.

If a petition is filed within such period of time, this ordinance shall then take effect only upon its approval at the next general or special Village election held on the question of whether the ordinance shall be approved. Notice of the delayed effect of this ordinance, and the right of petition under this section, shall be published separately at the same time and in the same manner as the ordinance or a notice of the ordinance is published in a local newspaper of general circulation.

Section 11 – ADOPTION

This ordinance shall be adopted by an affirmative vote of at least four members of the Village Council.

Section 12 – PUBLICATION

The Village Clerk shall certify to the adoption of this ordinance and cause the same to be published as required by law.

Yeas: Douglas Harrer, Roxanne King, Andrew Ranville, Joshua Rowe, and David Geisler

Nays: None

Absent: Brian Abramson

Passed and adopted by the Village Council of the Village of Calumet, County of Houghton, and State of Michigan on the 15th day of October, 2019.

VILLAGE OF CALUMET

By _____
DAVID GEISLER,
Its President

Attest:

KEVIN P. WEIR,
Village Clerk

I hereby certify that the foregoing is a true and complete copy of Ordinance No. 154, duly adopted by the Village Council of the Village of Calumet, County of Houghton, and State of Michigan, at a regular meeting held on October 15, 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: Douglas Harrer, Roxanne King, Andrew Ranville, Joshua Rowe, and David Geisler; and that the following members were absent: Brian Abramson.

I further certify that the Ordinance has been recorded in the Ordinance Book of the Village, and that such recording has been authenticated by the signatures of the Village President and the Village Clerk.

KEVIN P. WEIR,
Village Clerk

Notice to the electors of the Village of Calumet: Take notice that Village Ordinance No. 154, which provides for the establishment and appointment, compensation, and discharge of a village manager, was adopted pursuant to 1895 PA 3, as amended, on October 15, 2019, and will take effect 45 days after the date of adoption unless a petition signed by not less than ten percent of the registered electors of the village is filed with the village clerk within the 45-day period, in which case the ordinance will take effect upon the approval of an election held on the question.

President David Geisler conducted a voice vote:

Yes: King, Ranville, Rowe, Harrer, Geisler

No: None

Motion Carried 5/0

8. DDA

9. HDC - Did Not Meet

10. Planning Commission

David Geisler provided a planning commission update:

- Received proposals from 2 firms to rewrite the DDA/TIFF/Zoning Plan

11. Budget Amendments - None

12. Insurance Update

Administrator Katz provided an update on insurance.

- Received executed copy from Hannala

13. Committee (Department) Reports

A. Streets, Sanitation, Public Buildings (Street Dept_ - Did Not Meet

B. Public Safety

Doug Harrer presented the Public Safety Report:

- Fire Department installed IM responding app, no expense
- Fire Chief would like to utilize the HDC office space
- Committee recommends to post for a part-time police officer
- Committee recommends compiling police call records

Motion made by Trustee Harrer and seconded by Trustee King to post for a part-time police officer with the possibility of full-time in the future.

President David Geisler conducted a voice vote:

Yeas: All Nays: None

Motion Carried 5/0

A discussion was held regarding salary, working hours, as well as part-time vs. full-time.

Motion made by Trustee Harrer and seconded by Trustee Ranville that the Village Office get data from the past year of what kind of calls the Village has had, what sort of calls the Village Police had while here, as well as what sort of calls the State Police and Houghton County Sheriff have responded to while the Village has not had an officer.

President David Geisler conducted a voice vote:

Yeas: All Nays: None

Motion Carried 5/0

C. Clerk/Administrator

Clerk Weir presented the clerk report:

- Encouraged the council to revisit rules and procedures and/or add some structure to the ordinance acceptance procedure.

Motion made by Trustee Anderson and seconded by Trustee Harrer to accept the meeting minutes from the September 19th Special Village Council Meeting Minutes as amended.

President David Geisler conducted a voice vote:

Yeas: All Nays: None

Motion Carried 5/0

Administrator Katz presented the administrator report:

- Attended RRC Workshop
- Attended Manager Summit
- Ordinance Procedure Review Needed
- HDC Position has been posted
- Recommended Clerk pay increase
- Updated the Council on Blight Enforcement progress.

Motion made by Trustee Ranville and seconded by Trustee King to accept the Public Safety, Clerk, and Administrator Reports.

President David Geisler conducted a voice vote:

Yeas: All Nays: None

Motion Carried 5/0

D. Personnel

Doug Harrer presented the Personnel Report:

- Recommends that any one that has issues with employees or council should do so in writing.
-

Motion made by Trustee Rowe and seconded by Trustee Ranville to accept the Personnel report.
President David Geisler conducted a voice vote:
Yeas: All Nays: None
Motion Carried 5/0

E. Finance

A discussion was held regarding financial software.

13. Bills

Motion made by Trustee King and seconded by Trustee Rowe to pay bills in the following amounts:
Previously Paid Bills: \$20,262.07
New Bills: \$57,351.83
President David Geisler polled the Council:
Yes: King, Rowe, Harrer, Geisler
No: Ranville
Motion Carried 4/1

14. Adjournment

Motion made by Trustee Harrer and seconded by Trustee Rowe to adjourn at 8:06 PM.
President David Geisler conducted a voice vote:
Yeas: All Nays: None
Motion Carried

Respectfully Submitted,

Kevin P. Weir
Calumet Village Clerk
October 23 , 2019

Addendum 1

Effective Immediately
I resign as
Trustee of the
Village of Calumet.

Nate
Oct 15, 2019

