

**CALUMET REGULAR VILLAGE COUNCIL MEETING  
CALUMET VILLAGE TOWN HALL  
340 SIXTH STREET (Electronic Remote Meeting)  
CALUMET, MICHIGAN 49913  
January 19, 2021 - 5:30 PM**

**\*This meeting was held remotely in accordance with amendments made to the Michigan Open Meetings Act allowing for remote participation in public meetings during the COVID 19 Pandemic.**

**Present means: Attending the meeting by way of video conference either by computer or telephone.**

**Absent means: The individual was not present in any way including neither video nor phone.**

**Present:** President Brian Abramson

Trustees: Roxanne King, Andrew Ranville, Lori Weir

Also present from the village: Village Administrator Caleb Katz, Village Clerk  
Kevin Weir, Village Attorney James Tercha, Planning  
Commission Chair Colleen Kobe

Public present: 9 members of the public

**Absent:** Treasurer Deb Aubin

**Vacant:** Three (3) Council Seats

**I. 5:32 PM President Brian Abramson called the meeting to order and the pledge was recited.**

**A. Roll Call**

President Abramson conducted an audible roll call attendance:

Present: King, Ranville, L. Weir, Abramson

Absent: None

**II. Acceptance of Agenda**

Motion made by Trustee King and seconded by Trustee Ranville to accept the agenda as written with the following changes, add discussion with the owners of Luigi's directly after *Petitions from the Public*, immediately followed by *Planning Commission Appointments*, all directly prior to *Reports*.

President Abramson polled the council:

Yes: King, Ranville, L. Weir, Abramson

No: None

Motion Carried 4/0

**III. Petitions from the Public**

Alyssa inquired with the council regarding the status of a potential adult use marijuana ordinance.

Virginia Dwyer addressed the council regarding difficulties accessing this remote meeting due to an unforeseen technical issue on the village website.

President Abramson recapped meeting actions made thus far for those that were delayed in accessing the meeting due to the technical issue with the village website.

Peggy Germain addressed the council regarding the work location of the village manager, and difficulties associated with accessing this remote meeting due to an unforeseen technical issue on the village website.

Virginia Dwyer addressed the council regarding her concerns related to the village council work session held on January 6, 2021, as well as how recent proposed planning commission appointments were conducted.

#### **A. Luigi's**

A discussion was held between the council and the owners of Luigi's (Kerri Eklund) regarding tents on, holes drilled in, and ADA accessibility to the sidewalk in front of Luigi's bar. Additional discussion items included, snowmobile parking, alcohol consumption on village property, the ability of the village to clear snow from the sidewalk, as well as the lack of a special use permit.

Suggestions were made by the president and a trustee directed at the owners to have snowmobiles park in the street, tables and chairs brought in at night, steps be taken to comply with ADA accessibility to the sidewalk, the sidewalk be open for the village to remove snow, and to pursue a special use permit.

#### **IV. Planning Commission Appointments**

Planning Commission Chair Colleen Kobe read her email requesting consideration/reconsideration of nominations to fill vacant seats on the commission into the record. (see addendum 1 for the complete email text)

President Abramson nominated Chris Green to the planning commission.

President Abramson polled the council:

Yes: Ranville, L. Weir, Abramson

No: King

Appointment Successful 3/1

President Abramson nominated Pete Hahn to the planning commission.

President Abramson polled the council:

Yes: King, Ranville, L. Weir, Abramson

No: None

Appointment Successful 4/0

## V. Reports

### A. DDA – None

### B. HDC – None

### C. Planning Commission

Colleen Kobe updated the council regarding Planning Commission officer appointments, and reviewed meeting minutes from the January 13, 2021 Planning Commission meeting.

### D. Work Session

A discussion was held regarding the inclusion of *Petitions from the Public* in a village work session as best practice per the *Open Meetings Act*.

### E. Manager’s Report/Clerk’s Report

Manager Katz updated the council regarding: an extension for recodification (end of April), progression of the new zoning ordinance, football field parking snow removal, the budget and actuals, expenses being down due to low snow totals, a website online payment option, technology upgrades, BS&A software, and Village Hall foyer floor restoration,

Manager Katz read an email petition from the public into the record from Dawn Grathoff in support of adult use marijuana retail sales in the village. (See addendum 2 for full email text)

1. The Clerk submitted a written report. (See addendum 3)

## VI. Consent Agenda

*All matters listed under Item VI, Consent Agenda, are considered routine by the council and will be enacted by one motion. There will be no separate discussion of these items. If discussion of an item is required, it will be removed from the consent agenda and considered separately.*

1. Minutes of the Regular Village Council Meeting on December 15, 2020
2. Minutes of the Village Council Work Session on January 6, 2021
3. Reports as provided in Agenda Item IV
4. Previously Paid Bills in the amount of \$33,949.64
5. Current Bills in the amount of \$11,535.57

Motion made by Trustee L. Weir and seconded by Trustee King to approve all items in the consent agenda as presented.

President Abramson polled the council:

Yes: King, Ranville, L. Weir, Abramson

No: None

Motion Carried 4/0

#### **VII. Street Closure Form & Procedure**

Motion made by Trustee Ranville and seconded by Trustee King to approve the Village of Calumet Special Event Street Closure Forms with the following amendment made to the line that begins, “there is an application fee,” to read, “there is an application fee for street closure requests. This fee is found in the Calumet Fee Schedule which may be amended from time to time and can be found online at [villageofcalumet.com](http://villageofcalumet.com).”

President Abramson polled the council:

Yes: King, Ranville, L. Weir, Abramson

No: None

Motion Carried 4/0

#### **VIII. Recodification/Fee Schedule**

Manager Katz reminded the council that an extension has been secured from American Legal Publishing regarding recodification.

Motion made by Trustee Ranville and seconded by Trustee King to table Recodification/Fee Schedule and place on the agenda of the next work session.

President Abramson polled the council:

Yes: King, Ranville, L. Weir, Abramson

No: None

Motion Carried 4/0

#### **IX. Ordinance Enforcement**

A discussion was held regarding potential enforcement of ordinances related to a local business in the village operating without a valid food license, and a local business allowing consumption of alcohol on public property.

#### **X. Police Officer**

Manager Katz updated the council on the status of the police department.

A discussion what held regarding having the village manager request police call data related to the village from 2020 as soon as it is available.

#### **XI. Football Parking Lot “rental”**

Manager Katz updated the council on CLK Public Schools desire to rent a portion of the parking lot near the football field and the village being responsible for snow removal.

Motion made by Trustee L. Weir and seconded by Trustee King to table the Football Parking Lot “rental,” and place on the agenda of the next work session.

Yes: King, Ranville, L. Weir, Abramson

No: None

Motion Carried 4/0

## **XII. CDBG Electrical Use**

A discussion was held regarding the appropriateness of potentially unauthorized electrical use of village power by contractors during the execution of a CDBG façade grant project of which a council member and DDA member(s) were grantees.

Virginia Dwyer addressed the council regarding the electrical use by contractors, the council member's alleged involvement, and perceived violations of the Code of Ethics.

A discussion was held regarding improving communications/procedures/policies with authorities and/or commissions regarding what is to be offered on behalf of the village related to non-village projects, and how the council should be made aware of or be a part of these discussions.

Motion made by Trustee L. Weir and seconded by Trustee King to end discussion.

President Abramson polled the council:

Yes: King, L. Weir, Abramson

No: None

Abstain: Ranville (Due to being a grant recipient of the CDBG façade grant)

Motion Carried: 3/0

## **XIII. Bulldozer**

Motion made by Trustee King that the street department can spend up to \$5000.00 to acquire the bulldozer as described.

Motion failed. No second.

Motion made by Trustee Ranville and seconded by Trustee King to allow the spending up to \$6000.00 (for the full purchase price) with the understanding that the Village of Calumet DDA is supporting with \$2500.00 of that \$6000.00.

President Abramson polled the council:

Yes: King, Ranville, L. Weir, Abramson

No: None

Motion Carried: 4/0

## **XIV. MDOT Performance Resolution**

Motion made by Trustee Ranville and seconded by Trustee King to approve the MDOT Performance Resolution as presented. (See addendum 4)

President Abramson polled the council:

Yes: King, Ranville, L. Weir, Abramson

No: None

Motion Carried 4/0

## **XV. Adjournment**

Next work session: February 10, 2021 at 6:00pm

Motion made by Trustee Ranville and seconded by Trustee King to adjourn at 7:55pm.

President Abramson polled the council:

Yes: King, Ranville, L. Weir, Abramson

No: None  
Motion Carried: 4/0

Respectfully Submitted,

Kevin P. Weir  
Calumet Village Clerk  
January 24, 2021

## Addendum 1

Dear Calumet Village Council:

Thank you for serving on the Village Council. I am in awe of your willingness to do your best in such a difficult job.

The Planning Commission is in great need of additional members. We are allowed up to five members but only have three, which is barely a quorum. We may have either a new member from the Village and one from elsewhere, or two new members from the Village. Even so, there are not very many people willing to serve. It is hard enough to get votes passed and work done with five people to share the load, but with three, it's a burden.

We have had posts asking for volunteers on the door of the Calumet Theater, and on the web site, for months, with little response.

So I urge you to please reconsider appointing the following volunteers as PC members.

\* Chris Green. Chris has served on the PC for the three years I have been chair. He proved very valuable from the start. He knows about processes, he has an excellent memory for details, and he is a hard worker. He knows where to look to find regulations that I don't even know about.

I know Chris's reappointment was blocked in the December 16, 2020, meeting. I don't know what the objections to his appointment were, and frankly, I don't care. I ask that those of you who declined to second, or voted no, to set aside your objections for the benefit of the Village. Reconsider your vote. The PC needs more experienced members with his skill set.

\* Pete Hahn. Pete is the secretary of the DDA, and is a local business owner. He is familiar with the area and the people, and is willing to serve.

\* Peggy Germain. Peggy has lived in the Village all her life. She has a broad knowledge of people and events in the Village.

More importantly, she is very detail-oriented: she knows legal documents and rules probably better than anyone on the PC. Her knowledge and willingness to guide the PC along the right sequence of actions to get things done legally would be very valuable. No more finding out that we missed a step and have to start all over! That would be outstanding.

Please consider appointing one or more of these candidates for the Planning Commission.

Best regards,

Colleen Kobe  
Village of Calumet  
Planning Commission Chair  
Sunday, 17 Jan 2021, 5:15pm

**Addendum 2**

**From:** Dawn Grathoff [mailto:earthautumn@yahoo.com]

**Sent:** Friday, January 01, 2021 10:22 AM

**To:** Village Of Calumet Administrator <manager@villageofcalumet.com>

**Subject:** 906 genetics

To whom it may concern. I am very upset at how you handle 906 Genetics request for recreational marijuana. I have emailed you multiple times about this yet it doesn't seem to matter. You guys are horrible people who do nothing but lie. We need this in our area! You have broken nearly every promise you made to try and pass this through. You have lied and let down so many people! I do not know how you sleep at night! Jeff has worked so hard for this. He has jumped through every hoop you have requested yet you still refuse to budge. Shame on all of you!

Dawn Grathoff.



**Addendum 3**

January 2021 Clerk Report

Minor website updates, authorized by the village manager:

- Reorganized/streamlined menu
- Removed Treasurer & Clerk Pages (info duplicated on council page)
- Updated council page
- Added DDA budget doc
- Replaced search box on home page with a button link for “1 click access” to News/Meetings.
- Built/Prepared 2021 Council Minutes page Administrative:
- Worked with Manager Katz to submit updated village information for the MML directory

## Addendum 4

Michigan Department  
Of Transportation  
2207B (12/16)

**PERFORMANCE RESOLUTION  
FOR GOVERNMENTAL AGENCIES**

Page 1 of 2

*This Performance Resolution is required by the Michigan Department of Transportation for purposes of issuing to a municipal utility an "Individual Permit for Use of State Highway Right of Way", or an "Annual Application and Permit for Miscellaneous Operations within State Highway Right of Way".*

RESOLVED WHEREAS, the Village of Calumet  
(city, village, township, etc.)

hereinafter referred to as the "GOVERNMENTAL AGENCY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utilities or other facilities, or to conduct other activities, on, over, and under State Highway Right of Way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL AGENCY agrees that:

1. Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law. This Agreement is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.
2. If any of the work performed for the GOVERNMENTAL AGENCY is performed by a contractor, the GOVERNMENTAL AGENCY shall require its contractor to hold harmless, indemnify and defend in litigation, the State of Michigan, the DEPARTMENT and their agents and employee's, against any claims for damages to public or private property and for injuries to person arising out of the performance of the work, except for claims that result from the sole negligence or willful acts of the DEPARTMENT, until the contractor achieves final acceptance of the GOVERNMENTAL AGENCY. Failure of the GOVERNMENTAL AGENCY to require its contractor to indemnify the DEPARTMENT, as set forth above, shall be considered a breach of its duties to the DEPARTMENT.
3. Any work performed for the GOVERNMENTAL AGENCY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL AGENCY, or their subcontractors or any other person not a party to the PERMIT without the DEPARTMENT'S specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL AGENCY.
4. The GOVERNMENTAL AGENCY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

5. The GOVERNMENTAL AGENCY will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL AGENCY'S facilities according to a PERMIT issued by the DEPARTMENT.
6. With respect to any activities authorized by a PERMIT, when the GOVERNMENTAL AGENCY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.
7. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
8. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL AGENCY or the DEPARTMENT with no less than thirty (30) days prior written notice provided to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL AGENCY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the GOVERNMENTAL AGENCY.

Title and/or Name:  
 \_\_\_\_\_  
Brian Abramson, President  
 \_\_\_\_\_  
Roxanne King, President Pro Tem  
 \_\_\_\_\_  
Caleb Katz, Manager  
 \_\_\_\_\_

I HEREBY CERTIFY that the foregoing is a true copy of a resolution adopted by  
 the Village Council  
 \_\_\_\_\_  
 (Name of Board, etc)  
 of the Village of Calumet \_\_\_\_\_ of Houghton  
 \_\_\_\_\_  
 (Name of GOVERNMENTAL AGENCY) (County)  
 at a Regular Council \_\_\_\_\_ meeting held on the 19 day  
 of January \_\_\_\_\_ A.D. 2021

Signed Kari Win \_\_\_\_\_ Title Clerk \_\_\_\_\_