

**EDMORE VILLAGE COUNCIL
APPROVED JOURNAL OF MINUTES**

November 13, 2019

1. **CALL TO ORDER:** The regular session of the Village of Edmore Council was called to order on Wednesday, November 13, 2019 at 7:00 p.m. at the Curtis Community Building by **President Gloria Burr**.
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL:** Members Present –**Ashbaugh, Colburn, Guild, Hadley, Moore, Rasmussen, Burr**. Also present were: **Shirley Drain** – Village Treasurer, **Kerri Peterson** – Village Clerk, **Sgt Schafer** – Montcalm County Sheriff's Dept.
4. **APPROVAL OF AGENDA:** Motion by **Rasmussen** to accept the agenda with the deletion. Supported by **Ashbaugh**. VOICE VOTE: ALL YES - MOTION PASSES 7-0.
5. **PUBLIC COMMENTS:** None
6. **DEPARTMENTAL REPORTS:**
 - a. **POLICE REPORT:** Presented by **Sgt Schafer**. Highlights include a borrowed car not being returned. Investigations found ongoing issue. The car was located and one occupant was taken into custody for an outstanding warrant. Another incident involved a traffic stop for a headlight violation which led to the arrest of a Blanchard man on an outstanding warrant. Report on file.
 - b. **FINANCE REPORT:** **Burr** highlighted Tracy's report. In addition to regular work we have received payment from the county for the unpaid taxes. It's time to begin working on the 20-21 budget. Laura generated utility bills. The tax capture due to DDA has been paid to them out of the General Fund. There were zero complaints during fall cleanup. Keeping up with snow plowing and ice. Maintaining equipment. Report on file.
 - c. **DDA:** **Lakamper** highlighted Phil's report. Tree trimming, streetscape project. Collected quotes and will be given to Village Manager and DDA Chairman. Working with businesses and public to prepare for 2nd annual Edmore Christmas in the Village to be held December 6th and 7th. Working with the Edmore Lions Club at Daniels Kitchen helping feed the needy. Working on the DDA website. Worked with the Potato Festival committee to collaborate on the Edmore Community Trunk or Treat. Spoke to Realtors to find tenant for the Market Place. Electricians for quotes and Health Department about the Food Hub. Getting a quote on turning the 2nd floor of the Market Place into an A2 status. **Hadley** reported the plan for the Christmas in the Village is to have a light parade, Santa on a fire truck to attend tree lighting and then to the bag building. Cookies, decorating, music, hot cocoa, pictures with Santa. Saturday will be about businesses. Craft show at bag building and sales downtown. Saturday night is going to be the Potato Festival Ball. Tickets are on sale now for \$15 each or \$25 per couple. Available online at Eventbrite or through festival committee personnel and downtown businesses. **Burr** asked about the trunk or treat. **Hadley** reported the trunk or treat was a huge success except that nobody anticipated the crowd

that attended and everyone ran out of candy. Everyone planned for around 500 and we doubled that. We had approximately 1000 people come through, between upstairs and downstairs both. We had a haunted house downstairs and had a lot of volunteers. It was a great event. Could become an annual thing. Report on file.

- d. **DPW: Burr** highlighted Andy's report. Serviced and cleaned the lift stations and yearly maintenance. Worked on mowing and trimming at lots and cemetery. Installed the new fire hydrant. Trying to keep leaves cleaned up. Been working on new distribution system inventory for EGLE. **Lakamper** explained EGLE (Environment, Great Lakes and Energy) Basically, DEQ. Burr reports that the village has hired a new DPW employee. Report on file.
- e. **MANAGERS REPORT: Lakamper** reported on **CVTRS**: To receive revenue sharing dollars from the State. Reports are due December 1st. **ELF**: Mustang Junction has been sold pending the successful transfer of the liquor license. Until then all sales proceeds are in escrow. Once the sale is final, the remainder of the ELF loan will be paid. **Personnel: DPW**: Andrew Hohlbein has been offered the position of DPW laborer. We received over 100 applications for the position. We chose Mr. Hohlbein as we believe he will work hard and do well in his new position. He begins employment on Monday, November 18th. **Performance Reviews**: In compliance with the personnel manual, all Village Employees will go through a performance review by the end of the month. **Police**: Met with Sheriff Williams to get his perspective on the marihuana ordinances. He did not express any explicit concern with Edmore opting-in to these laws. He is also currently working on a mileage to reinstate the road patrols by hiring up to 12 new officers. We discussed the potential for Edmore to serve as a detachment for these officers. **Home Township**: Met and discussed with Home Township Supervisor, Cal Beach, the option for joining forces for policing again. He expressed interest and would discuss it with the board. **Redevelopment Ready Certification**: I have been advised the program might not be as significant as previously and I should hold off on pursuing this until a later date. **Sunrise Sale**: We will be closing on the sale to Ryan's Equipment on November 15th. This leaves two lots on M46 and three lots off of Neff Rd for sale. **Tree Cutting**: The contractor we normally work with did not perform as planned. Andy is working towards finding a new contractor to do the work. **USDA Grant**: A representative from the USDA visited the Village offices and reviewed our non-discrimination policies and procedures. She did not find any issues. Report on file.
- f. **PRESIDENT REPORT: Burr** reported that she talked with Andy and if the weather breaks and they are able to, the DPW will continue to suck up leaves. You are still able to put the leaves in bags and they will pick them up until around the end of November. Reminder to all village residents that no one is allowed to plow snow across any sidewalks. We will address those that have done this. She thanked the Nita Curtis Foundation for installing the handicap buttons on the doors of the Curtis Building. **Burr** asked **Hadley** if he could remember the dates for the double up food program? **Hadley** replied that he didn't recall off the top of his head. **Burr** asked if he could find the dates and let her know please.

7. COMMITTEE REPORTS:

- a. **ORDINANCE COMMITTEE: Colburn** explained there are several proposed amendments to the ordinances. Not going to act on them today. Wanted to get them out in a sort of motion form and highlight the potential proposed amendments. Due to long agenda, we will come back to these next month. **Burr** asked if there were some that just needed some wording changed? If so, there has to be a public hearing on every one of them and every one of them has to be published in the newspaper. Just to change the wording. **Colburn** asked if they had to print a whole new

ordinance or just the changes. **Lakamper** explained it's a summary of the ordinances. Each change of each ordinance would require a passing of a new ordinance, which then a summary has to be posted in the newspaper. **Colburn** stated that most of them are short and sweet. Most of them are just either typos or oversights. There is nothing really big. Discussion ensued among all the board members on who should be responsible for cleaning the village sidewalks. **Guild** stated there is an ordinance that states who is responsible to clean them. **Colburn** replied yes, but it's not getting done. **Guild** responded then enforce it. **Burr** stated they're getting fined and if not then we fine them. More discussion ensued among several members as to who should be taking care of the village sidewalks. **Colburn** stated that either way, it's a safety concern. It needs to be done; however we choose to do it. **Colburn** is also concerned about the private ones as well. He doesn't agree that the village can place a sidewalk on the right of way and then expect the property owner to maintain it. More discussion ensued between Guild and Colburn. **Rasmussen** made an example that Lansing gives property owners 24 or 48 hours to take care of it and if you don't you get a fine. If they do it, they send you the bill. **Burr** stated that she can see it costing the village a bunch more money to have the DPW do it all and due to time restraints possibly having to put in a new DPW worker. If our expenditures get too high, we're going to have to raise taxes to cover some of this. **Colburn** stated that even if you charged the business owner on main street, it needs to be done. It's a safety issue in town. **Burr** stated that she doesn't want to raise taxes. She thinks the village is opening up a lot of liability, a lot more hours on the DPW and people are going to call in and want things done and we're not going to be able to do it. **Lakamper** agreed with Burr that he feels like at the least it's adding a cost burden that we haven't calculated yet. **Colburn** stated that everything can be stipulated. He thinks it is unethical to take property from a homeowner and then charging them to maintain it. Burr asked if there were many towns who are 100% responsible? **Lakamper** explained that most of the village's right of ways are platted. That is actually not the property owner's property. Secondly, there are other places that do pay for the maintenance and replacement of them through ordinance. Some of them are 50%, some of them are 100% and some of them are none. He has yet to find any place that does snow removal for all of the residences. That's pretty uncommon. **Colburn** asked, if the town doesn't have enough money to do it, why do we think somebody on a fixed income is going to be able to do it? Discussion ensued between Colburn and Lakamper about the difference between snow removal and maintenance and repair of the sidewalks. **Guild** suggested bringing it up for a vote. He then asked Colburn about the fence ordinance. **Colburn** responded that the ordinance states new material but thinks it needs changed to include good/used material also. The board discussed that good/used material can still have issues and not actually be good enough to hold even though it looks brand new. **Colburn** stated that the ordinances need to be discussed further. **Ashbaugh** asked if before the next meeting someone can find out the correct ruling on whether we can change typos or not. **Colburn** stated that if needed they can hold another ordinance committee meeting or add it to next month's meeting. **Ashbaugh** agreed that they need to have another ordinance committee meeting. Report on file.

8. TREASURERS REPORT:

- a. **TREASURERS REPORT AND COMMENTS:** **Drain** reported that the books for October are closed and balanced to the penny. Budget calendar is in procedures and we are at 8 months. We are due to start putting in requests. Any department that wants something in the budget and budgeted for that needs to come to the village office's attention next month. In January, the

budget pretty much needs to be set so we can call a public hearing for February. So, Personnel, if you're going to do anything that would affect the budget, it needs to be done. All the Economic Development Loans are current except for Mustang which Lakamper addressed earlier. In Revenues and Expenditures you'll see the heavy equipment pool is in the black. Cash wise everything else looks good. The water fund looks good. They all look good. Taxes are turned over to the county now. The DDA has been paid. **Colburn** asked if the new owners of Mustang Junction were going to assume the payment or if it just gets paid off. **Lakamper** explained it gets paid off with the proceeds of the sale. However, the sale is contingent upon the transfer of the liquor license. That's in process. The money is in escrow will be paid out once that process is finished. Could take three to six months for the transfer. **Guild** suggested having an ELF committee meeting. Report on file.

- b. **APPROVAL OF PAYMENT OF BILLS:** Motion by **Rasmussen** to approve the payment of the bills for October. Supported by **Moore**. ROLL CALL VOTE: **Ashbaugh, Colburn, Guild, Hadley, Moore, Rasmussen, Burr** ALL YES – MOTION PASSES 7-0

9. APPROVAL OF MINUTES:

- a. **APPROVAL OF MINUTES FROM OCTOBER 14TH REGULAR COUNCIL MEETING:** Motion moved by **Guild** to approve the regular meeting minutes. Supported by **Rasmussen**. VOICE VOTE: ALL YES – MOTION PASSES 7-0
- b. **APPROVAL OF MINUTES FROM OCTOBER 25TH SPECIAL COUNCIL MEETING AND ZBA PUBLIC HEARING:** Motion by **Rasmussen** to approve the special council meeting and zba public hearing minutes. Supported by **Colburn**. VOICE VOTE: ALL YES – MOTION PASSES 7-0

10. OLD BUSINESS:

- a. **APPROVAL OF PAYMENT TO FISHBECK FOR PREVIOUS ENGINEERING WORK:** Motion by **Guild** upon Lakamper's recommendation to pay bill to Fishbeck for previous engineering work. Supported by **Moore**. ROLL CALL VOTE: **Ashbaugh, Colburn, Guild, Hadley, Moore, Rasmussen, Burr** ALL YES – MOTION PASSES 7-0

11. NEW BUSINESS:

- a. **DISCUSSION OF MMFLA ORDINANCE:** **Burr** reported this is the Medical Marihuana Facility. Open for discussion. **Guild** stated that Lakamper has put a lot of hard work into this. One question he had was is this going to be in line with the state? Are they done with their rules and regulations? **Lakamper** explained for medical marihuana the rules have been set for about two years. For recreational marihuana, in July, LARA came out with emergency rules for putting the regulatory framework for the law together. Those emergency rules are good for one year and can be extended for another year before the permanent rules have to be put into place. On the medical side, those rules are permanent. On the recreational side, they are not, they could change. **Guild** asked if the recreational side, once finalized, we may have to make some changes in our ordinance? **Lakamper** explained that what we are doing is allowing it to happen, capping the number of establishments and types of establishments, and setting up a system for issuing municipal licenses. **Rasmussen** asked if that would change from year to year, or changes once, or be an ongoing process? **Lakamper** explained that once the precedence is set in the court case that would be it. **Drain** asked if one or the other needed adopted or both? **Lakamper** explained they

are not bound together legally in any way. There are two separate laws. He recommends doing both. The licensing for recreational and medical are very similar. **Rasmussen** stated they are both about distribution no matter how you put it. One is for medical patients and one is for the public. **Ashbaugh** asked how it would work being against the federal law but legal in Michigan? How is it regulated? **Lakamper** explained it was up to the federal government to decide weather or not they want to pursue individuals or businesses who are taking part in this. Because, it is still illegal under federal laws. So far, for the most part, the federal government has chosen not to pursue businesses that are functioning within a state law. That doesn't mean they couldn't. **Drain** asked who oversees all of this? There is no sense having an ordinance if you don't have enforcement. **Colburn** stated there are provisions already in place for the medical end of things. **Lakamper** explained there is a department at the state, MRA, they are in charge of enforcing the state law. He still wants the village lawyer to go through the ordinances. **Hadley** asked Lakamper what his recommendation is on how to move forward with this from here? **Lakamper** stated that he would like to go to the lawyer with the ordinances and let him start vetting more details. Particularly the detail of setting the cap of the establishments. Discussion ensued among the board about types of establishments and licensing fees. The permit is \$5000 per year, per business payable to the village. More discussion ensued about numbers of establishments and how it's going to bring business to the village. **Lakamper** requested that the entire board carefully study the ordinances in detail. Motion by **Guild** to take MMFLA and MRTMA to the lawyer. Supported by **Moore**. ROLL CALL VOTE: **Ashbaugh, Colburn, Guild, Hadley, Moore, Rasmussen, Burr** MOTION PASSES 7-0 Report on file.

- b. **DISCUSS MRTMA ORDINANCE:** Discussion took place combined with the MMFLA ordinance and the motion was combined for MRTMA AND MMFLA. Motion stated above. Report on file.
- c. REMOVED
- d. **RESOLUTION TO SET PERMIT FEES:** **Burr** reported that the current permit fees are extremely low and were set years ago. They need to be updated. **Drain** stated that these are the fees that were set when zoning was adopted in the 1980's. **Lakamper** stated that some were updated in 2002. **Burr** stated that we're not even covering the cost of our paperwork, so some of them need updated. Motion by **Guild** to accept the recommendations of Lakamper on the zoning permit fees. Supported by **Colburn**. ROLL CALL VOTE: **Ashbaugh, Colburn, Guild, Hadley, Moore, Rasmussen, Burr** ALL YES – MOTION PASSES 7-0 Report on file.
- e. **MOTION TO ASSIGN FUND BALANCE MONIES TO A POTENTIAL POLICE DEPARTMENT:** **Burr** reported that there was suggestion from the board that we set the money aside from the sale at the Sunrise Properties and stipulate that it be used for a proposed police department if or when we were to have one. Discussion ensued about different ways to hold the money until needed. **Lakamper** explained the motion would assign a part of the fund balance for what ever you want it to be assigned to and that will be in the audit report. **Guild** stated take \$55,000 from the Sunrise sale of lots and put it in the fund balance for a potential police department. Discussion ensued on the exact wording of the motion. Motion by **Colburn** to assign \$55,000 of general fund money to a potential police department. Supported by **Rasmussen**. ROLL CALL VOTE: YES: **Ashbaugh, Colburn, Guild, Moore, Rasmussen, Burr**. NO: **Hadley**. MOTION PASSES 6-1 Report on file.
- f. **MOTION TO SET A PUBLIC HEARING DATE FOR PROPOSED MARIHUANA ORDINANCES:** Motion by **Ashbaugh** to set a public hearing at the next regular council


meeting on December 9th, 2019 at 6:30 p.m. Supported by **Rasmussen**. VOICE VOTE: ALL YES – MOTION PASSES 7-0

12. PUBLIC COMMENTS: NONE

13. COUNCIL COMMENTS: **Ashbaugh** liked all the scarecrows downtown and was glad everything withstood the weather. They look really nice. **Burr** stated that the Arts Council and the Women's Club got together and did those. **Ashbaugh** believes our police kept them safe with their patrols because they are all still there. **Guild** asked **Hadley** who was all on the Potato Festival Committee. **Hadley** stated Tony Pant (President), Nicole Hadley (Vice President), Kassie Mortensen (Treasurer), Nancy Vanas (Secretary), Dave Jensen (Trustee), Aaron Hadley (Trustee). Burr thanked everyone for coming.

14. ADJOURNMENT: Motion by **Moore** to adjourn the meeting at 8:40 p.m. Supported by **Colburn**. VOICE VOTE: ALL YES – MOTION PASSES 7-0


Village Clerk


Village President
Approved for Publication

NEXT MEETING: December 9, 2019 @ 6:30 p.m.