

**HANCOCK CITY COUNCIL SPECIAL
ORGANIZATIONAL MEETING
WEDNESDAY, NOVEMBER 14, 2018, 5:00 pm
MEETING MINUTES**

Call to order and Pledge of Allegiance
Roll Call and verification of a quorum

Present: Councilors Blau, LaBine, Lytle, Warstler, Seguin, Slivon, Haeussler
Absent: None

Also Present: John Zurcher, Laverne Roos, , Barry Givens, Mitch Lake, Jodi Bigden, Tracie Williams, Missy Goulette, Carol Freeman, Kevin Mackey

Newly elected officials; Whitney Warstler, Will Lytle, John Slivon, Paul LaBine and John Haeussler were sworn in by Mary Babcock, City Clerk.

Nomination were accepted for the Mayor.

Motion by Councilor Slivon and seconded by Councilor LaBine to elect John Haeussler as the new Mayor for a 1-year term.

No other nominations

Roll Call

Yes: LaBine, Haeussler, Seguin, Slivon, Warstler, Lytle, Blau

No: None

Motion carried

Motion by Councilor Blau and seconded by Councilor Lytle to elect Paul LaBine as Mayor Pro-tem for a 1 year term.

Roll Call

Yes: Blau, Lytle, Warstler, Slivon, Seguin, Haeussler, LaBine

Non: None

Motion Carried

Public Comment:

Carol Freeman – 39th Annual Christmas walk will be held on November 23rd from 6 to 8 pm.

John Zurcher – Veteran's discount card should be honored

Missy Goulette, The Flower Shop- Issues with snow in front of her shop on Quincy Street.

Motion by Councilor Seguin and seconded by Councilor LaBine to change John Slivon's term end date to November 11, 2020.

Yes: All

No: None

Motion Carried

Motion by Councilor Slivon and supported by Councilor Seguin to approve the seating chart.

Yes: All

No: None

Motion Carried

Motion by Councilor LaBine and supported by Councilor Slivon to adopt the current edition (11th) of Roberts Rules of Order for conducting City Council meetings.

Yes: All

No: None

Motion Carried

Motion by Councilor Slivon and supported by Councilor LaBine to adopt resolution #18-14 adopting MDOT Contract #18-5487 for preliminary engineering work on flood damaged FHWA streets located in the City of Hancock

Roll Call

Yes: LaBine, Haeussler, Seguin, Slivon, Warstler, Lytle, Blau

No: None

Motion carried

Motion by Councilor LaBine and supported by Councilor Warstler to approve a special City Council meeting on Wednesday, December 5, 2018 at 6:00 p.m. for a joint City Council meeting with the City of Houghton at the Carnegie Museum, 105 Huron St., Houghton, MI

Yes: All

No: None

Motion Carried

Motion by Councilor LaBine and supported by Councilor Blau to approve the payment of current accounts payable in the amount of \$795,796.65.

Roll Call

Yes: Blau, Lytle, Warstler, Slivon, Seguin, Haeussler, LaBine

No: None

Motion Carried

Motion by Councilor Blau and supported by Councilor Slivon to approve the bid for Montezuma St. Reconstruction project.

Roll Call

Yes: LaBine, Haeussler, Seguin, Slivon, Warstler, Lytle, Blau

No: None

Motion carried

Motion by Councilor LaBine and supported by Councilor Slivon to adopt Resolution #18-16 adopting MDOT Contract #18-5498 for emergency flood repairs on Montezuma Street.

Roll Call

Yes: Blau, Lytle, Warstler, Slivon, Seguin, Haeussler, LaBine

No: None

Motion Carried

Motion by Councilor LaBine and supported by Councilor Seguin to approve MDOT Contract #18-5500 for flood damaged Campus Drive.

Roll Call

Yes: LaBine, Haeussler, Seguin, Slivon, Warstler, Lytle, Blau

No: None

Motion carried

Motion by Councilor LaBine and supported by Councilor Seguin to approve the emergency ordinance #301 to prohibit marihuana establishments pursuant to the Michigan Regulation and Taxation of Marihuana Act, Ballot Proposal 1 of 2018 with an effective date of November 14, 2018.

Roll Call

Yes: Blau, Warstler, Slivon, Seguin, Haeussler, LaBine

Non: Lytle

Motion Carried

Motion by Councilor Lytle and supported by Councilor LaBine to adopt Resolution 18-18 opposing Michigan Senate bills 637 and 694.

Yes: All

No: None

Motion Carried

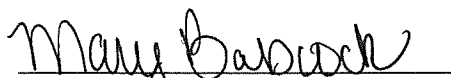
Motion by Councilor Blau and supported by Councilor LaBine to adjourn at 6:25 p.m.

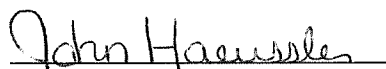
Yes: All

No: None

Motion Carried

Rescheduled November monthly meeting to be held on Wednesday, November 28th at 6:30 p.m.


Mary Babcock, Clerk


John Haeussler, Mayor

**CITY OF HANCOCK
COUNTY OF HOUGHTON, STATE OF MICHIGAN**

**ORDINANCE NO. 301
ADOPTED: November 14, 2018
EFFECTIVE: November 14, 2018**

EMERGENCY MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT ORDINANCE

An ordinance to make an emergency finding; to provide a title for the ordinance; to prohibit marihuana establishments; to provide penalties for violation of this ordinance; to provide for severability; and to provide effective and expiration dates.

**PURSUANT TO THE CITY OF HANCOCK CHARTER SECTION 5.4
THE CITY OF HANCOCK
HEREBY ORDAINS:**

FINDING OF EMERGENCY

On November 6, 2018, voters approved the Michigan Regulation and Taxation of Marihuana Act, Ballot Proposal 1 of 2018 (hereinafter referred to as the "MRTMA"). The MRTMA automatically permits marihuana establishments as described therein in all Michigan municipalities unless municipalities "opt out" and prohibit said establishments. As a result, the City of Hancock (hereinafter referred to as the "City") finds that the MRTMA, as approved, does not allow the City sufficient time to address the health, safety, property, and public peace interests of the community that may be affected by such establishments. The City requires time to evaluate the rules and regulations of the MRTMA and any rules promulgated by the State of Michigan Department of Licensing and Regulatory Affairs (pursuant to MRTMA, Sections 7 and 8) and allow public discussion before making a decision whether or not to allow marihuana establishments in the City. This ordinance does not, nor is in any way intended to, officially state any long-term position of the City on marihuana establishments. Rather, the necessity for public input on this issue and the City's desire to review any effects of permitting marihuana establishments demonstrates the need to promulgate an emergency ordinance to preserve the public, health, property, and public peace of the City.

This ordinance does not levy taxes, grant, renew, or extend a franchise, regulate the rate charged by any public utility for its services, or authorize the borrowing of money.

**SECTION I
TITLE**

This ordinance shall be known as and may be cited as the City of Hancock Emergency Michigan Regulation and Taxation of Marihuana Act Ordinance.

**SECTION II
GENERAL PROHIBITION OF MARIHUANA ESTABLISHMENTS**

Pursuant to the MRTMA, Section 6.1, the City prohibits marihuana establishments within its geographic boundaries to the fullest extent allowed by law.

**SECTION III
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 to be responsible for the violation of this ordinance. A violation of this ordinance is deemed to be a nuisance per se.
2. Any person violating any of the provisions of this Ordinance shall be responsible for committing a Municipal Civil Infraction as described and authorized under Section 1301 of the City of Hancock Code of Ordinances.

This shall be in addition to the rights of the City to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the City incurs in connection with the municipal civil infraction.

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

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

5. This ordinance shall be administered and enforced by the City Manager or by such other person (s) as designated by the City from time to time.

SECTION IV
SEVERABILITY

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section 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 anything otherwise allowed under the MRTMA, as adopted, or the Michigan Medical Marihuana Act, Initiated law 1 of 2008.

SECTION V
EFFECTIVE DATE

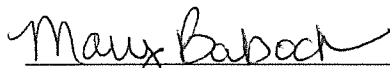
This emergency ordinance shall take effect immediately upon adoption pursuant to the City of Hancock Charter, Section 5.4.

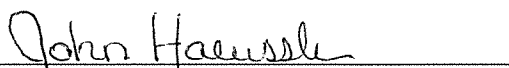
SECTION VI
EXPIRATION

This emergency ordinance expires in sixty-one (61) days on Monday, January 14, 2019, which may be renewed for an additional thirty (30) days by resolution, or upon the effective date of a permanent City of Hancock Michigan Regulation and Taxation of Marihuana Act Ordinance, or similar ordinance, whichever occurs first.

PUBLICATION AND ADOPTION DATE


This Ordinance was introduced and adopted by the City Council of the City of Hancock, Houghton County, Michigan on the 14th day of November, 2018.


Mary Babcock, City Clerk


John Haessler, Mayor

CLERK'S CERTIFICATION

I, Mary Babcock, Clerk of the City of Hancock, hereby certify that the above Ordinance was published in the Daily Mining Gazette, a newspaper having general circulation in the City of Hancock on the 14 day of Nov.


Mary Babcock, City Clerk

CITY OF HANCOCK

RESOLUTION # 18-14

MDOT CONTRACT AUTHORIZATION RESOLUTION

WHEREAS, this resolution shall approve execution of the MDOT Job #204843PE, Control Section #ER31000

NOW, THEREFORE, be it resolved that Glenn Anderson, City Manager and Mary Babcock, City Clerk of the City of Hancock, are authorized to enter into and execute on behalf of the City of Hancock, a MDOT Contract #18-5487, Job# 204843PE, Control Section #ER31000, with the Michigan Department of Transportation for preliminary engineering work on flood damaged FHWA streets located in the City of Hancock.

CERTIFICATION

The undersigned duly qualified City Clerk of the City of Hancock certifies the foregoing is a true and correct copy of a resolution adopted at a legally convened special meeting of the City of Hancock Council held on November 14, 2018



Mary Babcock, City Clerk

SEAL

CITY OF HANCOCK

RESOLUTION #18-16

MDOT EMERGENCY RELIEF CONTRACT AUTHORIZATION RESOLUTION

WHEREAS, this resolution shall approve execution of the MDOT Contract Job #204835CON, Control Section #ER31000, Contract # 18-5498,

NOW, THEREFORE, be it resolved that Glenn Anderson, City Manager and Mary Babcock, City Clerk of the City of Hancock, are authorized to enter into and execute on behalf of the City of Hancock. MDOT Contract #18-5498, Job # 204835 CON Control Section #ER31000, with the Michigan Department of Transportation for emergency repairs on flood damaged federal aid Montezuma Street in the City of Hancock.

CERTIFICATION

The undersigned duly qualified City Clerk of the City of Hancock certifies the foregoing is a true and correct copy of a resolution adopted at a legally convened special meeting of the City of Hancock Council held on November 14, 2018.



Mary Babcock, City Clerk

SEAL

CITY OF HANCOCK

RESOLUTION #18-17

MDOT EMERGENCY RELIEF CONTRACT AUTHORIZATION RESOLUTION

WHEREAS, this resolution shall approve execution of the MDOT Contract Job #204829CON, Control Section #ER31000, Contract # 18-5500, Project #1900 (32).

NOW, THEREFORE, be it resolved that Glenn Anderson, City Manager and Mary Babcock, City Clerk of the City of Hancock, are authorized to enter into and execute on behalf of the City of Hancock. MDOT Contract # 18-5500, Job # 204829 CON Control Section #ER31000, with the Michigan Department of Transportation for emergency repairs on flood damaged federal aid Campus Dr. in the City of Hancock.

CERTIFICATION

The undersigned duly qualified City Clerk of the City of Hancock certifies the foregoing is a true and correct copy of a resolution adopted at a legally convened special meeting of the City of Hancock Council held on November 14, 2018.



Mary Babcock, City Clerk

SEAL

**CITY OF HANCOCK
RESOLUTION #18-18
OPPOSING MICHIGAN SENATE
BILLS 637 AND 894**

WHEREAS, Senate Bill 637 and Senate Bill 894 were adopted by the Senate despite “a likely negative impact on local units of government” like the City of Hancock according to the Senate Bill analysis, and

WHEREAS, SB 637 and SB 894 erode the constitutionally recognized local control of the public right of way by Michigan municipalities like the City of Hancock, and

WHEREAS, SB 637 will prohibit Michigan municipalities from charging a wireless communication provider a rate or fee for the use of the public ROW except as provided in the Act, and

WHEREAS, SB 637 will grant an unnecessary and undue advantage to wireless communication businesses to install small wireless communications facilities and poles in the public right of way under the reasonable control of Michigan municipalities, and without first obtaining a franchise from Michigan municipalities similar to other utilities with pipelines, wires, cables, and utility poles located in the public right of way


NOW, THEREFORE BE IT RESOLVED, that the Hancock City Council opposes Senate Bill 637 and Senate Bill 894 and the City Council urges all members of the Michigan House of Representatives to vote against Senate Bill 637 and Senate Bill 894 because of the negative impacts on Michigan municipalities and the loss of reasonable local control by Michigan municipalities over the public right of way. The City Clerk shall send this Resolution to Representative Dianda of the Michigan House of Representatives.

Yes:

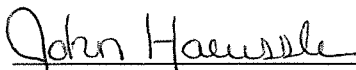
No:

The resolution declared adopted.

Dated: November 14th, 2018



Mary Babcock, City Clerk



John Haeussler, Mayor

CITY OF HANCOCK 399 Quincy Street, Hancock MI 49930 (906)482-2720

OATH OF OFFICE

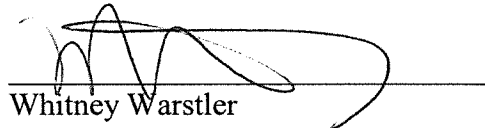
STATE OF MICHIGAN

COUNTY OF HOUGHTON

I DO SOLEMNLY SWEAR OR AFFIRM THAT I will support the Constitution of the United States, and the Constitution of this State, and that I will faithfully discharge the duties of the office of:


Hancock City Councilor – At Large 2022

according to the best of my ability.


Whitney Warstler

Subscribed and sworn to before me this

14th day of November, 2018.


Mary Babcock
City Clerk

SEAL

-This institution is an equal opportunity provider and employer.-

CITY OF HANCOCK 399 Quincy Street, Hancock MI 49930 (906)482-2720

OATH OF OFFICE

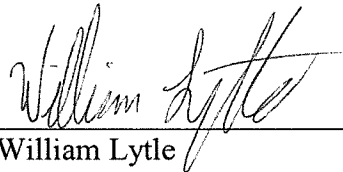
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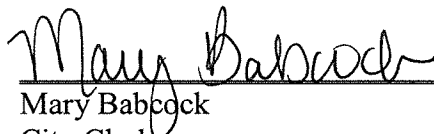
according to the best of my ability.



William Lytle

Subscribed and sworn to before me this

14th day of November, 2018.



Mary Babcock
City Clerk

SEAL

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CITY OF HANCOCK 399 Quincy Street, Hancock MI 49930 (906)482-2720

OATH OF OFFICE


STATE OF MICHIGAN

COUNTY OF HOUGHTON

I DO SOLEMNLY SWEAR OR AFFIRM THAT I will support the Constitution of the United States, and the Constitution of this State, and that I will faithfully discharge the duties of the office of:

Councilor – Ward III partial term ending 2020


according to the best of my ability.



John Slivon

Subscribed and sworn to before me this

14th day of November, 2018.



Mary Babcock
City Clerk

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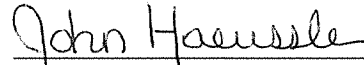
STATE OF MICHIGAN

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Hancock City Councilor – At Large 2022

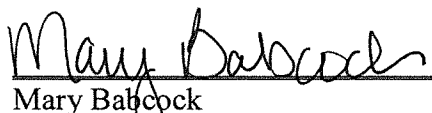
according to the best of my ability.



John Haeussler

Subscribed and sworn to before me this

14th day of November, 2018.



Mary Babcock
City Clerk

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STATE OF MICHIGAN

COUNTY OF HOUGHTON

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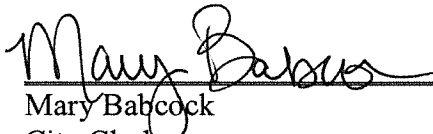
according to the best of my ability.



Paul LaBine

Subscribed and sworn to before me this

14th day of November, 2018.



Mary Babcock
City Clerk

SEAL

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