

Local

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FROM A1

MARIJUANA:

with Fire Chief Mark Peterson and then City Engineer and Public Works Director Tricia Alwin were the Marijuana Selection Committee members that scored applications and made recommendations to the city council on which companies should be given retail licenses.

The legal battle has been ongoing since shortly after the city council approved the four retail licenses in September. The Fire Station Cannabis Co. and Rize received council approval for adult-use marijuana licenses, while Lume and Agri-Med received council approval for medical-use retail licenses.

Council Member Frank Pohlmann said he agreed with DeDamos' line of questioning, noting Agri-Med isn't part of any lawsuit. "If you say we're giving it to Lume...I think it makes it more difficult," he said.

All of the marijuana retail licenses the city council approved in September are on hold, after 41st Circuit Court Judge Mary Barglind enjoined—or barred—the city as of Dec. 21, 2021 from issuing any licenses or permits for marijuana companies until further court order.

The City Council has spoken few words publicly about the lawsuits. Thursday's meeting was at the request of the city's legal team, Botbyl said. Attorney Matt Cross of Plunkett Cooney in Petosky wasn't at the meeting but said late Thursday, "No, I didn't request the council hold a meeting to discuss awarding a license to Lume in exchange for them aiding in the defense of the other suits. That description makes it sound like there was a quid pro quo, which there wasn't."

Instead, Cross said, "The Committee of the Whole decided to discuss the prospect of whether to award an additional license to Lume, and we know, as a practical matter, that Lume would then

likely intervene as a defendant to defend the process, which is what Rize and Fire Station did."

Beyond that, I have no comment since litigation is still pending. The City remains confident that its licensing process complied with all applicable laws and we look forward to the Court rendering a decision to that effect.

Among other allegations stated in legal documents, the city is accused of violating Michigan's Open Meetings Act. It held a closed meeting last month to discuss the marijuana litigation.

"The City remains confident that its licensing process complied with all applicable laws and we look forward to the Court rendering a decision to that effect," Cross said.

The council wasn't gung-ho about the idea of awarding a third adult-use marijuana retail license to Lume at the Committee of the Whole meeting, which City Council Vice Chair Josh Jones led. Mayor Jean Stegeman wasn't present. Council member Jackie Nutter's absence was excused. The other seven council members attended, along with Botbyl and City Clerk/Treasurer Kathy Brofka.

Council member Donna Marineau asked whether Lume was closing stores in other areas, as was reported on television news. A company spokeswoman confirmed Lume plans to close its stores in Bay City, Cheboygan, Christmas and Southfield, but said it's opening three new locations in Ann Arbor, Grand Rapids and Portage. The store closings, apparently due to soft sales in saturated markets, are part of an alignment to strengthen the company's position.

"Do they even want to stay with us?" Marineau asked.

Lume and Agri-Med both say they need adult-use licenses because demand for medical marijuana is much smaller than for adult-use recreational marijuana.

Several council members favored giving an adult-use

license to Lume, which achieved a perfect score on its applications. "We're just correcting a mistake," said council member Wendy Baron, who wasn't on the council in September when the city council voted to approve licenses for four companies.

"Some of us did not want to stay at two" adult-use licenses, said Council Member Bill Plemel, chair of the city council's Judicial and Legislative/Personnel and Labor Committee. In the fall, Plemel had recommended increasing the number of adult-use marijuana licenses to four."

The people who are going to want marijuana are going to want marijuana," Plemel said. The number of stores open won't determine how much they purchase.

"Let's get this behind us so we can start making money," Plemel said, noting he's not a marijuana user himself but the drug is legal and other communities around Menominee are selling it.

The Fire Station Cannabis Co. has a store in Hannahville and Lume has a store in Escanaba. Both are on land owned by the Potawatamie Tribe, but the City of Escanaba's city council has agreed to allow marijuana stores in the city and is working on an ordinance.

Last fall, Barglind consolidated lawsuits from five marijuana companies—Lume, Highwire Farms, NU Group, OI Holdings/Higher Love and RockyNorth/GreenPharm—into one case, and it's unclear how a settlement with one of the five would affect the case.

Others questioned whether it would be prudent to offer Lume an adult-use license without the court's approval, given Barglind's preliminary injunction.

During the public comment period, Menominee resident Michael Ebert supported the injunction.

Ebert told an EagleHerald reporter after the meeting the council didn't actively seek

residents' input before passing the marijuana ordinance. "To me, there should have been a referendum. There was not a referendum. It was kind of sneaked through," Ebert said. He also said anyone can get a medical marijuana card, so he also doesn't favor medical marijuana stores.

Several other people who spoke also supported Barglind's order. Brad Schaefer spoke on behalf of Agri-Med and said while the company decided not to sue the city, the other companies' lawsuits have put a temporary stop to Agri-Med's plans to open a marijuana store because all permits are on hold. "We have an ideal site for our business," he said. But Agri-Med also needs to be able to sell adult-use marijuana from its location to be financially sustainable, Schaefer said. "We've asked we be provided a co-located adult-use license," he said.

Kyle Blomquist, an Iron Mountain architect who appeared before the Planning Committee as part of Lume's request for a special-use permit, said the city required the special-use permit because Lume selected a location on east side of 10th Street, where La Cabana Restaurant is located.

Blomquist said the previous city manager had told Lume the permit wasn't necessary for the application, but Botbyl mentioned it in explaining why he didn't recommend an adult-use license. "That didn't stop the council from awarding a medical marijuana license on the same grounds," Blomquist said. The company received the special-use permit in November.

SCHOOLS:

flexibility, so if the number of students increase from one year to the next, the school can easily accommodate the new size. It's counting on class sizes of around 120 students, down from the 160- to 170-student classes that have recently exited.

Along with sizeable classrooms, smaller collaborative spaces are part of the design to encourage more personalized instruction, Grove said. Teachers will be able to pull out students individually or in small groups without disrupting the larger class.

Bright blue, purple and soft gray colors stand out on the walls, along with white boards, new tables and chairs on rollers, allowing for multiple uses. Details were carefully thought out, right down to choosing carpeting cut in squares that can be easily replaced when one becomes damaged.

Doorways between classrooms will allow students or teachers to move between rooms more easily, while also providing for more safety if a situation requires an evacuation.

The front entryways will be equipped with security phones and "very difficult to get in," Grove said. With large windows in every room, "the idea is to see trouble before it finds you."

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