

City Council Meeting
May 11, 2010

Present: Mayor John Williams, Councilpersons Dan Becker, Tom Jankowski, Evan Stewart and Rick Harbin

Also Present: City Attorney Gary Ryder, City Clerk/Treasurer Michelle Richards, Police Chief Larry Reinlasoder, Zoning/Code Enforcement/ Building Inspector Jan Morgan and Fire Chief Ryan Reid

Mayor Williams called the meeting to order at 7:00 pm. Following the Pledge of Allegiance, Clerk/Treasurer Richards called the Roll Call.

Consent Agenda:

Councilperson Stewart moved to approve the Consent Agenda. Councilperson Jankowski seconded the motion. Discussion: Councilperson Becker noted Public Works Supervisor Bleth was not present at the meeting and did not give a report. Motion carried with all in favor.

- a. Minutes of 4/27/10 Regular Meeting
- b. Claims Roster 5/07/10

Departmental Reports:

Department Reports were given by Police Chief Reinlasoder, Zoning/Code Enforcement/ Building Inspector Morgan, Fire Chief Reid, Attorney Ryder, and City Clerk/Treasurer Richards in addition to written reports provided in Council's packets.

Public Comment and Participation:

Michael Andrews, resident of 6667 Hollister, feels that what most people want is information regarding the medical marijuana subject and suggested the council provide a question and answer session. He also asked what is the rush to adopt something and stated sometimes the best thing to do is nothing. If a facility would be licensed in city limits, he would like to see if it could be handled through the local medical clinic.

Attorney Ryder commented that due to the grandfather clause issue raised in other communities, his opinion is that the city should do something soon and would be better than waiting.

Jose Ortiz, representing himself and not any other entity, stated in order to make a proper decision you need to know the facts. Dr. Ortiz presented the following facts: 12,000 medical marijuana cards have been issued in the state; of those only 3% are for uses that the law was established for; there are approximately 89 licenses issued for medical marijuana providers just in Billings, MT; the federal government still considers marijuana an illegal drug; and Medical Marijuana is a Schedule 1 medication, which means it has a higher rate of addiction and complications. Mr. Ortiz agrees with Police Chief Reinlasoder that there is a huge problem with marijuana in Colstrip among both teenagers and adults.

Arturo Guerra, High school exchange student from Mexico, stated that young people have a problem with marijuana and that we need to set a good example for the next generation.

Zane Longacre, 1625 Vista Drive, commented that several cities in Montana have business license regulations that will only license businesses that are legal under federal law. Marijuana is not legal under federal law. Since medical marijuana plants are unregulated they can have different potency levels so it can be dangerous. Mr. Longacre asked if the city could adopt an ordinance restricting the sale of marijuana and not one allowing it.

Angela Longacre explained she is a mother of 11, grandmother of over 40, and great-grandmother of 18, she has seen the effects of marijuana and hopes the city will lead with vision and make sure our children and grandchildren are not confronted with this. She stated that we know already that illegal marijuana is a major problem in our city and admonished the city council to please protect our children.

Police Chief Reinlasoder commented that some of the issues that have come up in law enforcement are that medical marijuana is smoked, unlike other legal medications, potency and control issues. The initial justification for terminally ill people, etc made sense to people, but the medical marijuana cards are being issued for knee injuries, headaches, etc. Due to marijuana being an illegal drug under federal regulations, on the Indian reservations you cannot provide the medicinal marijuana. Addressing these issues now we would be ahead of the curve so that we don't get into an issue of someone setting up a business in Colstrip and then being grandfathered in.

Rose Hanser, 10 Juniper, asked if the city can move in the direction of prohibiting the sale of medical marijuana in city limits and that there are enough providers in the area to meet the need for providing the medicinal marijuana.

Gary Longacre, 227 Olive Drive, asked what is the difference between medical marijuana and the illegal marijuana we have been combating for several years? His first experience with marijuana was in a hospital where patients were recovering from the use of marijuana so why subject our community to something as destructive as marijuana is.

Julie Park, 30 Juniper, is concerned about medical marijuana and need to keep these businesses out of the community. We have drug free schools and the more we can keep our children and grandchildren away from this type of drug the better our community will be.

Erica Drake, 28 Sumac Court, looked up how to get a medical marijuana license. The licenses are through the Montana Public Health and Human Services and you can go online and simply fill out a form to get it. She is not happy with how these licenses are issued.

Rikki Sloan, 435 Alder Court, feels it opened a Pandora 's Box by adopting the medical marijuana law. There seems to be a lot violence associated with this. She feels it is a stepping stone to more

dangerous drugs due to the high addiction. She thinks about what are going to be the ramifications of allowing this in our community.

Mayor's Communications:

Mayor Williams thanked everyone for their comments and stated the city appreciates those who are willing to speak in public.

Unfinished Business:

Council discussed the revisions to the Tree Ordinance. City Clerk/Treasurer Richards commented that this ordinance requires proof of liability and workers compensation insurance in order to get a business license for tree trimming but the city does not have these requirements for any other business licenses. Attorney Ryder felt the city should probably amend the business license ordinance if the city is going to have this in the tree ordinance.

Councilperson Harbin moved to approve waiving the reading of the ordinance in its entirety and approve second reading of Ordinance 2010-02, revising the Tree Ordinance. Councilperson Becker seconded the motion. Discussion: Councilperson Harbin feels the Tree Board did a good job of researching this and feels there is a very good justification for requiring the liability and workers compensation insurance. No objections or other comments were made. Motion carried with all in favor.

New Business:

Councilperson Stewart moved to approve a contract with Colstrip Floral Center for completing the sprinkler systems at City Hall and the Homestead Boulevards in the amount of \$12,000. Councilperson Harbin seconded. Discussion: Councilperson Stewart stated there doesn't seem to be anything outrageous or unnecessary in the contract and likes to support a local business. Councilperson Harbin asked if this would occur before July 1st and if it was a budgeted item. Mayor Williams stated the project will be done before July 1st and it is in the budget. Councilperson Jankowski asked if this was the only bid received. Mayor Williams explained they were the only business contacted. Motion carried with all in favor.

Mayor Williams asked for discussion on the proposed Medical Marijuana Ordinances submitted by Attorney Ryder. Councilperson Harbin asked Dr. Ortiz to explain what the original intent of the medical marijuana was for. Dr. Ortiz explained that according to Section 50-46-101 of Montana Code Annotated, the intention of the law was for cases of glaucoma, cancer, and HIV. The original intent was not for muscle spasm, knee pain, back pain, and minor injuries that the majority of people are using the medical marijuana for. They have to have a licensed health care physician verify the need for the medical marijuana. There are no restrictions, regulation or supervision of the marijuana providers or those that grow their own plants (up to six per person). Councilperson Stewart stated the city already has a provision prohibiting business licenses that are in violation of federal law and that the City of Helena has taken the position that licensing is prohibited due to a similar provision in their city code. Councilperson Stewart doesn't see how the city can allow licensing medical marijuana providers unless the city changes its business license ordinance. If the city does consider issuing business licenses to this type of business, Councilperson Stewart pointed out some concerns: require background check for felony drug convictions and is curious if there

should be something regarding drug paraphernalia in addition to the felony drug convictions; restrict locations near parks; what if the business is owned by more than one person; and suggested a higher licensing fee. Councilperson Harbin feels the city could make it restrictive enough that would make it almost impossible and doesn't feel the city wants to become a marijuana provider for the Indian reservations. Councilperson Becker feels we need to do more research on this issue.

The other ordinance prepared by Attorney Ryder addresses the public display and/or consumption of medical marijuana. Councilperson Harbin likes the ordinance but asked about restricting smoking inside an automobile on streets, parking lots, etc.

Councilperson Jankowski moved to approve new Employee Position Descriptions as recommended by Public Sector Personnel Consultants. Councilperson Stewart seconded the motion. Discussion: Councilperson Jankowski likes the streamlining of the position titles. Councilperson Harbin asked what would be the effective date. Mayor Williams stated they would become effective immediately. Motion carried with all in favor.

Councilperson Harbin moved to approve the Salary Range Table as recommended by Public Sector Personnel Consultants effective as of July 1, 2010. Councilperson Stewart seconded the motion. Discussion: Councilperson Harbin stated it was a well prepared document and should make coincide with new fiscal year. No objections were stated. Mayor Williams commented that there is funds budgeted to address any recommendations approved by this study. Councilperson Harbin amended his motion to make the changes effective the next pay period. Councilperson Stewart seconded the amendment. No discussion on the amendment. Councilperson Becker abstained due to conflict of interest; he is an employee of the city. Amendment approved with Councilpersons Stewart, Jankowski and Harbin voting in favor. Councilpersons Harbin, Stewart and Jankowski voted in favor of the main motion as amended. Councilperson Becker abstained due to conflict of interest; he is an employee of the city. Motion carried as amended.

Councilperson Harbin moved to approve compensation adjustments for the City Judge and Planning/Building Official to bring the wages for these two positions up to the minimum for their corresponding level on the salary range table effective with the next pay period in the amount of \$3,892 per year. Councilperson Becker seconded the motion. Discussion: Councilperson Harbin stated it was a thorough study with only two positions underpaid out of more than 20 employees. No objections were stated. Motion carried with all in favor.

Administrative Matters:

Councilperson Harbin thanked those responsible for arranging the Mayor's Prayer Breakfast.

Adjournment:

Councilperson Stewart moved to adjourn. Councilperson Jankowski seconded the motion. Mayor Williams adjourned the meeting at 8:30 pm.

Michelle Richards, City Clerk/Treasurer