

MINUTES OF THE CITY COUNCIL OF LAUREL

February 1, 2011

A regular meeting of the City Council of the City of Laurel, Montana, was held in the Council Chambers and called to order by Mayor Ken Olson at 6:30 p.m. on February 1, 2011.

COUNCIL MEMBERS PRESENT:

Kate Hart	Doug Poehls
Chuck Rodgers	Mark Mace
Tom Nelson	Chuck Dickerson
	Norm Stamper

COUNCIL MEMBERS ABSENT:

Emelie Eaton

OTHER STAFF PRESENT:

Sam Painter	Kurt Markegard
Rick Musson	Brent Peters

Mayor Olson led the Pledge of Allegiance to the American flag.

Mayor Olson asked the council to observe a moment of silence.

MINUTES:

Motion by Council Member Nelson to approve the minutes of the regular meeting of January 18, 2011, as presented, seconded by Council Member Rodgers. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

CORRESPONDENCE: None.

PUBLIC HEARING: None.

CONSENT ITEMS:

- **Claims for the month of January 2011 in the amount of \$284,838.72.**
A complete listing of the claims and their amounts is on file in the Clerk-Treasurer's Office.
- **Approval of Payroll Register for PPE 02/23/2011 totaling \$163,557.15.**
- **Receiving the Committee Reports into the Record.**
 - Public Works Committee minutes of January 10, 2011 were presented.
 - Budget/Finance Committee minutes of January 18, 2011 were presented.
 - Emergency Services Committee minutes of January 24, 2011 were presented.
 - Council Workshop minutes of January 25, 2011 were presented.
 - Tree Board minutes of December 16, 2010 were presented.

The mayor asked if there was any separation of consent items. There was none.

Motion by Council Member Hart to approve the consent items as presented, seconded by Council Member Poehls. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

CEREMONIAL CALENDAR: None.

REPORTS OF BOARDS AND COMMISSIONS: None.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.

SCHEDULED MATTERS:

- **Confirmation of Appointments:**

Laurel Police Reserves:

Mayor Olson appointed Dan Sciuchetti to the Laurel Police Reserves.

Motion by Council Member Mace to approve the Mayor's appointment of Dan Sciuchetti to the Laurel Police Reserves, seconded by Council Member Poehls. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

Laurel Fire Department:

Mayor Olson appointed Duane Rehling to the Laurel Fire Department.

Motion by Council Member Poehls to approve the Mayor's appointment of Duane Rehling to the Laurel Fire Department, seconded by Council Member Mace. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Ordinance No. O11-01: An ordinance of the City Council of the City of Laurel, Montana, amending certain portions of the City's zoning code located at Title 17 in the Laurel Municipal Code relating to medical marijuana businesses within the zoning jurisdiction of the Laurel/Yellowstone City/County Planning Board.** First reading.

Motion by Council Member Dickerson not to adopt Ordinance No. O11-01. The motion failed for lack of a second.

Council Member Hart asked if adoption on the first reading was needed to take the ordinance to a public hearing.

Mayor Olson stated that was correct.

Motion by Council Member Hart to adopt Ordinance No. O11-01, seconded by Council Member Nelson.

Mayor Olson asked for public comment.

Jean Kerr, Laurel City Judge, resides at 1128 Ninth Avenue in Laurel. She stated her concerns regarding the medical marijuana issue, the negative impacts of crime and addiction, the fear of lawsuits, and the current moratorium in Columbus.

Lance Scheveck, 8307 Danford Lane in Billings, is a registered caregiver in Montana and is in the industry of making medical marijuana. He spoke regarding the percentage of medical marijuana patients in various age groups, the horror stories that can be found in every industry, the need to regulate medical marijuana, and his support for most of the proposed ordinance.

At this point, Sam Painter clarified that the council is considering the first reading of the ordinance tonight. If the ordinance is adopted, a public hearing will be set. At the public hearing, the audience will be asked to submit written or oral evidence and testimony to the council in regards to the ordinance. Tonight's meeting is for general comments, which will not be considered as evidence. Sam encouraged those that have evidence to submit to the council, either in writing or verbally, to attend the public hearing.

Paul Pacheco, 229 Nash Lane in Billings, is not a caregiver or a user, thinks the ordinance should be adopted, and suggested that it would generate revenue in the City of Laurel.

Zach Unruh, 1208 El Dorado Drive in Billings, stated his support for medical marijuana.

Lee Richardson, 115 East 13th Street, stated that three percent or less of medical marijuana cardholders really has a medical need for it. He stated that the process of issuing cards is extremely

abused, DUI's are difficult to prosecute without legal limits, and the issues are hard to evaluate. He suggested that Mark Long or a knowledgeable person speak at the public hearing.

Donna Wagner, 1043 Montana Avenue, voted for the initiative but stated that the law should be repealed until the State imposes some regulations. She thinks that medical marijuana is good for people that medically need it.

Deb Perrigo, 439 Fairway View Drive, is a licensed addiction counselor and operates Lighthouse Addiction Counseling and worked at the Boys and Girls Ranch for seventeen years. She stated that marijuana causes mental illness in many young adolescents. She spoke regarding drug testing, schizoaffective disorder and bipolar disorder.

Council Member Poehls asked if the moratorium on medical marijuana could legally be extended.

Mayor Olson stated that the moratorium cannot be extended.

Council Member Dickerson explained the basis for his motion.

Council Member Mace asked regarding the map, which was distributed to the council with the City-County Planning Board minutes.

Council Member Poehls asked regarding the city's ability to control medical marijuana if the ordinances are not amended.

Sam explained that the business licensing section of the ordinance includes two sections of the code that state the City will not pass any ordinance or adopt an ordinance that is contrary to federal, state and local laws. If those sections are not adopted, the city cannot allow marijuana businesses because they would operate against city ordinance and could leave the city subject to challenge. If the word "federal" is removed and a zoning ordinance is not adopted, medical marijuana would be allowed anywhere in the city.

Council Member Hart stated that the council's responsibility is to the citizens of Laurel and that is why the public hearing is needed. The council has heard from Billings' people, but it has not heard from the public of Laurel.

Council Member Nelson agreed that the council's responsibility is to allow the public to provide testimony on the record and then make the final decision.

Council Member Dickerson stated the need for the citizens to realize that tonight's vote on the ordinances is to allow for a public hearing for public comment.

Council Member Mace spoke regarding the problems with the medical marijuana issue, the city's lack of funds to address the issues, and the need for the legislature to provide regulations.

Council Member Rodgers spoke regarding the abuse of medical marijuana and the need for legislation.

Council Member Poehls stated the council's responsibility to provide a public forum for the citizens of Laurel to provide comment.

Council Member Stamper mentioned that the Planning Board conducted a public hearing and only one person attended. He stated that the main job of the government is to be responsible for the safety and welfare of the citizens of Laurel.

Mayor Olson asked the city attorney to speak regarding the best defensible position for the city council.

Sam Painter reiterated that the first reading of the ordinance is on tonight's agenda. The city's procedure for all ordinances is to allow the public to provide testimony and evidence at a public hearing, and the evidence is used as the basis for the council to form the decision. Tonight there has been no evidence or testimony provided. He recommended that the council approve the first reading of the ordinances, hold the public hearings, and make decisions after the evidence has been presented by the public.

A roll call vote was taken on the motion to adopt Ordinance No. O11-01. Council Members Poehls, Mace, Stamper, Nelson, Rodgers and Hart voted aye. Council Member Dickerson voted nay. Motion carried 6-1.

The public hearing of Ordinance No. O11-01 will be on February 15, 2011.

- **Ordinance No. O11-02: An ordinance amending Title 5 of the Laurel Municipal Code titled “Business licenses and regulations” to allow licensing of medical marijuana businesses.** First reading.

Motion by Council Member Stamper to adopt Ordinance No. O11-02, seconded by Council Member Hart. There was no public comment or council discussion. A roll call vote was taken on the motion. Council Members Poehls, Mace, Stamper, Nelson, Rodgers and Hart voted aye. Council Member Dickerson voted nay. Motion carried 6-1.

The public hearing of Ordinance No. O11-02 will be on February 15, 2011.

- **Resolution No. R11-08: A resolution approving the attached Task Order No. 21 authorizing Great West Engineering to prepare plans and specifications for the replacement of the existing effluent pipeline from the Wastewater Treatment Plant where it crosses the BBWA Canal.**

Motion by Council Member Hart to approve Resolution No. R11-08, seconded by Council Member Rodgers. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Resolution No. R11-09: Resolution authorizing the Mayor to execute an agreement with Beartooth RC&D Economic Development District.**

Motion by Council Member Rodgers to approve Resolution No. R11-09, seconded by Council Member Dickerson. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Resolution No. R11-10: A resolution to adopt an official Schedule of Fees and Charges for the City of Laurel, repealing all previous resolutions that set fees or charges that conflict with the schedule attached hereto upon its effective date.**

Motion by Council Member Nelson to approve Resolution No. R11-10, seconded by Council Member Rodgers. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Resolution No. R11-11: Resolution authorizing the Mayor to execute a grant agreement with the Department of Natural Resources and Conservation for funding of the May 14, 2011 Arbor Day celebration.**

Motion by Council Member Hart to approve Resolution No. R11-11, seconded by Council Member Nelson. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Resolution No. R11-12: A resolution of the City Council authorizing the Mayor to sign a contract with Stevens Brothers Mechanical to clean the interior of and to construct a sleeve in the City’s digester wall located at the Wastewater Treatment Plant.**

Motion by Council Member Mace to approve Resolution No. R11-12, seconded by Council Member Poehls. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT): None.

COUNCIL DISCUSSION:

- Review of Monthly Reports: Police, Fire, Ambulance, and Code Enforcement: None.

Mayor Olson stated that the staff is preparing articles for the next *Laurel City Voice*.

Council Member Stamper stated that the Park Board might have some information for the newsletter.

Mayor Olson stated that any committees, boards, or council members could use the newsletter to provide information to the public. The information should be reviewed and approved by the council as a whole before it goes forward.

Council Member Stamper stated that the Park Board will meet on Thursday. If the Park Board decides to submit an article, it will be presented to the council at the next council workshop.

Mayor Olson stated that the interview committee recommended an applicant for the city planner position. Heidi Jensen has accepted the city planner position effective on February 28th. Mayor Olson thanked the interview committee for their efforts throughout the process.

Mayor Olson stated that the city's medical marijuana moratorium expires on March 16th. He suggested that it might be in the council's best interest to consider moving on the two ordinances at the February 15th council meeting in order to allow for the thirty-day effective period for adoption of an ordinance.

Mayor Olson stated that Dan Clark, from the Local Government Center in Bozeman, has agreed to facilitate the council retreat on Saturday, February 26th. Agenda items should be submitted to Mayor Olson.

UNSCHEDULED MATTERS: None.

ADJOURNMENT:

Motion by Council Member Poehls to adjourn the council meeting, seconded by Council Member Mace. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

There being no further business to come before the council at this time, the meeting was adjourned at 7:29 p.m.

Cindy Allen, Council Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 15th day of February, 2011.

Kenneth E. Olson, Jr., Mayor

Attest:

Shirley Ewan, Clerk/Treasurer