

CITY OF CHOTEAU

PO BOX 619

CHOTEAU, MT 59422-0619

406-466-2510

OFFICIAL MINUTES OF THE AUGUST 22, 2017 MEETING OF THE CHOTEAU CITY COUNCIL

Present were Mayor Jack Conatser, Council Member Jill Owen, Council Member Dan Lannen, Council Member Rose Crawford and Council Member Stewart Merja.

Staff present was Deputy Clerk Mary Corey. Public Works Director Mike Maples and Finance Officer Jodi Rogers were excused.

Citizens present were Melody Martinsen of the Choteau Acantha; Beth Barlow of the Choteau TBID; Keith Van Setten, Teton County Sheriff; Jennifer Stutz, City Attorney; Matthew & Devonna McCartney; Jeff Kraft; Pete Howard; Eva Anseth, Brian Carlson; Linda Spinder; Mark Major; Paul Dreyer; Christi Henderson; and Micah Martin.

CALL TO ORDER

Mayor Conatser called the meeting to order at 7:00 p.m.

PUBLIC HEARING - ORDINANCE NO. 314 - LAND USE

Mayor Conatser thanked everyone for coming and explained that the ordinance is designed for the City to follow federal law. We already do that when we receive loans from the federal government for infrastructure projects. He stated that the Trump administration is talking about cracking down on drugs. We do not want to jeopardize the tax dollars we get from the federal government. He further stated that this ordinance will give us time to see what the state is going to do, there are currently no regulations except for the 500 foot law that a medical marijuana dispensary cannot be within 500 feet from a religious institution. This ordinance will give the city time to do its due diligence and hopefully come up with an equitable arrangement.

Mayor Conatser opened the Public Hearing at 7:03 p.m.

Devonna McCartney asked if there is an expiration date on the ordinance. Mayor Conatser replied that it does not but it can be cancelled. We need to wait until the state comes up with some laws to follow which won't be until April of next year.

Eva Anseth thanked the council for giving themselves time to find out what regulations the state is going to impose in April.

Paul Dreyer asked which title in the code that this will fall under. Mayor Conatser replied that it will be Zoning, Title 9. He asked how it will be enforced. Mayor Conatser replied that it will be in city court and tickets will be signed by the mayor.

Micah Martin asked council for a little more than 5 minutes. Mayor Conatser replied that everyone gets 5 minutes. Mr. Martin went on to ask if anyone in the council had read the 180,000 pages of the federal code. He asked what the council intends to do if Montana law contradicts Federal law. Mr. Martin asked for an answer to his questions. Mayor Conatser replied that according to council procedure, the public comment period is not a question and answer period. Any questions he might have will need to be written down and they will be answered within a week.

Mr. Martin asked what the city is going to do if Montana law contradicts federal law, which one is the city going to go enforce? Will citations be issued for federal law but not Montana law or vice versa? He stated that the city is in violation of its own ordinance because we are not following the laws of the State of Montana by not allowing Mr. Anderson to open the medical marijuana dispensary. What does the city plan to do when federal law contradicts itself?

Mr. Martin read patent #6630507 stating that cannabinoids may be useful for treatment of certain neurological issues. The patent is owned by the US Department of Health & Human Services. He stated that if you look at the schedule one (which is what marijuana is listed at), it states that marijuana has absolutely no medical benefit.

Mr. Martin stated that he would like to know what the city of going to do when federal law contradicts itself and still thinks that council needs to read all 180,000 pages of federal code so council knows what they are signing everyone up for.

Mr. Martin stated that Montana has a Firearm Freedom Act. This act nullifies the Federal Gun Regulations for any firearm or firearm accessory that is made in Montana. He stated that it has not gone through the court system yet. Council needs to let the citizens know that they do not have the protection it affords.

Mr. Martin asked if the city was going to shut down the State of Montana from issuing a standard driver's license. The Montana drivers license is not in compliance with the Federal Real ID act that was passed in 2005 and has been in violation of that act for almost 12 years. He stated that one can be obtained if you pay an additional \$50 to get one.

Mr. Martin asked if the city was going to make sure the school board runs all of their decisions by them to make sure they are federally compliant. He stated that under Title 9 of the Obama Administration, the federal guidelines mandate that all schools have transgender bathrooms.

At this point the five-minute timer went off, Mayor Conatser thanked Mr. Martin for his comments. Mr. Martin complained about being cut off. Mayor Conatser and Council Member Merja both stated that everyone gets five minutes and that was explained to him at the beginning of the public hearing. Mayor Conatser then banged the gavel and told Mr. Martin to sit down. Mr. Martin asked members of the audience if anyone would yield him their five minutes. Mayor Conatser asked Sheriff Van Setten if he would remove Mr. Martin from the meeting room if he did not yield the podium. Mayor Conatser asked if there were any more comments.

Matt McCartney read a statement that he and his wife Devonna had prepared. They objected to the new land-use ordinance because it requires all land uses to comply with federal, state and local laws that citizens may not be aware of. He stated that he believes the council seeks to serve the community in the best possible way. However, it would be the height of irresponsibility for any governing body to pass an ordinance that would impose rules and regulations they cannot define on their citizens. He asked the Choteau City Council to reconsider taking such hasty, ill-advised and irresponsible action.

Mayor Conatser asked if there was any more public comment. Mr. Martin stated that he had more comments if he would let him speak.

Mayor Conatser closed the public hearing at 7:13 p.m.

APPROVAL OF THE MINUTES OF THE CITY COUNCIL MEETING OF AUGUST 8, 2017

A motion to approve the minutes of the August 8, 2017 meeting changing the word morale to morals in the ordinance section was made by Council Member Merja, seconded by Council Member Lannen. The motion passed with all in attendance voting aye.

REQUESTS TO BE OUT OF STATE

None

UNFINISHED BUSINESS

VOTE TO APPROVE AS WRITTEN 2ND READING ORDINANCE NO. 314

A motion to approve as written the 2nd reading of Ordinance No. 314 was made by Council Member Lannen, seconded by Council Member Crawford. The motion passed with all in attendance voting aye.

VOTE ON RESOLUTION NO. 820 ADOPTING ORDINANCE NO. 314

A motion to approve Resolution No. 820, adopting Ordinance No. 314 was made by Council Member Lannen, seconded by Council Member Crawford. The motion passed with all in attendance voting aye.

NEW BUSINESS

VOTE ON WILLIAMS BROTHER CHANGE ORDER #1

Mayor Conatser explained that this is all of the changes for the wastewater treatment plant from the start to the finish of the project. A motion to approve Change Order #1 for Williams Brother Construction was made by Council Member Owen, seconded by Council Member Merja. Melody Martinsen confirmed that the net change of all of the change orders is a credit of \$1,680.76. Mayor Conatser replied that it is correct. The motion passed with all in attendance voting aye.

VOTE ON TBID BOARD WORK PLAN AND BUDGET

Beth Barlow presented the FY2017/2018 budget and work plan. She also explained that last year the TBID concentrated on digital marketing. They also participated in a joint venture grant and the visitchoteau.com website was created. They also have a Facebook Page (Choteau the Montana Experience) and an Instagram account. They are looking at working on a Choteau brochure, they would like to partner with the Chamber of Commerce on it. They are working with Jeff at the Choteau Acantha to expand on the map in the Visitor's Guide and making it into a three-fold page that can be distributed at the Airport and other places. Beth stated that the overall goal has not changed, to increase overnight stays in Choteau. They will also work on hiking signs, billboards, marketing, maintain the website, brochures, maps, etc.

Beth Barlow stated that she has contacted the other lodging properties in town and they might be interested in joining the TBID.

A motion to approve the TBID Board Work Plan and Budget was made by Council Member Merja, seconded by Council Member Crawford. The motion passed with all in attendance voting aye.

VOTE ON BOARD APPOINTMENTS

Mayor Conatser explained that the passing of Sandy Lange has opened a lot of board positions and other board members want to move on to other things so they need to be replaced.

A motion to approve the board appointments was made by Council Member Owen, seconded by Council Member Merja. The motion passed with all in attendance voting aye.

PRELIMINARY BUDGET

A motion to approve the preliminary budget was made by Council Member Lannen, seconded by Council Member Crawford. Council Member Owen has some questions to ask Finance Officer Rogers. Council Members Lannen, Crawford and Merja voted aye. Council Member Owen abstained.

LAW ENFORCEMENT REPORT

There was no Law Enforcement Report submitted.

CITY JUDGE'S REPORT

There was no City Judge's Report submitted.

PUBLIC WORKS DIRECTORS REPORT

Public Works Director Maples was excused.

FINANCE OFFICERS REPORT

Finance Officer Rogers was excused.

MAYOR AND COUNCIL REPORTS

Council Member Merja stated that he has been asked about ordinances and medical marijuana. He encourages people to come to the meetings. Mayor Conatser suggested a town hall type meeting at some point.


PUBLIC COMMENT

Micah Martin called the Mayor and Council Members hypocrites and bullies.


Kristi Henderson asked Council if Mr. Martin writes down his questions that they would reply to him within the week. Mayor Conatser replied that they would.

ADJOURNMENT

A motion to adjourn the meeting at 7:36 p.m. was made by Council Member Merja, seconded by Council Member Lannen. The motion passed with all in attendance voting aye.



John W. Conatser, Mayor



Jodi L. Rogers, Finance Officer