

# **CITY OF CHOTEAU**

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## **OFFICIAL MINUTES OF THE SPECIAL MEETING HELD ON JUNE 29, 2017 OF THE CITY COUNCIL**

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

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

Citizens present were Melody Martinsen of the Choteau Acantha; Keith Van Setten and Jeff Kraft of the Teton County Sheriff's Office; City Attorney Jennifer Stutz; Father Brian Bergeron of St. Joseph's Church; Bob Raemaeker; Alexis Seaman; Meghan Chapman; Debra Warner; Jackie Weist, Chris & Tammy Hindoien; Ross Fitzgerald; Nels DeBruycker; Ron Collyer; Harold Yeager; Eva Anseth; Greg Yeager; Dani Waltner; Calvin Maples; Mary Anderson; Mark & Christi Henderson; Brian Carlson; Barbara Lund; Kelly Smith; Dan Isakson; Jeanne Dexter; Mark Major; Tom Frownfelder; Elizabeth Jordan; Jannie Munoz; Rachel Christensen; Wayne Roth; Julie Brantley; Liz Lambert; Cody Yeager; Jamie Stubblefield and Michelle Archer.

### **CALL TO ORDER**

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

### **PUBLIC HEARING - ORDINANCE NO. 313 - TEMPORARY MORATORIUM IMPOSED ON MEDICAL MARIJUANA**

Mayor Conatser explained that each person will be given the opportunity to speak, they will have five minutes and asked that there be no comments while others are speaking.

Mayor Conatser opened the public hearing at 7:01 p.m.

City Attorney Stutz explained that the medical marijuana bill was signed into law back in May. It created dispensaries and allowed providers any number of customers. She stated that the moratorium the city had previously, expired in 2013. Most of the rules come into effect the end of June. She recommends the city council set a moratorium so they can gather more information in order to decide if they want it in the city limits and what kind of rules should be made.

Jeanne Dexter, a retired Navy veteran, said she was flabbergasted that a medical marijuana dispensary would want to open in our pristine little town. She encouraged the City Council to look at a probationary period for such businesses so they could be closed if they didn't work out. She stated that she voted for medical marijuana, she just did not think it would be in Choteau.

Julie Brantley stated that she supports using herbs and natural healing products but opposes medical marijuana. She said that she has family in Colorado, where marijuana is fully legal, and they tell her that it has changed the state and not for the better.

Liz Lambert said that she supports the dispensary because it would allow people who suffer from chronic pain to obtain non-opioid pain relief. She stated that Choteau has an aging population, lots of people have arthritis which causes a lot of pain. Medical marijuana can also be used to ease the nausea of chemotherapy. She stated that when you have it prescribed legally and it is used in a medicinal way, it can help medical problems. She further stated that marijuana is not as addictive as opioid pain medicines.

Chris Hindoién stated that the fact that this can take place falls back on the citizens of Choteau. This should have been taken care of back in 2013, now it will appear to be punitive and reactionary. He too opposes dispensaries here and that people who need medical marijuana can go to Vaughn and purchase it there.

City Attorney Stutz stated that there are only 34 medical marijuana cardholders in Teton County.

Megan Chapman said the state has controls to make sure that dispensaries are only providing medical marijuana to legitimate card holders who need it for their illnesses. She said people cannot overdose and die from marijuana use but opioid overdoses are claiming many lives every year. She would rather see someone smoking marijuana or eating an edible to get rid of their pain than popping a pill.

Dan Isakson stated that he is not against marijuana but does not want it in our community. He spoke with his doctor about it and the doctor told him that he would not know how to prescribe it. He asked if it is decided to have a shop in Choteau, will there be a limit on how many shops can open?

Greg Yeager is not against the medicinal part but does not want it in our town. We are sending the wrong message to our young people.

Debra Warner stated that it takes time to get things organized and the state is working on it. She stated that the building will be secure so minors will not be allowed. She cannot take opioids and has a medical marijuana card. She stated that Vaughn is currently the only place in North Central Montana to get medical marijuana.

Mark Henderson stated that he has been teaching his kids since they were little that marijuana is a drug and he considers it a gateway drug. He is not in favor of having the dispensary here. He is in favor of the moratorium.

Michelle Archer explained that her husband has been on opioids for the last 10 years. She said they have a consultation coming up at the Mayo Clinic and hopes they have another solution for the pain. She can find marijuana just about anywhere in town but she can't go to a legally operated dispensary in town. She stated that she never agreed to the bars in town but here they are.

Dani Waltner asked if the council would be having this discussion if a brewery or another bar were opening in Choteau. She said the city needs to evolve with the times and be open to new possibilities. She stated that people get relief from medical marijuana when it is used responsibly but added that she would prefer to see dispensaries located in other commercial areas in town rather than on Main Avenue.

Ron Collyer stated that there is a lot of passion on both sides. He said that recently an election was held to establish a Port Authority to bring new business into Choteau, it was voted down. We now have a Port Authority, how did that happen. A business wants to come into Choteau on Main Avenue, where there are a number of vacant store fronts. We can't pick and choose.

Bob Raemaeker stated that he is in favor of the dispensary. Choteau needs to look into it and help put it together.

Paul Dreyer asked if there were any medical providers in the room, he would like to have their opinion. He asked if the Mayor, Council, City Attorney, Sheriff thought that this could have a positive effect on our community.

Harold Yeager stated that he has heard both sides of the issue and they both make sense. He asks that if the city does allow the dispensary that there be an out. He suggests we try it for a while and see if it works. He stated that in order to drive a truck, you are subject to random testing. He asked if you are able to drive a truck with a medical marijuana card. Mayor Conatser stated that testing would still be done on our drivers. Chris Hindoiien stated that marijuana of any kind is still against federal law.

Alexis Seaman stated that recreational and medicinal marijuana are against the law on a federal level. She is in favor of a dispensary in Choteau. She also stated that there are rules that go along with the medical marijuana card. You cannot drive while stoned or high and you have to be a certain amount of feet away from a school zone. People drive after drinking alcohol or taking opioids.

Eva Anseth stated that we are here to decide if a dispensary is right for our community. She feels that if we are going to promote tourism and keep our community safe that we need to deny the dispensary. She also feels that there is the potential for abuse. She encourages the Port Authority to try to attract other businesses.

Greg Yeager asked the City Attorney if federal law supersedes state law. She replied that it does.

Stewart Merja stated that when the last moratorium was put into place, the council chose to uphold federal law.

Father Bryan Bergeron, pastor of St. Joseph's Parish said he was not speaking to discuss the moral or ethical consideration of the dispensary, but only its proximity to the church at 320 Main Avenue N. He opposes the current location.

Ron Collyer stated that throughout time, medical advances were met with resistance. They did not know what it was, did not understand it and therefore did not want it. It is the same thing with medical marijuana.

Kelly Smith is not sure if he is for or against it but does not want to have the dispensary one block from his house. He is in favor of the moratorium.

Kristi Henderson supports the moratorium and urges the council in that 90 days to find out what is happening in other communities that have dispensaries and talk to physicians and law enforcement. She asked if medical marijuana providers have any formal education before they are allowed to be a provider. Pharmacists' have to go to school for eight years.

City Attorney Stutz asked if anyone has tried to contact Bloom. Both Mayor Conatser and Council Member Merja left messages and did not receive return phone calls.

Mayor Conatser thanked everyone for being respectful and civil.

Mayor Conatser closed the public hearing at 8:10 p.m.

UNFINISHED BUSINESS

#### VOTE ON AMENDED SERVICE AGREEMENT AMENDMENT #4 - DOWL

A motion to take the Amended Service Agreement Amendment #4 off the table and approve it was made by Council Member Owen, seconded by Council Member Crawford. The motion passed with all in attendance voting aye.

#### NEW BUSINESS

#### VOTE ON ORDINANCE NO. 313 - TEMPORARY MORATORIUM IMPOSED ON MEDICAL MARIJUANA

A motion to approve Ordinance No. 313 was made by Council Member Merja, seconded by Council Member Crawford. The motion passed with all in attendance voting aye.

#### DISCUSSION AND VOTE ON CONTINUATION OF SEWER PROJECT I/I REDUCTION

Mayor Conatser stated that there is a letter in the packet showing where the issues are. Public Works Director Maples stated that we have to do this. It should reduce the I/I by about 300 gallons per minute. The project would start next spring and at least half of the cost would be covered by a grant from RD with the possibility of more funding from SRF. A motion to approve the Sewer Project I/I Reduction was made by Council Member Merja, seconded by Council Member Lannen. The motion passed with all in attendance voting aye.

#### VOTE ON AMENDED SERVICE AGREEMENT AMENDMENT #5 - DOWL

A motion to approve the Amended Service Agreement Amendment #5 was made by Council Member Lannen, seconded by Council Member Crawford. The motion passed with all in attendance voting aye.

#### VOTE TO AUTHORIZE THE MAYOR TO EXECUTE LETTER OF CONDITIONS FOR RD GRANT FUNDING FOR I/I REDUCTION

A motion to approve Authorizing the Mayor to Execute Letter of Conditions for RD Grant Funding for I/I Reduction was made by Council Member Owen, seconded by Council Member Crawford. The motion passed with all in attendance voting aye.

#### CLAIMS

A motion to approve the claims for June in the amount of \$28,420.24 was made by Council Member Owen, seconded by Council Member Merja. The motion passed with all in attendance voting aye.

## MAYOR AND COUNCIL REPORTS

None

## PUBLIC COMMENT

Eva Anseth thanked council for giving the 90 days for research.

## ADJOURNMENT

A motion to adjourn the meeting at 8:21 p.m. was made by Council Member Crawford, seconded by Council Member Lannen. The motion passed with all in attendance voting aye.

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John W. Conatser, Mayor

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Mary E. Corey, Deputy Clerk