

Regular City Commission Meeting

Mayor Winters presiding

**CALL TO ORDER:** 7:00 PM

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

**ROLL CALL:** City Commissioners present: Michael J. Winters, Robert Jones, Bill Bronson, Mary Jolley and Fred Burow. Also present were the City Manager, City Attorney, Directors of Fiscal Services, Park and Recreation, Planning and Community Development, Public Works, the Executive Director of the Housing Authority, Interim Library Director, Fire Chief, Police Chief and the Acting City Clerk.

**PROCLAMATIONS:** Mayor Winters read Proclamations for Peace Officers' Memorial Day, Storm Water Awareness Week, and Travel and Tourism Week in Great Falls.

## **NEIGHBORHOOD COUNCILS**

### **1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

**NC7.**

**Aaron Weissman**, Chair NC7, reported that since the downtown area has not had a police officer assigned to the neighborhood for over a year, a "severe crime problem" has resulted including aggressive panhandling, drug use and drug dealing. Speaking on behalf of a group of downtown residents, business owners and the Business Improvement District (BID), Mr. Weissman requested an opportunity at the next Agenda Meeting to discuss solutions to the problem.

Mr. Weissman also expressed concerns over the possible closure of the Natatorium. Because of broad community support, an advisory committee is being formed to coordinate with Park and Recreation to review the budget and make recommendations. Mr. Weissman requested financial statements of Park and Recreation aquatic programs.

## **BOARDS & COMMISSIONS**

**Doug Lorello appointed to the Business Improvement District.**

### **2. APPOINTMENT, BUSINESS IMPROVEMENT DISTRICT.**

**Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission appoint Doug Lorello to the Business Improvement District for the remainder of a four-year term through June 30, 2012.**

Mayor Winters asked if there was any discussion amongst the Commissioners or inquiries from the public. Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

**3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

**PUBLIC HEARINGS**

**OLD BUSINESS**

**CTEP projects. Use of funds approved.**

**4. COMMUNITY TRANSPORTATION ENHANCEMENT PROGRAM (CTEP) PROJECTS.**

Planning and Community Development Director Mike Haynes explained that the Commission is being asked to approve the use of \$195,318 Community Transportation Enhancement (CTEP) funds for two projects. One project is constructing sidewalks on 20<sup>th</sup> Street South from 11<sup>th</sup> Avenue South to 15<sup>th</sup> Avenue South, adjacent to the University of Great Falls. Given the high volume of pedestrian activity in the area, the project is a highly-ranked safety project. The second project is landscaping for Centene Stadium consistent with the February 2, 2010 Memorandum of Understanding (MOU) with the Great Falls Baseball Club. If approved, a request will be made from Montana Department of Transportation (MDT) to use the CTEP funds as proposed.

Mr. Haynes reported that approximately \$534,000 was freed up when the City secured American Recovery and Reinvestment Act (ARRA) funds to construct two portions of the River's Edge Trail project previously slated for funding through CTEP.

**Commissioner Burow moved, seconded by Commissioner Jolley, that the City Commission approve the use of Community Transportation Enhancement Program funds for the 20<sup>th</sup> Street South Sidewalk and Centene Stadium Landscaping projects.**

Mayor Winters asked if there was any discussion amongst the Commissioners or inquiries from the public.

**Brett Doney**, Great Falls Development Authority (GFDA), residing at 3048 Delmar Drive, thanked the Commission and the Planning and Community Development Department for supporting the two projects because both the University and the Baseball Club bring new people to the community to spend money.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue N.E., inquired if the sidewalks will be built according to storm water awareness. Mr. Haynes responded that, though there are no construction plans at this point, he will insure they will be built accordingly.

Mayor Winters called for the vote.

Motion carried 5-0.

**2010-2015 Consolidated Plan and use of 2010/2011 CDBG and HOME program funds approved.**

**5. 2010-2015 CONSOLIDATED PLAN INCLUDING USE OF 2010/2011 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME PROGRAM (HOME) FUNDS.**

Planning and Community Development Director Mike Haynes requested Commission approval of the 2010-2015 Consolidated Plan, including the Annual Action Plan, which is the allocation of 2010/2011 CDBG and HOME funds, so both can be sent to the Department of Housing and Urban Development (HUD) before their submittal deadline of May 15, 2010.

In this final action of this annual cycle, Mr. Haynes explained that the update of the Consolidated Plan, which provides a framework for funding decisions for the next five years, has been completed. The data and analysis and public outreach conducted to complete the 2010-2015 Consolidated Plan has taken place over the past two years.

He added that the 2010-2011 annual allocation of CDBG and HOME funds has also been completed. This process started in the fall of 2009 and comprised an application workshop, submittal of applications for funding, presentations by applicants to the Community Development Council (CDC), prioritization of applications and final recommendations for funding by the CDC. The CDC recommendations were presented to the City Commission at the March 16, 2010 Work Session and accepted at the Commission meeting the same date. A public comment period was open from April 1-30, and at the April 20, 2010 Commission meeting this final action was set.

**Commissioner Jones moved, seconded by Commissioner Jolley, that the City Commission adopt the 2010-2015 Consolidated Plan including use of 2010/2011 Community Development Block Grant (CDBG) and Home Program (HOME) funds.**

Mayor Winters asked if there was any discussion amongst the Commissioners. No one responded.

Mayor Winters asked if there were any inquiries from the public.

**Don Ensley**, 510 3<sup>rd</sup> Ave. SW, questioned the use of \$195,000 and \$45,000 for administration of the programs. Mr. Haynes explained the funds are used for the housing staff that monitors the programs. He added that the reporting and monitoring of those funds is a significant undertaking.

Mr. Ensley questioned if staff would be laid off if those funds weren't available. Mr. Haynes explained that is correct, however, CDBG and

HOME funds are available to every entitled community each year.

**Brett Doney**, GFDA, residing at 3048 Delmar Drive, commended Mr. Haynes and his department for the planned changes to give opportunity to the community to address the Community Development committee about the needs and priorities before those are set and to look at the return funds. Also, the Consolidated Plan going forward will allow priorities to be set based on community needs each year. He thanked the Commission for continued support of GFDA's financing efforts that typically finance 10%-20% of a project behind what a bank can provide. He believes the Agri-Tech Park is the current top economic development priority for the City that will attract more manufacturing.

**Steve Malicott**, Great Falls Area Chamber of Commerce, 100 First Avenue North, commented that the Agri-Tech Park can help diversify the local economy and provide primary sector jobs. He noted the daunting task ahead for the Commission with fiscal restraints in the current economic times, but expressed appreciation for the positive consideration of the Agri-Tech Park.

**Cari Yturri**, Bennett Motors and Bennett Imports, residing at 437 Park Garden Road, stated that she made the decision to invest in a new dealership because she believes in diversity. She added that she was able to find good financing. Ms. Yturri noted that she believes diversity is critical for the Agri-Tech Park and that creative financing can help get the Agri-Tech Park done.

**Lisa (Last name inaudible and speaker did not sign the Sign In Sheet)**, 128 Second Avenue S.W., Choteau, questioned if the administrative funds are not spent, will they roll back to be used next year. Mr. Haynes responded that the funds are put back into CDBG applications for the following year. She also questioned if the funds could be used for another project. Mr. Haynes explained those funds can be used for any project in the following year. She noted that there is no way to know how the funds are spent until after they are spent. City Manager Doyon explained that the City is audited annually on how those funds are spent, and that audit is available online in the early spring each year.

**Steve L'Heureux**, Board Chairman, GFDA, residing at 1826 Third Avenue North, explained that the window of opportunity to create the Agri-Tech Park is closing rapidly. The requested funds will allow GFDA to leverage with other agencies to complete financing. He added that several similar businesses each year do not come to Great Falls because there is no place to put them.

**Susan McCord**, Community Development Council and Executive Director Habitat for Humanity, 2811 Fourth Avenue North, expressed appreciation for the funds and emphasized how needed they are by the low to moderate income families. She also applauded the Agri-Tech Park.

**Robert Butcher**, GFDA Board, residing at 508 James Avenue, emphasized the need to diversify the economy and the requested funding that is needed to leverage additional funds to complete the Agri-Tech project.

**Scott Patera**, GFDA Board, residing at 712 43<sup>rd</sup> Street North, explained that the Agri-Tech Park can provide jobs that will pay a wage that will allow home ownership.

Mayor Winters called for the vote.

Motion carried 5-0.

### **NEW BUSINESS**

**Memorandum of Understanding with the Great Falls Symphony Association regarding donation of C. Bechstein Model MP-192 Grand Piano approved.**

#### **6. APPROVE MEMORANDUM OF UNDERSTANDING WITH THE GREAT FALLS SYMPHONY ASSOCIATION REGARDING DONATION OF C. BECHSTEIN MODEL MP-192 GRAND PIANO**

Park and Recreation Director Marty Basta reported that Dr. Marilyn Grams recently donated the piano to the Great Falls Symphony Association. In return, the Great Falls Symphony Association is donating the piano to the people of Great Falls. The piano will be available to presenters and artists who rent the Mansfield Center Theater for concerts and recitals. Mr. Basta noted that the City will ensure the piano receives regular maintenance and tuning and will be covered under the City's insurance policy. The piano has a replacement value of \$108,600.

**Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission approve the Memorandum of Understanding with the Great Falls Symphony Association regarding the donation of a C. Bechstein Model MP-192 Serial No. 192574 Grand Piano to the City of Great Falls.**

Mayor Winters asked if there was any discussion amongst the Commissioners.

Commissioner Jolley noted the attachments listed on the Agenda Report were not included. City Manager Greg Doyon explained the attachments are available and he would provide them to the Commission.

Mayor Winters asked if there were any inquiries from the public.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue N.E., commented on the great donation but expressed concern that the agenda report notes a replacement value of \$108,600 and the MOU states a value of approximately \$110,998. Mr. Basta explained one amount is the replacement value and the other amount is the purchase price.

Mayor Winters called for the vote.

Motion carried 5-0.

**Professional Services  
Contract with CTA  
Architects Engineers in  
the amount of \$58,000 to  
update the West Bank  
Park Master Plan  
approved. OF 1585**

**7. APPROVE PROFESSIONAL SERVICES CONTRACT WITH  
CTA ARCHITECTS ENGINEERS IN THE AMOUNT OF \$58,000  
TO UPDATE THE WEST BANK PARK MASTER PLAN.**

Park and Recreation Director Marty Basta reported that the City Commission approved a contract with Landmark Landscape Architects to design improvements for West Bank Park on December 2, 2002. Housing and Urban Development (HUD) was the source of funding for the project. Mr. Basta explained that propane storage tanks were discovered and would require mitigation as HUD regulations prohibit expenditures of Federal funds on projects located within the blast area of hazardous substances. Mitigation measures ranging from burying to relocating the tanks were estimated to cost \$200,000-\$300,000 at that time. He added that the City's project team decided to use the available HUD funds for public improvements rather than mitigation and use the funds for improvements to Elk's Riverside Park. The initial master planning work for West Bank Park would be the only HUD grant funds expended for West Bank Park.

Mr. Basta reported that the City Commission passed Ordinance 2967 on March 20, 2007 establishing the Great Falls West Bank Urban Renewal Plan, including a Tax Increment Financing provision, which included West Bank Park. The Plan states that the Missouri River and the associated West Bank Park are defining features of the West Bank Urban Renewal District. Not only do these resources make the area more attractive for investment and overall community renewal, but they are intrinsic to the quality of life in the City of Great Falls and the surrounding area. They offer scenic and recreational opportunities for both residents and visitors to Great Falls.

Mr. Basta explained that the Urban Renewal Plan lists seven goals. Goal #4 is directly related to West Bank Park to maintain and improve West Bank Park within the Urban Renewal District. Strategies to achieve the goal include preparing and implementing a park improvement plan. The Park and Recreation Department advertised regionally for proposals from qualified consultants to update the Master Plan. Much of the work done on the original plan is still valid and will be applied to the Plan update.

Mr. Basta noted that seven consulting firms from around the region submitted proposals. Submittals were independently scored by a review committee, and CTA Architects Engineers was the unanimous choice. Concurrence for accepting CTA's proposal to update the West Bank Park Master Plan was given by the Park and Recreation Advisory Board at their April 12, 2010 meeting. Funding for the Master Plan will be provided through the West Bank Urban Renewal Tax Increment District.

**Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission approve the Professional Services contract with CTA Architects Engineers, O.F. 1585, in the amount of \$58,000, to update the West Bank Park Master Plan.**

Mayor Winters asked if there was any discussion amongst the Commissioners.

Commissioner Jolley questioned if Tax Increment funds are available for the project. Mr. Basta responded that those funds are currently available.

Commissioner Burow asked how often the Master Plan will need to be updated and if the only update needed is for the tanks.

Mr. Basta responded that the original Master Plan was developed using HUD funds, and HUD funds could not be used for the Park improvements because of the stipulation that the funds cannot be used in a hazardous zone. With the Tax Increment funding, CTA Architects Engineers will work with staff to seek additional grants. Mr. Basta noted this should be the last update of the West Bank Park Master Plan.

Mayor Winters asked if there were any inquiries from the public.

**Brett Doney**, GFDA, residing at 3048 Delmar Drive, commented that the partnership is a good one. He added that urban renewal projects can involve hazardous waste and utilities and roads in the wrong place. Mr. Doney updated the Commission on GFDA plans for the same partnership with another Tax Increment Financing District near the Malt Plant.

Mayor Winters called for the vote.

Motion carried 5-0.

### **ORDINANCES/RESOLUTIONS**

Mayor Winters explained that the next agenda item involves Medical Marijuana Alternatives. He added that anyone wishing to make public comment must state their name, address and who they represent. He noted that the meeting is not about the pros and cons of using medical marijuana. He added that comments must be limited to the alternatives presented, and the alternative that is supported or opposed must be given.

Mr. Santoro reported that on April 13, 2010 the Planning Board heard the three alternatives. No decision or recommendation was made. He noted that a motion for prohibition failed for lack of a second. The zoning alternative vote was three in favor and five against. Extending the moratorium alternative vote was a split four in favor and four against.

Mr. Santoro reported that Department of Public Health statistics show 21 to 30 year olds make up the largest percentage of cardholders. More than half of the patients report a debilitating, chronic condition on their application. Other categories available are cancer, glaucoma and multiple sclerosis, and there are only 23 cards out of 12,000 for multiple sclerosis. He noted that 80% of the cardholders have chronic pain and chronic pain with some kind of muscle spasm.

Mr. Santoro explained that Alternative #1- Ordinance 3054 would prohibit businesses that grow, purchase or sell marijuana. He added that marijuana is an illegal drug; Marijuana is a controlled substance under the Federal Controlled Substance Act. He noted that the cities of Helena and Kalispell prohibit businesses that grow, purchase or sell marijuana within the City limits.

Mr. Santoro reported that Alternative #2 - Ordinance 3055 would extend the moratorium. Under Title 76, the Commission has the authority to extend the moratorium for up to one year. He explained that law enforcement is currently limited because background checks can only be performed in the State of Montana, and a felony drug conviction outside of Montana would not prohibit the issuance of a caregiver card. He asked about sex offenders, other convicted felons, assault, domestic violence, rape, etc. He questioned if those offenders should be caregivers or if they should sell or market marijuana.

Mr. Santoro explained that the Fire Department has operational concerns such as compliance, enforcement, training, education and first responder safety. The school districts believe and support the Federal Drug-Free Schools and Communities Act that prohibits use of medical marijuana at schools. He noted that the University of Montana has banned medical marijuana from its campuses, and Montana State University is expected to follow suit soon.

Mr. Santoro referenced the Clean Indoor Air Act, but questioned if patients would be prevented from smoking marijuana in the hospital. He also asked if hospitals can legally store marijuana on hospital premises. Also, there is the question of marijuana interacting with other prescribed medications.

Mr. Santoro also questioned the use of marijuana in the workplace. He noted that under State law (and other jurisdictions) employers are not required to accommodate the medical use of marijuana. Also, private health insurers are not required to reimburse the patients for costs of its use.

Mr. Santoro reported that last week he testified before an Interim Committee in Helena on behalf of the rest of the delegation (the Police Chief, the Fire Chief and the Planning and Community Development Director) on these issues and the State laws. He noted that afterwards they



were approached by lawmakers requesting assistance, and that was followed up by e-mails. Lawmakers want direction, and a follow up interim committee has been set sometime in August, with a second maybe in late fall.

Mr. Santoro explained that lawmakers are concerned about the MD/DO relationship and how it affects the patients. They are concerned about immunities given to MD/DO's. He noted the Board of Pharmacy stated that marijuana is illegal; it can't be dispensed because it cannot be prescribed by an MD/DO. Federal and state issues were considered, understanding federal law trumps state law. When testifying, Mr. Santoro noted the City has a responsibility because of federal monies that are received. He also mentioned THC, the main active ingredient in the blood from marijuana. He noted the State will have to determine how to measure impairment.

Speaking on behalf of the City Attorney's office, the Police Department and the Fire Department, Mr. Santoro urged support of Alternative #1, prohibition. In the alternative, Mr. Santoro recommended support of Alternative #2 to extend the moratorium to allow time to work through the issues that were mentioned, testify again before the Interim Committees and prepare a further recommendation.

**Ord. 3051. Denied.**

**8. ORDINANCE 3051, TO AMEND THE LAND DEVELOPMENT CODE PROVIDING DEFINITIONS, REGULATIONS, AND STANDARDS TO GOVERN MEDICAL MARIJUANA DISPENSARIES AND CULTIVATION.**

Planning and Community Development Director Mike Haynes reported that for purposes of zoning, Ordinance 3051, Alternative #3, medical marijuana businesses were considered in the context of existing uses in the Land Development Code. Regarding medical marijuana businesses operating in residential areas, Mr. Haynes reported receiving a clear message from neighborhood councils and City residents to keep them out of the City's residential neighborhoods.

He explained that existing home occupation regulations effectively prohibit similar businesses from operating in residential areas. Existing home occupation standards, for example, exclude medical offices and include limiting businesses to a maximum 30% of the living space, no use of a garage if that is the required parking, no outward signs of business, no exterior storage, no bulk deliveries, and no offensive noise, odor or heat. Mr. Haynes added that the use of heat lamps, fertilizers, chemicals and pesticides in a home poses risks to occupants. Residential ventilation systems generally will not prevent mold and the spread of allergens. With regard to cultivation of medical marijuana, regular commercial crops in the City can be grown in the I-1, I-2, R-1 and airport zoning districts.

Having determined that medical marijuana should not be allowed in

residential districts, and given that there is no logic for those businesses to locate adjacent to the airport, Mr. Haynes proposed to limit cultivation to I-1 and I-2 zoning districts. He added there are use standards with cultivation including a minimum 300-foot separation from sensitive uses (schools, parks, places of worship, etc.) and from other cultivation businesses; security requirements; ventilation standards; and limitations on signage.

Mr. Hayes noted that, with regard to medical marijuana dispensaries, the use would be akin to health care sales and services in the Land Development Code. Those uses are generally allowed in commercial and mixed-use districts. Mr. Haynes explained that by eliminating commercial districts that are adjacent to residential neighborhoods, C-2, C-4, M-1 and M-2 zoning districts remain, as appropriate. He recommended adding the I-1 and I-2 zoning districts so marijuana cultivation and sales can occur on the same site. Use standards would include a minimum 300-foot separation from sensitive uses and other dispensaries; no dispensary in a building containing residential or hotel units; a limit of six plants for demonstration; limited hours of operation; limited access and signage; security and record keeping requirements.

Mayor Winters reminded everyone the issue is not about the pros and cons of medical marijuana, but rather the three alternatives that have been presented. He requested public comments be limited to support or opposition to the alternative(s).

**Commissioner Burow moved, seconded by Commissioner Jolley, that the City Commission accept Ordinance 3051 on first reading, and set public hearing for June 1, 2010.**

Mayor Winters asked if there was any discussion amongst the Commissioners.

Commissioner Bronson asked Mr. Santoro if there is direction from HUD regarding the Housing Authority and subsidized housing. Mr. Santoro responded that the Great Falls Housing Authority has received a legal opinion from the Department of Justice that there will be no tolerance; there will be no marijuana on the premises.

Commissioner Bronson asked Mr. Santoro if he knew if Kalispell had more information regarding concerns with contractual obligations with the Federal government. He noted that Kalispell City Council passed a prohibition option on second reading. Mr. Santoro responded that he is aware that Kalispell's position is state wide; all the municipalities are concerned that zoning issues could result in a lot of risk.

Commissioner Bronson clarified that the Commission tonight is only considering whether to advance one, all or a combination of options for a public hearing on June 1, 2010.

Commissioner Jolley commented that the smoking issue in hospitals is clear because non-smoking means non-smoking in a hospital. She noted that a treatment facility in Montana has a written policy on medical marijuana that patients are not allowed to smoke marijuana and personal marijuana is locked up when they arrive at the facility.

Commissioner Burow commented that the people in Montana voted to legalize medical marijuana. He explained that the Commission must determine if people can have access, whether they grow it themselves or others grow it. He noted that the Police Department would know where the facilities are located when they are licensed. The Fire Department would also be aware when they provide fire inspections. He expressed concerns that a lot of business will take place on the street corners and in the alley if a decision is not made.

Mr. Santoro responded that the State of Montana did not legalize marijuana. He clarified that there is a statute for medical marijuana. Mr. Santoro added that medical marijuana patients may not operate a motor vehicle under the influence of marijuana.

Commissioner Jolley reported that when the Planning Board was considering this issue, they did not have the application and were not aware of the \$1500 sign up fee or the fingerprint requirements. Mr. Haynes explained the Planning Board hears amendments to the Land Development Code and moves the ordinance forward through the Planning Board. During that time Staff was working on the companion ordinance and resolution regarding enforcement and special business license which amends the City Code but not the Land Development portions of the Code.

Mayor Winters asked if there were any inquiries from the public.

Speaking in favor of Ordinance 3054, Alternative #1 were:

**Don Johnson**, 124 Riverview Eight West.

**Greg Beers**, 3418 Falcon Court.

**John Peterson**, Foothills Community Christian School Administrator, 27 Theresa Lane.

Speaking in opposition to Ordinance 3054, Alternative #1 was:

**Sean Darko**, 5121 Sunrise Avenue.

Speaking in favor of Ordinance 3055, Alternative #2 were:

**Mikie Messman**, Great Falls Public Schools Prevention Coordinator, residing at 610 22<sup>th</sup> Street North.

**Gary Sorum**, President, Income Property Managers and Owners, residing at 724 27<sup>th</sup> Avenue N.E.

Speaking in favor of Ordinance 3051, Alternative #3 were:

**Karen and Mike Kaszula**, 2416 Second Avenue North.  
**Mark Frisbee**, 616 Seventh Avenue South.  
**Pamela Birchard**, 95 Fisher Road.  
**Becky Clark Darko**, 5121 Sunrise Avenue.  
**Brandon Tillett**, 155 Largent, Sun River.  
**Carl DeBelly**, 435½ Wyoming, Billings.  
**Carl Jensen**, 118 17<sup>th</sup> Avenue N.W.  
**Dan Payne**, 4606½ Diana Drive.  
**Steve Alley**, 316½ Central Avenue.

Speaking in opposition to Ordinance 3051, Alternative #3 were:

**Lisa (Last name inaudible and speaker did not sign the Sign In Sheet)**,  
128 Second Avenue S.W., Choteau.  
**Mikie Messman**, Great Falls Public Schools Prevention Coordinator,  
residing at 610 22<sup>th</sup> Street North.  
**Kelly Lind**, 7 J Hop Lane, Ulm.  
**Greg Beers**, 3418 Falcon Court.  
**Ben Forsyth**, business owner, 900 Ninth Street South.  
**Paul Gorsuch M.D.**, 401 Fifteenth Avenue South.

Speaking in opposition to Ordinance 3054/Alternative #1, Ordinance  
3055/Alternative #2 and Ordinance 3051/Alternative #3 was:

**Melody Brown**, 817 Central Avenue West.

**Chris Pettibone**, 1714 Colorado, noted documentation from the U.S.  
Department of Transportation stating marijuana does not impair driving  
except for the first 15 minutes. He asked where he could send the  
information. Mr. Santoro responded he could send it to the U.S.  
Department of Justice.

**Sam Boor**, 15 Trapper Valley Road, stated that the main issue is the effect  
the increased distribution of marijuana will have on society.

Mr. Santoro commented that, under MCA 50-46-201(2), a qualifying patient  
or caregiver is allowed six marijuana plants and one ounce of usable  
marijuana. Even under Alternatives #1 or #2, they have that ability. He  
noted that the City of Billings has an ad hoc committee that will try to work  
through this issue and meet sometime the end of summer. He commented  
that law enforcement is aware that marijuana is everywhere.

Commissioner Jolley noted that consideration must be given to those  
patients who need marijuana and don't have a caregiver.

Mayor Winters called for the vote.

Motion failed 2-3 (Mayor Winters, Commissioners Jones and Bronson  
dissenting).

**Ord. 3055. Accepted on first reading and set public hearing for June 1, 2010.**

**Ord. 3054. Accepted on first reading and set public hearing for June 1, 2010.**

Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission accept Ordinance 3055 to extend the 90 day moratorium established in Interim Ordinance 3049 up to one year (February 2, 2011), as allowed pursuant to Section 76-2-306(3), MCA, to allow time for additional research, review and recommendations on this complex issue concerning the regulation of medical marijuana, on first reading and set public hearing on June 1, 2010. Commissioner Bronson asked Commissioner Jones if he would accept a friendly amendment to move forward with consideration of Ordinance 3054 as an alternative option for the June 1, 2010 public hearing. Commissioner Jones agreed to accept the amendment.

Mayor Winters asked if there was any discussion amongst the Commissioners.

Commissioner Jolley questioned if a super majority is required to set a public hearing for Alternative #2. Mr. Santoro responded that will be in effect at the public hearing if proper notice is given. Per MCA 76-2-306(3), the legislative body may extend the ordinance for one year and any such extension will require a two-thirds vote for passage.

Commissioner Jones explained that, because this is a very complex subject, he proposed Ordinance 3055.

Commissioner Bronson commented that, until the State addresses a number of inadequacies in the current statute, he would prefer to have the moratorium remain in effect up to one year. He commended Mr. Haynes and Staff on the language in Ordinance 3051. He asked Mr. Santoro if it would be appropriate to consider a motion to submit both Ordinance 3054 and Ordinance 3055, and even Ordinance 3051 on the agenda for the public hearing.

Mr. Santoro responded that the alternatives are presented for consideration by the Commission. He noted that Alternative #3 was voted; however, that option could be brought up again.

Commissioner Bronson questioned if Ordinance 3055 does not receive a simple majority to be put up for public hearing, is the Commission prohibited from considering other alternatives.

Mr. Santoro responded that Alternative #3 was denied, and Alternative #1 could still be raised as a motion.

Commissioner Bronson questioned if Ordinance 3055 does not pass on June 1, 2010, and if Ordinance 3054 is not on the agenda that evening, further action would be delayed until a later meeting.

Mr. Santoro responded that is correct.

Commissioner Jolley commented that legislators must be contacted to do something in the next session.

Commissioner Burow commented that he does not support extending the moratorium, nor does he want to go to the next meeting with two or three options. Because the zoning alternative failed, he supports prohibition.

Mayor Winters asked if there were any inquiries from the public.

**Mike Kaszula**, 2416 Second Avenue North, stated he will not be able to legally obtain medical marijuana.

**Carl DeBelly**, 435½ Wyoming, Billings, stated support for Commissioner Burow's comments to only bring one alternative to the public hearing.

Mayor Winters called for the vote.

Motion carried 3-2 (Commissioners Jolley and Burow dissenting).

**Ord. 3053. Tabled.**

**9A. ORDINANCE 3053, AMENDING TITLE 5, OFFICIAL CODE OF THE CITY OF GREAT FALLS, ESTABLISHING A SPECIAL BUSINESS LICENSE FOR CULTIVATION OF MARIJUANA AND MEDICAL MARIJUANA DISPENSARY.**

**Res. 9878. Tabled.**

**9B. RESOLUTION 9878, ESTABLISHING A SPECIAL BUSINESS LICENSE FEE SCHEDULE FOR MEDICAL MARIJUANA OPERATIONS.**

**Commissioner Bronson moved, seconded by Commissioner Jones and Commissioner Jolley, that the City Commission table discussion of Ordinance 3053.**

Mayor Winters asked if there was any discussion amongst the Commissioners or any inquiries from the public. No one responded.

Motion carried 3-2 (Commissioners Jolley and Burow dissenting).

**Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission table discussion of Resolution 9878.**

Mayor Winters asked if there was any discussion amongst the Commissioners or any inquiries from the public. No one responded.

Motion carried 3-2 (Commissioners Jolley and Burow dissenting).

**Res. 9879. Adopted.**

**10. RESOLUTION 9879, DESIGNATING THE DIRECTOR OF THE PLANNING AND COMMUNITY DEVELOPMENT**

**DEPARTMENT AS THE ENVIRONMENTAL CERTIFYING  
OFFICIAL FOR THE SAND HILLS HOUSING  
DEVELOPMENT.**

**Commissioner Jolley moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 9879.**

Mayor Winters asked if there was any discussion amongst the Commissioners or any inquiries from the public. No one responded.

Motion carried 5-0.

**Consent Agenda.  
Approved.**

**CONSENT AGENDA**

11. Minutes, April 20, 2010, Commission meeting.
12. Total expenditures of \$1,972,066 for the period of April 9-28, 2010, to include claims over \$5,000, in the amount of \$1,699,982.
13. Amended \$5,000 Expenditure Report approved at April 6, 2010, City Commission meeting.
14. Contracts list.
15. Approve Terms and Conditions Contract for Natural Gas at a cost up to \$6.50 per MMBtu for up to three years.
16. Approve Change Order No. 1 in the amount of \$3,934.67 and Final Payment to Ed Boland Construction in the amount of \$8,531.06 and the State Miscellaneous Tax Division in the amount of \$86.17 for the Bay Drive Force Main repairs. **OF 1566.5**
17. Approve Change Order No. 1 and final payment in the amount of \$33,200.44 to Liggett Construction and \$335.36 to the State Miscellaneous Tax Division for the 5<sup>th</sup> Street South Streetscape. **OF 1508.**
18. Postpone bid award for the Convenience Center Recycling & Garbage Transfer Services.
19. Postpone bid award for one new 2010 snow blower.

**Commissioner Jolley moved, seconded by Commissioner Jones, that the City Commission approve the Consent Agenda as presented, with the exception of item #18.**

Mayor Winters asked if there was any discussion amongst the Commissioners.

Commissioner Jolley asked for further information on item #18.

Mr. Doyon explained that an RFP for operating the City Convenience Center was advertised. Staff is reviewing a proposal from Waste Management. The Commission will be provided a summary memo and possible options. Options include the City continuing to run the facility, increasing non-resident fees, minimizing operations into satellite operations

or closing the Convenience Center and allowing current resources in the community to handle those items that are recyclable. This information will be communicated to the Commission through the upcoming budget process.

Commissioner Jolley questioned if a union concern could be a legal issue for an RFP on this project. Mr. Doyon stated he has not been advised there is a legal concern for the City to explore operating options for its facilities.

Commissioner Jolley removed her exception of item #18 from the motion.

Mayor Winters asked if there were inquiries from the public.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, objected to item #12, noting that ECP has showed a loss for the third time this year, totaling \$234,000 this calendar year. He objected to paying Southern any monies over what is collected from customers. Mr. Gessaman questioned the time limit for renegotiating contracts with ECP customers.

**Mike Witsoe**, 2612 First Avenue South, noting item #15, questioned if \$6.50 per MMBtu is the maximum that will be paid. Ms. Balzarini agreed. She stated that Southern Montana will be entering into contracts for gas to generate electricity. This item is a natural gas contract for City operations that includes the sewer plant.

Mr. Witsoe, noting item #18, asked if the City Convenience Center is closed, would the land the City purchased on the hill be sold. He requested either a verbal response this date or a written response.

Motion carried 5-0.

### **CITY MANAGER**

#### **20. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

City Manager Gregory T. Doyon responded to concerns about the pools. He explained that an earmark appropriation was submitted to replace the Natatorium. A conservative watchdog picked it up, probably characterizing that as an inappropriate request to the congressional delegation. Mr. Doyon noted that during an interview questioning why the request was made, he reported that the Director of Park and Recreation had made a presentation to the Commission that if needed repairs weren't made to that facility, it may have to be closed. He explained that he was further questioned if he would make a proposal to close the pool if funding wasn't available. Mr. Doyon reported that he will look at whether it is cost effective for the City to continue operating that pool. He explained that, in the current economy, he will err on the side of public safety needs. The Commission will make the final decision. He noted Staff is willing to work with pool supporters to try to resolve the issue. He added that broad community support will be needed



to continue to enjoy City services.

Mr. Doyon reported that he has asked the Police Chief to monitor criminal activity downtown. He added it was never the intent to pull the downtown officer for this length of time. Limited resources have required an officer in another location.

### **PETITIONS AND COMMUNICATIONS**

#### **21. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Mayor Winters opened the meeting to Petitions and Communications.

**Animal Shelter.**

**21A. Don Ensley**, 510 3<sup>rd</sup> Ave. S.W., commented that the Police Department should not be running the dog pound. He noted the Police Department is undermanned and should not be wasting trained officers' time. He stated that building must stop and the focus placed on maintaining what is here. The City must live within the income that is available.

**Cleanup ordinance,  
Channel 8.**

**21B. John Hubbard**, 615 7<sup>th</sup> Avenue South, discussed the cleanup ordinance for the City and the County and power brokers on Channel 8.

**ECP.**

**21C. Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, stated that ECP has lost \$3,748,689, according to current figures. That amount could have been used for the maintaining the Natatorium, the Animal Shelter and the multi-sports complex.

**First Friday Art Walk,  
Pools.**

**21D. Mike Witsoe**, 2612 1<sup>st</sup> Avenue South, discussed the First Friday Art Walk, comments available online, drownings in the river, the pools and the Natatorium.

### **CITY COMMISSION**

#### **22. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

### **ADJOURNMENT**

**Adjourn.**

There being no further business to come before the regular Commission meeting, **Commissioner Jolley moved, seconded by Commissioner Bronson, that the regular meeting of May 4, 2010, be adjourned at 10:35 p.m.**

Motion carried 5-0.

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Mayor Winters

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Acting City Clerk

Minutes Approved: May 18, 2010