**APPROVED**

**The 1468TH Regular Meeting of the City Council was held on Monday, April 17TH, 2017 in the Council Chambers at City Hall.**

**Call to Order:**

The meeting was called to order at 7:00 pm by Mayor Brent Teske.

Present were Mrs. Williams, Mr. Beach, Mr. Olsen, Mr. Zimmerman and City Clerk/Treasurer Audray McCollum. City Administrator Jim Hammons was absent.

Prayer was offered by Bill Cunnane.

Mrs. Smith **MADE A MOTION** to approve the minutes from the special meeting (MACI grant) held on March 27, 2017.

Mr. Beach **SECOND.**

Williams, Beach, Olsen, Smith and Zimmerman voted for.

**MOTION PASSED.**

Mr. Olsen **MADE A MOTION** to approve the minutes from the regular meeting # 1467 held on April 3, 2017.

Mr. Beach **SECOND.**

Williams, Beach, Olsen and Zimmerman voted for.

Mrs. Smith abstained.

**MOTION PASSED**

**Announcements:**

 Mayor Teske said letters of interest and resumes will be accepted for the vacant council seat (R.E. Ms. Campbell) through April 21, 2017. Council will hold a special meeting on April 24, 2017 to select the new council member.

**Committee Reports:**

**Cemetery/Parks:** Mrs. Williams stated the committee meeting scheduled for April 12 had been cancelled and would be rescheduled. The committee meeting will focus on increasing the lighting at the Riverfront Parking lot, delineation of the riverbank and updating the pavilion use agreement.

**Fire:**  None

**Police:**  None

**Resolutions/Ordinances:** None

**Lights/Streets/Sidewalks:** None

**Building:** Mr. Beach said construction on the fire hall roof would be delayed a couple weeks.

**Water/Sewer:** Mr. Zimmerman stated there would be a meeting April 19 at noon.

**Personnel:** None.

**Budget:** None.

**Finance:** None.

**City Administrator:** None

**KRDC**: Mr. Zimmerman said the meeting for April had been cancelled.

**City County Health Board:** None.

**Public Comment on Non- Agenda Items:**

Bill Cunnane, 622 Michigan Ave, asked council to pave the last two blocks of Lincoln Boulevard. This is the fourth year he has asked and said the cracks in the road were getting larger.

Mayor Teske will have the city crew fix the problem areas.

**New Business:**

**Ordinance 1896:** An ordinance of the City Council of the City of Libby Montana amending title 16 of the Libby municipal code entitled “General Regulations” and renaming such to “Subdivision Regulations”.

Mrs. Smith give a brief background stating the city had relied on Lincoln County subdivision regulations till 2011 then the city adopted its own subdivision regulations. Title 16 was not changed to reflect the new changes and ordinance 1896 will reflect the city own subdivision regulations.

Mr. Zimmerman **Made a Motion** to accept ordinance 1896 **First Reading**.

Mrs. Williams **SECOND.**

Williams, Beach, Olsen, Zimmerman and Smith voted for.

**MOTION PASSED.**

**Ordinance 1897:** An ordinance to extend ordinance 1891-Sale of medical marijuana in city limits 90 day extension giving the Libby Planning Board additional time for review and recommendations.

Mr. Olsen **MADE A MOTION** to accept ordinance 1897 **First and Final Reading.**

Mr. Beach **SECOND.**

Marv Sather asked what if the planning board made a recommendation before the 90 day extension, would council have to wait the 90 days to make their decision.

Mayor Teske stated no, the vote by council could be done before the 90 day extension was up.

Williams, Beach, Olsen, Zimmerman and Smith voted for.

**MOTION PASSED.**

Williams, Beach, Olsen, Zimmerman and Smith voted for.

**MOTION PASSED**

**Resolution 1898:** Approve 2 mills for emergency funding for snow and ice removal from February 2017.

Mrs. Smith **MADE A MOTION** to approve resolution 1898.

Mr. Olsen **SECOND**.

Williams, Beach, Olsen, Zimmerman and Smith voted for.

**MOTION PASSED**

**Planning Board Recommendation-Medical Marijuana:**

Council was presented with a copy of the planning board’s recommendation and attachments for medical marijuana dispensaries within city limits.

Recommendation:

The Planning Board unanimously recommends City Council adopt an ordinance allowing medical marijuana dispensaries to locate within the city limits with the following restrictions (Attachment 1)

Mrs. Williams asked Mayor Teske what kind of action he wanted council to take.

Mayor Teske replied council would vote to accept or not to accept the planning board’s recommendation.

Mr. Olsen **MADE A MOTION** to move forward with the planning board’s recommendation for medical marijuana and move it into the ordinance committee.

Mrs. Smith **SECOND.**

Mr. Beach expressed concerns with medical marijuana dispensaries being adjacent to personal property owners and asked the board if they had contacted property owners to ask if they had any concerns.

Mrs. Smith stated the planning board had not made any specific contact.

PUBLIC COMMENT:

Barb Turner, 212 Spencer Rd Libby, had an issue with how the ordinance was purposed. She opposed the increase fee for the City of Libby business licenses for medical marijuana providers and opposed the planning board’s recommendation to tax medical marijuana. She asked the board to amend the additional fee and tax or shut down the ordinance completely.

Mayor Teske replied the tax was an additional option and not part of the board’s original recommendation.

Barb Turner said these businesses should be treated as any other business in the City of Libby as long as they meet state code.

Mrs. Williams asked what the planning board’s response was in reference to Libby Police Chief Scott Kessel’s letter (R.E planning board attachment).

Mrs. Smith said the board had discussed Chief Kessel letter and the points of concern that were outlined in the letter.

Mrs. Williams asked why there was no clear cut response about jeopardizing federal funding.

Mrs. Smith replied that was speculation.

Marv Sather, Police Commission, said this would help control the illegal dispensaries that were already out there. They would have to follow certain rules.

Mrs. Williams said the City needs to be careful because the City receives federal funding.

Mrs. Smith said the City of Libby would not be a target. States are recipient of federal funds. At that time the city could change the ordinance.

Lisa Oedewalt, Lincoln County Planning Board, said this would not affect the City in receiving federal funds.

Bill Cannahan, 62 Michigan Ave, is in favor of medical marijuana being controlled and dispensed in town. Mr. Cunnane stated there is not a way to conduct a field sobriety test for medical marijuana and this would put law enforcement in a bind. People who are under the effect of medical marijuana should not operate a motor vehicle or operate heavy equipment.

Mrs. Smith stated there were no standards (field sobriety test) for prescription opiates.

Barb Turner said there is a 5mg limit for medical marijuana usage that could be obtained though a blood test. Barb Turner was not aware of any federal funding that had been withheld at the state or local level.

Mr. Zimmerman was for medical marijuana helping people, he was against the location of the dispensary with residential property being next to them.

Mr. Beach expressed concerns with possible dispensary crime and how it would affect neighborhoods, he said this was a terrible idea.

Barb Turner said there were 3 dispensaries in 2012 and none of them were broken into.

Mrs. Smith would like to use well reasoned arguments for the discussion. Not make decisions on fear or miss information.

Mr. Olsen and Mrs. Smith voted for.

Mrs. Williams, Mr. Beach and Mr. Zimmerman against

**MOTION DID NOT PASS** to accept the planning board’s recommendation for medical marijuana dispensaries.

Council discussion followed.

Mayor Teske thanked the committee for the hard work they had put into the recommendation.

**Approval of Renewal Business Licenses received to date:**

Mr. Smith **MADE A MOTION** to approve all renewal business licenses received to date.

Mr. Beach **SECOND**.

Williams, Beach, Olsen, Smith and Zimmerman voted for.

**MOTION PASSED.**

**Approval of New Business Licenses received to date:**

Mrs. Smith **MADE A MOTION** to approve new business licenses received to date.

1. The Janitorial and Construction Cleaning Co. LLC-142 Spencer Rd # 9 Libby.
2. J T Enterprise-311 E. Maple-Libby.

Mrs. Williams **SECOND.**

Williams, Beach, Olsen, Smith and Zimmerman voted for.

**MOTION PASSED**

**Unfinished Business:**

**Emergency Resolution 1894 enacting 2 emergency mills:**

Emergency resolution 1894 was **OMMITED** and replaced with Emergency Resolution 1898.

**City Elections per mail in ballot:**

Mrs. Williams **MADE A MOTION** to conduct the city election in November per mail in ballot.

Mr. Zimmerman **SECOND**.

Council discussion followed.

Williams, Beach, Olsen, Smith and Zimmerman voted for.

**MOTION PASSED.**

**Community Development Grant:**

Mrs. Smith will be updating the draft for the next council meeting.

**NO ACTION WAS TAKEN.**

**PURCHASE OF PROPERTY ON CITY SERVICE ROAD**:

City was waiting to hear back from the City Attorney Dean Chisholm on some legal advice.

**NO ACTION WAS TAKEN.**

**COUNCIL RECESSED AT 7:45 PM:**

**COUNCIL RESUMED AT 7:55 PM:**

**COUNCIL RULES AND PROCEDURES:**

Council discussed and suggested corrections for the council rules and procedures.

**NO ACTION WAS TAKEN.**

**GENERAL COMMENTS FROM THE COUNCIL:**

**None**:

**Adjournment:**

Mrs. Williams **MADE A MOTION** to adjourn the meeting.

Mr. Zimmerman **SECOND.**

Williams, Beach, Olsen, Smith and Zimmerman voted for.

**MOTION PASSED.**

Meeting was **ADJOURNED** at 8:41 pm.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Attest; \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mayor, Brent Teske Audray J. McCollum, City Clerk-Treasurer