

City Council Meeting
May 23, 2023

Present: Mayor John Williams, Councilmembers Jack Rosander, Greg Koczur, Rose Hanser and Wayne Dudley

Also Present: Police Chief Cory Hert, Fire Chief Tony Reda, Attorney Michelle Sullivan, Public Works Director Pat Zent and City Clerk/Treasurer Michelle Richards

Mayor Williams called the meeting to order at 7:04 pm. City Clerk/Treasurer Richards completed Roll Call.

Consent Agenda:

Councilmember Dudley moved to approve the Consent Agenda. Councilmember Hanser seconded the motion. No discussion. No comments from the public received. Motion carried with all in favor.

- Minutes of 5/9/23 Regular Meeting
- Claims #29404-29455 \$398,339.34
- Payroll Summary 5/12/23 \$ 94,598.13

Department Reports:

Reports were presented by Police Chief Hert, Fire Chief Reda, City Attorney Sullivan, Public Works Director Zent and Clerk/Treasurer Richards.

Mayor's Communications:

Mayor Williams is seeking interested individuals to serve on the Colstrip Cemetery Board. A resolution will need to be developed and passed by the City Council creating the board and its duties.

On July 18th a Municipal Summit presented by the Montana League of Cities and Towns, Montana Municipal Interlocal Authority and MSU Local Government Center will be held at Colstrip City Hall. Topics will include a review of the 2023 Montana Legislative Session, Building Codes and Voter Review Process.

Mayor Williams continues the transition of the 'Cherry Street Plaza' next to City Hall to 'Veterans Park'. A dedication ceremony will be held during Colstrip Days on Saturday, June 24th at 1:00 pm. Congressman Rosendale has committed to attending. The Public Works Department has been cleaning up and improving the area.

Public Comment & Participation: None received.

Unfinished Business: None.

New Business:

Mayor Williams explained Top Shelf Botanicals applied for a Business License for a Recreational & Medicinal Marijuana business, which was denied. Top Shelf Botanicals has appealed this denial. Chris Young, attorney representing Top Shelf Botanicals, participated in the meeting via telephone. Councilmember Rosander moved to approve the denial of the business license. Councilmember Dudley seconded the motion.

Discussion: Attorney Sullivan explained her opinion that the license denial is legal and referenced 16-12-301 Montana Code Annotated subsection 2(a) which states a local government can regulate a marijuana business within its jurisdiction. The City of Colstrip has had an ordinance in place since 2003 prohibiting the license of any trade, business, occupation, vocation, pursuit or profession that is prohibited by any law of the United States.

The attorney representing Top Shelf Botanicals disagrees with City Attorney Sullivan's interpretation of the law and stated only the voters can prohibit marijuana businesses, not by ordinance of the City Council. He agrees the City of Colstrip can regulate the business but not prohibit it. He feels state law preempts local law in this situation because it affirmatively approved it.

Councilmember Dudley asked if a license were to be approved, would Top Shelf Botanicals have to shut down if the majority of the voters vote no in November. Mr. Young indicated Top Shelf Botanicals would close if the voters in Colstrip vote it down.

Councilmember Hanser would like to see the voters decide whether to allow marijuana dispensaries in city limits.

Public Comment: None.

Motion carried with all in favor.

Councilmember Hanser moved to approve Resolution No. 2023/R04 regarding management and authorized signers on the city's investment accounts. Councilmember Dudley seconded the motion.

Discussion: Attorney Sullivan suggested an amendment to state the City Clerk/Treasurer or Deputy City Clerk in case the Clerk/Treasurer is unavailable. Councilmember Hanser moved to amend her motion by including "or Deputy Clerk in the absence of the City Clerk/Treasurer". Councilmember Dudley seconded the amendment.

Public Comment: None.

Motion carried with all in favor.

Councilmember Dudley moved to approve the Special Event Permit submitted by John Bleth for fireworks at 10 Olive Drive during Colstrip Days June 21-25, 2023.

Councilmember Rosander seconded the motion.

Discussion: None.

Public Comment: None.

Motion carried with all in favor.

Mayor Williams adjourned the meeting at 7:56 pm.

Michelle Richards, City Clerk/Treasurer