

City Council Meeting  
April 25, 2023

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

Absent: Councilmember Mike Esser

Also Present: Assistant Police Chief Kris Egan, Fire Chief Tony Reda, Acting City Attorney Gary Ryder, Public Works Director Pat Zent and City Clerk/Treasurer Michelle Richards

Mayor Williams called the meeting to order at 7:00 pm. City Clerk/Treasurer Richards completed Roll Call.

**Consent Agenda:**

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

- Minutes of 4/11/23 Regular Meeting
- Claims #29323-29357                      \$399,542.25
- Payroll Summary 4/14/23                \$ 93,558.64

**Department Reports:**

Reports were presented by Assistant Police Chief Egan, Fire Chief Reda, Acting City Attorney Ryder, Public Works Director Zent and Clerk/Treasurer Richards.

**Mayor's Communications:**

A new lease agreement was received today from Rosebud County for the Law Enforcement Facility. The first year of the lease will be \$45,000 per year and will automatically increase 2% year each thereafter. The lease is nonnegotiable.

A conditional offer of employment has been submitted to a prospective new Police Officer for the City to fill an open position in the police department.

**Public Comment & Participation:**

Jim Atchison, Southeastern Montana Development Corporation (SEMDC), reported HB188 for the Coal Board Funding has gone to the Governor for signature. HB221 creating a sub-trust in the Coal Severance Tax has been tabled but may be brought back for consideration. HB 355 is an infrastructure funding bill and would bring back \$1.6 million to Rosebud County for infrastructure projects. SEMDC recently signed contracts with four firms to study value-added energy options in Colstrip and Rosebud County. The Business Innovation Center is in the design and pre-bid phase with an estimate of going out-of-to bid in late June. A meeting needs to be scheduled between with the City of Colstrip and SEMDC to review and consider a draft lease and operating agreement.

**Unfinished Business:** None.

**New Business:**

Councilmember Dudley moved to approve Resolution No. 2023-R02, presenting to the Qualified Electors the Question of Whether to Allow Non-medical Marijuana Businesses in City Limits.

Councilmember Hanser seconded the motion.

Discussion: Councilmember Hanser commented the wording in the resolution for the ballot language is confusing and feels it should be reworded for clarification. Gary Ryder stated this resolution could be tabled and the wording changed for clarification and brought back at the next meeting for consideration.

Councilmember Dudley moved to amend his motion to table this resolution to clarify the language.

Councilmember Hanser seconded the motion to amend.

Discussion: Gary Ryder commented that the Ordinance adopted in 2010 stated a business license would not be allowed for any activity in violation of federal and state law. In 2010, the City Council passed a resolution continuing the restriction on the sale of medical marijuana because it was still illegal under federal law. After the state law changed in 2021 regarding the sale of marijuana in the state of Montana, a resolution was adopted by the Colstrip City Council in 2022 stating the City of Colstrip was not doing any new legislation on the issue but the existing regulations will remain in place.

Public Comment: None.

Motion to amend carried with all in favor.

Public Comment on the Main Motion as Amended: Jackee Beck feels there is still some confusion after her attorney spoke with the city's attorney. She feels Resolution No. 2022-01 repeals all previous resolutions and ordinances and replaces with House Bill 701, therefore allowing medical and recreational marijuana. She feels there currently is no restrictions on marijuana businesses within Colstrip. She submitted her business license application on Wednesday, April 12, 2023 and this is the longest she has had to wait. She is looking for guidance moving forward into the November ballot vote.

Attorney Ryder commented the Resolution No. 2022-R01 did not repeal anything and it simply stated no further restrictions would be placed on marijuana businesses beyond what the City of Colstrip already had in place.

Motion carried with all in favor.

Councilmember Hanser moved to approve the Special Event Permit submitted by the Schoolhouse History and Art Center for the Brewfest on June 23, 2023 at the Rye Park Pavilion.

Councilmember Dudley seconded the motion

Discussion: None.

Public Comment: None.

Motion carried with all in favor.

Councilmember Koczur moved to continue with the process of transferring the Colstrip Cemetery from Rosebud County to the City of Colstrip. Councilmember Dudley seconded the motion.

Discussion: Councilmember Hanser commented that if this transfer moves forward, the City of Colstrip would pay all the costs of maintaining/operating the cemetery and taxpayers continue paying taxes to the county for the cemetery mill levy. She asked if the city has any leverage to require the county to share some of the mill levy with the city.

Gary Ryder stated assessing people without providing any service should be addressed. He also stated the county wants the city to do the paperwork for the transfer and it should be Rosebud County's responsibility to prepare the paperwork for the transfer of the property.

Councilmember Dudley's commented on the information provided by the county on their website for the cemetery in Forsyth but nothing for Colstrip's. There has been no accountability for the lack of documentation and service provided to Colstrip's cemetery. It is disheartening to see the difference in Forsyth's cemetery compared to Colstrip's cemetery.

Mayor Williams brought up to the Rosebud County Commissioners the taxes being paid by Colstrip taxpayers with little benefit to the Colstrip Cemetery. Three trees have been removed from the cemetery and the removal was paid for by the county. There are also still discrepancies between the documentation received from the county regarding the purchase of cemetery plots and who is buried in the cemetery and the information being reported by city residents.

Public Comment: Jack Rosander commented that he asked about the mill levy and Commissioner Bob Lee stated the cemetery mill levy would be removed and the county cemetery fund would be funded through other means. He also commented on the removal of the trees at the cemetery that the county paid for even though some residents are upset about it.

Michelle Richards, 422 Woodrose and City Clerk/Treasurer, feels it would be in the best interests of our community to accept the Colstrip Cemetery from the county so that adequate records are maintained and available at City Hall and the policies/rules that will be established can be enforced. She also echoed Jack Rosander's comment that the County Commissioners stated they would no longer fund the County Cemetery Fund with a mill levy and will utilize non-tax revenues instead. Motion carried with all in favor.

Mayor Williams adjourned the meeting at 8:08 pm.

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Michelle Richards, City Clerk/Treasurer