

Minutes of Fergus Co. Commissioners Business Meeting
November 27, 2017 – 2:00 p.m.
Fergus County Commissioners
712 W. Main St., Suite 210
Lewistown, MT 59457

Present: Commissioner Carl Seilstad, Commissioner Sandra Youngbauer, Commissioner Ross Butcher, and Clerk & Recorder Rana Wichman. Public present: See attached sheet.

CALL TO ORDER:

Presiding Officer Seilstad called the meeting to order at 2:00 p.m. He stated that the agenda was being changed to reflect the first reading of the ordinances rather than the second reading to comply with MCA 7-5-103(3).

APPROVAL OF MINUTES:

Presiding Officer asked if there were any alterations or corrections to the November 15, 2017 minutes. Hearing none the minutes will stand approved as distributed and they will be on file with the Clerk and Recorder and on the Fergus County Website.

PUBLIC COMMENT ON AGENDA ITEMS: None

PUBLIC HEARING:

- 1) Public Hearing and 1st Reading – An Ordinance Establishing Penalties for Violating Fire Restrictions and Burning Without a Permit: Commissioner Seilstad opened the public hearing, summarized the content of the ordinance, and asked for comments. Guest Mike Chapman wanted to know why the fines were progressive rather than starting out at the maximum. It was explained it gives the judge an opportunity to consider the circumstances. Guest Ben Tuss said he feels it is too restrictive and needs more detail. Sheriff Eades explained the need for this and that nothing is really changing other than now law enforcement can enforce the current restrictions better. Guest Jerry Simpson with the Moore Rural Fire District gives its support to the ordinance. Commissioner Seilstad closed the public hearing.
- 2) Public Hearing and 1st Reading – An Ordinance by the Fergus County Board of Commissioners Declaring the Sale and Public Use of Medical Marijuana to be a Nuisance in Fergus County: Commissioner Seilstad opened the public hearing, summarized the content of the ordinance, and asked for comments. Laura Tucek asked about the classification of marijuana as a stage one drug and felt that is inaccurate. Deputy County Attorney Cochran said that in Montana it is a stage one drug and cannot be prescribed, it can only be recommended or referred. Ruby Waterman commented she needs to get medical marijuana so she can sleep. Susan Bullington said medical marijuana is safer than handing out opioids. Denell Hinman stated she has had two failed back surgeries and needs medical marijuana to keep her off other drugs. Carol Woolsey stated that we are not dealing with kids. A lot of the product is in the form of creams and ointments. She asked if the Commissioners are even authorized to restrict this, and why they would want to deprive people in need. Scott Hugill said we are not criminals, and this ordinance will not keep marijuana out of Fergus County. The Commissioners were elected to listen not dictate and he will fight for his rights. Earl Tresch stated his wife used medical marijuana for pain

before her death, and his sister in law uses it. John Payne said the ordinance includes a lot of terms that instill fear, i.e. nuisance. Eric Billings stated this ordinance makes it impossible to get medical marijuana unless you personally go get it. You currently cannot grow for a neighbor. Ben Tuss said he does not support this ordinance. Ruth Wicks asked how this will be regulated and said DPHHS is currently working on this for the State. She asked that the Commissioners wait to act on this. Assistant Police Chief Ryan Berry with the City of Lewistown said he and Police Chief Cory Birdwell support this ordinance. He commented that Fergus County voted against the marijuana bill. He said that places where there are dispensaries have an increase in break-ins and assaults. Mike Chapman stated this is a business suppression ordinance. Carol Woolsey said people are using medical marijuana as an exit drug to keep people off of drugs such as opioids. Earl Tresch asked if it is legal for the County to tax it. Commissioner Seilstad said an ordinance like this has been on the City books since 2007. Tom Wojtowick stated he feels we should wait on this since it is dealing with a medical concern. Maria Whitcraft said the Commissioners need to realize this is only for medical marijuana, not recreational marijuana. Dispensaries have certain standards and are well labeled and organized. Attaining the right product and formula is very important. Laura Tucek said the ordinance talks about what might happen. It is full of scare tactics. People will get what they need. Keith Bruski doesn't feel the election regarding marijuana gave a true picture for Fergus County. Sandy Youngbauer commented that the American Legion favors moving marijuana from a stage one drug to a medical drug. Jerry Simpson stated he is in favor of the ordinance until the Federal government changes their law(s) it is illegal. Eric Billings stated medical marijuana cards are much more restricted than they used to be. At this point Commissioner Seilstad closed the public hearing.

BID OPENINGS: None

PERSONNEL ANNOUNCEMENTS:

- 1) Fairgrounds
- 2) Treasurer
- 3) Facilities

ANNOUNCEMENTS / REPORTS: None

DISCUSSION /ACTION ITEMS:

- 1) November 24, 2017 claims: Commissioner Youngbauer moved to approve the November 24, 2017 claims as submitted. Commissioner Butcher seconded. Passed unanimously.
- 2) Ordinance Establishing Penalties for Violating Fire Restrictions and Burning Without a Permit: Commissioner Butcher moved to adopt the first reading of the Ordinance Establishing Penalties for Violating Fire Restrictions and Burning Without a Permit. Commissioner Youngbauer seconded. Passed unanimously.
- 3) Ordinance Declaring the Sale and Public Use of Medical Marijuana to be a Nuisance in Fergus County, Montana: There was no motion to adopt the first reading of the Ordinance Declaring the Sale and Public Use of Medical Marijuana to be a Nuisance in Fergus County so the ordinance failed on first reading.

APPOINTMENTS: None

PUBLIC INPUT: None

OTHER BUSINESS:

Commissioner Youngbauer stated that the marijuana ordinance was not written by the Fergus County Attorney's office as stated in the News Argus. It came from a variety of sources.

NEXT MEETING DATES:

December 11, 2017 Monday, 2:00 p.m.	Business Meeting	Fergus Co. Commissioners 712 W Main St., Suite 210 Lewistown, MT 59457
December 20, 2017 Wednesday, 5:15 p.m.	Business Meeting	Fergus Co. Commissioners 712 W. Main St., Suite 210 Lewistown, MT 59457
December 24, 2017 Tuesday, 2:00 p.m.	Business Meeting	Fergus Co. Commissioners 712 W. Main St., Suite 210 Lewistown, MT 59457

Reminder: Agenda items are due to the Commissioners 10 days prior to the meeting.

FERGUS COUNTY COMMISSIONERS:



Carl Seilstad, Presiding Officer

ABSENT

Sandra Youngbauer, Commissioner

Attest:



Ross Butcher, Commissioner



Rana J. Wichman, Clerk & Recorder

**FERGUS COUNTY PUBLIC MEETING
ATTENDANCE ROSTER**

Meeting Date: 11/27/17

Name	Address	Public Comment?	
		Yes	No
Paul Lusch	2020 Burn Creek Rd	✓	
Debra Tuck	908 W Water St	✓	
Natie Waterman	624 Water #2	✓	
KARL HARTMAN	8651 Green Meadows Dr	✓	
Nick Frontoso	441 Blossom Pl ^{BILLINGS 59102}	✓	
Eric Billings	721 Virginia St	✓	
Ryan Barry	Lewistown	✓	
Cory Bradwell	Lewistown	✓	
Tom Johnson	County	✓	
Deb Hill	News Argus		X
Maria Whitford	168 Northern Shadows Drive		
Diane Cochran			X
Ruth Wicks	702 W BLVD, Lewistown		
Caulf. Woolsey	405 6th Ave S		X
Ben Thomas	Dr 2220	✓	
Joe Less	Shooting Star Dr		
Cathy Banta	Fergus County DES		X
Sharon Sweeney	Fergus County		
Chae Doo	1302 W Broadway		✓
Scott Huggill	1302 W. Broadway	✓	
Susan Bullington	616 4th Ave W	✓	
Clint Loomis	1176 W Evelyn		✓
JEFF SHAWEN	206 W. BLVD	✓	
Andrea Payne	189 Southland Rd		✓
JOHN HAYES	157 SOUTHLAND DR	✓	

