

Regular Meeting of the City Council, City of Farmington, New Mexico, held in the Council Chamber at City Hall at 7:00 p.m. on Tuesday, April 26, 2011. The open regular session was held in full conformity with the laws and ordinances and rules of the Municipality.

Upon roll call, the following were found to be present, constituting a quorum:

MAYOR	Tommy Roberts
COUNCILORS	Dan Darnell Mary M. Fischer Gayla McCulloch Jason Sandel

constituting all the members of said Governing Body.

Also present were:

CITY MANAGER	Rob Mayes
ASSISTANT CITY MANAGER	Bob Campbell
CITY ATTORNEY	Jay B. Burnham
CITY CLERK	Dianne Fuhrman

The meeting was convened by the Mayor. Thereupon the following proceedings were duly had and taken, to wit:

INVOCATION: The invocation was offered by Father Guy Mackey of St. John's Episcopal Church.

City Attorney Jay Burnham led the Pledge of Allegiance.

CONSENT AGENDA: The Mayor announced that those items on the agenda that are marked with an asterisk (*) have been placed on the Consent Agenda and will be voted on by one motion. He stated that if any item did not meet with approval of all Councilors or if a citizen so requested, that item would be removed from the Consent Agenda and heard under Business from the Floor.

*MINUTES: The minutes of the Regular Work Session of the City Council held April 5, 2011.

*BID: The Purchasing Officer recommended that the bid for purchase of relay and control panels (Electrical Relay) be awarded to El-Tex Industries, Inc. on its low bid meeting specifications of \$170,701 and that the bid received from Phoenix Highway Products be rejected for not meeting specifications. Bids opened April 15, 2011 with five bidders participating.

*COOPERATIVE PROCUREMENT authorizing the City to become a member of the National Joint Powers Alliance and the National Intergovernmental Purchasing Alliance.

*MEMORANDUM OF UNDERSTANDING between the City and Scott Broten, Bob Fitz, Bill Fortner, Kevin Daniels, Joe Kozimor and College Hills Professional Plaza, LLC for the purpose of identifying the roles and responsibilities of each party as they relate to the construction of a sewer main and associated road improvements in the vicinity of College Boulevard and Piñon Hills Boulevard. (total cost to the City is \$253,380.54)

*FIRST ADDENDUM TO PURCHASE AGREEMENT between the City and Delbert and Rebecca Washburn and Cleo Jenkins Brimhall amending the legal description and the amount of diversionary water rights to be purchased from 20.04 to 19.61 acre feet.

*RESOLUTION NO. 2011-1387 superseding and replacing Resolution No. 2006-1174 establishing the current schedule of rates, fees and charges for the operation of certain businesses or use of certain property or facilities at the Four Corners Regional Airport (FMN), Farmington, New Mexico.

*WARRANTS PAYABLE for the time period of April 10, 2011 through April 23, 2011, for current and prior years, in the amount of \$9,025,720.78.

There being no requests to remove any items, a motion was made by Councilor Darnell, seconded by Councilor McCulloch to approve the Consent Agenda, as presented, and upon voice vote the motion carried unanimously.

DAYS OF REMEMBRANCE PROCLAMATION

The Mayor read a Proclamation declaring May 1 through 8, 2011 as "Days of Remembrance."

CITY CLERK OF THE YEAR AWARD

Mayor Roberts presented City Clerk Dianne Fuhrman with the 2011 City Clerk of the Year award. Ms. Fuhrman received the award during the New Mexico Municipal Clerks and Finance Officers Association Spring Meeting that was held April 13 through 15, 2011 in Las Cruces.

CLOSED MEETING

A motion was made by Councilor Fischer, seconded by Councilor Darnell to close the meeting to receive advice from the City's legal counsel regarding a matter of threatened litigation concerning Petition No. ZC 11-04. The roll was called with the following result:

Those voting aye:	Dan Darnell Mary M. Fischer Gayla McCulloch Jason Sandel
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Those voting nay:	None
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The presiding officer thereupon declared that four Councilors having voted in favor thereof, the said motion carried.

The Mayor convened the closed meeting in the Conference Room of the Legal Department at 7:10 p.m. with all members of the Council being present.

Following the closed meeting, during which meeting the matter discussed was limited only to that specified in the motion for closure, a motion was made by Councilor Fischer, seconded by Councilor Darnell to open the meeting for further business, and upon voice vote the motion carried unanimously.

The open meeting was reconvened by the Mayor in the Council Chamber at 7:58 p.m. with all members of the Council being present.

UNFINISHED BUSINESS:

- (1) Adoption of the recommendation from the Planning and Zoning Commission, as contained within the Community Development Department Petition Report, and approval of Petition No. ZC 11-04 from the City of Farmington requesting a zone change from the MF-M, Multi-Family Medium-Density Residential, District to the SF-10, Single-Family Residential, District for 5.61 acres of land located south of Messina Drive and west of Camaron Avenue, pursuant to a condition of approval from a previous zone change (Petition No. ZC 1430) that was approved by the Council on March 12, 1996.

Mayor Roberts announced for the record that the subject petition was tabled at the April 12, 2011 regular City Council meeting.

City Attorney Jay Burnham reported that two weeks ago staff received a letter from the petitioner's attorney, Matthew Spangler, requesting that Petition No. ZC 11-04 be withdrawn or denied because he believes that the City has not proceeded correctly. As a result, Mr. Burnham announced that he contracted with Robert White, the former City Attorney for the City of Albuquerque, who has over 30 years of experience in land use law. He stated that Mr. White has opined that the record is not sufficient at this point to proceed because there is confusion about whether the purpose of the subject petition is to change the zone of the

property or to merely make a factual determination on whether the developer satisfied the condition that construction must commence within five years placed on the zone change in 1996. Furthermore, Mr. Burnham stated that Mr. White has recommended that staff withdraw the current petition and submit a new petition for the purpose of determining whether the developer met the condition and whether the zone change approved by the Council in 1996 was legally binding.

Thereupon, Assistant City Manager Bob Campbell withdrew Petition No. ZC 11-04.

In closing, Mr. Burnham assured the affected property owners that they will have several opportunities to voice their concerns as the new petition progresses through the procedural process.

RECOMMENDATIONS FROM THE PLANNING AND ZONING COMMISSION:

CONSENT AGENDA: Community Development Director Mary Holton requested that the Planning and Zoning Commission recommendation marked with an asterisk () be placed on the Planning and Zoning Commission Consent Agenda and voted on by one motion. She asked that if the item proposed did not meet with approval of all Councilors or if a citizen so requested, it would be removed from the Consent Agenda and heard in regular order.

- *(1) Adoption of the recommendation from the Planning and Zoning Commission, as contained within the Community Development Department Petition Report, to approve Petition No. PFP 11-01 from Woods Contracting Company, represented by Robert Echols, requesting preliminary plan/final plat approval for Cedarwoods Vista Subdivision, Phase II, a 19-lot subdivision of 23.76 acres located south of Road 3950 and east of Morningstar Drive, outside the city limits but within Tier 2 of the City's five-mile planning and platting jurisdiction

There being no requests to remove the item, a motion was made by Councilor Darnell, seconded by Councilor Sandel to approve the Planning and Zoning Commission Consent Agenda, as presented, and upon voice vote the motion carried unanimously.

- (2) Adoption of the recommendation from the Planning and Zoning Commission, as contained within the Community Development Department Petition Report, to approve Petition No. ZC 11-05 from the Community Development Department requesting a zone change from the IND, Industrial, District to the MU, Mixed-Use, District for 25 City-owned properties and 23 privately-owned properties (a total of 48 tracts) located in the Animas District of the Metropolitan Redevelopment Area.

Associate Planner Fran Fillerup announced that the subject petition is being proposed in an effort to reach the goals of the Metropolitan Redevelopment Area Plan ("MRA Plan") which identifies the Animas District as a Mixed-Use area. He explained that the goal for the Animas District is to redevelop the neighborhood as mixed-use and to include new affordable housing opportunities, expanded medical and cultural facilities and to link the Downtown with the Riverwalk. He noted that the proposed petition includes only the property owners that are amenable to the zone change.

In response to inquiry from Mayor Roberts, Mr. Fillerup explained that it is staff's intent to burden the residential developers with the responsibility of protecting their property from the fumes and noises that are produced from the existing industrial uses. Expanding on his comments, Senior Planner Cindy Lopez noted that there is only a 5 decibel difference between the maximum noise levels of the Mixed-Use and the Industrial zoning districts. However, she agreed that a plan should be developed to explicitly require developers to install the barriers necessary to protect their properties from the environmental irritants that are generated by industrial business operations.

Noting that she does not support the MRA Plan, Councilor Fischer stated that she does not believe that industrial uses should be interspersed amongst residential and professional uses. She contended that the industrial uses will eventually be displaced because of complaints by the nearby residents. In response, Community Development Director Mary Holton stated that the goal of the MRA Plan is to increase

the property values of the lands located within the Animas District to the point that the industrial users will be able to sell the property at a profit and relocate the business to a dedicated industrial area.

Councilor Sandel pointed out that manufactured housing is allowed by right in the MU district and stated that he would prefer that such structures be permitted only with a Special Use Permit.

Don Becker, 2601 Harvard Drive, announced that he owns and operates an industrial business in the Animas District that requires the use of diesel equipment during all hours of the day and night. Noting that such equipment generates noise and offensive odors, he argued that his business will eventually be forced out of the area if residential neighborhoods are allowed. He also advised the Council that a similar situation occurred 20 years ago when he was forced to move from Mojave Street to Quince Street (an industrial area) because nearby motels and restaurant owners were complaining about the noise and smell. Furthermore, he reported that 11 years ago he had the opportunity to relocate the business to a piece of land located within the County but stated that the City leadership begged him to stay because of the gross receipts tax revenues that are generated from his business. He requested that the City buy his property if the proposed petition is approved so that he is not subjected to the same difficulties that he experienced on Mojave Street. Furthermore, he announced that he owns 11 lots in the Animas District and contended that the Planning and Zoning Commission should not be allowed to decide the fate of an area without the input and agreement of the existing property owners.

Larry Hilliard, 1226 S. Bluffview Avenue, addressed the Council as a member of Ideal Baptist Church. Noting that the church is 55 years old and is located with the MRA district, he stated that the congregation is favorable to the proposed MU District. He also questioned whether any existing uses will be forced to move as a result of the MRA Plan. In response, Ms. Holton assured him that it is not the intent of staff to displace any property users, but to encourage redevelopment of the area.

Linda Barbeau, 6020 San Marcos Drive, announced that the City has documents that date back as far as the 1960's recommending a mixed-use development in the Animas District. She strongly urged the Council to consider the subject petition because the lots are either owned by the City or are owned by individuals who support the proposed mixed-use district. She contended that the downtown would be a vital shopping area had this zone change been approved years ago.

Councilor McCulloch stated that she supports industrial uses in the Animas District. She also noted that she operates an industrial business on property that is located adjacent to the Animas District, but outside the city limits. She asked that a policy be immediately adopted to ensure that the existing industrial uses will not be forced out of the Animas District as a result of the MU zone designation.

Thereupon, a motion was made by Mayor Roberts, seconded by Councilor Darnell to adopt the recommendation from the Planning and Zoning Commission, as contained with the Community Development Department Petition report, and to grant a zone change from the IND District to the MU District for 25 City-owned properties and 23 privately-owned properties (a total of 48 tracts) located in the Animas District of the Metropolitan Redevelopment Area. The roll was called with the following result:

Those voting aye:	None
Those voting nay:	Dan Darnell Mary M. Fischer Gayla McCulloch Jason Sandel

The presiding officer thereupon declared that no Councilors having voted in favor thereof, the said motion failed.

Councilor Darnell explained that he fully supports the MRA Plan but stated that he would like additional time to consider the types of uses that would be consistent with the Animas District.

Thereupon, a motion was made by Councilor Sandel, seconded by Councilor Fischer to table Petition No. ZC 11-05 to the May 10, 2011

regular City Council meeting to afford staff the opportunity to research the options for prohibiting certain uses, and upon voice vote the motion carried unanimously.

- (3) Adoption of the recommendation from the Planning and Zoning Commission, as contained within the Community Development Department Petition Report, to deny Petition No. ZC 11-06 from Mike Hamilton, represented by Paul Martin, requesting a zone change from the SF-7, Single-Family Residential, District to the SF-5, Single-Family Residential, District for approximately 5.60 acres of land located on Monarch Street in Mesa Vista Subdivision #6.

Providing opening remarks, Senior Planner Cindy Lopez reported that the entire Mesa Vista Subdivision, as it is currently platted, consists of 350 residential properties. She explained that the subject petition is requesting that a portion of Phase 6 (Monarch Street only) be rezoned in an effort to increase the number of lots from 34 to 40.

Addressing the Council on behalf of the petitioner, Paul Martin, explained that the purpose for the proposed zone change is to make the lots more affordable to prospective buyers by reducing the costs by approximately \$3,000. Furthermore, he stated that the additional lots will make the construction costs more affordable to the petitioner since there has been a 20-25 percent increase in the price of materials. He assured the Council, however, that reducing the size of the lots will not compromise the size of the houses because the lots will simply be narrower.

Russell Brown, 4709 Lauren Street, noted that Mr. Martin expressed fundamental economics as the reason for the proposed zone change and stated that he is addressing the Council with the same argument. He contended that the smaller lots will negatively impact the value of his house and noted that he has already experienced a \$20,000 loss due to the downturn in the economy, despite improvements that include a block wall and landscaping. He asked the Council to deny the subject petition.

Richard Austin, 800 Bishop Lane, announced that he is upset that only a select few of the residents received notice of the proposed zone change, contending that he believes that the entire neighborhood should have been notified. Furthermore, he stated that he relied on the specifics of the subdivision map that is erected as a sign in the subdivision when he purchased his house. He argued that the proposed zone change only benefits the petitioner.

Lynn Day, 610 Mirabel Street, announced that he moved into his house in July and stated that he feels duped by the developer because he misrepresented his plans for the future of the subdivision. He contended that the proposed zone change will not be good for the subdivision and questioned why the residents on Mirabel Street were not provided notice of the proposed petition. In response, Ms. Lopez reported that the property owners within 100 feet of the proposed zone change were provided written notice in accordance with the list that was compiled by the title company.

Noting that he recently relocated from Albuquerque, Manuel Figueroa, stated that he searched for a house for over a year before deciding to buy the one located at 620 San Miguel Street. He explained that he was impressed with the wide streets, quiet nights and friendly neighbors and contended that the proposed zone change will hinder the overall aesthetics of the subdivision. He asked the Council to deny the petition.

Celena Cottrell, 705 Bishop Lane, stated that she is concerned that property values will decrease if the proposed zone change is approved because it is likely that the smaller lots will become rental property. She also stated that the proposed zone change contradicts what she was told at the time she purchased her house one year ago.

Gloria Day, 610 Mirabel Street, asked the Council to deny the subject petition because she was told that the lots directly behind her house would be identical to hers. She stated that she is also concerned that the houses will become rentals because of the smaller lots and voiced concern for the increase in traffic since there is only one ingress and egress to the subdivision.

In response to inquiry from Vickie Cox, 4705 Lauren Street, Ms. Lopez reported that there are currently 171 houses in the neighborhood with four being constructed. Ms. Cox argued that the existing residents purchased their homes with the expectation that Monarch Street would contain 7,000 square foot lots.

Councilor Darnell asked Mr. Martin if he believes that the proposed zone change is fair to the existing residents. In response, Mr. Martin stated that there is some risk to the homeowner in purchasing a house that is located in an unfinished subdivision, but agreed that the petitioner has some responsibility to protect the homeowners. He also noted that the additional six lots will only represent a two percent increase in comparison to the overall subdivision.

In response to inquiry from Councilor Fischer, Ms. Lopez explained that staff and the Planning and Zoning Commission have recommended denial of the subject petition because the master plan needs to be updated, additional access points need to be identified and a traffic impact analysis needs to be completed.

In view of the neighborhood opposition and the recommendations of staff and the Planning and Zoning Commission, Councilor Fischer made a motion to adopt the recommendation from the Planning and Zoning Commission, as contained within the Community Development Department Petition Report, and to deny Petition No. ZC 11-06 requesting a zone change from the SF-7 District to the SF-5 District for approximately 5.60 acres of land located on Monarch Street in Mesa Vista Subdivision #6. Councilor Darnell seconded the motion and upon voice vote the motion carried unanimously.

REAPPOINTMENT AND APPOINTMENTS TO THE COMMUNITY RELATIONS COMMISSION

After providing the Council with background, educational and professional information on the following individuals, Mayor Roberts asked the Council's consideration of the reappointment of David John and the appointments of Beth Volkerding, George Francis, Ken Ellison and Alfonso Garcia (terms to April 2013) to the Community Relations Commission.

Following brief consideration, a motion was made by Councilor Darnell, seconded by Councilor Sandel to confirm the reappointment of David John as a member of the Community Relations Commission, as recommended by the Mayor, and upon voice vote the motion carried unanimously.

A motion was made by Councilor Fischer, seconded by Councilor Darnell to confirm the appointments of Beth Volkerding and George Francis as members of the Community Relations Commission, as recommended by the Mayor, and upon voice vote the motion carried unanimously.

A motion was made by Councilor Fischer, seconded by Councilor Sandel to confirm the appointment of Kenneth Ellison as a member of the Community Relations Commission, as recommended by the Mayor, and upon voice vote the motion carried unanimously.

Lastly, a motion was made by Councilor Darnell, seconded by Councilor Sandel to confirm the appointment of Alfonso Garcia as a member of the Community Relations Commission, as recommended by the Mayor, and upon voice vote the motion carried unanimously.

COUNCIL BUSINESS

Community Input Meetings

Mayor Roberts announced that the second Community Input Meeting concerning the proposed Fiscal Year 2012 budget was held last Thursday evening at the Farmington Public Library. He stated that there were approximately 15 to 20 citizens present and he thanked Councilors McCulloch and Darnell for their attendance.

DISCUSSION OF POLICE DEPARTMENT POLICY REGARDING THE USE OF TAKE-HOME VEHICLES

Providing opening remarks, City Manager Rob Mayes stated that, at the request of the Council, staff is presenting for discussion the Police

Department's Policy concerning the use of take-home vehicles. Furthermore, he announced that the number of vehicles being driven home by other City employees has been significantly reduced from one year ago.

Utilizing a powerpoint presentation, Public Safety Director Scott Rounds reported that in 1992, the policy prohibited police officers from driving their police car home if they resided more than five miles outside of the city limits. In 1996, he stated that the distance was increased to 15 miles from the city limits and in 2006 was increased to 50 miles in an effort to recruit individuals living on the Navajo reservation. Then, in October 2009, he reported that former Police Chief Jim Rannels removed the distance requirement altogether. Mr. Rounds contended that the proposed policy increases an officer's readiness for response, increases public perception and increases the reliability and longevity of the fleet. Furthermore, Mr. Rounds reported that the City of Aztec has a 20 mile radius and the Cities of Las Cruces and Albuquerque have implemented a 10 mile radius. He reported that there are currently 88 officers that live within the city limits and 42 that live outside. Of those 42, Mr. Rounds stated that 33 of the officers live within 10 miles and 9 live outside of the 10 mile radius. Mr. Rounds also reviewed the average weekly fuel costs for the vehicles; reported that the take-home vehicle policy costs the City approximately \$71,000 per year in fuel; stated that there are 20 Expeditions in the fleet which cost about \$831 more to purchase than the Crown Victoria cars; and reviewed the benefits of the Police Department's Take-Home Vehicle Policy. In closing, he recommended that the existing policy be left in place for all existing police officers and that the policy be amended to restrict the use of future take-home vehicles to 10 miles from the city limits based on GIS mapping. Police Chief Kyle Westall stated that such policy would only leave four of the current officers outside of the specified boundary. He also noted that this policy has been used as a recruiting tool for many years and feels obligated to maintain the benefit for the current police officers.

Discussion followed concerning the policy and Councilor Fischer questioned why the Council was not notified of the most recent policy changes since they had considerable involvement in 1992. She also contended that the policy is too vague, particularly with regard to the personal use of the vehicles.

Mr. Mayes responded to inquiry from Mayor Roberts concerning the factors that are considered before a fleet vehicle is replaced.

Following the discussion it was the consensus of Councilors Darnell, Fischer and McCulloch to support the recommendation to limit the use of take-home vehicles for newly-hired police officers to 10 miles from the city limits based on GIS mapping, as proposed. Councilor Sandel stated that he would prefer that the take home policy only apply to those police officers that reside within the city limits of Farmington. Mayor Roberts stated that he supports the recommendation as proposed and asked that the Council be given a copy of the policy once it is revised.

City Attorney Jay Burnham presented and read by title Resolution No. 2011-1388 providing for the annual determination of reasonable notice of public meetings of the City of Farmington. The title of the resolution being:

A RESOLUTION PROVIDING FOR THE ANNUAL DETERMINATION (IN A PUBLIC MEETING) OF REASONABLE NOTICE OF PUBLIC MEETINGS OF THE CITY OF FARMINGTON AS REQUIRED BY SECTION 10-15-1 ET SEQ. NMSA 1978 COMPILATION, AND READOPTING, RATIFYING AND AFFIRMING THE PROVISIONS OF RESOLUTION NO. 96-844, PROVIDING FOR NOTICE OF PUBLIC MEETINGS.

Councilor Fischer briefly left the room.

After consideration of Resolution No. 2011-1388, a motion was made by Councilor Sandel, seconded by Councilor Darnell that said resolution be passed and adopted as presented. The roll was called with the following result:

Those voting aye:	Dan Darnell Gayla McCulloch Jason Sandel
Those voting nay:	None

Those absent:

Mary M. Fischer

The presiding officer thereupon declared that three Councilors having voted in favor thereof, the said motion carried and Resolution No. 2011-1388 was duly passed and adopted.

Councilor Fischer returned to the meeting.

Mr. Burnham presented and read by title Resolution No. 2011-1389 pertaining to the issuance of Pollution Control Refunding Revenue Bonds. The title of the resolution being:

A RESOLUTION AUTHORIZING CONSIDERATION AT A SUBSEQUENT MEETING OF THE CITY COUNCIL OF A PROPOSED ORDINANCE PERTAINING TO THE ISSUANCE OF POLLUTION CONTROL REFUNDING REVENUE BONDS (SOUTHERN CALIFORNIA EDISON COMPANY FOUR CORNERS PROJECT); APPOINTING COUNSEL IN CONNECTION THEREWITH; AUTHORIZING PUBLICATION OF NOTICE OF THE PROPOSED ORDINANCE; SPECIFYING CERTAIN CONDITIONS CONCERNING THE PARTICIPATION OF THE CITY IN THE TRANSACTIONS CONTEMPLATED BY THE PROPOSED ORDINANCE; AND OTHERWISE RELATING TO THE FOREGOING.

Mr. Burnham announced that George Tabata, Assistant Treasurer for Southern California Edison Company was in the audience to answer any questions that the Council may have. Furthermore, he reported that if the proposed bond refund is approved, the City will receive approximately \$50,000 in revenue as payment for facilitating the transaction.

Mr. Tabata briefly responded to questions from Councilor Fischer concerning the fate of the bonds if the Four Corners Power Plant is shut down.

After consideration of Resolution No. 2011-1389, a motion was made by Councilor Sandel, seconded by Councilor Darnell that said resolution be passed and adopted as presented. The roll was called with the following result:

Those voting aye: Dan Darnell
Gayla McCulloch
Jason Sandel

Those voting nay: Mary M. Fischer

The presiding officer thereupon declared that three Councilors having voted in favor thereof, the said motion carried and Resolution No. 2011-1389 was duly passed and adopted.

Mr. Burnham also introduced a proposed ordinance establishing an Animal Services Advisory Commission. The title of the proposed ordinance being:

AN ORDINANCE ESTABLISHING THE CITY OF FARMINGTON ANIMAL SERVICES ADVISORY COMMISSION.

He requested permission to proceed with publication of a Notice of Intent to Consider said ordinance.

Thereupon, a motion was made by Councilor Sandel, seconded by Councilor Darnell to direct the City Attorney to publish notice of intent to consider adoption of the proposed ordinance in accordance with State Statutes. The roll was called with the following result:

Those voting aye: Dan Darnell
Mary M. Fischer
Gayla McCulloch
Jason Sandel

Those voting nay: None

The presiding officer thereupon declared that four Councilors having voted in favor thereof, the said motion carried.

Lastly, Mr. Burnham presented a proposed ordinance dealing with non-profit producers of medical cannabis and stated that notice of intent to consider said ordinance has been published two weeks prior to final action upon the ordinance as required by Section 3-17-3 NMSA 1978

Compilation. He recommended the ordinance, if adopted, be given the number 2011-1242. The title of the ordinance being:

AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE UNIFIED DEVELOPMENT CODE DEFINING AND PROVIDING USE STANDARDS FOR PRIVATE NON-PROFIT ENTITY PRODUCERS OF MEDICAL CANNABIS.

Councilor Darnell thanked the Council for their consideration of this ordinance. He also noted that the State of Montana is considering a repeal on the use of medical marijuana because there is no mechanism in place to regulate its use. He stated that he believes that this Council has properly handled the matter.

Councilor Sandel stated that he strongly believes that the intent of State law is to maintain the anonymity of the licensed medical cannabis producers and contended that restricting them to certain zones could compromise their obscurity. As a result, Councilor Sandel made a motion to amend Section 1 of the proposed ordinance to add the GC, General Commercial, District as an area for permitted use by a Private Non-Profit Entity Producer of Medical Cannabis. The roll was called with the following result:

Those voting aye:	Mary M. Fischer Gayla McCulloch Jason Sandel
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Those voting nay:	Dan Darnell
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The presiding officer thereupon declared that three Councilors having voted in favor thereof, the said motion carried.

After further consideration of Ordinance No. 2011-1242, a motion was made by Councilor Sandel, seconded by Councilor Fischer that said ordinance be passed and adopted as amended. The roll was called with the following result:

Those voting aye:	Mary M. Fischer Gayla McCulloch Jason Sandel
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Those voting nay:	Dan Darnell
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The presiding officer thereupon declared that three Councilors having voted in favor thereof, the said motion carried and ordinance No. 2011-1242 was duly passed and adopted, as amended.

For the record, Mayor Roberts announced that had there been a tie on the vote, he would have voted in favor of expanding the permitted areas to include the GC District.

BUSINESS FROM THE FLOOR

Glass Awning at the Farmington Public Library

Mark Dustin, 820A N. Vine Avenue, voiced safety concerns with regard to a damaged glass awning at the Farmington Public Library. He contended that City Administration does not appear to be concerned with the matter because they have made no attempt to repair the glass nor have they questioned the driver who caused the damage. In response, Mayor Roberts reported that staff has inspected the damage and has determined that the safety glass is structurally sound due to the SAFLEX interlayer. He stated that the City is filing a claim against the company responsible for the damage and assured Mr. Dustin that the awning will be repaired as soon as possible.

There being no further business to come before the Council, the meeting was adjourned at 11:17 p.m.

The City Clerk certified that notice of the foregoing meeting was given by posting pursuant to Resolution No. 96-844, et seq.

Approved this 10th day of May, 2011.

Entered in the permanent record book this 11th day of May, 2011.

Tommy Roberts, Mayor

SEAL

ATTEST:

Dianne Fuhrman, City Clerk