

**MEETING MINUTES**  
**CITY OF EAST HELENA**  
**CITY HALL – 306 EAST MAIN – ROOM 108 (GYMNASIUM)**  
**COUNCIL MEETING: 7:00 PM**  
**DATE: TUESDAY, FEBRUARY 2, 2021**  
**INTERNET ZOOM MEETING: <https://zoom.us/j/8976327748>**  
**CONFERENCE CALL-IN: 1-301-715-8592 MEETING ID: 897 632 7748**

**MEETING CALLED TO ORDER:** Mayor Schell called the meeting to order at 7:03 PM. Councilmember Dahl led Pledge of Allegiance. Due to the COVID-19 pandemic, only legally required and essential agenda items were to be considered. Masks and physical distancing were required for those in attendance at City Hall.

**CITY OFFICIALS & STAFF PRESENT:** Mayor James Schell, Councilmember Wesley Feist, Councilmember Don Dahl, Councilmember Judy Leland, Councilmember Kelly Harris, Public Works Director Kevin Ore, Clerk/Treasurer Amy Thorngren, City Attorney Pete Elverum, Zoning Officer Jeremy Fadness (via Zoom), and Fire Chief Troy Maness (via Zoom)

**PUBLIC PRESENT:** Nancy Andersen (via Zoom), Joel Hartleroad (via Zoom), Serenity Osborn-Loomis (via Zoom), Kenneth Loomis (via Zoom), Rachel Bray, Vince Bray, and Dave Jensen

**ABSENT/EXCUSED:** City Judge Dennis Loveless and Police Chief William Harrington

**PUBLIC COMMENTS:** There was no public comment on non-agenda items.

**PRESENTATION:** A 2019 article about planned AARP fitness parks was in the council packet. Nancy Andersen & Joel Hartleroad of AARP presented information about the proposed AARP FitLot exercise facility in Kennedy Park and answered questions from Council. The grant would include the fitness equipment and 54 classes led by a local instructor. Public Works Director Ore said that Kennedy Park was a suitable location for the proposed project. Mayor Schell invited Nancy Andersen to meet at the site in the next week.

**APPROVAL OF MINUTES:** The draft minutes of the January 19, 2021 and January 26, 2021 were in the council packet. Councilmember Leland made a motion to approve the January 19, 2021 minutes as presented. Councilmember Feist seconded the motion. All councilmembers voted aye. Councilmember Feist made a motion to approve the January 26, 2021 minutes as presented. Councilmember Harris seconded the motion. All councilmembers voted aye.

**CITY COURT REPORT:** A written report from City Judge Dennis Loveless is expected at the next meeting.

**DEPARTMENTAL REPORTS:**

**Administration** – A written report was in the council packet. Clerk/Treasurer Amy Thorngren updated Council on the audit of FY20 and the progress of the city staff Shape Up Montana team.

**Police Department** – Police Chief William Harrington was excused.

**Public Works** – A written report was in the council packet. Public Works Director Kevin Ore reported that the water main break at Valley Bank had been repaired, but recommended abandoning the 4” line and connecting the bank and approximately five other businesses on the line to the larger main on Clark Street.

**Volunteer Fire Department** - Fire Chief Troy Maness reported that his department had received 12 calls because of the wind storm and that he was competing in the Leukemia & Lymphoma Society Virtual Stair Climb again this year.

### **UNFINISHED BUSINESS:**

1. **East Helena Cemetery Future Cost Analysis** – City Attorney Elverum reported that he had been discussing the process of moving forward with city engineers. There was no public comment. This was an information-only item.
2. **Montana Environmental Trust Group New Public Water Supply Well Agreement** – Mayor Schell reported that the METG was completing an agreement with the landowner and that a possible test well could be drilled in three to six weeks. There was no public comment. This was an information-only item.
3. **East Helena School District Letter of Support for Sidewalk Project for MDT TA Grant** – A map depicting the proposed sidewalk location and the draft letter were in the council packet. Mayor Schell noted that the sidewalk would be constructed at no cost to the city. There was no public comment. Councilmember Harris made a motion to approve the letter of support as presented. Councilmember Feist seconded the motion. All councilmembers voted aye.

### **NEW BUSINESS:**

1. **Request to Amend Conditional Use Permit Procedure and Conditional Use Permit (CUP) Amendment** – The original 2016 409 N Harrison conditional use permit public notice, staff report, excerpts from the meeting minutes, and permit were in the council packet. Rachel Bray and Vince Bray were present to request making changes to the current CUP rather than going through the entire process. Zoning Officer Jeremy Fadness explained that the current zoning ordinance did not accommodate amendments and that it would have to be taken up with the Zoning Commission. City Attorney Elverum agreed. Vince Bray noted errors in the staff report. Zoning Officer Fadness promised to review them. There was no public comment. Councilmember Dahl made a motion to table. Councilmember Harris seconded the motion. Councilmembers Dahl, Harris, and Leland voted aye. Councilmember Feist abstained. The motion passed.
2. **Recreational Vehicle Occupancy Extension Request 513 E. Main Street Right-of-Way** – Relevant city code 3-4-1 and 3-4-2 which gives the mayor and city council special authorization on recreational vehicles was included in the council packet. Serenity Osborn Loomis and her brother Kenneth Loomis explained how he came to be living in the RV and asked Council for an extension due to hardship. Mayor Schell had previously granted a one-week extension, ending at sundown on January 29<sup>th</sup>, after a warning sticker had been placed by the East Helena Police Department for living in an RV in city limits. There was no public comment. Councilmember Feist made a motion to grant an extension ending at sundown on Sunday, February 14, 2021. Councilmember Dahl seconded the motion. All councilmembers voted aye.
3. **Resolution for Facility Use Fee Schedule, Inclusion of Long-Term Rental Fees** – The previously approved Resolution 535 and draft Resolution 549 were in the council packet. At Council's request, the new resolution included a 15% discount for groups that rented the Fire Hall on a regular basis (at least once per week for at least one year). There was no public comment. Councilmember Harris made a motion to approve Resolution 549 with regular usage being defined as a minimum of once per month for a minimum of one year. Councilmember Feist seconded the motion. All councilmembers voted aye.
4. **Little Free Library City Hall Location Request** – A KXLH article about the East Helena Boy Scouts building Little Free Libraries for rural communities and a picture of the library builder with his work were in the council packet. Clerk Treasurer Thorngren explained East Helena Branch Librarian Andrea Eckerson's request to place a Little Free Library containing children's books near the south entrance of City Hall. Fire Chief Maness suggested locating the library on the handrail in front of City Hall. There was no public comment. Councilmember Feist made a motion to approve

the request and review in one year. Councilmember Dahl seconded the motion. All councilmembers voted aye.

**MAYOR'S REPORT:** Mayor Schell included the following handouts in the council packet:

- 1.) Lewis & Clark City-County Board of Health Emergency Rules and Regulations updated January 28, 2021 with tracked changes (pages 10 & 11) from the December 17, 2021 version. Changes include closing time for gyms, Bars, Breweries, Distilleries, and Casinos has been extended from 10 p.m. until 12 midnight. Additional changes such as events and gatherings size were made.
- 2.) East Helena Volunteer Fire Department By-Laws (March 15, 2005 Approved), approval meeting minutes excerpt, and current VFD City Code.
- 3.) City of East Helena FY20 Audit findings received January 21, 2021, from Strom & Associates, three findings total.
- 4.) January 26, 2021 Water Quality Protection District meeting agenda.
- 5.) January 29, 2021 email and associated attachments from Lewis & Clark County Community Development & Planning Director regarding formation of the county Zoning Advisory Panel. Attachments include email, LCC Resolution 2021-8 and exhibit 1, by-laws, and January 27, 2021 ZAP meeting agenda.
- 6.) City of East Helena Public Notice for February 16, 2021, 7PM, gym and Zoom Public Hearing regarding Phase 2 commencement request for the Vigilante Major Subdivision.
- 7.) City of East Helena Water Regulations, City Code Title 8, Chapter 3, for review due to potential opportunity for improvements during future update.
- 8.) January 28, 2021 Carroll College SARS-CoV-2 Wastewater Testing result graphs from the latest samples for the City of East Helena & Helena.

**COUNCIL MEMBERS' REPORTS:**

**Don Dahl** reported that he had attended the water rate work session and the audit exit interview. He requested a method of red-flagging revenue shortfalls for the future.

**Wesley Feist** reported that he had attended the water rate work session and met with City Attorney Elverum to discuss the CUP for the daycare. He noted that he would like to attend future audit exit interviews.

**Kelly Harris** reported that he had attended the water rate work session, the booster club meeting, and meetings with Public Works Director Ore and City Attorney Elverum.

**Judy Leland** reported that she had attended the water rate work session.

**LEGAL REPORTS:** City Attorney Elverum reported that he had attended the water rate work session, met with Councilmember Harris, and met with Councilmember Feist. He invited Council to talk to him about anything, anytime.

**PAYMENT OF BILLS:** Claims 293514 through 293559 were presented for Council's review. Councilmember Harris made a motion to pay the bills. Councilmember Feist seconded the motion. All councilmembers voted aye.

**SPECIAL MEETINGS & ANNOUNCEMENTS:**

1. Growth Policy Update – Planning Board Meeting, Thursday, February 18, 2021, 6PM, Council Chambers Room 110

**MEETING SCHEDULE:**

1. East Helena Council Meeting & Public Hearing, Tuesday, February 16, 2021, 7PM, City Hall Room 108 (Gym) {Vigilante Subdivision Phase 2 Commencement}
2. East Helena Council Meeting, Tuesday, March 2, 2021, 7PM, City Hall Room 108 (Gym)

**ADJOURNMENT:** Mayor Schell adjourned the meeting at 8:51 PM.

ATTEST:

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Clerk/Treasurer

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Mayor