

MEETING MINUTES
CITY OF EAST HELENA
CITY HALL – 306 EAST MAIN – ROOM 108 (GYMNASIUM)
COUNCIL MEETING: 7:00 PM
DATE: TUESDAY, FEBRUARY 16, 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 7:01 PM. Councilmember Feist led the 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, and Zoning Officer Jeremy Fadness (via Zoom)

PUBLIC PRESENT: Odell Cantrell, Antonio Gonzalez, Dave Jensen, and Jerry Kittson (via Zoom)

ABSENT/EXCUSED: City Judge Dennis Loveless, Police Chief William Harrington, and Fire Chief Troy Maness

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

PUBLIC HEARING:

1. **Vigilante Major Subdivision Phase 2 Commencement Request** – The public notice and staff report were in the council packet. Zoning Officer Jeremy Fadness explained that phased development provides the opportunity for Council to take public comment and place additional conditions on the developer if needed. He recommended approval of commencement of this phase with no new conditions. This was an information-only item.
2. **Vigilante Major Subdivision Phase 2 Commencement Request** – No written public comment had been received. Mayor Schell called three times each for public comment in favor, opposed to, and neutral toward the commencement of phase 2 of the Vigilante Subdivision and received none.
3. **Vigilante Major Subdivision Phase 2 Commencement Request** – Councilmember Harris made a motion to approve. Councilmember Feist seconded the motion. All councilmembers voted aye.

APPROVAL OF MINUTES: The draft minutes of the February 2, 2021 meeting were in the packet for Council's review. Councilmember Leland made a motion to approve the minutes as presented. Councilmember Feist seconded the motion. All councilmembers voted aye.

CITY COURT REPORT: A written report for the month of January 2021 by City Judge Dennis Loveless was in the council packet.

DEPARTMENTAL REPORTS:

Administration – Clerk/Treasurer Amy Thorngren reported that city staff team had logged over 400 miles for Shape Up Montana, that there had been a book donation to the future Little Free Library in City Hall, and that she had begun working on loan coverage requirement calculations for the FY22 budget.

Police Department – Police Chief William Harrington was excused.

Public Works - Public Works Director Kevin Ore reported that Maintenance Worker Pursley had been training new employees on taking and delivering water samples to the lab, that there had been a sewer main backup, that there had been 3 frozen water lines prompting him to make precautionary calls to every resident on the 2018 freeze-up list, and that insurance claims had been submitted for wind damage.

Volunteer Fire Department - Fire Chief Troy Maness was excused.

UNFINISHED BUSINESS:

1. **East Helena Cemetery Future Cost Analysis** – City Attorney Elverum had no update. There was no public comment. This was an information-only item.
2. **Montana Environmental Trust Group New Public Water Supply (PWS) Well Agreement** – A list of initial conditions by the landowner and the conceptual drawing were in the council packet. The landowner requested the following conditions for his grant of easement: City approval to graze his horses on the easement property; City agreement to a specific location off Wylie Drive to access the easement property; City agreement to access the PWS with a gate (to be installed by the Custodial Trust); and, if required, based on a final survey of the easement areas, City agreement to grant him a private access easement across the northern section of the easement to allow him access to and from the eastern area of his property. There was no public comment. Councilmember Harris made a motion to approve with the conditions listed. Councilmember Dahl seconded the motion. All councilmembers voted aye.

NEW BUSINESS:

1. **Set Free Ministries Bike Blessing 2021, Main Street Park April 24th** – Antonio Gonzalez and Odell Cantrell were present to request use of the park for a scaled-down version of this annual event, due to the COVID-19 pandemic, between 9 AM and 4 PM. They also requested 2 garbage cans. There was no public comment. Councilmember Feist made a motion to approve with the understanding that county health department guidance at the time of the event will be followed. Councilmember Harris seconded the motion. All councilmembers voted aye.
2. **Temporary Garbage Service & Charge Discontinuance 302 W Main Street Due to Fire** – Mayor Schell presented Christalle Thompson's request to cease garbage service and the associated fees for a few months while repairs are made to the structure. There was no public comment. Councilmember Feist made a motion to suspend garbage service and charges for two months. Councilmember Leland seconded the motion. All councilmembers voted aye.
3. **NRDP East Helena Water Systems Improvements Agreement** – The draft agreement with MMIA's recommended changes was in the council packet. There was no public comment. Councilmember Dahl made a motion to approve the agreement. Councilmember Feist seconded the motion. All councilmembers voted aye.
4. **East Helena School District Waterline Buy-Sell Agreement & Easement Agreement** – The draft agreements were in the council packet. There was no public comment. Councilmember Harris made a motion to approve both agreements. Councilmember Feist seconded the motion. All councilmembers voted aye.
5. **Benches for Main Street Pavilion** – Mockel Precast's product information and pricing were in the council packet specific to concrete benches. Public Works Director Ore discussed the need for long lasting concrete type benches, his finish recommendations and budget for the benches. There was no public comment. Councilmember Feist made a motion to approve four benches with backs, 2 benches without backs and City emblems on all six. Councilmember Harris seconded the motions. All councilmembers voted aye.

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

- 1.) Lewis & Clark County Health Officer Order 14-2020 Amendment #2 increasing gathering size from 25 to 50 before an approved plan is required and increasing capacity of gyms, restaurants, bars, breweries, distilleries, and casinos from 50% to 75%.
- 2.) State of Montana Governor's Directive implementing Executive Order 2-2021 dated January 13, 2021.
- 3.) City of East Helena employee benefits provider MMIA's Memorandum on Early Employee Benefits Rate Adjustment Indication for 2021-2022 indicating a possible 2-4% medical plan rate increase based on the most recent available information.
- 4.) Public Notice for March 2, 2021 Public Hearing on Conditional Use Permit proposed changes to 409 N Harrison daycare facility.
- 5.) Public Notice for East Helena Prickly Pear Creek Water Main Crossing Floodplain Permit Application.

6.) City of East Helena Planning Board Agenda for upcoming Thursday, February 18, 2021 6 p.m. meeting.
7.) February 10, 2021 Carroll College SARS-CoV-2 Wastewater Testing result graphs from the latest samples for the City of East Helena & Helena and additional web page information.
Mayor Schell reported that he had met with Stahly Engineering about Montana Avenue/Valley Drive, that the Montana Propane pumping station project was moving forward, and that he had been following bills in the Montana legislature and specifically a bill that updates the law on records requests.

COUNCILMEMBERS' REPORTS:

Don Dahl had nothing to report.

Wesley Feist reported that a resident had called him regarding the items accumulating on the city right-of-way property just west of the post office.

Kelly Harris reported that he had looked at the boiler at the pool with Public Works Director Ore and that a resident had called him regarding the southwest site triangle at the intersection of Main and Prickly Pear.

Judy Leland had nothing to report.

LEGAL REPORTS: City Attorney Elverum reported that the City's current practice for regulating marijuana dispensaries in city limits was to deny business licenses to those not in compliance with federal law. He asked Council to consider how the city might regulate them after legislation is finalized.

PAYMENT OF BILLS: Claims 293560 through 293595 were presented for Council's review. Councilmember Leland 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, March 2, 2021, 7PM, City Hall Room 108 (Gym) {Conditional Use Permit Changes for Daycare at 409 N Harrison}
2. East Helena Council Meeting, Tuesday, March 16, 2021, 7PM, City Hall Room 108 (Gym)

ADJOURNMENT: Mayor Schell adjourned the meeting at 8:20 PM.

ATTEST:

Clerk/Treasurer

Mayor