

**MEETING MINUTES**  
**CITY OF EAST HELENA**  
**CITY HALL – 306 EAST MAIN – ROOM 108 (GYMNASIUM)**  
**PUBLIC HEARING AND COUNCIL MEETING: 7:00 PM**  
**DATE: TUESDAY, MAY 4, 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 7:00 PM. Councilmember Harris led the Pledge of Allegiance. Masks and physical distancing were required for those in attendance at City Hall.

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

**PUBLIC PRESENT:** Dave Jensen, Nancy Anderson (via Zoom), Michelle Sexton, and Andy Turpin

**ABSENT/EXCUSED:** City Judge Dennis Loveless and Fire Chief Troy Maness

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

**PUBLIC HEARING:**

1. **2021 Growth Policy Update Overview** – The public notice and draft Resolution 551 were in the council packet. Zoning Officer Jeremy Fadness summarized the updates to the growth policy. This was an information-only item.
2. **2021 Growth Policy Update Public Hearing** – Mayor Schell called three times each for public comment supporting, opposing, and neutral toward the proposed growth policy update and received none. Zoning Officer Fadness and Clerk/Treasurer Thorngren stated that no written comments had been received.
3. **Consideration of 2021 Growth Policy Update Approval with Resolution 551** – Councilmember Dahl noted that the location of recycling bins on page G-5 needed to be updated to the new location near the Wastewater Treatment Plant as approved at the last meeting. Mayor Schell thanked AARP for their input on the growth policy update. Councilmember Dahl made a motion to approve Resolution 551 with the noted Growth Policy amendment. Councilmember Harris seconded the motion. All councilmembers voted aye.

**APPROVAL OF MINUTES:** The draft minutes of the April 20, 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 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 reported that she had toured the Wastewater Treatment Plant; that zoning and building permit applications had been received thus far for 10 addresses in Highland Meadows Subdivision and 17 addresses in Vigilante Subdivision; and that the new Little Free Library was receiving many visits.

**Police Department** – Mayor Schell reported that he had been working with Police Administrative Support Staff Dumas and the Lewis and Clark Sheriff Office to ensure that all officers had the same directives and that the Police Chief position would be posted soon.

**Public Works** – A written report and an estimate for repairs to Pacific Street infrastructure were in the council packet. Public Works Director Kevin Ore reported that he had been working with City Engineer Koenig to replace Wylie Well #3 pump; that the city’s water meter supplier had anticipated a microchip shortage which prompted

him to pre-order more meters to meet demand; that the garbage truck had broken down on Kalispell Avenue and remained there awaiting machining of its replacement rear axle u-bolts; that while the French drain at Town Pump was being excavated due to its non-working condition, diesel fuel was discovered and DEQ was called; and that the metal had arrived for the pool and park signs. He suggested a pizza-party for the high school student who would be creating the signs.

**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 Well Agreement** – Historical documents related to the St. Clair Minor Subdivision were in the council packet. Mayor Schell expects the new public water supply well to be in commission by the end of 2021. There was no public comment. Councilmember Harris made a motion to table. Councilmember Leland seconded the motion. All councilmembers voted aye.
3. **AARP FitLot Fitness Park in Kennedy Park Agreement** – The unapproved agreement was in the council packet. City Attorney Elverum recommended that the governing law on page six be changed from Louisiana to Montana. There was no public comment. Councilmember Harris made a motion to approve the agreement with City Attorney Elverum’s recommended change. Councilmember Dahl seconded the motion. All councilmembers voted aye.
4. **Utility Easement Review and Possible Vacate 804 E. Groschell St.** – Mayor Schell reported that the error on the plat could be corrected with a Scrivener’s Error Affidavit from the original developer and that this was the plan moving forward with the City Attorney’s approval of the affidavit. There was no public comment. Councilmember Feist made a motion to table while they move forward with the affidavit. Councilmember Leland seconded the motion. All councilmembers voted aye.
5. **Montana Legislature 2021 Session Update** – A list of bills from the legislative session, House Bill 121, and the City-County Board of Health agreement that needed updating were in the council packet. Mayor Schell reported that the agreement needed to be updated for the mask mandate to be changed. There was no public comment. This was an information-only item.

### **NEW BUSINESS:**

1. **East Helena School District Fee-Waived Day-Use Request for Kennedy (JFK) Park Pavilion** – Public Works Director Ore presented the school district’s requests for free use of the park pavilion for students’ spring activities on May 17<sup>th</sup> and 18<sup>th</sup> and June 7<sup>th</sup> and 8<sup>th</sup>. There was no public comment. Councilmember Harris made a motion to approve the requests. Councilmember Leland seconded the motion. All councilmembers voted aye.
2. **Kennedy Park Tent Setup Requests** – Program information from Adventures in Cardboard was in the council packet. Mayor Schell recounted a previous request from the Knights of Columbus to set up a large tent in the park. Michelle Sexton asked Council to factor other park users into their consideration of park use requests. Councilmember Leland made a motion to table pending an informational presentation from Adventures in Cardboard. Councilmember Dahl seconded the motion. All councilmembers voted aye.
3. **Montana Environmental Trust Group COS/Boundary Line Relocation for Montana Propane Along Smelter Road. Includes Public Access Easement Allocation for Leon Road and Smelter Road** – Mayor Schell reported that the railroad had reviewed the certificates of survey and that they would be presented at the next council meeting. There was no public comment. Councilmember Harris made a motion to table. Councilmember Leland seconded the motion. All councilmembers voted aye.
4. **Montana Department of Administration Annual Plan of Action for Audit Findings** – The notice of audit publication, the draft letter to the Department of Administration Local Government Services, and the corrective action plan were in the council packet. Clerk/Treasurer Amy Thorngren summarized the three FY20 audit findings. There was no public comment. Councilmember Feist made a motion to approve the letter and corrective action plan as presented. Councilmember Harris seconded the motion. All councilmembers voted aye.

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

- 1.) Public Notice for 120 E. Clark Street Floodplain permit for adding a garage to the property.
- 2.) Montana Legislature passed HJ 17 which declares the first week in June Noxious Weed Awareness Week.
- 3.) April 26, 2021 Carroll College SARS-CoV-2 Wastewater Testing result graphs from the latest samples for the City of East Helena & Helena.

He reported that the city is looking for a resident with law enforcement or military experience to replace a current member of the Police Commission who is resigning; that he was working with Rocky Mountain Computer Supply to update the SonicWall cybersecurity software; that Zoning Officer Fadness had given a good presentation to the Lewis and Clark County Zoning Advisory Panel who viewed East Helena as pro-development; and that he was still working with Zoning Officer Fadness and on the non-compliant pergolas on 3<sup>rd</sup> Street.

**COUNCIL MEMBERS' REPORTS:**

**Don Dahl** had nothing to report.

**Wesley Feist** reported that he would watch the recordings of the MSU Local Government Center's Elected Officials Institute when returned from Tennessee.

**Kelly Harris** had nothing to report.

**Judy Leland** had nothing to report.

**LEGAL REPORTS:** City Attorney Elverum reported that he had toured the Wastewater Treatment Plant; that he had been working on the cemetery SID; that it was a good time to create SIDs for roads in the new subdivisions; that he had discussed wastewater reserve capacity with developer Jerry Hamlin; and that marijuana legislation would need to be addressed soon.

**PAYMENT OF BILLS:** Claims 293791 through 293831 were presented to Council. Councilmember Leland made a motion to pay the bills. Councilmember Harris seconded the motion. All councilmembers voted aye.

**SPECIAL MEETINGS & ANNOUNCEMENTS:**

Water Infrastructure Improvements, Water Rates, and Wastewater Infrastructure Improvement Special Council Work Session, Thursday, May 13, 2021, 5:30PM, City Council Chambers, City Hall Room 110

**MEETING SCHEDULE:**

1. East Helena Council Meeting and Public Hearing, Tuesday, May 18, 2021, 7PM, City Hall Room 108 (Gym) {Building Code Ordinance}
2. East Helena Council Meeting, Tuesday, June 1, 2021, 7PM, City Hall Room 108 (Gym)

**ADJOURNMENT:** Mayor Schell adjourned the meeting at 8:15 PM.

ATTEST:

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Clerk/Treasurer

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Mayor