

MEETING MINUTES
CITY OF EAST HELENA
CITY HALL – 306 EAST MAIN – ROOM 110
PUBLIC HEARING & COUNCIL MEETING: 7:00 PM
DATE: TUESDAY, JUNE 15, 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 7:08 PM. Councilmember Leland led the Pledge of Allegiance. Masks and physical distancing were recommended for those in attendance at City Hall.

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

PUBLIC PRESENT: Shyrilee Mitchell, Jeremiah Mitchell, Colette Holstine, Andy Shirtliff, and Dave Jensen

ABSENT/EXCUSED: City Judge Dennis Loveless

PUBLIC HEARING:

1. **Zoning Variance Request 8 N. 3rd Street** – The notice of public hearing to consider a request for a variance from city zoning regulations to allow two new accessory structures, one north and one south, to be in the required 5-foot setback and the zoning staff report were in the council packet. Zoning Officer Jeremy Fadness summarized the conditions of granting variances and recommended denial of the north accessory structure and approval of the south accessory structure due to the alley’s location bordering the south structure and neighboring property line bordering the north structure. This was an information-only item.
2. **Zoning Variance Request 8 N. 3rd Street** – Mayor Schell called three times each for public comment in favor, opposed to, and neutral toward the proposed variance. Shyrilee Mitchell, Jeremiah Mitchell, and Collette Holstine spoke in favor of approval of both accessory structures. Written comments were in the council packet from the applicant, no other written comments were received by the City Clerk or the Zoning Officer.
3. **Zoning Variance Request 8 N. 3rd Street** – Councilmember Dahl made a motion to deny the north accessory structure as recommended by staff. Councilmember Feist seconded the motion. Councilmembers Dahl and Feist voted aye. Councilmember Leland voted no. Councilmember Harris abstained. The motion passed.
Councilmember Feist made a motion to approve the south accessory structure. Councilmember Dahl seconded the motion. Councilmembers Dahl, Leland, and Feist voted aye. Councilmember Harris abstained. The motion passed.

PUBLIC COMMENTS: Dave Jensen commented that there were other problems at 8 North 3rd Street including a downspout that drains onto the alley and unsealed pavement patching.

APPROVAL OF MINUTES: The draft minutes of the May 26, 2021 special meeting were on the council room table. Councilmember Harris made a motion to approve the minutes as presented. Councilmember Dahl seconded the motion. All councilmembers voted aye. The draft minutes of the June 1, 2021 were in the

council packet. Councilmember Dahl made a motion to approve the minutes as presented. Councilmember Harris seconded the motion. All councilmembers voted aye. The draft minutes of the June 8, 2021 special meeting were on the council room table. Councilmember Harris made a motion to approve the minutes as presented. Councilmember Leland seconded the motion. All councilmembers voted aye. The draft minutes of the June 10, 2021 special meeting were on the council room table. Councilmember Dahl 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 May 2021 by City Judge Dennis Loveless was in the council packet.

DEPARTMENTAL REPORTS:

Administration – An email confirming approval of the first tranche of ARPA funding and an announcement that Deputy Clerk Shannon had attained IIMC Certified Municipal Clerk status were on the council room table. Clerk/Treasurer Amy Thorngren reported that Deputy Clerk Shannon’s ability to train and certify lifeguards was instrumental to the city pool being open in a year when some other pools are not.

Police Department – Mayor Schell reported that Officer Palumbo was doing his field training.

Public Works - Public Works Director Kevin Ore reported that the new reject pump had been installed; that there had been lightning damage to communications equipment at Wylie Well #3 and the Lane Avenue lift station; that the Kiwanis would be preparing and painting park picnic tables in Main Street Park and Kennedy Park; and that he was working on the FY22 budget.

Volunteer Fire Department - Fire Chief Troy Maness reported that the department had responded to an apartment fire and medical calls and that he had heard positive comments about the newly painted hydrants.

UNFINISHED BUSINESS:

1. **Red Fox Meadows Wastewater Agreement Connection Increase Request** – City Attorney Elverum had no update at this time. Dave Jensen commented that the city should go after Red Fox Meadows for delayed wastewater system revenues. Councilmember Harris made a motion to table. Councilmember Leland seconded the motion. All councilmembers voted aye.
2. **East Helena Cemetery Future Cost Analysis** – City Attorney Elverum requested that this item be taken off the agenda until the November timeframe because it cannot be added to the November ballot, but it can be added to a May 2022 ballot. There was no public comment. This was an information-only item. Councilmember Harris made a motion to return this item to the agenda in November. Councilmember Leland seconded the motion. All councilmembers voted aye.
3. **Montana Environmental Trust Group New Public Water Supply Well Agreement** – The draft site plan was in the council packet. Mayor Schell reported that the agreement was awaiting the approval of the city surveyor. There was no public comment. Councilmember Harris made a motion to table. Councilmember Feist seconded the motion. All councilmembers voted aye.
4. **Montana Environmental Trust Group (METG) COS/Boundary Line Relocation for Montana Propane on Smelter Road** – Mayor Schell reported that the COS was forthcoming. There was no public comment. Councilmember Feist made a motion to table. Councilmember Harris seconded the motion. All councilmembers voted aye.
5. **2021 American Rescue Plan Act (ARPA) Funds Review and Allocation Discussion** – Information about the local government funds was in the council packet. Mayor Schell discussed the varied funding that was available through ARPA and suggested using it for wastewater projects. There was no public comment. Councilmember Feist made a motion to table. Councilmember Dahl seconded the motion. All councilmembers voted aye.
6. **Montana Environmental Trust Group Monitoring Well Agreement** – The agreement was in the council packet and an updated draft was on the council room table. Mayor Schell said the final agreement would be presented at the next meeting and thanked Maintenance Worker Colten Huckins for his assistance in locating the monitoring wells. There was no public comment. Councilmember Dahl

made a motion to approve the well agreement. Councilmember Harris seconded the motion. All councilmembers voted aye.

7. **East Helena School District Proportionate Share Funding Agreement Valley Drive** – The project funding section of the Montana Avenue/Valley Drive Corridor Study by Sanderson Stewart and the Subdivision Improvement Agreement with East Helena High School were in the council packet. Mayor Schell asked for a motion to table pending City Attorney Elverum’s review. There was no public comment. Councilmember Feist made a motion to table. Councilmember Leland seconded the motion. All councilmembers voted aye.

NEW BUSINESS:

1. **Fee Waiver Request for Main Street Park Pavilion August 21, 2021 by East Helena VFW Cory Dullum Post 10010** – The facility use agreement was attached. Mayor Schell presented Tom Johnson’s request to use the pavilion at no charge for a community event. There was no public comment. Councilmember Harris made a motion to approve. Councilmember Feist seconded the request. All councilmembers voted aye.
2. **Approve Ana Glueckert to East Helena Planning Board for Two Year Term (Citizen Member)** – The Planning Board & Zoning Commission Roster, relevant Montana code, and the Planning Board By-Laws were in the council packet. Mayor Schell requested Council’s approval to reappoint Ana Glueckert to the Planning Board as she had previously agreed to serve another term. There was no public comment. Councilmember Dahl made a motion to approve. Councilmember Feist seconded the motion. All councilmembers voted aye.
3. **Approve Lynn Maness to East Helena Zoning Commission for Three Year Term** – The Zoning Commission By-Laws were in the council packet. Mayor Schell requested Council’s approval to reappoint Lynn Maness to the Zoning Commission as she had agreed previously to serve another term. There was no public comment. Councilmember Dahl made a motion to approve. Councilmember Harris seconded the motion. All councilmembers voted aye.
4. **COVID-19 Emergency Payment Plan Request** – A copy of the payment plan requesting a plan longer than 6 months was in the council packet. Clerk/Treasurer Thorngren said that the resident in question was struggling due the pandemic and could use the help. There was no public comment. Councilmember Harris made a motion to approve. Councilmember Feist seconded the motion. All councilmembers voted aye.

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

- 1.) June 10, 2021 mail from Ashley DiBlasi announcing and congratulating Julia Shannon for obtaining the status of Certified Municipal Clerk by the International Institute of Municipal Clerks (IIMC).
- 2.) Montana Department of Transportation letter dated May 28, 2021, announcing the City of East Helena’s State Fuel Tax Allocation for FY22.
- 3.) 2021 Montana Legislature House Bill 254, an act revising the Wrongful Discharge Act.
- 4.) June 7, 2021 Carroll College SARS-CoV-2 Wastewater Testing result graphs from the latest samples for the City of East Helena & Helena.

On the council room table:

- 1.) Lewis & Clark County Courtesy Notification of a proposed Business for Least or Rent (BLR) between East Main Street and Roselak Street.

Mayor Schell reported that he and Public Works Director Ore had met with Town Pump regarding a new gas station in Lamping Field and updating the intersection; that he had met with Tri County Disposal about moving the cardboard bins, implementing composting, and getting a quote on garbage service for the city; and that the city would be submitting comments about the BLR.

COUNCIL MEMBERS’ REPORTS:

Don Dahl reported that he had attended the three special meetings.

Wesley Feist reported that he had met with Brian Obert and Jennifer Steepleman of MBAC and that he had attended the three special meetings.

Kelly Harris reported that he had attended the three special meetings and had visited with those painting fire hydrants in the high school's colors.

Judy Leland reported that she had attended two out of three special meetings.

LEGAL REPORTS: City Attorney Elverum reported that upcoming projects included proposed additional connections to the East Clark Street Sewer District from the BLR, an updated agreement with School District 9, and that he anticipated responding to FOIA requests within the week.

PAYMENT OF BILLS: Claims 293937 through 293997 were presented for Council's review. Councilmember Harris made a motion to pay the bills. Councilmember Leland seconded the motion. All councilmembers voted aye.

SPECIAL MEETINGS & ANNOUNCEMENTS:

1. Independence Day Fireworks Celebration, Sunday, July 4, 2018, Dusk from the Slag Pile
2. Helena Street Rodders – Horse Power Roundup, Saturday, July 10, 2021, Show & Shine: 12N-4PM, Kennedy Park, 402 N. Harrison Ave.
3. East Helena Rodeo Parade, Saturday, July 10, 2021, 1PM, Main Street from VFW to Grand Avenue

MEETING SCHEDULE:

1. East Helena Water & Wastewater Infrastructure Upgrades Public Meeting with 2021 American Rescue Plan Act Money Allocation Decision, Thursday, June 17, 2021, 5:30PM, City Hall Room 110
2. East Helena Planning Board Meeting, Tuesday, June 22, 2021, 6PM, City Hall Room 110
3. East Helena Council Meeting, Tuesday, July 6, 2021, 7PM, City Hall Room 110

ADJOURNMENT: Mayor Schell adjourned the meeting at 9:00 PM.

ATTEST:

Clerk/Treasurer

Mayor