

**MEETING MINUTES**  
**CITY OF EAST HELENA**  
**CITY HALL – 306 EAST MAIN – ROOM 110**  
**PUBLIC HEARING & COUNCIL MEETING: 7:00 PM**  
**DATE: TUESDAY, JULY 6, 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 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, and Clerk/Treasurer Amy Thorngren

**PUBLIC PRESENT:** School District 9 Superintendent Ron Whitmoyer and Dave Jensen

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

**RESOLUTION OF GRATITUDE & APPRECIATION TO RON WHITMOYER:** Resolution 552 was on the council room table. Mayor Schell read it aloud. Council thanked Mr. Whitmoyer for his service. There was no public comment. Councilmember Harris made a motion to approve Resolution 552. Councilmember Feist seconded the motion. All councilmembers voted aye.

**PUBLIC HEARING & ACTION ITEM:**

1. **East Helena Building/Electrical/Fire Codes Ordinance Update** – The published public notice and draft Ordinance 275 were in the council packet. City Attorney Elverum summarized the changes from the previous ordinance including the adoption of the 2018 International Energy Conservation Code and the removal of the 2017 National Electrical Code. This was an information-only item.
2. **East Helena Building/Electrical/Fire Codes Ordinance Update** - Mayor Schell called three times each for public comment in favor of, opposed to, and neutral toward the proposed ordinance update and received none.
3. **East Helena Building/Electrical/Fire Codes Ordinance Update First Reading** – Councilmember Dahl made a motion to approve the first reading of Ordinance 275 updating the building, electrical, and fire codes for the City of East Helena. Councilmember Feist seconded the motion. All councilmembers voted aye.

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

**APPROVAL OF MINUTES:** The draft minutes of the June 15, 2021, June 17, 2021, and June 28, 2021 were in the council packet. Councilmember Leland made a motion to approve the June 15<sup>th</sup> minutes as presented. Councilmember Harris seconded the motion. All Councilmembers voted aye. Councilmember Dahl made a motion to approve the June 17<sup>th</sup> minutes as presented. Councilmember Feist seconded the motion. All Councilmembers voted aye. Councilmember Dahl made a motion to approve the June 28<sup>th</sup> minutes as presented. Councilmember Leland 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 zoning and building permit applications for addresses in the new subdivisions continued to increase as did connections to the Red Fox Meadows sewer line.

**Police Department** – Mayor Schell reported that the Chief of Police position had been posted and was closing July 9<sup>th</sup>, that the 4<sup>th</sup> of July had gone well, and that he was having regular meetings with the Patrol Officers.

**Public Works** – A written report was in the council packet. Public Works Director Kevin Ore reported that the pre-bid meeting for the water system improvements would happen on July 7<sup>th</sup>, that the park lawn mower had failed and was no longer under warranty, and that the pool vacuum had failed and been replaced.

**Volunteer Fire Department** - Fire Chief Troy Maness was excused.

## **UNFINISHED BUSINESS:**

1. **Red Fox Meadows Wastewater Agreement Connection Increase Request** – The draft addendum to the agreement was on the council room table. City Attorney Elverum reported that city engineers had determined that there was capacity for the increase. Dave Jensen commented that the agreement was not a good decision, and the addendum did not benefit the residents of East Helena. Councilmember Harris made a motion to approve the wastewater connection increase. Councilmember Feist seconded the motion. All councilmembers voted aye.
2. **New Public Water Supply Well Easement Agreement with Larry & Valerie St. Clair** – The draft easement agreement was in the council packet. There was no public comment. Councilmember Feist made a motion to approve presenting the agreement to the landowners. Councilmember Leland seconded the motion. All councilmembers voted aye.
3. **Montana Environmental Trust Group New Public Water Supply Well Agreement** – The original draft letter of agreement between the trust group and the city and attachments were in the council packet. Mayor Schell explained that the attachments detailed chlorination questions that still need to be addressed in the future forthcoming agreement. There was no public comment. Councilmember Feist made a motion to table. Councilmember Leland seconded the motion. All councilmembers voted aye.
4. **Montana Environmental Trust Group (METG) COS/Boundary Line Relocation for Montana Propane on Smelter Road.** – Updated certificates of survey were in the council packet. Mayor Schell reported that Montana Rail Link approval was awaited and a written easement agreement was being prepared by them. There was no public comment. Councilmember Harris made a motion to table. Councilmember Leland seconded the motion. All councilmembers voted aye.
5. **City-County Board of Health Interlocal Agreement and 2021 HB121** – The current agreement and House Bill 121 were in the council packet. Mayor Schell and City Attorney Elverum reported that there had been a meeting of the other two parties in the agreement, Lewis and Clark County and the City of Helena, but the outcome was unknown because the time and place of the meeting had been unavailable. There was no public comment. Councilmember Feist made a motion to table. Councilmember Leland seconded the motion. All councilmembers voted aye.
6. **Montana Environmental Trust Group Monitoring Well Agreement** – As promised at the last meeting, the signed agreement with maps was in the council packet. Mayor Schell reported that there had been no changes to the agreement. There was no public comment. This was an information-only item.
7. **Water Projects Bid Opening and Water Rate Increase Review** – The published request for bids were in the council packet. Public Works Director Ore reported that the pre-bid opening meeting would be held the next day, the bid opening would be done July 23<sup>rd</sup>, and the bids would be presented at the August 3<sup>rd</sup> meeting. There was no public comment. Councilmember Dahl made a motion to table. Councilmember Harris seconded the motion. All councilmembers voted aye.

## **NEW BUSINESS:**

1. **Resolution of Expression of Respect and Esteem for and to Richard C. Stafford** – Draft Resolution 553 and a June 6, 2019 Independent Record article about the late Dick Stafford were in the council packet. Mayor Schell read the resolution aloud. There was no public comment. Councilmember Leland made a motion to approve Resolution 553. Councilmember Feist seconded the motion. All councilmembers voted aye.
2. **Police Chief Hiring Committee** – Mayor Schell summarized the process of forming a hiring committee to select the next Chief of Police. Councilmember Harris volunteered to be on the committee. There was no public comment. Councilmember Feist made a motion to approve Councilmember Harris to the Police Chief Hiring committee. Councilmember Leland seconded the motion. Councilmembers Feist, Leland, and Dahl voted aye. Councilmember Harris abstained. The motion passed.
3. **Swimming Pool Heater Condition, Replacement Cost Estimates & FY22 Budget Request** – Pictures of the existing corroded heater and an estimate were in the council packet. Public Works Director Ore said that he would be getting more estimates to replace the heater. There was no public comment. Councilmember Dahl made a motion to table. Councilmember Harris seconded the motion. All councilmembers voted aye.
4. **Lewis and Clark County Board of Health Representative Request - Appointment of Mayor** – The Board of Health By-Laws were in the council packet. There was no public comment. Councilmember Feist made a motion to appoint Mayor Schell as Health Board Representative until December 31, 2021. Councilmember Dahl seconded the motion. All councilmembers voted aye.
5. **Strom & Associates Contract Review & Renewal** – A copy of the contract was in the council packet. Clerk/Treasurer Thorngren reported that a federal audit would most likely be required in the future due to CARES Act and ARPA funds received by the city and that she had requested an estimate from the auditor. There was no public comment. Councilmember Feist made a motion to approve the contract in the packet. Councilmember Dahl seconded the motion. All councilmembers voted aye.
6. **Fireworks Ordinance Review to Consider Alignment with Federal Laws Due to Montana 2021 HB215** – Current city code, House Bill 215, and CFR 555.11 were in the council packet. Mayor Schell requested Council’s opinion on whether to align city code with state and federal law. Councilmembers discussed the current problems with having a more stringent city ordinance than state law. There was no public comment. Councilmember Feist made a motion to approve. Councilmember Harris seconded the motion. All councilmembers voted aye.
7. **COVID-19 Emergency Payment Plan Request** – A resident’s payment plan application for a term longer than 6 months was in the council packet. There was no public comment. Councilmember Dahl made a motion to approve the payment plan request. Councilmember Harris seconded the motion. All councilmembers voted aye.
8. **FY22 Budget Meeting Schedule** – Budget meetings were set for July 12<sup>th</sup>, July 20<sup>th</sup>, and July 26<sup>th</sup> at 5:30 PM. This was an information-only item.

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

- 1.) June 30, 2021 Lewis & Clark Public Health COVID-19 Update with Information Sheet.
- 2.) June 30, 2021 email with attachment from Jolene Giarde titled “Save the Date” for Thursday, December 2, 2021 for the Christmas Stroll.
- 3.) 2021 Montana Legislature Local Government Interim Committee Meeting Notice July 13, 2021, 9:30am Room 137 at the Capitol.
- 4.) Excerpts from Montana Legislature’s HB 701, An Act Generally Revising Laws Related to the Regulation and Taxation of Marijuana. Pages included (see Section 95) those that outline the local-option marijuana excise tax which gives the county the authority to place a maximum 3% excise tax that is shared with municipalities within the county.
- 5.) June 28, 2021 Carroll College SARS-CoV-2 Wastewater Testing result graphs from the latest samples for the City of East Helena & Helena.

6.) June 18, 2021 Time article titled “Human Waste Could Be the Next Big Weapon in Controlling COVID-19.”

Mayor Schell thanked the Kiwanis for repainting the picnic tables at the parks, reported that Nate Kopp with Prickly Pear Land Trust would give a presentation at the next council meeting, and said that one or more of the ASARCO windows would be presented at a council meeting when the project is finished.

**COUNCIL MEMBERS’ REPORTS:**

**Don Dahl** reported that he had attended the special meetings and the Planning Board Meeting. He reminded all that the Zoning Commission meeting would be held July 15<sup>th</sup> and invited City Attorney Elverum to present on the new marijuana legislation.

**Wesley Feist** reported that he had attended the special meetings.

**Kelly Harris** reported that he had attended the special meetings.

**Judy Leland** reported that she had attended the special meetings.

**LEGAL REPORTS:** City Attorney Elverum reported that he had attended the special meetings; worked on the addendum to the Red Fox Meadows agreement; that he was working with the officers on systems and procedures for traffic enforcement citations; and that he was looking at the options for handling candidates who are ineligible to hold elected office in the city but have filed anyway.

**PAYMENT OF BILLS:** Claims 294041 through 294086 were presented for Council’s review. Councilmember Leland made a motion to pay the bills. Councilmember Harris seconded the motion. All councilmembers voted aye.

**SPECIAL MEETINGS & ANNOUNCEMENTS:**

1. East Helena Rodeo – 28<sup>th</sup> Annual Lewis and Clark In-County Timed Events Rodeo, Thursday, July 8, 2021, Gates Open 5:30PM Rodeo Starts 6:30PM, East Helena Rodeo Grounds
2. East Helena Rodeo – 57<sup>th</sup> Annual NRA Rodeo, Friday, July 9, 2021, and Saturday, July 10, 2021, Gates Open 5PM Rodeo Starts 6PM, East Helena Rodeo Grounds
3. Helena Street Rodders – Horse Power Roundup, Saturday, July 10, 2021, Show & Shine: 12N-4PM, Kennedy Park, 402 N. Harrison Ave.
4. East Helena Rodeo Parade, Saturday, July 10, 2021, 1PM, Main Street from VFW to Grand Avenue

**MEETING SCHEDULE:**

1. East Helena Zoning Commission Meeting, Thursday, July 15, 2021, 6PM, City Hall Room 110
2. East Helena Council Meeting, Tuesday, July 20, 2021, 7PM, City Hall Room 110
3. East Helena Council Meeting, Tuesday, August 3, 2021, 7PM, City Hall Room 110

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

ATTEST:

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Clerk/Treasurer

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Mayor