

MEETING MINUTES
CITY OF EAST HELENA
CITY HALL – 306 EAST MAIN – ROOM 110
COUNCIL MEETING: 7:00 PM
DATE: TUESDAY, AUGUST 3, 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. Masks and physical distancing were recommended for those in attendance at City Hall. Councilmember Leland led the Pledge of Allegiance.

CITY OFFICIALS & STAFF 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, City Engineer Brad Koenig, City Engineer Austin Wargo, Zoning Officer Jeremy Fadness (via Zoom) and Clerk/Treasurer Amy Thorngren

PUBLIC PRESENT: Dave Jensen, Greg Chiles, Greg Wirth, Andy Shirliff, Landy Leep (via Zoom) and Dustin Horswill

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

PUBLIC COMMENTS: Written public comment from resident Greg Chiles was on the council room table. Mr. Chiles commented that large vehicles parked in the right-of-way had created unsafe conditions at the intersection of East Main Street and North Washington Avenue.

PRESENTATION: U.S. Small Business Administration Outreach & Marketing Specialist Andy Shirliff gave a presentation on economic development and the SBA. He gave contact information and explained how the SBA could assist local small businesses.

APPROVAL OF MINUTES: The draft minutes of the July 20, 2021 (5:30PM), July 20, 2021 (7PM) and July 26, 2021 meetings were in the council packet. There was no public comment. Councilmember Dahl made a motion to approve the July 20, 2021 (5:30PM) minutes as presented. Councilmember Harris seconded the motion. All councilmembers voted aye. Councilmember Harris made a motion to approve the July 20, 2021 (7PM) minutes as presented. Councilmember Feist seconded the motion. All councilmembers voted aye. Councilmember Feist made a motion to approve the July 26, 2021 minutes as presented. Councilmember Leland seconded the motion. All councilmembers voted aye.

CITY COURT REPORT: A written report from City Judge Dennis Loveless was in the packet at the July 20, 2021 (7PM) meeting.

DEPARTMENTAL REPORTS:

Administration – A written report was in the council packet. Clerk/Treasurer Amy Thorngren reported that the Montana State Fund workers compensation audit had been completed.

Police Department – Mayor Schell reported that the department was proceeding with the hiring process for a Chief of Police.

Public Works – A written report was in the council packet. Public Works Director Kevin Ore reported that the Bayard Street water main had been repaired, that Wylie Drive would be closed for utility work and that the Riggs Street road improvement repair near Harrison Ave was ongoing.

Volunteer Fire Department - Fire Chief Troy Maness was excused.

UNFINISHED BUSINESS:

1. **Water Infrastructure Improvements, Water Mains Bid Tabulations Review and Approval** – The certified bid tabulations were in the council packet. **City Engineer Brad Koenig asked to speak about Unfinished Business Items 1 through 5 in combination. The combined motions and actions of Council are recorded in the Unfinished Business 5 minutes.*
2. **Water Infrastructure Improvements, Water Tank Bid Tabulations Review and Approval** – The certified bid tabulations were in the council packet. **City Engineer Brad Koenig asked to speak about Unfinished Business Items 1 through 5 in combination. The combined motions and actions of Council are recorded in the Unfinished Business 5 minutes.*
3. **Water Infrastructure Improvements, Water Mains Bid Review and Award** – The certified bid tabulations were in the council packet. **City Engineer Brad Koenig asked to speak about Unfinished Business Items 1 through 5 in combination. The combined motions and actions of Council are recorded in the Unfinished Business 5 minutes.*
4. **Water Infrastructure Improvements, Water Tank Bid Review and Award** – The certified bid tabulations were in the council packet. **City Engineer Brad Koenig asked to speak about Unfinished Business Items 1 through 5 in combination. The combined motions and actions of Council are recorded in the Unfinished Business 5 minutes.*
5. **Water Infrastructure Improvements, Proposed Water Rate Increase Review and New Water Rate Amounts** – The rate calculations based on 882 EDUs were in the Council packet. There was no public comment. **Councilmember Feist made a motion to approve moving forward with Mike Coleman Construction, Inc. on Base Bid Schedule I for water mains, but none on Base Bid Schedule II for paving. Councilmember Harris seconded the motion. All councilmembers voted aye. *Councilmember Harris made a motion to approve moving forward with DN Tanks of Montana, LLC on Base Bid Schedule III for the water tank and a resolution to set the water rate based on 932 EDUs. Councilmember Dahl seconded the motion. All councilmembers voted aye.*
***Mayor Schell asked Council's permission to move to New Business 1 at this time.*
6. **Montana Environmental Trust Group New Public Water Supply Well Agreement** –The approved agreement was in the council packet. Mayor Schell reported that the landowner had requested a hydrant along Wylie Drive at METG's expense. There was no public comment. Councilmember Dahl made a motion to approve the hydrant. Councilmember Feist seconded the motion. All councilmembers voted aye.
7. **Montana Environmental Trust Group (METG) COS/Boundary Line Relocation for Montana Propane on Smelter Road – MRL Written Easement Agreement for Leon Road**– The agreement from MRL was included in the council packet. Mayor Schell noted a required amendment from "Missoula County" to "the City of East Helena" in the agreement. There was no public comment. Councilmember Harris made a motion to approve with the agreement as amended. Councilmember Leland seconded the motion. All councilmembers voted aye.

NEW BUSINESS:

1. **Highland Meadows Subdivision Park Development Plan** – Greg Wirth of Stahly Engineering summarized the progress of the subdivision and requested Council's approval of the park development plan which was in the council packet. Zoning Officer Jeremy Fadness reported that the plan was consistent with the subdivision application. City Attorney Elverum pointed out that the vehicular access from the subdivision to the proposed park indicated on the plan was only 30 feet wide and recommended that Council only accept a proper city street. Highland Meadows developer Landy Leep commented that he was open to conditional approval or table from Council. Councilmember Feist made a motion to table pending a revised plan. Councilmember Leland seconded the motion. All councilmembers voted aye.
2. **AAAA Big Sky Chapter Montana Air National Guard 9/11/21 5K Fun Run** – Big Sky AAAA Treasurer Dustin Horswill requested Council's approval to hold a fun run in the city with a route from

the Missouri River Brewery to the VFW and back. There was no public comment. Councilmember Feist made a motion to tentatively approve the fun run pending a map of the route it will take.

Councilmember Harris seconded the motion. All councilmembers voted aye.

***Mayor Schell returned the meeting to Unfinished Business 6 at this time.*

3. **Montana DPHHS Low-Income Home Water Assistance Program (LIHWAP) Contractor Application & Contract** – The application and contract were in the council packet. Mayor Schell requested Council’s approval to participate in this program through a contract with DPHHS to receive payment and provide water and wastewater assistance to income-eligible households. There was no public comment. Councilmember Feist made a motion to approve. Councilmember Leland seconded the motion. All councilmembers voted aye.
4. **PureView Health Center & Lewis and Clark Public Health Aug 12th 8AM to Noon Main Street Park Outreach Event** – A written overview of the event was in the council packet. There was no public comment. Councilmember Feist made a motion to approve the request. Councilmember Leland seconded the motion. All councilmembers voted aye.
5. **Rick Pyfer & Friends Use of Fireman’s Recreation Hall Fee Waiver Aug 17th Noon to 5:30PM** – Mayor Schell asked Council’s permission to allow Rick Pyfer and friends to use the Fire Hall at no charge to promote the possible financing of an upgrade to the Fire Hall. There was no public comment. Councilmember Harris made a motion to approve. Councilmember Dahl seconded the motion. All councilmembers voted aye.
6. **2021 East Helena General Election Candidate Review of Qualifications** – Relevant Montana code and the county elections office’s list of 2021 candidates were in the council packet. City Attorney Elverum handed out a copy of a mayoral candidate’s Declaration for Nomination and Oath of Candidacy that was in question due to the non-city address listed for their residence. The City Attorney informed the council of options in addressing the issue including the possibility of filing a declaratory action in district court. The city attorney advised he would like to move forward with researching that option. There was no public comment. Councilmember Dahl made a motion to approve. Councilmember Leland seconded the motion. Councilmembers Dahl, Feist and Leland voted aye. Councilmember Harris abstained. All councilmembers voted aye.
7. **McDonald Trailer Park Proposed Buildings for Lease or Rent (BLR) Comment Letter to Lewis and Clark Planning Department** – The county’s request for review and comments and the city’s previous letter of comment were included in the council packet. The developer has yet to request the city’s permission to add new connections to the East Clark Street Water and Sewer District’s city-connected wastewater system as is required by the current agreement with the district. Mayor Schell requested Council’s approval to move forward with another letter of comment. There was no public comment. Councilmember Dahl made a motion to approve the new letter. Councilmember Feist seconded the motion. All councilmembers voted aye.

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

- 1.) Public Notice - Request for comments for the METG work on Parcel 2.
- 2.) Public Notice for zoning variance request for 2820 Ashley Avenue.
- 3.) July 26, 2021 Carroll College SARS-CoV-2 Wastewater Testing result graphs from the latest samples for the City of East Helena & Helena.

Mayor Schell reminded the council that the city had not yet passed a resolution to lift the COVID-19 emergency resolution and that he had attended the Board of Health meeting.

COUNCIL MEMBERS’ REPORTS:

Don Dahl reported that he had attended the budget meetings and relayed what he learned on the Zoom call regarding Town Pump’s development at Lamping Field.

Wesley Feist reported that he had attended the budget meetings and thanked Council for hosting the SBA’s presentation.

Kelly Harris reported that he had attended the budget meetings.

Judy Leland reported that she had attended the budget meetings.

LEGAL REPORTS: City Attorney Elverum reported that there was a bench trial the next day and that he had been working to address the ineligible candidate filing to run for mayor.

PAYMENT OF BILLS: Claims 294118 through 294167 were presented for Council's review. Councilmember Leland made a motion to pay the bills. Councilmember Dahl seconded the motion. All councilmembers voted aye.

MEETING SCHEDULE:

1. East Helena Special Council Meeting, Thursday, August 5, 2021, 5:30PM, City Hall Room 110
2. East Helena Special Council Meeting, Tuesday, August 10, 2021, 5:30PM, City Hall Room 110
3. East Helena Public Hearing & Council Meeting, Tuesday, August 17, 2021, 7PM, City Hall Room 110
{Zoning Variance Request 2820 Ashley Avenue}
4. East Helena Public Hearing & Council Meeting, Tuesday, September 7, 2021, 7PM, City Hall Room 110
{FY21 Budget Adjustments & FY22 Budget Approval}

ADJOURNMENT: Mayor Schell adjourned the meeting at 9:28 PM.

ATTEST:

Clerk/Treasurer

Mayor