

MEETING MINUTES
CITY OF EAST HELENA
CITY HALL – 306 EAST MAIN – ROOM 110
COUNCIL MEETING: 7:00 PM
DATE: TUESDAY, AUGUST 17, 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 Leland led the Pledge of Allegiance. Masks and physical distancing were recommended for those in attendance at City Hall.

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

PUBLIC PRESENT: Dave Jensen, Paul Jensen, Josh French (via Zoom), Landy Leep (via Zoom), John Barrows, Trevor McLeod, unidentified young girl, Shannon Lanus, Brock Gebhardt, Iris Maness, Lynn Maness, and Greg Wirth (via Zoom)

ABSENT/EXCUSED: City Judge Dennis Loveless

PUBLIC HEARING & ACTION ITEM:

1. **Zoning Variance Request for 2820 Ashley Avenue** – The public notice and staff report were in the council packet. Zoning Officer Jeremy Fadness went over the report and the items that varied from the zoning ordinance. He noted that a granted variance follows the property and does not need to be redone every time the property changes hands. This was an information-only item.
2. **Zoning Variance Request for 2820 Ashley Avenue** – Mayor Schell called three times each for public comment in support of, opposed to, and neutral toward the variance request. Brock Gebhardt explained the events that led up to the incorrect placement of the building and how it would be prevented in the future.
3. **Zoning Variance Request for 2820 Ashley Avenue** – Councilmember Feist made a motion to approve the variance request. Councilmember Harris seconded the motion. All councilmembers voted aye.

PUBLIC COMMENTS: Paul Jensen commented that NorthWestern Energy’s construction detour from Wylie Drive onto Gail Street resulted in overweight trucks on the road, unruly traffic, and a negative impact on residents and infrastructure and that city staff should have managed it better. Dave Jensen commented that the same thing had happened on Pacific Street to the pavement and will happen again on 3rd Street.

APPROVAL OF MINUTES: The draft minutes of the August 2, 2021, August 3, 2021, August 5, 2021, and August 10, 2021 meetings were in the council packet. Dave Jensen commented that the minutes should be amended to say that he had commented at the August 2, 2021, August 5, 2021, and August 10, 2021 special budget meetings that he didn’t have enough information to provide public comment at that time and would reserve his right to provide public comment at a later date. Councilmember Feist made a motion to approve the August 2, 2021 minutes as amended. Councilmember Dahl seconded the motion. All councilmembers voted aye. Councilmember Dahl made a motion to approve the August 3, 2021 minutes as presented. Councilmember Leland seconded the motion. All councilmembers voted aye. Councilmember Harris made a motion to approve the August 5, 2021 minutes as amended. Councilmember Feist seconded the motion. All councilmembers voted aye. Councilmember Harris made a motion to approve the August 10, 2021 minutes as amended. Councilmember Feist seconded the motion. All councilmembers voted aye.

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

DEPARTMENTAL REPORTS:

Administration – Clerk/Treasurer Amy Thorngren reported that she had been working on the FY22 budget and would be doing the USDA-RD loan reporting soon.

Police Department – Mayor Schell reported that the police department had been coordinating with the Lewis and Clark County Sheriff’s Office for regular patrols.

Public Works - Public Works Director Kevin Ore reported his department was working to correct a phosphorus violation from July, that Tri County Disposal had made the city a great deal on garbage containers, that the new park benches had been installed in the Main Street Park Pavilion, that the city crews were working on crosswalks prior to school starting, that a tree on Harrison Avenue on city property needed to go, and that the pool had closed for the season.

Volunteer Fire Department - Fire Chief Troy Maness reported that the rescue truck had broken down and been repaired over the weekend, that Engine 1 needed a new windshield, that he had participated in the Firefighter Combat Challenge, that the VFD would be providing EMT services at the East Helena High School football games.

UNFINISHED BUSINESS:

1. **Highland Meadows Subdivision Park Development Plan** – The amended park plan was in the council packet. Greg Wirth of Stahly Engineering modified the original plan which now includes wider access to the park and an emergency vehicle turnaround. Zoning Officer Jeremy Fadness reported that the revisions seemed to align with those requested by Council at the last meeting. Fire Chief Maness discussed the T-turnaround with Greg Wirth. Landy Leep of Oakland Built Homes spoke in favor of the revisions and requested Council’s approval. Councilmember Feist made a motion to approve the park development plan contingent upon coordination with the fire chief. Councilmember Dahl seconded the motion. All councilmembers voted aye.

***Upon Council approval, Mayor Schell moved ahead to New Business #1 at this time.

2. **AAAA Big Sky Chapter Montana Air National Guard 9/11/21 5K Fun Run** – A map of the proposed route for the fun run was included in the council packet. Mayor Schell presented Dustin Horswill’s request. There was no public comment. Councilmember Harris made a motion to approve contingent upon DOT approval. Councilmember Feist seconded the motion. All councilmembers voted aye.
3. **Resolution of Intent for Water Rate Increase** – The engineer’s financial reference table, certificate of resolution, and draft Resolution 555 were in the council packet. A report of irrigation accounts was on the council room table. Council discussed beginning the rate increase with the January 2022 billing rather than the October 2021 billing indicated in the resolution and including an irrigation rate increase proportionate to the increase in the base water rate. Council recommended an annual rate analysis using the new BMS software module of all enterprise funds moving forward. There was no public comment. Councilmember Dahl made a motion to approve Resolution 555 as amended. Councilmember Feist seconded the motion. All councilmembers voted aye.
4. **Manlove Avenue Water Infrastructure Project Paving Re-Bidding** – Public Works Director Ore said that the asphalt bids for the water system improvement project had been declined and discussed options for moving forward. Paul Jensen commented that a specification or a warranty is needed to ensure durable material is used and recommended sealing right after paving. Councilmember Feist made a motion to re-bid Manlove Avenue with Pacific Street and remove the 1-year warranty on the Manlove portion. Councilmember Harris seconded the motion. All councilmembers voted aye.
5. **Pacific Street Sewer/Water Project Valley Gutter Inclusion Determination** – The cost estimate, gutter construction specifications, and paving and retaining wall diagram were in the council packet. Public Works Director Ore discussed the project with Council. Dave Jensen commented that the cost was too high and that there were higher priority projects around town. Councilmember Feist made a motion to approve inclusion of the gutters with further explanation from the engineer regarding costs. Councilmember Dahl seconded the motion. All councilmembers voted aye.

6. **2021 East Helena General Election Candidate Review of Qualifications Update** – City Attorney Elverum reported that a municipality is not allowed to take a position supporting, opposing, or challenging a candidate who has filed to run for office. This was an information-only item.
7. **Montana Environmental Trust Group New Public Water Supply Well Agreement {New Hydrant Along Wylie Drive at St. Clair Property}**– Mayor Schell reported that the signed agreement was still awaited from the property owner. There was no public comment. Councilmember Harris made a motion to table. Councilmember Dahl seconded the motion. All councilmembers voted aye.
8. **Montana Environmental Trust Group (METG) COS/Boundary Line Relocation for Montana Propane on Smelter Road. – MRL Written Easement Agreement for Leon Road**– Mayor Schell reported that the signed agreement was still awaited from MRL. There was no public comment. Councilmember Harris made a motion to table. Councilmember Leland seconded the motion. All councilmembers voted aye.

NEW BUSINESS:

1. **Highland Meadows Subdivision Phase 1 Street Chip Sealing Requirement** – A July 27, 2021 letter from Greg Wirth of Stahly Engineering to City Engineer Brad Koenig explaining that the inclusion of chip sealing in Phase 1 was an error and was in the council packet. Greg Wirth requested that chip sealing be omitted from the requirements. Zoning Officer Fadness noted that chip seal was included in the financial guarantee and that this request should be framed as an amendment to the subdivision improvements agreement. Public Works Director Ore recommended denial of the request and chip sealing upon completion of the subdivision. Landy Leep stated that the city neither requested nor required the chip sealing, which was clerical error, and requested adherence to the subdivision requirements which don't require it. Zoning Officer Fadness recommended coming back to Council with an amendment to the subdivision agreement. Councilmember Feist made a motion to deny the request not to apply the chip seal. Councilmember Dahl seconded the motion. All councilmembers voted aye.
2. **Historic Train Depot Update** – A written report from John Barrows of the East Helena Historical Society was in the council packet. Mr. Barrows updated Council on the progress of the depot restoration. A small power supply to the depot may be requested in the future. Councilmember Feist made a motion to table. Councilmember Leland seconded the motion. All councilmembers voted aye.
***Mayor Schell returned to Unfinished Business #2 at this time.
3. **Election To Be Conducted by Mail Ballot Confirmation** – An email from Elections Supervisor Audrey McCue requesting confirmation that the city will not oppose an all-mail ballot election was included in the council packet. Clerk/Treasurer Thorngren reported that a ballot drop-box would be provided at City Hall on Election Day. There was no public comment. Councilmember Dahl made a motion to approve. Councilmember Harris seconded the motion. All councilmembers voted aye.
4. **State Surplus Property Signers List & Nondiscrimination Assurance Form** – The Authorized Representative application was in the council packet. Clerk/Treasurer Thorngren reported that all of Public Works, Officer Palumbo, Mayor Schell, Deputy Clerk Shannon, and herself had signed to be authorized representatives. There was no public comment. Councilmember Feist made a motion to approve. Councilmember Dahl seconded the motion. All councilmembers voted aye.
5. **J4 Automotive Use of Main Street Park for Halloween Walk & Movie in The Park Sunday, October 31, 2021**– Mayor Schell presented Kit and Vi Johnson's request. There was no public comment. Councilmember Dahl made a motion to approve the request. Councilmember Feist seconded the motion. All councilmembers voted aye.
6. **J4 Automotive Use of Main Street Park for Christmas Stroll Thursday, December 2, 2021** – Mayor Schell presented Kit and Vi Johnson's request. There was no public comment. Councilmember Harris made a motion to approve the request. Councilmember Leland seconded the motion. All councilmembers voted aye.
7. **Main Street Park Pavilion Fundraising Brick Placement** – The brick order form was in the council packet. Mayor Schell presented Mike and Robin Hossfeld's request to install a single layer of bricks around the new pavilion. There was no public comment. Councilmember Leland made a motion to approve the request. Councilmember Harris seconded the motion. All councilmembers voted aye.
8. **Main Street Park Fee Waiver & Alcohol Variance for Eagles 4040 Pavilion Brick Placement Team Saturday, Sept. 18, 2021 11 a.m. - until Dark** – Mayor Schell presented Mike and Robin Hossfeld's

request to allow participants to bring alcohol to the brick placement event. There was no public comment. Councilmember Dahl made a motion to approve the request. Councilmember Feist seconded the motion. All councilmembers voted aye.

9. **Main Street Park Fee Waiver & Alcohol Variance for Eagles 4040 East Helena Birthday Celebration Sunday, Sept. 19, 2021 3 p.m. – 5 p.m.** – Mayor Schell presented Mike and Robin Hossfeld’s request to allow participants to bring alcohol to the celebration of the City’s anniversary. There was no public comment. Councilmember Dahl made a motion to approve the request. Councilmember Feist seconded the motion. All councilmembers voted aye.

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

- 1.) Public Health Email for COVID-19 Guidelines dated July 30th.
 - 2.) August 9, 2021 Carroll College SARS-CoV-2 Wastewater Testing result graphs from the latest samples for the City of East Helena & Helena.
- Mayor Schell reported that the first East Helena High School football game of the season would be August 27th.

COUNCIL MEMBERS’ REPORTS:

Don Dahl reported that he had attended the budget meetings and the tour of the fire station.
Wesley Feist reported that he had attended the budget meetings and the tour of the fire station.
Kelly Harris reported that he had attended the budget meetings and booster club meetings.
Judy Leland reported that she had attended the budget meetings.

LEGAL REPORTS: City Attorney Elverum had nothing to report.

PAYMENT OF BILLS: Claims 294168 through 294209 were presented for Council’s review. Councilmember Dahl made a motion to pay the bills. Councilmember Leland seconded the motion. All councilmembers voted aye.

MEETING SCHEDULE:

1. East Helena Public Hearing & Council Meeting, Tuesday, August 17, 2021, 7PM, City Hall Room 110
{Zoning Variance Request 2820 Ashley Avenue}
2. East Helena Special Meeting, Tuesday, August 24, 2021, 5:30PM, Kennedy Park Tour, 402 N. Harrison Ave
3. East Helena Special Council Meeting, Tuesday, August 24, 2021, 6:30PM, City Hall Room 110
4. East Helena Special Council Meeting, Monday, August 30, 2021, 5:30PM, City Hall Room 110
5. East Helena Public Hearing & Council Meeting, Tuesday, September 7, 2021, 7PM, City Hall Room 110
{Water Rate Increase Public Hearing & FY21/FY22 Budgets}

ADJOURNMENT: Mayor Schell adjourned the meeting at 9:58 PM.

ATTEST:

Clerk/Treasurer

Mayor