

**MEETING MINUTES**  
**CITY OF EAST HELENA**  
**CITY HALL – 306 EAST MAIN – COUNCIL CHAMBERS - ROOM 110**  
**COUNCIL MEETING: 7:00 PM**  
**DATE: TUESDAY, SEPTEMBER 21, 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 OFFICIALS & STAFF PRESENT:** Mayor James Schell, Council President Don Dahl (via Zoom), Councilmember Judy Leland, Councilmember Kelly Harris, Councilmember Wesley Feist, Public Works Director Kevin Ore, City Attorney Pete Elverum, Fire Chief Troy Maness (via Zoom), and Clerk/Treasurer Amy Thorngren

**PUBLIC PRESENT:** Greg Wirth (via Zoom), Denise Gjerde (via Zoom), and Dave Jensen

**EXCUSED/ABSENT:** City Judge Dennis Loveless

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

**APPROVAL OF MINUTES:** The draft minutes of the September 7, 2021 meeting were in the council packet. On the council room table was written public comment from Dave Jensen detailing his public comments made at the meeting. Councilmember Feist made a motion to approve the September 7, 2021 minutes with the addition of references to Mr. Jensen's written comments. Councilmember Harris 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** – Clerk/Treasurer Amy Thorngren reported that she was finishing the FY22 budget document to submit to the state, that the rate analysis software was being set up, that fees had been paid for 14 zoning applications for Highland Meadows Subdivision, and that the city was now billing for 103 wastewater connections in Red Fox Meadows Subdivision.

**Police Department** – Mayor Schell reported that there would be a discussion on an interlocal agreement with the sheriff's office during New Business #3.

**Public Works** – A letter from the Montana Department of Environmental Quality regarding exceeding the phosphorus limit of the MTDES permit at the wastewater treatment plant was on the council room table. Public Works Director Kevin Ore reported that Wastewater Operator Shane Pursley was working with Montana Rural Water to bring the phosphorus to an acceptable level, that the crew had sewer-jettted two-thirds of town, that he was still shopping for garbage containers because the recent quotes had doubled, that the park bathrooms would close for the winter on October 1<sup>st</sup>, that the pool had been winterized, that he had sent out requests for bids on paving, that there would be stop-sign revisions as previously agreed upon by Council the following week, that an insurance claim had been made for accidental damage to one of the pickups, that a postcard prompted by citizen complaints about overgrowth in alleys would be sent to all residents, and that there was an upcoming traffic detour for road work on New Lake Helena Drive.

**Volunteer Fire Department** - Fire Chief Troy Maness reported that the department had handed out membership applications and raised funds for the Leukemia & Lymphoma Society at the East Helena Block Party the previous weekend and that he was preparing for the LLS Firefighter Stairclimb.

### **UNFINISHED BUSINESS:**

1. **Montana Environmental Trust Group New Public Water Supply Well Agreement** – Mayor Schell reported that an agreement would be drafted after the trust group files the approved certificate of survey with the county. There was no public comment. This was an information-only item.
2. **City-County Board of Health Interlocal Agreement and 2021 HB121** – An August 18, 2021 administrative memo from the City of Helena was in the council packet. City Attorney Elverum reported that approving elected officials from each governing body to the board complied with state law and that the county and city attorneys would draft the agreement. There was no public comment. This was an information-only item.

### **NEW BUSINESS:**

1. **Craft Fair, City Hall Gym October 16, 2021, 10AM-5PM, Request Single Business License** – Clerk/Treasurer Thorngren presented Juli Moden’s request for High Country Vendors’ business license to serve as a blanket business license for the event. Blanket business licenses have been granted for similar functions such as the Farmers Market and the Horsepower Roundup car show. There was no public comment. Councilmember Harris made a motion to approve the blanket business license for the craft fair in City Hall. Councilmember Feist seconded the motion. All councilmembers voted aye.
2. **Vigilante & Highland Meadows Subdivisions Special (Road) Improvement District Creation** – City Attorney Elverum discussed with Council how the costs could be divided among subdivision residents and what maintenance items could be included. The next step would be to consult with engineers on how to create the special improvement districts (SIDs). There was no public comment. Councilmember Feist made a motion to approve moving forward with creating the SIDs. Councilmember Harris seconded the motion. All councilmembers voted aye.
3. **Police Department Update and Lewis & Clark County Sheriff Interlocal Agreement Discussion** – An example draft agreement was in the council packet. Written public comment from Denise Gjerde describing her frustration with the lack of law enforcement was on the council room table. She commented on her experience with dispatch while reporting a stolen bicycle. Council discussed concerns for public safety and the recruitment of a new chief of police. Mayor Schell reported that there was renewed interest in an interlocal agreement with the county and that he and City Attorney would be meeting with Sherriff Dutton later in the week. Councilmembers Feist and Harris were invited to attend. The paid coverage from the sheriff’s department ended in July. Troy Maness commented that the fire department relies on law enforcement for protection during calls. Referencing the draft agreement in the packet, Dave Jensen commented that accidents are more likely when officers are working overtime. This was an information-only item.
4. **Interlocal Agreement with Lewis & Clark County for Valley Drive Engineering Services Costs** – The draft agreement for reimbursement from Lewis & Clark County of 30% of the engineering design costs of the Montana Avenue/Valley Drive improvements was in the council packet. There was no public comment. Councilmember Harris made a motion to approve the agreement. Councilmember Feist seconded the motion. All councilmembers voted aye.
5. **Valley Drive Improvements 100% Design Stahly Engineering** – A portion of the engineering services agreement was in the council packet. Public Works Director Ore reported that the earliest possible starting date for the road improvements would be the summer of 2023. Dave Jensen commented that it was unfortunate that the city didn’t make the school district and county responsible for larger financial portions. Councilmember Harris made a motion to approve the agreement. Councilmember Feist seconded the motion. All councilmembers voted aye.
6. **City Attorney Annual Contract Review** – Meeting minute excerpts from the October 20, 2021 council meeting and the current contract were in the council packet. Mayor Schell proposed a 1.5%

increase which matches what staff received for FY22. Dave Jensen commented that there was no discussion of increasing the city attorney's pay in the budget meetings and that it should be done at the end of the contract. Councilmember Harris made a motion to approve a 1.5% rate increase for Elverum Law Firm, PLLC. Councilmember Leland seconded the motion. All councilmembers voted aye.

7. **Policy Manual Update – Appendix 2 & 3: Pay Grades & Matrix** – The FY22 Employee and Volunteer list, The FY22 Pay Matrix, and the Classified Pay Grades were in the council packet. Updated Classified Pay Grades were on the council room table. Mayor Schell clarified the updates with Council. Council discussed adding more steps to the pay matrix and reviewing this section of the personnel policy manual annually in the budget process. There was no public comment. Councilmember Feist made a motion to approve the updated Classified Pay Grades schedule. Councilmember Leland seconded the motion. All councilmembers voted aye.
8. **Posting of RFP for Building Inspection Services** – The draft RFP was in the council packet. Council discussed the possibility of a salaried position that was covered under the city's errors and omissions insurance. There was no public comment. Councilmember Feist made a motion to approve the RFP with the option of errors and omissions insurance through the city. Councilmember Harris seconded the motion. All councilmembers voted aye.
9. **Volunteer Fire Department By-Laws, Fire City Code, and VFD Relief Association By-Laws** – The VFD by-laws, the FRA by-laws, and relevant city code were in the council packet. A list of fire department retirees was on the council room table. Volunteer Fire Chief Maness discussed current practices and possible updates to the by-laws with Council. There was no public comment. This was an information-only item.

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

- 1.) Public Notice for October 5, 2021 Public Hearing for Water Rate Increase and 6" x 9" postcard that the City sent to residents and property owners.
- 2.) Thursday, September 23, 2021 Lewis & Clark County Board of Health Agenda.
- 3.) Flyer for PPLT and METG on-site update Tuesday, September 28, 2021, with agenda TBD.
- 4.) Latest graphs of Carroll College SARS-CoV-2 Wastewater Testing from Lewis and Clark County website containing the latest samples for the City of East Helena & Helena.

A handout about Lexipol was on the council room table. Mayor Schell reported that new businesses in town included Helen's Barbecue and Shannon's Custom Bakery; that there would be a meeting about the Christmas Stroll on Thursday, September 23rd at 5:30, location to be announced; that there will be another ARPA infrastructure meeting; that the Montana League of Cities and Towns annual conference would be October 6<sup>th</sup> through 8<sup>th</sup>; that the Transportation Coordinating Committee was still working on potential changes to Custer Avenue; and that the AAAA fun run went well and could become an annual event.

### **COUNCIL MEMBERS' REPORTS:**

**Don Dahl** had nothing to report.

**Wesley Feist** reported that Andy Shirliff of the Small Business Administration still intended to do a stroll of the business in town and that Vigilante Pizza was good.

**Kelly Harris** reported that he had attended the East Helena Block Party, the Homecoming Parade, and the Booster Club meeting. He said he had received public comment about the parking near the post office.

**Judy Leland** reported that she had attended the East Helena Block Party.

**LEGAL REPORTS:** City Attorney Elverum reported that there would be criminal cases in court the next day, that he had attended the Michigan football game and the Valley Drive improvements meeting, and that he appreciated the raise.

**PAYMENT OF BILLS:** Claims 294267 through 294318 were presented for Council's review. Councilmember Leland made a motion to pay the bills. Councilmember Feist seconded the motion. All councilmembers voted aye.

**SPECIAL MEETINGS & ANNOUNCEMENTS:**

1. East Helena Main Street Park Pavilion Dedication, Saturday, September 25, 2021, 3PM, 105 E. Main Street
2. East Helena Prickly Pear Land Trust & Montana Environmental Trust Group Onsite Update, Tuesday, September 28, 2021, 5:30PM, MT Hwy (RTE) 518 & Old Smelter Dam Road {1/2 mile south of Hwy 12}

**MEETING SCHEDULE:**

1. East Helena Council Meeting, Tuesday, September 21, 2021, 7PM, City Hall Room 110
2. East Helena Public Hearing & Council Meeting, Tuesday, October 5, 2021, 7PM, City Hall Gym Room 108  
{Water Rate Increase Public Hearing}
3. East Helena Council Meeting, Tuesday, October 19, 2021, 7PM, City Hall Room 110
4. East Helena Council Meeting, Tuesday, November 2, 2021, 7PM, \*\* Cancelled \*\* {Election Day}

**ADJOURNMENT:** Mayor Schell adjourned the meeting at 9:50 PM.

ATTEST:

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Clerk/Treasurer

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Mayor