

**MEETING MINUTES**  
**CITY OF EAST HELENA**  
**CITY HALL – 306 EAST MAIN - ROOM 110**  
**COUNCIL MEETING: 7:00 PM**  
**DATE: TUESDAY, OCTOBER 19, 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 Dahl led the Pledge of Allegiance. Masks and physical distancing were recommended for those in attendance at City Hall.

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

**PUBLIC PRESENT:** Sally Nyland, Cheryl Verbanac, Blaine Verbanac, John Adams, Dave Jensen, Greg Wirth (via Zoom), Kellie (via Zoom), Kellie Uhlich (via Zoom) and Kelson Young (via Zoom)

**ABSENT/EXCUSED:** City Judge Dennis Loveless and Councilmember Judy Leland

**PUBLIC COMMENTS:**

**Sally Nyland** expressed her concern that the meeting minutes were not accurate enough to facilitate historical research and commented that the draft October 5, 2021 meeting minutes didn't give the overall view of her public comment on the water rate increase which was that city code should be amended to remove the option to reduce the base rate water charge during periods no water usage because the base rate covers the city's water loans.

**Kelson Young** thanked Public Works for the extra assistance they had given and the improved City Hall parking lot. She requested updates on the Police Department on the website and negotiation for access to School District 9's facilities at the high school.

**APPROVAL OF MINUTES:** The draft minutes of the October 5, 2021 council meeting were in the council packet. Council discussed whether a publicly available audio version of the meetings would be beneficial. Councilmember Feist noted that, in addition to the amendment to Sally Nyland's public comment, the minutes should reflect that he had reported on October 5<sup>th</sup> that he had attended the meeting with the Lewis & Clark County Sherriff's Office. Clerk/Treasurer Thorngren added that the City Court report section should be amended to say that the September 2021 written court report would be in the current meeting's packet rather than the October 5<sup>th</sup> meeting packet. Councilmember Feist made a motion to approve the October 5, 2021 minutes with the three amendments discussed. Councilmember Harris seconded the motion. All councilmembers voted aye.

**CITY COURT REPORT:** A written report for the month of September 2021 from City Judge Dennis Loveless was in the council packet.

**DEPARTMENTAL REPORTS:**

**Administration** – Clerk/Treasurer Amy Thorngren reported that Highland Meadows' second payment in lieu of parkland had been received and that the city would receive another dividend from State Fund. She said that 17 water shut-off door-hangers had been hung, but that most had been resolved.

**Police Department** – Mayor Schell reported that a Police Chief candidate would be interviewed during the week and that there was potential for an Interim Police Chief. He noted that he would provide more updates during New Business #2.

**Public Works** - Public Works Director Kevin Ore reported that there was still a factory-delayed shortage of water meter parts, that the crew had been preparing for the new picnic tables at Kennedy Park, that he was talking with NorthWestern Energy about additional lighting for Moontown and Schiller Park as well as replacement of an aging

light pole in Main Street Park, that the crew was nearly done with stop-sign revisions, and that access to the yard waste site would be closed temporarily for construction.

**Volunteer Fire Department** - Fire Chief Troy Maness reported that he had been working on the VFD and FRA by-laws, that volunteers were painting at the fire station, and that the department had been responding to standard medical calls.

### **UNFINISHED BUSINESS:**

1. **Montana Environmental Trust Group New Public Water Supply Well Agreement** – Mayor Schell reported that an agreement would be drafted after the final certificate-of-survey was filed with Lewis and Clark County. There was no public comment. Councilmember Feist made a motion to table. Councilmember Dahl seconded the motion. All councilmembers voted aye.
2. **Police Department Update and Lewis & Clark County Sheriff Interlocal Agreement Discussion** – Mayor Schell reported that the hiring committee would interview a police chief candidate on Thursday, that there would be another meeting with the sheriff early next week, and that there was a possibility of an interim chief. He said the job posting would remain open in case any plans fell through. Council discussed additional recruitment options. There was no public comment. This was an information-only item.
3. **Policy Manual Update Review – Department Head Compensation Increases** – Mayor Schell noted that the policy manual needs to be updated for salaried/overtime-exempt employees. There was no public comment. This was an information-only item.

### **NEW BUSINESS:**

1. **Extension of Rental of Volunteer Firehall for 2021 by Living Church of God** – A list of dates was in the council packet. John Adams introduced himself to Council and noted that the church planned to use the fire hall 58 times in 2022. Public Works Director Ore and Mayor Schell thanked him for taking such great care of the hall. There was no public comment. As the agreement had previously been approved through 2022, no action by Council was required.
2. **Highland Meadows Chip Seal Phase 1** – Public Works Director Ore said that he believed the inclusion of chip sealing in the first set of engineering drawings was an error and was not required at the time of application, but that the standards had since been updated to include it. City Attorney Elverum noted that expenses for chip sealing would be captured in the subdivision's SID. Dave Jensen commented that it would be more cost effective to chip seal immediately. Greg Wirth of Stahly Engineering confirmed that the inclusion of chip sealing phase 1 was an error, commented that there were advantages to delaying chip sealing, and requested approval of waiving the requirement. Councilmember Harris made a motion to waive the requirement to chip seal phase 1. Councilmember Dahl seconded the motion. Councilmembers Harris and Dahl voted aye. Councilmember Feist voted no. The motion passed.
3. **ARPA Round 2 Funding Applications** – A report of water and sewer project costs and a letter from Brad Koenig of Robert Peccia & Associates (RPA) summarizing the projects were on the council room table. Public Works Director Ore requested Council's approval to have RPA proceed with the second round of ARPA funding applications for remaining Water /Wastewater Master Plan projects. He discussed the projects with Council and reported that they could result in an increase in wastewater rates. Dave Jensen commented that moving the Montana Avenue lift station was not the highest priority project and that, although he supported applying for the funding, wastewater rates should not be increased at all and that a disproportionate amount of expenses had been allocated to the wastewater and solid waste funds. Sally Nyland agreed with Mr. Jensen and commented that she thought it was bad that residents pay more for sewer than water. Councilmember Dahl made a motion to approve. Councilmember Harris seconded the motion. All councilmembers voted aye.
4. **2021 East Helena Swimming Pool Report** – A written report for the 2021 pool season as well as last year's (2020) pool report were included in the council packet. Public Works Director Ore reported that Pool Manager Mook had managed overtime well. Dave Jensen commented that it would be good to know if swim lesson revenue and expenses broke even and that the open swim schedule should be modified to reduce overhead costs and that the FY22 budgeted pool expenses were not a good return on investment. This was an information-only item.
5. **Resolution 559 - Bridge & Road Safety and Accountability (BARSAA) Program Funds** – Draft Resolution 559 requesting distribution of Road Safety and Accountability Act funds was in the council packet. Draft

Resolution 559 with an updated Appendix A was on the council room table. The resolution was required for the city to receive \$53,801.29 for city-wide street maintenance and repair. There was no public comment. Councilmember Harris made a motion to approve. Councilmember Feist seconded the motion. All councilmembers voted aye.

6. **East Helena Representative on the Lewis & Clark County Water Quality Protection District** – Information about the water quality protection district was in the council packet. Mayor Schell reported that there was an open board seat specific to East Helena because he was reassigned from his 2012 Council-appointed East Helena position to serve as the Lewis & Clark County Board of Health representative on the district’s board. Council discussed posting the application online to see if there was any public interest. There was no public comment. Councilmember Feist made a motion to post the opening on the city website and the backs of the utility bills. Councilmember Harris seconded the motion. All councilmembers voted aye.
7. **Consider Kit Johnson to the East Helena Police Commission (3-year term) until May 7, 2024** – Relevant Montana code and excerpts from the Police Commission Handbook were in the council packet. Mayor Schell requested Council’s approval to appoint city resident Kit Johnson to a 3-year term on the Police Commission. Sally Nyland asked if openings on the Police Commission could also be printed on the back of the utility bill. City Attorney Elverum explained that commissioners were appointed by the mayor. Councilmember Harris made a motion to approve. Councilmember Feist seconded the motion. All councilmembers voted aye.
8. **West Gail Street Safety/Traffic Issues** – David Jensen requested moving this agenda item to the November 9<sup>th</sup> meeting to avoid disconnecting people attending the meeting via Zoom in order to use the projector. There was no public comment. This was an information-only item.
9. **2021 East Helena Christmas Stroll Thursday, December 2<sup>nd</sup> 5:30PM to 8:30PM** – Mayor Schell requested Council’s approval to close the portion of Main Street between 1<sup>st</sup> Street and Montana Avenue (with MDT’s approval) from 5:00 PM to 9:00 PM and approve the use of City Hall, with no business licenses required for the art and craft vendors, for the annual Christmas Stroll. There was no public comment. Councilmember Feist made a motion to approve. Councilmember Harris seconded the motion. All councilmembers voted aye.
10. **2022 Family Pool Pass Giveaway For 2021 Christmas Stroll** – Mayor Schell requested Council’s approval to donate a \$100 family season pool pass to be part of the raffle at the Christmas Stroll as has been approved in previous years. There was no public comment. Councilmember Harris made a motion to approve. Councilmember Dahl seconded the motion. All councilmembers voted aye.
11. **East Helena Employee COVID Pay Coverage for COVID/Isolation 7/1/2021 Through 12/31/2021** – Draft Resolution 560 authorizing COVID-19 paid leave was on the council room table. Clerk/Treasurer Thorngren reported that some employees had recently been quarantined due to COVID-19 but were no longer eligible for the paid sick leave from the state COVID coverage that ended December 31, 2020. Council discussed amending the resolution to state that the city would provide up to 2 weeks of COVID-19 sick leave per employee from July 1, 2021 through December 30, 2021 or until other funds are available to the city. Sally Nyland asked if it would be above and beyond regular sick leave benefits. Mayor Schell confirmed that it was. Blaine Verbanac commented that COVID-19 sick leave was no longer available to state employees. Cheryl Verbanac commented that hers ended September 30, 2021. Dave Jensen asked how many times it could be utilized per employee. Clerk/Treasurer Thorngren said it could be used once. Councilmember Dahl made a motion to approve. Councilmember Harris seconded the motion. All councilmembers voted aye.

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

- 1.) Department of Environmental Quality October 6<sup>th</sup> received letter confirming no additional information is required on permit limit exceedance.
- 2.) Low Income Home Water Assistance Program brochure received on October 7, 2021 accompanied with signed contract confirming City of East Helena’s program participation.
- 3.) Public Notice for Special Council Meeting Tuesday, November 9, 2021 at 5:30 PM, room 110, to hold a Public Hearing for the Highland Meadows Subdivision Phase 3 Commencement request.
- 4.) Latest graphs of Carroll College SARS-CoV-2 Wastewater Testing from Lewis and Clark County Hub website containing May 2021 through the latest samples (Oct 6, 2021) for the City of East Helena, the City of Helena, and combined date.

He reported that Council will receive a community needs assessment survey from RMDC and that the Lewis & Clark County and the City of Helena were considering a records management working group for digital and physical records.

**COUNCIL MEMBERS' REPORTS:**

**Don Dahl** reported that he would contact Zoning Commission members to possibly schedule a meeting on Tuesday, November 9<sup>th</sup> at 6:30 PM.

**Wesley Feist** reported that he had attended an MBAC meeting that day where he learned about the website Veterans Ascend that could be helpful in the search for a police chief, and that Helena had 508 new NorthWestern Energy connections versus 573 in Missoula, 961 in Bozeman and 409 in Billings. He also attended the meeting about the HWY 518 turn-lane.

**Kelly Harris** reported that he had attended the meeting about the HWY 518 turn-lane and various high school sporting events.

**Judy Leland** was excused.

**LEGAL REPORTS:** City Attorney Elverum reported that he would be attending the SID meeting that week, that he had been working on the parks and garbage ordinances, and that he would be working on the cemetery district.

**PAYMENT OF BILLS:** Claims 294376 through 294410 were presented for Council's review. Councilmember Feist made a motion to pay the bills. Councilmember Dahl seconded the motion. All councilmembers voted aye.

**SPECIAL MEETINGS & ANNOUNCEMENTS:**

1. Halloween Walk Along Main Street, Sunday, October 31, 2021, 5PM to 7PM
2. Halloween Movie in Main Street Park, "Scooby-Doo! and the Witch's Ghost", Sunday, October 31, 2021, Dusk

**MEETING SCHEDULE:**

1. East Helena Council Meeting, Tuesday, November 2, 2021, 7PM, \*\* Cancelled \*\* {Election}
2. East Helena Special Council Meeting, Tuesday, November 9, 2021, 5:30PM, City Hall Room 110 {Highland Meadows Subdivision Phase 3 Commencement}
3. East Helena Council Meeting, Tuesday, November 16, 2021, 7PM, City Hall Room 110
4. East Helena Council Meeting, Tuesday, December 7, 2021, 7PM, City Hall Room 110

**ADJOURNMENT:** Mayor Schell adjourned the meeting at 8:38 PM.

ATTEST:

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Clerk/Treasurer

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Mayor