

MEETING MINUTES
CITY OF EAST HELENA
CITY HALL – 306 EAST MAIN - ROOM 110
PUBLIC HEARING & COUNCIL MEETING: 7:00 PM
DATE: TUESDAY, NOVEMBER 16, 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. Mayor Schell congratulated Councilmember Kelly Harris for his election win as Mayor as well as the other Councilmembers for the election results in their favor.

CITY OFFICIALS & STAFF PRESENT: Council President Don Dahl, Councilmember Judy Leland, 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, Dave Jensen, Rick Pyfer, Kellie Uhlich (via Zoom), Jonathon Ambarian (via Zoom)

ABSENT/EXCUSED: City Judge Dennis Loveless

PUBLIC HEARING:

1. **Ordinance Providing Methods for the Provision & Payment of Street Maintenance & Improvements within the City’s Street Maintenance Districts** – The notice of public hearing and draft Ordinance 277 were in the council packet. City Attorney Elverum summarized the ordinance and explained how the assessment on the district could be adjusted annually by resolution to ensure the expenses are covered. This was an information-only item.
2. **Ordinance Providing Methods for the Provision & Payment of Street Maintenance & Improvements within the City’s Street Maintenance Districts** - Mayor Schell called three times each for public comment supporting, opposing, and neutral toward the proposed ordinance. Dave Jensen expressed his concern that the budgeted street maintenance truck was not a line item in the expenses. Public Works Director Ore noted that the truck would not be used exclusively in the district. City Attorney Elverum reiterated that those assessments would be adjusted annually as needed.
3. **Ordinance Providing Methods for the Provision & Payment of Street Maintenance & Improvements within the City’s Street Maintenance District (First Reading)** – Councilmember Harris made a motion to approve the first reading of Ordinance 277. Councilmember Feist seconded the motion. All councilmembers voted aye.

PUBLIC COMMENTS: Written public comment from Dave Jensen stating that his public comments during the previous meeting were not adequately reflected in the November 9, 2021 draft minutes and his suggested amendments were on the council room table. He commented that the minutes need to be detailed enough to accurately depict what a person said. Sally Nyland agreed. Council discussed designating the audio recording as the official records and making them publicly available on the website.

APPROVAL OF MINUTES: The draft minutes of the October 19, 2021, November 4, 2021, and November 9, 2021 meetings were in the council packet. Sally Nyland noted that in the October 19, 2021 draft meeting minutes two words were transposed in her public comment. Councilmember Feist made a motion to approve the October 19, 2021 as amended. Councilmember Leland seconded the motion. All councilmembers voted aye. Councilmember Dahl made a motion to approve the November 4, 2021 minutes as presented. Councilmember

Leland seconded the motion. All councilmembers voted aye. Councilmember Leland made a motion to approve the November 9, 2021 minutes with the addition of a reference to Dave Jensen's written public comment. Councilmember Harris seconded the motion. All councilmembers voted aye.

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

DEPARTMENTAL REPORTS:

Administration – A written report was in the council packet. Clerk/Treasurer Amy Thorngren reported the Fiscal Year 2020-2021 Annual Financial Report was nearly complete and that she had attended the meeting with the East Helena Police Officers Association union representative.

Police Department – Mayor Schell reported that he had attended the meeting with the East Helena Police Officers Association union representative and that he would give more updates during Unfinished Business #3.

Public Works – A written report was in the council packet. A sewer-jetting report was on the council room table. Public Works Director Kevin Ore reported that the November copper samples were awaited, that Montana State Fund had requested a photo shoot at the wastewater treatment plant for statewide publications, that water meters were in short supply, that there may be excess contingency money from the water system improvements to replace a failing pump at Wylie Well #3, that there will be Helena Recycling and Better Roots Composting cans popping up around town, and that Lewis & Clark County was allowing the City of East Helena to participate in their chip seal bid.

Volunteer Fire Department - Fire Chief Troy Maness reported that the department had recruited a couple new members and that they were getting ready to serve popcorn and cocoa at the fire station during the Christmas Stroll.

UNFINISHED BUSINESS:

1. **Second Reading Ordinance 276 - Water Rate Increase, for Water Infrastructure Projects, Scheduled to Start January 1, 2022** – The ordinance was included in the council packet. This Ordinance changed the Water Regulations City Code by removing the water rate information and placing it into a resolution. All public notices and public hearing are still required for any water rate increase to take effect. There was no public comment. Councilmember Harris made a motion to approve the second reading of Ordinance 276. Councilmember Dahl seconded the motion. All councilmembers voted aye.
2. **Montana Environmental Trust Group New Public Water Supply Well Agreement** – Mayor Schell reported that the certificate of survey and easement had been filed with the county, but the agreement with METG was awaited. There was no public comment. Councilmember Feist made a motion to table. Councilmember Harris seconded the motion. All councilmembers voted aye.
3. **Police Department Update and Lewis & Clark County Sheriff Interlocal Agreement Discussion** – Mayor Schell reported that he had attended the meeting with the sheriff's department, that applications for Police Chief had been received, and that interviews would be scheduled in the coming weeks. City Attorney Elverum reported that he had attended the meeting with the sheriff's department and that they had discussed an interlocal agreement for a 3-year term while the police department is being rebuilt. Sally Nyland asked if casino operating hours could be shortened to help with officer coverage. Dave Jensen suggested billing the casinos for additional law enforcement expenses. No action by Council was needed.
4. **Policy Manual Update Review – Department Head Compensation Increases** – Existing city policy was in the council packet. A revised version of Section 4-10-10 of city policy was on the council room table. Mayor Schell noted that the current policy needed cleanup and clarification regarding compensatory time and overtime. Council discussed compensatory time and the possibility of making compensatory time an option for hourly employees if they prefer it to overtime. Sally Nyland noted that the federal government offered 5/4/9 scheduling. This was an information-only item.
5. **West Gail Street Safety/Traffic Issues** – Resident Dave Jensen discussed his concerns about speeding, traffic/safety violations, and truck traffic on West Gail Street and asked Council to consider adding weight restrictions and traffic calming measures. He provided a written copy of his report and digital copies of the

images he presented for the record. Council discussed the process of implementing weight restrictions. Sally Nyland described an experience with a large truck parked on Porter Street and commented that something needs to be done. This was an information-only item.

6. **East Helena Representative on the Lewis & Clark County Water Quality Protection District** – No applications had been received. Mayor Schell reported that there were a few people in mind for this position. There was no public comment. Councilmember Feist made a motion to table. Councilmember Harris seconded the motion. All councilmembers voted aye.

NEW BUSINESS:

1. **Monthly Friends of the Library Meeting Council Room Use Fee Waiver** – Mayor Schell presented Branch Librarian Andrea Eckerson's request on behalf of the nonprofit Friends of the Library (East Helena Branch) to use the council room at no charge for their monthly meeting every 4th Thursday at 3:00 PM beginning January 27, 2022. There was no public comment. Councilmember Dahl made a motion to approve the request. Councilmember Leland seconded the motion. All councilmembers voted aye.
2. **Request to Close Admin Office Friday, Nov 26th, Day After Thanksgiving & Allow Admin Staff to Use Vacation Time** – Clerk/Treasurer Thorngren requested Council's approval to close the admin office on Black Friday. Admin staff would use vacation time for the day off. There was no public comment. Councilmember Dahl made a motion to approve. Councilmember Leland seconded the motion. All councilmembers voted aye.
3. **Office Admin Hours for Christmas Eve (12/24/21) & New Year's Eve (12/31/2021)** – As Christmas and New Year's Day land on Saturdays, City offices will be closed Christmas Eve and New Year's Eve. No action by Council was needed.

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

- 1.) Montana State Fund letter received November 8, 2021 recognizing the City of East Helena with their 2020 WorkSafe Champions Elite designation. The award plaque was passed around during the Council meeting.
- 2.) Montana Department of Environmental Quality letter received November 10, 2021, highlighting optional PFAS testing participation.
- 3.) Public notice for Tuesday, December 7, 2021 Council Meeting, 7PM, room 110, to publicly notice passage of a resolution of intent to create a street maintenance district (101) for Highland Meadows Subdivision and notice a public hearing on that date for protests.
- 4.) Resolution 561, a resolution related to the intention of creating Street Maintenance District 101, for Highland Meadows Subdivision. Related to #3 above.
- 5.) Latest graphs of Carroll College SARS-CoV-2 Wastewater Testing from Lewis and Clark County Hub website containing the entire testing period and July 2021 through the latest samples (Nov 3, 2021) for the City of East Helena and the City of Helena.

Mayor Schell reported that he would be attending the Capital Transit meeting, that a floodplain permit application had been received for the trail system near Kennedy Park, that he would be going to Darby, MT to check out their rodeo grounds, that he had received a packet from DNRC about the adjudication of water rights, and that there were some more items in the water ordinance that he wanted to clarify such as plastic versus copper pipes and billing for new construction.

COUNCIL MEMBERS' REPORTS:

Don Dahl reported that he had attended the Halloween Stroll, the subdivision SID meeting, the ARPA training, the Highland Meadows special meeting, and the Zoning Commission meeting. He said that marijuana regulation and zoning would be discussed at the next Zoning Commission meeting.

Wesley Feist reported that the next MBAC meeting will be in December and that he attended the Highland Meadows special meeting.

Kelly Harris reported that he attended the Highland Meadows SID meeting, met with the union representative for the East Helena Police Officers Association, attended the meeting with the Lewis & Clark County Sheriff's

Department, that he was reviewing the Police Chief applications, and that he'd attended transfer meetings with Clerk/Treasurer Thorngren, Public Works Director Ore, City Attorney Elverum, and Mayor Schell.

Judy Leland reported that she had attended an interview of a Police Chief candidate and had been reviewing the new Police Chief applications.

LEGAL REPORTS: City Attorney Elverum reported that he had been working on the subdivision SIDs, that he had attended the Zoning Commission meeting, that he attended the meeting with the East Helena Police Officers Association union representative, and that the meeting with the Lewis & Clark County Sheriffs Department had gone well. He also discussed the City's options for marijuana regulation.

PAYMENT OF BILLS: Claims 294487 through 294517 were presented for Council's review. Councilmember Leland made a motion to pay the bills. Councilmember Dahl seconded the motion. All councilmembers voted aye.

SPECIAL MEETINGS & ANNOUNCEMENTS:

1. East Helena Christmas Stroll, Thursday December 2, 2021, 5:30PM to 8:30PM, Main Street
{ehstroll.com}

MEETING SCHEDULE:

1. East Helena Public Hearing & Council Meeting, Tuesday, December 7, 2021, 7PM, City Hall Room 110
{Notice of Passage of Resolution of Intention to Create Street Maintenance District 101 (Highland Meadows Subdivision) & Public Hearing for Protests}
2. East Helena Zoning Commission Meeting, Thursday, December 16, 2021, 6PM, City Hall Room 110
{Discuss Marijuana Businesses Zoning Ordinance Updates due to State Law Changes}
3. East Helena Council Meeting, Tuesday, December 21, 2021, 7PM, City Hall Room 110
4. East Helena Council Meeting, Tuesday, January 4, 2022, 7PM, City Hall Room 110

ADJOURNMENT: Mayor Schell adjourned the meeting at 9:15 PM.

ATTEST:

Clerk/Treasurer

Mayor