

MEETING MINUTES
CITY OF EAST HELENA
CITY HALL – 306 EAST MAIN - ROOM 110
PUBLIC HEARING & COUNCIL MEETING: 7:00 PM
DATE: TUESDAY, DECEMBER 7, 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 Feist 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, Councilmember Judy Leland, Councilmember Kelly Harris, Councilmember Wesley Feist, Fire Chief Troy Maness (via Zoom), Public Works Director Kevin Ore, Clerk/Treasurer Amy Thorngren, City Attorney Pete Elverum, and Zoning Officer Jeremy Fadness

PUBLIC PRESENT: Greg Wirth, Gary Oakland, Clint Smith, Landy Leep, Sally Nyland, April Bogy, Tyler Bogy, Anne Wolfinger, Carl Schweitzer, John Dayton, Jane, Dave Jensen, and Jason Crawford

ABSENT/EXCUSED: City Judge Dennis Loveless

PUBLIC HEARING:

1. **Intention to Create Street Maintenance District Within Highland Meadows Subdivision** – The public notice and Resolution 561 were in the council packet. City Attorney Elverum gave a summary and noted that expenses would be evaluated annually. This was an information-only item.
2. **Intention to Create Street Maintenance District Within Highland Meadows Subdivision** – No written public comment had been received. Mayor Schell called three times each for public comment supporting, opposing, and neutral toward the creation of the Highland Meadows Street Maintenance District and received none.
3. **Resolution (562) to Create Street Maintenance District Within Highland Meadows Subdivision** - Draft Resolution 562 was on the council room table. Councilmember Harris made a motion to approve Resolution 562. Councilmember Feist seconded the motion. All councilmembers voted aye.

PRESENTATION: Pickleball: Introduction, Local Organization, & East Helena Opportunities – Information published by USA Pickleball was included in the council packet. Carl Schweitzer, Anne Wolfinger, John Dayton, and Jane were present to introduce the sport and discuss the potential for pickleball courts in East Helena with Council.

PUBLIC COMMENTS: Written public comment from Tyler Bogy and April Bogy was on the council room table. The Bogys were present to request a refund of overdue water, sewer, and garbage fees accrued by a tenant and collected by the City through the title company at closing when the rental property sold. They stated that they did not received notice that their tenants were behind on the bills because office staff had not updated their mailing address and a large sum was accrued because the City had given the tenant a COVID-19 payment plan. City Attorney Elverum explained the circumstances surrounding the request. Sally Nyland asked if changes would be made to prevent a similar situation from occurring in the future. Mayor Schell responded that an unfortunate set of circumstances had led up to the situation in question. Councilmember Leland made a motion for a full refund. Councilmember Harris seconded the motion. Councilmembers Leland, Harris, and Feist voted aye. Councilmember Dahl voted no. The motion passed.

APPROVAL OF MINUTES: The draft minutes of the November 16, 2021 meeting were in the council packet. Clerk/Treasurer Thorngren noted that an addition to New Business #5 had been requested. Councilmember Leland made a motion to approve the minutes as amended. Councilmember Feist seconded the motion. All councilmembers voted aye.

CITY COURT REPORT: A written report for the month of November 2021 from City Judge Dennis Loveless was on the council room table.

DEPARTMENTAL REPORTS:

Administration – A written report was on the council room table. Clerk/Treasurer Amy Thorngren thanked Council for allowing staff to close the office the day after Thanksgiving and reported that East Valley Middle School students had painted holiday images on the windows, that the Christmas Stroll appeared to have gone well, that janitorial staff had quickly restored City Hall to pre-stroll condition, and that Utility Clerk Shipman had once again supplied the artwork for the annual holiday card.

Police Department – Mayor Schell reported that more updates would be given during Unfinished Business #5.

Public Works – A written report was in the council packet. Public Works Director Kevin Ore reported that a consultant was assisting with the metals plant to help improve copper sample results at the wastewater treatment plant, that the crew had been repairing meters that weren't reading correctly, that he had met with Helena Recycling and Better Roots Composting, that the streets are sanded but not plowed when less than one inch of snow accumulates, and that he would be meeting with the county about Valley Drive.

Volunteer Fire Department - Fire Chief Troy Maness reported that the Christmas Stroll had gone well, that the department had received another application, that there were four members that are EMT certified and another would be soon, and that the station was looking great thanks to support staff.

UNFINISHED BUSINESS:

1. **Highland Meadows Subdivision Phase 2 Final Plat & Improvements Agreement Approval** – The staff report and subdivision improvements agreement were in the council packet. Zoning Officer Jeremy Fadness went over the staff report and recommended approval of the plat and agreement. Greg Wirth of Stahly Engineering thanked the City for helping with the project, gave a progress update, and requested approval of the plat and agreement. Councilmember Feist made a motion to approve the phase 2 plat and subdivision improvements agreement. Councilmember Leland seconded the motion. All councilmembers voted aye.
2. **Vigilante Subdivision Phase 2 Final Plat Approval** – The staff report was in the council packet. Zoning Officer Jeremy Fadness went over the report and recommended approval of the plat. He answered questions from Council. Jason Crawford of Triple Tree Engineering confirmed that the post office opted to put the mailboxes for the subdivision on Trerise Road. Councilmember Harris made a motion to approve the phase 2 final plat. Councilmember Feist seconded the motion. All councilmembers voted aye.

Mayor Schell called a recess to sign final plat mylars at 8:21 PM

Mayor Schell called the meeting back to order at 8:40 PM.

3. **Second Reading Ordinance 277 – An Ordinance Providing Methods for the Provision & Payment of Street Maintenance & Improvements Within the Street Maintenance Districts of the City** – A copy of Ordinance 277 was in the council packet. There was no public comment. Councilmember Harris made a motion to approve the second reading of Ordinance 277. Councilmember Dahl seconded the motion. All councilmembers voted aye.
4. **Montana Environmental Trust Group New Public Water Supply Well Agreement** – Mayor Schell reported that the DEQ application had been submitted and the METG agreement was awaited. Public Works Director Ore said that the well could be drilled within the month. Council discussed water chlorination for the new well. There was no public comment. Councilmember Leland made a motion to table. Councilmember Harris seconded the motion. All councilmembers voted aye.

5. **Police Department Update and Lewis & Clark County Sheriff Interlocal Agreement Discussion** – Mayor Schell reported that there would be another meeting with the Sheriff’s Department on Friday and that Officer Palumbo was doing well. There was no public comment. Councilmember Feist made a motion to table. Councilmember Dahl seconded the motion. All councilmembers voted aye.
6. **Policy Manual Update Review – Department Head Compensation Increases & Additional Cleanup** – Excerpts of existing city personnel, state policy, and federal rules were in the council packet. Mayor Schell noted the most recent suggested changes. Council discussed overtime versus compensatory time for non-exempt employees, credit for prior service, compensatory time versus flextime, and administrative procedures. There was no public comment. This was an information-only item.

NEW BUSINESS:

1. **Title 8, Chapter 3, Water Regulations Ordinance Update: Align with Engineering Standards, Current Policies & Procedures, & Cleanup; Request to Move Forward with Public Hearing** – Draft Ordinance 278 was in the council packet. Mayor Schell pointed out key suggested changes. Council discussed suggested changes to renter payment authorization, water shutoff procedure, backflow preventers, running a small trickle of water during the winter, financial responsibility for water meters and readout equipment, and discontinuing the vacation rate. There was no public comment. Councilmember Harris made a motion to table. Councilmember Feist seconded the motion. All councilmembers voted aye.
2. **Resolution (563) Terminating the COVID-19 Local Disaster Emergency** – Draft Resolution 563 and Resolution 529 declaring a local disaster emergency were in the council packet. Mayor Schell explained that East Helena was one of the last cities to rescind the declaration emergency. There was no public comment. Councilmember Feist made a motion to approve Resolution 563. Councilmember Dahl seconded the motion. All councilmembers voted aye.
3. **Post-Water Court Water Rights Initial Decree Review: Hydrosolutions Agreement** – A letter from DNRC’s Water Resources Division regarding the City’s water right claims was in the council packet. Mayor Schell reported that he was working on possibly getting an agreement to better explain the changes the water court and DNRC have proposed and to move forward with clarifying what steps are next. There was no public comment. Councilmember Feist made a motion to table. Councilmember Harris seconded the motion. All councilmembers voted aye.

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

- 1.) Notice & Invitation to EPA & METG East Helena Smelter Site Virtual Public Meeting Online via Zoom or telephone on December 8, 2021, at 7PM.
- 2.) Public Notice for Tuesday, December 21, 2021 Council Meeting, 7PM, room 110, to hear the public on potential Water Regulation Ordinance updates.
- 3.) Latest graphs of Carroll College SARS-CoV-2 Wastewater Testing from Lewis and Clark County HUB website containing entire testing period and July 2021 through the latest samples (November 22, 2021) for the City of East Helena and the City of Helena.

Mayor Schell reported that he had contacted Montana Internet about meeting audio storage space on the website, that he had attended his last Water Quality Protection District meeting, that the Christmas Stroll had gone well, and that food trucks would be vetted by the City before participating in future strolls.

COUNCIL MEMBERS’ REPORTS:

Don Dahl reported that he had handed out cookies at the Christmas Stroll.

Wesley Feist reported that he had handed out cookies at the Christmas Stroll, started his new job with the Montana Department of Labor, and that he was unable to attend the MBAC meeting, but would share the notes.

Kelly Harris reported that he had handed out cookies at the Christmas Stroll; met with Engineer Brad Koenig, Public Works Director Ore, and Clerk/Treasurer Thorngren about water and wastewater projects; and that the movie Mistletoe in Montana would premier December 17th.

Judy Leland reported that she had handed out cookies at the Christmas Stroll.

LEGAL REPORTS: City Attorney Elverum reported that he had been working on the SIDs, attended the Christmas Stroll, and that court had been busy.

PAYMENT OF BILLS: Claims 294518 through 294585 were presented for Council's review. Councilmember Dahl made a motion to pay the bills. Councilmember Leland seconded the motion. All councilmembers voted aye.

SPECIAL MEETINGS & ANNOUNCEMENTS:

1. U.S. Environmental Protection Agency (EPA) & Montana Environmental Trust Group (METG) East Helena Smelter Site Virtual Public Meeting, Wednesday, December 8, 2021, 7PM, Join Online Via Zoom: <http://tinyurl.com/EastHelenaMeeting> or by Phone, Call 646-876-9923, Meeting ID 816 5567 5621# and passcode 781655#
2. East Helena Administration Office will be closed Friday, December 24, 2021 for Christmas & Friday December 31, 2021 for New Years.

MEETING SCHEDULE:

1. 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}
2. East Helena Public Hearing & Council Meeting, Tuesday, December 21, 2021, 7PM, City Hall Room 110 {Updates to Water Regulations Ordinance}
3. East Helena Council Meeting, Tuesday, January 4, 2022, 7PM, City Hall Room 110

ADJOURNMENT: Mayor Schell adjourned the meeting at 9:53 PM.

ATTEST:

Clerk/Treasurer

Mayor