

**MEETING MINUTES**  
**CITY OF EAST HELENA**  
**CITY HALL – 306 EAST MAIN - ROOM 110**  
**PUBLIC HEARING & COUNCIL MEETING: 7:00 PM**  
**DATE: TUESDAY, DECEMBER 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, 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:** Dave Jensen, Sally Nyland, Suzanne Ferguson, and Alexis Wolf

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

**PUBLIC HEARING:**

1. **An Ordinance to Amend Water Regulations City Code to Align with Approved Engineering Standards & Current City Policies & Procedures** – The public notice and draft Ordinance 278 with and without markup were in the council packet. An updated draft of the ordinance was on the council room table. Mayor Schell and City Attorney Elverum reviewed the changes and noted that the half-price vacation rate for water service at temporarily unoccupied dwellings had been stricken. Council discussed adding reference to currently adopted plumbing code rather than a specific version and the stipulation that landlords are to receive a copy of their tenants' current monthly bill. This was an information-only item.
2. **An Ordinance to Amend Water Regulations City Code to Align with Approved Engineering Standards & Current City Policies & Procedures** - Mayor Schell called three times each for public comment supporting, opposing, and neutral toward the proposed ordinance. No written comment had been received. Sally Nyland suggested some changes to clarify outdated terminology. Dave Jensen commented that he supported the draft ordinance although it did not address the situation from the December 7<sup>th</sup> meeting where the landlord was not held accountable for the unpaid balance their tenant had accrued and that sending duplicate copies of the tenant's bill was an unnecessary expense and burden that could be avoided by using certified mail for late letters.
3. **An Ordinance to Amend Water Regulations City Code to Align with Approved Engineering Standards & Current City Policies & Procedures** – Mayor Schell noted that some changes could still be made during the second reading of the proposed ordinance. Councilmember Harris made a motion to approve the first reading of Ordinance 278 as amended by Council and Sally Nyland. Councilmember Dahl seconded the motion. All councilmembers voted aye.

**PUBLIC COMMENTS:** Referencing the public comment section of December 7<sup>th</sup> meeting where Council voted on non-agenda item to refund a landlord their tenant's unpaid balance that the city had collected through the title company during the sale of the rental property, Dave Jensen commented that the landlord should have been held accountable for payment and that steps such as certified mail should be used to prevent large balances from building in the future. Mayor Schell assured him that the landlord's request for refund would be an agenda item at the next meeting.

**APPROVAL OF MINUTES:** The draft minutes of the December 7, 2021 meeting were in the council packet. Councilmember Feist noted that it was a mistake to vote on a non-agenda item, that it would not be repeated in the future, and requested a correction to his councilmember report. Councilmember Feist made a motion to approve the minutes as amended. 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 had completed the annual BaRSAA reporting, that she had submitted notice to the county for adding the new special districts for lighting and road maintenance in the new subdivisions on the 2022 tax rolls, that two residents had formally expressed their interest in being appointed to the Ward 2 council seat opening in January, that nearly \$13K had been received for gambling permits, and that more utility payments were arriving through LIHWAP including one that paid off one of the larger COVID-19 Payment Plan balances.

**Police Department** – Mayor Schell moved to New Business #2 at this time. \*\*\*

**Public Works** – A picture of a clog pulled from the wastewater treatment plant clarifier was on the council room table. Public Works Director Kevin Ore reported that Nexum had made maintenance recommendations for the wastewater metals plant sand filters, that the crew had been fixing non-reading water meters, that some of the new park picnic tables have been delayed until spring, that one of the plow trucks had been damaged in a non-injury accident, and that the county had asked to jump in on any crack/chip seal bids the city may request.

**Volunteer Fire Department** - Fire Chief Troy Maness reported that two injectors had been replaced on the rescue truck and two batteries had been replaced on Engine 1; that the department by-laws had been reviewed and current command staff retained at the VFD business meeting; and that he would be presenting the updated by-laws and new members to Council in January. He thanked Public Works for setting up the signs for the Christmas Stroll.

**UNFINISHED BUSINESS:**

1. **Montana Environmental Trust Group New Public Water Supply Well Agreement** – Mayor Schell reported that the agreement was still awaited. Public Works Director Ore reported that the DEQ well application had been returned with comments to which the city would respond. There was no public comment. Councilmember Feist made a motion to table. Councilmember Leland seconded the motion. All councilmembers voted aye.
2. **City-County Board of Health Interlocal Agreement and 2021 HB121** – The draft agreement and House Bill 121 were in the council packet. An updated draft agreement from the Lewis and Clark County and City of Helena Attorneys was on the council room table. City Attorney Elverum reviewed the agreement with Council. A few typos were noted. There was no public comment. Councilmember Feist made a motion to approve the agreement as amended. 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 the meeting with the sheriff's department had been cancelled and would be rescheduled, that the police chief applications had been given to the hiring committee, and that interviews would take place after the holidays. City Attorney Elverum stated that the goal of the agreement was to provide adequate law enforcement coverage until the city police department was rebuilt. Dave Jensen commented that it would be pricey to have sheriff's deputies assigned to patrol East Helena. Councilmember Harris made a motion to table. Councilmember Dahl seconded the motion. All councilmembers voted aye.
4. **Policy Manual Update Review – Including Department Head Compensation Increases & Additional Cleanup** – Mayor Schell reported that draft policy updates were forthcoming. There was no public comment. Councilmember Feist made a motion to table. Councilmember Leland seconded the motion. All councilmembers voted aye.
5. **Post-Water Court Water Rights Initial Decree Review: Hydrosolutions Agreement** – The DNRC cover letter and first review abstract of water right claim for well #2 were in the council packet. The proposed

agreement was on the council room table. Mayor Schell reviewed the agreement. Council discussed how to cost-effectively hire a water rights attorney and asked for clarification as not to duplicate work. There was no public comment. Councilmember Feist made a motion to table. Councilmember Leland seconded the motion. All councilmembers voted aye.

### **NEW BUSINESS:**

1. **Last Chance Squares Radley School Overnight Camping May 28-30,2022** – Mayor Schell presented Shirlie Kuykendall’s request to allow overnight camping in the Radley Elementary School parking lot for a weekend square-dancing event. There was no public comment. Councilmember Feist made a motion to approve. Councilmember Leland seconded the motion. All councilmembers voted aye.
  2. **Police Force Member Confirmation Michael Palumbo** – Montana code regarding confirmation of appointment after successful completion of a one-year probationary period was included in the council packet. Mayor Schell and Council commended Officer Palumbo for his excellent work during a trying year for the city. Sally Nyland suggested a taking a picture to commemorate the occasion. Councilmember Harris made a motion to approve. Councilmember Feist seconded the motion. All councilmembers voted aye.
- \*\*\*Mayor Schell returned to Departmental Reports at this time.
3. **American Chemet Deduct Meters (Water)** – The schematic drawing of the deduct meter configuration was in the council packet. Public Works Director Ore explained that the deduct meters are used to calculate Chemet’s commercial sewer rates and that the inclusion of an additional deduct meter would bring the total to four. There was no public comment. Councilmember Harris made a motion to approve. Councilmember Feist seconded the motion. All councilmembers voted aye.

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

1.) December 16, 2021 dated Memorandum from the U.S. Department of Transportation regarding the Bipartisan Infrastructure Law (BIL), previously referred to as IJJA.

2.) Latest graphs of Carroll College SARS-CoV-2 Wastewater Testing (12/8/2021) from Lewis and Clark County Hub website containing entire testing period for the City of East Helena and the City of Helena.

Mayor Schell reported that he had attended a Capital Transit bus service meeting and the Local Emergency Planning Committee meeting about updating the county’s Emergency Operations Plan (EOP). He discussed the potential for relocating the rodeo grounds to the east fields of METG’s property and what he learned from his visit to the Darby rodeo grounds. He said he would be meeting with the East Valley Rodeo Association in the next week.

### **COUNCILMEMBERS’ REPORTS:**

**Don Dahl** thanked Mayor Schell for his service to the city. He reported that he had attended the meeting with Stahly Engineering and Lewis & Clark County about Valley Drive, METG’s virtual meeting, and the Zoning Commission meeting. He said the Zoning Commission discussed updating the ordinance to allow marijuana to be sold in commercial zones not abutting residential property and produced in industrial zones and that the commission would make a recommendation to Council after hearing the public at a meeting February 3, 2022.

**Wesley Feist** thanked Mayor Schell for helping him understand his role as councilmember and wished him well. He reported that he had attended METG’s virtual meeting, had attempted to attend the meeting with the sheriff’s department that was cancelled, had attended a Helena WINS meeting that he would report on it in the future, and had listened to the ARPA hearings.

**Kelly Harris** thanked Mayor Schell for his great work. He reported that he had met with Zoning Officer Fadness, had attempted to attend the meeting with the sheriff’s department that was cancelled, had attended the meeting with Stahly Engineering and Lewis & Clark County about Valley Drive, and attended a METG meeting with Power Townsend and Habitat for Humanity.

**Judy Leland** thanked Mayor Schell told him that he would be missed. She reported that she had attended METG’s virtual meeting.

**LEGAL REPORTS:** City Attorney Elverum reported that he had attended the meeting with Stahly Engineering and Lewis & Clark County about Valley Drive, had attended the Zoning Commission meeting, and commended Officer Palumbo for his work. He thanked Mayor Schell for making him a city attorney and said he appreciated the opportunity to learn from and with him.

**PAYMENT OF BILLS:** Claims 294586 through 294623 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. 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 Council Meeting, Tuesday, January 4, 2022, 7PM, City Hall Room 110
2. East Helena Council Meeting, Tuesday, January 18, 2022, 7PM, City Hall Room 110

**ADJOURNMENT:** Mayor Schell adjourned the meeting at 8:51 PM.

ATTEST:

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Clerk/Treasurer

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Mayor