

MEETING MINUTES
CITY OF EAST HELENA
CITY HALL – 306 EAST MAIN - ROOM 110
PUBLIC HEARING & COUNCIL MEETING: 7:00 PM
DATE: TUESDAY, JANUARY 4, 2022
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 Harris called the meeting to order 7:05 PM. Councilmember Leland led the Pledge of Allegiance. Masks and physical distancing were recommended for those in attendance at City Hall.

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

OTHERS PRESENT: Lewis and Clark County Sheriff Leo Dutton, Lewis and Clark County Undersheriff Brent Colbert, Lewis and Clark County Patrol Captain Brian Robinson, Nolan Lister, Patty Stoner, David Hill, Dani Feist, Jaxsen Green, Trenten Feist, Dan Stoner, Suzanne Ferguson, Joey Stetzer, Patricia Dahl, Dave Jensen (via Zoom), Lynn Maness (via Zoom), Scott St. Clair (via Zoom), and Mike Misowic (via Zoom)

ABSENT/EXCUSED: City Judge Dennis Loveless

APPRECIATION OF SERVICE PLAQUE TO JAMES SCHELL: On behalf of the City of East Helena staff and councilmembers, Council President Dahl presented a plaque for James Schell in appreciation of his years of service and tireless dedication to the citizens of East Helena as planning board member, councilmember, and mayor.

OATHS OF OFFICE: Councilmember Don Dahl, Councilmember Judy Leland, and Councilmember Wesley Feist renewed their oaths of office to mark the beginning of their new terms. Mayor Harris had given his oath prior to taking office.

PUBLIC HEARING:

1. **An Ordinance to Amend Water Regulations City Code to Align with Approved Engineering Standards & Current City Policies & Procedures – Second Reading** – Draft Ordinance 278 was in the council packet. City Attorney Elverum noted that changes made at the first reading were reflected in the current draft. 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 – Second Reading** - Mayor Harris called for public comment on the proposed ordinance. Dave Jensen commented that the new ordinance did not address a recent situation where a landlord was not held accountable for a bill that their tenant had accumulated.
3. **An Ordinance to Amend Water Regulations City Code to Align with Approved Engineering Standards & Current City Policies & Procedures – Second Reading** – Councilmember Feist made a motion to approve the second reading of Ordinance 278. Councilmember Leland seconded the motion. All councilmembers voted aye.

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

APPROVAL OF MINUTES: The draft minutes of the December 21, 2021 meeting were in the council packet. Councilmember Dahl made a motion to approve the minutes as presented. Councilmember Feist seconded the motion. All councilmembers voted aye.

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

DEPARTMENTAL REPORTS:

Administration – A written report was in the council packet. Clerk/Treasurer Amy Thornngren reported that the FY21 AFR had been submitted and that the Highland Meadows Subdivision and Vigilante Subdivision lighting and street maintenance special districts had been submitted to the county for inclusion on the 2020 tax rolls.

Police Department – There was no report.

Public Works – A written report, a copper violation letter from Montana DEQ, and a letter from Robert Peccia & Associates regarding valley gutters were in the council packet. Public Works Director Kevin Ore reported Pool Manager Mook would be returning for the swim season, the Boy Scouts would be collecting Christmas trees, and that the big plow truck had broken down and been repaired.

Volunteer Fire Department - A list of new members and updated by-laws were in the council packet. Fire Chief Troy Maness requested confirmation of Justin McLeod, Ryan McClain, James Curtiss, Donald Swan, Bee McLean, Zach Rosebluff, Andrew Johnson, and Arik Ayers to the department. There was no public comment. Councilmember Dahl made a motion to approve the new fire department members. Councilmember Leland seconded the motion. All councilmembers voted aye. The updates by-laws will be presented for approval at a future meeting.

***Mayor Harris moved the meeting to New Business #5 at this time.

UNFINISHED BUSINESS:

1. **Montana Environmental Trust Group New Public Water Supply Well Agreement** – There was no update. There was no public comment. Councilmember Leland made a motion to table. Councilmember Dahl seconded the motion. All councilmembers voted aye.
2. **Policy Manual Update Review – Including Department Head Compensation Increases & Additional Cleanup** – There was no update. There was no public comment. Councilmember Leland made a motion to table. Councilmember Dahl seconded the motion. All councilmembers voted aye.
3. **Post-Water Court Water Rights Initial Decree Review: Hydrosolutions Agreement** – City Attorney Elverum reported that he had consulted a water rights attorney about how to move forward. There was no public comment. Councilmember Dahl made a motion to table. Councilmember Feist seconded the motion. All councilmembers voted aye.

NEW BUSINESS:

1. **Resolution Establishing the Salaries of the Mayor and Councilmembers** – Draft Resolution 563 was in the council packet. City Attorney explained that the resolution set the mayor's salary at \$1000 per month and kept the councilmembers' salaries at \$340 per month. There was no public comment. Councilmember Feist made a motion to approve Resolution 563. Councilmember Leland seconded the motion. All councilmembers voted aye.
2. **Tyler & April Bogy Refund Request** – The Bogys' request letter was in the council packet. Mayor Harris and City Attorney Elverum explained that this item had been decided previously but had not been an agenda item and that it was on the current agenda to make it official. Councilmember Feist made a motion to approve the refund request. Councilmember Leland seconded the motion. Dave Jensen reiterated his opposition to the refund and his position that the expense should no be passed on to residents. Councilmembers Feist and Leland voted aye. Councilmember Dahl voted no. The motion passed.
3. **6 East Pacific Street Encroachment Permit Application** – The application and survey and draft permit were in the council packet. Public Works Director Ore foresaw no problems with the encroachment request. There was no public comment. Councilmember Dahl made a motion to approve. Councilmember Feist seconded the motion. All councilmembers voted aye.
4. **Police Department Expenditures for the current fiscal year** – A report of budgeted versus actual police department expenditures was in the council packet. City Clerk Amy Thornngren noted that the budget was as underspent as the police department was understaffed. City Attorney Elverum handed out a report of

requested salary increases for patrol officers and police chief, annual budget, department payroll to date, and the press release by Mayor Harris sent out earlier in the day. Council discussed Mayor Harris' request to increase salaries and bonuses to attract law enforcement staff. There was no public comment. This was an information-only item.

5. **Law Enforcement Update** – Lewis and Clark County Sheriff Leo Dutton was present to say that his department wanted to work with the city to build a professional law enforcement service in East Helena. He reviewed the East Helena Police Department's past: The EHPD has not been doing felony cases since 2005 because it had not been filing cases in the records management system. This was deemed inadequate by the county attorney, so the sheriff's department stepped up to handle East Helena's felony calls. Undersheriff Brent Colbert summarized the East Helena Police Department's present condition: East Helena has been without a police chief for nearly a year, which does not comply with Montana Code, and now has no officers. The sheriff's department has stepped in but is currently handling only emergency calls in East Helena. Patrol Captain Brian Robinson discussed the East Helena Police Department's future: He said the Lewis and Clark County Sheriff's department could handle training and supervision until a qualified city police department could take over. Sheriff Dutton proposed a minimum 3-year contract for 3 deputies with a 3-hour minimum overtime charge per call-for-service plus mileage. Lynn Maness commented that the city needs to use the resource that the sheriff was offering. Sheriff Dutton answered questions from Dave Jensen and Suzanne Ferguson. This was an information-only item.

***Mayor Harris returned the meeting to Unfinished Business #1 at this time.

MAYOR'S REPORT: Mayor Harris reported that he had been working on the police department and that he had given his oath of office the week prior.

COUNCIL MEMBERS' REPORTS:

Don Dahl reported that he had received calls regarding the police department.

Wesley Feist reported that he had received calls from residents concerned for the future of the police department, noted that the state registered apprenticeship programs could be used to obtain POST certification, attended the farewell lunch for Mayor Schell, and had eaten at Helen's Barbeque for their grand opening.

Judy Leland reported that she had received calls regarding the police department.

LEGAL REPORTS: City Attorney Elverum reported that he had been focusing his work on the police department.

PAYMENT OF BILLS: Claims 294624 through 294659 were presented for Council's review. Councilmember Leland made a motion to pay the bills. Councilmember Feist seconded the motion. All councilmembers voted aye.

MEETING SCHEDULE:

1. East Helena Council Meeting, Tuesday, January 18, 2022, 7PM, City Hall Room 110
2. East Helena Council Meeting, Tuesday, February 1, 2022, 7PM, City Hall Room 110
3. East Helena Zoning Commission Meeting, Thursday, February 3, 2022, 6:30PM, City Hall Room 110

ADJOURNMENT: Mayor Harris adjourned the meeting at 9:10 PM.

ATTEST:

Clerk/Treasurer

Mayor