

MEETING MINUTES
CITY OF EAST HELENA
CITY HALL – 306 EAST MAIN - ROOM 110
COUNCIL MEETING & PUBLIC HEARINGS: 7:00 PM
DATE: TUESDAY, MARCH 1, 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 at 7:00 PM. Councilmember Leland led the Pledge of Allegiance. Due to the COVID-19 pandemic, 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, Councilmember Suzanne Ferguson, Public Works Director Kevin Ore, Police Chief Mike Sanders, Clerk/Treasurer Amy Thorngren, City Engineer Brad Koenig and City Engineer Jeremy Perlinski

OTHERS PRESENT: Sally Nyland, Scott St. Clair, Denise Feller, Julie Stoner, Helen Fandrich, Iris Maness, Roberta Stipcich, Tom Colvin, Margaret Colvin, Jason Crawford, Shirley Thomas, Jerry Kittson, Terrie Casey, Jennifer Auker (via Zoom), and Dave Jensen

ABSENT/EXCUSED: City Judge Dennis Loveless, City Attorney Pete Elverum, Fire Chief Troy Maness, and Zoning Officer Jeremy Fadness

PUBLIC HEARING:

1. **Vigilante Major Subdivision Phase 3 Commencement** – The public notice and Zoning Officer Fadness’ staff report were in the council packet. Public Works Director Ore reported that staff had recommended approval of commencement. This was an information-only item.
2. **Vigilante Major Subdivision Phase 3 Commencement** – Mayor Harris called for public comment in support of, opposed to, and neutral toward the proposed commencement and received none. No written public comment had been received.
3. **Vigilante Major Subdivision Phase 3 Commencement** – Councilmember Leland made a motion to approve commencement of Vigilante Subdivision Phase 3. Councilmember Feist seconded the motion. All councilmembers voted aye.

PUBLIC HEARING:

1. **Zoning Text Amendments to Include the Regulation of the Sale, Manufacturing, & Distribution of Marijuana in the Commercial & Industrial Districts** – The public notice and proposed amendments to the zoning ordinance were in the council packet. Council President and Zoning Commission Chair Dahl explained that the proposed amendment allowed for the sale of medicinal or recreational marijuana as a conditional use in the commercial district and the sale, manufacturing, and wholesale distribution of medical or recreational marijuana as conditionals uses in the industrial district. Sales, manufacturing, and wholesale distribution of medical or recreational marijuana including growing facilities would be prohibited on property directly adjacent to the residential district or and existing residential use. This was an information-only item.
2. **Zoning Text Amendments to Include the Regulation of the Sale, Manufacturing, & Distribution of Marijuana in the Commercial & Industrial Districts** – Mayor Harris called for

public comment in support of, opposed to, and neutral toward the proposed update to the zoning ordinance and received none. No written public comment had been received.

3. **Zoning Text Amendments to Include the Regulation of the Sale, Manufacturing, & Distribution of Marijuana in the Commercial & Industrial Districts** – Councilmember Feist made a motion to approve the zoning text amendments. Councilmember Dahl seconded the motion. All councilmembers voted aye.

PUBLIC HEARING:

1. **Proposed Creation of East Helena Cemetery District No. 1** – The public notice was in the council packet. Mayor Harris reported that a 60-day public comment period was required before an election could take place. This was an information-only item.
2. **Proposed Creation of East Helena Cemetery District No. 1** – Mayor Harris called for public comment in support of, opposed to, and neutral toward the proposed cemetery district. East Helena Cemetery Association members answered questions from Council and members of the public present.
Scott St. Clair gave a brief history of the East Helena Cemetery Association’s work and explained that the membership was aging and had asked the city to take over care of the cemetery. He expressed his frustration over how long it was taking. He stated that a vote wasn’t needed and that he thought the vote would fail based on how the expenses were presented. He requested that Council not put the referendum on the ballot and consider accepting the cemetery without putting it to a vote. Helen Fandrich commented in favor of the city taking over the cemetery and that it was the humane thing to do.
Sally Nyland commented in favor of letting the residents vote on whether to create the cemetery district.
Terrie Casey commented in favor of letting the residents vote on whether to create the cemetery district. She suggested working with mortuaries to generate donations to the cemetery.
Dave Jensen commented that not all residents derive benefits from the cemetery, that it was not an essential service, and that other options should be considered.
Julie Stoner commented that although she appreciated the cemetery association’s work, she was opposed to the creation of the cemetery district based on the proposed assessment. She made suggestions to keep the expenses down and provided a written copy of her comments for the record.
3. **Proposed Creation of East Helena Cemetery District No. 1** – Council discussed the need for residents to vote on the issue and reevaluating the budget for the project. Councilmember Feist made a motion to table until the April 5, 2022 meeting. Councilmember Dahl seconded the motion. All councilmembers voted aye.

PRESENTATION: City Engineers Brad Koenig and Jeremy Perlinski of Robert Peccia & Associates presented City of East Helena Wastewater Treatment Plant Capacity & Operational Planning. A copy of the presentation was in the council packet. They discussed the existing wastewater treatment plant, its current capacity, and a path to allow for growth while staying in compliance. They answered questions from Council and residents.

PUBLIC COMMENTS: Scott St. Clair thanked the new councilmembers, mayor, and police chief for coming onboard and commended the work on the city hall upstairs offices and said that he felt the city was moving in the right direction.

APPROVAL OF MINUTES: The draft minutes of the February 15, 2022 council meeting were in the council packet. There was no public comment. Councilmember Feist made a motion to approve with the

addition of the police department evidence room auditor's name. Councilmember Leland 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 – A written report was in the council packet. Clerk/Treasurer Amy Thorngren reported that East Helena Capital Transit bus service had resumed February 22nd.

Police Department – Police Chief Mike Sanders reported that the RADAR in the patrol vehicles required repair, that St. Peter's Hospital had given the department trauma bags for the patrol vehicles, that the weapons had been inspected by a certified armorer at the MLEA, that the department had inventoried its gear and equipment, that a filing system for maintenance records had been established, that the department was coordinating and hosting an ethics training on March 11th, that MHP had provided a field sobriety test training, that he had met with the county attorney who agreed to accept felony cases from the EHPD, and that the support from the Montana Highway Patrol, the Lewis & Clark County Sheriff's Office, and the Helena Police Department had been extraordinary.

Public Works – A written report, DEQ letters, the MDOT traffic study, and a water system improvement construction schedule were in the council packet. Public Works Director Kevin Ore reported that water system improvement preconstruction meetings would happen the following week, that the MDOT traffic study had been received and that a pedestrian study was forthcoming, and that he had met with City Engineer Brad Koenig and Jonathan Reis about right-of-way cleanup and emergency vehicle turnaround issues on 7th Street.

Volunteer Fire Department - Fire Chief Troy Maness was excused.

UNFINISHED BUSINESS:

1. **Montana Environmental Trust Group New Public Water Supply Well Agreement** – Public Works Director Ore reported that METG was awaiting an updated cost estimate for chlorination and the awarding of construction bids to finalize the agreement. There was no public comment. Councilmember Feist made a motion to table. Councilmember Leland seconded the motion. All councilmembers voted aye.

NEW BUSINESS:

1. **Helena Street Rodders Car Show at Kennedy Park** – Mayor Harris presented Fred Dalbec and Mike Collins' request to use Kennedy Park once again for the annual car show. There was no public comment. Councilmember Dahl made a motion to approve the request. Councilmember Feist seconded the motion. All councilmembers voted aye.
2. **East Helena Water Source Improvements Schedule I & II Bid Awards** – City Engineer Brad Koenig's letter recommending MJD Contracting, LLC and Big Sky Civil Constructors letter withdrawing their bid were in the council packet. There was no public comment. Councilmember Dahl made a motion to award both bids to MJD Contracting, LLC. Councilmember Ferguson seconded the motion. All councilmembers voted aye.
3. **Resolution of Intent – Transfer of Firearms** – The draft resolution of intent declaring certain firearms and ammunition surplus property and authorizing disposal by transfer to the Teton County Sheriff's Department was in the council packet. Police Chief Sanders discussed the need to dispose of the firearms and ammunition and transition to more contemporary and cost-effective models. There was no public comment. Councilmember Feist made a motion to approve Resolution 565. Councilmember Dahl seconded the motion. All councilmembers voted aye.

4. **MMIA Employee Benefit Elections** – The current benefit elections and city personnel policy regarding benefits were in the council packet. Clerk/Treasurer Thorngren requested Council’s approval to submit the FY23 benefit elections. Council discussed adding voluntary term life insurance to the current elections. Voluntary term life insurance is paid 100% by the employee who opts to participate. There was no public comment. Councilmember Feist made a motion to approve the FY23 benefit elections with the addition of voluntary life insurance. Councilmember Leland seconded the motion. All councilmembers voted aye.

MAYOR’S REPORT: Mayor Harris reported that the police department was moving along nicely, that he had attended the meeting about wastewater projections, that he had met with someone who was interested in writing a grant for Montana Avenue/Valley Drive improvements, that he had spoken to the Kiwanis, and that he had attended the Board of Health meeting.

COUNCILMEMBERS’ REPORTS:

Don Dahl reported that he had attended the sewer meetings.

Judy Leland reported that she had attended the Water Quality Protection District meeting.

Wesley Feist had nothing to report.

Suzanne Ferguson had nothing to report.

LEGAL REPORTS: City Attorney Elverum was excused.

PAYMENT OF BILLS: Claims 294815 through 294857 were presented for Council’s review. Councilmember Leland made a motion to pay the bills. Councilmember Dahl seconded the motion. All councilmembers voted aye.

MEETING SCHEDULE:

1. East Helena Council Meeting, Tuesday, March 15, 2022, 7PM, City Hall Room 110
2. East Helena Council Meeting, Tuesday, April 5, 2022, 7PM, City Hall Room 110

ADJOURNMENT: Mayor Harris adjourned the meeting at 9:07 PM.

ATTEST:

Clerk/Treasurer

Mayor