

MEETING MINUTES
CITY OF EAST HELENA
CITY HALL – 306 EAST MAIN - ROOM 110
COUNCIL MEETING & PUBLIC HEARINGS: 6:30 PM
DATE: TUESDAY, NOVEMBER 1, 2022
INTERNET ZOOM MEETING: <https://zoom.us/j/84979380604>
CONFERENCE CALL-IN: 1-301-715-8592 MEETING ID: 849 7938 0604

MEETING CALLED TO ORDER: Mayor Harris called the meeting to order at 6:30 PM. Councilmember Leland led the Pledge of Allegiance.

CITY OFFICIALS & STAFF PRESENT: Mayor Kelly Harris, Council President Don Dahl (via Zoom), Councilmember Judy Leland, Councilmember Wesley Feist, Councilmember Suzanne Ferguson, Police Chief Mike Sanders, Public Works Director Kevin Ore, Clerk/Treasurer Amy Thorngren, City Attorney Pete Elverum, and Zoning Officer Jeremy Fadness

PUBLIC PRESENT: Shaun Murgel, John Adams, Marjie Adams, Michelle Hines, Dave Jensen, Jeff Schmidt, Unidentified Person, and Unidentified Person

ABSENT/EXCUSED: City Judge Dennis Loveless and Fire Chief Troy Maness

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

EAST HELENA HIGH SCHOOL UPDATE: Activities, Maintenance & Facilities Director Shaun Murgel reported that the winter formal dance would take place December 3rd and thanked the city for barriers, EMT, and police support at football games. He invited councilmembers to judge the upcoming speech and debate competitions on November 19th. A potential collaboration to cover the pool for winter use was discussed.

PUBLIC HEARING 1:

1. **Conditional Use Permit Application for a Marijuana Dispensary at 451 Spencer Court** – The published notice and staff report was included in the council packet. Zoning Officer Fadness reviewed recent zoning ordinance amendments that conditionally allowed marijuana dispensaries in commercial and industrial districts that aren't adjacent to residential properties. He went over the staff report and recommended conditional approval of the application for a marijuana dispensary inside the Missouri River Brewing Company building. This was an information-only item.
2. **Conditional Use Permit Application for a Marijuana Dispensary at 451 Spencer Court**– Mayor Harris called for public comment. Written public comment in opposition to the dispensary from Jonathan and Elizabeth Ries was on the council room table. License-holder of the proposed dispensary Jeff Schmidt made himself available for questions.
3. **Conditional Use Permit Application for a Marijuana Dispensary at 451 Spencer Court** – Councilmember Feist asked Police Chief Sanders whether other towns experienced an uptick in criminal activity after allowing a marijuana dispensary. Chief Sanders reported that he hadn't heard of any. Councilmember Ferguson made a motion to

approve with the conditions listed in the staff report. Councilmember Feist seconded the motion. The motion passed unanimously.

PUBLIC HEARING 2:

1. **An Ordinance Amending Title 8, Chapter 3 of the City Code of The City of East Helena Regarding Water Regulations to Include Water System Development Fees**– The published notice and draft Ordinance 282 were included in the council packet. City Attorney Elverum explained that the ordinance would allow the city to adopt water system development fees in amounts set by resolution. He discussed the ordinance in detail with Council. This was an information-only item.
2. **An Ordinance Amending Title 8, Chapter 3 of the City Code of The City of East Helena Regarding Water Regulations to Include Water System Development Fees** – Mayor Harris called for public comment and received none.
3. **An Ordinance Amending Title 8, Chapter 3 of the City Code of The City of East Helena Regarding Water Regulations to Include Water System Development Fees** – Councilmember Feist made a motion to approve Ordinance 282. Councilmember Leland seconded the motion. The motion passed unanimously.

PUBLIC HEARING 3:

1. **An Ordinance Amending Title 7, Chapter 3 of the City Code of The City of East Helena Regarding Sewer Regulations to Include Sewer System Development Fees**– The published notice and draft Ordinance 283 were included in the council packet. City Attorney Elverum explained that the ordinance would allow the city to adopt sewer system development fees in amounts set by resolution. He discussed the ordinance in detail with Council. This was an information-only item.
2. **An Ordinance Amending Title 7, Chapter 3 of the City Code of The City of East Helena Regarding Sewer Regulations to Include Sewer System Development Fees** – Mayor Harris called for public comment and received none.
3. **An Ordinance Amending Title 7, Chapter 3 of the City Code of The City of East Helena Regarding Sewer Regulations to Include Sewer System Development Fees** – Councilmember Leland made a motion to approve Ordinance 283. Councilmember Feist seconded the motion. The motion passed unanimously.

APPROVAL OF MINUTES: The draft minutes of the October 18, 2022 meeting were included in the council packet. There was no public comment. Councilmember Leland made a motion to approve the minutes as presented. Councilmember Ferguson seconded the motion. Councilmembers Leland, Ferguson, and Dahl voted aye. Councilmember Feist abstained. The motion passed.

CITY COURT REPORT: A written report from City Judge Dennis Loveless is expected at the next meeting.

DEPARTMENTAL REPORTS:

Administration – A written report and notice of deposit of BaRSAA funds were included in the council packet. Clerk/Treasurer Amy Thorngren reported the following:

- Lewis and Clark County Elections will hold in-person voting in the gym on Election Day.
- The BaRSAA funds had been received.
- The city will be receiving a State Fund dividend check for policy year 2020.

Police Department – Police Chief Mike Sanders reported the following:

- There had been 389 calls-for-service in October.
- The department had enjoyed participating in the Red Ribbon Parade.
- The department had received Intoxilizer 9000 training and certification.
- Coffee with a Cop at Galaxy Roasters will happen November 3rd.

Public Works – A written report and the pedestrian study from the Montana Department of Transportation (MDT) were included in the council packet. Public Works Director Kevin Ore reported the following:

- He attended a meeting with City Engineer Brad Koenig, Lewis and Clark County, and the City of Helena regarding expected growth and infrastructure needs.
- Phosphorus levels at the wastewater treatment plant are back in compliance.
- Water Environmental Technologies will be doing groundwater studies to see whether wastewater ground discharge is an option for the city.
- He had located at least 50 water meter radios.
- The DEQ water inspection is forthcoming.
- The paving of Manlove Avenue is finished.
- MDT’s pedestrian study did not recommend more crosswalks on Main Street.

Volunteer Fire Department - Fire Chief Troy Maness was excused.

UNFINISHED BUSINESS: There was no unfinished business.

NEW BUSINESS:

1. **Living Church of God Fire Hall Rental Agreement for 2023 and 2024** – A list of usage dates was included in the council packet. John Adams requested a 2-year renewal of the church’s lease agreement at the same rate. Dave Jensen asked for clarification on the rate. John Adams broke it down to \$85 per day or \$397 per month or \$4,760 per year based on the number of days scheduled. Councilmember Feist made a motion to approve. Councilmember Leland seconded the motion. The motion passed unanimously.
2. **MWP Resources Request for Free Use of the Council Room** – Michelle Hines requested Council’s permission to use the council room at no charge for a few hours November 1st and 2nd. There was no public comment. Councilmember Feist made a motion to approve. Councilmember Ferguson seconded the motion. The motion passed unanimously.
3. **METG Letter of Agreement for Funding City Water and Wastewater Master Plans** – The draft agreement was included in the council packet. Public Works Director Ore reported that METG had agreed to reimburse the city up to \$26,995 for the southside sewer lift station master plan, \$33,430 for the water master plan update, and \$60,425 for the wastewater master plan update. There was no public comment. Councilmember Leland made a motion to approve. Councilmember Ferguson seconded the motion. The motion passed unanimously.
4. **FY23 1st Quarter Budget vs Actual Report** – A copy of the report was included in the council packet. Public Works Director Ore discussed expenditure lines that had exceeded 25% of the annual budget. There was no public comment. This was an information-only item.
5. **Request to Close the Admin Office Friday, November 25, 2022, and Allow Staff to Use Vacation Time** – Mayor Harris presented the request to Council. Public Works Director Ore noted that garbage would still be picked up on Friday. There was no public

comment. Councilmember Leland made a motion to approve. Councilmember Feist seconded the motion. The motion passed unanimously.

MAYOR'S REPORT: Mayor Harris reported

- He attended the Board of Health meeting.
- He attended the meeting with Robert Peccia & Associates regarding development fees.
- He handed out cookies at the Halloween Stroll.

COUNCILMEMBERS' REPORTS:

Don Dahl reported that he attended the meeting with Robert Peccia & Associates regarding development fees and passed out cookies at the Halloween Stroll.

Judy Leland reported that she had passed out cookies at the Halloween Stroll and attended the Water Quality Protection District meeting.

Wesley Feist reported that he had attended MBAC's comprehensive economic strategy meeting and has been attending the weekly Vision Helena (through Visit Helena) meetings; Coffee with the Chamber; the East Helena school district's long-term infrastructure planning meeting; a NorthWestern Energy event; and he visited with Public Works Director Ore and a community member about the bathrooms at the Kennedy Park being closed for the season.

Suzanne Ferguson reported that she had passed out cookies at the Halloween Stroll.

LEGAL REPORT: City Attorney Elverum reported that he attended the meeting with Robert Peccia & Associates regarding development fees; he met with Fire Chief Maness to discuss the options for consolidation with other departments; and the cemetery district did not make it onto the ballot for the November election.

PAYMENT OF BILLS: Claims 295619 through 295662 were presented for Council's review. Councilmember Leland made a motion to pay the bills. Councilmember Feist seconded the motion. The motion passed unanimously.

MEETING SCHEDULE:

1. East Helena Council Meeting & Public Hearing, Tuesday, November 15, 2022, 6:30 PM, City Hall Room 110
2. East Helena Council Meeting, Tuesday, December 6, 2022, 6:30 PM, City Hall Room 110

ADJOURNMENT: Mayor Harris adjourned the meeting at 7:27 PM.

ATTEST:

Clerk/Treasurer

Mayor