

**MEETING MINUTES**  
**CITY OF EAST HELENA**  
**CITY HALL – 306 EAST MAIN - ROOM 110**  
**COUNCIL MEETING: 6:30 PM**  
**DATE: TUESDAY, APRIL 18, 2023**  
**JOIN ZOOM MEETING: <https://us06web.zoom.us/j/3787705872>**  
**CONFERENCE CALL-IN: 1-253-205-0468 MEETING ID: 378 770 5872**

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

**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, City Attorney Pete Elverum, and Clerk/Treasurer Amy Thorngren

**PUBLIC PRESENT:** Sally Nyland, Michael Hossfeld, Jerome Verbanac, and Dave Jensen

**ABSENT/EXCUSED:** City Judge Dennis Loveless, Police Chief Mike Sanders, and Fire Chief Troy Maness

**PUBLIC COMMENTS:**

**(0:01:25) Sally Nyland** commented in favor of right-of-way code enforcement.

**(0:07:05) Dave Jensen** commented in opposition to heavy trucks and machinery on residential pavement and FY23 budgeted staffing allocations. Mr. Jensen provided a written version of his comments for the record.

**(0:10:25) APPROVAL OF MINUTES:** The draft minutes of the April 4, 2023 council meeting were included in the council packet. Dave Jensen requested that his public comments be revised to reflect his statements more accurately. Mr. Jensen provided a written version of his comments for the record. Councilmember Feist made a motion to approve the minutes as presented. Councilmember Leland seconded the motion. The motion passed unanimously.

**CITY COURT REPORT:** A written report from City Judge Dennis Loveless was on the council room table at the last meeting.

**DEPARTMENTAL REPORTS:**

**(0:12:40) Administration** – A written report was in the council packet. Clerk/Treasurer Amy Thorngren reported that Nancy Andersen of AARP had offered her assistance to find a coach for the FitLot classes on the equipment at Kennedy Park; zoning and building permit applications were increasing for the upcoming building season; and that she had been preparing for the Police Commission meeting.

**(0:14:30) Police Department** – A written report was on the council room table. Police Chief Mike Sanders was excused. Mayor Harris reported that the department was in the process of hiring two new officers to fill open positions.

**(0:15:05) Public Works** – A written report was in the council packet. The METG Status Report and speed trailer data for the 600 block of East Riggs Street were on the council room table. Public Works Director Kevin Ore reported that construction on the new water tank would resume in mid-May; the ortho-pump project had encountered a 6-to-8-week delay; pothole repairs continue; road chip-sealing is scheduled for the summer months; street sweeping will occur in the next few weeks; right-of-way code violation letters will be going out soon; requests for utility locates has increased with the upcoming construction season; and vandalism has been an ongoing problem. He answered questions from resident Sally Nyland.

**Volunteer Fire Department** - Fire Chief Troy Maness was excused.

**UNFINISHED BUSINESS:** There was no unfinished business.

**NEW BUSINESS:**

1. **(0:24:25) Reappointment of Gloria Soja to the Police Commission** – MCA 7-32-4151 was included in the council packet. Mayor Harris requested Council’s approval to reappoint Police Commission Chair Soja. There was no public comment. Councilmember Dahl made a motion to reappoint Gloria Soja to another 3-year term on the Police Commission. Councilmember Leland seconded the motion. The motion passed unanimously.
2. **(0:24:55) Utility Billing 609 E Groschell** – Mayor Harris requested Council’s approval to suspend the utility billing to the recently burnt home as has previously been done for other residences destroyed by fire. He answered questions from Sally Nyland. Councilmember Feist made a motion to approve suspension of utility billing for 609 East Groschell Street. Councilmember Ferguson seconded the motion. The motion passed unanimously.
3. **(0:27:40) Eagles 4040 Open Container Variance** – Mike Hossfeld of Eagles 4040 requested Council’s approval to waive the open container ordinance for events on May 20, June 17, and July 7 and 8, 2023 so that patrons can take their beverages outside of the establishment. He discussed the parameters of each event with Council. There was no public comment. Councilmember Leland made a motion to waive the open container ordinance for the specified dates and locations. Councilmember Feist seconded the motion. The motion passed unanimously.
4. **(0:34:55) Resolution for the East Helena Cemetery** – A letter from Prescott Civil Law, PLLC, MCA 7-35-4102, and draft quitclaim deed were included in the council packet. Draft Resolution 584 accepting the transfer and grant of the East Helena Cemetery to the city was on the council room table. Mayor Harris reported that although a public vote on whether to take over the cemetery had been intended, the dissolution of the East Helena Cemetery Association necessitated that the city take ownership of the cemetery. City Attorney Elverum explained the legal action being taken and that the city would not be required to sell the remaining cemetery plots. He noted that city ownership of the cemetery would aid in the acquisition of enough right-of-way to widen Montana Avenue/Valley Drive. (0:44:00) Sally Nyland asked

clarifying questions and commented in opposition to residents assuming financial responsibility for things like the cemetery and the train depot. (0:47:25) Dave Jensen commented in opposition to city operation of the cemetery and in favor of implementing an SID on those that benefit from the cemetery. Council discussed the maintenance of the cemetery. Councilmember Ferguson made a motion to approve Resolution 584 accepting the East Helena Cemetery. Councilmember Leland seconded the motion. The motion passed unanimously.

5. **(0:50:00) 3<sup>rd</sup> Quarter Financial Review** – Budget-vs-actual reports of expenses and revenues were included in the council packet. Public Works Director Ore reported that all had gone well overall and discussed certain aspects of the reports with Council. There was no public comment. Councilmember Dahl made a motion to approve the 3<sup>rd</sup> quarter financial review. Councilmember Leland seconded the motion. The motion passed unanimously.

**(0:55:50) MAYOR'S REPORT:** Mayor Harris reported that he attended the meeting with the Pool Manager Mook and RPA regarding the addition of online swimming lesson registration and payment; attended the meeting with the East Valley Fire Department regarding the proposed merger of local fire departments; met with representatives of Senators Tester and Daines regarding development in East Helena; met with METG regarding a future lift station; encouraged support of HB 355 which would facilitate the rebuilding of Montana Avenue/Valley Drive; and that he had attended East Helena Highschool softball and tennis events.

#### **COUNCILMEMBERS' REPORTS:**

**(1:00:05) Don Dahl** asked whether the new Town Pump had gained access to Highway 12. Public Works Director Ore reported that they had.

**(1:01:05) Judy Leland** had nothing to report.

**(1:01:08) Wesley Feist** reported that he had attended a special Chamber of Commerce meeting endorsing the proposed school levies; received a call from a resident regarding clearing the rights-of-way; and attended a Capitol Complex Master Plan meeting. He thanked the VFW for the Easter egg hunt and said that NorthWestern Energy and Rocky Mountain Contractors were doing a great job on their project on Washington Street.

**(1:03:05) Suzanne Ferguson** reported that she had attended East Helena High School softball events and that she had received a call from a resident regarding the rights-of-ways.

**(1:03:25) LEGAL REPORT:** City Attorney Elverum reported that he had attended the meeting with METG regarding the future lift station; that he had spoken with the attorney handling the dissolution of the East Helena Cemetery Association; and that he would be taking off the next couple of weeks.

**(1:04:45) PAYMENT OF BILLS:** Claims 296277 through 296232 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, Tuesday, May 2, 2023, 6:30 PM, City Hall Room 110

2. East Helena Council Meeting, Tuesday, May 16, 2023, 6:30 PM, City Hall Room 110

**ADJOURNMENT:** Mayor Harris adjourned the meeting at 7:35 PM.

ATTEST:

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Clerk/Treasurer

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Mayor