**MEETING AGENDA** 

CITY OF EAST HELENA

CITY HALL - 306 EAST MAIN - ROOM 110

**COUNCIL MEETING: 6:30 PM** 

**DATE: TUESDAY, AUGUST 19, 2025** 

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

**PLEDGE OF ALLEGIANCE:** Councilmember Ferguson

### **EAST HELENA HIGH SCHOOL ACTIVITIES UPDATE:** Activities Director Shaun Murgel, East Helena

**Public Schools** 

Action: Information only

### WASTEWATER TREATMENT PLANT UPGRADE PRESENTATION: Jeremy Perlinski, Robert Peccia

& Associates

Action: Information only

<u>PUBLIC COMMENTS:</u> Note: This time is set aside for comments from the public on matters that are not on the meeting agenda. Public comments will be taken on agenda items prior to a motion. All public comments will be limited to a reasonable duration. Prior to your comments, please state your name and address in an audible tone of voice for the record.

**APPROVAL OF MINUTES:** August 5, 2025

**CITY COURT REPORT:** City Judge Dennis Loveless

### **DEPARTMENTAL REPORTS:**

Administration – Clerk/Treasurer Amy Thorngren Police Department – Police Chief Mike Sanders Public Works - Public Works Director Kevin Ore Volunteer Fire Department - Fire Chief Roger Campbell

#### **UNFINISHED BUSINESS:**

1. East Helena Christmas Stroll – Stacia Winslow Action: Approve/Deny/Table

#### **NEW BUSINESS:**

- 1. J4 Automotive Request to Use Main Street Park for the Halloween and Christmas Strolls Kit Johnson Action: Approve/Deny/Table
- 2. Valley Bank Request to Use City Facilities for the East Helena Christmas Stroll December 4th Stephanie Chambers

Action: Approve/Deny/Table

3. Appointment of Jennifer Opie to the East Helena Police Commission – Mayor Harris

Action: Approve/Deny/Table

- 4. City of East Helena Western Montana Hazard Mitigation Plan Adoption Resolution Mayor Harris Action: Approve/Deny/Table
- 5. Resolution of Respect and Esteem for Isabelle Pistelak Mayor Harris

Action: Approve/Deny/Table

6. Resolution to Hold the November 4<sup>th</sup> General Election – Mayor Harris

Action: Approve/Deny/Table

7. Prickly Pear Estates Regional Lift Station Grant of Easement – Mayor Harris

Action: Approve/Deny/Table

### **MAYOR'S REPORT:** Mayor Harris

### **COUNCILMEMBERS' REPORTS:**

Don Dahl Judy Leland Wesley Feist Suzanne Ferguson

**LEGAL REPORT:** City Attorney Elverum

**PAYMENT OF BILLS:** Action: Approve/Deny/Table

### **MEETING SCHEDULE:**

- 1. East Helena Zoning Commission Meeting & Public Hearing, Wednesday, August 20, 6:00 p.m., City Hall Rm 110
- 2. East Helena City Council Meeting, Tuesday, September 2, 6:30 p.m., City Hall Rm 110
- 3. East Helena Planning Board Meeting, Wednesday, September 10, 6:00 p.m., City Hall Rm 110
- 4. East Helena City Council Meeting, Tuesday, September 16, 6:30 p.m., City Hall Rm 110

### **ADJOURNMENT:** Mayor Harris

#### **ADA NOTICE**

The City of East Helena is committed to providing access to persons with disabilities for its meetings, in compliance with Title II of the Americans with Disabilities Act and the Montana Human Rights Act. The city will not exclude people with disabilities from participating in its meetings, or otherwise deny them the City's services, programs, or activities. Persons with disabilities requiring accommodations to participate in the City's meetings, services, programs, or activities should contact the City Clerk as soon as possible to allow sufficient time to arrange for the requested accommodation, at any of the following:

(406) 227-5321 or TTY Relay Service 1-800-253-4091 or 711

cityclerk@easthelenamt.us - 306 East Main Street, P.O. Box 1170, East Helena, MT 59635

## RECEIVED

AUG 1 1 2025 CITY OF EAST HELENA, MT

CITY OF EAST HELENA 306 E MAIN ST / PO BOX 1170 EAST HELENA, MT 59635 (406) 227-5321

ORIGINAL COUNCIL MEETING DATE:

Agenda item: School NAPPENING)
From: SHAUN MURLERL
nitiated by City: DYES DNO (check one)
Department:
Presented by:
Action requested:
LEASE PROVIDE A NARRATIVE BACKGROUND OF THE PROPOSED AGENDA ITEM:
what is 90° mg or
Attachments: DYES Check one)
Date submitted:
RECOMMENDATIONS:  Approve for agenda:  Referred to Dept. Head for resolution:  Referred to TYES

Agenda requests must be submitted to East Helena City Hall by noon the Wednesday prior to the Tuesday council meeting.



# City of East Helena Wastewater System Update

WWTP Facility Plan – Meeting No. 1



Council Meeting – August 19, 2025

## **Previous Council Meeting Presentation**

- Where have we been?
  - MPDES renewal, GW permit application, rate increase, WWTP optimization
- Where are we now?
  - Headworks & CIPP project (latter completed in June)
  - GW permit application complete under DEQ review
- Where are we headed?
  - WWTP Facility Plan and Development Plan
  - Overall treatment plant upgrade



## Why Do We Need a WWTP Facility Plan?

- Identify treatment alternatives
- Analyze capital and lifecycle (O&M) costs
- Finalize design criteria for future upgrades
- Table of Contents...

Chapter 1 – Flow and Load Projections

Chapter 2 – Effluent Limitations and Disposal Evaluation

Chapter 3 – Preliminary Treatment Overview

Chapter 4 – Secondary Treatment and UV Disinfection

Chapter 5 – Solids Handling and Disposal Evaluation

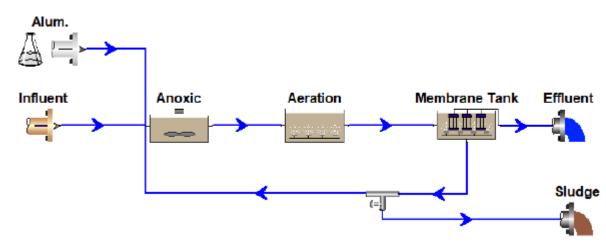
Chapter 6 - Ancillary Process Discussion

Chapter 7 – Environmental Discussion and Other Considerations



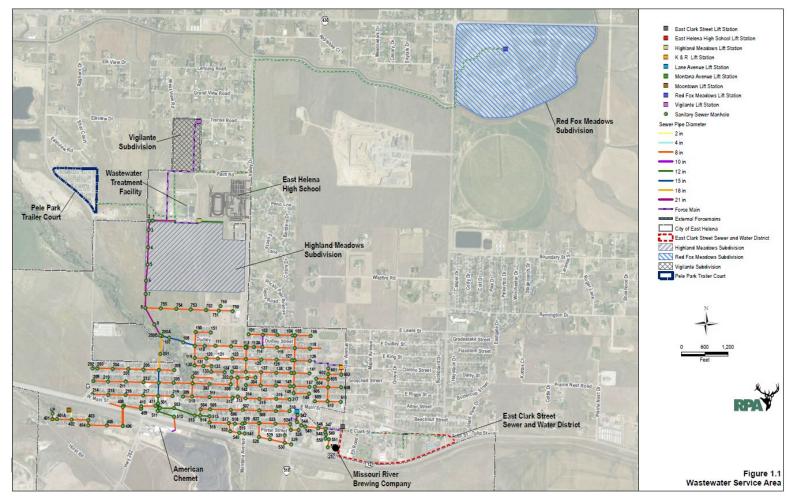
# Why is a WWTP Upgrade Necessary?

- Required to replace existing WWTP (regardless of growth)
- Designed to handle increased flows and improve effluent quality
- New secondary treatment process + disinfection
- Upgrade solids stabilization and dewatering capabilities
- Initiate design in 1Q 2026
- Operational by January 2029



# Chapter 1 – Flow & Load Projections

## Wastewater Service Area





# Chapter 1 – Flow & Load Projections

## Historical Wastewater Flows

Table 1.1: East Helena Influent Wastewater Flows 2019 - 2023

Year	WW Users	Average Daily Flow (gpd)	Per Capita Flow (gpcd)	Max Month Flow (gpd)	Peak Hour Flow (gpd)	Dry Weather Flow (gpd)
2019	2,447	296,326	121	526,491	1,041,895	233,228
2020	2,523	218,570	87	311,503	766,131	187,198
2021	2,668	209,252	78	232,638	729,279	204,565
2022	2,969	244,677	82	375,183	843,214	252,947
2023	3,084	350,705	114	722,078	1,203,685	264,756
Averages		263,906	96	433,578	916,841	228,539



# Chapter 1 – Flow & Load Projections

## Influent Design Criteria

Year 2037 WW Users	11,608			
Annual Average Day Values				
Parameter	Per Capita	Concentration	Flow & Load	
Flow – Total	103 gpcd	-	1.20 mgd	
BOD₅	0.17 ppcd	196 mg/L	1,961 lb/day	
TSS	0.16 ppcd	183 mg/L	1,833 lb/day	
TKN	0.035 ppcd	41 mg/L	409 lb/day	
TP	0.005 ppcd	5.7 mg/L	57 lb/day	
Maximum Month Values				
Flow – Total	151 gpcd	_	1.75 mgd	
BOD₅	0.21 ppcd	170 mg/L	2,489 lb/day	
TSS	0.23 ppcd	186 mg/L	2,718 lb/day	
TKN	0.041 ppcd	32 mg/L	474 lb/day	
TP	0.007 ppcd	5.5 mg/L	80 lb/day	
Peak Hour Values				
Flow – Total	299 gpcd	_	3.47 mgd	

Year 2052 WW Users	16,719			
Annual Average Day Values				
Parameter	Per Capita	Concentration	Flow & Load	
Flow – Total	99 gpcd	-	1.65 mgd	
BOD <sup>2</sup>	0.17 ppcd	205 mg/L	2,824 lb/day	
TSS	0.16 ppcd	192 mg/L	2,640 lb/day	
TKN	0.035 ppcd	43 mg/L	589 lb/day	
TP	0.005 ppcd	6.0 mg/L	83 lb/day	
Maximum Month Values				
Flow – Total	144 gpcd	_	2.41 mgd	
BOD₅	0.21 ppcd	178 mg/L	3,585 lb/day	
TSS	0.23 ppcd	195 mg/L	3,915 lb/day	
TKN	0.041 ppcd	34 mg/L	682 lb/day	
TP	0.007 ppcd	5.8 mg/L	116 lb/day	
Peak Hour Values				
Flow – Total	270 gpcd	_	4.51 mgd	

## Chapter 2 – Effluent Limitations & Disposal Evaluation

- Surface Water Discharge
  - MPDES Permit renewal completed in Aug 2024
  - 2019-issued permit administratively extended (same limits & sampling for now)
  - Continued discharge to Prickly Pear Creek
- Groundwater Discharge
  - Needed for <u>future</u> effluent compliance
  - No timeline for permit issuance...additional sampling required
  - Infiltration/percolation (I/P) facility sized for 1 MG/day of effluent



## Chapter 2 – Effluent Limitations & Disposal Evaluation

## Biosolids Disposal

- Class A: treatment to "exceptional quality" give to the public or PW projects
- Class B: treatment to significantly reduce pathogens apply to farmland
- Unclassified: pass paint filter & TCLP tests haul to municipal solid waste landfill

## Future Regulatory Hurdles

- Decreasing nutrient (nitrogen & phosphorous) waste load allocations
- Changes to metals limits
- Per- and polyfluoroalkyl substances (PFAS)



## Chapter 2 – Effluent Limitations & Disposal Evaluation

## Effluent Design Criteria

Table 2.2: East Helena Effluent Design Criteria

Parameter	Units	Prickly Pear Creek	GW Discharge	
Effluent Flow	gpd	<800,000	<1,000,000	]
Bi-shariad Oarras Barrad (BOD)	mg/L	<15	<30	]
Biochemical Oxygen Demand (BOD₅)	lb/day	<100	_	95%
T-t-1 0:	mg/L	<15	<30	1
Total Suspended Solids (TSS)	lb/day	<100	_	95%
E. coli Bacteria, year-round	Orgs./100 mL	<100	<100	
Ammonia (NH <sub>3</sub> )	mg/L	<1.0	_	
Nitrate (NO <sub>3</sub> )	mg/L	_	<5.5	
Nitrogon (TN)	mg/L	<8.0	_	
Nitrogen (TN)	lb/day	<50	_	88%
Dhaanharaus (TD)	mg/L	<0.5	<2.0	
Phosphorous (TP)	lb/day	<5	_	91%
Copper, Total Recoverable	μg/L	<10	_	

95% removal

95% removal

88% removal

91% removal

## Chapter 3 – Preliminary Treatment Overview

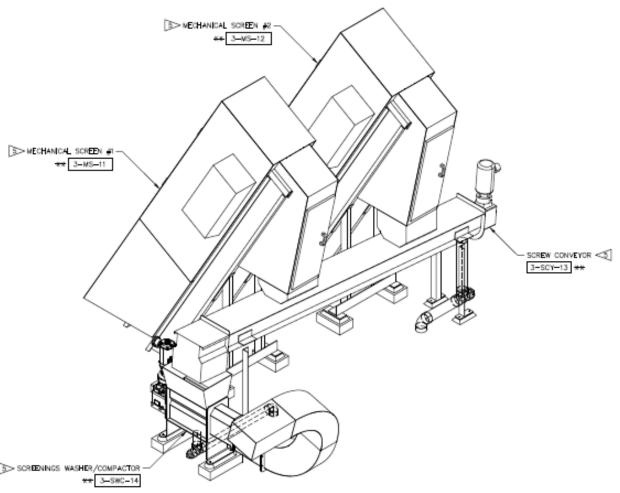
Influent Pump Station Robert Peccia & Associates

8/19/25 Council Packet Page 15

# Chapter 3 – Preliminary Treatment Overview

Screening System

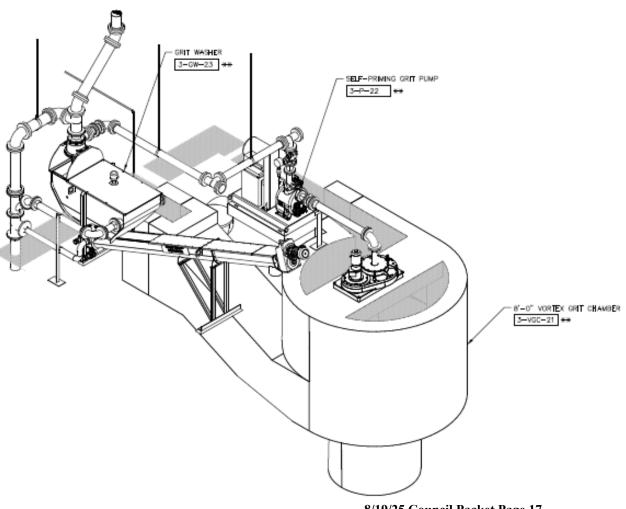




# Chapter 3 – Preliminary Treatment Overview

Grit Removal System





**Robert Peccia & Associates** 

8/19/25 Council Packet Page 17

### Oxidation Ditch

- Version of activated sludge in large oval or racetrack-shaped basins
- Long SRT minimizes process upsets and promotes biological nutrient removal
- Ideal for limited staffing, low O&M costs and exceptional effluent quality
- Utilizes brush rotors or slow-speed mixers for aeration and mixing

## Secondary Clarifier

- Circular basin used to settle solids (MLSS) from the oxidation ditch
- Solids are returned (RAS) or wasted (WAS) and scum is "scraped" from the surface





- Sequencing Batch Reactor (SBR)
  - Type of fill and draw activated sludge system in a single reactor
  - Four general phases occur during programmed time intervals:
    - ✓ Fill wastewater enters to a defined depth
    - ✓ React aeration and mixing for biological processes
    - ✓ Settle solids are settled to the bottom of the basin
    - ✓ Draw treated effluent is discharged through a decanter
  - No need for secondary clarifiers smaller footprint and cost savings
  - More complex to operate but still produce high-quality effluent
  - Utilize blowers, submerged diffusers, and surface mixers



- Membrane Bioreactor (MBR)
  - Advanced activated sludge process that utilizes membranes for solids removal
  - Design includes various reactor basins for biological treatment
  - Submerged membranes can be hollow fiber or flat sheet
  - Higher MLSS concentration allows for smaller footprint and less concrete
  - Significant operational complexity but produces first-class reclaimed water
  - Operational costs are typically high due to increased energy and chemicals
  - Equipment includes blowers, mixers, pumps, and actuated valves





- Thermal Sludge Drying (Class A Biosolids)
  - Automated, continuous flow system
  - Requires dewatered (15-30%) biosolids
  - High temperatures (between 300-600°F) to reduce pathogens
  - Produces material with less than 10% moisture
  - Suitable for landscaping or distribution to the public
  - Includes odor control facilities
  - Complex operation with high capital and operating costs

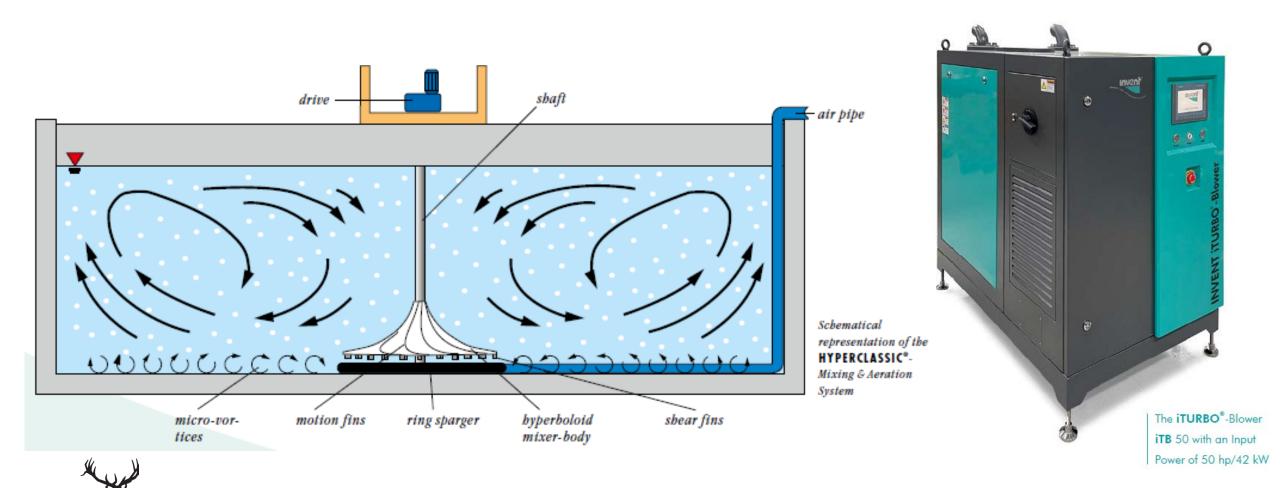






- Aerobic Digestion (Class B Biosolids)
  - Basins sized for 40 to 60 days of SRT to stabilize waste sludge
  - Air (oxygen) breaks down organic material and minimize odors
  - Mixing accomplished with aeration/diffusers or mechanical equipment
  - Decoupled systems allow for operational flexibility and cost savings
  - Settling and decanting can increase solids concentration and reduce volume
  - Aeration provided by blowers and diffusers or ring spargers





- Sludge Storage (Unclassified Biosolids)
  - Aerated basins minimize odors and reduce organic material
  - Concrete basins allow for increased depths and smaller footprint
  - Provides volume for dewatering equipment maintenance or repair
  - Settling and decanting can increase solids concentration and reduce volume
  - Mixing and aeration provided by blowers and submerged diffusers
  - Similar process to current plant operations for waste sludge





## Solids Dewatering Alternatives

## Centrifuge

- ✓ Single piece of equipment; small footprint; two large motors rotating at very high speeds
- ✓ Produces cake up to 20% solids with reasonable polymer dosing rates (20-24 lb/dry ton)

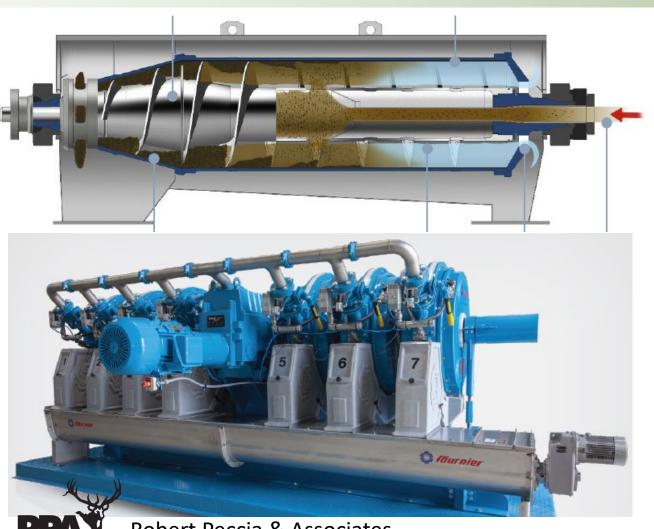
## Rotary Fan Press

- ✓ Multiple units on a single shaft/motor; largest footprint; small motor at slow speeds
- ✓ Produces cake up to 18% solids with low polymer dosing rates (15-20 lb/dry ton)

### Screw Press

- ✓ Multiple units; integral flocculation tank; medium footprint; small motors at slow speeds
- ✓ Produces cake up to 18% solids with higher polymer dosing rates (26-30 lb/dry ton)







Robert Peccia & Associates

8/19/25 Council Packet Page 31

## **Next Steps**

- Complete WWTP Facility Plan
  - Draft submitted to City in October; Council adoption scheduled for 4Q 2025
- Prepare Development Plan
  - Begin work in November; submittal and approval from DEQ in 1Q 2026
- Secondary Treatment Equipment Pre-Selection
  - Needed prior to beginning design; completion scheduled for 1Q 2026
- Complete IPS & Headworks Construction
  - Structures finished by December 2025; equipment install & startup in March 2026

# QUESTIONS?



MEETING MINUTES CITY OF EAST HELENA

CITY HALL - 306 EAST MAIN - ROOM 110

COUNCIL MEETING: 6:30 PM DATE: TUESDAY, AUGUST 5, 2025

JOIN ZOOM MEETING: <a href="https://us06web.zoom.us/j/3787705872">https://us06web.zoom.us/j/3787705872</a>

CONFERENCE CALL-IN: 1-253-205-0468 MEETING ID: 378 770 5872

MEETING CALLED TO ORDER: Council President Dahl called the meeting to order at 6:30 p.m. Councilmember Feist led the Pledge of Allegiance.

<u>CITY OFFICIALS & STAFF PRESENT:</u> Council President Don Dahl, Councilmember Judy Leland, Councilmember Wesley Feist, Councilmember Suzanne Ferguson, Clerk/Treasurer Amy Thorngren, City Attorney Pete Elverum, Public Works Director Kevin Ore, Police Chief Mike Sanders, Fire Chief Roger Campbell, Patrol Officer Chris Kirkegaard, and Patrol Officer Zack Butler

<u>PUBLIC PRESENT:</u> Michael Hossfeld, Jim McNicol, Lisa Hoffa, Jon Hoffa, Dennis Haubrick, Kayann Stone, Mark Trenary, Gayle Trenary, Wendy Rismon, Julie Brown, Ramon Mercado, and Regina Mercado

ABSENT/EXCUSED: City Judge Dennis Loveless and Mayor Kelly Harris

### **PUBLIC HEARINGS:**

- 1. **(0:00:50)** Resolution to Modify Existing Lighting District No. 101 Draft Resolution 624 was included in the council packet. Written public comment in opposition to the modification of the assessment for lighting had been received from Jason and Megan Makoutz and Nancy Barth. City Attorney Elverum discussed the modification. (0:04:20) Ramon Mercado asked for clarification on what services the city provides versus the homeowners' association. (0:09:20) Lisa Hoffa asked for clarification on how the funds were tracked. City Attorney Elverum and Public Works Director Ore answered questions. Councilmember Feist made a motion to approve Resolution 624. Councilmember Leland seconded the motion. The motion passed unanimously.
- 2. **(0:13:05)** Resolution to Modify Existing Lighting District No. 201 Draft Resolution 625 was included in the council packet. City Attorney Elverum introduced the agenda item. Council President Dahl called for public comment. (0:14:45) Jim McNicol requested clarification on the lighting expenses in the district. City Attorney Elverum and Public Works Director Ore answered questions. Councilmember Feist made a motion to approve Resolution 625. Councilmember Ferguson seconded the motion. The motion passed unanimously.
- 3. **(0:18:35)** Resolution to Modify Existing Street Maintenance District No. 101 Draft Resolution 626 was included in the council packet. Written public comment in

opposition to the modification of the assessment for road maintenance had been received from Ramon Mercado, Ky'Anna and Nathan Carlson, and Nancy Barth. City Attorney Elverum introduced the agenda item. City Attorney Elverum, Councilmember Feist and Public Works Director Ore discussed the street maintenance process. Council President Dahl called for public comment and received none. Councilmember Ferguson made a motion to approve Resolution 626. Councilmember Feist seconded the motion. The motion passed unanimously.

4. (0:24:55) Resolution to Modify Existing Street Maintenance District No. 201 – Draft Resolution 627 was included in the council packet. City Attorney Elverum introduced the agenda item. Council President Dahl called for public comment. (0:26:50) Kayann Stone asked for clarification on road maintenance responsibilities. (0:28:35) Jim McNicol asked for clarification on road construction in the subdivision. City Attorney Elverum and Public Works Director Ore answered questions. Councilmember Leland made a motion to approve Resolution 627. Councilmember Ferguson seconded the motion. The motion passed unanimously.

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

(0:32:10) APPROVAL OF MINUTES: The draft minutes of the July 15, 2025 meeting were included in the council packet. There was no public comment. Councilmember Feist made a motion to approve the minutes with an amendment to his report. Councilmember Leland seconded the motion. The motion passed unanimously.

<u>CITY COURT REPORT:</u> A written report for the month of June 2025 was included in the council packet. City Judge Dennis Loveless was excused.

### **DEPARTMENTAL REPORTS:**

(0:33:25) Administration – Clerk/Treasurer Amy Thorngren reported that building permit applications were picking up for fall, the pool season is winding down, and that there had been a record number of park rentals this year.

(0:34:40) Police Department – Police Chief Mike Sanders reported that there had been 578 calls-for-service in July which was an all-time high. Deputy Chief Royce attended the Missouri River Drug Task Force quarterly meeting, the entire department attended an update meeting with the county attorney's office, Officer Kirkegaard assisted with the manhunt in Anaconda, and Deputy Chief Royce and Officer Zack Butler spoke with the local driver education class.

(0:39:00) Public Works – A written report was included in the council packet. Public Works Director Kevin Ore reported that the sludge had turned over at the wastewater treatment plant and would be washed down with a fire truck again, water and sewer line repairs continue, and that the PLC at Wylie Well #3 failed and is being replaced. He updated Council on the status of the BUILD grant and answered questions about sludge.

(0:47:15) Volunteer Fire Department - Fire Chief Roger Campbell summarized the previous months calls-for-service and reported that the department had responded to a tree

that was on fire from touching a power line during a rainstorm. He explained the fire department's role in the subdivision process.

#### **NEW BUSINESS:**

- 1. **(0:50:40) 227 Days** Mike Hossfeld of Eagles 4040 requested Council's approval to hold the annual 227 Days celebration in Main Street Park on September 6<sup>th</sup> in conjunction with the East Helena Block Party and waive the fees. There was no public comment. Councilmember Feist made a motion to approve use of Main Street Park at no charge on September 6<sup>th</sup>. Councilmember Leland seconded the motion. The motion passed unanimously.
- 2. **(0:53:15)** East Helena Christmas Stroll Clerk/Treasurer Thorngren presented Stacia Winslow's request to set up next to J4 Automotive in Main Street Park during the Christmas Stroll as she has done in previous years. Council discussed waiting until J4 made their annual request for the park. There was no public comment. Councilmember Feist made a motion to table. Councilmember Leland seconded the motion. The motion passed unanimously.
- 3. **(0:55:40) Resolution 628 Authorizing the Sale of Surplus Property** The draft resolution was included in the council packet. Public Works Director Ore discussed the old vehicles that were proposed to be scrapped. There was no public comment. Councilmember Leland made a motion to approve Resolution 628. Councilmember Feist seconded the motion. The motion passed unanimously.

# MAYOR'S REPORT: Mayor Harris was excused.

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

(0:57:20) Don Dahl reported that he attended Habitat for Humanity's dedication ceremony for six new homes in the Highland Meadows Subdivision. He noted that an East Helena Planning Board meeting was scheduled for August 20<sup>th</sup> and an East Helena Zoning Commission meeting was scheduled for September 10<sup>th</sup>.

(1:00:05) Judy Leland reported that she attended Habitat for Humanity's dedication ceremony for six new homes in the Highland Meadows Subdivision.

(1:00:20) Wesley Feist reported that he attended the Helena Regional Airport master plan presentation and spoke with the director of the Department of Commerce regarding the reappointment of Cindy Brooks. He noted that Joe Mitchell State Farm's food truck festival would be held in Main Street Park on August 14<sup>th</sup>.

Suzanne Ferguson had nothing to report.

(1:01:40) LEGAL REPORT: City Attorney Elverum reported that he finished the case he was working on for the City of Helena, the police officers were doing a great job, and that city court was going well.

(1:02:05) PAYMENT OF BILLS: Claims 299001 through 299082 were presented for Council's review. Councilmember Leland made a motion to pay the bills. Councilmember Ferguson seconded the motion. The motion passed unanimously.

#### **MEETING SCHEDULE:**

- 1. East Helena City Council Meeting, Tuesday, August 19, 6:30 p.m., City Hall Room 110
- 2. East Helena City Council Meeting, Tuesday, September 2, 6:30 p.m., City Hall Room
- 3. East Helena Planning Board Meeting, Wednesday, September 10, 6:00 p.m., City Hall Room 110
- 4. East Helena City Council Meeting, Tuesday, September 16, 6:30 p.m., City Hall Room 110

**ADJOURNMENT:** Council President Dahl adjourned the meeting at 7:30 p.m.

ATTEST:		
Clerk/Treasurer	Mayor	





# Public Works Department

Proud to serve our Community

August 19th, 2025

#### 1.) WWTP Report

- Shane, Colten and Torrey continue to wash down sludge basin, happy to report minimal odors.
- Construction on headworks building and screw augers continues, still more concrete.
- Had a sewer call out due to a failed transformer, luckily no city equipment was damaged. Just had some fuses to replace in the reaction basin blower room.
- Mockel Excavation has replaced the sewer line in the intersection of Valley and Groschell this last week. Had some challenges with service line locations.
- We had a meeting with DEQ for the ground water permit application, we will be working on a sample scheduling of effluent wastewater. Anticipating about 1 year of samples will be needed. (Discuss)
- Continuing to work with Town Pump and some issues with their lift station pumping capacities.

## 2.) Metal Removal Building

Replacement reject pump was delivered and installed.

#### 3.) Source Water Report

- The new RTU/PLC (Remote Terminal Unit/Programmable Logic Controller) panel that controls all the SCADA and pump operations for the entire Wylie well is installed and working great.
- Crews replaced the water valve in the intersection of Valley and Dudley last week. Long hot day of digging. I appreciate the hard work.
- Torrey and Scott are signed up to take their water test. Good Luck!!

## 4.) Solid Waste Report

• Internal discussion about Republic Garbage Service. Attorney Elverum is reviewing solid waste contracts. (more to come on this)

#### 5.) <u>Parks</u>

• Declan's last day was Wednesday; he will not be returning next year as he is going to college. I really appreciate all the hard work he has done for us over the last 3 summers.

## 6.) <u>Pool</u>

Pool is closed for the Season. Lifeguard staff did a great job this year!!

# 7.) Streets

- Crews are still repainting crosswalks and curbs.
- I am working with Helena Sand for pavement repairs. (Discuss)
- We will be looking at trimming up some trees around the Wylie Street bridge, and also Pacific street rights-of-way.

# 8.) Facilities

• Roof repairs have all been completed on City Hall.

# 9.) Resident/City Information and Events

• Food truck event was very busy. Great to see the community coming out for this event.

ORIGINAL COUNCIL MEETING DATE: 08/05/2025

Agenda item:			
East Helena Christmas Stroll			
From:			
Stacia Winslow			
Initiated by City: □YES ■NO	) (check	cone)	
Department: City Hall			
Presented by:			
Stacia Winslow			
Action requested: Approval to be in the park for East H			
PLEASE PROVIDE A NARRATIVE BACKO	GROUND OF TH	HE PROPOSEI	D AGENDA ITEM:
year. I have been in this location for the pa			
Attachments: □YES ■NO	(check	(one)	
Date submitted:			
Jı	ıly 30, 2025		
RECOMMENDATIONS: Approve for agenda: Referred to Dept. Head for resolution: Referred to:	□YES □YES □YES	□NO □NO □NO	Initial:

ORIGINAL COUNCIL MEETING DATE: 08/19/2025

Agenda item:				
J4 Automotive Request to Us	se Main Street F	Park for the	Halloween and	Christmas Strolls
From:				
Kit Johnson, J4 Automotive				
Initiated by City: □YES	■NO	(ch	eck one)	
y y		`		
Department:				
Community				
Presented by:				
Kit Johnson, J4 Automotive	<b>;</b>			
Action requested:				
Approve/Deny/Table				
PLEASE PROVIDE A NARRA	ATIVE BACKGI	ROUND OF	THE PROPOSE	ED AGENDA ITEM:
Annual request to use city fa				Strolls
Attachments:	NO	(ch	eck one)	
Date submitted:				
RECOMMENDATIONS: Approve for agenda: Referred to Dept. Head		□YES □YES	□NO □NO	Initial:

ORIGINAL COUNCIL MEETING DATE: 08/19/2025

Agenda item:		F 11:4: 6 4	Т (1		Ct 11 D 1 4/1
	st to Use City	Facilities for the	ie East	Helena Christm	as Stroll December 4th
From:	a Walley Dank	_			
Stephanie Chamber	s, vaney Bank				
Initiated by City:	$\square$ YES	■NO	(ch	eck one)	
Department:					
Community					
Presented by:					
Stephanie Chambe	rs, Valley Bar	nk			
Action requested:					
Approve/Deny/Tab		E D + GH GD GI	D.ID. 0.E.	THE PROPERTY	D + CENT + IMEN
PLEASE PROVIDE	A NARRATIVI	E BACKGROU	IND OF	THE PROPOSE	ED AGENDA ITEM:
Annual request to	use city facilit	ies for the Chr	istmas (	Stroll	
	•				
Attachments:	$\square$ YES	NO	(ch	eck one)	
Date submitted:					
RECOMMENDAT					Initial:
Approve for a	-		YES	□NO	
Referred to D	ept. Head for r	esolution:	YES	$\square$ NO	
Referred to		: 🗆 ː	YES	$\square$ NO	
_	_				

ORIGINAL COUNCIL MEETING DATE: 08/19/2025

Agenda item: Appointment of Jenn	ifer Opie to	the East He	elena Police	Commission		
From:						
Mayor Harris						
Initiated by City:	<b>■</b> YES	□NO	(ch	eck one)		
Department:						
Executive						
Presented by:						
Mayor Harris						
Action requested:						
Approve/Deny/Table	<b>:</b>					
PLEASE PROVIDE A	NARRATIV	E BACKGI	ROUND OF	THE PROPOSI	ED AGENDA ITEM:	
Relevant MCA attac		ПМО	(oh	agle one)		
Attachments:	YES	□NO	(ch	eck one)		
Date submitted:						
RECOMMENDATION Approve for as Referred to December 19 Referred to	genda:	resolution:	□YES □YES □YES	□NO □NO □NO	Initial: 	

#### **MCA**

- **7-32-4111.** Examination of applicants for position on police force. (1) All applicants for positions on the police force whose applications are referred to the police commission must be required to successfully undergo an examination before the police commission and to receive a certificate from the commission that the applicant is qualified for appointment for the probationary period to the police force.
- (2) An applicant who makes any false statement to the police commission as to the applicant's age or other required qualifications at an examination before the police commission is subject to suspension or dismissal from the police force after trial.
- **7-32-4112. Qualifications of police officers.** A member of a police department on the active list of any city at the time of appointment under this part may not be less than 18 years of age, must be a citizen of the United States, and must meet the minimum qualifying standards for employment promulgated by the Montana public safety officer standards and training council established in 2-15-2029.
- 7-32-4151. Police commission required in all cities and some towns. (1) In all cities and some towns, the mayor, or the manager in those cities operating under the commission-manager plan, shall nominate and, with the consent of the city council or commission, appoint three residents of such city or town who shall have the qualifications required by law to hold a municipal office therein and who shall constitute a board to be known by the name of "police commission".
- (2) This section shall apply to organized police departments in every city and town of the state which have three or more full-time law enforcement officials, regardless of the form of government under which said city or town may be operating or may at any time adopt.
- 7-32-4154. Role of police commission in examination of applicants for police force. It shall be the duty of the police commission to examine all applicants whose applications have been referred to the commission as to their age, legal, mental, moral, and physical qualifications and their ability to fill the office as a member of the police force. It shall also be the duty of the police commission, subject to the approval of the mayor, to make such rules regarding such examinations not inconsistent with this part or the laws of the state.

ORIGINAL COUNCIL MEETING DATE: 08/19/2025

Agenda item: City of East Helena West	ern Montana Hazaı	d Mitigation Plan	Adoption Res	olution
From:				
Kyle Sturgill-Simon, LCC	CO Emergency Ma	nager		
Initiated by City:	YES ■NO	(check on	e)	
Department:				
Executive				
Presented by:				
Mayor Harris				
Action requested:				
Approve/Deny/Table				
PLEASE PROVIDE A NAI	RRATIVE BACKGI	ROUND OF THE I	PROPOSED AC	GENDA ITEM:
Attachments: Letter Draft Resolution 629	TINO.			
Attachments:	YES □NO	(check on	le)	
Date submitted:				
RECOMMENDATIONS Approve for agenda Referred to Dept. H Referred to	ı:	□YES □	I INO _ INO _ INO _	nitial:

Tuesday council meeting.

Agenda requests must be submitted to East Helena City Hall by noon the Wednesday prior to the

Kyle Sturgill-Simon Emergency Manager (406) 447-8285 Desk kss@lccountymt.gov



Law & Justice Center 406 Fuller Ave Helena, Montana 59623

# LEWIS AND CLARK COUNTY

# **Emergency Management**

DATE: July 16th, 2025

TO: City of East Helena

FROM: Kyle Sturgill-Simon, Emergency Manager

RE: Resolution to Adopt the Western Montana Hazard Mitigation Plan

Working collaboratively with Montana Disaster & Emergency Services, neighboring counties, and our own local partners, we now have an updated Regional Hazard Mitigation Plan as well as a Lewis and Clark County specific annex. Together, these plans identify the most impactful hazards in our area and serve as a guide for how to minimize future exposure to them.

To be recognized as a complete plan by FEMA, each local jurisdiction needs to formally adopt it. Once adopted, the plan is in effect for a period of five years. There is also a process described in the plan for continuous updates and improvements, to ensure that changes in our community are recognized.

The Hazard Mitigation Plan is our way of recognizing that disasters have impacted our communities, and they will continue to do so. There are one hundred and twenty nine mitigation activities described in this plan, many of which have already been initiated or are ongoing efforts. Adoption of this plan makes us eligible for hazard mitigation grant funding through FEMA.

The Emergency Management Program asks that you adopt this plan for the City of East Helena. We would also like to thank all the City of East Helena, City of Helena, Lewis and Clark County, and local partner's personnel that contributed their time and expertise to make this an actionable plan for our communities.

Kyle Sturgill-Simon

#### RESOLUTION 629 A RESOLUTION TO ADOPT THE 2025 MONTANA WESTERN REGION HAZARD MITIGATION PLAN

WHEREAS, the City of East Helena recognizes the threat that natural hazards pose to people and property within our community; and

WHEREAS, undertaking hazard mitigation actions will reduce the potential for harm to people and property from future hazard occurrences; and

WHEREAS, an adopted Hazard Mitigation Plan is required as a condition of future funding for mitigation projects under multiple Federal Emergency Management Agency pre- and post-disaster mitigation grant programs; and

WHEREAS, the City of East Helena is within the Planning Area, and fully participated in the mitigation planning process in collaboration with Lewis and Clark County Emergency Management to prepare this Hazard Mitigation Plan; and

WHEREAS, the Montana Disaster & Emergency Services and Federal Emergency Management Agency, Region VIII officials have reviewed the 2024 Montana Regional Hazard Mitigation Plan and approved it contingent upon this official adoption of the participating governing body; and

**NOW, THEREFORE, BE IT RESOLVED,** that the Board of City Commissioners of the City of East Helena hereby adopts the Montana Regional Hazard Mitigation Plan, as an official plan; and

**BE IT FURTHER RESOLVED,** the City of East Helena will submit this Adoption Resolution to the Montana Disaster & Emergency Services and Federal Emergency Management Agency, Region VIII officials, to enable the Plan's final approval.

DATED this 19th day of August 2025.

	City of East Helena Mayor
ATTEST:	Kelly Harris
Amy Thorngren, Clerk/Treasurer	

ORIGINAL COUNCIL MEETING DATE: 08/19/2025

Agenda item: Resolution of Respe	ct and Esteem	o for Isabelle	Pistelak		
From:	ct and Esteen	i ioi isaociie	1 Istelak		
Mayor Harris					
· · · · · · · · · · · · · · · · · · ·					
Initiated by City:	■YES	□NO	(che	eck one)	
Department: Executive					
Presented by:					
Mayor Harris					
Action requested:					
Approve/Deny/Tabl PLEASE PROVIDE A		E BACKGRO	OLIND OF '	THE PROPOSE	ED AGENDA ITEM:
					_
and was the first fer	nale to serve council, she	on the East l coordinated	Helena Cit	y Council and	artment Ladies Auxiliary held her position for eight Citizens Program and the
Attachment: Resolution 630					
Attachments:	■YES	□NO	(che	eck one)	
Date submitted:					
RECOMMENDATI					Initial:
Approve for a	_		□YES	□NO	
	ept. Head for r		∃YES	□NO	
Referred to		: l	□YES	□NO	

## RESOLUTION NO. 630 RESOLUTION OF EXPRESSION OF RESPECT AND ESTEEM FOR AND TO ISABELLE PISTELAK

KNOW ALL MEN BY THESE PRESENTS:

THAT WHEREAS: The City of East Helena and surrounding community were benefited greatly by the services of the late Isabelle Pistelak;

AND WHEREAS: On the 28th day of June, 2025, the almighty called this conscientious citizen and she passed from this earthly realm.

AND WHEREAS: She will surely be missed by the many friends who reposed in her confidence and faith.

THEREFORE, be it resolved by the City Council of the City of East Helena, in a duly constituted session on this 19th day of August, 2025 that we publicly express our sorrow upon her death, and record in our minutes the appreciation of a faithful servant of our City, and that this resolution be spread on our minutes and a copy sent to the family of our dearly beloved former colleague, the late Isabelle Pistelak.

Signed: Mayor_	
	Kelly Harris
Council Member	
	Don Dahl
Council Member	
	Judy Leland
Council Member	
	Wesley Feist
Council Member	
	Suzanne Ferguson
ATTEST:	
City Clerk/Treasurer	
Amy Thorngro	en

ORIGINAL COUNCIL MEETING DATE: 08/19/2025

Agenda item: Resolution to Hold th	e November 4	Ith Gener	al Election		
From:					
Mayor Harris					
Initiated by City:	□YES	■NO	(chec	ck one)	
Department: Executive					
Presented by: Mayor Harris					
Action requested: Approve/Deny/Table					
PLEASE PROVIDE A	NARRATIVE	BACKGI	ROUND OF T	HE PROPOSI	ED AGENDA ITEM:
Attachments: Letter from LCCO E Draft Resolution 631			(1	1 )	
Attachments:	YES	□NO	(chec	ck one)	
Date submitted:					
RECOMMENDATIO Approve for ag Referred to De Referred to	enda:	solution:	□YES □YES □YES	□NO □NO □NO	Initial: ——— ———

Connor Fitzpatrick Election Supervisor 406-447-8338



City-County Building 316 North Park/Room #168 Helena, MT 59623

# CONSOLIDATED OFFICE OF TREASURER/CLERK AND RECORDER

TO: Amy Thorngren

Clerk of City of East Helena

306 E. Main St.

East Helena MT, 59635

From: Connor Fitzpatrick

Lewis and Clark County Elections Supervisor

Lewis and Clark County 316 N. Park Ave. Room 168

Helena MT, 59623

Date: 08/11/2025

RE: Notice of cancellation of General Election for the City of East Helena.

Greetings Amy,

Please be advised that the general election for the City of East Helena is not necessary per 13-1-403 (4), MCA, due to the number of candidates filed. Per the same statute, the election may be canceled by resolution of the governing body of the local government. Please notify the Lewis and Clark County Elections Office by August 18, 2025 if the governing body still wishes to conduct a general election.

Please let us know if you have any questions.

Thanks,

Connor Fitzpatrick Lewis and Clark County Elections Elections Division Supervisor

#### **RESOLUTION NO. 631**

# A RESOLUTION OF THE CITY OF EAST HELENA REQUESTING FROM THE LEWIS AND CLARK COUNTY ELECTION ADMINSTRATOR A MAIL BALLOT ELECTION FOR THE CITY'S 2025 GENERAL ELECTION

WHEREAS, the City of East Helena will conduct a general election on November 4, 2025; and

WHEREAS, § 13-19-202, MCA, allows a political subdivision to request that the Election Administrator conduct an election by use of mail ballots; and

WHEREAS, it appears to the City that a mail ballot election would be economically and administratively feasible to conduct.

WHEREAS, the Election Administrator for City elections is the Lewis and Clark County Elections Office and the Lewis and Clark County Clerk and Recorder/Election Administrator.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EAST HELENA, MONTANA;

The City Council of the City of East Helena hereby requests that the Lewis and Clark Clerk and Recorder/Election Administrator, as Election Administrator for City elections, use mail ballots to conduct the City's general election on November 4, 2025.

Passed, by the City Council of the City of East Helena, Montana, and approved by the Mayor this  $19^{th}$  day of August, 2025.

ATTEST:	Kelly Harris, Mayor	
ATTEST.		

ORIGINAL COUNCIL MEETING DATE: 08/19/2025

Agenda item: Prickly Pear Estates	Regional Lif	t Station Gr	ant of Ease	ment	
From:					
Montana Environme	ental Trust Gr	oup			
Initiated by City:	□YES	■NO	(che	eck one)	
Department:					
Executive					
Presented by:					
Mayor Harris					
Action requested:					
Approve/Deny/Tabl		E D A GIZ GD	OLDID OF	THE PROPOSI	ED A CENTRA TEEN
PLEASE PROVIDE A	A NARRAIIV	E BACKGR	OUND OF	THE PROPOSE	ED AGENDA HEM:
proposed easement notice of environme engineer's drawings	ental condition		(chu	ack one)	
Attachments:	■ YES	□NO	(cne	eck one)	
Date submitted:					
RECOMMENDATI Approve for a Referred to D Referred to	genda:	resolution:	□YES □YES □YES	□NO □NO □NO	Initial: ——— ———

After Recording, Return To: Alan F. McCormick Garlington, Lohn & Robinson, PLLP 350 Ryman Street, P.O. Box 7909 Missoula, MT 59802

## **DECLARATION OF EASEMENT**

THIS DECLARATION OF EASEMENT (this "*Easement*") is made this \_\_\_\_ day of \_\_\_\_\_, 2025, by MONTANA ENVIRONMENTAL TRUST GROUP, LLC, a Montana limited liability company, not individually but solely in its representative capacity as Trustee of the MONTANA ENVIRONMENTAL CUSTODIAL TRUST, having an address of P.O. Box 1230, East Helena, MT 59635 ("*Declarant*").

#### RECITALS

- A. Declarant was established pursuant to that certain Consent Decree and Environmental Settlement Agreement (the "Settlement Agreement") entered in the U.S. Bankruptcy Court for the Southern District of Texas, Corpus Christi Division, in the matter of In re: Asarco LLC, et al., Case No. 05-21207 filed on March 13, 2009, and that certain Environmental Custodial Trust Agreement (the "Trust Agreement"; together with the Settlement Agreement, the "Asarco Bankruptcy Agreements") entered into pursuant to the Settlement Agreement dated effective as of December 9, 2009.
- B. Pursuant to the Asarco Bankruptcy Agreements, Asarco LLC and its whollyowned subsidiary, Asarco Master, Inc. conveyed to the Declarant its right, title and interest, if any, in and to certain real property described and depicted as Tract \_\_\_\_\_ on Certificate of Survey filed under Document No. \_\_\_\_\_ in the office of the Clerk and Recorder of Lewis and Clark County, Montana, shown as "Proposed Utility Easement, 80' x 240' (0.44 Acres)" in Exhibit A attached hereto (the "Easement Area"), which comprises part of the East Helena Superfund Site.
- C. Declarant wishes to grant a public utility easement across the Easement Area in favor of The City of East Helena, Montana, having an address of P.O. Box 1170, East Helena, MT 59635 ("*Grantee*") to hold in trust for the public.

NOW, THEREFORE, Declarant hereby establishes a public utility easement on the Easement Area in favor of Grantee for the purpose of constructing, operating, maintaining, and repairing one or more public sanitary sewer lift station(s) and related appurtenances in accordance with the United States Environmental Protection Agency ("EPA")-approved soil management plan ("Soil Management Plan") (collectively, "Permitted Use"). Grantee hereby agrees to hold the Easement Area in trust for the public and assumes responsibility for all maintenance and liability associated with the Easement Area.

SUBJECT, HOWEVER, in all instances to the terms and conditions of this Easement and to all covenants, restrictions, easements, encumbrances and other matters of record or fact or exception which an accurate survey or inspection of the Easement Area would show, any present and future laws, including zoning restrictions, special assessments now and hereafter becoming a lien, and general real estate taxes for any year. The Easement Area is further subject to certain restrictions, covenants and actions set out in the following documents: (a) that certain Consent Decree entered on April 6, 1998, in United States v. ASARCO Incorporated, as modified by that certain First Modification of Consent Decree entered on January 17, 2012, in United States v. Montana Environmental Trust Group, LLC (the "First Modification"), Civil Action No. CV 98-3-H-CCL (D. Mt.) (the "RCRA Consent Decree"); (b) the Asarco Bankruptcy Agreements; (c) that certain Statement of Basis issued by the EPA dated July 10, 2020 (the "Statement of Basis"); (d) the Regulations Governing Soil Displacement and Disposal in the East Helena Superfund Area in Lewis and Clark County, Montana (the "Soil Ordinance"); and (e) the EPA Notice of Environmental Conditions recorded as Document No. in the office of the Clerk and Recorder of Lewis and Clark County, Montana, which sets forth use restrictions and guidelines for excavating and/or disturbing soil at the Easement Area (which is located within the West Fields Soil Repository) and constitutes an Institutional Control (the "Easement Area Notice").

In addition, Declarant reserves the following rights and imposes the following restrictions, terms, and conditions, which run with the land and which are binding on, and accepted by, Grantee and all parties claiming under Grantee (including, without limitation, Grantee's successors and assigns).

- 1. <u>Condition of the Easement Area</u>. Declarant makes no representations, warranties or covenants of any kind, express or implied, with respect to the environmental condition of the Easement Area or the Easement Area's compliance with Environmental Laws (as defined hereafter).
- 2. <u>Compliance with Laws; Exercise of Permitted Use</u>. Grantee hereby assumes, and shall be solely responsible for, all environmental matters, liabilities and obligations affecting or arising directly or indirectly as a result of this Easement, including, without limitation, compliance with all Environmental Laws and the presence of any Hazardous Materials (as defined hereafter), if any, on, in, under, or migrating from or other attributable to the Easement Area. "*Environmental Laws*" means any past, present, or future federal, state, or local laws, statutes, ordinances, regulations, judgments, and orders and the common law, including the law of strict liability and the law of abnormally dangerous activities, relating to environmental matters, including, without limitation, provisions pertaining to or regulating air pollution, water

pollution, stormwater management, noise control, wetlands, watercourses, wildlife, Hazardous Materials, or any other activities or conditions which impact or relate to the environment or nature. Grantee shall exercise the Permitted Use (including, without limitation, management of all soils disturbed by Grantee) in accordance with the terms of the Soil Management Plan, the Statement of Basis, the Soil Ordinance, the Easement Area Notice, and all applicable federal, state, and local laws, statutes, ordinances, regulations, permitting and licensing requirements, including, without limitation, Environmental Laws. Grantee shall be solely responsible for the safety of, work performed by, and actions undertaken by Grantee's agents, representatives, contractors and other third parties accessing the Easement Area and performing activities in connection with this Easement.

- Right of Entry. Declarant does hereby reserve unto itself, its successors and assigns, the United States, including, but not limited to, EPA, and the State of Montana (together with the United States, the "Beneficiaries"), including, but not limited to, the Montana Department of Environmental Quality ("MDEQ") (collectively, together with their respective departments, agencies, officers, employees, and agents, thereof, including successors and assigns of each, the "Declarant Parties"), for the benefit of the Declarant Parties, and Grantee hereby grants to the Declarant Parties, an irrevocable license to enter onto and use such portions of the Easement Area (the "License") as may be required for the Declarant's performance of activities, if any, required or approved from time to time by the EPA to be performed by the Declarant for the benefit of EPA and/or MDEQ with respect to the Easement Area. The License shall run with the land and shall terminate only upon the EPA's determination that no further remedial actions are required of the Declarant with respect to the Easement Area, which termination shall be evidenced by the recordation of a notice of such termination filed by the Declarant at the direction of the EPA in the real property records of Lewis and Clark County, Montana. Declarant does hereby agree that, in exercising its rights under the License, Declarant shall endeavor to use reasonable efforts to minimize interference with Grantee's then-existing operations at the Easement Area. Grantee does hereby covenant and agree to cooperate and not interfere with Declarant's exercise of its rights and abilities under or in connection with the License.
- 4. Release. Grantee, for Grantee and Grantee's successors and assigns, including, without limitation, each present and future fee owner, ground lessee, and tenant of all or any portion of the Easement Area (collectively, the "Grantee Parties") releases, remises and forever discharges Declarant, the Montana Environmental Trust Group, LLC, Greenfield Environmental Trust Group, Inc., the United States, the State of Montana, and their respective officers, agents, members, directors, shareholders, representatives, servants, and employees (collectively, the "Releasees") from and against, and irrevocably and unconditionally waives, all Claims (as defined hereafter) and liability against any of the Releasees for or attributable to any and all losses, costs, claims, liabilities, expenses, demands, fees or obligations of any kind or nature whatsoever, whether known or unknown and foreseen or unforeseen, attributable to the environmental condition of the Easement Area, whether arising or accruing before, on or after the Effective Date, and whether attributable to events or circumstances which have heretofore or may hereafter occur, including all losses, costs, claims, liabilities, expenses, demands, fees and obligations relating to the presence, discovery, release or removal of any Hazardous Materials in, at, under or about the Easement Area. "Claim," as used herein, means all demands, actions, causes of action, suits, proceedings, covenants, contracts, agreements, damages, claims,

counterclaims, third-party claims, cross claims, contribution claims, indemnity claims, executions, judgments, losses, penalties, obligations and liabilities whatsoever, of every name, kind, type, nature or description, in law or in equity, arising under federal, state or local law or other statute, law, regulation or rule of any kind, whether known, unknown, direct, indirect, absolute, contingent, disclosed, undisclosed or capable or incapable of detection.

- 5. <u>Covenant Not to Sue</u>. Grantee, for itself and for each of the other Grantee Parties, agrees that it and they will not institute any action, suit or proceeding, and will not implead, join, seek contribution or indemnification from, or otherwise involve any Releasee in any action, suit or proceeding which is the subject of the release provided in Section 4 above.
- 6. <u>Liens and Encumbrances</u>. Grantee and each person using the Easement Area under authority of Grantee shall keep the Easement Area free from liens arising in any manner and shall promptly discharge any lien that may be asserted by third parties.
- 7. <u>Institutional Controls</u>. Grantee agrees to comply with any and all institutional controls required by EPA and/or MDEQ, including, without limitation, the Easement Area Notice.
- 8. Grantee's Use of the Easement Area. Grantee shall use the Easement Area for a public utility easement, and for no other purpose whatsoever without the prior written consent of Declarant and the Beneficiaries. In the event Grantee ceases to use the Easement Area as a public utility easement, this Easement shall automatically terminate. Notwithstanding anything in this Easement to the contrary, Grantee shall not perform or engage in any activity on the Easement Area which affects or interferes in any way with Declarant's use of the Easement Area or otherwise impacts or affects Declarant's obligations under the Asarco Bankruptcy Agreements, the RCRA Consent Decree, the Statement of Basis, the Easement Area Notice, or any other administrative order, corrective action requirement, law, rule, regulation, code, by-law, statute or decision, including, without limitation, any Environmental Laws.
- 9. <u>Release, Waiver and Indemnity; Insurance</u>. Prior to accessing the Easement Area, Grantee shall cause any third party performing the Permitted Use to (a) execute and deliver to Declarant a Release, Waiver and Indemnity in the form attached hereto as <u>Exhibit B</u> and (b) provide Declarant with certificates of insurance evidencing types and amounts of coverage that are satisfactory to Declarant and name Declarant, Montana Environmental Trust Group, LLC, and the Beneficiaries as additional insureds.

[Signatures on following page]

# **DECLARANT:**

Montana Environmental Trust Group, LLC, not individually but solely in its representative capacity as Trustee of the Montana Environmental Custodial Trust By: Greenfield Environmental Trust Group, Inc., Member

By:
Name: Cynthia Brooks
Title: President
GRANTEE:
The City of East Helena, Montana
By:
Name: Kelly Harris
Title: Mayor

State of Massachusetts ) ) ss. County of Middlesex )	
) ss.	
County of Middlesex )	
appeared Cynthia Brooks, proved to me through, to be the person and acknowledged to me that she signed it volun	mber of the Montana Environmental Trust Group,
No	otary Public
M	y commission expires:
State of Montana ) ) ss. County of Lewis and Clark )	
On this day of, 2025, be known, who, being by me duly sworn, did say the Montana, and acknowledged said instrument to be	
IN WITNESS WHEREOF, I have hered day and year first above written.	anto set my hand and affixed my official seal, the
No.	otary Public
IN: M	nme: y commission expires:
IVI	y commission expires.

# EXHIBIT A

# Easement Area



#### EXHIBIT B RELEASE, WAIVER AND INDEMNITY

For valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned hereby RELEASES, WAIVES, DISCHARGES, FOREVER PROMISES AND COVENANTS NOT TO SUE, the Montana Environmental Custodial Trust (the "Custodial Trust"), Montana Environmental Trust Group, LLC (both in its individual capacity and in its representative capacity as Trustee of the Custodial Trust), Greenfield Environmental Trust Group, Inc. (and each of their respective officers, directors, shareholders, partners, employees, members, agents and representatives), the United States of America and the State of Montana (and their respective agencies and departments), and the respective officers, directors, shareholders, partners, employees, members, agents, representatives, successors, and assigns of each of them (collectively, the "RELEASEES") from and against any and all liabilities, claims, demands, actions and causes of action whatsoever arising out of or related to any loss, damage, or injury, including death, that may be sustained by the undersigned, or any of the property belonging to the undersigned while the undersigned is on or in any property (including, without limitation, vehicles, buildings and other improvements) owned or used by or for the benefit of the Custodial Trust (collectively, the "Property"), or while the undersigned is engaging in any activity or participating in any event on any portion of the Property, except to the extent that any of the foregoing are found in a final, non-appealable judgment by a court of competent jurisdiction to have resulted from the Releasees' gross negligence, fraud, or willful misconduct.

The undersigned is fully aware that the Property may contain buildings, structures, vehicles and equipment, visible and latent defects, and hazardous waste and materials that may each present a serious risk of harm to the undersigned and others. The undersigned understands the unusual risks involved and hazards connected with the Property and activities related thereto or performed by the undersigned or others in connection therewith. The undersigned hereby elects to voluntarily perform said activities with full knowledge that said activities may be hazardous to the undersigned and the undersigned's property. THE UNDERSIGNED VOLUNTARILY ASSUMES FULL RESPONSIBILITY FOR ANY RISKS OF LOSS, PROPERTY DAMAGE OR PERSONAL INJURY, INCLUDING DEATH, that may be sustained by the undersigned, or any loss or damage of property owned by the undersigned, as a result of performing such activities and/or of being on or in the Property, except to the extent that any of the foregoing are found in a final, non-appealable judgment by a court of competent jurisdiction to have resulted from the Releasees' gross negligence, fraud, or willful misconduct.

The undersigned further hereby AGREES TO DEFEND, INDEMNIFY AND HOLD HARMLESS the RELEASEES from and against any and all losses, liabilities, damages and costs, including court costs and reasonable attorneys' fees, that they may individually or collectively incur due to the undersigned's activities with respect to the Property, any person authorized to use all or some of the Property, the Custodial Trust, and/or any event on the Property, except to the extent that any of the foregoing are found in a final, non-appealable judgment by a court of competent jurisdiction to have resulted from the Releasees' gross negligence, fraud, or willful misconduct.

If this instrument is signed by an individual, it is my express intent that this Release, Waiver and Indemnity shall bind the members of my family and spouse, if I am alive, and my heirs, assigns and personal representative, if I am deceased, and shall be deemed as a RELEASE, WAIVER, DISCHARGE AND COVENANT NOT TO SUE of all and each of the abovenamed RELEASEES, subject to the terms and conditions herein. The undersigned further agrees that this Release, Waiver and Indemnity shall be construed in accordance with the laws of the State of Montana and that the invalidity or unenforceability of any provision(s) of this Release, Waiver and Indemnity shall not affect the validity or enforceability of the other provisions hereof.

IN SIGNING THIS INSTRUMENT, THE UNDERSIGNED ACKNOWLEDGES AND REPRESENTS THAT the undersigned has read the foregoing Release, Waiver and Indemnity, understands it and signs it voluntarily as the undersigned's own free act and deed; no oral representations, statements, or inducements, apart from the foregoing written agreement, have been made; if an individual, I am at least eighteen (18) years of age and fully competent; and the undersigned executes this Release, Waiver and Indemnity for full, adequate and complete consideration, fully intending to be bound by same.

	Date:	, 2025
By:		<del></del> -
Name:		
Title:		

After recording, return to:
Bridget Williams, Ph.D.
United States Environmental Protection Agency
Region 8, Montana Operations Office
Federal Building
10 West 15th St., Suite 3200
Helena, Montana 59626

#### United States Environmental Protection Agency Region 8

#### NOTICE OF ENVIRONMENTAL CONDITIONS

This Notice of Environmental Conditions (Notice) is made this day of, 2025, by
the United States Environmental Protection Agency (EPA) to: (a) provide information
concerning environmental conditions at certain real property described and depicted as Tract
in the Certificate of Survey filed with the Lewis and Clark County Clerk and Recorder under
Document Number, shown as "Proposed Utility Easement, 80' x 240' (0.44 Acres)" in
Exhibit A attached hereto (the Property), located in the City of East Helena, Lewis and Clark
County, State of Montana that comprises a portion of the East Helena Site (the Site); (b) identify
the types of uses of the Property that may present an imminent and substantial endangerment to
public health and welfare; and (c) describe guidelines that shall be followed for certain activities
to protect against any such endangerment to public health, welfare, and/or the environment until
such environmental conditions are mitigated.

WHEREAS, the Property is situated entirely within an area that was used by ASARCO between 1991-1992 and 1996-1999 as a repository for placing soil excavated from residential yards and other lands within the East Helena Superfund Site Administrative Boundary because the soil contained lead and arsenic at concentrations that exceed the applicable cleanup standards set forth in the 1991 Administrative Order on Consent (AOC) between EPA and ASARCO, EPA Docket No. CERCLA-VIII-91-17, the EPA-issued East Helena Superfund Site, Operable Unit No. 2 Record of Decision dated September 2009 (OU2 ROD), and the EPA-issued Statement of Basis for Groundwater, Surface Water and Soil Corrective Measures (Remedy) Decision at Former ASARCO East Helena Facility and Response to Comments issued by EPA dated July 2020 (Statement of Basis);

WHEREAS, the Property is subject to: (a) the Consent Decree entered April 6, 1998 in the United States v. ASARCO, as amended by a First Modification entered on January 17, 2012 (the RCRA Decree), wherein the Montana Environmental Trust Group, LLC, not individually but solely in its representative capacity as Trustee of the Montana Environmental Custodial Trust

(the Custodial Trust), succeeded to certain ASARCO obligations set forth in (a) the RCRA Decree; (b) the OU2 ROD; (c) the Statement of Basis; and (d) the Regulations Governing Soil Displacement and Disposal in the East Helena Superfund Area in Lewis and Clark County, Montana, as amended from time to time (the Soil Ordinance);

WHEREAS, future use of the Property requires this Notice to ensure that such use is protective of human health in compliance with the RCRA Decree, the OU2 ROD, the Soil Ordinance, the Statement of Basis, and other applicable environmental regulations and laws, including but not limited to the Resource Conservation and Recovery Act (RCRA) and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA);

WHEREAS, unless remediated pursuant to an EPA-approved remediation work plan or used consistent with the guidelines set forth in <a href="Exhibit B">Exhibit B</a>, the disturbance of areas of the Property containing soils with concentrations above the then applicable commercial/industrial use action levels set forth in the Statement of Basis (Commercial/Industrial Use Cleanup Standard), could result in a risk of exposure to the public at levels that exceed EPA-established criteria and may therefore present an imminent and substantial endangerment to public health, welfare, or the environment; and

WHEREAS, this Notice does not and is not intended to create any right, title, or interest in real estate in favor of the EPA, create a lien against the Property, or restrict the use and enjoyment of the Property, but rather is intended to provide notice and information concerning the presence of, and guidelines for managing contaminated soil until such time, if any, as the areas that exceed the Commercial/Industrial Use Cleanup Standard are fully remediated as hereinafter described, and to caution interested parties against using the Property in any manner that may risk of exposure to contamination above EPA-established criteria and result in an imminent and substantial endangerment to public health, welfare, or the environment;

#### **NOW, THEREFORE**, EPA provides notice that:

**FIRST,** EPA concluded that engaging in any of the following activities may increase the risk of exposure to contamination and present an imminent and substantial endangerment to public health, welfare, or the environment:

1. Excavating and/or disturbing soil that exceeds the Commercial/Industrial Use Cleanup Standard unless such excavation is performed in a manner consistent with the Guidelines for Excavating and/or Disturbing Soil that Exceeds the Commercial/Industrial Use Cleanup Standard set forth in <a href="Exhibit B">Exhibit B</a> (Guidelines).

EPA has compiled documentation that includes the documents selecting cleanup actions for the Site and the Property, including the documents supporting the need for this Notice, designed to prevent exposure after the cleanup has been finished. These documents are available electronically at: <a href="https://cumulis.epa.gov/supercpad/cursites/csitinfo.cfm?id=0800377">https://cumulis.epa.gov/supercpad/cursites/csitinfo.cfm?id=0800377</a>.

**SECOND,** EPA intends to use this Notice as an institutional control (IC) as part of the cleanup to help reduce future potential exposure to contamination. A person may be liable under Section

107(a) of CERCLA, 42 U.S.C. § 9607(a), if the person conducts activities at the Property which, among other things, cause the release of hazardous substances on the Property. In order to qualify for certain conditional liability protections, namely the innocent landowner, bona fide prospective purchaser, or continuous landowner protections under Section 101(35)(A), 101(40)(F), 107(q)(1)(A)(v) of the CERCLA, 42 U.S.C. §§ 9601(35)(A), 9601(40)(F), and 9607(q)(1)(A)(v), a person shall, among other things, (i) comply with any land use restrictions established or relied on in connection with the response action at a facility, including the OU2 ROD and the Statement of Basis, and (ii) not impede the effectiveness or integrity of any IC employed at the facility in connection with a response action, including the OU2 ROD and the Statement of Basis.

**THIRD,** EPA is available to consult with any owner or holder of an easement interest in the Property or tenant, occupant, licensee, contractor, operator or other third party residing on or seeking to perform work that involves excavating and/or disturbing soil at the Property (User). A request for consultation may be available by contacting EPA's remedial project manager for the East Helena Superfund Site at the following address:

United States Environmental Protection Agency Region 8, Montana Operations Office Federal Building 10 West 15th Street, Suite 3200 Helena, MT 59626 (406) 457-5000 williams.bridget@epa.gov

As of the date of this Notice, EPA's remedial project manager for the East Helena Superfund Site is:

Bridget Williams, Ph.D.
United States Environmental Protection Agency
Region 8, Montana Operations Office
Federal Building
10 West 15th Street, Suite 3200
Helena, MT 59626
(406) 457-5013 (desk)
(406) 594-8792 (cell)
williams.bridget@epa.gov

**FOURTH,** this Notice shall run with the land. The Guidelines will continue to apply to areas that exceed the Commercial/Industrial Use Cleanup Standard in perpetuity.

[signature on following page]

**IN WITNESS WHEREOF**, the undersigned, acting by and though the United States Environmental Protection Agency, has executed this Notice as of the date first above written.

By:		
Name:		
Title:		
STATE OF MONTANA	)	
	) SS.	
COUNTY OF LEWIS AND CI	LARK )	
This instrument was signed and s	sworn to before me on	, 2025, by of the United States
Environmental Protection Agence	y.	_
WITNESS my hand and official	seal.	
Notary Public		
My commission expires:		

# EXHIBIT A

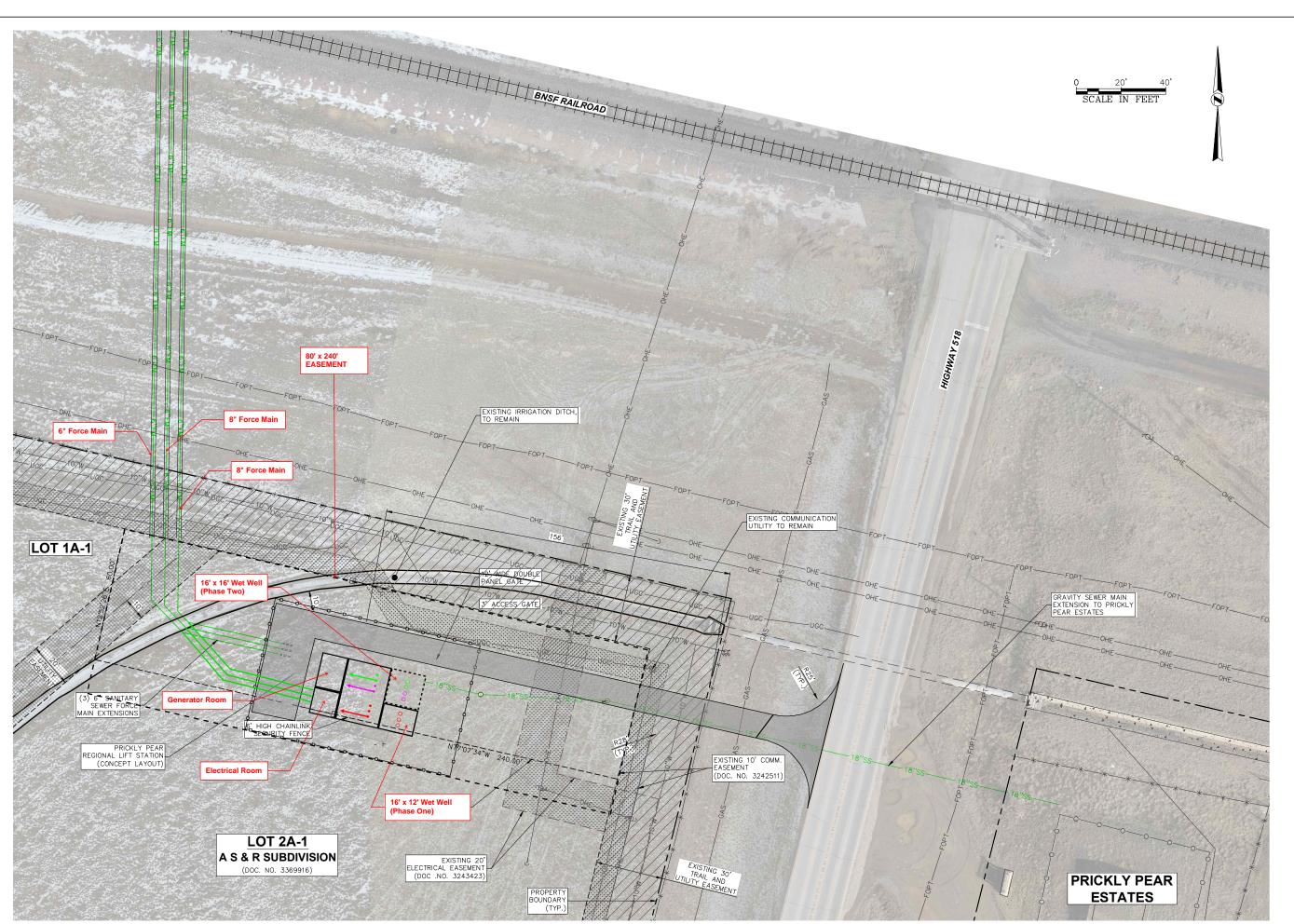
# THE PROPERTY



#### **EXHIBIT B**

# GUIDELINES FOR EXCAVATING AND/OR DISTURBING SOIL THAT EXCEEDS THE COMMERCIAL/INDUSTRIAL USE CLEANUP STANDARD

- 1. Compliance with Cap Protocols. All Owners and Users shall comply with protocols for areas that exceed the Commercial/Industrial Use Cleanup Standard (Cap Protocols), a copy of which may be obtained from EPA's remedial project manager for the East Helena Superfund Site and which are incorporated herein in full by this reference. The Cap Protocols, as amended from time to time by EPA, describe minimum requirements (Minimum Cap Requirements) for Building Caps, Hardscaped Caps, Landscaped Caps, and Pavement Caps (individually, Cap; collectively, Caps).
- 2. Uncapped Areas. Until Caps are constructed and/or repaired (if necessary) at the areas that exceed the Commercial/Industrial Use Cleanup Standard, Owners and Users shall adhere to protocols for securing uncapped areas to prevent unauthorized access, dust suppression, and stormwater Best Management Practices, and other requirements set forth in the Cap Protocols.
- 3. Cap Design and Construction Protocols. Prior to commencing construction of any new Cap (New Cap Construction), the Owner shall submit design plans and engineered drawings for the New Cap Construction to EPA for approval (with a copy to the Health Department of Lewis and Clark County [County]). Contractors performing New Cap Construction shall complete the County's Certification Program as defined in § 3 of the Soil Ordinance (Certified Contractor). Provisions for County inspection, approval, and submittals for New Cap Construction are described in the Cap Protocols.
- **4.** Planned Disturbance of Caps and/or Cap Breaches. As set forth in the Cap Protocols, an Owner or User wishing to disturb an existing Cap shall: (i) obtain a permit from the County or approval from EPA (depending on the extent of the disturbance), and (ii) follow all other submittal and implementation protocols.
- **5.** Unplanned Disturbance of Caps. An Owner or User responding to an unplanned disturbance of a Cap (due to a natural or manmade emergency event) shall follow the Cap Protocols for notifying the County and repairing the Cap.
- **6.** Routine Maintenance. Owners and Users shall properly maintain all Caps.





#### STAHLY **ENGINEERING**

& ASSOCIATES PROFESSIONAL ENGINEERS & SURVEYORS www.seaeng.com

BILLINGS Phone:(406)601-4055

BOZEMAN Phone:(406)522-9526

CODY Phone:(307)509-5541

GREAT FALLS Phone:(406)604-4644

3530 CENTENNIAL DR. HELENA, MT 59601 Phone: (406)-442-8594

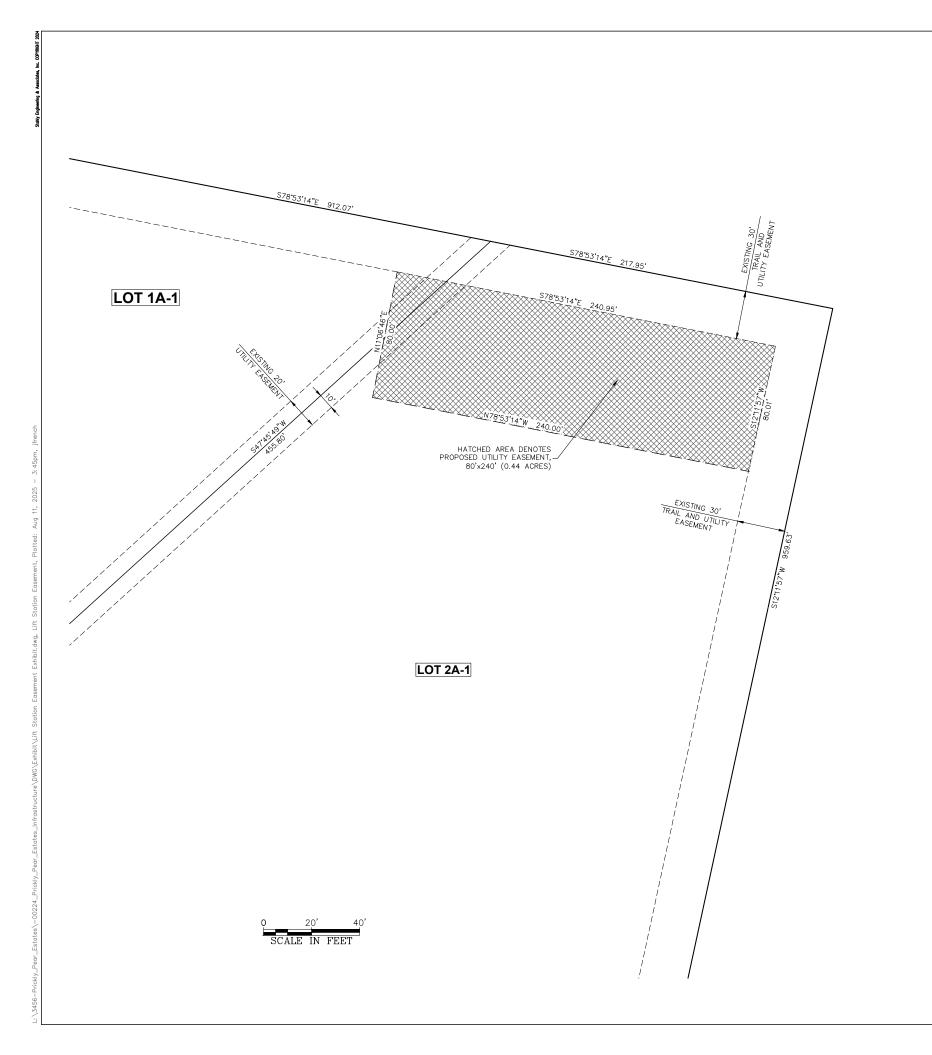
	QCR					
	EOR					
ISSUE/REVISION	DESCRIPTION	CONCEPT DESIGN	CONCEPT DESIGN	CONCEPT DESIGN		
	DATE	3-5-2025	6-26-2025	7-23-2025		
	No.	-	2	3		

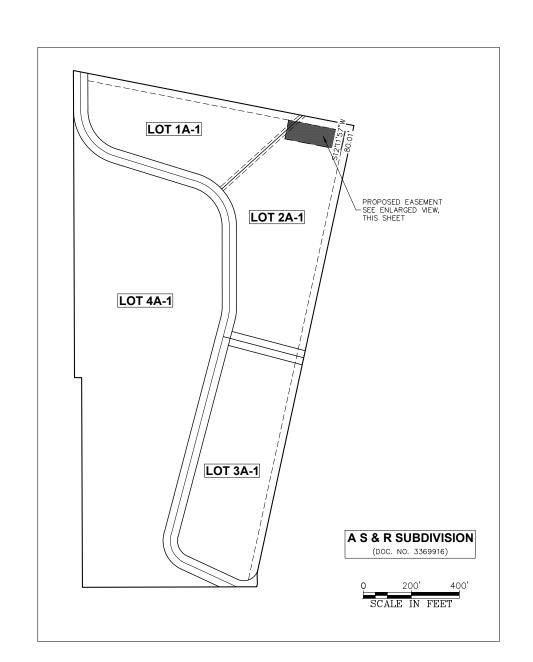
WATER & SANITARY
R MAIN EXTENSIONS
(PHASE 1) LLC. PRICKLY PEAR ESTATES, EAST HELENA, MT OFFSITE \SEWER

LIFT STATION

SITE PLAN

SHEET







## STAHLY ENGINEERING

& ASSOCIATES

PROFESSIONAL
ENGINEERS &
SURVEYORS
www.seaeng.com

BILLINGS Phone:(406)601-4055

BOZEMAN Phone:(406)522-9526

CODY Phone:(307)509-5541

.....

GREAT FALLS Phone:(406)604-4644

3530 CENTENNIAL DR. HELENA, MT 59601 Phone: (406)-442-8594

QCR							
EOR							
DESCRIPTION	CONCEPT DESIGN	CONCEPT DESIGN	CONCEPT DESIGN	CONCEPT DESIGN			
DATE	3-5-2025	6-26-2025	7-23-2025	8-11-2025			
No.	-	2	3	4			
	DATE DESCRIPTION EOR	DATE DESCRIPTION EOR 3-5-2025 CONCEPT DESIGN	DATE         DESCRIPTION         EOR           3-5-2025         CONCEPT DESIGN         6-26-2025           6-26-2025         CONCEPT DESIGN         CONCEPT DESIGN	DATE         DESCRIPTION         EOR           3-5-2025         CONCEPT DESIGN         CONCEPT DESIGN           6-26-2025         CONCEPT DESIGN         CONCEPT DESIGN	DATE         DESCRIPTION         EOR           3-5-2025         CONCEPT DESIGN         EOR           6-26-2025         CONCEPT DESIGN         T.23-2026           7-23-2025         CONCEPT DESIGN         EOR           8-11-2025         CONCEPT DESIGN         EOR	DATE         DESCRIPTION         EOR           3-5-2025         CONCEPT DESIGN         CONCEPT DESIGN           6-26-2025         CONCEPT DESIGN         CONCEPT DESIGN           7-23-2026         CONCEPT DESIGN         CONCEPT DESIGN	DATE DESCRIPTION EOR 3-5-2025 CONCEPT DESIGN 6-26-2025 CONCEPT DESIGN 7-23-2025 CONCEPT DESIGN 8-11-2025 CONCEPT DESIGN

OFFSITE WATER & SANITARY
SEWER MAIN EXTENSIONS
(PHASE 1)
PRICKLY PEAR ESTATES, LLC.
EAST HELENA, MT

EASEMENT EXHIBIT

SHE

8/19/25 Council Packet Page 16OF 1