

**MINUTES OF COUNCIL MEETING**  
**January 6, 2022, 7:00 p.m.**  
**TOWN OF VIRGINIA CITY, MONTANA**  
**Elks Lodge & Zoom Meeting**

**Council Present:** Justin Gatewood, Dave Bacon, Kacey Smart, Jon Osborn, Amy Grice

**Staff Present:** Timber Baceski Clerk/Treasurer, Robert Erdall PWO, Eric Barsness HPO (via Zoom)

**Public Present:** Toni James, Kate Steeley, Tanya Engle, Dino Fanelli (Ennis School Board), Darrell Schulte (via Zoom), Laurie Hansen (via Zoom), Karen Ketchu ((Ennis School Board - via Zoom)

**1) Call to Order:** Meeting was called to order at 7:00 pm by Mayor Justin Gatewood,

**2) Mayor and Commissioner's Reports/Comments:**

- a) Amy Grice spoke with the County's deputy attorney, Justin Ekwall, regarding language in Montana codes pertaining to street abandonment.
- b) Mayor Gatewood noted the upcoming vaccination clinic with Pharm406 and the Madison County Public Health Department. The clinic will be held on Sunday, January 23<sup>rd</sup>, from 10:00-12:00.

**3) Oaths of Office**

- a) Amy Grice, Jon Osborn, and Kacey Smart were sworn in for 4-year terms.
- b) Election of Mayor

**MOTION:** **To reelect Justin Gatewood as Mayor of Virginia City.** Motion made by Amy Grice; Seconded by Dave Bacon. Justin Gatewood recused himself from the vote. **The question was called.** **The motion passed by voice vote, Dave Bacon, Amy Grice, Jon Osborn, and Kacey Smart in favor.** **None opposed.**

- c) Election of Council President

**MOTION:** **To reelect Dave Bacon as Council President.** Motion made by Jon Osborn; Seconded by Amy Grice. Dave Bacon recused himself from the vote. **The question was called.** **The motion passed by voice vote, Justin Gatewood, Amy Grice, Jon Osborn, and Kacey Smart in favor.** **None opposed.**

**4) Public Comment:**

- a) Tanya Engle mentioned that Brunch and Bingo is starting at the Elk's Lodge on Sunday, as well as card games on Friday evenings. There will be monthly events as well.

**MOTION: To move the Interlocal Agreement with Ennis School District for Bus Driver Services up on the agenda, to be discussed next.** Motion made by Justin Gatewood; Seconded by Jon Osborn. **The question was called. The motion passed by voice vote, Justin Gatewood, Dave Bacon, Amy Grice, Jon Osborn, and Kacey Smart in favor. None opposed.**

**5) Interlocal Agreement with Ennis School District for Bus Driver Services**

**a)** Due to an Ennis School District bus driver shortage, the Virginia City bus route, which has run continuously for 50+ years, is on the chopping block to be cancelled for, at minimum, the winter/spring semester of 2022. The Town put together a plan to take over that route temporarily, with the help of Bob Erdall, Greg Smart, Eli Thompson, and Bob Nevin. There has been collaborative discussion with the School Board and the Superintendent for Ennis Schools on the matter. A contract was put together and presented at the Ennis School Board meeting on Monday, January 3<sup>rd</sup>. A vote will be held at the Ennis School Board meeting on Wednesday, January 12<sup>th</sup>. The three VC bus drivers are working on becoming licensed and certified in the meantime.

**MOTION: To approve the Interlocal Agreement with Ennis School District for Bus Driver Services, given that it is approved by the Ennis School Board without significant alteration.** Motion made by Amy Grice; Seconded by Dave Bacon. **The question was called. The motion passed by voice vote, Justin Gatewood, Dave Bacon, Amy Grice, Jon Osborn, and Kacey Smart in favor. None opposed.**

**6) Clerk's Report:**

The Annual Financial Report has been completed and turned into the State. The Town received a \$3,000 grant from the Montana State Historic Preservation Office (SHPO); these funds are used to pay part of the Historic Preservation Officer's wages.

**7) HPO Report:**

HPO Eric Barsness has been researching laws regarding affordable housing to see if historic regulations can be put on modular, manufactured and mobile homes in the Town's non-historic zoning districts. HPO Barsness has received help from the Town attorney on this project.

**8) HPAC Report:**

**a)** The HPAC Board has continued to work on the 2014 design regulations. Lance Otto received a copy of Virginia City, Nevada's design guidelines, with permission to use it as a reference.

**9) New Business:**

**a) Montana Heritage Commission (MHC) Development Permit Application**

The two new bathrooms would be identical to the two existing bathrooms.

**MOTION: To approve the Development Permit for MHC to build two bathrooms at the Depot.** Motion made by Dave Bacon; Seconded by Jon Osborn. **The question was called. The motion passed by voice vote, Dave Bacon, Justin Gatewood, Jon Osborn, Amy Grice, and Kacey Smart in favor. None opposed.**

**b) Weddle Development and Encroachment Permit Applications**

- i)** The structure referenced in the application is already built on the south side of the Weddle residence. There is no drawing that shows measurements attached to the applications. There are also no photos, engineering reports, or defined construction techniques.
- ii)** Amy Grice mentioned the potential concern of liability, as part of the structure sits on Town property. If something were to happen, such as the structure collapsing with a heavy vehicle upon it, there is reasonable concern that a Hold Harmless Agreement wouldn't indemnify the Town.

**MOTION: To deny the Weddle Encroachment Permit Application.** Motion made by Justin Gatewood; Seconded by Kacey Smart. **The question was called. The motion passed by voice vote, Dave Bacon, Justin Gatewood, Jon Osborn, Amy Grice, and Kacey Smart in favor. None opposed.**

**MOTION: To deny the Weddle Development Permit Application.** Motion made by Justin Gatewood; Seconded by Amy Grice. **The question was called. The motion passed by voice vote, Dave Bacon, Justin Gatewood, Jon Osborn, Amy Grice, and Kacey Smart in favor. None opposed.**

**c) Schulte Site/Zoning Permit Application**

Darrell Schulte has agreed to install French doors instead of sliding doors. The HPAC Board also discussed changing the design of the garage doors, and Mr. Schulte was receptive to the suggested changes. The water and septic ISFs have been paid.

**MOTION: To approve the Schulte Site/Zoning Permit Application, including the Excavation for Utility Repair/Replacement Permit Application and the Septic Variance.** Motion made by Justin Gatewood; Seconded by Amy Grice. **The question was called. The motion passed by voice vote, Dave Bacon, Justin Gatewood, Jon Osborn, Amy Grice, and Kacey Smart in favor. None opposed.**

**d) Madison County Commercial marijuana Ordinance Amendment**

In response to a marijuana grow operation in Virginia City Ranches, in County jurisdiction, Madison County passed Ordinance 3-2021 in October 2021. The Ordinance created standards for commercial marijuana grow operations as well as dispensaries in and out of Madison County municipalities. The Town of Virginia City has requested to be excluded from the ordinance, but that request was denied. The Madison County Deputy Attorney, Justin Ekwall, crafted an amendment that would opt-out the Town. The County has refused to put it on the agenda, though Mayor Gatewood has been requesting for it to be included since November. The first reading of the ordinance was not advertised, and both Dan Clark, Director of the MSU Local Government Center and the Town's attorney, Ed Guza, agree that the County does not have the authority to enforce the ordinance upon self-governing, incorporated municipalities. A new letter to the County has been drafted, and the entire Council has agreed to sign and send the letter.

**10) Old Business:**

**a) Great West Engineering – ARPA Grant Task Order**

The Town is reapplying for the second round of ARPA grants. The Grant Task Order is part of the application.

**MOTION:** To approve and sign the ARPA Grant Task Order. Motion made by Jon Osborn; Seconded by Amy Grice. **The question was called.** The motion passed by voice vote, **Dave Bacon, Justin Gatewood, Jon Osborn, Amy Grice, and Kacey Smart** in favor. None opposed.

**b) ARPA Cost Share**

**MOTION:** To approve and sign the ARPA Cost Share. Motion made by Justin Gatewood; Seconded by Amy Grice. **The question was called.** The motion passed by voice vote, **Dave Bacon, Justin Gatewood, Jon Osborn, Amy Grice, and Kacey Smart** in favor. None opposed.

**11) Public Works Report:**

PWO Robert Erdall reported that there is a concerning noise coming from the pickup truck. The plow is in good shape. The skid-steer needs work done to the throttle, which will be done by next week. The tubing has been changed in the chlorination building.

**12) Consent Agenda**

**a) Minutes from December 2, 2021**

**MOTION:** To approve the Minutes from December 2, 2021. Motion made by Dave Bacon; Seconded by Jon Osborn. Amy Grice recused herself from the vote as she was not present at the December 2<sup>nd</sup> meeting. **The question was called.** The motion passed by voice vote, **Dave Bacon, Justin Gatewood, Jon Osborn, and Kacey Smart** in favor. None opposed.

**b) Accounts Payable, Receivable, Adjustments, & Checks November 2021**

**MOTION:** To approve the Accounts Payable, Receivable, Adjustments and Checks for December 2021. Motion made by Dave Bacon; Seconded by Jon Osborn. **The question was called.** The motion passed by voice vote, **Dave Bacon, Justin Gatewood, Jon Osborn, Amy Grice, and Kacey Smart** in favor. None opposed.

**13) Public Comment:**

None

**14) Adjournment:**

**MOTION:** To Adjourn. Motion made by Dave Bacon; Seconded by Jon Osborn. **The question was called:** Motion was passed by voice vote, all in favor. None opposed.

**ADJOURNMENT:**

Meeting adjourned at 8:13pm

Respectfully submitted and attested,

**Justin Gatewood**  
Mayor

**Timber Baceski**  
Clerk Treasurer