

MINUTES OF COUNCIL MEETING
November 4, 2021, 7:00 p.m.
TOWN OF VIRGINIA CITY, MONTANA
Elks Lodge & Zoom Meeting

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

Staff Present: Timber Baceski Clerk/Treasurer, Robert Erdall PWO, Eric Barsness HPO

Public Present: Toni James, Greg Jorczyk, Scott Petersen, Hannah Clark, Dan McCauley of Great West Engineering, Laurie Hansen (via Zoom), and Kelly Rasmussen (via Zoom)

1) Call to Order: Meeting was called to order at 7:02 pm by Justin Gatewood, Mayor.

2) Mayor and Commissioner's Reports/Comments:

a) Mayor Gatewood announced that in conjunction with Pharm406 and the Madison County Public Health, the Town of Virginia City will be hosting another vaccination clinic on Saturday, November 13th, from 8:00-1:00 at the Community Center. They will have all of the usual vaccination options, as well as Pfizer COVID-19 vaccines for children ages 5-11.

b) Mayor Gatewood, Council President Bacon, and Town Clerk Timber Baceski met with Sheriff Fortner on October 18th to discuss cows in town and other concerns. It was decided that if cows are in town, the Sheriff's Department should be called so that they can then contact the owner of the cattle to get them contained. BLM and Ellis Boyd are going to be fixing the fence and add a new gate on Gulch Road. Mayor Gatewood and Sheriff Fortner also discussed enforcement of Seasonal Road Closures, particularly the Old Dump and Gulch Roads. Sheriff Fortner said to call the Sheriff's Dept and report folks driving a motor vehicle on these roads when they are closed in the winter (County Code), Mayor Gatewood asked Sheriff Fortner about the Sheriffs Department enforcing Virginia City Town Code, Sheriff Fortner said the Sheriff's Department cannot enforce our town code, as it is not part of our interlocal agreement.

c) Mayor Gatewood announced the results of the November 2nd election; Kacey Smart, Amy Grice, and Jon Osborn were elected to 4 year terms and will remain on the Council. Mayor Gatewood thanked all candidates for running.

3) Public Comment:

None.

4) Clerk's Report:

Resort season is coming to a close; we should have final numbers for our resort tax income around the 15th of November.

5) HPO Report:

The signs, benches, and picnic tables for the parking lot have been set up, and the final report for the Tourism Grant has been submitted.

6) HPAC Report:

Two permit applications have been reviewed by HPAC and are on the agenda for this meeting: the Davidson's Site/Zoning Permit application and the Brook's Development Permit application.

7) New Business:

a) Dan McCauley of Great West Engineering

- i) The Town applied for the ARPA Grant in July; however we did not rank high enough to receive the requested funding. The Department of Labor and Industry has around \$250,000,000 to give out, and they have set a maximum of \$2,000,000 per project. This has cut out overly expensive projects and will allow many more projects to be funded. The funding is being distributed in two batches; we need to reapply for the second batch. Mr. McCauley believes that we have a better chance of receiving funds in the second round. The Town needs to review our application and see what improvements can be made. The application is due on January 14th, though we should have the application nearly finished by Christmas.
- ii) Mayor Gatewood asked Dan McCauley if the rules have been changed for high-cost projects, and if anything over \$2,000,000 will be funded. Mr. McCauley informed the Council that there is a bill on hold that, if approved, will fund many higher-cost projects.

- iii) Councilmember Dave Bacon mentioned the work the Planning Board has been doing on our Source Water Protection Plan. Dave Bacon will check in with the county and see what information they have on source water protection. The Town has a Source Water Protection Plan in place; a new version was created, but the County did not formally adopt it in the 2014 Growth Policy. The new Source Water Protection Plan didn't get finalized until 2015 or 2016. Dan McCauley suggested involving an attorney, as we need a team to work on this project and that may include legal advice at some point. Great Western Engineering will be assisting with the project as well.

b) Resolution 2021-06 to Increase Wages

MOTION: To approve Resolution 2021-06 to Increase Wages, with the amendment that "Maintenance Worker" is changed to "Parks Manager, that Nancy Stewart as Town/Clerk receive the pay increase for the months she worked prior to departure and that Timber Baceski Clerk/Treasurer pay increase at the schedule it was told to her when she was hired . Motion made by Justin Gatewood; Seconded by Dave Bacon. The question was called. The motion passed by voice vote, Justin Gatewood, Dave Bacon, Kacey Smart, and Amy Grice in favor. None opposed.

c) Madison County Marijuana Ordinance

In response to a marijuana grow operation in Shining Mountains, neighbors complained to the Madison County Commissioners and asked for something to be done. The County had an ordinance drafted within a week. This ordinance addressed grow operations as well as marijuana dispensaries, and it affects all municipalities within Madison County. The first reading of the County Ordinance was on October 12th and was approved. The Town of Virginia City sent a letter to the County asking to opt out of the Ordinance. The Madison County Sheriff Department and the Deputy County Attorney agreed that we should not be included in this Ordinance. The second reading was approved on November 2 with no amendments. We again requested to opt out. Mayor Gatewood received an amended version of the ordinance today that does not include Virginia City. Purportedly, this version will be voted on at the next Madison County Commissioners Meeting. If this version is not adopted, the Town will contact the Town Attorney up to fight the County Ordinance.

d) Hannah Clark Variance Permit

i) Hannah Clark didn't receive a response to her variance request from the Nulte's; however, they were informed that no response would imply compliance. Kacey Smart spoke to the Department of Livestock and was informed that as long as the loafing shed isn't impeding North Street, it should be fine. There is no evidence of a partial closure of North Street.

ii) Mayor Gatewood voiced his worries about the loafing shed being approved for variance permanently. He noted that if North Street becomes more developed and houses have a 25' setback, the Town should be able to request that the shed be moved. Mayor Gatewood suggested wording the motion to say something along the lines of: "the Town has the authority to ask Ms. Clark to move the shed to comply with a 25' setback to North Street if the need arises". Hannah Clark noted that "if the need arises" could be too broad.

MOTION: **To approve Hannah Clark's Variance Permit Application, with the amendment that the variance can be revoked if the need arises in the case of development of North Street to the extent that it needs to match the rest of the street's setback.** Motion made by Kacey Smart; Seconded by Amy Grice. **The question was called. The motion passed by voice vote, Justin Gatewood, Dave Bacon, Kacey Smart, and Amy Grice in favor. None opposed.**

e) Glenn and Hannah Brook's Development Permit Application

i) The applicant name on the permit application form needs to be changed from Don Mefford to the owner of the property (Glenn or Hannah Brook).

ii) HPAC asked that the windows be reverted to their original size and that they be made of wood. However, this would require all siding to be removed and would be a much larger investment. No photos have been found of the home prior to the Williams' remodeling, and there is nothing in the guidelines that specifies a need for wood windows.

iii) Councilmember Amy Grice noted that while the house was historic at one point, it does not look that way after the remodeling. It was also mentioned that it will likely never go back to the original historical design. Councilmember Grice applauded HPAC for the effort to keep things historic, but noted that the home still needs to be livable and reasonable. It was suggested that some of the existing historical elements, such as the turnposts on the front porch, could be brought around to the deck to give a historical feel.

MOTION: **To approve Glenn and Hannah Brook's Development Permit Application, with the requirement that the railing on the deck include elements common to the front porch railing, with balls on the newel posts.** Motion made by Amy Grice; Seconded by Kacey Smart. **The question was called. The motion passed by voice vote, Justin Gatewood, Dave Bacon, Kacey Smart, and Amy Grice in favor. None opposed.**

f) Davidson Site/Zoning Permit

i) Kristin Davidson wants to place a modular home on Hughes and Fremont. She is proposing a 30'x60' house and a two-car garage, with the garage placed on the corner of Hughes and Fremont.

ii) Dave Bacon noted that we need to improve zoning in that area to reflect more of the Historic Viewshed so that it doesn't fill up with modular homes. PWO Robert Erdall mentioned that the Town tried to ban trailers at one point but could not do it because there was nowhere to place existing trailers/affordable housing. The Town will check to see what affordable housing requirements are and if they have changed at all.

iii) Mayor Gatewood noted that the ISF fees have not been paid yet. PWO Erdall informed the Council that Kristin Davidson is aware that the ISF needs to be paid prior to anything being

hooked up. If the application is approved, it will be with the caveat that fees are paid within the next month or approval will be revoked.

iv) Mayor Gatewood noted that the square footage of the project was inaccurately reported, as it didn't include the garage. The permit application fee will need to be adjusted to be \$100 higher.

v) Scott Petersen voiced concern about the road and drainage. He mentioned that when other roads have been put in, it had to go before the Public Works Board. PWO Erdall informed Mr. Petersen and the Council that discussion has happened about putting in the road; PWO Erdall doesn't think drainage will be an issue, as the road would come up Hughes rather than Fremont.

vi) Mayor Gatewood noted that a Septic Variance Permit Application had not been submitted.

MOTION: To postpone approval of the Davidson Site/Zoning Permit Application. Motion made by Justin Gatewood; Seconded by Amy Grice. The question was called. The motion passed by voice vote, **Justin Gatewood, Dave Bacon, Kacey Smart, and Amy Grice** in favor. None opposed.

8) Public Works Report:

a) Many streets are being worked on, and gravel has been brought in.

b) The signs, benches, and picnic tables have been set up in the Parking Lot. The last signs will arrive soon and the project will wrap up shortly after.

c) The skating rink is being worked on; concrete will be poured next Monday.

9) Consent Agenda:

a) Minutes from October 7, 2021 and October 21, 2021

MOTION: To approve the minutes from October 7, 2021 Council Meeting. Motion made by Justin Gatewood; Seconded by Amy Grice. The question was called. The motion passed by voice vote, **Justin Gatewood, Dave Bacon, Kacey Smart, and Amy Grice** in favor. None opposed.

MOTION: To approve the minutes from October 21, 2021 Council Meeting. Motion made by Dave Bacon; Seconded by Amy Grice. The question was called. The motion passed by voice vote, **Dave Bacon, Kacey Smart, and Amy Grice** in favor. None opposed. **Justin Gatewood recused himself from the vote as he was absent from the October 21, 2021 meeting.**

b) Accounts Payable, Receivable, Adjustments, and Checks October 2021

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

10) Public Comments:

a) Don Mefford mentioned that the trashcans and picnic tables are not well placed. Mayor Gatewood informed him that the placement is only temporary so that we can finish the grant; they will be moved elsewhere as soon as the grant reporting requirements are completed.

b) The Elk's Lodge proposed a \$35 rent for using the building to host Council Meetings. It will be \$35 per meeting.

11) Adjournment:

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

ADJOURNMENT:

Meeting adjourned at 8:46 pm

Respectfully submitted and attested,

Justin Gatewood
Mayor

Timber Baceski
Clerk Treasurer