

MINUTES OF SPECIAL COUNCIL MEETING
May 25, 2021 6:00 p.m.
TOWN OF VIRGINIA CITY, MONTANA
Zoom Video & Telephone Meeting

Council Present On-line: Justin Gatewood, Dave Bacon, Amy Grice, Jon Osborn, Erin Leonard

Staff Present On-line: Nancy Stewart Clerk/Treasurer

Public Present On-line: Charles Hansberry, Jenny Jourdonnais, Tanya Engle, Matthew Sack, Mark Jacobs, Bridget LaFever, Ed Guza, Kim Jorczyk

1) Call to Order: Meeting was called to order at 6:04 pm by Justin Gatewood, Mayor

2) Public Comments: None

3) Old Business: Discussion and determination on whether the Creighton Block barriers should remain in place or be removed.

Mayor Gatewood: After the actions, which was caution tape put up by the property owners in the Town and MDT right of way, and the words of Fred Zweifel and Niki Kline and a structural engineer, Scott Curry, the barriers were put in place to protect the risk to public safety on the sidewalk to the West and boardwalk to the North. Throughout litigation and as recently as last month, numerous expert reports have said that the building is safe, that the exterior walls are stable and that there is no imminent public safety risk, which is in direct contrast to what was done and said in Spring 2018 by Fred, Niki and Scott.

Dave Bacon: The barriers have impacted businesses and the Town. A petition with over 160 names was presented to the Council wanting the situation dealt with. At this point, due to expert reports, the barriers should come down.

Erin Leonard: After seeing several reports with expert opinions, the barriers should come down.

Jon Osborn: The barriers have been a blight on the Town. With the reports we could safely and reasonably remove them.

Amy Grice: It was important seeing the different expert reports over the years as compared to the one from 2018. The barriers should come down.

Ed Guza, Town Attorney: The Town remains in litigation on this matter. The Town has petitioned the court to be removed from this litigation. The Town was being responsible about safety and the public's well-being when the barriers were put up. With the information that the Town has received at this time, the barriers could be removed or kept up. The Town could not be criticized for taking down the barriers.

Mayor Gatewood: Public safety was and always will be priority #1. According to what was done and said by the property owners and their structural engineer, the Town had no other choice but to erect the barriers.

MOTION: To remove the barriers on the west side and on the north side (DOT) of the Creighton Block.
Motion made by Justin Gatewood; Seconded by Erin Leonard.

4) Public Comment:

Matthew Sack, Attorney for Fred Zweifel and Niki Kline: There have been contrasting expert opinions regarding the buildings safety. The trial will be held in 2022, and at that time it will be up to a jury to decide which expert opinions are correct. If the Town of Virginia City wishes to make a decision on the credibility of experts, then they do so at their own risk.

The motion was made. The question was called. The motion passed by voice vote, Justin Gatewood, Dave Bacon, Jon Osborn, Amy Grice, and Erin Leonard in favor. None opposed.

5) Adjournment:

Motion: To adjourn. Motion made by Dave Bacon; Seconded by Amy Grice. **The question was called.** The motion passed by voice vote, Justin Gatewood, Dave Bacon, Jon Osborn, Amy Grice, and Erin Leonard in favor. None opposed.

ADJOURNMENT:

Meeting adjourned at 6:35 pm

Respectfully submitted and attested,

Justin Gatewood
Mayor

Nancy Stewart
Clerk Treasurer