

**MINUTES OF COUNCIL MEETING**  
**July 13, 2023, 7:00 p.m.**  
**TOWN OF VIRGINIA CITY, MONTANA**  
**Elks Lodge & Zoom Meeting**

**Council Present:** Justin Gatewood, David Bacon, Amy Grice, Kacey Smart, Greg Jorczyk

**Absent:** None

**Staff Present:** Timber Baceski Clerk/Treasurer, Shane Leach PWD, Eric Barsness HPO

**Absent:** None

**Public Present:** Kace Doornbos (via Zoom), Jacqueline Connors, Liz Manarino (Madisonian), Don Mefford, Lynne Merry, Jim Merry, Jeff Copeland, Roger Williams

**1) Call to Order:** Meeting was called to order at 7:01 pm by Justin Gatewood, Mayor

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

a) Councilmember Amy Grice thanked those who worked on the revised Design Review Guidelines, specifically Eric Barsness, Lance Otto, and Mark Jacobs, noting that they worked many Saturdays and put a lot of effort into the project.

b) Mayor Gatewood thanked the Montana Heritage Commission, the Chamber of Commerce, the Fire Department, and the local businesses for making the Fourth of July such a success. There were three small fires as a result of the fireworks, but all were handled quickly.

c) Mayor Gatewood mentioned that the Pace Park Improvement Committee had its first meeting roughly two weeks ago, and the Committee is working on a master plan for Pace Park. Mayor Gatewood has been working with Madison County to create a plan for removing the asphalt from the tennis court, as it has to be disposed of at a very specific type of landfill.

d) Mayor Gatewood gave his condolences to the family of Mary Carol Millsap, who passed away recently.

**3) Public Comments**

a) Don Mefford noted that the Fire Department will have the recently acquired ladder truck ready for service in roughly one month, and that the Fire Department has possession of the truck now. It is the only ladder truck on this side of the Madison Range.

b) Jacqueline Connors expressed her concerns regarding the street next to Bob's Place, where a barrier has been erected in preparation for the repair of Stonewall Hall. She has observed very few people obeying the "No Parking" signs, noting that one person almost got into a wreck there. Don Mefford

responded that he has spoken with Elijah Allen, Executive Director of the Montana Heritage Commission, and the barriers will be replaced with cones that mount to the concrete as soon as possible.

#### 4) Clerks Report:

a) Clerk Timber Baceski reported that all business license fees have been collected and the last batch of licenses is almost ready to send out. It was also reported that the Resort Tax revenue for the month of May this year was within a couple hundred dollars of last May.

#### 5) HPO/HPAC Report:

HPO Barsness has been continuing to work on the Builder's Bible, and has finalized the revised Design Review Guidelines with the help of Councilmember Amy Grice. HPO Barsness mentioned that HPAC has continued looking into a revolving fund to help community members with historical aspects of building projects.

#### 6) New Business:

a) Sign Permit Application – Virginia City Farmacy

i) HPAC was concerned about the color of the proposed sign and suggested using a darker green.

ii) Councilmember Dave Bacon was weary of the modern nature of the sign. Mayor Gatewood disagreed, noting that the owners of the Virginia City Farmacy were going the extra step to make it look historic by using wood and that it would be a large improvement from the similar flag that currently hangs in the window.

**MOTION:** To approve the Sign Permit Application for the Virginia Farmacy, provided that it is made of wood, colored hunter green, and that the flag in the window is removed. Motion made by Amy Grice; Seconded by Kacey Smart. **The question was called.**

iii) Mayor Gatewood mentioned that the Council cannot dictate what goes inside the building.

**AMENDED MOTION:** To approve the Sign Permit Application for the Virginia City Farmacy provided that it is made with wood and colored hunter green, and with the request that the flag in the window is removed. Motion made by Amy Grice; Seconded by Kacey Smart. **The question was called.** The motion passed by voice vote, Justin Gatewood, Amy Grice, Kacey Smart, and Greg Jorczyk in favor. Dave Bacon was opposed.

b) Development Permit Application – Bale of Hay

i) HPO Barsness reported that a refrigerated cooler was installed by the side of the alley. While it meets setback requirements, HPAC requested that it be made to look more historic. The cooler is already in place, but it was suggested that the Bale of Hay attach a shed roof and use board and batten siding to wrap the cooler. It is sitting on a temporary foundation and will remain where it sits.

**MOTION:** To approve the Development Permit Application for the Bale of Hay provided that it is wrapped in board and batten siding and covered with a shed roof. Motion made by Justin Gatewood; Seconded by Amy Grice.

ii) Councilmember Greg Jorczyk asked how the doors would be covered. Kace Doornbos explained that the back doors would be sided over and non-functional, while a sliding barn door would be mounted to cover the front door.

**MOTION: To approve the Development Permit Application for the Bale of Hay provided that it is wrapped in board and batten siding and covered with a shed roof.** Motion made by Justin Gatewood; Seconded by Amy Grice. **The question was called.** **The motion passed by voice vote, Justin Gatewood, David Bacon, Amy Grice, Kacey Smart, and Greg Jorczyk in favor. None opposed.**

c) Development Permit Application – Dan Gratton

i) Dan Gratton replaced some windows on the second floor, swapping wood for vinyl. A permit was required for the project but an application was not submitted prior to the work being done.

ii) Councilmember Amy Grice suggested that the Town use a sticker or something similar to attach a message to the water bills, informing property owners in Town that a permit is necessary for any construction. Clerk Timber Baceski will look into stickers for this purpose.

**MOTION: To approve the Development Permit Application for Dan Gratton (Windows).** Motion made by Justin Gatewood; Seconded by Amy Grice. **The question was called.** **The motion passed by voice vote, Justin Gatewood, David Bacon, Amy Grice, Kacey Smart, and Greg Jorczyk in favor. None opposed.**

d) Development Permit Application – Cliff Hanel

i) Cliff Hanel would like to build a shed for his mule, to be placed behind his house on Madison Street, where visibility would be minimal. It would be a moveable shed.

ii) Councilmember Amy Grice mentioned a similar shed in a similar location in Town that blew over due to strong winds and expressed concern.

**MOTION: To approve the Development Permit Application for Cliff Hanel, with the caveat that the structure is secured.** Motion made by Kacey Smart; Seconded by Dave Bacon. **The question was called.** **The motion passed by voice vote, Justin Gatewood, David Bacon, Amy Grice, Kacey Smart, and Greg Jorczyk in favor. None opposed.**

e) Site/Zoning Permit Application – Lynne Merry (House)

**MOTION: To approve the Site/Zoning Permit Application for Lynne Merry as presented.** Motion made by Dave Bacon; Seconded by Amy Grice. **The question was called.** **The motion passed by voice vote, Justin Gatewood, David Bacon, Amy Grice, Kacey Smart, and Greg Jorczyk in favor. None opposed.**

f) Site/Zoning Permit Application – Carole Evans (Siding and Dormers)

i) The agenda describes this application as being a Development Permit Application; it is actually a Site/Zoning Permit Application.

**MOTION: To approve the Site/Zoning Permit Application for Carole Evans.** Motion made by Amy Grice; Seconded by Kacey Smart. **The question was called.** **The motion passed by voice vote, Justin Gatewood, David Bacon, Amy Grice, Kacey Smart, and Greg Jorczyk in favor. None opposed.**

g) Conditional Use Application – Jeff Copeland

**MOTION: To approve the Conditional Use Application for Jeff Copeland, provided that Jeff Copeland and/or the property manager follow through with the solutions that have been outlined in the application to mitigate the negative outcomes. Motion made by Justin Gatewood; Seconded by Kacey Smart. The question was called. The motion passed by voice vote, Justin Gatewood, David Bacon, Amy Grice, Kacey Smart, and Greg Jorczyk in favor. None opposed.**

h) Resolution 2023-08 to ask the Madison County Election Administrator to conduct the November 7<sup>th</sup> Municipal General Election for the Town of Virginia City via Mail Ballot Election

i) There are two expired seats and one unexpired seat involved in this election cycle. Only one candidate, Greg Jorczyk, filed for the unexpired seat and there were no write-ins. Greg Jorczyk will be deemed the winner of that seat in either November or December. The other two seats will go to vote. Three people have filed for those seats: Dave Bacon, Gay Rossow, and Justin Gatewood.

ii) Mayor Gatewood noted that historically, elections have been conducted in person. The Town switched to entirely mail-ballot elections during the pandemic, which was appropriate, but Mayor Gatewood would like to know if it's possible to go back to an in person election.

**MOTION: To table Resolution 2023-08 to ask the Madison County Election Administrator to conduct the November 7<sup>th</sup> Municipal General Election for the Town of Virginia City via Mail Ballot Election until more information is gathered on what the Town is/isn't allowed to do. Motion made by Justin Gatewood; Seconded by Dave Bacon. The question was called. The motion passed by voice vote, Justin Gatewood, David Bacon, Amy Grice, Kacey Smart, and Greg Jorczyk in favor. None opposed.**

i) Virginia City Historical Architecture Purpose and Process Design Review Guidelines

i) Mayor Gatewood noted that a lot of great work has gone into this project. Mayor Gatewood would like to have the Virginia City Historical Architecture Purpose and Process Design Review Guidelines on the August Town Council agenda. The document is available to the public upon request at the Town Office. The Town Council should be prepared to make edits/suggestions at the August Town Council Meeting.

j) MDT Highway Resurfacing and Pedestrian Accommodations

i) The Highway Department will be in Town to resurface the Highway/Wallace Street in the spring or early summer of 2024. The Town has been working with MDT for a long time in hopes of getting them to include elements and nuances to make Virginia City more accessible for pedestrians. ADA compliance in Town is virtually impossible, but there is a need to make it better. MDT has proposed a 4-foot wide pedestrian lane for the boardwalk side of the fog lane.

k) Hiring of Public Bathroom Custodian – 2 Hours/Week

i) The Public Works Department is currently responsible for cleaning the bathrooms at the Community Center, which is done seven days a week. The Public Works employees are already reaching their hour limits prior to that weekend work and Mayor Gatewood is suggesting the Town contracts someone to clean the bathrooms for two hours per week, lightening the load on the Public Works Department. Mayor Gatewood suggested paying the contractor \$25/hour and suggested Jacqueline Connors to contract with.

**MOTION: To approve the contracting of a 2hr/week or as needed bathroom custodian at \$25/hour. Motion made by Dave Bacon; Seconded by Amy Grice. The question was called. The motion passed by voice vote, Justin Gatewood, David Bacon, Amy Grice, Kacey Smart, and Greg Jorczyk in favor. None opposed.**

I) Update on ARPA Water Project

i) A meeting is set up for next Thursday with Matt Mudd, Town Engineer of Great West Engineering. Councilmember Greg Jorczyk suggested sending out notices to surrounding property owners to let them know when work will begin and end, as some of them are short-term rental owners and could use the notice.

7) **Public Works Report:**

Public Works Officer Shane Leach reported that he's been training with now-retired PWO Robert Erdall for the past month. Recently, PWO Leach has been mowing the parks and working on weeds. PWO Leach will be looking into classes for water/sewer operator, boiler, and weed licensing.

8) **Consent Agenda:**

a) Minutes from June 1, 2023

i) The following changes are to be made:

- Agenda Item 2a: change "there" to "three"
- Agenda Item 2a: change "appealed" to "repealed"
- Agenda Item 3c: Change "Mrs. Jacobs" to "Pat Jacobs"
- Agenda Item 6ei: change "eliminate" to "move to a more historic rendition of"
- Agenda Item 6i: within the motion, change "fence" to "deck"
- Agenda Item 6ni: change "Lreach" to "Leach"
- Attendance: capitalize "Palmer"

**MOTION: To approve the Minutes from June 1, 2023 as amended. Motion made by Amy Grice; Seconded by Dave Bacon. The question was called. The motion passed by voice vote, Justin Gatewood, David Bacon, Amy Grice, Kacey Smart, and Greg Jorczyk in favor. None opposed.**

b) Accounts Payable, Receivable, Adjustments and Checks June 2023

**MOTION: To approve the checks for the month of June 2023. Motion made by Dave Bacon; Seconded by Amy Grice. The question was called. The motion passed by voice vote, Justin Gatewood, David Bacon, Amy Grice, Kacey Smart, and Greg Jorczyk in favor. None opposed.**

**MOTION: To approve the Accounts Payable, Receivable, Adjustments, and Checks for June 2023. 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, Kacey Smart, and Greg Jorczyk in favor. None opposed.**

c) Great West Draw

No draw this month.

9) **Public Comment:**

None

**10) 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 8:48pm

**Respectfully submitted and attested,**

**Justin Gatewood**  
Mayor

**Timber Baceski**  
Clerk Treasurer