

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

Council Present: Justin Gatewood, Amy Grice, Jon Osborn

Staff Present: Robert Erdall PWO, Eric Barsness HPO

Public Present: Elizabeth Mahoney, Toni James, Tanya Engle, Shirley Harper, Scott Harper, Sylus Harper, Scott Petersen, Pat Nichols, Lance Otto, Don Mefford, Bobbie Dirks, Trevor Lockhart, Pat Jacobs, Becky DiGiovanna, Laurie Hansen, Abby Thomas

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

2) Mayor and Commissioner's Reports/Comments:

a) Jon Osborn mentioned that wind and other weather conditions have increased the danger of fires. Councilmember Osborn also mentioned the increased bear activity in the area.

b) Mayor Gatewood mentioned that on March 21st, Stonewall Hall transferred from public ownership to private ownership. Councilmember Amy Grice, Mayor Gatewood, and HPO Eric Barsness attended the hearing in Helena regarding this change of ownership. The restoration of Stonewall Hall is to begin next month.

c) Mayor Gatewood brought up the ongoing streetlight project; the cobra head streetlights on Wallace street will be replaced by the same streetlights we have on the West side of Town, as they look more historic. The streetlight project will go before HPAC at the end of April, then to the Council for the May Council Meeting.

d) Vaccination clinics will be resuming in the near future. Shingles, Tdap, and Covid vaccines/boosters will all be available on April 15th at the Community Center in Virginia City from 10am-12pm.

e) Jody Hissong passed away recently. Jody did a lot for the Town of Virginia City and was a valued community member. Mayor Gatewood gave his condolences to Jody's husband, Skip, and to her friends and family.

3) Public Comment:

a) Scott Peterson mentioned the fence around the cemetery. Pieces of the fence were recently removed to prevent deer and other wildlife from being impaled while trying to jump the fence. Mr. Peterson noted that it has been successful; he has seen deer tracks going through where the fence was removed.

b) Pat Jacobs mentioned the VCPA's annual Chuck Wagon Dinner, taking place on July 23rd. The VCPA's usual food vendor will not be available this year. There are two potential vendors that could be used this year; one is a hog roast vendor out of Sheridan, and the other is a food truck from Ennis, Lil

Hogpit. The Town prohibits food trucks, so the VCPA is wondering if/how it's possible to have Lil Hogpit as a vendor. Mayor Gatewood mentioned that special permission for food trucks is not unprecedented. Councilmember Jon Osborn noted that there is a difference between a food truck setting up on Main Street and serving the public, and a food truck that is being used to cater a private event. Mayor Gatewood would like this to be an official agenda item for the May Council Meeting so a decision can be made.

c) Toni James mentioned the VCRFD Cake Walk, taking place Saturday, April 9.

d) Mayor Gatewood stated that the grave markers on Boot Hill are in terrible condition; the names and dates are illegible. The graves are on Town property, and the Town would like to hire someone to paint them and make them decipherable.

4) Clerk's Report:

Clerk/Treasurer Timber Baceski has been working on business licenses.

Mayor Gatewood mentioned that we have two businesses who have not received a business license application due to delinquent resort tax remittances from the 2021 season. The Mayor suggested the possibility of passing a resolution that would require a \$500 bond in order to receive a business license if that business was delinquent on Resort Tax remittances the previous year. Another option is to revoke that business' ability to have a business license.

5/6) HPO/HPAC Report:

a) HPO Eric Barsness mentioned that HPAC Board Member Lance Otto brought in some preservation guideline information from Virginia City, Nevada that covers construction standards. The Board has been brainstorming ways to reach out to new land/home owners to let them know what is required before they begin building. HPO Barsness contacted the Clerk & Records office and obtained a list of people who recently bought land or a home within Virginia City. He has drafted a letter to send to those people, informing them of what is expected for construction in Town, as well as one for realtors in the area.

7) New Business:

a) Harper Development Permit Application

i) Mr. Harper explained his project idea to the Council. He noted that HPO Eric Barsness has overseen the design process and made suggestions to make it look more historic.

ii) Mayor Gatewood noted that the changes proposed by HPO Barsness are completely different from what is present on the permit application. Due to that, Mayor Gatewood suggested that the application be modified to reflect those changes, and then go through HPAC again for approval.

MOTION: To deny Scott Harper's Development Permit Application for a shed. Motion made by Justin Gatewood; Seconded by Amy Grice. **The question was called.** **The motion passed by voice vote, Jon Osborn, Justin Gatewood, and Amy Grice in favor. None opposed.**

b) Mahoney Development Permit Application – Modifications to Original Permit

i) This modification downsizes the approved project, eliminating the eastern addition. It also makes the northern addition smaller; however the total project size remains over 500 square feet.

MOTION: To approve the Mahoney Development Permit Application to modify the existing permit. Motion made by Justin Gatewood; Seconded by Amy Grice. **The question was called.** The motion passed by voice vote, Jon Osborn, Justin Gatewood, and Amy Grice in favor. None opposed.

c) Mahoney Development Permit Application – Stone Skirting

i) The current skirting is a rusted metal; Ms. Mahoney wants to install stone skirting instead, to better compliment the wood siding.

MOTION: To approve the Mahoney Development Permit Application for Stone Skirting. Motion made by Justin Gatewood; Seconded by Amy Grice. **The question was called.** The motion passed by voice vote, Jon Osborn, Justin Gatewood, and Amy Grice in favor. None opposed.

d) Mahoney Development Permit Application – West Side

i) Ms. Mahoney would like to construct a side porch, with a canopy over the door.

MOTION: To approve the Mahoney Development Permit Application for changes to the West side of the house. Motion made by Justin Gatewood; Seconded by Amy Grice. **The question was called.** The motion passed by voice vote, Jon Osborn, Justin Gatewood, and Amy Grice in favor. None opposed.

e) Mahoney Development Permit Application – Roof

MOTION: To approve the Mahoney Development Permit Application for a new roof. Motion made by Justin Gatewood; Seconded by Jon Osborn. **The question was called.** The motion passed by voice vote, Jon Osborn, Justin Gatewood, and Amy Grice in favor. None opposed.

f) Mahoney Development Permit Application – South Side

MOTION: To approve the Mahoney Development Permit Application for changes to the South side of the house. Motion made by Amy Grice; Seconded by Jon Osborn. **The question was called.** The motion passed by voice vote, Jon Osborn, Justin Gatewood, and Amy Grice in favor. None opposed.

g) Hissong Development Permit Application

MOTION: To approve the Hissong Development Permit Application, with the caveat that a wooden, shed-like door is implemented. Motion made by Justin Gatewood; Seconded by Amy Grice. **The question was called.** The motion passed by voice vote, Justin Gatewood, Amy Grice, and Jon Osborn Smart in favor. None opposed.

h) Resolution 2022-01 to Increase Clerk Wages

i) When Timber Baceski was hired, it was agreed that she would receive a wage of \$18/hour for a probationary period of six months; at that point, her performance would be reviewed and there would be a wage increase of \$2/hour.

MOTION: To approve Resolution 2022-01 to Increase Clerk Wages. Motion made by Amy Grice; Seconded by Jon Osborn. **The question was called.** The motion passed by voice vote, Justin Gatewood, Amy Grice, and Jon Osborn in favor. None opposed.

i) Resolution 2022-02 to Adapt the Planning Board so that it may also function as the Zoning Board

MOTION: To approve Resolution 2022-02 to Adapt the Planning Board so that it may also function as the Zoning Board. Motion made by Justin Gatewood; Seconded by Jon Osborn. **The question was called.** The motion passed by voice vote, Justin Gatewood, Amy Grice, and Jon Osborn in favor. None opposed.

j) Farmer's Market – Information and Resort Tax

i) The Farmer's Market is going to be held on Wednesdays from 4-7pm. The Montana Heritage Commission (MHC) is operating the Farmer's Market in cooperation with the Chamber of Commerce. The MHC and the Chamber wanted to get on the agenda for this meeting to discuss Resort Tax fees for vendors at the Farmer's Market. Becky DiGiovanna of the MHC suggested doing a flat, one-time fee of \$25 for each vendor that covers them for the entire season. If a vendor has a business license for the Town of Virginia City already, they would exclude the income made at the Farmer's Market from their reported taxable income. The Farmer's Market will run for 14 weeks, though it is unusual for a vendor to come every one of those weeks. Becky DiGiovanna will be checking with vendors to track their income; that information will be shared with the Town.

ii) Councilmember Amy Grice asked if there would be any guidelines in place pertaining to the appearance of the vendors' booths. Becky DiGiovanna informed the Council that the MHC hadn't considered that aspect. Councilmember Grice recommended having guidelines so that the booths can blend in well with the historic surroundings.

iii) Mayor Gatewood asked if it would be possible to add a guideline for tracking sales, to be turned in at the end of the season; Becky DiGiovanna said that the MHC would do so.

iv) Mayor Gatewood suggested setting the fee to be \$35 for the season, or \$5 per day.

MOTION: To approve, in lieu of Resort Tax, one pilot year of the Virginia City Open Air Street Market with fees of \$5 per day or \$35 for the season, per vendor. Motion made by Justin Gatewood; Seconded by Amy Grice. **The question was called.** The motion passed by voice vote, Justin Gatewood, Amy Grice, and Jon Osborn in favor. None opposed.

RECESS CALLED AT 8:41PM / MEETING CALLED BACK TO ORDER AT 8:47 PM

k) Swingset Purchase for Pace Park

i) The Montana Heritage Commission gave the Town of Virginia City two donations; one is for historic streetlights on Wallace Street, and the other is for playground equipment (\$2500). The swingset that is currently in use is in poor condition. Timber Baceski found a commercial grade swingset that falls within the budget of the donation. PWO Robert Erdall measured the space we have available and the proposed swingset would fit.

MOTION: To approve the purchase of the proposed swingset for Pace Park. Motion made by Justin Gatewood; Seconded by Amy Grice. **The question was called.** The motion passed by voice vote, Justin Gatewood, Amy Grice, and Jon Osborn in favor. None opposed.

I) Speed Bump – Cover Street and Idaho Street

i) A speed bump was implemented on Jackson Street two years ago to slow people down and mitigate the dust issue. This speed bump acted as a trial run for speed bumps in Town. It's held up well through two winters, and the people living nearby report success in slowing down traffic through that area. The Town is now looking at other potential locations for speed bumps, specifically on Cover Street and Idaho Street. There are signs already on Cover Street that encourage people to slow down.

ii) Diana Minick, a resident living on Cover Street, noted that people go down the hill there very quickly. Ms. Minick suggested a speed bump on Van Buren Street to slow people down in that area.

iii) The Council will have more defined potential locations for speed bumps at the next Council Meeting.

m) Tanya Engle – Brewfest

i) Tanya Engle mentioned that this will be the second Brewfest held by the Elk's Lodge. It is scheduled for July 16th this year, from noon until the kegs run dry. Jim Kleis went to the County Commissioner's Meeting and got approval from the Commissioner's to close the County alley for that Saturday and Sunday; they will ensure that proper road closure signage is used. The stage will be there for music, which will go from noon until 10pm. There will be potentially 20-25 vendors there.

8) Public Works Report

PWO Robert Erdall reported that the tribes want to come back to Virginia City and do a gathering on the 15th and 16th of July. There have been issues with the water and sewer recently; most of those issues have been solved. There was a malfunction at the pressure reducer station, there was a leak on Cover Street, and another leak at Theodis Zimmer's house. Since fixing those leaks, our water usage is back down to a normal range. Work on the Warming Hut will resume as weather permits.

9) Consent Agenda

a) Minutes from March 3, 2022

MOTION: To approve the Minutes from March 3, 2022. Motion made by Amy Grice; Seconded by Justin Gatewood. **The question was called.** The motion passed by voice vote, Justin Gatewood, Jon Osborn, and Amy Grice in favor. None opposed.

b) Accounts Payable, Receivable, Adjustments, & Checks March 2022

MOTION: To approve the Accounts Payable, Receivable, Adjustments and Checks for March 2022. Motion made by Justin Gatewood; Seconded by Amy Grice. **The question was called.** The motion passed by voice vote, Justin Gatewood, Amy Grice, and Jon Osborn. None opposed.

10) Public Comment:

None

11) Adjournment:

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

ADJOURNMENT:

Meeting adjourned at 9:17pm

Respectfully submitted and attested,

Justin Gatewood
Mayor

Timber Baceski
Clerk Treasurer