

**MINUTES OF COUNCIL MEETING**  
**August 3, 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:** Tanya Engle, Dick Lohrke, Alyson Young, Beverly Penninger, Scott Petersen, Diana Bunitsky, Melinda Tichenor, Mark Jacobs, Abby Thomas (via Zoom)

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

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

a) Councilmember Amy Grice informed the public that a celebration of life will be held for Bobbi Dirks, who passed away just over a week ago, on the 20<sup>th</sup> of August from 3-5pm at the Elk's Lodge. Councilmember Grice noted that Bobbi Dirks was active in the community, and urged the public to volunteer and help fill the void that will be left in her absence. Donations in honor of Bobbi Dirks can be made to the Vigilance Club in Virginia City.

b) Councilmember Amy Grice noted that the Town has had issues with dogs at large as of late. The Madison County Sherriff's Department has posted on their Facebook page that they intend to follow the Madison County Dog Ordinance, placed in 2014, which requires that all dogs have identification and that they not be a nuisance.

c) Mayor Gatewood noted that Bobbie Dirks was an integral part of Town for a number of years and will be missed by all. Mayor Gatewood sends his condolences to her family and friends.

d) Mayor Gatewood mentioned that while the Town of Virginia City does not have a leash law or dog ordinance, Madison County rules/ordinances still apply.

**3) Public Comments**

a) Allyson Adams asked why the Town of Virginia City doesn't have a leash law or dog ordinance. Mayor Gatewood answered that the Town doesn't have a mechanism for enforcement.

#### 4) Clerks Report:

a) Clerk Timber Baceski reported that there are twelve missing resort tax remittances for the month of June. In general, remittances for the month of June are down roughly \$6,000 compared to last year.

#### 5) HPO/HPAC Report:

HPO Barsness has been working on the final draft of the Design Review Guidelines, adding more photos and drawings. HPO Barsness will have a meeting in the near future with Town Clerk Timber Baceski, PWD Shane Leach, and Mayor Gatewood to further organize the various boards for the Town of Virginia City and their processes.

#### 6) New Business:

a) Sign Permit Application – Stephano’s Fine Art Gallery

i) The sign was installed prior to the application being submitted and approved. The sign was previously hung at the Dancing Buffalo Art Gallery. HPAC approved the sign with one against.

**MOTION: To approve the Sign Permit Application for Stephano’s Fine Art Gallery, provided that it is only one of three primary signs, that a full audit/inventory of signs at the location is done, and a \$100 fine is paid for installing the sign prior to approval. Motion made by Amy Grice; Seconded by Kacey Smart. The question was called.**

b) Development Permit Application – Nancy Crosby

i) HPAC approved the application unanimously.

ii) Mayor Gatewood mentioned that there are too many projects included in one application and that it should at least be two separate applications. Councilmember Amy Grice asked if all projects could be included on a Site/Zoning Permit Application instead of a Development Permit Application. Mayor Gatewood answered that it would work as one Site/Zoning Application, and noted that this points out a flaw in our permitting/application process. Many applicants downsize their initial construction plans to avoid needing a Site/Zoning Permit for the sake of cost.

iii) Mayor Gatewood thinks that the boardwalk should be separated into its own application, as it adds to the blueprint of the house.

**MOTION: To approve the Development Permit Application for Nancy Crosby, except for the boardwalk. 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.**

**MOTION: To approve the boardwalk as a separate Development Permit Application for the Nancy Crosby, provided that a separate Development Permit Application Fee is paid. 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.**

c) Site/Zoning Permit Application – Penninger/Young

i) The applicants are working with Ruby Valley Sheds, who built Jackie LaFever’s home. HPAC thinks it’s a good looking project, and most of the small details have been worked out and

approved by HPAC. The applicants are planning on tearing down the existing block foundation. The secondary building was tabled by HPAC.

ii) Councilmember Amy Grice asked if a Demolition Permit would be required to tear down the existing foundation. Mayor Gatewood answered that it would be required.

iii) Mayor Gatewood noted that a second structure would require a secondary water hookup.

**MOTION:** To approve the Site/Zoning Permit Application for Penninger/Young as presented in the latest version, provided that there is a separate water hookup for the secondary habitable structure, provided that the design elements that HPAC still needs are provided and approved, provided that the square footage is calculated and includes the entire new footprint, and provided that the applicable application fee is paid. Motion made by Justin Gatewood; Seconded by Dave Bacon.

iv) Councilmember Kacey Smart noted that the lots need to be aggregated or have an easement put in place.

**AMENDED MOTION:** To approve the Site/Zoning Permit Application for Penninger/Young as presented in the latest version, provided that there is a separate water hookup for the secondary habitable structure, provided that the design elements that HPAC still needs are provided and approved, provided that the square footage is calculated and includes the entire new footprint, provided that the applicable application fee is paid, and provided that the lots are aggregated or an easement equivalent is filed so that the structures and property stay together. Motion made by Kacey Smart; 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) Denning, Downey, and Associates Standard Audit Contract

**MOTION:** To approve the two-year contract with Denning, Downey, and Associates for the Standard Audit, provided that everything stays the same as the contract presented except for the exclusion of the 2025 audit. 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.

e) 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) This agenda item was tabled last month to see if there were options besides the mail ballot election. The election administrator informed the Town that an in-person election could be done, but at a higher cost and with a chance of lower voter turnout.

**MOTION:** To approve 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. 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.

f) First Reading of Draft Ordinance 03-2023 to Amend the Town's Water and Sewer Code to Provide a Mechanism for Inhabitants Outside the Town's Corporate Limits to Obtain Water and Sewer Services from the Town and Establishing a Rate for Such Users

i) There are already sewer services being provided outside of Town limits. The Town's attorney, Ed Guza, informed the Town that there needs to be an ordinance in place to allow these

connections, as well as to open the door for potential approval of the upcoming Variance Request from Madison County regarding sewer service at Placer Loop.

ii) Changes to be made:

- Specify that water would have a meter and add the associated usage charges.

**MOTION: To approve the First Reading of Draft Ordinance 03-2023 to Amend the Town’s Water and Sewer Code to Provide a Mechanism for Inhabitants Outside the Town’s Corporate Limits to Obtain Water and Sewer Services from the Town and Establishing a Rate for Such Users.** 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.**

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

**MOTION: To move this agenda item (6g) to be discussed after agenda item 6k (Update on ARPA Water Project).** Motion made by Justin Gatewood; Seconded 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.**

h) Scott Petersen – Pre-Purchasing Propane

i) The Elk’s Lodge, Town Office, and Road Agents’ Roost all share the same propane tank. Each has their own meter, but the Elk’s Lodge pays for the propane and then charges the appropriate entities. Scott Petersen of the Elk’s Lodge is suggesting pre-buying propane to save some money for all entities. The Road Agents’ Roost has already agreed to pre-purchase the propane. Mayor Gatewood has a contact that would allow the pre-purchasing of propane at a locked-in rate of \$1.69/gallon with no additional delivery fees for a one-year period.

i) Speed Bump on Idaho Street by St. Paul’s Episcopal Church

i) The speed bump was approved by the Public Works Board.

**MOTION: To table this agenda item until a comprehensive study is done regarding where speed bumps are needed in Town.** Motion made by Justin Gatewood; Seconded 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.**

j) Michael Mehn – Process of Creating a Special Improvement District

i) An Agenda Item Request Form was submitted for this agenda item. However, the parties involved in that submission are not present at the meeting.

k) Update on ARPA Water Project

i) The contractors, Hard Rock Construction, are still on schedule.

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

i) Councilmember Amy Grice noted that this is a large document, and that Eric Barsness, Lance Otto, and Mark Jacobs have worked many Saturdays on this document. Due to the size of the document, Councilmember Amy Grice suggested that the Council table this agenda item until a special meeting is held for the purpose of reviewing the document.

## 7) Public Works Report:

Public Works Officer Shane Leach is looking for volunteers to work on the Warming Hut. PWO Leach also reported that the speed bump will be installed this week and existing ones will be dug out. PWO Leach will be attending classes for regulatory weed in September.

## 8) Consent Agenda:

### a) Minutes from July 13, 2023

i) The following changes are to be made:

- Add specifics to the Agenda Item titles where it currently says \*ADD EXACT\*

**MOTION: To approve the Minutes from July 13, 2023 as amended.** 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.

### b) Invoices and Checks July 2023

**MOTION: To approve the checks for the month of July 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.

### c) Accounts Payable, Receivable, Adjustments and Checks June 2023

**MOTION: To approve the Accounts Payable, Receivable, Adjustments, and Checks for July 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.

### d) Great West Draw

**MOTION: To approve the Great West Draw for the month of July 2023.** Motion made by Dave Bacon; 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.

## 9) Public Comment:

a) Tanya Engle mentioned that the 125<sup>th</sup> anniversary of the Elk's Lodge will be on September 19<sup>th</sup>, with a barbecue starting at 5:30 PM.

b) Diana Bunitsky asked who is responsible for maintaining the fire hydrants in town. PWO Leach responded that he would look into the matter.

## 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 10:06 pm.

**Respectfully submitted and attested,**

**Justin Gatewood**  
Mayor

**Timber Baceski**  
Clerk Treasurer