

MINUTES OF COUNCIL MEETING
January 5, 2017 7:00 p.m.
TOWN OF VIRGINIA CITY, MONTANA
Rehearsal Hall

Council Present: Scott Petersen, Dave Bacon, Justin Gatewood, Amy Grice, Erin Leonard

Staff present: Nancy Stewart Clerk/Treasurer, Robert Erdall PWO, Jim Jarvis HPO Contractor

Public Present: Toni James, Elijah Allen, Sheri Jarvis

1) Call to Order: Meeting in the Rehearsal Hall of Virginia City was called to order at 7:07 pm
By Scott Petersen, Mayor

2) Mayor and Commissioner's Reports/Comment:

a) Mayor Petersen stated that Robert Erdall, PWO, started full time January 3, 2017.

b) Justin Gatewood stated that hockey tournaments will start this coming weekend, with 15 teams participating.

c) Council discussed the sign on Virginia City Building Corporation's property. The city will send a letter to Billy Doyle after Victor Bunitsky, Town Attorney, talks to the Attorney General's office.

Councilman Gatewood stated that the council was not regulating the content of the sign, but the lack of a permit for the sign.

3) Comments from the Public:

a) Victor Bunitsky apologized about comments he made at the last council meeting, regarding flags.

b) Elijah Allen, MHC, passed out information packets and an MOU to the council.

4) HPO Report:

a) Jim Jarvis handed out a 20 year overview of the design review program. (See attached)

b) Mr. Jarvis would like to see Madison County and the MHC partner with the Town on hiring a Historic Preservation Officer for the good of everyone involved in preserving Virginia City.

5) Public Works Report:

a) PWO Erdall stated that the monthly and quarterly chlorine reports had been sent in to the DEQ.

b) Public Works has been working with Erin Zendt on the water/sewer ordinance.

6) HPAC Report:

- a) Mr. Jarvis talked with the owner of the Dudley garage and hazards to the public. Ms. Lafever did not have any restoration plans at this time.

7) Old Business:

a) Kelley Water Line:

Neither of the Kelley's attended this meeting.

MOTION: The water line placed on city property by Scott and Amy Kelley shall be allowed to remain in its current location, subject to the following conditions:

1. A hold harmless agreement shall be provided and signed by the Kelley's.
2. An easement that requires the water line to be removed at the Kelley's or future property owner's cost, if at any time in the future the city needs it to be, shall be obtained and attached to the property deed.
3. The spigot shall be moved inside the existing fence.
4. All applicable permits for excavation work in 2016 and 2017 related to this matter will be filed and necessary fees paid by the Kelley's, with credit given for any fees paid previously in this matter.
5. 50% of the fees generated by Skyline Survey for the survey of the Kelley property in the amount of \$427.50 shall be paid by the Kelley's; this amount totals \$213.75.
6. Fees generated by Town Attorney, Victor Bunitsky, regarding the Kelley spigot in the amount of \$174.00 shall be paid by the Kelley's.
7. A general penalty for violation of the Town Code in the amount of \$300.00 shall be paid by the Kelley's. (Virginia City Town Code, Section 1-4-1)

Alternatively, the Kelley's may remove the water line and spigot from city property. In that event, the fees, costs, and fine herein would still apply.

Motion made by: Amy Grice; Seconded by Justin Gatewood.

Discussion: Dave Bacon stated that Mr. Kelley, as a previous council member, had deliberate knowledge of the Town Code and Ordinance and knew he was in violation. Mayor Petersen agreed with Councilman Bacon.

The question was called. The motion passed by voice vote; Amy Grice, Erin Leonard and Justin Gatewood in favor. Dave Bacon and Scott Petersen opposed.

c) Realignment of South Street:

The council discussed Granite Creek Ranch realigning the fence on South Street. The council did not have a problem with Mr. Bowling doing this as long as everything complies with the town's regulations.

8) New Business:

a) Vote for Mayor and President of the Council:

MOTION: To re-elect Scott Petersen for Mayor. Motion made by: Justin Gatewood; Seconded by: Dave Bacon. **The question was called.** The motion passed by voice vote; Amy Grice, Erin Leonard, Dave Bacon, Scott Petersen and Justin Gatewood in favor. None opposed.

MOTION: To re-elect Justin Gatewood for President. Motion made by: Dave Bacon; Seconded by: Erin Leonard. **The question was called.** The motion passed by voice vote; Amy Grice, Erin Leonard, Dave Bacon, Scott Petersen and Justin Gatewood in favor. None opposed.

b) Draft Moratorium Resolution:

A draft Moratorium on development in the 35 psi zone was passed out to the council. Town Attorney, Victor Bunitsky will look this over and the Resolution will be put on next month's agenda.

c) Resort Tax and Audits:

Councilman Gatewood joined a teleconference regarding resort tax in 10 Montana towns. (See attached report)

Audits for the resort tax were picked out of an envelope by Toni James. This year the businesses being audited will be Nelson Studios, LLC and The Grand Yum Yum House.

d) Amy Grice Project:

Amy Grice will be making additions to her house and wanted the council's opinion on what permits, etc, she need to have.

e) County Rental House:

A letter to the County will be sent out regarding the single family dwelling being used as a boarding house without the proper permits.

f) Cemetery Canine Research Project:

The Montana History Foundation needs a close out report on the Canine Research Project. The MHF had given a grant to the Town and needs the finished report. An invoice from the Canine Forensics Unit also needs to be paid.

MOTION: To pay invoice from the Canine Forensic Unit. Motion made by: Scott Petersen; Seconded by: Erin Leonard. **The question was called.** **The motion passed by voice vote; Amy Grice, Erin Leonard, Dave Bacon, Scott Petersen and Justin Gatewood in favor. None opposed.**

g) Letter from Billy Doyle's attorney:

A letter from Terry Schaplow, P.C. regarding Virginia City Building Corporation was sent to Public Works Director Williams. Mr. Schaplow stated that PWO Williams was singling out his client for unfair and unlawful treatment by imposing personal preferences regarding the development of his client's property.

8) Consent Agenda

a) Minutes for Council Meeting, December 1, 2016

MOTION: To accept the minutes as amended. Motion made by: Justin Gatewood; Seconded by: Dave Bacon. **The question was called.** **The motion was passed by voice vote; Scott Petersen, Dave Bacon and Justin Gatewood in favor. None opposed. Amy Grice and Erin Leonard abstained from the vote.**

b) Accounts Payable for December, 2016

MOTION: To approve accounts payable for November, 2016. Motion made by: Scott Petersen; Seconded by: Justin Gatewood. **The question was called.** **The motion was passed**

by voice vote; Scott Petersen, Dave Bacon, Amy Grice, Erin Leonard and Justin Gatewood in favor. None opposed.

9) Public Comment:

- a) Elijah Allen, MHC, went over the handouts on how MHC operates and their strategic plan for the next 5 years.
- b) MOU regarding the Community Center will be on the agenda for next month's meeting.

10) Adjournment:

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

ADJOURNMENT:

Meeting adjourned at 9:45 pm

Respectfully submitted and attested,

Scott Petersen
Mayor

Nancy Stewart
Clerk Treasurer