

WHITEFISH CITY COUNCIL
July 14, 2020 @ 10:00 AM
EMERGENCY SPECIAL SESSION

1) CALL TO ORDER

Mayor Muhlfeld called the meeting to order. Councilors present were Qunell, Feury, Hennen, Davis, Sweeney, and Norton. City Staff present were, City Clerk Howke, City Manager Smith, City Attorney Jacobs, Police Chief Dial. Approximately 40 people were in the audience.

2) PUBLIC HEARINGS (Items will be considered for action after public hearings) (Resolution No. 07-33 establishes a 30-minute time limit for applicant's land use presentations. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3) WCC))

a) Emergency Ordinance No. 20-11: An Emergency Ordinance requiring the use of face coverings in public spaces to help prevent the spread of COVID-19 (Only Reading)

Mayor Muhlfeld read Ordinance No. 20-11 aloud.

Ian Trottier, Miami, Florida, spoke against the ordinance.

Bonnie Closson, 1105 O'Brien Avenue, invited God into the meeting by saying a prayer.

Carolanne Wright, 810 Patton Lane, spoke against the ordinance.

David VonKleist, 436 W. 3rd Street, spoke against the ordinance.

Jill Goodrich, 6203 Monterra Ave, spoke against the mask mandate.

Robert Schaefer spoke against the ordinance.

Desirai Van Ekelengurg, 2010 Lion Mountain Loop, spoke against the ordinance.

Nicolette Covey, 135 Brimstone Drive, spoke against the ordinance.

Ted Valentiner, 305 Buckhorn Road, spoke against the ordinance.

Kathy Owens, 329 Shady River Lane, spoke against the ordinance.

Veronica Hutcheson, 257 Fairway Drive, spoke against the ordinance.

Megan Chaisson, 704 Cedar St., spoke in favor of the ordinance.

Kevin Gartland, Executive Director for the Whitefish Chamber of Commerce, stated the Chamber Board is evenly divided as the rest of the community. The businesses on the board are requiring employees to wear a mask and supplying them with masks. He asked a few questions on behalf of his board 1) How is the ordinance going to be enforced indoor and outdoor 2) How is the ordinance going to be communicated effectively to our visitors 3) Who is going to support the local business owner or their employees when confronted by a patron who refuses to wear a mask 4) If business owners must supply masks to customers, what can the City do to help defray some of that cost to the business owners.

Michael Covey, 135 Brimstone Drive, spoke against the ordinance.

Maggie Eisenber, 337 Shady River Lane, spoke against the ordinance.

Violet Lucas (youth) has asthma and if she were to wear a mask, she would not be able to breath. The mask is opposite than oxygen because you are breathing your own air, and it is a bit unhealthy.

Jenna Anderson spoke against the ordinance.

Nicole Hale, 422 Icehouse Terrace, spoke against the ordinance.

Charley Lyman, 230 Forest Ridge Drive, spoke in favor of the ordinance.

Robert Niles, 909 Kalispell Avenue, spoke against the ordinance.

Randy Larsen, business owner, spoke against the ordinance.

Linda Shannon, 305 Buckhorn Drive, spoke against the ordinance.

Lindsay Schott, 708 Lupfer Avenue, spoke in favor of the ordinance.

Jack Hucheson, Whitefish, spoke against the ordinance.

Scott Wurster, 222 Montana Avenue, spoke for the ordinance.

Chris Schustrom, 504 Spokane Avenue, spoke in favor of the ordinance.

Jill Goodrich, asked the audience who has already had COVID-19.

There being no further comments, Mayor Muhlfeld closed the Public Hearing and turned the matters over to the Council for their consideration.

Mayor Muhlfeld called a recess at 11:36 am and reconvened at 11:43 am.

Mayor Muhlfeld stated 356 written comments were received, 69% were in favor, 27% opposed and 4% undecided.

Councilor Hennen asked and City Manager Smith stated the enforcement of this ordinance is complaint driven. A form will be provided on the website, the business will be contacted by staff to see if they have a policy in place and educate the owner/manager of the ordinance. If the business continues to not comply the city will start the civil citation process and eventually the potential of revoking or suspending the business license. If an individual or customer will not wear a mask on private property or business premises and refuse to leave, then the Police Department would be involved at that point. That would be the only time Police enforcement will be involved under disorderly conduct. City Attorney Jacobs stated this ordinance does not involve criminal penalty. The fine depends on what the court sets the fine as. It can be up to \$300 for the first offense, and up to \$500 for the second offense.

Councilor Davis asked and Manager Smith stated the way the ordinance is written is that it is for gatherings of 20 or more outdoors. The Farmer's Market is a special event through the City of Whitefish. They are required to follow the Health Department's guidelines and have approval from the Health Department. This ordinance would require they have mandatory masks for customers and the vendors. City Beach has precautionary measures in place to ensure social distancing.

Councilor Norton asked and Manager Smith stated staff recommendation is the business owner, manager, employee has the authority to turn somebody away from their property. Businesses are private property, if there is aggressiveness or disorderly conduct that is the time for employees to contact the local law enforcement. While walking downtown, social distancing, masks are not required. Manager Smith would prefer the City Hall business line be called rather than the Police Department if there are questions about the ordinance.

Mayor Muhlfeld asked Manager Smith stated a professional office that social distancing can be maintained face coverings are exempt, other than when moving into a common area where social distancing cannot occur. An auto repair shop where employees are working individually on a vehicle, masks are not required. The sales department when interacting with the public masks are required. There is a plexiglass or protective barrier exemption only when that barrier would be completely enclosing individuals.

Councilor Norton asked and Manager Smith stated one of the challenges with hair salons is the ability to maneuver when cutting hair around the ears. The city would encourage the customer to have a face covering, but the employee would be required to have a face covering.

Councilor Davis asked and Manager Smith stated signage will be available and required for the businesses to post. The signage is available on the www.whitefishcovidcares.com.

Manager Smith addressed Director Gartland's questions regarding the signage, staff has contacted and waiting to hear from MDT for signage on the highway entrances, there is the banner across the highway, a PSA will go out along with working with the CVB to make sure this is widely known by visitors. Our IT staff is working on the google use to identify City Hall with the COVID restrictions. Businesses can also update that as well. The CVB and the Chamber received combined 3,000 masks for visitors. We will be working with the Chamber and the CVB on how to utilize those masks up front. The City is looking into providing reusable masks through the Cares Act funds.

Councilor Norton made a motion, seconded by Councilor Sweeney to adopt Emergency Ordinance No. 20-11. Councilor Norton appreciates the diverse opinions of people. Everybody is studying this problem. Local governments make laws to protect citizens. This is unusual and unprecedented times where we have a public health emergency. Along with wearing face coverings, we also need to maintain social distancing and hand washing or sanitizing. Adults model for the children what is normal. It does not have to be a contentious issue. It is worth an attempt if our children can go back to school.

Mayor Muhlfeld stated we are doing this for the businesses and the friends that work in downtown that sling beers, wait tables, and work in a risky environment. Businesses came to the City to help protect them. He hopes we can look back in two to three months and say we missed the mark and we overreacted, but if not, he certainly will not regret the action Council is taking. He thanked everyone for participating.

Councilor Hennen agreed with the Mayor, the idea of employees being forced to wear a mask but the visitors coming from other areas are not required feels like a failure. He understands the inconsistency that people have. There has been a failure on the national level of our government's ability to address this public health crisis. As a public official having the ability to side on public health or doing nothing, he is going to side on public health.

Councilor Qunell reiterated it is worse than just a lack of being ready for this pandemic on the national level, it is a failure of leadership. Places that have managed it have had leadership at the highest level. As an elected official in a town that routinely sees triple the population in the summertime, it is irresponsible if the Council does not act. It is not only to prevent deaths or prevent yourself ~~to~~ getting it. It is to prevent the spread to someone unwittingly. See this as a community helping each other out in a time of crisis. It is time for the elected officials, the leaders to act.

Councilor Feury stated the Council is looked at in an incorrect light by people that do not agree with the things Council does. The Council makes decisions that are pragmatic that serves our community the best that they can. He has second guessed himself many times. Unfortunately, we did not have a clear federal response, a semi-clear state response, but now we are seeing things ramp up all around the country. We are not getting the full-on state response nor the county response. So, it falls on the laps of the local government. He is apprehensive of passing the buck to the businesses and requiring them to deal with the problem. Enforcement is difficult but can be manageable. He finds it offensive throwing out the number of deaths due to COVID. The percentage is small, but people are dying and that is sad.

Councilor Davis stated the situation in town has changed rapidly. Weeks ago, he was blissfully ignorant of the coronavirus, and now that does not seem to be the case. We have tremendous visitation coming into town, a lot of those people are coming from high risk areas. It is time to do something. The health and safety of our community demands nothing less than Council taking action.

The motion to adopt Ordinance 20-11 carried.

3) ADJOURNMENT (Resolution 08-10 establishes 11:00 p.m. as end of meeting unless extended to 11:30 by majority)

Mayor Muhlfeld adjourned the meeting at 12:34 p.m.

/s/John Muhlfeld
Mayor Muhlfeld

Attest:

/s/Michelle Howke
Michelle Howke, Whitefish City Clerk