

WHITEFISH CITY COUNCIL

August 3, 2020

7:10 P.M.

1) CALL TO ORDER

Deputy Mayor Sweeney called the meeting to order. Councilors present were Qunell, Feury, Hennen, Davis, Sweeney, and Norton. Mayor Muhlfeld was absent. City Staff present were, City Clerk Howke, City Manager Smith, Planning and Building Director Taylor, Public Works Director Workman, Parks and Recreation Director Butts, and Police Chief Dial. Approximately five people were in the audience.

2) PLEDGE OF ALLEGIANCE

Deputy Mayor Sweeney asked Mark Panissidi to lead the audience in the Pledge of Allegiance.

3) COMMUNICATIONS FROM THE PUBLIC – (This time is set aside for the public to comment on items that are either on the agenda, but not a public hearing or on items not on the agenda. City officials do not respond during these comments but may respond or follow-up later on the agenda or at another time. The Mayor has the option of limiting such communications to three minutes depending on the number of citizens who want to comment and the length of the meeting agenda)

David Martin, 816 Texas Avenue, spoke towards agenda item 5c) the request for a Whitefish Lake and Lakeshore Permit located at 20 and 22 Woodland Place. He hopes the Council looks at every regulation. More development on Whitefish Lake, more jet skis, more noise, and more people. He urges the Council to look closely and not have the mindset that growth is good.

Katherine Owens, 329 Shady River Lane, would like to see opening Central Avenue to pedestrian only Tuesday and Thursday evenings starting at 5:00 p.m. Allow the restaurants to pull their tables out for maximum seating, and shops can pull out their sales racks. It would bring business; parents can sit while kids can run around. Everybody wins, and it is outdoors to allow for social distancing.

4) COMMUNICATIONS FROM VOLUNTEER BOARDS

None

5) CONSENT AGENDA

- a) [Minutes](#) from July 14, 2020 Emergency Special Session (p.142)
- b) [Minutes](#) from July 20, 2020 Regular Session (p.146)
- c) [Consideration](#) of a request for a Whitefish Lake and Lakeshore Permit located at 20 and 22 (A,B,C) Woodland Place to add sections to an existing 587 square-foot I-shaped EZ dock (WLP 20-W14) (p.149)

Councilor Norton had corrections to the June 14, 2020 Special Session minutes; page two, last paragraph, ordinance is complaint driven; page 3, first paragraph, City Beach has precautionary measures; page 4, first paragraph, Councilor Hennen agreed with the; paragraph 2, it is not only to prevent; yourself to getting. Councilor Feury made a motion, seconded by Councilor Norton to approve the Consent Agenda as corrected. The motion carried.

6) 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)

None

7) COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR

- a) [Consideration](#) of appointing a Selection Panel and Interview Panel for the Edgewood and Texas reconstruction project (p.177)

Director Craig Workman gave his staff report that is provided in the packet on the website.

Councilor Qunell made a motion, seconded by Councilor Hennen to appoint Craig Workman and Karin Hilding to the Rating Panel and Craig Workman, Karin Hilding and Councilor Davis to the Selection Panel for the Edgewood and Texas reconstruction project. The motion passed unanimously.

8) COMMUNICATIONS FROM FINANCE DIRECTOR

- a) **Resolution No. 20-21; A Resolution relating to \$11,000,000 Water System Revenue Bonds (DNRC Drinking Water State Revolving Loan Program), Consisting of \$6,000,000 Series 2020A Bond and \$5,000,000 Series 2020B; Authorizing the Issuance and Fixing the Terms and Conditions (p.183)**

Director Dahlman gave his staff report that is provided in the packet on the website.

Councilor Feury made a motion, seconded by Councilor Norton to approve Resolution No. 20-21; A Resolution relating to \$11,000,000 Water System Revenue Bonds (DNRC Drinking Water State Revolving Loan Program), Consisting of \$6,000,000 Series 2020A Bond and \$5,000,000 Series 2020B; Authorizing the Issuance and Fixing the Terms and Conditions. The motion carried.

9) COMMUNICATIONS FROM CITY MANAGER

- a) **Written report enclosed with the packet. Questions from Mayor or Council? (p.236)**

None

- b) **Other items arising between July 28th through August 3rd**

Manager Smith brought to everybody's attention that we are aware of the incident that occurred at Farmer's Market last week. The Farmer's Market is a special event that requires a Special Event Permit. Through the permitting process the entire park and the surrounding right-of-way including the sidewalks have been set aside for this event for exclusive use. The organizer has the ability to turn away customers and/or vendors. There was a group that tried to set up in the corner handing out stickers and one of the persons was wearing an open carry AR. The police were called and responded and asked the individuals to leave. Manager Smith wanted everybody to be aware that we always have our Police Officers in downtown during the Farmer's Market. There will be Officers at the event this next Tuesday in case this event occurs again.

Manager Smith also reported our Building Inspector of 10 years last day was last week. Manager Smith also reported on the Budget update. We received our taxable value. She had estimated 46.47% growth, came in at 49.64%. We will see a restriction on the number of mills that we can levy. Cash balances are looking very positive for our property tax supportive funds. We have submitted over \$680,000 for CARES Act funding for reimbursement for costs that are eligible. Resort Tax came in higher than she had projected, the Haskill Basin Bond looks like it can be completely funded, if we collect the same as last year. Overall, the Resort Tax is staying steady. She is looking at using the additional funds address a few items; the purchase of a new ambulance, providing a reduced mill levy, the LED project at the ESC, and look at savings while looking at COVID moving forward.

Councilor Feury asked in regard to the incident that occurred at the Farmer's Market, if Attorney Jacobs could weigh in on the City's ability to prohibit open carry on city property or as associated with any special use permits. Manager Smith stated she and Attorney Jacobs have discussed this and an ordinance

to that effect is possible. State Law does allow municipalities to pass an ordinance regarding open carrying on public property. The council agreed for Attorney Jacobs to look into it.

Councilor Norton asked Manager Smith what the law is when profanity is used in a public venue either in written form or verbal. Manager Smith stated complaints were received regarding signs used by protesters that use profanity (F-word). The disturbing the peace code does not allow individuals to swear at one another and use profane language. She reached out to the protesters to see if they would consider changing their signs. It is a possibility that somebody could be cited for disorderly conduct by disturbing the peace.

Councilor Norton asked and Manager Smith has not heard anything from the restaurant owners regarding café style dining downtown. She encourages customers to take their orders to Depot Park. Councilor Norton asked and Manager Smith stated the city will follow state, federal or local laws or orders pertaining to the pandemic. Right now, we continue to focus on messaging and outreach to remind people of what they should be doing.

10) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

a) Letter from Lynn Hartshorne pertaining to Lot 3 on River Lakes Parkway (p.242)

Councilor Norton asked and Manager Smith stated we have a weed ordinance, but we do not have a height ordinance requiring a certain height for grass. Deputy Mayor Sweeney asked if there is an HOA in which Ms. Hartshorne should seek enforcement of the homeowner's regulations.

b) Consideration of a request from Alta Views, LLC to extend the remaining \$249,000 cash-in-lieu of affordable housing in two payments (p.244)

Discussion followed between Council, Manager Smith, and Mr. Panissidi. Mr. Panissidi stated during the COVID pandemic, they had two sales from January through June. With the lack of sales, they do not have the funds to cover the cash-in-lieu payment. The closing of the sales that are coming in are paying off the construction loans.

After much discussion, **Councilor Feury made a motion, seconded by Councilor Hennen to keep the first payment on December 31, 2020, move the second payment to June 30, 2021 and charge an interest rate that staff would come up with on the remaining balance on a declining basis, accrued as of July 31, 2020; the date of the missed payment.** Manager Smith stated staff can look up what a construction loan rate is right now and work through that.

Councilor Sweeney made a friendly amendment, seconded by Councilor Norton the interest payment be contingent upon early or on time payment, the entire sum by June 30, 2021. The motion failed 2-3, Councilors Qunell, Feury and Sweeney voting in opposition.

The original motion carried 4-1 with Councilor Qunell voting in opposition.

Councilor Comments

Councilor Davis commented on the Sustainable Tourism Management Plan that was presented during the work session prior to the regular session. He would prefer to see a more established action plan before committing people to implement. There are items that overlap with other plans, it would be worth taking a look at what action items in the plan are not overlapped with other plans. Deputy Mayor Sweeney is

not ready to create an additional standing committee to address these issues. There may be a need to extend the Steering Committee to come up with recommendation.

Councilor Feury served on the Sustainable Tourism Management Plan Committee. One of the thing brought up was looking at this at some kind of metric we can apply to say when we have reached a tipping point. Such a thing does not exist. This plan is a resource and looks at ways to manage all of those resources. A committee to implement things is important, though we have not given that committee the tools to get it done. We have resources that visitors and relocators all want and how do we manage those so they all still serve us well. Council should adopt this plan, then establish a committee to implement.

Councilor Norton thought the plan was comprehensive and amazing to read through everything we have going on and to see how everything is intersecting. She appreciates the time the committee put into it to make it comprehensive. She feels the steering committee needs more time to refine it and then look at a standing committee. The purpose of the document is to control how we impact this area and the people that live here.

Councilor Sweeney said the way to maybe look at this plan is a guide to consider for every project. Use it as a tool on how the project is impacted by sustainable tourism or the continued tourism. If the plan is adopted, we need a plan to implement it.

Manager Smith mentioned one of the things she appreciated about this plan, it shows the city has been doing a lot of work throughout the year through a parking management program, a transportation plan, a housing program, and fire preparedness training, etc. All are great things we have done through other plans.

Council directed staff to move forward for a Public Hearing and a resolution to adopt. Use it as an overall guiding set of principles for decision making and then come back to a work session in a few months to establish a committee and then direct the committee.

Councilor Feury gave a shout out to Evan Barberis who is in day 11 or 12 of his transplant. His immune system is starting to take hold and all things look good at this point.

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

Deputy Mayor Sweeney adjourned the meeting at 8:42 p.m.

/s/Francis J. Sweeney

Deputy Mayor Sweeney

Attest:

/s/Michelle Howke

Michelle Howke, Whitefish City Clerk