

WHITEFISH CITY COUNCIL
October 19, 2020
SPECIAL SESSION 5:00 P.M.

1) CALL TO ORDER

The meeting was held remotely via Webex. Deputy Mayor Sweeney called to meeting to order. Councilors present were Qunell, Feury, Hennen, Davis, and Norton. Mayor Muhlfeld was absent. City Staff present were, City Clerk Howke and City Manager Smith.

2) INTERVIEW FOR BOARD AND COMMITTEES

The City Council interviewed Chris Gardner for the Whitefish Planning Board and Tara Zimmerman for the Whitefish Lake and Lakeshore Protection Committee.

3) PUBLIC COMMENT

None

4) APPOINTMENTS

Deputy Mayor Sweeney made a motion, seconded by Councilor Norton to appoint Chris Gardner to the Planning Board. The motion carried by a roll call.

Councilor Qunell made a motion, seconded by Councilor Norton to appoint Tara Zimmerman to the Whitefish Lake and Lakeshore Protection Committee, term ending December 31, 2022. The motion carried by a roll call.

5) Adjourn

Deputy Mayor Sweeney adjourned the Special Session at 5:30 and opened the work session.

/s/Francis Sweeney

Deputy Mayor Sweeney

Attest:

/s/Michelle Howke

Michelle Howke, Whitefish City Clerk

WHITEFISH CITY COUNCIL

October 19, 2020

7:10 P.M.

1) CALL TO ORDER

The City Council approved Emergency Ordinance No. 20-14 to provide for remote meeting of the City Council, City Boards and Committees to protect the health and wellbeing of all attendees, practice social distancing and to continue to have public meetings to serve the community during the COVID-19 pandemic. 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, Planning and Building Director Taylor, Public Works Director Workman, Parks and Recreation Director Butts, Fire Chief Page, and Planner II Compton-Ring. Approximately 9 people were in the audience.

2) PLEDGE OF ALLEGIANCE

Mayor Muhlfeld asked Councilor Norton 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)

Toby Scott, 1478 Barkley Lane, submitted written comment, that is appended to the packet on the website. City Clerk Howke read the letter into the record. He is concerned with the condition of the road over the viaduct during the construction of the Baker Avenue Underpass. The detour roadway is the worst road in Whitefish with potholes.

Mayre Flowers – Citizens for a Better Flathead, 135 Main Street, Kalispell –encourages Council to look at Zoom as an option that is less problematic than Webex. She appreciates and supports public participation using online technology during this current situation. She suggests adding additional opportunities for public comment. She encourages the Council to consider the timeline that staff is operating on for the Highway 93 South Corridor Plan. It is an important and complexity document that needs to be vetted at the committee level. She is concerned the Transportation Plan has allocation of where future growth in the city will be in the next 20 years and would like the information of how the growth was allocated be made public. She provided a copy of the Kalispell Housing Report that is provided in the packet on the website. She is impressed with what Kalispell has done on the level of mapping and she would like to the Council look at this as an opportunity to provide more information.

4) COMMUNICATIONS FROM VOLUNTEER BOARDS

None

5) CONSENT AGENDA

- a) **Minutes from October 5, 2020 Regular Session (p.91)**
- b) **Ordinance No. 20-13; An Ordinance amending Title 11 – Zoning Regulations, Chapter 3 – Special Provisions, Section 42 – Multi-Family Development Standards, and Section 43 – Mixed-Use and Non-Residential Building Development Standards, of the Whitefish City Code (WZTA 20-03) (Second Reading) (p.98)**

Councilor Sweeney made a motion, seconded by Councilor Hennen to approve the Consent Agenda as presented. The motion carried by roll call.

- 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))
- a) **Ordinance No. 20-15; An Ordinance amending the Architectural Review Standards (First Reading) (p.119)**

Senior Planner Wendy Compton-Ring gave her staff report that is provided in the packet on the website.

Mayor Muhlfeld opened the Public Hearing. There being no public comment, Mayor Muhlfeld closed the Public Hearing and turned it over to the Council for their consideration.

Councilor Hennen made a motion, seconded by Councilor Sweeney to adopt Ordinance No. 20-15; An Ordinance amending the Architectural Review Standards (First Reading). Council thanked the Architectural Review Committee for their work and efforts on this project. **The motion carried by a roll call.**

7) **COMMUNICATIONS FROM CITY MANAGER**

- a) **Written report enclosed with the packet. Questions from Mayor or Council? (p.268)**

Councilor Sweeney stated he agrees with Ms. Flowers with regards to Webex. He would like to be able to see the public when speaking during public comment and those who are interviewing for a committee or board position.

Councilor Norton asked and Manager Smith gave an update on the voting process for the General Election. While City Hall is closed to the public, the Election Department has provided two Election Judges to monitor the ballot box that is provided in the vestibule of City Hall, 8-5 pm, Monday – Friday. After hours, ballots can be dropped off in the Utility Payment Drop Box. On Election Day, November 3rd, Election Judges will be available from 7:00 am to 8:00 pm to collect ballots at City Hall. The Flathead County Election Department picks up the ballot boxes on a daily basis. Voters can track their ballots through the My Voter Page on the Election Department website.

b) **Other items arising between October 14th through October 19th**

Manager Smith reported Trick-or-Treat Trail at Bakke Park will not be happening due to the COVID pandemic, but the Parks and Recreation Department will be hosting a virtual costume contest on Facebook, a live event for ages 0-12 instead. Prizes will be given.

8) **COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS**

- a) **Consideration of appointments to volunteer boards and committees not made during the Special Session preceding tonight's meeting**

Council Comment

Councilor Sweeney started the discussion about the number of COVID cases in the valley and asked if Manager Smith would like Council to consider ways to further protect our citizens.

Manager Smith has reached out to the City of Kalispell and Columbia Falls to get their input. City of Columbia Falls Manager will be talking to their Council this evening about any concerns they have about the lack of action taken by the Board of Health (BOH) and if they would consider signing a letter urging the BOH, the Health Officer, and the Commissioners to take action. The Health Officer

has the authority to enact closures of businesses, but the interim Health Officer is choosing to ask for the Boards approval. The Health Department does not have the capacity to clean up the data to provide it to us. Whitefish is a hotspot, especially the schools. The Health Department tied it to the bars and restaurants.

The Health Department seeing common cases are occurring between the ages 20-30 years old, led by bars, gatherings such as after parties, or weddings. State law allows the Health Officer to act without the BOH approval. Manager Smith has asked the Flathead City-County Health Department to give an update at the next Council meeting.

Whitefish Superintendent of Schools Dave Means, set up and coordinated a Whitefish Task Force with North Valley Hospital, a couple of doctors, Whitefish schools and Manager Smith. The purpose is to start discussing on more of a local level. The schools are having challenges because the cases are coming through the schools, and they are getting feedback that people are upset that they are partially remote. There are concerns of taking action like we did in March. Any type of ordinance for closing bars and restaurants, open us up to potential litigation. Manager Smith thinks a letter written to the BOH encouraging them to act would be good. The County is still following up with businesses that are not following the masking directive, but it is stalling at the County Attorney's level.

City Attorney Jacobs agrees with Manager Smith. She has significant concerns about enforcing anything we might do right now. The police cannot do it at this point, they have their hands full.

Councilor Sweeney stated it would be appropriate for staff to draft a very strong letter, published in the papers; sent to the BOH and Commissioners, and to each of the business owners of what our concerns are; what we would like to see; and what would be appropriate from a community protection standpoint.

Councilor Qunell stated he feels we need to do more. The County is not going to do anything. He feels an emergency meeting and an ordinance similar to Yellowstone County. He suggests shutting the bars at 10:00 at the latest and require capacity to 25% and should be in place until we define some metric that makes sense to reopen.

Councilor Norton stated Halloween is coming and immediately afterwards Thanksgiving and Christmas. People will be coming from all over the country. We have to do something. She agrees we need to go backwards. She thinks we need to go back to enacting the mask ordinance, go to 25% capacity, close bars, and restaurants early. We need to develop a plan of action to get through the next four months.

Councilor Norton made a motion, seconded by Councilor Qunell to schedule a Special Session for Monday October 26th.

Councilor Sweeney thinks we still need to send a very clear message to our businesses and to the public of our expectations. Provide a public letter as early as this week.

Councilor Davis stated he has a hard time understanding why the problem is getting as bad as it is. The BOH has a lot more experience from the medical profession. He agrees, any public pressure we can apply to the BOH would be a good thing. He feels uninformed about where it is coming from. Is it coming from the bars and restaurants, the schools, from visitors, or locals? He would appreciate as

much education as can be provided about what other areas of the state are doing. Relevant information of where the virus is coming from can help what control measure are effective.

Mayor Muhlfeld stated the Governors Phase I directive addressed restaurant, bars, and casinos must close by 11:30 p.m., breweries and distilleries must follow current state laws on closing; capacity must be limited to 50% of normal operating capacity to allow for adequate group spacing and social distancing. He suggests that as a starting point for recommendation.

City Manager Smith stated . Phase I had higher regulations on salons, and small gyms. Her biggest concern is staffing and being able to enforce it.

After more discussion between Council and staff,

Councilor Norton amended her motion, seconded by Councilor Qunell to schedule a Special Session for Monday October 26th to hold a Public Hearing for an Emergency Ordinance limiting gatherings and hours of operation for businesses specifically for October 30th and 31st. The motion carried 4-2 with Councilors Feury and Hennen voting in opposition.

Councilor Qunell asked and Manager Smith stated she will be meeting with the Commissioners on Thursday to talk about their rejection of our offer. They want to keep it status quo and have offered us a seat on the board. The Commissioners have full control over the Flathead County Board of Health. Is the Council okay with one seat or do they want to continue to try for additional appointees by the cities. One seat is better than none. Council agreed one is better than none but would like to push for more seats.

Councilor Norton stated the illuminated crossing at Kiddie Park and Baker Avenue is a great addition. The hearing for the Lost Loon Lake is scheduled for October 27th. The Whitefish Pilot was awarded 1st place for investigative report along with 10 other awards.

Manager Smith stated City Hall will be opened to the public on Thursday October 22nd with limitations.

Mayor Muhlfeld stated is great to see the Baker Avenue Underpass project coming to fruition after being envisioned for many years. He gave a shout out to Director's Workman, Butts and Carla Belski. This will link the downtown with the north neighborhood.

9) 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 8:40 p.m.

/s/John Muhlfeld

Mayor Muhlfeld

Attest:

/s/ Michelle Howke

Michelle Howke, Whitefish City Clerk