



Twin Falls City Council Agenda

Monday, November 9, 2020, 5:00 PM

City Council Chambers
203 Main Avenue East- Twin Falls, Idaho.

THE COUNCIL CHAMBERS DOORS WILL NOT OPEN PRIOR TO 4:30 PM.

**IF YOU WISH TO GIVE VERBAL TESTIMONY ON THE FOLLOWING
AGENDA ITEM YOU WILL BE REQUIRED TO SIGN IN OR WRITTEN
TESTIMONY CAN BE SUBMITTED TO THE COUNCIL BY [CLICKING HERE.](#)**

**Consideration of an ordinance mandating face coverings when in
public places in the City of Twin Falls.**

Members: Suzanne Hawkins, Craig Hawkins, Nikki Boyd, Shawn Barigar, Gregory Lanting,
Christopher Reid, Ruth Pierce

- 1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM
- 2) PLEDGE OF ALLEGIANCE
- 3) PROCLAMATIONS
- 4) CONSENT CALENDAR
 - a) **ACTION ITEM:** Request to approve the Accounts Payable for October 29 thru November 4, 2020.
By: Amy Luna, Finance Administrative Assistant
 - b) **ACTION ITEM:** Request to approve November 2, 2020, City Council Minutes.
By: Amy Luna, Finance Administrative Assistant
 - c) **ACTION ITEM:** Request to approve Alcohol License for The Smokey Bone BBQ.
By: Amy Luna, Finance Administrative Assistant
- 5) ITEMS OF CONSIDERATION
 - a) **PRESENTATION:** Presentation by Scott Martin on Veterans Memorial Wall Concept.
By: Nathan Murray, Executive Director
 - b) **ACTION ITEM:** Consideration of an ordinance mandating face coverings when in public places in the City of Twin Falls.
By: Shayne Nope, City Attorney
- 6) GENERAL PUBLIC INPUT
- 7) ADVISORY BOARD REPORT/ANNOUNCEMENTS
- 8) PUBLIC HEARINGS

- a) **ACTION ITEM:** Request for an Amendment to the Latitude 42 PUD to modify allowed uses and remove restrictions on outdoor storage on property located at 1291 Latitude Circle c/o Gerald Martens. (PZ20-0100) On September 22, 2020, the Planning and Zoning Commission recommended approval to City Council by a vote of 6-0.

By: Jonathan Spendlove, Planning & Zoning Director

9) **ADJOURNMENT**

Any person(s) needing special accommodations to participate in the above-noticed meeting could contact Leila Sanchez (208) 735-7287 at least two working days before the meeting. Si desea esta información en español, llame Leila Sanchez (208) 735-7287.

Public Input Procedures

1. Individuals wishing to provide public input regarding matters relevant to the City of Twin Falls shall:
 - Wait to be recognized by the Mayor or Chairman
 - Approach the microphone/podium
 - State their name, and whether they are a resident or property owner in the City of Twin Falls, and proceed with their input.
2. The Mayor or Chairman may limit input to no less than two (2) minutes. Individuals are not permitted to give their time to other speakers.

Public Hearing Procedures for Zoning Requests

1. Prior to opening the first Public Hearing of the session, the Mayor or Chairman shall review the public hearing procedures.
 2. Individuals wishing to testify or speak before the City Council or Planning & Zoning Commission shall wait to be recognized by the Mayor or Chairman, approach the microphone/podium, state their name, and then proceed with their comments. Following their statements, they shall write their name and address on the record sheet(s) provided by the staff. The staff shall make an audio recording of the Public Hearing.
 3. A City Staff Report shall summarize the application and history of the request.
 4. The Applicant, or the spokesperson for the Applicant, will make a presentation on the application/request (request). No changes to the request may be made by the applicant after the publication of the Notice of Public Hearing. The presentation should include the following:
 - A complete explanation and description of the request.
 - Why the request is being made.
 - Location of the Property.
 - Impacts on the surrounding properties and efforts to mitigate those impacts.
 5. Applicant is limited to 15 minutes, unless a written request for additional time is received, at least 72 hours prior to the hearing, and granted by the Mayor or Chairman.
 6. The City Council or Planning & Zoning Commission may ask questions of staff or the applicant pertaining to the request.
 7. The general public will then be given the opportunity to provide their testimony regarding the request. The Mayor or Chairman may limit public testimony to no less than two (2) minutes per person.
 - Individuals are not permitted to give their time to other speakers.
 - However, five (5) or more individuals that received written notice of the public hearing may appoint, by written petition, a spokesperson. The written petition must be received at least 72 hours prior to the hearing and must be granted by the Mayor or Chairman. The spokesperson shall be limited to 15 minutes.
 - Written comments, including e-mail, received by 12:00 p.m. on the date of the hearing shall be either read into the record or displayed to the public on the overhead projector.
 8. Following the Public Testimony, the applicant is permitted five (5) minutes to respond to Public Testimony.
 9. Following the Public Testimony and Applicant's response, Council or Commission members, as recognized by the Mayor or Chairman, shall be allowed to question the Applicant, Staff or anyone who has testified. Responses shall be limited to answering the questions asked. The Mayor or Chairman may limit the time permitted for the answer.
 10. The Mayor or Chairman shall close the Public Hearing. The City Council or Planning & Zoning Commission shall deliberate on the request. Deliberations and decisions shall be based upon the information and testimony provided during the Public Hearing. Once the Public Hearing is closed, additional testimony from the staff, applicant or public is not allowed. Legal or procedural questions may be directed to the City Attorney.
- * Any person not conforming to the above rules may be prohibited from speaking. Persons refusing to comply with such prohibitions may be asked to leave the hearing and, thereafter removed from the room by order of the Mayor or Chairman.



Twin Falls City Council Minutes

Monday, November 2, 2020, 5:00 PM

City Council Chambers
203 Main Avenue East- Twin Falls, Idaho

1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM

Present: Mayor Suzanne Hawkins, Vice Mayor Ruth Pierce, Council Member Shawn Barigar, Craig Hawkins, Greg Lanting, Christopher Reid & Nikki Boyd.

Absent:

Staff Present: City Manager Travis Rothweiler, Deputy City Manager Mitch Humble, City Attorney Shayne Nope, Police Chief Craig Kingbury, Captain Matt Hicks & Anthony Barnhart, Airport Manager Bill Carberry, Desktop Support Jeremiah Parent, Finance Administrative Assistant Amy Luna.

Mayor Hawkins called the meeting to order at 5:00 PM. A quorum was present.

2) PLEDGE OF ALLEGIANCE

Mayor Hawkins invited all present, who wished, to recite the Pledge of Allegiance to the Flag.

3) PROCLAMATIONS

National American Indian Heritage Month - Requested by *Melinda Anderson and Helen Cutler, Twin Falls Chapter National Society Daughters of the American Revolution*

Mayor Hawkins read and presented the "**National American Indian Heritage Month**" Proclamation to Melinda Anderson & Helen Cutler of the Twin Falls Chapter National Society Daughters of the American Revolution.

4) CONSENT CALENDAR

MOTION: Council Member Barigar moved to approve the Consent Calendar as presented. **Council Member Reid** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 7 to 0

- a) Request to approve the October 26, 2020, City Council Minutes.
- b) Request to approve the Accounts Payable for October 22-28, 2020.
- c) Request to approve Alcohol License for Rock Creek Celebration Center.

5) ITEMS OF CONSIDERATION

- a) Consideration to Award a Bid for FAA Funded Airport Fire Truck Foam Testing Equipment.
Airport Manager Carberry requested consideration to Award a Bid for FAA Funded Airport Fire Truck Foam Testing Equipment.

Discussion ensued on the following:

Council Member Boyd: Asked about the money relating to the solution.

MOTION: Vice Mayor Pierce moved to approve the request to Award a Bid for FAA Funded Airport Fire Truck Foam Testing Equipment to E-One Ecological Mobile Test System in the amount of \$32,570. **Council Member Lanting** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 7 to 0.

- b) Presentation by Joshua W. Kern M.D., Vice President of Medical Affairs, St. Luke's Health System.
Cancelled

- c) Consideration of a mandate for face coverings in the City of Twin Falls.
City Manager Rothweiler requested consideration of a mandate for face coverings in the City of Twin Falls.

Mayor Hawkins spoke to the Citizens regarding this issue.

Discussion ensued on the following:

All Council Members: Thanked all for their input.

Council Member Hawkins: Spoke in favor of the mandate.

Council Member Boyd: Spoke about personal responsibility. Is opposed to the mandate.

Council Member Barigar: Spoke in favor of the mandate.

Council Member Lanting: Spoke in favor of the mandate.

Council Member Reid: Spoke regarding human behaviors. Agrees that we need to do something.

Vice Mayor Pierce: Spoke about the concern for the hospitals during a crisis. Spoke in favor of the mandate.

Mayor Hawkins: Spoke against the mandate.

Council Member Boyd: Spoke of the unknown.

Council Member Barigar: Spoke about putting things on paper. Your responsibility for not only yourself but others. Need to put some teeth to something.

Mayor Hawkins: Thinks that the City can encourage citizens without an ordinance, law, or penalties.

MOTION: **Council Member Barigar** moved to have staff put together an ordinance to require masks.

Council Member Lanting seconded the motion. Roll call vote showed all members present voted. The motion passed 5 to 2.

Discussion ensued on the following:

Council Member Barigar: Recommends using the Coeur d'Alene or McCall ordinance as a base for our ordinance.

Council Member Reid: Discussed how far he would be willing to go. Wants to help businesses.

Council Member Lanting: Likes the McCall ordinance the most to follow. Would like to see it be an infraction.

Vice Mayor Pierce: Would like to discuss the timeline of the proposed ordinance. Is in favor of an infraction. Wants to help businesses.

Council Member Boyd: Asked for clarification on the McCall ordinance, and working out in a gym without a mask.

Council Member Hawkins: Would also like to discuss the timeline.

Mayor Hawkins: Talked about being a step ahead of the Health District.

Council Member Barigar: Talked about the Health District Board and the difference between them and their staff. Would like to go 45-60 days with the option to rescind.

Mayor Hawkins: Would we play yo-yo with this mandate?

Council Member Lanting: Spoke in favor of mandating it through the holidays and looking at it again in the first week of January 2021.

Council Member Hawkins: Also, in favor of 60 days.

Council Member Reid: In favor of the 60 days.

Council Member Barigar: Talked about penalties and violations.

Vice Mayor Pierce: What are the infraction costs for seatbelt violations?

Council Member Lanting: Suggested \$50 plus court costs.

City Manager Rothweiler: Summarized examples that may be used in the drafting of the requested ordinance.

Council Member Barigar: Spoke on the medical exemption.

Mayor Hawkins: Asked why we are doing an Ordinance rather than a Resolution like some of the other Cities.

City Attorney Nope: Explained his recommendation for an Ordinance and what needs to happen to do that.

Council Member Lanting: When would be the earliest that we can have the Ordinance back for a vote?

Vice Mayor Pierce: How does the emergency ordinance that was passed in April 2020, affect the ordinance that we are proposing?

6) GENERAL PUBLIC INPUT

7) ADVISORY BOARD REPORT/ANNOUNCEMENTS

Council Member Hawkins reported on the Historic Preservation Committee meeting.

Mayor Hawkins spoke about the Youth Council and the Mayor's Walking challenge.

8) PUBLIC HEARINGS

9) ADJOURNMENT

- a) **Request to adjourn to Executive Session 74-206(1) (b)** To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student.

MOTION: Council Member Lanting moved to Adjourn to Executive Session 74206(1)(b) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student. **Vice Mayor Pierce** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 7 to 0.

The meeting adjourned at 06:50 PM

Amy Luna, Finance Administrative Assistant

For a full account of this meeting please visit tfid.org for the recording of this meeting.



Date: Monday, November 9, 2020

To: Honorable Mayor and City Council

From: Nathan Murray, Economic Development Director on behalf of the City Manager

Scott Martin, Local Business Owner

Request:

Discussion and possible action on creating a Veterans Memorial in the Downtown Commons and committing up to \$45,000, in capital reserves and/or contingency funds to assist with the completion of the project.

Time Estimate:

This item is scheduled to take 10 minutes, plus time for questions and answers.

Background:

The City Manager was approached by Mr. Scott Martin, local business owner and a passionate advocate for our local Veteran community, about the creation of a Veterans Memorial in the City of Twin Falls. The Veterans wall would memorialize the men and women from Twin Falls County communities who lost their lives in service to our country.

One of the possibilities that was explored was to use the existing wall that is the backdrop for the stage located in the Downtown Commons. Attached are some possible renderings that were developed by Clint Sievers, of Pivot North Architects, that illustrate how the current wall could be transformed. In addition, Mr. Martin will give a presentation that represents his vision for the project.

This request is two-fold: seek permission from the City Council to allow use of the wall that will be located on City property, and request city funding to complete the project, up to approximately \$45,000. The funding will come from capital reserves and/or contingency funds. We are continuing to get pricing but wanted to first receive Council's permission. The Urban Renewal Agency may also provide financial assistance.

Approval Process:

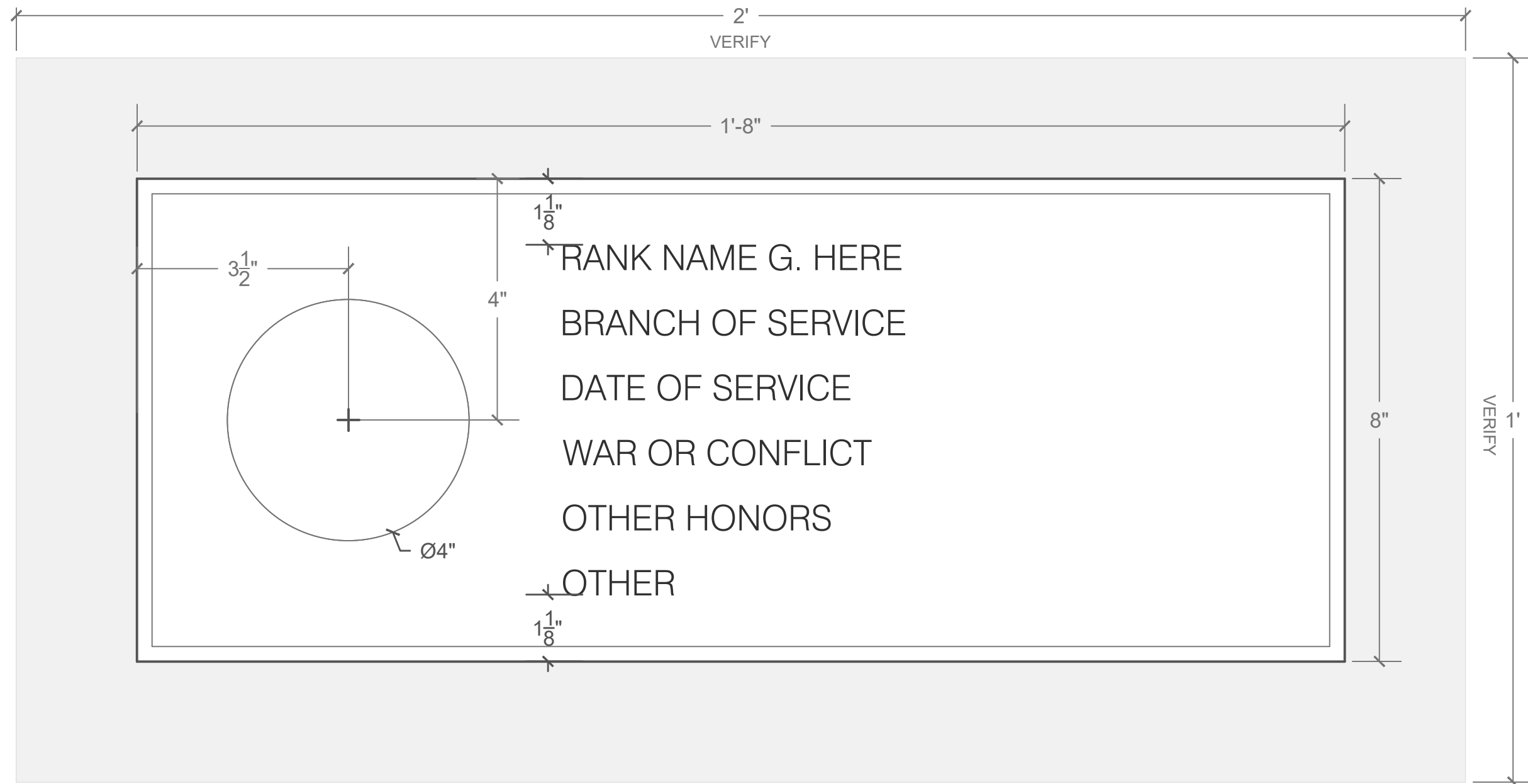
Approval of this request requires a simple majority (50%+1) of the members in attendance at this meeting.

Regulatory Impact:

There is no regulatory impact

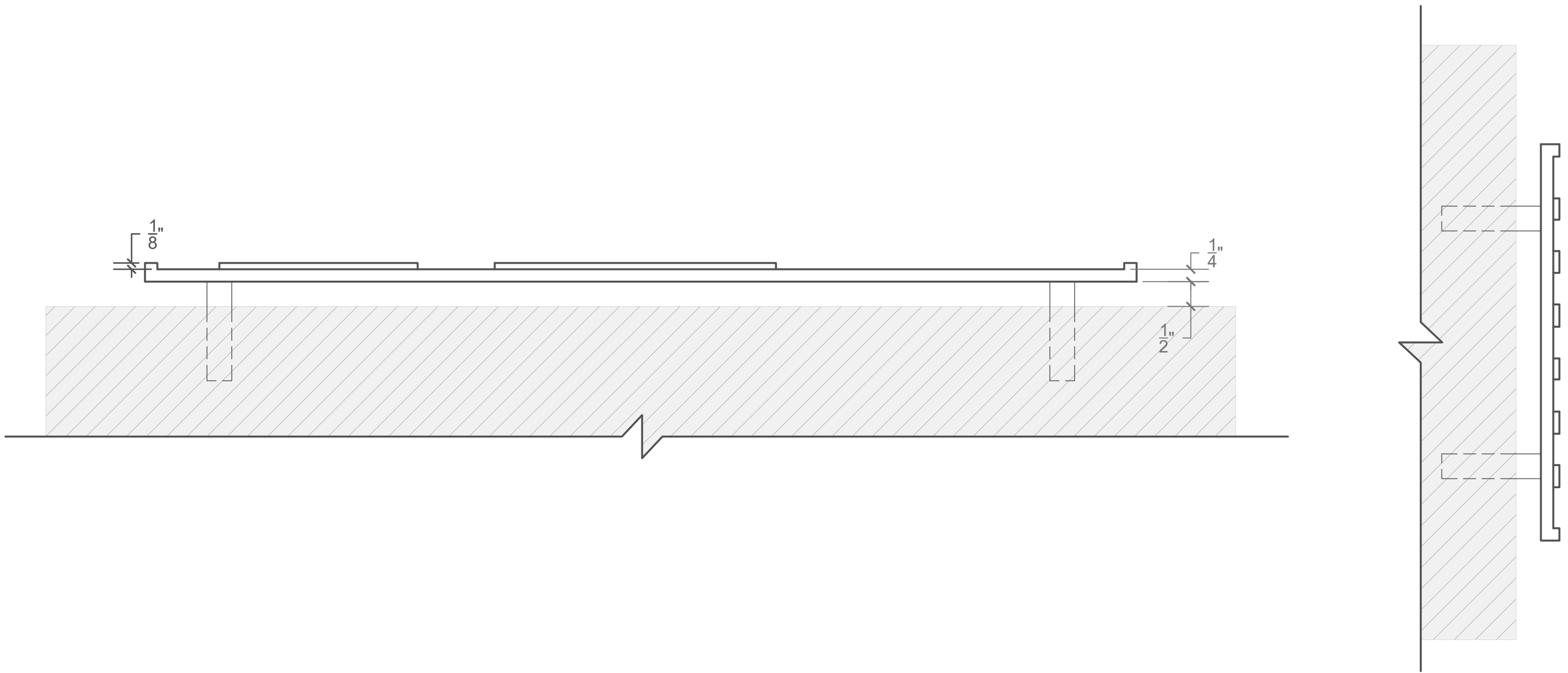
Attachments:

Renderings



PLAQUE SIZE ON BLOCK ELEVATION - SCALE: 6" = 1'-0"



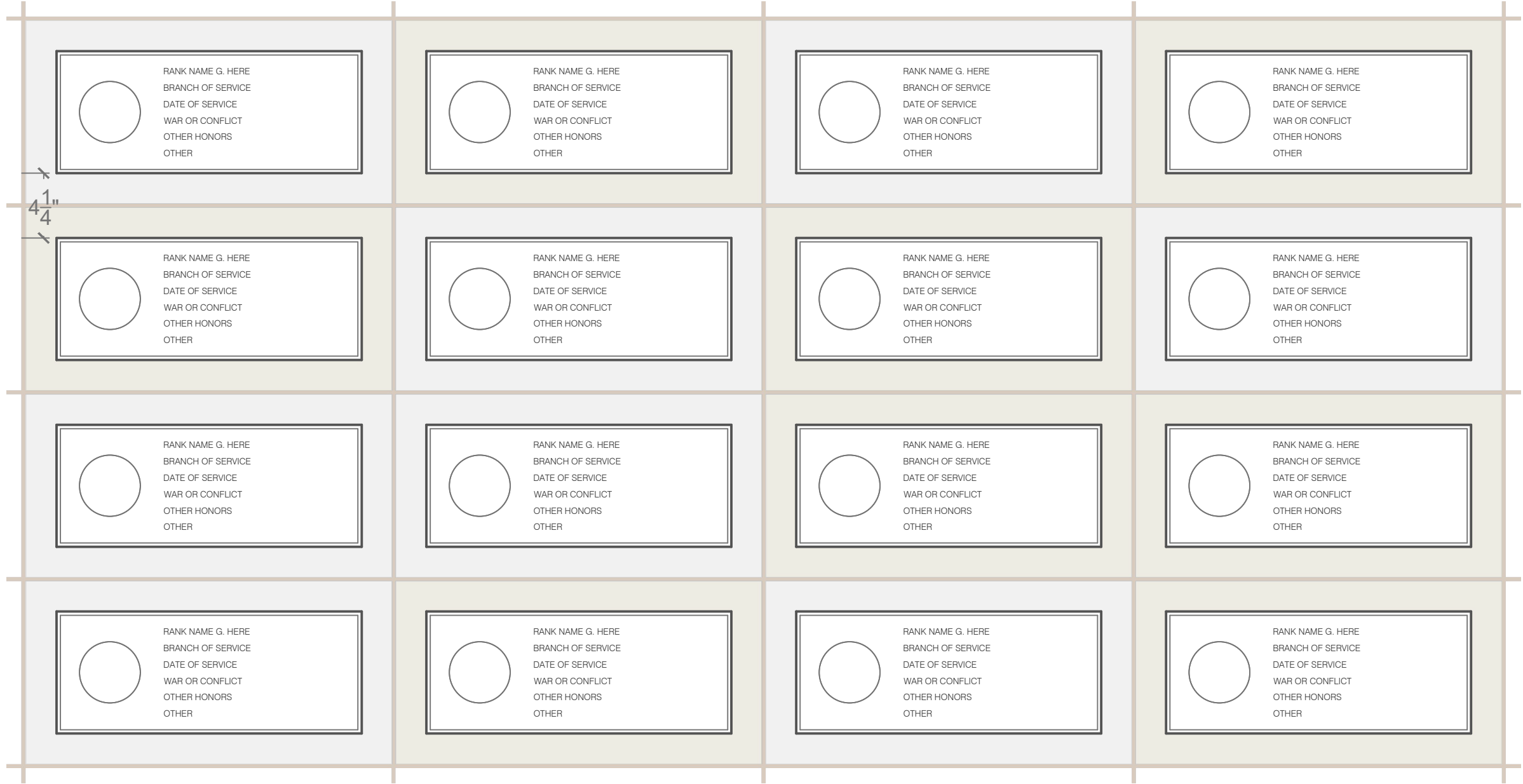


PLAQUE SIZE ON BLOCK SECTION - SCALE: 6" = 1'-0"

VETERANS WALL



PIVOT NORTH
architecture



PLAQUE ARRANGEMENT - SCALE: 1-1/2" = 1'-0"

VETERANS WALL



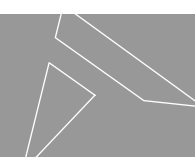
WALL RENDERING

VETERANS WALL



BRONZE PLAQUE PRECEDENTS

VETERANS WALL



PIVOT NORTH
architecture



Date: Monday, November 9, 2020
To: Honorable Mayor and City Council
From: Shayne Nope, City Attorney, City Attorney

ACTION ITEM

Request:

Consideration of an ordinance mandating face coverings when in public places in the City of Twin Falls.

Time Estimate:

The staff presentation will take about 15 minutes. Significant time for discussion and deliberation should be expected.

Background:

At their November 2nd meeting, the City Council directed City Staff to prepare an ordinance to require the wearing of a protective face covering when in public in the City of Twin Falls. The Council directed staff to pattern the ordinance after a similar ordinance adopted by the City of McCall, Idaho. Violation of the ordinance would be an infraction, punishable by up to a \$50 fine. Staff has prepared an ordinance as directed. It is attached for the Council's consideration tonight.

There has been a question raised about whether a city in Idaho can adopt a public face covering mandate. The City Attorney recently reached out to the Idaho Attorney General's Office for an opinion on that question. Brian Kane, from that office provided very clear direction that Idaho cities do have the authority to adopt a mandate. He specifically cited Article XII, Section 2 of the State Constitution, which says, "Any county or incorporated city or town may make and enforce, within its limits, all such local police, sanitary and other regulations as are not in conflict with its charter or with the general laws." Mr. Kane then cited Idaho Code Section 50-304, which says, "**Cities may** establish a board of health and prescribe its powers and duties; **pass all ordinances and make all regulations necessary to preserve the public health; prevent the introduction of contagious diseases into the city;** make quarantine laws for that purpose and enforce the same within five (5) miles of the city" (emphasis added). So, according to the Idaho Attorney General's Office, both the Idaho Constitution and Idaho Code permit a city to enact ordinances within its discretion to protect the public health and prevent the spread of contagious diseases. A city ordinance mandating the wearing of a face covering within city limits is legally defensible.

Again, staff has prepared an ordinance as directed. The attached ordinance requires people to wear a face covering that completely covers the nose and mouth when in any indoor or outdoor public space. Violation of the ordinance is an infraction, punishable by up to a \$50 fine. The ordinance includes the following exceptions:

- Children under the age of 5.
- Persons who cannot medically tolerate wearing a face covering. A person is not required to provide documentation demonstrating that the person cannot medically tolerate wearing a face covering.
- Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication.
- Persons for whom wearing a face covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines.

- Persons who are obtaining a service involving the nose, face, or head for which temporary removal of the face covering is necessary to perform the service.
- Persons who are eating or drinking at a restaurant or other establishment that offers food or beverage service, so long as the person is able to maintain a distance of 6 feet away from persons who are not members of the same household or party as the person.
- Outdoor public places where a person can employ physical distancing as recommended by CDC where the person is able to maintain a distance of 6 feet from persons who are not members of the same household or party as the person.
- Youth or adult athletes actively competing in a sporting event where masking is not possible.
- Persons who are engaged in indoor exercise or recreational activity, so long as they engage in physical distancing.
- Persons who are participating in a court proceeding wherein the presiding judge authorizes the face covering to be removed.
- Persons who are participating in Educational Activities. Educational Activities means activities involving students taught by an educator in a school or equivalent setting.
- Persons who are participating in religious activities.

Approval Process:

There is no requirement to allow public comment. But, at the discretion of the Mayor, public comment can be accepted. It is up to the Mayor to establish the procedures for that public comment, if desired.

Tonight's item is the potential adoption of an ordinance. The typical State required process to adopt an ordinance dictates that the ordinance be read at three different public meetings, two of the times can be by title only, before it can be adopted. However, the State process also includes a provision where, by a supermajority vote of the Council (at least five votes), the rule for three separate readings can be suspended and the ordinance can be adopted after only one reading of the title. Typically, the City Council has voted to suspend the rules and place an ordinance under consideration on third and final reading by title only. That option is available for the Council tonight. If the Council does not have five votes to do that, then the Council must read the title on the record tonight, and staff will schedule a second reading at the next Council meeting.

Budget Impact:

Adoption of the attached ordinance will put into place a fine for violation of the ordinance. The City's FY2021 budget does not include any revenue from such a fine, so any revenue received would be unanticipated.

Regulatory Impact:

If the Council adopts the ordinance as presented, face coverings will be required when in any indoor or outdoor public space in the City of Twin Falls, upon publication of the ordinance.

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends that the Council consider adopting the ordinance mandating the wearing of face coverings within the City of Twin Falls.

Attachments:

1. 2020 - Face Covering Ordinance
2. Moscow 7-1-20
3. Victor 7-8-20
4. McCall 7-1-20

ORDINANCE NO. 2020-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AMENDING TITLE 6 OF TWIN FALLS CITY CODE, ADDING CHAPTER 14, REQUIRING THE USE OF FACE COVERINGS IN PUBLIC PLACES; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

WHEREAS, on October 27, 2020 the Governor and Director of the Idaho Department of Health and Welfare issued a “Stay Healthy Order” stating the following:

“The virus that causes Coronavirus 2019 Disease ("COVID-19") has resulted in a global pandemic, is present in Idaho, and has infected nearly 60,000 Idahoans, resulting in 573 deaths to date. The virus is easily transmitted, especially in group settings, and it is essential that the spread of the virus be slowed to protect public health and safety and safeguard the ability of public and private healthcare providers to handle an influx of new patients.

This Order is based on evidence of a significant increase of cases of COVID-19 within the State of Idaho; as well as, the advice and input of state epidemiologists, public health experts, and guidelines provided by the Centers for Disease Control and Prevention ("CDC") and the White House. This order is also based on the scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population of the state places its citizens at risk for serious health complications, including death, from COVID-19.

Some individuals who contract the COVID-19 virus have no symptoms or have mild symptoms, which means they may not be aware they carry the virus. Because even people without symptoms can transmit the disease, and because evidence shows the disease is easily spread, gatherings can result in transmission of the virus.

The most recent state report for Idaho from the White House Coronavirus Task Force states that ‘Idaho is in the red zone for cases, indicating 101 or more new cases per 100,000 population [for the week ending October 16, 2020], with the 7th highest rate in the country. Idaho is in the red zone for test positivity, indicating a rate at or above 10.1 %, with the 2nd highest rate in the country.’

Cases in Idaho have risen sharply in the past several weeks and are rising in most counties in the state. The number of individuals hospitalized with COVID-19 in Idaho has increased 55% in the past two weeks. As a result, hospitals across the state of Idaho, including the Veterans Affairs Medical Center, are at or nearing capacity. In some instances, hospitals have diverted patients to other hospitals within the state and in neighboring states.

Local health districts have traced reported infections to gatherings of people, including school-related events, social gatherings, and recreational events. In the judgment of public health officials, reducing the size of these gatherings will reduce spread of the virus in communities and protect vulnerable Idahoans.

Since June 2020, there has been a significant and concerning increase in cases of COVID- 19 among residents and staff at long-term care facilities in Idaho. Outbreaks often start with a staff member or a visitor and spreads to other staff members and residents. Many staff members and all residents of long-term care facilities are at a higher risk of severe complications associated with contracting CO VID-19.

Currently, over 100 residential facilities are investigating one or more COVID-19 cases, and four new outbreaks were declared at long-term care facilities on October 24, 2020.

The scientific evidence shows that at this stage of the pandemic, it is necessary to slow virus transmission to protect Idaho's vulnerable population and to prevent the healthcare system from being overwhelmed. In consultation with state and federal epidemiologists and healthcare experts, this Order is intended to protect the lives and safety of Idahoans, preserve capacity in our healthcare system and slow the spread of COVID-19 by limiting public and private gatherings, requiring patrons to remain seated at bars and restaurants, mandating masks in long-term care facilities, and requiring individuals to maintain physical distancing whenever possible."

WHEREAS, as of November 4, 2020 Twin Falls County has had 4,079 confirmed cases of COVID-19 with another 592 likely. Furthermore, 52 people in Twin Falls County have died as a result of COVID-19.

WHEREAS, St. Luke's Magic Valley, because of the number of COVID-19 patients and staffing levels, has had to divert patients out of our area for medical treatment.

WHEREAS, the City of Twin Falls is concerned that if this trend continues more lives will be lost, and businesses will be forced to close, particularly if the State of Idaho goes back to "Stage 2" of the Governors rebound plan.

WHEREAS, guidelines published by the U.S. Centers for Disease Control (CDC) on April 3, 2020, recommend that all people wear cloth face coverings in public settings where other physical distancing measures may be difficult to maintain. CDC also advises the use of simple cloth face coverings to slow the spread of the virus, particularly from asymptomatic carriers of the virus.

WHEREAS, Section 3, paragraph b of the "Stay Healthy Order" states, "Individuals should: ... Wear face coverings while in public, especially when six-foot distancing is not always possible."

WHEREAS, decreased transmissibility due to face covering use could substantially reduce the death toll among and economic impact on the citizens of Twin Falls and surrounding communities.

WHEREAS, Article XII, Section 2, authorizes the City to "make and enforce...local police, sanitary and other regulations" that do not conflict with other laws.

WHEREAS, Title 50, Chapter 3 outlines the municipal powers of cities in Idaho. Specifically, Section 50-304 authorizes the City to "pass all ordinances and make all regulations necessary to preserve the public health; prevent the introduction of contagious diseases into the city; make quarantine laws for that purpose and enforce the same within five (5) miles of the city."

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL
OF THE CITY OF TWIN FALLS, IDAHO:**

Section 1: That Twin Falls City Code is amended by the addition of a new Chapter 14 of Title 6, as follows:

"6-14-1: FACE COVERINGS. Every person, shall, when in any indoor or outdoor public place, completely cover their nose and mouth, when members of the public are physically present for otherwise unprotected social interaction.

6-14-2: DEFINITIONS. For purposes of this Ordinance “public place” shall mean any place open to all members of public without specific invitation, including but not necessarily limited to, retail business establishments, government offices, medical, educational, arts and recreational institutions, public transportation, including taxi cabs and ridesharing vehicles. “Members of the public” shall mean persons not therein employed, or present without invitation.

6-14-3: EXEMPTIONS:

1. Children under the age of 5.
2. Persons who cannot medically tolerate wearing a face covering. A person is not required to provide documentation demonstrating that the person cannot medically tolerate wearing a face covering.
3. Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication.
4. Persons for whom wearing a face covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines.
5. Persons who are obtaining a service involving the nose, face, or head for which temporary removal of the face covering is necessary to perform the service.
6. Persons who are eating or drinking at a restaurant or other establishment that offers food or beverage service, so long as the person is able to maintain a distance of 6 feet away from persons who are not members of the same household or party as the person.
7. Outdoor public places where a person can employ physical distancing as recommended by CDC where the person is able to maintain a distance of 6 feet from persons who are not members of the same household or party as the person.
8. Youth or adult athletes actively competing in a sporting event where masking is not possible.
9. Persons who are engaged in indoor exercise or recreational activity, so long as they engage in physical distancing.
10. Persons who are participating in a court proceeding wherein the presiding judge authorizes the face covering to be removed.
11. Persons who are participating in Educational Activities. Educational Activities means activities involving students taught by an educator in a school or equivalent setting.
12. Persons who are participating in religious activities.

6-14-4: PENALTY AND ENFORCEMENT. The City will make efforts to educate individuals and businesses to achieve compliance. Violation of this Ordinance shall constitute an infraction, punishable by a fine of \$50.

Section 2: EFFECTIVE DATE AND SUNSET DATE

This Ordinance shall take effect (upon publication or immediately) and shall remain in effect for 60 days from the date passed.

PASSED BY THE CITY COUNCIL, November __, 2020.

SIGNED BY THE MAYOR, November __, 2020.

MAYOR

ATTEST:

DEPUTY CITY CLERK

DRAFT

NO. 606727
AT THE REQUEST OF
CITY OF MOSCOW
DATE & HOUR 7.1.2020 2:45 pm
HENRIANNE K. WESTBERRY
LATAH COUNTY RECORDER
FEE \$ 0 BY: S. Chapman

THE CITY OF MOSCOW

AMENDED PUBLIC HEALTH EMERGENCY ORDER No. 20-03

FACE COVERINGS AND 6 FOOT SOCIAL/PHYSICAL DISTANCING

July 1, 2020

- WHEREAS**, the health and safety of all citizens of the city of Moscow is the greatest priority and is of the utmost importance of the Mayor and City Council; and
- WHEREAS**, the coronavirus (hereinafter, COVID-19), is a respiratory disease caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and can easily spread from person to person, which can result in serious illness or death thereby threatening widespread and/or severe damage to life or property thereby creating an “emergency” as defined by Idaho Code § 46-1002; and
- WHEREAS**, the Centers for Disease Control and Prevention (hereinafter “CDC”) identifies the potential public health threat posed by COVID-19 both globally and in the United States as “high”, and has advised that person-to-person spread of COVID-19 will continue to occur globally, including within the United States; and
- WHEREAS**, on January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization declared the outbreak a “public health emergency of international concern”; and
- WHEREAS**, on January 31, 2020, Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the United States to aid the nation’s healthcare community in responding to COVID-19; and
- WHEREAS**, on March 11, 2020, The World Health Organization (WHO) made the assessment that COVID-19 can be characterized as a pandemic; and
- WHEREAS**, on March 13, 2020, the Idaho Governor Brad Little, pursuant to Idaho Code § 46-1008, declared a state of emergency due to COVID-19, which is still in effect; and
- WHEREAS**, on March 13, 2020, the President of the United States issued an emergency declaration for the country in response to the increasing number of COVID-19 cases within the U.S., which is still in effect; and
- WHEREAS**, on March 13, 2020, Moscow Mayor Bill Lambert issued a Local Emergency Proclamation, declaring a local disaster emergency due to the occurrence and imminent threat to public health and safety arising from the effects of the 2019 novel coronavirus (COVID-19), pursuant to Idaho Code § 46-1011 and other relevant sections of Idaho Code; and

- WHEREAS,** on March 16, 2020, the Moscow City Council adopted Resolution 2020-05, authorizing continuation of Mayor Lambert's Local Emergency Proclamation until May 5, 2020; and
- WHEREAS,** on March 20, 2020, the Council for the city of Moscow adopted an ordinance enacting a new Chapter 11 to Title 1 of the Moscow City Code, setting forth the authority, purpose, and intent of emergency powers to address the threat of COVID-19; and
- WHEREAS,** on March 20, 2020, Mayor Lambert issued the first Public Health Emergency Order No. 20-01, instituting regulations regarding mass gatherings, restaurants and bars to help prevent the spread of COVID-19; and
- WHEREAS,** on March 20, 2020, the City Council extended such Public Health Emergency Order No. 20-01 to May 5, 2020, to provide for the ongoing threat to public life and property; and
- WHEREAS,** on March 24, 2020, Moscow Mayor Bill Lambert proclaimed and declared Public Health Emergency Order No. 20-02 prohibiting gatherings in groups of more than ten (10) persons within a facility, which also applied to educational institutions, expressive and associative activities, including assembly, and church and religious organization activities; and
- WHEREAS,** on March 25, 2020, Governor Brad Little issued a proclamation declaring that there existed an extreme emergency within the State of Idaho and through a press conference declared he was issuing a statewide stay-home order; and
- WHEREAS,** on March 25, 2020, pursuant to Idaho Code § 56-1003(7), Idaho Department of Health and Welfare Director, Dave Jeppesen, issued an Order to Self-Isolate for all individuals living in Idaho, at the direction of Governor Brad Little, to fight the community spread of COVID-19 that had been confirmed in Idaho. The Order was effective until April 15, 2020, subject to be extended, rescinded, superseded, or amended. The isolation order was issued based on advice and direction of state, federal and local public health experts; and
- WHEREAS,** on March 26, 2020, it was deemed necessary by the City Council to extend such Public Health Emergency Order No. 20-02 to May 5, 2020, to provide for the ongoing threat to public life and property, and the Council wished to continue to be proactive and help reduce the spread of COVID-19 and to encourage our community members and community businesses to do their part to prevent and limit the spreading of COVID-19; and
- WHEREAS,** on April 15, 2020, Idaho Department of Health and Welfare Director, Dave Jeppesen, amended the Order to Self-Isolate issued on March 25, 2020, providing

additional guidance regarding travel into Idaho, regarding certain businesses, and extending the Self-Isolation Order until April 30, 2020; and

WHEREAS, on April 22, 2020, Governor Little issued a proclamation declaring an extreme emergency within the State of Idaho and declaring the state of emergency proclamation issued on March 13, 2020 and extended on March 25, 2020, continues to be in effect and is extended for a period of thirty (30) days unless terminated, modified or extended; and

WHEREAS, on April 30, 2020, Governor Little and Director Jeppesen of the Idaho Department of Health and Welfare, issued the “Stay Healthy Order” effective as of 12:00 a.m. May 1, 2020, implementing Stage 1 of the Governor’s Idaho Rebound plan, and which can be found on the website: rebound.idaho.gov. Governor Little’s plan is one of utilizing a four-staged approach to reopening Idaho and its economy, whereby specific criteria must be met before Idaho advances to the next stage of reopening. The Idaho Division of Public Health and the Governor’s Coronavirus Working Group will review the criteria every two weeks to assess if criteria are met, or continue to be met, so Idaho can move to the next stage; and

WHEREAS, the Council and Mayor have supported the Governor’s guidelines and plans for systematically assessing existing conditions and slowly lifting the current regulations in place through the Stay Healthy Order and the now Stay Healthy Guidelines, and to utilize the proposed staged approach for reopening Idaho; and

WHEREAS, the Council and Mayor permitted the Mayor’s Proclamation of Local Disaster Emergency as modified by Resolution 2020-05, and the Public Health Emergency Orders 20-01 and 20-02 to terminate on May 1, 2020, to avoid any confusion in light of the Stay Health Order in effect for all of Idaho at that time; and

WHEREAS, on June 24, 2020, Washington Secretary of Health, John Wiesman, issued Order 20-03, an order for all of Washington state which requires all individuals to wear a face covering that covers their nose and mouth when in any indoor and outdoor public space when the 6-foot physical distancing is not possible, with limited exceptions; and

WHEREAS, on June 26, 2020, the District Board of Central District Health, State of Idaho, issued an emergency quarantine order pursuant to Idaho Code § 56-1003(7), IDAPA 16.02.10.065.09, Idaho Code § 39-415 and § 67-5247, for Ada County bars and nightclubs open to the public for on-site consumption of beverages, be placed under quarantine and must remain closed to on-site consumption; prohibits large venue gatherings; requires six foot physical distancing from non-household members, and makes any violation of said order a misdemeanor pursuant to Idaho Code § 56-1003(7)(c); and

WHEREAS, on June 29, 2020, Whitman County, which is located at the western Moscow City limits, reported it has 38 confirmed cases of COVID-19; and

WHEREAS, on June 29, 2020, Spokane County, which is located less than 79 miles from Moscow, reported it has 1,344 confirmed cases of COVID-19; and

WHEREAS, on June 30, 2020, the state of Idaho reported 6,117 confirmed and probable cases of COVID-19, 261 of which are located in Kootenai County and where Kootenai County has been identified as a “hotspot” by the Idaho Department of Health and Welfare, which is located less than 80 miles to the north of Moscow; and

WHEREAS, on June 30, 2020, Latah County has 16 confirmed cases and 5 probable cases of COVID-19; and

WHEREAS, on June 30, 2020, The Idaho North Central District, which includes Clearwater County, Idaho County, Latah County, Lewis County and Nez Perce County is reporting a total of 121 confirmed and probable cases of COVID-19 and

WHEREAS, the Department of Health and Human Services Centers for Disease Control (“CDC”) is reporting that as of June 30, 2020, the United States has 2,581,229 confirmed cases of COVID-19, and 126,739 total deaths; and

WHEREAS, Idaho is currently in Stage 4 of Governor Little’s Idaho Rebound Plan, which no longer has any mandatory requirements as the previous Stay Healthy Orders; and

WHEREAS, Governor Little has stated on numerous occasions due to Idaho’s diverse and expansive state, and that not all counties have confirmed cases of COVID-19, he is not mandating statewide face coverings or physical distancing for non-household members and is trusting and encouraging local officials to take any measures they deem necessary and appropriate to protect their community; and

WHEREAS, both the CDC, the federal government, and the Idaho Department of Health and Welfare and the Idaho North Central Health District have recommended practices to prevent the rapid spread of COVID-19, including maintaining six (6) feet of physical distancing from non-household members and the wearing of face coverings when in public settings and the six feet of physical distancing from others cannot reliably be maintained. The policies, along with other information, are available on the CDC’s official COVID-19 website. (<https://www.cdc.gov/coronavirus/2019-ncov/index.html>); and

WHEREAS, the spread of COVID-19 continues to threaten the life and health of the public and public health is imperiled by the person-to-person spread of COVID-19, and the reduction of opportunities for the person-to-person transmission of COVID-19 is necessary to combat the spread of the disease; and

WHEREAS, the City, as a municipal corporation of the State of Idaho, has the authority to exercise all powers and perform all functions of local self-government in city affairs

that are not in conflict with the general laws or the constitution of the state of Idaho (I.C. § 50-301); and

WHEREAS, the City is empowered to make all such ordinances, bylaws, rules, regulations and resolutions not inconsistent with the laws of the state of Idaho as may be expedient, in addition to the special powers in this act granted, to maintain the peace, good government and welfare of the corporation and its trade, commerce and industry (I.C. § 50-302); and

WHEREAS, under Moscow City Code section 2-1-7 and Idaho Code § 50-304, the City may pass all ordinances and make all regulations necessary to preserve the public health; prevent the introduction of contagious diseases into the city; make quarantine laws for that purpose and enforce the same within five (5) miles of the city; and

WHEREAS, under Idaho Code § 50-606, the Mayor shall have such jurisdiction as may be vested in him/her by ordinance over all places within five (5) miles of the corporate limits of the city, for the enforcement of any health or quarantine ordinance and regulation thereof, and shall have jurisdiction in all matters vested in him/her by ordinance, except taxation, within one (1) mile of the corporate limits of said city and over such properties as may be owned by the city without corporate limits; and

WHEREAS, the city of Moscow has had 3 restaurants voluntarily close for self-quarantine due to a staff member having tested positive for COVID-19 and/or having been exposed to someone who tested positive for COVID-19; and

WHEREAS, the risk of community spread throughout the city of Moscow is a continued threat, especially due to our unique location in Idaho and our close proximity to states and locations where there is a large number of confirmed COVID-19 cases and evidence of community spread; and

WHEREAS, the rapid spread of COVID-19 to date requires a more aggressive proactive response in order to protect the public and resources to address the supply issues we as a city, state and nation currently face.

NOW, THEREFORE, I, Bill Lambert, Mayor of the City of Moscow, Idaho, by virtue of the authority vested in me by Moscow City Code Title 1-11-05(B), and the common law authority to protect the public in the event of an emergency, in order to encourage and enforce Social/Physical Distancing of non-household members and reduce the potential for spread of the COVID-19 virus, hereby order as follows:

1. Every person in the city of Moscow must wear a face covering that covers their nose and mouth when in any indoor or outdoor public setting where the 6-foot physical distancing is not able to be maintained with non-household members, except as follows:
 - a. This Order does not apply to children under 5 years old, however, with the assistance and close supervision of an adult the City strongly recommends

- children wear face coverings when in public spaces where the 6-foot physical distancing cannot be maintained;
- b. This Order does not apply to persons with a medical condition, mental health condition, or disability that prevents wearing a face covering;
 - c. This Order does not apply to those who are incarcerated;
 - d. Individuals may remove their face covering when in a public setting under the following circumstances:
 - i. While at a restaurant, at an establishment or location that allows or offers food or beverage service, while they are eating or drinking, provided that they are able to maintain a distance of at least 6-feet from other guests or other non-household members;
 - ii. When any party to a communication is deaf or hard-of-hearing and not wearing a face covering is essential to communication;
 - iii. While obtaining a health or personal service that requires temporary removal of the face covering;
 - iv. When necessary to confirm a person's identity; and
 - v. When local, state or federal law prohibits wearing a face covering or requires the removal of a face covering.
2. Every person in the city of Moscow, when in places that are open to the public, shall maintain 6-foot physical distancing from a non-household member, whenever possible.
3. Definitions.
- a. "Household Members" are defined as people who reside in the same residence regardless of familial relation and people who enter a residence to provide a caretaking function.
 - b. "Public Setting" is defined as any place that is open to the public.
4. If this Order and any action of any other agency or official are in conflict, the more protective and most restrictive requirement must be followed, unless prohibited by a state or federal statute or rule.
5. **Exemptions.** Nothing in this order shall constrain the duties and powers of the City, the Mayor, or other governmental agencies.
6. **Penalty.** In accordance with Moscow City Code Section 1-11-10, any person who knowingly violates the provisions of this order may be charged with a misdemeanor. The maximum penalties for this offense are up to 6 months in the county jail and a \$1,000 fine.

This Emergency Order shall take effect at 12:00 a.m. on July 2, 2020, and shall remain in full force and effect for seven (7) days, subject to be extended by City Council through Resolution unless it is terminated or modified at an earlier date.

IN WITNESS WHEREOF, I have hereunto set my hand on this 1ST day of July, 2020.



A handwritten signature in blue ink, appearing to read "Bill Lambert", is written over a horizontal line.

Bill Lambert, Mayor



Laurie M. Hopkins, City Clerk

THE CITY OF VICTOR, IDAHO EMERGENCY ORDINANCE 0568

AN EMERGENCY ORDINANCE OF THE CITY OF VICTOR, IDAHO, REQUIRING THE USE OF FACE COVERINGS IN PUBLIC PLACES; SETTING FORTH APPLICABLE JURISDICTIONAL AUTHORITY; PRESCRIBING PENALTIES FOR VIOLATIONS; PROVIDING THAT THE ORDINANCE IS ENACTED ON AN EMERGENCY BASIS AND ESTABLISHING EFFECTIVE AND SUNSET DATES.

WHEREAS, the City of Victor is empowered pursuant to Idaho Code §50-302, to pass all ordinances and rules and make regulations, not repugnant to law, necessary for the carrying into effect or discharging the powers and duties conferred by the laws of the state of Idaho, and such as are necessary or proper to provide for the safety, promote the health and prosperity, improve the peace and good order, comfort and convenience of the City of Victor and the inhabitants thereof, and for the protection of property therein; and

WHEREAS, Idaho Code Title 50, Chapter 3, Section 304 provides that cities may pass all ordinances and make all regulations necessary to preserve the public health; prevent the introduction of contagious diseases into the city; make quarantine laws for that purpose and enforce the same within the city; and

WHEREAS, on March 11, 2020, the World Health Organization declared the worldwide outbreak of COVID-19 (aka coronavirus) a pandemic, and on March 13, 2020, the President of the United States issued an emergency declaration for the country in response to the increasing number of COVID-19 cases within the U.S.; and

WHEREAS, the risk of increased community spread of the COVID-19 virus throughout Teton County, ID critically imperils the public health, safety and welfare; and

WHEREAS, The Covid-19 pandemic is the worst public-health crisis the United States has faced in a century. It has caused over 125,000 deaths in the United States and infected over 2.5 million people, though the actual numbers of infections are very likely higher. Many of those who survive Covid-19 will do so only after experiencing serious illness and lengthy hospitalization; and

WHEREAS, additional measures are immediately necessary to slow the spread of COVID-19 within Teton County to lessen the detrimental impact on local emergency services and healthcare facilities; and

WHEREAS, accordingly, in addition to social-distancing and sanitation measures, the Centers for Disease Control (CDC) "recommends wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain especially in areas of significant community-based transmission."; and

WHEREAS, the City Council finds that these measures must be enacted on an emergency basis due to the imminent peril posed by the further spread of the COVID-19 virus.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VICTOR IDAHO:

SECTION 1: Definitions: For purposes of this Ordinance, the following definitions shall apply:

- A. "Face Covering" means a covering made of cloth, fabric, or other soft or permeable material, without holes, that covers the nose and mouth and surrounding areas of the lower face. A Face Covering may be factory-made or may be handmade and improvised from ordinary household materials. Face Coverings need to cover the nose and mouth in compliance with the Center for Disease Control and Prevention's guidance on wearing Face Coverings.
- B. "Public place" means any place, indoor or outdoor, that is open to the public and includes, but is not limited to, businesses or other establishments where people assemble or members of the general public may enter, offices, public buildings, and parks.
- C. "School or School Districts" means any public, private, or charter school or institution that provides education ranging from daycare through grade 12.

SECTION 2: Face Coverings required. Every person must wear a Face Covering that completely covers the person's nose and mouth when the person is in a Public Place and cannot easily maintain a continuous distance of at least six feet from all other persons.

SECTION 3: Exempt persons. Section 2 of this Ordinance does not apply to:

- A. Any individual who cannot wear a Face Covering because of a medical condition, mental health condition or developmental disability, and any individual who should not wear Face Coverings under the CDC guidance. A person is not required to provide documentation demonstrating that the person cannot medically tolerate wearing a Face Covering. Persons with disabilities who are unable to wear a mask must be provided reasonable accommodations per the Americans with Disabilities Act.
- B. Children under the age of 5. Parents or guardians are responsible for ensuring that children between the ages of 5 and 17 wear appropriate Face Coverings when required under this Ordinance.
- C. Persons participating in youth activities, sports, camps, and daycares in accordance with State Health Orders and Guidelines, as amended.
- D. Persons actively exercising in a gym in accordance with State Health Orders and Guidelines, as amended.
- E. School individuals (including students, administrators, and teachers) on or in School or School District facilities.
- F. Persons in his or her work office and able to maintain a physical distance of at least 6 feet from all other persons.
- G. Persons for whom wearing a Face Covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines.
- H. Persons who are obtaining a service involving the nose, face, or head for which temporary removal of the Face Covering is necessary to perform the service.

- I. Persons who are eating or drinking at a restaurant or other establishment that offers food or beverage service, so long as the person is able to maintain a distance of 6 feet away from persons who are not members of the same household or party as the person.
- J. Any member of a group of persons who are in a public place together and live in the same household, so long as the group can easily maintain a continuous physical distance of at least 6 feet from all other persons not part of the household.
- K. Persons who are swimming.

SECTION 4. Establishments.

- A. Establishments that are open to the public must provide Face Coverings to their employees and require them to wear them unless exempted in Section 3 of this Ordinance.
- B. Establishments that are open to the public must provide signage stating that Face Coverings are required to enter the establishment pursuant to Victor City Code or a copy of this Ordinance or its approved summary in a conspicuous place at all public entrances to their facilities.
- C. Establishments that are open to the public and in which continuous physical distancing of at least six feet between persons cannot be easily maintained may refuse to allow a person who is not exempt under Section 3 and who is not wearing a Face Covering to enter the establishment and may request that a person inside the establishment leave if the person is not exempt under Section 3 and is not wearing a Face Covering.
- D. Every provider of short-term lodging, including hotels, Airbnb/VRBO, or similar, shall notify incoming guests of this requirement prior to arrival and upon arrival, and advise them that Face Coverings are mandatory in this locale.

SECTION 5: PENALTIES

Any person who violates any provision of this Ordinance shall be guilty of an infraction with a fine of \$250.00 (fixed penalty \$193.50, court costs \$56.50).

SECTION 6: EMERGENCY, EFFECTIVE DATE AND SUNSET DATE

The City Council of the City of Victor hereby finds that an impending danger exists due to the spread of a contagious disease, resulting in an emergency necessitating the immediate operation of this Ordinance upon its passage and posting in five public places pursuant to Idaho Code Section 50-901. This Ordinance shall remain in effect until 11:59 p.m. on October 1, 2020 unless sooner repealed.

SECTION 7: SEVERABILITY

If any section, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions of the ordinance.

SECTION 8: WAIVER OF READINGS

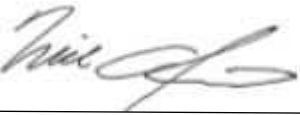
The Council waives the requirement of any reading of this ordinance and adopts it by title only pursuant to Idaho Code 50-902.

PASSED BY THE COUNCIL OF THE CITY OF VICTOR, IDAHO, THIS 8TH DAY OF JULY, 2020.

APPROVED BY THE MAYOR OF THE CITY OF VICTOR, IDAHO, THIS 8TH DAY OF JULY, 2020.

CITY OF VICTOR

ATTEST:

BY: 

Will Frohlich, Mayor



Michelle Smith, City Clerk





City of McCall

Resolution No. 20-12

A RESOLUTION MANDATING REQUIREMENT TO WEAR FACE COVERINGS IN PUBLIC PLACES

WHEREAS, COVID-19 was first detected in Wuhan, China in 2019, and since then has spread to over 216 countries including the United States; and

WHEREAS, there were 6,117 confirmed cases of COVID-19 in Idaho as of June 30, 2020, and 13 confirmed cases of COVID-19 in Valley County as of June 30, 2020, as well as the presence of community spread in Idaho and Valley County. It is expected that more cases will be diagnosed; and

WHEREAS, the World Health Organization declared COVID-19 a worldwide pandemic as of March 11, 2020; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency concerning the coronavirus, specifically stating that, in “December 2019 a novel (new) coronavirus known as SARS-Co V-2 was first detected in Wuhan, Hubei Province, People’s Republic of China, causing outbreaks of the coronavirus disease (COVID-19) that has now spread globally [...] The spread of COVID-19 within our Nation’s communities threatens to strain our Nation’s healthcare systems [...] Additional measures [...] are needed to successfully contain and combat the virus in the United States”; and

WHEREAS, on March 13, 2020, Idaho Governor Brad Little declared a State of Emergency and Public Health Emergency in the State of Idaho, stating that with no confirmed cases in Idaho at that time, Idaho was in the best position to be proactive and get ahead of the impact coronavirus could have in Idaho; and

WHEREAS, on March 16, 2020 the Valley County Commissioners of the State of Idaho Declared a State of Emergency Concerning the COVID-19 outbreak; and

WHEREAS, on March 16, 2020 the McCall City Council, Valley County, State of Idaho Declared a State of Emergency Concerning the COVID-19 outbreak; and

WHEREAS, a significant number of Idaho citizens are at risk of serious health complications, including death, from COVID-19. Although most individuals who contract COVID-19 do not become seriously ill, people with mild symptoms, and even asymptomatic persons with COVID-19, place other vulnerable members of the public at significant risk; and

WHEREAS, a large number of persons with serious infections can compromise the ability of the healthcare system in Valley County to deliver necessary healthcare to the public; and

WHEREAS, Valley County, Idaho is a tourist destination and other mountain resort communities in the Rocky Mountain region have been the nuclei of infection in their respective states (Vail, CO; Park City, UT and Sun Valley/Ketchum, ID); and

WHEREAS, as previous public health orders expire or are replaced with less restrictive orders, Valley County will likely see increasing numbers of visitors from outside the county who can potentially transmit COVID-19 and at the same time will be more likely to interact with each other and with local residents as businesses, tourist destinations such as National Parks, and other services reopen; and

WHEREAS, St. Luke's McCall routinely serves patients not only from within Valley County but also patients from Adams County, ID, Washington County, ID, Idaho County, ID, and tourists from all areas who will further stress its capacity, making it critical that City of McCall take steps to slow the spread of COVID-19 infection so as not to overwhelm the local healthcare system in such a way that would result in many preventable deaths; and

WHEREAS, there are vulnerable populations in the McCall area including but not limited to one long-term care facility in McCall with residents at high risk for exposure to COVID-19 and one Senior Community Center that serves vulnerable and at-risk senior citizens; and

WHEREAS, COVID-19 is a respiratory illness, transmitted through person-to-person contact or by contact with surfaces contaminated with the virus. Persons infected with COVID-19 may become symptomatic two to fourteen days after exposure; and

WHEREAS, asymptomatic (including pre-symptomatic) infected individuals are infectious and without mitigation, the current estimate is that 40%-80% of infections occur from individuals without symptoms. In a study carried out in an isolated village of approximately 3,000 people in northern Italy, it was shown that 50–75% of people with positive pharyngeal molecular tests were totally asymptomatic. This finding was confirmed by a more recent evaluation carried out in China, where to avoid a new outbreak of COVID-19, all the people arriving from overseas were rigorously tested. It was found that among patients with newly identified infections, 78% were asymptomatic. Universal screening of asymptomatic SARS-CoV-2 in women admitted for delivery in New York City shows that 13.7% were infected, and that asymptomatic women accounted for 88% of infected individuals in the study. Of individuals who do become symptomatic, viral loads are the highest in the pre-symptomatic and early symptomatic phase, decreasing thereafter; and

WHEREAS, respiratory droplets from infected individuals are a major mode of SARS-CoV-2 transmission. This understanding is the basis of the recommendations for physical distancing, and of the PPE guidance for healthcare workers. Droplets do not only come from coughing or sneezing: in a-/pre-symptomatic individuals, droplets are also generated via talking and breathing; and

WHEREAS, SARS-CoV-2, the virus that causes COVID-19, may be broadcast in respiratory droplets "from normal breathing," according to a letter from a committee of the National Academies of Sciences, Engineering, and Medicine. The letter, sent to the White House Office of Science and Technology Policy on April 1, cites numerous studies indicating the presence of coronavirus in aerosols. In one, air samples collected more than 6 feet from two patients in COVID-19 isolation rooms tested positive for SARS-CoV-2 RNA. Until some weeks ago, it was thought that the virus could be transmitted mainly by droplets that are coughed or sneezed out or by previously contaminated objects, with differences according to the initial load and surface characteristics. However, the results of some submitted but not yet peer-reviewed studies seem to indicate the opposite, i.e., the virus can be present in exhaled air produced by talking and breathing; and

WHEREAS, face coverings reduce droplet dispersal. Cloth-based coverings reduce emission of particles by variable amounts, for example one study showed that they are almost completely eliminated. Patients with seasonal coronaviruses (other than SARS-CoV-2) were randomized to exhale breath with or without surgical face masks on. Viral RNA was detected in 40% of aerosols and 30% of respiratory droplets collected from participants without a face mask — but in none collected from those wearing a mask. A second study showed that cloth coverings filtered viral particles during coughing at about 50 to 100% of the filtration efficiency of surgical masks, depending on fabric, with absolute filtration efficiencies of 50-70%. A third study showed 50% filtering efficiency for airborne particles; and

WHEREAS, evidence indicates that face covering wearing reduces the transmissibility per contact by reducing transmission of infected droplets in both laboratory and clinical contexts. Public face covering wearing is most effective at stopping the spread of the virus when compliance is high. This evidence supports the conclusion that more widespread face covering adoption can help to control the COVID-19 epidemic by reducing the shedding of droplets into the environment from asymptomatic individuals. This is also consistent with the experiences of other countries that have adopted this strategy. One ecological analysis found that, "In countries with cultural norms or government policies supporting public mask-wearing, per-capita coronavirus mortality increased on average by just 5.4% each week, as compared with 48% each week in countries that did not wear masks."; and

WHEREAS, in the most comprehensive, systematic review and meta-analysis of face coverings published to date, Chu et al. found that face masks could reduce risk of transmission of COVID-19 by an expected 85 percent; and

WHEREAS, guidelines published by the U.S. Centers for Disease Control (CDC) on April 3, 2020, recommend that all people wear cloth face coverings in public settings where other physical distancing measures may be difficult to maintain. CDC also advises the use of simple cloth face coverings to slow the spread of the virus and help people who may have the virus and do not know it from transmitting it to others; and

WHEREAS, orders requiring face coverings in total or in part are already in place statewide in many U.S. states and in many local areas in other U.S. states; and

WHEREAS, decreased transmissibility due to face covering use could substantially reduce the death toll and economic impact while the cost of the intervention is low; and

WHEREAS, pursuant to Ordinance 986, Sections 6 B. (6), 6 C. (3) and (5), and 6 D. (3) and (5), the City Council does declare and issue a Public Health Emergency Order.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MCCALL, VALLEY COUNTY, IDAHO, having duly met on July 1, 2020, at a Special City Council Meeting, which was properly noticed and open to the public, and having fully considered the matter at hand, that:

SECTION 1. FACE COVERINGS

Every person, shall, when in any indoor or outdoor public place, completely cover their nose and mouth, when members of the public are physically present for otherwise unprotected social interaction.

1. **DEFINITIONS:** For purposes of this Public Health Emergency Order “public place” shall mean any place open to all members of public without specific invitation, including but not necessarily limited to, retail business establishments, government offices, medical, educational, arts and recreational institutions, public transportation, including taxi cabs and ridesharing vehicles. “Members of the public” shall mean persons not therein employed, present without invitation.
2. **EXEMPTIONS:**
 - a. Children under the age of 5.
 - b. Persons who cannot medically tolerate wearing a face covering. A person is not required to provide documentation demonstrating that the person cannot medically tolerate wearing a face covering.
 - c. Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication.
 - d. Persons, including on-duty law-enforcement officers, for whom wearing a face covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines.
 - e. Persons who are obtaining a service involving the nose, face, or head for which temporary removal of the face covering is necessary to perform the service.
 - f. Persons who are eating or drinking at a restaurant or other establishment that offers food or beverage service, so long as the person is able to maintain a distance of 6 feet away from persons who are not members of the same household or party as the person.
 - g. Outdoor public places where a person can employ social distancing as recommended by CDC where the person is able to maintain a distance of 6 feet away from persons who are not members of the same household or party as the person.

- h. Persons who are engaged in indoor exercise, so long as they engage in social distancing.

SECTION 2. PENALTIES

Any person who violates any provisions of this Order, shall be guilty of an infraction, punishable by a fine of \$100.

SECTION 3. EFFECTIVE DATE AND SUNSET DATE

This Emergency Order shall take effect at 12:00 a.m., on July 2, 2020 and shall remain in effect until August 1, 2020 unless extended by the City Council.

PASSED and approved by the City Council of the City of McCall this 1 day of July 2020,

Signed: 
Robert S. Giles, Mayor

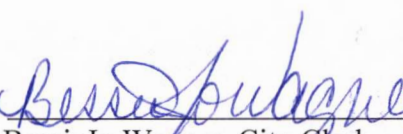
ATTEST:

I certify that the above Resolution was duly adopted by the City Council of the City of McCall on July 1, 2020 by the following vote:

Ayes: 4

Nos: 1

Absent: 0

By 
BessieJo Wagner, City Clerk





Date: Monday, November 9, 2020
To: Planning and Zoning Commission
From: Jonathan Spendlove, Planning & Zoning Director

ACTION ITEM

Request:

Request for an Amendment to the Latitude 42 PUD to modify allowed uses and remove restrictions on outdoor storage on property located at 1291 Latitude Circle c/o Gerald Martens. (PZ20-0100) On September 22, 2020, the Planning and Zoning Commission recommended approval to City Council by a vote of 6-0.

Time Estimate:

Approximately 5-10 minutes for the presentation with questions/comments to follow.

Background:

This a request to amend the Latitude 42 C-1 PUD Agreement #272. The purpose of the request is to removed the last line "No outside storage as allowed" Latitude 42 PUD Agreement and replace it with the following:

1. Outside Storage / Loading Docks / Trash Containers/ medical gas storage and emergency facilities shall be screened from roadways, residential areas and adjacent properties in conformance with City code. Screening may consist of landscaping, masonry walls, buildings, or fencing. Outside storage shall conform with City Code Section 10-7-14. The amendments are as follows:

Allowed Uses:

1. Outside Storage and display of equipment rental, large implement and heavy equipment for sale or rent on property located adjacent to or clearly visible from US 93.
2. Permitted retail/trade uses operating between the hours of six o'clock (6:00) AM to ten o'clock (10:00) PM.

Prohibited Uses:

Outside storage and display of unfinished materials such as aggregate, lumber, masonry and other similar materials shall not be stored on any lots fronting Latitude Circle within the Latitude 42 Subdivision No. 2, a PUD.

Approval Process:

The Preliminary Presentation for this request was held August 25, 2020.

A public hearing with the Planning and Zoning Commission for this request was on September 22, 2020 the Planning and Zoning Commission unanimously voted to recommend approval to City Council by a vote of 6-0.

Budget Impact:

n/a

Regulatory Impact:

Should the City Council approve the amendment as requested the amended document will be recorded and will be applicable to both Latitude 42 Subdivision No. 1 & 2.

History:

The Latitude 42 C-1 PUD Agreement #272 contains Latitude Subdivision No. 1 recorded in April 2016 and Latitude 42 Subdivision No. 2 recorded in April 2018.

The PUD Agreement was recorded in April 2016. Recently Lots 6-8 in the Latitude 42 Subdivision No. 2, a PUD was approved for a Special Use Permit to allow for storage unit rental.

Analysis:

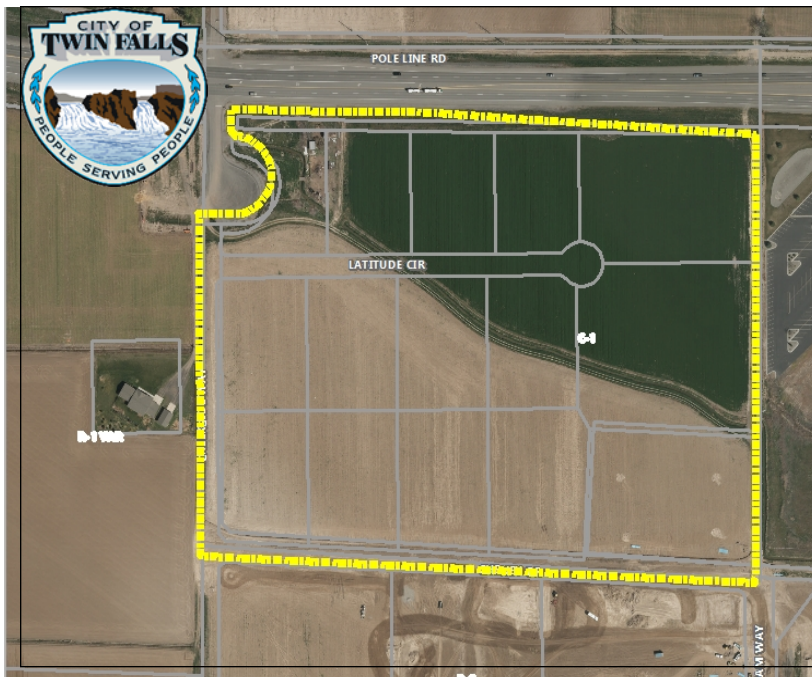
Staff has reviewed the request and does not anticipate any negative impacts related to the changes being requested.

Conclusion:

The Commission is tasked with making a recommendation to the City Council. You may recommend approval as requested; recommend a modification or recommend denial.

Attachments:

1. PZ20-00100 Public Hearing Staff Report
2. Vicinity Map
3. Narrative_2
4. Draft_2 Latitude 42 PUD Amendment 2
5. PZ20-0100 Public Comment no. 1
6. PZ20-0100 Public Comment no. 2



Comprehensive Staff Report

To: Planning & Zoning Commission
Presenter: Lisa Strickland, City Planner

Request: **Preliminary Presentation** for a request to amend PUD #272 to modify allowed uses and remove restrictions on outdoor storage on property located at 1291 Latitude Circle

Application: PZ20-00100

Applicant & Representative:

Gerald Martens
 621 N College Rd Ste 100
 Twin Falls, ID 83301

OutsPublic Hearing: September 22, 2020

Analysis:

This is a preliminary presentation for an amendment to the Latitude 42 C-1 PUD Agreement #272.

The purpose of the request is to remove the last line "No outside storage is allowed" Latitude 42 PUD Agreement and replace it with the following:

1. Outside Storage / Loading Docks / Trash Containers/ medical gas storage and emergency facilities shall be screened from roadways, residential areas and adjacent properties in conformance with City code. Screening may consist of landscaping, masonry walls, buildings, or fencing. Outside storage shall conform with City Code Section 10-7-14.

The request will also modify the allowed uses and prohibited uses as follows:

1. Outside storage and display of equipment rental, large implement and heavy equipment for sale or rent on property located adjacent to or clearly visible from US 93.
2. Permitted retail/trade uses operating between the hours of six

o'clock (6:00) A.M. to ten o'clock (10:00) P.M.

1. Outside storage and display of unfinished materials such as aggregate, lumber, masonry, and other similar materials shall not be stored on any lots fronting Latitude Circle within the Latitude 42 Subdivision No. 2, a PUD

History:

The Latitude 42 C-1 PUD Agreement #272 contains Latitude Subdivision No. 1 recorded in April 2016 and Latitude 42 Subdivision No. 2 recorded in April 2018.

The PUD Agreement was recorded in April 2016. Recently Lots 6-8 in the Latitude 42 Subdivision No. 2, a PUD was approved for a Special Use Permit to allow for storage unit rental.

Approval Process:

The Preliminary Presentation for this request was held August 25, 2020. A public hearing shall then be held before the Commission for a recommendation to City Council to approve, approve with conditions or deny the amendment request.

Applicable Regulations or Codes:

Should the City Council approve the amendment as requested the amended document will be recorded and will be applicable to both Latitude 42 Subdivision No. 1 & 2.

Comprehensive Plan Compliance:

The 2016 Comprehensive Plan "Grow With Us" designates this area as "Commercial" and the request is in compliance with the plan.

Conclusion:

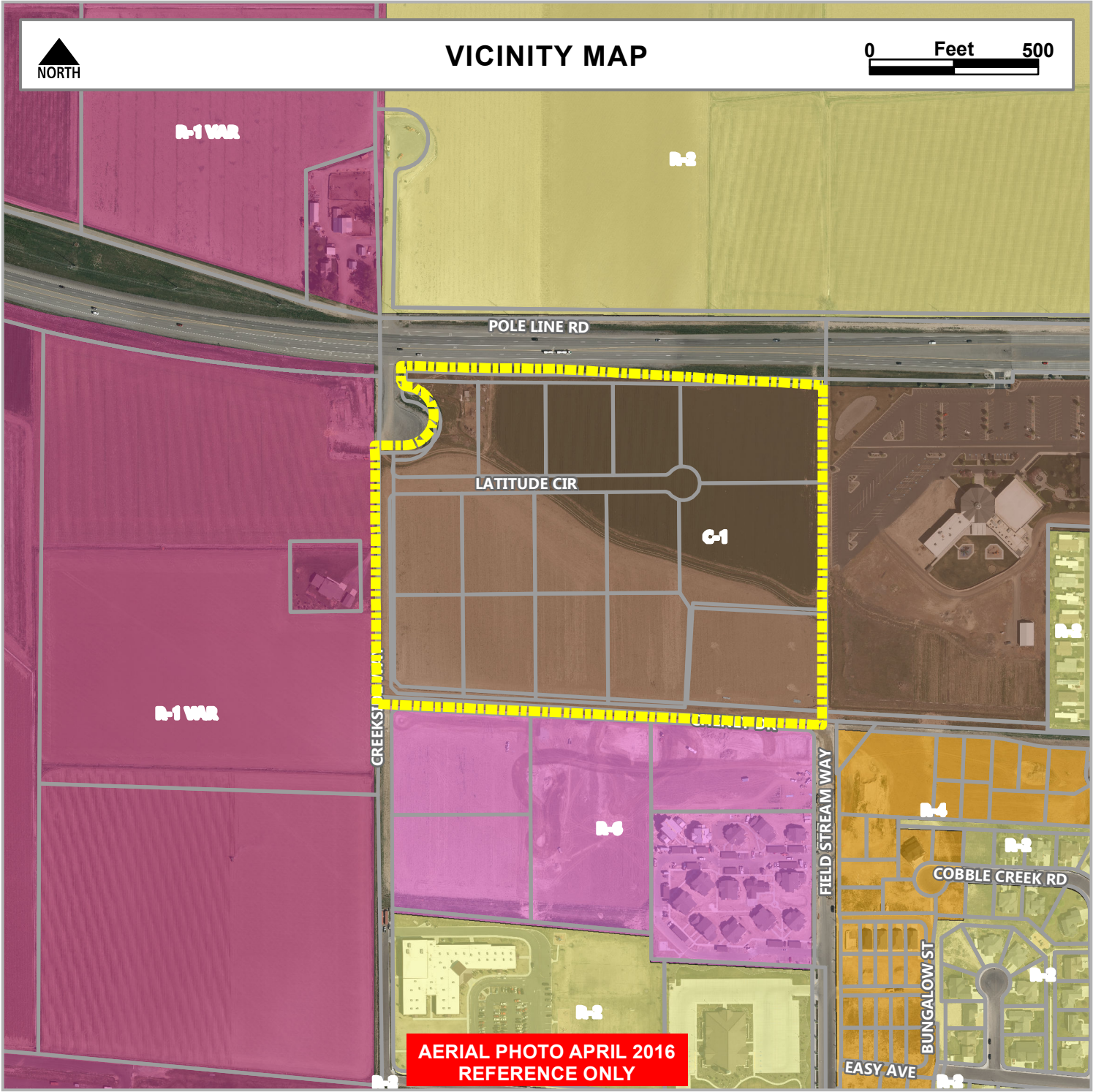
The Commission is tasked with making a recommendation to the City Council. You may recommend approval as requested; recommend a modification or recommend denial.

Attachments

1. Vicinity Map
2. Narrative
3. Latitude 42 PUD #272
4. PUD Amendment Agreement

VICINITY MAP

0 Feet 500



- | | |
|--|---|
|  C-1 |  R-4 |
|  R-1 VAR |  R-6 |
|  R-2 | |

Reason for Request

The purpose of the request is to remove the last line “No outside storage is allowed” from section V-D-2 of the Latitude 42 PUD Agreement and replace it with the following:

1. Outside Storage / Loading Docks / Trash Containers. Loading docks, trash containers, medical gas storage and emergency facilities shall be screened from roadways, residential areas and adjacent properties in conformance with City code. Screening may consist of landscaping, masonry walls, buildings, or fencing. Outside storage shall conform with City Code Section 10-7-14.

The request is to modify the allowed uses as follows:

1. Outside storage and display of equipment rental, large implement and heavy equipment for sale or rent on property located adjacent to or clearly visible from US 93.
2. Permitted retail/trade uses operating between the hours of six o'clock (6:00) A.M. to ten o'clock (10:00) P.M.

The request is to modify the prohibited uses as follows:

1. Outside storage and display of unfinished materials such as aggregate, lumber, masonry, and other similar materials shall not be stored on any lots fronting Latitude Circle within the Latitude 42 Subdivision No. 2, a PUD

The location, adjacent or clearly visible from US 93 is appropriate location for storage and display of vehicles, construction equipment, and farm equipment.

The sale, rental and display of vehicles, construction equipment, and farm equipment will have no negative impact on adjacent properties.

The storage of this equipment will be on a paved surface eliminating any potential for dust. Noise, glare, and odor will be extremely minimal

AMENDMENT TO C-1 PLANNED UNIT DEVELOPMENT AGREEMENT

LATITUDE 42, PUD

The Amendment to the Agreement is made and entered into as of the _____ day of _____, 20____, by and between the CITY OF TWIN FALLS, a Municipal Corporation (hereinafter called "City") and James and Anna McCormick, Gary Nelson, Blass, Inc., Gary Slette, Gerald Martens, Evan Robertson, Dirk Gibson, Daniel Konen, Stephen George, Kirby Dahl (hereinafter called "Developer"), whose address is PO Box 6004, Twin Falls, Idaho 83303-6004.

RECITALS:

WHEREAS, the City and Developer entered a C-1 Planned Unit Development Agreement for the development of Latitude 42, PUD. dated March 28, 2016.

WHEREAS, the City and Developer amended C-1 Planned Unit Development Agreement for the development of Latitude 42, PUD, dated September 28, 2016.

WHEREAS, the C-1 Planned Unit Development agreement identifies areas to be developed within Latitude 42, PUD.

WHEREAS, the parties hereto desire to amend the above referenced C-1 Planned Unit Development agreement regarding the development of paragraph V-D-2 of the Developer's property in Latitude 42, PUD.

WHEREAS, The City, by and through its City Council on _____, has agreed to paragraph V-D-2 subject to certain terms, conditions and understandings, which terms, conditions and understandings are the subject of the Agreement and are stated as follows:

2. Outside Storage / Loading Docks/Trash Containers. Loading docks, trash containers, medical gas storage and emergency facilities shall be screened from roadways, residential areas and adjacent properties in conformance with City code. Screening may consist of landscaping, masonry walls, buildings, or fencing. No outside storage is allowed.

NOW, THEREFORE, the parties hereto, agree to amend the PUD agreement as follows:

Remove the last line "No outside storage is allowed".

Permitted Uses

1. Outside Storage / Loading Docks / Trash Containers. Loading docks, trash containers, medical gas storage and emergency facilities shall be screened from roadways, residential areas and adjacent properties in conformance with City code. Screening may consist of landscaping, masonry walls, buildings, or fencing. Outside storage shall conform with City Code Section 10-7-14.

2. Outside storage and display of equipment rental, large implement and heavy equipment for sale or rent on property located adjacent to or clearly visible from US 93.
3. Permitted retail/trade uses operating between the hours of six o'clock (6:00) A.M. to ten o'clock (10:00) P.M.

Prohibited Uses

1. Outside storage and display of unfinished materials such as aggregate, lumber, masonry, and other similar materials shall not be stored on any lots fronting Latitude Circle within the Latitude 42 Subdivision No. 2, a PUD

IN WITNESS WHEREOF, this Amendment Agreement has been executed on the day and year first above written.

City of Twin Falls,
a Municipal Corporation

Developer,

By: _____
Suzan Hawkins, Mayor

By: _____
Gerald Martens, Managing Member

STATE OF IDAHO)
 : ss.
COUNTY OF TWIN FALLS)

On this _____ day of _____, 20____, before me, a Notary Public in and for said County and State, personally appeared Suzan Hawkins, Mayor of Twin Falls, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

NOTARY PUBLIC FOR IDAHO
Residing at _____ Idaho
My commission expires: _____

STATE OF IDAHO)
 : ss.
COUNTY OF TWIN FALLS)

On this _____ day of _____, 20____, before me, a Notary Public in and for said County and State, personally appeared Gerald Martens, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

NOTARY PUBLIC FOR IDAHO
Residing at _____ Idaho
My commission expires: _____

Kelli Ebersole

From: Jonathan Spendlove
Sent: Tuesday, October 20, 2020 10:51 AM
To: Kelli Ebersole
Subject: FW: New City Council Meeting Comment

From: noreply@tfid.org <noreply@tfid.org>
Sent: Monday, October 19, 2020 3:59 PM
To: CM-Council <Council2016@tfid.org>
Subject: New City Council Meeting Comment

New comments for City Council listed below:

Submitter Name: Kip PrahI
Submitter Phone: [REDACTED]
Submitter Email: kipcsp@yahoo.com

Comments:

I am the board chair of Serenity Healthcare, LLC located at 1134 Cheney Drive West in Twin Falls. I am writing to comment on the proposed amendment to the "Latitude 42 PUD Agreement" that would allow the development of an equipment sales and rental facility on the property immediately adjacent to Serenity.

I only learned of this proposed amendment earlier today and am not in favor of it. In the interest of brevity, I will limit my comments to stating that Serenity makes every effort to provide patients, many of whom are in a fragile state, with a restful and pleasant environment. In my opinion the proposed "equipment sales and rental facility" can be expected to be quite noisy and, with daily operating hours of 6:00AM to 10:00PM, would have a measurably adverse effect upon the restful environment that is especially important for Serenity patients.

I appreciate this opportunity to comment.

Kip PrahI

Kelli Ebersole

From: forms@tfid.org
Sent: Monday, October 19, 2020 11:59 AM
To: Kelli Ebersole
Subject: Public Comment Notice for PZ20-0100

A public comment has been submitted for PZ20-0100 presented at the City Council Meeting on 10/19/2020.

Name: Latham Williams

Phone: [REDACTED]

Email: lathamwilliams@me.com

Comments:

Concerning 1291 Latitude Circle, I am a property owner in the PUD and do NOT approve of the change proposed by applicant Gerald Martens.