

# City of Greenleaf

20523 N. Whittier Drive  
Greenleaf, Idaho 83626  
208/454-0552  
208/454-7994 (fax)  
cityhall@greenleaf-idaho.us

## CITY COUNCIL MEETING AGENDA

### Special Session – 7:00pm 31 March 2020 at Greenleaf City Hall

*This meeting can be joined via computer, tablet, or smartphone at:*

*<http://global.gotomeeting.com/join/650893429>*

*Via telephone: +1 (669) 224-3412 Access Code: 650 893 429*

1. Meeting called to order
2. Pledge of Allegiance
3. Roll Call

☐ Seat 1: Ryan Schnuerle

☐ Seat 2: Rob Fisher

☐ Seat 3: Kurt Kopadt

☐ Seat 4: Dan Hyer

☐ Mayor: Brad Holton

☐ Impact Area: Liza

Warner

Also Present:

☐ City Clerk

☐ Public Services Director

☐ Police Chief

☐ City Attorney

☐ City Engineer

☐ City Treasurer

4. Adjustments to meeting agenda [ACTION ITEM]
5. Public Hearing regarding DRAFT ORDINANCE #FY20-002 (Emergency Moratorium Ordinance) AN ORDINANCE OF THE CITY OF GREENLEAF, CANYON COUNTY, IDAHO, DECLARING AN EMERGENCY AND MORATORIUM PURSUANT TO IDAHO CODE §67-6523 FOR A PERIOD OF ONE HUNDRED EIGHTY-TWO (182) DAYS; STATING THE FINDINGS AND REASONS FOR THE EMERGENCY AND MORATORIUM; PROHIBITING THE FILING AND PROCESSING OF ALL CLASSES OF PERMITS UNDER GREENLEAF CODE TITLE 9 REQUIRING A PUBLIC HEARING, INCLUDING BUT NOT LIMITED TO SUBDIVISIONS, PLANNED UNIT DEVELOPMENTS, AND CONDITIONAL USE PERMITS, DURING THE MORATORIUM PERIOD; PROVIDING THE SCOPE OF THE EMERGENCY MORATORIUM; PROVIDING FOR THE DURATION OF THE EMERGENCY MORATORIUM; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY EFFECTIVE DATE. [ACTION ITEM]
6. Consideration of Draft Ordinance #FY20-002 (Emergency Moratorium Ordinance) AN ORDINANCE OF THE CITY OF GREENLEAF, CANYON COUNTY, IDAHO, DECLARING AN EMERGENCY AND MORATORIUM PURSUANT TO IDAHO CODE §67-6523 FOR A PERIOD OF ONE HUNDRED EIGHTY-TWO (182) DAYS; STATING THE FINDINGS AND REASONS FOR THE EMERGENCY AND MORATORIUM; PROHIBITING THE FILING AND PROCESSING OF ALL CLASSES OF PERMITS UNDER GREENLEAF CODE TITLE 9 REQUIRING A PUBLIC HEARING, INCLUDING BUT NOT LIMITED TO SUBDIVISIONS, PLANNED UNIT DEVELOPMENTS, AND CONDITIONAL USE PERMITS, DURING THE MORATORIUM PERIOD; PROVIDING THE SCOPE OF THE EMERGENCY MORATORIUM; PROVIDING FOR THE DURATION OF THE EMERGENCY

MORATORIUM; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY EFFECTIVE DATE. [ACTION ITEM] *(Clerk's Note – First reading by title performed by Brad Holton at the 26 March 2020 Council Meeting.)*

7. Consideration of DRAFT ORDINANCE #FY20-003 (Emergency Powers) AN ORDINANCE OF THE CITY OF GREENLEAF, CANYON COUNTY, IDAHO, AMENDING TITLE 5, CHAPTER 6, GREENLEAF CODE BY ADDING NEW SECTION 5-6-6 RELATING TO EMERGENCY POWERS; SETTING FORTH THE AUTHORITY, PURPOSE AND INTENT; DEFINITIONS; DESCRIBING PUBLIC HEALTH EMERGENCY ORDERS; PROVIDING A PROCESS FOR ENACTING PUBLIC HEALTH EMERGENCY ORDERS; PROVIDING FOR EXCLUSIONS; PROVIDING FOR SUSPENSION OF SERVICES; PROVIDING A FORCE MAJEURE CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SUNSET PROVISION; AND PROVIDING AN EFFECTIVE DATE UPON PROCLAMATION OF THE MAYOR POSTED IN FIVE (5) PUBLIC PLACES OF THE CITY. [ACTION ITEM] *(Clerk's Note – First reading by title performed by Brad Holton at the 26 March 2020 Council Meeting.)*

8. Any other information from Mayor or Staff to Council

9. Adjournment [ACTION ITEM]

*(Clerk's Note: Initially posted 27 March 2020, updated to add conference call link.)*

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- Posted physically at the following locations at approximately 5:00p 30 March 2020:

Greenleaf City Hall (outside bulletin board next to front door)  
Greenleaf Post Office (inside lobby bulletin board)

Greenleaf Store (in window to right of entry)  
Greenleaf Café (outside bulletin board)

- Posted electronically at approximately 4:00p 30 March 2020 at the city website ([www.greenleaf-idaho.us](http://www.greenleaf-idaho.us)) and referencing post on the city's Facebook page

\* The meeting may move to an alternate location if attendance is over 41 people.

\*\* The Chair may recess the meeting at any time.

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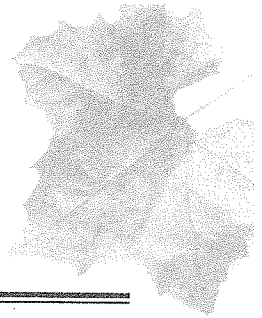
**NONDISCRIMINATION STATEMENT:** In accordance with Federal law and U.S. Department of Agriculture policy, the City of Greenleaf is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs.) If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at [program.intake@usda.gov](mailto:program.intake@usda.gov).

**SPECIAL ACCOMMODATION:** Any person with a disability may request a reasonable accommodation to make it easier to use City facilities or programs, or request that the City provide information in a different way. Details and Reasonable Accommodation Request Forms are available at City Hall (20523 Whittier Dr., Greenleaf, ID 83626). Those who have impaired hearing or speech may contact City Hall utilizing the Idaho Relay Service: TDD: (Toll Free) Dial 1, then 800-377-3529; VOICE: (Toll Free) Dial 1, then 800-377-1363, or 711.



# CITY OF GREENLEAF

20523 North Whittier Drive  
Greenleaf, Idaho 83626



## CITY MEETING AGENDA INFORMATION SHEET

**SPEAKING AT THE MEETING:** As public meetings under Idaho law, city meetings are a 'spectator sport', in which the public is invited to observe local government at work. The public may only address questions and concerns to the Council, Commission, or Committee during a specified agenda item for that purpose, such as the "Matters from the Floor" agenda item on regular session monthly City Council meeting agendas, or during a Public Hearing. The Mayor or Chairperson of the Commission/Committee, as the meeting chair conducting the meeting, may also choose to recognize individuals from the gallery at any time to help clarify discussion for the Council, Commission, or Committee.

If you wish to address the Council, Commission, or Committee during an agenda item for that purpose, or at a Public Hearing, then please sign up on the sign in sheet before the meeting. This assists the Chair in recognizing those who wish to speak, and helps the clerk to accurately record who is speaking when writing the meeting minutes. To speak to the Council, Commission, or Committee, you must first be recognized by the Chair. After the Chair has given you the floor to speak, please state your name and address for the record, and then express your question or concern to the Council, Commission, or Committee. Please limit your time to three to five minutes. At the Chair's discretion, a per-person time period may be set for those addressing the Council, Commission, or Committee.

**LENGTH OF MEETING:** Meeting agendas are generally full of important city business to be processed by the Council, Commission, or Committee. However, it is not in the public interest for the Council, Commission, or Committee to hold extended meetings in which tired Council, Commission, or Committee Members may become susceptible to having their judgment impaired by the length of the meeting. For this reason, the Chair will generally poll the Council, Commission, or Committee after two to three hours to ask if the Council, Commission, or Committee would consider setting a date for a special session for continuance of the meeting. Because most meetings start at 6:30p or 7:00p, the Chair will usually plan to end the meeting and set a date for continuance between 9:00p and 10:00p.

**CONSENT AGENDA:** As a time-saving tool, routine staff reports and recurring business items at City Council Meetings may be processed in a batch with one motion and vote. If any member of the Council desires to discuss a consent agenda item, then it can be made a separate agenda item during the "Adjustments to Meeting Agenda" agenda item. A consent agenda is typically not used at City Council special session meetings, or at Commission or Committee meetings, and may or may not be used at City Council regular session monthly meetings.

**ORDINANCES AND RESOLUTIONS:** Ordinances change the City Code and become law within the boundaries of the city limits. Resolutions are statements of Council policy that effect the internal operation of the city. Thus, the Water Ordinance may state that there will be fees and charges associated with connecting to and using municipal water, but the actual fee schedule may be set by resolution. The titles of ordinances are normally read, and at least one time the full ordinance instead of by title, in three separate meetings before being voted on by the Council (Note: For long ordinances, all three readings may be done by a summary title prepared by legal council). These rules may be suspended by the Council to allow faster ordinance adoption. By State law, ordinances must also be published in the city's official newspaper before they take effect. Resolutions do not require multiple readings or newspaper publication.

**EXAMPLE MOTION FOR ORDINANCE RULE SUSPENSION:** "I move that ordinance #XXX be read once by title, that additional readings be suspended, and that the ordinance be considered for final approval and publication"

**MOTIONS AND VOTING (INCLUDING ROLL CALL VOTES):** Council, Commission, or Committee decisions are determined by the making of, and voting on, motions. A Council, Commission, or Committee Member moves that a particular action be taken. The Chair then asks for a second to the motion. If another Council, Commission, or Committee Member does not second the motion, then the motion dies for lack of a second. Upon receiving a second, the Chair then asks for further discussion from the Council, Commission, or Committee. Upon the end of discussion, the Chair then asks for either a voice vote, or a roll call vote. Under a voice vote, the Council, Commission, or Committee Members respond either for or against or abstaining from the vote on the motion. If the vote appears close, when required by Idaho Code, or whenever a Council, Commission, or Committee member desires to have each member's vote recorded, a roll call vote is called, in which the clerk polls each Council, Commission, or Committee Member to ask if they are for the motion, against the motion, or abstaining from the vote. Council, Commission, or Committee members should state their reason if abstaining from a vote, and avoid abstaining unless required to recuse themselves from the matter. Council, Commission, and Committee members hold their positions to make recommendations and decisions for the community, which is especially important on difficult matters.

**PUBLIC HEARINGS:** Public hearings allow members of the community to voice their opinions and provide evidence in support of, in neutrality, or in opposition to, applications for projects that affect their city. The role of the P&Z Commission or Council and Mayor is to make reasoned decisions regarding the application, based on actual facts, opinions, and evidence from the applicant, members of the community, and others. To accomplish this, public hearings adhere to strict rules of conduct, designed to assist the Commission or Council in coming to a reasoned decision while protecting the due process rights of both the applicant and those responding to an application. For those uncomfortable with speaking to the Commission or Council, comments may be submitted in writing, or a position may be presented by a representative designated to speak on behalf of an individual or group (Note: Those presenting themselves to the Commission or Council as representing others must have had themselves designated to speak for that individual or group before the beginning of the public hearing).

**Public Hearing General Guidelines:**

- Those wishing to address the Commission or Council must sign up on the sign in sheet before the hearing begins – Names and addresses are required from those presenting or testifying
- At the discretion of the Mayor or Chairperson of the Commission/Committee, a time limit may be placed on public testimony and applicant presentation (For example, the Chair could set 3 minutes for public testimony and 20 minutes for applicant presentation)
- Commission or Council Members and those testifying are required to be recognized by the Chair prior to speaking
- Questions or comments when testifying should be addressed to the Chair and the Commission or Council (Questions or comments are NOT addressed to the Applicant)
- Mere repetition of previous testimony is not allowed. If your opinion has been previously expressed, then state your name and address for the record when recognized by the Chair and identify the previous speaker who presented the same position.
- Committee and Council Members are required to make their decisions regarding the application based on facts already in the record, and on information presented at the public hearing
- The Chair may choose to recognize individuals from the gallery at any time to help clarify discussion for the Commission or Council. Only those recognized by the Chair may speak.

**Public Hearing General Process:**

1. Explanation of hearing procedures by Chair or Staff (Note: Please see general guidelines above)
2. Chair opens hearing
3. Chair verifies with the clerk that appropriate hearing notice was given
4. Presentation by the Applicant (Note: The applicant bears the responsibility for making their case. This is the best time in the process for Commission or Council Members to ask their questions of the applicant)
5. Presentation by Staff
6. Written correspondence submitted for the record
7. (optional) Chair identifies those signed up to speak representing a group (Chair may give a longer time limit)
8. Testimony by those supporting the application
9. Testimony by those uncommitted on the application
10. Testimony by opponents to the application
11. Rebuttal by the applicant
12. Chair closes the hearing and initiates motion/deliberations (Note: The Chair may choose to require a motion prior to discussion in order to focus deliberations, or the Chair may choose to allow deliberations prior to the motion in order to facilitate wording of the motion. If deliberations are lengthy or the hour is late, then the meeting may be continued to another date)
13. Development of a written decision from the Commission or Council containing conclusions of law and findings of fact. (Note: This is usually developed by the City Attorney working with the Commission or Council and Mayor, and then considered for approval by the Commission or Council at a later meeting)

**NONDISCRIMINATION STATEMENT:** In accordance with Federal law and U.S. Department of Agriculture policy, the City of Greenleaf is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs.) If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at [program.intake@usda.gov](mailto:program.intake@usda.gov).

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C/O ISJ PAYMENT PROCESSING CENTER  
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ORDER CONFIRMATION

Salesperson: LEGALS

Printed at 03/25/20 10:09 by sje14

Acct #: 369093

Ad #: 2004591

Status: New CHOLD

1 GREENLEAF, CITY OF  
20523 N. WHITTIER DR.  
GREENLEAF ID 83626-9199

Start: 03/29/2020 Stop: 03/29/2020  
Times Ord: 1 Times Run: \*\*\*  
LEG 1.00 X 58.00 Words: 225  
Total LEG 58.00  
Class: 0006 GOVERNMENT NOTICES  
Rate: LG Cost: 47.92  
# Affidavits: 1

Contact: LEE C. BELT, CITY CLERK  
Phone: (208)454-0552  
Fax#:   
Email: clerk@greenleaf-idaho.us  
Agency:


Ad Descrpt: PH 3/31/2020  
Given by: LEE BELT  
P.O. #:   
Created: sje14 03/25/20 10:06  
Last Changed: sje14 03/25/20 10:08

PUB ZONE EDT TP RUN DATES  
IPT A 96 S 03/29

AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

LEE C. BELT, City Clerk  
Name (print or type)

  
Name (signature)

(CONTINUED ON NEXT PAGE)

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EMMETT MERIDIAN KUNA BOISE WKLY  
C/O ISJ PAYMENT PROCESSING CENTER  
PO BOX 1570  
POCATELLO ID 83204  
(208) 467-9251  
Fax (208) 475-2321

ORDER CONFIRMATION (CONTINUED)

Salesperson: LEGALS

Printed at 03/25/20 10:09 by sje14

Acct #: 369093

Ad #: 2004591

Status: New CHOLD CHOI

LEGAL NOTICE

NOTICE OF  
PUBLIC HEARING

The City Council of the City of Greenleaf will hold a public hearing on 31 March at 7:00 pm at Greenleaf City Hall for the purpose of hearing public comments regarding an emergency moratorium ordinance pursuant to Idaho Code §67-6523. The purpose of the ordinance is to suspend, for a period of one hundred eighty-two (182) days, the filing and processing of all land use development applications requiring a public hearing pursuant to Greenleaf Code Title 9, including but not limited to subdivisions, conditional use permits, variances, and planned unit developments. The City Council's consideration of the ordinance follows its Declaration of Emergency (Resolution #196), adopted March 17, 2020, to address concerns relating to the 2019 novel coronavirus (COVID-19). Written comments are encouraged and will be accepted at Greenleaf City Hall until 5:00 pm on 30 March 2020.

Any person with a disability may request a reasonable accommodation to make it easier to use City facilities or programs, or request that the City provide information in a different way. Details and Reasonable Accommodation Request Forms are available at City Hall. Those who have impaired hearing or speech may contact City Hall utilizing the Idaho Relay Service: TDD: (Toll Free) Dial 1, then 800-377-3529; VOICE: (Toll Free) Dial 1, then 800-377-1363.

Lee C. Belt, City Clerk

March 29, 2020 2004591

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## LEGAL NOTICES

### LEGAL NOTICE

#### NOTICE OF PUBLIC HEARING

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Lee C. Belt, City Clerk

March 29, 2020 2004591

LEGAL NOTICE

### LEGAL NOTICE

#### NOTICE OF HEARING ON NAME CHANGE

Case No. CV14-20-2341

IN THE DISTRICT COURT FOR THE THIRD JUDICIAL DISTRICT FOR THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

IN RE: Tyler Allen Scharbrough Rogers  
Legal Name

A Petition to change the name of Tyler Allen Scharbrough Rogers, now residing in the City of Nampa, State of Idaho, has been filed in the District Court in Canyon County, Idaho. The name will change to Tyler Allen Rogers. The reason for the change in name is: I was given a name that I didn't want as a minor and had no say in.

A hearing on the petition is scheduled for 9:30 o'clock a.m. on April 30, 2020 at the Canyon County Courthouse. Objections may be filed by any person who can show the court a good reason against the name change.

Date: March 10, 2020

CLERK OF THE DISTRICT COURT  
By: A. Rivera  
Deputy Clerk

March 15, 22, 29, 2020  
April 5, 2020 2002186

### LEGAL NOTICE

#### NOTICE OF HEARING ON NAME CHANGE

Case No. CV14-20-2321

IN THE DISTRICT COURT FOR THE THIRD JUDICIAL DISTRICT FOR THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

### LEGAL NOTICE

#### NOTICE TO CREDITORS

Case # CV14-20-00953

IN THE DISTRICT COURT FOR THE THIRD JUDICIAL DISTRICT FOR THE STATE OF IDAHO IN AND FOR THE COUNTY OF CANYON

IN THE MATTER OF THE ESTATE OF  
DAVID KIRK ANDERSON  
Deceased.

Andrea Thorpe is hereby appointed personal representative of the estate of David Kirk Anderson, deceased, with all authority pertaining thereto. Administration of the estate is unsupervised and without bond.

These Letters are issued to evidence the appointment, qualification, and authority of the personal representative.

Entered February 7, 2020

Hon. Courtnee Tucker  
Magistrate Judge

Greg Chaney I.S.B. 10513  
Chaney Law Office  
PO Box 489  
Caldwell, Idaho 83606  
Telephone: (208)314-3850  
Facsimile: (208)549-9612  
greg@gregchaneylaw.com  
Attorney for the Petitioner

March 15, 22, 29, 2020  
2002174

To place an ad here  
Call 465-8129

### LEGAL NOTICE

#### NOTICE TO CREDITORS

(I.C. §15-3-801(a))  
CASE NO. CV14-20-02330

IN THE DISTRICT COURT OF THE THIRD JUDICIAL

be both (1) presented to the co-personal representatives of the estate at the law offices of White, Peterson, Gigray & Nichols, P.A., 5700 East Franklin Road, Suite 200, Post Office Box 247, Nampa, Idaho (ID) 83653-0247, and (2) filed with the Clerk of the Court.

DATED this 24th day of March, 2020.

Philip A. Peterson  
Attorney for:  
P. Todd Lynch and  
C. David Lynch  
Co-Personal Representatives

March 29, 2020  
April 5, 12, 2020 2004617

### LEGAL NOTICE

#### NOTICE TO CREDITORS

(I.C. §15-3-801(a))  
CASE NO. CV14-20-00410

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON  
MAGISTRATE DIVISION

IN THE MATTER OF THE ESTATE OF  
DARRELL L. MARKS,  
DECEASED.

NOTICE IS HEREBY GIVEN that NEVA J. MARKS was appointed personal representative of the above-named decedent, DARRELL L. MARKS. All persons having claims against the decedent or the estate are required to present their claims within four (4) months after the date of the first publication of this Notice or said claims will be forever barred. Claims must be both (1) presented to the personal representative of the estate at the law offices of White, Peterson, Gigray & Nichols,

OF THE THIRD JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

In the Matter of the Estate of  
KATHERINE JO MARCHBANKS,  
Deceased Petitioner

NOTICE IS HEREBY GIVEN that the undersigned has been appointed Personal Representative of the named estate. All persons having claims against said decedent are required to present their claims within four (4) months after the date of the first publication of this notice or said claims will be forever barred. Claims must be both filed with the

OR

AN ORDINANCE OF THE CITY OF CALDWELL, IDAHO, PURSUANT TO IDAHO CODE, TO IMPLEMENT BY APPOINTMENT, AT HIS DISCRETION, APRIL 20, 2020, THAT HEALTH AGENCIES PROVIDING COVID-19; PROVIDING IMMEDIATELY EFFECTIVE; AND REPEALING ALL ORDINANCES AND HEREWITH.

WHEREAS, the nov has been declared a pandemic; and

WHEREAS, the President has declared a state of emergency of COVID-19; and

WHEREAS, the Governor has declared a state of emergency in response to the state threat

WHEREAS, the Mayor

DRAFT ORDINANCE #FY20-002

(Emergency Moratorium Ordinance)

AN ORDINANCE OF THE CITY OF GREENLEAF, CANYON COUNTY, IDAHO, DECLARING AN EMERGENCY AND MORATORIUM PURSUANT TO IDAHO CODE §67-6523 FOR A PERIOD OF ONE HUNDRED EIGHTY-TWO (182) DAYS; STATING THE FINDINGS AND REASONS FOR THE EMERGENCY AND MORATORIUM; PROHIBITING THE FILING AND PROCESSING OF ALL CLASSES OF PERMITS UNDER GREENLEAF CODE TITLE 9 REQUIRING A PUBLIC HEARING, INCLUDING BUT NOT LIMITED TO SUBDIVISIONS, PLANNED UNIT DEVELOPMENTS, AND CONDITIONAL USE PERMITS, DURING THE MORATORIUM PERIOD; PROVIDING THE SCOPE OF THE EMERGENCY MORATORIUM; PROVIDING FOR THE DURATION OF THE EMERGENCY MORATORIUM; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY EFFECTIVE DATE.

WHEREAS, the City of Greenleaf, by and through its Planning and Zoning Commission and its City Council, are authorized and required by Title 67, Chapter 65, Idaho Code (the “Local Land Use Planning Act” or “LLUPA”) and Title 9, Greenleaf Code (the “Zoning Code”), to process applications for development permits in accordance with the notice and public hearing requirements set forth in such laws; and

WHEREAS, Idaho Code §67-6523 authorizes the City Council to adopt emergency ordinances or a moratorium upon the issuance of selected classes of permits, or both, upon a finding of an imminent peril to the public health, safety, or welfare, upon such abbreviated notice of public hearing as the City Council finds practical; and

WHEREAS, the City published notice of its intent to adopt an emergency moratorium in the *Western Canyon Chronicle* on March 24, 2020; and

WHEREAS, the City held a public hearing in accordance with the Idaho Open Meetings Act on March 26, 2020 to consider adoption of this emergency ordinance; and

WHEREAS, Idaho Code §50-901 authorizes the City Council to adopt ordinances requiring immediate enforcement in cases of riot, infectious or contagious disease, or other impending danger and such ordinances shall take effect upon the proclamation of the mayor or president of the council, posted in at least five (5) public places of the City; and

WHEREAS, the Mayor of the City of Greenleaf issued a disaster declaration on March 16, 2020 in relation to the effects of the 2019 novel coronavirus (COVID-19) pursuant to Idaho Code §46-1011, which declaration was ratified by Resolution of the City Council on March 17, 2020; and



WHEREAS, the Governor of the State of Idaho, on March 13, 2020, signed a proactive emergency declaration for response to COVID-19, citing risk to life and the continued operation of public infrastructure as a result of the potential for cases of COVID-19 throughout the State of Idaho; and

WHEREAS, the Governor of the State of Idaho, on March 19, 2020, amended the emergency proclamation by suspending the in-person meeting requirement of the Idaho Open Meetings Act (Idaho Code §74-203(5)) to allow cities and other public entities across the State of Idaho to hold meetings using telecommunications devices, which allows those entities to continue to conduct the public's business while following current public health agency guidelines regarding social distancing to prevent the further spread of COVID-19; and

WHEREAS, the population of the City of Greenleaf includes a significant number of seniors (those 60 years old and older), as well as a significant number of persons who are not adequately equipped to participate in the public hearing process by phone or other telecommunication device; and

WHEREAS, the Mayor and City Council deem it in the interest of the public health and welfare to ensure that all citizens of the City of Greenleaf have the ability to participate fully in the public hearing processes contemplated by LLUPA and the Zoning Code and that applicants for development permits have the opportunity for a full and fair hearing process.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GREENLEAF, CANYON COUNTY, IDAHO, as follows:

**Section 1. Emergency Moratorium.** Pursuant to Idaho Code §67-6523, the City Council of the City of Greenleaf finds there is imminent peril to the public health, safety and welfare which requires an emergency moratorium for the period of one hundred eighty-two (182) days for all applications requiring a public hearing under Greenleaf Code Title 9, including but not limited to subdivisions, conditional use permits, and planned unit developments.

**Section 2. Findings.** In addition to the foregoing recitations, all of which are hereby adopted in full as findings and declarations, the City Council of the City of Greenleaf adopts the additional following findings and declarations:

A. COVID-19 has been identified as a respiratory disease that can result in serious illness or death, particularly to those who are elderly or those who have a serious underlying health condition, such as a condition that impairs the lung or heart function or weakens the immune system.

B. The World Health Organization has declared the outbreak of COVID-19 to be a pandemic.

C. Both the U.S. Department of Health and Human Services, Centers for Disease Control (“CDC”) and the President of the United States have recommended practices to prevent the rapid spread of COVID-19, including social distancing. Idaho Governor Brad Little adopted these recommendations on March 18, 2020. These recommendations include that individuals practice social distancing by not gathering in groups of more than ten (10) people. (The CDC’s policies and recommendations can be found at <https://www.cdc.gov/coronavirus/2019-ncov/index.html>). These guidelines were implemented for an initial 15 day period, which ends March 31, 2020; however, it is likely that additional guidelines or restrictions may be implemented by the CDC and the President to further curtail the spread of COVID-19. To assist cities and other government entities in Idaho in following these guidelines, on March 19, 2020, Governor Little suspended the in-person meeting requirement of the Idaho Open Meetings Act (Idaho Code §74-203(5)). The suspension allows the City of Greenleaf to conduct all meetings of the City Council and other City boards and commissions, including the Planning & Zoning Commission, in full by phone, videoconference or other telecommunications device. The Governor’s amended declaration further encouraged cities to find other ways to encourage participation in the public hearing process; for example, encouraging written comments from citizens who would otherwise attend a public hearing in person.

D. The City is concerned about the ability of its citizens to fully participate in the public hearing process contemplated by LLUPA and the Zoning Code, as that process was intended, due to the following:

- (i) The relatively high proportion of senior individuals living in the City, defined as those 60 years of age and older (the U.S. Census 2018 ACS 5-year Survey (Table S0101), estimates 234 individuals in this category out of 919 adults) who have been encouraged to stay home and away from other people. In Greenleaf’s experience, such individuals are more likely to participate in public hearings involving land use development, given the small, rural character of the City; and
- (ii) The ability of individuals to participate in public hearings via telecommunications device (either because such individuals lack access to the internet or lack access to telecommunications devices).

E. The City Council finds it necessary to adopt an emergency moratorium pursuant to Idaho Code §67-6523 to (i) enable the City to protect the health and welfare of its citizens, staff and applicants; (ii) ensure that applicants, citizens and other “affected parties,” as defined in LLUPA and the Zoning Code, have the opportunity to

participate fully in public hearings as such public hearings were contemplated under Idaho law; and (iii) ensure that it continues to follow the guidelines adopted by the CDC, the President of the United States, and the Governor of the State of Idaho, as such guidelines may change over the next few weeks or months.

F. For the reasons stated in the Recitals and in this Section 1, the City Council finds that imminent peril to the public health, safety and welfare requires adoption of an emergency moratorium.

**Section 3. Property Subject to Moratorium.** The emergency moratorium declared herein applies to all real property within the City limits and the area of city impact.

**Section 4. Scope of Moratorium.** During the time that the emergency moratorium is in effect, no application requiring a public hearing under Title 9 of the Greenleaf Code shall be filed or accepted. Such applications include: subdivisions (Title 9, Chapter 6); planned unit developments (Title 9, Chapter 9); development agreements (Title 9, Chapter 10 and 13-7); variances (Title 9, Chapter 13-2); conditional use permits (Title 9, Chapter 13-3); land use map or ordinance amendments (Title 9, Chapter 13-4 and 13-5); zoning upon annexation (Title 9, Chapter 13-6); and design review (Title 9, Chapter 16). The emergency moratorium specifically does not affect building permit applications to the extent no other approval subject to the moratorium is required.

**Section 5. Duration.** The emergency moratorium declared for this ordinance shall exist for a period of up to one hundred eighty-two (182) days from the date of passage and proclamation of the moratorium as indicated in Section 7 herein, unless terminated sooner by the City Council.

**Section 6. Severability.** In the event that any court of competent jurisdiction enters its judgment or order declaring any portion of this moratorium to be invalid, then such judgment shall only affect that portion of the moratorium so adjudicated; all other remaining portions of this moratorium shall remain in full force and effect.

**Section 7. Emergency.** Based on the findings stated herein, the City Council finds there is imminent peril to the public health, safety and welfare that constitutes an emergency and which requires a moratorium as provided herein. An emergency existing therefore, which emergency is declared to exist, this moratorium will be in full force and effect from and after its proclamation, passage and approval, and posting in at least five (5) public places in the City of Greenleaf.

Regularly passed, approved and adopted by the Greenleaf City Council, Canyon County, Idaho, this 26<sup>th</sup> day of March, 2020.

Bradley Holton, Mayor

ATTEST:

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Lee C. Belt, City Clerk

DRAFT ORDINANCE #FY20-003

(Emergency Powers)

AN ORDINANCE OF THE CITY OF GREENLEAF, CANYON COUNTY, IDAHO, AMENDING TITLE 5, CHAPTER 6, GREENLEAF CODE BY ADDING NEW SECTION 5-6-6 RELATING TO EMERGENCY POWERS; SETTING FORTH THE AUTHORITY, PURPOSE AND INTENT; DEFINITIONS; DESCRIBING PUBLIC HEALTH EMERGENCY ORDERS; PROVIDING A PROCESS FOR ENACTING PUBLIC HEALTH EMERGENCY ORDERS; PROVIDING FOR EXCLUSIONS; PROVIDING FOR SUSPENSION OF SERVICES; PROVIDING A FORCE MAJEURE CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SUNSET PROVISION; AND PROVIDING AN EFFECTIVE DATE UPON PROCLAMATION OF THE MAYOR POSTED IN FIVE (5) PUBLIC PLACES OF THE CITY.

WHEREAS, on March 11, 2020, the World Health Organization declared the worldwide outbreak of the 2019 novel coronavirus (COVID-19) a pandemic; 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 United States; and

WHEREAS, on March 13, 2020, Idaho Governor Brad Little signed a proactive emergency declaration for response to COVID-19, citing risk to life and the continued operation of public infrastructure as a result of the potential for cases of COVID-19 throughout the State of Idaho; and

WHEREAS, the Mayor of the City of Greenleaf issued a disaster declaration on March 16, 2020, in relation to the effects of COVID-19 pursuant to Idaho Code §46-1011, which declaration was ratified by Resolution of the City Council on March 17, 2020 (Resolution # ); and

WHEREAS, pursuant to 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, and make quarantine laws for that purpose and enforce the same within five (5) miles of the City of Greenleaf; and

WHEREAS, pursuant to Idaho Code §50-606, the Mayor shall have such jurisdiction as may be vested in him by ordinance over all places within five (5) miles of the corporate limits of the City of Greenleaf, for the enforcement of any health or quarantine ordinance and regulation thereof; and

WHEREAS, in order to effectively preserve the health and safety of the citizens of Greenleaf and surrounding area, the City Council desires to authorize emergency powers in the Mayor as outlined in this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GREENLEAF, CANYON COUNTY, IDAHO, as follows:

**Section 1.** That Title 5, Chapter 6, Greenleaf Code be amended by adding a new Section 5-5-6 as follows:

**5-5-6-1: LEGAL AUTHORITY; PURPOSE AND INTENT:**

A. Legal Authority: This ordinance is adopted pursuant to Idaho Code Sections 50-304 and 50-606, granting certain powers to the Mayor related to public health emergencies.

B. Purpose and Intent: The City finds that the preservation of the public health, safety and welfare may require immediate action by the City in response to emergency situations. Therefore, the City hereby authorizes the Mayor certain powers for immediate response to foreseeable, imminent, or present public health emergencies.

**5-5-6-2: DEFINITIONS:** For the purposes of this Section, the following terms, phrases, and words shall have the meanings given herein.

A. Public Health Emergency: The foreseeable, imminent, or present threat of any pathogen, agent, vector, or environmental condition, including hazardous materials, which does or may cause illness or injury to humans.

B. Public Health Emergency Order: An advisory, social distancing, isolation, or quarantine order enacted by the Mayor.

C. Isolation: The separation of infected persons, or of persons suspected to be infected, from other persons to such places, under such conditions, and for such time as will prevent transmission of the infectious agent.

D. Quarantine: The restriction placed on the entrance to and exit from the place of premises where an infectious agent or hazardous material exists.

E. Social Distancing: Actions taken to maintain distance from other people, including avoiding or canceling congregate settings and mass gatherings.

**5-5-6-3: PUBLIC HEALTH EMERGENCY ORDER:** The Mayor, being duly authorized by Idaho Code Sections 50-304 and 50-606, and this Section, may issue the following orders, as deemed appropriate by the Mayor following

consultation with or review of information issued by local, regional, state or national public health authorities. All orders shall include an effective date and an anticipated expiration date, which may be extended after consultation with the City Council.

A. Advisory Order. Where a public health emergency is foreseeable or imminent, the Mayor may enact an advisory order, which order may provide information and recommended guidelines for preventing, detecting, and/or mitigating the onset or spread of a public health hazard.

B. Social Distancing Order. Where a public health emergency is imminent, the Mayor may enact a social distancing order. A social distancing order may apply within the Greenleaf city limits and five (5) miles outside the Greenleaf city limits. The order may establish any or all of the following:

1. Appropriate restrictions regarding the operation or economic occurrence of planned or foreseeable commercial, recreational, or expressive gatherings or events.
2. Restrictions on travel through or visitation within the community.
3. Postponement or cancellation of public meetings and hearings.
4. A limit on the number of persons who may gather in one location and may apply to indoor or outdoor venues.
5. Measures to be taken in order to prevent, avoid, detect, address, or mitigate a foreseeable, imminent, or present public health hazard.

C. Isolation Order. Where a public health emergency is present, and poses a clear threat of harm to the public health, the Mayor may enact an isolation order. An isolation order shall be effective only when and for so long as the public health emergency is present, and when no less restrictive alternative exists. The order may establish any or all of the following:

1. A directive that infected and/or exposed individuals isolate themselves from other persons.
2. Geographical areas of restricted or prohibited access.
3. Other measures necessary to avoid, address, or mitigate an imminent public health hazard.

4. The scope and manner of delivery of services, materials, or supplies to be provided by the City, if any.
5. Measures to be taken in order to prevent, avoid, detect, address, or mitigate a foreseeable, imminent, or present public health hazard.
6. Conditions of the isolation order.

D. Quarantine Order. Where a health emergency is present and poses a clear threat of harm to the public health, the Mayor may enact a quarantine order. A quarantine order shall be effective only when and for so long as the public health emergency is present, and when no less restrictive alternative exists. A quarantine order may apply within the Greenleaf city limits and five (5) miles outside of the Greenleaf city limits. The order may establish any or all of the following:

1. A directive that infected and/or exposed individuals isolate themselves from other persons.
2. Geographical or other areas of restricted or prohibited access.
3. Other measures necessary to avoid, address, or mitigate an imminent public health hazard.
4. The scope and manner of delivery of services, materials, or supplies to be provided by the City, if any.
5. Measures to be taken in order to prevent, avoid, detect, address, or mitigate a foreseeable, imminent, or present public health hazard.
6. Conditions of the quarantine.

#### 5-5-6-4: PROCESS FOR ENACTING PUBLIC HEALTH EMERGENCY ORDERS:

A. Summary Enactment; Consultation. When necessary to protect the public health and welfare, the Mayor is authorized to issue a public health emergency order. Either prior to the issuance of such order, or within seven (7) days thereafter, the Mayor shall consult with the City Council.

B. Publication of Public Health Emergency Order. As possible and prudent under the circumstances, the Mayor shall cause the public health emergency order to be published by posting in a prominent place at Greenleaf City Hall and posting on the City's website. Except as may be



specifically stated in the public health emergency order, such order shall be effective upon posting at Greenleaf City Hall.

C. Term of Order. Every public health emergency order shall include an effective date and a termination date that shall be no more than thirty (30) days from the effective date, which may be extended upon approval of the City Council.

5-5-6-5: EXCLUSIONS: Unless otherwise specifically prohibited by a public health emergency order duly enacted by the Mayor, the following activities shall be exempt from the scope of such order:

1. Any and all expressive and associative activity that is protected by the United States and Idaho Constitutions, including speech, press, assembly, and/or religious activity.
2. Educational institutions, which shall follow the duly adopted policies of their respective governing bodies.
3. Activities necessary to operate critical infrastructure and utilities.
4. Activities necessary to operate and use medical facilities and services.
5. Activities necessary to buy, sell, or otherwise deliver food and necessities.

5-5-6-6: SUSPENSION AND WAIVER OF CERTAIN CITY SERVICES, ORDINANCE AND POLICIES AND PROCEDURES: During a public health emergency and upon issuance of a public health emergency order, the Mayor may suspend certain non-essential City government services and functions as deemed necessary and advisable given the specific public health emergency and in consideration of the health of employees and the general public. During such time, the Mayor may also suspend the regular meetings of City boards and commissions, including but not limited to, the Planning and Zoning Commission. In order to facilitate such suspension of meetings, the ordinances providing for the regular meetings of these commissions shall be temporarily suspended. Those ordinances providing the timeline for processing applications shall also be suspended. The Mayor is also authorized to waive such internal rules, regulations and procedures as deemed necessary to protect the health and welfare of City employees.

5-5-6-7: FORCE MAJEURE: In the context of this section, a public health emergency is a force majeure. No person shall be entitled to recover from the City of Greenleaf any costs incurred, or profits lost, as may be alleged to be attributed to the enactment of a public health emergency order.

5-5-6-8: PENALTY: It shall be unlawful to violate any provision or directive of a duly enacted public health emergency order while such order is in effect. The violation of any provision or directive of a public health emergency order shall be a misdemeanor.

5-5-6-9: SUNSET PROVISION: This section shall terminate and be of no force or effect six (6) months after its effective date, or upon termination of the Mayor's declaration of emergency that was approved ratified and extended by Council on March 17, 2020 as Resolution No. \_\_\_\_, whichever is later.

**Section 2.** That all ordinances, resolutions, orders, or parts thereof in conflict with this ordinance are hereby repealed.

**Section 3.** This ordinance is hereby declared to be severable. If any portion of this ordinance is declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purposes of the ordinance before the declaration of partial invalidity.

**Section 4.** That this ordinance, consistent with Idaho Code Section 50-901, shall be effective immediately upon its passage and proclamation of the Mayor with publication via posted notice in at least five (5) public places of the City.

Passed and approved by the Mayor and City Council of the City of Greenleaf, Idaho, this 26<sup>th</sup> day of March, 2020.

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Bradley Holton, Mayor

ATTEST:

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Lee C. Belt, City Clerk

**Subject:** CITY OF BOISE - SOCIAL DISTANCING ORDER

**From:** "Ybarguen, Mike" <MYbarguen@idahopower.com>

**Date:** 3/24/2020, 11:24 AM

**To:** "City Clerk - Greenleaf, Idaho" <clerk@greenleaf-idaho.us>

Dear Mayor Bradley Holton,

The City of Boise issued a Social Distancing Order. It has created some confusion as they did not create a specific exemption for utilities. If you are planning to issue a Social Distancing Order, please exempt utilities so we can continue to conduct our essential work.

Thanks, Mike

Mike Ybarguen  
Idaho Power Company  
Business Development  
2420 Chacartegui Ln  
Nampa, Idaho 83687

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