

**Star City Council
Special Meeting Minutes
March 23, 2020**

The special meeting of the Star City Council was held on March 23, 2020 at 6:30 pm at Star City Hall, 10769 W. State Street in Star, Idaho. Mayor Trevor Chadwick called the meeting to order and all stood for the Pledge of Allegiance.

Roll Call: Councilmen David Hershey, Michael Keyes, Kevin Nielsen, and Councilwoman Jennifer Salmonsens were present.

Approval of the Agenda: Keyes moved to approve the agenda; Hershey seconded the motion. All ayes: motion carried.

Old/New Business:

Ordinance No. 306 – Public Health Hazard Authority – Mayor Chadwick opened the meeting for discussion of Ordinance No. 306. Points discussed were:

- a) 4-7-3B Social Distancing Order to exclude areas in another incorporated city;
- b) add a Section 4 under 4-7-5 that this Ordinance shall be rescinded upon the order of the Governor declaring the COVID-19 emergency over or after 180 days, whichever comes first;
- c) striking 4-7-3-B-2 restrictions on travel through or visitation within the community, the intent is not to shut down roads as the City has a major corridor through it;
- d) 4-7-5 Penalty – possibly remove entirely or change from a misdemeanor to an infraction;
- e) 4-7-3-C #3 & #5 are similar, recommend removing #3;
- f) It was felt some of the Ordinance was heavy handed and the Emergency Resolution already approved would cover a lot of the items. The Mayor explained this would allow them to take certain actions not covered in the resolution if necessary;
- g) 4-7-3-C-6 condition of the isolation, was clarified this would allow the City to have a policy in place to make a call for our community, while the Governor declares something for the whole state;
- h) add wording stating orders issued per recommendations of CDH or other health officials.

It was noted this Ordinance is to allow the Mayor to issue orders in the event of an emergency, nothing in it is a mandate. It is aimed to lower the health risk curve.

Nielsen moved to table Ordinance No. 306 and ask the City Attorney to draft a revision taking into consideration the items discussed and reconvene as soon as that is complete with another special meeting. In addition to some of the changes talked about, recommended scratching items 4-7-3 entirely and 4-7-5 and replace the ordinance with the essentials to give the Mayor powers to enact orders that will implement recommendations from the Center for Disease Control and Central District Health, Hershey seconded the motion. Keyes stated he would also like to add when the City Attorney reviews this that he includes language from our State Code and references the statutes; and he is opposed to completely removing the penalty section because an ordinance with no penalty is no ordinance at all. The Mayor clarified this Ordinance is for our City only. Keyes asked it to be on record that he believes the Ordinance tonight is adequate with

the changes they have discussed and for that reason he will be a no vote and if the motion fails he will make a substitute motion to approve with the changes discussed tonight. The Mayor contacted Legal Counsel by phone to discuss if the Mayor can break a tie in this situation or does the motion die if there is a tie vote. Per Section 50-902 of the Idaho Code the passage of an ordinance by roll call requires a majority of the Council; therefore, if there is a tie the motions dies. Nielsen reiterated his motion is to table this so Legal Counsel can take the input of the Council given tonight and come back with a revised Ordinance. Keyes stated as we have nothing in place currently, he would like to pass the Ordinance tonight and consider a substitute ordinance in three or four days from now. Following discussion on timeframes for approval, 180-day clause, following CDC or CDH recommendations, and Legal Counsel rewriting, Nielsen restated his motion is to table a decision on this Ordinance and reconvene as soon as Legal Counsel can draft changes discussed, soften some of the language, and have an Ordinance that gives the Mayor the authority to enact orders that are recommended by the Center for Disease Control or Central District Health, Hershey seconded his motion. Roll Call: Hershey – aye, Keyes – nay, Salmonsens – aye, Nielsen – aye: motion carried three to one. Mayor Chadwick asked the Council to give him their comments and he would get them to Legal Counsel to rework the ordinance.

Adjournment: The Mayor adjourned the meeting at 7:20 pm.

Approved:

Respectfully submitted:

Trevor A. Chadwick, Mayor

Kathleen Hutton, Deputy City Clerk