

Moscow City Council



Emergency Meeting ~Minutes~

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Laurie M. Hopkins
City Clerk

208.883.7015

Friday, March 20, 2020

1:00 PM

Council Chambers
206 E. Third St.

The meeting was called to order at 1:00 p.m.

PRESENT: Mayor Bill Lambert, Art Bettge, Sandra Kelly, Maureen Laflin, Brandy Sullivan (by phone, left the meeting at 1:28 p.m.), Gina Taruscio, Anne Zabala (by phone)

STAFF: Gary J. Riedner, Mia Bautista, Tyler Palmer

Riedner explained this is an emergency meeting according to Idaho Code 74-204(2) which allows in cases of emergency's, limited notice.

REGULAR AGENDA

1. Ordinance Moscow City Code Title 1 Chapter 11 Emergency Powers - Gary J. Riedner

The City is continuing to mitigate the effects of the COVID-19 outbreak. Mayor Lambert issued a Local Emergency Proclamation on March 13, 2020, regulating City activities and limiting mass gatherings at City sponsored events, and advising the public and others to follow those guidelines. The City Council adopted Resolution 2020-05 on March 16, 2020, extending the Emergency Proclamation until May 5, 2020. Since that time, the COVID-19 outbreak continues to spread, with 23 confirmed cases in the state of Idaho as of March 19, 2020. Governor Little stated to local leaders on March 18, 2019 that he was leaving the decision to regulate businesses and closures to local leaders rather than make that mandate on a state level. In reviewing the City's ordinances, it is staff's recommendation that the City Council adopt the attached ordinance creating a new Moscow City Code Title 1, Chapter 11, creating Emergency Powers in the Mayor in times of emergency for a period of seven days (similar to the powers authorized by Idaho Code section 46-1011, and stating that the City Council may choose to extend the time of the Emergency Powers beyond seven days by Resolution. Because of the timeliness and emergency nature of the COVID-19 outbreak, the City Council may cause an emergency Council meeting to be held pursuant to authorization of Idaho Code section 74-204(2). Further, if the City Council adopts the attached ordinance under suspension of the rules requiring three (3) complete and separate readings, and that the ordinance be read by title, pursuant to the emergency provisions granted under Idaho Code 50-901, where, in cases of infections or contagious disease, or other impending danger requiring immediate enforcement, such as COVID-19, such ordinance 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. The ordinance will also be published according to law.

PROPOSED ACTIONS: Adopt the attached ordinance under suspension of the rules requiring three (3) complete and separate readings, and that the ordinance be read by title. Pursuant to the emergency provisions granted under Idaho Code 50-901, where, in cases of infections or contagious disease, or other impending danger requiring immediate enforcement, such as COVID-19, such ordinance 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. The ordinance will also be published according to law. Or the Council may take such other actions deemed appropriate.

Riedner introduced the item with the paragraph above and read the proposed ordinance. Further evidence of the emergency for this meeting is the impending COVID-19; the Governor's proclamation leaving it to local control; Washington's ban on gathering places for restaurants and bars. In order to allow local government to make these decisions, this ordinance needs to be passed by the City Council. If approved, officers will take copies of the ordinance in six places. Council would need to take a recess until those officers have completed posting. Moscow is taking the CDC recommendations of six feet and no more than 10 people in a gathering place and being proactive in its actions. Riedner said in his tenure as City Supervisor he can only recall issuance of emergency proclamations for floods. Council members shared their thoughts and thanked staff for their quick work. Bettge moved to adopt the ordinance under suspension of the rules requiring three (3) complete and separate readings, and that the ordinance be read by title. Pursuant to the emergency provisions granted under Idaho Code 50-901, where, in cases of infections or contagious disease, or other impending danger requiring immediate enforcement, such as COVID-19, such ordinance 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. The ordinance will also be published according to law. Taruscio seconded the motion. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Mayor Lambert read Ordinance 2020-03 by title:

AN ORDINANCE OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO FOR REVISING, CODIFYING AND COMPILING THE GENERAL ORDINANCES OF THE CITY OF MOSCOW; PROVIDING FOR THE ENACTMENT OF A NEW CHAPTER 11 TO TITLE 1, OF MOSCOW CITY CODE ENTITLED EMERGENCY POWERS; SETTING FORTH THE AUTHORITY; PURPOSE AND INTENT; SCOPE; DEFINITIONS; PUBLIC HEALTH EMERGENCY ORDERS; PROCESS FOR ENACTING PUBLIC HEALTH EMERGENCY ORDERS; SUSPENSION OF SERVICES; FORCE MAJEURE; PENALTY; APPEAL; ADOPTING A SAVINGS CLAUSE; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE BE DEEMED SEVERABLE; AND PROVIDING AN EFFECTIVE DATE IMMEDIATELY UPON ITS PASSAGE.

Mayor Lambert called a recess at 1:39 p.m. The meeting reconvened at 2:00 p.m.

Bautista received confirmation that Ordinance 2020-03 was posted at the entrances of City Hall, Safeway, Rosauers, Winco and Friendship Square. It will also be posted on the City website shortly. This complies with Idaho Code 50-901.

2. Emergency Order - Gary J. Riedner

Mayor Lambert, pursuant to authority granted by Idaho Code section 46-1011 and other sections of the Idaho Code, and by authority of the Emergency Powers Ordinance, passed by the City Council earlier on March 20, 2020, creating Moscow City Code Title 1, Chapter 11, is issuing the attached Emergency Health Order 20-01 for a period of seven (7) days. The Emergency Health Order is being issued in order to protect the City and the community from the impending health impacts of the COVID-19 outbreak.

PROPOSED ACTIONS: No Council action required.

Riedner read Emergency Health Order 20-01. Palmer said in response to the direction from the Mayor, staff created an application process for reserving parking spaces in order to pick up take-out orders. The Chamber provided a list of restaurants and an email was sent to share the information. Social media posts were also sent out. Implementation for the program was yesterday morning and already

there are 14 participants. Riedner said the executive order and resolution if passed will be hand delivered by officers to all bars and restaurants in the city.

3. Resolution to Extend Emergency Order - Gary J. Riedner

Pursuant to Moscow City Code Title 1, Chapter 11, Section 5(B), Mayor Lambert issued Emergency Order 20-01, restricting Mass Gatherings and closing all bars and restaurants except to certain take-out and delivery services within the City of Moscow for a period of seven (7) days. Pursuant to Idaho Code section 46-1011, and MCC 1-11-5(B). The attached Resolution extends Emergency Order 20-01 until May 5, 2020.

PROPOSED ACTIONS: Adopt the Resolution extending Emergency Order 20-01 or take such other action deemed appropriate.

The May 5 date was chosen as the next City Council meeting is May 6 and the resolution can be reviewed at that time for possible extension.

Zabala said she read water, sewer, and sanitation services would not be suspended for non-payment and wanted to discuss. Riedner responded the services would not be suspended through the duration of the emergency order which expires May 5, 2020 or until Council takes further action. Mayor Lambert reminded everyone this is a temporary situation and the City is trying to prevent it from spreading thus protecting the community. Bettge moved to adopt the Resolution extending Emergency Order 20-01. Taruscio seconded. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

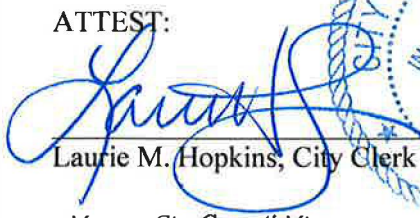
Riedner passed on a reminder from Chief Fry that the open container of alcoholic beverages is still a violation in the city of Moscow and the transportation of alcoholic beverages need to be in a sealed container. Riedner asked Mayor Lambert to take a recess so that documents can be signed and handed off to officers for delivery to bars and restaurants. Mayor Lambert called a recess at 2:24 p.m. The meeting reconvened at 2:31 p.m.

REPORTS

City Supervisor Update – Riedner said Palmer has been working with the restaurants on parking for pickup orders. He has also been working with Gritman for a no-parking zone for testing facilities. Staff has discussed not shutting utilities off for non-payment as mentioned above and that is the direction from the Mayor. Per Mayor direction, Staff is also looking at potential relief for businesses in the mandated shut down. The City has moved to Tier 2 of the pandemic plan. Departments have transitioned to shifts lowering the number of employees in a building and are also practicing social distancing. City Hall is open Monday through Thursday and promoting phone calls and online payments, rather than in-person.

ADJOURN – The meeting adjourned at 2: 36 P.M.

ATTEST:


Laurie M. Hopkins, City Clerk




Bill Lambert, Mayor