

Moscow City Council



Regular Meeting ~Agenda~

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Laurie M. Hopkins
City Clerk

208.883.7015

Monday, June 1, 2020

7:00 PM

**Council Chambers
206 E. Third St.**

The Moscow Mayor, City Council and Staff welcome you to tonight's meeting. Due to the Governor's Proclamation relating to the conduct of public meetings during the COVID-19 crisis, the meeting will be broadcast and the public is not allowed to attend in person. Citizens wishing to comment on business on the agenda are encouraged to communicate with the Mayor and City Council by phone or email (council@ci.moscow.id.us) in order to respect social distancing protocol. Please note that Moscow City Council meetings are televised, videotaped and/or recorded. Thank you for your interest in City government.

PLEDGE OF ALLEGIANCE

REGULAR AGENDA

1. Mask Moscow Report - Jen Pfiffner

2. WRRF Facility Plan Study Task Order Agreement (ACTION ITEM)-Tyler Palmer

The City of Moscow has been requested by the Idaho Department of Environmental Quality (DEQ) to document a path forward toward temperature compliance with the City's National Pollutant Discharge Elimination System (NPDES) Wastewater Discharge Permit at the City's Water Reclamation and Reuse Facility (WRRF). As discussed at the Council meeting on May 18, 2020, staff submitted a plan to meet DEQ's request, which requires the City to conduct a Facility Plan Study (FPS) update. The current FPS was completed in 1998, and served as the basis for the last major upgrades to the WRRF, which replaced previous versions of treatment with the current Biological Nutrient Removal process in 2002, and effluent filtration in 2010.

The FPS describes the overall system, including the collection system, the treatment systems, and the disposal systems. It is a comprehensive planning document for the existing infrastructure and includes the plan for the future of the systems, including upgrades and additions.

The City has received a Final Scope of Services from JUB Engineering to conduct the FPS at a cost of \$272,100. The FPS is anticipated to evaluate three (3) temperature design alternatives to comply with the current permit limit.

PROPOSED ACTIONS: Authorize the City Supervisor to approve the task order to complete the Facility Plan Study, including the proposed funding proposal, or take other such action deemed appropriate.

3. 2020 Pool Season Recommendation (ACTION ITEM) - Dwight Curtis / Karen Johnston

With the 2020 pool season upon us along with COVID-19 issues, the decision whether or not to open the Hamilton-Lowe Aquatics Center (HLAC) is needed.

In light of the uncertainty in our ability to ensure a safe aquatics center amid the dangers of infection and exposure caused by the COVID-19 virus, staff recommends not opening for the 2020 season. Sanitizing and ensuring social distancing is problematic at best. The North Idaho Public Health Department (NIPHD) acknowledged to the Parks and Recreation Director that it will be impossible to keep such a facility sanitized, and social distancing will be an issue.

Staff also understand that there is considerable interest by the public to open the HLAC; even for a shortened season. If the Council's decision is open the facility, staff recommends opening no earlier than July 1st. At the point the City enters into Stage 4 of the Governor's Rebound Idaho Plan, the risks may/could be considerably less. Staff will follow the attached abbreviated opening plan in the attached memorandum from Parks and Recreation Director Dwight Curtis.

PROPOSED ACTIONS: Accept staff recommendation to not open the Hamilton-Lowe Aquatics Center for the 2020 season; or, if City Council direction is to open the Hamilton-Lowe Aquatics Center for the 2020 season, approve opening on July 1, 2020, utilizing the Plan described in the memo from the Parks and Recreation Director; or take other such action deemed appropriate.

4. Consideration of Resolution Allowing Temporary Business Extension into Main Street Right-of-Way (ACTION ITEM) - Gary J. Riedner

The Mayor and City Council have directed City staff to research and develop temporary program changes designed to provide some opportunities to eating and drinking establishments and merchants which are being directly impacted by the Social Distancing requirements imposed by Idaho's Stay Healthy Order and Idaho Rebounds Protocols. These discussions have revolved around the potential to allow temporary expanded use of the public rights-of-way for Sidewalk Cafés, which are regulated by Moscow City Code (MCC) Title 9, Chapter 12, as well as expediting the process for expansion of the boundaries of licensed serving areas for duly licensed alcoholic beverage service and consumption.

The attached Memo from the City Supervisor and additional reference materials provide a background of the process and a review of considerations in making changes to current regulations.

Also attached is a draft Resolution for City Council consideration which allows for flexibility of Sidewalk Cafe regulations as the recovery from COVID-19 continues.

PROPOSED ACTIONS: Review the Memo and other information provided and approve the proposed Resolution, or take such further action deemed appropriate.

5. City COVID-19 Response Update - Gary J. Riedner

ADJOURN TO EXECUTIVE SESSION PER IDAHO CODE 74-206 (1)(C) AND (F) - THE MEETING WILL NOT RECONVENE.

NOTICE: Moscow City Council and committee meetings are televised, videotaped and/or recorded. Individuals attending the meeting who require special assistance to accommodate physical, hearing, or other impairments, please contact the City Clerk, at (208) 883-7015 or TDD 883-7019, as soon as possible so that arrangements may be made.

CITY COUNCIL STAFF REPORT

DATE: Monday, June 1, 2020



RESPONSIBLE STAFF

Tyler Palmer, Deputy Director - Operations

REVIEWED BY

ADDITIONAL PRESENTER(S)

OTHER RESOURCES

AGENDA ITEM TITLE

WRRF Facility Plan Study Task Order Agreement (ACTION ITEM) -Tyler Palmer

DESCRIPTION

As the Council is aware, the City of Moscow has been requested by the Idaho Department of Environmental Quality (DEQ) to document a path forward toward temperature compliance with the City's National Pollutant Discharge Elimination System (NPDES) Wastewater Discharge Permit at the City's Water Reclamation and Reuse Facility (WRRF). As discussed at the Council meeting on May 18, 2020, staff have been in contact with DEQ and identified a path forward to meet their request, which is to proceed with a Facility Plan Study (FPS) update. The current FPS was completed in 1998, and served as the basis for the last major upgrades to the WRRF, which replaced previous versions of treatment with the current Biological Nutrient Removal process in 2002, and effluent filtration in 2010.

The FPS describes the overall system, including the collection system, the treatment systems, and the disposal systems. It is a comprehensive planning document for the existing infrastructure and includes the plan for the future of the systems, including upgrades and additions. It is usually updated on a regular basis due to anticipated or unanticipated growth patterns, regulatory requirements, or other infrastructure needs.

The City of Moscow has received a Final Scope of Services from JUB Engineering to conduct the FPS, at a cost of \$272,100. The new FPS will evaluate the existing plant performance, analyze improvements needed to comply with known discharge limits (with specific focus on temperature), and detail an improvement plan for the next 20 years of service. The FPS is anticipated to evaluate three (3) temperature design alternatives to comply with the current permit limit, which our previous work and research has shown to be the most feasible to address the issue.

The FY2020 Budget included funding for a sewer comprehensive plan update. With City's reorganization, Community Planning and Design worked with Public Works and Services to generate a new comprehensive capital plan. This work made it prudent to delay the comprehensive plan update as the new capital plan is implemented and refined. Under this proposal, it is proposed to use \$100,000 of the funds designated for the comprehensive plan update to initiate the FPS. The balance to complete the project will be included in the FY2021 budget.

STAFF RECOMMENDATION

Authorize the City Supervisor to approve the task order to complete the Facility Plan Study, including the proposed funding proposal.

PROPOSED ACTIONS

PROPOSED ACTIONS: Authorize the City Supervisor to approve the task order to complete the Facility Plan Study, including the proposed funding proposal, or take other such action deemed

appropriate.

FISCAL IMPACT

Utilize \$100,000 from 230-230-60-642-10 Professional Services in Sewer Fund, with balance of contract price to funded in the FY2021 budget.

PERSONNEL IMPACT

ATTACHMENTS

1. Task Order 8 - Moscow WRRF Facility Plan_final

TASK ORDER NO. 8

Pursuant to the

MASTER AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN CITY OF MOSCOW, IDAHO AND J-U-B ENGINEERS, INC.

This Task Order No. 8 is made this _____ day of _____, 2020, and entered into by and between the City of Moscow, a municipal corporation of the State of Idaho (hereinafter “CITY”), and accepted by J-U-B Engineers, Inc. (hereinafter “ENGINEER”), pursuant to the mutual promises, covenant and conditions contained in the Master Agreement Category 1a, General Civil Engineering Design Services between the above mentioned Parties dated the 6th day of February, 2017. The Project Name for this Task Order 8 is as follows:

CITY OF MOSCOW

MOSCOW WRRF FACILITY PLAN

PROJECT UNDERSTANDING

The Moscow Water Reclamation and Reuse Facility (WRRF) provides wastewater treatment for the City of Moscow and reclamation water for the University of Idaho. The plant was originally constructed in 1918 with many upgrades over the past century. The last major upgrades replaced previous versions of treatment with Biological Nutrient Removal process in 2002 and effluent filtration in 2010. These projects were based on a Facility Planning Study (FPS) completed in 1998.

The Scope of Work below will assist CITY in creating a new FPS that will evaluate the existing plant performance, evaluate improvements needed to comply with known discharge limits (with specific focus on temperature), and detail an improvement plan for the next twenty (20) years of service.

SCOPE OF WORK

ENGINEER services under this agreement are limited to the following tasks. Any other items necessary to plan and implement the project, including but not limited to those specifically listed in City Provided Work and Additional Services, are the responsibility of CITY.

Task 100 – WRRF Facility Plan

Subtask 001: Project Management

- Set up project into ENGINEER’s financial and record keeping systems for document retention and project controls.

- Conduct project planning and risk assessment.

- Communicate and coordinate ENGINEER team activities during the course of the project.

- Communicate and coordinate subconsultant activities under ENGINEER.

Regularly monitor project status, budget and schedule.

During periods of project activity, provide a regular report to CITY on project status, budget and schedule.

Provide a monthly invoice including budget status.

Provide ongoing document handling and filing.

Subtask 002: Project Closeout

Archive paper and electronic files and records.

Communicate the project completion to CITY.

Close financial billing and accounting records in ENGINEER's financial and record-keeping systems.

Subtask 003: Workshops

Conduct the following workshops during the course of the WRRF Facility Plan:

- a) Project Kickoff Meeting
- b) City Review Workshop #1 – Existing Facility Summary / Alternative Pre-screening
- c) City Review Workshop #2 – Reviewing Alternatives
- d) City Review Workshop #3 – Selecting Preferred Alternative / Capital Improvement Plan
- e) Council Workshop
- f) City Council Presentation / Adoption - by CITY

If requested by CITY, ENGINEER will attend additional meetings / develop additional workshops under the Management Reserve task.

Subtask 004: QC Reviews

Conduct internal reviews at appropriate phases for quality control and assurance.

Subtask 005: Compiling Deliverables

Compile content developed in subsequent subtasks and generate the following deliverables:

- a) Chapters 1 through 5 – Progress Print: one PDF copy and three hard copies.
- b) Chapters 1 through 6 – Preliminary CITY Review Draft: one PDF copy and three hard copies; will include revised Chapters 1 through 5, as applicable, based on CITY comments.
- c) Agency Review Draft: one PDF copy and three hard copies; one PDF copy to Idaho Department of Environmental Quality (DEQ).
- d) Final FPS: one PDF copy and three hard copies; one PDF copy to DEQ.

The following items will be included in the Agency Review and Final FPS as appendices, as appropriate:

- a) Engineering data / supporting calculations;
- b) Current user charge ordinance (provided by CITY);
- c) Current operations and maintenance budgets (provided by CITY);
- d) Maps, charts, figures, tables as necessary;
- e) Council meeting agendas, notes, and summaries of comments received; and
- f) Latest discharge permit, fact sheet, inspection report, and CITY-DEQ correspondence.

Subtask 100: Executive Summary

Summarize the key findings of the FPS. To be completed with Agency Review Draft and updated with Final.

Subtask 101: Chapter 1 – Introduction

Discuss the scope of the FPS effort, facility background and history, and organization of the study.

Subtask 102: Chapter 2 – Existing Environment

- a) Define the project study boundary (the treatment facility and existing service area).
- b) Provide vicinity and site maps for the existing WRRF.
- c) Briefly describe the existing environmental conditions, as required in DEQ Form 5A: physiography, topography, geology, soils, hydrology, fauna/flora, development, cultural resources, utilities, floodplains/wetlands, rivers, health and water quality, farmlands, aquifer, land use, climate, air and noise quality, energy, and socioeconomics.

Subtask 103: Chapter 3 – Flows and Loads

Review historical flows and loads at the WRRF.

- a) Compile influent flow / load data from January 1, 2010 through June 30, 2020. It is assumed that CITY will provide monthly data sheets in Excel format that include all influent data (as well as process data in the facility).
- b) Review the latest water and sewer collection system master plans (completed by others) to determine previously assumed per capita flow values, estimated infiltration / inflow (I/I) magnitude, population projections, and related flow parameters.
- c) Summarize existing influent flow conditions based on WRRF records. Since the facility experiences considerable I/I in the winter / spring and a reduction in flows in the summer due to the University of Idaho break, both yearly and seasonal values (wet and dry) will be estimated.
- d) Estimate the magnitude of I/I based on WRRF influent flow meter data. Baseline flows will be estimated based on preceding / following dry periods and utilizing the latest water master plan per capita flow.
 - i. A detailed I/I evaluation (i.e., sources, locations, rainfall versus increased flows, shallow groundwater influence, field investigations, monitoring, mitigation, etc.) will not be completed. For the purposes of this facility plan, it is assumed that the cost to remove I/I will exceed the cost for treatment. If a detailed I/I study is requested by CITY, the work will be completed as an Additional Service.
 - ii. The facility plan will assume I/I is unchanged in the future, i.e. the system will generally be maintained in its current condition and therefore not result in more or less I/I.
- e) Summarize existing influent loading conditions (yearly and seasonally) for the following: five-day biochemical oxygen demand (BOD5), total suspended solids (TSS), influent ammonia (or total Kjeldahl nitrogen, TKN), influent total phosphorus, as available.

Provide a flow and load projection for the planning period.

- a) The study will assume a twenty (20) year planning period for treatment improvements.
- b) Population growth information from the latest water and sewer collection system master plans will be referenced, as well as information available from the US Census and other CITY planning documents (as available and applicable).
- c) ENGINEER will provide several growth scenarios (at x% growth per year) for consideration and selection by CITY.

- d) Provide overall flow and load (BOD5, TSS, TKN, and total phosphorus) projections at the selected growth rate for the twenty (20) year planning period.

Subtask 104: Chapter 4 – Permit Conditions and Discharge Standards

Identify known permit conditions:

- a) CITY's previous National Pollutant Discharge Elimination System (NPDES) permit has expired, and CITY has applied for a new permit which will be issued under the Idaho Pollutant Discharge Elimination System (IPDES). DEQ's schedule for developing a draft permit is unknown.
- b) CITY has remained engaged with DEQ on permit conditions and believes the permit conditions will largely remain unchanged. This scope of work has been generated with these underlying assumptions. If a draft or final IPDES permit is issued with more stringent or additional pollutant limits, subsequent evaluation and modification of the facility plan will be completed as an Additional Service. If CITY requests assistance with the draft IPDES permit review, assistance, negotiations, etc. the work will be provided as an Additional Service.
- c) Upon issuance of the draft IPDES permit, ENGINEER will summarize the permit conditions in the FPS. Given the pivotal role the IPDES permit conditions play in assessing a facility and developing suitable treatment alternatives, it is recommended that this task (as well as Subtasks 106 and 107) not be undertaken until a draft IPDES permit is issued. However, if the timelines established in the Agreement may be negatively impacted due to a delay on DEQ's part in issuing a draft IPDES permit, CITY may choose to continue the facility plan based on assessing the facility under the existing NPDES permit conditions.

Potential long-range permit conditions:

- a) Review Total Maximum Daily Load (TMDL) studies in the receiving stream and downstream water bodies for potential long-range water quality drivers that could affect CITY's discharge requirements.
- b) Conduct one meeting with DEQ (web-based video meeting) to discuss potential long-range water quality drivers.
- c) Summarize potential long-range water quality drivers in the FPS. Since the pollutants of concern, the corresponding limits, and timing are all unknown, the summary will provide a qualitative summary only. The long-range water quality drivers will not be used in subsequent development of the treatment alternatives in Subtask 106.

Subtask 105: Chapter 5 – Existing WRRF Evaluation

- a) Conduct one site visit / workshop with CITY and WRRF operations staff to review current operations, observed deficiencies, planned maintenance and upgrades, and potential bottlenecks for all major processes. The site visit will be conducted as part of the Kick-Off Meeting.
- b) Prepare a planning-level hydraulic model of the facility based on available record drawing information (pipe sizes, invert elevations) and current operating points for the Intermediate Pump Station.
- c) Establish a planning-level mass balance for the facility based on current loading and operating parameters. Review estimate against process logs provided by CITY.
- d) For each major treatment process, provide a brief description, summarize available design criteria, and list operational deficiencies as identified by operations staff and observed during the site visit.

- e) Identify existing capacities and design criteria for main WRRF treatment processes. Detailed process modeling will not be performed; however, capacities from past studies, previously reported facility design criteria, calculations for individual processes, observed performance, operator input, and general literature or manufacturer values will be used.
- f) Summarize historical performance of the facility and ability to comply with existing permit limits over the past five years.
- g) Summarize current loading versus estimated capacity (on a percentage basis) on a process by process basis based on the evaluation noted in the preceding items. A detailed capacity evaluation to determine the maximum number of equivalent residential units (ERUs) that can be served at the facility will not be completed. If required, the work can be completed under the Management Reserve task.

Subtask 106: Chapter 6 – Alternative Development and Selection

Summarize twenty (20) year planning period conditions based on content developed in preceding subtasks.

No-Action Alternative – Evaluate the impact to the facility if no improvements are made within the twenty (20) year planning window. Summarize projected loading versus estimated capacity (on a percentage basis) on a process by process basis. Processes projected to be above 100% capacity will require expansions. Processes projected to be at or above 85% capacity should be considered for expansions during the planning period.

Facility Improvements

- a) Develop a comprehensive rehabilitation / replacement plan for all existing major equipment. CITY will prepare a list of equipment that should be rehabilitated; all other major equipment will be assumed to be replaced.
- b) Influent equalization (EQ) is often beneficial for nutrient removal facilities and could potentially address peak flow handling. Evaluate influent EQ at the facility – preliminary sizing and siting on the existing site, qualitative improvements to the biological process, and qualitative improvements to hydraulic capacity.
- c) Identify necessary process improvements for the projected flows and loads. It is assumed that improvements to the facility will consist of applying current technologies, unless noted otherwise. If alternative technologies are desired, the work will be completed as an Additional Service.
- d) Evaluate use of ultraviolet disinfection (UV) for discharge to Paradise Creek.
- e) Identify potential site master plan layouts for the Headworks area (upstream of the Intermediate Pump Station) and Disinfection area (downstream of Distribution Box G) for the twenty (20) year planning period. Layouts will be conceptual in nature, identifying likely areas of expansion rather than specific locations, elevations, sizes, etc. of improvements. Layouts assume the existing property boundary remains unchanged.

Temperature Compliance

- a) ENGINEER has completed several previous efforts with CITY to identify potential temperature compliance alternatives. The previous work will be summarized. The following temperature compliance approaches have been identified based on discussions with CITY as the most feasible for further consideration in the FPS:

- i. Alternative 5: Storage (evaporative cooling) at >95% confidence interval (to be determined during Workshop #1)
 - ii. Alternative 9: Full reuse (Class B land application)
 - iii. Alternative 13: Chillers
- b) The previous studies utilized data sets for the years 2005 through 2009 with a check on 2015 conditions. A wider data set, i.e. from 2005 through the summer of 2020, will be created to better estimate climatic variables and define statistical confidence intervals for each alternative. This will help refine sizing for the alternatives and may help identify units (or building blocks) as alternatives are implemented. Alternatives will be evaluated at a single confidence interval (nominally 95% to be consistent with previous evaluations), although some alternatives have a greater risk of failure outside this confidence interval (e.g. storage with no discharge option) and may be increased as deemed appropriate.
- c) The critical compliance temperature used in the evaluation will be 18C, consistent with the existing NPDES permit. DEQ has been working with the Washington Department of Ecology (Ecology) to potentially change the stream classification of Paradise Creek to warm water biota and increase the limit to 20.5C. If requested by CITY, analysis of complying with a higher discharge temperature will be completed as a Management Reserve task.
- d) Update range of potential non-compliant effluent at existing conditions. Estimate potential non-compliant flows at the end of the 20-year planning period, assuming climatic conditions are similar to those experienced from 2005 through 2020.
- e) Reassess each alternative based on the potential range of non-compliant flows.
 - i. Update exhibits, summary tables, and opinions of probable cost.
 - ii. For alternatives including land acquisition, specific parcels will not be identified nor selected in this study. ENGINEER will work with CITY to identify potential areas in general based on location, topographical features, the footprint of the alternative, and similar parameters.
 - iii. Alternative evaluations will include planning-level site plans for major improvements, planning-level opinion of probable capital cost (AAECI Class 4, -30%/+50%), and probable operation and maintenance costs.
 - iv. Prepare an environmental screening of each alternative similar to DEQ's SRF requirements.
 - v. Prepare technical ranking of alternatives and draft ranking matrices for review with CITY during Workshop #3.

Prepare planning-level site plans for major improvements, planning-level opinion of probable capital cost (AAECI Class 4, -30%/+50%), and probable operation and maintenance costs.

Subtask 107: Chapter 7 – Capital Improvement Plan

Identify trigger points for implementing the preferred alternative.

Develop a phasing plan for the preferred alternative based on implementing improvements in Years 0 to 5, Years 6 to 10, and Years 11 to 20.

Estimate user rates and budget: Summarize funding options and probable user rate impacts assuming typical interest rates for DEQ State Revolving Fund loans.

Discuss significant changes to operation and maintenance and operator certification requirements resulting from the preferred alternative.

Task 200 – Design (Reserved)

Subsequent design of the Capital Improvement Plan improvements is reserved and will be added when deemed appropriate by CITY following completion of the FPS.

Task 900 – Management Reserve

1. The Management Reserve Fund establishes a pre-authorized budget for additional tasks that may be requested by the CITY's Authorized Representative and performed by ENGINEER upon mutual agreement of scope, budget, and schedule.
2. ENGINEER will not exceed the pre-authorized amount without CITY approval.

CITY PROVIDED WORK AND ADDITIONAL SERVICES

- A. CITY-Provided Work: CITY is responsible for completing, or authorizing others to complete, all tasks not specifically included above in Scope of Work that may be required for the project including, but not limited to:
 1. Provide on-going review of ENGINEER's work and timely considerations of policy issues within a time acceptable to CITY and ENGINEER.
 2. Provide record drawings, reports, design memoranda, etc. of the existing facility.
 3. Catalog existing equipment at the WRRF, including model numbers, serial numbers, manufacturers O&M manuals, etc.
 4. Perform detailed analysis or stress-testing of existing processes, components, or subsystems, and corresponding analysis and evaluation.
 5. Provide current operating budget for the WRRF, as well as improvements planned by the WRRF operations staff in the next 5 to 10 years.
 6. Complete any laboratory analyses deemed necessary during the course of the work. The bulk of laboratory testing should involve tests that can be conducted by the WRRF lab. Tests that cannot be performed by the WRRF lab will be performed by an independent laboratory and paid for by CITY. CITY will also perform the sampling.
 7. Assist with physical investigations of WRRF components as necessary.
- B. Additional Services: In addition to those items listed in Scope of Services, CITY reserves the right to add future tasks for subsequent phases or related work to the scope of services upon mutual agreement of scope, additional fees, and schedule. These future tasks, to be added by amendment at a later date as Additional Services, may include:

1. Topographical survey, boundary survey, property line mapping, negotiations and preparation of legal descriptions for easements, identifying new land parcels for acquisition or treatment.
2. Additional workshops and/or presentations in excess of those specifically noted.
3. Detailed site planning including specific process locations, access, accommodation of surrounding land uses, exhibits, etc.
4. Process modifications, including but not limited to the following: fermentation, primary clarification, alternate biological treatment systems, sidestream nutrient treatment, and digestion.
5. Alternative process or equipment configurations, unless specifically noted.
6. Detailed troubleshooting or stress testing of the existing processes.
7. Environmental Information Document to meet DEQ (or other funding agency) guidelines as required for funding.
8. Odor control and management studies; detailed, design-level hydraulic modeling; detailed, design-level computer modeling of biological processes; and detailed energy efficiency evaluations.
9. Diffuser, outfall, and mixing zone analysis.
10. Biosolids permitting applications that may be required or Sludge Management Plans.
11. Public involvement.
12. Grant/loan applications for funding improvements.
13. Payment of any fees required by regulatory agencies.
14. Wetland delineations; geotechnical studies; and hazardous material evaluations.
15. Energy audit.
16. Rate study.

TIME OF COMPLETION AND COMPENSATION SCHEDULE

A. CITY shall pay ENGINEER for the identified Services in “Scope of Work” as follows:

1. For Lump Sum fees: The portion of the Lump Sum amount billed for ENGINEER’s services will be based upon ENGINEER’S estimate of the percentage of the total services actually completed during the billing period.
2. For Time and Materials fees CITY shall pay ENGINEER:
 - a. an amount equal to the cumulative hours charged to the Project by each class of ENGINEER’S personnel times ENGINEER’S standard billing rates for all services performed on the Project;
 - b. for Reimbursable Expenses times a multiplier of 1.1; and
 - c. for ENGINEER’S consultants’ charges times a multiplier of 1.1.
3. ENGINEER may alter the distribution of compensation between individual tasks to be consistent with services actually rendered while not exceeding the total project amount.

B. Period of Service: If the period of service for the task identified above is extended beyond twelve (12) months, the compensation amount for ENGINEER's services may be appropriately adjusted to account for salary adjustments and extended duration of project management and administrative services.

- C. CITY acknowledges that the ENGINEER will not be responsible for impacts to the schedule by actions of others over which ENGINEER has no control.
- D. The following table summarizes the fees and anticipated schedule for the services identified in “Scope of Work”.

Task Number	Task Name	Fee Type	Amount	Anticipated Schedule
100	WRRF Facility Plan	Lump Sum	\$247,120	Within 150 calendar days from Kick-Off Meeting and receipt of all required data: draft of Chapters 1 through 5 and conduct Workshop #1. Within 120 calendar days of completing Workshop #1 and receipt of written comments from CITY: draft of Chapter 6 and conduct Workshop #2 Within 90 calendar days following completion of Workshop #2 and receipt of written comments from CITY: Agency Review Draft and conduct Workshop #3. Council Workshop: schedule to be determined with CITY at Workshop #3. Final: Within 45 calendar days following the Council Workshop and receipt of comments from CITY and DEQ.
200	Design (Reserved)	To be determined	TBD	TBD
900	Management Reserve	Time and Materials (Estimated Amount Shown)	\$25,000	To be determined.
Total:			\$272,100	

NOTE on Coronavirus and Schedule: J-U-B is committed to meeting your project schedule commitments as delineated above. As our response to the COVID-19 pandemic, J-U-B is engaging in safety procedures to help protect clients, staff, their families, and the public. Our staff or offices may be subject to quarantine or other interruptions. Since COVID-19 impacts are beyond J-U-B's control, we are not responsible for the force majeure impacts to delivery timelines, or subsequent project delays and related claims, costs, or damages. Should circumstances related to the COVID-19 issue arise with J-U-B staff or in a J-U-B office that will impact our delivery schedule, we will notify you of the circumstances and mutually agree to a schedule adjustment.

The Not-To-Exceed amount to complete all services listed above for this Task Order No. 8 is two hundred seventy-two thousand one hundred dollars (**\$272,100**). No compensation will be paid over the Not-To-Exceed amount without prior written approval by CITY in the form of a Change Order. Monthly invoices shall be billed as a percentage of work completed. Any and all travel will only be reimbursed if pre-approved by the Project Manager, and only per CITY Travel Policy. Reimbursable expenses will be paid at cost and only if pre-approved by the Project Manager, and accompanied by an itemized receipt. Any travel and/or reimbursables paid will be paid as part of the Not-To-Exceed Task Order Total per the Compensation and Completion Schedule above.

Except as expressly set forth in this Task Order No.8, the Master Agreement otherwise is unmodified and remains in full force and effect following this Task Order No. 8.

APPROVALS AND ACCEPTANCE

Approval and Acceptance of this Scope of Work shall incorporate this Task Order No. 8 as part of the Agreement. ENGINEER is authorized to begin performance upon ENGINEERS’ receipt of a copy of the Task Order signed by CITY.

IN WITNESS WHEREOF, the Parties have executed this Task Order No. 8 as of the date last signed below.

ENGINEER

J-U-B Engineers, Inc.

CITY

City of Moscow, Idaho

Cory R. Baune, Program Manager

Gary J. Riedner, City Supervisor

Date

Date

PM’s Approval

ATTEST:

Laurie M. Hopkins, City Clerk

CITY COUNCIL STAFF REPORT

DATE: Monday, June 1, 2020



RESPONSIBLE STAFF

Dwight Curtis, Parks & Recreation Director

REVIEWED BY

ADDITIONAL PRESENTER(S)

Karen Johnston

OTHER RESOURCES

AGENDA ITEM TITLE

2020 Pool Season Recommendation (ACTION ITEM) - Dwight Curtis / Karen Johnston

DESCRIPTION

It is staff's opinion that there is more than enough uncertainty in ensuring a safe aquatics center concerning the COVID-19 virus, that staff recommends not opening for the 2020 season. Sanitizing and ensuring social distancing is problematic at best. The North Idaho Public Health Department (NIPHD) acknowledged to the Parks and Recreation Director, Dwight Curtis, that it will be impossible to keep such a facility satisfactorily sanitized, and social distancing will be an issue.

Moscow has enjoyed being COVID-19 free (as far as we know). The HLAC is a huge regional attraction and considerable patronage is by non-residents, importing considerable contagion risk. With so many variables, restricting entry to residents only would simply not work.

Staff fully acknowledges that there is considerable interest by the public to open the HLAC; even for a shortened season. At the point the City enters into Stage 4 of the Governor's Rebound Idaho Plan, the risks should be considerably less. If the decision is to open the HLAC, staff will follow the *abbreviated* opening plan recommendation below:

1. Open the HLAC on July 1st / This is beyond Stage 4
2. No Swim Lessons offered (distancing issues)
3. No pool rentals offered (staffing issues)
4. Tube Slide operation to remain shut down (sanitizing issues)
5. No tubes in Lazy River and Fun Run to remain closed (sanitizing & distancing issues)
6. Regular cleaning of touch services throughout the open period.
7. Current *capacity limits and space* are sufficient to maintain social distancing
8. Social Distancing to be enforced outside of the water as much as possible
9. Masking encouraged when not in the water
10. Season passes will be offered at a prorated value
11. No change in cost for drop-in patrons
12. A designated staff member will oversee COVID-19 safety operations any time the facility is open.

Staff currently has the minimum required staff to operate the facility under the recommended opening plan. Staff will remain flexible to evolve with the situation as it unfolds.

Presuming the pool opening is approved for July 1st, this season consists of a 57-day season as compared to the typical 85-day season; 28 fewer pool days. Projections of revenues is a challenge this year because of the unknown variables, but staff predicts about a 60% deficit compared to the 50% deficit in 2019. See Projections Chart below:

REV/EXP PROJECTIONS

Details	2019	2020
Season days	85 days	57 days
Exp/day \$4,800	\$ 407,863	\$ 273,486.00
REV - Passes/drop-ins	\$ 204,939	\$ 80,300
REV - Concessions	\$ 40,200	\$ 28,500
	\$ (162,724)	\$ (164,686)

STAFF RECOMMENDATION

Accept staff recommendation to not open the Hamilton-Lowe Aquatics Center for the 2020 season; or, if City Council direction is to open the Hamilton-Lowe Aquatics Center for the 2020 season, approve opening on July 1, 2020, utilizing the Plan described in the memo from the Parks and Recreation Director.

PROPOSED ACTIONS

PROPOSED ACTIONS: Accept staff recommendation to not open the Hamilton-Lowe Aquatics Center for the 2020 season; or, if City Council direction is to open the Hamilton-Lowe Aquatics Center for the 2020 season, approve opening on July 1, 2020, utilizing the Plan described in the memo from the Parks and Recreation Director; or take other such action deemed appropriate.

FISCAL IMPACT

Staff projects a 60% deficit

REV/EXP PROJECTIONS

Details	2019	2020
Season days	85 days	57 days
Exp/day \$4,800	\$ 407,863.00	\$ 273,486.00
REV - Passes/Drop-ins	\$ 204,939.00	\$ 80,300.00
REV - Concessions	\$ 40,200.00	\$ 28,500.00
	\$ (162,724.00)	\$ (164,686.00)

PERSONNEL IMPACT

ATTACHMENTS

1. HLAC Opening Recommendation 5-26-2020



City of Moscow Parks and Recreation

Memo

To: Gary Riedner, City Supervisor
Cc: Jen Pfiffner, Deputy City Supervisor
From: Dwight Curtis, Parks and Recreation Director
Date: May 27, 2020

Re: Hamilton-Lowe Aquatics Center (HLAC) 2020 Season Recommendation

Out of an abundance of caution; we can't get this wrong. It is my opinion that there is more than enough uncertainty in ensuring a safe aquatics center concerning the COVID-19 virus, that I recommend not opening for the 2020 season. Sanitizing and ensuring social distancing is problematic at best. The North Idaho Public Health Department (NIPHD) acknowledged to me that it will be impossible to keep such a facility sanitized, and social distancing will be an issue. Moscow has enjoyed being COVID-19 free (as far as we know). The HLAC is a huge regional attraction and considerable patronage is by non-residents, importing considerable contagion risk. With so many variables, restricting entry to residents only would simply not work.

I fully acknowledge that there is considerable interest by the public to open the HLAC; even for a shortened season. At the point the City enters into Stage 4 of the Governor's Rebound Idaho Plan, the risks should be considerably less. If the decision is to open the HLAC, we will follow the *abbreviated* opening plan recommendation below:

1. Open the HLAC on July 1st / This is beyond Stage 4
2. No Swim Lessons offered (distancing issues)
3. No pool rentals offered (staffing issues)
4. Tube Slide operation to remain shut down (sanitizing issues)
5. No tubes in Lazy River and Fun Run to remain closed (sanitizing & distancing issues)
6. Regular cleaning of touch surfaces throughout the open period.
7. Current *capacity limits and space* are sufficient to maintain social distancing
8. Social Distancing to be enforced outside of the water as much as possible
9. Masking encouraged when not in the water
10. Season passes will be offered at a prorated value
11. No change in cost for drop-in patrons

12. A designated staff member will oversee COVID-19 safety operations any time the facility is open.

Staff reviewed the various scenarios regarding cash vs season passes and decided to continue with season passes. One of the governor's safety recommendations was to avoid numerous cash handlings. Season passes are quicker to get into the facility, less cash to carry and possibly lose, less transactional errors by staff, and contains data for statistics. Staff determined the benefits of season passes to the patrons as well as administratively, was considerably preferable to the enormous time and aggravation of correcting transactional errors on a daily basis.

We currently have the minimum required staff to operate the facility under the recommended opening plan. Staff will remain flexible to evolve with the situation as it unfolds.

Presuming we open the pool on July 1st, we will have a 57-day season as compared to the typical 85-day season; 28 fewer pool days. Projections of revenues is a challenge this year because of the unknown variables, but I do predict about a 60% deficit compared to the 50% deficit in 2019. See Projections Chart below:

REV/EXP PROJECTIONS

Details	2019	2020
Season days	85 days	57 days
Exp/day \$4,800	\$ 407,863.00	\$ 273,486.00
REV –		
Passes/drop-ins	\$ 204,939.00	\$ 80,300.00
REV - Concessions	\$ 40,200.00	\$ 28,500.00
	\$ (162,724.00)	\$ (164,686.00)

Hamilton-Lowe Aquatics Center

COVID-19 ***ALERT***

Protect yourself and others

- Wash your hands often
- Wear mask when not in water
- Equipment is sanitized regularly, but still poses risk
- Maintain 6 feet distance

Practice Social Distancing



6 Feet Apart



Moscow Parks and Recreation

ci.moscow.id.us/783/Coronavirus-COVID-19

CITY COUNCIL STAFF REPORT

DATE: Monday, June 1, 2020



RESPONSIBLE STAFF

Gary Riedner, City Supervisor

REVIEWED BY

ADDITIONAL PRESENTER(S)

OTHER RESOURCES

AGENDA ITEM TITLE

Consideration of Resolution Allowing Temporary Business Extension into Main Street Right-of-Way (ACTION ITEM) - Gary J. Riedner

DESCRIPTION

The Mayor and City Council have directed City staff to research and develop temporary program changes designed to provide some opportunities to eating and drinking establishments and merchants which are being directly impacted by the Social Distancing requirements imposed by Idaho's Stay Healthy Order and Idaho Rebounds Protocols. These discussions have revolved around the potential to allow temporary expanded use of the public rights-of-way for Sidewalk Cafés, which are regulated by Moscow City Code (MCC) Title 9, Chapter 12, as well as expediting the process for expansion of the boundaries of licensed serving areas for duly licensed alcoholic beverage service and consumption. The attached Memo from the City Supervisor and additional reference materials provide a background of the process and a review of considerations in making changes to current regulations.

Also attached is a draft Resolution for City Council consideration which allows for flexibility of Sidewalk Cafe regulations as the recovery from COVID-19 continues.

STAFF RECOMMENDATION

Review the Memo and other information provided and approve the proposed Resolution.

PROPOSED ACTIONS

PROPOSED ACTIONS: Review the Memo and other information provided and approve the proposed Resolution, or take such further action deemed appropriate.

FISCAL IMPACT

PERSONNEL IMPACT

ATTACHMENTS

1. memo-Mayor&CC; expansion of sidewalk cafes COVID 0520
2. Main Street Eating and Drinking Establishments

MEMORANDUM



To: Mayor & City Council

From: Gary J. Riedner, City Supervisor

c: Laurie Hopkins, City Clerk; Mia Bautista, City Attorney; Tyler Palmer, Deputy City Supervisor, Public Works & Services; Jen Pfiffner, Deputy City Supervisor, Culture, Recreation & Employee Services; Bill Belknap, Deputy City Supervisor Community Planning & Design; Amanda Argona, Community Events Manager; Steve Schulte, Streets/Storm Manager

Date: May 29, 2020

Re: Expansion of Sidewalk Cafés in the Central Business District and Expansion of Licensing Areas in the Motor Business District to Promote Social Distancing in Response to COVID-19 Pandemic and Idaho's Stay Healthy Order and Idaho Rebounds Protocols

The Mayor and City Council have directed City staff to research and develop temporary program changes designed to provide some opportunities to eating and drinking establishments and merchants which are being directly impacted by the Social Distancing requirements imposed by Idaho's Stay Healthy Order and Idaho Rebounds Protocols. These discussions have revolved around the potential to allow temporary expanded use of the public rights-of-way for Sidewalk Cafés, which are regulated by Moscow City Code (MCC) Title 9, Chapter 12, as well as expediting the process for expansion of the boundaries of licensed serving areas for duly licensed alcoholic beverage service and consumption.

During my COVID-19 Response Update provided to City Council during the Council meeting held on May 18, I noted that one of the first issues that needed to be addressed is the length of time any temporary regulations should be in effect. At that time the suggestion was to allow any proposed changes to be in effect from implementation (upon City Council authorization), until the end of September, to coincide with the expectation for warm weather. The recommended end date for any proposed changes would be Sunday, October 4, 2020, unless extended by City Council.

For purposes of this memo and analysis, the issues faced in the Central Business District (CB) will be addressed first.

At the May 18, 2020 City Council meeting, I reported that we had requested Jenny Ford, Executive Director of the Moscow Chamber of Commerce, to poll downtown businesses to determine the desire to pursue any temporary changes to City policies regarding Sidewalk Café expansion. She was able to provide some limited feedback, due to the short time frame of the request, but it was indicative of a desire on respondents' parts to explore further. Deputy City Supervisor Tyler Palmer, Street/Storm Supervisor Steve Schulte, Community Events Manager Amanda Argona and Moscow Police Captain Will Krasselt participated in a remote meeting with downtown business owners, and which also included City Councilmembers Sandra Kelly, Maureen Laflin and Brandy Sullivan (who also owns a downtown café/coffee shop), and Jenny Ford. I have attached the minutes Tyler Palmer kept of that meeting.

Tyler submitted the attached memo, dated May 28, 2020, which provided some strategies in order to move forward with developing proposals for temporary changes, including:

- Leaving Farmers Market closure of Main Street in place after the Market closes, presumably through the following Sunday evening;
 - Launching a pilot program for expansion of Sidewalk Cafés into certain parking areas;
 - Reviewing alcohol provisions.
1. At this time, I cannot recommend closure of the Main Street right-of-way beyond the end of the weekly Farmers Market session. The reasoning for this position is several-fold:
 - There is no proposal accompanying this recommendation which states a reason for closing the public right-of-way (such as allowing expansion of Sidewalk Cafés into the travel lanes of Main Street) during the same period. Without that/those proposals, it is unknown how this recommendation will provide a benefit to businesses impacted by social distancing requirements;
 - The minutes kept from the meeting indicate that only a few participants promoted this option;
 - Closing the travel lane section of the Main Street right-of-way to vehicular traffic for two consecutive days is a significant restriction of use to the members of the public;
 - If any proposal includes alcohol use in the public right-of-way (currently a violation of MCC 10-1.12.A.'s prohibition of open containers of alcohol in the public right-of-way) that would require the Council to provide guidance and a separate resolution;
 - The Moscow Farmers Market is being offered in a revised format this season, in order to encourage social distancing and focusing on the essential service of providing perishable produce and food items. At this time, a specific goal of the Market is to discourage the "linger longer" focus of all previous Market seasons, which encouraged patrons and visitors to spend time at the Market to socialize and shop. Closing Main Street past the close of regular Market hours may have the opposite effect. Please see attached memo from Amanda Argona, Community Events Manager.
 - Based upon the information provided, it appears that the potential benefits of closing the entire Main Street right-of-way for two consecutive days per week do not outweigh the restriction on the public's use of the right-of-way for vehicular traffic;
 - Taking into consideration the potential impacts on the public, as well as the coordination of the extended closure with other City regulations, a pilot program could be considered at a later time, after increased public outreach and opportunities for impacted businesses to weigh in on the proposal.
 2. It appears that the expansion of Sidewalk Cafés into parking areas could be accomplished in an expedient fashion by temporarily suspending certain provisions of MCC 9-12, and allowing the City Clerk (who is charged with administration of Sidewalk Café's) discretion to issue temporary licenses in accord with developed standards as presented below.

As noted, MCC 9-12 regulates Sidewalk Cafés, which, upon issuance of a permit by the City Clerk, allow eating and drinking establishments to extend operations to “Licensed Areas” within the public right-of-way (ROW). I have attached a copy of that chapter to this memo. Within that chapter are several issues which need to be resolved in order to provide relief from the Code.

- Sec. 12-1.B “Licensed Area”. The area or location upon public property and/or right-of-way and abutting an eating and/or drinking establishment within which a licensed Sidewalk Café may operate.” The portion of this section being suspended is the requirement that the right-of-way upon which the Sidewalk Café operates abuts the eating and/or drinking establishment. This requirement could be suspended in order to allow the City Clerk, in exercising the authority granted by Council Resolution to allow temporary expansion of Licensed Areas when the applicant has obtained the permission to expand the Sidewalk Café in front of a neighboring property.
- Sec. 12-3.B. “A Sidewalk Café license shall be issued for one (1) year, commencing on the date of license issuance and ending at midnight on December 31st of the year of issuance.” This section could be suspended in order to allow the City Clerk, in exercising the authority granted by Council Resolution, to issue temporary Sidewalk Café licenses for the period authorized by the Resolution.
- Sec. 12-3.C. “An annual fee to be paid upon issuance of a Sidewalk Café license shall be set from time to time by Resolution duly passed and adopted by the Council.” This section could be suspended in order to allow the City Clerk, to issue temporary Sidewalk Café licenses without the requirement of collecting a fee from applicants, in order to grant relief to these small businesses.
- Sec. 12-4.F.4. “The licensee shall amend its existing State, County, and City alcohol license information to include the Licensed Area.” This section is being suspended in order to allow the City Clerk, in exercising the authority granted by the Idaho State Police, Alcohol Beverage Control Unit, to allow temporary expansion of Licensed Areas if appropriate regulatory and safety measures are implemented.
- Sec. 12-4.F.5. “Delineation of the Licensed Area shall consist of a non-permanent physical barrier such as a railing, potted plants, decorative chain, fence, rope or other physical barrier, as required and approved by the City.” This section could be suspended in order to allow the City Clerk, in appropriate circumstances, to waive the City-required physical barrier, while requiring some other means of delineating the Licensed Area.
- Sec. 12-6.C. “If liquor is served or allowed to be consumed in a Licensed Area, the establishment shall be a “full service restaurant”, as that term is defined in this Chapter.” This section could be suspended in order to allow the City Clerk, to temporarily allow the serving of liquor by a duly licensed establishment without the necessity of being a full-service restaurant.

- Sec. 12-6.D. "The Sidewalk Café shall be specifically limited to the Licensed Area shown in the Sidewalk Café license and accompanying diagram and shall take up no more than fifty percent (50%) of the unobstructed portion of the abutting Sidewalk, except in accordance with specific regulations adopted by the Council by Resolution or as otherwise authorized or permitted by City." The portion of this section which is recommended to be suspended is the limitation of 50% of the unobstructed portion of the abutting right-of-way, provided that the City Clerk determines that the proposed configuration of the Licensed Area protects the four (4) contiguous feet of pedestrian access as required by Sec. 12-6 E.

After discussions with the City Attorney and the City Clerk, I believe that a Resolution of the City Council suspending the pertinent sections of MCC 9-12 and granting the City Clerk the authority to issue temporary permits, while allowing flexibility from the previously noted sections could provide the relief requested by the City Council. If the Council approves such a resolution, staff could provide some standards which would help to guide the City Clerk in the use of her discretion.

A draft Resolution is attached to this memo.

3. Reviewing alcohol regulations. On May 19, 2020, staff solicited the assistance of the Governor's office for the temporary authority for City regulators to allow for the temporary expansion of "Licensed Areas":

As we are in Stage 2 of the Governor's Idaho Rebounds Plan, our restaurants and merchants are beginning to reopen for business. The protocol for Bars, Breweries and Distilleries was just issued yesterday. As you know, we are all anxious for our businesses to reopen in a responsible manner, and the City of Moscow has been trying to identify some areas wherein we can offer assistance.

One idea which is being discussed is to allow businesses some temporary, permitted use of the City's sidewalks and streets to allow expansion for increased opportunities for social distancing. Like most cities, many of our restaurants serve alcoholic beverages in addition to food items, and while we are able to allow expanded boundaries for eating, the rules for alcohol limit serving within an established and approved boundary; approved through the State of Idaho pursuant to Idaho Code Title 23, Chapters 9, 10, and 13, as well as IDAPA. We have asked whether the City could temporarily approve expansions or modifications to the boundaries within which alcohol may be served, but were informed that those changes would have to be approved by the State. This takes additional time for approval and slows down recovery.

Governor Little's proclamation made earlier in his COVID-19 response, suspended certain rules regarding the serving of alcohol, however the requirement of state approval of the boundaries was left in place. We are requesting the Governor's consideration in allowing local government the authority to allow temporary modifications to the approved

boundaries. As you know, a business serving alcohol requires state, county and city licenses. We are familiar with the requirements and our police and fire departments are involved with the issuance of alcohol licenses already.

In order to help our businesses recover in as safe a manner as possible, and to provide as much flexibility as possible, we would appreciate the Governor's consideration of our request. I know that other cities are considering use of sidewalks and streets for temporary expansion of businesses, and they must have similar situations. Please let me know if I can provide any further information. Thank you. I appreciate all of your help!

We were pleased to hear from the Governor's office that they had contacted Alcohol Beverage Control (ABC) and that ABC was willing to work with the City. The City Attorney made contact with Captain Bradley Doty of ABC, who indicated that as long as the businesses are receiving approval from the City for a temporary expansion of what will be considered their "premises" and the City has vetted the expansion taking into consideration public safety, then ABC is not requiring the individual businesses to apply for a temporary expansion. In the event City elects to do this, then ABC would like a letter from the City indicating what the City is doing, as well as providing a map showing the businesses that would be expanding.

This is indeed good news and will allow the City to accommodate requests more expeditiously than that offered by the regular process, which required state approval prior to implementation by the Sidewalk Café licensee.

CITY OF MOSCOW
DOWNTOWN PUBLIC RIGHTS-OF-WAY SEATING DISCUSSION
ZOOM MEETING
May 21, 2020 10:30 am

Participants:

Tyler Palmer	City of Moscow – Deputy City Supervisor
Steve Schulte	City of Moscow – Street/Storm Mgr
Amanda Argona	City of Moscow – Community Events Mgr
William Krasselt	City of Moscow - MPD
Sandra Kelly	Moscow City Council
Maureen Laflin	Moscow City Council
Jenny Ford	Café Artista
Bev Bafus	Moscow Chamber of Commerce
George Skandalos	Maialina, Sangria, Garden Lounge
Amy Paul	NIAC
Nara Woodland	Bloom Café
Mitchell Lopez	La Casa Lopez
Louise Todd	Mikey's Gyros
Jon Kimberling	Kimberling Insurance
Courtney Siebken	Revolver
Keely Garrity	Ampersand
Sara Wicks	Vin (Wine Bar), Moscow Bagel
Brandy Sullivan	One World Café/Moscow City Council
Nikki Woodland	Nectar, Monarch Motel

Invitation Information:

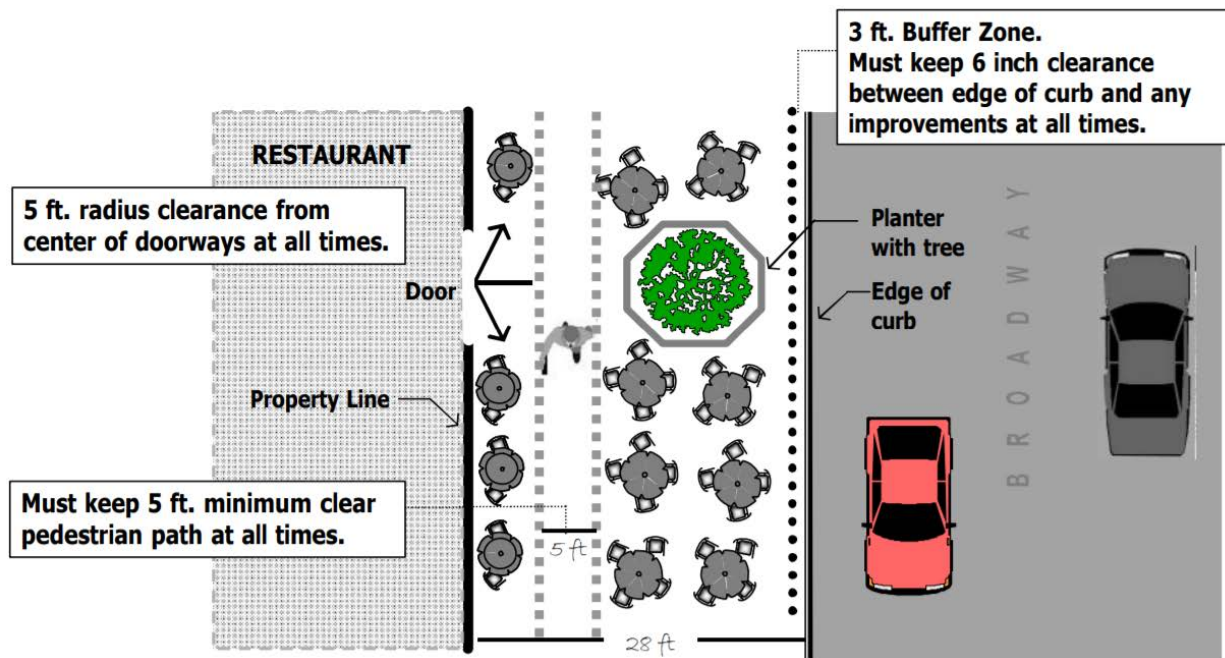
With mounting evidence that transmission of COVID-19 is much lower outdoors (<https://thehill.com/policy/healthcare/496483-evidence-mounts-that-outside-is-safer-when-it-comes-to-covid-19>), the City is considering ways that we could best utilize the public rights of way, especially in downtown Moscow. Moscow's downtown is truly the heart of the community, and we want to hear from you all about how we can help you best! Please join us for a quick discussion!

Starting Time: 10:30 a.m.

Tyler opened the meeting with description of the direction from City Council to explore the use of the public ROW downtown. He reviewed the three proposals contained in a memo that was sent to City Supervisor, Gary Riedner, and subsequently to the City Council. Visuals on what the Main Street Rights-of-Way could look like with repurposed ROW were included:

SIDEWALK PATTERN Figure 7

C No Parking





The meeting was opened for a group discussion.

Bev Bafus, Café Artista: Expressed the importance of assuring that ADA access is maintained and walkways have adequate width for wheelchairs and strollers. Was interested in the potential for expanded outdoor seating. Would likely request the space where the bike coral is currently situated.

George Skandalos; Maialina, Sangria, Garden Lounge: Very interested in expanded patio seating. Expressed the need for flexibility with alcohol regulations. Has sent an email to Council regarding the availability of a sidewalk café for the Garden Lounge. Take-out will remain a component of continued business.

Sandra Kelly, Moscow City Council: Read submitted comments from Alex Barham, Lodgepole: He did not think that his business would benefit from an expanded outdoor area, as they already have a large patio. He was concerned that there not be large traffic restrictions.

Amy Paul, NIAC: Thought that the decision should be made as a whole of all downtown businesses' interests considered. She also suggested that 2 lots in the Jackson Street lot could be for Take-Out spaces or some other use.

Nara Woodland, Bloom: With a restricted Farmer's Market, she was interested in possibilities of maintaining her outdoor seating on the North front of her restaurant (Friendship Square), and the possibility of further use of Friendship Square. Potential for Free Speech area to move? Take-out critical for continued business.

Mitchell Lopez, Casa: To-go parking is critical. Consideration of leaving Main closed after Farmer's Market to allow for a more festive atmosphere with a focus on the brick and mortar. Mitchell Lopez likes the idea of the shortened parking limits in the downtown area. He also likes the idea of having designated eating areas in front of businesses during Farmer's Market.

Louise Todd, Mikey's Gyros: To-go program has been helpful and wants to see it continue. Also, would like the ability to shift to-go to the Jackson St. lot during Market hours.

Jon Kimberling, Kimberling Insurance: Proposed a moving closure where a block at a time downtown would close.

Courtney Siebken, Revolver: Has a background in Flea Markets in the Seattle area where they have little to no parking and she could see the potential of that here as a huge opportunity. Vibrancy of downtown, and exposure are important.

Keeley Garrity, Ampersand: sees the value of additional outdoor seating. Need to still accommodate mobility challenged who need to park closer to their destination.

Sara Wicks; Vin, Moscow Bagel: Asked about the potential to combine spaces with an adjacent business. Also, the idea of shorter-duration parking stalls permanently on Main Street. She was interested in the expanded seating being available during the Farmer's Market. Wondered about the duration of the program to help offset the cost and effort to set-up.

Brandy Sullivan, One World Café: Would choose to keep the parking on Main St "as is" as of today and perhaps expand into the ROW if the demand grows for outdoor seating as the weather improves. She would like to see some flexibility with businesses being able to opt in/out of the ROW seating if they wish after seeing how it works for other businesses. She shared the idea of having a "Shared" food court between businesses somewhere in the downtown area – Friendship Square, Jackson lot, etc.

Nikki Woodland, Nectar: asked if it would be possible to put the Farmer's Market in the middle of Main St instead of on the edge of the street.

Items covered in conversation:

- Potential for Farmer's Market picnic tables to be used temporarily.
- City would provide barriers for the program.
- Enforcement challenges of varying time restrictions.
- Need to assure safety of barriers in the ROW (separation from cars).
- A blanket reminder to all staff downtown to avoid parking on Main Street.
- Encouragement to look at all of the ROW by each business, and be creative with proposals.

Follow-up items:

- City to provide meeting notes to the Chamber of Commerce for distribution.
- Tyler to prepare a memo to Mayor and City Council on the outcomes of the meeting, and proposed steps forward.
- City will provide updates and solicit further feedback.
- Businesses will contact us with ideas and questions.



Memo

To: Gary Riedner, City Supervisor

From: Tyler Palmer, Deputy City Supervisor

Cc.: Steve Schulte, Streets/Storm Manager

Tammy Gray, Administrative Assistant

Date: May 28, 2020

Re: Expanded Rights-Of-Way Use Downtown Implementation

Gary,

In the interest of moving forward with some of the proposals that were generated by staff and the downtown business community, I believe that the following steps can be implemented quickly, as we continue to work through others:

1. Leaving the Farmer's Market closure in place beyond the end of Market.
 - a. This change will only require us to determine the best time and manner to remove the barriers. Streets staff can coordinate with Market and Parks staff to hammer out logistics on this.
 - b. If this is successful, we could explore closing beyond the Market footprint, but that will require an additional mobilization.
2. Launch a pilot for extended use of parking areas on an application basis for expanded commerce in the ROW.
 - a. Streets has generated an application and approval process for expanding cafes into additional areas of the ROW, and we have the materials ready for a quick launch.
 - b. Flexibility with the sidewalk café ordinance would be very helpful on this front. If Council could grant staff some interim authority, we are ready to implement.
 - c. We should include the expanded use of Friendship Square as an area for flexibility. We can also work with the Market staff to look at possible uses for their portable picnic tables.
3. Review alcohol prohibitions.
 - a. Request relief from the State where applicable.
 - b. Ask the Council to grant temporary waivers for restrictive requirements contained in the City's Sidewalk Café Ordinance.

Let me know if you would like further information on any of the quick-implementation options I have listed above. I have had many texts and emails from local business owners thanking the City for our swift action on these items, and am confident we can get some things on the ground that will help them, while also helping reduce people's exposure while interacting with our downtown.

Let me know if you need anything further from me on these.

Regards,

Tyler

MEMORANDUM



To: Gary Riedner, City Supervisor
From: Amanda Argona, Community Events Manager
c: Tyler Palmer, Deputy City Supervisor; Steve Schulte, Streets/Storm Manager; Tammy Gray, Administrative Assistant; Mia Bautista, City Attorney; Laurie Hopkins, City Clerk; Captain Will Krasselt, MPD
Date: 29 May 2020
Re: Expanded Rights-Of-Way Use Downtown

The Community Events Manager was requested to attend a video conference in regards to how the downtown right-of-way (ROW) may be used for businesses to expand and promote appropriate social distancing in the time of COVID-19. Specifically, the perspective brought to the meeting and questions fielded were in regard to Moscow Farmers Market operations.

The Moscow Farmers Market has reduced operations to promote an outdoor grocery store model and has eliminated many, if not all, linger-longer activities until further notice. We are in support of promoting and supporting our downtown business neighbors, while also balancing the needs of the Market and its continued assessment of when all vendors may return to participate.

Of the ideas expressed from those that participated in the May 21, 2020 video call, the following options felt feasible to support both brick and mortars and the nationally recognized Moscow Farmers Market:

- Creation of a shared-use outdoor cafeteria space in a bay of the Jackson Street parking lot and/or other identified area(s)
 - The Moscow Farmers Market currently does not have plans to use our picnic tables until further notice. Until the Market can resume full operations, these picnic tables may be utilized in such a space, thus eliminating the need for downtown businesses to incur an additional cost for outdoor seating.
- Use of temporary barricades for downtown businesses to expand into the ROW
 - The Moscow Farmers Market staff has a need for barricades on Saturday with the current limitation of patrons in the main footprint. If temporary barricades were positioned in a space currently occupied by a vendor, staff would dismantle the expansion, use the barricades for the duration of Market, and return and set-up the barricades for the downtown business upon Market ending. If temporary barricades were positioned in an unoccupied space, these barricades could remain in place until further notice.

Items that have been proposed as examples for expansion into ROW that do not feel feasible include:

- Use of concrete jersey barriers

- Not as easily moveable as temporary barricades and less flexible in accommodating potential return of other vendors to Market.
- The positioning of vendor booths in front of business expansions
 - New and returning vendors rely on the visual cues of spray-painted numbers and pins to set-up their space and to not encroach on neighboring spaces. This type of set-up is not conducive for vendors (especially new) to finding their space assignment.
 - Staff has strived to create an even playing field for all vendors, with the understanding that each vendor space presents its own unique challenges. Such a set-up has the potential to create animosity between neighbors due to the perceived decrease in visibility in a year when tensions already run high.
 - While rare, staff has witnessed fire trucks and ambulances enter the Market footprint. The Market's layout promotes the ability for crowds to disperse safely and provides ample access for these vehicle types to swiftly respond.

Areas of concern:

- Leaving the Farmers Market closure in place beyond the hours of the Market
 - In normal operations, staff experience issues with the public's vehicles entering the Market footprint prior to 2 pm while half of the entry points are opened to allow for vendors to exit. Those parking are looking to shop or patron downtown businesses. Anecdotal evidence shows that those entering the footprint and parking either prior to 2 pm, or immediately upon the streets re-opening, are for accessing North Idaho Athletic Club, BookPeople, Storm Cellar, Tye-Dye Everything, and Hyperspud Sports.
 - Market staff traditionally takes Sunday and Monday off, leaving the responsibility to open the streets on either of these days to a different department.
 - The perception from the public of poor utilization of an empty street. The Vandal Town Block Party is a prime example of how an event had too large of a footprint, even with activities dispersed and scattered throughout said footprint. This observation resulted in a smaller footprint for the VTBP, which feels more appropriately scaled. Large swaths of Market footprint may remain 'un-activated' after the Market ends due to the business locations and create a checkerboard of activity.

Chapter 12

SIDEWALK CAFÉ REGULATIONS

- Sec. 12-1:** Definitions
- Sec. 12-2:** Permit Required
- Sec. 12-3:** Application for Sidewalk Café License
- Sec. 12-4:** Standards for Issuance of License
- Sec. 12-5:** Liability and Hold Harmless Agreement
- Sec. 12-6:** Conditions of License
- Sec. 12-7:** Denial, Revocation, or Suspension of License
- Sec. 12-8:** Appeals
- Sec. 12-9:** Penalties

Sec. 12-1. Definitions.

- A. *Full Service Restaurant.* An establishment maintained, advertised and held out to the public as primarily a food eating establishment, where individually priced meals are prepared and regularly served to the public primarily for on-premises consumption, or an establishment where not less than forty percent (40%) of its consumable purchases are derived from the sale of food and/or non-alcoholic beverages. The full service restaurant shall also have a dining room or rooms, kitchen, and cooking facilities for preparation of food (including stoves, ovens, and/or refrigeration equipment).
- B. *Licensed Area.* The area or location upon public property and/or public right-of-way and abutting an eating and/or drinking establishment within which a licensed Sidewalk Café may operate.
- B. *Sidewalk.* Sidewalk means that portion of a street between the curb or lateral lines of a roadway or other public right-of-way and the abutting property lines intended for use by pedestrians.
- C. *Sidewalk Café.* An eating and/or drinking establishment which serves food and/or beverages on public property or within a public right-of-way

as part of its business as an eating and/or drinking establishment, pursuant to City license.

(Ords. 2007-09, 08/20/2007; 2010-12, 06/07/2010)

Sec. 12-2. Permit Required.

It shall be unlawful for any person to operate a Sidewalk Café without a Sidewalk Café license as provided by this Chapter. A Sidewalk Café license shall not grant any person a property right or property interest in the Licensed Area, any public property, or right-of-way.

(Ord. 2007-09, 08/20/2007)

Sec. 12-3. Application for Sidewalk Café License.

- A. A person desiring to operate a Sidewalk Café shall make written application to the Clerk upon forms supplied by the City.
- B. A Sidewalk Café license shall be issued for one (1) year, commencing on the date of license issuance and ending at midnight on December 31st of the year of issuance.
- C. An annual fee to be paid upon issuance of a Sidewalk Café license shall be set from time to time by Resolution duly passed and adopted by the Council.

(Ord. 2007-09, 08/20/2007)

Sec. 12-4. Standards for Issuance of License.

The Clerk shall issue a permit upon a finding that:

- A. The proposed Sidewalk Café will not unreasonably interfere with pedestrian traffic and/or other uses of the Licensed Area and/or public rights-of-way.
- B. The proposed Sidewalk Café shall maintain an unobstructed pedestrian access on the sidewalk of not less than four contiguous feet (4').
- C. The applicant has met all other applicable provisions of this Code as well as the laws of the United States of America, the State of Idaho, and Latah County, Idaho, including, where applicable, licenses to serve alcohol.

- D. A risk assessment has been performed by the North Central District Health Department on the applicant's business and the applicant has a current State license authorizing the applicant to serve food and beverages, where such license is required.
- E. The licensee shall demonstrate that current, paid up, general liability insurance has been obtained for each Licensed Area in an amount not less than Five Hundred Thousand Dollars (\$500,000) combined single limits. Such general liability insurance policy shall be primary to any other insurance related to the operation of the Sidewalk Café and to that of any potential party subject to a claim related to these events. The City shall be named as an additional insured on any insurance policy of the licensee relating to the operation of the Sidewalk Café. All policies of insurance shall require ten (10) days notice to City by certified mail of any cancellation or change affecting any interest of coverage. A current certificate of insurance shall be kept on file with the Clerk at all times.
- F. A licensee who intends to serve alcoholic beverages or allow such to be consumed in the Sidewalk Café shall meet the following additional requirements:
 - 1. The licensee shall have a valid State, County, and City alcohol license for lawful service of beer and/or wine and/or liquor.
 - 2. Service and/or consumption of alcohol shall only occur in the Licensed Area.
 - 3. No taps, kegs, coolers, or other alcoholic beverage storage devices related to the Sidewalk Café are allowed to be stored in the public right-of-way; and
 - 4. The licensee shall amend its existing State, County, and City alcohol license information to include the Licensed Area.
 - 5. Delineation of the Licensed Area shall consist of a non-permanent

physical barrier such as a railing, potted plants, decorative chain, fence, rope or other physical barrier, as required and approved by the City.

6. The licensee shall demonstrate that the licensee has current, paid up, Liquor Liability Insurance for each Sidewalk Café in an amount not less than One Million Dollars (\$1,000,000) combined single limits. Such insurance shall be primary to any other insurance related to the alcohol service by the Sidewalk Café and to that of any potential party subject to a claim related to these events. City shall be named as an additional insured on any such insurance policy of the licensed vendor or for the events described herein. All policies of insurance shall require ten (10) days notice to City by certified mail of any cancellation or change affecting any interest of coverage. A current certificate of insurance shall be kept on file with the Clerk at all times.

(Ord. 2007-09, 08/20/2007; 2010-12, 06/07/2010)

Sec. 12-5. Liability and Hold Harmless Agreement.

Every licensee shall hold City, its agents, servants, employees, officers, and/or contractors harmless, and shall indemnify and defend any claim filed against City, its agents, servants, employees, officers and/or contractors for any activities associated with the Sidewalk Café, including the actions and/or inactions of every person, licensee, owner, director, employee, or agent.

(Ord. 2007-09, 08/20/2007)

Sec. 12-6. Conditions of License.

- A. A Sidewalk Café license shall not be issued in any zoning district other than the Central Business (CB) Zoning District.
- B. A Sidewalk Café license shall not be assigned to any other person or place.
- C. If liquor is served or allowed to be consumed in a Licensed Area, the

establishment shall be a “full service restaurant”, as that term is defined in this Chapter.

- D. The Sidewalk Café shall be specifically limited to the Licensed Area shown in the Sidewalk Café license and accompanying diagram and shall take up no more than fifty percent (50%) of the unobstructed portion of the abutting Sidewalk, except in accordance with specific regulations adopted by the Council by Resolution or as otherwise authorized or permitted by City.
- E. The proposed Sidewalk Café shall maintain an unobstructed pedestrian access on the sidewalk of not less than four contiguous feet (4’).
- F. The Sidewalk Café may operate only between the hours of 6:00 a.m. and midnight local time, and only during hours the abutting eating and/or drinking establishment is in operation.
- G. No Sidewalk Café located within Friendship Square shall operate during Farmer’s Market hours of operation.
- H. The Licensed Area, and all items placed within it, shall at all times be maintained in a clean and orderly condition.
- I. Only those items authorized by the Sidewalk Café license and shown on the diagram may be stored in the Licensed Area when the Sidewalk Café is not in operation.
- J. The Licensed Area shall be returned to the condition it was prior to the Sidewalk Café license agreement permitting operation of the Sidewalk Café.
- K. The Sidewalk Café shall conform to any additional requirement established from time to time by Resolution duly passed and adopted by the Council.
(Ord. 2007-09, 08/20/2007; 2010-12, 06/07/2010; 2014-15, 09/15/2014)

Sec. 12-7. Denial, Revocation or Suspension of License.

- A. In the event that a licensee or applicant has violated or cannot meet a condition of approval or a provision of this

Chapter, the Clerk may seek the denial, revocation, or suspension of the license.

- B. Prior to the denial, revocation, or suspension of a license as required herein, the Clerk shall provide written notice of such denial, revocation, or suspension to the licensee or applicant, as the case may be. Such written notice shall state the reason(s) for such denial, revocation, or suspension, and shall state that such licensee or applicant may request an appeal hearing as provided herein. Notice of denial, revocation, or suspension is effective on the date such notice is placed in a mailbox controlled by the United States Postal Service. Failure by the City to give notice as provided herein shall not establish a right to a license under this Chapter.

(Ord. 2007-09, 08/20/2007)

Sec. 12-8. Appeals.

- A. Any person aggrieved by the action of denial, suspension or revocation of the license by the Clerk shall have the right of appeal to the Council.
- B. Such appeal shall be taken by filing with the Clerk written notice thereof within ten (10) business days after the denial or the entry of the order of suspension or revocation. The notice of appeal shall specify an address at which the person appealing may be given notice of hearing on the appeal.
- C. At the appeal hearing before the Council, the applicant or person appealing shall be entitled to appear in person and offer evidence pertinent to the denial, suspension or revocation or may appear through legal counsel. The Clerk, Chief of Police, and/or legal counsel for the City shall likewise be entitled to appear at the hearing and offer evidence in support of the denial, order of suspension or revocation. Failure by applicant, person appealing, or their representative to appear before Council at the time scheduled to hear such an appeal shall result in the automatic denial of such appeal.

- D. The Council shall determine whether the denial, suspension or revocation shall be sustained and shall make a final reasoned statement in writing within fifteen (15) business days following the close of the hearing.

(Ord. 2007-09, 08/20/2007)

Sec. 12-9. Penalties.

Any person violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished pursuant to this Code and the Idaho Code.

(Ord. 2007-09, 08/20/2007)

RESOLUTION NO. 2020 –

A RESOLUTION OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AUTHORIZING THE TEMPORARY SUSPENSION OF SPECIFIC SECTIONS OF MOSCOW CITY CODE TITLE 9, CHAPTER 12, SIDEWALK CAFÉ REGULATIONS; AND PROVIDING THIS RESOLUTION SHALL BE IN EFFECT UPON ITS PASSAGE AND APPROVAL.

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, President of the United States Donald Trump 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, Idaho Governor Brad Little, pursuant to Idaho Code § 46-1008, declared a state of emergency due to COVID-19; and

WHEREAS, on March 13, 2020, the Idaho Department of Health and Welfare and the Idaho North Central Health District issued recommendations for limiting mass gatherings and public events in order to contain and slow the spread of COVID-19, the recommendations included postponing or cancelling any gatherings or events that would bring together more than 250 individuals, where social distancing of 6 feet or more was not likely or possible. The recommendation also cautioned that there is currently no vaccine to prevent COVID-19 and the best way to prevent illness was to avoid being exposed to the virus; and

- WHEREAS, on March 13, 2020, pursuant to the authority granted under Idaho Code § 46-1011, Moscow Mayor Bill Lambert proclaimed and declared a local disaster emergency in the City of Moscow due to the COVID-19 pandemic and authorized the furnishing of aid and assistance thereunder; and
- WHEREAS, the local disaster declaration was in effect for a period of seven (7) days, unless extended pursuant to consent of the Moscow City Council in accordance with Idaho Code § 46-1011(1); and
- WHEREAS, on March 16, 2020, the Moscow City Council deemed it necessary to extend such local disaster emergency declaration to provide for the ongoing threat to public life and property, and the Council wished to continue to be proactive in reducing the spread of COVID-19, and wanted to encourage our community members and community businesses to do their part to prevent and limit the spreading of this virus, and signed Resolution 2020-05 Authorizing Continuation of the Local Emergency Proclamation until May 5, 2020; and
- WHEREAS, due to Idaho being a diverse and expansive state, Governor Brad Little, prior to issuance of a March 25, 2020, statewide mandate, was not mandating categorical closures. Governor Little indicated that he trusted local leaders to make the decisions regarding mandates appropriate for their communities; and
- WHEREAS, the CDC has provided guidance for preventing the spread of COVID-19 and is continually providing updates as information becomes available with revised recommendations; 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, under Idaho Code § 50-903, the City is empowered to revise and codify ordinances of a general and permanent nature and to make such changes, alterations, modifications, additions and substitutions therein as the City deems best; and

WHEREAS, in order to effectively preserve the health and safety of the public, on March 20, 2020, City Council passed and the Mayor approved the passage of Ordinance 2020-03, adding Chapter 11, to Title 1, granting Emergency Powers to the Mayor to issue Public Health Emergency Orders; and

WHEREAS, both the CDC, the federal government, and our local public health district have recommended practices to prevent the community spread of COVID-19, including social distancing measures, and on March 18, 2020, Governor Brad Little adopted these recommendations for the state of Idaho. The recommendations included that individuals practice social distancing by not gathering in groups of more than ten (10) people and that they avoid eating at bars, restaurants and food courts. The recommendations further included that individuals use drive-up, take-out and delivery options for meals. The policies, along with other information, were available on the CDC's official COVID-19 website. (<https://www.cdc.gov/coronavirus/2019-ncov/index.html>). Additionally, as of March 19, 2020 there were twenty-three (23) cases of COVID-19 within Idaho;

WHEREAS, on March 20, 2020, Moscow Mayor Bill Lambert recognized that 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 was necessary to combat the spread of the disease and therefore, the Mayor proclaimed and declared Public Health Emergency Order No. 20-01, restricting gatherings in groups of more than ten (10) persons and ordering the closure of on-premise services for restaurant and bars; 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, the risk of community spread throughout the city of Moscow was and 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 inability for certain businesses to follow the recommended social distancing guidelines due to the very nature of their business called for additional regulation to help slow the spread of COVID-19; and

- WHEREAS, as of March 24, the rapid spread of COVID-19 at that time required a more aggressive proactive response in order to protect the public and resources to address the supply issues we as a nation and state faced; 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 support 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 to utilize the proposed staged approach for reopening Idaho; and

WHEREAS, on April 30, 2020, based on the Council and Mayor's belief the City's interests for the health and safety of all citizens of the city of Moscow would be served by the Stage 1- Stay Healthy Order and by the Governor's guidelines for opening up Idaho, that there was no longer a need to keep the Public Health Emergency Orders 20-01 and 20-02 in place; and

WHEREAS, on April 30, 2020, the Council and Mayor terminated the Mayor's Proclamation of Local Disaster Emergency as modified by Resolution 2020-05 and the Public Health Emergency Orders to eliminate any confusion that may cause in light of the statewide Stay Healthy Order.

WHEREAS, on May 16, 2020, Governor Little and Director Jeppesen of the Idaho Department of Health and Welfare, issued the "Stay Healthy Order" implementing Stage 2 of the Governor's Idaho Rebound plan, and which can be found on the website: rebound.idaho.gov., which continued to provide restrictions and guidelines for businesses to adhere to social distancing and sanitation requirements; and

WHEREAS, on May 30, 2020, Governor Little and Director Jeppesen of the Idaho Department of Health and Welfare, issued the "Stay Healthy Order", implementing Stage 3 of the Governor's Idaho Rebound plan, and which can be found on the website: rebound.idaho.gov., which continues to provide restrictions and guidelines for businesses to adhere to social distancing and sanitation requirements; and

WHEREAS, since Governor Little declared a state of emergency on March 13, 2020, in the State of Idaho, due to the occurrence and imminent threat to public health and safety, he has issued proclamations suspending provisions of regulations that would in any way prevent, hinder, or delay necessary action in coping with the emergency; and

WHEREAS, on March 23, 2020, Governor Little issued a proclamation directing all state agencies to review their administrative rules to identify opportunities to assist in the COVID-19 response while maintaining public safety; and

WHEREAS, on March 23, 2020, Governor Little issued a proclamation suspending over one hundred twenty-five (125) rules for the duration of the emergency to more quickly, efficiently, and safely respond to the declared emergency; and

WHEREAS, Idaho's Stage 3-Stay Healthy Order continues to require six-foot social distancing and limits gatherings, which poses unprecedented and unique challenges for businesses, especially businesses that serve food and beverage and want to offer dine in service as permitted by the current order; and

WHEREAS, the Idaho State Police, Alcohol Beverage Control Unit has authorized Cities to expand the licensed area of eating and drinking establishments that serve alcohol beverages on a temporary basis to address the requirements and guidelines of the Stay Healthy Order.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moscow as follows:

1. Subject to the authority granted by this Resolution to the City Clerk, the requirements of the following Sections of Title 9, Chapter 12, Sidewalk Café Regulations, are suspended during the term of the state of emergency to assist in the COVID-19 response while maintaining public safety.
 - a. Sec. 12-1.B. “Licensed Area. The area or location upon public property and/or right-of-way and abutting an eating and/or drinking establishment within which a licensed Sidewalk Café may operate.” The portion of this section being suspended is the requirement that the right-of-way upon which the Sidewalk Café operates abuts the eating and/or drinking establishment. This requirement is being suspended in order to allow the City Clerk, in exercising the authority granted by this Resolution to allow temporary expansion of Licensed Areas when the applicant has obtained the permission to expand the Sidewalk Café in front of a neighboring property.
 - b. Sec. 12-3.B. “A Sidewalk Café license shall be issued for one (1) year, commencing on the date of license issuance and ending at midnight on December 31st of the year of issuance.” This section is being suspended in order to allow the City Clerk, in exercising the authority granted by this Resolution, to issue temporary Sidewalk Café licenses from the effective date of this Resolution until its expiration.
 - c. Sec. 12-3.C. “An annual fee to be paid upon issuance of a Sidewalk Café license shall be set from time to time by Resolution duly passed and adopted by the Council.” This section is being suspended in order to allow the City Clerk, in exercising the authority granted by this Resolution, to issue temporary Sidewalk Café licenses without the requirement of collecting a fee from applicants.
 - d. Sec. 12-4.F.4. “The licensee shall amend its existing State, County, and City alcohol license information to include the Licensed Area.” This section is being suspended in order to allow the City Clerk, in exercising the authority granted by this Resolution and the Idaho State Police, Alcohol Beverage Control Unit, to allow temporary expansion of Licensed Area’s in appropriate circumstances.
 - e. Sec. 12-4.F.5. “Delineation of the Licensed Area shall consist of a non-permanent physical barrier such as a railing, potted plants, decorative chain, fence, rope or other physical barrier, as required and approved by the City.” This section is being suspended in order to allow the City Clerk, in exercising the authority granted by this Resolution, in appropriate circumstances, to waive the requirement that a Licensed Area maintain a physical barrier, while requiring delineation of the Licensed Area by other means.
 - f. Sec. 12-6.C. “If liquor is served or allowed to be consumed in a Licensed Area, the establishment shall be a “full service restaurant”, as that term is defined in this Chapter.” This section is being suspended in order to allow the City Clerk, in

exercising the authority granted by this Resolution, to allow the serving of liquor by a duly licensed establishment without the necessity of being a full-service restaurant.

- g. Sec. 12-6.D. “The Sidewalk Café shall be specifically limited to the Licensed Area shown in the Sidewalk Café license and accompanying diagram and shall take up no more than fifty percent (50%) of the unobstructed portion of the abutting Sidewalk, except in accordance with specific regulations adopted by the Council by Resolution or as otherwise authorized or permitted by City.” The portion of this section being suspended is the limitation of 50% of the unobstructed portion of the abutting right-of-way, if the City Clerk determines that the proposed configuration of the Licensed Area protects the four (4) contiguous feet of pedestrian access as required by Sec. 12-6 E. This requirement is being suspended in order to allow the City Clerk, in exercising the authority granted by this Resolution to allow temporary expansion of Licensed Areas.
2. The suspension of this requirement is necessary to permit eating and drinking establishments located in the Central Business District to provide increased opportunities for social distancing in order to comply with the Idaho Governor’s and Idaho Director of Department of Health and Welfare’s Stay Healthy Order and aid in achieving compliance with the Business Protocols and Guidelines issued through Rebound Idaho.
3. The City of Moscow encourages citizens to continue to practice appropriate social distancing, wearing a face mask when social distancing is difficult, and to employ increased hygiene measures in order to maintain the reduced COVID-19 infection rate that has been the result of their great efforts during this outbreak.
4. The City Clerk will be responsible for reviewing and approving Sidewalk Café Applications or Modifications consistent with this Resolution.
5. All other requirements of the Sidewalk Café remain intact and are not impacted by this Resolution.
6. This Resolution is in effect until September 30, 2020, unless terminated, extended or modified by Resolution.

That this Resolution shall become effective as of the ____ day of June, 2020.

PASSED BY THE CITY COUNCIL AND APPROVED by the Mayor of the City of Moscow, Idaho, this ____ day of June, 2020.

Bill Lambert, Mayor

ATTEST:

Laurie M. Hopkins, City Clerk



SEVENTH STREET

JACKSON STREET

MAIN ST

NTS

FIRST ST

SECOND ST

THIRD ST

FOURTH ST

FIFTH ST

SIXTH ST

SEVENTH ST

WASHINGTON STREET

Coop