

Administrative Committee



Regular Meeting ~Agenda~

Laurie M. Hopkins
City Clerk

www.ci.moscow.id.us

208.883.7015

Monday, July 27, 2020

4:30 PM

Council Chambers
206 E. Third St.

REGULAR AGENDA

1. Approval of the ~~July 13~~ **March 9, 2020 Public Works / Finance Administrative** Committee Minutes (ACTION ITEM) - Laurie M. Hopkins

Minutes presented for approval.

PROPOSED ACTIONS: Approve minutes, amend minutes, or provide staff further direction.

2. Downtown City Rights-of-Way Use Review (ACTION ITEM) - Gary J. Riedner

Moscow City Code Title 9, Chapter 12 regulates use of the public right-of-way (ROW) in the Central Business District Zone for sidewalk cafes. Due to the recent adverse economic impacts of the COVID-19 pandemic and the mandate of social distancing for businesses, particularly eating and drinking establishments, on June 1, 2020 the Moscow City Council adopted Resolution 2020-11, which suspended certain of the sidewalk cafe regulations, allowing for temporary expansion of use of the ROW.

Staff developed a program for permitting the temporary expansions of sidewalk cafes and many downtown businesses have participated in this program, and the City continues to field applications.

The City has had several requests for allowing live entertainment in the expanded sidewalk cafes, particularly live music. With the appropriate noise ordinance waiver review by the Police Department, music has been allowed in the ROW, although MCC 9.12 does not identify live entertainment and Resolution 2020-11 does not provide authorization for live entertainment.

Staff is seeking Council direction, as the City's own live entertainment programs have been suspended in order to reduce the risk of exposing patrons to COVID-19. Examples of these suspended programs include Entertainment in the Park concerts, Farmers Market entertainment, Art Walk, Vandal Town Block Party, etc.

PROPOSED ACTIONS: Provide staff direction regarding the use of expanded sidewalk cafes.

ADJOURN

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.

Administrative Committee



Regular Meeting ~Minutes~

www.ci.moscow.id.us

Laurie M. Hopkins
City Clerk

208.883.7015

Monday, March 9, 2020

4:30 PM

Council Chambers
206 E. Third St.

REGULAR AGENDA

The meeting was called to order at 4:30 p.m.

PRESENT: Art Bettge, Maureen Laflin, Anne Zabala

OTHERS: Mayor Bill Lambert

STAFF: Tyler Palmer, Mia Bautista, Jen Pfiffner, Dwight Curtis, Amanda Argona, Laurie M. Hopkins

The Committee added a staff report regarding the coronavirus. Pfiffner said the City is collaborating with many agencies regarding this virus in order to update emergency and preparedness plans, both regional and individual plans. The City has a pandemic flu plan that staff is updating. Many of the updates are based on the State of Idaho Public Health and the CDC. Main focus is on continuity of services in order to keep essential services going and promoting the Public Health recommendations community wide. Public Health Idaho North Central District created a flyer promoting washing hands, seeking medical care when needed, covering cough or sneeze, and staying home when you don't feel good. The City has provisions in place to send employees home if needed. Staff is working on best practices for sanitation and keeping supplies on hand and resources in place for any additional issues.

1. Approval of February 10, 2020 Administrative Committee Minutes (ACTION ITEM) - Laurie M. Hopkins

Minutes presented for approval.

PROPOSED ACTIONS: Approve minutes, amend minutes, or provide staff further direction.
Minutes approved as presented.

2. Request Authorization for Beer Garden for Renaissance Fair 2020 (ACTION ITEM) - Dwight Curtis

In accordance with Moscow City Code 5-13-4(B), Renaissance Fair 2020 is requesting that the City Council pass a Resolution allowing them to have a beer garden catered by a licensed vendor in East City Park for Renaissance Fair on May 2, 2020 between 11:00 a.m. and 7:30 p.m., and May 3, 2020, from 11:00 p.m. and 5:30 p.m. The event is open to the public and there have been no issues related to this request since the first beer garden request was approved in 2016.

PROPOSED ACTIONS: Recommend approval of the resolution authorizing the beer garden request for 2020 Moscow Renaissance Fair, or provide staff further direction.

Curtis explained the request is the same as previous years. There have been no issues in years past. The Committee recommended approval and that it be placed on the Council consent agenda. Dean Pittinger said this year the Board is requiring attendees purchase compostable cups and rotating vendors, with this year being Moscow Brewing Co.

3. Request Authorization for Beer Garden for Rendezvous in the Park 2020 (ACTION ITEM) - Dwight Curtis

In accordance with Moscow City Code 5-13-4(B), Rendezvous in Moscow, Inc. is requesting that the City Council pass a Resolution allowing them to have a beer garden catered by a licensed vendor in East City Park for Rendezvous in the Park 2020 on July 16th, 17th and 18th, 2020, between 4:00 p.m. and 10:00 p.m. The event is open to the public and there have been no issues related to this request since the first beer garden request was approved.

PROPOSED ACTIONS: Recommend approval of the resolution authorizing the beer garden request for Rendezvous in the Park 2020, or provide staff further direction.

The Committee recommended approval and that it be placed on the Council consent agenda.

4. Law Enforcement Mutual Assistance Agreements with Multiple Agencies (ACTION ITEM) - James Fry

The City of Moscow benefits from having mutual aid agreements with surrounding law enforcement agencies. These agreements provide that when assistance is needed for a mutual aid partner to meet the need of an emergency, another partner may render that assistance. The Moscow Police Department would like to enter into mutual aid agreements with the Clarkston, Washington Police Department, the Whitman County, Washington Sheriff's Office, and the Asotin County, Washington Sheriff's Office. Each agency has determined that cooperative provision of law enforcement assistance across jurisdictional lines will enhance the ability of the agency to preserve the safety and welfare of the entire geographic area.

PROPOSED ACTIONS: Recommend approval of three individual Mutual Assistance Compact Agreements between the City of Moscow, Whitman County, Washington Sheriff's Office, Asotin County, Washington Sheriff's Office, and the City of Clarkston, Washington or provide staff further direction.

Fry introduced the item as written above adding there are current agreements with the City of Pullman, WSU, Latah County and City of Lewiston. Assists with child pornography cases or shooting events. City is increasing cross enforcement activities with investigations, especially with Kjorness working on child pornography. This agreement would be in place in the event an emergency requires additional assistance. The Committee recommended approval and that it be placed on the Council consent agenda.

5. 2020 Moscow Farmers Market Handbook (ACTION ITEM) - Amanda Argona

In 2018, the Moscow Farmers Market implemented the first iteration of the Moscow Farmers Market Vendor Handbook. The Handbook is an expanded policy document meant to provide expanded clarity and serve as a resource for current and future Market Vendors. At the end of each season, the policies that make up the Handbook are considered in depth by staff and the Farmers Market Commission. The Commission reviewed the updated document on February 4, 2020, and moved unanimously to forward the Handbook on to the Council with a recommendation for approval and adoption for the 2020 Market Season.

PROPOSED ACTIONS: Recommend approval of the 2020 Moscow Farmers Market Handbook, or provide staff further direction.

Argona introduced the item as written above. A subcommittee was created to review the policies and ensure those policies are aligned with the vision of the FM. After four meetings the subcommittee took

their recommendations to the Commission. Recommendations included a non-discrimination policy in the vendor selection; adding a value-added product definition to vendor categories; allowing the request for a full space for junior vendors. What wasn't clear was if a junior vendor does request a full space, whether they pay full vendor fees. The subcommittee is recommending full fees for now. Also recommended is added paperwork requirements for performance vendors and details about who is a performance vendor; definition of vehicle and clarification as a Tier 3 vendor with discretion for Tier 1 and 2; clear signage in spaces; required attendance for the annual orientation; and prohibition of resale. The Committee recommended approval and that it be placed on the Council consent agenda.

6. Palouse Basin Aquifer Committee Alternative Water Supply Management Contract - Tyler Palmer

The Palouse Groundwater Basin underlies an approximately 500 square mile area of north central Idaho and eastern Washington. Over 60,000 residents of the basin rely on groundwater as the sole source for their municipal supply. Water levels in the lower Grande Ronde aquifer system have been declining since measurements began in the early 1900's. In 1992, the committee, now known as the Palouse Basin Aquifer Committee (PBAC), in conjunction with the Idaho Department of Water Resources and the Washington Department of Ecology, enacted a groundwater management plan for the basin. The plan included voluntary pumping targets as well as a call for continued pumping and water level monitoring and research involving hydrogeologic characterization and alternative water supply options. In 2015, PBAC hired a consultant team to evaluate previously studied water supply projects to determine the most promising supply alternatives to meet current and future water supply demand. In March 2017, the consultant team completed the Palouse Groundwater Basin Water Supply Alternatives Analysis Report, which identified the four most promising water supply alternatives. The report is available on PBAC's website: <http://palousebasin.org>. PBAC continues to refine the alternatives toward a goal of selecting a viable alternative or a set of alternatives by late 2020/early 2021 to help position PBAC's water supply project in the Idaho Department of Water Resources future water project funding cycle. The estimated capital cost of the four alternatives ranges from \$60 million to \$86 million. The City of Moscow is requesting proposals on behalf of PBAC for project management services to further refine these water supply alternatives and help position PBAC to provide a presentation to the Idaho Water Resource Board regarding these alternatives.

ACTION: Approve the request for proposals for management services.

Palmer introduced the item as written above. The cost to the City is minor administrative costs. This is a cooperative relationship with the entire region. The City of Pullman conversation program had toilet rebates which was used to create the Moscow toilet rebate program. The Committee recommended approval and that it be placed on the Council consent agenda.

ADJOURN

The meeting concluded at 5:05 p.m.

COMMITTEE STAFF REPORT

DATE: Monday, July 27, 2020



RESPONSIBLE STAFF

Gary Riedner, City Supervisor

ADDITIONAL PRESENTER(S)

OTHER RESOURCES

AGENDA ITEM TITLE

Downtown City Rights-of-Way Use Review (ACTION ITEM) - Gary J. Riedner

DESCRIPTION

Moscow City Code Title 9, Chapter 12 regulates use of the the public right-of-way (ROW) in the Central Business District Zone for sidewalk cafes. Due to the recent adverse economic impacts of the COVID-19 pandemic and the mandate of social distancing for businesses, particularly eating and drinking establishments, on June 1, 2020 the Moscow City Council adopted Resolution 2020-11, which suspended certain of the sidewalk cafe regulations, allowing for temporary expansion of use of the ROW.

Staff developed a program for permitting the temporary expansions of sidewalk cafes and many downtown businesses have participated in this program, and the City continues to field applications.

The City has had several requests for allowing live entertainment in the expanded sidewalk cafes, particularly live music. With the appropriate noise ordinance waiver review by the Police Department, music has been allowed in the ROW, although MCC 9.12 does not identify live entertainment and Resolution 2020-11 does not provide authorization for live entertainment.

Staff is seeking Council direction, as the City's own live entertainment programs have been suspended in order to reduce the risk of exposing patrons to COVID-19. Examples of these suspended programs include Entertainment in the Park concerts, Farmers Market entertainment, Art Walk, Vandal Town Block Party, etc.

STAFF RECOMMENDATION

No recommendation

PROPOSED ACTIONS

PROPOSED ACTIONS: Provide staff direction regarding the use of expanded sidewalk cafes.

FISCAL IMPACT

PERSONNEL IMPACT

ATTACHMENTS

1. Minutes 6.1.20
2. Packet 6.1.20

3. Resolution 2020-11
4. Title 9 Chapter 12 - Sidewalk Cafe Regulations (PDF)
5. Application - Sidewalk Cafe Expansion
6. MPD Noise Exemption (PDF)
7. 18 Vine Moscow
8. 01 Sisters Brew
9. 02 Pathway Sisters to Mad
10. 03 Pathway Tapped to Mad
11. 04 Tapped
12. 05 Bucers
13. 06 Bucers
14. 07 Bucers
15. 08 Colters
16. 09 Colters
17. 10 Bloom
18. 11 Bloom
19. 12 Casa
20. 13 Casa
21. 14 Mikeys
22. 15 One World
23. 16 One World
24. 17 Maialina

Curtis confirmed concessions will be open. It is a revenue source that patrons rely on and if not available, they would bring their own coolers. Patrons will be counted as they come into the pool in order to monitor the number of patrons. There will also be a survey patrons can fill out to provide suggestions. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

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.

Sullivan recused herself from the discussion and vote on this issue as she is a business owner downtown and does have a vested interest.

Riedner introduced the item as written above and explained details of the draft resolution for Council review that would allow temporary suspension of certain elements of the sidewalk cafe ordinance (see attached presentation). Prohibition of cafés in Friendship Square is not in the resolution at this time but can be added if the Council desires. Public Works will be reviewing the proposed expansion as it is in the ROW. Bettge said with the limited amount of people allowed and not promoting socialization, the free speech wall most likely won't be utilized, and with no entertainment, it does allow for cafés to expand into Friendship Square. Kelly is in favor of adding into the resolution expansion into Friendship Square. Taruscio is in support of the resolution, however not completely in favor of The Garden expanding. Riedner explained when the current sidewalk café ordinance was enacted, the council at the time felt they did not want only liquor in a cafe, which was the reason for requiring the restaurant. The way the ordinance reads, a bar could have a sidewalk café allowing only beer/wine within the café area. Bettge moved and Taruscio seconded to approve the proposed resolution. Laflin suggested the amendment to add the suspending of the Farmers Market restriction (Title 9, Chapter 12, Section 12-6.G). Bettge and Taruscio accepted the amendment. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried. The amendment to the resolution will be completed and sent to Council for review prior to the Mayor signing it.

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

Riedner said Idaho is in Stage 3 which allows gatherings of 50 people. Council leadership met and discussed in-person council meetings and committee/commission meetings. First timeline was to begin June 15 and a public hearing is scheduled for that day. The Council was poled for preference for in-person meeting versus Zoom meetings and result was approximately three and three. The Committee

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:

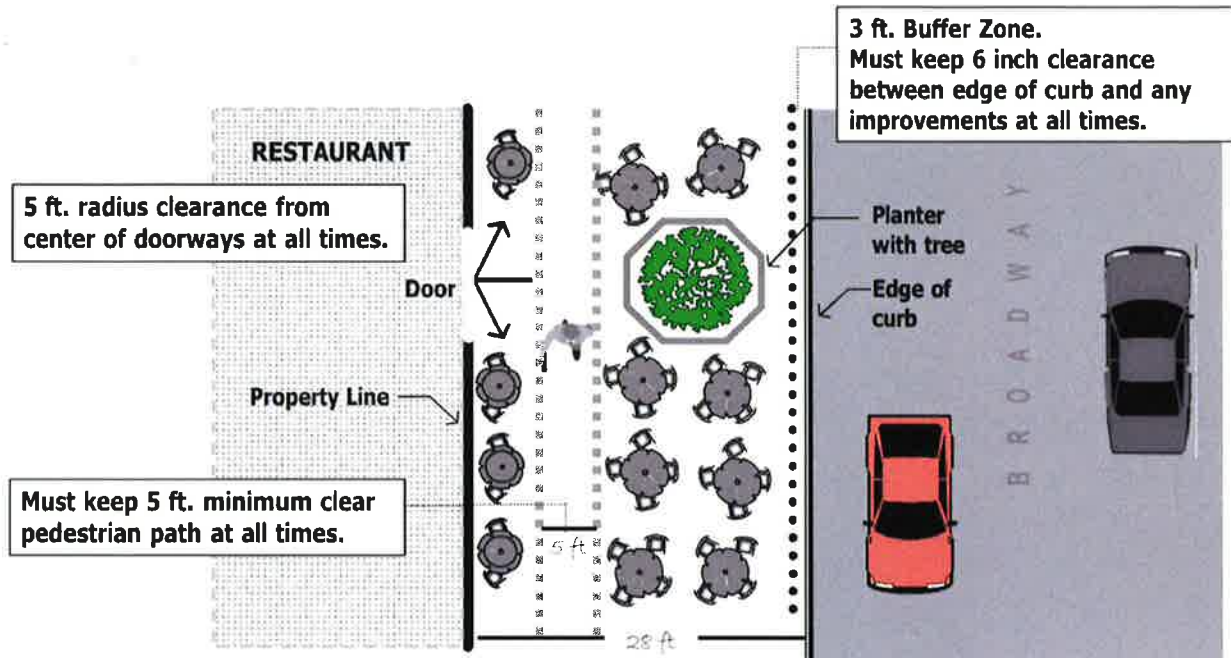
With mounting evidence that transmission of COVID-19 is much lower outdoors (<https://thehill.com/policy/healthcare/496483-evidence-mounts-that-outside-is-safer-when-it-comes-to-covid-19>), the City is considering ways that we could best utilize the public rights of way, especially in downtown Moscow. 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 15

(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.

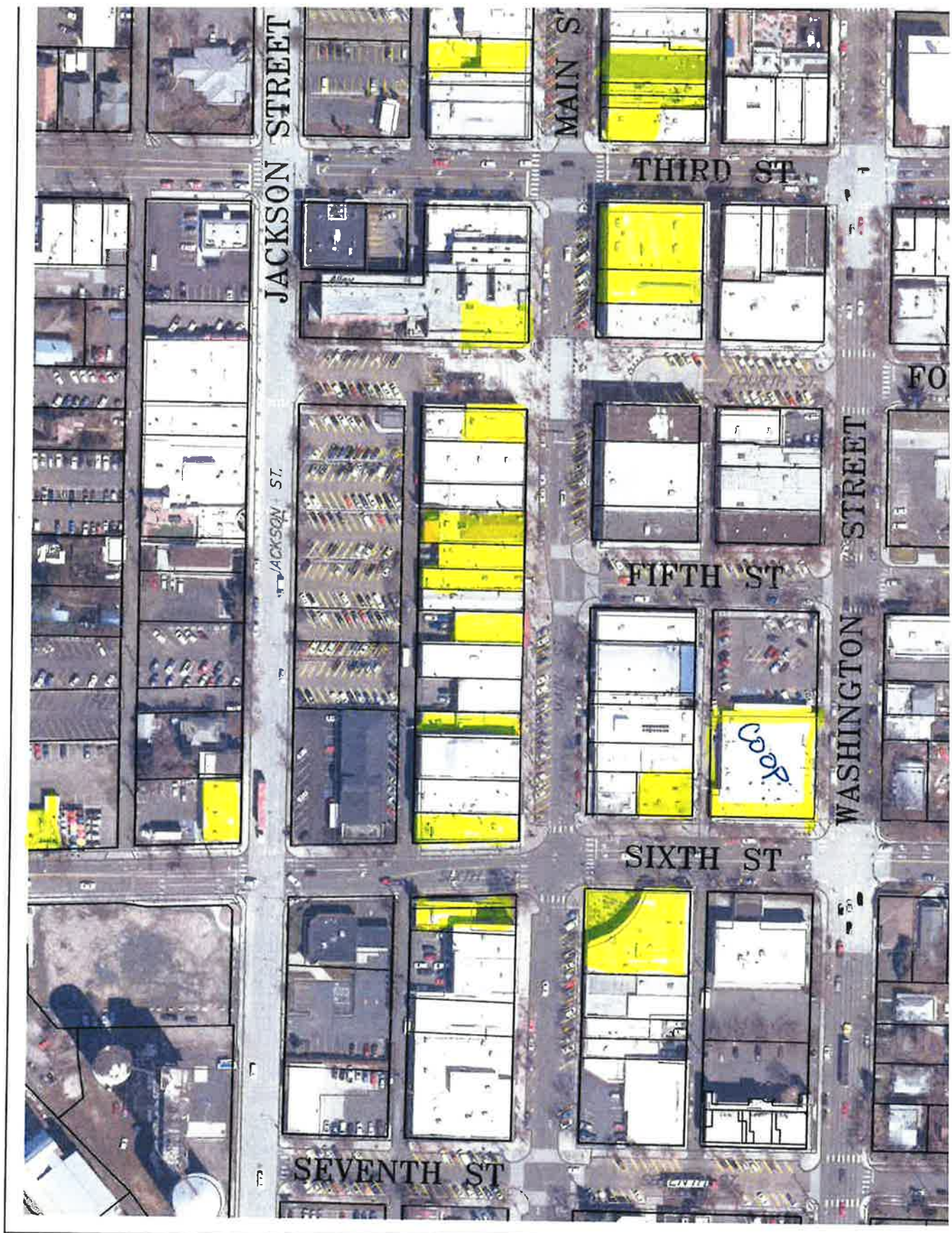
- D. The Council shall determine whether the denial, suspension or revocation shall be sustained and shall make a final reasoned statement in writing within fifteen (15) business days following the close of the hearing.

(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 – 11

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.G. “No Sidewalk Café located within Friendship Square shall operate during Farmer’s Market hours of operation.” This section being suspended also effectively temporarily modifies Resolution 2012-05 regarding the regulations of the designated “Speakers Space.”
- g. 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.
- h. 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 Sunday, October 4, 2020, unless terminated, extended or modified by Resolution.

That this Resolution shall become effective as of the 2nd day of June, 2020.

PASSED BY THE CITY COUNCIL AND APPROVED by the Mayor of the City of Moscow, Idaho, this 1st day of June, 2020.

ATTEST:




Bill Lambert, Mayor

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)

CITY OF MOSCOW
SIDEWALK CAFÉ ENCROACHMENT LICENSE
TEMPORARY EXPANSION



A Sidewalk Café Encroachment License authorizes the Licensee to serve food and/or beverages outside and adjacent to their premises (Moscow City Code (MCC) Title 9, Chapter 12). If the premises are properly licensed, a Licensee may serve alcohol. Moscow City Council passed Resolution 2020-11 on June 1, 2020, allowing the expansion of the licensed area of eating and/or drinking establishments that serve food and/or alcohol beverages on a temporary basis to address the requirements and guidelines of Governor Little's Stay Healthy Order and Idaho Rebounds Plan protocols.

Attached to this letter is the application for the temporary expansion of a Sidewalk Café License.

After your consultation with Public Works and Services regarding the layout for a proposed temporary expansion, please fill out the application that is attached to this letter and **submit the complete application packet to the City Clerk**. Once the proposed premises has been determined to not unreasonably interfere with pedestrian traffic and/or other uses of the public right-of-way, the application will be forwarded to Police, Fire, and Community Events for review, with final approval by the City Clerk.

Items to consider as you fill out the application:

1. How to manage extended area seating with waiting patrons.
2. How to assure ADA accessibility requirements are met (minimum 4' clear zone).
3. Modification or removal on Saturdays during the Farmers Market season.
4. The portability of the setup if the right-of-way is needed for another public use.

Should you have Americans with Disabilities Act (ADA) specific questions, please contact the City's ADA Coordinator at 208-883-7600 or email adacoordinator@ci.moscow.id.us.

If you have any questions, please contact the following:

City Clerk 208-883-7015 or lhopkins@ci.moscow.id.us.

Please submit your application **in person** to Laurie M. Hopkins, City Clerk at City Hall, 206 E 3rd St. Room 304.

CITY OF MOSCOW
TEMPORARY SIDEWALK CAFÉ EXPANSION
FEE WAIVED FOR TEMPORARY EXPANSION ONLY



EXTENDED LICENSE EXPIRES ON OCTOBER 4TH, 2020
unless terminated sooner or extended by City Council

APPLICANT INFORMATION

Applicant's name _____ Phone _____
Applicant's address _____
Business name _____ Phone _____
Business street address _____
Contact email _____

REQUIRED INFORMATION

Description of Required Deliverables
Layout requested (<i>see diagrams</i>) and enclose site plan of entire Sidewalk Café, including expanded area
☐ Café extended to sidewalk with pedestrian route on street.
☐ Café extended into on-street parking area with pedestrian route bifurcating the café.
☐ Café extended to other area of ROW (no parking area impact)
Extension to frontage of adjacent property owner business front
☐ Submit a copy of map to adjacent property owner.
☐ Signed letter from adjacent property approving the extension and map, countersigned by requesting business.
Certificate of Liability to include proposed extended area of café. City of Moscow as additional ensured.
Barriers
☐ Provided by applicant Type: _____ # of: _____
☐ Provided by City (as available) Type: _____ # of: _____
Parking Stalls requested (see map for specific numbered stalls): _____

Once the proposed café area has been inspected for public safety and meets the City's revised standards, the City Clerk will provide a letter and revised map to Alcohol Beverage Control.

READ CAREFULLY: _____ (applicant name) shall indemnify and hold harmless the City of Moscow from and for any and all losses, claims, actions, judgements for damages or injury to persons and property and losses and expenses caused or incurred by _____ (business name), its servants, agents, employees, guests and business invitees, and not caused by or arising out of the tortious conduct of the City of Moscow or its employees.

I understand:

- the licensed area must be contiguous to the business;
- any temporary expansion of the licensed area granted pursuant to Resolution 2020-11 shall not act to waive any of the qualifications and/or requirements of state, county and city alcohol licenses unless specifically authorized herein;
- the Sidewalk Café extension may need to be modified or removed on Saturdays during the Moscow Farmers Market season;
- any temporary expansion cannot block ingress/egress to the front of the business nor an adjoining business;
- if extending to the front of an adjoining business, the adjoining business may revoke permission at any time by notifying the City Clerk in writing;
- the City Clerk has the authority to revoke the temporary permit at any time;
- by approving the extension of a Sidewalk Café, the City is not approving the businesses regulation of social distancing or the businesses protocols of implementing Governor Little's Stay Healthy Order or Idaho Rebounds Plan for the business;
- this is a pilot program and may be modified at any time.

I have read the foregoing and understand that the terms of this Agreement are contractually and legally binding and that no verbal statement to the contrary, by any person or entity, can void or alter the terms of this Agreement.

I, _____, certify under penalty of perjury pursuant to the law of the State of Idaho, that the foregoing is true and correct.

Applicant's Signature

Date

FOR OFFICE USE ONLY	
Date Received: _____	☐ Completed and signed application ☐ Sidewalk Café site plan ☐ Letter from adjacent property owner if applicable ☐ Certificate of Insurance, City additional insured ☐ Barrier information ☐ Letter sent to ABC
Approvals: _____	
Public Works: _____	
Streets: _____	
Police: _____	
Fire: _____	Clerk Approval: _____
Engineering: _____	Approval Date: _____
Comm Events: _____	Conditions: _____
Denied ☐ Denial Reason: _____	

NOISE EXEMPTION PERMIT REQUEST
(Moscow City Code 10-11-2)

Requested Event Date(s): _____ Begin time: _____ End time: _____

Event Location: _____

Amplified Music (DJ, party, etc.) ☐ No ☐ Yes

Alcoholic Beverages Available ☐ No ☐ Yes - Purchaser: _____
(Marking this box does not mean your request will be denied) (If hosted or catered, name of serving organization)

Live Band Performing ☐ No ☐ Yes - Group: _____

Describe the event: _____

(use back of this form if more space is needed)

Name of requesting person/Group/Organization: _____

Person responsible for Group or Organization: _____

Requesting Person's Address: _____

Home phone: _____ Work phone: _____ Cell phone: _____ Pager: _____
Daytime phone number is required

Responsible person available **AT AND DURING** this event: _____

Cell- or contact-phone during event. _____

Your signature is unconditional acceptance of all terms and conditions. This permit may be modified or revoked by City at any time if permit conditions are violated. Read the following carefully:

The applicant/group/organization hereby agrees to indemnify and hold harmless City of Moscow, Idaho from all claims, actions and demands of any kind whatsoever related to and/or arising out of the activity(ies) specified in this application and does hereby accept all risk and responsibility for any damage(s) stemming from such activity. Every Applicant requesting a noise Exemption Permit shall cooperate with law enforcement by adjusting the noise level in the event of any citizen complaint(s). In the event of non-compliance, law enforcement may revoke this permit. No applicant/group/organization shall be required to indemnify or hold harmless City of Moscow, Idaho for claims, actions and demands that arise out of City's sole negligence.

Date: _____ Requesting Person's Signature: _____

☐ APPROVED ☐ DENIED

Conditions:

Date permit valid: _____ Hours permit valid: _____

Noise level (dBa) shall not exceed _____ at ☐ source at ☐ property line

Other Conditions: _____

Chief of Police (208) 883-7054



































