

Moscow City Council



Regular Meeting ~Minutes~

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Laurie M. Hopkins
City Clerk

208.883.7015

Monday, August 3, 2020

7:00 PM

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

PLEDGE OF ALLEGIANCE

Mayor Lambert led the Pledge of Allegiance.

CONSENT AGENDA

1. All Consent Items (ACTION ITEM)

A. Approval of Moscow City Council July 20, 2020 Minutes - Laurie M. Hopkins

Minutes presented for approval.

ACTION: Approve minutes as presented.

B. Lot Line Adjustment at 204 First Street and 108 N Washington Street - Aimee Hennrich

The applicants, Donald Barker and Derek Trenholm, are requesting a lot line adjustment between two lots addressed as 204 First Street and 108 N Washington Street. The applicants are proposing to shift the common lot line which separates the two properties 1.3 feet to the north following a survey that was conducted that concluded that the garage on 204 First Street was overhanging the property line by 1.3 feet. The existing lot at 204 First Street would be increased by 81.25 square feet, resulting in a total lot size of 4,081.25 square feet and the lot at 108 N Washington Street would be reduced by 81.25 square feet, resulting in a total lot size of 3,418.75 square feet. There is currently a law office and a detached garage on 204 First Street and a single-family home and a detached garage on 108 N Washington Street. The subject properties are located within the Multiple Family Residential Zoning District (R-4), which requires a minimum lot size of 5,000 square feet and lot width of 50 feet. Both lots are currently legally non-conforming and will remain as such, however, the garage will no longer be encroaching upon the common property line.

ACTION: Approve the lot line adjustment request with no conditions.

C. Resolution Preauthorizing the Acceptance of an Airport Aid Grant from the U.S. Department of Transportation Federal Aviation Administration Airport Improvement Program - Gary J. Riedner / Tony Bean

Tony Bean, Executive Director of the Pullman-Moscow Regional Airport (PMRA) has prepared a grant application to the U.S. Department of Transportation Federal Aviation Administration Airport Improvement Program for the purpose of Terminal Design and Construction. The amount of the grant is up to \$21,000,000 with a local match of \$1,855,899.00 from Airport resources. To facilitate the FAA grant, it is appropriate to pre-authorize its acceptance. The

proposed resolution has been prepared for that purpose. The resolution also authorizes the execution of related assurances and certifications.

ACTION: Adopt the attached resolution preauthorizing the acceptance of grant offer AIP 3-53-0057-051 from the FAA Airport Improvement Program.

Bettge moved, Laflin seconded to approve the consent agenda as presented. Roll Call
Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

REGULAR AGENDA

2. Staff Recognition Report - Gary J. Riedner

None offered.

3. Mayors Appointments (ACTION ITEM)

None offered.

4. Public Comment and Mayor's Response Period (limit 15 minutes)

Brandon Schreiner, Director of Eastern Washington Soccer Club and was in charge of the tournament this last weekend. He apologized for not delivering on social distancing enforcement at the tournament; clarified the tournament was taking place on every field available to assist with social distancing; every team was vetted to be sure they came from a county that met the stages and case numbers from their county.

Steve Merriam (Moscow) said he loves things about and need to protect neighbors but would love to see things open up,

5. Citizen Commission Report - Human Rights Commission - James Fry / Ken Faunce

Chief Fry introduced Ken Faunce. Faunce shared who is on the Commission. The Commission held many education forums including Opioid Crisis Hits Home, Free Speech/Hate Speech Forum, and Stop the Hate presentation; participated in Palouse Pride, MLK Human Rights Breakfast and Northwest Coalition for Human Rights; upcoming projects include flyers supporting transgender residents; public bathrooms to gender neutral and holding a forum on police training.

6. Public Hearing: City of Moscow's FY2021 Annual Budget and Foregone (ACTION ITEM) - Gary J. Riedner

Staff will present the proposed City of Moscow FY2021 balanced budget in the amount of \$96,133,513 considered by the City Council at their workshop held July 21, 2020. Increase in property taxes from FY2020 include the following: new construction (\$59,796), and scheduled payment of the voter-approved general obligation bond (\$52,112). Included for City Council consideration is the FY2021 Annual Appropriation Ordinance, a resolution to accrue forgone property tax levying authority and the L-2 property tax certification in the aggregate amount of \$7,276,525.

PROPOSED ACTIONS: Conduct the public hearing upon the FY2021 City of Moscow Annual Appropriation Ordinance and upon consideration of testimony presented:

A. Approve the ordinance under suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary; or consider the Ordinance on first reading and that it be read by title; or reject the Ordinance; or take other such other action deemed appropriate.

B. Approve the resolution to accrue forgone property tax levying authority pursuant to Idaho Code §63-802(1)(f); or take other such other action deemed appropriate.

C. Authorize the Mayor's execution of the L-2 property tax certification in the aggregate amount of \$7,276,525; or take other such action deemed appropriate.

Riedner introduced the item detailing budget process, organizational structure, taxes, revenue sources and notable expenditures (see attached).

Mayor Lambert opened the public hearing at 8:12 p.m.

Victoria Seever (Moscow) felt the proposed budget is socially and fiscally responsible; purchase of Haddock building is a better investment than the Fourth Street police department building; supported suspending the parking study and positioning the City for grants and COVID monies.

Mr. Jenkins (Moscow) felt it is appalling to vote for a pay raise while Moscow residents suffer; citizens pay taxes and the City isn't fiscally responsible; quoted the First Amendment. Riedner clarified there is no pay raise for elected officials nor staff budgeted in FY2021.

Mayor Lambert closed the public hearing at 8:20 p.m. and reopened at 8:28 p.m.

Aaron Bharucha (Moscow) requested rearranging the budget to include body-worn cameras for police officers; address police accountability is an urgent need; utmost respect for MPD; transparency is a key component for how a city runs; doesn't mean lack of trust or respect for the MPD; provided statistics of other police departments that wear body cameras; felt it is a crucial step in making Moscow safer.

Riedner responded the police chief brought the purchase of body worn cameras forward a month ago and staff has been working on a way to purchase this fiscal year (FY2020); the subject will be in front of the Public Works / Finance Committee next week and if approved, would not require the moving of funds for FY2021.

Lahela King, how using relief funds in the budget and can they be used for the sick to stay home quarantined and no longer quarantining the well? Riedner responded that the first population-based funds are regulated where they are only allocated for public safety salary relief and/or expenses for COVID relief. The property tax relief CARES Act can only be used for public safety salary reimbursement. cannot be used to replace lost revenue. Federal government is regulating the use of funds. She asked the Council to not overreach.

David Pierce (Moscow) asked since funds are available to City for public health, can the funds be used for contact tracing?

Closed the public hearing at 8:40 p.m.

Bettge moved to approve the ordinance under suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary. Taruscio seconded. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.
Mayor Lambert read Ordinance 2020-07:

AN ORDINANCE ENTITLED "ANNUAL APPROPRIATION ORDINANCE" APPROPRIATING NINETY-SIX MILLION ONE HUNDRED THIRTY-THREE THOUSAND FIVE HUNDRED THIRTEEN DOLLARS (\$96,133,513) FOR THE PURPOSE OF DEFRAYING ALL NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF MOSCOW, LATAH COUNTY, STATE OF IDAHO, FOR THE 2021 FISCAL YEAR BEGINNING THE FIRST DAY OF OCTOBER, 2020, AND ENDING THE THIRTIETH DAY OF SEPTEMBER, 2021, AND ALLOTING RESOURCES BY FUND FOR SAID APPROPRIATION FOR THE OBJECTS AND PURPOSES SET FORTH IN THIS ORDINANCE; LEVYING AD VALOREM TAXES IN THE AMOUNT OF SEVEN MILLION THREE HUNDRED SIXTY-SIX THOUSAND SIX HUNDRED SIXTY-SIX DOLLARS (\$7,366,666) FOR THE 2021 FISCAL YEAR; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE BE DEEMED SEVERABLE; PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

Taruscio moved and Sullivan seconded to approve the resolution to accrue forgone property tax levying authority pursuant to Idaho Code §63-802(1)(f). Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Bettge moved and Laflin seconded to authorize the Mayor's execution of the L-2 property tax certification in the aggregate amount of \$7,276,525. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

7. Public Hearing: Proposed FY2021 Fee Resolution (ACTION ITEM) - Gary J. Riedner

Any fee increase being proposed by more than 5% or any new fees require a public hearing pursuant to Idaho Code 63-1311A. Additionally, pursuant to Idaho Code 63-1311, the City's fees collected shall be reasonably related to the actual cost of the service provided. Staff will discuss proposed fee increases for the FY2021 budget year, which support the FY2021 budget proposal. The fee increases are due to the additional costs associated with the delivery of services including administration, operations and maintenance.

PROPOSED ACTIONS: Conduct the public hearing and after considering testimony, approve the attached FY2021 Fee Resolution with or without changes; or take such other action deemed appropriate.

Riedner introduced the item by reviewing the new and changed fees. By combining Engineering Department and Community Development Department into Community Planning and Design, some fees were reduced. Sewer rates were reduced from eight categories to three.

Mayor Lambert opened the public hearing at 8:53 p.m. With no testimony being offered, the public hearing was closed at 8:54 p.m.

Taruscio moved to approve the FY2021 fee resolution. Zabala seconded. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Mayor Lambert called a recess at 8:58 p.m. The meeting reconvened at 9:02 p.m.

8. Resolution to Extend Amended Public Health Emergency Order 20-03 (ACTION ITEM) - Gary J. Riedner

On July 6, 2020, the City Council approved Resolution 2020-12, accepting and extending Mayor Lambert's Amended Public Health Emergency Order 20-03, requiring face coverings (masks) when in a public setting and the 6-foot physical distancing cannot be maintained and maintain a 6-foot social/physical distancing from non-household members when in public settings, within the City of Moscow. The Resolution 2020-12 expires at 11:59 p.m. on August 4, 2020. The attached Resolution extends Emergency Order 20-03 until October 6, 2020, and includes a definition of face coverings.

PROPOSED ACTIONS: Adopt the Resolution extending Amended Public Health Emergency Order 20-03 until October 6, 2020, and adopting a definition of face covering, or take such other action deemed appropriate.

Riedner introduced the item as written above. Mayor Lambert asked for public comment.

Tammy Bowen (Moscow) supports the extension of the resolution and thanked the Council.

Kelly Zakariasen (Moscow) requested Mayor and Council to consider rule of government, authority and limitations and obligations for clear and just representation. She asked questions regarding process and parameters of public health emergency; metrics; responsibility of negative results of mandate; metrics for continuing or repealing emergency.

Abigail Smith, (Moscow) thought the bio-report completed on July 13th was good news; feels the mask mandate creates distrust.

David Pierce (Moscow) provided information on scientific studies, testing and cases in Latah County; feels wearing masks and social distancing is of utmost importance, especially with students returning.

Kyran Mutart (Moscow) believes healthy people should not wear masks and he quoted CDC, how long is this going to go on with a 100% recovery rate.

Hermann Adona (Moscow) in the last few months have had many encounters with multiple police officers. The most recent could have escalated but the officer was the most professional person in the most professional manner and should be commended for how they handled the situation.

Heidi Schiebe (Moscow) appreciates wanting to protect the citizens, facts and perspectives seem to be at odds with the two groups and both can't be right, never before have healthy people been isolated; know Council doesn't want to stress people out or deprive life, but it is happening; need balance and asked to not reinstate the mask mandate.

Victoria Seever (Moscow) believes it is a small precaution, keep the mask mandate.

Brandon Schreiner (Moscow) thanked Mayor and Council disagrees with the talk of fear. Need to look at 2020 as we cared about each other.

Greg Shishler, provided statistics and his calculation of Moscow's infection rate of 0.4%, so why require face coverings?

Laura Hannon thanked the Mayor and Council for the mandate; important to adapt as we learn more about the virus; Gritman is not equipped to hold a severe amount of cases; encourages the extension.

Caleb Trotter (Moscow) thankful for honest consideration by Council; primary interaction with neighbors is wondering if the police will be called; the state of emergency doesn't appear to describe what is going on with only 82 cases; what does constitute a state of emergency.

Joel Bockstruck (Moscow) supports the second amendment; requiring masks is unconstitutional and government over reach; concealed weapons law does not allow you to wear a face mask; wearing mask infringes on personal body space.

Council Members spoke on statistics, appreciation for input, importance of mask wearing, and their support of the resolution extension.

Bettge moved to adopt the Resolution extending Amended Public Health Emergency Order 20-03 until October 6, 2020, and adopting a definition of face covering. Laflin seconded. Roll Call
Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

9. Live Entertainment in Sidewalk Cafes & Community Events Downtown (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. The Community Events Department has also received requests for live entertainment in the ROW downtown. Staff is seeking Council direction relating to temporary suspension of live entertainment in downtown, 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 presented to Administrative Committee on Monday, July 27, and the Committee consensus was to not support amending Resolution 2020-11 to include live music.

PROPOSED ACTIONS: Provide staff direction regarding the use of expanded sidewalk cafes, and suspension of permitting live entertainment in public ROW downtown.

Riedner introduced the item as written above. The Administrative Committee unanimously felt live music was not allowed in sidewalk cafe footprint. The community events permit can allow live music

in the right-of-way. The City-hosted events have been cancelled and other organizations have also cancelled their events. Sullivan recused herself from any discussion, direction or action. Council Members supported the expansion of the sidewalk cafe into the right-of-way to provide mitigation of tables inside but were concerned with events in the right-of-way. Concerns included lack of mask wearing and social distancing, spread to the community, and contradicts what the Council is doing to keep the number of cases low. Riedner confirmed council direction is not to amend the resolution adding live music in sidewalk cafes and unless an applicant can demonstrate social distancing with an activity not contemplated in this discussion, Council is suspending events in the City right-of-way.

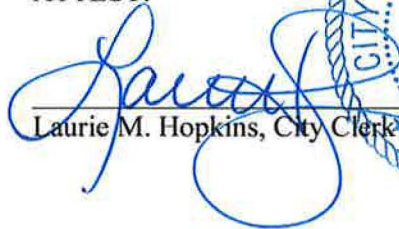
REPORTS

Reports were postponed.

ADJOURN

The meeting adjourned at 10:41 p.m.

ATTEST:


Laurie M. Hopkins, City Clerk





Bill Lambert, Mayor