

Moscow City Council



Regular Meeting ~Agenda~

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Laurie M. Hopkins
City Clerk

208.883.7015

**Monday, September 21,
2020**

7:00 PM

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

The Moscow Mayor, City Council and Staff welcome you to tonight's meeting. This meeting is open to the public, but is subject to social distancing protocols as recommended in Governor Little's Stay Healthy Guidelines, so the number of attendees at any one time may be limited, and masks will be required of attendees. If you do not have a mask, a disposable mask will be provided. We appreciate and encourage public participation. For regular agenda items, an opportunity for public comment is sometimes provided after the staff report. However, the formality of procedures varies with the purpose and subject of the agenda item; therefore, the Mayor may exercise discretion in deciding when to allow public comment during the course of the proceedings and limitations may be placed on the time allowed for comments. Citizens wishing to comment on business that is not on the agenda will be provided the opportunity to do so during the public comment item on the agenda. If you plan to address the Council, you will find a list of "Tips for Addressing the Council" in the door pocket outside the City Council Chambers. Pursuant to the Governor's Proclamation relating to the conduct of public meetings during the COVID-19 crisis, the meeting will be broadcast. Citizens wishing to comment on business on the agenda are encouraged to communicate with the Mayor and City Council by phone or email (council@ci.moscow.id.us) in order to respect social distancing protocol. Please note that Moscow City Council meetings are televised, videotaped and/or recorded. Thank you for your interest in City government.

PLEDGE OF ALLEGIANCE

PROCLAMATION - FIRE PREVENTION WEEK

CONSENT AGENDA

1. All Consent Items (ACTION ITEM)

A. Minutes presented for approval.

ACTION: Approve minutes.

B. Disbursement Report August 2020 - Sarah Banks

Staff presented the August, 2020 Accounts Payable Report to Public Works/Finance Committee on September 14, 2020. The Committee received the report and approved the disbursements as presented.

ACTION: Receive the Disbursements Report.

REGULAR AGENDA

2. Staff Recognition Report - Gary J. Riedner

3. Mayors Appointments (ACTION ITEM)

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

5. PUBLIC HEARING: Proposed Fee Amendments (ACTION ITEM) - Gary J. Riedner

Following the adoption of the FY2021 Fee Resolution, additional amendments and clarifications were necessary related to food vendor, sidewalk café and alcohol licensing. Additionally, the Council recently provided direction to implement a graduated fee increase for downtown parking permit fees. Staff has prepared a draft amended Fee Resolution for the Council's review and consideration.

PROPOSED ACTIONS: Conduct the public hearing and after considering testimony, approve the amended FY2021 Fee Resolution or take such other action deemed appropriate.

6. Proposed Pool Employee Stipend and Lifeguard Re/Certification Reimbursement for 2020 Pool Season (ACTION ITEM) - Dwight Curtis

During the 2020 season, many of the Hamilton-Lowe Aquatics Center (HLAC) employees waited throughout a considerable portion of the summer for a possible pool opening only to find out the pool would only be partially opening due to the COVID-19 pandemic. The window to obtain a summer job for many had passed while they were waiting for the decision on the opening of the pool. Employees who were able to continue with the pool faced drastically reduced work hours because of the limited opening.

In order to address this situation, Staff is recommending that employees who had been hired for the 2020 pool season be provided a small stipend as a good faith gesture to many of our community's young people who counted on employment at the HLAC during the 2020 pool season. Many of these employees will be recruited to fill HLAC positions next pool seasons year and even seasons to come. This gesture will convey that the City, the Parks and Recreation Department, and the Moscow community, and appreciates the efforts of these young people to prepare for the season and will help address the negative financial effects of the COVID-19 pandemic.

This item was reviewed by the Public Works Finance Committee on 9/14/2020 and recommended for approval.

PROPOSED ACTIONS: Authorize a \$150 stipend for each of the 69 pool employees for the 2020 pool season, as well as reimbursement for lifeguard certification up to \$164.50 (varies by employee), or take such other action deemed appropriate.

7. 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. On August 3, 2020, the City Council approved

Resolution 2020-17 authorizing the continued acceptance and extension of the Mayor's Amended Public Health Emergency Order 20-03. Resolution 2020-17 expires at 11:59 p.m. on October 6, 2020. The attached Resolution extends Emergency Order 20-03 until January 5, 2021.

PROPOSED ACTIONS: Adopt the Resolution extending Amended Public Health Emergency Order 20-03 until January 5, 2021, or take such other action deemed appropriate.

8. Consideration of Extension of Resolution 2020-11 Allowing Temporary Expansion into Main Street Right-of-Way (ACTION ITEM) - Gary J. Riedner

On June 1, 2020, City Council passed and approved Resolution 2020-11 authorizing the temporary suspension of specific sections of Moscow City Code Title 9, Chapter 12, Sidewalk Café Regulations. The temporary program provided eating and drinking establishments and other merchants located in the Central Business District to provide increased opportunities for social distancing in order to comply with the Stay Healthy Order issued by Idaho Governor Brad Little and the Director of the Idaho Department of Health and Welfare Dave Jeppeson, to aid in achieving compliance with the Business Protocols and Guidelines issued through Rebound Idaho.

To date the City Clerk has issued sixteen temporary expansion permits. Two businesses asked for the removal of their expansion because 10-minute pickup spaces located in front of their businesses were determined to be more valuable to them than extra seating.

Because of the unseasonably warm weather that the region has been experiencing, it is anticipated that the current holders of expanded sidewalk café permits will want to extend the date of Resolution 2020-11 beyond the scheduled termination date of Sunday, October 4, 2020. In order to accommodate that extension, and to allow for the flexibility, staff has prepared the attached draft Resolution which extends the date of termination to December 1, 2020, unless terminated earlier administratively by the City Supervisor, as a result of safety concerns as a result of climate and weather conditions (including snow and ice conditions), after consultation with City staff charged with maintaining the public right-of-way.

PROPOSED ACTIONS: Approve Resolution to extend Resolution 2020-11 Allowing Temporary Expansion into Main Street Right-of-Way, or take such other action deemed appropriate.

REPORTS

City Council

Mayor

Staff

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.

FIRE PREVENTION WEEK PROCLAMATION

WHEREAS, the City of Moscow is committed to ensuring the safety and security of all those living in and visiting Moscow, Idaho; and

WHEREAS, according to the National Fire Protection Association (NFPA), U.S. Fire Departments respond to an average of 1.3 million home fires a year; and

WHEREAS, home fires result in an average of 3,600 civilian deaths a year, representing the majority of all fire deaths; and

WHEREAS, newer homes are built with lightweight materials that burn faster than older home construction; and

WHEREAS, many of today's products and furnishings produce toxic gases and smoke when burned, making it impossible to see and breathe within moments; and

WHEREAS, these conditions contribute to a much smaller window of time for people to escape safely, with people having as little as one to two minutes to escape from the time the smoke alarm sounds; and

WHEREAS, Moscow's first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, Moscow's residents are responsive to public education measures and are able to take personal steps to increase their safety from fire, especially in their homes; and

WHEREAS, the 2020 Fire Prevention Week theme, "SERVE UP FIRE SAFETY IN THE KITCHEN" effectively serves to educate the public about the vital importance of developing a home fire safety plan and practicing it twice a year;

NOW THEREFORE, I, Bill Lambert, Mayor of Moscow do hereby proclaim October 4 – 10, 2020, as

Fire Prevention Week

throughout the community and encourage all citizens of Moscow to develop and practice a home fire safety plan with all members of the household.



DATED this 21st day of September, 2020

Bill Lambert, Mayor

Moscow City Council



Regular Meeting ~Minutes~

Laurie M. Hopkins
City Clerk

www.ci.moscow.id.us

208.883.7015

Tuesday, September 8, 2020

7:00 PM

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

The meeting was called to order at 7:00 p.m.

PRESENT: Mayor Bill Lambert, Art Bettge, Sandra Kelly, Maureen Laflin, Brandy Sullivan, Gina Taruscio, Anne Zabala

STAFF: Gary J. Riedner, Mia Bautista (video), Bill Belknap (video), Jen Pfiffner (video), David Schott (video), Nathan Suhr (video), Sarah Banks (video), Mike Ray, Tim Davis (video), Tyler Palmer (video), Amanda Argona, Alisa Anderson, Laurie M. Hopkins (video)

PLEDGE OF ALLEGIANCE

Council Member Bettge led the Pledge of Allegiance.

CONSENT AGENDA

1. All Consent Items (ACTION ITEM)

A. Approval of Moscow City Council August 17, 2020 Minutes - Laurie M. Hopkins

Minutes presented for approval.

ACTION: Approve minutes as presented.

B. Personnel Policy, Updated Hiring Policies - Jen Pfiffner

The City of Moscow Personnel Policy handbook is in the process of being updated. Policies were last updated and approved in 2014. Updates related to hiring practices, processes and all aspects of becoming an employee at the City of Moscow are presented for consideration. Policy updates include recommendations from ICRMP, legally required language, and are based on current practices that have evolved since the last policy update. All policies are reviewed by the Employee Advisory Committee, Risk Management Team, Department Heads, City Attorney, and City Supervisor.

A Telecommuting Policy and accompanying Standard Operating Procedure is also being proposed for consideration. This policy has been developed in light of COVID-19 work at home time experienced earlier this year. The policy outlines guidance for telecommuting arrangements that may be made for applicable and appropriate positions for regular work as well as during extenuating circumstances. This was reviewed by the Administrative Committee on August 24, 2020 and recommended for approval.

ACTION: Approve the proposed updates to Hiring and Telecommuting policies of the City of Moscow's Personnel Policies.

C. Resolution for Destruction of City Records - Laurie M. Hopkins / Gary J. Riedner

In 2008, the City Council adopted Resolution 2008-12 classifying City records as temporary, semi-permanent, and permanent, each with a retention schedule. Idaho Code allows for the destruction of temporary and semi-permanent records according to the retention schedule and the adoption of a resolution listing the various types of records. City Staff from City departments have reviewed retention schedules and current records in order to recommend documents for destruction. The proposed Resolution is based upon the review by participating departments and the list has been reviewed by the City Attorney. This was reviewed by the Administrative Committee on August 24, 2020 and recommended for approval.

ACTION: Approve the resolution for destruction of certain City records.

D. Paradise Creek Flood Hazard Mitigation Study Professional Services Agreement - Bill Belknap

As authorized by City Council, following a flooding event in 2017, the City applied for a Flood Hazard Mitigation Grant to study Paradise Creek from the Troy Highway to Darby Road to assess potential mitigation actions to reduce the risk of property damage within the study area. In January of 2020, the City received notice of award for the grant in the amount of \$295,200. The local match for the study totals \$98,400 including \$46,800 in cash match and \$51,600 in in-kind staff time for project administration. The City issued a request for statements of qualifications for a consultant to perform the study. Two responses were received and the review committee recommended the selection of Aspect Consulting for the project. Staff and Aspect have negotiated the professional services agreement scope and budget for the Council's review and approval. It is anticipated that the project will take approximately 14 months to complete. This was reviewed by the Public Works/Finance Committee on August 24, 2020 and recommended for approval.

ACTION: Approve the professional services agreement with Aspect Consulting LLC.

Bettge moved and Taruscio 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)

Victoria Seever (Moscow) complimented the City on the Lillian Otness Park.

5. Citizen Commission Report - Farmers Market Commission – Amanda Argona / Jamie Hill

Argona introduced Jamie Hill, chair of the Farmers Market Commission. Hill provided statistics on customers and amount of orders during the Motor-In Moscow Farmers Market and also detailed the COVID-19 risk reduction strategies used during the market.

6. PUBLIC HEARING: Gateway on Sixth Addition Rezone, Preliminary Plat, and Planned Unit Development (ACTION ITEM) - Mike Ray

The applicant, J&S Holding Company, LLC, is proposing to subdivide a 2.49-acre area generally located to the north of the intersection of Sixth Street and Deakin Avenue. The proposed preliminary plat would create twenty-seven (27) townhouse parcels ranging from 634 to 638 square feet in size; one (1) Multi-Family Residential (R-4) parcel of 0.37 acres in size; and three (3) Central Business (CB) parcels ranging from 0.20 to 0.29 acres in size, referred to as the Gateway on Sixth Addition. Also included in the proposal is a Planned Unit Development (PUD) on the northern 1.41 acres to construct twenty-seven (27) townhouse dwellings and a 4-story multi-family building containing eighteen (18) dwelling units with enclosed parking on the ground floor. The third component of the application is a request to rezone the subject property from the current combination of Motor Business (MB), Multiple Family Residential (R-4), Central Business (CB), and University (U) Zoning Districts to a combination of the Central Business (CB) and Multiple Family Residential (R-4) Zones.

The Planning and Zoning Commission conducted a public hearing for this matter on July 22, 2020 and recommended approval of the preliminary plat with three (3) conditions and recommended approval of the rezone and PUD with no conditions.

PROPOSED ACTIONS: Conduct the public hearing upon the proposed rezone, PUD, and preliminary plat and upon consideration of any testimony presented:

1. Approve the rezone; or approve the rezone with conditions; or reject the rezone; or take other action as deemed appropriate.
2. In accordance with the decision upon the rezone, adopt the Planning and Zoning Commission's Reasoned Statement of Relevant Criteria; or direct Staff to prepare a Reasoned Statement of Relevant Criteria for the Council's consideration at a future meeting.
3. Approve the PUD for Gateway on Sixth Addition; or approve the PUD with conditions; or reject the PUD; or take other action as deemed appropriate.
4. In accordance with the decision upon the PUD, adopt the Planning and Zoning Commission's Reasoned Statement of Relevant Criteria; or direct Staff to prepare a Reasoned Statement of Relevant Criteria for the Council's consideration at a future meeting.
5. Approve the Gateway on Sixth Addition preliminary plat with the three (3) conditions recommended by staff; or approve the preliminary plat with no conditions; or reject the preliminary plat; or take other action as deemed appropriate.
6. In accordance with the decision upon the preliminary plat, adopt the Planning and Zoning Commission's Reasoned Statement of Relevant Criteria; or direct Staff to prepare a Reasoned Statement of Relevant Criteria for the Council's consideration at a future meeting.

Ray introduced the item as written above and went through specifics of the pertinent designations for the comprehensive plan and zoning. Floor plans, elevations and exterior finishes were detailed. Council clarified access to the property and concern for traffic volumes onto Third Street.

Mayor Lambert opened the public hearing at 7:55 p.m.

James Stephens (Hayden ID) applicant, has been working on this project since 2005. His vision for the project is to create a village that is pedestrian oriented community and private ownership. He didn't want the project as only an infill of students, but a multi-family development, meaning over 55 years

old community. There will be CC&R's in place and on-site management. Leasing of spaces in the two existing parking lots will discontinue and the lots will be used for this development. The apartment building includes 18 spaces in a ground floor enclosed garage.

Chuck McDonald (Moscow) owns the Lilly and Third Street used car lot and says traffic and parking is already an issue. He feels with the construction of this development as well as the credit union opening soon, traffic will be a bigger issue.

Rusty Olps (Moscow) is partner in this development. The existing parking lots are currently full. The proposed development has an additional 18 spaces within the apartment complex. A driveway from the southeast lot onto Asbury should increase circulation of traffic causing the amount of cars to stay the same or decrease.

Stewart Scott (Moscow) likes the concept of a village and the general design. His concern is how to guarantee the availability of the parking for this development and prevent it from being dedicated to the University in the future.

Jamie Hill (Moscow) is concerned about parking for those residents in the existing apartments and where customers of the three commercial lots will park once the lots are developed.

Seever said the intersection of Third and Lilly is a concern and while off-street parking is available it is already difficult to get a plow through the street. She likes the idea of senior living but where would an RV park.

Stephens responded there are two spaces per townhouse and RV's are prohibited. While the University owns the two existing parking lots, Stephens has a 55-year lease for the lots with a purchase to own option. Prior to him leasing the lots, the lots were dedicated to students at the U of I. He opened the lots to the renters as well as the public for leasing but the existing apartment complexes never had a right to the lots. The three commercial parcels are in the Central Business Zoning District (CD) and do not require off-street parking. However, with the extra proposed parking spaces, some parking will be provided. The CB requires commercial on the frontage of Sixth Street. Due to the economic climate, those parcels will be developed last to be sure the businesses are viable.

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

The Council was concerned about parking due to the displacement of existing renters parking spaces. Ray explained there is no obligation that the developer provide open public parking nor is there a responsibility to find parking for the existing renters. The development is less dense than allowed in the zoning district and provides more than the required parking spaces.

Taruscio liked the walk-ability and bike-ability of the development; proximity to downtown; mixed ages community; and fills the need for senior housing. Sullivan hopes there will be less vehicular traffic with the proximity of downtown and the university. Laflin agrees with Taruscio and how it fits into the vision of the city. Feels it is unfortunate he is getting pulled into the parking issue. Zabala appreciates the vision and sees parallels with Identity Moscow and the issues that arose how those issues flow to other neighborhoods. She feels it could exacerbate the issue of parking. Ray responded

Identity Moscow was given a 50% parking reduction for mitigation efforts with electric car share vehicles and bicycle parking. Bettge likes the zoning and infill of non-developed land; connection of Third and Sixth Street; pathways; disagrees the similarity to Identity as this development is providing more parking than necessary; aimed at a more permanent resident; agrees with Sullivan in that close proximity to downtown should reduce the number of vehicular trips. Sullivan also agrees it is not similar to Identity as the development is providing more parking as well as driveways.

Taruscio moved to approve the rezone. Bettge seconded. Riedner clarified staff recommends approval of the ordinance under suspension of the rules requiring three complete and separate readings and be read by title and published by summary. Taruscio and Bettge agreed to the correction. Roll Call Vote: Ayes: Five (5). Nays: One (Zabala). Abstentions: None. Motion carried.

Mayor Lambert read Ordinance 2020-09:

AN ORDINANCE OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ZONING OF APPROXIMATELY ONE POINT ZERO EIGHT (1.08) ACRES OF PROPERTY, DESCRIBED IN SECTION 1, PROPERTY #1 AS CENTRAL BUSINESS (CB); PROVIDING FOR THE ZONING OF APPROXIMATELY TWO POINT THREE SEVEN (2.37) ACRES OF PROPERTY, DESCRIBED IN SECTION 1, PROPERTY #2 AS MULTIPLE FAMILY RESIDENTIAL (R-4); PROVIDING FOR THE ZONING OF APPROXIMATELY ZERO POINT ZERO FIVE (0.05) ACRES OF PROPERTY, DESCRIBED IN SECTION 1, PROPERTY #3 AS MOTOR BUSINESS (MB); 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.

Bettge moved to adopt the Planning and Zoning Commission's Reasoned Statement of Relevant Criteria. Taruscio seconded. Roll Call Vote: Ayes: Five (5). Nays: One (Zabala). Abstentions: None. Motion carried.

Sullivan said it is hard to imagine a more thoughtful proposal and moved to approve the PUD for Gateway on Sixth Addition. Taruscio seconded the motion. Roll Call Vote: Ayes: Four (4). Nays: Two (Kelly). Abstentions: None. Motion carried.

Bettge moved and Taruscio seconded to adopt the Planning and Zoning Commission's Reasoned Statement of Relevant Criteria. Roll Call Vote: Ayes: Four (4). Nays: Two (Kelly). Abstentions: None. Motion carried.

Bettge moved and Taruscio seconded to approve the Gateway on Sixth Addition preliminary plat with the three (3) conditions recommended by staff and adopt the Planning and Zoning Commission's Reasoned Statement of Relevant Criteria. Roll Call Vote: Ayes: Four (4). Nays: Two (Kelly). Abstentions: None. Motion carried.

7. PUBLIC HEARING: Community Development Block Grant Application (ACTION ITEM) - Alisa Anderson, Nate Suhr

The City's Capital Improvement Plan (CIP) encourages combining future projects that share common goals to allow for the greatest efficiency and to maximize funding opportunities. These

combined projects are excellent candidates for grant funding and if successful, grant funding can be leveraged to complement local funding and allow projects to be constructed ahead of schedule. After analyzing the Parks and Recreation Capital Improvement Plan, City staff identified four separate projects at both Mountain View and Indian Hills Parks that align well with the goals of the Idaho Community Development Block Grant (ICDBG) program to enhance ADA access to these public park facilities. This was reviewed by the Public Works/Finance Committee on August 24, 2020 and forwarded to the City Council for public hearing on September 8, 2020 and with a recommendation for approval.

PROPOSED ACTIONS: After conducting the public hearing and consideration of testimony, approve submittal of an Idaho Community Development Block Grant application for the Mountain View Park and Indian Hills Park ADA Access Projects to the Idaho Department of Commerce; or take such other action deemed appropriate.

Anderson introduced the item as written above and explained Moscow qualifies for this program as Moscow is 53.7% low to moderate income, criteria is at least 51%.

Suhr explained these projects are proposed for design this Fall and Winter with construction in Spring 2021. He described the projects in each park. Indian Hills will include installation of a restroom and ADA parking. Mountain View park a connector pathway and a restroom remodel. The maximum CDBG Parks Grant award is \$225,000 and staff proposes the additional funds from Parks Capital accumulation. Anderson added engineering and inspections will be done in house. Grant administration is an in-kind match at 22,500.

Mayor Lambert opened the public hearing at 9:00 p.m. Hearing no testimony, the hearing was closed at 9:01 p.m.

Zabala is excited for these improvements and moved to approve submittal of an Idaho Community Development Block Grant application for the Mountain View Park and Indian Hills Park ADA Access Projects to the Idaho Department of Commerce. Kelly seconded the motion. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

8. PUBLIC HEARING: Open Budget for Fiscal Year 2019-2020 (FY2020) (ACTION ITEM) - Gary J. Riedner / Sarah Banks

The State of Idaho provides a process for cities to amend the original fiscal year budget appropriation ordinance in accordance with Idaho Code section 50-1003. Throughout the year, the City has received additional federal, and/or state, and/or local grant awards, and the City Council has authorized expenditures, including fleet purchases including a Sewer Jet-Vac truck, police body cameras and equipment for employees working remotely and unanticipated capital projects. Staff is proposing to amend Ordinance 2019-09 in the amount of \$2,201,207 to accommodate the authorized appropriations. This was reviewed by the Public Works/Finance Committee on August 24, 2020 and forward the item to the full Council for a public hearing to take place September 8, 2020.

PROPOSED ACTIONS: Approve the Open Budget 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 such other action deemed appropriate.

Riedner described the open budget process and provided details of the changes as written above. Additionally, the ordinance includes CARES Act monies to provide equipment for employees working remotely.

Mayor Lambert opened the public hearing at 9:08 p.m. Hearing no testimony, the public hearing was closed at 9:09 p.m.

Taruscio moved to approve the Open Budget Ordinance under suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary. Zabala seconded. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Mayor read Ordinance 2020-10:

AN ORDINANCE OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING ORDINANCE NO. 2019 – 09, THE APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020; TO APPROPRIATE MONIES IN THE SUM OF ONE HUNDRED THREE MILLION SIX HUNDRED FORTY-EIGHT THOUSAND TWO HUNDRED FIFTY-TWO DOLLARS (\$103,648,252); PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

Mayor Lambert called a recess at 9:11 p.m. The meeting reconvened at 9:15 p.m.

9. Resolution to Extend Public Health Emergency Order 20-04 (ACTION ITEM) - Gary J. Riedner

Pursuant to Moscow City Code Title 1, Chapter 11, Section 5(B), on September 2, 2020, Mayor Lambert issued Public Health Emergency Order 20-04, allowing temporary childcare/tutoring facilities to operate under the definition of a daycare but with certain reduced requirements within the City of Moscow. Pursuant to Idaho Code section 46-1011, and MCC 1-11-5(B), the Public Health Emergency Order is effective for seven (7) days, unless extended by resolution of the City Council. The attached draft resolution extends Emergency Order 20-04 until January 1, 2021.

Following the recent decision of the Moscow School District to have students attend in-class instruction for two days per week with three additional days of on-line instruction due to the COVID-19 pandemic, the City has received a number of calls from daycare providers and others expressing the desire to open tutoring centers to assist children and parents during this extraordinary event. City Staff met to discuss the matter and identify what actions the City could take to assist the community during this event, while also ensuring the safety of the children who may be served by these temporary facilities.

Staff has prepared a temporary Day Care/Tutoring Center proposal to help meet the potential anticipated community need. The proposal was presented to Administrative Committee on August 24, 2020.

PROPOSED ACTIONS: Adopt the resolution extending Public Health Emergency Order 20-04 until January 1, 2021, or take such other action deemed appropriate.

Riedner introduced the item as written above and describing the particular reduced requirements: waiver of the requirement to obtain a conditional use permit for temporary daycares with locations in all commercial and residential zoning districts; issuance of a temporary provider license upon successful passage of the local and ISP background checks; suspension of the requirement for background checks for children 13 years and older who are receiving care at the facility; waiver of the requirement for an outdoor play area; waiver of the 4 hour continuing education requirement suspension of the in-person CPR and first aid training but requiring on-line CPR and first aid training Adult/child ratios will not be changed and will still be enforced.

Laflin asked if encouraging taking kids to parks could be added to the resolution. Riedner responded that some daycares do not transport children as there is too much liability. Encouragement could be added as a recital in the resolution. Laflin was also concerned about specifying specific CPR and first aid classes and proving proof of attendance.

Sullivan would like to see the requirement of a plan submitted, similar to what restaurants provided to the health department. A plan that includes guidelines and checklists as to what the daycare will do to assist in reducing the chance of transmission of the COVID-19 virus. Riedner responded those requirements are not in place for current daycares. If a plan was required, Council would be holding a temporary daycare to a higher standard than a current licensed daycare. Completing online CPR rather than in-person is also being allowed for new employees of current daycares. Sullivan would feel more comfortable calling it a temporary tutoring facility as Moscow is stricter than the state with regulations.

Kelly appreciates the idea of having more places for children to go but also wants to know there is a plan in place for handwashing, etc.

Discussion ensued regarding day care definitions and exclusions (see attached). The primary purpose of this emergency order is due to land use regulations and the requirement for a CUP. Providers are already allowed to have a temporary license prior to the background check being complete.

Bettge is in favor of extending as it provides some level of safety and checks as opposed to having no control, and encourage people to do the right thing and streamline the process.

Bettge moved to adopt the resolution extending Public Health Emergency Order 20-04 until January 1, 2021. Taruscio seconded.

Sullivan said she wants to help but doesn't feel it is the right time to facilitate more options without saying there are certain expectations. Kelly preferred a shorter time such as three weeks and also ask for a plan from those interested in this temporary process. Laflin suggested a shorter time with an expectation a plan will be required at the end of that time period in order to continue.

Bettge called the question. Sullivan seconded call of question. Roll Call Vote for the adoption of the resolution: Ayes: Two (Bettge, Taruscio). Nays: Four. Abstentions: None. Motion failed.

Kelly moved to approve the emergency order for one month to October 5, 2020. The motion died for

the lack of second. Laflin offered a motion such as approval of the expansion until October 5 and informing people that more safety precautions will be required. Belknap clarified the only difference between a temporary facility to a permanent facility from a daycare regulation perspective is to allow online CPR which the state waived and waiving the outdoor play area. All other regulations apply. The land use regulations waive the CUP but doesn't address safety protocols, only suitability of the property and public comment. Laflin is struggling with the need to have a place for children to go and the need for a parent to know their kids are safe.

Taruscio feels there is value in the emergency order as it meets the need for parents struggling to find a place for their children. Taruscio moved to extend Public Health Emergency Order 20-04 until December 25. Kelly seconded adding she doesn't like not having anything at all. Discussion ensued regarding termination of the resolution. Laflin suggested a change to the motion from December 25 to either December 7 or 21. Riedner suggested Dec 22 as that is the day after the Council meeting where the issue can be brought back. Laflin moved and Taruscio seconded to amend the motion to December 22, 2020. Roll Call Vote: Ayes: Five. Nays: One (Sullivan). Abstentions: None. Motion carried. Roll Call Vote on original motion to extend the resolution to December 22, 2020: Ayes: Four. Nays: Two (Sullivan, Zabala). Abstentions: None. Motion carried.

10. Solid Waste Franchise Agreement Amendment (ACTION ITEM) - Tim Davis / Tyler Palmer

There are four areas within the Solid Waste Franchise Agreement between the City of Moscow and Latah Sanitation, Inc. (LSI), being proposed to be amended. LSI has requested financial relief from the City for revenue losses experienced from the operations of the Moscow Recycling Center and additional compensation for necessary extra garbage and recycling routes, resulting from the 2016 decision by City Council, electing not to eliminate residential alley collection of solid waste and recycling, as had been proposed by LSI at that time. The current proposal removes tires and household hazardous waste disposal costs from the current miscellaneous rate. These items would be compensated as they had been prior to 2013, as a direct reimbursement to LSI for actual costs of disposal. The City will also relieve LSI of the majority of the recycling education duties and shift the education role in-house for efficiency and cost savings. This was reviewed by the Public Works/Finance Committee on August 24, 2020 and was forwarded to the full Council for discussion.

PROPOSED ACTIONS: Approve the Resolution Amending the Solid Waste Franchise Agreement Exhibits A, C, D E, and G, or take such other action deemed appropriate.

Palmer gave a brief history and Davis detailed each amendment. No questions were asked. Bettge moved to approve the Resolution Amending the Solid Waste Franchise Agreement Exhibits A, C, D E, and G. Kelly seconded. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

11. Update on Governor's Public Safety Grant Initiative and Revision and Acceptance of Updated L-2 and Appropriation Ordinance (ACTION ITEM) - Gary J. Riedner / Sarah Banks

On August 17, 2020, the City Council approved the City's participation in the Governor's Public Safety Grant Initiative (GPSGI) in the amount of \$1,646,816 for FY2021. The GPSGI utilizes federal Coronavirus Aid, Relief, and Economic Security (CARES) Act funds. The GPSGI provides funding for public safety payroll expenses to city and county governments that agreed to participate

in the Initiative and further agreed to provide the resulting savings as property tax relief to their taxpayers by foregoing the taxes that would otherwise traditionally have been collected.

On July 6, 2020, the City Council had approved the filing of a Letter of Intent to participate in the GPSGI. The City of Moscow was notified that it had been approved to receive \$1,646,816 in GPSGI funds, which includes 3% allowed Administrative Expenses, and Moscow Urban Renewal Agency (MURA) increment, both of which are deducted from the amount to be used for property tax relief.

Staff presented amended FY2021 Appropriations Ordinance 2020-08 which was approved under suspension of the rules requiring three complete and separate readings and that the ordinance be read by title and published by summary. The City Council also authorized the Mayor to execute a revised L-2 Property Tax Certification.

On August 25, 2020, the City was informed by the Idaho State Tax Commission that the amount of the increment to be paid to the Moscow Urban Renewal Agency had been recalculated, which necessitates a further amendment of the FY2021 Appropriations Ordinance and further revision of the L-2 Property Tax Certification. Those revised documents are included in the backup for City Council consideration.

Staff has also received, and is continuing to receive, further guidance regarding the GPSGI. In order to provide for as much time as possible to continue to research the program, Mayor Lambert has requested an extension of time to file the L-2, pursuant to Idaho Code section 63-803(3), in accordance with the attached memo from the City Supervisor.

PROPOSED ACTIONS:

1. Review and approve the draft second revised FY2021 Appropriations Ordinance under suspension of the rules requiring three complete and separate readings and that the ordinance be read by title and published by summary; or take other such action deemed appropriate; and
2. Authorize the Mayor's execution of the revised L-2 property tax certification; or take other such action deemed appropriate.

Riedner introduced the item as written above and explained the error in the amount of the increment for the MURA payment, which is reflected in the proposed ordinance. Treasury requirements have been challenged by some of the county's prosecutors because it may replace revenues, which is prohibited by the original CARES Act. Because the funding is tied to a property tax reduction, that may exceed some of the requirements of the CARES Act. On September 3rd, Idaho Attorney General issued an opinion based upon September 2nd further guidance by the Treasury department which removes some of those road blocks. Besides asking for approval of the revised appropriations ordinance and the updated L-2, Staff is requesting to file the L-2 on the final day for filing in case further information is provided or if any issue with CARES funding is brought forward. The Bonner County Commissioners filed a lawsuit in the U.S. District Court for Northern California which is another reason staff would like to wait until the last possible moment to turn in the L-2.

Taking the CARES Act funding will reduce property taxes for next year. The second year (FY2022), the savings are no longer there and taxes go back up to what they would have been. If Council decides to take up to 3% allowed by law, that will compound the issue. The tax payors will need as much

outreach and education as possible.

Bettge moved to approve the second revised FY2021 Appropriations Ordinance under suspension of the rules requiring three complete and separate readings and that the ordinance be read by title and published by summary. Seconded by Kelly. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Mayor Lambert read Ordinance 2020-11:

AN ORDINANCE REPLACING AND SUPERSEDING ORDINANCE 2020-08, ENTITLED ANNUAL APPROPRIATION ORDINANCE; THIS NEW ORDINANCE IS ENTITLED "AMENDED 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 to authorize the Mayor's execution of the revised L-2 property tax certification and direct staff to hold submission of L-2 until final date due. Kelly seconded. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

REPORTS

Reports were delayed.

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

Kelly moved and Taruscio seconded to adjourn to executive session at 10:47 p.m. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Bill Lambert, Mayor

ATTEST:

Laurie M. Hopkins, City Clerk

**CITY OF MOSCOW
MINUTES OF CITY COUNCIL EXECUTIVE SESSION
September 8, 2020**

Present: Mayor Lambert, Art Bettge, Sandra Kelly, Maureen Laflin, Brandy Sullivan, Gina Taruscio, Anne Zabala

Also Present: Gary J. Riedner, City Supervisor; Mia Bautista, City Attorney; Bill Belknap, Deputy City Supervisor

The executive session was called to order at 10:51 p.m.

Item discussed pursuant to I.C. 74-206(1)(B), (C), (F)

The executive session was adjourned at 11:15 p.m.

COMMITTEE STAFF REPORT

DATE: Monday, September 21, 2020



RESPONSIBLE STAFF

ADDITIONAL PRESENTER(S)

OTHER RESOURCES

AGENDA ITEM TITLE

Disbursement Report August 2020 - Sarah Banks

DESCRIPTION

Staff presented the August, 2020 Accounts Payable Report to Public Works/Finance Committee on September 14, 2020. The Committee received the report and approved the disbursements as presented.

A summary of the major expenditures for August, 2020 has been approximated by category and represents 96% of the total expenditure of \$2,712,374.49.

Payroll	\$1,151,794.00
Professional Services	\$101,603.00
Sanitation	\$296,365.00
Capital Outlay	\$633,411.00
Capital Outlay -Buildings	\$160,055.00
Supplies	\$93,645.00
Utilities	\$73,318.00
Contractual Payments	\$72,979.00
ACH Wells Fargo	\$32,697.00
Total	\$2,615,867.00

STAFF RECOMMENDATION

Receive the Disbursements Report.

PROPOSED ACTIONS

ACTION: Receive the Disbursements Report.

FISCAL IMPACT

PERSONNEL IMPACT

ATTACHMENTS

1. Disbursement Report August 2020
2. Cash & Investments Balances August 2020
3. Revenue Report August 2020

DISBURSEMENTS REPORT FOR AUGUST 2020														
DATE	FUND NAME	ACCOUNTS PAYABLE	ACCOUNTS PAYABLE	ACCOUNTS PAYABLE	ACCOUNTS PAYABLE	ACCOUNTS PAYABLE	ACCOUNTS PAYABLE	ACCOUNTS PAYABLE	ACCOUNTS PAYABLE ACH	VOID CHECKS	VOID CHECKS	PAYROLL	PAYROLL	GRAND TOTALS
		8/5/2020	8/10/2020	8/14/2020	8/14/2020	8/21/2020	8/27/2020	8/28/2020	8/17/2020 8/21/2020 8/31/2020	8/10/2020 8/17/2020 8/28/2020	8/28/2020 8/28/2020 00005.08.2020	8/14/2020	8/28/2020	
BATCH #		00001.08.2020	00008.08.2020	00004.08.2020	00009.08.2020	00010.08.2020	00013.08.2020	00014.08.2020	00011.08.2020 00012.08.2020 00015.08.2020	00001.08.2020 00002.08.2020 00003.08.2020	00004.08.2020 00005.08.2020	00100.08.2020	00200.08.2020	
CHECK #'s		95486-95555	95556-95560	95561-95641	95642	95643-95720	95721-95778	95779-95780	August CC ACHs	95558 95604	95754 95707	21277-21285	21286-21294	
Fund #		13,082.19		44,788.36		18,538.89	16,620.87	2,419.78	4,237.72	(30.00)	(2,317.62)	331,274.36	348,115.19	776,729.74
101	GENERAL	22,097.32		7,572.46		7,126.33	937.02		352.75			27,388.41	27,548.92	93,023.21
105	STREETS	23,495.37	10,207.00	5,848.40		16,109.67	5,888.76		5,086.32	(10,207.00)		71,400.63	66,223.68	194,052.83
120	RECREATION AND CULTURE	361.60		153.37		528.13			638.99			2,972.15	3,011.96	7,666.20
121	MSD COMM. PLAY FIELDS			7,916.67		92.34								8,009.01
123	1912 CENTER					953.99								4,522.84
128	TRANSIT CENTER	3,568.85												196,164.51
220	WATER	44,106.18		5,074.64		6,386.87	34,680.16		4,973.54			49,081.46	51,861.66	229,107.27
230	SEWER	30,931.22		58,959.02		28,306.26	12,766.61		983.60			48,094.25	49,066.31	272,383.67
240	SANITATION	104,674.45		174,304.38		174,068.26			91.14	(191,886.70)		5,516.95	5,615.19	56,663.22
290	FLEET	4,782.82		4,203.19		5,081.37	18,677.09		65.46			11,861.58	11,991.71	88,768.51
295	INFORMATION SYSTEMS	6,069.37		13,412.00		4,250.53	8,000.00		16,267.10			20,428.13	20,341.38	225,473.51
320	WATER CAPITAL PROJECTS	170,981.93		31,219.13		23,272.45								7,308.84
330	SEWER CAPITAL PROJECTS	4,903.78			375.19	2,029.87								0.00
340	SANITATION CAPITAL PROJ													552,501.13
350	CAPITAL PROJECTS	4,137.19		170,703.12		10,936.02	366,724.80							0.00
355	LID CONSTRUCTION													0.00
380	HAMILTON - PARKS & REC													0.00
590	BONDS & INTEREST													0.00
890	URBAN RENEWAL AGENCY													0.00
	TOTAL	433,192.27	10,207.00	524,154.74	375.19	297,680.98	464,295.31	2,419.78	32,696.62	(202,123.70)	(2,317.62)	568,017.92	583,776.00	2,712,374.49

WIRE Transfers:

Brandy Sullivan

Gina Taruscio

Sandra Kelly

Sarah L. Banks, Finance Director

City of Moscow
Cash and Investments
Balances as of 8/31/2020

Fund		Year to Date Balance
General Fund	\$	7,850,493.63
Street Fund	\$	2,010,393.50
Culture & Recreation	\$	1,315,690.71
MSDCPF	\$	177,378.54
1912 Fund	\$	51,290.49
Transit Center	\$	81,980.93
Water Fund	\$	3,080,076.49
Sewer / WRRF	\$	4,949,218.53
Sanitation Fund	\$	2,907,978.77
Fleet Fund	\$	3,667,489.57
Information Systems	\$	2,291,678.36
Water Capital	\$	7,526,754.95
Sewer Capital	\$	12,428,571.86
Capital Projects	\$	12,094,911.86
Sanitation Capital	\$	6,224,694.48
LID construction	\$	36,757.13
Hamilton	\$	2,316,550.54
Bond & Interest	\$	45,608.72
LID Funds	\$	25,124.55
Payroll Service	\$	519,863.32
Total Cash & Investments	\$	69,602,506.93

RECEIPTS REPORT FOR August 2020

	FUND NAME	Taxes	Franchise Fees	Licenses & Permits	Intergovernmental	Charges for Services	Fines & Penalties	Investment Income	Refunds & Reimbursements	Contributions & Donations	Other	Grand Total
Fund #												
101	GENERAL	32,726.75	101,712.05	63,840.62	156,215.80	134,766.10	13,736.74	40,104.56	22,605.20	1,500.00	4,295.67	571,503.49
105	STREETS	4,903.50	0.00	0.00	0.00	24,411.96	0.00	0.00	14.00	0.00	0.00	29,329.46
120	RECREATION AND CULTURE	0.00	0.00	0.00	0.00	12,484.84	0.00	0.00	0.00	307.54	-3.81	12,788.57
121	MSD COMMUNITY PLAY FIELDS	0.00	0.00	0.00	5,405.12	0.00	0.00	0.00	0.00	0.00	0.00	5,405.12
123	1912 CENTER	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
128	TRANSIT CENTER	0.00	0.00	0.00	0.00	1,438.71	0.00	0.00	0.00	0.00	0.00	1,438.71
220	WATER	0.00	0.00	0.00	0.00	693,679.26	0.00	5,037.90	320.00	0.00	0.00	699,037.16
230	SEWER	0.00	0.00	0.00	0.00	613,313.70	0.00	1,705.92	505.44	0.00	0.00	615,525.06
240	SANITATION	0.00	0.00	0.00	0.00	400,515.44	0.00	0.00	2,000.00	0.00	0.00	402,515.44
290	FLEET	0.00	0.00	0.00	0.00	97,081.84	0.00	0.00	0.00	0.00	0.00	97,081.84
295	INFORMATION SYSTEMS	0.00	0.00	0.00	0.00	117,298.00	0.00	0.00	8,800.66	0.00	0.00	126,098.66
320	WATER CAPITAL PROJECTS	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
330	SEWER CAPITAL PROJECTS	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
340	SANITATION CAPITAL PROJECTS	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
350	CAPITAL PROJECTS	0.00	0.00	0.00	3,243.10	0.00	0.00	6,797.46	0.00	0.00	848.52	10,889.08
355	LID CONSTRUCTION	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
380	HAMILTON P&R	0.00	0.00	0.00	0.00	0.00	0.00	1,654.17	0.00	0.00	0.00	1,654.17
590	BOND & INTEREST	5,273.59	0.00	0.00	0.00	0.00	0.00	375.23	0.00	0.00	0.00	5,648.82
595	LID FUNDS	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	TOTAL	42,903.84	101,712.05	63,840.62	164,864.02	2,094,989.85	13,736.74	55,675.24	34,245.30	1,807.54	5,140.38	2,578,915.58

CITY COUNCIL STAFF REPORT

DATE: Monday, September 21, 2020



RESPONSIBLE STAFF	REVIEWED BY
Gary Riedner, City Supervisor	Input received from Fire Department and Building Official. This was reviewed by the Public Works/Finance Committee on September 14, 2020.

ADDITIONAL PRESENTER(S)	OTHER RESOURCES
Laurie Hopkins, City Clerk	

AGENDA ITEM TITLE
PUBLIC HEARING: Proposed Fee Amendments (ACTION ITEM) - Gary J. Riedner

DESCRIPTION
Following the adoption of the FY2021 Fee Resolution, additional amendments and clarifications were necessary related to food vendor, sidewalk café and alcohol licensing. Additionally, the Council recently provided direction to implement a graduated fee increase for downtown parking permit fees. Staff has prepared a draft amended Fee Resolution for the Council's review and consideration. Details of each fee amendment/clarification is detailed below.

While reviewing applications, workflows and fees for licensing in anticipation of the process being implemented in the new Financial software, staff found inconsistencies, need for clarification and need for additional fees to recoup actual time spent on inspections. Food truck vendors are inspected by both the Fire Department and Community Planning and Design and no inspection was previously charged. A new sidewalk café application and more in-depth inspection by Streets Division of Public Works and Services has been created. Alcohol licensing has been organized in a more cohesive list and includes the statement of inspection waiver if there is a current building permit, as this has been the practice for years. Reorganization of the other fees are also included for better understanding of the business regulation fees.

At the City's FY2021 budget workshop, the Council expressed a desire to revisit the cost of Parking permits, and staff was directed to bring the item before the Public Works/Finance Committee on July 27, 2020. The matter was discussed at that meeting as well as the Committee's August 24th meeting at which time Staff was provided direction to prepare a fee increase proposal to increase the permit fees to the prior level over a three-year period. The proposed annual Permit fee would increase by approximately \$95 per year, and the monthly and quarterly permit fees would be increase by a similar percentage. The phased approach will allow the Council to monitor parking permit fee sales and parking utilization to ensure the fee adjustments are achieving the desired outcomes of increasing available customer parking within the downtown parking lots.

A public hearing is necessary for inclusion of these new fees and has been scheduled for the September 21, 2020 City Council meeting. Notice was published on Saturday, September 12 and 19 according to Idaho statutes.

STAFF RECOMMENDATION

After holding the public hearing, consider testimony and approve the amended FY2021 Fee Resolution.

PROPOSED ACTIONS

PROPOSED ACTIONS: Conduct the public hearing and after considering testimony, approve the amended FY2021 Fee Resolution, or take such other action deemed appropriate.

FISCAL IMPACT

PERSONNEL IMPACT

ATTACHMENTS

1. Amending FY2021 Fee Resolution for alcohol inspections and downtown parking permits

RESOLUTION NO. 2020 – ____

A RESOLUTION OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, ADOPTING A SCHEDULE OF REVISED FEES FOR SERVICES PROVIDED AND REGULARLY CHARGED AS SPECIFIED BY CITY CODE; AND PROVIDING FOR THE EFFECTIVE DATE OF ALL FEES.

WHEREAS, Pursuant to Idaho Code Sections 63-1311 and 63-1311A, the City may impose and cause to be collected fees that are reasonably related to the actual cost of the service being rendered, regarding City fees for services and fee increases; and

WHEREAS, the Council of the City of Moscow (hereinafter “City Council”) desires to clarify inspection fees as related to business regulation licenses, permits, and waivers; and

WHEREAS, City Council has deemed it appropriate to charge an appropriate fee to cover the costs of inspections on business licensing according to the complexity of the inspection and costs incurred by the City; and

WHEREAS, City Council has determined the need to increase the cost of parking permits to assist in recovery of the expenses incurred to administer and maintain the public parking facilities and to manage parking utilization within the downtown area; and

WHEREAS, City Council has determined that the revised fees included in this Resolution are appropriate and are reasonably related to the purpose for which such fees are charged;

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

1. That the fees set forth in Exhibit “A” attached hereto and made a part hereof, be in full force and effect in all matters relating to fees from and after the 1st day of October, 2020.
2. That this Resolution replaces Resolution 2020-16.
3. That any Resolution or provision thereof which is inconsistent with this Resolution is hereby repealed.

PASSED BY THE CITY COUNCIL AND APPROVED by the Mayor this ____ day of September, 2020.

Bill Lambert, Mayor

ATTEST:

Laurie M. Hopkins, City Clerk

**CITY OF MOSCOW
FEE SCHEDULE**

RESOLUTION NO. 2020 –

EXHIBIT “A”

EFFECTIVE 10-01-2020

SUBJECT	FEE
LAND USE AND DEVELOPMENT FEES	
A. Conditional and Special Use Permits	500.00
B. Variance	500.00
C. Zoning or Comprehensive Plan Amendments	895.00
D. Annexation Request (includes Comprehensive Plan and Zoning Review)	990.00
E. Planned Unit Developments and Design Reviews	
1. Preliminary or Major Amendment	565.00
2. Final PUD	425.00 plus 27.00 per lot
3. Minor Amendment or Design Review (where required)	220.00
F. Subdivision Plat	
1. Preliminary Plat	895.00
2. Final plat	425.00 plus 27.00 per lot
G. Lot Division Request	325.00 plus 15.50 per lot
H. Lot Line Adjustment Request	200.00 plus 15.50 per lot
I. Multi Family or Commercial Site Plan Review or Parking Lot Development or Modification Review:	85.00 plus 5.50 per parking space
J. Fence Permit (fences over six feet in height may require a structural building permit)	29.50
K. Accessory Structure Permit (One-story detached residential accessory building used as tool and storage sheds with a floor area less than 200 sq. ft. and where no building permit is required)	29.50
L. Floodplain Development Permit	72.50
M. Sign Permits (Additional electrical permit required for electrical signs)	
1. Permanent Signs	72.50
2. Portable Signs	29.50
3. Temporary Signs	16.00
N. Mobile Home Park Fees	
1. Plan Review of Mobile Home Parks	535.00
2. Final Plan Review of Mobile Home Parks	250.00

3. Construction Permits (to be issued by the Administrative Authority upon approval of all final plans by the City Council to start construction)	500.00 plus per lot fee of 6.50
O. Recreational Vehicle Parks	
1. Preliminary Plan Review Fee	440.00
2. Final Plan Review Fee	250.00
P. Telecommunications Zoning Review	250.00
Q. Appeals (For an appeal of any decision of City board and/or commission, Zoning Administrator determination, or Building Official Determination)	250.00
GRADING PERMIT FEES	
A. Grading Plan Review Fees	
1. 50 cubic yards or less	No Fee
2. 51 to 100 cubic yards	29.40
3. 101 to 1,000 cubic yards	43.00
4. 1,001 to 10,000 cubic yards	58.00
5. 10,001 to 100,000 cubic yards	58.00 for 1 st 10,000 cubic yards plus 29.00 for each additional 10,000 cubic yards or fraction thereof
6. 100,001 cubic yards to 200,000 cubic yards	320.00 for 1 st 100,000 cubic yards plus 16.25 for each additional 10,000 cubic yards or fraction thereof
7. 200,001 cubic yards or more	483.50 for 1 st 200,000 cubic yards plus 8.65 for each additional 10,000 cubic yards or fraction thereof
B. Grading Permit Fees	
1. Permit Issuance Fee	26.50
2. 50 cubic yards or less	29.50
3. 51 to 100 cubic yards	43.00
4. 101 to 1,000 cubic yards	43.00 for 1 st 100 cubic yards plus 20.50 for each additional 100 cubic yards or fraction thereof
5. 1,001 to 10,000 cubic yards	228 for 1 st 1,000 cubic yards plus 17.25 for each additional 1,000 cubic yards or fraction thereof
6. 10,001 to 100,000 cubic yards	383.00 for 1 st 10,000 cubic yards plus 78.25 for each additional 10,000 cubic yards or fraction thereof
7. 100,001 cubic yards or more	1,088.00 for 1 st 100,000 cubic yards plus 43.00 for each additional 10,000 cubic yards or fraction thereof

BUILDING PERMIT FEES	
A. Permit Issuance Fee (charged with all permits except flat fee and commercial and institutional permits)	27.50
B. Plan Review Fee (Only for projects over \$10,000 in valuation, excluding commercial windows, doors and roofs.)	65% of Building Permit Fee (40% of Building Permit Fee for Duplicate Plans)
C. Plan Review Deposit (credited toward plan review fee)	500.00
D. Building Permit Fees Valuation based on the ICC Building Valuations as published in the February issue of the Building Safety Journal with the following additions: Decks \$13.00 sq ft, Porches \$19.00 sq ft, Pole Buildings \$20.00 sq ft, Unfinished Basement \$43.00 Foundation Permits for Modular Homes Crawl Space \$21.40, Unfinished Basement \$43.00 and Finished Basement \$107.08.	
<u>Total Valuation</u>	<u>Valuation Fee</u>
\$1.00 to \$500.00	27.50
\$501.00 to \$2,000	27.00 for first 500.00 plus 3.50 for each additional 100 or fraction thereof to and including 2,000
\$2,001 to \$25,000	79.50 for the first 2,000 plus 14.50 for each additional 1,000 or fraction thereof, to and including 25,000
\$25,000 to \$50,000	413.00 for first 25,000 plus 10.50 for each additional 1,000 or fraction thereof, to and including 50,000
\$50,001 to \$100,000	675.50 for the first 50,000 plus 7.50 for each additional 1,000 or fraction thereof to and including 100,000
\$100,000 and up	1050.50 for first 100,000 plus 6.00 for each additional 1,000 or fraction thereof.
E. Other inspections and flat fee permits	
1. Inspections outside normal business hours (per hour; minimum charge – 2 hrs.)	66.50
2. Re-inspection fee	66.50
3. Inspection for which no fee is specifically indicated (per hour; minimum charge - one-half hour)	66.50
4. Special Inspection (when required by the Building Official)	66.50
5. Additional plan review required by changes, additions or revisions to approved plans (per hour; minimum charge – one-half hour)	66.50
6. Structure Moving permit	66.50
7. Inspection of building to be moved	Same as Certificate of Compliance inspection
8. No Permit – Failure to obtain a permit before commencing work	Fee equal to the building permit fee

9. Certificate of Compliance Inspection	
a. Building Ins. (structural & zoning)	66.50
b. Commercial Roofing	66.50
c. Foundation only	66.50
d. Existing wood stove	66.50
e. Electrical	66.50
f. Plumbing	66.50
g. Heating (mechanical)	66.50
10. Demolition Permit	
a. Simple Demolition (non-structural alterations)	57.50
b. Complex Demolition (structural or complete building demolition)	245.00
11. Re-roofing permits for residential structures up to four units (commercial re-roofs require full building permit).	60.00
12. Residing permit (residential up to four units, commercial requires full building permit)	60.00
13. Residential Window & Exterior and Fire Door Installations (residential up to four units, commercial projects require full building permit)	60.00
14. Installation Permits for Mobile/Manufactured Homes and Prefabricated Storage Buildings 300 square feet or less with Manufacturer's Structural Plans (for installations not involving permanent foundations. Additional fees may apply for foundation permits.)	60.00
15. Certificate of Occupancy – Existing Commercial Buildings (includes life safety inspections)	66.50
16. Installation Permit for Mobile / Manufactured Homes when that installation includes electrical and plumbing. No additional electrical or plumbing permits required.	170.00
Plumbing Permit Fees	
A. Permit issuance fee (charged with all permits except flat fee and commercial and institutional permits)	27.50
B. Plumbing residential permit – per dwelling unit (single family and two family only)	19.50 plus 10.00 per plumbing fixture
C. Plumbing appliance installation (water heaters and boilers)	19.50
D. Commercial (includes multi-family dwellings, fraternities and sororities) Fee based on contract price:	
1. 0 - \$2,000 Contract Price	30.00 plus 4% contract price up to 2,000
2. \$2,000 - \$10,000 Contract Price	110.00 plus 3% of contract price over 2,000

3. \$10,000 - \$100,000 Contract Price	350.00 plus 2% of contract price over 10,000
4. Over \$100,000 Contract Price	2,150 + 1% of contract price over 100,000
E. Additional fees: in addition to aforementioned permit fee and residential or commercial/industrial fees, the following charges will be made:	
1. Each lawn sprinkler system backflow device	13.00
2. Vacuum breakers or backflow	13.00
3. For each gray water system	63.00
4. Fire sprinkler inspection and plan review	120.00 plus 2.00 per sprinkler head
Electrical Permit Fees	
A. Permit issuance fee (charged with all permits except flat fee and commercial and institutional permits)	27.50
B. Temporary service	19.50
C. New Residential Electrical Permit - per dwelling unit (single family and two family only)	
1. New Dwelling unit electrical service and wiring	0.115 per sq. ft.
2. Electric Furnaces and unit space heaters (per appliance)	5.50
D. Alterations and Others	
1. Electrical Service Change Out	63.00
2. Extension or addition of up to six (6) circuits	40.00
3. Extension or addition of more than six (6) circuits	62.00
4. Electric Furnaces, Heat Pump, Air Conditioners, Unit Space Heaters and Ventilation Fans (per appliance)	7.50
5. Domestic Water Pumps	30.00
E. Commercial (includes multi-family dwellings, fraternities and sororities, and distribution wiring and pedestals for mobile parks). Fee based on contract price:	
1. \$0 – \$2,000 contract price	30.00 plus 4% of contract price up to 2,000
2. \$2,000 - \$10,000 contract price	110.00 plus 3% of contract price over 2,000
3. \$10,000 - \$100,000 contract price	350.00 plus 2% of contract price over 10,000
4. Over \$100,000 contract price	2,150 plus 1% of contract price over 100,000
Gas/Mechanical Permit Fees	
A. Gas/Mechanical Permits	

1. Permit Issuance Fee (charged with all permits except flat fee and commercial permits)	27.50
2. Residential install of gas fueled furnace, water heater, boiler, fireplace, unit or space heater, per appliance by the BTU as follows:	
a. 0 – 180 thousand BTU	33.00
b. 181 thousand BTU and above	41.00
3. Gas Piping – Fixture or appliance outlets (per outlet)	9.00
4. Wood/Pellet Stoves	19.50
5. Air handlers, for each air-handling unit, including ducts attached thereto	17.25
6. Commercial (includes multi-family dwellings, fraternities and sororities) Fee based on contract price:	
a. \$0 - \$2,000 Contract Price	30.00 plus 4% of contract price up to 2,000
b. \$2,000 - \$10,000 Contract Price	110.00 plus 3% of contract price over 2,001
c. \$10,000 - \$100,000 Contract Price	350.00 plus 2% of contract price over 10,000
d. Over \$100,000 Contract Price	2,150 plus 1% of contract price over 100,000
7. Installation, relocation or replacement of each appliance vent installed and not included in an appliance permit.	11.00
8. Repair of, alteration of, or addition to each heating appliance, refrigeration unit, cooling unit, or similar system, including installation of controls regulated by this Code.	22.50
9. For each ventilation fan connected to a single duct	11.00
ENGINEERING SERVICES	
A. Engineering public improvement plan review (2 submittals)	125.00 plus 36.50 per plan sheet
B. Engineering extended plan review (3rd submittal and beyond) for: Multi-Family and Commercial Site Plan Reviews Parking Lot Development or Modification Reviews Public Improvements Plan Reviews Other Miscellaneous Plan Reviews	57.75/hr
C. Engineering grading plan review including erosion control agreement	130.00 each
D. Grading Permit Security Deposit	3% of estimated total cost of grading and excavation
E. Engineering telecommunication review – on City facilities only	1,785.00 each
F. Engineering review of revisions or modification to existing telecommunications facilities on City facility	210.00

G. Engineering development agreements including legal review	262.50
H. Engineering monumentation agreements including legal review	125.00
I. Engineering inspection (subdivision, PUD, commercial, and multi-family residential)	1.25% of public improvements construction cost as verified by City
J. Engineering “as-constructed” plan preparation	262.50 plus 36.75 per plan sheet
K. Engineering easement document review/preparation	73.50
L. Highway right-of-way use permits and parade permits through Idaho Transportation Department	105.00 each
M. Right of Way encroachment agreements – administrative	72.00 each
N. Right of Way encroachment agreements – council action	130.00 each
O. Engineering variance – Council Action	130.00
P. Right-of-Way Vacation Request (Includes publication and registered mailings)	660.00
Q. Address Change Fee	27.00
R. No Permit – Non-Compliance Review Fee (one-hour minimum)	63.00 / hr
Engineering Publications and Printing	
A. Maps	
1. 8 ½ x 11 City Limit	1.00
2. 11 x 17 City Limit	1.00
3. 22 x 30 City Limit	1.50
4. 22 x 30 Zoning Map	1.50
5. Address, City Limit, Area of City Impact, Comprehensive Plan, Zone, L.I.D., Plat, Street Numbers, Water, Storm, Sanitary, Road, Street and other miscellaneous maps	5.00
6. Digital Contours (per tile)	125.00
B. Printing and Copies	
1. Copier	
a. 8 ½ x 11	0.10
b. 8 ½ x 14	0.25
c. 11 x 17	0.50
d. 18 x 24	1.00
e. 24 x 36	2.00
f. 24” Roll	1.00 /ft
g. 36” Roll	1.25 /ft
2. Digital Copies	
a. Standard Drawings	5.00/page

b. Construction Drawings	1.00/page
3. Plotter	
a. Prints	
i. 8 ½ x 11	2.00
ii. 11 x 17	2.50
iii. 18 x 24	3.00
iv. 24 x 36	5.00
v. 24" Roll	2.00 /ft
vi. 30" Roll	2.50 /ft
vii. 36" Roll	3.00 /ft
viii. 36" Color	4.00 /ft
ix. 42" Roll	4.50/ft
x. 42" Color	5.00/ft
xi. Plot Set up Fee (per additional layer)	5.00
b. Orthophotos	
i. 8 ½ x 11	3.00
ii. 11 x 17	4.00
iii. 18 x 24	5.00
iv. 24 x 36	10.00
v. 24" Roll	5.00 / ft
vi. 30" Roll	6.00 /ft
vii. 36" Roll	7.50 /ft
viii. 42" Color	9.00/ft
ix. Plot Set up Fee (per additional layer)	5.00
C. Documents	
1. Comprehensive Water System Plan (Free on Website)	35.00
2. Comprehensive Sewer System Plan (Free on Website)	35.00
3. Multimodal Transportation Plan (Free on Website)	35.00
4. Standard Drawings/Construction Specifications (Hard Copy) for single page cost see printing and copies.	5.00 / 5.00
5. Standard Drawings/Construction Specifications (Digital) For single page cost see digital copies.	50.00 / 25.00
Sewer Permit Fees and Charges	
A. Permit Fee	40.00
B. No Permit – Noncompliance Review Fee (one-hour minimum)	60.00/hr

C. Sewer Tapping Fee (The customer will provide the excavation required to expose the main, pump out ground water, shore or slope hole as needed, provide traffic control as needed, fill/compact, and make temporary street patch as needed.)	190.00
D. SE Moscow Water and Sewer District Tapping Fee Surcharge (Properties Outside City Limits)	5.00
E. General Facilities Charge	
1. Single family	2,410.00 + 29.00/PFU over 20*
2. Apartment [per unit]	1,775.00 + 29.00/PFU over 15*
3. Trailer	2,410.00 + 29.00/PFU over 20*
4. Commercial	2,410 + 29.00/PFU over 15*
<i>*Equivalent fixture units as established by the adopted Uniform Plumbing Code</i>	
F. Orchard Avenue Sewer Connection Surcharge – only for addresses above 1400 and streets north of Ponderosa	1,400.00
G. Sewer Service inspections	75.00
H. Inspection of Public Sewer Main Construction	60.00/hr
I. SE Moscow Water and Sewer District Inspection Fee Surcharge (Properties Outside City Limits)	5.00
J. Sewer Service Disconnection	45.00
K. Commercial Portable Waste Discharge at the Wastewater Treatment Plant	
1. Load up to 300 gallons	21.06
2. Each subsequent gallon	0.28
Monthly Sewer Service Rates	
A. Residential Service	
1. Single family and duplexes or other multiple units served by separate meters.	52.35
2. Trailer homes (per unit) defined as multiple units served by a common meter (like a mobile home park)	38.48
3. Multi-family dwellings including duplexes (per unit) defined as multiple units served by a common water meter.	38.48
B. Commercial Users	
1. Commercial – Low For commercial users with combined Biochemical Oxygen Demand / Total Suspended Solids (BOD/TSS) of 0-200 mg/L	71.92 plus 5.43 per 100 cubic feet metered water
2. Commercial – Medium For commercial users with combined BOD/TSS of 201-400 mg/L	71.92 plus 7.51 per 100 cubic feet metered water

3. Commercial – High For Commercial Users with combined BOD/TSS of 201-400 mg/L	71.92 plus 9.21 per 100 cubic feet metered water
<i>* These strength-based categories are based on user type contribution of combined Biochemical Oxygen Demand/Total Suspended Solids (BOD/TSS). Users are placed in the applicable category using California State Water Resource Board standards that correspond with the activities undertaken in each establishment based on their response to a City of Moscow Commercial User Survey.</i>	
4. Small Commercial Office with Irrigation Limited to Commercial – Low users with exterior irrigation and an average monthly winter water use of less than 700 cubic feet per month.	71.92 plus use rate for 200 cubic feet (10.86)
<i>* For the purpose of determining the monthly sewer rates based on the volume of metered water, metered water will be averaged periodically using meter readings of winter water use period so the irrigation period may be excluded.</i>	
C. Mixed Use Service – Defined as different sewer customers listed in this section of the fee resolution that are served by a single water meter. For existing mixed-use customers, a weighted model will be used to estimate the contribution based on metered water use. The estimated contribution of each customer served by the meter will be charged as a percentage of the total monthly use at the associated non-residential rate. Future mixed-use accounts will be assessed at the highest contribution rate for all metered water consumption.	71.92
D. University of Idaho (Annual Charge)	1,213,336.80
E. SE Moscow Water and Sewer District Sewer Service Surcharge (outside City limits)	3.00
Water Permit Fees and Charges	
A. Permit Fee	40.00
B. No Permit – Noncompliance Review Fee (one hour minimum)	60.00/hr
C. Water Service Inspection	75.00
D. Installation of service and meters (No existing service line to property line)	
1. 5/8" meter	3,260.00
2. 1" meter	3,330.00
3. 1 1/2" meter	4,170.00
4. 2" meter	4,480.00
5. Other meters	At Cost
E. Installation of service and meters (Existing service line to property line).	
1. 5/8" meter	1417.95
2. 1" meter	1490.40

3. 1 1/2" meter	2525.40
4. 2" meter	2991.15
5. Other meters	At Cost
F. Other fees	
1. Tap	
a. Fire line or other (3" and larger diameter); customer provides the street cut, excavation to expose the main, water removal, traffic control, backfill, temporary (cold mix) street patch, tapping sleeve, gate valve and valve box. Includes up to 45 s.f. not mix patch by City. Additional patch at \$2.65 per s.f.	1,130.00 min
b. Fire line or other (2" or smaller); Customer provides a corporation elbow and curb stop rather than sleeve and gate valve provided by customer in 'a' above. Customer is to provide all other work as outlined in 'a' above.	700.00 min
2. Relocation of meters – Limited to same property	
a. No new tap of main	
i. 5/8" to 1"	290.00
ii. 1 1/2" to 2"	325.00
b. New tap of main	
i. No street cut	
a) 5/8" meter	2,530.00
b) 1" meter	2,545.00
c) 1 1/2" meter	2,575.00
d) 2" meter	2,600.00
ii. Street cut	
a) 5/8" meter	3,550.00
b) 1" meter	3,570.00
c) 1 1/2" meter	3,600.00
d) 2" meter	3,630.00
3. Meter Box Adjustments	
a. Vertical Adjustment ($\pm 12"$)	120.00
b. Horizontal Adjustment	at cost
4. Resetter Installation	
a. 5/8" meter	95.00
b. 1" meter	190.00
5. Water Service Disconnection (Abandonment)	
a. With Street Cut	760.00
b. Without Street Cut	520.00

6. Turn on - turn off after regular working hours	64.00
7. Labor and materials to repair damage to water distribution system.	at cost
8. Labor and materials to repair meter boxes damaged by neglect or careless operation of motor vehicles.	at cost
G. General Facilities Charge	
1. 5/8 x 3/4" meter (20 gal/min; meter equiv – 1.0)	2,561.63
2. 1" meter (50 gal/min; meter equiv – 2.5)	6,406.65
3. 1 1/2" meter (100 gal/min; meter equiv – 5.0)	12,808.13
4. 2" meter (160 gal/min; meter equiv – 8.0)	20,439.00
5. Larger than 2"	by special contract with City
H. Orchard Avenue Water Connection Surcharge – only for addresses above 1400 and streets north of Ponderosa	1400.00
I. Disinfection	
1. First test	455.00
2. Second test (pigging of line may be required)	490.00
3. Third or more test (pigging of line may be required)	595.00
J. Bacterial Testing [at the discretion of the City]	
1. Samples (per each)	20.00
2. Saturday Samples (per each)	145.00
3. After hours and Saturday Sampling Labor	64.00
K. Pressure testing fees	
1. Tests performed by City	
i. First Test	800.00
ii. Second Test	1,000.00
iii. Third or more test	1,200.00 each test
2. Test performed by contractor	145.00 each test
Water Service Rates	
A. Standard Monthly Rates	
1. Fixed charge	
a. Single family residential/Duplex/Tri-plex per meter (Definition is a single meter servicing each dwelling unit)	36.10
b. Multi-family (definition is a meter servicing more than one dwelling unit.) based on meter size	
➤ 5/8 Inch	36.10
➤ 1 Inch	45.16
➤ 1 ½ Inch	90.09
➤ 2 Inch	144.15
➤ 3 Inch	270.33

c. Commercial Accounts based on meter size	
➤ 5/8 Inch	36.10
➤ 1 Inch	45.16
➤ 1 ½ Inch	90.09
➤ 2 Inch	144.15
➤ 3 Inch	270.33
➤ 4 Inch	455.51
d. High fire demand	65.21
2. Consumption Charge for Residential/Duplex or Triplex (Definition serviced by a single meter per dwelling unit)	
a. 0-700 per cubic Feet	2.69 / CCF
b. 701-2000 per cubic feet	3.18 / CCF
c. Over 2000 cubic feet	5.40 / CCF
3. All Usage Consumption Charge for Multi-Family or Commercial Accounts (one meter serving multiple units)	3.52 / CCF
4. Rate for Moscow Cemetery	3.00 / CCF
B. Water and Sewer rate charge for water and sewer furnished outside the boundaries of the City.	200% of the minimum service charge and water rate charge
C. Bulk water usage.	
1. Less than 2,500 cubic feet [For use in the City]	3.48 / ccf plus 119.20
2. 2,500 cubic feet or more [For use in the City]	4.77 / ccf plus 58.95
3. Less than 2,500 cubic feet [For use outside of the City]	6.96 / ccf plus 238.40
4. 2,500 cubic feet or more [For use outside of the City]	9.52 / ccf plus 117.90
STREET DEPARTMENT	
A. Large banner installation and removal	150.00 each banner
B. Small banner installation and removal	45.00 each banner
C. Information sign installation	120.00 plus cost of sign
D. Street/Sidewalk Closure Permit	40.00
E. Parade Permit	120.00 (+ 100.00 Idaho Transportation Department permitting, if applicable)
F. Street Cut Damage Recovery Fee: Fee based on Overall Condition Index (OCI) rating of street in accordance with most recent street condition survey:	
OCI	
81-100	800.00
61-80	600.00
41-60	400.00
21-40	200.00
0-20	0

G. Right of Way Excavation Permit	35.00 (plus 100.00 Idaho Transportation Department permitting, if applicable)		
H. Right of Way Excavation Security Deposit Rate Schedule			
<i>Total Valuation of Work in Right of Way</i>			
\$100 to \$500	245.00		
\$501 to \$1,000	367.50		
\$1,001 to \$1,500	490.00		
\$1,501 to \$2,000	615.00		
\$2,001 to \$2,500	735.00		
\$2,501 to \$3,000	860.00		
\$3,001 to \$3,500	980.00		
\$3,501 to \$4,000	1,100.00		
\$4,001 to \$4,500	1,230.00		
Greater than \$4,500	1,850.00		
Multiple Projects (up to four (4) active projects)	3,675.00		
I. Public Lighting Costs – per month – per Utility Service			
1. Residential Units	3.10		
2. Commercial Units	8.05		
J. City Barricades for Private Projects (applicable only when the City supplies devices on an emergency or prearranged basis for securing construction sites or other traffic revisions – standard traffic control operations shall not be eligible for device rental)			
1. Construction Sign	<u>Day</u>	<u>Week</u>	<u>Month</u>
2. Construction Sign with Tripod	8.00	30.00	90.00
3. Hi-Level Sign Stand	17.00	64.00	127.00
4. Type II Barricade	3.00	9.00	26.00
5. Type III Barricade	7.00	26.00	77.00
6. Construction Drum	27.00	106.00	316.00
7. Tubular Markers	10.00	39.00	110.00
8. 28" Orange Traffic Cones	4.00	13.00	37.00
9. Type A, B, C Warning Lights	1.00	4.00	10.00
10. Set-up	2.00	5.00	13.00
11. Removal			52.00
			52.00
K. Traffic Control (Setup / Devices) for On-Street Events			
Main Street Closures between A Street and 6 th Street			
1. Recommended – 3 rd Street to 5 th Street			
Daytime			
Nighttime			
2. Full Closure – A Street to 6 th Street			
Daytime			
Nighttime			
3. Partial Closures/Number of Blocks			

a. One Block	
Daytime	80.00
Nighttime	124.00
b. Two Blocks	
Daytime	85.00
Nighttime	134.00
c. Three Blocks	
Daytime	90.00
Nighttime	144.00
d. Four Blocks	
Daytime	95.00
Nighttime	154.00
4. Other Street Closures (per block)	
Daytime	80.00
Nighttime	124.00
L. Crowd Control Barriers	
1. Barrier Rental Fee (per barrier, per event)	2.00
2. Replacement Cost (if damaged or lost)	110.00
M. Traffic Control (Setup / Devices) for Parades	
1. Main Street – Small	300.00
2. Main Street – Large	750.00
3. Other Locations	Time and Materials
N. Traffic Control (Setup / Devices) for Block Parties	
One Block Standard Set-up	84.00
FINANCE	
A. Turn off and turn on for non-payment first occurrence.	30.00
B. Turn off and turn on for non-payment repeat occurrences in 12 months.	60.00
C. Accounts Receivable Billing Late Fee Penalty	
1. Notice of delinquency (occurs 46 days after billing)	15.00 or 5% whichever is greater
D. Deposits – Utility	
1. Residential	100.00
2. Commercial	175.00
E. NSF (Non-sufficient funds) Returned Check Charge Fees	25.00 per check
F. Convenience Fee	Up to 5% of credit card / digital transaction
<u>General Licenses</u> <u>BUSINESS REGULATION FEES</u>	
A. Circuses	
1. Circus or Tent show, First Class <u>(2,000 or more people at one time)</u>	260.00
2. Circus, or Tent show, Second Class <u>(not to exceed 2,000 people at one time)</u>	180.00
3. Merry go-rounds or mechanical rides – per ride	15.00
4. Amusement and other concessions – per exhibition	5.00
B. Peddlers, Solicitors <u>and Canvassers</u> Registration (per applicant)	

1. New Peddlers, Solicitors <u>and Canvassers</u> Registration	60.00
2. Peddlers, Solicitors <u>and Canvassers</u> Registration Renewal (without fingerprints)	35.00
3. Peddlers, Solicitors Registration Renewal (with fingerprints)	60.00
C. Vendor	
1. New Vendor License	60.00
2. Vendor License Renewal (without fingerprints)	35.00
3. Vendor License Renewal (with fingerprints)	60.00
<u>4. New Mobile Vending Unit Inspection</u>	<u>66.50</u>
<u>5. Mobile Vending Unit Renewal Inspection</u>	<u>30.00</u>
<u>6. Sidewalk Vending Unit Inspection (new and renewal)</u>	<u>No fee</u>
D. Second Hand/Pawn Dealers	
1. New Second Hand/Pawn Dealer License	60.00
2. Second Hand/Pawn Dealer Renewal (without fingerprints)	35.00
3. Second Hand/Pawn Dealer Renewal (with fingerprints)	60.00
E. Taxicabs, Pedicab, and Carriage	
1. Taxicab, Pedicab, and Carriage Owner License/Renewal (each vehicle)	15.00
2. New Taxicab, Pedicab, and Carriage Operator License	60.00
3. Taxicab, Pedicab, and Carriage Operator License Renewal (without fingerprints)	35.00
4. Taxicab, Pedicab, and Carriage Operator License Renewal (with fingerprints)	60.00
F. Sidewalk Café License	<u>25.00</u>
<u>1. New Sidewalk Café License</u>	<u>25.00</u>
<u>2. Sidewalk Café License Renewal License</u>	<u>25.00</u>
<u>3. New Sidewalk Café License Inspection</u>	<u>125.00</u>
<u>4. Sidewalk Café License Renewal Inspection</u> <u>(if alcohol is served in café area, inspection fee is included in alcohol license renewal)</u>	<u>30.00</u>
G. Miscellaneous	
1. Appeal from denial, suspension, or revocation of a license, permit, waiver, etc. (unless otherwise specifically set out herein)	55.00
<u>G. Alcohol Licensing</u>	
<u>2.1. Beer License Fees*</u>	
a. Consumption on premise	200.00
b. Bottled and canned beer with no consumption on premise	50.00

c. Transfer fee <u>(not eligible for prorate)</u>	50.00
A. Inspection fee (to cover cost of required inspection that needs to be done by Building Inspector, Fire Inspector, and Health Inspector. This fee must be paid before any inspections will be started. If license application is withdrawn the fee will be forfeited to the city).	105.00
B. Restaurant Certification (required to permit admittance to individuals under the age of 21)	no fee
3.2. Liquor License Fees*	
a. Annual fee -(includes wine on-premise)	562.50
b. Transfer fee (includes wine on-premise)	562.50
4.3. Wine License Fees*	
a. Wine on and off premise combined license	200.00
b. Wine on premise consumption only	150.00
c. Wine off premise consumption only	150.00
d. Transfer fee <u>(not eligible for prorate)</u>	50.00
*With the exception of license transfers, <u>A</u> all licenses issued for a portion of a year shall be prorated as of the month of actual issue; provided that no fee shall be less than one half of the total fee herein set forth.	
<u>4. Inspection fee (not eligible for prorate)</u> <u>To cover cost of required inspection by Fire Department and Community Planning and Design. This fee must be paid before any inspections are scheduled. If license application is withdrawn the fee will be forfeited to the city. If a building permit is required for any construction or remodeling, the inspection fee will be waived.</u>	
a. <u>New beer, wine and/or liquor license</u>	<u>125.00</u>
b. <u>Renewal of beer, wine, and/or liquor license</u>	<u>30.00</u>
<u>5. Restaurant Certification (required to permit admittance to individuals under the age of 21)</u>	<u>no fee</u>
5.6. Alcohol Catering Permit Fee —(Set by State Code)	20.00
6.7. Alcohol Event Permit (for an event in public right-of-way)	100.00
<u>H. Appeal from denial, suspension, or revocation of a business regulation license, permit, waiver, etc. (unless otherwise specifically set out herein)</u>	<u>55.00</u>
Child Care License	
A. Family Day Care Facility Registration (includes administration, fire inspection and background check for one day care provider)	80.00
B. New Facility Application Fee (includes administration, inspections by Code Enforcement, Fire Department, and Health Dept.)	
1. Family Day Care Facility (1-5 children)	75.00

2. Group Day Care Facility (6-12 children)	100.00
3. Small Day Care Facility (13-20 children)	125.00
4. Large Day Care Facility (21+ children)	150.00
C. New Employee/Provider Application Fee	30.00
D. Facility License Annual Renewal Application Fee	
1. Family Day Care Facility (1-5 children)	50.00
2. Group Day Care Facility (6-12 children)	75.00
3. Small Day Care Facility (13-20 children)	100.00
4. Large Day Care Facility (21+ children)	125.00
E. Employee/Provider License Annual Renewal Application Fee	10.00
<i>See Miscellaneous for Background Check Fees</i>	
F. Code Compliance Enforcement to be Billed to Day Care Facility	
1. First and Second Communication	No Charge
2. Third Communication	25.00
3. Fourth Communication	40.00
4. Fifth and each subsequent Communication	60.00
5. Tardy Renewal Applications (Facility and Provider)	10.00
G. Change of Ownership	15.00 plus other inspection fees as deemed appropriate.
H. Change of Premises	15.00 plus other inspection fees as deemed appropriate.
Bicycle License Lifetime Ownership Tag	7.00
Burglary and Robbery Alarms – False Alarms (for each occurrence)	50.00
Dog Licensing and Related Fees	
A. Lifetime registration tag	
1. Unaltered	35.00
2. Altered	25.00
B. Duplicate tag	5.75
C. Adoption (out)	
1. Altered	15.00
2. Unaltered	27.50
D. Adoption (placing own animal in)	20.00
E. Euthanasia	100.00
F. Boarding - per day or part thereof	20.00
G. Impound	
1. First time	20.00

2. Second time	30.00
3. Third time	40.00
4. Fourth and each subsequent time	60.00
H. Surcharge Fee	
1. Unaltered	30.00
2. Altered	20.00
Miscellaneous Fees	
A. Accident Reports (see G. Copies of official records...)	
B. Background Checks	
1. City of Moscow Police Department – Name Check	20.00
2. Idaho State Police – Fingerprints	42.00
3. Idaho State Police - Name Check	20.00
4. Health and Welfare Statewide Child Abuse Registry Check	20.00
C. City of Moscow Comprehensive Sewer System Plan Paper Copy	(Free on website) 30.00
D. City Code (Free on website)	
1. Initial cost	260.00
2. Annual charge for updating	52.00
3. Zoning Code	20.00
E. Copies of official records or documents	
1. Police files – per page (no charge for first 100 pages)	0.10
2. Other City documents – per page (no charge for first 100 pages)	0.10
3. Audio or video tape copy	Amount allowed by Idaho Code Section 74-102(10)
4. Audio or video CD copy	Amount allowed by Idaho Code Section 74-102(10)
5. Where a request for public records of the City of Moscow is for more than one hundred (100) pages of paper records; or the request includes records from which non-public information must be separated, deleted, and/or redacted; or where actual labor associated with locating and copying documents for a request exceeds two (2) person hours, the requestor shall be charged the copy and/or labor costs allowed by Idaho Code Section 74-102(10) unless the requestor demonstrates an exemption pursuant to Idaho Code Section 74-102(10)(f), as determined by the City Clerk.	
6. The Clerk may require advance payment of the cost of copying pursuant to Idaho Code Section 74-102(12). Any money received by the City shall be credited to the account for which the expense being reimbursed was or will be charged.	
F. Criminal History Letters (letters typed on letterhead stationery indicating the absence of a criminal history in this department.	30.00

Exclude police records checks requested by federal, state or local government agencies)	
G. Downtown Parking Permit (City Hall, Jackson and Jefferson Street Lots)	
1. Per month	<u>25.00</u> 42.00
2. Per quarter	<u>65.00</u> 30.00
3. Annual	<u>180.00</u> 85.00
H. E-911 Monthly Service Fee	1.00
I. Escort Services – escort services, traffic direction and any special event requiring police services including, but not limited to, parades, house moving and other events where advance police assistance or supervision is requested or required. This fee is per each officer per hour (2 hour minimum)	65.00
J. Fire Nuisance Alarms	
1. 1 st Nuisance Alarm within 12 months	No Charge
2. 2 nd Nuisance Alarm within 12 months	No Charge
3. 3 rd Nuisance Alarm within 12 months	25.00
4. 4 th Nuisance Alarm within 12 months	50.00
5. 5 or More Nuisance Alarms within 12 months	100.00 Each Occurrence
K. Fingerprinting – Any fingerprinting requested by a person or a company, but excluding fingerprinting related to criminal or other city matters.	20.00
L. General City Code Infraction (unless otherwise specified herein or established by State Code)	72.00
M. Nuisance Abatement	200 plus removal at cost
N. Parking Permit (construction uses in right-of-way)	40.00
O. Parking Violations	
1. 5 Minute Parking Zone	25.00
2. No Parking 3 a.m. - 6 a.m. (City and campus)	25.00
3. No Parking Residential District	25.00
4. Double Parking	25.00
5. Parking in alley, on sidewalk, blocking driveway	25.00
6. Parking in School Bus Zone	25.00
7. Loading Zone Business & Campus Area	25.00
8. Commercial Zones (3 hr. limitation)	25.00
9. Parking Unattended, Motor Running	25.00
10. Parking in Fire Lane, Street & Off-street	40.00
11. Parking within 15 feet of Fire Hydrant	40.00
12. Parking behind Fire Station	25.00

13. Parking in front of Fire Station	40.00
14. Parking obstructing traffic	25.00
15. Improper Parking, other than listed	25.00
16. Parking citations not paid within fifteen (15) calendar day period	late fee 10.00
17. MCC 11-4-12 Prohibited parking trucks/similar vehicles	25.00
18. MCC 11-4-13 Handicapped parking	100.00
19. Parking Boot Removal (per incidence)	100.00
P. Public Hearing Mailing List	25.00
Q. Smoking in Restricted Area Fine	10.00
1. First Offense (if paid within fourteen [14] days of notice of violation)	10.00
2. Second Offense (if paid within fourteen [14] days of notice of violation)	25.00
3. A First or Second Offense not paid within fourteen (14) days of notice of violation or a Third Offense	50.00
Towing and Storage Fees on Illegally Parked Vehicles	
A. Towing charged by the commercial towing service	Actual cost
B. Storage of three-quarter (3/4) ton size pickups and smaller vehicles - per day	15.00
C. Storage of vehicles larger than three-quarter (3/4) ton pickups - per day	20.00
D. Vehicle Inventory Fee	11.00

City Programs and Other Services	
A. Van Pool (to cover costs only)	Not to exceed 130/month
B. Van Pool Conference Commuter Service	Federal Mileage Reimbursement Rate based on miles traveled
C. Information Systems – Fiber Optic Lease Rate Per Month	0.06 Strand/Ft. 0.062 Strand/Ft. Effective 1/1/21
D. Information Systems – Rack Space Lease	40.31 month/1u 41.52 per 1u Effective 1/1/21
Community Forestry	
Subdivision Development Tree Fee	250/tree
Parks and Recreation	
A. City Park Picnic Shelter East City Park Stage Rental	25.00 each shelter
Additional Picnic Table Move-In Per Trailer Load of Four (4) Tables	20.00
B. Tree Service Contractor License	25.00
C. Alcohol Event Permit (for an event in a City park)	100.00
D. Recycling Deposit Fees (attendance of more than fifty [50] participants)	50.00
E. Park Shelter Reservations 4-hour blocks of time	25.00
F. Extra tables brought in for park rentals, per 4 tables	20.00
G. Crop Harvest Fee – West Palouse River Drive Property	70.00/acre
Hamilton Indoor Recreation Center	
A. Rental of Full Gym per Hour – court use only w/no set up required	70.00
B. Rental of Half of Gym per Hour – court use only w/no set up required	43.00
C. Rental of Full gym – requiring set up of tarp.	32.00
D. Rental of Multipurpose Room per Hour – Group I (City business)	No Charge
E. Rental of Multipurpose Room – Group II per hour (Non-profit groups, service clubs)	32.00
F. Rental of multipurpose Room – Group III per hour, (Private parties, wedding receptions, commercial, for-profit organizations)	80.00
G. Rental of Multipurpose Room – Group IV per hour (Other Governmental Organizations)	43.00
H. Rental of Sound System per rental	10.00
Hamilton-Lowe Aquatic Center	
A. Pool Passes	
1. Season Adult, Non-Resident	121.00
2. Season Adult, Resident	108.00
3. Season Child (4-17 years old) Non-Resident	108.00

4. Season Child (4-17 years old) Resident	91.00
5. Season Senior (65+ years old) Non-Resident	108.00
6. Season Senior (65+ years old) Resident	91.00
7. Season Household (up to five (5) family members; flat \$15.30 each additional member) Non-Resident	211.00 five family members 15.30 each additional member
8. Season Household (up to five (5) family members; flat \$ 12.75 each additional member) Resident	176.00 five family members 12.75 each additional member
9. ID Card Replacement Fee	5.00
B. Daily Admission Prices	
1. Children (3 years old and under)	FREE
2. Children (4-17 years old)	5.50
3. Adults (18-64 years old)	7.11
4. Seniors (65 + years old)	5.50
5. Child Coupon Sales	5.50
C. Private Event Rentals	
1. Option 1: Up to 150 patrons	375.00 per hour
2. Option 2: 151 to 300 patrons	445.00 per hour
3. Option 3: 300 + patrons	600.00
D. Private Event Rentals: Fun Run Inflatable	190.00 per rental
E. Aquatic Center Picnic Table Rental, per hour, per table	7.75
F. Swim team rentals	6.35 / lane
G. Locker rentals	0.50
H. Bathroom Personals	0.25
I. American Red Cross (ARC) Swim Lessons, All levels	43.50
J. Swim Lessons, Adaptive	43.50
K. ARC Guardstart	58.00
L. ARC Lifeguard Training	136.50
M. ARC Lifeguard Instructor	136.50
N. ARC Water Safety Instructor	136.50
O. Aquacize & Water Class – Season Pass	70.00
P. Aquacize & Water Class – 10-punch Pass	45.00
Q. Aquacize & Water Class – Drop-in	8.00
R. Customized Swim Lessons	
1. 1 student / per hour	45.00
2. 2 students / per hour	54.00
3. 3 students / per hour	60.00

Youth Sports	Resident (Res) / Non-Resident(Non-Res)
A. Micro Soccer U5 – U7 Early Bird (Spring and Fall)	Res 36.50 / Non-Res 37.50
B. Micro Soccer U5 – U7 (Spring and Fall)	Res 41.50 / Non-Res 42.50
C. Micro Soccer U8 – U12 Early Bird (Spring and Fall)	Res 42.50 / Non-Res 43.50
D. Micro Soccer U8 – U12 (Spring and Fall)	Res 47.50 / Non-Res 48.50
E. Flag Football Early Bird	Res 45.00 / Non-Res 46.00
F. Flag Football	Res 50.00 / Non-Res 51.00
G. Youth Volleyball Early Bird – Grades 4th – 6th (Fall)	Res 36.00 / Non-Res 37.00
H. Youth Volleyball – Grades 4th – 6th (Fall)	Res 41.00 / Non-Res 42.00
I. Youth Basketball Early Bird – Grades K – 3rd (Winter)	Res 41.00 / Non-Res 42.00
J. Youth Basketball – Grades K – 3rd (Winter)	Res 47.00 / Non-Res 48.00
K. Youth Basketball Early Bird – Grades 4th – 5th (Fall)	Res 41.00 / Non-Res 42.00
L. Youth Basketball – Grades 4th – 5th (Fall)	Res 47.00 / Non-Res 48.00
M. Junior Fast Pitch Early Bird – Grades 3rd – 5th	Res 62.00 / Non-Res 63.00
N. Junior Fast Pitch – Grades 3rd – 5th	Res 67.00 / Non-Res 68.00
O. Senior Fast Pitch Early Bird – Grades 6th – 8th	Res 62.00 / Non-Res 63.00
P. Senior Fast Pitch – Grades 6th – 8th	Res 67.00 / Non-Res 68.00
Q. Youth Baseball / Softball Sponsors	85.00
R. Youth T-Ball / Coach Pitch Early Bird	Res 38.50 / Non-Res 39.50
S. Youth T-Ball / Coach Pitch	Res 43.50 / Non-Res 44.50
T. Skyhawks Youth Camps	
1. Soccer / Swim	129.00
2. Tennis	115.00
3. Basketball	129.00
4. Tiny Hawk Soccer	65.00
5. Multi-sport	129.00
6. Mini Hawk	115.00
7. Soccer	115.00
8. Flag Football / Swim (Monday – Friday)	119.00
9. Flag Football (Monday, Tuesday, Wednesday)	99.00
U. Mini Junior / Junior Golf Lessons	Res 67.00 / Non-Res 68.00
V. Youth Shirts	17.00
W. Youth Karate	Res 48.00 / Non-Res 49.00
Adult Sports	Resident (Res) / Non-Resident(Non-Res)
A. Volleyball Fall & Winter (Co-Rec)	248.00
B. Basketball (Moscow/Pullman League)	525.00

C. Co-Rec Softball, per team	475.00
D. Softball, per team	833.00
E. Horseshoes – Doubles and Singles	Res 6.50 / Non-Res 8.50
F. Adult Soccer, per team	475.00
G. Field Set-Up Fee for Private Use	20.00 per set up
General Recreation Programs	Resident (Res) / Non-Resident(Non-Res)
A. Salmon River Trips (two varieties of trips)	
1. Youth	Res 63.25 / Non-Res 64.25
2. Adult	Res 72.00 / Non-Res 74.00
B. Dog Obedience	
1. Kinderpuppy	Res 64.25 / Non-Res 66.25
2. Beginning Obedience	Res 64.25 / Non-Res 66.25
3. Advanced Obedience	Res 64.25 / Non-Res 66.25
4. Rally Obedience	Res 64.25 / Non-Res 66.25
C. Hunters' Education	Res 21.50 / Non-Res 22.50
D. Tone & Stretch	
1. Per Class	Res 3.50 / Non-Res 3.61
2. 10 class punch card	49.00
3. Drop In	6.25
E. Zumba Class	Res 60.00 / Non-Res 62.00
F. Zumba Punch Card	45.00
G. Zumba Walk-in	6.25
H. Open Life Drawing Studio	Res 10.75 / Non-Res 12.75
I. Hunting Spring Mushrooms	Res 42.75 / Non-Res 44.75
J. Hunting Fall Mushrooms	Res 42.75 / Non-Res 44.75
K. Beginning Birding	Res 10.00 / Non-Res 12.00
L. Athletic Performance Training	Res 100.00 / Non-Res 101.00
M. Beginning Sewing	Res 42.00 / Non-Res 43.00
N. Get Moving	Res 96.00 / Non-Res 97.00
O. Fall Tree Pruning	Res 17.00 / Non-Res 18.00
P. Trees of Idaho	Res 10.00 / Non-Res 12.00
Q. Trees in Your Neighborhood	Res 10.00 / Non-Res 12.00
R. Fruit Tree Pruning	Res 17.00 / Non-Res 19.00
S. Choosing and Planting New Street Trees	Res 17.00 / Non-Res 19.00
T. Firewise Principles and Practices	Res 5.00 / Non-Res 7.00
U. What's Wrong With My Tree?	Res 5.00 / Non-Res 7.00

V. Mah Jong Class	Res 35.00 / Non-Res 37.00
W. Green Cleaning	Res 10.00 / Non-Res 12.00
X. Naturally Clean Home	Res 10.00 / Non-Res 12.00
Y. Cornhole Challenge Early Bird	Res 10.00 / Non-Res 12.00
Z. Cornhole Challenge	Res 15.00 / Non-Res 17.00
AA. Mini Drone Challenge Early Bird	Res 10.00 / Non-Res 12.00
BB. Mini Drone Challenge	Res 15.00 / Non-Res 17.00
CC. Moscow Rolling Hills Half Marathon	Res 40.00 / Non-Res 50.00
DD. Moscow Rolling Hills Half Marathon Sponsorship	3,000
EE. Community Garden	
Garden Plot Rental	53.00 each
Clean-up Deposit	25.00 each
Eggan Youth Center Activities	Resident (Res) / Non-Resident(Non-Res)
A. Youth Center Rentals, per hour	35.00
B. Kids Kamps, Per Each Activity Day	Res 22.00 / Non-Res 23.00
C. High Adventure Camp - Daily	Zip Line 120.00 Kayak / Horse 85.00
D. Breakfast with Santa and Candy Cane Hunt	Individual 7.50 / Family 26.00
E. Palouse Youth Triathlon / Sponsorships	17.50 / 500.00
F. Snow Ball	Individual 11.50 / Couple 28.00
G. Youth Enrichment Classes	44.75
H. After School Activities	10.00
I. Teen Night Out	Res 9.00 / Non-Res 10.00
J. Moscow Rolling Hills Half Marathon	Res 40.00 / Non-Res 50.00
K. Moscow Rolling Hills Half Marathon Sponsorships	3,000.00
L. Mayor's Golf Tournament	Individual 75.00 / Team of four 300.00
M. Mayor's Golf Tournament Sponsorships	2,000.00
N. Super Bowl Bash	Res 5.00 / Non-Res 6.00
O. Undetermined Programs	2,000.00
<i>\$1.00/\$2.00 (Child/Adult) non-resident fee is charged for programs in addition to the process listed above.</i>	1.00/2.00
New recreational programs that do not appear in this fee resolution are often developed and implemented during the fiscal year.	Varies per program
Fire Department	
A. Compressed Gases	30.00
B. Fireworks	30.00

C. Flammable or Combustible Liquids	30.00
D. Covered Malls	30.00
E. Tents, Canopies and Temporary Membrane Structures	30.00
F. Fire Code Inspections	30.00
SOLID WASTE	
Rates for Residential Units	
A. Roll Cart – Variable Size, Variable Rate System (monthly fee per roll cart collected weekly)	
35 Gallon	21.10/month
65 Gallon	27.10/month
95 Gallon	33.15/month
35 Gallon On Demand – Base Fee	15.95/month
35 Gallon On Demand – Per Service	2.10/each
Roll Cart Size Exchange (after initial 30 day period)	18.00/each
Roll Cart Replacement (lost, stolen, damage from abuse)	35.00/each
B. Penalty - for any garbage exceeding service level	6.60 per can/bag
C. Carry-out service	11.60
Outside of building - additional per can, per unit, per month	
D. Inside of building - additional per can, per unit, per month	13.15
E. Return service (blocked roll cart, roll cart not set out on time or otherwise not able to be serviced by Franchisee) per calendar year	
First Occurrence	0.00
Second Occurrence	11.10
Third and Following Occurrences	22.20
<i>Residential units utilizing mechanical containers or compactors shall be billed at the business rate for such equipment.</i>	
F. Apartment Single Stream Recycling Fee	5.05/per unit, per month
Rates for Business Units and Commercial Cans	
A. Loose yardage on ground	33.40/per cubic yard
B. Extra service for dumpster/mechanical containers with 24-hour notice	32.90/each dump (Plus tipping fee-2)
C. Extra service for dumpsters/mechanical containers per yard.	16.70/cubic yard
D. Compactor Service Pick Up	213.40 (Plus tipping fee-2)
E. Small Compactor Yardage	83.50/cubic yard
F. Commercial Roll Cart – Variable Size, Variable Rate System (monthly fee per roll cart collected weekly)	
35 gallon	20.60/month
65 gallon	31.10/month
95 gallon	41.50/month
Roll Cart Size Exchange (after initial 60-day 60-day period)	18.00/each
Roll Cart Replacement (lost, stolen, damage from abuse)	35.00/each
G. Commercial Single Stream Recycling Fee	5.05/per unit, per month
H. Additional Commercial Recycling Cart	5.05/per unit, per month

Rates for Recycling Mobile Containers per month			(sales tax will be added)					
A. Size: 6 Yard			55.95					
B. Size: 10 1/2 Yard			85.30					
C. Size: 12 Yard			100.15					
Types of Services								
A. Franchisee Services/Value of Recycled Materials Retained by Franchisee: RMC hauled, emptied and exchanged by Franchisee.			45.65 Each Haul					
B. Franchisee Services/Value of Recycled Materials retained by customer: RMC hauled, emptied and exchanged by Franchisee.			54.65 Each Haul					
C. Customer Service/Value of Recycled Materials retained by customer: RMC hauled and exchanged by customer			0.00 Each Haul					
Rates for Dumpsters/Mechanical Containers per month			(Sales taxes will be added)					
			Times per week					
Size / yd	Rental	Tax	1	2	3	4	5	
1	12.45	0.75	69.92	143.97	217.35	276.14	346.90	
2	14.20	0.85	138.32	280.28	425.50	581.23	747.41	
3	26.22	1.57	203.97	416.55	636.45	873.10	1126.80	
4	29.18	1.75	269.62	552.85	845.91	1155.96	1485.61	
6	38.52	2.31	400.93	825.42	1264.83	1720.17	2199.49	
8	47.85	2.87	532.28	1098.06	1690.56	2327.34	2988.48	
Dumpster Locking Mechanisms			3.50 / month					
Producers who request that their mechanical containers be temporarily removed shall be charged for removal and re-delivery of the container.			42.50 Each Move					
Rates for Solid Waste Processing Facility Access Service								
A. Transfer Station Tipping Fee (MSW)			94.00 / per ton					
B. Compost Materials			No charge					
C. Clean Wood Waste			No charge					
D. Inert/Demolition Materials (NMSW)			38.35 / per ton					
E. Mixed Materials (combination MSW/NMSW)			66.35 / per ton					
F. Minimum Fee – MSW, NMSW or Mixed – includes 200 lbs MSW or 460 lbs NMSW or 280 lbs Mixed			10.00 per trip					
G. Large Appliances			6.90 / each					
H. Appliances that do not have the Chloro- F luoro- C arbon removed, and do not have a certified removal sticker			25.55 per appliance					
I. Vehicle Bodies			43.35 each					
J. Tires			157.95 per ton					
K. Asbestos			167.50 per ton					
<i>The foregoing rates are not all-inclusive. The City may establish and/or change rates for unique or special waste.</i>								
Special hauls								
A. Pickup truck when requested by customer from landfill to City			83.40 plus tipping fee					
B. Packer truck when requested by customer								
1. On day of service			71.45 plus tipping fee					
2. From landfill to City			147.55 plus tipping fee					
C. Roll-off unit								

Container Size	Rental Rate One time or Exchange	Per Trip (Plus Tipping Fee)	Rental rate per day after the first five working days	
22 yd.	13.30	112.20	18.10	
30 yd.	18.10	112.20	18.10	
45 yd.	18.10	112.20	18.10	
D. Deposit for Roll-off Unit or Temporary Mechanical Container				100.00
Special haul rates shall be charged for collection and disposal of dead animals.				
Rate for hazardous wastes and for infectious and potentially harmful waste shall be the actual cost for such service as billed by the City, plus 10% for administrative costs.				
Community Events				
A. Moscow Farmers Market 26 Week Season, May through October				
1.	Registration and Service	Daily Full Booth	Daily Shared Booth	
Tier 1				
Attend 1-8 markets	15.00	30.00	15.00	
Tier 2				
Attend 9-17 markets	50.00	20.00	12.00	
Tier 3				
Attend 18-26 markets	125.00	15.00	9.00	
2.	Youth Vendor (exempt from registration fee)			6.00 / day per group
3.	Performance Vendor (exempt from registration fee)			7.00 / day per group
4.	Non-neighbor Space			5.00 / day
5.	Electrical Hookup			10.00 / day
6.	Vehicle Surcharge			15.00 / day
7.	Third penalty policy violation fine			50.00
B. Mayor’s Golf Tournament				
1.	Registration			75.00 / Individual 300.00 / team of four
2.	Sponsorships			7,500.00
C. Vandal Town Block Party				
1.	Sponsorships			6,000.00
Arts Department				
A. Artwalk				
1.	Business			100.00
2.	Non-Profit and Art Studio			50.00
3.	Artist			25.00
4.	Main Street Food Vendor			70.00
5.	Main Street Art Vendor / Demonstrator			25.00
6.	Sponsorships			up to 5,000
B. Palouse Plein Air				
1.	Artist			25.00
2.	Student Artist (18 years and older)			20.00
C. Art Department Facilitating Artwork Sales				Per Artist Contract

CITY COUNCIL STAFF REPORT

DATE: Monday, September 21, 2020



RESPONSIBLE STAFF

Dwight Curtis, Parks & Recreation Director

REVIEWED BY

ADDITIONAL PRESENTER(S)

OTHER RESOURCES

AGENDA ITEM TITLE

Proposed Pool Employee Stipend and Lifeguard Re/Certification Reimbursement for 2020 Pool Season (ACTION ITEM) - Dwight Curtis

DESCRIPTION

During the 2020 season, many of the Hamilton-Lowe Aquatics Center (HLAC) employees waited throughout a considerable portion of the summer for a possible pool opening only to find out the pool would only be partially opening due to the COVID-19 pandemic. The window to obtain a summer job for many had passed while they were waiting for the decision on the opening of the pool. Employees who were able to continue with the pool faced drastically reduced work hours because of the limited opening.

In order to address this situation, Staff is recommending that employees who had been hired for the 2020 pool season be provided a small stipend as a good faith gesture to many of our community's young people who counted on employment at the HLAC during the 2020 pool season. Many of these employees will be recruited to fill HLAC positions next pool seasons year and even seasons to come. This gesture will convey that the City, the Parks and Recreation Department, and the Moscow community, and appreciates the efforts of these young people to prepare for the season and will help address the negative financial effects of the COVID-19 pandemic.

This item was reviewed by the Public Works Finance Committee on 9/14/2020 and recommended for approval.

Also, please note that a calculation error was made in the reimbursement totals presented to the Public Works Finance Committee, and are now corrected.

STAFF RECOMMENDATION

Authorize a \$150 stipend for each of the 69 pool employees for the 2020 pool season, as well as reimbursement for lifeguard certification/equipment up to \$164.50 per employee (varies by employee).

PROPOSED ACTIONS

PROPOSED ACTIONS: Authorize a \$150 stipend for each of the 69 pool employees for the 2020 pool season, as well as reimbursement for lifeguard certification up to \$164.50 (varies by employee), or take such other action deemed appropriate.

FISCAL IMPACT

PERSONNEL IMPACT

ATTACHMENTS

1. HLAC Stipend Worksheet (Edited) 9-15-2020
2. End of 2020 Pool Season Update 9-10-2020

Stipend & Certification Reimbursement Cost Breakdown Worksheet

Edited

9/15/2020

Fig 1-A. Stipend Breakdown

No. Employees	Flat Stipend	Payroll Exp	Total
69	\$150*	\$11.48	\$11,142.12

*Checks written at \$161.48. After payroll expenses, stipend will be \$150

Fig 1-B. Lifeguard Certification & Recertification Reimbursement Breakdown

Cert Type	Course*	Materials**	Total
Certification/Recert	\$2,906	\$443.82	\$3,349.82

*Certification \$136.50; Recertifications \$38

**Equipment reimbursements vary by employee ranging between \$10 - \$28.

Fig 1-C. Total Stipend/Reimbursement Costs

Stipend	Cert/Materials Reimbursement	Total
\$11,142.12	\$3,349.82	\$14,491.94



City of Moscow Parks and Recreation

Memo

To: Jen Pfiffner, Deputy City Supervisor

From: Dwight Curtis, Parks and Recreation Director

Date: September 10, 2020

Re: Update on 2020 Exercise Swim - Pool Season

Due to COVID-19 concerns, the City Council opted to have a modified 2020 pool season, where lap swimming, or exercise swimming was allowed. Overall financial costs for the 2020 season are still being calculated, but I wanted to provide some information on how the season panned out.

- The lap pool was the only pool used.
- The exercise swim program was 7-days per week allotting 6 hours.
- The season was 45 days through 7 weeks.
- The season started on Wednesday, July 22nd and ended Friday September 4th.
- Total swimmers for season: 1,277. Average per day: 28 swimmers.
- Fridays were most popular with a total of 218 swimmers.
- Tuesdays were the least popular days with 168 swimmers.
- The 3:30-4:30 p.m. timeslot was most popular with 291 swimmers.
- The 6:30-7:30 p.m. timeslot was least popular with 116 swimmers.

Under the circumstances, the public was exceptionally supportive of the modified season. COVID safety protocols were a top priority and the season ended with no issues. I would add that Recreation Supervisor, Karen Johnston, did a tremendous job coordinating and managing the pool program for the summer.

A more comprehensive report on the 2020 season is forthcoming to the City Council once financials are complete.

CITY COUNCIL STAFF REPORT

DATE: Monday, September 21, 2020



RESPONSIBLE STAFF

Gary Riedner, City Supervisor

REVIEWED BY

ADDITIONAL PRESENTER(S)

OTHER RESOURCES

AGENDA ITEM TITLE

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

DESCRIPTION

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. On August 3, 2020, the City Council approved Resolution 2020-17 authorizing the continued acceptance and extension of the Mayor's Amended Public Health Emergency Order 20-03. Resolution 2020-17 expires at 11:59 p.m. on October 6, 2020. The attached Resolution extends Emergency Order 20-03 until January 5, 2021.

STAFF RECOMMENDATION

Adopt the Resolution extending Amended Public Health Emergency Order 20-03 until January 5, 2021

PROPOSED ACTIONS

PROPOSED ACTIONS: Adopt the Resolution extending Amended Public Health Emergency Order 20-03 until January 5, 2021, or take such other action deemed appropriate.

FISCAL IMPACT

PERSONNEL IMPACT

ATTACHMENTS

1. Authorizing Continuation of Amended Public Health Emergency Order 20-03 to January 5 2021
FINAL

RESOLUTION NO. 2020 –

A RESOLUTION OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AUTHORIZING THE CONTINUED ACCEPTANCE AND EXTENSION OF THE MAYOR’S AMENDED PUBLIC HEALTH EMERGENCY ORDER 20-03 MADE EFFECTIVE JULY 2, 2020 AND EXTENDED BY COUNCIL ON JULY 6, 2020 AND AGAIN ON AUGUST 3, 2020, WITH AN EXPIRATION AT 11:59 P.M. OF OCTOBER 6, 2020; 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 to the Mayor and City Council; and
- WHEREAS,** Idaho cities are authorized by Idaho Constitution Article XII, Section 2, to enforce, within the city limits all such local police, sanitary and other regulations as are not in conflict with the city’s charter or with the general laws of the state; and
- WHEREAS,** Idaho Code § 50-302, enables cities to promote the general welfare of its citizens; and
- WHEREAS,** Idaho Code § 50-304, grants cities the authority to prevent the introduction of contagious diseases into the city and make quarantine laws for that purpose; and
- WHEREAS,** pursuant to Moscow City Code, Title 1, Chapter 11 and the authority pursuant to Idaho Code, in order to effectively preserve the health and safety of the public, the Mayor is granted the emergency powers to issue public health emergency orders; 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,** Governor Little has stated on numerous occasions, due to Idaho’s diverse and expansive state, that he is not mandating statewide face coverings or physical distancing for non-household members and is trusting and encouraging local officials to take any measures they deem necessary and appropriate to protect their community. The coronavirus.idaho.gov website supports the Governor’s position by stating, “Idaho’s response to COVID-19 is now primarily local or regional in nature...”; and
- WHEREAS,** both the CDC, the federal government, and the Idaho Department of Health and Welfare and the Idaho North Central Health District have recommended practices to prevent the rapid spread of COVID-19, including maintaining six (6) feet of physical distancing from non-household members and the wearing of face coverings when in public settings and when the six feet of physical distancing from others cannot reliably be maintained. The policies, along with other information, are available on the CDC’s official COVID-19 website. (<https://www.cdc.gov/coronavirus/2019-ncov/index.html>); 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 risk of community spread throughout the city of Moscow 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, on June 30, 2020, Bill Lambert, Mayor of the City of Moscow, Idaho proclaimed and declared Public Health Emergency Order No. 20-03 and Amended said order on July 1, 2020; and

WHEREAS, on July 1, 2020, Idaho North Central District of Public Health issued a press release reporting widespread community transmission throughout the District, and highlighted the importance of practicing COVID-19 risk reduction strategies, which include practicing self-distancing (maintaining at least 6 feet between individuals) and wearing a face covering when in public settings where social distancing measures are difficult to maintain; and

WHEREAS, on July 6, 2020, City Council accepted and extended the Mayor's Amended Public Health Emergency Order 20-03 through Resolution 2020-12 to 11:59 p.m. of August 4, 2020; and

WHEREAS, on August 3, 2020, City Council continued the acceptance and extension of the Mayor's Amended Public Health Emergency Order 20-03 through Resolution 2020-17 to 11:59 p.m. of October 6, 2020; and

WHEREAS, as of September 15, 2020, The Idaho North Central District of Public Health reported a total of 785 confirmed and probable cases of COVID-19; and

WHEREAS, as of September 15, 2020, the Idaho North Central District of Public Health reported that Latah County has 278 positive confirmed cases of COVID-19, and 14 probable cases; and

WHEREAS, as of September 15, 2020, coronavirus.idaho.gov reports a total of 35,810 confirmed and probable cases of COVID-19 for Idaho and 423 deaths; and

WHEREAS, as of September 14, 2020, the Washington State Department of Health has reported 1,052 cases of COVID-19 for Whitman County; and

WHEREAS, as of September 14, 2020, the Washington State Department of Health has reported 5,910 cases of COVID-19 for Spokane County; and

WHEREAS, as of September 15, 2020, the CDC reported a total of 6,537,627 total cases of COVID-19 with 194,092 total deaths for the United States; and

WHEREAS, the number of confirmed cases of COVID-19 continue to climb in our city and the surrounding communities; and

WHEREAS, it is deemed necessary by the Council of the City of Moscow to extend such Amended Public Health Emergency Order No. 20-03 to provide for the ongoing threat to public life and property and the Council wishes 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;

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

The Amended Public Health Emergency Order 20-03, ordering every person in the city of Moscow to wear a face covering when in public when the 6-foot physical distancing cannot be maintained, with specific exceptions, and maintain 6-foot physical distancing from non-household members when in locations open to the public, whenever possible, within the City of Moscow, Latah County, Idaho, signed into effect on July 1, 2020, by Mayor Bill Lambert, attached as Exhibit A, shall be continued and remain in effect until 11:59 p.m. on January 5, 2021.

Furthermore, face covering is defined as any material that securely covers the nose and mouth, creating a barrier to help prevent respiratory droplets from traveling into the air. The face coverings may be

made of a variety of materials, including but not limited to, cotton, silk, linen, flax, wool, ramie, denim, polyester, or a combination of materials or paper.

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

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

Bill Lambert, Mayor

ATTEST:

Laurie M. Hopkins, City Clerk

Exhibit A

NO. 606727
AT THE REQUEST OF
CITY OF MOSCOW
DATE & HOUR 7.1.2020 2:45
HENRIANNE K. WESTCOTT
LATAH COUNTY RECORDER
FEE \$ 0 BY: S. Chapman

THE CITY OF MOSCOW

AMENDED PUBLIC HEALTH EMERGENCY ORDER No. 20-03

FACE COVERINGS AND 6 FOOT SOCIAL/PHYSICAL DISTANCING

July 1, 2020

- 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, the Idaho Governor Brad Little, pursuant to Idaho Code § 46-1008, declared a state of emergency due to COVID-19, which is still in effect; and
- WHEREAS,** on March 13, 2020, the President of the United States 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, Moscow Mayor Bill Lambert issued a Local Emergency Proclamation, declaring a local disaster emergency due to the occurrence and imminent threat to public health and safety arising from the effects of the 2019 novel coronavirus (COVID-19), pursuant to Idaho Code § 46-1011 and other relevant sections of Idaho Code; and

AMENDED PUBLIC HEALTH EMERGENCY ORDER No. 20-03 - Page 1 of 7

- WHEREAS,** on March 16, 2020, the Moscow City Council adopted Resolution 2020-05, authorizing continuation of Mayor Lambert's Local Emergency Proclamation until May 5, 2020; and
- WHEREAS,** on March 20, 2020, the Council for the city of Moscow adopted an ordinance enacting a new Chapter 11 to Title 1 of the Moscow City Code, setting forth the authority, purpose, and intent of emergency powers to address the threat of COVID-19; and
- WHEREAS,** on March 20, 2020, Mayor Lambert issued the first Public Health Emergency Order No. 20-01, instituting regulations regarding mass gatherings, restaurants and bars to help prevent the spread of COVID-19; 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,** 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

AMENDED PUBLIC HEALTH EMERGENCY ORDER No. 20-03 - Page 2 of 7

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 have supported 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 the now Stay Healthy Guidelines, and to utilize the proposed staged approach for reopening Idaho; and

WHEREAS, the Council and Mayor permitted the Mayor's Proclamation of Local Disaster Emergency as modified by Resolution 2020-05, and the Public Health Emergency Orders 20-01 and 20-02 to terminate on May 1, 2020, to avoid any confusion in light of the Stay Health Order in effect for all of Idaho at that time; and

WHEREAS, on June 24, 2020, Washington Secretary of Health, John Wiesman, issued Order 20-03, an order for all of Washington state which requires all individuals to wear a face covering that covers their nose and mouth when in any indoor and outdoor public space when the 6-foot physical distancing is not possible, with limited exceptions; and

WHEREAS, on June 26, 2020, the District Board of Central District Health, State of Idaho, issued an emergency quarantine order pursuant to Idaho Code § 56-1003(7), IDAPA 16.02.10.065.09, Idaho Code § 39-415 and § 67-5247, for Ada County bars and nightclubs open to the public for on-site consumption of beverages, be placed under quarantine and must remain closed to on-site consumption; prohibits large venue gatherings; requires six foot physical distancing from non-household members, and makes any violation of said order a misdemeanor pursuant to Idaho Code § 56-1003(7)(c); and

AMENDED PUBLIC HEALTH EMERGENCY ORDER No. 20-03 - Page 3 of 7

- WHEREAS,** on June 29, 2020, Whitman County, which is located at the western Moscow City limits, reported it has 38 confirmed cases of COVID-19; and
- WHEREAS,** on June 29, 2020, Spokane County, which is located less than 79 miles from Moscow, reported it has 1,344 confirmed cases of COVID-19; and
- WHEREAS,** on June 30, 2020, the state of Idaho reported 6,117 confirmed and probable cases of COVID-19, 261 of which are located in Kootenai County and where Kootenai County has been identified as a “hotspot” by the Idaho Department of Health and Welfare, which is located less than 80 miles to the north of Moscow; and
- WHEREAS,** on June 30, 2020, Latah County has 16 confirmed cases and 5 probable cases of COVID-19; and
- WHEREAS,** on June 30, 2020, The Idaho North Central District, which includes Clearwater County, Idaho County, Latah County, Lewis County and Nez Perce County is reporting a total of 121 confirmed and probable cases of COVID-19; and
- WHEREAS,** the Department of Health and Human Services Centers for Disease Control (“CDC”) is reporting that as of June 30, 2020, the United States has 2,581,229 confirmed cases of COVID-19, and 126,739 total deaths; and
- WHEREAS,** Idaho is currently in Stage 4 of Governor Little’s Idaho Rebound Plan, which no longer has any mandatory requirements as the previous Stay Healthy Orders; and
- WHEREAS,** Governor Little has stated on numerous occasions due to Idaho’s diverse and expansive state, and that not all counties have confirmed cases of COVID-19, he is not mandating statewide face coverings or physical distancing for non-household members and is trusting and encouraging local officials to take any measures they deem necessary and appropriate to protect their community; and
- WHEREAS,** both the CDC, the federal government, and the Idaho Department of Health and Welfare and the Idaho North Central Health District have recommended practices to prevent the rapid spread of COVID-19, including maintaining six (6) feet of physical distancing from non-household members and the wearing of face coverings when in public settings and the six feet of physical distancing from others cannot reliably be maintained. The policies, along with other information, are available on the CDC’s official COVID-19 website. (<https://www.cdc.gov/coronavirus/2019-ncov/index.html>); and
- WHEREAS,** the spread of COVID-19 continues to threaten the life and health of the public and 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 is necessary to combat the spread of the disease; 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

AMENDED PUBLIC HEALTH EMERGENCY ORDER No. 20-03 - Page 4 of 7

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, the city of Moscow has had 3 restaurants voluntarily close for self-quarantine due to a staff member having tested positive for COVID-19 and/or having been exposed to someone who tested positive for COVID-19; and

WHEREAS, the risk of community spread throughout the city of Moscow 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 rapid spread of COVID-19 to date requires a more aggressive proactive response in order to protect the public and resources to address the supply issues we as a city, state and nation currently face.

NOW, THEREFORE, I, Bill Lambert, Mayor of the City of Moscow, Idaho, by virtue of the authority vested in me by Moscow City Code Title 1-11-05(B), and the common law authority to protect the public in the event of an emergency, in order to encourage and enforce Social/Physical Distancing of non-household members and reduce the potential for spread of the COVID-19 virus, hereby order as follows:

1. Every person in the city of Moscow must wear a face covering that covers their nose and mouth when in any indoor or outdoor public setting where the 6-foot physical distancing is not able to be maintained with non-household members, except as follows:
 - a. This Order does not apply to children under 5 years old, however, with the assistance and close supervision of an adult the City strongly recommends

AMENDED PUBLIC HEALTH EMERGENCY ORDER No. 20-03 - Page 5 of 7

- children wear face coverings when in public spaces where the 6-foot physical distancing cannot be maintained;
- b. This Order does not apply to persons with a medical condition, mental health condition, or disability that prevents wearing a face covering;
 - c. This Order does not apply to those who are incarcerated;
 - d. Individuals may remove their face covering when in a public setting under the following circumstances:
 - i. While at a restaurant, at an establishment or location that allows or offers food or beverage service, while they are eating or drinking, provided that they are able to maintain a distance of at least 6-feet from other guests or other non-household members;
 - ii. When any party to a communication is deaf or hard-of-hearing and not wearing a face covering is essential to communication;
 - iii. While obtaining a health or personal service that requires temporary removal of the face covering;
 - iv. When necessary to confirm a person's identity; and
 - v. When local, state or federal law prohibits wearing a face covering or requires the removal of a face covering.
2. Every person in the city of Moscow, when in places that are open to the public, shall maintain 6-foot physical distancing from a non-household member, whenever possible.
 3. Definitions.
 - a. "Household Members" are defined as people who reside in the same residence regardless of familial relation and people who enter a residence to provide a caretaking function.
 - b. "Public Setting" is defined as any place that is open to the public.
 4. If this Order and any action of any other agency or official are in conflict, the more protective and most restrictive requirement must be followed, unless prohibited by a state or federal statute or rule.
 5. **Exemptions.** Nothing in this order shall constrain the duties and powers of the City, the Mayor, or other governmental agencies.
 6. **Penalty.** In accordance with Moscow City Code Section 1-11-10, any person who knowingly violates the provisions of this order may be charged with a misdemeanor. The maximum penalties for this offense are up to 6 months in the county jail and a \$1,000 fine.

This Emergency Order shall take effect at 12:00 a.m. on July 2, 2020, and shall remain in full force and effect for seven (7) days, subject to be extended by City Council through Resolution unless it is terminated or modified at an earlier date.

606727

IN WITNESS WHEREOF, I have hereunto set my hand on this 1ST day of July, 2020.



Bill Lambert

Bill Lambert, Mayor



Laurie M. Hopkins
Laurie M. Hopkins, City Clerk

AMENDED PUBLIC HEALTH EMERGENCY ORDER No. 20-03 - Page 7 of 7

CITY COUNCIL STAFF REPORT

DATE: Monday, September 21, 2020



RESPONSIBLE STAFF

Gary Riedner, City Supervisor

REVIEWED BY

ADDITIONAL PRESENTER(S)

OTHER RESOURCES

AGENDA ITEM TITLE

Consideration of Extension of Resolution 2020-11 Allowing Temporary Expansion into Main Street Right-of-Way (ACTION ITEM) - Gary J. Riedner

DESCRIPTION

On June 1, 2020, City Council passed and approved Resolution 2020-11 authorizing the temporary suspension of specific sections of Moscow City Code Title 9, Chapter 12, Sidewalk Café Regulations. The temporary program provided eating and drinking establishments and other merchants located in the Central Business District to provide increased opportunities for social distancing in order to comply with the Stay Healthy Order issued by Idaho Governor Brad Little and the Director of the Idaho Department of Health and Welfare Dave Jeppeson, to aid in achieving compliance with the Business Protocols and Guidelines issued through Rebound Idaho.

To date the City Clerk has issued sixteen temporary expansion permits. Two businesses asked for the removal of their expansion because 10-minute pickup spaces located in front of their businesses were determined to be more valuable to them than extra seating.

Because of the unseasonably warm weather that the region has been experiencing, it is anticipated that the current holders of expanded sidewalk café permits will want to extend the date of Resolution 2020-11 beyond the scheduled termination date of Sunday, October 4, 2020. In order to accommodate that extension, and to allow for the flexibility, staff has prepared the attached draft Resolution which extends the date of termination to December 1, 2020, unless terminated earlier administratively by the City Supervisor, as a result of safety concerns as a result of climate and weather conditions (including snow and ice conditions), after consultation with City staff charged with maintaining the public right-of-way.

STAFF RECOMMENDATION

Approve Resolution to extend Resolution 2020-11 Allowing Temporary Expansion into Main Street Right-of-Way.

PROPOSED ACTIONS

PROPOSED ACTIONS: Approve Resolution to extend Resolution 2020-11 Allowing Temporary Expansion into Main Street Right-of-Way, or take such other 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
3. Resolution Continuing the Suspension of Specific Sidewalk Cafe Regulations in Resolution 2020-11_DRAFT_final

MEMORANDUM



To: Mayor & City Council

From: Gary J. Riedner, City Supervisor

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

Date: May 29, 2020

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

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

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

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

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

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

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

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

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

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

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

A draft Resolution is attached to this memo.

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

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

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

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

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

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

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

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

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

Participants:

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

Invitation Information:

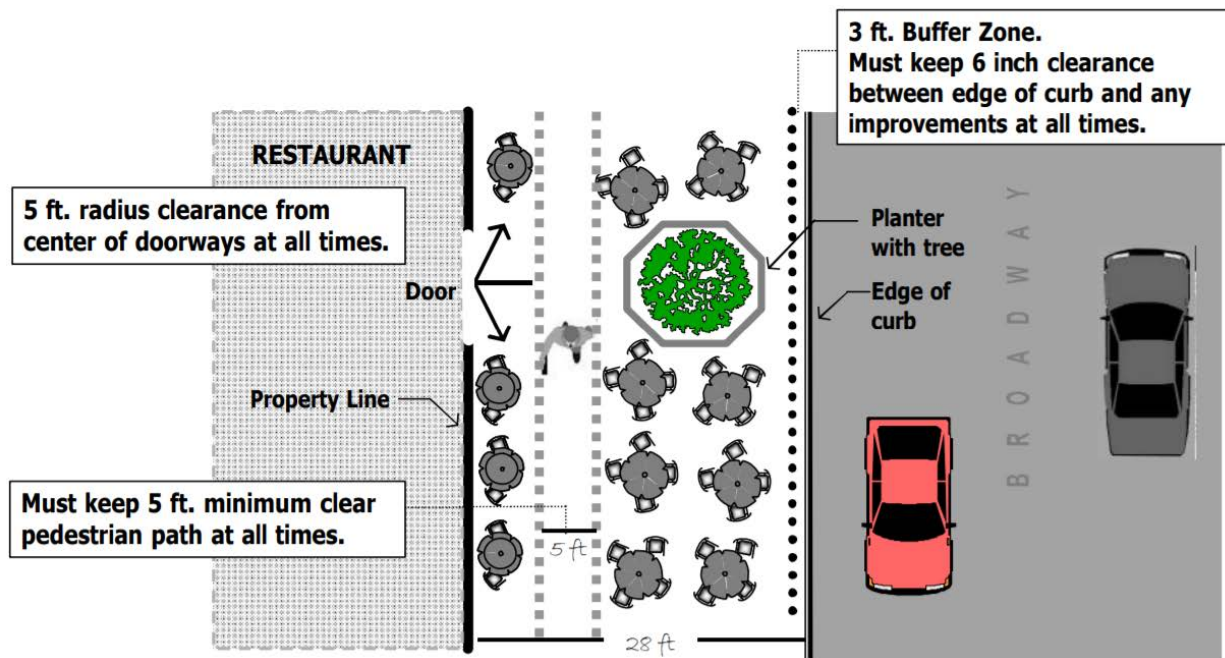
With mounting evidence that transmission of COVID-19 is much lower outdoors (<https://thehill.com/policy/healthcare/496483-evidence-mounts-that-outside-is-safer-when-it-comes-to-covid-19>), the City is considering ways that we could best utilize the public rights of way, especially in downtown Moscow.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

Starting Time: 10:30 a.m.

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

SIDEWALK PATTERN Figure 7

C No Parking





The meeting was opened for a group discussion.

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

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

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

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

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

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

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

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

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

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

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

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

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

Items covered in conversation:

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

Follow-up items:

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



Memo

To: Gary Riedner, City Supervisor

From: Tyler Palmer, Deputy City Supervisor

Cc.: Steve Schulte, Streets/Storm Manager

Tammy Gray, Administrative Assistant

Date: May 28, 2020

Re: Expanded Rights-Of-Way Use Downtown Implementation

Gary,

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

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

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

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

Regards,

Tyler

MEMORANDUM



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

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

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

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

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

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

- Use of concrete jersey barriers

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

Areas of concern:

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

Chapter 12

SIDEWALK CAFÉ REGULATIONS

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

Sec. 12-1. Definitions.

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

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

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

Sec. 12-2. Permit Required.

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

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

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

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

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

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

The Clerk shall issue a permit upon a finding that:

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

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

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

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

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

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

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

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

Sec. 12-6. Conditions of License.

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

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

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

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

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

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

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

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

Sec. 12-8. Appeals.

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

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

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

Sec. 12-9. Penalties.

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

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

RESOLUTION NO. 2020 –

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

WHEREAS, the health and safety of all citizens of the city of Moscow is the greatest priority and is of the utmost importance of the Mayor and City Council; and

WHEREAS, the coronavirus (hereinafter, COVID-19), is a respiratory disease caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and can easily spread from person to person, which can result in serious illness or death thereby threatening widespread and/or severe damage to life or property thereby creating an “emergency” as defined by Idaho Code § 46-1002; and

WHEREAS, the Centers for Disease Control and Prevention (hereinafter “CDC”) identifies the potential public health threat posed by COVID-19 both globally and in the United States as “high”, and has advised that person-to-person spread of COVID-19 will continue to occur globally, including within the United States; and

WHEREAS, on January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization declared the outbreak a “public health emergency of international concern”; and

WHEREAS, on January 31, 2020, Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the United States to aid the nation’s healthcare community in responding to COVID-19; and

WHEREAS, on March 11, 2020, The World Health Organization (WHO) made the assessment that COVID-19 can be characterized as a pandemic; and

WHEREAS, on March 13, 2020, President of the United States Donald Trump issued an emergency declaration for the country in response to the increasing number of COVID-19 cases within the U.S., which is still in effect; and

WHEREAS, on March 13, 2020, Idaho Governor Brad Little, pursuant to Idaho Code § 46-1008, declared a state of emergency due to COVID-19; and

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

- WHEREAS, on March 13, 2020, pursuant to the authority granted under Idaho Code § 46-1011, Moscow Mayor Bill Lambert proclaimed and declared a local disaster emergency in the City of Moscow due to the COVID-19 pandemic and authorized the furnishing of aid and assistance thereunder; and
- WHEREAS, the local disaster declaration was in effect for a period of seven (7) days, unless extended pursuant to consent of the Moscow City Council in accordance with Idaho Code § 46-1011(1); and
- WHEREAS, on March 16, 2020, the Moscow City Council deemed it necessary to extend such local disaster emergency declaration to provide for the ongoing threat to public life and property, and the Council wished to continue to be proactive in reducing the spread of COVID-19, and wanted to encourage our community members and community businesses to do their part to prevent and limit the spreading of this virus, and signed Resolution 2020-05 Authorizing Continuation of the Local Emergency Proclamation until May 5, 2020; and
- WHEREAS, due to Idaho being a diverse and expansive state, Governor Brad Little, prior to issuance of a March 25, 2020, statewide mandate, was not mandating categorical closures. Governor Little indicated that he trusted local leaders to make the decisions regarding mandates appropriate for their communities; and
- WHEREAS, the CDC has provided guidance for preventing the spread of COVID-19 and is continually providing updates as information becomes available with revised recommendations; and
- WHEREAS, the City, as a municipal corporation of the State of Idaho, has the authority to exercise all powers and perform all functions of local self-government in city affairs that are not in conflict with the general laws or the constitution of the state of Idaho (I.C. § 50-301); and
- WHEREAS, the City is empowered to make all such ordinances, bylaws, rules, regulations and resolutions not inconsistent with the laws of the state of Idaho as may be expedient, in addition to the special powers in this act granted, to maintain the peace, good government and welfare of the corporation and its trade, commerce and industry (I.C. § 50-302); and
- WHEREAS, under Moscow City Code section 2-1-7 and Idaho Code § 50-304, the City may pass all ordinances and make all regulations necessary to preserve the public health; prevent the introduction of contagious diseases into the city; make quarantine laws for that purpose and enforce the same within five (5) miles of the city; and
- WHEREAS, under Idaho Code § 50-606, the Mayor shall have such jurisdiction as may be vested in him/her by ordinance over all places within five (5) miles of the corporate limits of the city, for the enforcement of any health or quarantine ordinance and regulation thereof, and shall have jurisdiction in all matters vested in him/her by ordinance,

except taxation, within one (1) mile of the corporate limits of said city and over such properties as may be owned by the city without corporate limits; and

WHEREAS, under Idaho Code § 50-903, the City is empowered to revise and codify ordinances of a general and permanent nature and to make such changes, alterations, modifications, additions and substitutions therein as the City deems best; and

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

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

WHEREAS, on March 20, 2020, Moscow Mayor Bill Lambert recognized that public health is imperiled by the person-to-person spread of COVID-19, and the reduction of opportunities for the person-to-person transmission of COVID-19 was necessary to combat the spread of the disease and therefore, the Mayor proclaimed and declared Public Health Emergency Order No. 20-01, restricting gatherings in groups of more than ten (10) persons and ordering the closure of on-premise services for restaurant and bars; and

WHEREAS, on March 20, 2020, the City Council extended such Public Health Emergency Order No. 20-01 to May 5, 2020, to provide for the ongoing threat to public life and property; and

WHEREAS, the risk of community spread throughout the city of Moscow was and is a continued threat, especially due to our unique location in Idaho and our close proximity to states and locations where there is a large number of confirmed COVID-19 cases and evidence of community spread; and

WHEREAS, the inability for certain businesses to follow the recommended social distancing guidelines due to the very nature of their business called for additional regulation to help slow the spread of COVID-19; and

- WHEREAS, as of March 24, the rapid spread of COVID-19 at that time required a more aggressive proactive response in order to protect the public and resources to address the supply issues we as a nation and state faced; and
- WHEREAS, on March 24, 2020, Moscow Mayor Bill Lambert proclaimed and declared Public Health Emergency Order No. 20-02 prohibiting gatherings in groups of more than ten (10) persons within a facility, which also applied to educational institutions, expressive and associative activities, including assembly, and church and religious organization activities; and
- WHEREAS, on March 25, 2020, Governor Brad Little issued a proclamation declaring that there existed an extreme emergency within the State of Idaho and through a press conference declared he was issuing a statewide stay-home order; and
- WHEREAS, on March 25, 2020, pursuant to Idaho Code § 56-1003(7), Idaho Department of Health and Welfare Director, Dave Jeppesen, issued an Order to Self-Isolate for all individuals living in Idaho, at the direction of Governor Brad Little, to fight the community spread of COVID-19 that had been confirmed in Idaho. The Order was effective until April 15, 2020, subject to be extended, rescinded, superseded, or amended. The isolation order was issued based on advice and direction of state, federal and local public health experts; and
- WHEREAS, on March 26, 2020, it was deemed necessary by the City Council to extend such Public Health Emergency Order No. 20-02 to May 5, 2020, to provide for the ongoing threat to public life and property, and the Council wished to continue to be proactive and help reduce the spread of COVID-19 and to encourage our community members and community businesses to do their part to prevent and limit the spreading of COVID-19; and
- WHEREAS, on April 15, 2020, Idaho Department of Health and Welfare Director, Dave Jeppesen, amended the Order to Self-Isolate issued on March 25, 2020, providing additional guidance regarding travel into Idaho, regarding certain businesses, and extending the Self-Isolation Order until April 30, 2020; and
- WHEREAS, on April 22, 2020, Governor Little issued a proclamation declaring an extreme emergency within the State of Idaho and declaring the state of emergency proclamation issued on March 13, 2020 and extended on March 25, 2020, continues to be in effect and is extended for a period of thirty (30) days unless terminated, modified or extended; and
- WHEREAS, on April 30, 2020, Governor Little and Director Jeppesen of the Idaho Department of Health and Welfare, issued the “Stay Healthy Order” effective as of 12:00 a.m. May 1, 2020, implementing Stage 1 of the Governor’s Idaho Rebound plan, and which can be found on the website: rebound.idaho.gov. Governor Little’s plan is one of utilizing a four-staged approach to reopening Idaho and its economy, whereby specific criteria must be met before Idaho advances to the next stage of reopening. The Idaho Division of Public Health and the Governor’s Coronavirus

Working Group will review the criteria every two weeks to assess if criteria are met, or continue to be met, so Idaho can move to the next stage; and

WHEREAS, the Council and Mayor support the Governor's guidelines and plans for systematically assessing existing conditions and slowly lifting the current regulations in place through the Stay Healthy Order, and to utilize the proposed staged approach for reopening Idaho; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Bill Lambert, Mayor

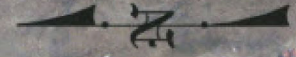
ATTEST:

Laurie M. Hopkins, City Clerk



"A" STREET

NTS



FIRST ST

SECOND ST

MAIN ST

THIRD ST

FOURTH ST

WASHINGTON STREET

FIFTH ST

SIXTH ST

SEVENTH ST

JACKSON STREET

JACKSON ST.

RESOLUTION NO. 2020 –

A RESOLUTION OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AUTHORIZING THE CONTINUATION OF RESOLUTION 2020-11, WHICH TEMPORARILY SUSPENDED 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 upmost importance to the Mayor and City Council; and

WHEREAS, the risk of community spread of the COVID-19 virus 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, On June 2, 2020, the City Council passed Resolution 2020-11 temporarily suspending specific sections of Moscow City Code Title 9, Section 12, addressing sidewalk café regulations to assist in the COVID-19 response while maintaining public safety; and

WHEREAS, the businesses that have taken advantage of the temporary expansion of the sidewalk café have expressed appreciation and wish the Council to extend this program; and

WHEREAS, the Council believes continuation of the suspension of specific regulations of the sidewalk café regulations as set out in Resolution 2020-11, to allow for the continued temporary expansion of the sidewalk café, is in the best interest of the community to assist in the COVID-19 response while maintaining public safety.

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

1. Resolution 2020-11, attached as Exhibit A, allowing the temporary expansion of sidewalk cafés is to be extended to December 1, 2020, unless terminated earlier by the Moscow City Supervisor pursuant to a determination by the City Supervisor that changing climate and weather conditions pose a risk to the public for the safe use of the right-of-way. The City Supervisor will make this determination after consultation with City staff charged with maintaining the public right-of-way.
2. The continuation of 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 Mayor's Amended Public Health Emergency Order No. 20-03, the Idaho Governor's and Idaho Director of Department of Health and Welfare's Stay Healthy Guidelines and aid in achieving compliance with the Business Protocols and Guidelines issued through Rebound Idaho.

3. This Resolution is in effect until December 1, 2020, unless terminated, extended or modified by Resolution or terminated sooner as determined by City Supervisor due to safety considerations.

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

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

Bill Lambert, Mayor

ATTEST:

Laurie M. Hopkins, City Clerk

Exhibit A

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:

Laurie M. Hopkins, City Clerk


Bill Lambert, Mayor