

Moscow City Council



Regular Meeting ~Minutes~

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Laurie M. Hopkins
City Clerk

208.883.7015

**Monday, November 16,
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 (Virtual), Maureen Laflin (Virtual), Brandy Sullivan (Virtual), Gina Taruscio (Virtual), Anne Zabala (Virtual)

STAFF: Gary J. Riedner (Virtual), Mia Bautista (Virtual), Bill Belknap (Virtual), Mike Ray, Laurie M. Hopkins (Virtual)

PLEDGE OF ALLEGIANCE

Council Vice President Bettge led the Pledge of Allegiance.

CONSENT AGENDA

1. All Consent Items (ACTION ITEM)

A. Approval of Moscow City Council November 2, 2020 Minutes - Laurie M. Hopkins

Minutes presented for approval.

ACTION: Approve minutes.

B. Disbursement Report October 2020 - Sarah Banks

Staff presented the October 2020 Accounts Payable Report to Public Works / Finance Committee on November 9, 2020. The Committee received the report and approved the disbursements as presented.

ACTION: Receive the Disbursements Report for the month of October 2020.

C. Idaho Transportation Department Cooperative Lighting Agreement - Bill Belknap

As part of the upcoming U.S. 95 realignment project, the Idaho Transportation Department (ITD) is proposing to install 9 new street luminaires that will extend from the existing bridge crossing of the South Fork of the Palouse River to the future intersection of the new U.S. 95 and old U.S. 95 intersection just south of the CHS Primeland's grain silos. As is common for ITD projects, ITD installs the light fixtures and the City assumes the responsibility for the future electrical and maintenance costs for the luminaires. ITD is requesting that the City enter into the proposed Cooperative Lighting Agreement that documents each parties' responsibilities with regard to the roadway lighting system. Staff is recommending that the Council approve the proposed agreement.

ACTION: Approve the proposed Cooperative Lighting Agreement and Associated Resolution with the Idaho Transportation Department

D. Mutual Aid Agreement with Idaho Department of Lands – Brian Nickerson

The Mutual Assistance Agreement with the Idaho Department of Lands (IDL) allows cooperation among local agencies, including IDL, should a need arise for mutual aid throughout the Ponderosa District and the State of Idaho. This agreement will provide the opportunity for the City to collect reimbursements for apparatus and personnel being deployed in a mutual aid situation. This will also place the Moscow Fire Department along with the Moscow Volunteers as a resource for the state if outside resources are determined to be needed. Deployment to such incidents is not required, however if a request is made and if the apparatus and personnel are available, then the resource is deployed. The option to fill the request is at the discretion of the fire chief or his/her designee. An example was the request for resources for the wildland fires in Orofino this past September. This was reviewed by the Administrative Committee on November 9, 2020 and recommended for approval.

ACTION: Approve the Mutual Assistance Agreement with the Idaho Department of Lands (IDL).

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)

Public comment suspended due to roll back to Idaho Rebounds Plan Modified Stage 2.

5. Public Hearing: Annexation, Comprehensive Plan Land Use Designation, and Zoning Designation for an Approximately 156 Acre Area Proposed to be Annexed into the City of Moscow and Located Directly West of Highway 95 and South of the Current City Limits Boundary (ACTION ITEM) - Mike Ray

The applicant, Schweitzer Engineering Laboratories (SEL), is requesting the annexation, Comprehensive Plan land use designation amendment, and rezoning of an approximately 154-acre property located directly west of Highway 95 and south of the current City Limits boundary. The applicant is proposing to change the Comprehensive Plan land use designation from a combination of Auto-Urban Commercial, High-Density Residential, Auto-Urban Residential, and Rural and Agricultural to the Auto-Urban Commercial designation. The applicant is proposing to rezone the subject property from the Agriculture Forestry (AF) Zone to the Motor Business (MB) Zone. As a result of the proposed annexation request, there appeared to be three remnant parcels that would become County "islands" which would be completely surrounded by the City of Moscow. In accordance with the City's annexation policy, the owners of the three remnant parcels were

contacted and Staff has expanded the annexation request to include the island parcels with the same proposed Comp Plan and zoning designations as the SEL proposal.

The City of Moscow Planning and Zoning Commission conducted a public hearing for the proposed Comprehensive Plan land use designation and rezone on October 14, 2020 and recommended approval with no conditions.

PROPOSED ACTIONS: Conduct the public hearing upon the annexation, Comprehensive Plan land use, and zoning designation and upon consideration of any testimony presented:

1. Approve the Annexation 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 Annexation Ordinance on first reading; or reject the Annexation Ordinance; or take other action as deemed appropriate.
2. If the Annexation Ordinance is approved, approve the proposed Comprehensive Plan Land Use Designation Resolution and adopt the Planning and Zoning Commission Reasoned Statement of Relevant Criteria; or reject the proposed Comprehensive Plan Land Use Designation Resolution and direct staff to prepare a Reasoned Statement of Relevant Criteria; or take other action as deemed appropriate.
3. If the Annexation Ordinance is approved and Comprehensive Plan Land Use Designation Resolution is approved, approve the proposed Zoning Ordinance under suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary and adopt the Planning and Zoning Commission Reasoned Statement of Relevant Criteria; or consider the Zoning Ordinance on first reading; or reject the Zoning Ordinance and direct staff to prepare a Reasoned Statement of Relevant Criteria; or take other action as deemed appropriate.

Ray introduced the item by describing the zoning, comprehensive plan designation, access, streets and utilities.

Mayor Lambert opened the public hearing at 7:12 p.m.

Hailey Lewis, Government Affairs Specialist at Schweitzer Engineering Laboratories (SEL) said the company is excited to expand into Moscow and address SEL's business needs.

Jana Schultheis, Vice President of Property SEL, have over 5,000 employees worldwide and 2,500 of those are in Pullman. There are approximately 125 acres in Pullman and used 100 of those acres. They were looking for 150 acres for development for the next 30-50 years and chose Moscow because it is business friendly and they like the Palouse. Projects are developed in response to what industry is bringing. She asked the Council for support of the annexation, Comprehensive Plan designation change and rezone.

Mayor Lambert closed the public hearing at 7:21 p.m.

If annexation and zoning to MB is approved, SEL could divide the property and sell it should they decide not to develop. Bettge and Kelly expressed their support. Bettge moved to approve the Annexation 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 Lambert read Ordinance 2020-12 by title:

AN ORDINANCE OF THE CITY OF MOSCOW, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING THAT LAND DESCRIBED IN SECTION 1 OF THIS ORDINANCE, AND GENERALLY SHOWN ON EXHIBIT "A" ATTACHED HERETO AND INCORPORATED BY THIS REFERENCE, BE ANNEXED TO THE CITY OF MOSCOW; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE BE DEEMED SEVERABLE; PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM AND AFTER PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

Sullivan moved to approve the proposed Comprehensive Plan Land Use Designation Resolution and adopt the Planning and Zoning Commission Reasoned Statement of Relevant Criteria. Laflin seconded. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Taruscio moved to approve the proposed Zoning Ordinance under suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary and adopt the Planning and Zoning Commission Reasoned Statement of Relevant Criteria. Kelly seconded. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Mayor Lambert read Ordinance 2020-13 by title:

AN ORDINANCE OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ZONING OF AN APPROXIMATELY ONE-HUNDRED SIXTY-THREE (163) ACRE PROPERTY, DESCRIBED IN SECTION 1 OF THIS ORDINANCE, 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.

6. Ordinance Amending Title 4, Chapter 3 of Moscow City Code Regarding Amendments to the Telecommunications Code to Establish Standards for Small Wireless Facilities (ACTION ITEM) - Mike Ray

Telecommunications service providers are currently in the process of deploying new cellular wireless technology, referred to as 5G/small cell, throughout the developed world. 5G/small cell high speed deployment will bring much higher data speeds and traffic through the use of higher-frequency radio waves, which have a shorter range than the frequencies used by previous cell phone towers. Since small wireless facilities have a shorter range, they require a greater number of facilities which are typically located in the public right-of-way. Telecommunications services are largely governed by the Federal Communications Commission (FCC) and the Telecommunications Act, but local governments are allowed to adopt certain regulations at the local level. With the likelihood of 5G/small cell deployment in Moscow at some point in the future, Staff has worked with the Planning and Zoning Commission to draft an ordinance that addresses 5G/small cell installations in the telecommunications code. The proposed ordinance would define small wireless facilities, re-organize certain sections, make minor grammatical changes, and insert small wireless facility standards. On September 9, 2020, the Planning and Zoning Commission conducted a public hearing upon the proposed ordinance and recommended approval to City Council with a minor modification. This item was reviewed by the Public Works/Finance Committee on October 12,

2020 and considered on first reading by the Council on October 19, 2020 and second reading on November 2, 2020.

PROPOSED ACTIONS: Approve the proposed Ordinance under suspension of the rules requiring a third complete reading and that it be read by title and published by summary; or reject the Ordinance; or take such other action deemed appropriate.

Ray provided a brief introduction. Sullivan inquired if a NEPA review is now required. Ray explained NEPA review is for federally funded or federal projects. The master license agreement includes a provision that addresses review of the agreement if there are changes in the FCC regulations.

Bettge moved to approve the proposed Ordinance under suspension of the rules requiring a third complete reading and that it be read by title and published by summary. Taruscio seconded.

Sullivan understands there needs to be an ordinance as there is no current regulation. She feels this is a beginning which includes a way to continue to review and update as regulations change. Laflin likes the use of the word encouragement, which gives a message to the staff as to what is important but gives them discretion.

Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Mayor Lambert read Ordinance 2020-14 by title:

AN ORDINANCE OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE AMENDMENT OF MOSCOW CITY CODE TITLE 4, CHAPTER 3; PROVIDING FOR THE AMENDMENT OF THE TELECOMMUNICATIONS CODE TO ESTABLISH STANDARDS FOR SMALL WIRELESS FACILITIES; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE BE DEEMED SEVERABLE; AND PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM THE DATE OF ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

7. Transportation Commission Proposed Amendment to Chapter 11, Title 3 of Moscow City Code (ACTION ITEM) - Bill Belknap

Recently, the Transportation Commission has conducted a review of the Chapter 11 of Title 3 of Moscow City Code which addresses the membership and charge of the Transportation Commission. The Commission is recommending amendments to the organization, ex-officio membership, and staff liaison to the Transportation Commission.

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

Belknap introduced the item as written above. Council members were in support of the proposed ordinance. Bettge moved to approve the Ordinance under suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary. Zabala seconded. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Mayor Lambert read Ordinance 2020-15 by title:

AN ORDINANCE OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE AMENDMENT OF MOSCOW CITY CODE TITLE 3, CHAPTER 11, RELATING TO TRANSPORTATION COMMISSION; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE BE DEEMED SEVERABLE; AND PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM THE DATE OF ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

REPORTS

Reports are suspended due to roll back to Idaho Rebounds Plan Modified Stage 2.

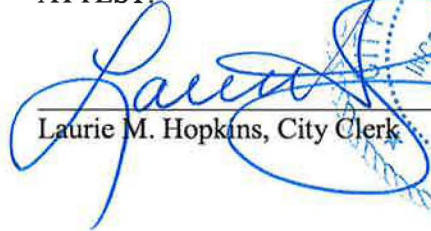
ADJOURN

The meeting adjourned at 8:00 p.m.



Bill Lambert, Mayor

ATTEST:


Laurie M. Hopkins, City Clerk

