

Moscow City Council



Regular Meeting ~Minutes~

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Laurie M. Hopkins
City Clerk

208.883.7015

**Monday
December 7, 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 (Virtual), Sandra Kelly (Virtual), Maureen Laflin (Virtual), Brandy Sullivan (Virtual), Gina Taruscio (Virtual), Anne Zabala (Virtual)

STAFF: Gary J. Riedner, Mia Bautista (Virtual), Bill Belknap (Virtual), Mike Ray, Aimee Hennrich, Tyler Palmer (Virtual), Justin Goodwin (Virtual), Brian Nickerson (Virtual), Laurie M. Hopkins (Virtual)

PLEDGE OF ALLEGIANCE

Mayor Lambert led the Pledge of Allegiance.

CONSENT AGENDA

1. All Consent Items (ACTION ITEM)

A. Approval of Moscow City Council November 9, 2020 Minutes - Laurie M. Hopkins

Minutes presented for approval.

ACTION: Approve minutes as presented.

B. Approval of Moscow City Council November 16, 2020 Minutes - Laurie M. Hopkins

Minutes presented for approval.

ACTION: Approve minutes as presented.

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. Mayors Appointments (ACTION ITEM)

Mayor Lambert proposed the appointment of Sue Clark to the Moscow Arts Commission. Kelly moved, Bettge seconded to approve the appointment. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Mayor Lambert proposed the following reappointments for consideration: Tim Thomson to the Board of Adjustment; Randy Baukol and Linda Pike to the Fair & Affordable Housing Commission; Ryan Lazo, Kelly Kingsland and Colette DePhelps to the Farmers Market Commission; Jared Norman to the Historic Preservation Commission; David Pittsley to the Human Rights Commission; Jonathan Gradin

to the Moscow Pathways Commission; Robb Parish to the Planning & Zoning Commission. Bettge moved, Sullivan seconded approval the list of reappointments. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

3. Public Hearing: Ordinance Amending Moscow City Code Title 7, Chapters 1, 4, 7, 10, 12, 15, and 16 Regarding Construction Regulations (ACTION ITEM) - Justin Goodwin

In 2019, the Idaho Legislature adopted the 2018 International Building, Residential, Mechanical, Existing Building, Fire, and Energy Codes for the construction regulations for Idaho. All local jurisdictions are required to adopt the codes adopted by the State by January 1, of 2021. Beginning in July, the Moscow Building Department Staff and the Building Code Advisory Committee conducted four meetings to review the proposed changes to the International Codes as adopted by the State of Idaho and recommended adoption with some modifications. The proposed ordinance would adopt the 2018 International Codes with the modifications proposed by Staff and the Building Code Advisory Committee. This item was reviewed by the Public Works/Finance Committee on November 23, 2020.

PROPOSED ACTIONS: After conducting the public hearing and consideration of testimony received, approve the proposed 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; or reject the Ordinance; or take such other action deemed appropriate.

Goodwin introduced the item describing changes to the code including modifications to the International Fire Code requiring addresses to be at the street.

Mayor Lambert opened the public hearing at 7:09 p.m. With no testimony offered, the hearing was closed at 7:10 p.m.

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

Mayor Lambert read Ordinance 2020-16:

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 7, CHAPTERS 1, 4, 7, 10, 12, 15, AND 16; PROVIDING FOR THE AMENDMENT OF THE CONSTRUCTION REGULATIONS CODE; 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.

4. State Local Agreement for the Mountain View Road Improvement Project - Bill Belknap

The City has been pursuing the next phase of the Mountain View Improvements which would extend from the Sixth Street intersection through the Joseph Street intersection. The \$3.45M project generally includes widening of the roadway, installation of bike lanes, curbing, sidewalk and lighting improvements as well as the installation of a roundabout at the Sixth Street intersection. The project is nearing final design and is currently programmed for construction in FY2024. City staff were recently notified that the project is on the list to receive funding to advance

the project to construction in 2021 if additional stimulus or redistribution funds become available. In preparation of that possibility, the Local Highway Technical Assistance Council (LHTAC) has requested the City to expedite the execution of a State/Local agreement for the project, as well as to be prepared to fund the City's match of \$198,112 within one week of notice of award. The agreement and associated resolution are before the Council for review and approval.

PROPOSED ACTIONS: Approve the State/Local Agreement and associated Resolution; or take other such action deemed appropriate.

Belknap introduced the item as written above as well as providing a background of the project. Staff is prepared to bid the project in January or February which is ideal with the Sixth Street Bridge project bidding during the same time. If the two projects can be done concurrently, that will minimize construction in the area. Staff filed a conditional right-of-way certification with the State to move onto the state and local agreement. The certification documents the progress to date and the next steps to acquire the last two rights-of-way. Once this project is underway, the City can apply for the section from Joseph to the Troy Highway with construction in 2028. This project should be completed before the fall.

Zabala moved and Sullivan seconded to approve the State/Local Agreement and associated Resolution. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

5. Appeal of Conditional Use Permit and Variance at 420 E Second Street (ACTION ITEM) - Aimee Hennrich

On August 18, 2020, Unitarian Universalist Church of the Palouse (UUCP) submitted an application for a Conditional Use Permit (CUP) to expand the existing Church located at 420 E. Second Street, and a variance application to waive a portion of the off-street parking requirements associated with the proposed expansion. The Board of Adjustment conducted a public hearing for the proposed CUP and variance on September 29, 2020, and subsequently voted to approve the variance to waive twelve (12) off-street parking spaces and approve the CUP application with two (2) conditions. On October 22, 2020, the Community Development Department received an appeal letter from Willy and Lisa Tate, Anne Marshall, Jim Riosa, and Carrie Barker, stating that they wish to appeal the Board of Adjustment's decision to City Council.

PROPOSED ACTIONS:

1. After considering the record and appeal request; sustain the decision of the Board in whole or in part; reverse the decision of the Board in whole or in part; or remand the matter in whole or in part to the Board with comments and/or instructions for further consideration by the Board; or take other such action deemed appropriate.
2. Direct staff to prepare a written decision based on the Council's action.

Hennrich introduced the item as written above and provided a history of the subject property including details regarding the neighborhood. Religious Facilities require 1 parking space per 4 seats, plus one per 100 square feet of open assembly area. The existing Church currently does not provide any on-site parking. An addition to the building triggers requirements for additional parking. This project requires 18 total parking spaces. There are two existing parallel parking spaces associated with McConnell Mansion on private property between the two entities. Five new parking spaces are proposed on-site, including an agreement between the two entities for shared use of all seven spaces. Staff has

determined that there is not a substantial conflict between the hours of operation of the McConnell Mansion and the Unitarian Church and a joint use agreement can be drafted, signed and recorded. The variance application is for the remaining eleven required spaces.

Willy Tate, appellant representative, said the group supports the church. When they saw the scope and scale of the proposed building felt they should have been included as a stakeholder with a project this large. The appellant group doesn't feel it is an addition as the project attaches a 6,000 square foot building. A building that size would have to have 50 parking spaces anywhere else in the city. The height of the building is also an issue because of clearance requirement for solar panels. A couple of the appellants use the alley access their property and should have been consulted. The group suggests the alley remain two-way; retain the same building height as the yellow house; waive all the required spaces; and keep 15 feet from neighbor's property in tact with no removal of trees.

Al Poplowski, chair of building committee, Unitarian Church, ask the City Council sustain the decision by the Board of Adjustment. The Church has been there since 1995 and its mission is to serve the community, including participation in Family Promise, Moscow School District summer lunch program, and donations to non-profits. The yellow house has been used for religious education. The project includes updating to modern facilities including ADA access and the additional seating to accommodate increased attendance. No new uses or staff hiring is proposed. The proposal follows all regulations and includes a small paved parking lot. By only requiring six spaces, it has allowed reconfiguration the parking area to eliminate any potential impacts to trees. There is no intent to make the drives one-way.

Staff has no issue with angled parking spaces with two-way movement. The proposed expansion is limited to 40 feet in height. Fire Department said engine access is sufficient. The parallel spaces between the two buildings would not suffice as an ADA space due to the lack of space for the required adjacent aisle. An ADA space also is required to be closest to the building. Discussion ensued regarding other options for parking spaces. Riedner and Belknap explained the Council's role in regards to an appeal in that findings of fact is reviewed, did the BOA come to a reasonable decision, and is there a basis for overturning their decision.

Bettge moved to sustain the decision of the board in whole. Taruscio seconded. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

6. Consideration of Metrics to Evaluate Continuation, Extension or Termination of Amended Public Health Emergency Order 20-03, and Resolution Integrating Metrics and Extending APHEO 20-03 to June 9, 2021 - Gary J. Riedner

On November 9, 2020, the City Council considered a metrics model to be used by the Council in evaluating the decision to continue, extend or terminate the application of Amended Public Health Emergency Order 20-03 (APHEO 20-03), which requires social distancing and facial coverings when social distancing cannot be maintained in public places. The Council approved the concept of the metrics as proposed, the time requirements, the status of the Governor's Idaho Rebounds Plan, consideration of the status of COVID-19 in Whitman County, and consideration of recommendations from Public Health-Idaho North Central District, Latah County, Gritman Medical Center, University of Idaho, and Moscow School District. The memo from the City Supervisor, attached to the meeting packet, provides a final metrics model for City Council consideration, and

applies the model to current COVID-19 conditions as they exist in the community. The proposed Resolution incorporates the metrics model and extends APHEO 20-03 to June 9, 2021, unless terminated earlier by City Council after applying the metrics model to then-current COVID-19 conditions in the community. The June 9, 2021 termination date takes into consideration the close of the University of Idaho's spring semester, and the end of Moscow School District's academic year.

PROPOSED ACTIONS: After consideration of the information contained in the memo from the City Supervisor, approve the metrics model for evaluation of the continuation, extension and/or termination of APHEO 20-03, and approve the Resolution incorporating the metrics model and extending the termination date of APHEO 20-03 to June 9, 2021 unless terminated earlier by City Council after applying the metrics model to then-current COVID-19 conditions, or take such other action deemed appropriate.

Riedner introduced the item as written above and included the Whitman County Public Health Department's moving average.

Luke Mason (Moscow) encouraged adding the metrics data to the City website, better idea for what decisions will be made.

Mark Rowe (Moscow) said a prayer.

The metrics are on the North Central District Health website and are updated every Friday. The metrics will also be put on the City website and a report will be given at the second Council meeting of every month. The metrics will guide the June 9, 2021 date in the social distancing mandate resolution. Councilmembers spoke on their support in extending the resolution.

Bettge moved to approve the metrics model for evaluation of the continuation, extension and/or termination of APHEO 20-03, and approve the Resolution incorporating the metrics model and extending the termination date of APHEO 20-03 to June 9, 2021 unless terminated earlier by City Council after applying the metrics model to then-current COVID-19 conditions. Seconded by Taruscio. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

7. University of Idaho Emergency Services Agreement Renewal (ACTION ITEM) – Gary J. Riedner

The City of Moscow has been providing the University of Idaho emergency response services by contract since 1966. The current Master Agreement for Services was renewed in October 2017 for a term of three (3) years. Staff has been working with the University of Idaho to negotiate the renewal of the Agreement. Changes from the current Master Agreement include:

1. That the initial contract amount for FY2021 will be the same as the contract amount for FY2020 (\$1,460,775), with subsequent increases of 1% in FY2022; 2% in FY2023 and 3% in FY2024 and in subsequent fiscal years.
2. Five (5) year term and renewal.

The City Supervisor met with UI President Scott Green and Vice President for Finance and Administration Brian Foisy and discussed the UI's participation in the scheduled purchase of the ladder truck replacement in FY2025 and the UI is comfortable with the terms of the Agreement.

The University will be presenting the Master Agreement for Services to the State Board of Education/UI Board of Regents at its December Board meeting. This was reviewed by the Public Works/Finance Committee on November 23, 2020 and recommended for approval.

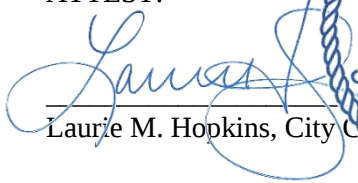
PROPOSED ACTIONS: Approve the Master Services Agreement with the University of Idaho, or take such other action deemed appropriate.

Riedner introduced the item as written above. With the recommendation for approval by PWF Committee and no questions by Council, Laflin moved, Kelly seconded to approve the master services agreement with the University of Idaho. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

ADJOURN

The meeting adjourned at 9:13 p.m.

ATTEST:


Laurie M. Hopkins, City Clerk





Bill Lambert, Mayor