

Moscow City Council



Regular Meeting ~Minutes~

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Laurie M. Hopkins
City Clerk

208.883.7015

Monday, October 19, 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 (Virtual), Bill Belknap (Virtual), Jen Pfiffner (Virtual), Dwight Curtis, Laurie M. Hopkins (Virtual)

PLEDGE OF ALLEGIANCE

Councilmember Taruscio led the Pledge of Allegiance.

PROCLAMATION Domestic Violence Action Month

Mayor Lambert read the proclamation and presented it to Alyda Jaegerma. Jaegerma spoke on domestic violence and the ATVP.

CONSENT AGENDA

1. All Consent Items (ACTION ITEM)

A. Approval of Moscow City Council October 5, 2020 Minutes - Laurie M. Hopkins

Minutes presented for approval.

ACTION: Approve minutes.

B. Disbursement Report September 2020 - Sarah L. Banks

Staff presented the September, 2020 Accounts Payable Report to Public Works/Finance Committee on October 12, 2020. The Committee received the report and approved the disbursements as presented.

ACTION: Receive the Disbursements Report.

C. Compensation and Benefit Structure Personnel Policies - Jen Pfiffner

Updates to the City of Moscow Personnel Policies continue. Compensation and Benefit Structure includes policies addressing employee classification, salary administration, compensation, benefits, and work period. Policy sections will continue to be presented for review. The current Personnel Policy manual will remain in place until all policies have been reviewed and approved. This was reviewed by the Administrative Committee on October 12, 2020 and recommended for approval.

ACTION: Approve the Compensation and Benefits Structure Personnel Policies.

Bettge moved, 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)

David Hall (Moscow) reminded everyone the Palouse Basin Water Summit is taking place October 22, 2020 via Zoom.

5. Citizen Commission Report – Parks and Recreation Commission – Dwight Curtis / Robby Cooper

Curtis introduced Robby Cooper, chair for the Parks and Recreation Commission. Cooper went through the members and mission. The Commission worked on installation of interpretive signs, COVID-related playground closures, and Rotary Park playground replacement. Upcoming projects include pickleball courts, unisex restroom at Indian Hills Park, and lighting on Paradise Path.

6. Public Hearing: 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.

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.

Ray introduced the item by going over the background of cellular communication systems. City's existing Telecommunications Code does not address Small Cell facilities and does not distinguish between macro-cell towers and small cell poles. Under the Telecommunications Act, local jurisdictions have to provide telecommunications providers reasonable access within the public right-of-way (ROW) and cannot effectively deny their ability to provide service. Local governments are prohibited from regulating wireless communications facilities based upon RF emissions and effectively prohibiting delivering telecommunications services. In 2018, the FCC issued a new ruling intending to streamline permitting of 5G small cell deployments. The proposed ordinance defines small wireless facility, standards and categories of installations. See attached presentation for additional information. SEC will continue to monitor health concerns and the Legal Department will monitor legal issues. The proposed ordinance requires towers to be located no closer than 250' away from another small wireless facility antenna tower but does not apply to co-locations. This was based on research, size of typical city block, coverage for multiple providers and minimizing the number of free-standing poles.

Mayor Lambert opened the public hearing at 7:39 p.m.

David Hall (Moscow) feels this is a complex issue of balancing federal issues and responsibility to protect citizens. He asked the Council to consider continuing the hearing for at least 2 weeks and hear from the other City commissions such as HPC and HRC; consider the Idaho Falls ordinance as it has more information on health issues; review the master license agreement template for liabilities; include requirement in telecom application that significant gap of service would be remedied with installation; consider a resolution requesting telecoms not apply for small cell and prioritize wired. Moscow citizens deserve as much protection as possible.

Bautista explained the master license agreement template is in draft form and not finalized as it will depend on when an application comes through, what requirements the ordinance contains if approved, and is always up to negotiation with the specific company applying.

Hall added the Council received an email from Americans for Responsible Technology, who looks at health and safety issues in regards to 5G that can be included in an ordinance and they haven't been challenged.

Mayor Lambert closed the public hearing at 7:45 p.m.

Sullivan is not confident the proposed ordinance includes everything it could within the City's legal rights to reserve as much local control as possible. She would be more comfortable if facilities were not allowed in residential and didn't see anything in the Idaho Falls ordinance nor the city attorney memo that would preclude it. Ray pointed out that would effectively deny providers the ability to provide service, for instance there would be no facilities east of Mountainview Road. Sullivan suggested a clause such as allowing exceptions when required to fill a gap. Ray said a provider could provide the documentation, effectively allowing the facility. Mia explained current legal restrictions do not allow local jurisdictions to require providers to fill a service gap. A local jurisdiction cannot prevent deployment.

Sullivan said she is interested in restricting in residential because of possible health concerns. Can put something in the ordinance because of that concern as long as it is in the legal right. Bettge said there

has to be a rationale to do so. Sullivan responded there could be recommendations included such as setbacks, historical preservation rules, aesthetics and devaluation risks. Zabala likes the possibility of including those as restrictions. Bettge hasn't heard anything that shows it is not based on health. He feels the proposed ordinance does the best that it can within the bounds of the FCC restrictions. Taruscio commented the concern is not property devaluation, it is health and cannot block based on health. Staff and City Attorney have done a good job within the bounds that can exist. She feels being creative to add things in that are perceived as health issues is not genuine.

In staff review there wasn't numerous cities that had exceptions. Mill Valley had preferences to where they would go but no restrictions on residential. Discussion ensued regarding regulations in rights-of-ways and possibility of homeowner's authorization in the easement. Kelly said as P&Z liaison she has been a part of the many discussions and arguments. There are health concerns but are hamstrung with the regulations. She doesn't feel adding workarounds will accomplish anything and at this time, it is the best that can be done. Sullivan suggested requiring facilities to be underground in specific neighborhoods. Ray replied providers must be treated equally, and if light poles, are already above ground, undergrounding could not be required. There are specific design standards which anticipates what it will look like, staff felt it wasn't appropriate to submit multiple renderings as it would be a moot point. If the facility was going through a CUP process, neighbors would be notified. If there was a colocation, neighbors would not be notified, just as they would not with any other utility.

Bettge moved 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. Taruscio seconded. Zabala moved to amend the motion by removing the suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary and instead consider the ordinance on first reading. Sullivan seconded the motion for amendment. Moscow has no requirements for small cell so if a provider applies, there are no design standards in effect. Zabala said things have been brought up in this discussion and would like to look at other municipalities and feels there isn't a rush. Taruscio reiterated blocking because of health issues no matter if it is covered up by design standards is not possible.

Mayor called for a vote on the amendment to the motion. Roll Call Vote: Ayes: Four. Nays: Two (Bettge, Taruscio). Abstentions: None. Motion carried.

Mayor called for a vote on the amended motion which states considering the ordinance on first reading. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

7. CARES Act and COVID Update - Gary J. Riedner

Riedner explained CARES Act is an allocation based on population with two programs, one for direct costs because of response to COVID, second being a public safety salary reimbursement. The salary reimbursement request is ready to go. The direct costs are being tallied and will come before Council.

Graphs of confirmed cases and reported cases in Latah County was presented and both are attached. Public Health Idaho North Central District previously met and defined tools for determining health alert levels for District 2. A Harvard Global Health Institute document was used as a basis for defining alert levels, including testing, tracking and supported isolation; new daily cases less than 1 per 10,000 residents (Latah County being four or less per day); hospital admissions being less than five; and test

reporting complete within 1-4 days. Latah county infection rate is rising but hospitalization rate is low, no deaths, and testing is completed quickly. Additional considerations include feedback from health care partners, institutional partners, monitoring experience and conditions of surrounding jurisdictions, capacity to obtain testing, turnaround time for results, related hospitalizations and related deaths. Riedner went through the Idaho Health District score tracker for all the Idaho health districts as well as finer details for District 2. Specific data through October 19, 2020 for Latah and Whitman County was shared and is attached.

In talking with medical experts from CDC down, they are in the mode of take as many precautions with as many freedoms. Important to early identify those infections, increase hygiene, social distancing and wear masks. There is a cautious optimism there will be a vaccine and need to take flu season into consideration. Sullivan said people want to know when the mask order can be removed and she would like to get to a target that gets us there. Mayor Lambert commented downgrade to a mask advisory rather than mandate could be an option.

REPORTS

City Council

Farmers Market Commission – Zabala heard from a vendor that the growers are very positive about the Motor-in Moscow and would like it to continue.

Moscow Arts Commission – Zabala said the Commission is moving forward with applications for Mayor's Arts Awards; discussed a third Thursday event to feature local artists and rotating to different businesses in town.

Palouse Basin Aquifer Committee – Zabala reported the LEAP analysis results should be done soon.

Transportation Commission – Sullivan said the Commission held officer elections; reviewing of draft code amendments; and reviewing street standards.

Moscow Tree Commission – Sullivan said the Arbor Day planting took place at Harvest Park.

Building Code Advisory Committee – Bettge said they considered the International Fire Code and will submit to Council.

Planning & Zoning Commission – Kelly said the Commission is reviewing the Schweitzer rezone and annexation which will come before Council soon.

Moscow Volunteer Fire Department – Laflin said they are still discussing changes in transitions

Mayor

Mayor Lambert attended an AIC Board meeting and talked about possible topics the legislators would discuss; quality-based service and contracts with vendors; energy codes; possible rewriting of some sections of the bylaws; virtual fall academy. Attended the Moscow Food Bank christening on their new building.

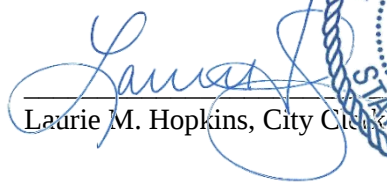
Staff

No report.

ADJOURN

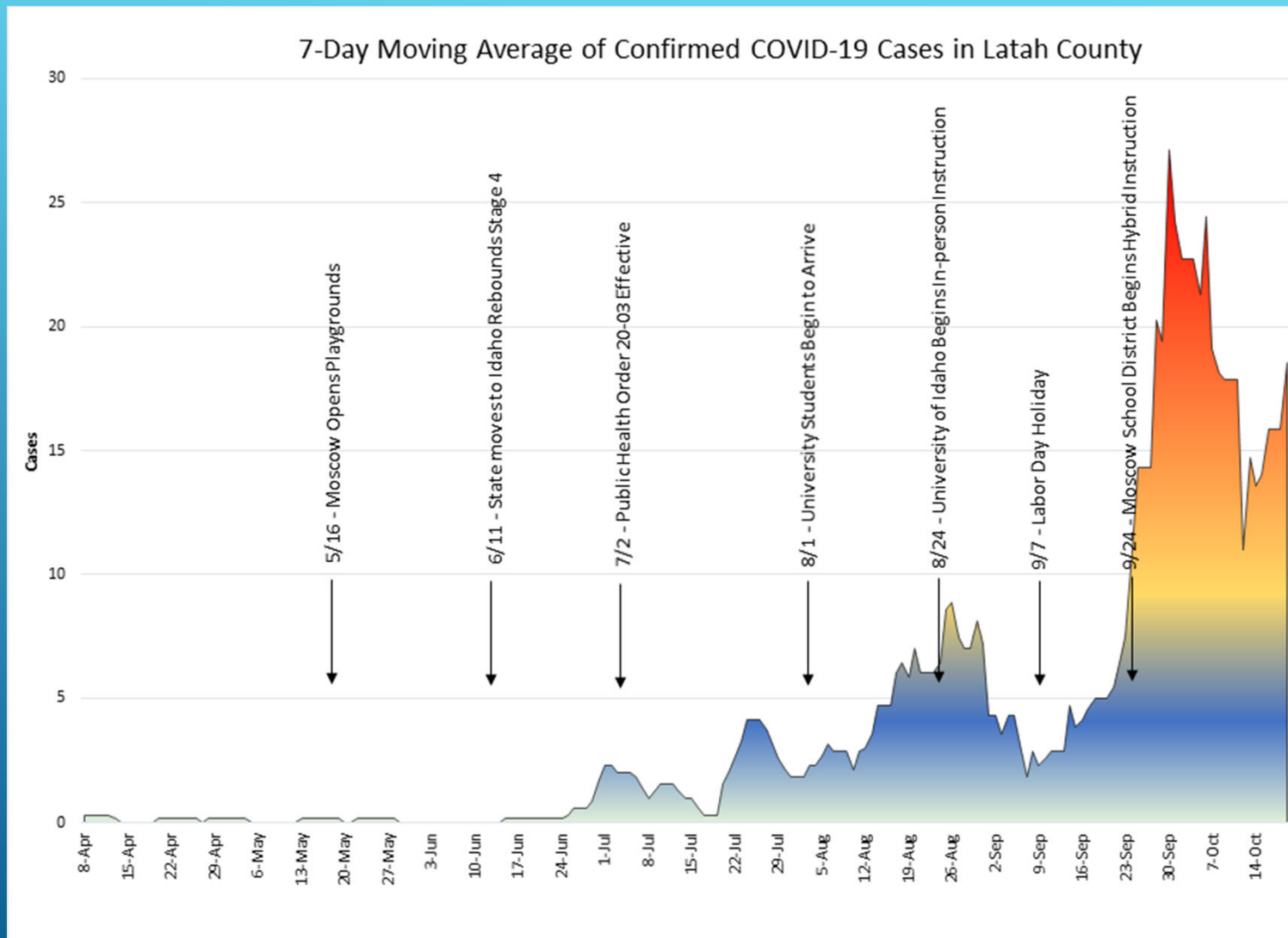
The meeting adjourned at 9:00 p.m.

ATTEST:

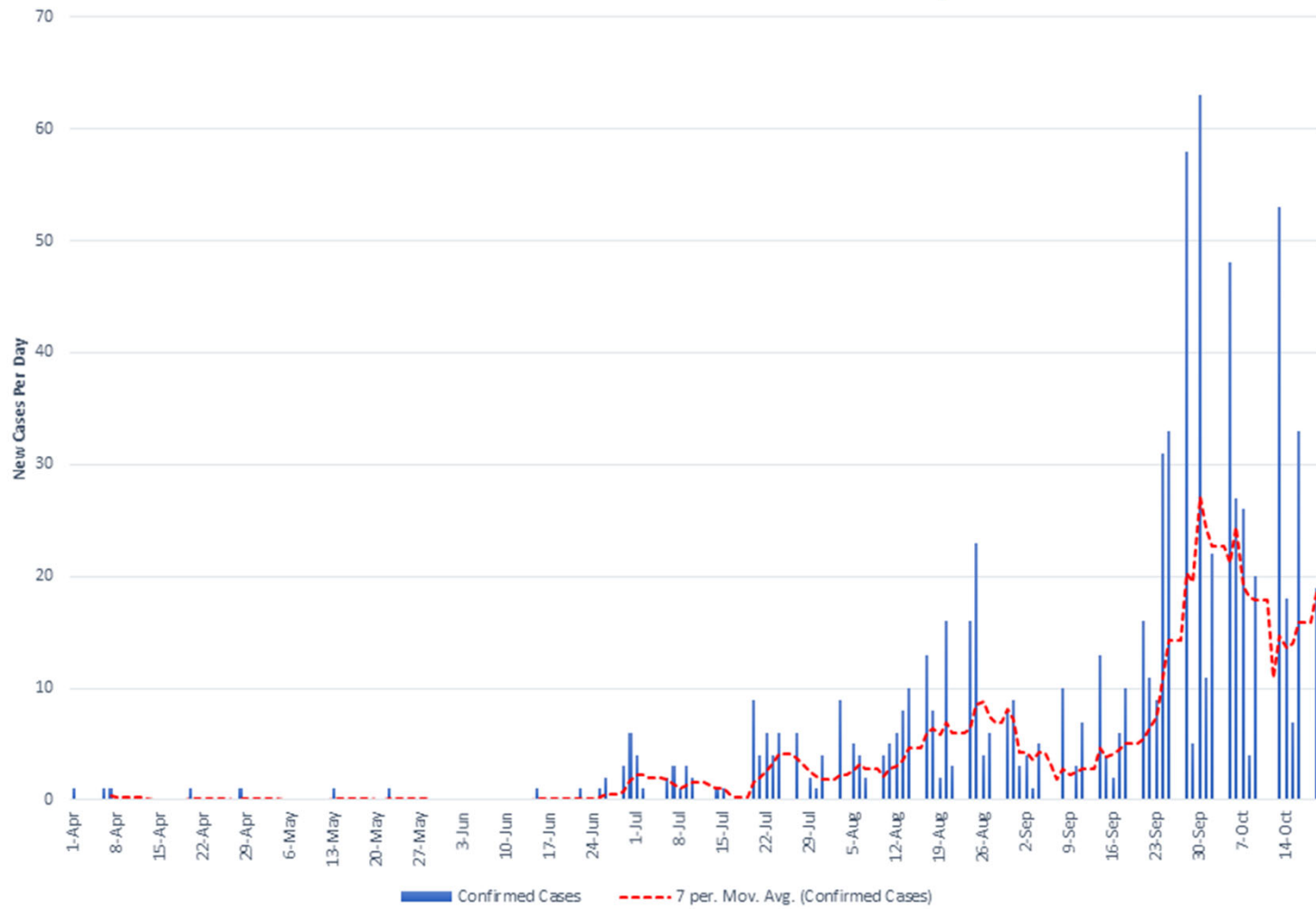

Laurie M. Hopkins, City Clerk




Bill Lambert, Mayor



Confirmed COVID Cases in Latah County

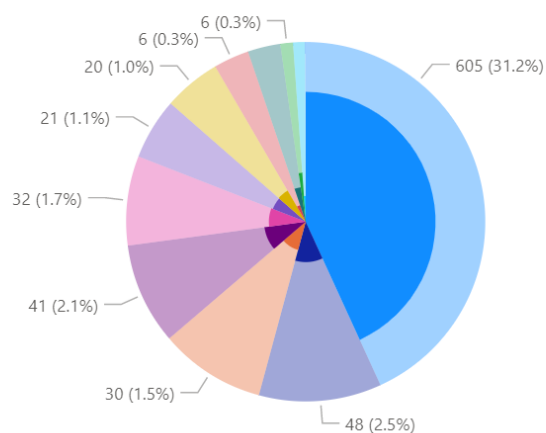


Last Updated: October 19, 2020

Cases by Age

Age

- 18-29
- 30s
- 40s
- 50s
- 60s
- 70s
- 13-17
- 80s
- 5-12
- 0-4
- 90s
- 100s



823

Cases

Deceased
(Blank)



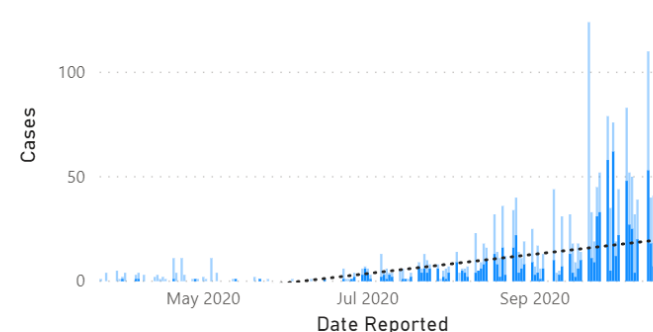
Public Health

Idaho North Central District

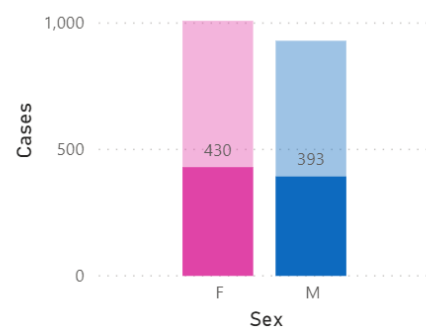
Serving Clearwater County, Idaho County, Latah County, Lewis County, and Nez Perce County



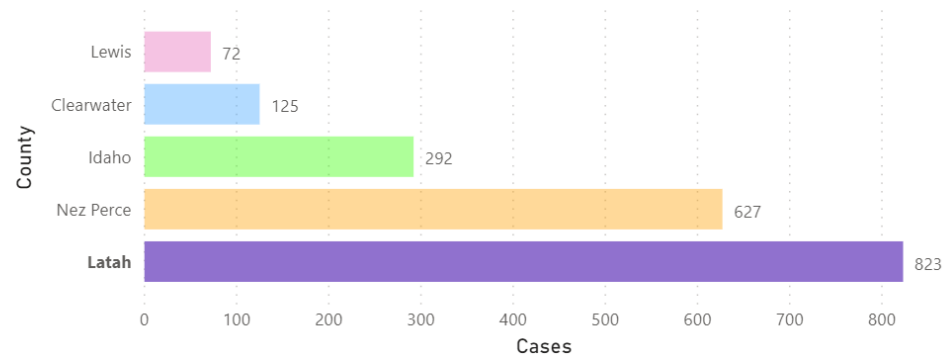
Case Trends



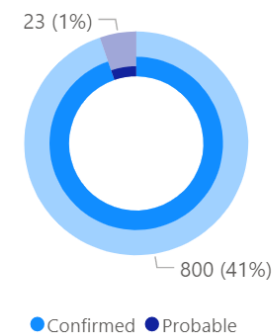
Cases by Sex



Cases by County



Confirmed and Probable



COVID-19 IN WHITMAN COUNTY

LAST UPDATED: 10/19/2020 1:08 pm

Positive COVID-19 Cases: 1682

Percent Positivity* 9/28 - 10/4: 7%

Hospitalizations to Date: 15

Currently Hospitalized: 1

Fatalities: 4

***Percent positivity is an approximation based on testing*

*data from local area medical providers and does not
constitute an exact calculation of percent positivity in*

Whitman County residents.

