

Moscow City Council



Regular Meeting ~Minutes~

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Laurie M. Hopkins
City Clerk

208.883.7015

Monday, April 19, 2021

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

ABSENT: Anne Zabala

STAFF: Gary J. Riedner, Mia Bautista, Bill Belknap (virtual) , Megan Cherry, Jen Pfiffner (virtual), Tyler Palmer, David Schott, Mike Ray, Roger Lanier, Laurie M. Hopkins

PLEDGE OF ALLEGIANCE

Councilmember Sullivan led the Pledge of Allegiance.

PROCLAMATION - ARBOR DAY

Mayor Lambert read the Arbor Day proclamation.

CONSENT AGENDA

1. All Consent Items (ACTION ITEM)

A. Approval of Moscow City Council April 6, 2021 Minutes - Laurie M. Hopkins

B. Disbursement Report for March 2021 - Sarah Banks

Staff presented the March 2021 Accounts Payable Report to Public Works / Finance Committee on April 12, 2021. The Committee received the report and approved the disbursements as presented.

ACTION: Receive the Disbursements Report for the month of March 2021, including authorization for use of digital signatures.

C. Second Quarter Financial Report January 1, 2021 to March 31, 2021 for FY2021 - Sarah Banks

The financial report for the second quarter of Fiscal Year 2021 (January 1, 2021 to March 31, 2021) was presented to the Public Works / Finance Committee on April 12, 2021 and recommended for approval.

ACTION: Approve the FY2021 Second Quarter Report.

D. Hamilton-Lowe Aquatic Center Play Structure Replacement Equipment - David Schott

City staff is requesting authorization to purchase a replacement play structure for the Hamilton-Lowe Aquatic Center (HLAC) from Vortex USA in an amount not to exceed \$134,000. The City issued a Request for Proposals (RFP) to provide the design, sale, construction, and installation of the play structure. The legal advertisement was published in the Daily News on October 31, 2020 and November 7, 2020. The RFP was also sent directly to ten (10) aquatic play structure suppliers and posted on the City website. Each aquatic play structure supplier was giving the option to submit two separate proposals. The City received six (6) proposals from three (3) play structure suppliers. Four (4) of the proposals were deemed non-responsive by City staff. Given only two responsive proposals were received by the City, both from Vortex USA, staff opted to bring the two very similar proposals to the Parks and Recreation Commission on January 28, 2021 for their

recommendation to City Council. This was reviewed by the Public Works/Finance Committee on April 12, 2021 and recommended for approval.

ACTION: Approve the purchase of the Hamilton-Lowe Aquatic Center replacement play structure from Vortex USA in an amount not to exceed \$134,000.

E. Hamilton-Lowe Aquatic Center Play Structure Replacement Installation - David Schott

City staff is requesting authorization to retain WMS Aquatics for the installation of the new Hamilton-Lowe Aquatic Center (HLAC) play structure in the amount of \$54,567.22, and authorize staff approval of construction change orders in an amount not to exceed 10% of the contract amount. The City issued a Request for Proposals (RFP) to provide the design, sale, construction, and installation of the play structure. The legal advertisement was published in the Daily News on October 31, 2020 and November 7, 2020. The RFP was also sent directly to ten (10) aquatic play structure suppliers and posted on the City website. Pursuant to the invitation of the City, extended through the RFP, WMS Aquatics submitted a proposal based upon the RFP and a March 4, 2021 site visit for the installation of the play structure supplied by Vortex USA. This was reviewed by the Public Works/Finance Committee on April 12, 2021 and recommended for approval.

ACTION: Accept proposal from WMS Aquatics, award the contract in the amount of \$54,567.22, and authorize staff approval of construction change orders in an amount not to exceed 10% of the contract amount.

F. One World Café Request for Expanded Sidewalk Café Configuration – Gary J. Riedner / Laurie Hopkins

In 2007, the City Council formalized a process for the licensing of sidewalk cafes in the Central Business Zoning District. Minimum standards for all sidewalk cafes are included in the Moscow City Code, including the requirement of maintaining an unobstructed pedestrian access on the sidewalk of not less than four contiguous feet. The owners of One World Cafe, located at 6th and Main Streets, have been working with the University of Idaho, Art and Architecture Design/Build studio to create an updated outdoor dining space around the exterior of the building. Because the nature of the proposal is a more robust, yet still a non-permanent improvement, staff is bringing the proposal to City Council for approval. Tyler Palmer, Deputy City Supervisor of Public Works and Services and Steve Schulte Public Utility Manager-Streets/Stormwater have reviewed the drawings and met with the owners and architect on how this proposal can work within the guidelines of the code, as well as maintaining the safety of the public and ADA requirements. The packet includes drawings that meet the requirements of the City Code and the ability to remove all right-of-way encumbrances with reasonable ease and the prohibition on anchoring into the sidewalk. This was reviewed by the Administrative Committee on April 12, 2021 and recommended for approval.

ACTION: Approve the sidewalk cafe proposal.

G. South Lift Station Force Main Bid Results and Contract Award - Bob Buvel

The South Lift Station Force Main Project will install approximately 2500 linear feet of 16” sanitary force main from the South Lift Station at South Main and Nelson Avenue to a gravity sanitary line in the intersection of South Main and Styner Avenue. The new force main will replace the existing 10” force main running under South Main. Portions of the force main have already been installed through developer participation with The Indian Hills Ninth Addition Phase 2 Project and the construction of the new Moscow Police Station. This project will fill in the gaps from Nelson Avenue to Styner. The City published an advertisement for bids on March 6th and 13th, 2021 and the budget for construction in the Capital Improvement Plan is \$600,000.00. Bids were opened on Tuesday, March 30, 2021. Five responsive bids were received with bids ranging from \$633,609.31 to \$850,759.00. The low bid was submitted by J7 Contracting. A complete Bid Tabulation is included in the Council packet. This was

reviewed by the Public Works/Finance Committee on April 12, 2021 and recommended for approval.

ACTION: Accept the low bid from J7 Contracting, Inc., award the contract for the bid amount of \$633,609.31, and authorize staff approval of construction change orders in an amount not to exceed 10% of the contract amount.

Bettge moved and Taruscio seconded to approve the consent agenda as presented. Sullivan recused herself from item F. 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)

None offered.

5. Confirmation of Appointment of Jen Pfiffner as Human Resources Director and Oath of Office - Gary J. Riedner / Laurie M. Hopkins

Riedner explained Mayor Lambert is presenting Jen Pfiffner for an appointment as Human Resources Director. Pfiffner has been acting HR director since 2014. Laflin moved to confirm Pfiffner as HR director. Kelly seconded. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried. Hopkins administered the oath of office.

6. Public Hearing: Ordinance Amending Title 4, Chapter 6 of Moscow City Code Regarding Amendments to the Outdoor Lighting Code for Public Art (ACTION ITEM) - Mike Ray

With the installation of the recent Homecoming public art project at the north couplet, there has been some discussion among staff regarding the lighting of public art in the City. Currently the majority of lighting is required to be full cut-off with up-lighting only permitted in certain circumstances. The Arts Department requested that the Planning and Zoning Commission review the current lighting ordinance to see if there's a possibility of providing an exemption from the full cut-off requirement for freestanding public art. The Commission conducted a special meeting on January 11, 2021 and reviewed different lighting options at the Helioterra public art installation. The Commission then directed Staff to prepare an ordinance amending the lighting code to allow up-lighting for public art. The Commission conducted a public hearing on the proposed ordinance on March 10, 2021 and recommended approval to City Council. This item was reviewed by the Administrative Committee on April 12, 2021.

PROPOSED ACTIONS: After considering public testimony, 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.

Ray introduced the item as written above and provided examples of the public art in town. Exemptions in the non-residential zoning districts shall be full cut-off except for signs internally or externally illuminated and flagpole uplighting for flags of government entities.

Mayor Lambert opened the public hearing at 7:15 p.m. Hearing no testimony, the public hearing was closed at 7:16 p.m.

Staff will review any complaints received. The proposed lighting will be included in the artist proposal for public art. Taruscio moved and Sullivan seconded 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. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Mayor Lambert read Ordinance 2021-04:

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 6, PROVIDING FOR THE AMENDMENT OF THE OUTDOOR LIGHTING CODE TO ALLOW LIGHTING FOR PUBLIC ART; 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. Stormwater User Fee Credits and Waivers Summary (ACTION ITEM) - Kyle Steele

The City Council established a Stormwater Utility with the adoption of Title 5, Chapter 19 earlier this year. The utility provides the City with the authorization to equitably allocate the operation, maintenance, improvement, and regulatory compliance expenses of the City's Stormwater Control System to users of the system in proportion to the level and type of services received from the system. It also allows the City to provide for the establishment of a system of stormwater user fees, and requires that the City provide a written system of user fee credits and exemptions to better individualize fees to reflect a customer's stormwater burdens and services. Staff is proposing a system of user fee credits and waivers for management practices and activities that reduce the costs to provide stormwater management related services, reduces a customer's burden on the City Stormwater Control System and therefore receives a lower level of City stormwater services. This was reviewed by the Administrative Committee at their meeting on April 12, 2021 and was recommended for approval.

PROPOSED ACTIONS: Adopt the system stormwater user fee credits and waivers, or take such other action deemed appropriate.

Palmer introduced the item as written above and gave a brief background on the Phase 2 Stormwater permit. Credits are available on a percentage basis and include on-site gravel areas, K-12 education activities, NPDES permits, direct dischargers, and on-site retention/treatment. Vacant undeveloped property, public roads, city owned buildings and facilities, public parts, open space, trails and paths or any non-use will be waived from the fee. An appeal process is available if a citizen believes they are in a different category but staff doesn't anticipate many as there was quite a level of accuracy in the determination of service units. Palmer explained how a service unit is measured. There are three levels at the residential level.

Victoria Seever (Moscow) confirmed the fee is based on the footprint of the property and not based on the height of property.

Initial appeal will comprise of representatives from Environmental Services Department, Storm Department and the Stormwater Inspector. All commercial properties have been measured and personal contact has been made.

Bettge moved to adopt the system stormwater user fee credits and waivers. Kelly seconded. Roll Call

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

8. Lee Newbill Safety Fair Donation Request (ACTION ITEM) - Gary J. Riedner

The Lee Newbill Safety Fair was not held in 2020, due to the COVID-19 pandemic response. This year, the Safety Fair is proposed to be held in some form. Staff discussed several pandemic related issues that could impact a decision by the City to allow the event or allow City employees to participate in the event. Part of that discussion included the possibility that the City could participate in the purchase of bicycle helmets if the event was held. The bicycle helmet program, whereby the Moscow Police Department gives away helmets to young riders, is the center piece of the Safety Fair. The Safety Fair Committee met to discuss several options and MPD Captain Roger Lanier presented the potential for both a revised Safety Fair format, and City participation in the purchase of bicycle helmets for the give away. The Safety Fair Committee decided it was too risky to plan for a full scale Safety Fair at this time, even if it was held later in the summer. The Committee also agreed that going two years in a row without distributing helmets to Moscow children doesn't serve the needs of kids in our community. After deliberations the Committee agreed that several smaller

events will be held at the schools to address helmet giveaways. The Safe Routes to Schools program will use a format they have used successfully in the past, and will coordinate with Moscow School District to set up the events. MPD will participate as available with bike and patrol officers and various services clubs will also provide volunteers.

The Safe Routes to School program has \$1000 to contribute toward purchasing helmets and the Safety Fair committee will contribute \$2000. The Committee is requesting the City of Moscow to contribute an additional \$2000 toward the purchase of helmets. The Moscow Police Department will coordinate the purchase of the helmets as the MPD has an established relationship with the vendor. Since the goal has always been to provide helmets to kids before the summer riding season, the funds are requested as soon as possible so helmets can be ordered and distributed. It is anticipated that events will be held in late April and in May before school is out for summer break. It is proposed that funding be provided from Legislative Non-Prioritized Projects (101-010-10-670-16). This was reviewed by the Administrative Committee on April 12, 2021 and recommended for approval.

PROPOSED ACTIONS: Recommend approval of \$2,000 from Legislative Non-Prioritized Projects (101-010-10-670-16) for purchase of bicycle helmets for the 2021 Lee Newbill Safety Fair, or take such other action deemed appropriate.

Lanier introduced the item as written above. Staff felt two years without putting helmets into the hands of kids is not something they wanted to do. This year they anticipate more helmets because the helmets are being taken directly to the kids, rather than families attending the safety fair. Primary use will be children kindergarten through sixth grade. Riedner explained the City Council budgets the Non-Prioritized Projects for unidentified projects. This would be the first expense from the \$20,000 line item. Kelly moved to approve the \$2,000 from Legislative Non-Prioritized Projects (101-010-10-670-16) for purchase of bicycle helmets for the 2021 Lee Newbill Safety Fair. Taruscio seconded. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

REPORTS

Staff

Riedner presented the metrics adopted in Resolution 2020-27. The seven day average went up a little but is coming down again. Average cases for the week of April 5 was 3; week of April 12 was 7.43; week of April 18 was 6.14. Test results and hospitalizations have both been met. No partners wish to remove the mandate.

City Council

Moscow Volunteer Fire Department – Bettge said the Department is working on consolidating accounts will be going to in-person fundraisers.

Moscow Arts Commission – Sullivan said the Commission is setting up qualifications for the poet laureate and working on public art vinyl wraps.

Planning and Zoning Commission – Laflin reported the Commission is reviewing subdivisions and how to develop and maintain land. Concerns with vehicles and transportation are being addressed.

Moscow Pathways Commission – Kelly said bike to work day is May 25. Rather than treats for the event, the Commission is creating brochures for people to drive by and take.

Councilmembers presented information on other meetings and events.

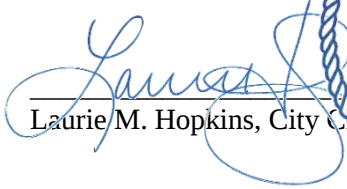
Mayor

The Mayor said he attended the public house for the airport terminal and the AIC district meeting. The legislative session has been interested and may extend longer. He also announced he does not plan to seek office again.

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

Laflin moved and Kelly seconded to adjourn to Executive Session at 8:09 p.m.

ATTEST:


Laurie M. Hopkins, City Clerk




Bill Lambert, Mayor

**CITY OF MOSCOW
MINUTES OF CITY COUNCIL EXECUTIVE SESSION
April 19, 2021**

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 (virtual)

The executive session was called to order at 8:15 p.m.

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

The executive session was adjourned at 8:35 p.m.