

Moscow City Council



Regular Meeting ~Minutes~

www.ci.moscow.id.us

Laurie M. Hopkins
City Clerk

208.883.7015

Monday, October 4, 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, Anne Zabala

STAFF: Gary J. Riedner, Mia Bautista, Bill Belknap, David Schott, Greg Morrison, Mike Ray, Aimee Henrichs, Laurie M. Hopkins

PLEDGE OF ALLEGIANCE

Laflin led the Pledge of Allegiance.

CONSENT AGENDA

1. All Consent Items (ACTION ITEM)

A. Approval of Moscow City Council September 20, 2021 Minutes - Laurie M. Hopkins

B. Personnel Policy Updates - Jen Pfiffner

Updates to the City of Moscow Personnel Policies continue. The On-Call policy presented includes updates to the current policies to promote consistency and equity across departments and divisions. Policy sections will continue to be presented for review.

ACTION: Approve the proposed On-Call personnel policy.

C. Moscow Police Department - OHS Highway Safety Grant FFY 2022 - Alisa Anderson / Eric Warner

The Moscow Police Department (MPD) has received a notice of award for a grant request submitted in February 2021 for the national program called Selective Traffic Enforcement Program (STEP) sponsored by the Idaho Transportation Department (ITD), Office of Highway Safety (OHS). The program addresses specific behaviors related to traffic safety priority areas and safety deficiencies within local law enforcement jurisdictions and is focused on combatting traffic crashes resulting in fatal and serious injuries. The award will reimburse the MPD for time dedicated to traffic enforcement to include problem identification, a project plan including objectives, performance measures and safety focused targets. The MPD employs a dedicated traffic enforcement officer; however, the department will form a "Traffic Enforcement Team" to fulfill the grant requirements. The program period is October 1, 2021 to September 30, 2022 with a grant award of \$100,000 requiring a \$25,000 cash and in-kind match. The funding will cover the wages and fringe benefits for approximately 2,080 regular patrol officer wages, and/or overtime, travel, contractual services, training, and consumables. Patrol officer wages can also include hours spent providing public education, distribution of educational materials, and outreach efforts to create a general deterrence toward crash-causing behavior. The match of \$25,000 can include mileage, administrative staff hours for program management, hard costs, and overtime (not included in other grant programs) allocated to traffic patrols for special events held in Moscow to address program specific safety goals. This item was reviewed by the Public Works/Finance Committee on September 27, 2021 and recommended for

approval.

ACTION: Approve the Moscow Police Department to accept the Idaho Transportation Department, Office of Highway Safety, Highway Safety Grant FFY 2022 for \$100,000.

D. Rolling Hills 9th Addition Development Agreement - Todd Drage

Ryan Itani, on behalf of Itani Land Company LLC, has submitted to the City a final plat for the development of a property east of the intersection of 3rd St. and 6th St and just south of Moser Park. On June 21, 2021, the City Council approved the preliminary plat for this property. The final plat is titled Rolling Hills 9th Addition and will be presented for City Council approval on October 4th. If the final plat is approved by the City Council, a development agreement is necessary to address construction of public improvements, parkland dedication, and as-constructed drawings. The agreement included in the packet covers these items. This item was reviewed by the Public Works Finance Committee on September 27, 2021 and was recommended for approval.

PROPOSED ACTIONS: Approve the Development Agreement with Itani Land Company LLC for Rolling Hills 9th Addition.

E. Rolling Hills 9th Addition Monumentation Agreement - Todd Drage

Ryan Itani, on behalf of Itani Land Company LLC, has submitted to the City a final plat for the development of a property east of the intersection of 3rd St. and 6th St and just south of Moser Park. On June 21, 2021, the City Council approved the preliminary plat for this property. The final plat is titled Rolling Hills 9th Addition and will be presented for City Council approval on October 4th. If Council approves the final plat, the interior property corners will not be set until after the final plat has been filed, the earthwork has been completed, and the utilities have been installed. In such instances, an agreement obligating the establishment of these interior corners is required by Idaho Code. This item was reviewed by the Public Works Finance Committee on September 27, 2021 and was recommended for approval.

PROPOSED ACTIONS: Approve the monumentation agreement with Itani Land Company LLC for Rolling Hills 9th Addition.

Bettge moved, Taruscio seconded.

REGULAR AGENDA

2. Staff Recognition Report - Gary J. Riedner

Riedner honored Laurie Hopkins who was sworn in as the 2021-2022 President of the Idaho City Clerk / Treasurers / Finance Officer Association.

3. Mayors Appointments (ACTION ITEM)

None offered.

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

None offered.

5. Citizen Commission Report - Parks and Recreation Commission - David Schott / Robby Cooper

Schott introduced Robby Cooper, Chair of the P&R Commission. Cooper presented a list of the commission members, read the mission statement, and went through the projects for 2021 which included pickleball court at Ghormley Park, weed monitoring report, and a strategic planning process. Projects for 2022 include continuing the strategic planning process, paradise pathway lighting, and a playground at Milton Arthur park.

6. Appeal of Denial of Conditional Use Permit at 1400 E Seventh Street (ACTION ITEM) - Aimee Hennrich

On February 19, 2021, PI Tower Development LLC applied for a Conditional Use Permit (CUP) to construct an 80-foot-tall Wireless Communication Facility (WCF) that would resemble a church tower, located at 1400 E Seventh Street. The Board of Adjustment conducted a public hearing for the proposed CUP on March 29, 2021, and subsequently voted to deny the application. On April 16, 2021, the Community Planning and Design Department received an appeal letter from Wireless Policy Group on behalf of Parallel Infrastructure, stating that they wish to appeal the Board of Adjustment's decision to City Council.

On May 3, 2021, Council heard the appeal and remanded the matter back to the Board of Adjustment with the instruction to develop additional material information. Specifically, to determine whether the horizontal footprint and width of the proposed Wireless Communication Facility can be reduced in order to be less intrusive to the neighborhood and surrounding land uses and ultimately satisfy Criterion #2.

The Board of Adjustment conducted a public hearing to consider the Council's instructions and accept additional information on August 24, 2021, and subsequently voted to deny the application. On September 8, 2021, the Community Planning and Design Department received an appeal letter from Wireless Policy Group on behalf of Parallel Infrastructure, stating that they would like to appeal the Board of Adjustment's August 24, 2021, decision to deny the application to City Council.

PROPOSED ACTIONS: Sustain the decision of the Board in whole or in part; or 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 action deemed appropriate

Hennrich introduced the item as written above adding on May 3, 2021, City Council heard the appeal and remanded the matter to the Board of Adjustment (BOA) to determine whether the horizontal footprint and width of the proposed Wireless Communication Facility can be reduced in order to be less intrusive to the neighborhood and surrounding land uses and ultimately satisfy Criterion #2 of the Relevant Criteria and Standards (RCS). The applicant determined the horizontal footprint and width of the proposed facility cannot be reduced in height or diameter and the structures location cannot be changed. The applicant submitted three alternative tower designs for consideration. See attached presentation.

Bautista explained the parameters of the appeal are no additional information can be taken or considered. Discussion is regarding what is on the record.

Josh Leonard, Clark Wardle LLC (Boise ID) representing the applicant. Thanked staff for their work. Leonard also went through history of the application and appeal adding staff recommended approval and the application met 13 out of the 14 criteria in the RCS. The BOA reviewed three options and he felt they had some confusion as to how far their authority went. The BOA voted on the monopole and tower but didn't think they could approve the 3-legged option thus didn't vote. The monopole is the least expensive and preferred option however, the applicant is willing to build any of them. The monopole and 3-legged structures reduce the footprint of the structure. Due to utilities and access, the location couldn't be moved. The Zoning Code states telecommunication facilities are designed to minimize visual impacts and the character of the proposed use will be in harmony with the neighborhood. Leonard reminded the Council of the testimony in favor of the cell tower from the hearing. He requested the Council reverse the decision of the BOA.

Taruscio felt the applicant has given a serious good faith effort to fit character and aesthetics of the neighborhood. The proposed steps forward are good and the Council has choices that would be acceptable. Bettge felt harmony is a nebulous concept and trying to quantify it means something different to all involved. The applicant has done their due diligence in decreasing the horizontal and width to reduce the visual impact. Kelly said she appreciated the effort and changes. She is concerned with a large cross on the structure as some people may be uncomfortable with it. If approved, she would prefer the 3-legged or monopole. Laflin said she is stuck between the terms reduction and harmony. She feels the need for coverage is there and the Council

can define harmony in a way that minimizes impact. Sullivan said Criteria 2 has a degree of interpretation. How does any 80 foot tower fit harmoniously in any residential zone.

Belknap said in speaking to the height, the City Code promotes co-location with a taller structure. If a carrier installs a shorter tower and another carrier wants to locate on it, the structure would have to be switched out to allow for it. The goal of the City Code is to have fewer but taller structures.

Bettge feels the facility is needed and the applicant has done what they can on visual and horizontal projection. He moved to reverse the decision of the Board. Taruscio seconded.

Belknap recommended, because harmony with the neighborhood has been the primary area of concern, the selection of the structure be included with the motion. Riedner said the record needs to be as clean as possible. His preference is to reverse the decision in favor of a design.

Bettge modified his motion to say reverse the decision of the BOA and select the tripod structure as the preferred design. Taruscio seconded the modification.

Sullivan said the monopole is the least intrusive. Kelly would support the tripod structure if there was no religious insignia on it. Sullivan agreed with Kelly that a religious symbol that large would not be in harmony with neighborhood. Zabala felt the tripod structure was most compelling in reduction and impact.

Bettge modified his motion to say reverse the decision of the BOA and select the tripod version and remove any specific religious insignia on tower. Kelly seconded. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Bettge moved to direct staff to prepare the RCS and bring back to Council at the next meeting. Kelly seconded. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

7. Rolling Hills 9th Addition Final Plat (ACTION ITEM) - Mike Ray

On June 21, 2021, Moscow City Council approved the Rolling Hills 9th Addition preliminary plat with two conditions. On September 13, 2021, the applicant submitted the final subdivision plat to be reviewed by the Planning and Zoning Commission and City Council. The Planning and Zoning Commission reviewed the final subdivision plat at their meeting on September 22, 2021 and recommended approval to City Council.

PROPOSED ACTIONS: Approve the Rolling Hills 9th Addition Final Plat; or take other action as deemed appropriate.

Ray provided a background of the subdivision plat adding the two conditions from the preliminary plat were satisfied in the final plat. Taruscio moved to approve Rolling Hills final plat with no conditions. Bettge seconded. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

8. Amendment to City Code to Correct Management Reorganization (ACTION ITEM) – Gary J. Riedner / Mia Bautista

On October 7, 2019, the City Council passed Resolution 2019-19 authorizing the implementation of the reorganization management model and directed staff to prepare ordinance revisions to align with said model, which included the creation of new positions, along with the elimination of specific positions. On July 19, 2021, the City Council passed Ordinance 2021-09, approved by the Mayor, providing for the amendment of various Chapters of Moscow City Code to reflect the reorganization management model of the City. While codifying the City Code, certain sections were found to have errors. The proposed ordinance will correct those errors and amend Moscow City Code Title 6, Chapter 2 by replacing Section 24 of Ordinance 2021-09 in its entirety, retain Title 3, Chapter 11 as previously codified, and amend Title 5, Chapter 11 to accurately reflect the name of the Commission, which changed from Health and

Environment Commission to Sustainable Environment Commission. This was reviewed by the Public Works/Finance Committee on September 27, 2021 and recommended for approval.

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.

Bautista introduced the item as written above. Sullivan 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. Laflin seconded. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Mayor Lambert read Ordinance 2021-18 by title:

AN ORDINANCE OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE CORRECTION OF ORDINANCE NO. 2021-09; PROVIDING FOR THE RECISION OF SECTION 8 OF ORDINANCE NO. 2021-09 AND THE CLARIFICATION THAT MOSCOW CITY CODE TITLE 3, CHAPTER 11 SHALL REMAIN UNAMENDED BY RESOLUTION 2021-09; PROVIDING FOR THE RECISION OF SECTION 24 OF ORDINANCE NO. 2021-09 AND THE CORRECTED AMENDMENT OF MOSCOW CITY CODE TITLE 6 CHAPTER 2; PROVIDING FOR THE CORRECTION OF SECTION 18 OF ORDINANCE NO. 2021-09 SPECIFIC TO MOSCOW CITY CODE TITLE 5, SECTION 11-5; PROVIDING THAT ALL OTHER SECTIONS OF ORDINANCE NO. 2021-09 SHALL BE IN EFFECT; 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

City Council

Farmers Market Commission – Bettge said the Tuesday market has vendors that want to join; working on design templates for new logos and promotion; defining local in cider making.

Moscow Volunteer Fire Department – Bettge said the Department was working on the pancake feed logistics; point system for volunteers.

SMART Transit – Bettge said the group is working on a salary survey for driver positions; purchase of two dial-a-ride buses.

Moscow Urban Renewal Agency – The Agency approved the FY2022 budget and all lots in Alturas have sold but one.

Parks and Recreation Commission – Sullivan said the Commission had their parks tour.

Moscow Arts Commission – Sullivan reported the Commission approved a new poet laureate; approved RFQ for activities tool box; presented public art schedule; the Andrew Becker selection committee was selected.

Palouse Knowledge Corridor – Zabala two finalists but no offer yet.

Sustainable Environment Commission – Kelly said the Commission prepared for the climate control presentation.

Clearwater Economic Development Association – Kelly said the Association hired a director.

Palouse Basin Aquifer Committee – Taruscio said the water summit is scheduled for October 21 and will be virtual.

Clearwater RC&D – Taruscio said the group is winding down and at 50% projects; mid to late 2022 they will be done

Planning and Zoning Commission – Laflin said the Commission items have come before Council.

Human Rights Commission – Laflin reported the Commission held three events during Racial Equality and Inclusive Community month of September; created video based on survey results.

Mayor

Mayor Lambert said he participated in the Moscow Pathways Commission bike ride and attended the Airport Board meeting.

Staff

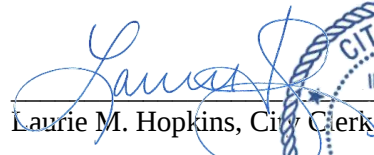
Riedner said the first entertainment district event was held this past weekend and was sold out. The City anticipates more events. The airport terminal workshop has been moved to October 11 as information won't be finalized for a couple weeks.

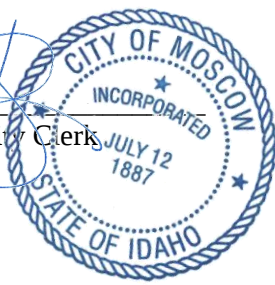
ADJOURN

It was moved, seconded and mutually agreed upon to adjourn at 8:39 p.m.


Bill Lambert, Mayor

ATTEST:


Laurie M. Hopkins, City Clerk



APPEAL OF A REMAND CUP APPLICATION FOR A WIRELESS COMMUNICATION FACILITY PROPOSED AT 1400 EAST 7TH STREET

Board of Adjustment

October 4, 2021

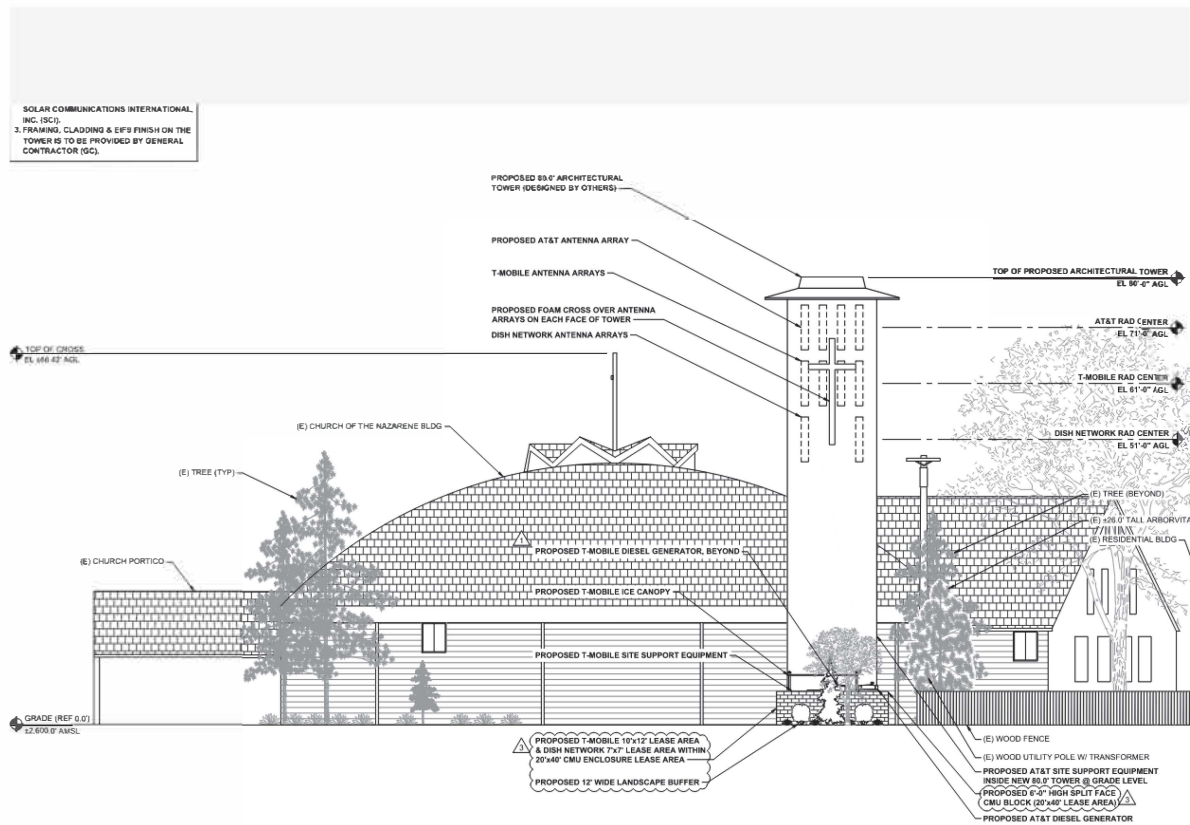
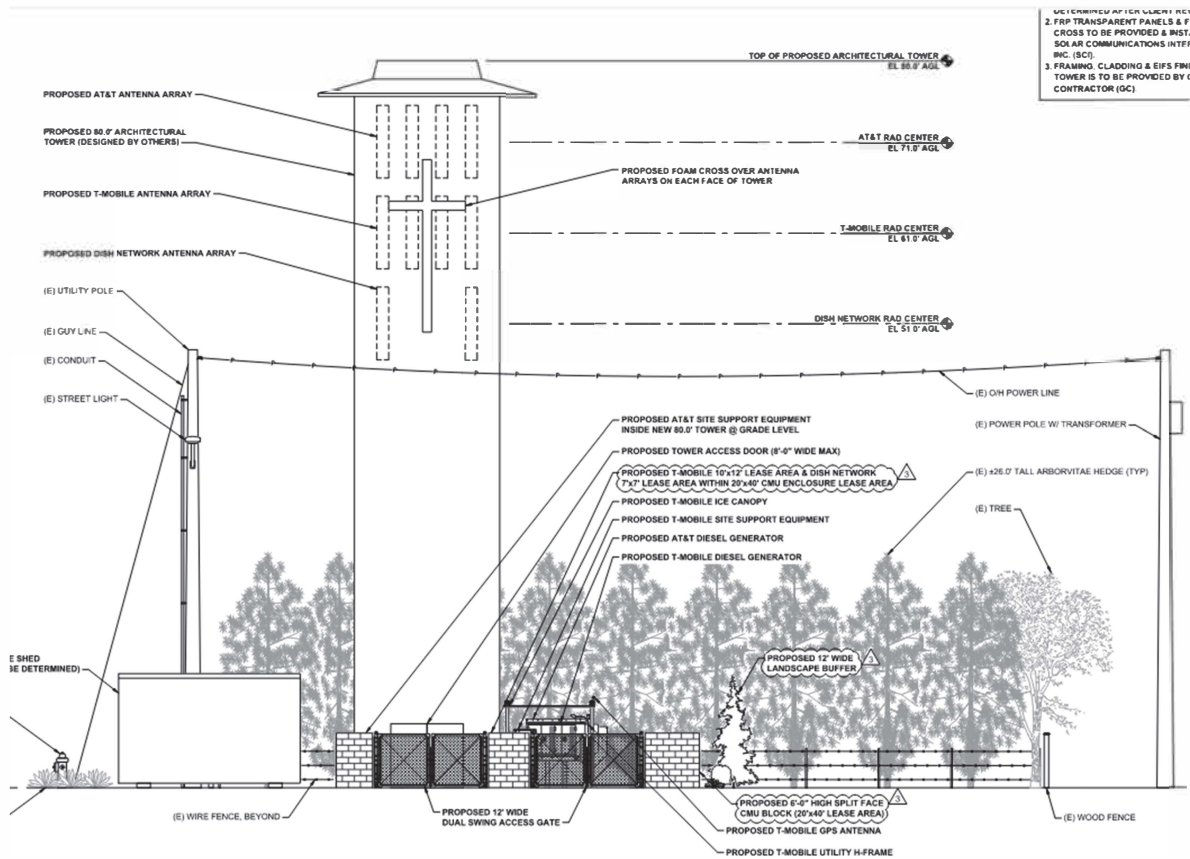
BACKGROUND

- July 30th of 2018, Pro Land LLC applied for a Conditional Use Permit to construct an 80 foot tall Wireless Communications Facility at 1400 E 7th Street. The facility was designed as a stealth-style mono-pine tower intended to resemble a tree.
- November 18th 2018, The Board of Adjustment denied the application finding that the mono-pine tower was not consistent with the existing character of the neighborhood and would not be in harmony with land uses surrounding the subject property and the scale of the proposed tower is significantly larger than other structures or trees in the surrounding area.
- On November 27th 2018, Busch Law Firm PLLC filed an appeal on behalf of the applicant.
- On January 7th 2019, City Council reviewed the appeal and sustained the decision to deny the application.

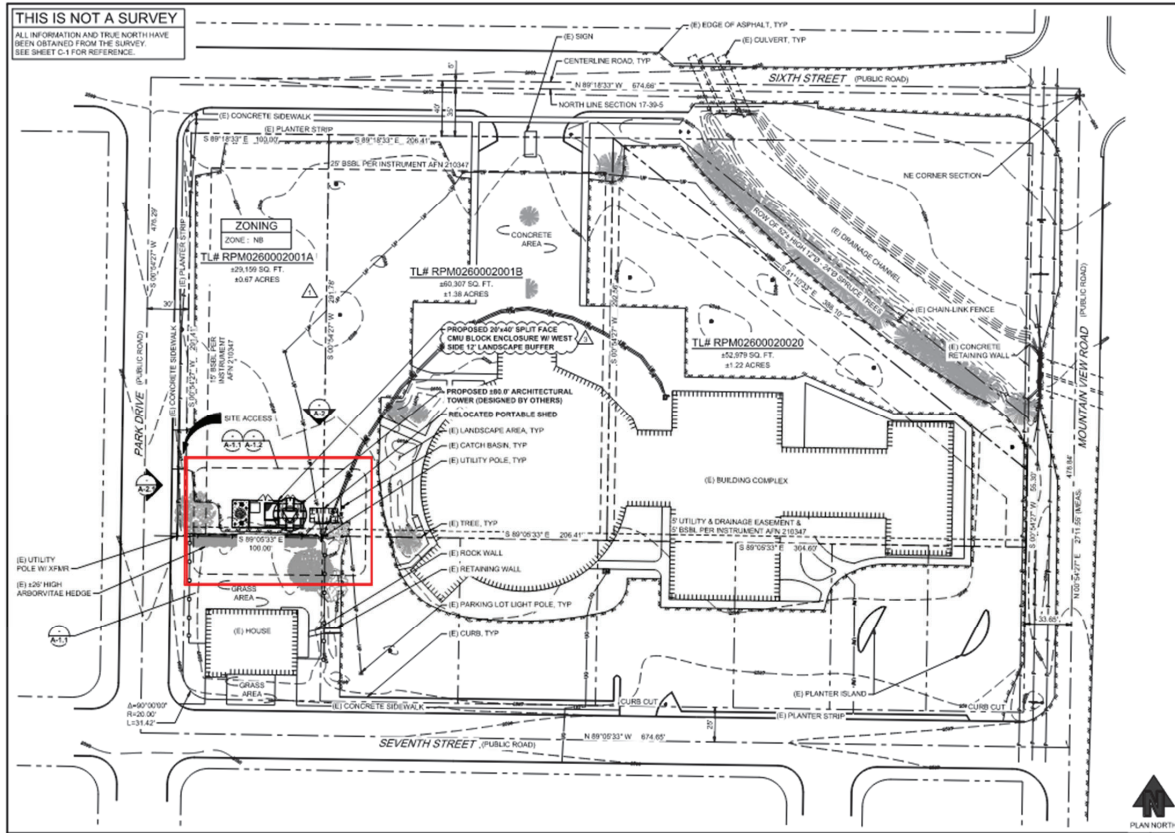
BACKGROUND CONT.

- February, 19th of 2021, PI Tower Development LLC applied for a Conditional Use Permit to construct an 80 foot tall Wireless Communications Facility at 1400 E 7th Street. The facility was designed to resemble a church tower.
- March 29th 2021, The Board of Adjustment held a public hearing on the matter and denied the application finding that did not meet Criterion #2 of the Relevant Criteria and Standards.
 - The proposed WCF is not consistent with the existing character of the uses within the surrounding neighborhood. The cell tower looked out of place and would not be in harmony with land uses surrounding the subject property, including the Nazarene Church. The surrounding neighborhood is primarily residential with few commercial uses nearby. The scale of the proposed tower is significantly larger than other structures or trees in the surrounding area.





THIS IS NOT A SURVEY
ALL INFORMATION AND TRUE NORTH HAVE
BEEN OBTAINED FROM THE SURVEY.
SEE SHEET C-1 FOR REFERENCE.



A photograph of a tall, slender, light-colored tower with a large white cross on its front, standing in a grassy area. The tower is surrounded by evergreen trees and a paved road in the foreground. The sky is blue with scattered white clouds.

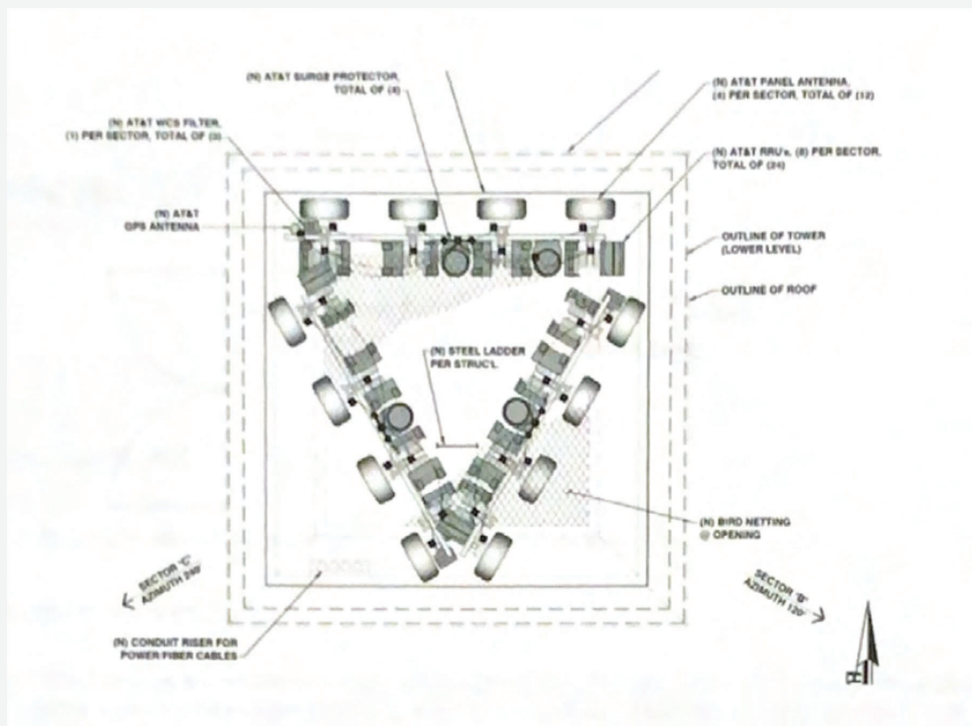


BACKGROUND CONT.

- The City received an appeal from Wireless Policy Group on April 16, 2021
- On May 3rd 2021, City Council heard the appeal and remanded the matter in part to the Zoning Board of Adjustment for the following sole and specific purpose:
 - To develop additional material information. Specifically, to determine whether the horizontal footprint and width of the proposed Wireless Communication Facility can be reduced in order to be less intrusive to the neighborhood and surrounding land uses and ultimately satisfy Criterion #2.
- Criterion #2
 - The character of the proposed use (will/will not) be in harmony with the neighborhood and surrounding land uses.

APPLICANT RESPONSE

- Applicant - determined the horizontal footprint and width of the proposed Wireless Communication Facility can not be reduced in height or diameter and the structures location can not be changed.
- Diameter
 - Antennas arranged in traditional 3 sided configuration. They are secured to a triangular platform with mounts that allow the antennas to be tilted up and down and side to side to direct the signal
 - Antennas are nearly flush with the outer walls of the structure, giving no room to reduce the overall diameter of the tower
 - 4 sided tower is also important because each carrier has a different network configuration which may require that triangular platform to be rotated differently.



APPLICANT RESPONSE

- Height
 - Antennas require vertical separation between 3 carriers'
 - separation between its own various antennas based on the different frequencies being used, to prevent interference
 - Provide for 2 collocation spaces and remain tall enough to be technically viable for other carriers
- Location
 - Church of the Nazarene provided a letter on why the towers location is ideal.
 - Concerns about underground utilities and potentially restricting access.
 - Natural screening by trees and other vegetation superior to other site locations

APPLICANT RESPONSE

- After determining that the horizontal footprint and width of the proposed structure could not be reduced in size, the applicant submitted three alternative tower designs for the Board to consider

ALTERNATIVE #1

- Current tower alternate design:
 - Current tower with cut outs.
 - 40 feet to the ground.
 - Racks of decorative bells horizontally in that space.
 - This alternative allows a view through the structure provides visual relief from the current design and provides an appearance of reduced bulk.
 - There is also an option for additional decorative detailing on either of the 4 sided tower designs to incorporate more elements of the church design.



ALTERNATIVE #2

- 3 Legged Tower Design
 - Design reduces the visual bulk,
 - 3 sided design will also potentially reduce the collocation opportunities on the tower.
 - This is not a preferred alternative for the applicant



ALTERNATIVE #3

- Monopole
 - The traditional monopole design can be far less bulky than the enclosed tower structure
 - Can be painted to match the prevailing background to further reduce the visual impact.
 - The diameter for the antenna platforms would be consistent with the proposed tower diameter but the support pole would be slimmer. (22 inches at the top tapering to approximately 35 inches at the base.)



PUBLIC TESTIMONY

- Three emails were received in opposition to the proposal
- Written testimony in opposition to the proposal was received by 7 individuals, including a petition with 56 signatures.
- At the hearing public testimony was received by 6 individuals:
 - Concerns included sound from the proposed weekly generator testing, height of the structure, no need for additional cell phone coverage, and the proposed tower does not fit the character of the existing neighborhood.
- Public testimony in favor of the proposed WCF was heard from a total of 5 individuals.

BOA DECISION AND FINDINGS

- Board denied the application for the Conditional Use Permit August 24, 2021 finding that the proposal still did not meet criterion #2 of the Relevant Criteria and Standards.
 - Criterion 2: The character of the proposed use will be in harmony with the neighborhood and surrounding land use.
- Board approved the Relevant Criteria and Standards for the CUP denial on August 30, 2021
- An appeal was received from Wireless Policy Group on September 8, 2021

COUNCIL ACTION

- Sustain the decision of the Board in whole or in part; or
 - 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
-
- Direct staff to prepare a written decision based on the Council's action