

Administrative Committee



Regular Meeting ~Agenda~

Laurie M. Hopkins
City Clerk

www.ci.moscow.id.us

208-883-7015

**Monday
December 13, 2021**

4:00 PM

**Council Chambers
206 E. Third St.**

The Moscow Mayor, City Council and Staff welcome you to today's meeting. Attendees are subject to protocols established by Governor Little's Stay Healthy Guidelines of the Idaho Rebounds Plan. If you do not have a mask, a disposable mask will be provided. We appreciate and encourage public participation. For regular agenda items, an opportunity for public comment is sometimes provided after the staff report. However, the formality of procedures varies with the purpose and subject of the agenda item and limitations may be placed on the time allowed for comments. If you plan to address the Committee, you will find a list of "Tips for Addressing the Council" in the door pocket outside the City Council Chambers. Citizens wishing to comment on business on the agenda are encouraged to communicate with the Mayor and City Council by phone or email (council@ci.moscow.id.us) in order to respect social distancing protocol. Please note that Committee meetings are televised, videotaped and/or recorded. Links to view the Committee meeting live can be found on the City website, YouTube, Facebook and Spectrum Cable 1301. Thank you for your interest in City government.

REGULAR AGENDA

- 1. Approval of Administrative Committee November 8, 2021 Minutes (ACTION ITEM) - Taylor Riedner**
- 2. Portable Collection Deaccession (ACTION ITEM) - Megan Cherry**

The City of Moscow Portable Collection currently houses 95 pieces, and with its first accession in the mid-1980s, it is the longest-standing of all City Public Art collections. The pieces are displayed in different locations according to accessibility to the public as well as staff interest. Frank Werner's wooden duck decoy was donated to the City Portable Collection by Samuel and Lois Butterfield in 2004, and has been on display in City Supervisor Gary Riedner's office since that time. With Riedner's retirement approaching in January 2022, the MAC discussed on October 12, 2021 and voted on November 9, 2021 to implement the deaccession process in order to present the decoy as a farewell gift. Commission members noted that Portable Collection deaccessions are not anticipated as a standard practice for City staff retirement celebrations, and added that their recommendation for gifting the duck is based upon Riedner's length of service, appreciation of and proximity to the duck, as well as his support of the arts in Moscow.

PROPOSED ACTIONS: Recommend deaccession as well as gifting, recommend against deaccession, or direct staff further direction.

- 3. Classification and Retention of Public Records Resolution (ACTION ITEM) – Mia Bautista / Laurie M. Hopkins**

Idaho Code requires the City Council adopt by Resolution a records classification and retention schedule listing the various types of City records and the retention period for each type of record. The current resolution was adopted in 2008 and included the list of permanent records, semipermanent records, and temporary records specifically included in Idaho Code 50-907. Idaho Code 50-907 also allows the City Council to deem additional documents or records as Permanent, Semipermanent and Temporary. The proposed resolution includes a more expansive list of records in each category than the 2008 resolution and provides an update to the list of transitory items.

PROPOSED ACTIONS: Recommend approval of the records classification and retention schedule resolution, or provide staff further direction.

4. Public Records Request Guidelines Resolution (ACTION ITEM) – Mia Bautista / Laurie M. Hopkins

Idaho Code § 74-119 requires cities to adopt guidelines that identify the general subject matter of all public records maintained by the City, including the physical location of such records. Idaho Code also requires the designation of a custodian to receive public records requests and an alternate custodian to help members of the public who want to request public records. Staff has drafted a resolution detailing the location of records, a policy for requesting records, and the designation of a primary and alternate custodian.

PROPOSED ACTIONS: Recommend approval of the public records guidelines resolution, or provide staff further direction.

5. Records Management Policies and Procedures Code Amendment (ACTION ITEM) – Mia Bautista / Laurie M. Hopkins

In 2015 the City Council adopted Title 1 Chapter 10 Records Management Policies and Procedures, in compliance with Idaho Code, to ensure orderly and efficient management of municipal records. Since that time, the pertinent sections of Idaho Code dealing with public records has been amended. The proposed ordinance includes the changes the Legislature adopted, specifically through the enactment of the Public Records Act under Title 74 of the Idaho Code. The amendments include updates to the references of Idaho Code for the classification and retention of municipal records, digital media requirements, and the disclosure of public records.

PROPOSED ACTIONS: Recommend adoption of the ordinance amending Moscow City Code Title 1, Chapter 10 of the records management policies and procedures, or provide staff with further direction.

6. Winterfest Alcohol Use Request in Entertainment District (ACTION ITEM) - Amanda Argona

The Moscow Chamber of Commerce + Visitor Center is hosting the inaugural Winterfest on Saturday, January 22nd, from 12 pm to 4 pm on Main Street between 3rd and 6th Streets. The event is intended to be an annual event, with this year's theme '80s Ski. The applicant anticipates 9 (nine) beer and/or wine tents/vendors and ten (10) food vendor tents, putt-putt contest, Rubik's Cube contest, corn hole, snowball relay race, lip-sync battle, and more. The event has been reviewed and approved as of December 3, 2021. Following standard operating procedures for events with alcohol that are within the Entertainment District boundaries, Winterfest is requesting a temporary suspension of the open container law by resolution. Per Moscow City Code, Section 10-1-12; a draft resolution has been prepared for Council's consideration.

PROPOSED ACTIONS: Recommend approval of the resolution allowing for the temporary suspension of the open container law within the event footprint of Winterfest for the duration of the event; or provide staff further direction.

REPORTS

Arts Education Report - Megan Cherry

Staff Report (if needed)

ADJOURN

NOTICE: Moscow City Council and committee meetings are televised, videotaped and/or recorded. Individuals attending the meeting who require special assistance to accommodate physical, hearing, or other impairments, please contact the City Clerk, at (208) 883-7015 or TDD 883-7019, as soon as possible so that arrangements may be made.

Administrative Committee



Regular Meeting ~Minutes~

Laurie M. Hopkins
City Clerk

www.ci.moscow.id.us

208.883.7015

**Monday
November 8, 2021**

4:00 PM

**Council Chambers
206 E. Third St.**

The meeting was called to order at 4:00 p.m.

PRESENT: Brandy Sullivan, Sandra Kelly, Gina Taruscio

OTHERS: Mayor Bill Lambert, Council Member Art Bettge, Council Member Maureen Laflin, Council Member Elect Julia Parker, Council Member Elect Hailey Lewis

STAFF: Gary Riedner, Tyler Palmer, Bill Belknap, David Schott, Alisa Anderson, Taylor Riedner

REGULAR AGENDA

1. Approval of Administrative Committee October 25, 2021 Minutes (ACTION ITEM) - Taylor Riedner

The Committee recommended approval and that it be placed on the Council consent agenda.

2. Consideration of the Moscow Heritage Tree Program (ACTION ITEM) - David Schott

Moscow is justly proud of its beautiful tree-lined streets, particularly in older historic neighborhoods, and works to create the same quality of urban forest in new areas of the City as they develop. To highlight our City's investment in trees, the Moscow Tree Commission has proposed creating a Moscow Heritage Tree Program to inspire and educate our community about our urban forest. A Heritage Tree is one that is notable for its large size, age, health or form, or is uncommon in Moscow. It may also be a tree with an interesting story or connection to Moscow's history. Once designated as a Moscow Heritage Tree, the tree will be featured in the Moscow Heritage Tree Program Guide, which includes a map of the tree's location, a photograph of the tree, and a description describing why it is a Moscow Heritage Tree.

PROPOSED ACTIONS: Recommend approval of the Moscow Heritage Tree Program and authorize the proposed Resolution, or provide staff further direction.

Schott introduced the item as written above and provided background to the program. The Moscow Tree Commission formed an Ad Hoc Committee to help start the heritage tree program and reviewed similar programs used by Spokane and Coeur d' Alene. The Ad Hoc Committee presented a draft to the Tree Commission on October 5th and the Commission recommended approval. The goal of the program is to inspire and educate the community about forestry, celebrate the benefits of mature trees, connect people to the natural beauty of trees, showcase examples of varieties of trees, and celebrate the roll that trees play in our environment. The program process includes a nomination form accompanied by a property owner agreement, and eligible trees must be visible from the public right of way. Trees on public and private properties may be considered and the submit the application to the Tree Commission for consideration. The Legal Department has assisted with developing the property owner agreement form. Trees that are selected to be a part of the program will be featured in the physical and online program guide and the property owner will also receive a certificate of recognition. Promotions beginning in the Spring of 2022 include an information flyer, press release, utility bill newsletter, social media press release, farmers market presence, and temporary yard signs for new heritage trees. Staff feels property owners should not be restricted and therefore are not being required to have specific maintenance and may remove the tree if they wish. Staff is asking that any heritage tree that is being removed to notify the City before doing so. Any tree located on public property would have to be approved and permitted by the City prior to removal. Currently there are no requirements for utility companies to handle heritage trees any differently than others but staff will

consider recommendations going forward. The Committee recommended approval and that it be placed on the Council consent agenda.

3. Affordable Housing Grant Program Resolution (ACTION ITEM) - Bill Belknap

During the development of the FY2022 Budget, the City Council appropriated \$30,000 in funding to be utilized to promote the development of affordable housing within the community. City Staff have met with affordable housing developers within the city including the Moscow Affordable Housing Trust and the local Habitat for Humanity Chapter to discuss how the funds could be utilized to leverage grants and donations to support the construction of affordable housing. Staff prepared an outline for a potential affordable housing grant program for nonprofit organizations focused upon the development of affordable housing and included eligible organizations, allowed use of the grant funds, homebuyer qualifications, and ongoing housing affordability requirements that was reviewed by the Administrative Committee on September 13, 2021. The Committee recommended approval of the outline with minor modifications and provided Staff with direction to prepare a Resolution to adopt and implement the program. Staff has prepared the Resolution for the Council's review and consideration for adoption.

PROPOSED ACTIONS: Recommend approval of the Affordable Housing Grant Program and the proposed Resolution, or provide staff further direction.

Belknap introduced the item as written above and shared changes made since the original presentation to the Committee. The intended goal of the City would be to allocate \$50,000 annually to the program. Eligible organizations would be non-profits whose primary mission is to develop affordable housing; however, the requirement that the entity be an IRS 501(c)(3) has been removed. Another change from the previous presentation is allowing grant awards to be effective for 24 months rather than 12 to allow the grantee more time for project completion. There are currently no programs offered by the City which allow for-profit builders to apply for grants since they would likely not meet the affordability goal of the City. Acquisition and rehabilitation or renovation of existing homes may now be eligible to apply for the grant opportunity. Homes located on leased lands also qualify for funding opportunities. Grants would be limited to \$10,000 each, however because of American Rescue Plan Act (ARPA) funds allocated by City Council of \$50,000 per year for three years, staff may recommend that these grants be increased to \$20,000 until those funds are exhausted. The Committee recommended approval and that it be placed on the Council consent agenda.

4. ARPA Small Business and Nonprofit COVID-19 Assistance Grant Program Proposal (ACTION ITEM) - Bill Belknap / Alisa Anderson

Under the American Rescue Plan Act (ARPA), state and local governments were allocated funding to respond to the economic impacts of the COVID-19 pandemic. The City of Moscow was allocated \$5,528,399 with a wide range of eligible uses including direct response to the pandemic, small business and nonprofit assistance and water, sewer and broadband infrastructure. The City Council conducted a workshop on October 25, 2021 and provided guidance to allocate \$750,000 for a small business and non-profit assistance program, \$150,000 for affordable housing, \$1,000,000 for stormwater infrastructure and \$3,628,399 for water system infrastructure. Staff has prepared an outline for the small business and nonprofit assistance program for the Committee's review and direction.

PROPOSED ACTIONS: Receive report and provide Staff with direction.

Belknap introduced the item by reviewing the purpose of ARPA funds and their objectives. ARPA allocations will be funded in two payments; the first occurred in June of 2021, and the second payment must be distributed within 12 months of the 1st. Funding must be obligated by December 31, 2024, and fully expended by December 31, 2026. The proposed program defines eligible entities for the small business and non-profit assistance program are those which employ under 200 employees and non-profit organizations. Qualified expenses include direct costs responding to COVID such as PPE, computers, software, and operational costs such as payroll, rent, supplies, and utilities that have been affected by COVID. Revenue reduction or increased operating expenses due to COVID must be more than 20% over the last two years. Belknap noted that the City is not able to compensate for the current shortage of labor. Supporting

documents required to demonstrate revenue reduction include financial statements, tax returns, personal financial statements, and 990 forms for non-profits. Grant awards will be limited to \$15,000 unless otherwise approved by Council. The proposed Review Committee includes the Grants Manager, Finance Director, and Deputy City Supervisor, which will make recommendations to City Council for award. City Council will review and approve the awards, and funds will be distributed within 30 days of the approval.

Sullivan would like to revisit the requirements and eligibility for ARPA funds and the restrictions on businesses to apply. 2019 should be used as a benchmark to compare revenue and expenditures. Belknap commented that 2019 would be included for that comparison.

Anderson stated that the program will be open in 2022, and assistance will be available for businesses that are still struggling. There are currently more funds available for daycare businesses through the Idaho Department Health and Welfare than any other businesses.

Taruscio suggested adding an additional representative to the Review Committee to voice for business owners and non-profits. Anderson mentioned certain financial documents from businesses must remain confidential, so staff will review the ability to do this.

Discussion ensued regarding the fund eligibility and usage. Committee asked staff to gather additional information and decided to table further discussion until the next committee meeting.

REPORTS

Staff Report (if needed)

No report needed.

ADJOURN

The meeting adjourned at 5:00 p.m.

COMMITTEE STAFF REPORT

DATE: Monday, December 13, 2021



RESPONSIBLE STAFF

Megan Cherry, Arts Program Manager

ADDITIONAL PRESENTER(S)

OTHER RESOURCES

AGENDA ITEM TITLE

Portable Collection Deaccession (ACTION ITEM) - Megan Cherry

DESCRIPTION

The City of Moscow Portable Collection currently houses 95 pieces, and with its first accession in the mid-1980s, it is the longest-standing of all City Public Art collections. The artworks are displayed for the benefit of the public in City offices and in Third Street Gallery exhibitions. The pieces are displayed in different locations according to accessibility to the public as well as staff interest. Frank Werner's wooden duck decoy was donated to the City Portable Collection by Samuel and Lois Butterfield in 2004, and has been on display in City Supervisor Gary Riedner's office since that time. With Riedner's retirement approaching in January 2022, the MAC discussed on October 12, 2021 and voted on November 9, 2021 to implement the deaccession process in order to present the decoy as a farewell gift. The following deaccession structure is stated in the 2021 Public Art Guidelines, a document reviewed by the City Attorney, recommended by the Arts Commission, and approved by City Council:

In the event a work of art may need to be considered for removal, sale, trade, or gifting (deaccessioning), the Arts Program Manager (and MAC) shall present the request to City Council. The Arts Program Manager or designee shall state in the request that the artwork is of no further use to the City; the recommendation of whether the artwork should be removed, sold, traded or gifted; the reasoning for the recommendation; and how the recommendation will provide for maximum value with attendant benefits to the citizens of Moscow (I.C. 67-5722, 5732A). Proceeds of a sale shall cover the expenses of the sale with any net revenues deposited into the general account of the City of Moscow.

Commission members noted that Portable Collection deaccessions are not anticipated as a standard practice for City staff retirement celebrations, and added that their recommendation for gifting the duck is based upon Riedner's length of service, appreciation of and proximity to the duck, as well as his support of the arts in Moscow.

STAFF RECOMMENDATION

Recommend deaccession of the duck and present it as a retirement gift to Gary Riedner.

PROPOSED ACTIONS

PROPOSED ACTIONS: Recommend deaccession as well as gifting, recommend against deaccession, or direct staff further direction.

FISCAL IMPACT

The duck decoy's value is \$600, an appraisal recently confirmed by the artist, Frank Werner. The Arts Commission recommends pursuing the purchase of another duck from Werner, pending the FY23 budget process.

PERSONNEL IMPACT

Staff impact related to deaccession would be minimal.

ATTACHMENTS

1. 2004_Portable_Werner, Frank_Wooden Decoy

MALLARD ♀
Frank Werner, Artist
Donated by
Sam and Lois Butterfield
2004



COMMITTEE STAFF REPORT

DATE: Monday, December 13, 2021



RESPONSIBLE STAFF

Mia Bautista

ADDITIONAL PRESENTER(S)

Laurie Hopkins, City Clerk

OTHER RESOURCES

AGENDA ITEM TITLE

Classification and Retention of Public Records Resolution (ACTION ITEM) – Mia Bautista / Laurie M. Hopkins

DESCRIPTION

Idaho Code requires the City Council adopt by Resolution a records classification and retention schedule listing the various types of City records and the retention period for each type of record. The current resolution was adopted in 2008 and included the list of permanent records, semipermanent records, and temporary records specifically included in Idaho Code 50-907. Idaho Code 50-907 also allows the City Council to deem additional documents or records as Permanent, Semipermanent and Temporary. The proposed resolution includes a more expansive list of records in each category than the 2008 resolution and provides an update to the list of transitory items.

STAFF RECOMMENDATION

Recommend approval of the records retention schedule resolution.

PROPOSED ACTIONS

PROPOSED ACTIONS: Recommend approval of the records classification and retention schedule resolution, or provide staff further direction.

FISCAL IMPACT

PERSONNEL IMPACT

ATTACHMENTS

1. Resolution 2021- Classification and Retention of Public Records_final

RESOLUTION NO. 2021 –

A RESOLUTION OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR THE CLASSIFICATION AND RETENTION OF CERTAIN PUBLIC RECORDS PURSUANT TO IDAHO CODE; PROVIDING THIS RESOLUTION TO BE EFFECTIVE UPON ITS PASSAGE AND APPROVAL.

WHEREAS, Idaho Code § 50-907 allows for the classification, retention, preservation and destruction of certain municipal records as “permanent”, “semipermanent” and “temporary”; and

WHEREAS, Idaho Code requires the City Council adopt by Resolution a records retention schedule listing the various types of City records and the retention period for each type of record; and

WHEREAS, the City Council did adopt Resolution No. 2008-12 on August 4, 2008 providing for the classification and retention of certain public records pursuant to Idaho Code; and

WHEREAS, the City desires to provide an updated resolution providing for the classification and retention of certain public records pursuant to Idaho Code;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Moscow as follows:

I. Permanent Records

A. The following records are classified as permanent records:

1. Adopted meeting minutes of the city council and city boards and commissions;
2. Ordinances and resolutions;
3. Building plans and specifications for commercial projects and government buildings;
4. Fiscal year-end financial reports;
5. Records affecting the title to real property or liens thereon, including recorded documents;
6. Poll books, excluding optional duplicate poll books used to record that the elector has voted, tally books, sample ballots, campaign finance reports, declarations of candidacy, declarations of intent, notices of election, and records of voting results by precinct;
7. Affirmative Action records;
8. Affidavits of Publications;
9. LID's (Local Improvement District);
10. Oaths of Offices;
11. Final reports of city-wide surveys;
12. Land use and floodplain development records; and
13. Water Reclamation and Reuse treatment records.

B. Retention Schedule

1. Permanent records shall be retained by the City in perpetuity or may be transferred to the Idaho State Historical Society's permanent records repository upon Resolution of the City Council authorizing such transfer.

2. Pursuant to I.C. § 50-907(7)(a), permanent records shall not be destroyed, except for paper originals of permanent records retained in a non-paper medium as provided in I.C. § 50-907(6)(e).

II. Semipermanent Records

A. The following records are classified as semipermanent records:

1. Claims, canceled checks, warrants, duplicate warrants, purchase orders, vouchers, duplicate receipts, utility and other financial records;
2. Building applications for commercial projects and government buildings;
3. License applications and issued licenses;
4. Departmental reports;
5. Bonds and coupons;
6. Executed contracts;
7. City Council and commission agenda and packets;
8. Policies and procedures;
9. Recruitment and employee personnel records;
10. Grant records;
11. Fire inspection, investigation and incident records;
12. Police investigation and incident records (Infraction/City Code/Misdemeanor-related require 5-year retention; Felony related may require 10 years up to permanent retention depending on the nature of the alleged crime);
13. Chemical/pesticide application records;
14. Playground inspections; and
15. Public Works and Services regulatory documents.

B. Retention Schedule

1. Semipermanent records shall be kept for not less than five (5) years after the date of issuance, expiration, separation or completion of the matter contained within such semipermanent record. Per federal regulations and/or at the discretion of the City Clerk, some semipermanent records may be kept for longer periods of time.
2. Semipermanent records may only be destroyed by Resolution of the City Council and upon the advice of the City Attorney. Such disposition shall be under the direction and supervision of the City Clerk. The Resolution ordering destruction of semipermanent records shall list in detail such semipermanent records to be destroyed.
3. Prior to destruction of semipermanent records, the City Clerk shall provide written notice, including a detailed list of the semipermanent records proposed for destruction, to the Idaho State Historical Society thirty (30) days prior to the destruction of any records.

III. Temporary Records

A. The following records are classified as temporary records:

1. Building applications, plans, and specifications for noncommercial and non-government projects after the structure or project receives final inspection and approval;
2. Cash receipts subject to audit;
3. Election ballots and duplicate poll books;
4. The most current draft of an unexecuted contract until such contract is executed;
5. Records which are normally believed to be the subject of litigation discovery and determined to be so after consultation with the City Attorney;
6. Public record requests;
7. Invitations to Bid and submittals;

8. Public Hearing Notices and Press Releases;
9. Electronic mail and written correspondence;
10. Commission and board applications;
11. Auction and surplus requests and approvals;
12. Individual citizen/commission survey forms;
13. Right-of-way permits; and
14. Parks & Recreation sign-in sheets.

B. Retention Schedule

1. Temporary records shall be retained for not less than two (2) years, but in no event shall financial records be destroyed until completion of the City's financial audit as provided in Idaho Code § 67-450B related to such financial records and in no event shall records related to litigation be destroyed until completion of litigation. At the discretion of the City Clerk, some temporary records may be kept for longer periods of time.
2. Temporary records may only be destroyed by Resolution of the City Council and upon the advice of the City Attorney. Such disposition shall be under the direction and supervision of the City Clerk. The Resolution ordering destruction of temporary records shall list in detail such temporary records to be destroyed.
3. Prior to destruction of temporary records, the City Clerk shall provide written notice, including a detailed list of the temporary records proposed for destruction, to the Idaho State Historical Society thirty (30) days prior to the destruction of any records.

IV. Historical Records

- A. Pursuant to I.C. § 50-907(4), historical records shall consist of records which, due to age or cultural significance, are themselves artifacts of historical value. Historical records have enduring value based on the administrative, legal, fiscal, evidential or historical information they contain.
- B. Retention Schedule
Historical records shall be retained by the City in perpetuity or may be transferred to the Idaho State Historical Society's permanent records repository pursuant to subsection 8. And 9. of I.C. § 67-4126, upon Resolution by City Council.

V. Transitory Items

- A. The following items are considered transitory:
 1. Drafts of all permanent, semipermanent and temporary records;
 2. Unapproved minutes;
 3. "post-it" notes and all other work product;
 4. Duplicates of all permanent, semipermanent and temporary records;
 5. Phone call and message slips;
 6. Voicemail and desk phone call history;
 7. To-do lists;
 8. Text messages;
 9. Email unrelated to City business;
 10. Calendars; and
 11. All other material which to a reasonable person would not be considered to have historical, legal, fiscal, administrative or other value, do not fit within the classification of permanent, semipermanent or temporary records and are not the subject of litigation discovery.

B. Transitory Items are not required to be retained and may be destroyed at any time the holder of the transitory record deems appropriate.

VI. Method of Retention.

Pursuant to I.C. § 50-907(6), the City may reproduce, retain and manage records in a photographic, digital or other non-paper medium. The medium in which a document is retained shall accurately reproduce the record in paper form during the period for which the document must be retained and shall preclude unauthorized alteration of the document.

SEVERABILITY. Provisions of this Resolution shall be deemed severable and the invalidity of any provision of this Resolution shall not affect the validity of the remaining provisions.

EFFECTIVE DATE. This Resolution shall be effective upon its passage and approval.

PASSED AND APPROVED by the Mayor of the City of Moscow, Idaho, this ____ day of _____, 2021.

Bill Lambert, Mayor

CERTIFICATION and ATTESTATION. I hereby certify that the above is a true copy of a Resolution passed at a regular meeting of the City Council, City of Moscow, held on _____, 2021 and attest to the Mayor's signature.

Laurie M. Hopkins, City Clerk

COMMITTEE STAFF REPORT

DATE: Monday, December 13, 2021



RESPONSIBLE STAFF

ADDITIONAL PRESENTER(S)

OTHER RESOURCES

AGENDA ITEM TITLE

Public Records Request Guidelines Resolution (ACTION ITEM) – Mia Bautista / Laurie M. Hopkins

DESCRIPTION

Idaho Code § 74-119 requires cities to adopt guidelines that identify the general subject matter of all public records maintained by the City, including the physical location of such records. Idaho Code also requires the designation of a custodian to receive public records requests and an alternate custodian to help members of the public who want to request public records. Staff has drafted a resolution detailing the location of records, a policy for requesting records, and the designation of a primary and alternate custodian.

STAFF RECOMMENDATION

Recommend approval of the public records guidelines resolution.

PROPOSED ACTIONS

PROPOSED ACTIONS: Recommend approval of the public records guidelines resolution, or provide staff further direction.

FISCAL IMPACT

PERSONNEL IMPACT

ATTACHMENTS

1. Resolution 2021 - Public Records Act Guidelines_final

RESOLUTION NO. 2021 –

A RESOLUTION OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, APPROVING GUIDELINES THAT IDENTIFY THE GENERAL SUBJECT MATTER OF ALL PUBLIC RECORDS MAINTAINED BY THE CITY; IDENTIFYING THE PHYSICAL LOCATION OF ANY SUCH PUBLIC RECORDS; DESIGNATING A CUSTODIAN TO RECEIVE PUBLIC RECORDS REQUESTS AND AN ALTERNATE CUSTODIAN; AUTHORIZING THE CITY CLERK TO TAKE APPROPRIATE ACTION; PROVIDING FOR THE CITY’S PUBLIC RECORDS REQUEST PROCESS; AND PROVIDING THIS RESOLUTION SHALL BE IN EFFECT UPON ITS PASSAGE AND APPROVAL.

WHEREAS, Idaho Code § 74-119 requires the City of Moscow, Idaho as a municipal corporation of the state of Idaho (hereinafter “City”), to adopt guidelines that identify the general subject matter of all public records maintained by the City, including the physical location of such records; and

WHEREAS, Idaho Code § 74-119 further requires the City to designate a custodian to receive public records requests and an alternate custodian to help members of the public who want to request public records; and

WHEREAS, the City has not formally adopted any guidelines, but complies with the requirements set forth in Chapter 1, Title 74, Idaho Code (the “Public Records Act”), concerning custody, retention and disclosure of public records and relies upon Moscow City Code Title 1, Chapter 10 for the Records Management Policies and Procedures; and

WHEREAS, the City has prepared formal guidelines as required by Idaho Code § 74-119 as set forth in full below; and

WHEREAS, the City Council has passed and approved Resolution 2021-__ regarding the classification, retention, preservation and destruction of certain records as “permanent”, “semipermanent” and “temporary”; and

WHEREAS, the City desires to clarify the process for requesting and releasing public records as required by the Public Records Act and followed by the City; and

WHEREAS, the City finds it in the best interests of the City and the public to approve and adopt the Guidelines;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Mayor and City Council of the City of Moscow as follows:

I. Guidelines Under the Public Records Act as per Idaho Code § 74-119:

A. General Subject Matter. The following are considered public records:

1. All Permanent Records as identified in Resolution 2021-__ or its replacement.
2. All Semipermanent Records as identified in Resolution 2021-__ or its replacement.
3. All Temporary Records as identified in Resolution 2021-__ or its replacement.

- B. The physical location of the public records kept or maintained by the City is City Hall, 206 East Third Street, Moscow, Idaho 83843, generally, and more specifically as listed in Attachment “A”, known as the Records Location Table, to include the following:
1. References in Attachment “A” to City Clerk’s Office, Vault, Administration Office, City Supervisor’s Office, Finance Department, Basement Cage, Assistant Finance Director’s Office, Receivables Specialist’s Office, Treasury Management Technician’s Office, Payroll Specialist’s Office, Utility Billing Specialist’s Office, Mayor’s Office, Legal Office, Arts Office, Community Events Manager’s and Administrative Specialists Offices, and Human Resource (HR) Office are physically located in the City Hall building at 206 East Third Street, Moscow, Idaho 83843.
 2. References in Attachment “A” to Fire Department are physically located at Station 3, 229 Pintail Lane, Moscow, Idaho 83843 and at Station 1, 603 S. Main Street, Moscow, Idaho 83843.
 3. References in Attachment “A” to Community Development, Engineering File Cabinets, Engineering Archive, Engineering Counter, Engineering Library, and Grants Managers Office are physically located in the Haddock Building at 504 S. Washington Street, Moscow, Idaho 83843.
 4. References in Attachment “A” to Parks and Recreation Department are physically located at the Hamilton Indoor Recreation Center (HIRC) at 1724 East F Street, Moscow, ID 83843.
 5. References in Attachment “A” to the Hamilton Lowe Aquatics Center (HLAC) are physically located at 830 N. Mountain View Road, Moscow, Idaho 83843.
 6. References in Attachment “A” to the Parks Shop are physically located at 650 N. Van Buren Street, Moscow, ID 83843.
 7. References in Attachment “A” to the City Fleet Shop are physically located at 650 N. Van Buren St., Moscow, ID 83843.
 8. References in Attachment “A” to Public Works and Services Admin. Building and Water Building are physically located at 120 W. A Street, Moscow, Idaho 83843.
 9. References in Attachment “A” to Water Reclamation and Reuse Office are physically located at 2221 Pullman Road, Moscow, Idaho 83843.
- C. That the City Clerk is designated as the primary records custodian to receive public records requests for the City, with the exception of police records, with various Records Administrators listed in Attachment “A” responsible for the daily maintenance and organization of the records within their purview.
- D. That the Executive Assistant be designated as the alternate custodian for contingencies regarding all City records other than those maintained by the Moscow Police Department (MPD).
- E. That the Administrative Specialist located in the front lobby of MPD be designated as the primary records custodian to receive public records requests for police records.
- F. That the Records Coordinator be designated as the alternate custodian for contingencies regarding public record requests for police records.
- II. City of Moscow Records Request Process
- A. All requests for public records must be submitted to the City in writing that specifically describes the subject matter and records sought, including a specific date range for when the records sought were created (I.C. 74-102(4)).

- B. A request must describe records sought in sufficient detail to enable the City to locate such records with reasonable effort (I.C. 74-102(4)).
- C. A request must provide the requesters name, mailing address, e-mail address and telephone number (I.C. 74-102(4)).
- D. The City prefers that requests for police records be made through the Moscow Police Department via the online or handwritten form provided by MPD and that all other requests be made via the online or handwritten form provided by the City Clerk.
- E. The City charges fees for reasonable labor costs necessarily incurred in responding to public records requests after the first two (2) hours at the per hour pay rate of the lowest paid administrative staff employee or public official who is necessary and qualified to process the request (I.C. 74-102(10)).
- F. Should a requestor desire to have the fee waived, they must demonstrate that the request is likely to contribute significantly to the public's understanding of the operations or activities of the City, is not primarily in the requestor's interest, and that the requestor has insufficient financial resources to pay the fee (I.C. 74-102(10)(f)). The determination of whether the fee should be waived is at the discretion of the City Clerk or designee.
- G. A requestor may not file multiple requests for public records solely to avoid payment of fees and the City may aggregate requests that it reasonably believes to be related in time and subject and charge the appropriate fees (I.C. 74-102(11)).
- H. The City shall either grant or deny a person's public records request within three (3) working days of the date of the receipt of the request unless it is determined by the City that a longer period of time is needed, in which case the City shall so notify in writing the requestor and shall provide the public records to the person no later than ten (10) working days from the date of receipt of the request. If the request cannot be completed within ten (10) working days, the City shall work with the requester to find a time mutually agreed upon to fulfill the request (I.C. 74-103).
- I. The City shall follow Title 74 of Idaho Code, in addition to other relevant laws and regulations in exempting from disclosure certain records.

SEVERABILITY. Provisions of this Resolution shall be deemed severable and the invalidity of any provision of this Resolution shall not affect the validity of the remaining provisions.

EFFECTIVE DATE. This Resolution shall be effective upon its passage and approval.

PASSED BY THE CITY COUNCIL AND APPROVED by the Mayor of the City of Moscow, Idaho, this ____ day of _____, 2021.

Bill Lambert, Mayor

CERTIFICATION and ATTESTATION. I hereby certify that the above is a true copy of a Resolution passed at a regular meeting of the City Council, City of Moscow, held on _____, 2021 and attest to the Mayor's signature

Laurie M. Hopkins, City Clerk

Attachment A

Subject Matter	Location	Records Administrator
ADMINISTRATION, FINANCE AND PUBLIC SAFETY		
Administration		
City Council agendas, minutes and packets; Committee agendas, minutes and packets; Commission agendas, minutes and packets	Electronically, City Clerk's office and/or Vault	City Clerk
Ordinances, resolutions, contracts, recorded documents, affidavits of publications, oaths of office, LID's, public hearing notices, Tax Commission annexation information	Electronically, City Clerk's office and/or Vault	City Clerk
Campaign finance reporting and election information	Electronically, City Clerk's Office and/or Vault	City Clerk
Insurance claims and policies; public records requests; alcohol licenses and other business licensing; invitations to bid	Electronically, City Clerk's Office and/or Vault	City Clerk
Clerk correspondence	Electronically, City Clerk's Office and/or Vault	City Clerk
Commission member applications and appointment information	Administration Office, Vault, and/or electronically	Executive Assistant
<u>Administration working files:</u> conference files, history of Moscow, City property, community development projects and plans, economic development organizations, City memberships, budget documents, department operations and projects, standard operating procedures, Idaho Transportation Department Information, Moscow School District documents, Palouse Ice Rink information, public safety records such as fire truck grants, emergency planning, auction approvals, surplus, etc.; water conservation; University of Idaho parking and collaboration; U of I VP of Finance meetings; police contract information, downtown restroom and	Electronic and/or physically in Administration Dept filing cabinets or City Hall Basement	Executive Assistant

revitalization, Board of County Commissioners correspondence		
<u>City Supervisor:</u> Comprehensive Sewer System Plans, Citizen Surveys, URA, Comprehensive Annual Financial Reports, Police Annual Reports, Downtown Revitalization Plan, Public/Private Partnerships, Strategic Planning, Airport Documents, PEP Documents, Organizational Bylaws	Physically in City Supervisor's Office	Executive Assistant
<u>Executive:</u> Mayor Correspondence, Leadership Meetings, Mayor and Council History, Mayor Challenges, Biographies, Memberships	Electronic and/or physically in Administration Dept filing cabinets or City Hall Basement	Executive Assistant
<u>Legislative:</u> Council Correspondence, Council History, Goal Setting, Orientation, Council Structure, Memberships	Electronic and/or physically in Administration Dept filing cabinets or City Hall Basement	Executive Assistant
Finance		
City Budget, City Financial Statements, URA Budget, URA Financial Statements	Basement cage and vault and Finance department back cabinet	Assistant Finance Director
City Journal Entries, URA Journal Entries, URA Monthly Reports	Basement cage and Assistant Finance Director's office	Assistant Finance Director
Accounts Receivable	Basement cage, Receivables Specialist's office and/or electronically in BS&A	Receivables Specialist
Bank Reconciliations, Investment Reconciliations, Bank Agreements, Investment Account Agreements, Voided & Spoiled Checks	Basement cage, Treasury Management Technician's office, and/or electronically in BS&A	Treasury Management Technician
Accounts Payable	Basement cage, file cabinets outside of cage, file cabinets in Finance copier area, and/or electronically in BS&A	Payables Clerk
Payroll	Basement cage, Payroll Specialists' office and/or electronically in BS&A	Payroll Specialist
Special Assessments	Basement cage and file cabinet under cash box	Payroll Specialist

Utility Billing	Basement cage, Utility Billing Specialists' office and/or electronically in BS&A	Utility Billing Specialist
Cash Receipts	Basement cage, file cabinets under letter opener, Receivables Specialist's office and/or electronically in BS&A	Receivables Specialist
Fire		
Fire plan reviews	Community Development	Administrative Specialist
Career Personnel Records	Human Resources	Administrative Specialist
Inspections and call incident records	Fire Department	Administrative Specialist
Fire investigation reports	Fire Department	Administrative Specialist
Fire Incident Reports	Fire Department	Administrative Specialist
Legal		
Most recent 10 years of public records requests	Electronic only	Legal Assistant
Active criminal cases, including probation and warrant	Electronic and physically in Legal Department filing cabinet	Department Specialist
Closed criminal cases for past 15 years	Electronic only	Department Specialist
Civil Suits against Moscow	Electronic and physically in Legal Department filing cabinet or City Hall Basement for large closed cases	Legal Assistant
Memoranda, correspondence, and research files	Electronic and Legal Department filing cabinet	City Attorney
Asset Forfeiture and Civil Case Files	Electronic and Legal Department filing cabinet	Legal Assistant
COMMUNITY PLANNING AND DESIGN		
Building Safety		
Building Files; Water/Sewer Permits, ROW Permits & Traffic Control Plans; Commercial & Residential Plans; Subdivision Files; Daycare Records; Public Records Requests	Electronic and/or physically in Haddock Bldg., & City Hall Basement filing cabinets	Permit Coordinator

Engineering		
Record Update Folders: Zoning, Annexations, Lot Divisions, Vacations, etc.	Engineering File Cabinets	Record Specialist
Current Project Files	Electronic and/or physically in Haddock Bldg.	Project Managers
Archive/completed Project Files	Electronic and/or physically in Haddock Building or City Hall Basement	Record Specialist, Project Managers
Infrastructure Maps: Current, Archived, Historic	Electronic and/or physically in Haddock Building or City Hall Basement	Record Specialist, GIS Coordinator
Proposed Construction Plans	Engineering Counter	Record Specialist, Project Managers
Reference Maps such as address, zoning, precinct	Engineering Counter	Record Specialist
Traffic studies, traffic counts and other traffic data	Engineering File Cabinet, Electronic	Record Specialist, Traffic Intern
Plats	Engineering Counter	Record Specialist
Survey & Inspection Books	Engineering Library	Record Specialist, Project Managers & Inspectors
State Construction Projects	Engineering Archive	Record Specialist
Construction Photos	Engineering File Cabinet, Electronic (project folders), City Hall Basement	Record Specialist, Project Managers & Inspectors
Bridge Inspection Folders	Engineering File Cabinet	Record Specialist
Water & Sewer Project Files	Engineering File Cabinets	Project Managers
Software & Equipment Files	Engineering File Cabinets	Record Specialist
Facilities Plans & Manuals	Engineering Archive and Library	Record Specialist
Previous employees project notes, calculations, and reference materials	City Hall Basement	Record Specialist
Grants		
Grant Applications and Administration Records 2007 to Current	Electronic and physically in Grants Managers Office and City Hall Basement	Department Specialist, Grants Manager, or City Clerk

ADA Transition Plans, ADA Requests, and Civil Rights Records	Electronic and physically in Grants Managers Office	Grants Manager
DEQ Revolving Loan Fund Records	Electronic and in Grants Manager Office	Grants Manager
Planning		
Land Use Files; Vacate Requests; Floodplain Development Files; Elevation Certificates; LOMAs and LOMRs; Public Records Requests	Electronic and/or physically in Haddock Building filing cabinets	Administrative Assistant
CULTURE, RECREATION & EMPLOYEE SERVICES		
Arts		
Arts grants materials, Public art project files and master plan documents, Program records and MAC history	Electronic and Filing cabinet in the first floor Arts office in City Hall	Arts Program Manager
Strategic planning records, artist directory, arts and city promotional imagery and copy,	Electronic	Arts Program Manager
Community Events		
Community Events applications, permits, and supporting materials; Moscow Farmers Market vendor paperwork such as registration forms, release and hold harmless, and supporting documents; prospective vendor and artist registrations and applications; volunteer paperwork including release and hold harmless; special event participant and sponsor registration such as Mayor's Golf Tournament, Vandal Town Block Party, and Light Up The Night/Moscow Winter Carnival	Electronic and physically in Community Events Manager's and Administrative Specialist's offices, City Hall Basement for overflow, and software applications used for management of registration	Community Events Manager and Administrative Specialist
Human Resources		
Recruitment Records, Employee Personnel Records, Benefit Records, Affirmative Action Records, Position Description, Classification & Compensation Records	Most recent 2 years HR Office	HR Director
Recruitment Records, Employee Personnel Records, Benefit Records, Affirmative Action Records, Position Description, Classification & Compensation Records	Older than 2 years in Vault in City Hall Basement	HR Director

Information Systems		
All email sent and received by City addresses	Electronic only	IS Director
Helpdesk tickets	Electronic only	IS Director
Desk phone call history	Electronic only	IS Director
Equipment and software inventory	Electronic only	IS Director
Parks & Recreation		
Facility agreement forms, sign in sheets for HIRC, park/facility reservation waivers, community garden forms, employee/coach background checks, coaches' applications.	Physically in filing cabinet at Hamilton Indoor Recreation Center	Department Specialist
Sports rosters, sports waivers, Kids Kamp waivers.	Electronic and physically in filing cabinet at HIRC	Department Specialist
Parks Shop		
Pesticide application records, tree permits, SDS sheets, playground inspections, pool water chemistry records.	Physically at the Parks Shop and HLAC.	Assistant Parks and Recreation Director
PUBLIC WORKS AND SERVICES		
Environmental Services		
Cross-Connection Control program reports; stormwater management and compliance/response records; Fats, Oils, and Grease program records; water and wastewater correspondence; regulatory information.	Electronic and physical filing in PWS Admin. Building	ESD Admin. Assistant
Fleet		
Fleet records including; specifications, purchases, materials, parts, accident reports, service history, and maintenance records.	Electronic and physical filing at City Fleet Shop	Streets/Fleet Administrative Assistant
Sanitation		
Sanitation related contracts and agreements.	Electronic and physical filing in Finance Department	Sanitation Manager
Streets & Stormwater		
Streets and Storm related agreements; programmatic information; work orders; banner applications; roadside litter pick-up program applications; event barrier use contracts.	Electronic and physical filing at City Shop	Streets/Fleet Administrative Assistant

Water		
Pumping, treatment, water leak, work orders, contracts, and regulatory information	Electronic and physical filing at Water Building	Water Administrative Assistant
Water Reclamation & Reuse		
Conveyance, treatment, water leak, work orders, contracts, sewer backup onsite reports, and regulatory information	Electronic and physical filing at Water Reclamation and Reuse Office	Sewer Administrative Assistant

COMMITTEE STAFF REPORT

DATE: Monday, December 13, 2021



RESPONSIBLE STAFF

Mia Bautista

ADDITIONAL PRESENTER(S)

Laurie Hopkins, City Clerk

OTHER RESOURCES

AGENDA ITEM TITLE

Records Management Policies and Procedures Code Amendment (ACTION ITEM) – Mia Bautista / Laurie M. Hopkins

DESCRIPTION

In 2015 the City Council adopted Title 1 Chapter 10 Records Management Policies and Procedures, in compliance with Idaho Code, to ensure orderly and efficient management of municipal records. Since that time, the pertinent sections of Idaho Code dealing with public records has been amended. The proposed ordinance includes the changes the Legislature adopted, specifically through the enactment of the Public Records Act under Title 74 of the Idaho Code. The amendments include updates to the references of Idaho Code for the classification and retention of municipal records, digital media requirements, and the disclosure of public records.

STAFF RECOMMENDATION

Recommend adoption of the ordinance amending the records management policies and procedures.

PROPOSED ACTIONS

PROPOSED ACTIONS: Recommend adoption of the ordinance amending Moscow City Code Title 1, Chapter 10 of the records management policies and procedures, or provide staff with further direction.

FISCAL IMPACT

PERSONNEL IMPACT

ATTACHMENTS

1. Ordinance 2021- Amending T1C10 Records Management_final

ORDINANCE NO. 2021 –

AN ORDINANCE OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE AMENDMENT OF TITLE 1 CHAPTER 10 ON RECORDS MANAGEMENT POLICIES AND PROCEDURES; 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.

WHEREAS, the City wishes to ensure orderly and efficient management of municipal records in compliance with Idaho Code; and

WHEREAS, the Idaho Code has been updated as it pertains to public records since the establishment of Moscow City Code Title 1, Chapter 10 through the enactment of the Public Records Act; and

WHEREAS, the proposed amendments reflect revisions to the Idaho Code after passage of Title 1, Chapter 10;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MOSCOW, IDAHO, AS FOLLOWS:

SECTION 1: That Moscow City Code Title 1, Chapter 10 shall be amended as follows:

...

Sec. 10-7. City Offices to Use Records Schedules.

All City departments shall adopt records retention and disposition schedules and destroy, transfer, or otherwise dispose of records in accordance with ~~policies set forth by the records schedules~~the records retention resolution adopted by City Council.
(Ord. 2015-09, 06/15/2015)

Sec. 10-8. Development of Records Retention and Disposition Schedules.

The City Clerk shall follow the classification and retention of municipal records pursuant to Idaho Code 50-907, and pursuant to the records retention resolution adopted by City Council. Retention periods to be included in records schedules shall be submitted by the City Clerk to the City Attorney. The City Attorney shall notify the City Clerk within ten (10) working days of the approval or of any objection to a retention period. At the expiration of the ten (10) day period, if no objection has been submitted, the records schedule shall be adopted by resolution of the City Council and shall have full force as sufficient authorization for records destruction or other action. If objection is made, the City Clerk, in consultation with and upon the advice of the City Attorney, shall determine a retention period satisfactory to the office or department concerned.

When a records retention and disposition schedule is adopted by resolution of the City Council, it shall thenceforth constitute full authority to transfer, microfilm, image, prepare for destruction or take other actions, with respect to City records. The City Council hereby directs

that such action be taken by the City Clerk or under his or her supervision. The City Clerk shall provide written notification to the pertinent department, State Historical Society, and the City Council of intended destruction, as required by law.

(Ord. 2015-09, 06/15/2015)

...

Sec. 10-14. Records Using Photographic and Digital Media.

- A. City may reproduce, ~~and~~ retain and manage documents in a photographic, digital or other non-paper medium, as provided by Idaho Code § 50-~~909~~907(6). The medium in which a document is retained shall accurately reproduce the document record in paper form during the period for which the document must be retained and shall preclude unauthorized alteration of the document.
- B. If the medium chosen for retention is photographic, all film used must meet the quality standards of the National Archives and Records Administration Technical Guidelines for Digitizing Archival Materials for Electronic Access: Creation of Production Master Files, June 2004 and records management software that meets Department of Defense's Design Criteria Standard for Electronic Records Management Software to meet the standards set for the State of Idaho ~~American~~ National ~~Standards~~ Institute (ANSI), pursuant to Idaho Code § 50-907(6)(a). If the medium chosen for retention is digital, the medium must provide for reproduction on paper at a resolution of at least two hundred (200) dots per inch, pursuant to Idaho Code § 50-907(6)(b).
- C. A document retained by the City in any form or medium permitted under this Section shall be deemed an original public record for all purposes. A reproduction or copy of such a document record, certified by the City Clerk, shall be deemed to be a transcript or certified copy of the original and shall be admissible before any court or administrative hearing.
- D. Once a paper document semipermanent or temporary record is retained in a non-paper medium as authorized by this Section, the original paper document shall be considered a duplicate of the record, and may be disposed of or returned to the sender, ~~except in the case of~~ Once a permanent records, as defined in Idaho Code § 50-907, is retained in a non-paper medium as authorized by this section, the City Clerk shall follow the procedure in Idaho Code § 50-907(6)(e), prior to any destruction of permanent records. Paper originals of permanent historic records shall be retained by the City in perpetuity, or may be transferred to the Idaho State Historical Society's permanent records repository upon resolution of the City Council.

(Ord. 2015-09, 06/15/2015)

Sec. 10-15. Accessibility of Records on Microfilm or Digital Media.

The public is hereby given identical access to records on microfilm, or digital media to which they would be entitled under law if the records were in any other medium. A reasonable fee is to be charged for reproduction of official or unofficial copies from records on microfilm or digital media.

(Ord. 2015-09, 06/15/2015)

Sec. 10-16. ~~Public~~ Disclosure of Licensing Public Records.

- A. ~~Except as provided in paragraph B (hereinbelow), the City Clerk or designee is authorized to release or disclose to parties other than those to whom the record pertains, all information~~

~~received by or retained by the City Clerk's office, including names, addresses, and criminal records (other than N.C.I.C. reports and Latah County Arrest/Non-Arrest records) of applicants, licensees, child care operators, child care workers, child care volunteers, and juvenile child care workers, a child care facility's owners, officers and chief agents, if any, and persons residing in a child care facility.~~ The City shall follow the requirements under Idaho Code Title 74, Chapter 1, titled "Public Records Act" as it pertains to the disclosure of public records.

B. The City Clerk or designee shall ~~not disclose or release the following:~~

- ~~1. Any personal information, including, but not limited to, parentage, race, religion, sex, height, weight, tax identification number, social security number, financial worth or medical condition;~~
- ~~2. Reports and correspondence received from the Idaho Department of Health and Welfare or a similar agency of another state relating to child protection matters;~~
- ~~3. Complaints, reports and records concerning incidents which the City Clerk's office verifies are unfounded or unsubstantiated or do not fall within the purview of duties assigned the City Clerk's office by ordinance; and follow the Public Records Act and any pertinent laws and regulations regarding what records are exempt from disclosure and what information may be redacted.~~
- ~~4. Investigatory records of a law enforcement agency, as required by Idaho Code § 9-335.~~

C. The City Clerk or designee may require that ~~a requests for information-public records contained in the records of the City Clerk's office~~ be made in writing, that specifically describes the subject matter and records sought, including a specific date range for when the records sought were created. A request shall describe records sought in sufficient detail to enable the City Clerk or designee to locate such records with reasonable effort. A request may shall also require the name, and address, e-mail address and telephone number of the requesting party and may rely on requests submitted by email and facsimile transmission. All such written requests shall be retained and are subject to disclosure under the Idaho Public Records Act upon proper request.
(Ord. 2015-09, 06/15/2015)

SECTION 2: SEVERABILITY. Provisions of this Ordinance shall be deemed severable and the invalidity of any provision of this Ordinance shall not affect the validity of remaining provisions which can be given effect without the invalid provision.

SECTION 3: EFFECT ON OTHER ORDINANCES. Where the definitions contained in this Ordinance are in conflict with relevant portions of the City of Moscow, Idaho, Municipal Code, the definitions contained within those portions of the Moscow Municipal Code will be unaffected until such time, if any, as they are amended to be consistent with this Ordinance.

SECTION 4: EFFECTIVE DATE. This Ordinance shall be effective upon its passage, approval, and publication according to law.

PASSED by the City Council and APPROVED by the Mayor this ____ day of _____, 2021.

Bill Lambert, Mayor

CERTIFICATION and ATTESTATION. I hereby certify that the above is a true copy of an Ordinance passed at a regular meeting of the City Council, City of Moscow, held on the ____ day of _____, 2021 and attest to the Mayor's signature.

Laurie M. Hopkins, City Clerk

COMMITTEE STAFF REPORT

DATE: Monday, December 13, 2021



RESPONSIBLE STAFF

Amanda Argona, Community Events Manager

ADDITIONAL PRESENTER(S)

Jen Pfiffner, Deputy City Supervisor - Culture, Recreation and Employee Services

OTHER RESOURCES

AGENDA ITEM TITLE

Winterfest Alcohol Use Request in Entertainment District (ACTION ITEM) - Amanda Argona

DESCRIPTION

The Moscow Chamber of Commerce + Visitor Center is hosting the inaugural Winterfest on Saturday, January 22nd, from 12 pm to 4 pm on Main Street between 3rd and 6th Streets. The event is intended to be an annual event, with this year's theme '80s Ski. The applicant anticipates 9 (nine) beer and/or wine tents/vendors and ten (10) food vendor tents, putt-putt contest, Rubik's Cube contest, corn hole, snowball relay race, lip-sync battle, and more. The event has been reviewed and approved as of December 3, 2021.

Following standard operating procedures for events with alcohol that are within the Entertainment District boundaries, Winterfest is requesting a temporary suspension of the open container law by resolution. Per Moscow City Code, Section 10-1-12; a draft resolution has been prepared for Council's consideration.

STAFF RECOMMENDATION

Recommend approval of the resolution allowing for the temporary suspension of the open container law within the event footprint of Moscowberfest for the duration of the event.

PROPOSED ACTIONS

PROPOSED ACTIONS: Recommend approval of the resolution allowing for the temporary suspension of the open container law within the event footprint of Winterfest for the duration of the event; or provide staff further direction.

FISCAL IMPACT

PERSONNEL IMPACT

ATTACHMENTS

1. Resolution 2022 - Beer-Wine_The Entertainment District_Winterfest_clean

RESOLUTION NO.

A RESOLUTION OF THE CITY OF MOSCOW, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, TO ALLOW FOR THE TEMPORARY VENDING OF BEER AND/OR WINE AND EXEMPTION TO THE OPEN CONTAINER PROHIBITION IN THE ENTERTAINMENT DISTRICT UNDER SPECIFIC REGULATIONS AND UNDER CERTAIN LIMITED CONDITIONS PURSUANT TO MOSCOW CITY CODE 10-1-12; PROVIDING THIS RESOLUTION TO BE EFFECTIVE UPON ITS PASSAGE AND APPROVAL.

WHEREAS, Moscow City Code 9-6-35 and 9-8-17 prohibit any person from selling, serving, giving away, dispensing, consuming or carrying any beer or wine in open containers on or in any public street, highway, alley, lane, sidewalk, public or private parking lot, conveyance, or primary and secondary school facility in the City of Moscow, Idaho (hereinafter “City”) except in accordance with specific regulations adopted by the Council by Resolution; and

WHEREAS, The Entertainment District is defined in Moscow City Code 10-1-12 as an exemption to the Open Containers Prohibition (hereinafter “The Entertainment District”); and

WHEREAS, Moscow Chamber of Commerce and Visitor Center (hereinafter “the Event Sponsor”) desires to have its sponsored event, Moscow Winterfest (hereinafter “the Permitted Event”), in The Entertainment District (see Attachment “A”); and

WHEREAS, the Permitted Event is an event or series of events sponsored by the Event Sponsor, intended to promote family and community fellowship; and

WHEREAS, Council wishes to allow for the vending and responsible consumption of beer and/or wine under certain conditions, contained herein and during limited hours during the Permitted Event; and

WHEREAS, Council wishes to prohibit the sale and/or consumption of liquor during the Permitted Event; and

WHEREAS, Council believes the regulations contained herein are appropriate; and

WHEREAS, Council believes that the specific regulations contained herein balance health and safety concerns of citizens with the desire to promote responsible use of alcoholic beverages; and

WHEREAS, nothing contained in this Resolution is intended to waive other laws and regulations applicable to the sale and consumption of alcohol within City limits (including a requirement for a catering permit; a beer and wine permit for benevolent, charitable and public purpose events; or a winery sponsored event permit); and

WHEREAS, nothing contained within this Resolution is intended to endorse or support any particular belief, philosophy, or political position of the Event Sponsor or of the Permitted Event, and/or its affiliates, associations, contributors, supporters, participants, etc.;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Moscow, Idaho as follows:

SPECIFIC REGULATIONS ON THE SALE AND/OR CONSUMPTION OF BEER AND/OR WINE DURING MOSCOW WINTERFEST 2022:

Intent:

This Resolution is intended to allow the sale and consumption of beer and wine only (not liquor), pursuant to these specific regulations and is not intended to amend or expand the Moscow City Code or any other applicable law or regulation beyond the scope of the particulars of this Resolution or beyond the hours of the Permitted Event. Other than as specifically provided herein, park, sanitary, health, litter, police, fire, sidewalk café, alcohol vending, and other laws and regulations shall be unaffected by this Resolution. This Resolution is not a waiver of any State, County, or local requirement of a permit or licensure related to sales and/or distribution of alcohol including a requirement for a catering permit; a beer and wine permit for benevolent, charitable and public purpose events; or a winery sponsored event permit. This Resolution shall not establish precedent nor shall it apply to any event other than the Permitted Event held on the 22nd day of January, 2022, from 12:00 p.m. to 4:00 p.m.

Liability, Insurance and Safety:

1. No less than ten (10) days prior to the Permitted Event at which the licensed vendor will sell beer and/or wine, the Event Sponsor shall deliver to the City Clerk one (1) copy of written proof that the licensed vendor(s) has current, paid up, off-premise liquor liability insurance or special event insurance in an amount not less than One Million Dollars (\$1,000,000) combined single limits.
2. No less than ten (10) days prior to the first activity of the Permitted Event herein described, the Event Sponsor shall deliver to the City Clerk one (1) copy of written proof that the Permitted Event has obtained current, paid up, general liability insurance or special event insurance in an amount not less than One Million Dollars (\$1,000,000) combined single limits. Such general liability insurance or special event insurance policy shall be primary to any other insurance related to these events and to that of any potential party subject to a claim related to the Permitted Event.
3. City shall be named as an additional insured on the insurance policy of the licensed vendor.
4. No less than ten (10) days prior to the Permitted Event, the Event Sponsor shall deliver to the City Clerk the signed original of the Application, attached as Attachment “B”, with City to defend, hold harmless and indemnify City of Moscow, Idaho, its agents, servants, employees, officers and contractors from any and all claims, causes of action or damages which may arise from the Event Sponsor’s use of The Entertainment District.
5. The Moscow Police Chief or designee is hereby empowered to order the immediate cessation of all activities allowed under this Resolution at any time he/she reasonably determines that it is in the best interest of City to do so. There shall be no appeal from a determination by the Moscow Police Chief or his designee to terminate all or part of the Permitted Event.

Vendor:

1. The number of licensed vendor’s selling beer and/or wine allowed at the Permitted Event, will be reviewed and approved as part of the permitting process.
2. All beer and/or wine shall be sold only by a licensed vendor.

3. Every licensed vendor shall obtain and shall comply with all alcohol related laws and regulations, including, but not limited to, the City requirement of a City catering permit; a State beer and wine permit for benevolent, charitable, or public purpose events; or a winery sponsored event permit.
4. The name, address, telephone number, alcohol license permit number of every licensed vendor, and proof of insurance covering the vendor's activities (as required herein) shall be provided to the City Clerk no less than ten (10) days prior to the Permitted Event at which such licensed vendor shall sell beer and/or wine.
5. The City shall play no role in determining which vendor shall be selected to sell alcoholic beverages in the Entertainment District during the Permitted Event, unless it is a City sponsored event.
6. The Event Sponsor shall provide at least two (2) persons to check proper identification for those who shall be consuming beer and/or wine during the Permitted Event. These persons shall be clearly identified and shall be stationed at a central identification checking station where they shall issue one (1) wristband per individual 21 years of age or older.
7. The Event Sponsor shall provide at least two (2) law enforcement officers or two (2) guards from a recognized private security firm to provide security for the Permitted Event. Such officers or guards shall be clearly identified as such and shall be on duty at all times beer and/or wine is being served during the Permitted Event. The Event Sponsor shall have sole discretion on who will provide security at the Permitted Event and shall be responsible for all payment and costs associated with such security services.
8. The Event Sponsor and City both specifically understand and acknowledge that the Event Sponsor shall be solely responsible for any and all liability resulting from action or inaction, and/or negligence, and/or gross negligence by security provided by the Event Sponsor for the Permitted Event.

Sales and Consumption:

1. No less than ten (10) days prior to the Permitted Event at which the licensed vendor will sell beer and/or wine, the Event Sponsor shall deliver to the City Clerk three (3) copies of a site map which shall be drawn to show the locations, dimensions of, and relative distances between the following: (a) the beer and/or wine sales and dispensing area within The Entertainment District; (b) food sales and service areas; (c) location of identification checking station where wristbands will be issued. Said site design and any subsequent alterations shall be approved in writing by Moscow Deputy City Supervisor – Recreation, Culture, and Employee Services or his/her designee, and by the Moscow Chief of Police prior to the Permitted Event.
2. All beer and/or wine sales and dispensing shall take place within the area designated by the Event Sponsor and as shown on the site map required by this Resolution.
3. All food sales and service shall have a space of no less than ten feet (10') between the approved beer and/or wine sales and dispensing area and the food sales or service area.
4. Identification checking station shall include a minimum of two (2) persons to check proper identification. These persons shall be clearly identified and be responsible for the issuance of wristbands denoting attendees are of legal drinking age.
5. No person shall be allowed to purchase, possess or consume open containers of beer and/or wine other than within the Permitted Event footprint as shown on the Event Site Map required by this Resolution and only persons with a designated wristband shall be allowed to purchase, possess or consume beer and/or wine.

6. All beer and/or wine shall be dispensed in and consumed from an opaque plastic, paper, or glass container. Such container shall be a readily identifiable container not more than sixteen ounces (16 oz.) in size which shall not bear a logo for an alcoholic beverage.
7. Every occupant within The Entertainment District shall provide identification to law enforcement officers or City employees at any point in time or location when requested to do so.
8. No person under twenty-one (21) years of age shall be allowed to wear the designated wristband at any time during the Permitted Event.
9. A sign shall be prominently posted at or near the area designated for beer and/or wine sales and dispensing stating that service to persons under twenty-one (21) years of age is prohibited.
10. Beer and/or wine shall be sold only within the designated area in The Entertainment District and only between the hours of 12:00 p.m. and 4:00 p.m. local time on the 22nd day of January, 2022, during the Permitted Event.
11. Beer and/or wine shall be consumed only within The Entertainment District between the hours of 12:00 p.m. and 4:00 p.m. local time on the 22nd day of January, 2022, during the Permitted Event.
12. No person shall carry or consume any alcoholic beverage within The Entertainment District which is not purchased or dispensed from the licensed vendor(s) at the Permitted Event. Consumption of alcohol outside of The Entertainment District, in any public street, highway, alley, lane, sidewalk, public or private parking lot, conveyance, or primary and secondary school facility in the City of Moscow, shall be considered a violation of the City's open container ordinance.

Fee:

The Event Sponsor shall submit to the City Clerk, within ten (10) days of the event, the required fee established by Council that is associated with this Resolution.

Failure To Comply:

Failure to comply with this Resolution shall expose any such person to all relevant civil and criminal consequences and may result in denial of subsequent applications for alcohol permits in public parks for a period of no less than five (5) years.

PASSED AND APPROVED by the Mayor of the City of Moscow, Idaho, this ____ day of ____, 2022.

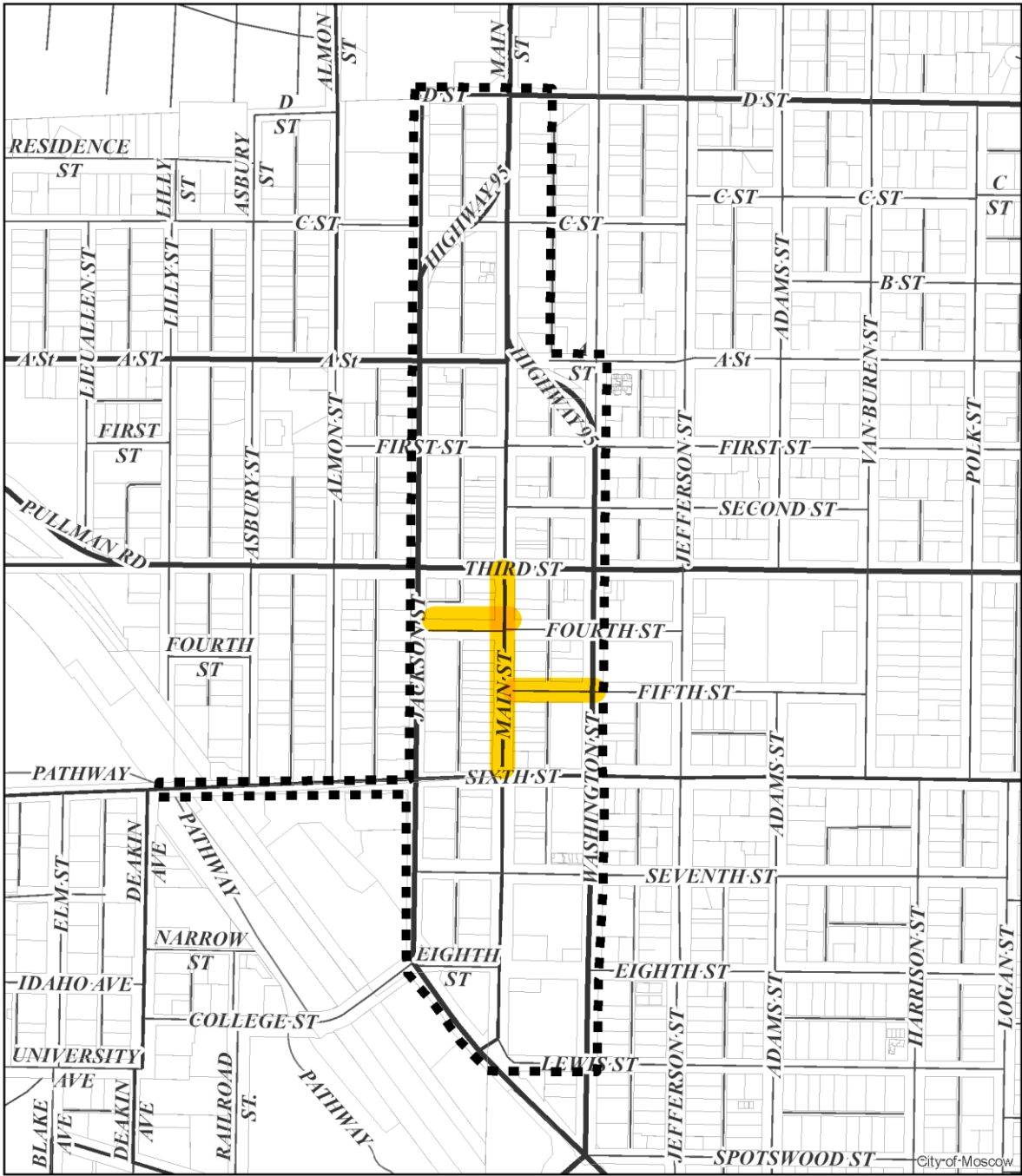
Bill Lambert, Mayor

CERTIFICATION. I hereby certify that the above is a true copy of a Resolution passed at a regular meeting of the City Council, City of Moscow, held on _____, 2022.

ATTEST:

Laurie M. Hopkins, City Clerk

Exhibit 'A' - Entertainment District Boundary



Legend
 Entertainment District Boundary



Attachment B

City of Moscow Community Events Division EVENT APPLICATION



*Thank you for your interest in organizing/sponsoring an Event in the City of Moscow!
Events by local citizens add to the cultural wealth of our town and may range from fun runs to political marches,
neighborhood block parties to street fairs.*

Submit completed forms electronically or physically to the Community Events office:
communityevents@ci.moscow.id.us or 206 E. Third Street, Suite 300, Moscow. All applications must be legible.

The City reserves the right to request additional information reasonably necessary to a fair determination as to issuance of a permit. Permits are issued on a first-come, first-served basis. According to Moscow City Code Title 10 Section 17-4, event applications for regular or recurring events must be submitted at least sixty (60) days and not more than one hundred eighty (180) days before the proposed date of the event. Event applications for single, non-recurring events must be submitted at least ten (10) days and not more than one hundred eighty (180) days before the proposed date of the event.

Events with alcohol are to be submitted at least two (2) months prior to the event date to allow for adequate review and presentation to Administrative Committee and City Council. Administrative Committee meets on the 2nd and 4th Monday of each month and City Council meets on the 1st and 3rd Monday of each month pending no holiday delays or rescheduling of meetings.

1. Name of Event: Moscow Winterfest
2. Event Date(s): January 22nd, 2022
3. Event Location: Main St. from 3rd - 6th St.
4. Are you requesting a street closure for Event? Yes ☒ No ☐

If yes, provide street closure location(s). List cross streets, intersections, building addresses, etc. Include these details on your site map (see item 27.)

Main St. from 3rd - 6th st. Also blocking the intersection of 5th & Main.

We would also like to close the first turn into the Jackson St. parking lot in order to include the friendship square bathrooms in our event footprint, as well as host additional bathrooms.

5. Do you require parking restrictions for the Event? Yes ☒ No ☐

If yes, list parking restrictions (i.e. no parking on day of event, parking restricted to a particular area, etc.).

No parking on Main St. from 3rd - 6th on the day of the event.

6. Street Closure set-up/Load-in time: 10am Event(s) Start time: 12:00pm
7. Event(s) End time: 4:00pm Street Closure take-down/Load-out time: 6:00pm
8. Is this a recurring Event (i.e. every 1st Thurs. or every Sat. May thru Oct.)? Yes ☐ No ☒
9. Is this an annual Event? Yes ☒ No ☐
10. Are you planning on having refreshments and/or food? Yes ☒ No ☐

EVENT APPLICATION – LAST UPDATED AUGUST 11, 2021

Page 1 of 8

City of Moscow Community Events Division
EVENT APPLICATION



If **yes**, describe your waste and recycling plan. Applicants are responsible for removing all waste from their event footprint and disposing of properly, including emptying permanent trash receptacles in the downtown area. Dumpsters located downtown are for private use.

We will empty the city trash cans throughout the event. We will also have additional trash and recycling bins placed throughout the event. We will have event volunteers to help keep trash and recycling bins usable throughout the event.

11. Are you planning on serving alcohol/having alcohol available for purchase at the Event?

Yes ☒ (continue to Q.12)

No ☐ (skip to Q.14)

All events with alcohol are required to have a Catering Permit.

This process is to be handled by your licensed alcohol Vendor.

Catering Permit applications are to be submitted to the City Clerk/Deputy City Clerk for approval.

12. Is the Event taking place in the public right-of-way (i.e. sidewalks, streets, etc.) within the City of Moscow Entertainment District? The Entertainment District allows for a temporary suspension of the Open Container law by Resolution of the City Council. See page 6 for a map of the Entertainment District.

Yes ☒ (continue to Q.13)

No ☐ (skip to item B.)

13. Are the Event organizers interested in pursuing a temporary suspension of the Open Container law by City Council Resolution?

Yes ☒ (see item A.)

No ☐ (skip to item B.)

A. Event organizers pursuing a temporary suspension by City Council Resolution of the Open Container law for their Event within the public right-of-way of the Entertainment District boundaries must satisfy the following conditions with their Event listed below, in addition to any requirements detailed in the Moscow City Code, as set forth by City Council Resolution, and/or Catering Permit:

- ☒ Include an identification checking station and its general location on Event Site Map. Identification checking station shall include a minimum of two (2) persons to check proper identification. These persons shall be clearly identified and be responsible for the issuance of wristbands denoting attendees are of legal drinking age.
- ☐ Submit the Alcohol Use Application and \$100 non-refundable fee upon approval of Event.
- ☐ Be present at City of Moscow Administrative Committee and City Council meetings regarding authorization of alcohol at Event by Resolution.
- ☐ Post signage and waste receptacles at Event entry and exit points. Signage to clearly state "No Alcohol Permitted Beyond this Area". Additional requirements may be mandated by City Council Resolution.

City of Moscow Community Events Division
EVENT APPLICATION



B. Event organizers requesting for alcohol use for their Event that takes place in the public right-of-way NOT within the Entertainment District boundaries must satisfy the following conditions with their Event, in addition to following any requirements set forth by Resolution and/or Catering Permit. This option is also available to Event organizers who are NOT pursuing a temporary suspension by City Council Resolution of the Open Container law:

- ☐ Include the location and estimated size of the beer garden on Event Site Map. Please note: barricades required for beer gardens are 8' in length.
- ☐ Complete and submit a Barrier Use Contract with this application.
- ☐ Submit the Alcohol Use Application and \$100 non-refundable fee upon approval of Event.
- ☐ Be present at City of Moscow Administrative Committee and City Council meetings regarding authorization of alcohol at Event by Resolution.

Upon approval from Council, remaining Event fees will be due, and applicant's vendor(s) are required to submit a Catering Permit application to the City Clerk/Deputy City Clerk. Any additional required paperwork outlined by the City Council Resolution and/or this process will also be due upon approval.

14. Are you planning on having a band or music? Yes ☒ No ☐

If yes, describe below any recording equipment, sound amplification equipment, etc. Submit a completed **Noise Exemption Permit Request** with this Event application.

DJ with PA system

15. Approximate number of persons, animals, and/or vehicles comprising the Event, the type(s) of animals and description of vehicles, and approximate number of participants and spectators in viewing attendance:

19 vendors - 10 food & N/A beverages, 9 alcohol vendors

2,000 attendees

16. Do you plan on having banners, signs, or other attention-getting devices in the Event? Yes ☒ No ☐

17. Do you plan on using any designated public facilities or infrastructure for the Event? Yes ☒ No ☐
If yes, list public facilities or infrastructure (i.e. public restrooms, picnic shelters, stages, etc.).

City of Moscow Community Events Division
EVENT APPLICATION



friendship square bathrooms
friendship square
city electric outlets in friendship square

18. Are you requesting additional City Police services for escort services, traffic, and/or crowd control?
Yes ☒ No ☐

If yes, contact City of Moscow Police Department at 208-883-7059 to discuss and see attached Fee Schedule.

19. Please use this area to include more detail or attach additional pages for additional information about Event that is pertinent for us to know.

Activities w/ location TBD:

- 1-3 hole putt putt, ski themed
- corn hole
- snow ball relay race (walking)
- pin the skis on John curak
- newbiks cube contest
- lip-sync battle

20. Organization Sponsoring Event: Moscow Chamber of Commerce & Visitor Center
21. Organization Address: 411 S. Main St. Moscow, ID 83843
22. Organization Officers/Authorized Representatives: Dre Arman
23. Individual Responsible for Event Organization: Dre Arman
24. Individual's Address: 411 S. Main St Moscow ID 83843
25. Individual's Day, Message, or Cell Phone Number: 419-966-7153
26. Individual's E-mail: marketing@moscowchamber.com
27. City reserves the right to alter your route if the City determines the proposed route will require significant City services and/or severely limit transit opportunities in high traffic areas. Applicant understands and agrees that the City is reserving that right? If answers no, application may be denied. Yes ☒ No ☐
28. **Submit a Site Map with this application.** Event Applications without a Site Map will not be processed. Details on a Site Map may include but are not limited to locations of desired street closures, walking routes, assembly points, start and finish points, locations of food and beverage vendors, stages, service areas, etc. A blank map of downtown Moscow is available on page 7.
29. **Residential Neighborhood Block Parties:** Provide Proof of Insurance (Requirement may be waived at Discretion of City)
30. **All other Event Types (except Public Assembly):** Provide Proof of Insurance (Required – Certificate of Insurance must include the City of Moscow as an Additional Insured and list \$500,000 as the minimum amount of general liability or \$1,000,000 if alcohol is included.)

City of Moscow Community Events Division
EVENT APPLICATION



HOLD HARMLESS AGREEMENT:

The applicant/group/organization (hereinafter "SPONSOR"), through its duly and specifically authorized agents, hereby releases City of Moscow, Idaho (hereinafter "CITY") and agrees, contracts and covenants not to bring suit and agrees to defend, hold harmless, and indemnify CITY, its officers, employees, agents and representatives from any and all claims, costs, judgments, awards, or liability to any person, including claims by SPONSOR's own agents, officers, employees and representatives, to which SPONSOR might otherwise be immune, arising from the Community Event, Block Party, Public Assembly, Parade or Sidewalk Walking Parade scheduled to occur as indicated on this application (hereinafter "Event"), including any Street Closure permitted under the terms of CITY's Policy on Street Closure. No SPONSOR shall be required to indemnify or hold harmless CITY for claims, actions and demands that arise out of CITY's sole negligence. Inspection, review and/or acceptance by CITY of any activity performed by or during the Event, or any activity or non-activity by CITY Police officers or other officers, employees, agents or representatives of CITY, shall not be grounds for avoidance of any of the covenants of defense, indemnification or hold harmless by SPONSOR on behalf of CITY.

SPONSOR acknowledges that he/she has read and understands the current Idaho Governor's Idaho Rebounds Plan which includes any existing Stay Healthy Order and/or Guidelines and has read the protocols for social/physical distancing, use of face masks/face coverings, and sanitation requirements and guidelines. SPONSOR agrees to comply with the Governor's Order and/or Guidelines and ensure that all participants will comply with the Order and/or Guidelines. SPONSOR acknowledges any and all City of Moscow Public Health Directives and/or Regulations in effect at the time of the Event. SPONSOR agrees to comply with any and all City of Moscow Public Health Directives and/or Regulations in effect at the time of the Event and ensure that all participants comply with the City of Moscow Public Health Directives and/or Regulations in effect at the time of the Event. SPONSOR agrees that if CITY determines she/he and/or any participant is not in compliance with the Governor's Orders and Guidelines and/or is not in compliance with City of Moscow Public Health Directives and/or Regulations in effect at the time of the Event, CITY reserves the right to revoke the Event permit.

I, SPONSOR, certify under penalty of perjury pursuant to the law of the State of Idaho, that the foregoing is true and correct and that I have the authority to bind the group or organization, if applicable, to this Agreement.

NAME: Dre Arman

DATE: 11-19-21

EVENT SPONSOR ELECTRONIC SIGNATURE:

☐ By checking this box as an electronic signature, I agree to all the terms and conditions that apply to the Community Event /Residential Neighborhood Block Party/Public Assembly/Street Parade/Sidewalk/Pathway Event, Permitting Process, and Hold Harmless Agreement. I certify under penalty of perjury pursuant to the law of the State of Idaho that everything in the application is true and correct and that I have authority to bind the group or organization, if applicable, to this Agreement.

EVENT SPONSOR NON-ELECTRONIC SIGNATURE:

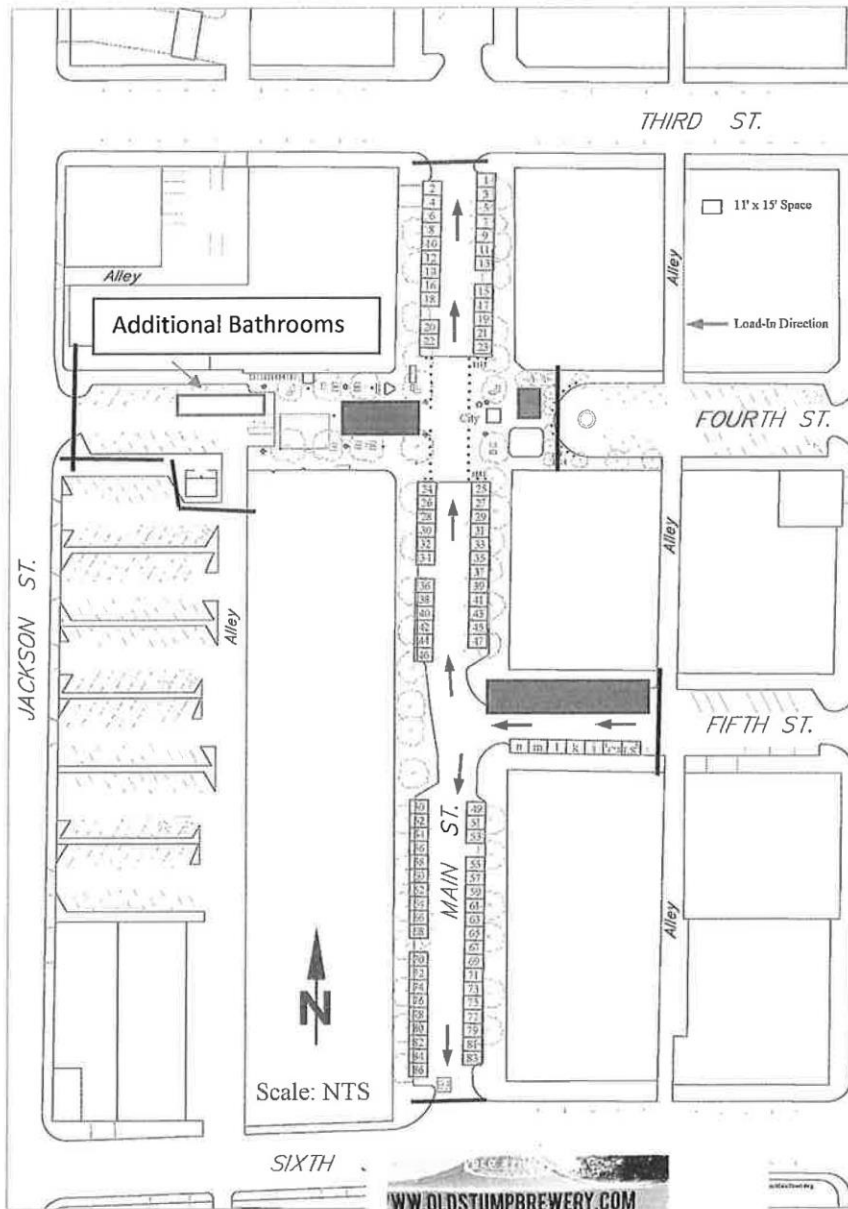
Dre Arman
(Required only if printing and submitting in person)

The information on this form is Public Record and may be posted to a public website.
Moscow City Code Title 10, Chapter 17 is available from the City Clerk at PO Box 9203, Moscow, ID, 83843, or on the City's web page at <https://www.ci.moscow.id.us/393/City-Code>.

FOR OFFICE USE ONLY

☐ Community Event without alcohol	☒ Community Event with alcohol	☐ Street Parade Event
☐ Sidewalk/Pathway Event (fun runs, trail runs, walk-a-thons)	☐ Public Assembly – no fee (march, picket, rally, demonstration, etc.)	☐ Residential Neighborhood Block Party Event
Date App Rec'd: <u>11/22/2021</u>	Fees Due: <u>\$274</u>	Fees Paid: _____

Moscow Winterfest Proposed Event Layout



Blue boxes represent additional tents with outdoor heaters.



Above is an example of how tents will be set up with one way serving.

Alcohol Vendors:

Hunga Dunga 21/23
 Pour Company 50/52
 Shattuck Brewing 2/4
 Moscow Brewing Co 24/26
 Moscow Ale House 61/63
 Garden Lounge 20/22
 Colters Creek 69/71
 Lindsey Creek 7/9
 Vin 15/17

Food and N/A Beverage Vendors:

Café Artista 1/3
 One World Café 84/86
 Sushi Man 8/10
 Patty's 73/79
 Humble Burger 78/80
 HS Environmental Club 55/57
 Rotary Club 66/68
 Paradise Grill 43/45
 Maialina 20/22
 Battleground Food Truck 25/27/29

Event Check in 81/83

Vendors are assigned spaces. Tables will face towards Main St. All alcohol will be served on Main St. Some vendors may have 2 tents to fill space and some 1 tent. All vending tents are standard market tents. Vendors will only accept event tickets for alcohol and will serve into event glassware.

Other event activities, location TBD:

- 1-3 hole putt putt (ski themed)
- Cornhole
- Snowball walking relay race
- Pin the skis on john cusak
- Rubiks cube contest
- Lip-sync battle

NOISE EXEMPTION PERMIT REQUEST
(Moscow City Code 10-11-2)

Requested Event Date(s): 1-22-2022 Begin time: 12pm End time: 4:00pm
6:00pm

Event Location: _____

Amplified Music (DJ, party, etc.) ☐ No ☒ Yes

Alcoholic Beverages Available ☐ No

(Marking this box does not mean your request will be denied)

☒ Yes - Purchaser: See attached event layout
(If hosted or catered, name of serving organization) for vendor list

Live Band Performing ☒ No ☐ Yes - Group: _____

Describe the event: MOSCOW WINTERFEST - an 80's ski-themed
celebration of winter in Moscow.

(use back of this form if more space is needed)

Name of requesting person/Group/Organization: MOSCOW Chamber of Commerce + Visitor Center

Person responsible for Group or Organization: DRE ARMAN

Requesting Person's Address: 411 S. MAIN ST. MOSCOW, ID 83843

Home phone: 208-882-1800 Work phone: 208-882-1800 Cell phone: 419-966-7153 Pager: N/A
Daytime phone number is required

Responsible person available AT AND DURING this event: DRE ARMAN

Cell- or contact-phone during event. 419-966-7153

Your signature is unconditional acceptance of all terms and conditions. This permit may be modified or revoked by City at any time if permit conditions are violated. Read the following carefully:

The applicant/group/organization hereby agrees to indemnify and hold harmless City of Moscow, Idaho from all claims, actions and demands of any kind whatsoever related to and/or arising out of the activity(ies) specified in this application and does hereby accept all risk and responsibility for any damage(s) stemming from such activity. Every Applicant requesting a noise Exemption Permit shall cooperate with law enforcement by adjusting the noise level in the event of any citizen complaint(s). In the event of non-compliance, law enforcement may revoke this permit. No applicant/group/organization shall be required to indemnify or hold harmless City of Moscow, Idaho for claims, actions and demands that arise out of City's sole negligence.

Date: 1-22-2022 Requesting Person's Signature: [Signature]

☒ APPROVED ☐ DENIED

Conditions:

Date permit valid: 01/22/22

Hours permit valid: 12pm-4pm

Noise level (dBA) shall not exceed 85 DbA at ☒ source at ☐ property line

Other Conditions: _____

James Fry Jr.
Chief of Police (208) 882-7054



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
10/08/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Troy Insurance Agency Inc 1822 18th Ave P.O. Box 796 Lewiston ID 83501		CONTACT NAME: Amanda Nelson PHONE (A/C, No, Ext): (208) 743-3541 FAX (A/C, No): (208) 743-3542 E-MAIL ADDRESS: amtroy@troyins.com	
INSURED Moscow Chamber of Commerce 411 South Main St Moscow ID 83843		INSURER(S) AFFORDING COVERAGE INSURER A: Hartford Casualty Insurance Co INSURER B: Penn-Star Insurance Co INSURER C: INSURER D: INSURER E: INSURER F:	
		NAIC # 00914	

COVERAGES CERTIFICATE NUMBER: 2021-2022 LIABILITY REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC ☐ OTHER:			34 SBA PB3695 DX	10/11/2021	10/11/2022	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 4,000,000 PRODUCTS - COMPIOP AGG \$ 4,000,000 \$
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☒ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY			34 SBA PB3695 DX	10/11/2021	10/11/2022	COMBINED SINGLE LIMIT (Ea accident) \$ 2,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE OED ☐ RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/ MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
B	Special Event Liability	Y		PAC-7210033	01/30/2021	01/30/2022	General Aggregate 2,000,000 Each Occurrence 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
CITY OF MOSCOW IS LISTED AS ADDITIONAL INSURED ON THE SPECIAL EVENT LIABILITY POLICY REFERENCED ABOVE.

CERTIFICATE HOLDER CITY OF MOSCOW 206 E 3RD ST MOSCOW ID 83843	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
--	--

ACORD 25 (2016/03)

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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**ADDITIONAL INSURED – STATE
OR GOVERNMENTAL AGENCY OR SUBDIVISION
OR POLITICAL SUBDIVISION – PERMITS
OR AUTHORIZATIONS RELATING TO PREMISES**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

State Or Governmental Agency Or Subdivision Or Political Subdivision:

CITY OF MOSCOW
PO BOX 9203
MOSCOW, ID 83843

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

A. Section II –Who Is An Insured is amended to include as an additional insured any state or governmental agency or subdivision or political subdivision shown in the Schedule, subject to the following additional provision:

This insurance applies only with respect to the following hazards for which the state or governmental agency or subdivision or political subdivision has issued a permit or authorization in connection with premises you own, rent or control and to which this insurance applies:

1. The existence, maintenance, repair, construction, erection or removal of advertising signs, awnings, canopies, cellar entrances, coal holes, driveways, manholes, marquees, hoist away openings, sidewalk vaults, street banners or decorations and similar exposures; or
2. The construction, erection or removal of elevators; or
3. The ownership, maintenance or use of any elevators covered by this insurance.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

B. With respect to the insurance afforded to these additional insureds, the following is added to Section III –Limits Of Insurance:

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or
2. Available under the applicable limits of insurance; whichever is less.

This endorsement shall not increase the applicable limits of insurance.

Event Name	Date(s)/Time(s)
Moscow Winterfest	1/22/22 12 pm - 4 pm

DEPARTMENT/DIVISION	DESIGNEE	EVENT(S)	APPROVED/DENIED	DATE REVIEWED
Moscow Police Department	James Ferry Jr.	Approve	Deny	11/29/21
Officer presence required?	<u>X</u> — — Yes No N/A	Officers available?	<u>X</u> — — Yes No N/A	
Moscow Volunteer Fire Department	Don Ellinwood	Approve	Deny	11/29/2021
Parks and Recreation Department	David R. Schott	Approve	Deny	11/24/2021
Community Development-Engineering Division	[Signature]	Approve	Deny	11/24/2021
Public Works-Environmental Services Division	[Signature]	Approve	Deny	11/29/2021
Public Works-Streets Department	[Signature]	Approve	Deny	12/3/2021
Street closure required?	<u>X</u> — — Yes No N/A	ITD permit required?	— — — Yes* No N/A	
Time of street closure?	10am — Start	6 pm — End		
	Kelsey Manning			12/6/21
City Clerk/Deputy City Clerk		Date		

City of Moscow Community Events Division
ALCOHOL USE APPLICATION



This application is required for Events requesting Alcohol Use within the Moscow Downtown Central Business Zoning District. Applicants are to submit their completed Event Application to the Community Events Division first. Upon approval of Event, Applicants may then submit this form along with the non-refundable fee to begin the review process by City Council for their Alcohol Use request. City Council has the ability to deny Alcohol Use requests, but applicants may still move forward with their approved Event without alcohol.

Ideal timeline for Events requesting Alcohol Use:

1. At least two months prior to event, Applicant submits Event Application for review.
2. Upon approval of Event, Applicant submits Alcohol Use Application and pays \$1 00 non-refundable fee.
3. Staff drafts a Resolution for the beer/wine garden request OR a Resolution for the temporary suspension of open container law. Applicants must provide their licensed alcohol providers to staff to include in the draft Resolution.
4. Applicant must be present at Administrative Committee meeting (meetings are held on the 2nd and 4th Mondays of each month pending no holiday delays).
5. Applicant must be present at City Council meeting (meetings are held on the 1st and 3rd of each month pending no holiday delays).
6. Upon approval, Applicant pays any remaining fees and is issued permit for Event.

Name of Event: Moscow Winterfest

Event Date(s): January 22, 2022

Event Location: Main Street, 3rd to 6th including 5th to Alley and 1st parking bay of Jackson Street lot

Event Start time: 12:00 pm Event End time: 4:00 pm

Responsible Individual listed on Event Application: Dre Arman

By signing this Alcohol Use Application, Applicant understands that their Event may not have alcohol unless approved by City Council and that City Council has the right to deny Alcohol Use Requests for Events. Applicant also understands that the Alcohol Use Fee of \$1 00 is non-refundable regardless of the decision issued by City Council.

12-8-21

Signature of Responsible Individual for Event Organization

Date

Date Received: 8 Dec. 2021 Date non-refundable fee paid: 8 Dec. 2021 ___