

**MINUTES
CITY OF MOSCOW
ADMINISTRATIVE COMMITTEE
Monday, January 23, 2006**

Attendance:

Councilmembers: Linda Pall, Aaron Ament, John Weber

Staff: Gary J. Riedner, Randy Fife, Joel Plaskon, Don Palmer, Jim Johnson, Roger Blanchard,
Anne Clapperton, Stephanie Kalasz

Others: John Dickinson

1. Approval of Minutes of January 9, 2006 – Stephanie Kalasz

The minutes were approved as presented.

2. Amendment to International Building Code – Jim Johnson

The Proposed Ordinance is in response to an appeal regarding the interpretation of the Building Official that the site plan must be prepared by a registered design professional. Although the appeal was resolved, staff thought it prudent to clarify the Code to prevent any confusion on this matter. The proposed Ordinance allows for site plan requirements to be adopted by Resolution of the Council from time to time. Additionally, the Ordinance also would remove the language in Title 7 Chapter 13 because it is duplicated in Title 7 Chapter 8, but retain the Chapter number 13 for future use.

ACTION: Recommend approval of the Ordinance; recommend denial of the Ordinance; or take such other action deemed appropriate.

Johnson presented the issue as written above. He said language was changed pursuant to Idaho Code. He said site plans must be prepared by a registered design professional and it allows for site plan requirements to be adopted by resolution. Pall asked who is considered a registered professional. Johnson said any application filed with the exception of one, two or three family dwellings, must be prepared by an architect or engineer. Weber said he doesn't understand the need to keep a chapter open but he is okay with this as presented.

Ament asked about the building official. Riedner said Johnson will be the designated building official and an announcement will be made about that in the near future. Ament wanted to know if there is enough specificity item 30. Johnson said he thinks it works well and more specificity can be determined on a case by case basis.

Brenda VonWondruszka, 1827 Daves Ave., said she thinks this is a great idea and it will be good to have a qualified building official. She said the building Code still has volume references which should be changed to a chapter reference. Johnson said the old UBC referred to volumes and the new IBC is one volume. It would involve several changes. Fife said the short answer is that this is just a fix for this part of the Code. He said his preference would be to take all of the references to volume out but he thinks it would be okay to leave it as is until the next version is adopted. Pall said it isn't that confusing to have a reference to a volume one if there is only one volume. VonWandruszka said it is a small thing that could have been adopted some time ago.

VonWandruszka said the language in the International Residential Code is the same as the International Building Code but the IBC is the only one being changed here. She said the parking requirement is for multi-family which can be different things. She said an architect can be required for something that is three levels not three dwellings. She said giving discretionary power to staff is questionable. She explained that the requirements for site plans go to many different people for different things which is confusing. She would like to have the whole document drafted more carefully. Weber asked if the confusion can be helped if there is a discussion with staff. VonWandruszka said no because there is too much staff discretion. She said it should be better having a registered building official. Pall said there is merit in what VonWondruszka is suggesting so she suggested pulling this from the agenda and Johnson having a meeting and then bring this to the second Administrative Committee meeting in February.

Johnson said they are just clarifying one section of the Code, not dealing with the entire Code. He said a site plan is reviewed by Dean Weyen in the Engineering Department. He said this is a list that is given to the public but different staff members look at all parts of the project, not just their specific section. He said Idaho Code allows us to exempt buildings that are two family dwellings or less. Pall said it would be helpful if there is a path diagram for people interested in permits so they can see it very clearly. She would like to have this brought back the second meeting of February.

Fife asked about exactly what is wanted. Pall said she wants a clear, clean tracking for a citizen that works through some of the issues. Fife confirmed that it would be a flow chart. Plaskon said there are multiple levels of review and projects that exist so saying a permit is very general. Pall said she would like to take it from the 1, 2 or 3 family dwellings and 2 story or less and then something for the bigger projects. Ament said the different requirements that are on the site plan should be addressed so people know who looks at each thing.

Roberta Radovich, 809 E. B Street, said her concern is that each time there is a change, a new layer of obstruction is added to the Code. She said her husband draws building designs for people and a degree shouldn't make a difference if the Building Department can read the plans. Pall said the City is trying to abide by State Code and adjust. Radovich said the plans her husband drew for the third story of her house would not be allowed. Johnson said the rules are that levels are counted from the ground so in Radovich's case, the basement doesn't count and it is considered two story.

3. Animal Related Ordinances – Randy Fife

A sub-committee of the Administrative Committee led by Councilmember Dickinson met throughout the summer of 2005 to review drafted City ordinances related to animal care. The three proposed ordinances contain edits suggested by the Administration Committee on September 26, 2005: (1) an Animal Care Ordinance which deals generally with animals within City limits; (2) a Dangerous Dog Ordinance which deals specifically with dogs which may be classified as dangerous and, after such classification, establishes procedures and precautions to maintain such a dog within the City; and (3) an Animal Care Commission Ordinance which creates a commission to assist the City in education and promotion of animal care matters and to act as an appeals board for decisions which are related to animals and dangerous dogs.

ACTION: Review ordinances and direct staff as deemed appropriate.

Fife presented the issue as written above. He gave a brief explanation of the changes that have been made. Weber said cats are excluded in many of the items where dogs are included so he asked about the Committee's discussion. Fife said there was a great deal of discussion about cats. He said the decision was made that cats would not be regulated the same as dogs because they are not as domesticable as dogs and there are different kinds of concerns. Ament said he had a reasonable expectation when he got cats that he would not have to contain cats in his yard. He asked about setting a time down the road where cats will not be excluded. He said also, under the dangerous dog ordinance, a dangerous dog could get one free attack or kill of an animal but he would like the reasonable expectation to be that the dog might be vicious. Ament said expressed concern about whether a kennel two and a half times the length of the dog would be adequate and thought another minimum might be appropriate. Ament mentioned that all of the Ordinances would have to be passed at the same time or the City's ability to license could possibly be taken away. Fife said there was a lot of discussion about the minimum kennel size and the Committee thought it was reasonable and humane. He said it would not be his suggestion to have a date in the future because it would be problematic. He said unless there was some date certain in the future, it would be a problem. Ament said his objective was a date certain so anyone that got a cat after that would know that they would have to control it.

Riedner mentioned that Dickinson was on the Committee and he is in the audience.

Pall suggested having this item come back to the Committee. Weber said he would like to move ahead. He said controlling cats is very difficult but he would like them included in some way. Ament said it would be reasonable to have cats controlled. He said there are fences that can keep cats in. He would like to have it come into affect in 8 to 10 years. Pall said she always used cat licensing as a joke to get people into the meetings. She does not support cat licensing.

Radovich, 809 East B Street, said feces is a problem in the yards and mentioned a cat that injured a child in East City Park and a dog died from eating cat feces so it is a health concern.

Dickinson said there was a group of people that looked over these ordinances every week for several weeks. He said things were discussed at length. Many of the people who were at the meetings have the information and can speak. He said the Committee made the ordinances and although he doesn't agree with some of the items, the Committee did like it. He discussed the procedure for declaring a dangerous dog and said any adult person being able to report a dangerous dog is very broad and is highly controversial. He said forming a committee to make decisions about dangerous dogs within five days (because the dog has been impounded) was partially because none of the regular commissions meet in that time frame for making these decisions and it is also a problem to let lay people make those decisions. He said creating a commission to deal with those dangerous dog instances may not be worth people's time. He thinks it could just come to Council. He said ferrets have become more popular but allowing pigs should be a conscientious decision. He said there is no limit on cats which is highly controversial. He said licensing of cats was taken out of this a long time ago. He said the Police Department responses to very few cat problems but numerous dog problems.

Bill French, 1655 Lorien Lane, distributed a handout to the Committee regarding keeping cats indoors and said excluding cats from the same regulations as dogs is wrong. He said thousands of dollars of property are damaged by cats every year. He thinks the responsibility should be with the owners. He said it is a private property rights issue and it is not fair for cats to be allowed to enter other people's property. He said he no longer has a vegetable garden because of the feces left by cats. He said he has to be very careful about where he places bird feeders because cats kill the birds. He said he is also concerned about his cat getting a disease from some stray cat going through his yard (he has an enclosure that he allows his cat to go out in).

Laurie Freeman, 616 N. Jefferson, said she has a cat enclosure and does not let her cats run wild. She said in this community, it will be impossible for the roaming population (primarily students) to catch on to something like that. Students come and go and those are the animals she is concerned about. Many landlords won't even allow a fence to be constructed. She said there is no feasible way with the current shelter that this would be possible because the shelter is at capacity at all times. The shelter does its best to place as many cats as possible but the space is not available. It is a no kill facility and they won't waiver on that. The animal control officer has a difficult time just picking up dogs and it would be very difficult to pick up cats. The officers have to fill in when animal control officer is off and they have more important things to do then try to catch cats. Pall suggested a press release before the next meeting where this will be discussed.

4. Ordinance Creating Tree Commission – Randy Fife

The Moscow Tree Committee is currently functioning under the Community Forestry Ordinance and because it is thought that the Moscow Tree Committee should be included as a City Board or Commission, it is proposed that the Moscow Tree Committee be converted into a Commission and moved to Title 3 of the Moscow City Code.

ACTION: Recommend approval of the Ordinance; recommend denial of the Ordinance; or take such other action deemed appropriate.

Fife presented the information as written above. Ament mentioned a correction that needed to be made for consistency and Fife will make the change.

Weber just confirmed the reason for this Ordinance. Riedner said this Committee was made through the Community Forestry Ordinance but in order to keep it treated the same as other commissions, this is being recommended. The Committee will recommend approval.

5. Change to Sign Ordinance Regarding Park Signs – Ann Clapperton

On January 11, 2006, the City of Moscow Planning and Zoning Commission recommended approval of an amendment to the City of Moscow Sign Code (Title 4, Chapter 6, Section 13). The Ordinance, attached hereto, would explicitly acknowledge the placement of signs that identify public parks and recreation facilities in all Moscow zoning districts and allow for standardization of such signage as acceptable to the Parks and Recreation Department. The Local Land Use Planning Act requires governing body receipt of the Planning and Zoning recommendation prior to public notice of the governing body's hearing. With publication of the notice attached hereto, a February 21, 2006 Council public hearing on the matter may be scheduled.

ACTION: Receive recommendation.

Clapperton presented the issue as written above. The Committee received the recommendation.

6. Memorandum of Understanding for Security for Federal Building – Dan Weaver

The Federal building is in the City limits and the security agency responsible for building security is headquartered in Spokane. Our City of Moscow Police Department is often called to help and it would assist us with jurisdictional issues and liability to have a memorandum of understanding with the Federal Government regarding our response.

ACTION: Recommend approval of the memorandum of understanding or take such other action deemed appropriate.

Weaver presented the issue as written above. He said the Federal Police reside in Spokane and closest Marshal in Coeur d'Alene. They would like to give the City the authority to deal with an emergency on the Federal Building property in the downtown area.

Ament said on page 2, regarding the City being requested to take action, he was concerned that a citizen couldn't report a crime at the Federal Building for MPD to respond to. Riedner said the intent is for MPD to uphold any regulations so that shouldn't be a problem. The Committee will recommend approval.

REPORTS:

Report on Planning and Zoning Commission Future Meeting with Latah County Planning – Joel Plaskon/
Jerry Schutz

Schutz said about two years ago when the Area of City Impact was renegotiated, there was discussion of having a joint plan for the Area of City Impact so they would like to meet with the Latah County Planning Commission to begin discussions in that regard. Riedner said the Mayor's concern was that the County Commissioners and Council get the opportunity to review the information. Schutz said this is just the beginning and both entities would be brought in. The Committee said they would like these discussions to start.

Pall listed some of the items she would like to have discussed. Schutz said this is just a start to the discussion so he thinks those kinds of details are a long way down the road. Pall mentioned a notion regarding the parkway concept, the possibility of part of the area surrounding the City preserved for open-space via small scale agricultural, retained farmland, so there is a segment preserved for open space in perpetuity.

Plaskon said one of the NewCities meetings was a meeting with the City and County Planning staff. He said there were some discussions in that regard which included the boundary of the Area of City Impact and a Comp Plan specifically for the ACI.

The meeting adjourned at 5:57 p.m.