

Moscow City Council



Regular Meeting ~Minutes~

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Laurie M. Hopkins
City Clerk

208.883.7015

Monday, July 1, 2019

7:00 PM

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

The meeting was called to order at 7:00 p.m.

PRESENT: Mayor Bill Lambert, Art Bettge, Jim Boland, Kathryn Bonzo, Brandy Sullivan, Gina Taruscio, Anne Zabala

STAFF: Jen Pffiffner, Mia Bautista, Bill Belknap, Tyler Palmer, James Fry, Bob Buvel, Laurie M. Hopkins

PLEDGE OF ALLEGIANCE

Council Member Zabala led the Pledge of Allegiance.

CONSENT AGENDA

1. All Consent Items (ACTION ITEM)

A. Approval of Moscow City Council June 17, 2019 Minutes - Laurie M. Hopkins

Minutes presented for approval.

ACTION: Approve minutes as presented.

B. Disbursement Report May 2019 - Sarah Banks

Accounts Payable Report for the month ending May, 2019. This was reviewed and signed by the Public Works/Finance Committee on June 10, 2019 and recommended for approval.

ACTION: Approve the Disbursements Report for the month of May, 2019.

C. Indian Hills 9th Phase 2 Design Standard Variance - Bob Buvel

The City of Moscow executed a Development Agreement with Indian Hills Trading Company, LLC on July 31, 2018. The agreement requires the developer to construct the standard public improvements along the Myrtle Street right-of-way. The improvements are expected to be constructed by October 31, 2019. Public Works received a request from the developer for a variance from the requirement that sidewalks be installed on both sides of Myrtle Street, and that they be required to construct sidewalk along the west side only. The development agreement for Indian Hills 8th Addition included a clause allowing deferment of the Myrtle Street public improvements. Similarly, the development agreement for Indian Hills 9th Addition, executed on July 31, 2018 restated the condition. Design standards for all City streets have long required the installation of sidewalk on both sides of the street. Staff has determined that no special conditions exist peculiar to the property that merit approval of the variance. This was reviewed by the Public Works Finance Committee on June 24, 2019 and recommended for denial.

ACTION: Deny the variance request and require Indian Hills Trading Company to install sidewalks on both sides of Myrtle Street in accordance with City standards and the development agreement.

D. State/Local Agreement – Project Development – 3rd Street Safety Improvements Phase 1 - Alisa Anderson / Nate Suhr

In 2017 the City applied for a grant through the Local Highway Technical Assistance Council (LHTAC) under the Local Highway Safety Improvement Program (LHSIP) which managed by LHTAC on behalf of the Idaho Transportation Department (ITD). The City has been awarded \$388,246 in federal funds requiring a 7.34% match of \$30,754 with total project costs estimated at \$419,000. The project is located on Third Street from Lieuallen Street to 150' east of Lilly Street. The project will include installation of LED luminaries to increase night-time visibility, replacement of sidewalk, curb, and gutter while eliminating unused existing driveways. The Moscow Urban Renewal Agency will also contribute to the project in assisting with funding for the luminaries as part of their goal to improve infrastructure amenities within the Legacy Crossing District. An aerial map is attached to this report showing the location of the Phase 1 proposed improvements. The City has received a State/Local Agreement from ITD for Project Development of Phase I of this project which is attached to this report requiring a \$2,000 deposit for incidental services referred to in the Agreement. Funds to pay the 7.34% match are including in the FY2019 and proposed FY2020 budgets transferred from the 6th Street Pedestrian Improvements LHSIP project which has been deferred to be bid with this project scheduled for construction in FY2021. This was reviewed by the Public Works/Finance Committee on June 24, 2019, and recommended for approval.

ACTION: Approve the State/Local Agreement (Project Development) and corresponding Resolution, Project No. A020(483) 3rd Street Safety Improvements Phase 1, Moscow, Latah County, Key No. 20483.

E. State/Local Agreement – Project Development – 3rd Street Safety Improvements Phase 2 - Alisa Anderson/Nate Suhr

In 2018 the City applied for a grant through the Local Highway Technical Assistance Council (LHTAC) under the Local Highway Safety Improvement Program (LHSIP) which managed by LHTAC on behalf of the Idaho Transportation Department (ITD). The City has been awarded \$285,393 in federal funds requiring a 7.34% match of \$22,607 with total project costs estimated at \$308,000. The project is located on Third Street 150' east of Lieuallen Street to Jackson Street. The project will include installation of LED luminaries to increase night-time visibility, replacement of sidewalk, curb, and gutter while eliminating unused existing driveways. The Moscow Urban Renewal Agency will also contribute to the project in assisting with funding for the luminaries as part of their goal to improve infrastructure amenities within the Legacy Crossing District. An aerial map is attached to this report showing the location of the Phase 2 proposed improvements. The City has received a State/Local Agreement from ITD for Project Development of Phase 2 of this project which is attached to this report requiring a \$2,000 deposit for incidental services referred to in the Agreement. Funds to pay the 7.34% match are including in the FY2019 and proposed FY2020 budgets transferred from the 6th Street Pedestrian Improvements LHSIP project which has been deferred to be bid with this project scheduled for construction in FY2021. This was reviewed by the Public Works/Finance Committee on June 24, 2019 and recommended for approval.

ACTION: Approve the State/Local Agreement (Project Development) and corresponding Resolution, Project No. A021(997) 3rd Street Safety Improvements Phase 2, Moscow, Latah County, Key No. 21997.

Bonzo moved and Taruscio seconded to approve the consent agenda. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

REGULAR AGENDA

2. Staff Recognition Report - Gary J. Riedner

None offered.

3. Mayors Appointments (ACTION ITEM)

None offered.

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

Chloe Rambo, representing Moscow Young Professionals, said they are offering monthly events and professional education. They are hosting a community involvement event on August 8 and everyone is invited.

5. Citizen Commission Report - Human Rights Commission – James Fry/Ken Faunce

Ken Faunce, Chair of the HRC presented a list of members, social justice education forums, and other activities the Commission took part in throughout the last year. Upcoming projects include the Pride Festival, Inclusive Community Month activities, Human Rights Day at the Market, Indigenous Peoples Day activities and miscellaneous forums.

6. Ordinance to Amend Moscow City Code to comply with statutory FBI Regulations Regarding Background Check Requirements for City Licensees (ACTION ITEM) - Mia Vowels / James Fry

Public Law 92-544 allows the Federal Bureau of Investigation (FBI) to exchange criminal history information with state or local governmental entities if required by a state statute approved by the Attorney General of the United States. Idaho State Code 67-3008 provides that any unit of the state, city or local government may submit fingerprints to the FBI for employment or licensing if required to do so by statute, regulation, city or county ordinance. The Criminal Justice Information Law Unit (CJILU) has completed its review of draft of City of Moscow Ordinance which amends Moscow City Code (MCC) Section 9-3-6 authorizing a fingerprint-based background check of applicants for a license as a peddler, solicitor, or canvasser; MCC § 9-4-5 authorizing fingerprint-based background checks of applicants for a secondhand dealer or pawnbroker license; MCC § 9-5-13 authorizing fingerprint-based background checks of applicants for a Taxicab, Pedicab, or Carriage license; MCC § 9-10-7 authorizing a fingerprint-based background checks of every applicant, license, owner, Director, staff individual 13 years of age or older residing at the premises of a daycare; and MCC § 9-11-5 authorizing a fingerprint-based background check of applicants for a vendor license. The CJILU has determined that if enacted as drafted, MCC §§ 9-3-6, 9-4-5, 9-5-13, 9-10-7 and 9-11-5 would qualify for access to FBI CHRI pursuant to Pub. L. 92-544. This was reviewed by the Administrative Committee on June 10, 2019.

PROPOSED ACTIONS: Approve the Ordinance under suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary; or consider the Ordinance on first reading and that it be read by title; or reject the Ordinance; or take such other action deemed appropriate.

Fry introduced the item as written above. Bautista explained this ordinance updates the City Code to become compliant with state and federal requirements to allow Moscow to do the background checks. Taruscio moved and Bettge seconded to approve the ordinance under suspension of the rules requiring three complete and separate readings and be published by summary. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Mayor Lambert read Ordinance 2019-06:

AN ORDINANCE OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE AMENDMENT OF MOSCOW CITY CODE TITLE 9, CHAPTERS 3, 4, 5, 10, AND 11, TO COMPLY WITH STATUTORY REGULATIONS REGARDING THE BACKGROUND CHECK REQUIREMENTS; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE BE DEEMED SEVERABLE; APPROVING THE PUBLICATION OF A SUMMARY OF THE ORDINANCE WITH THE FULL TEXT AVAILABLE AT CITY HALL; PROVIDING FOR A WAIVER OF THE READING RULES; AND PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM THE DATE OF ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW. AN ORDINANCE OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE AMENDMENT OF MOSCOW CITY CODE TITLE 9, CHAPTERS 3, 4, 5, 10, AND 11, TO COMPLY WITH STATUTORY REGULATIONS REGARDING THE BACKGROUND CHECK REQUIREMENTS; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE BE DEEMED SEVERABLE; APPROVING THE PUBLICATION OF A SUMMARY OF THE ORDINANCE WITH THE FULL TEXT AVAILABLE AT CITY HALL; PROVIDING FOR A WAIVER OF THE READING RULES; AND PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM THE DATE OF ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

7. Police Services Facility Design Services Agreement (ACTION ITEM) - Bill Belknap

On May 25, 2019, Staff published a Request for Qualifications (RFQ) for professional design services for the proposed new Police Services Facility that is to be constructed following the successful May 21, 2019 general bond election. Two Statements of Qualifications (SOQs) were received in response to the RFQ. A five-member selection committee consisting of staff and a City Council representative conducted interviews of the two firms and unanimously recommended the selection of Lombard Conrad Architects (LCA) for the project. The City previously worked with LCA in the development of the 2016 Police Services Facility Master Plan in preparation for the bond election. Staff has prepared a Professional Services Agreement with associated fees for the Council's review and approval.

PROPOSED ACTIONS: Approve the proposed professional services agreement with Lombard Conrad Architects; or take other action as deemed appropriate.

Belknap provided the background schedule on the bond election. The City Council has expressed the desire for the new facility to meet the City's needs and be energy efficient and sustainable. The established project budget includes three different building projects and is anticipated to use the LEED standards and design the facility to meet LEED certification. As this time, staff is not pursuing

certification due to an anticipated cost of an additional \$150,000 (\$75,000 for design and certification costs and \$75,000 in construction). The City has developed a list of sustainability components to be integrated into the design process and have engaged the Sustainable Environment Commission in the project. Architectural and engineering services generally range from 7-12% of the estimated project cost depending upon project scope and complexity. This fee includes all architectural, structural, civil, mechanical, landscape, security, AV, FF&E, and other design services as well as construction administration. An add alternate to assess a vendor supplied design of a solar PV system to be bid is also included. The schedule is quite aggressive with the goal of bidding in January.

Most of the building and energy codes will get a project near the silver LEED certification. It would take a much more extensive effort on energy conservation and renewable energy supplies to reach gold or platinum. An early assessment by the consultant indicates this project could likely meet a silver level. The first program verification, review of spaces and functions, was completed in 2016. Since that time the City has added another cyber detective and a canine unit is proposed in the FY2020 budget, which changes some of the needs. Another program verification will be completed as a first step in developing a schematic.

Boland moved and Zabala seconded to approve the proposed professional services agreement with Lombard Conrad architects. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

8. Sanitary Sewer Service To Appaloosa Court (ACTION ITEM) - Bob Buvel / Tyler Palmer

The Appaloosa Trailer Court is located on the Old Pullman Highway outside of the Moscow city limits. The property currently contains approximately 66 mobile home spaces. The Idaho Department of Environmental Quality (DEQ) has notified the owner of the property that the septic system currently serving the trailer court is out of compliance with DEQ wastewater treatment regulations. In an effort to bring the property into compliance, the owner Mr. Rusty Olps, is proposing a plan to connect the property's sanitary sewer system to the City of Moscow's sewer system by constructing approximately 4,000 feet of sewer main across University of Idaho property. Should the City agree to serve the property, Mr. Olps is also requesting that he only be charged sanitary sewer general facility charges for only the 44 slots that are currently occupied and that the City of Moscow standard charge of double the normal monthly rates for properties outside city limits be reduced to one and a half times the monthly rate. It should be noted that Mr. Olps is not requesting annexation of the property. This was reviewed by the Public Works Finance Committee on June 24, 2019 and recommended for conditional approval per staff recommendations.

PROPOSED ACTIONS: Consider request of Rusty Olps to be allowed to connect the existing Appaloosa Mobile Home Court to the City's sanitary sewer system and provide direction on the following items:

1. Will Serve Letter: Provide direction to staff to issue a Will-Serve letter for the Appaloosa Mobile Home Court without annexation; Provide direction to issue a Will-Serve letter for the Appaloosa Mobile Home Court upon the condition of annexation; or provide staff further direction.
2. Future Property Use Restriction: Require the property owner to enter development agreement restricting the use of the proposed sewer service to that of the existing mobile home development, and that any further development or redevelopment must be approved by the City Council; provide sanitary sewer service with no restrictions; or provide staff further direction.
3. General Facilities Charges: Require the payment of General Facilities Charges (GFC) for all

occupied spaces and enter into an agreement with the owner to pay the then current GFC fees at that time that any future dwelling units are installed upon the current vacant spaces; Required the owner to pay GFCs for all 66 available spaces; or provide staff further direction.

4. Monthly Sewer Service Fees: Direct staff to establish a special sewer service rate of 150% of the in-City service rates to be applied to the Appaloosa Mobile Home Court; Direct Staff to charge the current out-of-City rate of 200% of the in-City rate to the Appaloosa Mobile Home Court; or provide staff further direction.

Palmer introduced the item as written above and provided a map of the area. There are provisions in the City Code to allow properties outside the City limits to connect. If approved, the extension would require an easement across the University of Idaho property.

Rusty Olps, 931 Harold St Moscow, said when federal enforcement was transferred to the Idaho Department of Environmental Quality (DEQ), it caused his septic system to be out of compliance. DEQ is working with him on solutions and anticipate it being resolved by September.

The "no contest to annexation" would be within the development agreement if Council were to approve the request. If the property was divided, the system would go from private to a public utility.

Boland moved and Bonzo seconded to direct staff to do a will serve letter for Appaloosa Mobile Home Court without annexation. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Boland moved and Taruscio seconded to require the property owner to enter development agreement restricting the use of the proposed sewer service to that of the existing mobile home development, and that any further development or redevelopment must be approved by the City Council. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Boland moved and Sullivan seconded to require the payment of General Facilities Charges (GFC) for all occupied spaces and enter into an agreement with the owner to pay the then current GFC fees at that time that any future dwelling units are installed upon the current vacant spaces. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

The Public Works/Finance Committee felt fees should start at the required rate of 200% and if, in the future, Olps could show a benefit to the City, he can bring a request at that time. Boland moved and Bettge seconded to charge current out-of-city rate of 200% of the in-city rate to the Appaloosa Mobile Home Court. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

REPORTS

City Council

Farmers Market Commission – Sullivan said the Commission continues working on the strategic plan update. They are also creating a fee committee.

Planning & Zoning Commission – Sullivan reported the Commission reviewed a subdivision plat for the Affordable Housing Trust; accessory dwelling review and recommendation; subdivision code review.

Sustainable Environment Commission – Bonzo said the Commission received a presentation on the police facility which included sustainability information.

Transportation Commission – Boland reported the Commission discussed Gotcha hubs.

SMART Transit – Boland said Daniel is doing great and should find more time on marketing and planning for a third route.

Council Members reported on other events and meetings.

Mayor

Mayor Lambert said he attended the Airport Board meeting where it was reported the full runway has seven inches of asphalt and the remaining two will be done in September. The opening ceremony will take place on October 10 at 10:00 a.m.

Staff

No report.

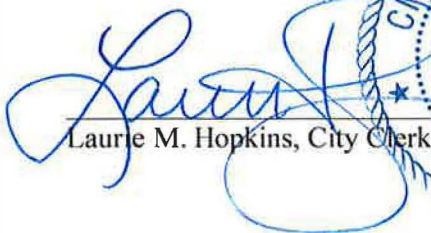
ADJOURN

The meeting adjourned at 8:25 p.m.



Bill Lambert, Mayor

ATTEST:



Laurie M. Hopkins, City Clerk

