

Public Works / Finance Committee



Regular Meeting ~Minutes~

Laurie M. Hopkins
City Clerk

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**Monday
November 22, 2021**

3:00 PM

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

The meeting was called to order at 3:00 p.m.

PRESENT: Anne Zabala, Gina Taruscio, Art Bettge

OTHERS: Council Member Sandra Kelly, Council Member Brandy Sullivan, Mayor Lambert

STAFF: Gary Riedner, Aimee Hennrich, Mia Bautista, Tyler Palmer, Karl Riedinger, Taylor Riedner

REGULAR AGENDA

1. Approval of Public Works/Finance Committee November 8, 2021 Minutes (ACTION ITEM) - Taylor Riedner

The minutes were approved as presented.

2. Lot Line Adjustment: 2015 and 2021 Crestwood Drive (ACTION ITEM) - Aimee Hennrich

The applicant, Rafik Itani, is requesting a lot line adjustment between two properties located at 2015 and 2021 Crestwood Drive. The proposed lot line adjustment would reduce the lot addressed as 2015 Crestwood Drive from 10,507 sf to 9,903 sf and expand the lot addressed 2021 Crestwood Drive from 13,009 sf to 13,613 sf. The applicant is requesting the lot line adjustment in order to conform to side yard setback requirements for future construction of a single-family dwelling upon 2021 Crestwood Drive. A foundation is already in place for 2015 Crestwood Drive. The subject properties are located within the Moderate Density, Single-Family Residential Zoning District (R-2). Within the R-2 Zoning District, lots with single-family dwellings require a minimum area of 7,000 sf and a minimum lot width of 60 feet. The proposed lot line adjustment meets both of these standards.

PROPOSED ACTIONS: Recommend approval of the lot line adjustment request with no conditions; or recommend approval of the lot line adjustment request with conditions; or recommend denial of the lot line adjustment request; or provide staff further direction.

Hennrich introduced the item as written above. Needing no further discussion, the Committee recommended approval and that it be placed on the Council consent agenda.

3. Resolution Opting in the Opioid Litigation (ACTION ITEM) - Gary J. Riedner / Mia Bautista

The Attorney General's Office has drafted a proposed Allocation Agreement to govern how settlement funds will be split between the State and participating local governments. This Allocation Agreement would govern how settlement funds from the Nationwide Settlements and the Purdue and Mallinckrodt Bankruptcies are allocated. In order to be effective, this Agreement will need to be adopted by the State and either (1) eligible local governments with a population of more than 60% of the total population, or (2) eligible local governments with a population of more than 50% of the total population and including at least 15% of the counties. Local Governments can sign-on to the Allocation Agreement by authorizing a representative to sign on behalf of the City and by executing the sign-on form that is attached as an Exhibit to the Resolution. For additional information regarding the nationwide settlements, please see the Idaho Attorney General's website <https://www.ag.idaho.gov/consumer-protection/opioid-settlement/>

PROPOSED ACTIONS: Recommend approval of the Proposed Resolution authorizing the City Attorney to enter into and to sign on the City's behalf the Idaho Opioid Settlement Intrastate Allocation Agreement and the National Opioid Settlement, or provide staff further direction.

Bautista introduced the item by reflecting on the current opioid litigation and a law firm pursuing litigation that contacted the City a year ago. At that point, Latah County had already filed suit. On September 13th, 2021, a letter from the Attorney General informed that the state of Idaho would participate in the settlement and asked the City to participate in the settlement agreement. The Attorney General's office provides a dedicated website for opioid litigation, which the link is included above. The presentation shared during the meeting is also located on the website. The presentation described what would happen should the City opt into the agreement and the impact should the City decide not to. Opioid statistics for Latah County were shared, including six opioid-related overdose deaths in 2018, seven deaths in 2017, two deaths in 2016, three in 2015, and three in 2014. Drugs involved in these deaths included fentanyl, methamphetamine, morphine, and more. Bautista explained that the more eligible governments entities opt into the agreement, the larger the claim. If all local agencies opt into the agreement, the maximum funds available to Idaho would be roughly \$120 million. Eligible entities include counties, cities with a population over 10,000, school districts with more than 25,000 students, fire districts with populations over 25,000, and hospital districts with at least 25 beds. The injunctive relief of the agreement includes significant changes to prescription distribution and sale, increased accountability and oversight, delivery monitoring, and the prohibition of Johnson & Johnson selling or promoting opioids. To participate, the City of Moscow will need to pass a resolution and sign the participation forms releasing all opioid-related claims against Johnson & Johnson. The participation deadline is January 2nd, 2022. Allocation of funds would go towards abatement purposes such as treatment, education, counseling, and rehabilitation. The City is eligible to opt into transferring the funds to the health district and let them determine the allocation of funds. The Committee recommended approval and that it be placed on the Council regular agenda.

4. Sewer General Facilities Charge (GFCs) Implementation (ACTION ITEM) - Tyler Palmer

The City of Moscow recently completed a utility rate and general facilities charge study with the assistance of FCS Group. A general facilities charge (GFCs) analysis was performed to calculate the allowable charges that the City may impose for new connections to both the water and sanitary sewer system. GFCs are one-time fees for new or redevelopment, and are used to recover a proportional share of the value of facilities required to provide service to those connections. A key component of the GFCs calculation is determining the number of users the system can support. As part of the study, FCS Group recommended that the City adopt an Equivalent Residential Unit (ERU) metric as the basis to calculate the per unit capacity demand of a new sewer connection. The City's sewer customer data was reviewed to determine the average sewage flow per single-family residential customer (unit), which in FY2019 was estimated at 131 gallons per day (gpd). City staff agreed that 131 gpd was a reasonable estimate for the City's sewer ERU value. In an effort to link the estimated capacity demand per unit to the assessment of GFCs in an equitable manner, staff are proposing that the City assess new GFCs on a plumbing fixture unit (PFU) basis, which is a measure of the maximum sewer flow potential of each customer by unit. One ERU, or 131 gpd, has been determined to be equivalent to 27 PFUs for Fiscal Year 2022, based on the three-year average (2018-2020) of PFUs per single-family unit. We will update the averages annually to calculate the PFU to ERU ratio. This results in a simple calculation of \$96.89/PFU for FY22. This approach keeps our structure in compliance with established case-law for the application of GFCs. There is no minimum charge with this approach, allowing more equitable assessment of the costs for the impact of a given structure, resulting in savings for smaller units, which has a beneficial impact on affordable housing.

PROPOSED ACTIONS: Recommend approval of amended sewer general facilities charges, or provide staff further direction.

Palmer introduced the item as written above and reflected on the rate study from 2020. This study ensures the rates being charged for services align with the cost of providing services. A recent case law in Northern Idaho where a municipality was charging for GFCs based on a specific equation. The court reviewed and established an equation and guidelines for which GFCs should be executed. When comparing this recommendation to the City's current charges, it indicated that it was charging less than the court formula

allowed. However, this provided an opportunity to review the GFCs and align it with the case law. Accessory dwelling units (ADUs) would be charged just the additional plumbing fixtures. The Committee recommended approval and that it be placed on the Council regular agenda.

5. FY2022 Fee Resolution Changes (ACTION ITEM) – Gary J. Riedner / Laurie M. Hopkins

On August 16, 2021, the City Council adopted Resolution 2021-15, establishing fees for services to take effect on October 1, 2021 (Fee Resolution). Since that time, staff discovered that there are four areas which are recommended for amendment. Those areas are: correcting the fee for water service rates for commercial accounts with 1.5 inch meter, amending Sewer General Facilities Charges (GFCs), adding the Magenta parking permit fee, and correcting the Sanitation tipping fee. Amendment of the Fee Resolution requires a public hearing pursuant to Idaho Code.

PROPOSED ACTIONS: Recommend scheduling a public hearing at the regular City Council meeting of December 6, 2021 to consider adoption of 2021 Fee Resolution Amendments and adoption of the proposed Resolution, or provide staff further direction.

Riedner introduced the item as written above. The Magenta parking permit fee disappeared from the fee resolution roughly four or five years ago and must be reinstated. The lot is located near West Park School and is reserved for those teachers. Additional grammatical changes will also be made. A public hearing is required if there is a new fee or a fee increasing by greater than 5% and the reimplementation of the Magenta parking fee within the Resolution is considered new. The requirement for notice of a public hearing is two publications in the local newspaper no more than seven days apart. The committee forwarded the item to the full Council for public hearing.

REPORTS

Fleet Annual Report - Karl Riedinger

Palmer reflected on the Fleet department's expected levels of service and the staff available to accommodate. Riedinger introduced the Fleet's team members and their expertise they bring to the City. The most prominent aspect is preventative maintenance of all 240 pieces of equipment, including vehicles, generators, mowers, snowblowers, etc. They also perform tire services, fuel maintenance, and other small equipment maintenance throughout the City. Vehicle uplifting is also a significant focus in the department, particularly for police and fire vehicles. This eliminates the need to export vehicles for maintenance and repairs and saves substantial money. Technicians are provided with multiple training opportunities each year to keep up with new apparatuses, equipment upgrades, and certifications. Every applicable employee goes through eco driver training to promote carpooling, reduce idling, and improve overall vehicle operations. The Alternative Fuel Transition Plan involves transitioning each department's units to hybrid and eco-friendly vehicles. The department hopes to purchase their first fully electric pickup within the following year and a grant will also be submitted for an electric motor for the water treatment plant. Charging stations will be implemented at City facilities to allow overnight charging. Some larger equipment will require longer charge times and research is being done to maximize efficiency. The department's goal is to have training available for electric and hybrid vehicles to keep all maintenance in-house. Electric vehicles also have fewer moving parts, ultimately meaning fewer maintenance requirements.

Staff Report (if needed)

No report needed.

ADJOURN

The meeting adjourned at 3:55 p.m.

