

Moscow City Council



Regular Meeting ~Minutes~

www.ci.moscow.id.us

Laurie M. Hopkins
City Clerk

208.883.7015

**Monday
December 6, 2021**

7:00 PM

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

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

PRESENT: Mayor Bill Lambert, Art Bettge, Sandra Kelly, Maureen Laflin, Brandy Sullivan, Gina Taruscio, Anne Zabala

STAFF: Gary J. Riedner, Mia Bautista, Bill Belknap, Cody Riddle, Tyler Palmer, Mike Ray, Laurie M. Hopkins

PLEDGE OF ALLEGIANCE

Council President Bettge led the Pledge of Allegiance.

CONSENT AGENDA

1. All Consent Items (ACTION ITEM)

A. Approval of Moscow City Council November 15, 2021 Minutes - Laurie M. Hopkins

B. Lot Line Adjustment: 2015 and 2021 Crestwood Drive - 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. This was reviewed and approved by the Public Works and Finance Committee on November 22, 2021.

ACTION: Approve the lot line adjustment request with no conditions.

Bettge moved and Laflin seconded to approve the consent agenda as presented. 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)

Mayor Lambert presented the following appointments for Council consideration: Cole Mize to the Board of Adjustment; Claire Friedrichsen to the Farmers Market Commission; Morgan Chaffee to the Human Rights Commission. Bettge moved and Kelly seconded approval of the appointments as presented. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Chaffee and Friedrichsen introduced themselves.

Mayor Lambert presented the following reappointments for Council consideration: Steve Bush to the Board of Adjustment; Samantha Martinet, Kerry Morsek and Jamie Hill to the Farmers Market Commission; Steve Taylor, Jack Porter and Laurabeth Landis to the Historic Preservation Commission; Rula Awwad-Rafferty, Erin Agidius and Elizabeth Stevens to the Human Rights Commission; Robert Heckendorn and Erin Bacon to the Moscow Pathways Commission; Jeanne Leffingwell, Daniel Cronan and Ellis Eifert to the Moscow Tree Commission; Richard Gayler, Sara Zaske, Jackson Landis and Theodore Kisha to the Parks & Recreation Commission; Drew Davis to the Planning & Zoning Commission; Victoria Seever and Jassen Bluto to the Sustainable Environment Commission; Mary DuPree and Bob Sanders to the Transportation Commission. Kelly moved and Taruscio seconded to approve the reappointments as presented. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Landis and Seever spoke on their enjoyment of their commissions.

4. Oath of Office for Cody Riddle as Deputy City Supervisor - Laurie M. Hopkins

Riedner introduced Riddle. Hopkins administered the Oath of Office to Cody Riddle.

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

Al Poplawsky, chair of Sierra Club. He honored Nicole Chou, Devin Conway and Ilan Cardon for their work on and support of the Ready for 100, a goal for 100% clean energy combating climate change. They helped gather signatures, letters to the editor, tabled at the Farmers Market, created a support video, distributed yard signs, and organized and led two walkouts for climate awareness. Nicole said she and Devon are co-chairs of the Climate Justice League (CJL). CJL is appreciative of the honor and shows commit from local leaders. She hopes this keeps the momentum going. Devon acknowledged the Mayor and Council for their interest in climate control, the climate justice league members, thanked the sierra club that started the 100 campaign. Ilan thanked the Mayor, Council and the public for continuing work on this issue and it is cool to be part of a community that cares about the current and future world.

6. Citizen Commission Report - Historic Preservation Commission - Mike Ray / Nels Reese

Ray introduced Nels Reese, chair of the HPC. Reese listed the members of the Commission, provided the winners of the Orchid awards, and spoke on installed and future interpretative signs.

7. 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. This was reviewed by the Public Works/Finance Committee on November 22, 2021 and recommended for approval.

PROPOSED ACTIONS: Approve the amended sewer general facilities charges, or take such other action deemed appropriate.

Palmer introduced the item as written above and provided comparisons of FY2021 and the proposed FY2022. The number of PFU is assigned to appliances in the Idaho Code and calculated from there. Bettge moved to approve the amended sewer general facilities charges. Zabala seconded. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

8. PUBLIC HEARING: Proposed Fee Amendments (ACTION ITEM) - Gary J. Riedner

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. Staff has prepared a draft amended Fee Resolution for the Council's review and consideration. This was reviewed by the Public Works/Finance Committee on November 22, 2021 and recommended to forward to City Council for public hearing.

PROPOSED ACTIONS: Conduct the public hearing and after considering testimony, approve the amended FY2022 Fee Resolution with or without changes; or take such other action deemed appropriate.

Riedner introduced the item as written above describing each update. Mayor Lambert opened the public hearing at 8:00 p.m. Hearing no testimony, the hearing was closed at 8:00 p.m. Taruscio moved to approve the amended FY2022 Fee Resolution. Kelly seconded. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

9. Replacement of Ordinance 2021-16 with Ordinance 2021-16A (ACTION ITEM) - Mike Ray

On September 20, 2021, City Council approved Ordinance 2021-16, which pertained to the annexation of a 21.73-acre property generally located north of Slonaker Drive, east of Arborcrest Road, and south of Trail Road. The City subsequently received a letter from the Idaho State Tax Commission, dated October 5, 2021, stating that there were deficiencies in the legal description submitted by the applicant which was within the ordinance. The applicant has since corrected the items identified by the Tax Commission and the revised legal description has been inserted into the replacement Ordinance 2021-16A for the Council's consideration.

PROPOSED ACTIONS: Approve the replacement of Ordinance 2021-16 with Ordinance 2021-16A; or take such other action deemed appropriate.

Ray introduced the item as written above. Bettge moved, Taruscio seconded, to approve the replacement of Ordinance 2021-16 with Ordinance 2021-16A. Bettge amended the motion to include suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary. Taruscio accepted the amendment. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Mayor Lambert read Ordinance 2021-16A by title:

AN ORDINANCE OF THE CITY OF MOSCOW, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING THAT LAND DESCRIBED IN SECTION 1 OF THIS ORDINANCE, AND GENERALLY SHOWN ON EXHIBIT "A" ATTACHED HERETO AND INCORPORATED BY THIS REFERENCE, BE ANNEXED TO THE CITY OF MOSCOW; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE BE DEEMED SEVERABLE; PROVIDING FOR THIS ORDINANCE TO BE

IN FULL FORCE AND EFFECT FROM AND AFTER PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

10. Resolution for the Use of ARPA Funds (ACTION ITEM) - Gary J. Riedner

President Biden signed the \$1.9 trillion American Rescue Plan Act (HR 1319), (ARPA) into law on March 11, 2021. ARPA supports local government's urgent COVID-19 response efforts to continue to decrease spread of the virus and bring the pandemic under control, replace lost revenue for eligible local governments in order to support vital public services and to retain jobs, support immediate economic stabilization for households and businesses, and address systemic public health and economic challenges that have contributed to the inequal impact of the pandemic. The City of Moscow was allocated a total of \$5,528,399, to be paid in two installments. ARPA funding must be obligated by December 31, 2024, and fully expended by December 31, 2026. In light of the time constraints for obligation and full expenditure of the ARPA funds, City Staff was directed to bring forward recommendations for potential uses of ARPA funding, which were considered by City Council in a workshop on October 25, 2021. Staff has prepared a proposed Resolution as a result of Council direction given at the workshop. This was reviewed by Public Works/Finance Committee on November 8 and forwarded on to City Council for consideration.

PROPOSED ACTIONS: Adopt the proposed Resolution directing the use of the City's allocated ARPA funds, or take such other action deemed appropriate.

Riedner introduced the item as written above and described the funding objectives and allowed uses for the ARPA funds. At the workshop on November 8, 2021, the Council provided direction that the following allocations be drafted into a resolution: \$750,000 will be allocated to business and non-profit assistance as directed by City Council; \$150,000 to affordable housing assistance with the intent of distributing \$50,000 over 3 years.; \$1,000,000 to the City's stormwater infrastructure with \$600,000 towards a new storm sewer jet truck and \$400,000 for the Lilly Street rehab project; remaining balance of the first installment plus the total of the second installment (\$3,628,399) allocated to water infrastructure. Water projects would assist with moving water from production (west side) to storage (east side) in multiple areas.

Water projects would be phased due to flow and sequencing. The downtown project would begin with consultant services. The Council can reevaluate if more funding becomes available or different needs are expressed. Because costs are escalating and the estimates are two years old, Belknap anticipates 30% additional costs to projects by the time they are at construction. Riedner said regular reports would go to Council however, staff is looking at the end of 2023, early 2024 for the final decision so there is time to design and allocate.

Bettge moved to adopt the proposed resolution directing the use of the it's allocated ARPA funds. Sullivan seconded. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

11. 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>. This was reviewed by the Public Works/Finance Committee on November 22, 2021 and recommended for approval.

PROPOSED ACTIONS: Approve 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 take other such action deemed appropriate.

Bautista introduced the item as written above and provided definitions of opioid and opioid disorder and statistics from the Center for Disease Control and Prevention. These settlements resolve legal claims related to the opioid epidemic with Johnson & Johnson and three major pharmaceutical distributors. The State of Idaho, through the Governor and Attorney General, signed onto these settlements on August 20, 2021. Because the State is participating, eligible local governments in Idaho may now also participate in the settlement agreements. The Settlements will help the State address the opioid epidemic in two ways: (1) by providing funding for opioid remediation and (2) through broad injunctive relief. The more entities opting in the higher the incentive payments. Requirements for use of the funds include 85% of funds must be used for opioid remediation with 70% used for future opioid remediation; funds may not be allocated to a non-participating local governments; funds allocated to a local governments are reduced if they delay in participating until after July 15, 2022 or do not participate until after claims are barred. Laflin felt creating a coordinated effort between the City, Latah County, courts, and police with a committee to provide a larger impact.

Taruscio moved to approve 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. Zabala seconded. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

12. Report on Airport Terminal Funding - Gary J. Riedner

Riedner reminded the Council of the workshop held on November 8, 2021. The local match includes \$2.9 million from the airport and additional local match of \$7.1 million from other entities. The funding focused on \$2 million as a sponsor. Council agreed if Pullman was willing to move forward with \$2 million, and Moscow's participation is phased, and that Pullman consider revenue sharing on the airport and surrounding impact area. Mayor Lambert sent a letter to Mayor Johnson with this information and Pullman City Council indicated they would commit \$2 million as well. They also agreed to do the cash flow so Moscow can phase in. The potential revenue sharing arrangement was not discussed at their meeting. The Pullman City Attorney is working on the agreement for the 50% ownership of the airport. The terminal funding obligation must be paid by end of 2025. Riedner explained the intrafund borrowing the City used for the realignment project which has one more payment in 2023. Staff has identified some unanticipated fund balance that could be available to make an early payment on the \$2 million obligation.

REPORTS

City Council

Moscow Urban Renewal Agency – Bettge reported 5 of the 6 lots sold in Alturas which provides for unanticipated funds to the City; 6th and Jackson property should have construction next spring.

Parks and Recreation Commission – Sullivan said the Commission had a presentation by Palouse Prairie School regarding a Milton Arthur park survey and what kind of play structures and equipment is desired. Staff will be moving forward with an RFP for it. The Commission is considering applying for Moscow to be a Bee City USA.

Moscow Tree Commission – Zabala said the Commission discussed native trees for carbon sequestering and possibility of using them for the Arbor Day tree give away as well.

Palouse Basin Aquifer Committee – Taruscio said the big discussion was regarding social media outreach.

Clearwater RC&D – Taruscio said the committee will be dissolved by September 30, 2022. Until then there is a 15 hour a week director and the youth core project is being transferred to CEDA.

Other meetings and events were reported on.

Mayor

Mayor Lambert spoke on the MVFD annual party; Association of Idaho Cities meeting; holiday parade;

Staff

Grand opening MPD December 16.

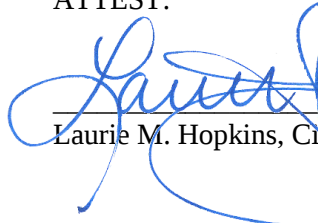
ADJOURN

It was moved, seconded and mutually agreed upon to adjourn at 9:23.



Bill Lambert, Mayor

ATTEST:



Laurie M. Hopkins, City Clerk

