

Moscow City Council



Regular Meeting ~Minutes~

Laurie M. Hopkins
City Clerk

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208.883.7015

**Monday
July 18, 2022**

7:00 PM

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

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

PRESENT: Mayor Art Bettge, Sandra Kelly, Maureen Laflin, Hailey Lewis, Julia Parker, Gina Taruscio, Anne Zabala

STAFF: Tyler Palmer, Mia Bautista, Cody Riddle, Justin Goodwin, James Fry, Katie Short, Anthony Dahlinger, Jen Pfiffner, Karl Riedinger, Laurie M. Hopkins

PLEDGE OF ALLEGIANCE

Councilmember Lewis led the Pledge of Allegiance.

CONSENT AGENDA

1. All Consent Items (ACTION ITEM)

A. Approval of Moscow City Council June 27, 2022 Minutes - Laurie M. Hopkins

B. Disbursement Report June 2022 - Sarah Banks

Staff presented the June 2022 Accounts Payable Report to Public Works / Finance Committee on July 11, 2022. The Committee received the report and approved the disbursements as presented.

ACTION: Accept the Disbursements Report for the month of June 2022.

C. Third Quarter Financial Report April 1, 2022 to June 30, 2022 for FY2022 - Sarah Banks

Staff presented the FY2022 Third Quarter financial report (April 1, 2022 to June 30, 2022) to Public Works / Finance Committee on July 11, 2022. The Committee received the report.

ACTION: Receive the FY2022 Third Quarter Report.

D. Bucer's Outdoor Concert Alcohol Use Request in Entertainment District - Amanda Argona

Bucer's Coffeehouse and Pub is hosting an Outdoor Concert on Friday, August 12th, from 7 pm to 10 pm on Main Street between 1st and 2nd Streets. In addition to being the Event Sponsor, Bucer's is also the licensed beer/wine vendor for the event. The event has been reviewed and approved by staff as of May 20, 2022. Following standard operating procedures for events with alcohol that are within the Entertainment District boundaries, Bucer's Outdoor Concert 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 the Council's consideration. This was reviewed by the Administrative Committee on July 11, 2022 and recommended for approval.

ACTION: Approve the Resolution allowing for the temporary suspension of the open container law within the event footprint of Bucer's Outdoor Concert for the duration of the event.

E. Assignment of Contract-Edington Subdivision - Cody Riddle

In May of 2021, the City entered into an agreement with the developer of Edington Subdivision to contribute to a portion of the project's costs in exchange for off-site frontage improvements along Palouse River Drive, east of the site. A condition of financing from the project lender (U.S. Bank)

requires an "Assignment of Contract" from the developer. The attached agreement confirms the City's consent to the contract. It provides the lender with the same rights, privileges, and protections afforded the project developer. However, it does not change the responsibility of the developer to complete frontage improvements along Palouse River Drive, east of the site. This was reviewed by the Public Works/Finance Committee on July 11, 2022 and recommended for approval.

ACTION: Approve the assignment agreement.

F. Deutchman Portable Collection Proposal - Megan Cherry

Phil and Sandra Deutchman, professors emeriti at UI and WSU, respectively, have offered two works from their collection to be included in the City of Moscow Portable Collection. These include *Origins*, a 70" x 48" work made by Sandra Deutchman in 1992. This acrylic on canvas painting is valued at \$5500 and would need to be located in a permanent and secure display location. A location has been identified inside the Finance Department that would not only be secure, but would also be highly accessible for public viewing. The second artwork is by George Wray, longtime friend of the Deutchmans as well as prolific artist and University of Idaho professor. This untitled work is a 12" x 12" neon piece that, as with Deutchman's painting, would need to be installed in a relatively permanent location. Its value is around \$1000. Following discussion and a vote by a majority of MAC members to recommend acceptance of the donation, the Legal Department created a draft agreement for review by City Council. Both artworks will be photographed, installed, and insured pending Council approval. This was reviewed by the Administrative Committee on July 11, 2022 and recommended for approval.

ACTION: Approve the donation to the Portable Collection.

G. Idaho Community Block Grant Agreement - Fire Engine - Alisa Anderson / Brian Nickerson

A funding request was submitted to the Idaho Department of Commerce (IDOC) under the Idaho Community Development Block Grant (ICDBG) Public Facilities program in the fall of 2021 to assist with the purchase of a new fire engine. On April 12, 2022, a letter was received from IDOC stating the City had been awarded \$335,000. The City has received an ICDBG Grant Agreement to accept and secure the funding. This was reviewed by the Public Works/Finance Committee on July 11, 2022 and recommended for approval.

ACTION: Accept the Idaho Department of Commerce award under the Idaho Community Block Grant program for \$335,000 by executing the funding Agreement for ICDBG-22-II-07-PF.

Zabala 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 - Bill Belknap

Palmer said the Government Flight Magazine in conjunction with the APWA run the leading flight program, a national competition for fleets around the country. There are thousands of fleets around the country and approximately 80 fleets are recognized. This year a lot of the cities recognized are large cities like New York and Phoenix. Karl Riedinger accepted the award.

3. Mayors Appointments (ACTION ITEM)

Mayor Bettge presented to the City Council for consideration the appointment of Eija Sumner and Lisa Meyer to the Fair and Affordable Commission. Zabala moved and Lewis seconded approval of the appointments. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Aija Sumner thanked the Mayor and Council and said she was interested in joining to learn more about housing so she can answer questions she receives at the Chamber.

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

Matt Williamson (Moscow) feels the process for getting things changed is to start with the commissions. He doesn't feel the FAHC does anything. There are missing meetings and no minutes. He spoke with a member of FAHC and they said don't bother applying. He tried to get the policy for body cameras and feels it probably doesn't follow ACLU guidelines. He is frustrated with the Commissions. He watched a P&Z meeting and the presentation from Nils Peterson did more for affordable housing and should be presented to the FAHC. Because of this, he doesn't want to join a commission.

Ken Salisbury (Moscow) trees were taken down on Third Street with the construction project. The trees gave shade and enjoyment. Palmer responded some trees were needed to be removed, due to the species, location, age, or infrastructure. The City tries to avoid removal but the sidewalk was heaving and new trees will be planted.

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

Fry introduced Ken Faunce. Faunce provided names of the members and activities held during the year. Inclusive Community Month was September 2021 and themed "In This Together". The Ismat and Mannan Sheikh Community Unity Award was in November, 2021. Many social justice forums were held and they also assisted with a Juneteenth Celebration. The Commission will have the Great Moscow Food Drive in August 2022, Inclusive Communities Month (September 2022) themed Healing Hate and Restorative Justice. The Council discussed food insecurity and bias reporting.

6. Proposed Day Care Code Amendments (ACTION ITEM) - Anthony Dahlinger / Katie Short

In 2019, the City was approached by several daycare providers who expressed concerns regarding the availability of daycare services within the City and requested that the City review the City's daycare regulations to assess if any modifications could be made to increase daycare capacity and access. The City began the review in late 2019 and into 2020 but the onset of the pandemic delayed progress. City Staff have now completed the review and are proposing several amendments to the City's daycare regulations for the Council's consideration. The amendments include revisions to definitions and terms to be more consistent with State Code; revisions to the criminal disqualifying offenses provisions to remove several minor offenses from disqualifying persons from obtaining a daycare provider license; amendments to the child-provider ratio to increase daycare capacity (the City's ratios remain more restrictive than the State of Idaho's); and revision to the religious vaccination exemption to match State standards. Staff from the Police, Community Development, and Legal Departments participated in this process. Two public input sessions were held to accept comments regarding the proposed changes from daycare providers, parents, and the public. This was reviewed by the Administrative Committee on July 11, 2022 and forwarded to the full Council with no recommendation.

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 other action deemed appropriate.

Short went over the roles of staff for daycare licensing and the history of the requested changes to the Code. Some changes to the code that changed are above State standards. Other changes include the removal of a registration option, adding a minimum age of 14 for a provider license, increasing training hours from 4 to 12 hours. The ratio changes would allow four children under the age of one for one provider. The temporary license is proposed to be removed. Changes also include a definition of school age children, allowing a medical exemption, and the definition of "regularly residing upon the premises". A daycare may be more restrictive than the City Code. Short gave a brief history of how the daycare regulations began. The Council has the prerogative to remove the daycare regulations from the City Code and have the State regulate however, there was a general consensus with the daycare owners that they wanted the City to

continue regulating with the stricter requirements. Laflin was concerned about safety issues with in-home daycares that have more than 7 kids. Short said it is difficult to regulate home daycares as they can pop up unexpectedly. While family daycares won't be regulated, it is still defined in the ordinance

Mayor Bettge asked for public comment.

Marissa Marr (Moscow) opened an unlicensed daycare. In terms of safety, it is optimal for daycare centers to be registered. She feels the issue is how to alleviate the obstacles, such as the requirement to be fully vaccinated. A friend of hers had to take her child to Pullman because they allow a child without vaccinations to attend. She feels the City needs to increase the opportunity to be within a licensed daycare without immunizations.

Dulce Kersting-Lark (Moscow) said there was quite a bit of concern of the changing of ratios at the May 2022 meeting. She is concerned about changing age brackets as a 12-month-old is very different than 24-month-old in terms of mobility. She would like to see a 0-18 months and an 18-months to 24 months or even 18 months to 36 month. She expressed feelings that changing ratios and adding six or 10 more infant spots won't provide the opportunity for all the children needing child care and sees potential for more harm than good. She likes there is a more restrictive code as the State of Idaho is lenient on overseeing the care of our children.

Stevie Steel-Johnson (rural Moscow) feels family in-home care is a concern including that they do not have to be registered. She feels a 14-year old shouldn't be a provider. Training hours need to be addressed to allow a provider to be unsupervised sooner. She supports the removal of needing a medical provider approve an exemption and allowing a parent to decide. Over all, she encourages the Council to not pass the ordinance.

Shawn Qualum (Moscow) asked for clarification of the state code versus city code regarding the definition of "regularly residing upon the premises". Bautista said "regularly on the premises" is defined as on the premise for twelve hours or more in any one-month period. The word "residing" is not in the definition.

Stacy Stooks (Moscow) asked what child development experts helped with the edits. She works for Idaho Stars offer state-wide training so the required 12-hours of training could be completed through Idaho Stars for free. She feels the expert piece of input from education of early childhood was not included in these edits. She is concerned one provider can watch 10 three-year-olds because 3-5-year-olds are one point each. She feels there needs to be more conversations with experts in the field. Goodwin responded when the meetings took place, Idaho Stars, University of Idaho Childhood Development and the state inspector were involved. Some of the providers involved have the Idaho Childhood Development degree.

Kendra Rathbone (Pullman) feels there is a general desire to improve but tonight doesn't seem right. She suggests looking at other avenues, doing more research and get involved. Idaho is one of four that provides no state funding to preschool.

Parker would like to see this go back to staff to look at age brackets in the point system and reconsider licensing in-home daycare that have 3-7 or whatever number seems reasonable. Taruscio agrees the ordinance is not quite there and needs more work. Kelly also agreed as daycare folks are worried about the point system and concerned about the age bracket. She feels there is a huge difference in ages and would like to tighten it up. She is not in favor of passing the ordinance tonight. Lewis doesn't like the parent visitation section the State passed, and included in this proposed update, because it puts pressure on the provider to say yes at risk of having their license revoked. Laflin is not in favor of passing the ordinance at this time. She is concerned about age issues. She would support the same language as the State regarding

immunizations as the daycare has the option of requiring them or not. She agrees with Hailey with the issue of the visitation section because divorce issues can move parent arguments into daycares and schools. Laflin feels the ordinance needs to be reviewed more. Zabala feels this is a public good that is not publicly funded. She encouraged the public to send ideas to the Council, such as what else we can do from a municipal aspect. She suggested a workshop setting to discuss age bracket and point systems and requiring licenses for in-home daycares.

Zabala moved to send the ordinance back to staff to consider both age bracket and point systems and licensing for in-home daycares. Mayor Bettge pointed out one of the options for passing an ordinance is passing it on first reading and remanding back to staff for further study and rewording and then bring it back before Council for review and second reading. Zabala accepted to add that language to the motion.

Palmer asked for more clarification that the Council is asking for more restrictive measures for home daycares and ratios then what is suggested in the proposed ordinance. Taruscio asked that staff clarify the language regarding background checks for 13-year-olds. Zabala requested simplified ratios yet still in line with the recommended ratios. Laflin suggested early childhood topics be turned in for credit rather than just specifying hours of training. Palmer asked if the Council wanted the ratios more restrictive than the current Code. Taruscio isn't convinced that becoming more in line with the State code is safer or better and questioned whether Moscow's code should be left as is. Laflin questions the balance between safety and availability of daycare.

Zabala confirmed her motion to consider the ordinance on first reading, read by title, provide staff further direction to consider new options for age bracket and point system and the option for requiring licenses for in-home daycares and determining a number of how many children would require that license. Kelly seconded. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Mayor Bettge read Ordinance 2022-08 on first reading by title:

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, CHAPTER 10, RELATING TO DAY CARE; 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.

7. Proposed Amendments to Taxi Cab Licensing Requirements (ACTION ITEM) - Anthony Dahlinger

During a recent review of the City's Taxicab regulations, it was identified that amendments were warranted to update the regulations to reflect current processes and standards. The proposed changes include revision of the issuing office from the City Clerk to the Police Department which currently issues taxi licenses; amending the City's insurance requirements to be consistent with that which is required in Pullman; and updating the criminal offense disqualifications to reference the specific sections of State law rather than the current list of offenses. This was reviewed by the Administrative Committee on July 11, 2022 and recommended for approval.

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.

Dahlinger introduced the item as written above. Lewis suggested the reference to the City of Pullman be removed. Bautista will remove it prior to printing for signatures. Taruscio moved to approve the proposed ordinance under suspension of the rules requiring three complete and separate readings and that it be read

by title and published by summary. Zabala seconded. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Mayor Bettge read Ordinance 2022-09 by title:

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, CHAPTER 5; 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.

REPORTS

City Council

1912 Center Development - Kelly reported the historical classroom is almost ready. the library is being reorganized.

Moscow Tree Commission - Taruscio said the Commission tabled at the Farmers Market; put together the Harvest Park subcommittee; discussed the fall parks and recreation classes.

Fair and Affordable Housing Commission - Parker said the commission began looking at results from the survey biggest barriers are cost and rules about pets.

SMART Transit - Lewis said SMART is still hiring for the Executive Director and bus drivers.

Farmers Market Commission – Lewis said the Commission is evaluating the viability of purchasing items to sell.

Planning and Zoning Commission - Lewis said the Commission received a report from Nils Peterson regarding the 6-year partnership between the Moscow Affordable Housing Trust and the architecture program at the University of Idaho where the students are building a home.

Council members reported on other events and meetings, including the budget workshop.

Mayor

The Mayor reported he attended the Airport Board meeting. Construction on the terminal will begin in next couple weeks. Other construction is the apron, tank for deicing, and underground luggage. The new terminal should be operational by December 31, 2023. He also met with international scholars about how government works with religions and first amendment rights. Nathaniel Miller participated in the 50 mile challenge to mow 50 yards through the summer and was awarded a new mower.

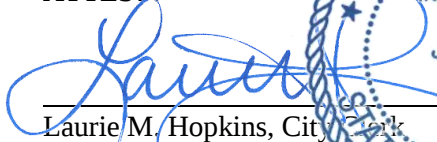
Staff

No report.

ADJOURN

It was moved, seconded and mutually agreed upon to adjourn at 9:14 p.m.

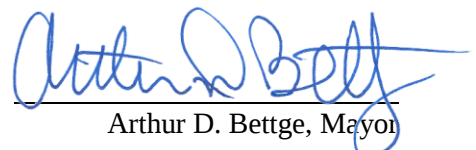
ATTEST:


Laurie M. Hopkins, City Clerk

Moscow City Council Minutes



July 18, 2022


Arthur D. Bettge, Mayor

Page 6 of 6