

Moscow City Council



Regular Meeting ~Minutes~

Laurie M. Hopkins
City Clerk

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208.883.7015

**Tuesday
January 17, 2023**

7:00 PM

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

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

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

STAFF: Bill Belknap, Mia Bautista, Cody Riddle, Tyler Palmer, Cody Riddle, Nate Suhr, Mike Ray, Alisa Anderson, Amanda Argona, David Schott, Laurie M. Hopkins

PLEDGE OF ALLEGIANCE

Council Member Davis led the Pledge of Allegiance.

CONSENT AGENDA

1. All Consent Items (ACTION ITEM)

A. Approval of Moscow City Council January 3, 2023 Minutes - Laurie M. Hopkins

B. Approval of Disbursement Report December 2022 - Sarah Banks

Staff presented the December 2022 Accounts Payable Report to the Public Works / Finance Committee on January 9th, 2023. The Committee received the report and approved the disbursements as presented.

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

C. Approval of the First Quarter Financial Report October 1, 2022 to December 31, 2022 for FY2023 - Sarah Banks

Staff presented the financial report for the first quarter of Fiscal Year 2023 (October 1, 2022 to December 31, 2022) to the Public Works/Finance Committee on January 9th, 2023. The Committee received the report.

ACTION: Accept the FY2023 First Quarter Report.

D. Idaho Commission on the Arts Grant Application: Public Programs in the Arts - Megan Cherry

The Arts Department seeks approval to apply for an annual grant administered by the Idaho Commission on the Arts (ICA). The Public Programs in the Arts (PPA) grant program is intended to provide general operating support for arts organizations in Idaho. These funds will represent off-setting revenue in the production of Arts Department events including Entertainment in the Park and Artwalk. If the application is successful, funds are typically available at the end of the City of Moscow's FY2023, and would be deferred for use in FY2024. This was reviewed by the Administrative Committee on January 9, 2023 and recommended for approval.

ACTION: Approve the Public Programs in the Arts (PPA) grant application for the current cycle.

E. 2023 Whitcom Emergency Dispatch Services Agreement - James Fry

The City currently contracts with Whitcom for emergency dispatch services. The most recent agreement executed on March 31, 2021, was for two years including the 2021 and 2022 calendar years, and expired on December 31st of last year. On December 19th, 2022, the City received a proposed agreement from Whitcom for the 2023 calendar year. Historically, the cost for dispatch services for the City of Moscow had been calculated to be 21.25% of the annual Whitcom budget based upon call volumes and other considerations, which totaled \$607,213.25 for the 2021 calendar year and \$712,911.00 for the 2022 calendar year. Over the last year, the Whitcom Finance Committee has been revisiting the cost allocation model and anticipates proposing an updated cost allocation for 2024 and beyond. In the interim, Whitcom is proposing to continue with the prior percentage allocation for the 2023 calendar year which will total \$803,263. At the time of the FY2023 budget development, Whitcom had not finalized its annual budget, and as a result, Staff was required to estimate an anticipated future contract amount of \$791,500 for FY2023. The updated agreement will result in a slight budget overrun of \$11,763 in line item 101-075-642-91 which can be absorbed within the general fund expenses. This was reviewed by the Public Works/Finance Committee on January 9, 2023 and recommended for approval.

ACTION: Approve the proposed emergency dispatch services agreement with Whitcom.

F. Winterfest Alcohol Use Request in Entertainment District - Amanda Argona

The Moscow Chamber of Commerce + Visitor Center is hosting its annual Moscow Winterfest on Saturday, February 4th, from 12 pm to 4 pm on Main Street between 3rd and 6th Streets. The annual event is stylized as an 80s themed apres ski block party. The applicant anticipates 9 (nine) licensed beer and/or wine vendors and ten (10) non-alcoholic and/or food vendors. Proposed activities include corn hole, snowball bullseye toss, snowman building contest, Simon Says with skis, oversized Yahtzee and Connect Four, lip-sync battle, and photo booth. Warming fires may be provided at the event at the determination of the Moscow Volunteer Fire Department. The event has been reviewed by staff and approved as of December 14, 2022. Following standard operating procedures for events with alcohol that are within the Entertainment District boundaries, Moscow Winterfest is requesting a temporary suspension of the open container law by resolution. Per Moscow City Code, Title 10, Chapter 1, Section 1-12; a draft resolution has been prepared for Council's consideration. This was reviewed by the Administrative Committee on January 9, 2023 and recommended for approval.

ACTION: Approve the resolution allowing for the temporary suspension of the open container law within the event footprint of the Entertainment District for Moscow Winterfest for the duration of the event.

Taruscio 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. Mayors Appointments (ACTION ITEM)

Mayor Bettge presented to the City Council for consideration the appointment of Sue Scott to the Planning and Zoning Commission. Kelly moved and Taruscio seconded approval of the appointment. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried. Sue Scott said she has been on P&Z previously as well as being a council member. She has been in Moscow for 40 years.

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

Sue Scott (Moscow) after losing her driver's license, she ran into an issue proving her residence as her spouse was the only person on her utility bills. She suggested adding an announcement in the water billing newsletter to have account holders add all tenants to the utility account.

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

Ray introduced Nels Reese, the chair of the HPC. New historic street signs have been installed in the Fort Russell District. Public buildings and homes from the 1930's have been added to the Fort Russell District. A handout was created to encourage home owners to consider alterations according to the year of their home. An informational sign was installed at the library. The next informational sign the Commission would like to create is for Friendship Square. The Commission has been awarding Orchids for more than twenty years and have awarded more than 100 awards during that time.

5. Appeal of Daycare License (ACTION ITEM) - Cody Riddle / Jubilee School Montessori

Malia Mason, representing The Jubilee School Montessori, is appealing Staff's denial of a childcare license for a facility located at 1410 S. Blaine Street, in the Eastside Marketplace. A review of the application materials confirmed the request did not meet the requirement to provide an outdoor play area adjacent to the facility. After hearing the appeal, Council has the discretion to uphold the denial, or may direct Staff to issue the license upon a finding of good cause.

PROPOSED ACTIONS: Consider merits of the appeal and uphold denial of the license; or upon a finding of good cause, direct the City Clerk to issue a daycare facility license to Jubilee Montessori School; or take other such action deemed appropriate.

Riddle introduced the item as written above. There are areas that could be used for an outdoor space. Both options are not adjacent to the daycare but the Council has the discretion to issue or uphold the denial. The strict code interpretation is "adjacent" and a previous exception was made in order to cross the roadway. There is a school and a childcare facility already in the mall.

Melina Mason, Director of the Jubilee school, expanded the school to include daycare. She requesting a waiver as Moscow doesn't recognize three-year-olds as school age children. The three-year-olds are only at the facility for 3.5 hours, give or take some time for drop off and pickup. That time is spent learning which includes control of movement so they are not sitting at a desk the entire 3.5 hours, but the time does not include outside time that would need a playground. In answer to Council questions, Mason explained she recently found that adding the younger children requires a Conditional Use Permit and staff suggested requesting this waiver prior to CUP application. She has requested a quote for fire sprinkler requirements and would need approval from the mall owner in order to install.

Lewis pointed out by definition the addition of three-year-olds would fall into the daycare definition. She confirmed the waiver is being required because they would not use a playground. Lewis also confirmed fundamentally the program itself functions not as a daycare and only as a school.

Mason answered Laflin's question that both organizations that use the two playgrounds have offered use of the playgrounds to the Montessori school and that the playground in the back would be more convenient. She is Montessori trained and is the director. Her employee is being trained. There is no before or after school care.

Parker felt if three-year-olds are being taken care of, it is still a daycare whether education is provided or not. All of the places are providing some sort of education. Parker said they spent a long time on the daycare code and should adhere to it. Kelly commented Montessori schools have a long history of curriculum and what they do and act as a school. Council has leeway to grant a waiver. They are fulfilling the needs, have the curriculum, teaching it this way, and felt in this instance a waiver is appropriate. Taruscio heard both sides of the argument and felt torn. There is a strong demand for child care but felt there is a structured education.

Riddle responded to Davis that a CUP is a separate application with Planning and Zoning Commission (P&Z) and because Council would have already made a decision on the outdoor space, it would be

removed from the application and wouldn't be reviewed by P&Z. Belknap said the view it as a license for a daycare facility and if grant appeal, you are giving a waiver from the outdoor play area.

Parker and Kelly discussed a hypothetical example. Kelly felt it is determined by the situation and Council has discretion. Parker felt curriculum and no outdoor area is a choice. Lewis said curriculum isn't defined in the state code. She is nervous as to what precedent a waiver would make. She felt it still needed to be treated like a daycare and keep an outdoor space no matter the curriculum. Kelly pointed out there is a playground available, assigned to another daycare but they have been given permission to use it. Mason responded yes, it is available but not adjacent.

Belknap said the rear play area is considered adjacent but needs to be fenced. The code has no playground requirement for schools, only daycares. He explained the process is if an applicant cannot meet the basic licensure requirements for a daycare, it would come to the council first, before going through the land use proceedings. If the Council wants to require the applicant to meet the city's requirements, then the appeal would be denied and all requirements would need to be met. The zoning code requires the fence. If the Council granted the appeal with a condition to install the fence within one year of the granting of the appeal, it would be reviewed at the time of the license renewal.

Parker suggested not approving the waiver and work to put in a fence to come into compliance. Kelly said she advocated for the daycare rules. However, sometimes it needs to be looked at case by case and what they are providing.

Lewis moved to approve the waiver with the condition of one year to meet the requirement of fencing the outdoor space. Laflin seconded. Roll Call Vote: Ayes: Two (Lewis, Laflin). Nays: Four (4). Abstentions: None. Motion failed.

Parker moved to uphold the denial of the license. Taruscio seconded. Roll Call Vote: Ayes: Three (Lewis, Parker, Taruscio). Nays: Three (Kelly, Laflin, Davis). Abstentions: None. The Mayor voted nay to break the tie. Motion failed.

Davis said he recognizes the effort and work put into updating the day care code. He also understands there is a need for review and see past stringent requirements when needed.

The Council members discussed wording for a motion and the finding of good cause for the appeal, including curriculum, fencing and lack of necessity for a playground.

Taruscio moved to grant the appeal and direct the City Clerk to issue a daycare facility license to Jubilee Montessori School because of the unique operating characteristics of the Montessori school. Kelly seconded. Roll Call Vote: Ayes: Four (Kelly, Laflin, Taruscio, Davis). Nays: Two (Parker, Lewis). Abstentions: None. Motion carried.

6. Consideration of the Moscow Area Mountain Bike Association License Agreement for the Moscow Mountain Property Trail Proposal (ACTION ITEM) - David Schott

Moscow Area Mountain Bike Association (MAMBA) has reached out to the City of Moscow with a trail proposal for the City's Moscow Mountain Property, located on top of Moscow Mountain near the intersection of Moscow Mountain Road and Rock Creek Road. The proposal includes the construction of a trail system on the Moscow Mountain Property to connect with other existing trails in the surrounding area. Currently, the property is undeveloped and is not managed for recreational purposes. There are currently no future plans for this property. MAMBA intends to apply for an Idaho Department of Parks and Recreation Mountain Bike License Plate Grant, which is due on January 27, 2023. The

preliminary estimate provided by MAMBA for trail construction is \$10,000. MAMBA has requested financial participation by the City for matching funds to show community support for the project to the Idaho Department of Parks and Recreation in the amount of \$5,000. This was reviewed by the Administrative Committee on January 9, 2023 and recommended for approval to the full Council.

PROPOSED ACTIONS: Approve the License Agreement for the proposed trail system on the Moscow Mountain Property and financially participate in the amount of \$5,000 as matching funds for the Idaho Department of Parks and Recreation grant; or take other action as deemed appropriate.

Schott introduced the item as written above and provided highlights of the trail proposal. The trails will conform to the International Mountain Bicycling Association standards which are more sustainable, enjoyable and will use natural occurring features highlighting the unique topography of Moscow Mountain. Four trails are proposed with different features and distance. MAMBA will provide long-term maintenance of the trail.

Kelly said the Administrative Committee asked for it to be on regular agenda as it is an exciting project and helps with tourism. Lewis clarified the \$5,000 is for materials because MAMBA has many volunteers willing to help in-kind. Lewis moved to approve the License Agreement for the proposed trail system on the Moscow Mountain Property and financially participate in the amount of \$5,000 as matching funds for the Idaho Department of Parks and Recreation grant. Taruscio seconded.

Taruscio commended the volunteers and project. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

7. Lola Clyde Park - Land Water Conservation Fund Grant Request (ACTION ITEM) - Alisa Anderson / David Schott / Nate Suhr

City Staff is seeking approval to submit a federal funding request to the Idaho Department of Parks and Recreation (IDPR) for consideration under the Land and Water Conservation Fund (LWCF) for Lola Clyde Park. The project elements will include roadway frontage improvements, parking, and an internal pathway system within the lower area of the park. If approved by IDPR and the Land and Water Conservation Board, the request will then be submitted to the National Park Service for further consideration. This item was reviewed by the Public Works/Finance Committee on January 9, 2023, and recommended for approval.

PROPOSED ACTIONS: Approve the submittal of a grant request for Lola Clyde Park to the Idaho Department of Parks and Recreation under the Land and Water Conservation Fund in an amount not to exceed \$750,000 in federal grant funds, or take other action deemed appropriate.

Anderson introduced the item by a brief history of the Land and Water Conservation Fund and requirements projects must address. The original concept design process started in 2015 and has included projects that meet the eligibility requirements and are approved by the IDPR staff are then moved forward to the State LWCF Advisory Board for a formal presentation scheduled for February 28 or March 1, 2023. If approved by the LWCF Advisory Board the funding request is then submitted to the National Park Services for review. If awarded, notification would be received in late 2023 and an award agreement and funding would not be received until mid-2024. After award the City would be given two years to design and complete the project anticipated to be FY25-26. This aligns with the capital improvement plan.

Suhr described the project saying improvements are proposed on both Polk Street and Rodeo Drive. Improvements would include curb and gutter, sidewalks, pedestrian ramps, and parking stalls. A sidewalk on Rodeo Drive will connect to Palouse Clearwater Environmental Institute. Polk Street is designed to have a winding pathway and an in/out parking lot. An in-kind match of \$347,400 and capital contribution of \$450,000 allows a grant request application of \$750,000. During construction of the parking and sidewalk on Rodeo, access would be hindered but it is anticipated to do half street paving in order to keep the south side of the roadway open. Outreach and communication with PCEI will be necessary.

Anderson added the City will also submit an Idaho Department of Commerce application for a restroom similar to the one being installed at Indian Hills Park. The restroom would be installed before the sidewalk improvements.

Kelly moved to approve the submittal of a grant request for Lola Clyde Park to the Idaho Department of Parks and Recreation under the Land and Water Conservation Fund in an amount not to exceed \$750,000 in federal grant funds Laflin seconded. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

8. Sanitation Report - Tim Davis / Tyler Palmer

Palmer explained the City contracts with Latah Sanitation, Inc. (LSI), dba Inland North Waste, for solid waste collection, roll-off and compactor services, operation of the solid waste processing facility (SWPF), composting facility, recycling collection and operation of the City owned recycling center. In addition to solid waste collection services, services provided at the solid waste processing facility include the Transfer Station, where the collected municipal solid waste (MSW) is transferred from collection trucks to larger trailers before being long hauled for ultimate disposal. The processing facility also accepts items such as demolition and construction debris. It has a composting facility where biosolids from the City Water Reclamation Facility are delivered and a household hazardous waste (HHW) facility where the public can drop off unwanted or unused chemicals and pesticides. In FY2022, there was 23,355 tons of MSW shipped, 5866 tons NMSW landfilled locally, approximately 4300 tons biosolids composted, 5016 tons yard waste composted and 2826 tons of recyclables processed. The City separately contracts with Finley Buttes Partnership, a subsidiary of Waste Connections, for transportation and disposal of all municipal solid waste accepted at the SWPF. Once the waste is loaded on transport trailers, it is trucked to Finley Buttes Landfill, located in Boardman, Oregon. Palmer provided a brief history of the export of municipal solid waste and the change to federal regulations since the early 1990's. After the decision was made back in the early 1990's to export the MSW, the City took the lead and has separate contracts for disposal with Latah County and the cities of Bovill, Deary, Genesee, Juliaetta, Kendrick, Potlatch, Troy and Elk River. These municipalities have their own collection agreements separate from Moscow, but once the waste is collected, it is delivered to the SWPF for disposal where it then falls under the City disposal agreement.

The Sanitation Utility attempts to conduct a Rate Study every 5 years, with the most recent Sanitation Rate Study adopted by Council in early 2022. Within the financial forecast of the rate study, collection and solid waste processing facility are expected to be self-sufficient. These principles are designed to produce rates that proportionately recover costs from each customer class by setting the appropriate level of revenue to be collected from ratepayers and establishing a rate structure to collect those revenues. The three key analyses completed as a part of the rate study process are 1.) Revenue Requirement. This analysis identifies the total revenue requirement to fully fund the collection and solid waste processing facility functions on a standalone basis. 2.) Cost of Service. This analysis equitably distributes costs to customer classes based on their proportional demand and use of the system. 3.) Rate Design. This analysis includes the development of rate structures that generate sufficient revenue to meet each function's revenue requirement forecast.

The volatility of recycling markets caused by China's trade war and more recently, the general downturn to the economy, triggered the City to re-evaluate future recycling facility investments. As a result, no future annual transfers to the capital reserve are anticipated. The capital reserve is approximately \$6.4 million. With adequate capital reserve funding in place for the very near future and no future anticipated transfers to the fund, \$1.7 million of the capital reserve is anticipated to be transferred to the landfill closure/post

closure fund in the current fiscal year to conduct a landfill closure plan (as required by the Franchise Agreement) for the existing and future NMSW landfill cells at the SWPF. The City also has landfill closure cost liabilities for current and future NMSW landfill cells. Landfill cell closure is being conducted by LSI and paid for by the City as cells reach capacity. LSI is then compensated along the way for applying necessary cover to the landfill and not carrying that liability until the end of the contract or life of the entire landfill. The City paid LSI \$172,257.50 in FY22 for final closure on an asbestos cell and \$126,000 for partial closure of a NMSW landfill cell in FY23. Closure consists of 12" to 18" of compacted soil cover with 6" additional inches of vegetative material (top soil) and planting of certain vegetation. The remaining reserve fund continues to be available for potential Recycle Center upgrades and unanticipated major repairs, such as the truck scale failure and replacement at Moscow Recycling in March of 2021, in the amount of \$79,794.

In 2017, China Sword essentially banned the import of recyclables and added 0.5% contamination rate. The U.S. had lack of infrastructure to handle the excess materials and market prices plummeted and much of the recycling material was landfilled. When the commodities dropped in 2019, Moscow and LSI came to an agreement to establish a 10-year floating average which meant both entities would share in risk and reward. If the 10-year average price was higher than the current year average, the City would pay LSI 50% market difference. If the current year average price was higher than the 10-year average, LSI would pay the City 50% market difference. In 2019 the City made a retroactive payment to LSI in the amount of \$98,643.84. In 2020, the City made a payment to LSI for \$76,840.18. In 2021, LSI made a payment to the City for \$1,651.41. In 2022 a payment was owed to the City by LSI for \$29,873.99 but has been deferred for a year.

The contract with LSI was amended in 2020. Amendments included: City agreed to compensate LSI additional \$40,000 annually for extra alley helper route; tires and household hazardous waste disposal costs outstripped LSI's compensation so the City assumed tire and HHW disposal costs resulting in \$20,000 annual savings to LSI; City offered to pay the shipping costs to a material recovery facility for single stream recycling processing located in Eugene Oregon that offered no processing fees with the processing savings resulting in \$31,000 savings to LSI in 2022.

The 2013 Franchise Agreement amendment included a CPI increase to LSI from 85% to 100%. It was expected that this increase would be in lieu of any future fuel relief. In June 2022, LSI requested a 20.18% across the board increase and later revised the request to 22.85%. In August 2022, LSI revised the prior requests for across the board increases to 12.23%. These requests were in addition the 5.25% CPI increase that they were due contractually in October.

The City Council recently approved a fuel relief request from Finley Buttes Partnership due to unanticipated and significant increases in fuel costs over past year. The fuel model developed used common industry standards that provides reimbursement for excessive fuel cost increases and credits for fuel cost reductions. The City offered LSI the same fuel relief based on their actual fuel usage to carry out City of Moscow tasks, but the offer was rejected. LSI has yet to provide City fuel usage information and staff is unable to estimate any amount of fuel relief as a result.

The City has reached an agreement in principle for additional compensation to LSI for dumpster costs that have outstripped the CPI in a meeting held on October 6, 2022. LSI has yet to provide the City of Moscow any dumpster cost increase information. Staff is unable to estimate any amount of dumpster cost increases as a result. The City also reached an agreement in principle to provide additional compensation to LSI for

the costs of roll carts. The annual CPI adjustments were never applied to the roll cart costs in the past but will be incorporated to the Franchise Agreement amendment currently under way. LSI has been out of 65-gallon recycling roll carts since this past summer and has recently run out of 95-gallon recycling carts. LSI has not provided a time line to order and receive additional recycling roll carts. Staff said it is difficult to quantify actual staffing costs beyond the CPI because as a private business the City can't dictate what the salaries are, how many people are hired, etc. To help alleviate some of the costs, staff provided information on how to become a CDL training facility as CDL training costs have increased. Where LSI received a 5.25% CPI increase, water only saw an increase of 5%, sewer a 2.25%, and storm no increase.

Preliminary results from the citizen survey, all the utilities had a rating above the 20-year average with the exception of LSI. Staff is concerned and will work with LSI on solutions. Things they have worked on to improve are services to the downtown corridor, branch clearing for trucks, and communication regarding alley mis-stops.

In answer to questions from Council members, the uptick of requests for price increases were seen when China Sword happened in 2018-19. Staff is working on making recycling more available to apartments and working with the property management companies. The city needs to make sure the customers, have good service. There is room for increasing communication and collaboration within the software system.

REPORTS

City Council

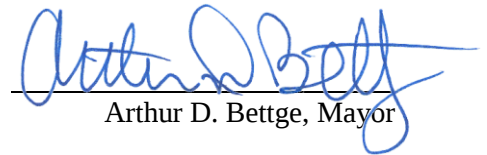
Human Rights Commission – Lewis said the Latah County Human Rights breakfast will take place in the middle school at 9:30 a.m.

Mayor

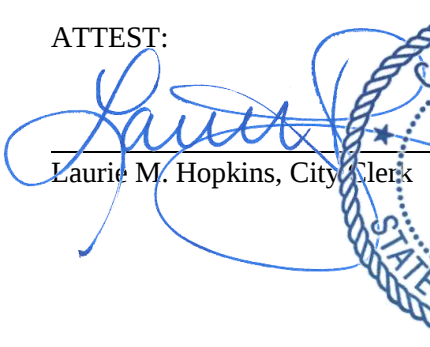
No report.

ADJOURN

It was moved, seconded and mutually agreed upon to adjourn at 9:24 p.m.


Arthur D. Bettge, Mayor

ATTEST:


Laurie M. Hopkins, City Clerk

