

Moscow City Council



Regular Meeting ~Agenda~

www.ci.moscow.id.us

Laurie M. Hopkins
City Clerk

208.883.7015

**Monday
November 6, 2023**

7:00 PM

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

The Moscow Mayor, City Council and Staff welcome you to tonight's meeting. This meeting is open to the public. We appreciate and encourage public participation. For regular agenda items, an opportunity for public comment is sometimes provided after the staff report. However, the formality of procedures varies with the purpose and subject of the agenda item; therefore, the Mayor may exercise discretion in deciding when to allow public comment during the course of the proceedings and limitations may be placed on the time allowed for comments. Citizens wishing to comment on business that is not on the agenda will be provided the opportunity to do so during the public comment item on the agenda. If you plan to address the Council, you will find a list of "Tips for Addressing the Council" in the door pocket outside the City Council Chambers. Please note that Moscow City Council meetings are televised, videotaped and/or recorded. Links to view the City Council meeting live can be found on the City website, YouTube, Facebook and Spectrum Cable 1301. Thank you for your interest in City government.

PLEDGE OF ALLEGIANCE

PROCLAMATION

Veterans Day Proclamation

CONSENT AGENDA

1. All Consent Items (ACTION ITEM)

A. Approval of Moscow City Council October 16, 2023 Minutes - Laurie M. Hopkins

B. Personnel Policy Updates Resolution - Bonnie Dennler

This resolution is to amend and repeal sections within Chapters 5, 7 & 8 of the City of Moscow Personnel Policies as previously approved through Resolution 2022-30. Amendments are based on feedback from the Employee Advisory Committee, as well as to align these policies with current practice. This was reviewed by the Administrative Committee on October 23, 2023 and recommended for approval.

ACTION: Approve the proposed resolution to amend and repeal sections within Chapters 5, 7 & 8 of the City of Moscow Personnel Policies.

REGULAR AGENDA

2. Mayors Appointments (ACTION ITEM)

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

4. Moscow Farmers Market Halloween Costume Contest Presentation

5. Citizen Commission Report – Moscow Tree Commission – David Schott / Ellis Eifert

6. Public Hearing: Replat of Lot 12 and Lot 13, Block 3 of the Quail Run Addition (ACTION ITEM) - Mike Ray

The applicant, RMR Construction LLC, is proposing to subdivide a 2.08-acre property generally located at the northeast corner of Highway 95 and Pintail Lane to create seven (7) lots with an average lot size of 12,931 square feet, referred to as the Replat of Lot 12 and Lot 13, Block 3 of the Quail Run Addition. The Planning and Zoning Commission conducted a public hearing on this matter on September 27, 2023 and recommended approval of the proposed preliminary plat with no conditions.

PROPOSED ACTIONS:

1. After conducting the public hearing and upon consideration of testimony received, approve the preliminary plat with no conditions; or approve the preliminary plat with conditions; or reject the preliminary plat; or take other such action deemed appropriate.
2. In accordance with the decision upon the preliminary plat, adopt the Planning and Zoning Commission's Reasoned Statement of Relevant Criteria; or direct Staff to prepare a Reasoned Statement of Relevant Criteria for the Council's consideration at a future meeting.

7. South US95 Sewer Water Extension Change Order (ACTION ITEM) - Bob Buvel

On August 2nd, 2021, the City Council Approved the Award of the South US95 Sewer Water Extension Contract to M.L. Albright & Sons in the amount of \$1,208,190.40, and authorized staff approval of construction change orders in an amount not to exceed 10% of the contract amount. During construction, three total change orders were requested by the contractor and staff. The first two change orders were within the 10% range authorized by the City Council when the contract award was approved. However, the third change order would exceed that authority limit and is being presented to the Council for approval. After the execution of all of the change orders, the project expenditure amount would increase from \$1,208,190.40 to \$1,724,593.00, or a 42% increase due to unforeseen construction conditions encountered in the project. This item was reviewed by the Administrative Committee on October 23rd, 2023, and recommended for approval.

PROPOSED ACTIONS: Approve change order #3 with M.L. Albrights & Sons, Inc. in amount of \$402,696.10; or take other action deemed appropriate.

8. ARPA Allocation Amendment Resolution (ACTION ITEM) - Bill Belknap

President Biden signed the \$1.9 trillion American Rescue Plan Act (HR 1319) (hereinafter “ARPA”) into law on March 11, 2021. The measure provides fiscal assistance to state and local governments in need of relief due to the COVID-19 pandemic. The City of Moscow, as a non-entitlement unit of government (population less than 50,000) was allocated a total of \$5,528,399. The City Council passed Resolution 2021-25, directing the use of the City’s ARPA funds for business and non-profit assistance grants, assistance with affordable housing, and stormwater and water infrastructure improvements. On April 1, 2022, the United States Department of the Treasury issued the Final Rule of the Coronavirus State and Local Fiscal Recovery Funds which provided the ability for fund recipients to elect a “standard allowance” of up to \$10 million to spend on governmental services through the period of performance. The City has determined that the Water Capital Fund has the ability to fund necessary water system capital improvements and has determined there are other governmental services in greater financial need, including the construction of additional City shop facilities necessary to meet the demand for increased essential public services. Staff has prepared a Resolution amending the prior ARPA fund allocations to reallocate approximately \$3.7 Million to the General Fund to fund general governmental services through the performance period. This item was reviewed and recommended for approval by the Administrative Committee at their October 23rd meeting.

PROPOSED ACTIONS: Approve the proposed Resolution providing for a reallocation of the City's ARPA funding; or take other action deemed appropriate.

REPORTS

City Council

Mayor

ADJOURN

NOTICE: It is the policy of the City of Moscow that all City-sponsored public meetings and events are accessible to all people. If you need assistance in participating in this meeting or event due to a disability under the ADA, please contact the City's ADA Coordinator by phone at (208) 883-7600, TDD (208) 883-7019, or by email at adacoordinator@ci.moscow.id.us at least 48 hours prior to the scheduled meeting or event to request an accommodation. The City of Moscow is committed to ensuring that all reasonable accommodation requests are fulfilled.

VETERANS DAY

WHEREAS, November 11th is the anniversary of the armistice signed by the Allies and the Germans in 1918, which ended World War I after four years of conflict; and

WHEREAS, President Woodrow Wilson issued the first Armistice Day proclamation in November of 1919, and set the tone for future observances, by observing that:

“To us in America, the reflections of Armistice Day will be filled with solemn pride in the heroism of those who died in the country's service and with gratitude for the victory, both because of the thing from which it has freed us and because of the opportunity it has given America to show her sympathy with peace and justice in the councils of the nation;” and

WHEREAS, the name was changed from Armistice Day to Veterans Day by an act of Congress in 1954, when then-President Eisenhower called on citizens to observe the day in honor of all who had served in America's wars through the years; and

WHEREAS, more than 115,000 veterans of our Nation's military reside in Idaho and almost 5,000 of them live in our area; and

WHEREAS, our nation is indebted to the service men and women who have made great sacrifices, endured long absences from loved ones, and suffered injury or death to protect our homes and families; and

WHEREAS, local organizations, businesses, and the University of Idaho have committed their time and involvement towards numerous tributes and celebrations in honor of our service men and women; and

WHEREAS, Veterans Day is an opportunity to honor our nation's veterans for their patriotism, willingness to serve, and sacrifices.

NOW, THEREFORE, I, Arthur D. Bettge, Mayor for the City of Moscow, do hereby proclaim November 11th, 2023 as

Veterans Day

in the City of Moscow, and I urge all citizens to observe Veterans Day, to participate in events within the community to honor our local veterans; to reflect upon the sacrifices made by America's military personnel, and to preserve and promote enduring peace around the world.



DATED

Arthur D. Bettge, Mayor

Moscow City Council



Regular Meeting ~Minutes~

Laurie M. Hopkins
City Clerk

www.ci.moscow.id.us

208.883.7015

**Monday
October 16, 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, David Schott, Laurie M. Hopkins

PLEDGE OF ALLEGIANCE

Council Member Parker led the Pledge of Allegiance.

PROCLAMATION

Domestic Violence Action Month

Mayor Bettge read the proclamation and presented it to Letty Atayde. Atayde said action against domestic violence is an every day fight and thanked the Mayor for highlighting it in October.

CONSENT AGENDA

1. All Consent Items (ACTION ITEM)

A. Approval of Moscow City Council October 2, 2023 Minutes - Laurie M. Hopkins

B. Disbursement Report September 2023 - Sarah Banks

Staff presented the September 2023 Accounts Payable Report to the Public Works / Finance Committee on October 10th, 2023. The Committee received the report and approved the disbursements as presented.

ACTION: Accept the Disbursements Report for the month of September 2023.

C. Woodbury 1st Addition Development Agreement Amendment - Todd Drage

Woodbury Land LLC, has submitted to the City a request to modify the phasing for the Woodbury 1st Addition Subdivision. The final plat, titled Woodbury 1st Addition, and the Development Agreement for the Addition was approved by City Council on Monday, October 17, 2022. Section X - Phasing, in the original agreement contained a figure that detailed 17 single family lots being included in a 1st phase, 17 single family lots included in a 2nd phase, and then the remaining 45 lots being included in a 3rd phase. The agreement amendment provides a new figure, detailing 22 lots being included in the 1st phase and the remaining 57 lots in a 2nd phase. Additionally, this amendment requires off-site public improvements to Mountain View Road to be completed in the 1st phase; however, it allows 15 building permits to be issued prior to the completion of the off-site improvements. The amendment to the agreement with the original agreement included as an attachment to the amendment has been included with this packet. This was reviewed by the Public Works/Finance Committee on October 9, 2023 and recommended for approval.

ACTION: Approve the Development Agreement amendment with Woodbury Land LLC for the Woodbury 1st Addition.

D. Amended Solid Waste Franchise Agreement - Tim Davis

Latah Sanitation, Inc. (LSI) has engaged our staff to discuss several aspects of the existing Franchise Agreement in which their present expenditures are surpassing the adjustments for compensation based on the Consumer Price Index (CPI). Our team subsequently sought and received the necessary data from LSI concerning their current expenses related to roll cart and dumpster services. These assessments confirmed that the current compensation structure does not adequately account for the rising costs associated with equipment replacement. Additionally, LSI has expressed a need for fuel cost relief, which is being considered as part of the proposed amended agreement. Furthermore, our staff has incorporated LSI's request to assume responsibility for roll-off container services and associated billing into the amendment terms. This was reviewed by the Public Works/Finance Committee on October 9, 2023 and recommended for approval.

ACTION: Approve the amended Sanitation Franchise Agreement.

E. Moscow Police Department – Annual Small Grant Requests and Awards – Alisa Anderson

The City of Moscow Police Department (MPD) applies for several small grants on an annual basis which assist the department with the purchase of equipment, including bullet-proof vests. The grants are also used to host various traffic enforcement mobilizations and other prevention and safety activities. The grants awarded to MPD provide funding and resources to protect our youngest citizens, for operational and personal safety equipment, and for program support to implement and host multiple safety programs. These resources assist MPD in their mission of community-oriented policing to improve the quality of life for Moscow residents through community partnerships and problem-solving approaches, while also making sure the officers are outfitted and equipped with items needed to safely do their jobs. The MPD is requesting approval and/or ratification of the funding requests and awards for small grants applied for in an amount not to exceed a combined total of \$50,000 for the FY2024 fiscal year. This item was reviewed by the Public Works/Finance Committee on October 9, 2023, and recommended for approval.

ACTION: Approve funding requests and awards for small grants applied for by the Moscow Police Department not to exceed a combined total of \$50,000 for the FY2024 fiscal year.

F. Moscow Police Department – Office of Highway Safety Grant Award – Alisa Anderson

The Moscow Police Department (MPD) is requesting to accept an award from the Idaho Traffic Safety Commission (ITSC) for the Federal Fiscal Year (FFY) 2024 Highway Safety Grant. The program addresses specific behaviors related to traffic safety priority areas and safety deficiencies within local law enforcement jurisdictions and is focused on combatting traffic crashes resulting in fatal and serious injuries. The MPD is requesting to accept a grant award in the amount of \$75,000 requiring an in-kind match of \$18,750. This item was reviewed by the Public Works/Finance Committee on October 9, 2023, and recommended for approval.

ACTION: Approve the Moscow Police Department to accept an award for the Office of Highway Safety Grant FFY 2024 for \$75,000 with an in-kind match of \$18,750.

Lewis moved and Parker 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)

None offered.

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

Ella Weber (Moscow), ASUI Board, invited everyone to the student candidate forum tomorrow in the vandal lounge that is being co-sponsored with the League of Women Voters. She thanked the Mayor for

arranging the town and gown meeting.

Erin Bacon (Moscow), spoke on youth drug addiction. There are kids in Moscow that are addicted and there are no mechanisms to keep them clean. Some kids don't want to use the bathroom at school as there are kids vaping in the bathroom. There are many programs for adult addiction, kids deserve help too. She feels the greatest asset is the community.

David Hall (Moscow), shared the water summit is Thursday, October 26 at 4:30 p.m.

Paul Kimmel (Viola), also spoke on the Palouse Basin Water Summit. It is the 20th year and he listed the speakers. He thanked the Mayor and Council for the support of the summit and invited everyone to attend.

4. Citizen Commission Report - Parks & Recreation Commission – David Schott / Catherine Harner

Schott introduced Cat Harner, Vice Chair. Harner went through the Commission members and purpose of the Commission. The projects over the last year included Kiwanis Park as the pesticide free park for 2023; agreement for bike trails on Moscow Mountain; a grant application for Lola Clyde Park, and the naming of two rooms in the 1912 Center. The Commission will continue to review new parks and pathways within the SE industrial park and behind Walmart.

5. Alternative Water Supply Update – Tyler Palmer

Palmer introduced Michael Faupel, new executive director for PBAC. Palmer said the updated boundary to the basin showed Colfax is not part of the Palouse basin. The water level has decreased most recently one foot per year, and now 0.7% foot per year. Population growth for Moscow has been 37% since 1992 yet has seen a -3% decrease in water pumping. Moscow has the lowest per capital water usage for the state. It's important to stay ahead of the declining water levels as it will continue to be difficult to get a water right, and other issues.

Palmer described the four alternatives for identifying alternate water supply. See attached presentation for details. The process of identifying an alternative was never a process for elimination of the others. Moving the alternatives along and remembering the need to pivot if necessary. The adjudication of the Palouse Basin cannot promote an alternative that is in direct conflict with the tribe.

An alternative 5 was reviewed by Steve Robichaud, technical advisor for PBAC. The water volume is there but increased volatility of when the water comes.

Idaho Water Resource Board and the Idaho Division of Water Resources have committed \$182,500 for continued studies and hopes that the State of Washington will commit monies as well. In a workshop with the IWRB and IDWR it was agreed to focus on Alternative 1 but fill in data gaps in the other alternatives. Advantages of Alternative 1 include the amount of water we represent, future needs may be easier, better ability for water rights and it is a constructible project from an engineering perspective. Conserving more creates an alternative that can be more than 50 years.

In answer to questions by council members, Palmer explained Alternate 1 would not have direct recharge as it pulls water up, treat it and directly injects into the aquifer. A regional basin conservation plan rather than only city plans is being discussed. Staff looked at plans all over the world and figured out what is feasible here legally, technically and practically. A water audit program was implemented this year and there is good participation in rebates. There will be a review of the water conservation plan this winter and will be in conjunction with City of Pullman. Legislation on the federal level will be needed to pump from the Snake River as procurement of water rights is complex. Equity in users is

part of the discussions. Projects of this scale have a hefty amount of federal funding. Water supply is the state responsibility and in order to get answers to funding questions, an application is needed.

6. Proposed City of Moscow Procurement and Purchasing Policy (ACTION ITEM) - Bill Belknap

The City of Moscow currently does not have established policies and procedures for purchasing supplies, materials, and services on behalf of the City. The lack of an established policy has resulted in confusion at times regarding employee purchasing authority as well as the ability for employees to sign contracts and agreements on behalf of the City. Staff have prepared a draft Procurement and Purchasing Policy to provide guidance on legal obligations and requirements, establish employee purchase authority limits, establish employee contract signatory authority limits, as well as establish standards related to City vendor charge accounts and appropriate use of credit cards. Staff will present the policy for the Council's review and consideration. This was reviewed by the Public Works/Finance Committee on October 9, 2023 and recommended for approval.

PROPOSED ACTIONS: Approve the proposed Resolution adopting the proposed Procurement and Purchasing Policy; or take other action deemed appropriate.

Belknap introduced the item as written above. This policy has many goals including processes to ensure purchasing decisions are based on high ethical standards and promote equitable treatment while preventing fraud and theft. Belknap outlined the approval authority and what is a contract versus an invoice. A professional services prequalification roster was a previous policy that has now been brought into this resolution. Task orders will also now be guided by the same amount standards. The policy establishes standards and procedures for the issuance and use of City issued credit cards including detailed documentation for all credit card purchases. In regards to travel, the policy encourages the use of per diem reimbursements or advanced payment for meal expenses while traveling. For clarity, a list of explicitly prohibited credit charges is included in the policy.

Taruscio moved to approve the proposed resolution adopting the proposed Procurement and Purchasing Policy. Laflin seconded. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

7. Ladder Truck Fire Engine Purchase Approval (ACTION ITEM) - Bill Belknap

The City's existing Fire Department ladder truck engine is reaching the end of its serviceable life and needs replacement. In accordance with Section 1.3.8 of the Master Services Agreement between the University and the City dated January 13, 2021, the University has agreed to participate in one-half of the cost of the purchase of the replacement ladder truck engine. The City has obtained a quote for the replacement ladder truck engine from Hughes Fire Equipment through the Houston-Galveston Area Council Cooperative Purchasing Program, which totals \$1,549,896, after \$162,564 in pre-payment discounts (see attached quote). The quoted pricing is valid until October 27, 2023, with full payment due by the end of October 2024 in order to secure the pre-payment discounts. Currently, the estimated delivery time for the ladder truck engine is 44-49 months from the date of order. Staff has provided the University of Idaho with the required 12-month advance notice of the intent to purchase the replacement ladder truck engine. Staff wishes to accept the quote prior to October 27th in order to avoid additional price escalation, and to provide the full payment by the end of October 2024 and is seeking Council approval at this time. The City has accumulated the City's portion of the purchase price within the City's Fleet Fund. This item was reviewed and recommended for approval by the Public Works and Finance Committee at their October 9, 2023 meeting.

PROPOSED ACTIONS: Approve placing the order for the replacement ladder truck fire engine; or take other action deemed appropriate.

Belknap introduced the item as written above. The notice to the U of I has been sent and staff awaits a written response. The lead time for delivery has already changed to 47-52 months. The university will have a year to make the payment, City's portion is secured in the street fund and payment would be made

in 2024. Staff did confirm the City can apply for a grant but not until November 2024 when the payment is due. Kelly moved to approve placing the order for the replacement ladder truck fire engine. Taruscio seconded. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

REPORTS

City Council

Moscow Volunteer Fire Department – Kelly said they prepared for the pancake feed. Council Members spoke on other events.

Mayor

Mayor Bettge said he attended an Idaho Transportation Department meeting; Chamber ribbon cutting; airport board meeting - two jet ways installed, exterior walls up and interior being worked on; ITD board discussed the highway route through town; spoke with congressional delegation regarding airport issues and funding as well as water alternative plans; AIC fall district meeting.

ADJOURN

It was moved, seconded and mutually agreed upon to adjourn at 8:35 p.m.

ATTEST:

Arthur D. Bettge, Mayor

Laurie M. Hopkins, City Clerk

COMMITTEE / CITY COUNCIL STAFF REPORT

DATE: Monday, November 6, 2023



AGENDA ITEM TITLE

Personnel Policy Updates Resolution - Bonnie Dennler

RESPONSIBLE STAFF

Bonnie Dennler

ADDITIONAL PRESENTER(S)

DESCRIPTION

This resolution is to amend and repeal sections within Chapters 5, 7 & 8 of the City of Moscow Personnel Policies as previously approved through Resolution 2022-30. Amendments are based on feedback from the Employee Advisory Committee, as well as to align these policies with current practice.

REVIEWED BY

This was reviewed by the Administrative Committee on October 23, 2023 and recommended for approval.

PROPOSED ACTIONS

ACTION: Approve the proposed resolution to amend and repeal sections within Chapters 5, 7 & 8 of the City of Moscow Personnel Policies.

STAFF RECOMMENDATION

Approve the proposed resolution to amend and repeal sections within Chapters 5, 7 & 8 of the City of Moscow Personnel Policies.

OTHER RESOURCES

FISCAL IMPACT

PERSONNEL IMPACT

ATTACHMENTS

1. Resolution 2023- Personnel Policies Amendments_Chapter 5 7 8_final

RESOLUTION 2023-__

A RESOLUTION OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, ADOPTING AMENDMENTS TO CHAPTERS 5, 7, AND 8 OF THE CITY OF MOSCOW PERSONNEL POLICIES ADOPTED THROUGH RESOLUTION 2022-30; AND PROVIDING THIS RESOLUTION SHALL BE EFFECTIVE UPON ITS PASSAGE AND APPROVAL.

WHEREAS, City of Moscow recognizes that its employees are a valuable resource to the citizens of Moscow; and

WHEREAS, because of the increasingly complex legal nature of federal, state, and local laws and regulations that govern the relationship between a government employer and its employees, it is in the best interests of the City and of the employees of the City to have updated written personnel policies; and

WHEREAS, the Council believes the amendments to Chapters 5, 7 and 8 of the Personnel Policies contained herein are appropriate and are in the City's best interest to implement the proposed amendments to the previous Personnel Policies passed by Resolution 2022-30;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Moscow that all matters stated above are true and correct and are incorporated herein by reference as if copied in their entirety and shall be adopted with the following:

SECTION 1: That the City of Moscow Personnel Policies Chapter 5 Section II. C.4 as approved through Resolution 2022-30, be amended as follows:

A. The existing language of Chapter 5 Section II. C.4 approved through Resolution 2022-30, states the following:

...

4. Post-Accident Testing:

- a. A driver who is involved in any accident must notify the City of the accident as quickly as possible and comply with the instructions given them relative to their taking drug and alcohol screening tests.
 - i. When operating a City vehicle on public or private roadways or private property – a post-accident drug and alcohol test is required.
 - ii. When operating a City vehicle on City property – the supervisor shall determine if a drug or alcohol test is required.
- b. When required, alcohol screening testing must be administered within two (2) hours of the accident and drug screening testing must be administered within thirty-two (32) hours of the accident. Any driver required to be tested under this section must remain readily available for such testing and

such driver may not consume drugs, alcohol and/or an intoxicating substance within thirty-two (32) hours of the accident.

- c. A driver who is seriously injured and cannot provide a specimen for testing will be required to authorize the release of relevant hospital reports that would indicate the presence of drugs, alcohol, and/or other intoxicating substances in such driver's system at the time of the incident.

...

- B. Chapter 5 Section II. C.4 shall be amended to replace the above existing language with the following:

...

4. Post-Accident Testing:

An employee who is operating a City vehicle or is driving their personal vehicle while conducting official city business and is involved in a motor vehicle accident must notify the City of the accident as quickly as possible. Employees must comply with any drug and alcohol testing requirement based on the nature of the accident and as follows:

- a. When the accident occurs on public or private roadways or private property – a post-accident drug and alcohol test is required if one of the following conditions are met:
 - i) If the accident involved the loss of human life or any bodily injury to any person involved in the accident;
 - ii) If the accident results in one or more motor vehicles incurring disabling damage as a result of the accident. Disabling damage is defined as the motor vehicle needing to be transported away from the scene by a tow truck or other motor vehicle due to the damage sustained from the accident.
 - iii) If the accident results in damage to public or private property estimated at \$2,500 or more by the employee's supervisor or designee.
 - iv) If the supervisor or designee has reasonable suspicion that the employee is impaired by drugs, alcohol, or other intoxicating substances.
- b. When the accident occurs on City property – the supervisor shall determine if a post-accident drug or alcohol test is required.
- c. When a post-accident test is required, alcohol testing must be performed within two (2) hours of the accident, and drug testing must be performed

within thirty-two (32) hours of the accident. Any employee required to be tested under this section must remain readily available for such testing and such employee may not consume drugs, alcohol, and/or an intoxicating substance within thirty-two (32) hours post-accident.

- d. An employee who is seriously injured and cannot provide a specimen for testing will be required to authorize the release of relevant hospital reports that would indicate the presence, or lack thereof, of drugs, alcohol, and/or other intoxicating substances in such driver's system at the time of the incident.

...

SECTION 2: That the City of Moscow Personnel Policies Chapter 7 Section II. as approved through Resolution 2022-30, be amended as follows:

- A. The existing language of Chapter 7 Section II. approved through Resolution 2022-30, states the following:

...

II. Work Period

- A. Per the Fair Labor Standards Act (FLSA), an employee's work period is a fixed and regularly recurring period of one hundred sixty-eight (168) hours during seven (7) consecutive twenty-four (24) hour periods. It need not coincide with the calendar week but may begin on any day and at any hour of the day. Different work periods may be established for different positions or groups of employees such as employees engaged in fire protection or law enforcement (FLSA, 29 U.S.C § 207(k)).

- B. Work Periods for the City of Moscow are as follows:

1. Non-Exempt, Non-Law Enforcement, Non-Fire Personnel Work Period – Seven (7) Days
 - a. Begins at midnight on Sunday of each week
 - b. Concludes at 11:59 p.m. of the succeeding Saturday
 - c. For the purposes of payroll processes, two work periods make up one pay period. Averaging of hours over two or more defined work periods is not permitted.
2. Sworn Law Enforcement Officers and Fire Personnel Work Period – Fourteen (14) Days
 - a. Begins at midnight on Sunday of the first week of the work period

b. Concludes at 11:59 p.m. on the concluding Saturday of the work period

3. Exempt Personnel

Not applicable under FLSA guidelines.

...

B. Chapter 7 Section II. shall be amended to replace the above existing language with the following:

...

II. Work Period

A. Per the Fair Labor Standards Act (FLSA), an employee's work period is a fixed and regularly recurring period of one hundred sixty-eight (168) hours during seven (7) consecutive twenty-four (24) hour periods. It need not coincide with the calendar week but may begin on any day and at any hour of the day. Different work periods may be established for different positions or groups of employees such as employees engaged in fire protection or law enforcement (FLSA, 29 U.S.C § 207(k)).

B. Work Periods for the City of Moscow are as follows:

1. Non-Exempt, Non-Law Enforcement, Non-Fire Personnel Work Period – Seven (7) Days

a. Begins at midnight on Monday of each week

b. Concludes at 11:59 p.m. of the succeeding Sunday.

c. For the purposes of payroll processes, two work periods make up one pay period. Averaging of hours over two or more defined work periods is not permitted.

2. Sworn Law Enforcement Officers and Fire Personnel Work Period – Fourteen (14) Days

a. Begins at midnight on Monday of the first week of the work period

b. Concludes at 11:59 p.m. on the concluding Sunday of the work period

3. Exempt Personnel

Not applicable under FLSA guidelines.

...

SECTION 3: That the City of Moscow Personnel Policies Chapter 7 Section V. as approved through Resolution 2022-30, be amended as follows:

A. The existing language of Chapter 7 Section V. approved through Resolution 2022-30, states the following:

...

V. On-Call and Call-Back

A. Applicability

1. The City of Moscow provides critical services to its residents. As such, employees may be required to be available and to work outside their regular schedule. The purpose of this policy is to provide a consistent method throughout all City departments to compensate employees for On-Call shifts and Call-Back responses. Specifically, this policy sets forth status and pay guidance for non-exempt regular employees.
 - a. Temporary employees may not take On-Call shifts and do not qualify for On-Call, or Call-Back compensation.
 - b. Exempt employees are paid a salary that reflects the full responsibility of the position, including being On-Call or being called back to work, and are not eligible to receive On-Call or Call-Back pay.
2. Compensatory time may be earned for both On-Call and Call-Back compensation. As outlined in the Compensatory Time section of these Personnel Policies, compensatory time is limited to 80 hours at any given time. The use of earned compensatory leave depends upon the department's ability to operate effectively during a requested absence.

B. On-Call Status

1. On-Call shift hours usually coincide with regular shift hours. Any employee may be assigned to an On-Call status, which requires the employee to be accessible, available, and able to report for duty if called. Such shifts may vary in beginning and ending times from department to department or division to division and are subject to change by an administrative decision as dictated by workload needs.
2. Supervisors are responsible for maintaining a roster of all qualified employees for On-Call, determining the need for availability, assigning employees to On-Call status, and maintaining an equitable rotation schedule. On-Call shifts are to be scheduled in 24-hour increments.

C. On-Call Compensation

On-Call compensation is calculated at two (2) hours of pay at time and one-half (1½) the regular hourly pay rate per On-Call shift; On-Call compensation may be taken as compensatory time.

D. Call-Back Status

When a non-exempt employee is called back to work from On-Call status or otherwise at a time not previously scheduled, response time for On-Call personnel should average thirty (30) minutes but is managed operationally by each department/division.

E. Call-Back Compensation

A minimum of two (2) hours pay at one and one-half (1½) time the regular hourly pay rate, even if the time spent back on the job is less than two (2) hours. Hours worked that exceed two (2) hours are also paid at one and one-half (1½) time the regular hourly pay rate as actual hours worked. Drive time to and from the worksite is considered hours worked for Call-Back compensation. Call-Back compensation may be taken as compensatory time.

...

B. Chapter 7 Section V. shall be amended to replace the above existing language with the following:

...

V. On-Call and Call-Back

A. Applicability

1. The City of Moscow provides critical services to its residents. As such, employees may be required to be available and to work outside their regular schedule. The purpose of this policy is to provide a consistent method throughout all City departments to compensate employees for On-Call shifts and Call-Back responses. Specifically, this policy sets forth eligibility and compensation for non-exempt regular employees.
2. FLSA-exempt employees are not eligible for On-Call or Call-Back compensation.
3. Temporary and seasonal employees are not eligible for On-Call shifts and do not qualify for On-Call, or Call-Back compensation.

B. On-Call Status

1. On-Call shift hours usually coincide with regular shift hours. Any employee may be assigned to an On-Call status, which requires the employee be accessible, available, and able to report for duty if called. Such shifts may vary in beginning and ending times from department to department or division to division and are subject to change by an administrative decision based on workload needs.

2. Supervisors are responsible for maintaining a roster of all qualified employees for On-Call, determining the need for availability, assigning employees to On-Call status, and maintaining an equitable rotation schedule. On-Call shifts are to be scheduled in 24-hour increments.
3. On-Call compensation is calculated at two (2) hours of pay per On-Call shift at one and one-half (1½) times the regular hourly pay rate.
4. On-Call compensation may be paid as overtime pay or taken as compensatory time at the employee's request and at the approval of the department based on department necessity and budget constraints.

C. Call-Back Status

1. When an eligible employee is called back to work from On-Call status or otherwise at a time not previously scheduled, the employee will receive Call-Back Compensation. Response time for On-Call personnel should average thirty (30) minutes but is managed operationally by each department/division.
2. Call-Back Compensation: An employee in call-back status will receive a minimum of two (2) hours of pay at one and one-half (1½) times the regular hourly pay rate, even if the time spent back on the job is less than two (2) hours. Hours worked that exceed two (2) hours are also paid at one and one-half (1½) times the regular hourly pay rate as actual hours worked. Drive time to and from the worksite is considered hours worked for Call-Back compensation.
3. Call-Back compensation may be taken as compensatory time, in lieu of paid time at the employee's request and at the approval of the employee's primary department supervisor based on department necessity and budget constraints.

...

SECTION 4: That the City of Moscow Personnel Policies shall add Section VIII. Shift Differential to Chapter 7 as detailed below:

...

VIII. Shift Differential

The City provides shift differential compensation to employees who are regularly scheduled to work a shift in which fifty percent (50%) or more of scheduled hours are between 6:00 p.m. and 6:00 a.m. Specifically, this policy sets forth eligibility and compensation for non-exempt regular employees. Exempt employees do not qualify for shift differential compensation.

- A. Sworn personnel of the City of Moscow Police Department receive shift differential compensation per pay period, at a rate specified in the Police Department pay schedule located within the City Summary Budget.
- B. All other City employees receive shift differential compensation for all hours worked during the scheduled work shift. Shift differential compensation is paid at a per-hour rate specified in the City salary schedule located within the City Summary Budget.

...

SECTION 5: That the City of Moscow Personnel Policies Chapter 8 Section I. as approved through Resolution 2022-30, be amended as follows:

- A. The existing language of Chapter 8 Section I. approved through Resolution 2022-30, states the following:

...

I. Leaves of Absence

The City may grant employees leaves of absence under certain circumstances. These leave types include unforeseen circumstances, military obligations, bereavement, holidays, vacation, and sick leave. Leaves of absence included below are structured to eliminate the need for any employee to enter into leave without pay status. Leave without pay (LWOP) is a temporary non-pay status and absence from work and is not allowed at the City of Moscow as benefit payments become affected. The following Federal exceptions do apply:

- A. The Family and Medical Leave Act of 1993 (FMLA), as amended, provides covered employees with an entitlement to a total of up to twelve (12) weeks of unpaid leave (LWOP) during any twelve (12) month period for certain family and medical needs. (See 5 CFR part 630, subpart L.) The City will comply with the provisions of the FMLA. The City of Moscow FMLA Policy outlines the FMLA's requirements, including the rights and obligations of employees, eligibility and notification requirements, and the City's obligations.
- B. The Uniformed Services Employment and Reemployment Rights Act of 1994, as amended, provides employees with an entitlement to LWOP when employment with an employer is interrupted by a period of service in the uniformed service. (See 5 CFR 353.106.)
- C. Executive Order 5396, July 17, 1930, provides that disabled veterans are entitled to LWOP for necessary medical treatment.
- D. Employees may not be in pay status while receiving workers' compensation payments from the Department of Labor.

...

- B. Chapter 8 Section I. shall be amended to replace the above existing language with the following:

...

I. Leave of Absence Without Pay

Leave without pay (LWOP) is a temporary non-pay status and absence from work. LWOP may only be granted in limited circumstances, which include:

- A. Qualifying under the Family and Medical Leave Act (FMLA), as amended, which provides covered employees an entitlement of up to a total of twelve (12) weeks of LWOP during any twelve (12) month period for certain family and medical needs.
- B. Qualifying under the National Defense Authorization Act, as amended, which provides covered employees with an entitlement of up to a total of twenty-six (26) weeks of unpaid leave during a single 12-month period to care for a covered service member.
- C. Qualifying under the Uniformed Services Employment and Reemployment Rights Act of 1994, as amended, which provides employees with an entitlement to LWOP when employment with an employer is interrupted by a period of service in the uniformed service. (See 5 CFR 353.106.)
- D. In accordance with a worker's rights and requirements under Worker's Compensation.
- E. Any other state or federal leave requirement pertaining to entitled use of LWOP.
- F. In other limited circumstances, at the approval of the City Supervisor.

...

SECTION 6: That the City of Moscow Personnel Policies Chapter 8 Sections II. and V. shall be repealed:

...

II. Leave Approval (Repealed per Resolution 2023-__)

- ~~A. Leave hours begin accruing on the date of hire and can be used in accordance with the provisions contained herein with supervisory approval. Leave anticipated at hire will be addressed in hiring process.~~
- ~~B. Requests for a routine leave of absence, as outlined in these policies are to be requested or scheduled in advance by the employee in consultation with their supervisor. Unless otherwise noted, all leave approvals must be made by the employee's direct supervisor.~~
- ~~C. Extended leaves of absence or any extension of a previously requested and approved leave should be submitted in writing to the employee's supervisor as soon as is practical before the leave requested. The supervisor will forward the request to the group's Deputy City Supervisor, Human Resources and the City Supervisor for review. These leave types may include:~~

~~1. Disability~~

~~2. Workers Compensation Related~~

~~3. Sick Leave Bank~~

~~4. Family Medical Leave Act (FMLA)~~

~~D. All employees on approved leave are expected to report any change of status in their need for leave or their intention to return to work to their supervisor, who will keep the group's Deputy City Supervisor, City Supervisor and Human Resources informed.~~

~~E. Employees returning from any leave of absence will be reinstated to their same job or an equivalent job with equivalent status and pay, as required by law. If an employee fails to return to work at the conclusion of an approved leave of absence, including any extension of the leave, the employee will be considered to have voluntarily terminated employment.~~

~~F. The granting and duration of each leave of absence and the compensation received by the employee, if any, during the leave of absence will be determined by the City in conjunction with applicable federal and state law.~~

...

V. Disability Leave (Repealed per Resolution 2023-__)

~~Employees who are unable to work because of a disability may be granted a disability leave of absence. FMLA may be triggered by use of disability leave. FMLA leave covers disabilities caused by pregnancy, childbirth, or other related medical conditions. FMLA also covers injury, alcoholism and/or drug dependence, mental illness, or prolonged physical illness. Sick leave rules also apply to FMLA leave.~~

...

SECTION 7: That the City of Moscow Personnel Policies Chapter 8 Section IX. as approved through Resolution 2022-30, be amended as follows:

A. The existing language of Chapter 8 Section IX. approved through Resolution 2022-30, states the following:

...

IX. Paid Parental Leave

A. This leave is separate and in addition to other leave policies. Eligible employees are able to receive up to six weeks (240 hours) of paid parental leave to be used within the first six (6) months of the birth, adoption, or regular full-time custody of a child not previously under an employee's care, paid on the employee's regular payroll dates.

- B. Paid Parental Leave is intended to provide employees the time and financial support to adjust to the addition of a new family member following the birth, adoption, or placement of a child for activities related to the physical and mental wellbeing and care of the child and parents or caregiver.
- C. If both parents are City employees that meet the eligibility criteria, each parent is eligible to receive the four-week paid parental leave benefit. An eligible parent is defined as a biological parent, same-sex spousal equivalent, domestic partner, new adoptive parent, or caregiver assuming significant parental and financial responsibility for a child. An individual who adopts a spouse or partner's child(ren) is not eligible for this benefit.
- D. Eligibility
 - 1. City employees regularly working thirty (30) or more hours per week who have been employed for the previous twelve (12) consecutive months and have worked for at least one thousand two hundred fifty (1,250) hours during the prior twelve (12) month period are eligible for Paid Parental Leave. Eligibility requirements must be met as of the last day worked prior to the start of the paid leave.
 - 2. Part-time employees who work an average of thirty (30) hours per week will receive Paid Parental Leave on a prorated basis to be calculated by dividing the average hours worked per work period over the prior twelve months by 40 (i.e. if an employee averaged 35 hours per work period over the prior year, they would receive 140 hours of parental leave $((35/40)*240=210)$).
 - 3. Temporary employees are ineligible for Paid Parental Leave. This benefit is not available to employees who do not intend to remain in the City's employ or employees who are in unpaid status. The amount of leave permitted with this benefit will be deducted from the employee's FMLA entitlement.

...

- B. Chapter 8 Section IX. shall be amended to replace the above existing language with the following:

...

IX. Paid Parental Leave

- A. Paid Parental Leave is intended to provide employees the time and financial support to adjust to the addition of a new family member following the birth, adoption, or placement of a child for activities related to the physical and mental well-being and care of the child and parents or caregiver.
- B. This leave is separate and in addition to other leave policies. Eligible employees are able to receive up to six (6) weeks (240 hours) of paid parental leave to be used within the first six (6) months of the birth, adoption, or regular full-time custody of a child not previously under an employee's care, paid on the employee's regular payroll dates. If

applicable, the amount of leave permitted with this benefit will be deducted from the employee's FMLA entitlement.

- C. Under some circumstances, employees may take paid parental leave on an intermittent or reduced schedule basis. Use of intermittent or reduced schedule parental leave requires departmental approval prior to the use of paid parental leave.
- D. If both parents are City employees and meet benefit eligibility criteria, each parent is eligible to receive the six-week paid parental leave benefit. An eligible parent is defined as a biological parent, same-sex spousal equivalent, domestic partner, new adoptive parent, or caregiver assuming significant parental and financial responsibility for a child. An individual who adopts a spouse or partner's child(ren) is not eligible for this benefit.
- E. Eligibility
 - 1. City employees regularly working thirty (30) or more hours per week who have been employed for the previous twelve (12) consecutive months and have worked for at least one thousand two hundred fifty (1,250) hours during the prior twelve (12) month period are eligible for paid parental leave. Eligibility requirements must be met as of the last day worked prior to the start of the paid leave.
 - 2. Part-time employees who work an average of thirty (30) hours per week will receive Paid Parental Leave on a prorated basis to be calculated by dividing the average hours worked per work period over the prior twelve months by 40 (i.e. if an employee averaged 35 hours per work period over the prior year, they would receive 210 hours of parental leave $((35/40)*240=210)$).
 - 3. Temporary and seasonal employees are ineligible for Paid Parental Leave.

...

SECTION 8: That the City of Moscow Personnel Policies Chapter 8 Section XIV. as approved through Resolution 2022-30, be amended as follows:

- A. The existing language of Chapter 8 Section XIV. approved through Resolution 2022-30, states the following:

...

XIV. Sick Leave Bank

- A. The purpose of the Sick Leave Bank is to provide a means of obtaining additional sick leave days to avoid loss of compensation and to remain in pay status due to a significant or catastrophic illness or injury. Catastrophic injury or illness is defined as a life-threatening condition or combination of conditions affecting the mental or physical health of the employee. The catastrophic illness or injury must require the services of a health provider. The sick leave bank is available to eligible, voluntarily participating

employees who have legitimately exhausted all of their accumulated sick and vacation leave. The sick leave bank will not be made available in cases of suspected sick leave abuse.

- B. Human Resources shall be responsible for managing and administering the Sick Leave Bank to include the procedural establishment, solicitation of contributions, processing of applications, and records management.
- C. All regular full-time City of Moscow employees who have a sick leave balance of forty (40) or more hours at the time of the initial contribution of eight (8) hours of sick leave shall be eligible to participate in the Sick Leave Bank. Initial contributions are deducted from the sick leave days available to the contributing employee. Once hours are contributed to the Sick Leave Bank, they may not be reclaimed by the employee. Only employees who are active members of the Sick Leave Bank shall be eligible to draw on the Sick Leave Bank.
- D. Newly hired employees shall be eligible to participate in the Sick Leave Bank the month following the successful completion of their introductory period and after their initial contribution has been made. Once employees elect to participate in the Sick Leave Bank, membership is established for the duration of their employment with the City of Moscow.
- E. A participant granted leave of absence shall retain their status upon returning to regular duties.
- F. Criteria for Sick Leave Bank usage is as follows:
 - 1. Catastrophic accident by the employee requiring absences from work.
 - 2. Catastrophic illness of the employee.
 - 3. Extended hospitalization of the employee.
- G. Appropriateness of previously used employee earned sick leave will be considered. No requestor may borrow more than twenty (20) days of sick leave at any one time. Requests are limited to two (2) per incident.
- H. An employee may apply for Sick Leave Bank hours only after exhausting all accumulated paid leave time. This time includes all earned vacation, sick leave, floating holiday and compensatory time. The employee must apply for approval as outlined in the application and approval process. Once approved, the employee may draw on sick leave hours granted.
- I. To be considered for Sick Leave Bank hours, an application, signed by the employee's supervisor(s), must be submitted to Human Resources for approval by the City Supervisor. Applications for Sick Leave Bank assistance must be in writing and accompanied with appropriate documentation outlined in the application. Progress

reports may be required as a condition of receiving sick leave hours from the Sick Leave Bank.

- J. If the City of Moscow discontinues the Sick Leave Bank - employees who are members in good standing will be credited 8 hours of sick leave to their accounts.

...

- B. Chapter 8 Section XIV. shall be amended to replace the above existing language with the following:

...

XIV. Sick Leave Bank

The purpose of the Sick Leave Bank is to provide a means of obtaining additional sick leave days to avoid loss of compensation and to remain in pay status due to a significant or catastrophic illness or injury.

A. Sick Leave Bank Program

1. All regular full-time City of Moscow employees who have a sick leave balance of forty (40) or more hours at the time of the initial contribution of eight (8) hours of sick leave shall be eligible to participate in the Sick Leave Bank Program. Initial contributions are deducted from the sick leave days available to the contributing employee. Once hours are contributed to the Sick Leave Bank, they may not be reclaimed by the employee. Only employees who are active members of the Sick Leave Bank shall be eligible to draw on the Sick Leave Bank.
2. Newly hired employees shall be eligible to participate in the Sick Leave Bank the month following the successful completion of their introductory period and after their initial contribution has been made.
3. Once employees elect to participate in the Sick Leave Bank, membership is established for the duration of their employment with the City of Moscow.
4. A participant granted a leave of absence shall retain their active status in the Sick Leave Bank Program upon returning to regular duties.
5. Participants of the Sick Leave Bank Program may be granted up to twenty (20) days, or 160 hours of sick leave at any one time. Requests are limited to two (2) per incident.
6. If the City of Moscow discontinues the Sick Leave Bank – active employees who have contributed and who have not received leave from the Sick Leave Bank will be credited 8 hours of sick leave to their accounts.

B. Eligibility and Criteria

1. The Sick Leave Bank is available to:

- a. Eligible employees participating in the Sick Leave Bank program who have legitimately exhausted all of their accumulated paid leave time. This time includes all earned vacation, sick leave, floating holiday, and compensatory time.
- b. Employees unable to work due to a work-related injury who have legitimately exhausted all of their accumulated sick leave time and also meet the following conditions:
 - i. Is an active participant in the Sick Leave Bank Program;
 - ii. Has met the 5-day waiting period for workers' compensation; and
 - iii. Has an active worker's compensation claim through the State Insurance Fund (SIF)

2. Criteria for Sick Leave Bank Program usage is as follows:

- a. Catastrophic accident or illness of the employee requiring absences from work: Catastrophic illness and/or injury is defined as an acute or prolonged illness or injury that is considered life-threatening or with the threat of serious residual disability.
- b. Extended hospitalization of the employee.
- c. Absence from work due to a work-related injury and an active Worker's Compensation Claim.
- d. To be considered for hours through the Sick Leave Bank Program, the Sick Leave Bank Request form, signed by the employee's supervisor(s), must be submitted by the employee to Human Resources for approval by the City Supervisor. Progress reports may be required as a condition of receiving sick leave hours from the Sick Leave Bank Program.
- e. The Sick Leave Bank will not be made available in cases of suspected sick leave abuse.

C. Sick Leave Bank Administration:

1. Human Resources shall be responsible for managing and administering the Sick Leave Bank Program including the procedural establishment, solicitation of contributions, processing of applications, and records management.

2. Payroll shall be responsible for all payroll processing of the Sick Leave Bank, as well as managing and administering the Sick Leave Bank for employees with active workers' compensation claims through SIF. Refer to the City's Personnel Policy, Chapter 8, Section XV Worker's Compensation for more details.

...

SECTION 9: That the City of Moscow Personnel Policies Chapter 8 Section XV. as approved through Resolution 2022-30, be amended as follows:

- A. The existing language of Chapter 8 Section XV. approved through Resolution 2022-30, states the following:

...

XV. Workers Compensation

The City holds a Workers Compensation Policy under the Idaho State Insurance Fund. This policy covers all employees regardless of employee classification.

A. Employee Reporting

All employees are required to report any accident or incident resulting in an injury or illness, even if an employee only received first-aid treatment, to their supervisor immediately. In addition, a First Report of Injury form (FROI) must be completed for all injuries whether or not medical treatment was sought. The FROI is used to provide the needed information to the Idaho State Insurance Fund should a claim need to be filed and provides information to determine how, where, and when the accident occurred, any direct or underlying causes including unsafe behaviors and conditions and corrective actions to be taken.

B. Medical Treatment

1. In the event that an employee is injured while at work the supervisor will evaluate and ask the injured employee whether they would like to seek medical treatment.
2. In emergency situations and if the employee appears to be in a condition where they should not be moved, call 911 immediately.
3. In the event that the employee injury requires treatment outside of regular work hours:
 - a. Emergency Situation – The employee shall seek treatment with the Emergency Room, if applicable.
 - i. Contact the supervisor to report the treatment
 - ii. If unable to contact the supervisor, email or call and leave a message with Human Resources and then follow up with the supervisor the next work day

- b. If the injured employee chooses to not to seek medical care, an Accident Investigation Report will be completed.

...

- B. Chapter 8 Section XV. shall be amended to replace the above existing language with the following:

...

XV. Workers Compensation

The City of Moscow has established the following for treatment and compensation of work-related injuries in accordance with Title 72 of Idaho Code. The City holds a Worker's Compensation Policy under the Idaho State Insurance Fund (SIF). This policy covers all employees regardless of employee classification.

A. Employee Reporting

1. All employees are required to report any accident or incident resulting in an injury or illness, even if an employee only received first-aid treatment, to their supervisor immediately.
2. A First Report of Injury form (FROI) must be completed for all injuries whether or not medical treatment was sought. The FROI is used to provide the needed information to the SIF should a claim need to be filed and provides information to determine how, where, and when the accident occurred, any direct or underlying causes including unsafe behaviors, conditions, and corrective actions to be taken.

B. Medical Treatment

1. In the event that an employee is injured while at work the supervisor will conduct an initial assessment of the employee, take any immediate action necessary to address the medical needs of the employee, and ask the injured employee whether they would like to seek medical treatment. In emergency situations and if the employee appears to be in a condition where they should not be moved or need emergency services, the supervisor should call 911 immediately.
2. In the event that the employee's injury requires treatment outside of regular work hours:
 - a. Contact the supervisor to report the treatment; or
 - b. If unable to contact the supervisor, email or call and leave a message with Human Resources and then follow up with the supervisor the next work day.

C. Compensation

1. Under Idaho Worker's Compensation law, employees do not receive income benefits from SIF for the first five (5) days they are off work due to an injury, unless the injury requires overnight hospitalization or the time loss exceeds fourteen (14) days.
 - a. During the first five (5) day waiting period employees may use accrued sick leave, vacation leave, compensatory time, floating holiday, or unpaid leave if no other leave is available.
 - b. If the on-the-job injury requires overnight hospitalization, no leave will be charged.
2. If the leave exceeds fourteen (14) days, the first five (5) day waiting period charged to leave balances will be returned.
3. In the event of a work-related temporary disability in which the employee is unable to return to work beyond five (5) days, the employee may be entitled to benefits to be paid a percentage of their regular wages from Worker's Compensation. The employee can choose to:
 - a. Keep the SIF compensation payments and continue to use sick leave. Of note – if the employee runs out of sick leave to use while unable to work, the employee will be responsible for the employee portion of benefit premium payments while not in pay status.
 - b. Remit the SIF compensation payment to the City for conversion to sick leave hours. Of note - this method provides additional sick leave hours to be used to keep the employee in pay status.
4. An employee that sustains a workplace injury or illness that requires the employee to leave work to seek medical treatment shall receive full regular pay for the date of injury. Employees are expected to return to work the same day as the injury unless the treating physician provides a written statement that the employee is not able to return to work.
5. If an employee's worker's compensation absence qualifies as a serious health condition as defined under the Family Medical Leave Act, the City will designate the leave as an FMLA-qualifying event and the worker's compensation absence will run concurrently with FMLA.
6. An employee, past the 5-day waiting period, actively receiving benefits, who depletes their accumulated sick leave, and is a participant in the Sick Leave Bank Program, is eligible to request sick leave bank hours. Employees will not be required to exhaust other leave types for medically necessary time off due to the original work-related injury.

...

SECTION 10: That the City of Moscow Personnel Policies Chapter 8 Section XVI. shall be repealed:

...

XVI. Compensation (Repealed per Resolution 2023-__)

- ~~1. Employees with an active Workers Compensation case stemming from an on-the-job injury that does not allow them to work are to use sick leave hours for any time away from work related to the injury.~~
- ~~2. Should the Idaho State Insurance Fund provide compensation dollars for time off work employees may:
 - ~~a. Keep the SIF compensation payments and continue to use sick leave. Of note—if the employee runs out of sick leave to use while unable to work, they employee will be responsible for all benefit premium payments while not in pay status.~~
 - ~~b. Remit the SIF compensation payment to the City for conversion to sick leave hours. Of note—this method provides additional sick leave hours to be used to keep employee in pay status.~~~~
- ~~3. An employee who depletes their sick leave due and is not receiving or has yet to receive SIF compensation dollars for time off work is eligible for sick leave bank hours and will not be required to use other leave types for that medically necessary time off due to the original work-related injury.~~

...

SECTION 11: That the City of Moscow Personnel Policies Chapter 8 Section XVII. as approved through Resolution 2022-30, be amended as follows:

- A. The existing language of Chapter 8 Section XVII. approved through Resolution 2022-30, states the following:

...

XVII. Family and Medical Leave Act (FMLA)

The Family and Medical Leave Act (FMLA) entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons. The FMLA applies to the City of Moscow, a government entity. The following provides general information about, when employees are eligible and entitled to take FMLA leave, and what rules apply when employees take FMLA leave. Where there are differences in the requirements under the Family Medical Leave Act and this policy, the Act takes precedence.

A. Eligible Employees

1. Only eligible employees are entitled to take FMLA leave. An eligible employee is one who:
 - a. Works for a covered employer;
 - b. Has worked for the employer for at least 12 months;
 - c. Has at least 1,250 hours of service for the employer during the 12-month period immediately preceding the leave; and
 - d. Works at a location where the employer has at least fifty (50) employees within seventy-five (75) miles.
2. The twelve (12) months of employment do not have to be consecutive. That means any time previously worked for the same employer (including seasonal work) could, in most cases, be used to meet the 12-month requirement. If the employee has a break in service that lasted seven (7) years or more, the time worked prior to the break will not count unless the break is due to service covered by the Uniformed Services Employment and Reemployment Rights Act (USERRA), or there is a written agreement, including a collective bargaining agreement, outlining the employer's intention to rehire the employee after the break in service. See "FMLA Special Rules for Returning Reservists".

B. Leave Entitlement

1. Eligible employees may take up to twelve (12) workweeks of leave in a 12-month period for one or more of the following reasons:
 - a. The birth of a child or placement of a child with the employee for adoption or foster care;
 - b. To care for a spouse, child, or parent who has a serious health condition;
 - c. For a serious health condition that makes the employee unable to perform the essential functions of their job; or
 - d. For any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a covered military member on covered active duty or call to covered active duty status.
2. An eligible employee may also take up to twenty-six (26) workweeks of leave during a "single 12-month period" to care for a covered servicemember with a serious injury or illness, when the employee is the spouse, son, daughter, parent, or next of kin of the servicemember. The "single 12-month period" for military caregiver leave is different from the 12-month period used for other FMLA leave reasons. See U.S. Department of Labor Fact Sheets 28F: Qualifying Reasons under the FMLA and 28M: The Military Family Leave Provisions under the FMLA.

3. Under some circumstances, employees may take FMLA leave on an intermittent or reduced schedule basis. That means an employee may take leave in separate blocks of time or by reducing the time employee works each day or week for a single qualifying reason. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the employer's operations. If FMLA leave is for the birth, adoption, or foster placement of a child, use of intermittent or reduced schedule leave requires the employer's approval.
4. Under certain conditions, employees may choose, or employers may require employees, to "substitute" (run concurrently) accrued paid leave, such as sick or vacation leave, to cover some or all of the FMLA leave period. An employee's ability to substitute accrued paid leave is determined by the terms and conditions of the employer's normal leave policy.

C. Notice

1. Employees must comply with their employer's usual and customary requirements for requesting leave and provide enough information for their employer to reasonably determine whether the FMLA may apply to the leave request. Employees generally must request leave 30 days in advance when the need for leave is foreseeable. If 30 days advance notice is not possible because the situation has changed or the employee does not know exactly when leave will be required, employees must provide notice as soon as possible and practicable under the circumstances.
2. When an employee seeks leave for a FMLA-qualifying reason for the first time, the employee need not expressly assert FMLA rights or even mention the FMLA. If an employee later requests additional leave for the same qualifying condition, the employee must specifically reference either the qualifying reason for leave or the need for FMLA leave. See U.S. Department of Labor Fact Sheet 28E: Employee Notice Requirements under the FMLA.
3. Covered employers must:
 - a. Post a notice explaining rights and responsibilities under the FMLA;
 - b. Include information about the FMLA in their employee handbooks or provide information to new employees upon hire;
 - c. When an employee requests FMLA leave or the employer acquires knowledge that leave may be for a FMLA-qualifying reason, provide the employee with notice concerning their eligibility for FMLA leave and employees rights and responsibilities under the FMLA; and
 - d. Notify employees whether leave is designated as FMLA leave and the amount of leave that will be deducted from the employee's FMLA entitlement.

4. See U.S. Department of Labor Fact Sheet 28D: Employer Notice Requirements under the FMLA.

D. Certification

When an employee requests FMLA leave due to their own serious health condition or a covered family member's serious health condition, the employer may require certification in support of the leave from a health care provider. An employer may also require second or third medical opinions (at the employer's expense) and periodic recertification of a serious health condition. See U.S. Department of Labor Fact Sheet 28G: Certification of a Serious Health Condition under the FMLA. For information on certification requirements for military family leave, See U.S. Department of Labor Fact Sheet 28M(c): Qualifying Exigency Leave under the FMLA; Fact Sheet 28M(a): Military Caregiver Leave for a Current Servicemember under the FMLA; and Fact Sheet 28M(b): Military Caregiver Leave for a Veteran under the FMLA.

E. Job Restoration and Health Benefits

Upon return from FMLA leave, an employee must be restored to their original job or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment. An employee's use of FMLA leave cannot be counted against the employee under a "no-fault" attendance policy. Employers are also required to continue group health insurance coverage for an employee on FMLA leave under the same terms and conditions as if the employee had not taken leave. See U.S. Department of Labor Fact Sheet 28A: Employee Protections under the Family and Medical Leave Act.

F. Other Provisions

Salaried executive, administrative, and professional employees of covered employers who meet the Fair Labor Standards Act (FLSA) criteria for exemption from minimum wage and overtime under the FLSA regulations, 29 CFR Part 541, do not lose their FLSA-exempt status by using any unpaid FMLA leave. This special exception to the "salary basis" requirements for FLSA's exemption extends only to an eligible employee's use of FMLA leave.

G. Enforcement

It is unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise any right provided by the FMLA. It is also unlawful for an employer to discharge or discriminate against any individual for opposing any practice, or because of involvement in any proceeding, related to the FMLA. See U.S. Department of Labor Fact Sheet 77B: Protections for Individuals under the FMLA. The Wage and Hour Division is responsible for administering and enforcing the FMLA for most employees. If you believe that your rights under the FMLA have been violated, you may file a complaint with the Wage and Hour Division or file a private lawsuit against your employer in court.

For additional information, visit the Wage and Hour Division Website: <http://www.wagehour.dol.gov> and /or call the toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4-USWAGE (1-866-487-9243).

...

- B. Chapter 8 Section XVII. shall be amended to replace the above existing language with the following:

...

XVII. Family and Medical Leave Act (FMLA)

The Family and Medical Leave Act (FMLA) of 1993 entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons. The City of Moscow is covered under FMLA and complies with all FMLA requirements.

A. Employee Eligibility:

1. To be eligible for FMLA, City employees must:
 - a. Have worked at the City for at least twelve (12) months; and
 - b. Have worked at least one thousand two hundred fifty (1,250) hours during the twelve (12) month period immediately preceding the leave;
2. The twelve (12) months of employment do not have to be consecutive. Time previously worked for the City (including seasonal work) could, in most cases, be used to meet the 12-month requirement. If the employee has a break in service that lasted seven (7) years or more, the time worked prior to the break will not count unless the break is due to service covered by the Uniformed Services Employment and Reemployment Rights Act (USERRA).

B. Leave Entitlement

1. Eligible employees may take up to twelve (12) workweeks (480 hours) of leave in a 12-month period for one or more of the following reasons:
 - a. The birth of a child or placement of a child with the employee for adoption or foster care;
 - b. To care for a spouse, child, or parent who has a serious health condition;
 - c. For a serious health condition that makes the employee unable to perform the essential functions of their job; or
 - d. For any qualifying exigency arising out of the fact that a spouse, child, or parent is a covered military member on covered active duty or call to covered active duty status.

2. An eligible employee may take up to twenty-six (26) workweeks (1,040 hours) of leave during a "single 12-month period" to care for a covered servicemember with a serious injury or illness when the employee is the spouse, son, daughter, parent, or next of kin of the service member.
3. Under some circumstances, employees may take FMLA on an intermittent or reduced schedule basis. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment or appointments to minimize disruption to the City's operations.
4. If FMLA is for the birth, adoption, or foster placement of a child, the use of intermittent or reduced schedule leave requires prior departmental approval.

C. Compensation and Health Benefits

1. Employees are required to use accrued paid leave concurrently with any FMLA. If the employee does not have sufficient accrued paid leave to cover the full time out on FMLA, the employee may utilize leave without pay (LWOP) and work with Human Resources (HR) to coordinate usage of paid and unpaid leave.
2. Holidays that occur during FMLA will be paid in accordance with the City's Holiday policy.
3. Leave accruals while on FMLA will be in accordance with the City's Sick Leave and Vacation Leave policies.
4. The City will maintain group health plan benefits for employees on FMLA. Employees on unpaid FMLA or who do not have enough accrued leave to cover their portion of premiums are responsible for arranging with the City to pay their full portion of the premium.

D. Requesting Leave under FMLA:

1. Employees should comply with departmental requirements for requesting leave and provide enough information to reasonably determine whether FMLA applies to the leave request.
2. Employees requesting FMLA should submit written or verbal notice to HR. HR will determine if an employee's need for leave qualifies under FMLA and provide the employee with any required forms, notices, and information on rights.
3. Requests for FMLA should be submitted thirty (30) days in advance of the need for leave if the leave is foreseeable. If thirty (30) days advance notice is not possible employees must provide notice as early as possible under the circumstances.

E. FMLA Certification

1. When requesting FMLA for an employee's own serious medical condition or to care for a family member with a serious medical condition, healthcare certification is required and must be received by HR within fifteen (15) calendar days of the FMLA start date, or as soon as practical.
2. Employees do not have to share a medical diagnosis but must provide enough information to determine if the leave qualifies for FMLA protection. A statement or document(s) from the health care provider for the individual being treated should include the following information for supporting the FMLA request:
 - a. Contact information for the certifying health care provider.
 - b. The date the serious health condition began and how long it will last.
 - c. Appropriate medical facts about the condition such as symptoms, hospitalization, or doctor's visits.
 - d. For leave for the employee's own serious health condition, information showing that the employee cannot perform the essential functions of the job.
 - e. For leave to care for a family member, a statement establishing the family member needs care, an estimate of when and how long the leave is needed.
 - f. For leave that needs to be taken in short blocks of time, an estimate of how much time will be needed for each absence, how often absences may occur, and information establishing the medical necessity for taking intermittent leave or requiring a reduced schedule.
3. When requesting leave for a qualifying exigency for Military FMLA certification is required and must be received by HR within fifteen (15) calendar days of the Military FMLA start date, or as soon as practical. This certification will be provided using the Department of Labor (DOL) "Certification of Qualifying Exigency for Military Family Leave."
4. When requesting leave for a serious injury or illness of a covered member for Military FMLA certification is required and must be received by HR within fifteen (15) calendar days of the leave start date, or as soon as practical. This certification will be provided using the DOL Certification for Serious Injury or Illness of Covered Service member.
5. If FMLA or Military FMLA certification is deemed incomplete or insufficient, the employee will be advised in writing of what additional information is necessary to make certifications complete and sufficient. Employees must return revised medical certifications to HR within the date specified.
6. The City may require employees to obtain a second medical certification from a health care provider that is selected and paid for by the employee's department. See

Chapter 8. Section XVIII of the City’s Personnel Policy, Fit for Duty, for additional processes guidelines.

7. If FMLA or Military FMLA is requested for an employee’s or their family member’s serious health condition that continues beyond a single leave year, employees shall provide HR with new medical certifications each leave year.

F. Job Restoration

1. Upon return from leave under FMLA, an employee must be restored to their original job or to an equivalent job with equivalent pay, benefits, and other terms and conditions.
2. Employees who return from FMLA retain all benefits they accrued prior to the start of leave. They also will receive any City-wide pay increases distributed during their period of leave.
3. The City may require an employee on FMLA leave to report periodically on the employee’s status and intent to return to work.

...

SECTION 12: That the City of Moscow Personnel Policies Table of Contents shall be amended to reflect the revisions approved herein.

SECTION 13: Provisions of this Resolution shall be deemed severable and the invalidity of any provision of this Resolution shall not affect the validity of the remaining provisions.

SECTION 14: This Resolution shall be effective upon its passage and approval.

PASSED on Motion by the Following Vote:

	Aye	Nay	Abstain	Absent
Drew Davis	_____	_____	_____	_____
Sandra Kelly	_____	_____	_____	_____
Maureen Laflin	_____	_____	_____	_____
Hailey Lewis	_____	_____	_____	_____
Julia Parker	_____	_____	_____	_____
Gina Taruscio	_____	_____	_____	_____

ADOPTED by the City Council of the City of Moscow, Idaho and **APPROVED** by the Mayor of the City of Moscow, this ____ day of _____, 2023.

Arthur D. Bettge, Mayor

CERTIFICATION and ATTESTATION. I hereby certify that the above is a true copy of the Resolution passed at a regular meeting of the City Council, City of Moscow, held on _____, 2023 and attest to the Mayor's signature.

Laurie M. Hopkins, City Clerk

COMMITTEE / CITY COUNCIL STAFF REPORT

DATE: Monday, November 6, 2023



AGENDA ITEM TITLE

Public Hearing: Replat of Lot 12 and Lot 13, Block 3 of the Quail Run Addition (ACTION ITEM) - Mike Ray

RESPONSIBLE STAFF

Michael Ray, Assistant CD Director/Planning Manager

ADDITIONAL PRESENTER(S)

DESCRIPTION

The applicant, RMR Construction LLC, is proposing to subdivide a 2.08-acre property generally located at the northeast corner of Highway 95 and Pintail Lane to create seven (7) lots with an average lot size of 12,931 square feet, referred to as the Replat of Lot 12 and Lot 13, Block 3 of the Quail Run Addition. The Planning and Zoning Commission conducted a public hearing on this matter on September 27, 2023 and recommended approval of the proposed preliminary plat with no conditions.

REVIEWED BY

Planning and Zoning Commission

PROPOSED ACTIONS

PROPOSED ACTIONS:

1. After conducting the public hearing and upon consideration of testimony received, approve the preliminary plat with no conditions; or approve the preliminary plat with conditions; or reject the preliminary plat; or take other such action deemed appropriate.
2. In accordance with the decision upon the preliminary plat, adopt the Planning and Zoning Commission's Reasoned Statement of Relevant Criteria; or direct Staff to prepare a Reasoned Statement of Relevant Criteria for the Council's consideration at a future meeting.

STAFF RECOMMENDATION

1. After conducting the public hearing and upon consideration of testimony received, approve the preliminary plat with no conditions.
2. In accordance with the decision upon the preliminary plat, adopt the Planning and Zoning Commission's Reasoned Statement of Relevant Criteria.

OTHER RESOURCES

FISCAL IMPACT

PERSONNEL IMPACT

ATTACHMENTS

1. Staff Report
2. Public Hearing Notice
3. P&Z Minutes and RCS
4. Council Packet

**CITY OF MOSCOW
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

Hearing Date: November 6, 2023

GENERAL INFORMATION

Hearing Body: City Council

Subject: Proposal for a Preliminary Subdivision Plat for property generally located at the northeast corner of Highway 95 and Pintail Lane and legally described as Lot 12 and Lot 13, Block 3 of the Quail Run Addition to the City of Moscow. Permit Application LUP2023-0017.

Attachments:

1. Notice of Public Hearing
2. Application for Preliminary Plat
3. Proposed Preliminary Plat
4. Neighborhood Meeting Materials
5. Memo from Todd Drage, Engineering Technician, dated September 21st, 2023
6. Memo from David Schott, Parks and Facilities Manager, dated September 20th, 2023
7. Public Comment from Jon and Deanna Breese, dated September 18th, 2023.

Prepared By: Mike Ray, AICP – Planning Manager

STAFF REVIEW

Proposal: The applicant, RMR Construction LLC, is proposing to subdivide a 2.08-acre property to create seven (7) lots with an average lot size of 12,931 square feet, referred to as the Replat of Lot 12 and Lot 13, Block 3 of the Quail Run Addition.

Site and Area Land Use: The subject property is currently undeveloped and comprised of two previously platted lots within the Quail Run subdivision which was approved in 1995. The subject property has property frontage on Pintail Lane and Highway 95, but is accessed via a shared driveway from Pintail Lane. North, east, and south of the subject property is developed with a combination of single family and two-family dwellings. Fire Station 3 is located on the south side of Pintail Lane, to the south of the subject property. Across Highway 95 to the west is a single-family dwelling and junk yard and towing business.

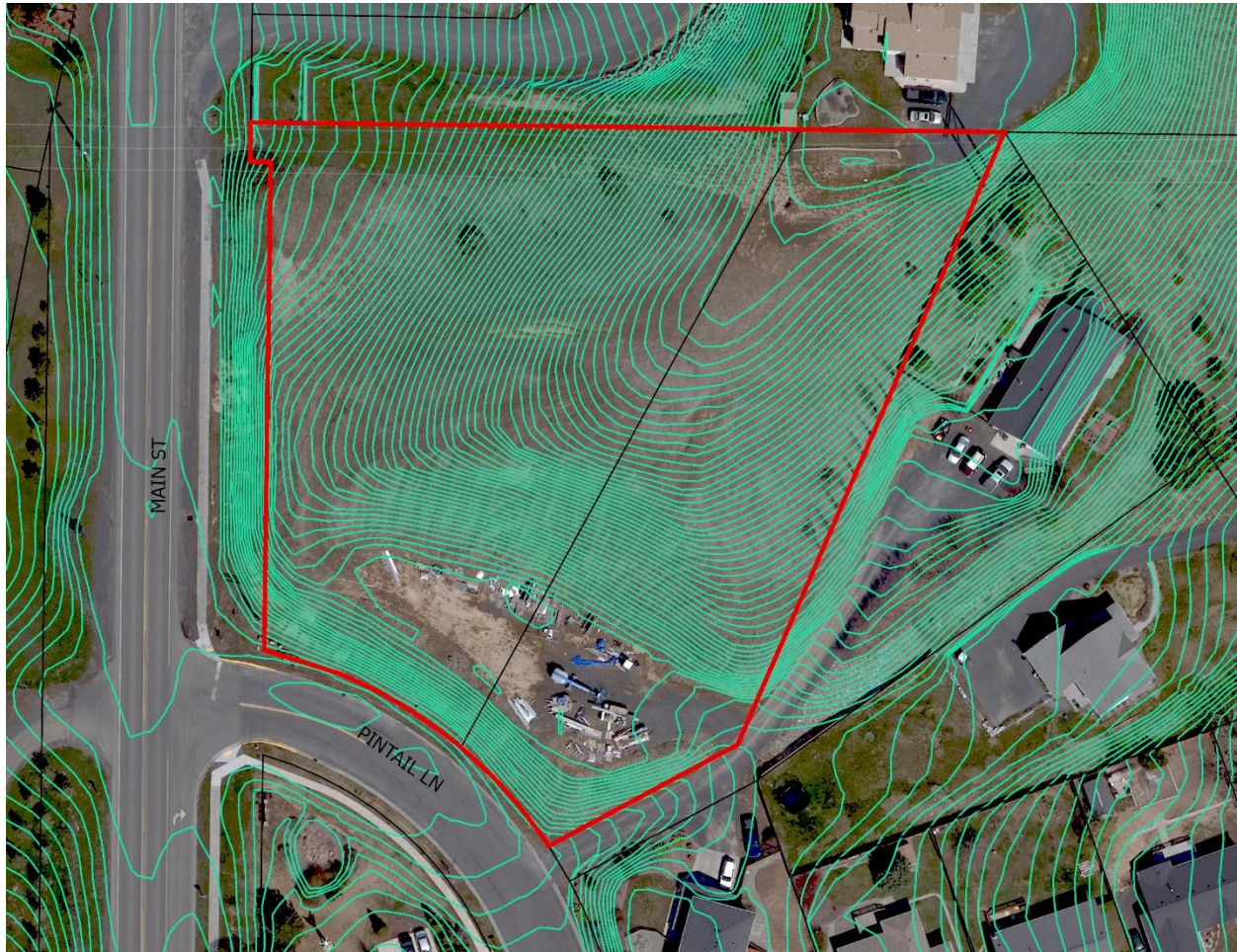


Vicinity Map



Aerial Map

The subject property contains areas of extreme sloping topography with slopes up to 45% as the property gains elevation to the northeast. There are no drainage ways or natural features that have been identified upon the subject property.

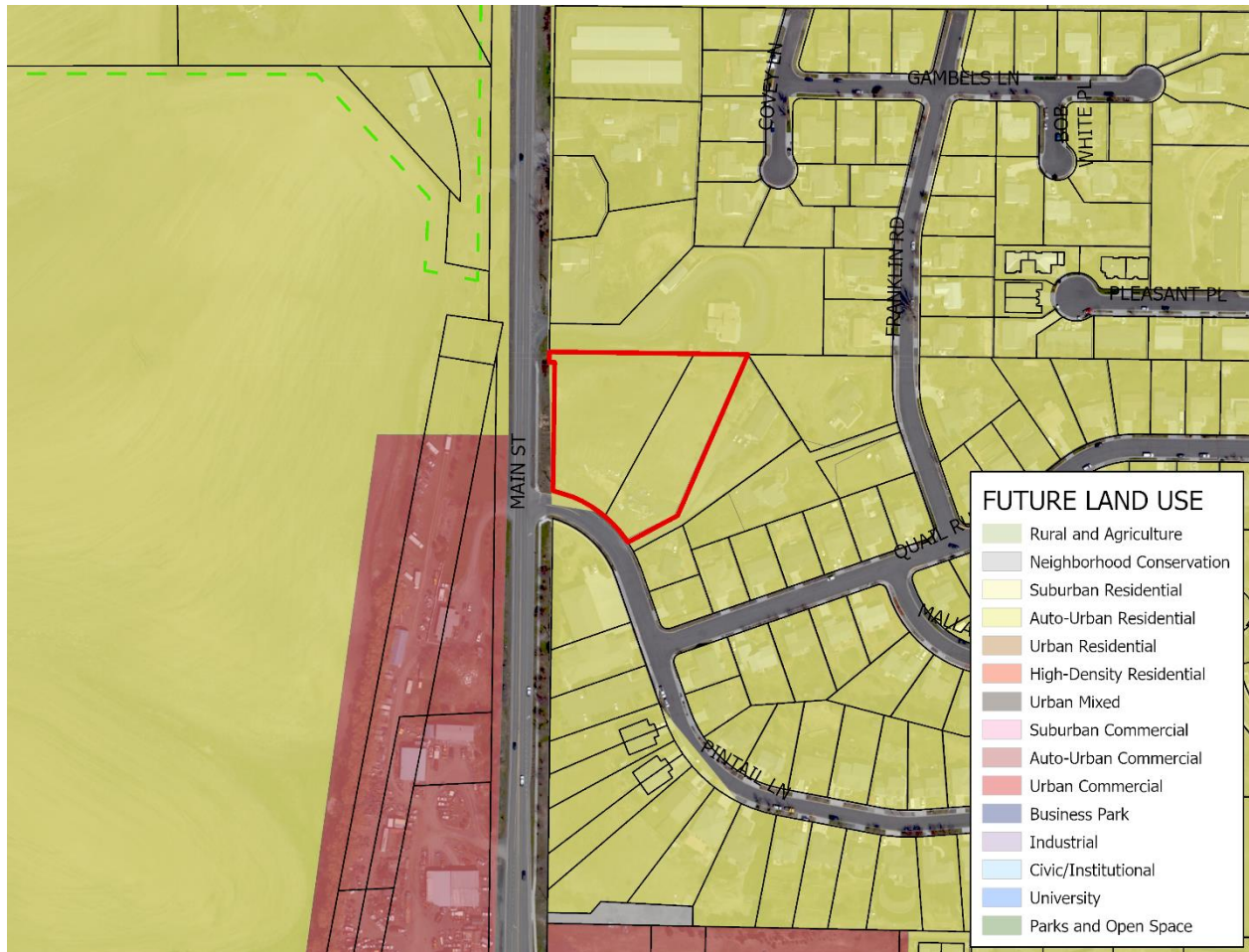


Topography Map

Comprehensive Plan Land Use Designation: The subject property is currently designated by the 2019 Comprehensive Plan as Auto-Urban Residential (AU-R). According to the Comprehensive Plan, AU-R designated areas,

“designated areas contain predominantly single-family detached homes on lots ranging from 7,000 to 11,000 square feet in size and are more isolated from surrounding uses which may require residents to rely more on automobile transportation. This designation includes those areas generally anticipated to be developed for low- to moderate-density residential uses at densities between three to six units per acre which could include a mix of detached single-family, twinhome, and townhome residential dwellings. Appropriate current zoning for Auto-Urban Residential designated areas include Low Density Residential (R-1), Moderate Density Single Family Residential (R-2) and Medium Density Residential (R-3) in order to include a mixture of attached and detached dwellings where appropriate.”

All surrounding land is currently designated as Auto-Urban Residential, with the exception of the property across Highway 95 to the west which is designated as Auto-Urban Commercial.



Current Comprehensive Plan Land Use Designations

Zoning: The subject property is currently designated as the Medium Density Residential (R-3) Zoning District. A large portion of the properties on Pintail Lane are also located within the R-3 Zone until they transition to the Moderate Density Residential (R-2) Zone to the east. Properties on the west side of Highway 95 are designated as Motor Business (MB) and Agriculture Forestry (AF).

The Medium Density Residential (R-3) Zoning District provides for an increase over the density allowed by the R-2 zoning district by permitting different types of housing construction. It is appropriate where activity levels are moderate, terrain permits construction of somewhat larger structures, and where public systems and neighborhood facilities can accommodate a greater intensity of land use as guided by the Comprehensive Plan.

Uses permitted within the R-3 Zone include single-family dwellings, two family dwellings, twinhomes, townhouses, market and community gardens, group and small child care facilities, and public parks and recreation facilities.



Current Zoning

PRELIMINARY PLAT

The applicant is proposing to subdivide the 2.08-acre property to create seven (7) lots ranging from 4,868 square feet to 1.27 acres in size, referred to as the Replat of Lot 12 and Lot 13, Block 3 of the Quail Run Addition. The proposal includes six (6) twinhome lots and one (1) single family lot.

Within the R-3 Zone, single family lots are required to have a minimum lot area of 6,000 square feet in size and a minimum lot width of 60 feet. Twinhome lots are required to have a 3,250 square foot minimum lot size and a 30-foot minimum lot width.

Water: Water services are currently extended to the subject property from Pintail Lane. The property is considered developable in the City's Comprehensive Water System Plan dated January 2012. Engineering has determined that the existing system has adequate potable and fire flows to serve the proposed subdivision.

It is anticipated that under commonly observed household water use within the City (114 gallons per day per occupant) that the proposed development could be reasonably anticipated to use approximately 655,357 thousand gallons of water per year (20 du x 2.25 occupants/du x 114 gallons/occupant x 365 days/year = 655,357 thousand gallons/year).

Sanitary Sewer: Sanitary sewer is currently located within Pintail Lane and the proposed lots will connect to the existing sewer main. Engineering has determined that the system has adequate capacity to convey the additional flow from the development. The subject property is considered developable in the Comprehensive Sewer System Plan dated September 2011.

Storm Sewer: The storm sewer for the subdivision is proposed to be detained on-site and then conveyed to the existing storm sewer main within Pintail Lane. The stormwater system of the proposed development will need to meet Moscow's Stormwater Runoff Control Standards which require the stormwater to be detained to the pre-development rate.

Access, Streets, Traffic: The subject property is located adjacent to Pintail Lane which is designated as a local neighborhood street and Highway 95 which is designated as a national highway. Current and proposed access to the proposed lots is via an existing shared driveway on an adjacent lot to the east which contains an access easement. The proposed lots are proposing to continue to utilize the shared driveway, and an access easement is proposed across all of the lots for the continuation of the shared access drive.

Pintail Lane adjacent to the subject property is constructed to a local residential street standard which includes a 34-foot-wide roadway with two travel lanes and curbing, gutters, and tree lawns on both sides of the street, and a sidewalk on the west side of the street.

Highway 95 is constructed to a 30-foot-wide paved roadway with two 12-foot-wide northbound and southbound travel lanes. A designated right-hand turn lane northbound onto Pintail Lane currently exists, as well as gravel shoulders on both sides of the highway.

Input from other Agencies:

Engineering Division (Community Development Department)

The Engineering Division has provided comments within an attached memo from Todd Drage, Principal Engineering Technician, dated September 21, 2023.

Parks Division (Public Works Department)

The Parks Division has provided parkland dedication requirements within an attached memo from David Schott, Parks and Facilities Manager, dated September 20, 2023.

RELEVANT CRITERIA & STANDARDS:

1. The proposed subdivision is in conformance with all applicable City Code requirements;
2. The proposed subdivision is in general conformance with the Comprehensive Plan;
3. Public Services and utilities are available or can be made available and are adequate to accommodate the proposed subdivision; and
4. The proposed subdivision will not be detrimental to the public health, safety, or general welfare.

RECOMMENDATIONS:

The Planning and Zoning Commission conducted a public hearing on this matter on September 27, 2023 and recommended approval of the proposed preliminary plat with no conditions.

1. After conducting the public hearing and upon consideration of testimony received, approve the preliminary plat with no conditions.
2. In accordance with the decision upon the preliminary plat, adopt the Planning and Zoning Commission's Reasoned Statement of Relevant Criteria.

NOTICE OF PUBLIC HEARING

Proposal for a Preliminary Subdivision Plat for property generally located at the northeast corner of Highway 95 and Pintail Lane and legally described as Lot 12 and Lot 13, Block 3 of the Quail Run Addition to the City of Moscow. Permit Application LUP2023-0017.

A public hearing at which you may be present and speak will be conducted by the City Council of the City of Moscow at which time the following proposal will be considered:

1. Proposed Replat of a 2.08-acre property to create seven (7) lots with an average lot size of 12,931 square feet, referred to as the Replat of Lot 12 and Lot 13, Block 3 of the Quail Run Addition.

The City of Moscow Planning and Zoning Commission conducted a public hearing for the proposed preliminary plat on September 27, 2023 and recommended approval to City Council.

MEETING DATE: Monday, November 6, 2023

HEARING LOCATION: Council Chambers on the Second Floor of Moscow City Hall
206 East Third Street, Moscow, Idaho

MEETING TIME: 7:00 p.m.

Note: Meeting start time is not necessarily indicative of the hearing start time for the proposal advertised in this notice. Multiple hearings and/or agenda items may make it difficult to determine hearing start time, which could occur late in the meeting. The file containing information on this matter is available for public review at the Community Development Department located in the Haddock Building, 504 S. Washington Street, Moscow, Idaho. Call 883-7035 to get a meeting agenda and further information about the matter.

Verbal testimony at the hearing is generally limited to three (3) minutes time. Minor amounts of written materials (less than two (2) pages) may be submitted to the hearing body at any time prior to the close of comments, as determined by the hearing body. More in-depth written materials require at least five (5) calendar days for review prior to the hearing. You may obtain further information about the public hearing process and procedures on the City's Website at: <https://www.ci.moscow.id.us/593/Public-Hearing-Notices>



Laurie M. Hopkins, Moscow City Clerk


Jennifer Fleischman, Deputy City Clerk

Publish: Saturday, October 21, 2023

PLANNING & ZONING COMMISSION



Robb Parish
Commission Chair
P&Z@ci.moscow.id.us

Regular Meeting ~Minutes~

Mike Ray
Staff Liaison
208.883.7008

<https://www.ci.moscow.id.us/457/Planning-Zoning-Commission>

**Wednesday
September 27, 2023**

7:00 PM

**Council Chambers
206 E Third Street**

Parish called the meeting to order at 7:00 PM

MEMBERS PRESENT: Robb Parish, Chair; Rich Beebe, Scott Gropp, Joel Hamilton, Cole Mize, Nels Reese, Victoria Seever, Dennis Wilson
MEMBERS ABSENT: Sue Scott
OTHERS: Gina Taruscio
STAFF: Jennifer Fleischman, Mike Ray

REGULAR AGENDA

1. Approval of September 13, 2023 Minutes (ACTION ITEM)

Wilson moved for approval of the minutes as written, seconded by Seever. Roll Call Vote; Ayes: Beebe, Gropp, Hamilton, Mize, Reese, Seever, Wilson (7). Nays: None. Abstentions: Parish (1). Motion carried.

2. Public Comment

Time limit 15 minutes. Members of the Public may speak to the Commission regarding matters NOT on the Agenda nor currently pending before the Planning and Zoning Commission. Please state your name and resident city for the record and limit your remarks to three (3) minutes.

None.

3. Public Hearing: Proposal for a Preliminary Subdivision Plat for property generally located at the northeast corner of Highway 95 and Pintail Lane and legally described as Lot 12 and Lot 13, Block 3 of the Quail Run Addition to the City of Moscow. Permit Application LUP2023-0017 (ACTION ITEM)

1. Proposed Replat of a 2.08-acre property to create seven (7) lots with an average lot size of 12,931 square feet, referred to as the Replat of Lot 12 and Lot 13, Block 3 of the Quail Run Addition.

Ray presented the proposed replat as described above, and recommended approval with no conditions. The twin-home lots would extend north and south, all the way to Pintail Lane, with an access easement across the lots for a shared driveway. The unused land on the front could be used as stormwater detention. The Engineer's recommendation would be met during the construction stage of the project, if it was approved for development. There are two primary points of access to the whole Quail Run subdivision; one off of North Highway 95 and the other from Polk Street Extension.

Public Hearing opened at 7:11 PM

Nuri Nimmer (applicant's engineer), Moscow, offered to answer any questions from the Commissioners, of which there were none.

Kalab Fisher, Moscow, utilizes the adjacent driveway that has an access agreement with the subject lots. He does not think that the easement was designed for the proposed use. If the easement agreement were to be

renegotiated, it would be up to the individual owners to reach an agreement, not the City. The original plat was zoned as R-3, which was intended for multi-family dwellings. There was a brief discussion about property lines and the access road.

Megan Lamb, Moscow, was concerned about the access road being widened and paved, and who would be responsible for maintenance. She wanted to know where the property lines would be in regards to the expanded road. The applicants informed neighbors at the neighborhood public meeting that they would help establish the property lines.

Erich Seamon, Moscow, was concerned about an increase in traffic along Pintail Lane impacting the primary access to North Highway 95. If there was traffic backed up, fire engines could struggle to get through the intersection.

Nuri Nimmer, Moscow, provided clarification on the number of families who would use the access road. The current driveway is graveled, but would be paved to a 20-foot width, with the possibility of a retaining wall on the south side. The lot to the south has existing landscaping that encroaches on the subject property. The road widening would not infringe onto other property, and any grading issues would be solved with a retaining wall. It is unknown how many current subdivision occupants use the N Hwy 95 access as opposed to Polk Street Extension.

Public Hearing closed at 7:28 PM

The Idaho Department of Transportation does not require a traffic impact study for the proposed replat. When the Quail Run subdivision was originally platted in the 1990's, a traffic impact study would have been conducted at that time, if it was required. The projected increase in traffic is estimated to be only 50 additional daily trips, based on average counts, and the Commission talked about how this is a good infill project. The developer was strongly encouraged to work with the neighboring properties regarding the access easement and expanded driveway. The proposed addition of six additional units to the approximate 250 dwellings would have minimal impact on the subdivision.

Wilson moved for approval of the replat of Lot 12 and Lot 13, Block of Quail Run Addition as written, seconded by Beebe. Roll Call Vote; Ayes: Unanimous (8). Nays: None. Abstentions: None. Motion carried.

Wilson moved to direct Staff to draft the Relevant Criteria and Standards, seconded by Hamilton. Roll Call Vote; Ayes: Unanimous (8). Nays: None. Abstentions: None. Motion carried.

REPORTS

1. Transportation Commission meeting report.

Hamilton said he has not seen an agenda for the next meeting yet.

- Joint meeting with City Council is still planned and will be scheduled sometime later this fall.
- PBAC has a new Director and the Commissioners would like to schedule a time for them to present new information, possibly during a meeting in November.

ANNOUNCEMENTS

UPCOMING EVENTS/MEETINGS

The next Planning & Zoning Commission meeting is scheduled for October 11, 2023.

The next meeting will be rescheduled from October 11th to October 18th, and the second meeting in October will be cancelled.

Parish declared the meeting adjourned at 7:39 PM



Robb Parish, Chair

**BEFORE THE PLANNING AND ZONING COMMISSION
OF THE CITY OF MOSCOW, COUNTY OF LATAH,
STATE OF IDAHO**

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS REGARDING A REQUEST FOR A PRELIMINARY SUBDIVISION PLAT OF A TWO POINT ZERO EIGHT (2.08) ACRE AREA OF LAND LOCATED AT THE NORTHEAST CORNER OF HIGHWAY 95 AND PINTAIL LANE AND LEGALLY DESCRIBED AS LOT 12 AND LOT 13, BLOCK 3 OF THE QUAIL RUN ADDITION TO THE CITY OF MOSCOW, IDAHO.

WHEREAS, the applicant filed an application for a Preliminary Subdivision Plat on August 16, 2023; and

WHEREAS, this matter came before the Moscow Planning and Zoning Commission during a duly noticed public hearing on September 27, 2023; and

WHEREAS, having reviewed the application, including all exhibits entered, and having considered the issues presented by the applicant and the opponents:

THE PLANNING AND ZONING COMMISSION OF THE CITY OF MOSCOW, IDAHO, AFTER DUE DELIBERATION AND CONSIDERATION, HEREBY CONCLUDES:

I. RELEVANT FACTS AND CONCLUSIONS

1. The Planning and Zoning Commission considered the request pursuant to the City of Moscow 2019 Comprehensive Plan, City of Moscow Zoning Ordinance, the Local Land Use Planning Act, and other applicable development regulations.
2. The subject property is a two point zero eight (2.08) acre area of land located at the northeast corner of Highway 95 and Pintail Lane and legally described as Lot 12 and Lot 13, Block 3 of the Quail Run Addition to the City of Moscow.
3. The subject property is currently undeveloped and comprised of two previously platted lots within the Quail Run subdivision which was approved in 1995. The subject property has property frontage on Pintail Lane and Highway 95, but is accessed via a shared driveway from Pintail Lane. North, east, and south of the subject property is developed with a combination of single family and two-family dwellings. Fire Station 3 is located on the south side of Pintail Lane, to the south of the subject property. Across Highway 95 to the west is a single-family dwelling and junk yard and towing business.
4. The subject property contains areas of extreme sloping topography with slopes up to 45% as the property gains elevation to the northeast. There are no drainage ways or natural features that have been identified upon the subject property.
5. The subject property is currently designated as Auto-Urban Residential (AU-R). AU-R designated areas,

“designated areas contain predominantly single-family detached homes on lots ranging from 7,000 to 11,000 square feet in size and are more isolated from surrounding uses which may require residents to rely more on automobile transportation. This designation includes those

areas generally anticipated to be developed for low- to moderate-density residential uses at densities between three to six units per acre which could include a mix of detached single-family, twinhome, and townhome residential dwellings. Appropriate current zoning for Auto-Urban Residential designated areas include Low Density Residential (R-1), Moderate Density Single Family Residential (R-2) and Medium Density Residential (R-3) in order to include a mixture of attached and detached dwellings where appropriate.”

6. All surrounding land is currently designated as Auto-Urban Residential, with the exception of the property across Highway 95 to the west which is designated as Auto-Urban Commercial.
7. The subject property is currently designated as the Medium Density Residential (R-3) Zoning District. A large portion of the properties on Pintail Lane are also located within the R-3 Zone until they transition to the Moderate Density Residential (R-2) Zone to the east. Properties on the west side of Highway 95 are designated as Motor Business (MB) and Agriculture Forestry (AF).
8. The Medium Density Residential (R-3) Zoning District provides for an increase over the density allowed by the R-2 zoning district by permitting different types of housing construction. It is appropriate where activity levels are moderate, terrain permits construction of somewhat larger structures, and where public systems and neighborhood facilities can accommodate a greater intensity of land use as guided by the Comprehensive Plan.
9. Uses permitted within the R-3 Zone include single-family dwellings, two family dwellings, twinhomes, townhouses, market and community gardens, group and small child care facilities, and public parks and recreation facilities.
10. The applicant is proposing to subdivide the 2.08-acre property to create seven (7) lots ranging from 4,868 square feet to 1.27 acres in size, referred to as the Replat of Lot 12 and Lot 13, Block 3 of the Quail Run Addition. The proposal includes six (6) twinhome lots and one (1) single family lot.
11. Within the R-3 Zone, single family lots are required to have a minimum lot area of 6,000 square feet in size and a minimum lot width of 60 feet. Twinhome lots are required to have a 3,250 square foot minimum lot size and a 30-foot minimum lot width.
12. Water services are currently extended to the subject property from Pintail Lane. The property is considered developable in the City’s Comprehensive Water System Plan dated January 2012. Engineering has determined that the existing system has adequate potable and fire flows to serve the proposed subdivision.
13. It is anticipated that under commonly observed household water use within the City (114 gallons per day per occupant) that the proposed development could be reasonably anticipated to use approximately 655,357 thousand gallons of water per year (20 du x 2.25 occupants/du x 114 gallons/occupant x 365 days/year = 655,357 thousand gallons/year).
14. Sanitary sewer is currently located within Pintail Lane and the proposed lots will connect to the existing sewer main. Engineering has determined that the system has adequate capacity to convey the additional flow from the development. The subject property is considered developable in the Comprehensive Sewer System Plan dated September 2011.
15. The storm sewer for the subdivision is proposed to be detained on-site and then conveyed to the existing storm sewer main within Pintail Lane. The stormwater system of the proposed development will need to meet Moscow’s Stormwater Runoff Control Standards which require the stormwater to be detained to the pre-development rate.
16. The subject property is located adjacent to Pintail Lane which is designated as a local neighborhood street and Highway 95 which is designated as a national highway. Current and

proposed access to the proposed lots is via an existing shared driveway on an adjacent lot to the east which contains an access easement. The proposed lots are proposing to continue to utilize the shared driveway, and an access easement is proposed across all of the lots for the continuation of the shared access drive

17. Pintail Lane adjacent to the subject property is constructed to a local residential street standard which includes a 34-foot-wide roadway with two travel lanes and curbing, gutters, and tree lawns on both sides of the street, and a sidewalk on the west side of the street.
18. Highway 95 is constructed to a 30-foot-wide paved roadway with two 12-foot-wide northbound and southbound travel lanes. A designated right-hand turn lane northbound onto Pintail Lane currently exists, as well as gravel shoulders on both sides of the highway
19. The applicant conducted a neighborhood meeting with affected property owners within 600 feet of the subject property on August 10, 2023 to discuss the proposed preliminary plat.

BASED ON THE ABOVE RELEVANT FACTS AND CONCLUSIONS, THE PLANNING AND ZONING COMMISSION OF THE CITY OF MOSCOW HEREBY FINDS THE FOLLOWING RELEVANT CRITERIA AND STANDARDS:

II. RELEVANT CRITERIA AND STANDARDS

1. **The proposed subdivision is in conformance with all applicable City Code requirements.** The proposed preliminary plat is consistent with and in conformance with the requirements and provisions of the Medium Density Residential (R-3) Zoning District, including lot area, dimensions and other relevant provisions. The proposed preliminary plat is also in conformance with the general requirements of the Moscow Subdivision Ordinance including, but not limited to, the provision of the logical and orderly connection to the City's street network, public utilities, and the provision of public parkland.
2. **The proposed subdivision is in general conformance with the Comprehensive Plan.** The proposed preliminary plat is consistent with the City of Moscow Comprehensive Plan and provides for the logical and orderly infill development within an existing subdivision. The proposed lots sizes and densities are consistent with the Comprehensive Plan Land Use designation of Auto-Urban Residential.
3. **Public Services and utilities are available or can be made available and are adequate to accommodate the proposed subdivision.** The subject property has direct access to Pintail Lane which is a local neighborhood street and is near the intersection with Highway 95. Water and sewer services currently exist in Pintail Lane. The Engineering Department has determined that the existing system has adequate potable and fire flows and sewer capacity to serve the proposed subdivision.
4. **The proposed subdivision will not be detrimental to the public health, safety, or general welfare.** The proposed preliminary plat provides for infill development within an existing subdivision and will not be detrimental to the public health, safety, or general welfare.

III. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the Planning and Zoning Commission of the City of Moscow recommends approval of the preliminary subdivision plat request for the two point zero eight (2.08) acre area of land located at the northeast corner of Highway 95 and Pintail Lane and legally described as Lot 12 and Lot 13, Block 3 of the Quail Run Addition with no conditions.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF MOSCOW this

18th day of October, 2023.



Robb Parish, Chair
Planning and Zoning Commission



**CITY OF MOSCOW
COMMUNITY DEVELOPMENT**
Ph.: 208-883-7035
504 S. Washington Street
jfleischman@ci.moscow.id.us

For City Use Only			
Date Received			
Dept	Fee Type	Fees	Paid
CDV	Application Fee	\$955.00	
Receipt Number			

APPLICATION FOR PRELIMINARY SUBDIVISION PLAT

(Please type or print plainly with blue ink.)

APPLICANT:

Name: RMR Construction LLC Telephone: 208.859.4941

Complete Address: P.O. Box 10001 Moscow, ID 83843

E-Mail: smisek@moscow.com Fax: _____

OWNER: (if other than applicant)

Name: _____ Telephone: _____

Complete Address: _____

E-Mail: _____ Fax: _____

ENGINEER/SURVEYOR:

Name: Nuri Nimmer Telephone: 208.882.3520

Complete Address: 405 S Washington St Moscow, ID 83843

E-Mail: nurinimmer@moscow.com Fax: _____

Primary point of contact (select one): Applicant _____ Owner _____ Engineer/Surveyor ☒ _____

PROPERTY:

1. Proposed Subdivision Name: Replat of Lot 12 and Lot 13 of Block 3 Quail Run Addition

2. Address(as) or Parcel Number(s): RPM080250030130A and RPM08250030120A

3. Legal Description: *Please attach copy of full description.*

4. Gross area of all land involved: 2.08± acres, and/or _____ sq. ft.

5. Total Net Area of land area exclusive of proposed or existing public street and other public lands:

2.08± acres, and/or _____ square feet.

6. Total number of lots: 7 Average lot size: 12,931 sq. ft.

7. Existing Zoning of subject property: R-3

SEWER AND WATER MAIN OVERSIZING REIMBURSEMENT POLICY

Oversizing of utilities will not be eligible for reimbursement from the City unless a written request is submitted to the City Engineer prior to approval of the project construction drawings and a written approval of such request is issued by the City Engineer.

PROJECT DESCRIPTION:

Please describe the concept of the proposed subdivision and approximate percentage (%) of each proposed new land use, i.e. 75% single family residential; 20% multi-family; 5% commercial. Also include any proposed park land and the acreage:

100% Single Family Residential

PRELIMINARY PLAT CHECKLIST:

- ☒ 1. Subdivision name
- ☒ 2. Location: Section, Township, Range
- ☒ 3. Subdivider's name & address
- ☒ 4. Engineer/surveyor name & address
- ☒ 5. Date of subdivision
- ☒ 6. Reference to adjoining subdivisions with names
- ☒ 7. North arrow
- ☒ 8. Scale, not less than 1 in. = 60 ft.
- ☒ 9. Existing and proposed right-of-way or public tracts with widths and names
- ☒ 10. Lot and block layout with numbering and dimensions
- ☒ 11. Existing zoning designation, or proposed if a rezone is requested
- ☒ 12. All existing and proposed easements of record stating width and purpose
- ☒ 13. Location of any existing open spaces or permanent structures
- ☒ 14. General layout of sewer and water utilities
- ☒ 15. Proposed phasing, if any
- ☒ 16. Acreage breakdown with gross and net (less right-of-way)
- ☒ 17. Plan/profile of proposed street grades
- ☒ 18. Existing Topography*
- ☒ 18. Proposed finished grading plan*
- ☒ 19. Location of any delineated wetlands and/or water bodies and, if applicable, the floodway and 100-year floodplain (BFE data must be included if the plat is ≥ 5 acres or ≥ 50 lots)
- ☒ 20. Vicinity sketch

*5' max. contour interval, except for slopes $> 50\%$ may have 10' interval) Areas with existing slopes $\geq 20\%$ shall be shaded or clearly indicated on the plans.

SUBMITTAL:

A Subdivision application is made by submitting the following information to the Community Development Department:

- Completed application.
- Copy of neighborhood meeting invitation, mailing list, attendance list and minutes.
- Payment of application fees.
- One full-sized Preliminary Plat Map and one electronic copy.

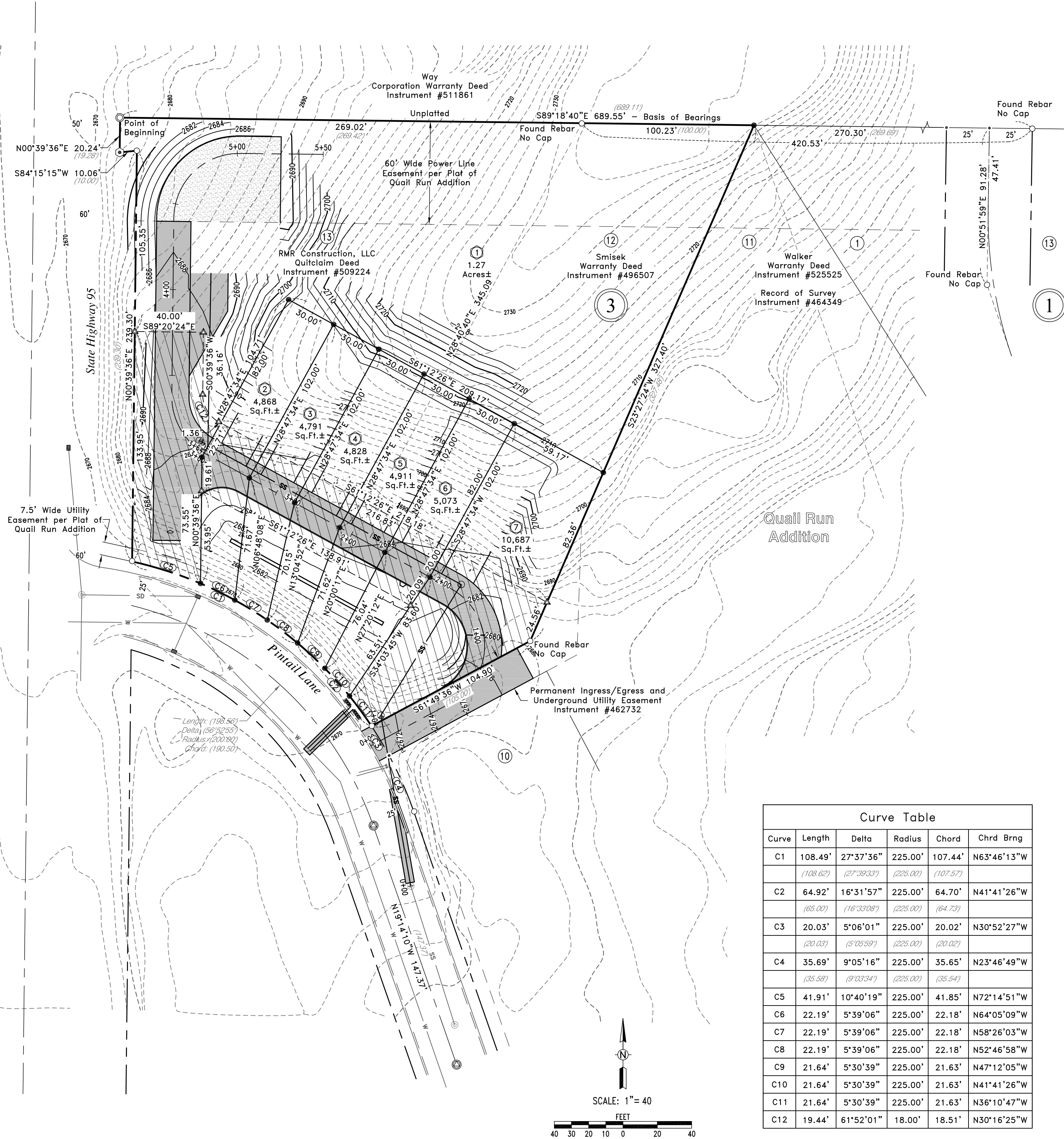
I understand this information is a public record and may be posted to a public website.

RMR Construction LLC
Applicant's Signature By Gary Sule

8/16/23
Date

Property Owner's Signature (if different)

Date



Legal Description

A parcel of land, being Lots 12 & 13 of Block 3 of Quail Run Addition to the City of Moscow, Instrument #626554, Latah County Records, located in the Southwest Quarter of the Southwest Quarter of Section 5, Township 39 North, Range 5 West, Boise Meridian, Latah County, Idaho, described as follows:

Beginning at the northwest corner of Quail Run Addition to the City of Moscow, Instrument #414835, Latah County Records, Thence along the north line thereof the following two courses:
S89°18'40"E, 269.02 feet to the northwest corner of Lot 12 of Block 3 of said Quail Run Addition;
Thence S89°18'40"E, 100.23 feet to the northmost corner of Lot 11 of Block 3 of said Quail Run Addition;
Thence along the west boundary of said Lot 11 the following two courses:
S23°27'24"W, 327.40 feet;
Thence S61°49'36"W, 104.90 feet to the north right-of-way line of Pintail Lane;
Thence along said north right-of-way line the following two courses:
64.92 feet along a curve to the left, said curve having a Delta = 16°31'57";
Radius = 225.00 feet, Chord = 64.70 feet and a Chord Bearing = N41°41'26"W to the southeast corner of Lot 13 of Block 3 of Quail Addition;
Thence 108.49 feet along a curve to the left, said curve having a Delta = 27°37'36", Radius = 225.00 feet, Chord = 107.44 feet and a Chord Bearing = N63°46'13"W to the southwest corner of Block 3 of Quail Addition and a point on the east right-of-way line of State Highway 95;
Thence along said east right-of-way line and along the west boundary of said Block 3 the following three courses:
N00°39'36"E, 239.30;
Thence S84°15'15"W, 10.06 feet;
Thence N00°39'36"E, 20.24 feet to the Point of Beginning.

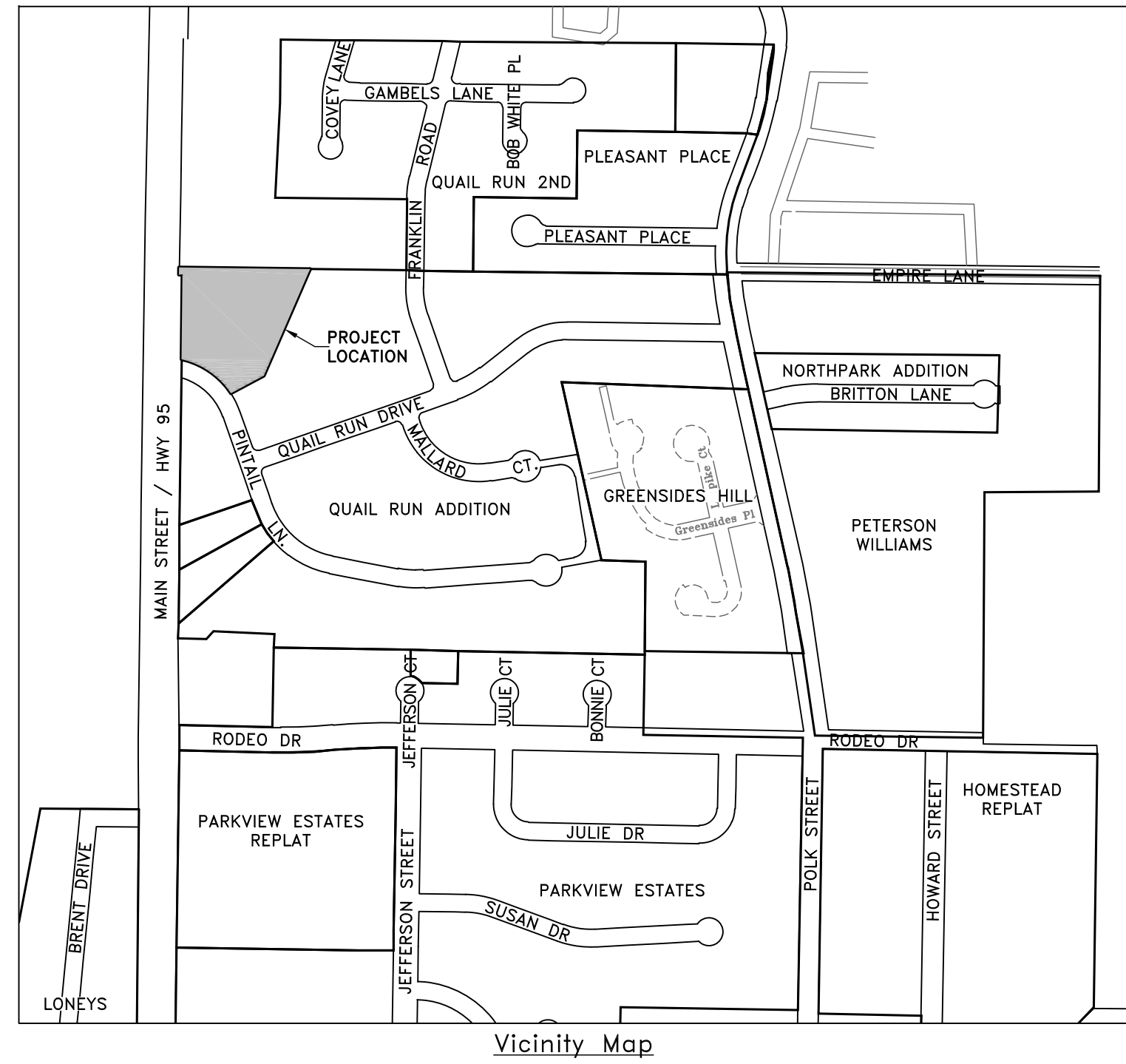
Parcel contains 2.08 Acres, more or less.

Notes

1. Plat area and areas to the south and west currently are Zoned R-3. Areas to the north and east are Zoned R-2.
2. Total Plat Area: 90,519 Square Feet± (2.08 Acres±)
Net Lot Area: 90,519 Square Feet± (2.08 Acres±).
3. No delineated wetlands or water bodies on site. Area not subject to flood hazards.
4. Subject to 60 foot wide power line easement per Plat of Quail Run Addition. Also subject to 7.5 foot wide utility easement per Plat of Quail Run Addition.

Basis of Bearings

The Basis of Bearings for this survey is identical to the Idaho Coordinate System, West Zone, NAD 83 as shown between the found northwest corner of Quail Run Addition and the found northwest corner of Block 1 said Quail Run Addition, said bearing being S89°18'40"E.



Legend

- Set 5/8" Diameter Rebar w/Aluminum Cap Stamped "PLS 17534"
- Set 1/2" Diameter Rebar w/Plastic Cap Stamped "Easement PLS 17534"
- Found Aluminum Cap Centerline Monument Stamped "Hodge 3003" in Case
- Found ITD Brass Cap Right-of-Way Monument
- Found 2" Diameter Iron Pipe
- Found 5/8" Diameter Rebar w/ Plastic Cap Stamped "Hodge 3003" or as Described
- Calculated Position
- Curve Data - See Curve Table
- Lot Number - This Replatting
- Quail Run Block Number
- Quail Run Lot Number
- Record Data - Per Quail Run Addition
- Replat Boundary Line
- Lot Boundary Line - This Replatting
- Existing Lot/Parcel Boundary Line
- Original Quail Run Lot Line, No Longer Parcel Boundary
- Centerline
- Right-of-Way
- Public Access and Utility Easement This Replatting
- Existing Easement
- Water Line
- Sanitary Sewer Line
- Storm Drain Line
- Existing 2' Contour Interval
- Proposed 2' Contour Interval
- Asphalt Paving
- Concrete Paving
- Gravel Paving

PRELIMINARY
NOT FOR
CONSTRUCTION

Preliminary Replat of Lot 12 and Lot 13, Block 3 of Quail Run Addition

Preliminary Plat
RMR Construction LLC
P.O. Box 10001
Moscow, Idaho
(208) 859-4941

Designed By: SW/NN
Drafted by: SW/NN
Checked by:
File Name: 4643 Prelim Replat.dwg
Tab: Replat
Layer Style: TOPO
Plot Style: Primary.ctb
Project: 4643-03-23
Date: 9/18/23

462732

NO. _____
 AT THE REQUEST OF:
City of Moscow
 DATE & HOUR:
 1/16/02 11:18 AM
 SUSAN PETERSEN
 LATAH COUNTY RECORDER
 BY: *[Signature]*
 FEE \$ _____
 P&B 9203
 Moscow, Id. 83843

PERMANENT INGRESS / EGRESS AND UNDERGROUND UTILITIES EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that BFH & H, INC., an Idaho Corporation, GRANTOR, being the owner of the following described real property effected hereby, situated in Latah County, State of Idaho, to-wit:

Parcel D of Lot 11, Quail Run Addition to the City of Moscow, Idaho, as shown by the recorded record of survey under Recorder's Fee No. 436872, records of Latah County, Idaho.

for one dollar (\$1) and other good and valuable consideration the receipt of which is hereby acknowledged, does hereby convey and dedicate unto the CITY OF MOSCOW, IDAHO, an Idaho municipal corporation, GRANTEE, 206 East Third Street, Moscow, Idaho 83843, being the owner of the following described real property situated in Latah County, State of Idaho, to-wit:

Lot 12 and Lot 13 of Block 3 of the Quail Run Addition to the City of Moscow, Idaho as shown on recorded plat under Recorder's Fee No. 414835, records of Latah County, Idaho.

a permanent easement for ingress/egress on, over, and across the following described parcel, and a permanent easement and right-of-way in which to construct and maintain underground utilities across the following described parcel located in the City of Moscow, Latah County, Idaho, as shown on the attached Exhibit 'A' and being more particularly described as follows:

A portion of Parcel D of Lot 11, Quail Run Addition, as shown by the recorded record of survey under Recorder's Fee No. 436872, records of Latah County, Idaho, located in the southwest quarter of Section 5, Township 39 North, Range 5 West, Boise Meridian, Latah County, Idaho, and being more particularly described as follows:

Beginning at the most southerly corner of Lot 12, Block 3 of Quail Run Addition to the City of Moscow, Idaho, said point being on the westerly right-of-way line of Pintail Lane and common to the most westerly point of Lot 11 of said Block 3; thence N61°46'52"E 105.00 feet along the south boundary of said Lot 12 to the southeast corner of said Lot 10; thence N23°33'21"E 75.00 feet along the southeast boundary of said Lot 10; thence S02°08'52"W 76.97 feet; thence S61°46'52"W 20.00 feet to the northeast corner of Lot 10 of said Block 3; thence continuing S61°46'52"W 104.11 feet along the north boundary of said Lot 10 to the easterly right-of-way line of Pintail Lane; thence northwesterly 20.03 feet along a curve concave to the southwest, said curve having a radius of 225.00 feet, a central angle of 05°05'59" and a chord bearing N30°46'09"W 20.02 feet, to the point of beginning.

GRANTOR, its successors and assigns, reserve the right to improve said easement area as long as such improvement shall not unreasonably interfere with the construction, operation, maintenance, repair and/or reconstruction of GRANTEE'S ingress/egress and/or underground utilities. GRANTOR agrees that it and its heirs or assigns will not

build or place any new encroachment thereon which will unreasonably interfere with the right of GRANTEE.

GRANTEE, its agents, transferees, successors and assigns shall have the right to perform any maintenance it may deem necessary or wish to exercise in connection with the aforesaid ingress/egress or utilities (including, but not limited thereto, the right to make necessary repairs, alterations, and removals or replacement thereof). Upon exercising these rights, GRANTEE shall restore the property to its prior condition and shall compensate GRANTOR, its successors or assignees, for any damages suffered.

It is expressly intended that these rights, burdens and restrictions shall run with the land, both dominant tenement and servient tenement and shall forever bind GRANTOR, its successors and assigns.

IN WITNESS WHEREOF, they have hereunto set their hand and seal this 15 day of January, 2002.

OWNER:

BFH & H, INC.

By: Frank Bening
Frank Bening, President

STATE OF IDAHO)
)ss
COUNTY OF LATAH)

On this 15 day of January, 2002, before me, a Notary Public of the State of Idaho, personally appeared Frank Bening, known to me to be the persons described in the foregoing document and acknowledged to me that they executed the same on behalf of and as President of BFH & H, INC.



Daphnea Mage
Notary Public for the State of Idaho

Residing at Snescow

Commission expires: 10-12-07

462732

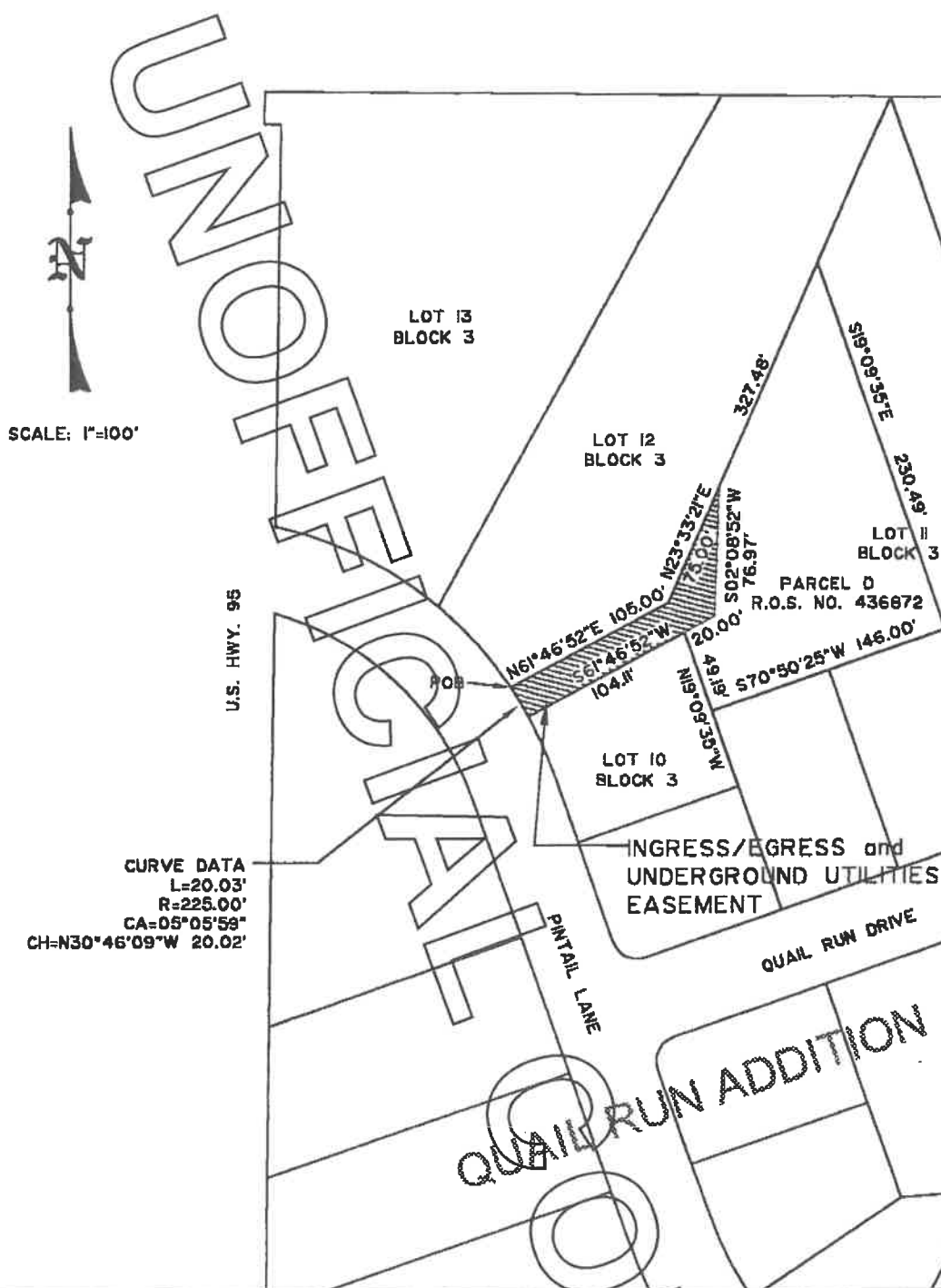


EXHIBIT 'A'

INGRESS / EGRESS EASEMENT
and
UNDERGROUND UTILITIES EASEMENT

January 9, 2002

NAME	ADDRESS	ADDRESS 2	CITY ST ZIP
A+ STORAGE LLC	941 PLUM CT		MOSCOW, ID 83843
ALDERETE, PAUL	376 PLEASANT PL		MOSCOW, ID 83843
ALLEN, THOMAS	1443 BOBWHITE PL		MOSCOW, ID 83843
AOKI, WILLIAM	348 PINTAIL LN		MOSCOW, ID 83843
ATTEBURY, RICH	351 QUAIL RUN DR		MOSCOW, ID 83843
AUSER, SHIRLEY	459 PARADISE DR		MOSCOW, ID 83843
BAKER, RUSSELL	1376 FRANKLIN RD		MOSCOW, ID 83843
BAKER, RUSSELL JR	1428 FRANKLIN RD		MOSCOW, ID 83843
BAUGUS LIVING TRUST	1324 FRANKLIN RD		MOSCOW, ID 83843
BECKER HOLDINGS LLC	1421 29TH ST #12		LEWISTON, ID 83501
BECKER, KEITH	267 GAMBELS LN		MOSCOW, ID 83843
BOHNER, NATHANIEL	271 QUAIL RUN DR		MOSCOW, ID 83843
BRANDT, STEVEN	1027 HIGHWAY 95 N		MOSCOW, ID 83843
BRANNOCK, WAYNE	268 QUAIL RUN DR		MOSCOW, ID 83843
BRANTING, SUSAN	363 QUAIL RUN DR		MOSCOW, ID 83843
BREESE, JOHN	241 PINTAIL LN		MOSCOW, ID 83843
BREESE, JON	252 PINTAIL LN		MOSCOW, ID 83843
BROWN, STUART	1467 COVEY LN		MOSCOW, ID 83843
BUCHERT, ROBERT	319 GAMBELS LN		MOSCOW, ID 83843
CARLSON, DANA	354 QUAIL RUN DR		MOSCOW, ID 83843
CHENG, HENRY	316 PINTAIL LN		MOSCOW, ID 83843
CITY OF MOSCOW	COMMUNITY DEVELOPMENT	504 S WASHINGTON ST	MOSCOW, ID 83843
COMSTOCK, PETER	382 MALLARD CT		MOSCOW, ID 83843
COVILL, JOSEPH	306 QUAIL RUN DR		MOSCOW, ID 83843
CROSTON, JASON	371 GAMBELS LN		MOSCOW, ID 83843
ENGBERG, MATTHEW	343 MALLARD CT		MOSCOW, ID 83843
FEUCHT, DAVID	315 QUAIL RUN DR		MOSCOW, ID 83843
FRAUSTO, JAIME	275 PINTAIL LN		MOSCOW, ID 83843
GARRISON, LEONARD	270 PINTAIL LN		MOSCOW, ID 83843
GARTSTEIN, MARIA	1315 FRANKLIN RD		MOSCOW, ID 83843
GILLILAND, BRENDEN	1450 N MAIN ST		MOSCOW, ID 83843
HANSEN, NIELS	1513 COVEY LN		MOSCOW, ID 83843
HARWOOD, THOMAS	1422 COVEY LN		MOSCOW, ID 83843
HELBLING, DANIEL	3639 COUNTRY CLUB CT		LEWISTON, ID 83501
HILKIN, DARLENE	329 MALLARD CT		MOSCOW, ID 83843
ISAACSON, ERIC	280 GAMBELS LN		MOSCOW, ID 83843
JALLI, JEEVAN	1435 COVEY LN		MOSCOW, ID 83843
JANI, ROOPAL	1402 FRANKLIN RD		MOSCOW, ID 83843
JOHNSON, BRIAN	285 PINTAIL LN		MOSCOW, ID 83843
KELNHOFER, LORI	294 QUAIL RUN DR		MOSCOW, ID 83843
KIM, ALISSA	390 QUAIL RUN DR		MOSCOW, ID 83843
KRUEGER, CHRIS	342 QUAIL RUN DR		MOSCOW, ID 83843
LAMB, DAYLE	1454 FRANKLIN RD		MOSCOW, ID 83843
LAMB, MEGAN	214 PINTAIL LN		MOSCOW, ID 83843
LATHAM, DAVID	1500 N MAIN ST		MOSCOW, ID 83843
LAWTON, ABIGAIL	345 GAMBELS LN		MOSCOW, ID 83843
LINCOLN, RYAN	284 PINTAIL LN		MOSCOW, ID 83843
LITTLER, WILLIAM	1160 BIG MEADOW RD		TROY, ID 83871
MCCULLEY, TURNER	226 PINTAIL LN		MOSCOW, ID 83843
MCDONALD, ARMANDO	1393 FRANKLIN RD		MOSCOW, ID 83843
MCLAUGHLIN, JAMES	330 QUAIL RUN DR		MOSCOW, ID 83843
MCLEAN, MONICA	318 QUAIL RUN DR		MOSCOW, ID 83843
MEYER, COLIN	1337 FRANKLIN RD		MOSCOW, ID 83843
MILLER, STEPHEN	1350 FRANKLIN RD		MOSCOW, ID 83843
MIX BROTHERS LLC	1632 NW FRANCIS DR		MCMINNVILLE, OR 97128
NELSON, SUZANNE	243 PINTAIL LN		MOSCOW, ID 83843
NEWLAN, JOY	1487 COVEY LN		MOSCOW, ID 83843
PANKOPF, RAYMOND	299 PINTAIL LN		MOSCOW, ID 83843
PERKINS, KURTIS	1421 FRANKLIN RD		MOSCOW, ID 83843
RAHIM, AHMED ABDEL	306 GAMBELS LN		MOSCOW, ID 83843
RAUCH, RANDY	536 S MOUNTAIN VIEW RD		MOSCOW, ID 83843

RMR CONSTRUCTION LLC	PO BOX 10001	MOSCOW, ID 83843
RUREY, JACOB	1448 COVEY LN	MOSCOW, ID 83843
SANTOS, CARLOS	301 QUAIL RUN DR	MOSCOW, ID 83843
SCHUIT, CHAD	1539 COVEY LN	MOSCOW, ID 83843
SHOURD, DAVID	1415 BOB WHITE PL	MOSCOW, ID 83843
SMATHERS, ROBERT	238 PINTAIL LN	MOSCOW, ID 83843
SMISEK, STACY	1002 HIRSCHI RD	MOSCOW, ID 83843
SQUIRES, LAURENCE	300 PINTAIL LN	MOSCOW, ID 83843
STOKES, WILLIAM	378 QUAIL RUN DR	MOSCOW, ID 83843
STOREY, WILLIAM	235 QUAIL RUN DR	MOSCOW, ID 83843
SULT, DAVID	339 QUAIL RUN DR	MOSCOW, ID 83843
SUMMERS, BRANDON	332 PINTAIL LN	MOSCOW, ID 83843
THANG, PHUC VINH	PO BOX 3840	SANTA ANA, CA 92703
THRALL, JONATHAN	332 GAMBELS LN	MOSCOW, ID 83843
TIME WARNER CABLE PACIFIC	7820 CRESCENT EXECUTIVE DR	CHARLOTTE, NC 28217
TURNER, AMY	293 GAMBELS LN	MOSCOW, ID 83843
WALKER, DEAN	202 PINTAIL LN	MOSCOW, ID 83843
WARREN, SUSAN	1445 FRANKLIN RD	MOSCOW, ID 83843
WAY, ELIZABETH	1370 N MAIN ST	MOSCOW, ID 83843
WIKLE, OLIVIA	255 PINTAIL LN	MOSCOW, ID 83843
WILLIS, BRUCE	327 QUAIL RUN DR	MOSCOW, ID 83843
YATES, CHAD	1365 FRANKLIN RD	MOSCOW, ID 83843
YODER, JAMES	366 QUAIL RUN DR	MOSCOW, ID 83843
ZIMMERMAN, ALYCE	257 PINTAIL LN	MOSCOW, ID 83843

July 19, 2023

Notice Neighborhood Meeting For Application for Preliminary Plat

Dear Neighbors and Interested Community Members:

You are receiving this Notice of Neighborhood Meeting because RMR Construction LLC ("Owner") desires to replat real property located at 156 and 170 Pintail Lane in Moscow, Idaho (Tax Parcel No. RPM080250030130A and RPM08250030120A; approximately 2.08± acres) from two (2) lots to seven (7) lots, for a planned unit development and construction of single family residential.

You are hereby invited to a neighborhood meeting related to the Owner's replat application, which will be held on August 10, 2023 at 4:00 P.M. at the subject property located at 170 Pintail Lane, Moscow, ID 83843. Public comment will be accepted, and project team members will be available for questions. All comments and questions will be recorded and submitted to the City as part of the replat application process.

I will also respond to emails and phone calls ahead of time at nurinimmer@moscow.com or 208.882.3520.



Sincerely,

Nuri Nimmer

Nuri Nimmer, PE
Hodge & Associates, Inc.

Meeting Attendance Sheet

Project Name: Replat of Lot 12 and Lot 13 of Block 3 of Quail Run Addition and PUD
 Project Number: 4643
 Meeting Type: Neighborhood Meeting
 Meeting Location: Quail Run Lot 12 Block 3 (On Site)
 Meeting Time: August 10, 2023, 4:00 PM

Name	Contact Information
Ken Wag	208- 301 -3954
ERIC H SEAMON	208 310 2140
Jon Breese	252 Pintail Ln.
	378 QUAIL RUN DR.
Bill & Debbie Stokes	509 338 -2129
	243 PINTAIL
Jim & Sue Nelson	208-669-1115
Leonard Garrison	270 Pintail
	208-874-2507
Sione Prailoa	214 Pintail Ln
Megan Lamb	916-995-2185

RMR Construction Replat & PUD Neighborhood Meeting
August 10, 2023
Meeting Minutes

Time: Thursday, August 10, 4:00 PM

Location: 170 Pintail Lane, Moscow, ID

Presenter: Nuri Nimmer, PE, Hodge & Associates, Inc

Property Owner: Stacy Smisek, RMR Construction Inc

Meeting Purpose:

The presentation and discussion of the proposed PUD and Replat of Lot 12 and 13 of Block 3 Quail Run Addition.

Meeting:

The meeting was called to order by Nuri Nimmer at 4:00 PM.

Nuri opened the meeting by providing a general overview of the project. A handout was distributed to attendees including maps and drawings showing the preliminary plat, planned unit development site plan, City of Moscow zoning map, and preliminary twinhome plans for their reference. Nuri explained the sequence of events for a subdivision plat and planned unit development and how the process works from the neighborhood meeting, review by Planning and Zoning, and finally to the City Council. Attendees were informed that during these upcoming meetings they would have the opportunity to voice their opinion prior to a decision on the proposed replat and PUD.

The following is an outline of the presentation:

Smisek – RMR Construction Property Master Plan
 August 10, 2023

- 1) Introduction of Design Team and Owner
- 2) City Ordinance specifying the format of this neighborhood meeting.
 - a) Purpose of meeting to exchange information. Less formal than public hearing so we can have a constructive discussion.
 - b) As the Ordinance suggests
 - i) describe the project
 - ii) take questions
 - iii) as ordinance suggests take public input in the order of
 (1) in support of

- (2) in opposition to
 - (3) other related and general testimony
 - (4) cite specific, measurable impacts as evidence for decision making criteria
- iv) state your full name and spell your last name for the record
- c) The ordinance says, "... applicant's representative shall chair and conduct the meeting according to orderly procedures. The Chair should provide the participants in the neighborhood meeting a fair chance to be heard. ... The Chair may limit the duration of comments or presentation where necessary to give the broadest number of participants the opportunity to express their views." I'm going to say X minutes per person so this doesn't go all night.
- d) The ordinance also says, "conduct by all participating in the neighborhood meeting should be respectful, should avoid personal attack, and should be directed toward gathering and exchanging information regarding the proposal."
- 3) Will be submitted to the City as a 2 part application "Bundled":
 - a) Preliminary Subdivision Plat Application
 - b) Preliminary Planned Unit Development (PUD) – Type 2 Application
- 4) Subject to...
 - a) The Planning and Zoning Commission public hearing.
 - b) P&Z may then recommend to City Council approval of PUD application.
 - c) Council shall conduct public hearing and approve PUD application.
- 5) proposal is consistent with the Comprehensive Plan so there is no requirement for a Comprehensive Plan Map Amendment
- 6) Handout – Preliminary Plat and PUD Site Plan
- 7) WHY THIS PARCEL IS RIPE FOR DEVELOPMENT
 - a) Handout – Moscow Zoning map
 - i) Describe existing zoning around this parcel. R3 west&south R2 north&east
 - ii) R3 per Moscow Zoning Code allows a minimum lot size of 6,000 sq. ft. and 60 ft. wide lots for **Single Family**. Or 60' X 117' lots.
 - iii) R3 per Moscow Zoning Code allows a minimum lot size of 3,250 sq. ft. and 30 ft wide lots for **Twinhome**. Or 30' X 108' lots.
 - iv) Our proposal has twinhome lots with 30' width and size between 4,791 s.f. up to 10,687 s.f. The single family lot is 55,300 s.f. (1.27 acres).
 - v) Residential PUD Density for R3 is 9.5 dwelling units/acre.
 - vi) The existing lot 13 is 51,808 s.f. and lot 12 is 38,711 (2.08 acres).
 - vii) Except as provided, lots shall abut public street ROW for min. 40'.
 - viii) Approved twinhome lots shall abut public street ROW for min. 20'.
 - b) Connection to public street

(1) Permanent Ingress/Egress Easement, 2002

- c) Reasons for Proposed Replat & PUD
 - i) Property has 60+ feet of elevation change, requiring extensive grading to develop. Developer unable to recoup expense with only 2 lots. Divide into 7 lots requiring subdivision plat.
 - ii) The PUD option will allow for a shared driveway with one access point.
 - iii) Multiple driveways on Pintail less safe for motorists
 - iv) Will provide smaller, more economically feasible lots for development thereby increasing the potential for home ownership.
 - v) PUD provides increased flexibility of home configuration and setbacks to accommodate terrain.
 - vi) The residential densities, proposed land uses, and design proposed with the development promote the innovative, efficient, economic, and attractive development of the property.

8) Schedule

- a) After this meeting, the layout will be finalized.
- b) Two part application for preliminary plat and preliminary PUD will be submitted to the City to start the public hearing preliminary approval process.
- c) Expect City approval process late summer/early fall.
- d) Start grading and construction fall 2023. Market driven. May need to phase construction over two or three years.
- e) Begin selling homes by spring 2024.

9) Neighbor comments received so far:

- a) Neighbor asking for more details regarding the nature of the PUD and the type of development.
- b) Concerns about additional traffic adding to congestion at Pintail and Hwy.95.

10) Questions

11) Comments in support of

12) Comments in opposition to

13) General comments or questions

14) Proposal clarifications, if needed

15) Closing

Questions at the meeting:

- 1) How steep will the driveway be?
Answer: Varies between approximately 1.5 % and 10%. The maximum grade allowed is 10% to meet access requirements for the fire department.
- 2) Who currently owns the property where the “shared” driveway will be located?
Answer: The property belongs to 202 Pintail Lane. There exists a permanent ingress/egress easement for access to the subject property.
- 3) Will there be further development or lot splits after this project?
Answer: No additional lot division or development is expected to occur. These decisions and outcomes are based on City code.
- 4) Where will the driveway access be for the twinhomes?
Answer: Presenter pointed to the location at the site and referenced the maps included in the handout.
- 5) What effect will this development have on neighborhood traffic?
Answer: With additional families there will likely be a minor increase in traffic counts. Depending on the demographic it may or may not be noticeable.
- 6) Will the existing ingress/egress easement be paved and to what extent?
Answer: The driveway within the easement area will be paved for approximately 100’ as measured from the curb at Pintail Lane. The width of paving will be 20’.
- 7) When will the City Council meeting be held?
Answer: Following submittal of the application and related materials by the owner, the Planning and Zoning Commission will schedule a public hearing and upon their approval will recommend it to the City Council. Expect a minimum of five to six weeks. A meeting notice will be mailed to property owners.
- 8) What is the difference between a twinhome and condo?
Answer: A twinhome is structure which contains two attached single family dwelling units that share a common wall and where each unit is located upon a separate platted lot to allow for individual sale. My understanding is that a condo does not include the land, you only buy the structure.
- 9) Where will the school bus stop to pick up children that live in this development?
Answer: I’m not certain where the school bus currently stops to pick up children in the neighborhood. A neighbor described the location of the current bus stop which apparently is located to the south of the development on Pintail Lane. The individual was curious where children would cross the street to access the existing sidewalk and get to the bus stop.

10) Will the existing ingress/egress easement be the only access to the new houses?

Answer: Yes, the existing easement will be the only access.

11) How much parking will each twinhome have?

Answer: Each twinhome will have a two car garage and a concrete pad between the home and shared driveway that is approximately 24' wide by 20' deep.

12) Where will people park if the owner of a twinhome has a large party?

Answer: If all available parking spaces available to the owner of the twinhome are full, then vehicles will need to park on the street as permitted.

13) What are the extents of the ingress/egress easement?

Answer: Described and pointed to their location on site and referenced the handout.

14) When will construction begin?

Answer: Upon approval of the PUD and Replat by the City Council. It's possible site grading may begin this fall.

15) Will the ingress/egress easement be paved first?

Answer: It's unlikely that the easement will be paved first to minimize use by heavy equipment and preserve the asphalt.

Comments in support of:

- 1) The existing lot condition is unsightly and the twinhomes may offer improvement.

Comments in opposition to:

None

General comments:

- 1) Suggest driveway grade not to exceed 6%, 4-5% would be even better for snowy conditions.
- 2) Concerned additional traffic generated by new homes will generate additional congestion at the intersection with the highway.
- 3) Concerned that the low water pressure that exists in the neighborhood will become worse with supplying additional homes.
- 4) Do not want to see the twinhomes become rental units.
- 5) Concerned the duplex-style homes will have a lower value than existing home in the neighborhood.

- 6) Existing high traffic levels are an issue in the neighborhood, especially with Highway 95 access.
- 7) Concerned the development will be lower valued homes affecting nearby property values.
- 8) Highway 95 access is currently dangerous and additional traffic may increase the risk of accidents at the intersection.
- 9) Concerned about additional traffic at the intersection of Pintail and Quail Run. Maybe additional traffic signs will help, e.g., stop sign and other warning signs.
- 10) Many neighborhoods currently drive down to Polk St to safely navigate from the neighborhood because the highway access is considered dangerous.
- 11) Would like to see the City consider improving the water pressure in the neighborhood.
- 12) Concerned about construction traffic affecting their driveway access.
- 13) Add no parking signs on Pintail Lane near the driveway of the proposed development.

Closing:

No further discussion was recorded, and the meeting was adjourned.

Smisek - RMR Construction Property Master Plan

August 10, 2023

Neighborhood Meeting Handouts Including:

Preliminary Plat

Planned Unit Development Site Plan

Moscow Zoning Map

Example Twinhome Plans



SEPTEMBER 21ST, 2023

TO: MIKE RAY, PLANNING MANAGER

FROM: TODD DRAGE, ENGINEERING TECHNICIAN

SUBJECT: REPLAT OF LOT 12 AND 13, BLOCK 3 OF QUAIL RUN ADDITION

CC: JENNIFER FLEISCHMAN, ADMINISTRATIVE ASSISTANT & DEPUTY CITY CLERK

Upon reviewing the Application for preliminary replat for lots 12 and 13 of Block 3 of the Quail Run Addition Subdivision to the City, the Engineering Division has the following comments and recommended conditions of approval:

Comments

1. Development of this parcel is not expected to generate enough trips to significantly impact the traffic patterns in this area. Development of this parcel was anticipated when the road system in this vicinity was built.

Recommendations

1. The City has adopted the 1997 Uniform Building Code Appendix Chapter 33 for grading and excavation requirements within the City. Because of the topography of the existing lots, when developed, the City will require oversight and documentation per 1997 UBC Chapter 33.
2. The proposed plat will be subdividing two lots adjacent to Pintail Lane and creating a lot at a higher elevation (proposed lot 1) than originally platted. As a result, we recommend that the applicant request a model analysis of the City's current water infrastructures ability to serve domestic and fire flow at the subdivision.



City of Moscow Parks and Recreation

Memo

To: Mike Ray, Planning Manager

From: David Schott, Parks and Facilities Manager

Date: September 20, 2023

Re: Parkland Dedication Requirements Fulfilled: Quail Run Addition Replat

As part of the subdivision process, the replat of Lot 12 and Lot 13 of Block 3 within the Quail Run Addition falls under the requirements of the parkland dedication codes of the City. However, the parkland dedication requirements have previously been satisfied.

The parkland dedication requirements for the proposed Quail Run Addition Replat were previously met in 1995 with an in-lieu payment to the City of Moscow in the amount of Thirteen Thousand Three Hundred Twenty Dollars and Zero Cents (\$13,320.00).

With this being the case, no further parkland dedication is required.

Should there be any changes to the developable land or zoning on the final plat, I would need to review those changes for any possible affects to my recommendation.

Please do not hesitate to contact my office with any questions or clarifications.

**Replat of Lot 12 and 13, Block 3 of the Quail Run Addition. Permit Application
LUP2023-0017.**

1 message

Jon Breese [REDACTED]@ymail.com>
To: Deanna [REDACTED]@gmail.com>

Mon, Sep 18, 2023 at 2:30 PM

To Whom it may Concern,

Unfortunately, we will not be able to attend the Public Hearing on Wed. Sept. 27, 2023. We were able to attend the neighborhood onsite meeting August 10, 2023, and were informed that the replat. was to change from two (2) lots to seven (7) lots, for a planned unit development by RMR Construction, of which one lot would be used for the private residence of the owner of RMR Construction. We were told that the other six (6) lots would be used for two (2) family condominiums on each lot, by the project engineer, Nuri Nimmer of Hodge & Associates.

My concern, as was most who attended the meeting, was the impact of the additional traffic to the existing residents of the Quail Run subdivision. These houses will have their access to Pintail Lane almost at its juncture with Highway 95. The traffic now is backed up at certain times of the day on Pintail Lane due to the heavy traffic on 95, so adding more cars will only make it more difficult and dangerous to access Highway 95. When I asked Mr. Nimmer if a traffic study had been done, he indicated it hadn't, which is concerning since it will impact the existing problem.

One other issue is this property has been used for years to store material and equipment with for rent signs on them placed so they can be seen from Highway 95 and Pintail Lane by RMR Construction. Will this continue?

Jon and Deanna Breese
252 Pintail Lane

COMMITTEE / CITY COUNCIL STAFF REPORT

DATE: Monday, November 6, 2023



AGENDA ITEM TITLE

South US95 Sewer Water Extension Change Order (ACTION ITEM) - Bob Buvel

RESPONSIBLE STAFF

Bob Buvel, Staff Engineer

ADDITIONAL PRESENTER(S)

DESCRIPTION

On August 2nd, 2021, City Council Approved the Award of the South US95 Sewer Water Extension Contract to M.L. Albright & Sons in the amount of \$1,208,190.40, and authorized staff approval of construction change orders in an amount not to exceed 10% of the contract amount. During construction, three total change orders were requested by the contractor and staff. The first two change orders were within the 10% range authorized by City Council when the contract award was approved.

Change Order #1 was requested by the City of Moscow to add two commercial-sized water services to lots adjacent to the project. Change Order #1 added \$51,001.98 or 4.2% to the project amount. Change order #2 was requested by the contractor and increased the unit price of some of the line items in the contract to mitigate cost increases seen during the delay to the start of the project. Change Order #2 also paid for costs associated with correcting an alignment issue between the water extension and the waterline installed by SEL as part of the frontage improvements of the SEL Campus Development. This change order also deducted some of the work added in Change Order #1. Change Order #2 added \$33,146.35 or 2.7% to the project amount.

Change Order #3 was requested by the contractor to mitigate direct costs associated with excessive trench excavation cave-ins during the installation of deep sanitary sewer sections as well as indirect costs associated with the delays that those cave-ins caused. Change Order #3 would add 402,696.10 or 33% to the project amount and the cumulative amount added to the project would exceed 10% of the original contract amount. Staff has verified the quantity of additional excavation and rock backfill the contractor performed and compared the unit prices to other bids during the timeframe of the sanitary installation and have concluded that the price is reasonable for the work that was performed.

After the execution of all of the change orders, the project expenditure amount would increase from \$1,208,190.40 to \$1,724,593.00, or a 42% increase.

This item was reviewed by the Administrative Committee on October 23rd, 2023 and recommended for approval.

REVIEWED BY

PROPOSED ACTIONS

PROPOSED ACTIONS: Approve change order #3 with M.L. Albrights & Sons, Inc. in amount of \$402,696.10; or take other action deemed appropriate.

STAFF RECOMMENDATION

Approval of change order #3 with M.L. Albrights & Sons, Inc. in the amount of \$402,696.10.

OTHER RESOURCES

FISCAL IMPACT

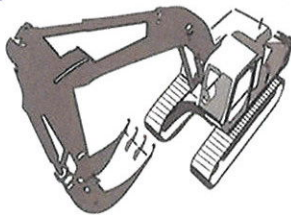
Funding for the change order will be expended from Sewer Capital Projects line item 330-330-60-770-45 Sewer Main Program.

PERSONNEL IMPACT

ATTACHMENTS

1. CO#1 Request_Signed
2. Change Order No. 2_Signed
3. CO3(Signed)

M.L. ALBRIGHT



& SONS
EST. 1946

M.L. ALBRIGHT & SONS, INC.

General & Excavation Contractors

6182 Lapwai Road
P.O. Box 603
Lewiston, ID 83501

Phone: (208) 743-2100
Fax: (208) 743-2166
Email: mlasons@mlalbright.com

CHANGE ORDER REQUEST

To: City Of Moscow
Bob Buvel
221 E. Second St.
Moscow, ID 83843

Project: South US95 Sewer - Water Extension
City Of Moscow

Moscow, ID 83843

Project #: 117-019
MLA Job #: 21048

February 17, 2022

COR #: 01

Plan Change Two 8" Water Services & Additional Tie-In

ITEM	DESCRIPTION	QUANTITY	UM	UNIT PRICE	AMOUNT
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This change order request is to install two 8" water services and modify the alignment of the new 16" water main. One service would cross HWY95 and connect to an existing 12" main with a tapping sleeve & gate valve. The second service would be placed along the new 12" main and include an 8" gate valve. While laying out the design location of the new 16" water main, it was discovered the alignment does not match with an existing water stub for the SEL Project by approx. 15 feet. To correct the alignment issue, two 16" 90 elbows and a short section of pipe are required to cross an existing high pressure gas line. This will allow the SEL contractor to complete their connection to the City Main.

The following is a break down of the above described work along with other associated costs.

8" Service Lines	2.000	EA	\$17,600.00	\$35,200.00
Traffic Control	1.000	LS	\$3,000.00	\$3,000.00
Asphalt Patch (est 20' x 10')	1.000	LS	\$4,500.00	\$4,500.00
Correct Alignment Issue	1.000	LS	\$7,750.00	\$7,750.00

** Excludes connection to SEL Project water line stubs.

Idaho Use Tax Is Included In All Materials Listed Above	0.000%	Subtotal =	\$50,450.00
Project Bond Costs	1.106%	Sales Tax =	\$0.00
0 Additional Contract Days Required For This Work		Bond =	\$557.98
		TOTAL =	\$51,007.98

By: Ben Waldemarson
Ben Waldemarson
benw@mlalbright.com

Approved By: City Of Moscow

Signature: *[Signature]*

Date: February 17, 2022

Date: *3-3-22*

Sept 21, 2022

Change Order No. 2

Project No. : **117-019**

Project: **SOUTH US95 SEWER WATER EXTENSION**

Revised Contract as Follows:

1) UNIT PRICE ADJUSTMENT PVC SEWER PIPE

This item consists of adjusting the unit price for escalation of material cost for item 505.41.B1 PRESSURE SEWER PIPE SIZE 16" C-900 PVC. Material cost increased significantly between the time the bid was submitted and the notice to proceed was issued.

15-Inch PVC Sanitary Sewer Class D; Depth <12' (\$373.75/L.F.)\$395.73/L.F.

12-Inch PVC Sanitary Sewer Class D; Depth <12' (395.40/L.F.)\$418.16/L.F.

8-Inch PVC Sanitary Sewer Class D; Depth <12' (270.00/L.F.)\$288.28/L.F.

Sanitary Sewer Pipe Additional Depth Class D (\$7.65/S.F.).....\$8.36/S.F.

2) UNIT PRICE ADJUSTMENT HMA PAVEMENT

This item consists of adjusting the unit price for escalation of material cost for item SP4.1 1/2" SUPERPAVE HMA PAVEMENT. Material cost increased significantly between the time the bid was submitted and the time construction commenced.

1/2" Superpave HMA Pavement (\$187.00/Ton)\$223.00/Ton

3) Amend Change Order No. 1

Amend Change Order No. 1 to remove Item "Correct Alignment Issues" (\$7,750.00) as the work was not performed and remove Asphalt Patch Est. 20' X 10' (\$4,500.00) as this item will be paid through a quantity adjustment at the bid price.

AMOUNT THIS ITEM-\$12,250.00

Contractor: M.L. Albright & Sons

Owner: City of Moscow

Marvin Albright, President

Bob Buvel, P.E, Staff Engineering



Digitally signed by Marvin Albright
DN: cn=Marvin Albright, o=M.L.
Albright & Sons, Inc., ou,
email=marva@mlalbright.com, c=US
Date: 2022.09.23 14:34:55 -07'00'



September 11, 2023

Change Order No. 3

Project No. : **117-019**

Project: **SOUTH US95 SEWER WATER EXTENSION**

Revised Contract as Follows:

1) REMOVE AND REINSTALL SANITARY SEWER PIPE

This item consists of payment for crew and equipment time to remove and reinstall sanitary sewer pipe shoved out of alignment by sluffing material. The price for this item is based on the contractor's daily logs and provided crew rate and shall be paid by lump sum.

Remove and Reinstall Sanitary Sewer Pipe (LS)\$47,180.00

2) EXTRA TIME TRENCH BOX RENTAL

This item consists of payment for half of the extended rental of shoring equipment due to lost production attributable to sluffing during installation of sanitary sewer pipe. The price for this item is based on the trench box rental invoices and shall be paid by lump sum.

Extra Time Trench Box Rental (50% @ \$22,328.20 LS)\$11,164.10

3) ADDITIONAL EXCAVATION AND CLASS D BACKFILL DUE TO CAVE-INS

This item consists of payment for additional excavation and rock backfill associated with cave-ins during the trenching/shoring of the sanitary sewer line. The pricing for this item is calculated based on the unit price for SP-3.8a SANITARY SEWER PIPE ADDITIONAL DEPTH CLASS D assuming a 6' wide trench.

Additional Excavation (7174 C.Y. @\$10/C.Y.)\$71,740.00

Additional Class D Backfill (7174 C.Y. @\$38/C.Y.)\$272,612.00

Change Order Total.....\$402,696.10

Contractor: M.L. Albright & Sons

Owner: City of Moscow

Marvin Albright, President

Bob Buvel, P.E, Staff Engineering

10/16/2023

COMMITTEE / CITY COUNCIL STAFF REPORT

DATE: Monday, November 6, 2023



AGENDA ITEM TITLE

ARPA Allocation Amendment Resolution (ACTION ITEM) - Bill Belknap

RESPONSIBLE STAFF

Bill Belknap, City Supervisor

ADDITIONAL PRESENTER(S)

DESCRIPTION

President Biden signed the \$1.9 trillion American Rescue Plan Act (HR 1319) (hereinafter “ARPA”) into law on March 11, 2021. The measure provides fiscal assistance to state and local governments in need of relief due to the COVID-19 pandemic. The City of Moscow, as a non-entitlement unit of government (population less than 50,000) was allocated a total of \$5,528,399. On May 7, 2021, the United States Department of the Treasury issued an interim final rule to implement the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund established under the American Rescue Plan Act providing direction regarding the allowable uses of the ARPA funds, which included small business and non-profit grants, assistance in the provision of affordable housing, and water, sewer and stormwater infrastructure improvements. The City Council held a workshop on October 25, 2021, to receive such recommendations and to provide City staff direction for the use of the City’s allocation of ARPA funds. The City Council passed Resolution 2021-25, directing the use of the City’s ARPA funds for business and non-profit assistance grants, assistance with affordable housing, and stormwater and water infrastructure improvements. On April 1, 2022, the United States Department of the Treasury issued the Final Rule of the Coronavirus State and Local Fiscal Recovery Funds which provided the ability for fund recipients to elect a “standard allowance” of up to \$10 million to spend on governmental services through the period of performance. The City has determined that the Water Capital Fund has the ability to fund necessary water system capital improvements and has determined there are other governmental services in greater financial need, including the construction of additional City shop facilities necessary to meet the demand for increased essential public services. Staff has prepared a Resolution amending the prior ARPA fund allocations to reallocate approximately \$3.7 Million to the General Fund to fund general governmental services through the performance period. This item was reviewed and recommended for approval by the Administrative Committee at their October 23rd meeting.

REVIEWED BY

PROPOSED ACTIONS

PROPOSED ACTIONS: Approve the proposed Resolution providing for a reallocation of the City's ARPA funding; or take other action deemed appropriate.

STAFF RECOMMENDATION

Approve the proposed Resolution providing for a reallocation of the City's ARPA funding.

OTHER RESOURCES

FISCAL IMPACT

PERSONNEL IMPACT

ATTACHMENTS

1. Resolution 2023- Reallocation of ARPA Funds_final

RESOLUTION NO. 2023 –

A RESOLUTION OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AUTHORIZING THE REPEAL OF RESOLUTION 2021-25 AND FOR SAID RESOLUTION TO BE REPLACED WITH THIS RESOLUTION ADOPTING THE FOLLOWING REVISED USES OF THE CITY’S AMERICAN RESCUE PLAN ACT ALLOCATION; PROVIDING THIS RESOLUTION TO BE EFFECTIVE UPON ITS PASSAGE AND APPROVAL.

WHEREAS, President Biden signed the \$1.9 trillion American Rescue Plan Act (HR 1319) (herein after “ARPA”) into law on March 11, 2021. The measure provides fiscal assistance to state and local governments in need of relief due to the COVID-19 pandemic; and

WHEREAS, 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; and

WHEREAS, The City of Moscow, as a non-entitlement unit of government (population less than 50,000) was allocated a total of \$5,528,399, to be paid in two tranches (installments) of \$2,764,199.50. The first tranche was received in June, 2021, and the second tranche was received in June, 2022; and

WHEREAS, ARPA funding must be obligated by December 31, 2024, and fully expended by December 31, 2026. Obligated, means that an order is placed for property and services and entering into contracts, subawards, and similar transactions that require payment; and

WHEREAS, 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 to be considered by City Council; and

WHEREAS, on May 7, 2021, the United States Department of the Treasury issued an interim final rule to implement the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund established under the American Rescue Plan Act providing direction regarding the allowable uses of the ARPA funds which included small business and non-profit grants, assistance in the provision of affordable housing, and water, sewer and stormwater infrastructure improvements; and

WHEREAS, The City Council held a workshop on October 25, 2021, to receive such recommendations and to provide City staff direction as to what uses the City’s allocation of ARPA funds would be put; and

WHEREAS, The City Council passed Resolution 2021-25, directing the use of the City’s ARPA funds for business and non-profit assistance grants, assistance with affordable housing, and stormwater and water infrastructure improvements; and

WHEREAS, On April 1, 2022, the United States Department of the Treasury issued the Final Rule of the Coronavirus State and Local Fiscal Recovery Funds (SLFRF, or Fiscal Recovery Funds) which provided the ability for fund recipients to elect a “standard allowance” of up to \$10 million to spend on governmental services through the period of performance; and

WHEREAS, The City Council has determined that the Water Capital Fund has the ability to fund necessary water system capital improvements; and

WHEREAS, The City Council has determined there are other governmental services in greater financial need including the construction of additional City shop facilities necessary to meet the demand for increased essential public services;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Moscow that all matters stated above are true and correct and are incorporated herein by reference as if copied in their entirety and shall be adopted with the following:

1. That Resolution 2021-25 be repealed and replaced with this Resolution, directing that the City of Moscow’s ARPA allocation of \$3,768,705, previously allocated to the City’s Water Capital Fund (which includes the original allocation of \$3,628,399 and \$140,306 in unutilized small business and non-profit grant funds), shall be reallocated to the General Fund to fund governmental services through the performance period.
2. That this Resolution shall be effective upon its passage and approval.

PASSED on Motion by the Following Vote:

	Aye	Nay	Abstain	Absent
Drew Davis	_____	_____	_____	_____
Sandra Kelly	_____	_____	_____	_____
Maureen Laflin	_____	_____	_____	_____
Hailey Lewis	_____	_____	_____	_____
Julia Parker	_____	_____	_____	_____
Gina Taruscio	_____	_____	_____	_____

ADOPTED by the City Council of the City of Moscow, Idaho, and **APPROVED** by the Mayor of the City of Moscow, this _____ day of _____, 2023.

Arthur D. Bettge, Mayor

CERTIFICATION and ATTESTATION. I hereby certify that the above is a true copy of the Resolution passed at a regular meeting of the City Council, City of Moscow, held on _____, 2023 and attest to the Mayor's signature.

Laurie M. Hopkins, City Clerk