

Moscow City Council



Regular Meeting ~Minutes~

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Laurie M. Hopkins
City Clerk

208.883.7015

**Monday
November 6, 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, David Schott, Mike Ray, Bob Buvel, Laura Perrigo, Laurie M. Hopkins

PLEDGE OF ALLEGIANCE

In celebration of Day of the Girl on October 11, girl scouts from around the area led the Pledge of Allegiance.

PROCLAMATION

Veterans Day Proclamation

Mayor Bettge read the 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.

Parker moved and Laflin seconded to approve the consent agenda as presented. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

REGULAR AGENDA

2. Mayors Appointments (ACTION ITEM)

Mayor Bettge presented to the City Council for consideration the appointment of Juan Albaitero to the Fair & Affordable Housing Commission and Phillip Blankenship and JT Manning to the Farmers Market Commission. Kelly moved and Taruscio seconded approval of the appointments. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Albaitero said he has been in Moscow for five years with plans as his forever home. He sees the growth of town and is excited to help.

JT Manning said has been in Moscow since 2004 and is excited to be part of one of his favorite things about of Moscow, the Farmers Market.

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

Riya Kumar, (Moscow) is part of XR Palouse, the local chapter of Extinction Rebellion. She recognizes Moscow is in a state of climate and ecological crisis. She believes it is long overdue that Moscow declare a climate and ecological emergency. Pave the way for more adequate address the climate emergency and treat things as severely as they are.

Nick Koenig (Moscow) is also here in the hopes of engaging in conversations. He asked that all developments go through the Sustainable Environment Commission and to change the name of the commission to Sustainable Environment and Climate Commission. XR will be rolling out a call and declaration and rally for community feedback. He wants Moscow to be the first city in Idaho to declare a climate emergency.

Brandon Johnson (Latah Sanitation Inc) said they have established some new programs for rate payors and installing a new scale at the transfer station. The new scale provides separate in/out weighing.

4. Moscow Farmers Market Halloween Costume Contest Presentation

Perrigo said this is the fourth annual contest and had six categories for entries. Categories included sprout, sprout group, junior, adult, pair/duo/couple and group/family. There were 55 entries and 89 participants. They collaborated with Tack and Photography for the photos.

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

David Schott introduced Ellis Eifert, chair of the Moscow Tree Commission. Eifert. Eifert provided photos of the commission members and shared the mission statement, structure and duties. The past year the Commission held an Arbor Day Celebration at the Moscow Public Library and the annual seedling giveaway. The City received the 30th Tree City USA award and the 22nd Growth Award. The Commission also provided two articles for the utility billing newsletter and launched the Heritage Tree Program.

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.

Mayor Bettge opened the public hearing. Ray introduced the item by providing details regarding the

Comprehensive Plan, zoning, utilities and terrain.

Parker read in the packet that citizens are concerned about traffic from Pintail onto Highway 95. Ray stated 5 additional lots would not rise to the level of a traffic impact study but Idaho Transportation Department (ITD) would determine that since it ties into the highway. ITD did not have any comments. Belknap added site distance is adequate and no concerns have been brought forward. Staff could speak with ITD about low scale mitigation but the intersection won't have enough volume to warrant a signal.

Scott Becker (Hodge and Associates) said they have looked at this property for three years and this seems to be the best use of an infill lot. He quickly looked and found only one accident in the last five years at the intersection.

Mayor Bettge asked for any public testimony. Hearing none, he closed the public hearing at 7:58 p.m.

Lewis said she appreciates infill being developed and moved to approve the preliminary plat with no conditions. Taruscio seconded the motion. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Lewis moved to adopt the Planning and Zoning Commission's Reasoned Statement of Relevant Criteria. Taruscio seconded. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

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 23, 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.

Buvel introduced the item as written above and provided details on the change orders. A layer of fine sand and water was on top of the bedrock. As excavation occurred, the water and sand layer would fall into the trench and undermined the above soil causing cave-ins.

Davis asked about drilling bore samples prior to bidding and using them on projects in the future. Belknap responded to the question and added this is an unusual project as most utilities are 8 feet below and not 20 feet but feel this is a fair resolution to the project.

Lewis moved and Laflin seconded to approve change order #3 with M.L. Albrights & Sons, Inc. in amount of \$402,696.10. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

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.

Belknap introduced the item as written above. The existing City shop was constructed in 1968 and is in poor condition and the building's systems are at or beyond their useful life expectancy. As the City's maintenance functions and fleet have grown over the past several decades, the building has reached a point of functional obsolescence. The current Shop is approximately 21,500 SF and the 2016 Study recommended 76,868 SF for the existing uses. The building does not have adequate restrooms, or safe working spaces, and does not provide a professional work environment. The Shop facility is key to the delivery of all of the City's essential services. During the 2017 and 2019 flooding events, floodwaters entered and flowed through the building. Belknap provided a building design concept from 2016 which would phase improvements over time. In 2021, staff determined what would be needed for a new fleet facility and illustrations were provided. The main entrance would move to Polk Street so traffic would be removed from the residential area on Van Buren Street.

ARPA Funds are required to be obligated by the end of 2024 and expended by the end of 2026. The design services were approved within the FY2024 budget and the City recently issued an RFQ for design services. The project cost is estimated at \$5 Million and anticipated that the project can be designed, bid, and contracted by the end of 2024. Construction would occur in 2025 with closeout prior to the end of 2026.

Lewis confirmed this would be the final monies from ARPA with the exception of a little in the affordable housing line item. In answer to a question posed by Lewis regarding the direct loss of revenue during the pandemic, Belknap said a cursory review at that time did not identify enough to justify the work it would take to demonstrate the need. Taruscio appreciates the building design is thought out. Laflin remembers the tour of the shop when first on the Council and pictures from the flood and is fully in support of funding this project. Parker appreciates the inhouse vehicle maintenance saving the City money and that it is ARPA one time money. She also mentioned some discussion of this property being affordable housing but thought remediation of fuels would make that not possible. Belknap said the replacement investment would be too great and not fundable. There are six other buildings and the fuel island on the property. A bond for a shop would be difficult and to accumulate monies would take approximately 30 years of savings.

Taruscio moved to approve the proposed Resolution providing for a reallocation of the City's ARPA funding. Laflin seconded Roll Call Vote: Ayes: Five (5). Nays: None. Abstentions: One(Davis). Motion carried.

REPORTS

City Council

SMART Transit – Lewis said they are talking about cobranding with Joe Vandal to promote use by students.

Mayor

Mayor Bettge said he presented the Orchid Awards; toured the airport terminal where interior walls are being constructed; the airport received funding for the west wing and are adding it to the current construction, which means the completion date is extended.

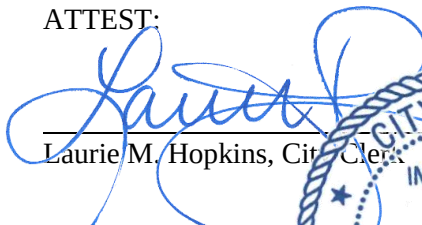
ADJOURN

It was moved, seconded and mutually agreed upon to adjourn at 8:48 p.m.



Arthur D. Bettge, Mayor

ATTEST:



Laurie M. Hopkins, City Clerk



**BEFORE THE CITY COUNCIL
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, this matter came before the Moscow City Council during a duly noticed public hearing on November 6, 2023; and

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

THE CITY COUNCIL OF THE CITY OF MOSCOW, IDAHO, AFTER DUE DELIBERATION AND CONSIDERATION, HEREBY CONCLUDES:

I. RELEVANT FACTS AND CONCLUSIONS

1. The City Council 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 CITY COUNCIL OF THE CITY OF MOSCOW HEREBY FINDS THE FOLLOWING RELEVANT CRITERIA AND STANDARDS:

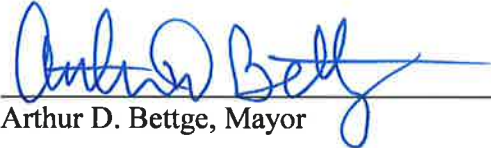
II. RELEVANT CRITERIA AND STANDARDS

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 City Council of the City of Moscow approves 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 CITY COUNCIL OF THE CITY OF MOSCOW this 7th day of November, 2023.



Arthur D. Bettge, Mayor