Moscow City Council

Regular Meeting
~Minutes~

www.ci.moscow.id.us

Laurie M. Hopkins
City Clerk

208.883.7015

Monday, August 5, 2024	**7:00 PM**	**Council Chambers 206 E. Third St.**

The meeting was called to order at 7:00 p.m.
PRESENT: Mayor Art Bettge, Bryce Blankenship, Drew Davis, Julia Parker, Gina Taruscio
ABSENT: Hailey Lewis, Sandra Kelly,
STAFF: Bill Belknap, Mia Bautista, Megan Cherry, Kyle Steele, Sarah Decker, Tyler Palmer, Aimee Hennrich, Laurie M. Hopkins

PLEDGE OF ALLEGIANCE
Council Member Davis led the Pledge of Allegiance.

CONSENT AGENDA

1. **All Consent Items (ACTION ITEM)**

   A. **Approval of Moscow City Council July 15, 2024 Minutes - Laurie M. Hopkins**

   B. **Proposed Lot Division at 322 and 328 Southview Avenue – Aimee Hennrich**

   The applicant, John Ficca, is requesting a lot division to create two lots of approximately 4,621 sf and sf, 4,497 sf in size from one existing lot of 9,118 sf in size. The intention of the lot division is to divide the existing twinhome dwelling along its shared common wall in order to allow for the individual sale of each dwelling unit. The subject property is located within the Medium Density (R-3) Zoning District which requires a minimum lot size of 3,250 square feet and a minimum lot width of 30 feet for twinhomes. Both proposed lots meet the minimum lot area and width requirements of the R-3 Zone, and the existing structure will meet all setback requirements. Property owners within 600 feet of the property have been notified of the proposed division and a sign was posted seven (7) days prior to the public meeting date. This was reviewed and recommended for approval by the Administrative Committee on July 22, 2024.

   ACTION: Approve the lot division.

   C. **Pheenix USH, LLC d/b/a Spin-License Agreement for Shared Mobility - Cody Riddle**

   Staff will present a proposed one-year license agreement with Spin, for the operation of shared-use scooters within the City. If approved, the agreement will allow deployment of up to 150 shared devices (scooters). The shared mobility program was established through an amendment to Title 11, Chapter 2, of Moscow City Code back in 2022. The current proposal is similar to an agreement previously entered into with Bird Rides. They never deployed their devices and that agreement expired. As specified by the adopted ordinance, the newly proposed license agreement includes a downtown dismount zone, where riding electric assist devices is prohibited on the sidewalk. Devices can be operated safely on the streets in this area. The mobility provider will geo-fence the designated area to ensure compliance, and the City has installed signage to communicate this standard. This will be especially important for private users whose devices are not regulated by a shared provider. The agreement also includes a no parking zone around

Friendship Square, and another adjacent to the Student Union Building on the University of Idaho Campus. Additional provisions applicable on campus include a speed limit of 9mph around the core, a limit to parking devices only within established racks, and a prohibition from riding in the arboretums or on the President's residential property. Finally, the document includes a provision for impounding devices not operated, stored, or maintained in compliance with the ordinance or other agreement standards. If approved, the agreement will be in effect for one year. This will allow for an annual review of the effectiveness of the shared mobility program and inform changes to future agreements if necessary. This item was reviewed and recommended for approval, by the Administrative Committee on July 22, 2024.

ACTION: Approve the License Agreement with Pheenix USH, LLC d/b/a Spin.

D. Emergency Radio Equipment Purchase Approval (Amended from Initial Publication) - Bill Belknap

The City's emergency radio equipment is at its end of life and many of the portable radios can no longer be serviced, and replacement parts are no longer available. The City's Emergency Radio Project will replace all existing portable (hand-held) and mobile (vehicle-mounted) radios as well as replace the existing radio repeater system with a new simulcast system with enhanced radio coverage, as well as encryption for two police channels to protect officer safety during emergency events. The total cost for all radios and accessories is $1,041,362.55. Per the City's adopted purchasing policy, budgeted purchases over $150,000 must be approved by the Council. Staff is requesting the Council's approval to move forward with this purchase.

ACTION: Approve the radio purchase agreement.

E. Emergency Radio System Installation Agreement - Bill Belknap

The City's existing emergency radio system is reaching end of life and service and parts are no longer available. In addition, there are currently several locations within the City where radio coverage is not present and emergency responders are unable to communicate on their radios. The City Council has identified the replacement of the radio system as one of the City's strategic priorities within the City's strategic plan. The City recently solicited bids for the replacement of the emergency radio system and received one responsive bid from RACOM Communications for the project. Staff and RACOM representatives have refined the radio system design and have prepared an agreement for the project. The project will include the installation of a five-channel simulcast VHF radio system with repeaters to be installed on Moscow Mountain, Paradise Ridge, Well #10, City Hall, and the Latah County Courthouse, as well as interconnections with the Whitcom dispatch center. The proposal includes encryption for the Police dispatch and Police tactical channels to improve and enhance officer safety during critical incident response. The total contract cost is $1,110,167.50. The City budgeted $2,307,798 in funding for the project. The combined cost of the radio system and replacement portable and mobile radios is currently estimated at $2,157,145.05, which is $150,652 under the total project budget. Staff is seeking Council's approval of the agreement with RACOM to replace the City's emergency radio system. This was reviewed by the Administrative Committee on July 22, 2024, and recommended for approval.

ACTION: Approve the Agreement with RACOM in the amount of $1,110,167.50.

Parker asked that Item 1C be removed from the consent agenda. Taruscio moved to approve the consent agenda minus Item C. Blankenship seconded. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Parker said there has been a lot of concern about the safety of the scooters and asked that the item be discussed again. Belknap provided the background on the applications and city code updates for shared mobility. Users of the scooters must obey the rules of the road, obey speed limits of 10 mph on sidewalks and 15 mph on pathways, and are prohibited from use on sidewalks in the downtown dismount zone. This agreement includes a number of items above and beyond the city code including a local agent, a 24 hot-line for complaints and device retrieval, and videos and signage to promote safe riding. All devices must be used 2 times per day to remain in service. The City may terminate the agreement due to violation of the agreement or if the City Council determines that termination of the agreement is in the best interest of the City. The city is not paying for Spin to come to town. Idaho Code does not consider scooters a vehicle. A citizen can call the police if they see someone operating unsafely. Davis felt the City and University have done their due diligence and safety is up to the rider. Some areas have been geofenced. The agreement is for one year and then can be evaluated. Staff has done a good job of vetting it.

Bautista said that cities are not able to prohibit personal delivery vehicles. For shared mobility, cities have the discretion to allow or disallow. The ordinance that was passed allows them but requires licensing. Belknap added ride share such as Uber cannot be prohibited by cities.

Taruscio would like to see a retrospective after the first year so that they can go into the second year informed.

In answer to Blankenship’s question, Belknap said he wasn’t aware of what education the University will be doing but when signing into the app it walks through use, parking and rules.

Davis moved to approve the license agreement with Pheenix USH, LLC d/b/a Spin. Taruscio seconded. 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 of the appointment of Shelley Walker Harmon to the Historic Preservation Commission. Parker moved and Taruscio seconded approval of the appointment. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Harmon said she has been Moscow for five years. When she previously purchased an older home next to a classical refinishing studio, she got the bug of restoring. She has been working on the U of I historic district and volunteering at the historical society.

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

William, (Moscow) spoke on his experiences of anti-Semitism here in Moscow. The city of Mercer Island and many other cities have adopted the International Holocaust Remembrance Alliance, a working definition of anti-Semitism. It is a framework that says what is anti-Semitic language and not. He can send more information so Moscow can adopt this as well.

4. Citizen Commission Report - Sustainable Environment Commission – Kyle Steele / Tina Hilding

Steele introduced Tina Hilding, chair of the SEC. Hilding spoke on the Commissions work on the climate action plan for reducing emissions. They are working to develop an implementation plan with priorities including grid decarbonization, building efficiency, building electrification, and adaptation measures. Over the past year they had presentations regarding pesticides and herbicides used by the city, conversion of sewage to biogas, and other presentations. They have many types of community outreach.

5. **Mural at Jackson & A: Selected Artist (ACTION ITEM) - Megan Cherry**

   During a call for qualifications open to artists from the United States, 52 artist submissions were received for the mural project at Jackson and A Streets. The Selection Panel met to review the submissions on April 22, 2024 and voted during that meeting to recommend three finalists: Jay Rasgorshek, Ernesto Maranje, and Darion Fleming. On May 14, 2024, the MAC voted to recommend the same three finalists, after which point the artists created site-specific designs. The designs were available for public viewing and comment from June 25–27, 2024. Of the 316 public comments received, 210 were in favor of the design submitted by Jay Rasgorshek of Boise, ID. The Selection Panel convened to discuss and score the designs, ultimately voting to recommend Rasgorshek as the selected artist, a recommendation that the MAC echoed in a vote during their regular meeting on Tuesday, July 9. Following Council approval of a recommended artist, staff will proceed with the completion of the artwork commission agreement previously approved by Council on January 16, 2024. Installation of the mural is anticipated to be complete at the end of September 2024. This item was reviewed, and recommended for approval, by the Administrative Committee on July 22, 2024.

   PROPOSED ACTIONS: Approve the selection of Jay Rasgorshek and his mural design submission, or take other action deemed appropriate.

Cherry introduced the item as written above. This project has been a record setter in regards to submittals and comments. Rasgorshek did a lot of research of what is native in Moscow. He likes to depict lesser known species and had elements of Vandal gold in this proposal. Since the committee meeting, the artist is wanting to change the color of the turtle's bellies to red to reflect the correct turtle native to this area.

Blankenship was encouraged with the number of community comments.

Taruscio moved to approve the selection of Jay Rasgorshek and his mural design submission. Davis seconded. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

6. **PUBLIC HEARING: City of Moscow's FY2025 Annual Budget (ACTION ITEM) - Bill Belknap / Sarah Decker**

   Staff will present the proposed City of Moscow FY2025 balanced budget in the amount of $133,145,026, which was considered by the City Council at a workshop held on July 9, 2024. The proposed budget includes the statutory allowed 3% inflationary increase, an additional 1% foregone tax recovery, as well as 90% of new construction and annexations which are $103,925 and $3,128 respectively. According to the Latah County Assessor's office, the assessed taxable valuation within the City increased by 7.8% this year, which resulted in a reduction in the City's levy rate from $3.58 to $3.52 per $1,000 in taxable valuation. Included for City Council consideration is the FY2025 Annual Appropriation Ordinance, and the L-2 property tax certification in the aggregate amount of $8,614,902.

   PROPOSED ACTIONS: Conduct the public hearing upon the FY2025 City of Moscow Annual Appropriation Ordinance and upon consideration of testimony presented:

   1. Approve the foregone tax recovery Resolution, or take other action as deemed appropriate;
   2. Approve the ordinance under suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary; or consider the Ordinance on first reading and that it be read by title; or reject the Ordinance; or take other action deemed appropriate.
   3. Authorize the Mayor's execution of the L-2 property tax certification in the aggregate amount of $8,614,902; or take such other action deemed appropriate.

Mayor Bettge opened the public hearing at 7:49 p.m.

Belknap introduced the item explaining the budget purpose which is a fiscal plan setting out anticipated revenue and expenditures for the operation of the municipal corporation. The City experienced reduced revenues to the Street Fund and General Fund due to recent court decisions. In response, 6 positions were eliminated, raises were postponed, and discretionary expenditures were reduced. The goal for FY2025 was to address staff needs (cost of living and benefits), cover the cost of operations, and fund $1.4 Million in capital accumulation (Street & General Fund combined). Virtually every proposed department budget is lower than the current fiscal year. Belknap continued by going through the strategic plan major challenge areas, personnel highlights, property tax revenue and utility rates.

Most cities budget for what they will spend that year. Moscow budgets for all spending and also includes fund balances which make the overall budget look larger than other cities. Staff feels including fund balances creates more transparency for the residents. Expenditures for the general fund include $20,126,428 of which 36.78% is police. While Non-Departmental is a larger percentage, it includes transfers to Parks and Recreation and Capital Projects. Capital expenditures for FY2025 include $4 million for water reclamation facility improvements.

Victoria Seever (Moscow) said a budget doesn’t show the cost savings the City does such as grants, in-kind match, and training employees to do work in-house. She attended the budget workshop and learned many departments lowered their budgets because of loss from state support. Inflation and rising costs for materials have a big impact and taking the maximum 3% increase in property taxes and 1% foregone still won’t cover inflation and costs. She consistently sees enough to assure the budget is capably handled and supports the FY2025 budget.

Mayor Bettge closed the hearing at 8:22 p.m.

Davis reiterated Seever comment that the city is not out to make a profit. Taruscio feels grateful staff has vetted the budget and have it ready for the council.

Parker moved to approve the foregone tax recovery Resolution. Taruscio seconded. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Taruscio moved to approve the ordinance under suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary. Blankenship seconded. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Mayor Bettge read Ordinance 2024-12 by title:
AN ORDINANCE ENTITLED “ANNUAL APPROPRIATION ORDINANCE” APPROPRIATING ONE HUNDRED THIRTY-THREE MILLION ONE HUNDRED FORTY-FIVE THOUSAND TWENTY-SIX DOLLARS ($133,145,026) FOR THE PURPOSE OF DEFRAYING ALL NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF MOSCOW, LATAH COUNTY, STATE OF IDAHO, FOR THE 2025 FISCAL YEAR BEGINNING THE FIRST DAY OF OCTOBER, 2024, AND ENDING THE THIRTIETH DAY OF SEPTEMBER, 2025, AND ALLOTTING RESOURCES BY FUND FOR SAID APPROPRIATION FOR THE OBJECTS AND PURPOSES SET FORTH IN THIS ORDINANCE; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE BE DEEMED SEVERABLE; PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

Taruscio moved to authorize the Mayor’s execution of the L-2 property tax certification in the aggregate amount of $8,614,902. Parker seconded. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions:

None. Motion carried.

7. **PUBLIC HEARING: Proposed FY2025 Fee Resolution (ACTION ITEM) - Bill Belknap**

   Any fee increase being proposed by more than 5% or any new fees require a public hearing pursuant to Idaho Code 63-1311A. Additionally, as required by Idaho Code 63-1311, the City's fees collected shall be reasonably related to the actual cost of the service provided. Staff will discuss proposed fee increases for the FY2025 budget year, which support the FY2025 budget proposal. The fee increases are due to the additional costs associated with the delivery of services, including administration, operations, and maintenance.

   PROPOSED ACTIONS: Conduct the public hearing and after considering testimony, approve the FY2025 Fee Resolution as proposed; or take other action deemed appropriate.

Bettge opened the public hearing at 8:29 p.m.

Belknap introduced the item by saying most of the fee increases are under 5%. Fees increasing more than 5% include subdivision development tree deposit; sewer general facilities charge; video inspection of public sewer main construction; sewer tapping fees; water disinfection; fire tap fees among others. New fees include a private group season athletic field use that should previously been in the resolution; a new prosecutor diversion program; installation of meters with existing service lines (new construction standard); and a change to the Streets Department special event staffing - standard $40 per hour, after-hours $60 per hour, holidays $100 per hour.

Hearing no testimony, Mayor Bettge closed hearing at 8:36 p.m.

In answer to Blankenship, Belknap said most fees increase 3% but due to construction costs and other inflation, some fees will increase more.

Taruscio moved to approve the FY2025 Fee Resolution as proposed. Davis seconded. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Mayor Bettge called a recess at 8:38 p.m. The meeting reconvened at 8:44 p.m.

8. **Proposed Sidewalk Café Standard Amendments (ACTION ITEM) - Bill Belknap**

   Currently, the City's Sidewalk Café regulations prohibit the service and consumption of liquor within licensed sidewalk cafés unless the establishment is a full-service restaurant. Drinking establishments (such as bars) that are not full-service restaurants are technically allowed to have a sidewalk café so long as liquor is not served or consumed within the sidewalk café area. Due to the challenge presented by policing the consumption of liquor in the sidewalk café areas, the City has historically denied licensing sidewalk cafés to drinking establishments that serve liquor. This has led to a disparity in the allowance of sidewalk cafés downtown. Staff have prepared a proposed ordinance to eliminate the full-service restaurant requirement for liquor service and consumption within the licensed area. The proposed ordinance also includes several other minor amendments to clarify allowed uses within the sidewalk café area and the application and license procedure, specify permitted physical barrier elements, and change violation of the ordinance from a misdemeanor to an infraction for the Council's consideration. This was reviewed by the Administrative Committee on July 22, 2024, and forwarded to the full Council without a recommendation.

   PROPOSED ACTIONS: Approve the Ordinance under suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary; or consider the Ordinance on first reading and that it be read by title; or reject the Ordinance; or take such other action deemed appropriate.

Belknap introduced the item saying recently, the City has received multiple requests to grant sidewalk café permits for drinking establishments that are licensed to serve liquor. Staff reviewed the matter with the Mayor and Council Leadership who indicated they would support amending City Code to remove the full-service restaurant requirements. The proposed ordinance would remove the full-service restaurant requirement as well as several other minor amendments to clarify the permitting process and allowed uses within the licensed sidewalk café area. The amendment would also change the violation of the ordinance from a misdemeanor to an infraction

Blankenship said reevaluating this requirement was good for businesses. The passing of this code won't create liquor up and down the street. He is in favor of this ordinance.

Parker had concern if someone was intoxicated within the sidewalk cafe whether it was public intoxication.

Taruscio started out hesitant but after discussing and reading more, it is now evenly applied cross the businesses. She feels it is nice to be flexible and encourage business.

Parker thought more about it over the last week since Committee and is now supportive of the change.

Blankenship moved to approve the Ordinance under suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary. Taruscio seconded. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Mayor Bettge read Ordinance 2024-13 by title:
AN ORDINANCE OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE AMENDMENT OF MOSCOW CITY CODE TITLE 9, CHAPTER 12; PROVIDING FOR THE AMENDMENT OF SIDEWALK CAFÉ REGULATIONS; PROVIDING FOR THE AMENDMENT OF THE DEFINITIONS, ALLOWED USES, AND REPEAL OF THE REQUIREMENT OF AN ESTABLISHMENT TO BE A FULL SERVICE RESTAURANT TO ALLOW LIQUOR TO BE SERVED IN THE LICENSED AREAS; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE BE DEEMED SEVERABLE; AND PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM THE DATE OF ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

REPORTS

City Council

Parks and Recreation Commission – Davis said the commission has some new board members with new ideas.
Moscow Urban Renewal Agency – Davis reported they approved their budget and looking at options for the 6th and Jackson property.
Human Rights Commission – Blankenship said pride weekend is August 3-24. September is inclusive communities' month.
Council members spoke on other meetings and events they attended.

Mayor

Mayor Bettge said he attended many events including the airport board meeting. Senator Crapo staff will be touring the airport and the grand opening and ribbon cutting is happening August 15. Representative Rogers visited the airport this past week.

ADJOURN

It was moved, seconded and mutually agreed upon to adjourn at 9:01 p.m.

____

Arthur D. Bettge, Mayor

ATTEST:

____

Laurie M. Hopkins, City Clerk