

Moscow City Council



Regular Meeting ~Minutes~

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Laurie M. Hopkins
City Clerk

208.883.7015

Monday, October 21, 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, Sandra Kelly, Hailey Lewis, Julia Parker, Gina Taruscio

STAFF: Bill Belknap, Mia Bautista, Cody Riddle, Tyler Palmer, Scott Bontrager, Amanda Argona, Joe Sieverding, Laura Perrigo, Evan Timar, Laurie M. Hopkins

PLEDGE OF ALLEGIANCE

Council Member Lewis led the Pledge of Allegiance.

PROCLAMATION

Domestic Violence Action Month

Mayor Bettge read the proclamation and presented it to Summer. She thanked the Mayor for the proclamation and highlighted the work of the Alternatives To Violence on the Palouse organization.

CONSENT AGENDA

1. All Consent Items (ACTION ITEM)

A. Approval of Moscow City Council October 7, 2024 Minutes - Laurie M. Hopkins

B. Disbursement Report September 2024 - Sarah Decker

Presentation of the Accounts Payable Report for the month ending September 2024.

ACTION: Approve and authorize the use of digital signatures to sign the Disbursements Report for the month of September 2024.

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

Woodbury Land LLC, has submitted 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 original agreement was then amended in 2023 requesting a modified phasing plan. Woodbury Land LLC is requesting a 2nd amendment to phase the remaining lots in the development in 6 more phases (7 phases total). The agreement amendment provides a new figure, detailing the 7 phases. The amendment, along with the original development agreement, and the 1st amendment, are included as attachments to the 2nd amendment, and have been included with this packet. This amendment was reviewed and approved by Council on September 16, 2024 however the wrong figure was included with the agreement. This amendment

simply replaces the incorrect figure with the correct one.

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

D. Memorandum of Agreement for Rehabilitation of the West Palouse River Drive Park Property - Todd Drage

During construction of the Edington 1st Addition Subdivision, BBC LLC utilized the City's West Palouse River Drive Park Property for permanent placement of excess subdivision fill material, access during construction, and storage and stockpiling of materials and debris. As a result of changes to the Subdivision's grading plan, BBC LLC did not conduct as much grading as was anticipated upon BBC LLC's property which resulted in a lack of topsoil to grade the Park Property as previously agreed upon between BBC LLC and the City. Additionally, because of BBC LLC's construction activities and hauling and stockpiling of material upon the park property it has been left in a degraded state compared to its prior condition. As the City and BBC LLC desire that the park property be rehabilitated while being able to issue and receive permits for the Addition, the City and BBC LLC have developed an agreement that will allow BBC LLC to complete the Park's rehabilitation over the next year. The memorandum of agreement (MOA) included in this packet allows the City to issue permits for the lots within the Edington 1st Addition while also ensuring that the park property rehabilitation will be completed.

ACTION: Approve the Memorandum of Agreement with BBC LLC.

E. 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) 2025 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 \$56,000 requiring an in-kind match of \$14,000.

ACTION: Approve the Moscow Police Department to accept an award for the Office of Highway Safety Grant FFY 2025 for \$56,000 with an in-kind match of \$14,000.

F. 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 FY2025 fiscal year.

ACTION: Approve requests and awards for small grants applied for by the Moscow Police Department not to exceed a combined total of \$50,000 for the FY2025 fiscal year.

Taruscio moved and Davis 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)

Kent Salisbury (Moscow) emphasized the importance of picking up litter. He also spoke about Home Depot and taking care of trees.

Rodger Rowley (Moscow) wanted to speak on the interpretation of Ordinance 2019-07, land use regarding museums and art galleries. In addition, he wanted to comment on the New Saint Andrews office's relocation. As this issue is before the court for a petition for judicial review, staff said it would not be appropriate to receive comments at this time.

4. Citizen Commission Report - Farmers Market Commission - Amanda Argona / Jamie Hill

Argona introduced Jamie Hill. Hill provided a list of Commission members and the mission statement. There were 32 new vendors in a roster of 158 for 2024. The Moscow Farmers Market is 21st nationwide and 2nd in Idaho and the Pacific Northwest. The Halloween Costume Contest is October 26. Craft/food juries and the poster art contest are coming up during the off-season. Argona explained Snap EBT paid out vendors. Shop The Market tokens should be back up next season. The City needed a sponsor for the program. Fourth Street expansion was a trial. By putting experienced vendors and new vendors together in that area, it was a success.

5. Advanced Water Metering Infrastructure (AMI) Procurement Agreement (ACTION ITEM) - Evan Timar

The AMI procurement agreement encompasses a two-way, fixed-base AMI system with simultaneous one-way, drive-by reading capabilities, along with meters, a meter data management system that provides detailed analytics, and a customer portal. The AMI project will be executed in two phases. The first phase will initiate the project with the procurement of collectors, repeaters, and up to 100 endpoints within a controlled environment, along with the implementation of the AMI software and meter data management system. The second phase will expand the deployment by adding an additional 300 meters and integrating the customer portal. The City intends to distribute the project and its costs over a total span of seven fiscal years. The anticipated annual workload for this project is expected to be divided equally across the fiscal years, resulting in an estimated deployment of approximately 1,077 meters per year following the completion of the initial deployment.

PROPOSED ACTIONS: Approve the AMI Procurement Agreement; or take other action deemed appropriate.

Timar introduced the item as written above. A normal meter read is done manually once a month. Meters in Moscow are 3% - Manual, 40% - Touch-based, 57% - Drive-by. When a new meter fails, a new one is purchased as there is no formalized obsolescence plan. An AMI system provides real time data and can flag high consumption before a customer receives a high bill. The system can identify tampering and backflow, detect leaks and shorten response repair time. Staff anticipated a cost of \$3,200,000 over a seven-year period. Nine proposals were received. Zenner was chosen and was just under \$1 million less for the 20-year cost. Zenner is a German company that has been in Europe over 100 years and in America approximately 10 years and they have regional support. The meters improve the low flow accuracy and have a defined flow variant which allows staff to gage what meter fits a particular service. The software component is locked into the CPI and a fixed rate for first 3 years.

Davis said when it comes to software, he wants to be sure protection from hacking is a priority with a

vendor and hopes that conversation is being had. Timar spoke on costs for infrastructure and reduction of costs by converting to AMI. Blankenship was excited citizens will have availability to an app which can lead to continued conservation efforts. In answer to council questions, Timar said the first transition will be city facilities. Current staffing is two full time meter reading. Over the next seven years one person would be doing 8 to 9 meter replacements per day for six months. The other employee would continue doing meter readings. One role would then transition to customer service, answering questions and reviewing information. Then the other would likely transition to water distribution.

Taruscio moved to approve the AMI Procurement Agreement. Kelly seconded. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

6. WRF Influent Pump Station Upgrade - Proposal Results & Contract Award (ACTION ITEM) - Scott Bontrager

The Water Reclamation Facility (WRF) Influent Pump Station (IPS) Upgrade project includes the replacement of the existing three Archimedes screw pumps, which are original to the 2002 Phase III facility upgrade. The IPS system is relied upon to maintain a seamless and consistent operation by moving all of Moscow's wastewater to the peak of the Reclamation Facilities hydraulic grade line further distributing it to downstream treatment processes. On average, the IPS system pumps 650 million gallons of wastewater per year into the facility. The City published an advertisement for bids on August 29, 2024, and the Engineer's Estimate for construction is \$3,600,000. Bids were opened on September 24, 2024, at which four (4) bids were received. The Base Bids ranged from \$1,985,000 to \$2,440,000 and Add Alternate #1 (3-year extended warranty) bids ranged from \$36,000 to \$273,000 and Add Alternate #2 (5-year extended warranty) bids ranged from \$59,000 to \$329,000. Of those, the lowest responsive bid received was submitted by Apollo, Inc. with a Base Bid of \$1,985,000 and an Add Alternate #2 bid of \$59,000. A bid analysis is included in the Council packet.

PROPOSED ACTIONS: Accept the bid from Apollo, Inc., award the contract in the amount of \$2,044,000 for Base Bid and Add Alternate #2, and authorize staff approval of change orders in an amount not to exceed 10% of the contract amount, or take other action deemed appropriate.

Bontrager introduced the item as written above. While All bids came in lower than anticipated, Apollo Inc. is recommended including Add Alternate #2. The closed screw pump type has a different type of motor and we will receive additional components that can be maintained inhouse. The timeline for procurement is 430 days and 150 days for install. Only one can be replaced at a time.

Parker moved to accept the bid from Apollo, Inc., award the contract in the amount of \$2,044,000 for Base Bid and Add Alternate #2, and authorize staff approval of change orders in an amount not to exceed 10% of the contract amount. Blankenship seconded. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

7. Discussion Regarding Potential Impact of Latah County Jail Closure (ACTION ITEM) - Bill Belknap / Joe Sieverding

Latah County has recently discussed the possibility of closing the Latah County jail located in the Latah County Courthouse at 522 S. Adams Street. While the consideration is ongoing and a final decision has not been made, Staff is concerned that the closure of the jail could present significant challenges to the operations of the Moscow Police Department. It is Staff's understanding, that the County is currently negotiating a contract with the Nez Perce County Detention Center to perform booking and house the County's inmates. If Latah County decides to close the jail facility, the Moscow Police Department would likely be required to transport any individuals in custody to the Nez Perce County facility for booking and detention. The City's Police force is already operating on minimum shift staffing and the

potential loss of patrol staff to transport individuals to Lewiston will either result in a reduction of public safety or additional costs to the City to maintain on-call law enforcement personnel for the transport of individuals in custody to Lewiston. The City has already adopted our FY2025 budget which did not anticipate this potential issue as we had not received any indication from the County that they were considering closing the jail. Staff will review the potential impacts of this matter with the Council for the Council's consideration.

PROPOSED ACTIONS: Receive report and provide staff with direction.

Belknap said the City recently learned the County was having a discussion about closing the jail. The jail is the role of Latah County per Idaho Code and the City depends on it to process arrests. It is staff's understanding this resulted from a fire inspection the City did on the request of the County. There has been a long-standing agreement between the City and County based upon the legal opinion of the Latah County Prosecutor that the County Courthouse is a pseudo state building, and the County is responsible for any construction permits on the courthouse proper, based on Attorney General opinions from the 70's or 80's. The City does permit and inspect other County owned buildings. City staff were told that the State Fire Marshal office decided the courthouse isn't owned by the State, so they don't have jurisdiction even though they have been doing the inspections for many years. The latest State Fire Marshall inspection from 2022 noted no violations.

The City inspection occurred August 21 and there were 12 required corrections. Most identified corrections were relatively minor. Three corrections were significant. First, smoke detectors for fire alarm system need to be replaced. This was based on a report from a third-party company that maintains the detectors. The system is obsolete and isn't supported any longer. Second, four holding cells had no sprinkler heads. Third, it was represented to the inspector that one of the two gates in the main circulation corridor had been modified and narrowed so that gate would need to be enlarged. The fire alarm system is for the entire courthouse building, not just the jail. There was discussion about the individual cell gates and the inspectors said the cell gates would not need to be altered.

Belknap said he met with fire staff on October 4 for clarification and subsequently emailed the County to clarify that the only gate that needed modification was the one that was represented as altered since the original construction. The inspectors met with jail staff on the morning of October 8 and reassured them the individual cell gates would not need to be altered. Additionally, during that meeting, jail staff then stated that the corridor gate had not been modified and was original construction. As a result, no gates would be required to be modified.

The Commissioners met in the afternoon on October 8 and discussed closure of the jail and continued to be under the belief that the City was requiring modification of the individual jail cells. There was some aspect of the language used in the inspection report that could be misconstrued but City staff clarified to both County staff and Commissioners again, that based on the new information no modification was necessary. To ensure there was no remaining confusion about the cell gates, the Fire Department issued a new inspection report on October 9, including a cover letter which provided clarification that based on the new information that the gates had not been modified since the original construction of the jail, no egress modifications would be required as a result of the inspection.

Building codes are updated on a three year cycle and many buildings are not compliant with the current code edition enforced today. For those buildings, the City adopts the existing international building code that addresses what modifications and to what degree buildings may need to come into current codes based on either a change of occupancy or alterations to the building. In this instance there are no modifications being proposed to the jail so the international building code would not trigger any improvements to the jail.

If the jail was to close, it is staffs understanding that MPD would be responsible to transport inmates to the Nez Perce County detention center in Lewiston. The MPD averages 250 arrests per year, 1.3 arrests every two days. Based on weather conditions, individual situation, and booking time, staff estimate a two hour round trip per arrest. The MPD has two officer positions not being filled due to financial constraint and some shifts are running on a minimum of three officers. Staff doesn't believe the City can afford to lose an officer for transport as that would leave two officers in town for emergencies, which could cause a reduction in public safety and a risk to the remaining officers on duty. If the jail closed, the City would need to have officers on-call for transport during evenings, weekends and holidays. During regular business hours, there are command staff available if necessary. A preliminary assessment of the cost of officers on-call would be \$80,000, not including call back. The transportation costs based on two hours and arrests per year would add a cost of \$30,000 per year. In addition to the economic costs, there are concerns about the on-call burden. In order to staff 4 or 5 officers per shift, which would allow safe transport, the City would need to add 3 additional officers to the force at a cost of \$375,000 per year. In the short term, the City would be looking at \$105,000 for the on-call program but that is not sustainable in the long run.

There are additional concerns regarding having to transport which include vehicle wear and tear, opportunity for vehicle breakdowns due to weather, unexpected medical emergencies for those in custody among other concerns. In addition to the impact on the City, those in custody will also be impacted. Family members would have to drive down to Lewiston, and some inmates could be released in Lewiston with no transportation back to Moscow. The County has been informed the City is committed to working with them to ensure the critical facility can remain open. The City does recognize the County needs to identify a long-term solution. While maintenance and operation of the jail is the County's responsibility, given the impacts on the community and the police department, the Council could consider financial assistance to the County in an effort to keep the facility open and avoid the longer term costs the City would incur.

Parker said it sounds like this issue has been over-blown but even if the jail closes, it will have a day facility for those in court. Since it is the County's responsibility to provide a jail, if they don't provide a jail, she feels the Council needs to look at cost sharing for the officers transportation obligation and costs.

Lewis knows it is not the City's decision to close or not, but she doesn't want to talk about cost sharing. She is having a hard time with the County claiming the City is telling them that the jail has to close. She looks for collaborative leaders and is not getting that from the County. There is clearly politicking going on but we are all stakeholders in this community. Spinning a fire inspection that they asked the City to do after no findings for years, and seeing the report, it shouldn't have come to this.

Bettge asked what the minimum cost would be to remedy the jail as it stands. Belknap said he doesn't know if there is a plan to replace this facility. Costs the Commissioners mentioned during their meeting included the alarm system, electrical upgrades and suppression system and was just under \$500,000. It didn't include the cell gates.

Taruscio said she is disappointed and asked if the Nez Perce County jail is able to take 250 people a year. Belknap responded the average count of the jail as reported during the Commission meeting is 22 inmates per day and a capacity of 36. Some of those inmates may be booked and released the next day. It is Belknap's understanding from the Commissioners' meeting that the County has spoken with Nez Perce County and they do have capacity.

Davis said he feels this is bad leadership by the County. The City and County are partners in governing and they flat out ignored the largest city in the county. He understands there is pressure and there is a building that hasn't been maintained under their stewardship. It is the sheriff's duty to have a jail and

Moscow wants to be a partner. Staff has been following this and kept Council informed. Why hasn't the County kept all the cities informed.

Blankenship said he agrees with the comments that have been made. He thinks collaboration is key in solving complex issues and where collaboration could have been, it was ignored. He thinks all of us would love to advocate and fight to make our city safe in ways of supporting not only the community but also the resources to keep our community safe. He feels spreading it more thin will hurt our communities. He feels the City should do whatever we can to have a conversation so we don't have to transport to Nez Perce County.

Kelly said this is a strange time for this to happen. These issues have been here a long time and the fact they are happening right now makes her want to wait a little bit to see where it goes. Her thought is it was good feedback and asked staff to keep the Council posted if the Commissioners decide to meet on it and make a decision. She suggested reviewing it again in January.

Taruscio said collaboration takes two willing sides. Staff has reached out but maybe it is time to extend a formal invitation from the Council to the Commissioners for a meeting in January. Before we talk about cost sharing and transport, we need the other half at the table.

Lewis is not opposed to waiting until January but doesn't want the County to issue their 30 day notice for closing. Election season is not the right time, but she would like to understand what the timeline looks like from the Commissioners.

Belknap said the County has stated that they are still in the fact finding stage. No decision has been made. The Commissioners requested additional information from the sheriff's office about transportation costs and jail repairs. It was important to staff to identify the cost the City would incur. It is clear by the comments from Council the short-term goal is to keep the jail open if possible. If Council is committed to working with the County to facilitate keeping the jail open, some modest financial contribution may be helpful in their consideration. It would be helpful to communicate with the County that there is interest from the Council to partner to ensure the jail remains open for the next 5-10 years while working on a long-term solution. He feels it is easy to justify some level of investment and encourage a solution that allows the jail to remain open. A willingness to have the conversation to identify that is mutually beneficial to the City and County to minimize the impacts we think this will have upon us.

Lewis said the findings from the City inspection do not condemn the jail. They are minor findings that could have been remedied easily. She is confused as to why the findings in the inspection would be triggering this kind of conversation right now. She would rally behind a conversation of a jail bond.

Belknap said there are other dimensions beyond the City's inspection. The County is dealing with a complex issue including the state jail inspector and certifying the facility and insuring the facility with ICRMP. Staff thinks there are solutions to work towards a partnership for a long-term solution.

Kelly said she wants a seat at the table. She is not opposed to the possibility of an incentive, but she wants to be careful as to how much. Generally speaking, the City has a good relationship with the County.

Taruscio said Moscow is not the only city that needs to be at the table and it is broader than just Moscow and Latah County.

Davis said he agrees with Taruscio in that Moscow is driving this but asked what the best way to get a conversation going is? Belknap said staff can reach out to the County and forward a message according to the consensus of the Council.

The Council came to consensus that the City wished to work with the County to identify a solution to the current jail issues and was willing to financially contribute to that effort to try to achieve a collaborative solution to keep the jail open in the short term.

REPORTS

City Council

Transportation Commission – Kelly said the Commission discussed electric bikes and regulations.

Moscow Pathways Commission – Davis said they had their annual walk. They are also discussing long term path planning with the U of I.

Planning and Zoning Commission – Blankenship said the Commission approved a rezone and preliminary plat.

Human Rights Commission – Blankenship said sponsorship of Native American Heritage Month.

SMART Transit – Lewis said they hired a new Executive Director, Casey Green. His focus is to get the fleet replacement plan in place.

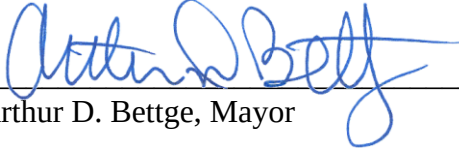
Council members spoke on other meetings and events they attended.

Mayor

Mayor Bettge said November 19 is the Town and Gown event.

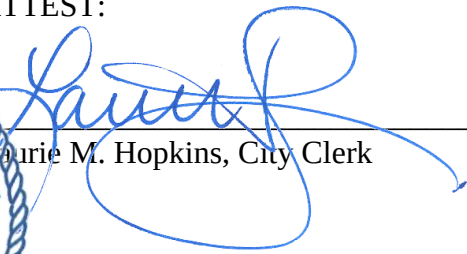
ADJOURN TO EXECUTIVE SESSION PER IDAHO CODE 74-206 (1)(F) - THE MEETING WILL NOT RECONVENE.

Kelly moved, Taruscio seconded to adjourn to executive session per Idaho Code 74-206 (1)(F) at 8:45 p.m. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.



Arthur D. Bettge, Mayor

ATTEST:

Laurie M. Hopkins, City Clerk

**CITY OF MOSCOW
MINUTES OF CITY COUNCIL EXECUTIVE SESSION
October 21, 2024**

Present: Mayor Bettge, Bryce Blankenship, Drew Davis, Sandra Kelly, Hailey Lewis, Julia Parker, Gina Taruscio

Also Present: Bill Belknap, City Supervisor; Mia Bautista, City Attorney,

The executive session was called to order at 8:50 p.m.

1st item (74-206(1)(f) – pending litigation): 8:50 p.m. – 8:53 p.m.

2nd Item (74-206(1)(f) - pending litigation): 8:53 p.m. – 8:58 p.m.

3rd item (74-206(1)(f) - controversies not yet being litigated but imminently likely to be litigated):
8:58 p.m. – 9:15

The executive session was adjourned at 9:15 p.m.