

Moscow City Council



Regular Meeting ~Minutes~

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Laurie M. Hopkins
City Clerk

208.883.7015

Monday, May 5, 2025

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, Tyler Palmer, Justin Kilborn, Laurie M. Hopkins

PLEDGE OF ALLEGIANCE

Council Member Blankenship led the Pledge of Allegiance.

PROCLAMATION

Bike Month

Mayor Bettge read the Bike Month proclamation. He also read a Public Service Recognition Week proclamation.

CONSENT AGENDA

1. All Consent Items (ACTION ITEM)

A. Approval of Moscow City Council April 21, 2025 Minutes - Laurie M. Hopkins

B. Approval of Payment of Claims - Sarah Decker

C. Request for Waiver for On-Premises Consumption Within 300 Feet of a School or Church per Idaho Code - Laurie M. Hopkins

The owners of Karma Indian Cuisine are in the process of obtaining an alcohol license. Idaho Code § 23-913, 23-1011B, and 23-1307A, prohibits any business from selling liquor, beer and/or wine for on-premise consumption within three hundred feet (300') of any church, school or any other place of worship, unless the City Council approves waiver of the requirement. Karma Indian Cuisine is located at 1420 S Blaine Street, which is within 300 feet of Real Life. The state license has been issued. The county license has been applied for and is pending approval. Letters of support from The Jubilee School and Real Life have been submitted. A letter from Suriya Mohan, the owner of Karma Indian Cuisine, requesting a waiver has been submitted for your review and consideration. This was reviewed by the Administrative Committee on April 28, 2025 and recommended for approval.

ACTION: Approve the waiver allowing the sale of alcohol for on-premises consumption at 1420 S. Blain Street Suite 19-20.

D. South Moscow Business Park (SOMO) Development and Monumentation Agreements - Bob Buvel

Jeff Motley, on behalf of Two-GM, LLC., has submitted to the City a final plat for the development of a property east of the intersection of Old Highway 95 and US 95 and just south of the South Fork of the Palouse River. On October 07, 2024, the City Council approved the preliminary plat for this property. The final plat is titled South Moscow Business Park and will be presented for City Council approval on May 5th. If Council approves the final plat, development and monumentation agreements will be required. The development agreement is necessary to address project phasing, construction of public improvements, parkland dedication, as-constructed drawings, City participation in up-sizing proposed utilities, and a proportionate share fee for the future installation of a traffic control signal. Staff have prepared both agreements for approval. This item was reviewed by the Administrative Committee on April 28, 2025, and recommended for approval.

ACTION: Approve of the Development and Monumentation Agreements for the South Moscow Business Park.

E. Renewal of Intermodal Transit Center Lease with SMART Transit - Bill Belknap

The City currently leases space in the Intermodal Transit Center to Regional Public Transportation (RPT) dba SMART Transit. The existing lease will expire on September 30, 2025. SMART approached the City regarding the ability to amend the existing lease agreement to include an adjacent office that was last occupied by the Partnership for Economic Prosperity Executive Director. Staff have prepared an updated lease agreement that includes the use of the additional office space and a five-year term to expire on September 30 of 2030, for the Council's consideration. This was reviewed by the Administrative Committee on April 28, 2025, and recommended for approval.

ACTION: Approve the Lease Agreement Between Regional Public Transportation (dba SMART Transit) and the City of Moscow.

F. Moscow Chamber of Commerce Visitor and Tourism Services Agreement Renewal - Bill Belknap

The City of Moscow has financially supported the visitor and tourism activities of the Moscow Chamber of Commerce and Visitor Center for many years. In review of this arrangement, in 2022, Staff identified the need to have a services agreement to document the specific services that the Chamber provides in exchange for the funding provided by the City. The agreement was approved in November 2022 and will expire in November of this year. Staff have prepared an updated agreement that is similar to the prior agreement, with the addition of the Chamber assuming responsibility for quarterly ArtWalk events. This was reviewed by the Administrative Committee on April 28, 2025, and recommended for approval.

ACTION: Approve the Visitor and Tourism Services Agreement.

G. SOMO Addition Final Plat - Mike Ray

On October 7, 2024, Moscow City Council approved the annexation, Comprehensive Plan land use designation, and zoning designation of a 51.33-acre area. Also included in the proposal was a preliminary subdivision plat of a 29.46-acre area to create 15 lots ranging from 0.82 to 4.18 acres in size, referred to as the SOMO Addition, which was approved by the Council with two conditions. On January 21, 2025 the applicant submitted the final subdivision plat to be reviewed by the Planning and Zoning Commission and City Council. The Planning and Zoning Commission reviewed the final plat at their regular meeting on March 28, 2025 and recommended approval to City Council. Since one of the preliminary plat conditions pertaining to access approval from Idaho Transportation Department is still not complete, staff is recommending that this condition be carried

over to the final plat. This item was reviewed by the Administrative Committee on April 28, 2025 and recommended for approval.

ACTION: Approve the SOMO Addition Final Plat with the condition that the applicant shall gain access approval from the Idaho Transportation Department and complete any necessary mitigation for the connection of SOMO Drive to the highway system.

H. Deakin Ave Pavement Rehabilitation and City Utility Improvements - Memorandum of Agreement - Scott Bontrager

This University of Idaho initiated project's scope is to completely reconstruct the Deakin Avenue corridor from University Avenue to Sweet Avenue. During the review process of the University's project, the City recognized the need to also replace the aging underground utilities (domestic water, sanitary sewer, and storm sewer) along Deakin Avenue while the University is replacing the road, curb, gutter, and sidewalks. The University of Idaho, through the Idaho State Division of Public Works, has contracted with McKinstry as the Construction Manager/General Contractor to construct the project. On April 4, 2025, the City received a copy of the proposal from McKinstry to construct the entire project for a total of \$961,031, of which the City's utility upgrade portion of the project would total \$355,637. Included in the packet is a Memorandum of Agreement between the City of Moscow and the University of Idaho for the City to provide a lump sum payment to the University in the amount of \$355,637 for the City's portion of the project. This was reviewed by the Administrative Committee on April 28, 2025, and recommended for approval.

ACTION: Approve the Memorandum of Agreement between City of Moscow and University of Idaho and provide a Lump Sum payment in the amount of \$355,637.00.

Kelly moved and Taruscio 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 (limit 15 minutes)

Sam Gregor (Moscow) the city needs to combat the rapid rate of rent increase. He has two sons that are disabled, and the federal rate increase went up a few dollars but rent went up \$300. Hope the Council can do something.

Fred McDonald (Moscow) said he is disabled, a senior, a disabled veteran and fortunate enough he can survive out there. However, there are seniors and disabled out there that are on limited income need help. His rent was also increased by too much. He feels Moscow has gotten too big. He is here to stick up for those less fortunate. The food banks are lacking supplies. If something doesn't get done it will be sad for Moscow.

4. Council on Aging & Human Services (COA) Regional Transit Funding Request (ACTION ITEM) - Bill Belknap

The Council on Aging & Human Services (COA), operating public transit services as COAST, is proposing to initiate a regional public transit service between the cities of Colfax, Albion, Pullman, and Moscow. They have received grant funding to initiate the service and are seeking the required local match funding from regional entities. The Port of Whitman recently committed \$40,000 in funding, and COAST has received funding commitments from the Pullman Downtown Association, Colfax Thrifty Grandmothers, Kiwanis Club of Colfax, Colfax Downtown Association, and Colfax Chamber

of Commerce. COAST presented a request to the City Council at the Council's February 3, 2025 meeting, at which time the Council stated they would consider the request. COAST recently received a pledge for a matching funding commitment of up to \$5,000 from Avista Corporation if the City of Moscow and/or the City of Pullman donate or exceed a \$5,000 donation to support this project. Council Leadership requested that this be placed before the Council for consideration. If the Council approves a financial contribution, Staff will prepare a services agreement with COAST to document the services the City would receive in exchange for the financial commitment.

PROPOSED ACTIONS: Consider the request and take action as deemed appropriate.

Belknap introduced the item as written above. Staff reached out to Pullman to see if they were interested in each city contributing \$2,500. They were not able to make a decision at that moment. They compete for funding with COAST so it's more difficult to make a commitment. There is no estimate of ridership at this time, just the intent to bring rural surrounding communities to Moscow.

Blankenship said he is nervous providing money, especially when trying to keep a lean budget. He likes there are regional partners. He supports the request but nervous to set a precedent in this arena.

Parker said she works with COAST a lot and they are valuable in the region. They provide a free service for many people. It will bring people in the region to Moscow and believe it is worth the money.

Kelly said she has no hesitation on this request. She has also worked with COAST and the services they provide to rural friends are really important. She doesn't take \$5,000 for granted but in this case it is worth it. She feels Moscow should do this regardless of what Pullman does.

Taruscio doesn't like not having ridership numbers but trusts Council Member Kelly and Parker's understanding there would be good ridership. She sees this funding as a one-time fund and it's great that Avista will match.

Lewis has no concern with COAST. She also has concerns that this funding be one-time only. Moscow has everything to gain if this comes together. Lewis has frustrations in the process the grant and the lack of coordination between SMART and COAST. Belknap answered Lewis that the money would be taken from the Council's non-prioritized projects line item that has \$10,000. If that \$10,000 doesn't get used, it goes to ending fund balance and put in capital projects.

Davis said he likes that this will assist those that need help in getting to Moscow. He would have liked more metrics but not a bad thing as a one-time contribution.

Belknap responded that if Council wants to contribute, Staff will draft a professional services agreement for the mayor to sign.

Parker moved to approve a one-time contribution to COAST. Kelly seconded. Roll Call Vote: Ayes: Four (4). Nays: Two (Taruscio, Lewis). Abstentions: None. Motion carried.

5. Proposed Repeal of Moscow City Code Title 9, Chapter 10, Moscow Day Care Ordinance (ACTION ITEM) - Bill Belknap

The Idaho Legislature passed House Bill No. 243 and House Bill No. 312, with Governor Little having signed them into law on March 27, 2025, with an effective date of July 1, 2025. The Bill's amend the day care licensing regulations, which include repeal of Idaho Code Section 39-1108, relating to the local option for day care licensing. The City has utilized the local option over the last thirty years and regulated day care licensing within the City of Moscow with standards that met the minimum state

standards with some standards that were more stringent than the State. Based on the repeal of Idaho Code Section 39-1108 removing the local option for day care regulations, the City is required to repeal Moscow City Code Title 9, Chapter 10, Moscow Day Care Ordinance with an effective date of July 1, 2025. This was reviewed by the Administrative Committee on April 28, 2025, and forwarded to the full Council with no 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 other action deemed appropriate.

Belknap introduced the item as written above and provided a background of daycare regulations in Moscow. The largest difference in staff ratios is within the 0-1 year old age range where Moscow is 4 points and the State is 2 points. This means with Moscow code a staff member is limited to three infants and with the state code a staff member can have up to six infants. See attached presentation for further comparisons. Staff anticipate licensing through May and then June 1 providers would go to the state as it takes approximately three weeks for a background check.

Lewis said Boise extended their licensing to the end of year so there is no gap in coverage. Belknap responded that District 2 has said they will be ready. The facility licenses have just been renewed, and the state will honor their city license for the full year. The state did not anticipate any issues. Lewis pointed out the State code does not prohibit a provider from having more restrictive ratios should they want. The ratios the legislature passed are the minimum ratios to comply.

Parker thinks the state law hurts the most vulnerable citizens. She said this is a terrible law and will hurt families looking for the cheapest day care. There will be organizations that use the ratios to the maximum. She feels this is damaging and hard to participate in this. She knows if it is not repealed, it can't be enforced but could make a statement by not repealing.

Taruscio said she remembered the packed house with all the day care providers and the process and passion. It breaks her heart this is occurring and is not in favor of repealing.

Davis said he agrees with the comments. He thinks government closest to the people is the best way to govern. There will be daycares that use the ratios to the maximum and that can be dangerous.

Kelly said this is repugnant and she won't support it.

Blankenship said as a municipality we care about infants, toddlers, and children and this puts them in danger. It makes his stomach turn. He agrees with comments already mentioned.

Mayor Bettge said State law will supersede the Moscow Code as is. No one is in favor of what the legislature did. Maintaining useless code is counterproductive. Belknap said the Council can choose not to repeal it and the code would remain but would confuse citizens. The City can't try to enforce. The City cannot have a law that conflicts with State law. If a city isn't provided a power they cannot exercise it. Leaving the daycare regulation in the city code doesn't do the city or the public any service.

Lewis feels strongly that you have to play by the rules to change the rules. She feels this was the house and senate making this decision and not the grand make-up of the state. Lewis moved, Taruscio seconded, 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. Roll Call Vote: Ayes: Four (4). Nays: Two (Kelly, Parker). Abstentions: None. Motion carried. The motion, second and passing of this vote was done reluctantly.

Mayor Bettge read Ordinance 2025-04 by title:

AN ORDINANCE OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE REPEAL OF MOSCOW CITY CODE TITLE 9, CHAPTER 10 MOSCOW DAY CARE ORDINANCE; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE BE DEEMED SEVERABLE; AND PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT ON AND AFTER JULY 1, 2025.

6. Proposed Repeal of Moscow City Code Title 10, Chapter 1, Section 1-16 (ACTION ITEM) - Bill Belknap

The Idaho Legislature passed House Bill 270, with an effective date of March 26, 2025, which amends Idaho Code Section 18-4116, the Indecent Exposure statute. House Bill 270 expands what acts are included in the crime of Indecent Exposure. Moscow City Code 10-1-16 is narrower in scope than House Bill 270; thereby creating a conflict between the two laws, which necessitates the City repealing Moscow City Code 10-1-16. This was reviewed by the Administrative Committee on April 28, 2025, and forwarded to the full Council with no 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 other action deemed appropriate.

Belknap introduced the item as written above. The definition is much broader which makes the City's ordinance superfluous.

Parker said this is another terrible ordinance. She feels it is absolutely ridiculous, unenforceable and doesn't allow for an exception for public art. Kelly agrees with Parker.

Davis recognized what the city had to do back in 2002 to try and minimize exposure. He would like to see law that helps our citizens and stop the political posturing.

Taruscio said she hadn't thought about the lack of a clause for public art and the legislature probably didn't either. She would rather the legislature do something about housing and is completely disappointed in this.

Lewis is concerned about the police and ability to prosecute. Belknap explained it would take someone to be offended in order to report it, not just the display of. Lewis wanted to make sure Arts and Community Events are equipped with communication to share with anyone that may be selling or displaying product. The Legal Department will be advising any departments that may be affected.

Lewis moved, Taruscio seconded 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. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried. The motion, second and passing of this vote was done reluctantly.

Mayor Bettge read Ordinance 2025-05 by title:

AN ORDINANCE OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE REPEAL OF MOSCOW CITY CODE TITLE 10, CHAPTER 1, SECTION 1-16, PUBLIC NUDITY; 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.

7. Indian Hills Restroom Installation Report - Tyler Palmer

Palmer said Indian Hills Park is a 1.2 acre property located at 1830 South Blaine Street and was obtained in 2008 through a parkland dedication for Indian Hills 6th. The late Mr. Bill Parks donated \$40k toward the purchase of an additional lot and \$25k toward the play structure. Staff attempted to bid the restroom three times and only had one bidder in each. The September 2021 (combined with Mountain View Park Connector Pathway Project) bids came in 84% over engineer's estimate and the September 2022 (still combined) bids came in about 130% over the estimate. After discussions, staff determined it could be brought in house. Kilborn went through the steps of construction. It was important to track all staff time and materials to determine total cost. Directional boring was used so that the park could remain open and it was also less harmful to already installed landscaping. The total cost of installation was \$90,757, a savings of 66% from the bid. Palmer is interested in completing an analysis of the capital improvement plan to see the potential for expanding in-house construction and potential proposal for council consideration. Staff recently installed water service to building B at the shop and it went well.

Kelly is excited for all of this. She knows the city team works hard but wants to be sure when gathering data that staff can express if they feel like they would be over capacity. would like to see something from workers and how they feel about it. Davis said this is investing in families and is a great win for the city. In answer to Lewis, Palmer said certain things were contracted out such as the crane.

REPORTS

City Council

Clearwater Economic Development Association – Parker said she attended their annual meeting.

Fair and Affordable Housing Commission – Parker said the Commission reviewed demographic stats and housing starts to see where Moscow is for growth of city population and growth of housing and how they don't match up.

Historic Preservation Commission – Davis said the Commission is planning future events.

Palouse Basin Aquifer Committee – Lewis said in response to the change of Americorp funding, they had an emergency meeting to create a temporary position to be sure their Americorp intern could continue.

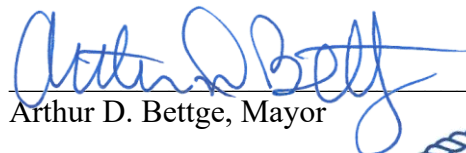
Council members spoke on other meetings and events they attended.

Mayor

Mayor Bettge attended the AIC district meeting, Bridge event, Arbor Day event, airport open house, and high school government classes.

ADJOURN

It was mutually agreed upon to adjourn at 8:33 p.m.


Arthur D. Bettge, Mayor

ATTEST:


Laurie M. Hopkins, City Clerk



Proposed Repeal of Moscow City Code Title 9, Chapter 10, Moscow Day Care Ordinance

MOSCOW CITY COUNCIL

MAY 5, 2025



Background

- The City of Moscow established local Day Care regulations in 1993 through Ordinance 93-15, which:
 - Required a City-issued license to operate a day care facility
 - Required liability insurance
 - Required Criminal background check of all owners, operators, and employees of day care facilities
 - Required Compliance with State standards contained in Idaho Code Title 39, Chapter 11
 - Required standard first aid certification for all employees and licensees
 - Established minimum age for owner/operators and employees
- Over the last 32 years, the City has made several revisions to the City's day care regulations

Select Comparison Between City of Moscow and Idaho Standards

- Both Moscow City Code and the State of Idaho limit the Child-Staff ratio to one staff member for every twelve (12) points based upon an age-based point system shown below:

Age Range	Moscow City Code	Idaho Code 39-1109(4) as amended
0-1	4	2
1-2	2	2
2-3	2	1.33
3-4	1	0.923
4-5	1	0.923
5-13	0.5	0.48
>13	0	0

Select Comparison Between City of Moscow and Idaho Standards

■ License Duration and Background Check Frequency

	Moscow City Code	Idaho Code
Facility License Duration	1 year	2 years
Provider Background Check Frequency	Every 2 years	Every 5 years

Select Comparison Between City of Moscow and Idaho Standards

- Training and CPR/First Aid Requirements
 - **State of Idaho** - 4 hours of training every 12 months, at least one adult employee on the premises is trained in CPR and First Aid
 - **Moscow City Code** – 12 hours of training annually, all employees required to have Infant CPR/First Aid Certification

Select Comparison Between City of Moscow and Idaho Standards

- Permanently Disqualify Offenses: State of Idaho
 - (2) No person who pleads guilty to, has been found guilty of or received a withheld judgment for any offense involving neglect or any physical injury to or other abuse of a child, including the following offenses or a similar provision in another jurisdiction, shall be eligible for a license under the provisions of this chapter:

Idaho Code 39-1113(2) Permanently Disqualifying Offenses

- (a) Felony injury of a child, section 18-1501, Idaho Code.
- (b) The sexual abuse of a child under sixteen years of age, section 18-1506, Idaho Code.
- (c) The ritualized abuse of a child under eighteen years of age, section 18-1506A, Idaho Code.
- (d) The sexual exploitation of a child, section 18-1507, Idaho Code.
- (e) Sexual abuse of a child under the age of sixteen years, section 18-1506, Idaho Code.
- (f) Lewd conduct with a child under the age of sixteen years, section 18-1508, Idaho Code.
- (g) The sale or barter of a child for adoption or other purposes, section 18-1511, Idaho Code.
- (h) Murder in any degree, section 18-4001 or 18-4003, Idaho Code.
- (i) Assault with intent to murder, section 18-4015, Idaho Code.
- (j) Voluntary manslaughter, section 18-4006, Idaho Code.
- (k) Rape, section 18-6101, Idaho Code.
- (l) Incest, section 18-6601, Idaho Code.
- (m) Forcible sexual penetration by use of foreign object, section 18-6604, Idaho Code.
- (n) Abuse, neglect or exploitation of a vulnerable adult, section 18-1505, Idaho Code.
- (o) Aggravated, first degree, second degree and third degree arson, sections 18-801 through 18-805, Idaho Code.
- (p) The infamous crime against nature, a felony offense formerly codified in chapter 66, title 18, Idaho Code, and whose conviction is entered before July 1, 2022.
- (q) Kidnapping, sections 18-4501 through 18-4503, Idaho Code.
- (r) Mayhem, section 18-5001, Idaho Code.
- (s) Poisoning, section 18-4014 or 18-5501, Idaho Code.
- (t) Robbery, section 18-6501, Idaho Code.
- (u) Stalking in the first degree, section 18-7905, Idaho Code.
- (v) Video voyeurism, section 18-6605, Idaho Code.
- (w) Enticing of children, section 18-1509 or 18-1509A, Idaho Code.
- (x) Inducing a child into commercial sexual activity, section 18-5609, Idaho Code.
- (y) Inducing a child to engage in commercial sexual activity, section 18-5611, Idaho Code.
- (z) Any felony punishable by death or life imprisonment.
- (aa) Attempt, section 18-306, Idaho Code, conspiracy, section 18-1701, Idaho Code, or accessory after the fact, section 18-205, Idaho Code, to commit any of the crimes designated in this subsection.
- (bb) Domestic violence, section 18-918(2), Idaho Code.
- (cc) Any offense requiring registration on a state sex offender registry or the national sex offender registry.
- (dd) A felony drug-related offense committed during the preceding five (5) years.
- (ee) Sexual abuse of an animal, section 18-6602, Idaho Code.
- (ff) Sexual abuse of human remains, section 18-6603, Idaho Code.

Select Comparison Between City of Moscow and Idaho Standards

■ Permanently Disqualify Offenses: City of Moscow

A. Where Applicant, Licensee, Owner, Director, Staff, individual thirteen (13) years of age or older who have unsupervised direct contact with children or are regularly on the Premises, managing agent of a corporation, or active partner of a partnership has:

1. Been found guilty of, plead guilty to, received a withheld judgment, or admitted to the elements of any offense involving neglect or any physical injury to or other abuse of a child, any of the crimes enumerated in Idaho Code 39- 1113(2), I.C. 18-4116 Indecent Exposure, or any substantially similar provision in another jurisdiction, notwithstanding the form of judgment(s).
2. Been classified as a voluntary patient or involuntary patient pursuant to Chapter 3, Title 66, Idaho Code, or similar provision in another jurisdiction, unless: a. Such Person has been released from, and is no longer under any form of treatment in relation to such classification, and b. Such Person has been examined by at least one (1) professional licensed to evaluate mental health and such professional certifies that the Person is no longer mentally ill and presents no threat or danger to any Child. Such examination shall not be at City expense.
3. Had his or her parental rights restricted or terminated by a Child protection action under Idaho Code, Section 16-1601 et seq., or Child custody termination action under Idaho Code, Section 16-2001 et seq.
4. A registered sex offender residing on the Premises where Day Care services are provided.

Select Comparison Between City of Moscow and Idaho Standards

- Five-Year Disqualifying Offenses: **State of Idaho**
- (3) No person who has pleaded guilty to, been found guilty of or received a withheld judgment for any offense involving neglect or any physical injury to or other abuse of a child, including the following offenses or a similar provision in another jurisdiction, shall be eligible for a license for a period of five (5) years under the provisions of this chapter:

Idaho Code 39-3113(3) Five-Year Disqualifying Offenses

- (a) Aggravated assault, section 18-905, Idaho Code.
- (b) Aggravated battery, section 18-907(1), Idaho Code.
- (c) Burglary, section 18-1401, Idaho Code.
- (d) Felony theft, sections 18-2403 and 18-2407(1), Idaho Code.
- (e) Forgery of a financial transaction card, section 18-3123, Idaho Code.
- (f) Fraudulent use of a financial transaction card or number, section 18-3124, Idaho Code.
- (g) Forgery or counterfeiting, chapter 36, title 18, Idaho Code.
- (h) Misappropriation of personal identifying information, section 18-3126, Idaho Code.
- (i) Insurance fraud, section 41-293, Idaho Code.
- (j) Damage to or destruction of insured property, section 41-294, Idaho Code.
- (k) Public assistance fraud, section 56-227, Idaho Code.
- (l) Provider fraud, section 56-227A, Idaho Code.
- (m) Attempted strangulation, section 18-923, Idaho Code.
- (n) Attempt, section 18-306, Idaho Code, conspiracy, section 18-1701, Idaho Code, or accessory after the fact, section 18-205, Idaho Code, to commit any of the crimes designated in this subsection.
- (o) Misdemeanor injury to a child, section 18-1501(2), Idaho Code.

Select Comparison Between City of Moscow and Idaho Standards

■ Five-Year Disqualifying Offenses: City of Moscow

Where Applicant, Licensee, Owner, Director, Staff, individual thirteen (13) years of age or older who have unsupervised direct contact with children or are regularly on the Premises, managing agent of a corporation, or active partner of a partnership has been found guilty of, plead guilty to, or received a withheld judgment, or admitted to the elements of any of the crimes enumerated in I.C. 39- 1113(3), the following enumerated crimes, or any substantially similar provision in another jurisdiction, notwithstanding the form of judgment(s) for a period of five (5) years immediately preceding the date of application for license or renewal:

1. Any felony violation of the Uniform Controlled Substances Act, Chapter 27, Title 37, Idaho Code. An individual must have pled guilty, been found guilty or received a withheld judgment to be denied under any misdemeanor violation of the Uniform Controlled Substance Act Chapter 27, Title 37, Idaho Code.
2. Grand theft, section 18-2407(1), Idaho Code.
3. Disseminating obscene material to minors, as defined in sections 18-1513 through 18-1515, Idaho Code.
4. Arson, as defined in sections 18-801 through 18-803, Idaho Code.

Select Comparison Between City of Moscow and Idaho Standards

5. Driving under the influence of alcohol, drugs, or other intoxicating substances, section 18-8004, Idaho Code.
6. Aggravated driving while under the influence of alcohol, drugs, or any other intoxicating substances, section 18- 8006, Idaho Code.
7. Reckless driving, section 49- 1401(1), Idaho Code.
8. Any felony as defined by Idaho Code, Section 18-111 and 18-111A, other than those listed in Subsection A.1. hereinabove.
9. Any crime of physical violence against persons, other than those listed in Section A.1. hereinabove.
10. Attempt, section 18-306, Idaho Code, conspiracy, section 18-1701, Idaho Code, or accessory after the fact, section 18-205, Idaho Code, to commit any of the crimes designated in this subsection.

Background

- The Idaho Legislature passed House Bill No. 243 and House Bill No. 312, and Governor Little signed them into law on March 27, 2025, with an effective date of July 1, 2025
- The Bills amended the State of Idaho day care regulations, which include repeal of Idaho Code Section 39-1108, which provided the authority for local governments to license day care facilities
- As a result, effective July 1st of this year, the City's authority to license day care facilities will be terminated
- Staff has prepared an ordinance to repeal Moscow City Code Title 9, Chapter 10, Moscow Day Care Ordinance, with an effective date of July 1, 2025
- Staff recommends approval of the ordinance under suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary