

Moscow City Council



Regular Meeting
~Agenda~

Laurie M. Hopkins
City Clerk

www.ci.moscow.id.us

208.883.7015

Monday, June 15, 2026

7:00 PM

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

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

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

National Pollinator Week

Juneteenth

CONSENT AGENDA

1. All Consent Items (ACTION ITEM)

A. Approval of Moscow City Council June 1, 2026 Minutes - Laurie M. Hopkins

B. Approval of Payment of Claims - Sarah Decker

C. Disbursement Report May 2026 - Sarah Decker

Staff presented the May 2026 Accounts Payable Report to the Public Works / Finance Committee on June 8th, 2026. The Committee received the report and recommended approval of the disbursement report.

ACTION: Accept the Disbursements Report for the month of May 2026.

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

The Moscow Police Department (MPD) annually applies for several small grants to support the procurement of equipment such as bulletproof vests, as well as to facilitate traffic enforcement mobilizations and other safety activities. These grants provide essential funding and resources to enhance public safety, including protective gear, operational equipment, and program support for various community safety initiatives. These efforts align with MPD's

community-oriented policing mission to improve residents' quality of life through partnerships and problem-solving, while ensuring officers are properly equipped to perform their duties safely. The MPD is seeking approval and/or ratification of the small grant funding requests and awards, totaling up to \$50,000, for the period from July 1, 2026, through June 30, 2027. This was reviewed by the Public Works/Finance Committee on June 8, 2026 and recommended for approval.

ACTION: Approval and/or ratification of funding requests and awards for small grants applied for by the Moscow Police Department not to exceed a combined total of \$50,000 for the period of July 1, 2026, through June 30, 2027.

E. Approval of Personnel Policy Updates Resolution – Sharon Games

The Human Resource Department has identified the need to make several updates to the City's adopted Personnel Policies. The proposed amendments to the policy include updates to reflect recent regulatory changes, aligning and formalizing policies with original intent and current practices, and the addition of a new policy for Artificial Intelligence. This was reviewed by the Public Works/Finance Committee on June 8, 2026 and recommended for approval.

ACTION: Approve the Personnel Policy Resolution.

REGULAR AGENDA

2. Mayors Appointments (ACTION ITEM)

3. Public Comment (limit 15 minutes)

4. Citizen Commission Report - Transportation Commission - Mike Ray / Sarah Tucker

5. Appeal of Board of Adjustment Decision Regarding 513 S. Main Street (ACTION ITEM) - Mike Ray/Lucy Falcy

On March 2, 2026, Roderick 'Rusty' Olps applied for a Conditional Use Permit (CUP) to offer music, fitness, and dance classes at 513 South Main Street within the Central Business (CB) Zoning District. The Board of Adjustment conducted a public hearing for the proposed CUP on April 27, 2026, and subsequently voted to deny the application based on Criterion #2 "The character of the proposed use will be in harmony with the neighborhood and surrounding land uses" and as documented in their written decision dated May 20, 2026. On May 27, 2026, the applicant submitted an appeal of the Board of Adjustment's decision to the City Council per MCC 4-8-5. This matter is before the City Council for consideration.

PROPOSED ACTIONS: Council has the following options:

1. Sustain the Decision (in whole or in part)
2. Reverse the Decision (in whole or in part)
3. Remand the Matter to the Board of Adjustment (in whole or in part)

With any of the three options, staff should be directed to prepare a written decision reflecting Council's action.

6. Approval of FBI Gem State Crimes Against Children Task Force Memorandum of Understanding and Reimbursement Agreement (ACTION ITEM) - Anthony Dahlinger

The Moscow Police Department (MPD) has partnered with the Idaho Crimes Against Children (ICAC) Task Force with the Idaho Attorney General's Office for many years. Unfortunately, that partnership has ended as of May 1, 2026. MPD remains committed to protecting children in our community as well as assisting other law enforcement partners to protect the children of the region. It is with this commitment that MPD is seeking City Council approval to join the newly formed

FBI Gem State Crimes Against Children (GSCAC) task force. This was reviewed by the Administrative Committee on May 26, 2026, and recommended for approval.

PROPOSED ACTIONS: Approve FBI Gem State Crimes Against Children Task Force Memorandum of Understanding and Reimbursement Agreement, or take other action deemed appropriate.

REPORTS

City Council

Mayor

ADJOURN

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

NATIONAL POLLINATOR WEEK PROCLAMATION

- WHEREAS,** pollinator species, such as birds, bats, bees, and other insects play a vital role in producing crops grown in the United States, ensuring Americans have a variety of fruits, vegetables, and nuts to support a healthy diet; and
- WHEREAS,** pollinators provide significant environmental benefits that are necessary for maintaining healthy, diverse ecosystems in towns and cities; and
- WHEREAS,** pollinator-friendly communities can benefit local and regional economies through healthier ecosystems, increased vegetable and fruit crop yields, and increased demand for pollinator-friendly plant materials from local growers; and
- WHEREAS,** pollination plays a vital role for the trees and plants of our community, enhancing our quality of life, and creating recreational and economic development opportunities; and
- WHEREAS,** pollinators are essential for healthy, biodiverse ecosystems across public and private lands; and
- WHEREAS,** the City of Moscow manages public lands including parks, public landscaping, greenways, and wildlife habitat throughout the City of Moscow.

NOW, THEREFORE, I, Hailey Lewis, Mayor for the City of Moscow, do hereby proclaim June 22nd through June 28th, 2026 as

National Pollinator Week

and, as the City of Moscow is a Bee City USA® affiliate, urge all citizens to recognize this observance.



DATED this 15th day of June, 2026.

Hailey Lewis, Mayor

JUNETEENTH PROCLAMATION

WHEREAS, on January 1st, 1863, President Abraham Lincoln issued the Emancipation Proclamation, setting in motion the abolition of slavery in the United States; and

WHEREAS, it was not until June 19th, 1865, that the announcement was made to those still enslaved in Texas: “The people are informed that in accordance with a proclamation from the Executive of the United States, all slaves are free”; and

WHEREAS, Ida B. Wells taught us “the way to right wrongs is to turn the light of truth upon them,” and the isolated beauty of Idaho carries a distressing history of discrimination that continues to threaten our communities, particularly people of color; and

WHEREAS, every day we have an opportunity to make our communities stronger and more inclusive and shift the trajectory of our state and North Idaho by treating others as we want to be treated — with dignity, respect, and compassion; and

WHEREAS, equity and equality strengthen communities by ensuring all people have the opportunity to thrive, and addressing barriers encountered by some does not diminish opportunities for others because equity is not a zero-sum game; and

WHEREAS, a community commitment to equity, equality, and inclusion must be reflected in our actions as well as our words through continued learning, unlearning, and sincere engagement with one another; and

WHEREAS, building an inclusive community requires accountability and mutual respect, including a willingness to acknowledge our own shortcomings, and supporting one another in creating a more welcoming society; and

WHEREAS, June 19th was officially recognized as a federal holiday in 2021 and serves as both a celebration of Black and African American freedom and an opportunity to affirm our commitment to the continued pursuit of liberty and justice for all Americans in order to form a more perfect union.

NOW, THEREFORE, I, Hailey Lewis, Mayor for the City of Moscow, Idaho, do hereby recognize June 19th, 2026 as

Juneteenth

in the City, and urge all citizens to recognize this day through reflection, education, and celebration, and to make a commitment to meaningfully engage in the ongoing pursuit of equity for all persons.



DATED this 15th day of June, 2026.

Hailey Lewis, Mayor

Moscow City Council



Regular Meeting
~Minutes~

Laurie M. Hopkins
City Clerk

www.ci.moscow.id.us

208.883.7015

Monday, June 1, 2026

7:00 PM

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

The meeting was called to order at 7:00 p.m.

PRESENT: Mayor Hailey Lewis, Bryce Blankenship, Drew Davis, Evan Holmes, Sandra Kelly, Sage McCetich, Scott Sumner

STAFF: Bill Belknap, Mia Bautista, Nichoel Baird Spencer, Laurie M. Hopkins

PLEDGE OF ALLEGIANCE

Mayor Lewis led the Pledge of Allegiance.

CONSENT AGENDA

1. All Consent Items (ACTION ITEM)

A. Approval of Moscow City Council May 18, 2026 Minutes - Laurie M. Hopkins

B. Approval of Payment of Claims - Sarah Decker

C. Asphalt Rubber Chip Seal 2026 Bid Rejection — Bob Buvel

This project's scope is to apply an Asphalt Rubber Chip Seal to approximately 29,472 square yards of roadways along Blane Street from Third to Troy Road and Garfield Street from "F" Street to First Street. This project is part of our pavement preservation program. The City published an advertisement for bids on April 18, 2026 and April 25, 2026. The Engineer's Estimate for construction was \$412,608.00. Bids were opened on May 5, 2026, at which one (1) bid was received. The bid was \$537,864.00 by Doolittle Construction, LLC. A bid tabulation is included in the packet. This was reviewed by the Administrative Committee on May 26, 2026, and recommended for approval.

ACTION: Reject the bid from Doolittle Construction.

D. KN 23902 & 23903; N&S Mountain View Pedestrian Improvements - Professional Services Agreement for Construction Engineering and Inspection - Scott Bontrager / Luke Hajda

The Idaho Transportation Department (ITD), through the Local Highway Technical Assistance Council (LHTAC), funded a federal-aid project for FY2026 to improve two segments of non-motorized transportation gaps on Mountain View Road. These improvements include completing sidewalk and bike lanes from Slonaker Drive to F Street and Joseph Street to Paradise Creek. The construction contract for the project was awarded by Moscow City Council in April to LaRiviere Inc., in the amount of \$1,025,088.98. A request for information (RFI) was issued by LHTAC for construction engineering and inspection on February 23rd, 2026, and two qualified engineering firms responded by the March 6th deadline. A three-person panel (one LHTAC engineer and two City Staff) independently rated the statement of qualifications, and a consensus was reached on the selection of HMM Engineering, LLC. The professional services agreement between the City of Moscow and HMM Engineering was negotiated on Monday, April 6th, 2026, in the amount of

\$169,812.00. This amount equates to 16.6% of the construction contract amount, which both the LHTAC and City Staff deem reasonable for contract administration and construction inspection on a federal-aid project. The agreement has been reviewed and approved by the City Legal Department. This was reviewed by the Administrative Committee on May 26, 2026, and recommended for approval.

ACTION: Approve the Professional Services Agreement with HMH Engineering LLC.

E. Approval of Agreement for Victim Assistance with Alternatives to Violence of the Palouse - Anthony Dahlinger

The Moscow Police Department (MPD) has utilized the victim assistance services provided by the Alternatives to Violence of the Palouse (ATVP) during incidents involving victims of sexual assault and domestic violence for many years. Since 2014, MPD has budgeted funds which were provided to ATVP for their services. With the passage of Resolution 2024-25, which altered the City's Procurement and Purchasing Policy, the need for a written agreement between the City of Moscow and ATVP for their victim assistance services arose. The Moscow Police Department is asking City Council to approve the agreement for services with ATVP. This was reviewed by the Administrative Committee on May 26, 2026 and recommended for approval.

ACTION: Approve the agreement for Victim Assistance with Alternatives to Violence of the Palouse.

Holmes removed Item C from the consent agenda. He moved and Blankenship seconded to approve the consent agenda minus Item C. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Holmes explained he removed the item so that it could be announced that those roads would not have a chip seal due to the high bid. Baird Spencer clarified that the rubber is not found locally. Staff will review solutions. Holmes moved to approve the rejection of the bid in Item C. Kelly seconded. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

REGULAR AGENDA

2. Public Comment (limit 15 minutes)

Erika Miner (Access Point, IHFA) is the point of contact that experiences housing crisis and receives 10-35 calls a day. They have 65 households that are currently homeless. She listens and tries to help them and hopes the council will listen and try to help as well.

Casey Holt (ED of Sojourner's Alliance) wants to keep the housing discussion going. He expressed disappointment in the housing workshop as it is far off from where we need to be to address issues. He said there was a question about past discussions at the workshop and it is all public record and he felt insulted by it.

Tym Park (Moscow) congratulate the city on the new bus he saw around town. He is excited about Spin and the opportunity for another mobility option. The riders that don't follow the regulations should be penalized and should be weighed in on by the City. He feels downtown sidewalks should be pedestrian only. He is still asking the Council to make a statement regarding Ghaza.

Belknap explained e-vehicles are not allowed on sidewalks but bikes are and is most likely personal bikes. Staff has asked the Transportation Commission to review the regulations and develop education materials.

Sherry Six (Moscow) policing bikes, one of the reasons they ride on sidewalks is because they don't feel comfortable on the road. Education materials should include road riders.

3. Proposed Ordinance to Amend the Entertainment District Open Container Exemption to Allow Liquor (ACTION ITEM) - Bill Belknap

The Mayor and City Council recently received a letter from the Moscow Chamber of Commerce & Visitor Center and the Downtown Business Alliance requesting the City Council to consider the allowance of liquor to be served during permitted events held within the downtown Entertainment District. Ordinance 2021-11, passed on August 16, 2021, allows the City Council to suspend the prohibition of open containers of alcohol during permitted events within the designated Entertainment District by resolution. Ordinance 2021-11 specifically limits this exemption to the service of beer and wine. This was reviewed by the Administrative Committee on April 27, 2026, and the City Council on May 4, 2026, at which time staff was directed to prepare an ordinance to allow liquor at Entertainment District events. The proposed Ordinance amending Title 10, Chapter 1 of Moscow City Code is now before the Council for consideration. This was reviewed by the Administrative Committee on May 26, 2026, and recommended for approval.

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 as written above. Having no questions, Kelly 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. He said he is excited about this update. Sumner reiterated each event is approved by the council and the event organizer is required to police the event. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Mayor Lewis read Ordinance 2026-03 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 10, CHAPTER 1, SECTION 1-12; PROVIDING FOR THE ALLOWANCE OF LIQUOR TO BE SERVED AT EVENTS HELD IN THE ENTERTAINMENT DISTRICT; 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

Planning and Zoning Commission – McCetich said the Commission is discussing statewide code changes for manufactured homes and ADU's.

Human Rights Commission – McCetich reported the chair stepped down.

Historic Preservation Commission – Kelly said the discussion about the university district is on a good path.

Mayor

Mayor Lewis attended the SMART board meeting; met with ITD District 2 representatives regarding new utility boxes, signal timing; Airport Board meeting.

ADJOURN

It was moved, seconded and mutually agreed upon to adjourn at 7:42 p.m.

Hailey Lewis, Mayor

ATTEST:

Laurie M. Hopkins, City Clerk



Accounts Payable Checks for Approval

June 10, 2026 02:35 PM

jlopez

Check #	Check Date	Fund	Account	Vendor Name	Amount
116462	06/03/2026	Fleet Management Fund	Shop Supplies	ALSCO, INC.	\$86.15
116462	06/03/2026	Recreation & Culture	Department Supplies	ALSCO, INC.	\$64.98
116462	06/03/2026	Fleet Management Fund	Shop Supplies	ALSCO, INC.	\$60.70
116462	06/03/2026	General Fund	Janitorial Services & Supplies	ALSCO, INC.	\$64.56
116462	06/03/2026	General Fund	Janitorial Services & Supplies	ALSCO, INC.	\$28.38
116462	06/03/2026	Fleet Management Fund	Shop Supplies	ALSCO, INC.	\$86.15
116462	06/03/2026	Fleet Management Fund	Shop Supplies	ALSCO, INC.	\$60.70
116462	06/03/2026	General Fund	Janitorial Services & Supplies	ALSCO, INC.	\$28.38
116462	06/03/2026	General Fund	Department Supplies	ALSCO, INC.	\$36.90
116462	06/03/2026	General Fund	Department Supplies	ALSCO, INC.	\$40.00
116462	06/03/2026	Transit Center	Department Supplies	ALSCO, INC.	\$58.68
116462	06/03/2026	Transit Center	Department Supplies	ALSCO, INC.	\$58.68
116462	06/03/2026	General Fund	Department Supplies	ALSCO, INC.	\$36.90
116462	06/03/2026	General Fund	Department Supplies	ALSCO, INC.	\$40.00
Check Total:					\$751.16
116463	06/03/2026	Water Fund	Professional Services	Anatek Labs, Inc.	\$1,864.00
116463	06/03/2026	Water Fund	Professional Services	Anatek Labs, Inc.	\$210.00
116463	06/03/2026	Sewer Fund	Professional Services	Anatek Labs, Inc.	\$201.00
116463	06/03/2026	Water Fund	Professional Services	Anatek Labs, Inc.	\$210.00
Check Total:					\$2,485.00
116464	06/03/2026	Fleet Management Fund	Shop Supplies	ARTBEAT, INC.	\$230.55
116464	06/03/2026	Streets Fund	Uniform Expense	ARTBEAT, INC.	\$573.75
Check Total:					\$804.30
116465	06/03/2026	Fleet Management Fund	Operations & Maintenance Parts	AUTOZONE, INC.	\$117.36
Check Total:					\$117.36
116466	06/03/2026	Capital Projects Fund	Buildings	AVISTA UTILITIES	\$25,025.36
Check Total:					\$25,025.36
116467	06/03/2026	Recreation & Culture	Moscow Farmers Market Programs	BILL VOXMAN	\$300.00

Check #	Check Date	Fund	Account	Vendor Name	Amount
				Check Total:	\$300.00
116468	06/03/2026	Transit Center	R & M - Buildings	CAMTEK INC.	\$462.68
				Check Total:	\$462.68
116469	06/03/2026	General Fund	R & M - Equipment	Canon U.S.A, Inc.	\$30.81
116469	06/03/2026	Fleet Management Fund	Office Supplies	Canon U.S.A, Inc.	\$55.85
				Check Total:	\$86.66
116470	06/03/2026	Recreation & Culture	Refunds & Reimbursements	Casey Bartrem	\$68.75
				Check Total:	\$68.75
116471	06/03/2026	General Fund	Uniform Expense	Celina Merritt	\$70.90
				Check Total:	\$70.90
116472	06/03/2026	Water Fund	Meters	CONSOLIDATED SUPPLY CO.	\$(519.54)
116472	06/03/2026	Water Fund	Meters	CONSOLIDATED SUPPLY CO.	\$1,619.68
116472	06/03/2026	Water Fund	Operations & Maintenance Parts	CONSOLIDATED SUPPLY CO.	\$163.71
				Check Total:	\$1,263.85
116473	06/03/2026	Water Fund	Department Supplies	Crown Enterprises	\$149.99
				Check Total:	\$149.99
116474	06/03/2026	Sewer Fund	Professional Services	CULLIGAN, LLC	\$383.80
				Check Total:	\$383.80
116475	06/03/2026	Sewer Fund	Travel & Meetings	David Hartley	\$68.00
				Check Total:	\$68.00
116476	06/03/2026	Information Systems Fund	Professional Services	DAY WIRELESS SYSTEMS	\$1,078.00
				Check Total:	\$1,078.00
116477	06/03/2026	Capital Projects Fund	Improvements	Design West Architects	\$7,270.00
				Check Total:	\$7,270.00
116478	06/03/2026	General Fund	Uniform Expense	Eagle Engraving, Inc.	\$147.25
				Check Total:	\$147.25
116479	06/03/2026	Fleet Management Fund	Operations & Maintenance Parts	ENVIRO-CLEAN EQUIPMENT, INC.	\$531.05
				Check Total:	\$531.05
116480	06/03/2026	General Fund	Janitorial Services & Supplies	EVCAR, INC.	\$2,218.00
116480	06/03/2026	Recreation & Culture	Janitorial Services & Supplies	EVCAR, INC.	\$2,400.00
116480	06/03/2026	Recreation & Culture	Janitorial Services & Supplies	EVCAR, INC.	\$976.00
116480	06/03/2026	Fleet Management Fund	Janitorial Services & Supplies	EVCAR, INC.	\$138.66

Check #	Check Date	Fund	Account	Vendor Name	Amount
116480	06/03/2026	Streets Fund	Janitorial Services & Supplies	EVCAR, INC.	\$138.67
116480	06/03/2026	Recreation & Culture	Janitorial Services & Supplies	EVCAR, INC.	\$138.67
116480	06/03/2026	Sewer Fund	Janitorial Services & Supplies	EVCAR, INC.	\$1,680.00
116480	06/03/2026	Water Fund	Janitorial Services & Supplies	EVCAR, INC.	\$520.00
				Check Total:	\$8,210.00
116481	06/03/2026	Sewer Fund	R & M - Equipment	Ferguson Waterworks	\$867.93
116481	06/03/2026	Sewer Fund	R & M - Equipment	Ferguson Waterworks	\$1,251.09
116481	06/03/2026	Sewer Fund	R & M - Equipment	Ferguson Waterworks	\$232.60
				Check Total:	\$2,351.62
116482	06/03/2026	Water Fund	Chemicals	FILTRATION TECHNOLOGY, INC	\$14,611.00
				Check Total:	\$14,611.00
116483	06/03/2026	Sanitation Fund	Waste Connection Trans	FINLEY BUTTES LANDFILL	\$154,663.44
116483	06/03/2026	Sanitation Fund	Fuel Relief	FINLEY BUTTES LANDFILL	\$14,556.53
				Check Total:	\$169,219.97
116484	06/03/2026	Sewer Fund	R & M - Equipment	GRAINGER, INC.	\$179.36
116484	06/03/2026	Water Fund	Operations & Maintenance Parts	GRAINGER, INC.	\$21.20
				Check Total:	\$200.56
116485	06/03/2026	Water Fund	Department Supplies	GROPP, LLC	\$6,645.00
				Check Total:	\$6,645.00
116486	06/03/2026	Recreation & Culture	Department Supplies	HAHN RENTAL CENTER, INC.	\$150.00
				Check Total:	\$150.00
116487	06/03/2026	General Fund	Professional Services	INFOSEND, INC.	\$3,845.22
				Check Total:	\$3,845.22
116488	06/03/2026	Sewer Fund	Professional Services	Inland North Waste	\$10.00
				Check Total:	\$10.00
116489	06/03/2026	Sewer Fund	R & M - Grounds	Jeff Arnett	\$13,115.00
116489	06/03/2026	Sewer Fund	R & M - Grounds	Jeff Arnett	\$450.00
				Check Total:	\$13,565.00
116490	06/03/2026	General Fund	Professional Development	LOCAL HIGHWAY TECHNICAL ASSISTANCE	\$125.00
				Check Total:	\$125.00
116491	06/03/2026	Recreation & Culture	R & M - Buildings	McCoy Plumbing & Heating, Inc.	\$15.95
116491	06/03/2026	Recreation & Culture	R & M - Buildings	McCoy Plumbing & Heating, Inc.	\$2.00
				Check Total:	\$17.95

Check #	Check Date	Fund	Account	Vendor Name	Amount
116492	06/03/2026	Sewer Fund	R & M - Equipment	McFadden's ICM Technologies, Inc.	\$1,325.00
				Check Total:	\$1,325.00
116493	06/03/2026	Sewer Fund	R & M - Equipment	METROQUIP, INC.	\$15,831.34
				Check Total:	\$15,831.34
116494	06/03/2026	General Fund	Professional Development	MICHAEL RAY	\$237.80
				Check Total:	\$237.80
116495	06/03/2026	General Fund	Department Supplies	Moscow Volunteer Fire Department	\$174.00
116495	06/03/2026	Recreation & Culture	Department Supplies	Moscow Volunteer Fire Department	\$182.25
116495	06/03/2026	Recreation & Culture	Department Supplies	Moscow Volunteer Fire Department	\$182.25
				Check Total:	\$538.50
116496	06/03/2026	Water Fund	Department Supplies	MUNDY'S MACHINE & WELDING	\$35.40
				Check Total:	\$35.40
116497	06/03/2026	Sewer Fund	Department Supplies	National Safety, Inc.	\$377.50
				Check Total:	\$377.50
116498	06/03/2026	General Fund	Office Supplies	ODP Business Solutions LLC	\$223.14
116498	06/03/2026	Water Fund	Other Miscellaneous Supplies	ODP Business Solutions LLC	\$50.98
116498	06/03/2026	Water Fund	Office Supplies	ODP Business Solutions LLC	\$5.69
				Check Total:	\$279.81
116499	06/03/2026	Sewer Fund	Chemicals	OXARC, INC.	\$7,277.52
116499	06/03/2026	Sewer Fund	Chemicals	OXARC, INC.	\$564.90
				Check Total:	\$7,842.42
116500	06/03/2026	Fleet Management Fund	Operations & Maintenance Parts	Red's Power Supply, LLC	\$22.50
				Check Total:	\$22.50
116501	06/03/2026	Water Fund	Other Miscellaneous Supplies	Rosauers Supermarkets, Inc.	\$16.27
				Check Total:	\$16.27
116502	06/03/2026	General Fund	Professional Development	Ryan Snyder	\$263.00
				Check Total:	\$263.00
116503	06/03/2026	General Fund	R & M - Buildings	SCHINDLER ELEVATOR CORPORATION	\$993.66
116503	06/03/2026	General Fund	R & M - Buildings	SCHINDLER ELEVATOR CORPORATION	\$1,029.99
				Check Total:	\$2,023.65
116504	06/03/2026	Sewer Fund	Miscellaneous Services & Charges	SE Moscow Sewer District	\$2,384.20
				Check Total:	\$2,384.20

Check #	Check Date	Fund	Account	Vendor Name	Amount
116505	06/03/2026	Water Fund	R & M - Buildings	SHERWIN-WILLIAMS COMPANY	\$60.45
				Check Total:	\$60.45
116506	06/03/2026	General Fund	Department Supplies	Spence Hardware & Supply, Inc.	\$28.36
				Check Total:	\$28.36
116507	06/03/2026	Fleet Management Fund	Operations & Maintenance Parts	Spence Sales & Service	\$233.96
				Check Total:	\$233.96
116508	06/03/2026	Water Fund	Office Supplies	Staples Advantage	\$69.74
				Check Total:	\$69.74
116509	06/03/2026	General Fund	R & M - Buildings	Stoneway Electric Supply Co.	\$175.69
116509	06/03/2026	Sewer Fund	R & M - Equipment	Stoneway Electric Supply Co.	\$108.97
				Check Total:	\$284.66
116510	06/03/2026	Recreation & Culture	R & M - Buildings	SUPERIOR FLOORS, INC.	\$4,320.00
				Check Total:	\$4,320.00
116511	06/03/2026	Sewer Fund	Chemicals	THATCHER COMPANY OF MONTANA	\$12,288.90
				Check Total:	\$12,288.90
116512	06/03/2026	General Fund	Postage Expense	U.S. Postal Service (CMRS-FP)	\$11.10
116512	06/03/2026	General Fund	Postage Expense	U.S. Postal Service (CMRS-FP)	\$68.34
116512	06/03/2026	General Fund	Postage Expense	U.S. Postal Service (CMRS-FP)	\$494.30
116512	06/03/2026	General Fund	Postage Expense	U.S. Postal Service (CMRS-FP)	\$1.03
116512	06/03/2026	General Fund	Postage Expense	U.S. Postal Service (CMRS-FP)	\$24.26
116512	06/03/2026	General Fund	Postage Expense	U.S. Postal Service (CMRS-FP)	\$123.58
116512	06/03/2026	Recreation & Culture	Postage Expense	U.S. Postal Service (CMRS-FP)	\$0.74
116512	06/03/2026	General Fund	Postage Expense	U.S. Postal Service (CMRS-FP)	\$50.34
116512	06/03/2026	Streets Fund	Postage Expense	U.S. Postal Service (CMRS-FP)	\$15.54
116512	06/03/2026	Water Fund	Postage Expense	U.S. Postal Service (CMRS-FP)	\$76.22
				Check Total:	\$865.45
116513	06/03/2026	Sewer Fund	Lab Supplies	USABLUEBOOK	\$2,516.61
116513	06/03/2026	Water Fund	Department Supplies	USABLUEBOOK	\$(1,292.00)
				Check Total:	\$1,224.61
116514	06/03/2026	Recreation & Culture	Department Supplies	Walter E. Nelson Co.	\$374.27
116514	06/03/2026	Recreation & Culture	Department Supplies	WALTER E. NELSON CO.	\$58.08
				Check Total:	\$432.35
116515	06/05/2026	Recreation & Culture	Cash Drawer - Pool	City of Moscow	\$1,200.00

Check #	Check Date	Fund	Account	Vendor Name	Amount	
					Check Total:	\$1,200.00
116516	06/10/2026	Sewer Fund	Professional Development	Adam Martian	\$813.60	
					Check Total:	\$813.60
116517	06/10/2026	Recreation & Culture	Department Supplies	ALSCO, INC.	\$105.51	
116517	06/10/2026	Recreation & Culture	Department Supplies	ALSCO, INC.	\$105.51	
116517	06/10/2026	Recreation & Culture	Department Supplies	ALSCO, INC.	\$64.98	
					Check Total:	\$276.00
116518	06/10/2026	Capital Projects Fund	Roadway Improvement Program	ALTA SCIENCE AND ENGINEERING INC	\$13,519.49	
116518	06/10/2026	Capital Projects Fund	Roadway Improvement Program	ALTA SCIENCE AND ENGINEERING INC	\$1,070.94	
					Check Total:	\$14,590.43
116519	06/10/2026	General Fund	Police Assistance Programs	ALTERNATIVES TO VIOLENCE	\$4,000.00	
					Check Total:	\$4,000.00
116520	06/10/2026	Streets Fund	Office Supplies	Amazon Capital Services	\$255.86	
116520	06/10/2026	Stormwater Fund	Office Supplies	Amazon Capital Services	\$14.36	
116520	06/10/2026	Stormwater Fund	Office Supplies	Amazon Capital Services	\$43.98	
					Check Total:	\$314.20
116521	06/10/2026	Sewer Fund	Professional Services	Anatek Labs, Inc.	\$551.00	
					Check Total:	\$551.00
116522	06/10/2026	General Fund	Professional Services	ANIMAL CLINIC AND HOSPITAL, PA	\$139.14	
					Check Total:	\$139.14
116523	06/10/2026	Water Fund	Professional Services	AQUA LAWN, INC.	\$80.00	
					Check Total:	\$80.00
116524	06/10/2026	Recreation & Culture	Refunds & Reimbursements	ARLENE FALCON	\$54.59	
					Check Total:	\$54.59
116525	06/10/2026	Water Fund	Uniform Expense	ARTBEAT, INC.	\$543.50	
					Check Total:	\$543.50
116526	06/10/2026	Water Fund	Heat, Lights & Utilities	Avista Utilities	\$29,804.21	
116526	06/10/2026	Streets Fund	Street Lighting	Avista Utilities	\$24,819.73	
116526	06/10/2026	Sewer Fund	Heat, Lights & Utilities	Avista Utilities	\$20,152.35	
116526	06/10/2026	General Fund	Heat, Lights & Utilities	Avista Utilities	\$1,707.77	
116526	06/10/2026	General Fund	Heat, Lights & Utilities	Avista Utilities	\$4,569.63	
116526	06/10/2026	Fleet Management Fund	Heat, Lights & Utilities	Avista Utilities	\$861.58	
116526	06/10/2026	Recreation & Culture	Heat, Lights & Utilities	Avista Utilities	\$2,200.82	

Check #	Check Date	Fund	Account	Vendor Name	Amount
116526	06/10/2026	Transit Center	Heat, Lights & Utilities	Avista Utilities	\$21.79
116526	06/10/2026	Recreation & Culture	Heat, Lights & Utilities	Avista Utilities	\$1,065.44
116526	06/10/2026	General Fund	Heat, Lights & Utilities	Avista Utilities	\$687.82
116526	06/10/2026	Recreation & Culture	Heat, Lights & Utilities	Avista Utilities	\$409.01
116526	06/10/2026	General Fund	Heat, Lights & Utilities	Avista Utilities	\$304.90
116526	06/10/2026	Recreation & Culture	Heat, Lights & Utilities	Avista Utilities	\$1,122.33
116526	06/10/2026	Recreation & Culture	Heat, Lights & Utilities	Avista Utilities	\$768.13
116526	06/10/2026	Stormwater Fund	Heat, Lights & Utilities	Avista Utilities	\$150.10
Check Total:					\$88,645.61
116527	06/10/2026	Water Fund	Professional Services	Blue Logix, LLC	\$2,275.00
Check Total:					\$2,275.00
116528	06/10/2026	Recreation & Culture	Refunds & Reimbursements	Brandy Cay	\$74.81
Check Total:					\$74.81
116529	06/10/2026	General Fund	R & M - Equipment	Canon U.S.A, Inc.	\$25.59
116529	06/10/2026	General Fund	R & M - Equipment	Canon U.S.A, Inc.	\$134.46
116529	06/10/2026	Water Fund	R & M - Equipment	Canon U.S.A, Inc.	\$49.98
116529	06/10/2026	Sewer Fund	Professional Services	Canon U.S.A, Inc.	\$111.33
116529	06/10/2026	General Fund	R & M - Equipment	Canon U.S.A, Inc.	\$61.45
116529	06/10/2026	Recreation & Culture	Office Supplies	Canon U.S.A, Inc.	\$20.50
116529	06/10/2026	General Fund	R & M - Equipment	Canon U.S.A, Inc.	\$262.51
116529	06/10/2026	General Fund	R & M - Equipment	Canon U.S.A, Inc.	\$62.16
Check Total:					\$727.98
116530	06/10/2026	Fleet Management Fund	Shop Supplies	CENTURY TOOL, INC.	\$319.35
Check Total:					\$319.35
116531	06/10/2026	Recreation & Culture	Professional Services	CHERLE PATRICIA POULSON	\$3,790.25
Check Total:					\$3,790.25
116532	06/10/2026	Fleet Management Fund	Motor Fuels & Lubricants	CHS, INC.	\$21,085.00
Check Total:					\$21,085.00
116533	06/10/2026	General Fund	R & M - Buildings	CLEARWATER ROOTER SERVICE, LLC	\$225.00
Check Total:					\$225.00
116534	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	COLEMAN OIL CO.	\$158.69
Check Total:					\$158.69
116535	06/10/2026	Capital Projects Fund	Buildings	Complete Office LLC	\$27,123.44
Check Total:					\$27,123.44

Check #	Check Date	Fund	Account	Vendor Name	Amount
116536	06/10/2026	General Fund	Uniform Expense	Crown Enterprises	\$99.99
				Check Total:	\$99.99
116537	06/10/2026	General Fund	Department Supplies	CULLIGAN, LLC	\$22.35
				Check Total:	\$22.35
116538	06/10/2026	Streets Fund	Uniform Expense	Dave Lehmitz	\$49.99
				Check Total:	\$49.99
116539	06/10/2026	Information Systems Fund	Minor Equipment - Public Safety	DELL MARKETING, L.P.	\$4,994.68
				Check Total:	\$4,994.68
116540	06/10/2026	Water Fund	Professional Services	DIGLINE, INC.	\$138.45
116540	06/10/2026	Sewer Fund	Professional Services	DIGLINE, INC.	\$138.45
				Check Total:	\$276.90
116541	06/10/2026	Recreation & Culture	Advertising & Publishing	FAST SIGNS	\$378.63
				Check Total:	\$378.63
116542	06/10/2026	Water Fund	Department Supplies	FILTRATION TECHNOLOGY, INC	\$1,964.77
				Check Total:	\$1,964.77
116543	06/10/2026	Recreation & Culture	Refunds & Reimbursements	Gail Erb	\$54.59
				Check Total:	\$54.59
116544	06/10/2026	Capital Projects Fund	Buildings	GEOPROFESSIONAL INNOVATION CORPORAT	\$7,338.16
116544	06/10/2026	Water Capital Fund	Buildings	GEOPROFESSIONAL INNOVATION CORPORAT	\$276.17
116544	06/10/2026	Sewer Capital Fund	Buildings	GEOPROFESSIONAL INNOVATION CORPORAT	\$276.17
				Check Total:	\$7,890.50
116545	06/10/2026	Water Fund	Other Miscellaneous Supplies	GRAINGER, INC.	\$206.92
116545	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	GRAINGER, INC.	\$59.00
116545	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	GRAINGER, INC.	\$46.65
				Check Total:	\$312.57
116546	06/10/2026	Capital Projects Fund	1% Public Art	GROPP, LLC	\$5,600.00
				Check Total:	\$5,600.00
116547	06/10/2026	Streets Fund	Rental Property & Equipment	HAHN RENTAL CENTER, INC.	\$100.00
				Check Total:	\$100.00
116548	06/10/2026	Water Fund	Professional Services	HDR ENGINEERING, INC.	\$8,735.10
				Check Total:	\$8,735.10
116549	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	HELBLING MACHINE & AUTO PARTS	\$18.27

Check #	Check Date	Fund	Account	Vendor Name	Amount
116549	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	HELBLING MACHINE & AUTO PARTS	\$70.82
				Check Total:	\$89.09
116550	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Hells Canyon Upfitting & Sales	\$243.20
				Check Total:	\$243.20
116551	06/10/2026	Sewer Fund	Utility Accounts Receivable	HENRY PLUMMER	\$23.91
116551	06/10/2026	Water Fund	Utility Accounts Receivable	HENRY PLUMMER	\$12.57
116551	06/10/2026	Sanitation Fund	Utility Accounts Receivable	HENRY PLUMMER	\$6.22
116551	06/10/2026	Water Fund	Utility Accounts Receivable	HENRY PLUMMER	\$3.38
116551	06/10/2026	Stormwater Fund	Utility Accounts Receivable	HENRY PLUMMER	\$1.21
				Check Total:	\$47.29
116552	06/10/2026	Streets Fund	Maintenance	HERCO, INC.	\$455.13
				Check Total:	\$455.13
116553	06/10/2026	General Fund	Downtown Maintenance	Highland Products Group, LLC	\$6,428.28
				Check Total:	\$6,428.28
116554	06/10/2026	Stormwater Fund	Department Supplies	Home Depot U.S.A, Inc.	\$54.26
				Check Total:	\$54.26
116555	06/10/2026	Streets Fund	Maintenance	HUBER ACTION FREIGHT, INC.	\$35.00
116555	06/10/2026	Streets Fund	Maintenance	HUBER ACTION FREIGHT, INC.	\$36.40
116555	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	HUBER ACTION FREIGHT, INC.	\$(17.50)
				Check Total:	\$53.90
116556	06/10/2026	Recreation & Culture	Concession Supplies	IDAHO BEVERAGES, INC.	\$188.00
116556	06/10/2026	Recreation & Culture	Concession Supplies	IDAHO BEVERAGES, INC.	\$265.64
				Check Total:	\$453.64
116557	06/10/2026	General Fund	Miscellaneous Services & Charges	IDAHO STATE POLICE	\$424.00
				Check Total:	\$424.00
116558	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	IDAHO TRUCK SALES CO, INC.	\$100.17
116558	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	IDAHO TRUCK SALES CO, INC.	\$689.66
116558	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	IDAHO TRUCK SALES CO, INC.	\$221.79
				Check Total:	\$1,011.62
116559	06/10/2026	Streets Fund	Maintenance	Inland First Aid and Safety LLC	\$38.80
				Check Total:	\$38.80
116560	06/10/2026	Water Fund	Water Conservation Program	Inland North Waste	\$10.00
116560	06/10/2026	Sewer Fund	Professional Services	Inland North Waste	\$15.80

Check #	Check Date	Fund	Account	Vendor Name	Amount
116560	06/10/2026	Recreation & Culture	R & M - Grounds	Inland North Waste	\$23.32
116560	06/10/2026	Recreation & Culture	R & M - Grounds	Inland North Waste	\$80.48
Check Total:					\$129.60
116561	06/10/2026	Sewer Fund	Utility Accounts Receivable	JASON MANOLOPOULOS	\$9.12
116561	06/10/2026	Water Fund	Utility Accounts Receivable	JASON MANOLOPOULOS	\$7.44
116561	06/10/2026	Water Fund	Utility Accounts Receivable	JASON MANOLOPOULOS	\$6.98
116561	06/10/2026	Sanitation Fund	Utility Accounts Receivable	JASON MANOLOPOULOS	\$3.44
116561	06/10/2026	Sanitation Fund	Utility Accounts Receivable	JASON MANOLOPOULOS	\$2.13
116561	06/10/2026	Stormwater Fund	Utility Accounts Receivable	JASON MANOLOPOULOS	\$1.35
Check Total:					\$30.46
116562	06/10/2026	Water Fund	R & M - Grounds	Jeff Arnett	\$135.00
Check Total:					\$135.00
116563	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	JESS FORD OF PULLMAN	\$615.00
116563	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	JESS FORD OF PULLMAN	\$(615.00)
116563	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	JESS FORD OF PULLMAN	\$289.21
116563	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	JESS FORD OF PULLMAN	\$142.90
Check Total:					\$432.11
116564	06/10/2026	General Fund	Professional Development	Judy Lopez	\$3,722.20
Check Total:					\$3,722.20
116565	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	KENWORTH SALES COMPANY	\$134.20
Check Total:					\$134.20
116566	06/10/2026	General Fund	R & M - Equipment	L.N. Curtis & Sons	\$293.30
116566	06/10/2026	General Fund	Department Supplies	L.N. Curtis & Sons	\$531.51
116566	06/10/2026	General Fund	Department Supplies	L.N. Curtis & Sons	\$952.00
Check Total:					\$1,776.81
116567	06/10/2026	General Fund	Professional Services	Lake City Law	\$7,312.50
116567	06/10/2026	General Fund	Professional Services	Lake City Law	\$5,187.50
Check Total:					\$12,500.00
116568	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Les Schwab Tire Centers	\$311.98
116568	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Les Schwab Tire Centers	\$931.96
Check Total:					\$1,243.94
116569	06/10/2026	Streets Fund	Professional Development	LOCAL HIGHWAY TECHNICAL ASSISTANCE	\$220.00
116569	06/10/2026	Streets Fund	Professional Development	LOCAL HIGHWAY TECHNICAL ASSISTANCE	\$80.00
Check Total:					\$300.00

Check #	Check Date	Fund	Account	Vendor Name	Amount
116570	06/10/2026	Stormwater Fund	Office Supplies	Looking Glass	\$34.16
116570	06/10/2026	Stormwater Fund	Office Supplies	Looking Glass	\$12.08
116570	06/10/2026	General Fund	Office Supplies	Looking Glass	\$34.16
116570	06/10/2026	Water Fund	Office Supplies	Looking Glass	\$108.50
116570	06/10/2026	Water Fund	Office Supplies	Looking Glass	\$8.77
116570	06/10/2026	General Fund	Office Supplies	Looking Glass	\$34.16
116570	06/10/2026	General Fund	Office Supplies	Looking Glass	\$34.16
116570	06/10/2026	General Fund	Office Supplies	Looking Glass	\$34.16
116570	06/10/2026	General Fund	Office Supplies	Looking Glass	\$19.28
116570	06/10/2026	General Fund	Office Supplies	Looking Glass	\$24.16
Check Total:					\$343.59
116571	06/10/2026	Recreation & Culture	Refunds & Reimbursements	Lydia Erb	\$72.29
Check Total:					\$72.29
116572	06/10/2026	Recreation & Culture	Refunds & Reimbursements	Mandy Strey	\$88.51
Check Total:					\$88.51
116573	06/10/2026	Capital Projects Fund	Improvements	MCCALL'S CLASSIC CONSTRUCTION	\$35,772.72
Check Total:					\$35,772.72
116574	06/10/2026	Water Fund	Operations & Maintenance Parts	McCoy Plumbing & Heating, Inc.	\$22.95
Check Total:					\$22.95
116575	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	MEINEKE CAR CARE CENTER #2410	\$133.78
Check Total:					\$133.78
116576	06/10/2026	Sewer Fund	Professional Development	Mike Sams	\$813.60
Check Total:					\$813.60
116577	06/10/2026	General Fund	Professional Services	Minert & Associates, Inc.	\$367.00
Check Total:					\$367.00
116578	06/10/2026	Water Fund	R & M - Grounds	MOSCOW & PULLMAN BUILDING SUPPLY	\$10.00
116578	06/10/2026	Water Fund	Other Miscellaneous Supplies	MOSCOW & PULLMAN BUILDING SUPPLY	\$189.99
116578	06/10/2026	Water Fund	Other Miscellaneous Supplies	MOSCOW & PULLMAN BUILDING SUPPLY	\$13.98
116578	06/10/2026	Water Fund	Other Miscellaneous Supplies	MOSCOW & PULLMAN BUILDING SUPPLY	\$60.47
116578	06/10/2026	Streets Fund	Maintenance	MOSCOW & PULLMAN BUILDING SUPPLY	\$35.34
116578	06/10/2026	Water Fund	Other Miscellaneous Supplies	MOSCOW & PULLMAN BUILDING SUPPLY	\$7.52
116578	06/10/2026	Water Fund	R & M - Grounds	MOSCOW & PULLMAN BUILDING SUPPLY	\$49.98
116578	06/10/2026	General Fund	Department Supplies	MOSCOW & PULLMAN BUILDING SUPPLY	\$98.97
116578	06/10/2026	Recreation & Culture	Department Supplies	MOSCOW & PULLMAN BUILDING SUPPLY	\$7.13
116578	06/10/2026	Sewer Fund	Department Supplies	MOSCOW & PULLMAN BUILDING SUPPLY	\$51.92

Check #	Check Date	Fund	Account	Vendor Name	Amount
116578	06/10/2026	General Fund	R & M - Buildings	MOSCOW & PULLMAN BUILDING SUPPLY	\$24.98
116578	06/10/2026	Recreation & Culture	Moscow Farmers Market Programs	MOSCOW & PULLMAN BUILDING SUPPLY	\$8.98
116578	06/10/2026	Recreation & Culture	R & M - Equipment	MOSCOW & PULLMAN BUILDING SUPPLY	\$23.73
116578	06/10/2026	Recreation & Culture	Department Supplies	MOSCOW & PULLMAN BUILDING SUPPLY	\$63.04
116578	06/10/2026	General Fund	R & M - Grounds	MOSCOW & PULLMAN BUILDING SUPPLY	\$22.84
116578	06/10/2026	Recreation & Culture	R & M - Grounds	MOSCOW & PULLMAN BUILDING SUPPLY	\$11.99
116578	06/10/2026	General Fund	R & M - Grounds	MOSCOW & PULLMAN BUILDING SUPPLY	\$39.80
116578	06/10/2026	Recreation & Culture	R & M - Buildings	MOSCOW & PULLMAN BUILDING SUPPLY	\$8.23
116578	06/10/2026	Sewer Fund	R & M - Grounds	MOSCOW & PULLMAN BUILDING SUPPLY	\$20.41
116578	06/10/2026	Water Fund	Operations & Maintenance Parts	MOSCOW & PULLMAN BUILDING SUPPLY	\$5.59
116578	06/10/2026	General Fund	Department Supplies	MOSCOW & PULLMAN BUILDING SUPPLY	\$15.67
116578	06/10/2026	Recreation & Culture	Department Supplies	MOSCOW & PULLMAN BUILDING SUPPLY	\$24.50
116578	06/10/2026	Recreation & Culture	Department Supplies	MOSCOW & PULLMAN BUILDING SUPPLY	\$30.39
116578	06/10/2026	Recreation & Culture	Department Supplies	MOSCOW & PULLMAN BUILDING SUPPLY	\$20.61
116578	06/10/2026	Fleet Management Fund	Shop Supplies	MOSCOW & PULLMAN BUILDING SUPPLY	\$7.12
116578	06/10/2026	Recreation & Culture	Department Supplies	MOSCOW & PULLMAN BUILDING SUPPLY	\$47.96
116578	06/10/2026	Streets Fund	Maintenance	MOSCOW & PULLMAN BUILDING SUPPLY	\$1.88
116578	06/10/2026	Stormwater Fund	Department Supplies	MOSCOW & PULLMAN BUILDING SUPPLY	\$318.96
116578	06/10/2026	Recreation & Culture	Department Supplies	MOSCOW & PULLMAN BUILDING SUPPLY	\$5.90
116578	06/10/2026	Recreation & Culture	R & M - Grounds	MOSCOW & PULLMAN BUILDING SUPPLY	\$18.80
116578	06/10/2026	Recreation & Culture	R & M - Grounds	MOSCOW & PULLMAN BUILDING SUPPLY	\$42.29
116578	06/10/2026	Water Fund	Operations & Maintenance Parts	MOSCOW & PULLMAN BUILDING SUPPLY	\$11.38
116578	06/10/2026	General Fund	R & M - Buildings	MOSCOW & PULLMAN BUILDING SUPPLY	\$5.47
116578	06/10/2026	General Fund	Department Supplies	MOSCOW & PULLMAN BUILDING SUPPLY	\$11.49
116578	06/10/2026	Recreation & Culture	R & M - Buildings	MOSCOW & PULLMAN BUILDING SUPPLY	\$4.38
116578	06/10/2026	General Fund	R & M - Equipment	MOSCOW & PULLMAN BUILDING SUPPLY	\$97.76
116578	06/10/2026	Water Fund	Other Miscellaneous Supplies	MOSCOW & PULLMAN BUILDING SUPPLY	\$53.48
116578	06/10/2026	Recreation & Culture	Department Supplies	MOSCOW & PULLMAN BUILDING SUPPLY	\$269.96
116578	06/10/2026	Recreation & Culture	R & M - Grounds	MOSCOW & PULLMAN BUILDING SUPPLY	\$28.20
116578	06/10/2026	General Fund	Department Supplies	MOSCOW & PULLMAN BUILDING SUPPLY	\$19.42
116578	06/10/2026	Water Fund	Other Miscellaneous Supplies	MOSCOW & PULLMAN BUILDING SUPPLY	\$0.85
116578	06/10/2026	General Fund	R & M - Buildings	MOSCOW & PULLMAN BUILDING SUPPLY	\$10.44
116578	06/10/2026	Recreation & Culture	Department Supplies	MOSCOW & PULLMAN BUILDING SUPPLY	\$7.49
116578	06/10/2026	Water Fund	R & M - Buildings	MOSCOW & PULLMAN BUILDING SUPPLY	\$3.79
116578	06/10/2026	Water Fund	R & M - Buildings	MOSCOW & PULLMAN BUILDING SUPPLY	\$17.36
116578	06/10/2026	Sewer Fund	R & M - Buildings	MOSCOW & PULLMAN BUILDING SUPPLY	\$17.36
116578	06/10/2026	Water Fund	R & M - Buildings	MOSCOW & PULLMAN BUILDING SUPPLY	\$26.89
116578	06/10/2026	Sewer Fund	R & M - Buildings	MOSCOW & PULLMAN BUILDING SUPPLY	\$26.89
116578	06/10/2026	Recreation & Culture	R & M - Grounds	MOSCOW & PULLMAN BUILDING SUPPLY	\$7.71
116578	06/10/2026	Recreation & Culture	Department Supplies	MOSCOW & PULLMAN BUILDING SUPPLY	\$5.98

Check #	Check Date	Fund	Account	Vendor Name	Amount
116578	06/10/2026	Recreation & Culture	R & M - Grounds	MOSCOW & PULLMAN BUILDING SUPPLY	\$14.10
116578	06/10/2026	Recreation & Culture	Department Supplies	MOSCOW & PULLMAN BUILDING SUPPLY	\$48.98
Check Total:					\$1,978.35
116579	06/10/2026	Recreation & Culture	Department Supplies	MOSCOW & PULLMAN BUILDING SUPPLY	\$40.00
Check Total:					\$40.00
116580	06/10/2026	Fleet Management Fund	Trash & Container Service	Moscow Recycling	\$21.11
116580	06/10/2026	Streets Fund	Trash & Container Service	Moscow Recycling	\$21.11
116580	06/10/2026	Stormwater Fund	Trash & Container Service	Moscow Recycling	\$21.11
116580	06/10/2026	Recreation & Culture	Trash & Container Service	Moscow Recycling	\$21.11
Check Total:					\$84.44
116581	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	MUNDY'S MACHINE & WELDING	\$11.60
Check Total:					\$11.60
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$259.80
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$16.94
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$265.98
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$14.99
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$41.99
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$181.51
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$266.68
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$(124.00)
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$9.08
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$35.81
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$15.99
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$152.98
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$185.90
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$38.19
116582	06/10/2026	Recreation & Culture	Department Supplies	Napa Auto Parts	\$10.13
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$280.21
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$40.42
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$3.38
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$3.01
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$13.99
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$5.68
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$44.28
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$48.86
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$5.68
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$6.77

Check #	Check Date	Fund	Account	Vendor Name	Amount
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$(18.00)
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$156.82
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$6.77
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$73.99
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$49.49
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$107.98
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$1.69
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$156.99
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$38.19
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$240.69
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$64.99
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$64.99
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$36.96
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$47.36
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$33.68
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$24.94
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$11.38
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$20.99
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$23.97
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$11.40
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$380.58
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$295.96
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$(134.00)
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$23.38
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$41.99
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$9.08
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$22.99
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$18.00
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$334.66
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$49.92
116582	06/10/2026	Recreation & Culture	Department Supplies	Napa Auto Parts	\$12.99
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$9.08
116582	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Napa Auto Parts	\$7.99
Check Total:					\$4,052.14
116583	06/10/2026	Streets Fund	Maintenance	NORTH IDAHO CRUSHING, INC.	\$434.25
Check Total:					\$434.25
116584	06/10/2026	Sewer Fund	Professional Services	NORTHERN STATES PEST	\$150.00
Check Total:					\$150.00

Check #	Check Date	Fund	Account	Vendor Name	Amount
116585	06/10/2026	General Fund	Department Supplies	Northwest Engraving Services	\$100.00
				Check Total:	\$100.00
116586	06/10/2026	Streets Fund	Maintenance	Omega Electric	\$80.25
116586	06/10/2026	Streets Fund	Maintenance	Omega Electric	\$20.25
116586	06/10/2026	Streets Fund	Maintenance	Omega Electric	\$25.50
				Check Total:	\$126.00
116587	06/10/2026	Sewer Fund	R & M - Equipment	PacWest Machinery LLC	\$9,267.15
				Check Total:	\$9,267.15
116588	06/10/2026	Recreation & Culture	Professional Services	Palouse Pickleball Club	\$928.00
				Check Total:	\$928.00
116589	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Pape Machinery, Inc.	\$37.89
116589	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Pape Machinery, Inc.	\$37.65
				Check Total:	\$75.54
116590	06/10/2026	Sewer Fund	R & M - Equipment	PHILLIP R. STRADLEY	\$183.80
				Check Total:	\$183.80
116591	06/10/2026	General Fund	Professional Development	Port of Lewiston	\$600.00
				Check Total:	\$600.00
116592	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Productivity Plus	\$116.10
116592	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Productivity Plus	\$57.41
116592	06/10/2026	Sewer Fund	Department Supplies	Productivity Plus	\$52.77
				Check Total:	\$226.28
116593	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Rebel Creek Properties LLC	\$594.00
				Check Total:	\$594.00
116594	06/10/2026	Water Fund	Department Supplies	Rosauers Supermarkets, Inc.	\$39.90
				Check Total:	\$39.90
116595	06/10/2026	General Fund	Recruitment Expense	Shadow Trackers	\$114.00
				Check Total:	\$114.00
116596	06/10/2026	Water Fund	R & M - Buildings	SHERWIN-WILLIAMS COMPANY	\$32.48
116596	06/10/2026	Sewer Fund	R & M - Buildings	SHERWIN-WILLIAMS COMPANY	\$32.47
116596	06/10/2026	Water Fund	R & M - Buildings	SHERWIN-WILLIAMS COMPANY	\$112.38
116596	06/10/2026	Sewer Fund	R & M - Buildings	SHERWIN-WILLIAMS COMPANY	\$112.37
116596	06/10/2026	General Fund	Department Supplies	SHERWIN-WILLIAMS COMPANY	\$12.71
				Check Total:	\$302.41

Check #	Check Date	Fund	Account	Vendor Name	Amount
116597	06/10/2026	Information Systems Fund	Professional Services - IS	SmartSights, LLC	\$4,399.66
				Check Total:	\$4,399.66
116598	06/10/2026	Fleet Management Fund	R & M - Buildings	SOURCE ELECTRIC INC	\$2,100.00
				Check Total:	\$2,100.00
116599	06/10/2026	Water Fund	R & M - Grounds	Spence Hardware & Supply, Inc.	\$16.99
116599	06/10/2026	Stormwater Fund	Department Supplies	Spence Hardware & Supply, Inc.	\$32.99
116599	06/10/2026	Sewer Fund	Department Supplies	Spence Hardware & Supply, Inc.	\$16.47
116599	06/10/2026	Recreation & Culture	Department Supplies	Spence Hardware & Supply, Inc.	\$39.94
116599	06/10/2026	Recreation & Culture	Department Supplies	Spence Hardware & Supply, Inc.	\$17.99
116599	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Spence Hardware & Supply, Inc.	\$47.96
116599	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Spence Hardware & Supply, Inc.	\$18.57
116599	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Spence Hardware & Supply, Inc.	\$13.58
116599	06/10/2026	Recreation & Culture	R & M - Buildings	Spence Hardware & Supply, Inc.	\$3.87
116599	06/10/2026	Streets Fund	Maintenance	Spence Hardware & Supply, Inc.	\$15.99
116599	06/10/2026	Streets Fund	Maintenance	Spence Hardware & Supply, Inc.	\$27.00
116599	06/10/2026	Recreation & Culture	Department Supplies	Spence Hardware & Supply, Inc.	\$59.95
116599	06/10/2026	General Fund	R & M - Grounds	Spence Hardware & Supply, Inc.	\$187.30
116599	06/10/2026	Recreation & Culture	R & M - Grounds	Spence Hardware & Supply, Inc.	\$16.56
116599	06/10/2026	Recreation & Culture	Department Supplies	Spence Hardware & Supply, Inc.	\$12.49
116599	06/10/2026	Recreation & Culture	R & M - Grounds	Spence Hardware & Supply, Inc.	\$13.48
116599	06/10/2026	Recreation & Culture	R & M - Buildings	Spence Hardware & Supply, Inc.	\$2.99
116599	06/10/2026	Water Fund	Other Miscellaneous Supplies	Spence Hardware & Supply, Inc.	\$27.99
116599	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Spence Hardware & Supply, Inc.	\$2.49
116599	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Spence Hardware & Supply, Inc.	\$8.98
116599	06/10/2026	Recreation & Culture	R & M - Grounds	Spence Hardware & Supply, Inc.	\$27.84
116599	06/10/2026	MSD Community Play Fields	Department Supplies	Spence Hardware & Supply, Inc.	\$81.24
116599	06/10/2026	Recreation & Culture	R & M - Grounds	Spence Hardware & Supply, Inc.	\$14.95
116599	06/10/2026	Recreation & Culture	R & M - Grounds	Spence Hardware & Supply, Inc.	\$8.97
116599	06/10/2026	Recreation & Culture	R & M - Grounds	Spence Hardware & Supply, Inc.	\$21.93
116599	06/10/2026	Recreation & Culture	R & M - Grounds	Spence Hardware & Supply, Inc.	\$11.12
116599	06/10/2026	MSD Community Play Fields	R & M - Grounds	Spence Hardware & Supply, Inc.	\$97.98
116599	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Spence Hardware & Supply, Inc.	\$2.49
116599	06/10/2026	Water Fund	Other Miscellaneous Supplies	Spence Hardware & Supply, Inc.	\$6.99
116599	06/10/2026	General Fund	Department Supplies	Spence Hardware & Supply, Inc.	\$31.14
116599	06/10/2026	Recreation & Culture	Department Supplies	Spence Hardware & Supply, Inc.	\$11.99
116599	06/10/2026	General Fund	R & M - Buildings	Spence Hardware & Supply, Inc.	\$4.98
116599	06/10/2026	Recreation & Culture	Department Supplies	Spence Hardware & Supply, Inc.	\$31.97
116599	06/10/2026	Recreation & Culture	R & M - Grounds	Spence Hardware & Supply, Inc.	\$35.98
116599	06/10/2026	MSD Community Play Fields	Department Supplies	Spence Hardware & Supply, Inc.	\$3.49

Check #	Check Date	Fund	Account	Vendor Name	Amount
				Check Total:	\$976.64
116600	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	Spence Sales & Service	\$207.97
				Check Total:	\$207.97
116601	06/10/2026	Recreation & Culture	R & M - Buildings	Stoneway Electric Supply Co.	\$64.06
				Check Total:	\$64.06
116602	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	SWS Equipment	\$1,040.58
				Check Total:	\$1,040.58
116603	06/10/2026	Recreation & Culture	Refunds & Reimbursements	Tara Lew	\$118.94
				Check Total:	\$118.94
116604	06/10/2026	Fleet Management Fund	Operations & Maintenance Parts	The Lock Shop of North Idaho, Inc.	\$172.50
				Check Total:	\$172.50
116605	06/10/2026	General Fund	Professional Publications	Thomson Reuters-West	\$99.76
116605	06/10/2026	General Fund	Professional Publications	Thomson Reuters-West	\$384.17
				Check Total:	\$483.93
116606	06/10/2026	Recreation & Culture	Repair & Maintenance	Toad Alley Picture Framing	\$475.23
				Check Total:	\$475.23
116607	06/10/2026	General Fund	Department Supplies	Transunion Risk and Alternative	\$223.65
				Check Total:	\$223.65
116608	06/10/2026	Water Fund	Utility Accounts Receivable	TRAVIS FLANDERS	\$121.70
				Check Total:	\$121.70
116609	06/10/2026	General Fund	Uniform Expense	Uniforms2Gear,Inc.	\$1,393.22
				Check Total:	\$1,393.22
116610	06/10/2026	Recreation & Culture	Concession Supplies	US Foods, Inc.	\$5,159.41
				Check Total:	\$5,159.41
116611	06/10/2026	Sewer Fund	Lab Supplies	USABLUBOOK	\$231.45
				Check Total:	\$231.45
116612	06/10/2026	Recreation & Culture	Janitorial Services & Supplies	WALTER E. NELSON CO.	\$49.46
				Check Total:	\$49.46
116613	06/10/2026	Water Capital Fund	Buildings	Wellens General Contractor	\$42,502.63
116613	06/10/2026	Sewer Capital Fund	Buildings	Wellens General Contractor	\$51,034.75
116613	06/10/2026	Capital Projects Fund	Buildings	Wellens General Contractor	\$696,474.24

Check #	Check Date	Fund	Account	Vendor Name	Amount
Check Total:					\$790,011.62
116614	06/10/2026	Water Capital Fund	Buildings	Wellens General Contractor	\$21,581.30
116614	06/10/2026	Sewer Capital Fund	Buildings	Wellens General Contractor	\$25,913.61
116614	06/10/2026	Capital Projects Fund	Buildings	Wellens General Contractor	\$353,644.52
Check Total:					\$401,139.43

Check #	Check Date	Fund	Account	Vendor Name	Amount
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Total Amount Being Paid: \$1,803,464.24



Accounts Payable Checks for Approval

June 10, 2026 04:10 PM

jlopez

Check #	Check Date	Fund	Account	Vendor Name	Amount
457	06/10/2026	Sanitation Fund	Sales Tax Payable	Inland North Waste	\$1,147.99
457	06/10/2026	Sanitation Fund	Collection Services Inside City	Inland North Waste	\$165,496.94
457	06/10/2026	Sanitation Fund	Operations & Maintenance	Inland North Waste	\$7,730.08
457	06/10/2026	Sanitation Fund	Operations & Maintenance	Inland North Waste	\$2,761.30
457	06/10/2026	Sanitation Fund	Operations & Maintenance	Inland North Waste	\$51,071.26
457	06/10/2026	Sewer Fund	Bio-Solids Disposal	Inland North Waste	\$22,102.94
457	06/10/2026	Sanitation Fund	Accounts Receivable - Misc	Inland North Waste	\$(143,069.1
457	06/10/2026	Sanitation Fund	Collection Services Inside City	Inland North Waste	\$13,065.83
457	06/10/2026	Sanitation Fund	Contractual Miscellaneous Rate	Inland North Waste	\$23,222.63
457	06/10/2026	Sanitation Fund	Collection Services Inside City	Inland North Waste	\$203.98
457	06/10/2026	Sanitation Fund	Collection Services Inside City	Inland North Waste	\$5,934.27
457	06/10/2026	Sanitation Fund	Collection Services Inside City	Inland North Waste	\$4,848.00
457	06/10/2026	Sanitation Fund	Collection Services Inside City	Inland North Waste	\$17,621.97
457	06/10/2026	Sanitation Fund	Collection Services Inside City	Inland North Waste	\$600.00
457	06/10/2026	Sanitation Fund	Collection Services Inside City	Inland North Waste	\$470.48
457	06/10/2026	Sanitation Fund	Collection Services Inside City	Inland North Waste	\$2,568.56
457	06/10/2026	Sanitation Fund	Collection Services Inside City	Inland North Waste	\$4,181.98
457	06/10/2026	Sanitation Fund	Collection Services Inside City	Inland North Waste	\$678.07
457	06/10/2026	Sanitation Fund	Collection Services Inside City	Inland North Waste	\$50.25
457	06/10/2026	Sanitation Fund	Collection Services Inside City	Inland North Waste	\$254.37
457	06/10/2026	Sanitation Fund	Contractual Miscellaneous Rate	Inland North Waste	\$13,453.61
457	06/10/2026	Sanitation Fund	Contractual Miscellaneous Rate	Inland North Waste	\$26,378.70
457	06/10/2026	Sanitation Fund	Fuel Relief	Inland North Waste	\$5,041.96
Check Total:					\$225,815.99

Check #	Check Date	Fund	Account	Vendor Name	Amount
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Total Amount Being Paid: \$225,815.99

COMMITTEE / CITY COUNCIL STAFF REPORT

DATE: Monday, June 15, 2026



AGENDA ITEM TITLE

Disbursement Report May 2026 - Sarah Decker

RESPONSIBLE STAFF

Sarah Decker, Director of Finance & Employee Services

ADDITIONAL PRESENTER(S)

DESCRIPTION

Accounts Payable Report for the month ending May 31st, 2026. A summary of the major expenditures has been approximated by category and represents 97% of the total expenditure of \$3,684,104.54.

Payroll	\$1,977,740.00
Professional Services	\$83,799.00
Sanitation	\$400,407.00
Capital Outlay	\$339,412.00
Capital Outlay - Improvement	\$201,664.00
Capital Outlay - Vehicles	\$13,213.00
Capital Outlay - Buildings	\$24,299.00
Minor Equipment	\$17,381.00
Supplies	\$138,329.00
Utilities	\$79,400.00
Contractual Payments	\$225,826.00
ACH Wells Fargo	\$67,276.00
Total	\$3,568,746.00

REVIEWED BY

PROPOSED ACTIONS

ACTION: Accept the Disbursements Report for the month of May 2026.

STAFF RECOMMENDATION

Accept the Disbursements Report for the month of May 2026.

OTHER RESOURCES

FISCAL IMPACT

PERSONNEL IMPACT

ATTACHMENTS

1. May Revenue Report 2026
2. Cash & Investments Balances - May 2026
3. Disbursement Report May 2026
4. Major Expenditures Report May 2026

RECEIPTS REPORT FOR MAY 2026

FUND NAME		Taxes	Franchise Fees	Licenses & Permits	Intergovernmental	Charges for Services	Fines & Penalties	Investment Income	Refunds & Reimbursements	Contributions & Donations	Other	Grand Total
Fund #												
101	GENERAL	40,345.74	133,874.30	98,566.10	0.00	151,288.76	8,009.91	316,402.23	13,757.28	0.00	5,364.75	767,609.07
105	STREETS	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
120	RECREATION AND CULTURE	0.00	0.00	25.75	0.00	61,982.02	0.00	0.00	734.80	0.00	13.50	62,756.07
121	MSD COMMUNITY PLAY FIELDS	0.00	0.00	0.00	10,628.34	0.00	0.00	0.00	0.00	0.00	0.00	10,628.34
123	1912 CENTER	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
128	TRANSIT CENTER	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	49.61	49.61
220	WATER	0.00	0.00	0.00	0.00	623,335.13	0.00	1,805.98	16,434.82	0.00	0.00	641,575.93
230	SEWER	0.00	0.00	0.00	0.00	705,495.68	0.00	1,541.61	5,274.20	0.00	0.00	712,311.49
235	STORMWATER	0.00	0.00	0.00	0.00	52,005.27	0.00	0.00	0.00	0.00	0.00	52,005.27
240	SANITATION	0.00	0.00	0.00	0.00	509,612.00	0.00	0.00	0.00	0.00	0.00	509,612.00
290	FLEET	0.00	0.00	0.00	0.00	69,665.83	0.00	0.00	0.00	0.00	0.00	69,665.83
295	INFORMATION SYSTEMS	0.00	0.00	0.00	0.00	139,172.45	0.00	0.00	0.00	0.00	0.00	139,172.45
320	WATER CAPITAL PROJECTS	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
330	SEWER CAPITAL PROJECTS	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
335	STORMWATER CAPITAL FUND	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
340	SANITATION CAPITAL PROJECTS	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
350	CAPITAL PROJECTS	0.00	0.00	3,708.00	0.00	0.00	0.00	24,849.43	0.00	0.00	0.00	28,557.43
355	LID CONSTRUCTION	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
380	HAMILTON P&R	0.00	0.00	0.00	0.00	0.00	0.00	2,401.06	0.00	0.00	0.00	2,401.06
590	BOND & INTEREST	5,179.22	0.00	0.00	0.00	0.00	0.00	2,046.51	0.00	0.00	0.00	7,225.73
595	LID FUNDS	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL		45,524.96	133,874.30	102,299.85	10,628.34	2,312,557.14	8,009.91	349,046.82	36,201.10	0.00	5,427.86	3,003,570.28

City of Moscow
Cash and Investments
Balances as of 5/31/2026

Fund	Year to Date Balance
General Fund	\$ 5,483,520.22
Street Fund	\$ 2,366,419.19
Recreation & Culture	\$ 1,474,872.90
MSDCP	\$ 182,512.30
1912 Fund	\$ 51,989.72
Transit Center	\$ 46,470.24
Water Fund	\$ 1,804,793.46
Sewer Fund	\$ 3,198,801.36
Stormwater Fund	\$ 673,869.55
Sanitation Fund	\$ 2,306,906.48
Fleet Fund	\$ 6,322,184.72
Information Systems	\$ 1,878,653.22
Water Capital	\$ 12,321,197.26
Sewer Capital	\$ 30,414,980.59
Stormwater Capital	\$ 471,347.18
Sanitation Capital	\$ 11,562,520.56
Capital Projects	\$ 18,333,022.72
LID Construction	\$ -
Hamilton	\$ 794,020.43
Bond & Interest	\$ 1,116,996.38
LID Funds	\$ -
Payroll Service	\$ 1,327,344.56
Total Cash & Investments	\$ 102,132,423.04

DISBURSEMENTS REPORT FOR MAY 2026

DATE	FUND NAME	ACCOUNTS PAYABLE	ACCOUNTS PAYABLE	ACCOUNTS PAYABLE	ACCOUNTS PAYABLE	WELLSFARGO CC ACH	ACCOUNTS PAYABLE ACH	VOID CHECKS	PAYROLL	PAYROLL	PAYROLL	GRAND TOTALS
		5/6/2026	5/13/2026	5/20/2026	5/27/2026	5/11/2026	5/13/2026	5/1/2026	5/15/2026	5/29/2026		
BATCH #		AP 5.6.2026	AP 5.13.2026	AP 5.20.2026	AP 5.27.2026	5/19/2026 AP 5.1.2026 AP 5.15.2026	5/27/2026 AP 5.13.2026 AP 5.27.2026		PR182-183	PR184-185		
CHECK #'s		116209-116266	116267-116334	116335-116403	116404-116461	May's CC ACH's	May's ACH's		21694-21695	21696-21697		
Fund #	ACH for Wells Fargo to be Imported					24,431.15						24,431.15
101	GENERAL	25,201.83	222,366.94	19,801.11	17,360.30	8,593.54			397,851.30	417,827.95	352,359.43	1,461,362.40
105	STREETS	1,004.48	25,612.14	6,546.48	13,905.38	2,014.07			27,029.78	32,844.87	27,917.76	136,874.96
120	RECREATION AND CULTURE	1,863.60	16,375.91	11,124.90	25,129.59	11,836.22			68,936.19	68,907.67	63,628.74	267,802.82
121	MSD COMM. PLAY FIELDS	677.26	129.34									7,055.50
123	1912 CENTER			10,750.00								10,750.00
128	TRANSIT CENTER	340.38	149.77	1,012.09	200.00							1,702.24
220	WATER	40,440.12	29,389.60	5,129.82	3,032.09	688.45			56,628.03	59,155.12	50,434.77	244,898.00
230	SEWER	15,721.30	54,382.21	30,720.71	17,640.34	4,412.13	22,102.94		60,187.72	61,485.11	53,062.14	319,714.60
235	STORMWATER	362.37	1,009.37	992.15	1,234.34				19,737.80	19,260.95	17,071.12	59,668.10
240	SANITATION	177,736.01	2,116.66		28.42		200,568.26		4,184.69	4,274.03	3,789.07	392,697.14
290	FLEET	65,428.81	4,394.79	19,374.46	5,626.83		207.14		13,546.40	14,914.92	12,905.13	136,398.48
295	INFORMATION SYSTEMS	7,524.86		1,136.93		15,093.80			21,879.57	22,570.82	19,100.00	87,305.98
320	WATER CAPITAL PROJECTS						850.47					850.47
330	SEWER CAPITAL PROJECTS			47,148.00	14,879.63		850.47					62,878.10
335	STORWATER CAPITAL PROJECTS											0.00
340	SANITATION CAPITAL PROJECTS	1,779.63	297,968.00									299,747.63
350	CAPITAL PROJECTS	45,718.75	1,332.87	99,232.20	1,085.00		22,598.15					169,966.97
355	LID CONSTRUCTION											0.00
380	HAMILTON - PARKS & REC											0.00
590	BONDS & INTEREST											0.00
	TOTAL	383,799.40	655,227.60	252,968.85	100,121.92	67,276.50	246,970.29	0.00	672,273.49	703,516.87	601,949.62	3,684,104.54

COMMITTEE / CITY COUNCIL STAFF REPORT



DATE: Monday, June 15, 2026

AGENDA ITEM TITLE

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

RESPONSIBLE STAFF

Alisa Anderson, Grants Manager

ADDITIONAL PRESENTER(S)

DESCRIPTION

The Moscow Police Department (MPD) annually applies for several small grants to support critical operational needs, including the purchase of equipment such as bulletproof vests, and funding for traffic enforcement mobilizations and various safety and prevention programs. These grants provide vital resources that enhance community safety, safeguard youth, and facilitate the implementation of safety initiatives. This aligns with MPD's community-oriented policing philosophy, which focuses on improving residents' quality of life through partnerships, problem-solving, and ensuring officers are properly equipped to perform their duties safely. These grants are instrumental in supporting MPD's ongoing efforts to promote public safety, community engagement, and effective law enforcement. The grants under consideration include:

Bulletproof Vest Partnership (BVP): A program established by the BVP Grant Act of 1998, funded by the U.S. Department of Justice, designed to support law enforcement agencies in acquiring and replacing bulletproof vests. The program provides reimbursement for up to 50% of the cost for properly fitted body armor meeting current safety requirements to improve officer safety. Awards may be limited to three vests per year per agency, depending upon the federal funding allocations.

Partnership for Success Law Enforcement Grant (Idaho Office of Drug Policy): This program aims to prevent underage drinking and drug use through activities such as compliance checks, interdiction efforts, party patrols, and shoulder tap operations. MPD collaborates with the University of Idaho to deliver educational presentations on topics like marijuana, methamphetamine, and underage drinking. Reimbursements include staff time and benefits incurred during these activities.

Traffic Enforcement Grant (Idaho Transportation Department - ITD, Office of Highway Safety (OHS)): This grant allows MPD to participate in local and statewide traffic enforcement campaigns. It covers officer overtime (excluding regular time) and a portion of benefits during High Visibility Enforcement (HVE) operations focused on seatbelt use, impaired driving, aggressive driving, and distracted driving. Mini-grants may also be applied to support targeted enforcement during specific local events.

Included with this report is a summary of each program and the required OHS FFY2027 Traffic Enforcement Grant Project Agreement (TEGPA), Appendix A to Part 1300 Certifications and Assurances for Highway Safety Grants, Subrecipient and the Financial Risk Assessment FY27. This was reviewed by the Public Works/Finance Committee on June 8, 2026, and recommended for approval.

REVIEWED BY

This was reviewed by the Public Works/Finance Committee on June 8, 2026, and recommended for approval.

PROPOSED ACTIONS

ACTION: Approval and/or ratification of funding requests and awards for small grants applied for by the Moscow Police Department not to exceed a combined total of \$50,000 for the period of July 1, 2026, through June 30, 2027.

STAFF RECOMMENDATION

Approve and/or ratification of funding requests and awards for small grants applied for by the Moscow Police Department not to exceed a combined total of \$50,000 for the period of July 1, 2026, through June 30, 2027.

OTHER RESOURCES

Not applicable.

FISCAL IMPACT

BVP program is 50% match, and all others are in-kind or no match.

PERSONNEL IMPACT

Police, Grants, Finance Departments

ATTACHMENTS

1. 1. DOJ Grants
2. 2. Idaho Office of Drug Policy
3. 3. OHS Mobilizations
4. 4. FFY27 OHS TEGPA.ASSURANCES.FRISK



Bulletproof Vest Grant Program Overview

The Bulletproof Vest Grant Program is designed to support law enforcement agencies across the United States in acquiring and replacing bulletproof vests, which are vital for officer safety. The program typically provides funding covering up to 50% of the cost for NIJ-compliant vests, encouraging agencies to maintain up-to-date protective gear for their officers. Many agencies are also expected to contribute matching funds or in-kind resources to maximize the benefits of the grant.

Eligible applicants include police departments, sheriff's offices, and other authorized law enforcement entities. To apply, agencies must submit an online application during designated periods, including documentation such as inventory lists of vests to be replaced or purchased, proof of NIJ compliance, and detailed budget estimates. The application process emphasizes the importance of purchasing current, standards-compliant vests that meet safety requirements and address the specific needs of the agency.

Selection is based on factors such as the urgency of vest replacement, safety records, the age of existing vests, and the agency's overall risk profile. Once awarded, agencies are responsible for purchasing NIJ-certified vests, maintaining accurate records, and submitting periodic reports on vest distribution and usage to ensure accountability and proper utilization of funds.

The program cycles and deadlines vary annually, so agencies should stay informed through official notices. Overall, the grant aims to improve officer safety by ensuring that law enforcement personnel are equipped with reliable, standardized protective gear. For additional guidance, agencies can consult the official website, FAQs, and contact support resources provided by the program.



Idaho Office of Drug Policy

Our Mission

To reduce substance misuse and related harms across Idaho through effective prevention, treatment, enforcement, and recovery initiatives.

Our Goals

- **Reduce Substance Misuse:** Decrease rates of drug and alcohol use among residents.
- **Expand Access:** Increase availability of evidence-based prevention and treatment services.
- **Community Engagement:** Raise awareness and foster community-driven solutions.
- **Support Recovery:** Provide resources for individuals in recovery and prevent overdose deaths.
- **Data-Driven Decisions:** Use data to guide policies and measure success.

Key Programs & Initiatives

- **Prevention Campaigns:** Education programs targeting youth and at-risk populations.
- **Treatment Access:** Funding for local treatment centers and outpatient services.
- **Law Enforcement Support:** Training and resources for local agencies.
- **Recovery Support:** Peer groups, recovery housing, and employment programs.
- **Data & Evaluation:** Tracking trends and measuring program impact.

Funding & Resources

- Federal grants (e.g., SAMHSA, CDC)
- State budget allocations
- Community partnerships and private funding



**Idaho
Transportation
Department**

Idaho Office of Highway Safety

Program Description

The Idaho Transportation Department Office of Highway Safety (OHS) administers the Federal Highway Safety Grant Program, which is funded by formula. The goal of the program is to eliminate death and serious injuries resulting from motor vehicle crashes by implementing programs designed to address and change driver behavior. The purpose of the program is to provide grant funding at the state and community level for a highway safety program that addresses Idaho's own unique circumstances and particular highway safety needs. Any use of funds must support data-driven state traffic safety goals and highway safety countermeasures.

Development of Strategic Highway Safety Plan

Traffic Safety Problem Identification

A "traffic safety problem" is an identifiable subgroup of drivers, pedestrians, vehicles, or roadways that is statistically higher in crash experience than is normally expected. Problem identification involves the study of relationships between crashes and the population, licensed drivers, registered vehicles and vehicle miles, as well as characteristics of specific subgroups contributing to crashes or resulting in fatalities or injuries.

The Strategic Highway Safety Plan (SHSP) is implemented and approved by the ITD Board. The SHSP is the guiding document for the Triennial Highway Safety Plan (3HSP). The strategies outlined in the SHSP will help the State of Idaho attain the goal of *"Toward Zero Deaths.,,"*

The statewide identification of traffic safety problems begins initially by evaluating Idaho's experience in each of the National Highway Traffic Safety Administration's (NHTSA) highway safety priority areas. These highway safety priority areas are:

- Impaired Driving
- Occupant Protection
- Aggressive Driving/ Speeding
- Pedestrian & Bicycle Safety
- Traffic Records
- Police Traffic Services
- Motorcycle Safety
- Youthful and Mature Drivers
- Distracted Driving

These program areas are determined by NHTSA to be the most effective in reducing motor vehicle crashes, injuries, and deaths. Consideration for other potential traffic safety problem areas comes from problems identified by the Idaho Traffic Safety Commission (ITSC) members, OHS staff, and by research-proven projects.

These program areas are determined by NHTSA to be the most effective in reducing motor vehicle crashes, injuries, and deaths. Consideration for other potential traffic safety problem areas comes from problems identified by the Idaho Traffic Safety Commission (ITSC) members, OHS staff, and by research-proven projects.

The OHS uses statistical analysis for problem identification. Comparison data is developed, where possible, on costs of crashes, numbers of crashes, and the numbers of deaths and injuries. Supplementary data is gathered from the Idaho State Collision Database on helmet use for motorcycles and bicycles, child safety restraint use and seat belt use, as well as from available violation, suspension, and arrest information.

Problem or focus area reduction goals and performance measures are selected on the basis of the severity of the problem, economic costs, availability of grantee agencies to conduct successful programs, and other supportable conclusions drawn from the traffic safety problem identification process.

Project Development and Subrecipient Financial Risk Assessment

The annual project selection process begins by notifying state and local public agencies involved in traffic-related activities of grant funding availability. A Request for Application (RFA), reflecting the focus areas considered for funding, is released each January. Grant applicants must complete and submit the grant application and a subrecipient Financial Risk Assessment in accordance with the information in the RFA.

Once the application period has closed, potential projects are sorted according to the focus area most closely fitting the project. The OHS staff develops priority and funding recommendations using a criterion for assessing each project's potential to:

- Eliminate traffic deaths and serious injuries
- Improve the operation of an important traffic safety system
- Integrate as part of a community-wide crash elimination project
- Increase the coordination of efforts between several traffic safety agencies
- Past agency performance when recommending funding for future projects

Sub-grantee funding recommendations are incorporated into the Annual Grant Application (AGA) document and presented to the ITSC each spring for acceptance. The Idaho Transportation Department (ITD) Board approves the final HSP document for the NHTSA application deadline.



IDAHO TRANSPORTATION DEPARTMENT OFFICE OF HIGHWAY SAFETY
FFY 2027 Traffic Enforcement Grant Project Agreement (TEGPA)

This agreement for Federal Fiscal Year (FFY) 2027 (October 1, 2026 – September 30, 2027) is made and entered into by and between: (Agency Name) _____, hereinafter referred to as “Contractor” and the Idaho Transportation Department Office of Highway Safety, hereinafter referred to as “OHS” on the _____ day of ____, 20__.

IT IS THE PURPOSE OF THIS AGREEMENT to provide National Highway Traffic Safety Administration (NHTSA), funded assistance to the Contractor for participation in local and statewide traffic projects as specified in the Triennial Highway Safety Plan (THSP) target focus areas for the following safety-related activities:

- High Visibility Enforcement (HVE) traffic grant-funded mobilizations
- Mini-grants that support special emphasis on traffic enforcement, equipment, community education efforts, and traffic safety-related training

THE GOAL OF THIS AGREEMENT is to establish project requirements and a funding process to support the efforts of the contractor to reduce deaths, serious injuries, and economic loss as established in the THSP.

It is, therefore, mutually agreed that:

1. Contractor will conduct traffic enforcement mobilizations and/or mini-grants in accordance with the criteria established by OHS for each mobilization and/or traffic mini-grant.
2. Contractor will provide a commissioned police officer (active or paid reserve) with appropriate equipment (vehicle, radar, etc.) under conditions identified under Part 5 of this agreement to enforce impaired driving, alcohol beverage control, distracted driving, aggressive driving, safety restraint, school zone violations, bicycle, pedestrian, motorcycle laws with emphasis as designated by OHS and/or crash problem identification.
3. Contractor and/or partnering enforcement agencies will publicize the enforcement effort to increase effectiveness by.
 - a. Working with the media to increase awareness of enforcement efforts; and
 - b. Provide pre and post public outreach such as press releases, social media posts, or other messaging effort and make note of efforts on the Performance Report.
4. Contractor will take a zero tolerance for unrestrained drivers, passengers, and children during all OHS-funded mobilizations and mini-grants.
5. Based on the availability of funding and by signing this agreement, Contractor agrees to support statewide highway safety public awareness campaigns and will accept the benefits of having the earned and paid media run in their local communities.

6. OHS will reimburse Contractor for traffic enforcement grant activities at the rate of up to 1.5 times the officer's regular hourly rate plus Contractor's contribution to employee benefits, which are FICA/Medicare, unemployment, worker's compensation and PERSI. Agencies that use reservists may pay up to 1.5 times their documented established hourly rate for traffic enforcement grant activities.
 - a. For this agreement, regular-on-duty personnel hours are not eligible for reimbursement (unless a pre-arranged agreement is made, or it is otherwise stated in the Contractor policy).
 - b. Personnel are not required to be in overtime status if the Contracting agency has a policy that allows them to earn overtime while working on OHS traffic grants.
 - c. For this agreement, salaried positions are ineligible for reimbursement unless overtime is allowed and documented through Contractor policies.
 - d. Necessary focused additional dispatch service overtime may be reimbursed if requested prior to the grant activity.
 - e. Calls for service or responding to a crash that lasts more than 30 minutes cannot be claimed as grant-funded overtime.
7. Participation in future mobilizations and mini-grants is contingent on satisfactory performance during the prior mobilization, as determined by OHS. The attached *Traffic Enforcement Matrix* outlines specific expectations for grant-funded traffic enforcement activities.
8. The Contractor must submit the following forms in accordance with OHS requirements:
 - a. Performance Reports – required to be completed and submitted via WebCars
 - i. Only the grant-funded citations, warnings, and contacts are required to be reported.
 - ii. Agencies are encouraged to conduct public participation and engagement along with outreach and report it in the Performance Reports.
 - b. Overtime Reimbursement Claim Form – complete and submit via WebCars.
 - i. The claim must be signed by an authorizing official whose signature is verified through their individual login for WebCars.
 - ii. The overtime claim can only be signed by someone in a supervisory role who did not work the mobilization.
 - c. Payroll Register – Must be available for review upon request from OHS for the period claimed in the reimbursement claim.
 - i. Payroll verification may be computer-generated payroll registers or copies of payroll warrants.
 - ii. Timesheets must be provided and are not considered payroll verification.
 - iii. When possible, payroll verification should be coded to differentiate between OHS grant-funded overtime and other sources.
 - d. The contractor will submit a reimbursement claim and performance report within 45 days of completion of the mobilization or grant activity. **Note:** Claims received after October 15, 2027, may not be eligible for reimbursement.
 - e. No documentation, reports, or claims submitted to OHS may contain Contractor's or its employees', agents', or subcontractors' protected personally identifiable information (Protected Personal Identifiable Information).

9. Contractor will not use the funds for research and development.
10. Assurances and other grant requirements required by NHTSA for all organizations receiving federal grant funds:
 - a. Attachment 1 - Agency Certification and Assurances FFY26
 - b. Attachment 2 – Risk Assessment (information provided by the Contractor’s financial contact.)
11. Other Grant Requirements:
 - a. Unique Entity Identifier (UEI)
 - i. The General Services Administration requires federal funding recipients to have a UEI which is generated by SAM.gov, therefore recipients are to keep their registration current to ensure they receive their UEO.
 - ii. The Contractor agrees it shall maintain current registration in the System for Award Management, SAM.gov, at all times during which it has active federal awards.
 - iii. If the Contractor or its principals or affiliates is disbarred, suspended or ineligible from federal contracting, the Agreement may be terminated immediately.
 - b. Personal Identifiable Information - as noted under 2 CFR Chapter 1, Chapter II, Part 200.79, 200.82, 200.303.
 - c. Procurement of equipment and materials – equipment purchases shall be subject to requirements governing this agreement, including those for procurement of materials and leasing of equipment.
 - d. Code of Conduct – No employee, officer or agent of the Contractor shall participate in the selection, award or administration of a contract supported by grant funds if a conflict of interest, real or apparent, would be involved. Such a conflict may arise when any of the following have a financial or other interest in the firm selected for the award:
 - i. The employee, officer, or agent.
 - ii. Any member of his or her immediate family.
 - iii. His or her partner.
 - iv. An organization which employs or is about to employ any of the above listed.The contractor guarantees it has not entered into any form of collusion with anyone involving any form of payment, dependent upon or resulting from the award of this contract or subcontract(s).
 - e. Conferences, inspection of work, grant monitoring – conferences may be held at the request of either party to this agreement. Conferences may be held in person or by virtual meeting. A representative of OHS and/or the US Department of Transportation (DOT) can conduct an onsite visit for the purpose of inspection and/or assessment of work being performed at any time.
 - f. Travel – Grant related local vicinity travel, travel to other parts of the state, and travel outside the state must conform to state policies and procedures. Allowable reimbursements cannot be greater than those authorized for state employees and reimbursements will be made to the Contractor for grant project travel. State policy requires economical and practical modes of travel, as well as moderate dining and lodging.
 - g. Tax and compensation liability – OHS will not incur any liability for workers compensation, FICA, withholding tax, unemployment compensation, or any other payment which is not a part of the grant agreement.
 - h. Policy inclusion – to receive highway safety grant funds, OHS requires that the

Contractor have a Seat Belt Use policy in effect or implement one prior to completion of the agreement. If requested OHS, Contractor will submit their policy to OHS prior to execution of the agreement.

- i. Responsibility for claims and liability – Contractor shall be required to save and hold harmless OHS, the Idaho Transportation Department (ITD), NHTSA, Federal Highway Administration and US DOT from all claims and/or liability due to the negligent acts of the Contractor or the Contractor’s subcontractor(s), agents or employee(s).
- j. Failure to comply - with any terms of this agreement may jeopardize Contractor in receiving future funding from OHS.
- k. Eligible organizations – all non-state actors agree to indemnify, defend, and hold harmless employees of the State of Idaho, including ITD, its officers, agents, employees’ from and against any and all claims, suits, losses, damages or costs, including reasonable attorney’s fees arising from or by the use of grants.
- l. Any dispute, disagreement, or question of fact – concerning this agreement shall be decided by the OHS Highway Safety manager, (OHS HSM). The decision shall be in writing and shall be distributed to the parties concerned. If the Contractor disagrees with the decision by the OHS Highway Safety Manager, the decision may be appealed to the Director of ITD. The appeal must be made in writing within 30 days of the OHS HSM decision and served by certified mail.
- m. Agreement including attachment – constitutes the entire agreement between the parties on the subject matter hereof. There are no understanding, agreements, or representations (oral or written), not specified herein regarding this agreement, shall bind either party unless in writing and signed by both parties and all necessary approvals have been obtained.
- n. Nothing in this agreement – shall be construed as limiting or expanding the statutory or regulatory responsibilities of any agency or individual involved in performing functions granted to them by law; or as requiring either entity to expend any sum in excess of its respective appropriation. Each provision to this agreement is subject to the laws and regulations of the State of Idaho and the United States.
- o. Either party may terminate – this agreement upon 30 days written notice to the other party. In the event of termination of this agreement, the terminating party shall be liable for the performance rendered prior to the effective date of termination.
- p. The parent entity for this contractor – certifies that it conducts an annual audit in accordance with 2CFR part 200 Subpart F, which is available for review upon request. In addition, this contractor has no financial or compliance issues.

Reporting of First-Tier Subawards - 2 CFR Appendix-A-to-Part-170(a)

Applicability. Unless the recipient is exempt as provided in paragraph (d) of this award term, the recipient must report each subaward that equals or exceeds \$30,000 in Federal funds for a subaward to an entity or Federal agency. The recipient must also report a subaward if a modification increases the Federal funding to an amount that **equals or exceeds \$30,000**. All reported subawards should reflect the total amount of the subaward.

1. Reporting Requirements.

- (i) The recipient must report each subaward described in paragraph (a)(1) of this award term to the Federal Funding Accountability and Transparency Act at www.sam.gov Federal Assistance

- (ii) For subaward information, report no later than the end of the month following the month in which the subaward was issued. (For example, if the subaward was made on November 7, 2025, the subaward must be reported no later than December 31, 2025).

Idaho Clauses for Federal Aid and State Funded Contract Provisions

The following State and Federal Funded contract clauses apply to:

- All grants and contracts with a value over \$100,000
 - *Sub -recipients who receive more than \$100,000 in mobilizations, mini-grants, contracts, or year-long grants must comply*
- All sub-recipients/contractors with more than 10 employees
 - *Cities, Counties, or other entities with more than 10 employees must comply*

18-8703. GOVERNMENT CONTRACTS WITH ABORTION PROVIDERS OR THEIR AFFILIATES PROHIBITED. (1) The state, a county, a city, a public health district, a public school district, or any local political subdivision thereof may not enter into any contract or commercial transaction with an abortion provider or an affiliate of an abortion provider. (2) Subsection (1) of this section shall not apply to: (a) A contract or commercial transaction that is subject to a federal law related to Medicaid; or (b) A hospital, as defined in section 39-1301, Idaho Code.

Per the provisions of Idaho Code §§ 67-2346, ANTI-BOYCOTT AGAINST ISRAEL ACT, and Idaho Code §§ 67-2347A, Prohibition on Contracts with Companies Boycotting Certain Sectors the undersigned certifies that it is not currently engaged in, and will not for the duration of the contract engage in the following: • boycott of goods or services from Israel or territories under its control: or • boycott of any individual or company because the individual or company engages in or supports the exploration, production, utilization, transportation, sale, or manufacture of fossil fuel-based energy, timber, minerals, hydroelectric power, nuclear energy, or agriculture; or • boycott of any individual or company because the individual or company engages in or support the manufacture, distribution, sale, or use of firearms, as defined in Idaho Code §18-3302(2)(d).

Idaho Code, §§ 67-2359 states “a public entity in this state may not enter into a contract with a company to acquire or dispose of services, supplies, information technology, or construction unless the contract includes a written certification that the company is not currently owned or operated by the government of China and will not for the duration of the contract be owned or operated by the government of China.” Company certifies that it is not owned or operated by the government of China.

NEW HVE MOBILIZATION PRODUCTIVITY POINT MATRIX <i>(See TEM Attachment for details)</i>			
Activity	Urban Points	Rural Points	Productivity Explanation
Traffic Contact	1	2	Rural traffic contacts often require longer travel times, greater officer discretion, and extended interaction due to lower call density and larger patrol zones.
Citation Issued	2	3	Citations in rural areas generally involve greater time commitments, longer response distances, and fewer enforcement opportunities than in urban environments.
DUI Arrest	5	5	DUI enforcement has a significant public safety impact in both urban and rural areas and requires extensive investigation, documentation, and processing.
HVE Expectation Hourly Goals: Meets – 3 points; Above- 4 points; Exceeds- 5+ points.			
<i>Points accumulated during HVE activities will be considered in future funding determinations.</i>			
FY27 MOBILIZATIONS & Mini Grants <i>(add amount requested below)</i>			
Description	Dates	Amount Requested	
Impaired Driving- Holidays	December 16-January 1	\$	
Distracted Driving- April	April 5-12	\$	
Occupant Protection- Click It Don't Risk It	May 17-June 6	\$	
Impaired Driving- July 4	June 28-July 4	\$	
Aggressive Driving- 100 Deadliest Days	July 12-July 19	\$	
Impaired Driving- Labor Day	August 13-September 5	\$	
Mini Grants Funding Offered Outside of Mobilizations <i>(Optional)</i>			
<i>Short-term projects funded through the mini-grants in Webcars</i>		Amount Requested	
DUI High Visibility Enforcement (HVE) for community events etc.		\$	
HVE, Speed Equipment, Training		\$	
SWET ECitation Equipment		\$	
DUI Equipment, Training		\$	
FY27 Traffic Training Regional Workshops <i>(Select one event)</i>			
The workshops offer training on new traffic laws, prosecution, DUI, speeding, youth, data, etc., as well as access to equipment vendors. Agencies receiving grant funding are expected to send at least one officer. All sessions are POST certified.			
0900-1500 Location	Date	How many officers will attend?	
North Idaho (Coeur d'Alene)	March 17*		
Southwest Idaho (Boise)	March 24*		
Southeast Idaho (Pocatello)	March 31*		
<i>*Dates are tentative; notices will be sent out to confirm when contracts are signed.</i>			
<i>If attendees live more than 2 hours from the location closest to their agency, contact OHS to determine if they qualify for free accommodation.</i>			

Agency Primary Contact (Required) *(Individual with signing authority for the Contractor)*

Name	
Title	
WebCar Account: Yes/No	
Phone	
Email Address	
Contractor Physical Address	
Warrant Mailing Address	
UEI <i>(Unique Entity Identifier)</i>	
*Benefit Percentage Rate for Overtime	
Parent Entity Name <i>(if applicable)</i>	

***Benefit includes FICA/Medicare, unemployment, workers' compensation, and PERSI – not more than 24%.**

Contractor Grant Manager Contact (Required) *(Individual who manages day-to-day grant activities)*

Name	
Title	
WebCar Account: Yes/No	
Phone	
Email Address	

Financial Contact (Required) *(individual responsible for financial reporting on SAM.gov.)*

Name	
Title	
WebCar Account: Yes/No	
Organization	
Phone	
Email Address	

By signing below, I certify that this organization understands and will comply with the aforementioned requirements.

Contractor's Agent

Contractor Authorizing Signature: *(Individual with legal authorization to enter into agreement with the ITD on behalf of the contractor.)*

Print Name:

Title:

Date:

State's Agent, Office of Highway Safety

Josephine Middleton, Highway Safety Manager, ITD

Date:

APPENDIX A TO PART 1300 CERTIFICATIONS AND ASSURANCES FOR HIGHWAY SAFETY GRANTS

GENERAL REQUIREMENTS

The Grantee will comply with applicable statutes and regulations, including but not limited to: 23 U.S.C. Chapter 4-Highway Safety Act of 1966, as amended. Sec. 1906, Public law 109-59, as amended by Sec. 25024, Public Law 117-58. 23 CFR Part 1300-Uniform Procedures for State Highway Safety Grant Programs. 2 CFR Part 200-Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. 2 CFR Part 1201-Department of Transportation, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA)

The Sub-grantee will comply with FFATA guidance, *OMB Guidance on FFATA Subaward and Executive Compensation Reporting*, August 27, 2010, (https://www.fsrs.gov/documents/OMB_Guidance_on_FFATA_Subaward_and_Executive_Compensation_Reporting_08272010.pdf) by reporting to FSRS.gov for each sub-grant awarded:

Name of the entity receiving the award.

- Amount of the award.
- Information on the award including transaction type, funding agency, the North American Industry Classification System code or Catalog of Federal Domestic Assistance number (where applicable), program source.
- Location of the entity receiving the award and the primary location of performance under the award, including the city, State, congressional district, and country; and an award title descriptive of the purpose of each funding action.
- o Unique entity identifier (generated by **SAM.gov**).
- The names and total compensation of the five most highly compensated officers of the entity if:
 - (i) the entity in the preceding fiscal year received-
 - (I) 80 percent or more of its annual gross revenues in Federal awards.
 - (II) \$25,000,000 or more in annual gross revenues from Federal awards; and
 - (ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 ([15 U.S.C. 78m\(a\), 78o\(d\)](#)) or section 6104 of the Internal Revenue Code of 1986;
- Other relevant information specified by OMB guidance.

NONDISCRIMINATION

(applies to subrecipients as well as States)

The State highway safety agency [and its subrecipients] will comply with all Federal statutes and implementing regulations relating to nondiscrimination ("Federal Nondiscrimination Authorities"). These include but are not limited to:

- Title VI of the Civil Rights Act of 1964 ([42 U.S.C. 2000d](#) et seq., 78 stat. 252), (prohibits ++discrimination on the basis of race, color, national origin).
- [49 CFR part 21](#) (entitled Non-discrimination in Federally-Assisted Programs of the

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- Department of Transportation Education of Title VI of the Civil Rights Act of 1964).
- [28 CFR 50.3](#) (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964).
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. ([42 U.S.C. 4601](#)), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects).
- Federal-Aid Highway Act of 1973, (23 USC 324 et seq.). and Title IX of the Education Amendments of 1972, as amended ([20 U.S.C. 1681-1683](#) and [1685-1686](#)) (prohibit discrimination based on sex).
- Section 504 of the Rehabilitation Act of 1973. ([29 U.S.C. 794](#) et seq.), as amended, (prohibits discrimination on the basis of disability) and [49 CFR part 27](#).
- The Age Discrimination Act of 1975. as amended, ([42 U.S.C. 6101](#) et seq.), (prohibits discrimination on the basis of age).
- The Civil Rights Restoration Act of 1987, (Pub. L. 100-209), (broadens scope, coverage, and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal aid recipients, subrecipients and contractors, whether such programs or activities are Federally-funded or not);
- Titles II and III c (the Americans with Disabilities Act ([42 U.S.C. 12131-12189](#)) (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing) and [49 CFR parts 37](#) and [38](#).

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

GENERAL ASSURANCES

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded, from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, for which the Recipient receives Federal financial assistance, from DOT including NHTSA"

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI of the Civil Rights Act of 1964 and other non-discrimination requirements (the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these nondiscrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

SPECIFIC ASSURANCES

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted Highway Safety Grant Program:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in § 21.23(b) and (e) of [49 CFR part 21](#) will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Highway Safety Grant Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:
"The [name of Recipient, in accordance with the provisions of Title VI of the Civil Rights Act 1964 (78 Stat. 252. 42 USC 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantage business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."
3. The Recipient will insert the clauses of appendix A and E of this Assurance (also referred to as DOT Order 1050.2A) With every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of appendix B of DOT Order 1050.2A, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form of, or for the acquisition of, real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in appendix C and appendix D of this DOT Order 1050.2A, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the

property.

9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the Sub-grantee also agrees to comply with all applicable provisions governing NHTSA's access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by NHTSA. You must keep records, reports, and submit the material for review upon request to NHTSA, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The sub-grantee gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Highway Safety Grant Program. This ASSURANCE is binding on the State highway safety agency, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Highway Safety Grant Program. The person(s) signing below is/are authorized to sign this ASSURANCE on behalf of the Recipient.

THE DRUG-FREE WORKPLACE ACT OF 1988 (41 U.S.C. 8103)

The Sub-grantee will provide a drug-free workplace by:

- a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition.
- b. Establishing a drug-free awareness program to inform employees about:
 1. The dangers of drug abuse in the workplace.
 2. The grantee's policy of maintaining a drug-free workplace; Any available drug counseling, rehabilitation, and employee assistance programs.
 3. The penalties that may be imposed upon employees for drug violations occurring in the workplace.
 4. Making it a requirement that each employee engaged in the performance of the grant be given a copy of the statement required by paragraph (a).
- c. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will-
 1. Abide by the terms of the statement.
 2. Notify the employer of any criminal drug statute conviction for a violation

- occurring in the workplace no later than five days after such conviction.
- d. Notifying the agency within ten days after receiving notice under subparagraph (c)(2) from an employee or otherwise receiving actual notice of such conviction.
 - e. Taking one of the following actions, within 30 days of receiving notice under subparagraph (c)(2), with respect to any employee who is so convicted-
 1. Taking appropriate personnel action against such an employee, up to and including termination.
 2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.
 - f. Making a good faith effort to continue to maintain a drug-free workplace through implementation of all the paragraphs above.

POLITICAL ACTIVITY (HATCH ACT)

(applies to subrecipients as well as States)

The Sub-grantee will comply with provisions of the Hatch Act ([5 U.S.C. 1501-1508](#)), which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

CERTIFICATION REGARDING FEDERAL LOBBYING

(applies to subrecipients as well as States)

CERTIFICATION FOR CONTRACTS, GRANTS, LOANS, AND COOPERATIVE AGREEMENTS

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this

transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

RESTRICTION ON STATE LOBBYING

(applies to subrecipients as well as States)

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (*e.g.*, "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

CERTIFICATION REGARDING DEBARMENT AND SUSPENSION

(applies to subrecipients as well as States)

INSTRUCTIONS FOR PRIMARY TIER PARTICIPANT CERTIFICATION (STATES)

1. By signing and submitting this proposal, the prospective primary tier participant is providing the certification set out below and agrees to comply with the requirements of / [CFR parts 180 and 1200](#).
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective primary tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary tier participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default or may pursue suspension or debarment.
4. The prospective primary tier participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary tier participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms **covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded**, as used in this clause, are defined in [2 CFR parts 180](#) and [1200](#). You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

6. The prospective primary tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9. subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9. subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9. subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate the transaction for cause or default.

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY

INSTRUCTIONS FOR LOWER TIER PARTICIPANT CERTIFICATION

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this

- transaction originated may pursue available remedies, including suspension or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
 4. The terms **covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded**, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
 5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
 6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.
 7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov>).
 8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
 9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION-LOWER TIER COVERED TRANSACTIONS

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared

ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

BUY AMERICA

(applies to subrecipients as well as States)

The State and each subrecipient will comply with the Buy America requirement ([23 U.S.C. 313](#)) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase with Federal funds only steel, iron and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification for approval by the Secretary of Transportation.

CERTIFICATION ON CONFLICT OF INTEREST

(applies to subrecipients as well as States)

GENERAL REQUIREMENTS

No employee, officer, or agent of a State or its subrecipient who is authorized in an official capacity to negotiate, make, accept, or approve, or to take part in negotiating, making, accepting, or approving any subaward, including contracts or subcontracts, in connection with this grant shall have, directly or indirectly, any financial or personal interest in any such subaward. Such a financial or personal interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or personal interest in or a tangible personal benefit from an entity considered for a subaward. Based on this policy:

1. The recipient shall maintain a written code or standards of conduct that provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents.
 - a. The code or standards shall provide that the recipient's officers, employees, or agents may neither solicit nor accept gratuities, favors, or anything of monetary value from present or potential sub awardees, including contractors or parties to subcontracts.
 - b. The code or standards shall establish penalties, sanctions, or other disciplinary actions for violations, as permitted by State or local law or regulations.
2. The recipient shall maintain responsibility to enforce the requirements of the written code or standards of conduct.

DISCLOSURE REQUIREMENTS

No State or its subrecipient, including its officers, employees, or agents, shall perform or continue to perform under a grant or cooperative agreement, whose objectivity may be impaired because of any related past, present, or currently planned interest, financial or otherwise, in organizations regulated by

NHTSA or in organizations whose interests may be substantially affected by NHTSA activities. Based on this policy:

1. The recipient shall disclose any conflict of interest identified as soon as reasonably possible, making an immediate and full disclosure in writing to NHTSA. The disclosure shall include a description of the action which the recipient has taken or proposes to take to avoid or mitigate such conflict.
2. NHTSA will review the disclosure and may require additional relevant information from the recipient. If a conflict of interest is found to exist, NHTSA may (a) terminate the award, or (b) determine that it is otherwise in the best interest of NHTSA to continue the award and include appropriate provisions to mitigate or avoid such conflict.
3. Conflicts of interest that require disclosure include all past, present, or currently planned organizational, financial, contractual, or other interest(s) with an organization regulated by NHTSA or with an organization whose interests may be substantially affected by NHTSA activities, and which are related to this award. The interest(s) that require disclosure include those of any recipient, affiliate, proposed consultant, proposed subcontractor, and key personnel of any of the above. Past interest shall be limited to within one year of the date of award. Key personnel shall include any person owning more than a 20 percent interest in a recipient, and the officers, employees or agents of a recipient who are responsible for making a decision or taking an action under an award where the decision or action can have an economic or other impact on the interests of a regulated or affected organization.

PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE

(applies to subrecipients as well as States)

The State and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.

POLICY ON SEAT BELT USE

In accordance with [Executive Order 13043](#), Increasing Seat Belt Use in the United States, dated April 16, 1997, the Grantee is encouraged to adopt and enforce on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information and resources on traffic safety programs and policies for employers, please contact the Network of Employers for Traffic Safety (NETS), a public-private partnership dedicated to improving the traffic safety practices of employers and employees. You can download information on seat belt programs, costs of motor vehicle crashes to employers, and other traffic safety initiatives at www.trafficsafety.org. The NHTSA website (www.nhtsa.gov) also provides information on statistics, campaigns, and program evaluations and references.

POLICY ON BANNING TEXT MESSAGING WHILE DRIVING

In accordance with [Executive Order 13513](#), Federal Leadership On Reducing Text Messaging While Driving, and DOT Order 3902.10, Text Messaging While Driving, Sub-grantees are encouraged to adopt and enforce workplace safety policies to decrease crashes caused by distracted driving, including

policies to ban text messaging while driving company-owned or rented vehicles, Government-owned, leased or rented vehicles, or privately-owned vehicles when on official Government business or when performing any work on or behalf of the Government. Sub-grantees are also encouraged to conduct workplace safety initiatives in a manner commensurate with the size of the business, such as establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving, and education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

I understand that my statements in support of the State’s application for Federal grant funds. I sign these Certifications and Assurances based on personal knowledge, and after appropriate inquiry.

Signature, Contractor Representative _____ Date: _____

Printed name of Contractor Representative: _____

Subrecipient Financial Risk Assessment FY27

Instructions: Subrecipient must provide information for areas in blue only.

Subrecipient Name:	Project:
	Award Period: October 1, 2026 through September 30, 2027

	Topic	Yes	No	NA	Comments
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A. Financial Information *(Information under Section A must be provided by the Financial Contact for the Subrecipient)*

1	Did the Subrecipient's Parent Entity (City or County) expend more than \$750,000 in federal funding during the previous fiscal year ? If yes , please complete Comments section to indicate whether a single audit through the Federal Audit Clearinghouse (FAC) was conducted in accordance with 2 CFR 200.514 . <i>Attach audit summary pages (if applicable).</i>				Amount of Federal Funding Expended \$ _____ Year 20 _____ Audit submitted to FAC? Yes / No Year Audit Completed : _____
2	If the Subrecipient's prior year financial audit did not have any material finding(s) that will affect ITD, check Yes. (If the answer is No, the subrecipient must indicate if/when they were resolved.) <i>Attach a copy of pages showing results and correction plan (if applicable).</i>				Findings: Yes / No Page# _____ Summary pages attached: _____ Findings Resolved: Yes/ No Date: _____
3	Subrecipient shall provide an active Unique Entity Identifier* (UEI) .				UEI # _____ Expiration Date _____
4	Unless exempt, recipient will report each subaward in paragraph (a)(1) of awards to the Federal Funding Accountability and Transparency Act (FFATA) at www.sam.gov , Federal Assistance				Subaward exceeds \$30,000 Y ___ N ___ FFATA reported through www.sam.gov Date: _____
5	Subrecipient agrees to provide timesheets and payroll verification showing overtime was paid on grant-funded activity upon request by OHS.				
6	The Subrecipient agrees to retain documentation records for grant funded activities for up to three years for monitoring by OHS.				

B. Organization & Grant Management

1	Has the subrecipient's organization remained unchanged during the previous year? (i.e. Chief, Sheriff, management staff)				
2	Is the subrecipient's grant management and accounting system the same as the previous year? If not, please explain.				
3	Subrecipient agrees to provide contact/citation activity and mileage logs upon request by OHS.				
4	Subrecipient is aware that equipment purchased through OHS grant funds must be made available for up to three years for inspection.				

Signature on original required by the Parent Entity Financial Contact

<i>The information above is accurate to the best of my knowledge.</i>	<i>*Unique Entity Identifier (UEI) is now required instead of the DUNS or CAGE numbers, the UEI is available from www.SAM.gov</i>	
Signature:	Date:	Print Name:

To be completed by The Office of Highway Safety

	Topic	Yes	No	NA	
--	-------	-----	----	----	--

C. Experience

1	Does the recipient have experience with the same or similar grants?				
2	Has the subrecipient had at least three years of experience with federal grants?				
3	Did the subrecipient consistently and accurately submit their claims and reports on time?				
4	Was payroll and timesheet documentation provided upon request the previous FY? Were there any issues identified?				

TOTALS

Risk Score:

Rating Scale (Based on the number of No's)

0 - 2	Subrecipient is considered low risk.	Low Risk	Provide standard monitoring
3 - 6	Subrecipient is considered medium risk.	Medium Risk	Provide additional monitoring including training is warranted.
7 - 10	Subrecipient is considered high risk.	High Risk	Provide close monitoring, training and action if required.

General overview of Subrecipient performance:

Commendations, problems or concerns:

Corrective action necessary:

OHS Reviewer:	Date:
---------------	-------

COMMITTEE / CITY COUNCIL STAFF REPORT

DATE: Monday, June 15, 2026



AGENDA ITEM TITLE

Approval of Personnel Policy Updates Resolution – Sharon Games

RESPONSIBLE STAFF

Sharon Games, Human Resources Manager

ADDITIONAL PRESENTER(S)

DESCRIPTION

The Human Resource Department has identified the need to make several updates to the City's adopted Personnel Policies. The proposed amendments to the policy include updates to reflect recent regulatory changes, aligning and formalizing policies with original intent and current practices, and the addition of a new policy for Artificial Intelligence. This was reviewed by the Public Works/Finance Committee on June 8, 2026 and recommended for approval.

REVIEWED BY

Legal and City Administrator

PROPOSED ACTIONS

ACTION: Approve the Personnel Policy Resolution.

STAFF RECOMMENDATION

Approve the proposed Resolution.

OTHER RESOURCES

FISCAL IMPACT

PERSONNEL IMPACT

ATTACHMENTS

1. Summary of Amendments to Personnel Policies_2026
2. Resolution 2026 _ Amendments to Personnel Policy_final with attachment

Personnel Policy Updates Resolution (ACTION ITEM) – Sharon Games

The Human Resource Department has identified the need to make several updates to the City's adopted Personnel Policies. The proposed amendments to the policy include updates to reflect recent regulatory changes, aligning and formalizing policies with original intent and current practices, and the addition of a new policy for Artificial Intelligence. Staff will present the proposed updates for the Council's consideration.

PROPOSED ACTIONS: Recommend approval of the proposed Resolution; or provide staff with further direction.

Policy Section	Reason for Change
CHAPTER 2: VI. Overtime	Update language for what type of leave counts as hours worked when calculating overtime for non-exempt employees. Add language specific to Paramedic/Firefighters
CHAPTER 2: VII. Compensatory Time	There are no significant or substantive changes to this policy. The updates primarily involve restructuring, reordering and updating the content and removing repetitive language to improve clarity and ease of understanding.
CHAPTER 4: II. Performance Appraisals	For City employees in the step and grade compensation system hired after the date of adoption of this proposed policy change (current staff are grandfathered in), supervisors must complete performance evaluations annually by the employee's anniversary date.
CHAPTER 7: V. On-Call and Call-Back	The proposed updates clarify that on-call and call-back are two distinct statuses. The original policy blended these concepts, and the revisions separate them to ensure clearer understanding and consistent application. The updates also introduce a new call-back status for remote response.
CHAPTER 8: VII. Holidays	The primary updates to the policy involve expanding the explanation of how holiday compensation is applied. Specifically, the revisions clarify the distinction between pay for an actual holiday and pay for an observed holiday.
CHAPTER 8: X. Bereavement	Current Policy: <ul style="list-style-type: none"> Up to three (3) days of paid bereavement leave is available in the event... Updated Policy: <ul style="list-style-type: none"> Up to three (3) consecutive days of paid bereavement leave is available in the event...
CHAPTER 8: XX. Emergency Closures	The proposed updates to this policy clarify and define how positions are considered essential and non-essential, and they

	provide detailed guidance on how employees are compensated during an emergency closure.
CHAPTER 10: VIII. Artificial Intelligence	This is a new policy intended to provide structure, protect the integrity of City operations, and ensure that Artificial Intelligence (AI) is used thoughtfully, safely, and in a manner consistent with the City’s legal and ethical obligations.

RESOLUTION 2026-__

A RESOLUTION OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AUTHORIZING THE REPEAL OF RESOLUTION 2025-26 AND FOR SAID RESOLUTION TO BE REPLACED WITH THIS RESOLUTION ADOPTING AMENDMENTS TO THE CITY OF MOSCOW PERSONNEL POLICIES; PROVIDING FOR SPECIFIC AMENDMENTS TO CHAPTER 2 REGARDING OVERTIME AND COMPENSATORY TIME, CHAPTER 4 REGARDING PERFORMANCE APPRAISALS, CHAPTER 7 REGARDING ON-CALL AND CALL-BACK, CHAPTER 8 REGARDING HOLIDAYS, BEREAVEMENT LEAVE, AND EMERGENCY CLOSURES, AND THE ADDITION OF A NEW CHAPTER 10 REGARDING ARTIFICIAL INTELLIGENCE USE; AND PROVIDING THIS RESOLUTION SHALL BE EFFECTIVE UPON ITS PASSAGE AND APPROVAL.

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

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

WHEREAS, the proposed updates are needed to clarify certain existing personnel policies and to establish a new policy regarding the use of artificial intelligence in the performance of job duties; and

WHEREAS, the Council believes the amendments contained herein to the Personnel Policies are appropriate and in the City's best interest to implement the proposed amendments to the Previous Personnel Policies passed by Resolution 2025-26;

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

1. That the City of Moscow Personnel Policies as approved through Resolution 2025-26, be repealed in its entirety and replaced with this Resolution.
2. That any City of Moscow Resolution inconsistent with the Personnel Policy adopted herein shall be and are hereby superseded by the policy attached as Exhibit 'A'.
3. That the provisions of this Resolution and the attached Exhibit shall be deemed severable and the invalidity of any provision of this Resolution or of the attached Exhibit shall not affect the validity of the remaining provisions.
4. That this Resolution shall be effective upon its passage and approval.

PASSED on Motion by the Following Vote:

	Aye	Nay	Abstain	Absent
Scott Sumner	_____	_____	_____	_____
Sage McCetich	_____	_____	_____	_____
Bryce Blankenship	_____	_____	_____	_____
Drew Davis	_____	_____	_____	_____
Sandra Kelly	_____	_____	_____	_____
Even Holmes	_____	_____	_____	_____

ADOPTED by the City Council of the City of Moscow, Idaho and **APPROVED** by the Mayor of the City of Moscow, this _____ day of _____, 2026.

Hailey Lewis, Mayor

CERTIFICATION and ATTESTATION. I hereby certify that the above is a true copy of the Resolution passed at a regular meeting of the City Council, City of Moscow, held on _____, 2026, and attest to the Mayor's signature.

Laurie M. Hopkins, City Clerk

Exhibit 'A'

City of Moscow Personnel Policies

~~Effective: October 6, 2025 Pursuant to Resolution 2025—26~~

Effective: _____, 2026 Pursuant to Resolution 2026-_____



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DRAFT

Chapter 1 – Code of Conduct

I. Workplace Expectations

The City of Moscow strives to administer fair and effective personnel policies, to require all employees to follow a code of conduct as detailed in this personnel policy which support the City's best interests, and to provide equal employment opportunities to all persons in all aspects of the employer-employee relationship, including recruitment, hiring, training, promotion, compensation, discipline and termination.

A. The City's goals for employees include the following:

1. To provide equal employment opportunity and treatment regardless of race, color, religion, sex, national origin, disability, genetic information, age (40 or older), marital or familial status (including pregnancy), sexual orientation, gender, gender expression or identity, military status, or any basis prohibited by local, state, or federal law;
2. To promote a productive work environment and not to tolerate conduct by any employee which harasses, disrupts, or interferes with another's work performance or which creates an intimidating, offensive, or hostile work environment;
3. To provide compensation and benefits commensurate with the work performed;
4. To establish reasonable hours of work based on the City's service needs.
5. To monitor and comply with applicable federal, state, and local laws and regulations concerning employee safety;
6. To offer training opportunities and continuing education for those whose needs, capabilities, and job position warrant such training; and
7. To establish appropriate means for employees to discuss matters of interest or concern with their immediate supervisor or manager.

B. The City expects all employees:

1. To communicate and treat the public, customers, suppliers, and each other in a professional manner;
2. To perform assigned tasks in an efficient manner;
3. To comply with the hours of work scheduled for the employee as determined by the employee's department manager or supervisor;
4. To demonstrate a considerate, friendly, and constructive attitude toward fellow employees; and

5. To adhere to the policies adopted by the City.
- C. The City retains the sole discretion to exercise all managerial functions, consistent with these policies, including but not limited to the following:
1. To dismiss, reassign, supervise, and discipline employees;
 2. To determine and change shifts, to include the start and end of any shift;
 3. To transfer employees within departments or into other departments and other classifications;
 4. To determine and change the size and qualifications of the work force;
 5. To determine and change methods by which its operations are to be carried out;
 6. To assign duties to employees in accordance with the City's needs and requirements; and
 7. To carry out all ordinary administrative and management functions.

II. Employee Conduct

A. General Expectations.

Employees of the City of Moscow are expected to conduct themselves in a manner which does not reflect adversely upon the City. Each employee must recognize that public employees are subject to additional public scrutiny in their public and personal lives because the public's business requires the utmost integrity and care. In order to accomplish the goals of the City as a public institution, each employee is expected to avoid personal behaviors which would bring unfavorable public impressions of the City, its officials, and employees.

B. In order to accomplish the goals of the City, each employee shall:

1. Be prompt and regular in attendance at work or other required City functions;
2. Comply with dress standards established in the department for which the employee works. Dress standards shall be set by the supervisor, but in the absence of any department dress standards, clothing shall be appropriate for the functions performed and shall include proper grooming and a professional appearance as a reflection of how employees view their work and how the public sees employees and the City as a whole;
3. Dedicate primary efforts to the City of Moscow employment with secondary employment subject to approval. Individual department rules may provide permissible examples of "moonlighting" wherein employees may hold additional positions;

4. Avoid nepotism in appointments and working relationships with other employees in the City. No employee shall engage in conduct which violates Idaho State nepotism laws (I.C. § 18-1359, and Title 74 of Idaho Code) or City of Moscow Policy. The City believes that employment opportunities should not be influenced by family relationships. Additionally, employment of immediate family members is not allowed where one family member would have authority to influence employment decisions regarding the other, or where there is potential work-related conflict of interest between them;
5. Not accept gifts or gratuities in any personal or professional capacity which could create the impression that the giver was seeking favor from the employee or official;
6. Not serve on any board or commission which regulates or otherwise affects the official duties or personal interests of said official or employee in a way that could create disadvantage for other members of the public or advantage for the employee;
7. Not release personnel information or any other public record without the express authority of the public official responsible for custody or release of the record or without an order from a court of competent jurisdiction;
8. Not engage in conduct away from work which would reasonably be expected to reflect adversely upon the employee's position with the City of Moscow;
9. Not use substances, unlawful or otherwise, which will impair the employee's ability to function as a valued and competent member of the City of Moscow work force;
10. Not engage in conduct that would suspend any licenses required for the employee's ability to perform the employee's essential job functions; and
11. Not engage in workplace or public conduct otherwise detrimental to the accomplishment of the goals established by the City Council or the official or department for whom the employee works.

III. Workplace Conduct

Employees are expected to conduct themselves in the workplace in accordance with the following rules. These rules are not all-inclusive of conduct expected of City of Moscow employees and specific City Departments may have additional work place rules.

A. Each employee of the City shall:

1. Give best efforts to accomplish the work of the City of Moscow for public benefit in accordance with policies and procedures adopted by the City Council;

2. Adhere to any code of ethics in employee's profession and avoid conflicts of interest or using employee's public position for personal gain;
3. Follow all rules for care and use of public property to assure that the public investment in equipment is protected and that the safety of the public and other employees is maintained;
4. Abide by all departmental rules whether they be written or issued orally by their supervisor. No employee will be required to follow the directive of a supervisor which violates laws of any local jurisdiction, the state, or nation;
5. Abide by City of Moscow rules concerning the dissemination of information to the public from public records or about public matters. The decision to release information from public records or to disclose writings or other information in the hands of a public official belongs with the responsible official who has official custody of that record. Each employee shall maintain the confidential nature of records which are not open to public scrutiny in accordance with the direction of the responsible official. The City has a formal process by which all requests for public records must be submitted, which may change from time to time through City Council by Resolution;
6. Adhere to the defined work schedule and adhere to the procedures for requesting an exception from normal work schedules. Each employee will follow the rules regarding the reporting of work hours and the approval which must be given for pay record submittal. Failure to follow such rules may be grounds for delayed payment of wages, salaries, or reimbursements or for imposition of appropriate disciplinary penalties;
7. Follow rules regarding breaks and lunch periods, including provisions granting supervisors authority to adjust them. Timing of breaks or lunch periods may be changed to accommodate the completion of necessary work;
8. Follow all rules for reporting accidents on the job. Each employee will cooperate in the reporting and reconstruction of any job-related accident in order that workplace hazards can be eliminated and that proper consideration can be accorded to injured workers and the public;
9. Report any accidents observed to have happened on City property or involving City property or personnel. Each employee shall provide as much information as they can from the observations made in the course of activities associated with one's work. Such information should be reported to the employee's immediate supervisor as soon as physically possible and reasonable efforts should be made to assist those in need;
10. Follow all rules regarding safety in the workplace whether established formally by the department or by outside agencies having authority to regulate workplace safety. Employees are encouraged to suggest ways to make the workplace or work procedures safer;

11. Maintain a current driver's license when necessary in the conduct of work for the City. Each employee is obligated to report any state-imposed driving restrictions to their immediate supervisor and to notify their supervisor in the event that their driving abilities are impaired by other than state restrictions; and

12. Perform such obligations as are necessary to carry out the work of the City in an efficient and effective manner and with limited risk to the employee, the public and fellow employees.

B. The foregoing lists are not all-inclusive.

Violation of any of the rules set forth above, in addition to the ones imposed by the employee's supervisor or the employee's department, may be grounds for disciplinary action, including termination. The rules contained in the personnel policy manual are subject to change at any time at the discretion of the City Council upon approval by Resolution, and will be available through the intranet. Employees will be notified of the changes through email and will be required to review the changes and acknowledge their understanding of the changes. The changes approved by City Council are often effective immediately, but the effective date included in the Resolution will govern.

Chapter 2 – Compensation & Benefits

I. Salary Administration

A. Nondiscriminatory and Competitive

The City provides compensation that is nondiscriminatory and which strives to be competitive in relation to the local and regional job market, while taking into consideration the City's overall financial condition and the direction given by the Mayor and Council as they determine budget appropriations every year.

B. Review

Human Resources is responsible for the internal review of compensation and ensuring that each job is evaluated and assigned the appropriate job grade. This review should determine whether compensation accurately and fairly reflects each position's responsibilities and education, training, and licensing requirements.

C. Surveys

When considered appropriate, Human Resources will conduct and/or obtain compensation surveys to include other comparable employers with similar positions. These surveys and information will be used to set market values for each position in the City's pay structure.

D. Compensation Systems

The City of Moscow has two compensation systems the Step and Grade System (S & G) and the Actively Managed Performance System (AMPS). S & G applies to sworn law enforcement employees, AMPS applies to all other employees. Both systems are intended to compensate employees for their performance, positive contributions, knowledge and experience.

II. Employee Classification

For various reasons, employee status must be organized by classifications to administer employee policies, benefits, or otherwise address employment issues.

A. Employee Classification for Employment Status

1. All employees of the City, including part-time and temporary employees, are at-will employees, except appointed officials.
2. Appointed Officials: Officials appointed pursuant to Idaho Code § 50-204 and Moscow City Code Title 2, Chapter 3 may only be removed pursuant to Idaho Code § 50-206 and Moscow City Code Title 2, Chapter 3.

B. Employee Classification for Benefit Purposes

The classification of the position an employee holds with the City may affect the status of obligations or benefits associated with their employment. Primary classes of employees are:

1. Elected Officials

Elected Officials are not considered regular employees. Elected Officials receive salaries pursuant to Moscow City Code Title 1, Chapter 8.

2. Full-Time Regular Employees

Employees whose employment is sustained and continuing and whose typical work period consists of at least forty (40) hours per week are eligible for employee benefits provided by the City.

3. Part-Time Regular Employees

a. Employees whose employment is sustained and continuing and whose typical work period consists of more than nineteen (19) but less than forty (40) hours per week may receive benefits to vary proportionately with the number of hours typically worked for a full-time regular employee. The number of hours worked may also affect the employee's obligation to participate in specific mandatory state benefit programs. Certain benefits may not be available because qualifying thresholds have not been reached.

b. Employees whose employment is sustained and continuing and whose typical work period consists of nineteen (19) hours or less per week. These employees receive no benefits provided to regular employees.

4. Full- or Part-Time Temporary Employees

Employees who work on an irregular, seasonal, or temporary basis are temporary. Temporary employees receive no benefits provided to regular employees, except those required by law or authorized by the City Council.

III. Compensation

A. Establishment of Employee Compensation

Employees are compensated subject to the City Council's decisions as annual budgets are approved and, as such, are subject to increase, reduction, or remain unchanged for any time period. Final decisions regarding compensation policy rest with the City Council.

B. Compliance with State and Federal Pay Regulations

The City will comply with all state and federal pay regulations governing compensation of its employees. Information contained within this policy is reflective of U.S. Department of Labor's administration of FLSA (<https://www.dol.gov/agencies/whd/flsa>).

C. Right to Change Compensation and Benefits

The City may change compensation for any reason deemed appropriate by the City Council. Compensation may also be adjusted based upon job performance and the availability of funds to maintain a solvent city budget. Hours worked may be reduced, or employees may be laid off as necessary to meet budgetary constraints or as work needs change.

IV. Health Benefits

The City will provide its employees with the opportunity to participate in health-related benefit programs, which includes medical, dental, and vision. The City also has various voluntary programs that may be available to employees and that may change based on demand and what is available from the City's providers. Information and explanations of the various benefit plans that employees are eligible to participate in will be furnished to all plan participants on a timely and continuing basis by Human Resources. The City reserves the right to modify, amend, or terminate its benefits at any time in accordance with all federal and state regulations.

A. Health Benefit Coverage by Employee Classification

1. Elected Officials

Elected officials are not eligible to receive health benefits.

2. Full-Time Regular Employees

- a. The City shall provide full coverage for medical, dental, and vision for the employee at no cost for the base plan. If an employee selects an enhanced plan, the employee shall be required to pay the difference in cost above the base plan.
- b. The City shall pay a percentage, not less than 50%, of their eligible dependent(s) premium for medical, dental, and vision coverage for the base plan. This percentage will be approved by the City Council prior to open enrollment of each new benefit plan year. The employee shall be responsible for the remainder of the eligible dependent(s) premium. If an employee selects an enhanced plan, the employee shall be responsible for any additional dependent(s) premium cost above the base plan.

- c. When both benefit-eligible parents are employed by the City, the City will provide full coverage for medical, dental and vision for both employees and their eligible dependent(s) at no cost for the base plan. If the employee(s) select an enhanced plan, the employee(s) shall be responsible for any additional cost above the base plan.

3. Part-Time Regular Employees

- a. Part-time employees who consistently work more than thirty (30) hours per week shall be eligible to receive full coverage for medical, dental, and vision in the same manner as a full-time regular employee as described herein, including coverage for their dependent(s).
- b. Part-time employees who work less than thirty (30) hours per week are not eligible to receive health benefits.

4. Full or Part-Time Temporary and Seasonal Employees

Full or part-time temporary and seasonal employees are not eligible to receive health benefits.

B. Enrollment

1. New Benefit-Eligible Employees

Insurance coverage generally becomes effective on the first day of the calendar month following the first date of work.

2. Annual Open Enrollment

Benefit Eligible employees have the opportunity to make changes to benefit elections annually at open enrollment. Human Resources will notify employees of the open enrollment period. Employees will only be permitted to make changes during the open enrollment, absent the occurrence of a qualifying life event.

3. Qualifying Life Event

Employees (and covered dependents) who would otherwise lose or gain health coverage because of a qualifying “life event” as defined by the benefit provider may be eligible to enroll in, or make changes to, the City’s benefits outside the open enrollment period. Qualifying life events are circumstances that can significantly impact your personal and financial situation and may include, but are not limited to; getting married, getting divorced, birth of a baby or adopting a child, the death of a spouse, termination of employment, and loss of dependent status, and are eligible to continue coverage under terms established by federal law known as COBRA (Consolidated Omnibus Budget Reconciliation Act of 1985).

4. Retiree and Termination of Employment Coverage

Eligible employees who retire or terminate employment from the City may be able to continue medical, dental, and vision benefit coverage through COBRA. COBRA information is provided separately and at the time of separation. Employees may contact Human Resources for COBRA-related information.

C. Eligible Dependents

1. Spouse: A person to whom the employee is legally married.
2. Domestic Partner (Affidavit Required) who meets the following criteria:
 - a. 18 years of age or older;
 - b. Share a close personal relationship and are each other's sole domestic partner;
 - c. Responsible for each other's common welfare;
 - d. Not legally married to anyone else;
 - e. Not related by blood closer than would bar marriage in state of residence;
 - f. Currently shares same and regular permanent residence and intend to do so indefinitely; and
 - g. Jointly share financial responsibility for "basic living expenses" including cost of food, shelter, and other costs such as medical expenses.
3. Children: Employee's (or spouse's/domestic partner's) child who is under the age 26 and who meets the following criteria:
 - a. Employee's (or spouse's/domestic partner's) natural child, stepchild, adopted child or child legally placed with the employee (or spouse/domestic partner) for adoption;
 - b. A child for whom the employee (or employee's spouse/domestic partner) has court-appointed legal guardianship; or
 - c. A child for whom the employee (or employee's spouse/domestic partner) are required to provide coverage by a legal qualified medical child support order (QMCSO).
4. Employee's (or spouse's/domestic partner's) child who is age 26 or over and incapable of self-support because of intellectual disability or physical handicap that began before their 26th birthday. Employee must complete and submit an affidavit of dependent eligibility form, with written evidence of the child's incapacity, within 31 days of the child's 26th birthday, or employee's insurance

effective date, whichever occurs later, and where either: the child is an eligible enrolled child before their 26th birthday; or, the child's 26th birthday preceded the employee's effective date and the child has been continuously covered as the employee's dependent on group coverage since that birthday.

V. Retirement Benefits

Employees become a PERSI member when they work in an eligible position with a PERSI employer. When an employee earns sixty (60) months of service credit, they will be vested to receive a lifetime benefit at retirement. The sixty (60) month vesting period (five (5) months for elected and some appointed officials) does not need to be with the same PERSI employer. Unless an employee leaves public employment altogether, changing jobs should not affect their PERSI membership.

A. Enrollment in the PERSI Base Plan is automatic.

Pursuant to Idaho law, employees automatically become a member of PERSI and eligible for the Base Plan if:

1. Employer belongs to PERSI; and
2. Employment is for 5 consecutive months or more; and
3. Employee normally works 20 hours or more per week; and
4. An elected or appointed official serving on a board, council, or commission who receives a salary or honorarium for services performed, even though you receive a nominal salary and do not normally work 20 hours or more per week.

B. Those NOT eligible to join PERSI include:

1. Independent contractors;
2. Employee is provided employment in a public program benefiting themselves;
3. Inmates of a state correctional institution;
4. Student at a state college or university, and employed at the same school where the employment depends on maintaining student status;
5. Employee is making contributions to the U.S. Civil Service Commission under the U.S. Civil Service System Retirement Act; and
6. Seasonal employees whose employment depends on weather and growing seasons with less than 8 months of service.

C. PERSI Contributions and Regulations

1. Employee contributions are made by the employee and employer contributions are made by the City through the payroll process on a percentage of salary determined by PERSI.
2. Regulations pertaining to PERSI are pursuant to Idaho Code Title 59, Chapter 13 and IDAPA 59.
3. Additional information may be obtained by visiting the official website: persi.idaho.gov

VI. Overtime

It is the policy of the City to limit overtime work. When overtime is necessary and consistent with the protection of the lives and property of the citizens of Moscow and the efficient operation of the various Departments, such overtime may be authorized by the employee's supervisor but shall be kept to a minimum. Prior authorization by the employee's supervisor is required before overtime can be incurred. Supervisors are responsible for ensuring that overtime hours are kept to a minimum. The supervisor has the discretion, in situations where an employee works more hours than their regular work schedule in any given day, to adjust the employee's hours for the rest of the work period to avoid overtime whenever possible.

The City follows the federal overtime provisions ~~contained~~ as outlined in the Fair Labor Standards Act (FLSA) and as amended. All employees are classified as exempt (salaried) or non-exempt (hourly) for purposes of complying with FLSA. Unless classified as exempt, employees covered by the Act must receive overtime pay in accordance with the provisions of applicable wage and hour laws and as detailed in Chapter 2 Section VI.B Overtime Eligibility. Overtime shall be compensated at a rate of one and one-half (1 ½) times the regular hourly rate. Time worked on Saturdays, Sundays, or regular days of rest, are compensated at the regular hourly rate unless overtime is worked on such days.

A. Exempt and Non-Exempt Employees

1. Exempt Employees - Employees who are exempt from the overtime provisions of the FLSA. These employees are paid based on a salary commensurate with their job functions and meet the requirements of an exempt employee per the FLSA. Exempt employees generally receive the same weekly or bi-weekly salary regardless of the exact number of hours worked during the position-specific work period.
2. Non-Exempt Employees - Employees who are subject to the minimum wage and overtime pay provisions of the FLSA. These employees are paid based on an hourly rate and based on the hours worked.

B. Overtime Eligibility

1. Overtime shall be defined as any time worked beyond the regular hours designated in the work period as indicated below:
 - a. Non-public safety personnel: Overtime for non-public safety personnel is defined as any time worked beyond forty (40) hours per work week.
 - b. Public Safety Personnel (Sworn Law Enforcement and Fire Protection Personnel as defined in Idaho Administrative Code 59.01.01.200) Overtime for sworn law enforcement and fire personnel is defined as any hourtime worked beyond eighty (80) hours per pay period.
 - c. Paramedic/Firefighters shall be paid threshold pay for hours worked in excess of one hundred and six (106) hours worked in a fourteen (14) day work period. The threshold rate shall be calculated by dividing the annual salary by Two Thousand, ~~Seven Hundred Fifty Six~~Nine Hundred Twelve (2,912756) and then dividing the results by two (2).
 - e.d. Paramedic/Firefighters shall receive overtime compensation for hours worked beyond their regularly scheduled hours within fourteen (14) day work period.
2. Overtime pay earned in a particular workweek or work period must be paid on the regular payday for the pay period in which the wages were earned. The amount of overtime pay due to an employee is based on the employee's regular rate of pay and the number of hours worked in a work period as defined in this policy document.
3. Approved vacation leave and sick leave shall be counted as hours worked for overtime purposes for all non-exempt employees.
4. Holiday pay will be counted as hours worked for overtime purposes for non-exempt law enforcement and fire protection personnel only.
- ~~3. It is the policy of the City to limit overtime work. When overtime is necessary and consistent with the protection of the lives and property of the citizens of Moscow and the efficient operation of the various Departments, such overtime may be authorized by the employee's supervisor but shall be kept at a minimum. Prior authorization by the employee's supervisor is required before overtime can be incurred. Supervisors are responsible for ensuring that overtime hours are kept to a minimum. The supervisor has the discretion, in situations where an employee works more hours than their regular work schedule in any given day, to adjust the employee's hours for the rest of the work period to avoid overtime whenever possible.~~
- ~~4. Non-exempt, sworn law enforcement and fire protection personnel who are assigned to shifts, but use hours charged to sick leave, vacation leave, compensatory time or a City-designated holiday WILL be counted as hours worked for overtime purposes. For all other employees, holiday pay WILL~~

~~NOT be counted when calculating the number of hours worked during a forty (40) hour pay period.~~

5. The City will allow the ~~accumulation~~earning of compensatory time instead of overtime pay at a rate of one and one-half (1½) hours for each hour worked in excess of the defined work period as detailed in Chapter 2, Section VII. Compensatory Time.

VII. Compensatory Time

A. Compensatory Time

1. Compensatory time ~~is~~are hours of leave that are earned in lieu of taking overtime pay. Compensatory time may be earned whenever required by a supervisor or when requested by an employee with a supervisor's approval. Compensatory time is earned at the rate of one and one-half (1½) hours of leave per hour of work performed that would otherwise qualify for overtime pay.
- ~~1.2.~~2. The City will allow the accumulation of compensatory time in lieu of overtime pay in an amount not to exceed eighty (80) hours at any time.
- ~~2.3.~~3. The use of compensatory time should be requested at a minimum of forty-eight (48) hours in advance and approved by the supervisor or manager. The minimum notice requirement may be altered on a case by case basis at the discretion of the supervisor or manager. The use of ~~earned~~accrued compensatory ~~leavetime~~ depends upon the department's ability to effectively operate during an employee's requested absence. Every effort will be made to permit an employee to use accrued compensatory ~~leavetime~~ on the date requested unless doing so would unduly disrupt the operations of the department.
- ~~3.1.~~3. ~~If repeated requests to use compensatory time are unable to be scheduled and reasonable opportunities to use such time are unavailable, an employee's accrued compensatory time will be paid via the payroll process. In the event the supervisor or employee feel repeated requests for time off have not been met or are not able to be accommodated, a request for such payout is to be directed to Human Resources for review.~~
4. Compensatory time earned in a pay period may not also be used within that same pay period.
5. ~~University Special Events overtime shall not be taken in compensatory time, pursuant to the City's Contract with the University of Idaho.~~ If repeated requests to use compensatory time are unable to be scheduled and reasonable opportunities to use such time are unavailable, an employee's accrued compensatory time will be paid via the payroll process. In the event the supervisor or employee feel repeated requests for time off have not been met or

are not able to be accommodated, a request for such payout is to be directed to Human Resources for review.

~~4.~~

~~5. Earning and using compensatory time must be pre-approved by the immediate supervisor.~~

B. Compensatory Pay

1. When an employee ~~selects~~selects to receive compensatory time in lieu of overtime pay, a later request to convert the compensatory time back to pay will not be permitted, except in situations where the employee has requested to use compensatory time that was not approved and reasonable opportunities to use ~~such~~the time were not available.
2. Employees will be paid out for all accrued compensatory time upon their termination of employment.

VIII. Educational Assistance

- A. The City recognizes the need for employees to continually grow and enhance their skills and knowledge. Regular full-time employees with at least one (1) year of service may be eligible to be reimbursed for expenses relating to tuition for work-related classes. An employee who meets the eligibility criteria is not guaranteed educational assistance. Programs must be reviewed by the employee's supervisor and approved by the City Administrator prior to registration.
- B. A passing grade must be achieved to qualify for reimbursement. Transcripts and receipts must be submitted to Human Resources within sixty (60) days following the completion of the course to receive reimbursement. At the discretion of the City Administrator, tuition may be paid by the City prior to taking the class.
 1. Recognizing the constraints of budgetary resources, the number of employees approved for educational assistance shall be limited at the discretion of the City Administrator.
 2. Employees who are terminated during enrollment because of a reduction in force or job elimination will be reimbursed for the full amount of the costs of education incurred up to the date of termination.
 3. Employees who, prior to completing the approved course, voluntarily leave the City or are terminated for reasons other than those listed above will not be reimbursed for the expenses associated with the course. If tuition was paid in advance by the City, reimbursement will be made to the City by deduction from the employee's final pay check, or if insufficient funds are available in the employee's last pay check, employee will be required to reimburse City for its contribution to the tuition paid.

4. Employees seeking reimbursement for educational expenses must agree in writing to repay the City in full for all tuition expenses reimbursed by the City if the employee leaves the City voluntarily or is terminated within one (1) year from the date of reimbursement. Reimbursement to the City will be made by deduction from the employee's final pay check, or if insufficient funds are available in the employee's last pay check, employee will be required to reimburse City for its contribution to the educational assistance expenses.
5. Employees are expected to schedule class attendance and the completion of study assignments outside of the employee's regular working hours. If it is necessary to schedule a class during normal working hours, the employee and their supervisor will mutually agree on a plan to make up the lost work time. Make-up time will not be counted for overtime purposes unless actual hours worked exceed forty (40) during the work week. It is expected that educational activities will not interfere with the employee's work, and unsatisfactory job performance during enrollment may result in forfeiture of educational assistance and termination of employment.
6. Records of all educational programs completed by each employee will be maintained by Human Resources.
7. In keeping with IRS guidelines any educational assistance amounts paid on the behalf of any employee greater than the currently adopted IRS amount will be subject to tax and will be reported as such on the employees W2.

Chapter 3 – Hiring

I. Equal Employment Opportunity

- A. All selection of employees and all employment decisions, including hiring, classification, transfer, discipline, and discharge, will be made without regard to race, color, religion, sex, gender, sexual orientation, gender expression or identity, age, marital or familial status (including pregnancy), national origin, or non-job-related physical or mental disability, or any other characteristic protected by law. No job or class of jobs will be closed to any individual except where a mental or physical attribute, sex or age is a bona fide occupational qualification.
- B. The City will also endeavor to make reasonable accommodations for its employees' religious needs and practices, including those related to appearance and observance of holidays. The law requires an employer to reasonably accommodate an employee's religious beliefs or practices, unless doing so would cause a burden that is substantial in the overall context of the City's business. An employee should advise either the manager, supervisor, or Human Resources if they require accommodation for religious reasons.
- C. Any concerns regarding hiring or other employment practices should be brought to Human Resources or City Administrator's attention. Employees can raise concerns and make reports without fear of retaliation. Anyone found to be engaging in any unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

II. Americans With Disabilities Act

The law requires that the City provide reasonable accommodation to an employee with a disability, unless doing so would cause significant difficulty or expense for the employer. Americans with Disabilities Act of 1990, 42 USC 12101, et seq. A reasonable accommodation is any change in the workplace (or in the way things are usually done) to help a person with a disability apply for a job, perform the duties of a job, or enjoy the benefits and privileges of employment. The City will endeavor to make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. An employee should advise the manager, supervisor, or Human Resources if they require an accommodation to enable the employee to perform the job's essential tasks.

III. Veteran's Preference and Rights

- A. The City will grant a preference to individuals eligible for preference pursuant to Idaho Code § 65-503. In the event of equal qualifications for an available position, a veteran or family member who qualifies for the preference will be selected.

- B. The City will comply with the reemployment, leave of absence, and other provisions of the Uniformed Services Employment and Reemployment Rights Act, 38 USC. § 4301, et seq. and Idaho Code § 65-508.

IV. Nepotism/Hiring of Relative

- A. No person will be employed by the City when the employment would result in a violation of provisions found in Idaho Code, including but not limited to I.C. Title 74, Chapter 4, Idaho Code §18-1359 and their successors. Any employment made in violation of these sections may be void.
- B. The appointment or employment of the following persons is expressly prohibited:
 - 1. No person related to the Mayor or a City Council member by blood or marriage within the second degree shall be appointed to any compensated office, position, employment or duty (I.C. § 18-1359(3)); and
 - 2. No public servant, including Elected Officials and employees, shall appoint or vote for the appointment of any person related to them by blood or marriage within the second degree to any compensated office, position, employment or duty. This means no one related within the second degree to anyone involved in any way in the hiring process can be hired and no one related to an applicant within the second degree by affinity (blood) can take part in the hiring process (I.C. § 18-1359(1)(e)).
- C. An employee whose relative is subsequently elected may be eligible to retain employee's position and receive general pay increases, step increases, cost of living increases, and/or other across the board increases in salary or merit increases, benefits and bonuses or promotions as allowed by relevant provisions of Idaho law, including I.C. § 18-1359(5).
- D. A relative of an employee will be considered for employment by the City if the applicant possesses all the qualifications for employment. However, a relative will not be hired if the employment would:
 - 1. Create either a direct or indirect supervisor/subordinate relationship with the relative; or
 - 2. Create either an actual conflict of interest or the appearance of a conflict of interest as determined by Human Resources or when the conflict may involve Human Resources staff, as determined by the City Administrator.
- E. Employees who marry another employee or become members of the same household as another employee may continue employment as long as there is not a direct or indirect supervisor/subordinate relationship between the employees.
- F. These criteria will also be considered when assigning, transferring, or promoting an employee.

G. For the purpose of this policy, the definitions that apply to this section are as follows:

1. *Child* – A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing "in loco parentis" by providing day-to-day care and/or financial support. For FMLA leave for adoption, foster care or a family member with a severe health condition, the child must either be under age eighteen (18), or age eighteen (18) or older and incapable of self-care because of mental or physical disability as defined by the ADA. For FMLA leave due to birth and care of a newborn child, the child must be under twelve (12) months of age.
2. *Domestic Partner* – As defined in Resolution 2007-31; Each are eighteen (18) years of age or older; share a close personal relationship and are each other's sole domestic partner; are responsible for each other's common welfare; are not legally married to anyone else nor has either had a domestic partner within thirty (30) days immediately prior to completing the application for enrollment to qualify as domestic partners; are not related by blood closer than would bar marriage in Idaho; share the same regular, and permanent residence and each intends to continue to do so indefinitely; jointly share financial responsibility for basic living expenses, including, but not limited to, the cost of food, shelter, and other costs such as medical expenses.
3. *Household* – The spouse and dependent children of the elected official or employee and/or persons whom the elected official or employee is legally obligated to support (I.C. § 74-403(7)). Reside in the same home and are responsible for each other's common welfare, share the same regular and permanent residence, and each intends to continue to do so indefinitely; jointly share financial responsibility for basic living expenses, including, but not limited to, the cost of food, shelter, and other costs such as medical expenses.
4. *Immediate Family Member* – A spouse, brother, sister, parents, children, stepchildren, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, and any other member of the employee's household.
5. *Parent* – A biological, adoptive, step or foster parent, or another person who stood "in loco parentis" to the eligible employee when the employee was a child by providing day-to-day care and financial support. The term does not include parent-in-law.
6. *Relative* - Related to Elected official/employee by blood or marriage within the second degree (I.C. 18-1361A). A relative of the second degree includes an aunt, uncle, grandparent, grandchild, niece, nephew, and first cousin.
7. *Spouse* - A husband or wife as defined or recognized under State law for purposes of marriage in the State where the employee resides.

V. Promotion & Transfer

- A. Qualified City employees may be given preference over outside applicants to fill vacancies in the workforce without following the notice and selection procedures customarily required for hiring new employees. The City of Moscow strives to provide training and development for employees and to offer employees promotions to higher-level positions when appropriate and as the position and funding becomes available. Promotions are encouraged, and supervisors may first consider current employees with the necessary qualifications and skills to fill vacancies unless external recruitment is considered to be in the City's best interest.
- B. The requirements for the new position determine an employee's basic eligibility for promotion or transfer. To be eligible for a promotion or transfer, employees must meet the new position requirements, have a satisfactory performance record, and have no adverse disciplinary actions during the same six-month period. Employees may not request transfers for positions that are not currently open. Promoted and transferred employees are subject to the provisions of the INTRODUCTORY PERIOD policy and are subject to all requirements of the new position.

VI. Re-Employment of Former Employees

Former employees who left the City in good standing may be considered for re-employment. Former employees who resigned without written notice or were dismissed for disciplinary reasons may not be considered for re-employment. A former employee who is re-employed is considered a new employee from the date of re-employment unless the break in service is less than thirty days, in which case the employee will retain accumulated seniority. The length of service for the purposes of benefits is governed by the terms of each benefit plan.

Chapter 4 - Performance Evaluation

I. Introductory Period

All new employees, and all present employees transferred or promoted to a new job, are to be carefully monitored and evaluated for an initial introductory period. After satisfactory completion of the introductory period, those employees will be evaluated as provided for in the PERFORMANCE APPRAISALS section.

- A. Unless otherwise specified within the job offer letter or other documentation, the introductory period shall last six (6) months from the date of hire. Supervisors should observe carefully the performance of each employee in a new job position. Where appropriate, weaknesses in performance, behavior, or conduct are to be brought to the employee's attention for correction prior to the end of the introductory period.
- B. The introductory period for police officers may last up to twelve (12) months from the date of hire and is dependent on the successful completion of the Moscow Police Department Field Training and Evaluation Program and achieving the state of Idaho basic Peace Officer Standards and Training (POST) certification.
- C. The introductory period for paramedic/firefighters shall last twelve (12) months from the date of hire.
- D. Supervisors will prepare a written evaluation of the employee's job performance prior to the end of the introductory period. The evaluation shall include a recommendation as to whether the employee should continue in the position or whether the introductory period should be extended as described below. Copies of the evaluation shall be forwarded to the department manager/supervisor and Human Resources for inclusion in the employee's personnel file.
- E. Employees will be allowed to continue in their new positions if they are given both a satisfactory evaluation by the end of their introductory period, and their supervisor's endorsement to continue in the job.
- F. Employees who do not receive a satisfactory evaluation and endorsement may have their introductory period extended by up to an additional six (6) months to demonstrate their ability to do the job if the supervisor feels additional time is warranted in order to achieve acceptable job performance. The introductory period may also be extended by the number of workdays missed because of an excused absence or other circumstances that necessitate extending the introductory period. Employees will be provided notification of the extension of the introductory period in writing.
- G. Supervisors may recommend the termination of an employee at any time during their introductory period. A recommendation for termination should be submitted in writing to Human Resources for review and should include an evaluation and a

listing of actions taken to assist the employee. Employees will not be entitled to the appeal process during their introductory period.

H.A. Transferred or promoted employees who are unable to perform satisfactorily in their new jobs may be returned to their original jobs, if a vacancy exists, or may be terminated.

II. Performance Appraisals

A. Job performance of each employee should be evaluated regularly by the employee's supervisor. Supervisors should complete performance appraisals upon the following occasions:

1. At the conclusion of their introductory period; and

2. Annually prior to the start of the following calendar year in accordance with evaluation schedules published each year

2.3. For public safety employees in the step and grade compensation system hired after the date of adoption of this policy, supervisors must complete performance appraisals annually by the employee's anniversary date. For the purposes of law enforcement personnel, their anniversary date shall be the date that they advance from the Entry Step to Step A, or for laterals, when they complete the Field Training Officer program.

B. In addition to scheduled appraisals, supervisors should discuss with employees any performance issues that warrant attention as they arise and should keep records of any significant incidents, which includes actions taken by the supervisor to address the performance issues or matters of concern.

C. Performance Appraisal Guidelines:

1. In evaluating employees, supervisors should consider such factors as the experience and training provided to the employee, the job description, and the employee's attainment of previously set objectives and goals. Other factors that normally should be considered include, but are not limited to, knowledge of the job, quantity and quality of work, promptness in completing assignments, cooperation, initiative, reliability, attendance, judgment, conduct, acceptance of responsibility, and adherence to City policies and procedures.

2. In completing evaluations, supervisors should prepare a written appraisal of each employee's job performance. Such an appraisal should include the supervisor's comments and recommendations, an action plan for both the employee and supervisor, and agreed upon performance goals for the next evaluation period if appropriate.

3. The supervisor's manager should review each supervisor's written evaluation to help assure that the evaluation has been properly completed in as fair and

objective a manner as possible prior to the supervisor discussing the evaluation with the employee.

4. The supervisor and employee should meet and discuss the evaluation, assess the employee's strengths and weaknesses in a constructive manner, and set objectives and goals for the period ahead. The employee should be given the opportunity to examine the evaluation and make written comments about any aspect of it. The employee and supervisor should then sign and date the evaluation.
5. Employees may add written comments to their performance appraisal and may request a review by their supervisors' manager or Human Resources.
6. Information derived from the performance appraisal may be considered when making decisions affecting an employee including, but not limited to, training needs and opportunities, pay, promotion, transfer, or continued employment.
7. The final evaluation should then be forwarded to Human Resources for review and inclusion in the employee's personnel file.

Chapter 5 - Legal Requirements

I. Unlawful Workplace Discrimination, Harassment and Retaliation

A. Overview

The City strives to maintain a supportive and civil workplace – one in which employees treat each other with respect and dignity. In keeping with these values, the City promotes equal employment opportunities and prohibits and does not tolerate unlawful workplace discrimination, harassment or retaliation. The following defined terms are applicable to this section:

1. Legally protected class means a personal characteristic that is protected by law. Title VII of the US Civil Rights Act of 1964 includes the following protected classes, race, color, national origin, religion, sex (including pregnancy, sexual orientation and gender identity), age (40 and older), disability, or any other characteristic protected by law.
2. Participation in the workplace includes all aspects of being an employee at the City, including recruitment, hiring, job performance, performance reviews, training, development, promotion, demotion, transfer, compensation, benefits, educational assistance, layoff and recall, participation in social and recreational programs, termination and/or retirement.

B. Workplace Discrimination

1. Workplace discrimination is disparate treatment of an individual as a result of their membership in a legally protected class with respect to their participation in the workplace. Adverse employment actions usually involve decisions made by supervisors, managers, or Elected Officials that affect the workplace status and benefits of employees.
2. Illegal adverse employment actions may include, but are not limited to, not hiring a qualified applicant due to their age, not promoting an employee due to their religious beliefs, denying an employee a raise due to their race, disciplining an employee more harshly than others due to their sex, and terminating an employee due to their national origin.

C. Workplace Harassment

1. Workplace harassment is unwelcome conduct that is directed to anyone in the workplace that interferes with their participation in the workplace. The offensive conduct must be severe or recurring such that it creates a work environment that a reasonable person would consider intimidating, hostile or abusive.

2. Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures.

D.A. Workplace Sexual Harassment

1. Sexual harassment is a specific type of workplace harassment. Since it is particularly destructive to the work environment it is more thoroughly addressed here. Sexual harassment occurs when one or more persons are subject to unwelcome sexual advances, request for sexual favors, or other verbal, non-verbal, visual or physical harassment of a sexual nature such that it creates a hostile or offensive work environment.
2. Sexual harassment includes sexually harassing others of the same and/or different gender, gender identity or gender expression. Sexual harassment is unlawful whether it involves co-workers, supervisors, managers, Elected Officials, or customers of the City. Sexual harassment may include, but is not limited to:
 - a. Leering, making sexual gestures, or displaying derogatory and or sexually suggestive objects, pictures, cartoons, posters or drawings;
 - b. Sexually degrading language, derogatory comments, epithets, slurs, sexually explicit jokes or comments;
 - c. Verbal or non-verbal unwanted sexual advances or propositions;
 - d. Threatening or making reprisals after a negative response to sexual advances;
 - e. Offering employment benefits such as raises, promotions and job retention in exchange for sexual favors;
 - f. Unwanted physical conduct such as touching, massaging, pinching, patting, hugging; and
 - g. Physical interference with normal work or movement including impeding or blocking movement.

E.B. Hostile Work Environment

Pursuant to the Idaho Human Rights Act (IHRA), in order to show that a work environment is sufficiently hostile, a plaintiff must show the occurrence of numerous improper acts which establish a pattern of conduct sufficiently severe or pervasive to alter the conditions of employment. *Patterson v. State Department of Health & Welfare*, 151 Idaho 310 (2011).

The standard to prove a hostile environment under the Idaho Human Rights Act (IHRA) is that the environment is both subjectively and objectively perceived as hostile based on a totality of the circumstances.

F.C. Workplace Retaliation

Workplace retaliation is when an employee is punished or negatively treated because the employee engaged in legally protected activity, including initiating a complaint of discrimination or harassment, providing information or assisting in an investigation or refusing to follow orders that would result in discrimination or harassment. Retaliation can result from employment action taken by a supervisor, manager, Elected Official or from acts of other employees.

Examples of conduct that might be considered retaliation for engaging in protected activity include assigning the employee to less desirable tasks or shifts in the office, denying an employee a promotion or raise, socially isolating an employee, playing practical jokes on the employee, and allowing other employees to be critical of an employee for participating in a workplace investigation into alleged discrimination or harassment.

G.D. Reporting Process

1. The City encourages employees to report any perceived incident of harassment, discrimination or retaliation to which they have been subjected or have witnessed, regardless of the offender's identity or position. Employees, if comfortable doing so, may advise the offender that their behavior is unwelcome and request that it be discontinued immediately. This action alone may stop the behavior which is in process, and may thereby resolve the immediate situation. Of course, the employee may prefer to disengage from the situation and pursue the matter through the City's reporting procedure and is encouraged to do so.
2. The following steps must be followed to report and for the City to then investigate incidents of unlawful discrimination, harassment, sexual harassment, retaliation, or the development of a hostile work environment.
 - a. An employee who believes they have been unlawfully discriminated, harassed or retaliated against, or who observes or knows about behavior in the workplace that could be considered unlawful discrimination, harassment or retaliation, should report it to their supervisor, manager, Human Resources, City Administrator, or City Attorney as soon as possible after the observed or experienced incident.
 - b. The individual receiving the report must then forward it to Human Resources. If Human Resources is the subject of the complaint, the report must then be forwarded to the City Attorney.
 - c. Once such a complaint has been made, the complaint cannot be withdrawn by the complainant without a determination that it was made erroneously.

- d. Human Resources/City Attorney (whoever initially received the complaint) should promptly review the complaint and consult with the City Attorney (or the City Attorney should promptly review the complaint and consult with the City Administrator).
- e. In appropriate circumstances, the employee who is alleged to have committed the offense may be placed on paid or unpaid administrative leave pending the investigation into the allegations, such determination is made by the City Administrator.
- f. Human Resources, in consultation with the City Attorney (or City Attorney in consultation with the City Administrator), will engage an appropriate person to investigate the complaint. The investigator should be a neutral party.
- g. The investigator will interview the complainant, the employee alleged to have committed the offense(s), and any relevant witnesses.
- h. At the conclusion of the investigation, the investigator will submit a report of the findings to Human Resources (or City Attorney), who will then route it as appropriate.
 - i. Human Resources (or City Attorney) and/or the appropriate supervisors and legal counsel for the City will meet separately with both the complainant and the employee alleged to have committed the offense(s) to notify them in person of the findings of the investigation.
 - ii. The complainant and the employee alleged to have committed the offense(s) may submit written statements to Human Resources (or City Attorney) and/or supervisors challenging the factual basis of the findings. Unless circumstances prevent, the statement must be submitted no later than 5 working days after the meeting in which the findings of the investigation are discussed.
- i. After Human Resources (or City Attorney) and/or supervisors have met with both parties and reviewed the documentation, and after consultation with legal counsel for the City, a decision will be made as to what action, if any, should be taken by the City Administrator.
- j. At the conclusion of this complaint procedure:
 - i. The accused will be informed as to the disciplinary action, if any is determined to be needed.
 - ii. The complainant should be informed that appropriate action, if any, has been taken. Because disciplinary personnel matters are confidential, details of the specific discipline should not be shared with the complainant.

3. Any retaliation against an individual for reporting harassment, discrimination or hostile work environment or for participating in an investigation of a claim related to any of the such, is serious and, like the act of harassment, discrimination or hostile work environment itself, will be subject to an investigation and possible disciplinary action. Acts of retaliation should be reported promptly.

H.E. Disciplinary Action

If it is determined that unlawful discrimination, harassment or retaliation has occurred, an appropriate course of action will be taken by the City. The action will depend on the following factors:

1. The severity, frequency and pervasiveness of the conduct;
2. The conduct of the respective employees;
3. Prior complaints made against the employee alleged to have committed the offense; and
4. The quality of the evidence (first-hand knowledge, credible corroboration etc.).

If problematic conduct is revealed in the investigation, corrective action may be taken even if the investigation is inconclusive or if it is determined that there has been no unlawful discrimination, harassment or retaliation.

I.F. Confidentiality

Confidentiality will be maintained to the fullest extent possible in accordance with applicable federal, state and local law. However, a complete and thorough investigation of the allegations will require the investigator to inform witnesses of certain aspects of the complaint in order to obtain an accurate account of the actions of the parties involved. The City's insurer may also be engaged to assist in any or all phases of any proceeding or investigation.

II. Drug-Free Workplace Policy

A. Expectations

1. The City recognizes alcohol and drug abuse as potential health, safety and security problems. The City expects all employees to assist in maintaining a work environment free from the effects of alcohol, drugs or other intoxicating substances. Compliance with this substance abuse policy is made a condition of employment, and violations of the policy may lead to discipline and/or termination.
2. All employees are prohibited from engaging in the unlawful manufacture, possession, use, distribution or purchase of illicit drugs, alcohol or other

intoxicants, as well as the misuse of prescription drugs on City premises or at any time and any place during working hours. While we cannot control the behavior of employees off the premises on their own time, we certainly encourage employees to behave responsibly and appropriately at all times. All employees are required to report to their jobs in an appropriate mental and physical condition, ready to work.

3.1. Substance abuse is an illness that can be treated. Employees who have an alcohol or drug abuse problem are encouraged to seek appropriate professional assistance. Employees may inform their immediate supervisor, manager, or the Human Resources Office for assistance in seeking help, including possible coverage under the City's medical insurance plan to address substance abuse. When work performance is negatively impacted by an employee's substance use, the employee's admission to or use of a treatment or other program does not preclude appropriate disciplinary action by the City, which may include termination.

B.A. Reasonable Suspicion Test

1. Behavior exhibited by an employee that causes reasonable suspicion to believe an employee may be under the influence of alcohol, drugs or other intoxicating substances should be reported immediately to a supervisor. Supervisors should then immediately report to Human Resources or designee. Human Resources or designee, together with the supervisor, will determine whether the employee should be examined by a physician or clinic and whether or not the employee should be tested for drugs, alcohol, and/or any other intoxicating substances (reasonable suspicion test).
2. Employees believed to be under the influence of drugs, narcotics, alcohol, or any intoxicating substance will be required to leave the premises. Human Resources or supervisor will arrange safe transit for any employee who is required to leave. Employee will be required to utilize sick leave or vacation leave for this time away from work.

C.B. Drug Testing

1. Pre-employment: Only Police Officers and employees filling positions requiring a commercial driver's license and subject to Federal Department of Transportation regulations are required to complete pre-employment drug and alcohol tests.
2. Random: No drivers other than CDL holders will be randomly tested for drugs, alcohol, or other intoxicating substances.
3. Reasonable Suspicion: Drug and alcohol tests may be conducted on any employee where there is a reasonable suspicion that the employee is impaired by drugs, alcohol, or other intoxicating substances. The basis of suspicion

indicating drug or alcohol impairment may be a specific contemporaneous event or conduct evidencing impairment observed over a period of time.

4. Post-Accident Testing:

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

- a. When the accident occurs on public or private roadways or private property – a post-accident drug and alcohol test is required if one of the following conditions are met:
 - i. If the accident involved the loss of human life or any bodily injury to any person involved in the accident;
 - ii. If the accident results in one or more motor vehicles incurring disabling damage as a result of the accident. Disabling damage is defined as the motor vehicle needing to be transported away from the scene by a tow truck or other motor vehicle due to the damage sustained from the accident.
 - iii. If the accident results in damage to public or private property estimated at \$2,500 or more by the employee's supervisor or designee.
 - iv. If the supervisor or designee has reasonable suspicion that the employee is impaired by drugs, alcohol, or other intoxicating substances.
- b. When the accident occurs on City property – the supervisor shall determine if a post-accident drug or alcohol test is required.
- c. When a post-accident test is required, alcohol testing must be performed within two (2) hours of the accident, and drug testing must be performed within thirty-two (32) hours of the accident. Any employee required to be tested under this section must remain readily available for such testing and such employee may not consume drugs, alcohol, and/or an intoxicating substance within thirty-two (32) hours post-accident.
- d. An employee who is seriously injured and cannot provide a specimen for testing will be required to authorize the release of relevant hospital reports that would indicate the presence, or lack thereof, of drugs, alcohol, and/or other intoxicating substances in such driver's system at the time of the incident.

5. Refusal to Test:

Federal regulations and standards established by the U.S. Department of Transportation and standards established by the U.S. Department of Transportation prohibit CDL license holders from refusing a test. The following are some examples of conduct that the regulations define as refusing a test:

- a. Failing to appear for any test after you were directed to do so by the City.
- b. Failing to remain at the testing site until the testing process is completed.
- c. Failing to provide a urine or breath sample.
- d. Failing to permit the observation or monitoring of your providing a urine specimen.
- e. Failing to provide a sufficient urine or breath sample (when it has been determined through the required medical evaluation that there was not adequate medical explanation for the failure).
- f. Failing to take a second test when directed to do so.
- g. Failing to cooperate with any part of the testing process, including but not limited to:
 - i. Refusing to empty your pockets
 - ii. Behaving in a confrontational manner with the collector
- h. Failing to wash your hands when directed to do so.
- i. Failing to obtain a medical evaluation as part of a “shy bladder” or “shy lung” procedure.
- j. Failing to sign Step 2 of the Alcohol Test Form.
- k. Providing a urine specimen that is verified as adulterated or substituted.
- l. Failing to follow the observer’s instructions during a directly observed urine collection.
- m. Possessing or wearing a prosthetic or other device that could be used to interfere with the collection process
- n. Admitting to the collector or MRO that you adulterated or substituted a specimen.

6. Consequences of a Refusal to Test:

A determination of refusal to test has the same consequences as those who receive a positive test. CDL employees who refuse to submit to a test will be subject to discipline, up to and including termination.

D.C. Counseling

1. Employees who are experiencing work-related or personal problems resulting from drug, narcotic, or alcohol abuse or dependency may request or be required to seek counseling help. City-sponsored or required counseling will be kept confidential and will not have any influence on performance appraisals. Job performance alone, not the fact that an employee seeks counseling, is to be the basis of all performance appraisals.
2. Any employee who is abusing drugs, alcohol, and/or other intoxicating substances may be granted a leave of absence to undertake rehabilitation treatment. The employee will not be permitted to return to work until certification is presented to Human Resources that the employee is capable of performing their job. Failure to cooperate with an agreed-upon treatment plan may result in discipline, up to and including termination. Participation in a treatment program does not insulate an employee from the imposition of discipline for violations of this or other City policies.
3. Employees who violate this policy will be subject to the Employee Discipline Policy.

E.D. Commercial Drivers Licenses

1. Employees whose jobs require a valid Commercial Driver's License (CDL) license must keep their license on their person at all times when working. Employees who are at work without their CDL license will be sent home and/or will be subject to disciplinary action.
2. Employees must notify their supervisor and Human Resources immediately if there has been any action taken against their license for any traffic violations (except parking), including but not limited to suspension, revocation, cancellations or if you are disqualified from CDL driving. The requirement to report is required no matter what type of vehicle you were driving when the action against the employee's license occurred. The U.S. Department of Transportation's Federal Motor Carrier Safety Administration passed The Omnibus Transportation Act, which was intended to create an alcohol and controlled substance free transportation industry. The controlled substance and alcohol testing that is conducted under this act is called Federal or DOT (Department of Transportation) testing. Where there are differences in the requirements under the Omnibus Transportation Act and this policy, the Act takes precedence.
3. Effective January 6, 2020 the U.S. Department of Transportation established the Federal Motor Carrier Safety Administration Clearinghouse. Clearinghouse

rules and regulations apply to a variety of CDL drivers including municipal vehicle drivers. As the City of Moscow employee's municipal vehicle drivers, the City complies with all Clearinghouse regulations.

<https://clearinghouse.fmcsa.dot.gov/Resource/Index/Factsheet>

4. This includes a requirement to conduct both electronic queries and traditional manual inquiries with previous employers to meet the three-year implementation timeframe (through January 6, 2023) as required by FMCSA's drug and alcohol use testing program, for checking CDL driver violation histories.
5. The following policy information regarding the use of controlled substances and alcohol, required tests, testing procedures, test results and their consequences, apply to CDL-covered employees performing safety-sensitive duties.

F.E. Employees Subject to Federal DOT Testing

The Federal DOT alcohol and controlled substance testing rules apply to every person who operates a commercial motor vehicle (CMV) in interstate or intrastate commerce. This includes individuals who only operate a CMV occasionally or in an emergency.

G.F. Definition of Safety Sensitive Functions

A CDL employee is performing a safety sensitive function at the following times:

1. All time on City property, public property, or other property waiting to be dispatched to drive;
2. All time inspecting, servicing or conditioning any CMV at any time;
3. All CMV driving time;
4. All time other than driving time in or upon any CMV;
5. All time loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving receipts for shipments loaded or unloaded;
6. All time spent performing driver requirements relating to accidents; and
7. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

H.G. Prohibited Conduct - CDL-Covered Employees May Not:

1. Use any illicit (illegal) controlled substance. *
2. Possess any illegal controlled substance while assigned to or performing safety-sensitive functions.
3. Use any legal prescription which is a controlled substance (or possess it while assigned to or performing safety-sensitive functions), unless taking it in accordance with the instructions of a licensed medical provider, and that medical provider has advised that it will not adversely affect your ability to safely operate a CMV.
4. Use or possess alcohol while assigned to or performing safety-sensitive functions. This includes anything that contains alcohol, such as mouthwash and cough medication.
5. Perform safety-sensitive functions within eight (8) hours after using alcohol.
6. Report for duty or remain on duty if:
 - a. Under the influence or impaired by alcohol; or
 - b. Have a blood alcohol concentration of .02 or greater
7. Refuse to submit to any test for alcohol or controlled substances (refusal also means adulterating or substituting a specimen).

*Medical marijuana, even if legally prescribed in a state, is an illegal drug under Idaho state and federal law. The use of medical marijuana is prohibited conduct for CDL-covered employees.

I.H. Consequences of Engaging in Prohibited Conduct:

Engaging in prohibited conduct has the same consequences as those for a positive test.

J.I. Prescription Medicine and Over-The-Counter (OTC) Drugs

These may affect a driver's fitness for duty or ability to perform duties safely. It is the CDL-covered employee's responsibility to know how the medications taken for health reasons affect the ability to perform the employee's job in a safe manner. Employees are encouraged to always ask their medical provider how any medication they are taking will affect their ability to operate a CMV safely.

Chapter 6 - Discipline & Termination

I. Employee Discipline

- A. The Employee Discipline Policy provides the process and progressive measures to address employees' workplace actions and/or violation of the City's standards of conduct and job performance requirements as documented within the City of Moscow Personnel Policy Manual. These procedures are directory in nature and minor variations in the processes set forth herein will not affect the validity of any actions taken pursuant to this policy.
- B. The following framework guides the progressive steps to be taken when an employee violates employment policies or fails to adequately perform their duties. Nothing contained herein is intended to limit the reasons for which the employee may be disciplined, up to and including termination of employment. In addition, nothing contained herein is intended to change the at-will nature of the employment for those employees identified as at-will in the City of Moscow Personnel Policies - Employee Classification Policy. Progressive steps may be implemented in order to encourage improved performance or attitude, but are not required. The City may take any of the prescribed steps, in any order, when a supervisor deems an action of the employee is serious enough to warrant a certain step.
1. Step 1: Counseling and Verbal Warning – intended to provide an opportunity for the immediate supervisor to bring attention to the existing performance or conduct issue. The supervisor will discuss the nature of the problem or the violation of City's policies with the employee. The supervisor will clearly describe performance and/or conduct expectations, support the supervisor will provide to assist the employee in improving their performance and/or conduct, and steps the employee must take to resolve the problem. This session is documented in the Verbal Warning Form and available from Human Resources.
 2. Step 2: Written Warning – involves more formal documentation of the performance or conduct issues and consequences. At Step 2, the immediate supervisor and department manager or supervisor will meet with the employee to review the issue, and any prior relevant corrective action plans as appropriate. The immediate supervisor will outline the consequences for the employee's continued failure to meet performance or conduct expectations, as well as the support the supervisor will provide to assist the employee in successfully correcting the performance or conduct issue. The written warning may also include a statement indicating that the employee may be subject to additional discipline, up to and including termination, if immediate and sustained corrective action is not taken. This step is documented in the Written Warning Form available from Human Resources.
 3. Step 3: Suspension and Final Written Warning – some performance, conduct or safety incidents are so problematic and harmful that the most effective action may be the temporary removal of the employee from the workplace.

Suspensions that are recommended as part of the normal sequence of the progressive discipline policy and procedures are subject to approval from the immediate supervisor, department manager or supervisor, Human Resources, and the City Administrator. This step requires a memo documenting the specific performance or conduct issue(s), including documentation of all prior verbal and written disciplinary actions taken to address the performance issues. The memo and accompanying documentation shall be sent to Human Resources for review, followed by review and approval by the City Administrator. Human Resources will provide the employee and supervisor with the written notice of suspension.

4. Step 4: Recommendation for Termination of Employment – the most serious step in the progressive discipline process is a recommendation to terminate employment. The City of Moscow will generally follow the progressive nature of this policy by first providing counseling, a written warning, issuing a final written warning, or suspending the employee from the workplace, before proceeding to a recommendation to terminate employment. In cases of serious misconduct or any time a supervisor determines it is necessary (including by example, but not limited to, a major breach of policy, safety violation, or violation of law), the City reserves the right to escalate disciplinary actions, up to and including immediate suspension and/or termination, depending on the circumstances of each situation and the nature of the offense. Recommendations to terminate employment must be approved by the immediate supervisor, department manager or supervisor, Human Resources, and City Administrator. Notices of termination are prepared by Human Resources to provide for proper liability review.

C. Discipline and Termination Process

1. If an employee is not meeting City standards of conduct or performance, the employee's supervisor should take the following actions:
 - a. Meet with the employee to discuss the matter.
 - b. Inform the employee of the nature of the problem, facts which support the concern, support or coaching to be provided to the employee and the action the employee is expected to take to correct the issue.
 - c. Complete a Verbal Warning Form, available from Human Resources, that includes the date the discussion is held, supervisor and employee names, issue with date of occurrence, and support the supervisor agrees to provide and corrective actions expected.
 - d. Forward form to Human Resources for filing in personnel file.
2. If there is a second occurrence, the supervisor should meet again with the employee to provide further feedback taking the following actions:

- a. Meet with the employee to discuss the matter.
 - b. Inform the employee of the nature of the problem, facts which support the concern, support or coaching to be provided to the employee and the action the employee is expected to take to correct the issue.
 - c. Complete a Written Warning Form, available from Human Resources, to serve as the official written reprimand to include the following:
 - i. Summary of instances or discussion held regarding the issue to date as outlined in the original Verbal Warning Form.
 - ii. Summary of current instance, expectations of employee moving forward, corrective action the employee is required to take, support and coaching City is committed to providing, and consequences for not meeting expectations.
 - d. Forward form to Human Resources for filing in personnel file.
- D. If there are additional occurrences the supervisor or manager should confer with the City Administrator and Human Resources to take one or more of the following action(s), depending on the situation and severity of the conduct:
1. Issue an additional written reprimand or warning; or
 2. Suspend the employee with or without pay; or
 3. Suspend the employee with or without pay indefinitely and recommend termination; or
 4. Other such action as deemed appropriate.
- E. Human Resources under usual circumstances should review and approve a recommendation for termination before any final action is taken. An employee who believes that discipline received is too severe or who disagrees with the reason(s) for the discipline, may utilize the grievance procedure outlined in the Employee Grievance Policy.

II. Employee Grievance

- A. It is the policy of the City that current employees should have an opportunity to present their work-related complaints and to appeal employment related management decisions through a grievance procedure. The City will attempt to promptly resolve all grievances that are appropriate for processing under this policy. The grievance procedure is not available to an employee who is recommended for termination or to an employee selected for layoff. Employees are encouraged to talk to each other to resolve their problems. Other methods of resolution may include communicating with their direct supervisor in order for the

supervisor to try to resolve the problem. Supervisors should try to resolve any grievance as quickly as possible. When they're unable to do so, they should refer to Human Resources and cooperate with all other procedures.

- B. When employees have an issue with their direct supervisor, it is encouraged that they should first try to discuss the matter and resolve it between them. In that case, they're advised to request an informal meeting.
- C. If the grievance relates to a supervisor behavior that can bring disciplinary action (e.g. sexual harassment or violence), employees should refer directly to Human Resources or the next level supervisor.
- D. Human Resources will assist with the formal Grievance Procedure as follows:
 - 1. Work with employee to fill out a Grievance Form;
 - 2. Work with employee to ensure the matter is understood completely;
 - 3. Communicate the issue as appropriate to the City Administrator and the City Attorney;
 - 4. Provide the employee who faces allegations with a copy of the grievance;
 - 5. As appropriate, organize mediation procedures (e.g. arranging a formal meeting);
 - 6. As appropriate, investigate the matter or engage the assistance of an investigator when needed;
 - 7. Keep employees informed throughout the process;
 - 8. Communicate the formal decision to all employees involved;
 - 9. Take actions to ensure the formal decision is followed;
 - 10. Process appeals by gathering more information and investigating further; and
 - 11. Keep accurate records.
- E. The grievance procedure may vary according to the nature of a grievance. For example, if an employee is found guilty of actions not allowed as highlighted in these policies, the City will engage in the disciplinary process.

III. Termination of Employment

A. Termination

The City may terminate employment because of an employee's voluntary resignation, involuntary termination, retirement, or a permanent reduction in the work force resulting in layoff as outlined in Chapter 7 Section VII.

B. Voluntary Resignation

1. Employees shall send notice of resignation to their supervisor and/or chain of command. Supervisory and managerial employees should give four (4) weeks' notice. All other employees should give no less than two (2) weeks' notice. Supervisors shall forward employee resignation notices to Human Resources to initiate the employee separation process.
2. Employees who voluntarily resign from their employment and leave in good standing may be eligible for future employment if recommended by their supervisor.
3. Employees who are absent from work for three consecutive days without being excused or giving proper notice will be considered as having voluntarily resigned from their employment with the City and will be ineligible for future employment with the City.

C. Involuntary Termination

1. Supervisors shall send recommendations for termination to Human Resources, including all information and documentation as outlined in Chapter 6 Section I Employee Discipline, before any final action is taken.
2. As determined by Human Resources in consultation with the City Administrator, City Attorney and related manager, administrative leave with or without pay may be extended to the affected employee to provide the necessary time for review of the recommendation for termination.
3. Following proper review and/or investigation and consultation with the City's liability insurance provider, a decision will be made to officially terminate the employee, or to take such other action as deemed appropriate.
4. The decision to terminate shall stand unless the employee shows by clear and convincing evidence that the decision to terminate is premised only upon inaccurate information or would constitute a violation of applicable law. In this instance, the Employee Grievance Policy as detailed in Chapter 6 Section II. Discipline & Termination would apply.

D. Retirement

Employees who retire from the City under the provisions of the Public Employee Retirement Systems of Idaho (PERSI) retirement plan will be considered to have retired from the City.

E. Compensation, Benefits and City Property upon Termination

Human Resources is responsible for securing the return of funds advanced and/or all City property in the possession of terminated employees. If the employee owes the City any monies or is responsible for any lost or damaged property, such accounts are to be settled by deduction from final pay. Human Resources will also notify terminating employees who are covered by the City's group health plan of their right to continue coverage under that plan, as required by law.

IV. Name-Clearing Hearing

A. Eligibility

1. All employees are at-will employees. At-will employees may experience adverse consequences such as unlawful discrimination or retaliation based on allegations of dishonesty, immorality or criminal misconduct. A public employee who is demoted with a reduction in pay or terminated from employment based on such allegations may be provided an opportunity to be heard, also known as a name-clearing hearing, when one is requested. Failure to pursue the opportunity to be heard at a name-clearing hearing procedure constitutes a waiver of this opportunity.
2. It is unlawful to discriminate or retaliate based on race, color, religion, sex, gender, sexual orientation, gender expression or identity, age, marital or familial status (including pregnancy), national origin, or non-job-related physical or mental disability, or any other characteristic protected by law when not a bona fide occupational qualification. The City does not condone discrimination on the basis of the foregoing. It is unlawful to retaliate against an employee for initiating a charge of discrimination or harassment, or for assisting in any way in an investigation of such charges.
3. Issues involving job performance or employee attitude, which do not include allegations of discrimination, retaliation, dishonesty, immorality, or criminal misconduct, are not the proper subject of a name-clearing hearing and will not be heard.

B. Name Clearing Process

1. Within fourteen (14) days of employee's termination or demotion, the employee may submit a written allegation of unlawful discrimination or retaliation, or the basis for entitlement to a name-clearing hearing, stating particularly the basis for the requested hearing. Written allegations that are untimely submitted or that fail to state a particular, legally recognized basis will not be granted an opportunity to be heard. An employee will be promptly notified if a requested hearing is denied.

2. An employee alleging unlawful discrimination or retaliation, and who is requesting a name-clearing hearing, will meet with the City Administrator. The hearing will not exceed one (1) hour in duration.
- ~~3.1.~~ Minutes of the hearing may be made and maintained as part of the personnel record.
- ~~4.2.~~ The employee's supervisor may provide a brief written statement at least twenty-four (24) hours prior to the hearing in response to the charges. The City Administrator may require the employee's supervisor to participate in the hearing.
- ~~5.3.~~ The employee will be provided an opportunity to present evidence upon which the claims are based.
- ~~6.4.~~ The City Administrator may ask questions during this process.
- ~~7.5.~~ The employee may question participants during this process.
- ~~8.6.~~ The Idaho Rules of Evidence do not apply to this opportunity to be heard or name-clearing hearing.
- ~~9.7.~~ After the hearing, the City Administrator will consider the information submitted and any other pertinent information in the City's records. The City Administrator will then issue a written decision concerning the employee's allegations and will include the reasons for the City Administrator's determination.

Chapter 7 - Hours of Work

I. Hours of Work

- A. The City shall establish the time and duration of working hours as required by the workload, customer service needs, the efficient management of personnel and departmental resources, and any applicable law.
- B. Each supervisor determines the schedule of hours for all classifications of employees (exempt and non-exempt) with final determination by the Deputy City Administrator or City Administrator. Employees are to be informed of their daily schedule of hours of work, including meal and rest periods, and any changes deemed necessary or desirable by the City.
- C. Supervisors may schedule overtime or extra shifts when, and to the extent, it is deemed necessary. Supervisors will assign overtime to non-exempt employees in a particular job for which overtime is required. Employees are not permitted to work overtime without the prior approval of their supervisor.
- D. Employee attendance at lectures, meetings, and training programs, including travel time, will be considered hours of work if such attendance is requested or approved by their Supervisor.
- E. At their discretion, supervisors may allow non-exempt employees to make-up lost time during a given workweek, if the make-up time does not result in placing the employee on overtime.
- F. All non-exempt employees are required to complete an individual time record showing the daily hours worked.

II. Work Period

- A. Per the Fair Labor Standards Act (FLSA), a typical employee's work period is a fixed and regularly recurring period of one hundred sixty-eight (168) hours during seven (7) consecutive twenty-four (24) hour periods. It need not coincide with the calendar week but may begin on any day and at any hour of the day. Different work periods may be established for different positions or groups of employees such as employees engaged in fire protection, emergency medical services or law enforcement (FLSA, 29 U.S.C § 207(k)).
- B. Work Periods for the City of Moscow are as follows:
 - 1. Non-Exempt, Non-Public Safety Personnel Work Period – Seven (7) Days
 - a. Begins at midnight on Monday of each week
 - b. Concludes at 11:59 p.m. of the succeeding Sunday.

- c. For the purposes of payroll processes, two work periods make up one pay period. Averaging of hours over two or more defined work periods is not permitted.
- 2. Public Safety Personnel (Sworn Law Enforcement Personnel, Fire Personnel as defined in Idaho Administrative Code 59.01.01.200 and Paramedic/Firefighters) – Fourteen (14) Days
 - a. Begins at midnight on Monday of the first week of the work period
 - b. Concludes at 11:59 p.m. on the last Sunday of the work period
- 3. Exempt Personnel
 - Not applicable under FLSA guidelines.

III. Attendance and Punctuality

- A. The City requires all employees (exempt and non-exempt) to report for work punctually and to work all scheduled hours and any required overtime. Excessive tardiness and poor attendance disrupt work flow and customer service and will not be tolerated.
- B. Supervisors will notify employees of their starting, ending, and break times. Employees are expected to be engaged in carrying out their duties during all scheduled work time and should be ready to begin working at their scheduled starting time.
- C. Employees must notify their supervisor as far in advance as possible whenever they are unable to report for work, know they will be late, or must leave early. Such notification should include a reason for the absence or tardiness and an indication of when the employee can be expected to report for work. If the supervisor is unavailable, notification should be made to supervisor's supervisor.
- D. Employees are to be compensated during authorized absences in accordance with City policies. Non-exempt employees (those employees subject to the minimum wage and overtime requirements of the Fair Labor Standards Act) will not receive compensation for time missed because of tardiness or early departure if the time missed exceeds ten minutes after starting time or before quitting time. Failure to properly notify the City of any absence may result in loss of compensation during the absence and may be grounds for disciplinary action, up to and including termination.
- E. Employees who are delayed in reporting for work more than thirty minutes and who have not notified their supervisor of the expected tardiness may lose their opportunity to work the balance of the work day. In addition, employees who report for work without proper equipment or in improper attire may not be permitted to

work. Employees who report for work in a condition considered not fit for work, whether for illness or any other reason, will not be allowed to work.

F.A. The City expects each employee to make reasonable efforts to report to work in inclement weather situations. If weather or traveling conditions delay or prevent an employee from reporting to work, they should notify their supervisor as soon as possible. If an employee is unable to report to work at all due to weather or traveling conditions, the employee will be expected to charge the absence to accrued vacation leave or compensation time.

G.B. Occasionally, severe weather conditions may necessitate closing some City offices. If office closure occurs, employees may have the opportunity to make up the missed time. Any missed time must be made up within the work period of the closure. Otherwise, missed time must be charged to accrued vacation or compensatory time. Missed time cannot be charged to sick leave unless there is a qualifying reason for the use of sick leave in accordance with this policy.

H.C. Employees will not be required or permitted to work any period of time before or after scheduled starting or quitting times for the purpose of making up time lost if the result of making up such time will put the employee in overtime status during the workweek.

I.D. Employees must report to their supervisor as soon as possible when late or absent, to explain the circumstances surrounding their tardiness or absence, and, when applicable, certify that they are fit to return to work. When appropriate, the supervisor should counsel the employee on the importance of good attendance and warn that excessive tardiness or absences will lead to discipline, up to and including termination.

J.E. Unauthorized or excessive absences or tardiness will result in disciplinary action, up to and including termination. An absence is considered to be unauthorized if the employee has not followed proper notification procedures or the absence has not been properly approved.

K.F. Employees who are absent from work for three consecutive days without giving proper notice to the City will be considered as having voluntarily quit and/or resigned. At that time, the City will formally note the termination and advise the employee of the action by certified mail to the employee's last known address.

IV. Rest and Meal Break

The City of Moscow is committed to providing a work environment that supports employees' best efforts. As such, rest and meal breaks are provided for employees as follows:

A. Rest Break

1. All employees are permitted a fifteen (15) minute paid rest break for each four-hour work period unless conditions do not allow. Breaks are not permitted at either the beginning or end of the workday to offset arrival and departure times; nor are breaks permitted at the beginning or end of lunch to extend an unpaid meal period; or combined to create a 30 min. paid break during the workday. Employees who choose to remain at work during rest breaks are not entitled to leave before the scheduled quitting time and will not receive extra pay for the time worked. Employees who voluntarily work through their rest breaks will not be paid additional compensation.
2. Time spent on rest breaks will be compensated as working time, and employees are not required to sign out and in on their timesheets. However, employees are expected to be punctual in starting and ending their breaks.

B. Meal Break

1. All employees who work eight (8) or more hours in a day are required to take an unpaid meal break of thirty (30) to sixty (60) minutes depending on operating requirements.
2. Part-time employees scheduled to work more than five consecutive hours during any workday will receive a meal break of the same duration as full-time employees in their department. Meal breaks are unpaid and not counted toward hours worked.
3. Employees are to be completely relieved from duty during their meal break. If a non-exempt employee is required by their supervisor to perform any work duties while on their meal break, the employee must be compensated for the time spent performing work duties. The time spent working during the meal break will be counted toward the total hours worked.

C. Enforcement

Supervisors are responsible for scheduling the time for employee rest and meal breaks and should take into consideration the workload and the nature of the job performed. Supervisors may also schedule the place for rest breaks. Whenever necessary, the frequency, time, and/or place of meal and rest breaks may be changed.

D. Break Time for Nursing Mother

The Fair Labor Standards Act (FLSA) requires employers to provide reasonable break time for an employee to express breast milk for their nursing child for one (1) year after the child's birth each time such employee has need to express the milk.

Nursing mothers have a right to utilize their fifteen (15) minute paid rest break, as provided in section IV.A to express breast milk. Whenever an employee is completely relieved of work duties and the time needed to express breast milk goes

beyond the allotted rest break time, that time is considered unpaid. The frequency of breaks as well as duration needed to express breast milk will likely vary, as such, employees should communicate their specific needs to their supervisor to ensure adequate break time is provided and to coordinate for schedule adjustments if needed.

Employees are entitled to a place to express breast milk at work, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public. Departments and/or employees should work with Human Resources to ensure a space is provided that meets these requirements.

V. On-Call and Call-Back

A. Applicability

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

B. On-Call Status

1. ~~On-Call shift hours usually coincide with regular shift hours.~~ Any employee may be assigned to an On-Call status, which requires the employee to be accessible, available, and able to report for duty if called. Such shifts may vary in beginning and ending times from department to department or division to division and are subject to change by an administrative decision based on workload needs.
2. Supervisors are responsible for maintaining a roster of all qualified employees for On-Call status, determining the need for availability, assigning employees to On-Call status shifts, and maintaining an equitable rotation schedule. On-Call shifts are to be scheduled ~~for~~ 24-hour increments.
3. On-Call compensation is calculated at two (2) hours of pay per On-Call shift at one and one-half (1½) times the regular hourly pay rate.
4. On-Call compensation may be paid as overtime pay or taken as compensatory time at the employee's request and ~~with~~ the approval of the department supervisor/manager based on department necessity and budget constraints.

4.5. Employees assigned to On-Call shifts shall be available to respond within thirty (30) minutes during the duration of their On-Call shift, or as otherwise approved by their supervisor.

C. Call-Back ~~Status~~Compensation

1. When an eligible employee is called back to work from On-Call status or otherwise at a time not previously scheduled, the employee will receive Call-Back Compensation. Response time for On-Call personnel should average thirty (30) minutes but is managed operationally by each department/division.
2. Call-Back Compensation: An employee in call-back status will receive a minimum of two (2) hours of pay at one and one-half (1½) times the regular hourly pay rate, even if the time spent back on the job is less than two (2) hours. Hours worked that exceed two (2) hours are also paid at one and one-half (1½) times the regular hourly pay rate as actual hours worked. Drive time to and from the worksite is considered hours worked for Call-Back compensation.
3. Call-Back compensation may be taken as compensatory time, in lieu of paid time at the employee's request and at the approval of the employee's primary department supervisor based on department necessity and budget constraints.
4. Actual hours worked for Call-Back that are paid at a premium rate of one and one-half (1½) times the regularly hourly rate, and that are paid pursuant to a Call-Back minimum or premium provision, shall not be counted toward the calculation of overtime for hours worked in excess of forty (40) hours in the workweek, in accordance with the Fair Labor Standards Act (FLSA).
- 3.5. Call-Back compensation may be paid as overtime pay or taken as compensatory time at the employee's request and with the approval of the department supervisor/manager based on department necessity and budget constraints.

D. Remote Response:

1. An employee who is contacted outside of their regularly scheduled work hours to address an issue that cannot reasonably wait until their next scheduled shift, and which can be resolved without physically reporting to a City of Moscow work location (e.g., via phone call, email or remote system access), shall be classified in Remote Response status and compensated for actual time worked in quarter hour (15 minute) increments.
2. Compensation for Remote Response shall be as follows:
 - a. Hours worked up to the forty (40) hours in the workweek shall be paid at the employee's regular hourly rate.

b. Hours worked in excess of forty (40) hours in a workweek shall be paid at one and one-half (1½) times the employee's regular hourly rate, in accordance with the Fair Labor Standards Act (FLSA).

VI. Telecommuting

A. Overview

1. Telecommuting allows employees to work at home, on the road, or in a satellite location for all or part of their work period. The City of Moscow considers telecommuting a viable, flexible work option when both the employee and the job are suited to such an arrangement. Telecommuting may be appropriate for some employees and positions but not for others. Telecommuting is not an entitlement, it is not a City-wide benefit, and it in no way changes the terms and conditions of employment with the City of Moscow.
2. Telecommuting can be informal, such as working from home for a short-term project or on the road during business travel, or a formal, set schedule of working away from the office as described below. Either an employee or a supervisor can suggest telecommuting as a possible work arrangement.
3. Any telecommuting arrangement made will be on a trial basis to be determined by the supervisor with the approval of the City Administrator. Any arrangement may be discontinued at the sole discretion of the City. Every effort will be made to provide 2 weeks' notice of such change to provide time to address issues that may arise from the termination of a telecommuting arrangement. There may be instances, however, when no notice is possible.

B. Eligibility

1. Individuals requesting formal telecommuting arrangements must be employed with the City of Moscow for a minimum of twelve (12) months of continuous, regular employment and must have a satisfactory performance record, unless in cases of extenuating circumstances. Before entering into any telecommuting agreement, the employee and supervisor will evaluate the suitability of such an arrangement, reviewing the following areas:
 - a. Job responsibilities. The employee and supervisor will discuss the job responsibilities and determine if the job is appropriate for a telecommuting arrangement.
 - b. Performance measurement. The employee and supervisor will discuss the feasibility of developing a comprehensive work plan with consistent and measurable progress points.

- c. Employee suitability. The employee and supervisor will assess the employee's needs and work habits, compared to traits customarily recognized as appropriate for successful telecommuting arrangements.
 - d. Equipment needs, workspace design considerations, and scheduling issues. The employee and supervisor will review the physical workspace needs and the appropriate location for the telework.
 - e. Tax and other legal implications. The employee must determine any tax or legal impact under IRS, state and local government laws, and restrictions of working out of a home-based office. Responsibility for fulfilling all obligations in this area rests solely with the employee.
2. Should the employee and supervisor agree that a telecommuting arrangement may work, a draft Telecommuting Work Arrangement Form is required for review by the Deputy City Administrator (or City Administrator) of the operational group. If approved by the Deputy City Administrator, the proposal is then forwarded to the City Administrator. If the City Administrator approves the proposal, a trial period is determined, and the arrangement may proceed.
 3. Evaluation of employee performance during the trial period will include regular interaction by phone and e-mail between the employee and the supervisor, and weekly face-to-face meetings to discuss work progress and problems. At the end of the trial period, the employee and supervisor must complete an evaluation of the arrangement. Should it be determined that the needs of the employee and City are being met, any recommendations for modifications, and a request to continue the arrangement, must be submitted to the City Administrator for approval. Evaluation of employee performance beyond the trial period will be consistent with employees working in-office in both content and frequency. Such assessment will focus on work output and completion of objectives as well as time-based performance.
 4. An appropriate level of communication between the employee and supervisor is required as part of the discussion process and development of the telecommuting arrangement request. The supervisor and employee will communicate at a level consistent with peer employees working at the office or in a manner and frequency that is appropriate for the job and the individuals involved.

C. Equipment

1. On a case-by-case basis, the City of Moscow will determine, with information supplied by the employee and the supervisor, the appropriate equipment needs (including hardware, software, modems, phone and data lines, and other office equipment) for each telecommuting arrangement. The Human Resource and Information System Departments will serve as additional resources in this matter.

2. Equipment supplied by the City will be maintained by the City. Equipment supplied by the employee, if deemed appropriate by the City, will be maintained by the employee. The City of Moscow accepts no responsibility for damage or repairs to employee-owned equipment. The City of Moscow reserves the right to determine appropriate equipment, subject to change at any time.
3. Equipment supplied by the City is to be used for business purposes only. The employee must sign an inventory of all the City of Moscow property received and agree to take appropriate action to protect the items from damage or theft. Upon termination of employment, all City property will be returned to the City, unless other arrangements are made.
4. The City of Moscow will supply the employee with appropriate office supplies (pens, paper, etc.) as deemed necessary.
5. The employee will establish an appropriate work environment for work purposes at their home. The City of Moscow will not be responsible for costs associated with the setup of the employee's home office, such as remodeling, furniture or lighting, or repairs or modifications to the home office space.

D. Safety

1. Employees will maintain their home workspace in a safe manner, free from safety hazards. Employees must abide by the City of Moscow Employee Safety Policy. Each employee must agree to maintain their home workspace in keeping with the safety requirements outlined in the Telecommuting Arrangement Request Proposal. Injuries sustained by the employee in a home office location in conjunction with their regular work duties are to be immediately reported to the employee's supervisor and Human Resources. The City has no responsibility or liability for any injuries sustained by visitors to the employee's home worksite.
2. Telecommuting is not a replacement for appropriate child care. Although an individual employee's schedule may be modified to accommodate childcare needs, the focus of the arrangement must remain on job performance and meeting business demands. Prospective employees are encouraged to discuss expectations of telecommuting with family members before entering a trial period.

E. Security

Consistent with the City's expectations of information security for employees working at the office, telecommuting employees are expected to ensure the protection of sensitive information accessible from their home office. Steps include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment.

F. Time Worked

Telecommuting employees who are not exempt from the Fair Labor Standards Act's overtime requirements are required to accurately record all hours worked using the City of Moscow's time-keeping system. Hours worked in excess of those scheduled per day, and per workweek requires the advance approval of the employee's supervisor. Failure to comply with this requirement may result in the immediate termination of the telecommuting agreement.

G. Informal Arrangements

1. An employee's supervisor may approve temporary telecommuting arrangements for circumstances such as inclement weather, special projects, or business travel. These arrangements are approved on an as-needed basis only, with no expectation of ongoing continuance.
2. Other informal, short-term arrangements may be made for employees on family or medical leave to the extent practical for the employee and the City and with the consent of the employee's health care provider, if appropriate.
3. All informal telecommuting arrangements are made on a case-by-case basis, focusing first on the business needs of the City. Informal arrangements that are temporary and short term in nature do not require telecommuting arrangement approval.

VII. Layoff and Recall

The City will, through the exercise of prudent management and budgetary practices, attempt to avoid layoffs and will consider all reasonable alternatives to layoff before any final decisions regarding layoffs are made. If there is to be a reduction of employment because of significant adverse economic or other conditions, layoffs and recall from layoffs will be conducted as consistently as practicable and as set forth below.

A. Layoff

1. In response to a request by the City Administrator, manager(s) will identify and recommend departmental positions to be considered for layoff (based upon the needs of the departments and of the City as a whole). In the event that layoffs are expected, the City Administrator will communicate such information to the Mayor, Council, and staff in a timely manner.
2. Communication regarding layoffs may occur in an Executive Session held pursuant to Idaho law. The City Administrator will recommend a layoff plan to the Council based upon input from City staff and after consultation with the Mayor. The Council will make the final determination of the specific employment positions to be subject to the layoff.

3. In general, City employees are to be considered and selected for layoff in the following order of priority (unless smooth functioning of the City would be unduly compromised):
 - a. Temporary and part-time employees should be laid off first (except where such employees are needed to continue important City functions/positions on a “bare-bones” basis).
 - b. Next, new employees in their INTRODUCTORY PERIOD should be considered for layoff.
 - c. Finally, full-time employees will be identified for layoff based on the positions’ contribution and performance, as assessed by their manager and the City Administrator (in consultation with the Mayor). In order to retain employees considered to be best suited to perform the remaining work, the City Administrator (in consultation with the respective managers) may reassign individuals. If contribution and performance are equal between or among employees considered for layoff, length of service should be considered.
4. Employees selected for layoff will be given the notice required by law and as much as is reasonable under the circumstances (as determined by the City Administrator, in consultation with the Mayor). Employees will be informed of the reason for the layoff and of the estimated length of the layoff by the City Administrator. Employees selected for layoff cannot use the City’s grievance procedure.
5. Previously accrued vacation and compensatory time will be maintained for employees laid off. During the layoff period, no additional leave will accrue. Retirement benefits are maintained by the State of Idaho through the PERSI system.

B. Recall

1. The names of employees who are laid off will be maintained on a recall list for one (1) year or until the Council determines the layoff is permanent, whichever occurs first. Removal from the recall list terminates all recall opportunities the employee may have. While on the recall list, employees should report to Human Resources if they become unavailable for recall. Employees who fail to keep a current home address on record with Human Resources will lose recall opportunities.
2. Employees will be recalled according to the City’s need and the employee’s classification and ability to do the job. Notice of recall will be sent by certified mail (return receipt requested to Human Resources), to the current home address (as furnished by the employee). Unless an employee responds to the recall notice within seven (7) working days following receipt of the recall notice or its attempted delivery, the employee’s name will be removed from the recall

list and the employee will cease to have recall opportunities with the City. Neither failure to be recalled nor failure to respond to a recall notice prohibit a former employee from re-applying for employment with the City.

3. Employees laid off for more than thirty (30) days, and who are recalled within one (1) year from the date of layoff, credit for retirement benefits, vacation or sick leave hours, will not be accrued during a layoff of thirty (30) days or more if an employee returns to work following recall.
4. Following recall, the returning employee may use any vacation or days of paid absence that were accumulated but not used when the employee was laid off.
5. Vacation pay equal to the number of days accrued, minus the number of days taken, will be paid to the employee at the time of layoff if the layoff is expected to exceed thirty (30) days.

VIII. Shift Differential

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

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

Chapter 8 – Leave

I. Leaves of Absence Without Pay

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

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

II. Leave Approval (REPEALED PER RESOLUTION 2023-25)

III. Active-Duty Military Leave

A. Active-Duty Military Leave is granted if an employee is absent to serve in the United States' uniformed services for a period of up to five years (not including specific involuntary extensions of service). A leave without pay of absence will be granted to an employee to participate in ordered and authorized field training in accordance with Idaho Code §§ 46-407 and 46-409, and the Uniformed Services Employment and Reemployment Rights Act (USERRA). The City will re-employ returning service members in the job that they would have maintained, if still qualified to perform the duties of the position, or will re-employ the returning service member to a position of like seniority, status and pay, had they not been absent for uniformed service who perform and return from service in the Armed Forces, the Military Reserves, the National Guard, or certain Public Health Service positions. Returning service members will retain certain rights with respect to reinstatement, seniority, layoffs, and compensation.

B. If the employee's military leave is for thirty (30) days or less, the City will continue health benefits as if the employee is actively working. If the employee's military

leave is for a period of thirty-one (31) days or more, the City will terminate paid status benefits, but will provide COBRA-like benefits, cost to be paid by the employee, for up to twenty-four (24) months as required by USERRA (subject to change based on USERRA law).

~~C.A.~~ Employees returning from a military leave must also comply with all of the reinstatement requirements specified by federal law. If the same job or one of equivalent status and pay is not available due to a reduction in force, the employee will be treated in the same manner as though employee were not on leave at the time of the reduction in force.

IV. Inactive-Duty or Training Military Leave

Any regular full-time or part-time employee serving in the United States uniformed services is entitled to time off at full pay for certain types of inactive duty in the National Guard or as a Reserve of the Armed Forces as provided in this policy. This leave category is provided to cover the hours of leave necessary to cover the period of inactive duty, training, and necessary travel (the equivalent of up to approximately three (3) forty (40) hour workweeks). Employees have three options for managing their military time and pay as follows:

- A. During this period of leave, City employees may be paid their regular pay rate, including all benefits to maintain in-service pay status (prorated for regular part-time employees by the number of hours in the employee's regular schedule). In exchange, compensation the employee receives from active or inactive duty is paid over to the City of Moscow up to, but not to exceed, the net pay distributed to the employee.
- B. An employee may be eligible for leave without pay, as long as the employee has a combination of hours worked, vacation used, or compensatory time is taken, which equals twenty (20) hours or more in any week. This instance also requires verification from payroll that all employee obligations for payroll deductions and expenses can be met.
- C. An employee may take vacation leave to meet inactive-duty or training obligations and may retain both City paid wages as well as military paid wages.

V. Disability Leave (REPEALED PER RESOLUTION 2023-25)

VI. Floating Holiday

- A. Eight (8) hours of personal time each calendar year may be taken as a paid day off. Floating Holidays may not be carried over to the next calendar year.
- B. Requests for the use of an employee's Floating Holiday shall be made in writing to the responsible supervisor. Efforts will be made to accommodate the preference of the employee in Floating Holiday scheduling, while minimizing the impact on

department operations. The Floating Holiday may not be used until earned and may be taken in eight (8) hour increments only.

C.A. Employees holding Paramedic/Firefighter positions will be paid eight (8) hours annually in place of taking Floating Holiday paid leave as detailed in Chapter 8, Section VII.E.

VII. Holidays

A. The City ~~recognizes~~observes certain days each year as holidays. Holidays begin at ~~midnight~~12:00 a.m. and end at 11:59 p.m. ~~the following on the day the holiday is observed.~~ The City ~~recognized~~observes holidays that ~~occur~~fall on a Saturday shall be observed on the preceding Friday and holidays that fall on a Sunday shall be observed on either the preceding Friday or the following Monday. Holidays ~~observed~~recognized by the City include the following ~~(other holidays may be declared by the Governor, Mayor and City Council):~~

<u>Holiday</u>	
<u>New Year's Day</u>	<u>January 1</u>
<u>Idaho Human Rights Day</u>	<u>Third Monday in January</u>
<u>President's Day</u>	<u>Third Monday in February</u>
<u>Memorial Day</u>	<u>Last Monday in May</u>
<u>Juneteenth</u>	<u>June 19</u>
<u>Independence Day</u>	<u>July 4</u>
<u>Labor Day</u>	<u>First Monday in September</u>
<u>Veteran's Day</u>	<u>November 11</u>
<u>Thanksgiving Day</u>	<u>Fourth Thursday in November</u>
<u>The _____ day following Thanksgiving</u>	<u>Fourth Friday in November</u>
<u>Christmas Day</u>	<u>December 25</u>

- | | |
|---|---|
| New Year's Day
(January 1) | Labor Day
(1st Monday of September) |
| Idaho Human Rights Day
(3rd Monday of January) | Veteran's Day
(November 11) |
| President's Day
(3rd Monday of February) | Thanksgiving Day
(4th Thursday of November) |
| Memorial Day
(last Monday of May) | The day following Thanksgiving
(substitute for Indigenous People's/Columbus Day) |
| Juneteenth
(June 19) | Christmas Day
(December 25) |
| Independence Day
(July 4) | |

A.B. ~~Holiday~~ Compensations are paid per employee types as follows:

1. To receive holiday pay, an eligible employee must be in pay status on the workdays both immediately preceding and immediately following the day on which the holiday is observed. If an employee is absent on one or both of these days due to illness or injury, the City reserves the right to verify the reason for the absence before approving holiday pay.
- ~~1.2.~~Regular full-time employees are eligible for eight (8) hours of pay at their regular rate for each observed to receive their regular pay rate up to eight (8) hours for each observed holiday. Holiday compensation shall be reported as holiday hours on the day the City observes the holiday.
- ~~2.3.~~Regular part-time employees who work thirty (30) or more hours per week are eligible to receive holiday pay on a pro-rata basis and only for their regularly scheduled number of hours up to eight (8) hours.
- ~~4. Regular part-time employees who work less than thirty (30) hours per week, temporary employees, separated employees who remain in pay status utilizing accrued vacation leave, and employees on unpaid leaves of absence are not eligible to receive holiday pay.~~The following employees are not eligible for holiday pay-:
 - a. Regular part-time employees who work fewer than thirty (30) hours per week;
 - b. Temporary and seasonal employees;
 - c. Separated employees who remain in pay status through the use of accrued vacation leave;
 - d. Employees on unpaid leaves of absence.
5. If an eligible employee is regularly scheduled to work more than eight (8) hours on an observed holiday (e.g., 10- or 12-hour shifts) and is not required to work or has requested the holiday off, any hours beyond eight (8) hours will be charged to paid leave. With supervisory approval, employees may adjust their schedule within the same workweek instead of using leave for hours exceeding eight (8).
6. Non-exempt employees who are scheduled to work on an observed holiday shall receive eight (8) hours of holiday pay plus their regular hourly rate for all hours worked.
- ~~3.7.~~When New Year's Day, Juneteenth, Independence Day, Veterans Day, or Christmas Day falls on a weekend, non-exempt employees who are regularly scheduled and required to work on the actual holiday (rather than the City's observed holiday) shall be paid at one and one-half (1 ½) times their regular hourly rate for all hours worked. If a non-exempt employee is regularly

scheduled to work on the actual holiday and is not required to work or has requested the day off, the employee must take paid leave.

- ~~B. To receive holiday pay, an eligible employee must be at work, or on an approved absence, on the workdays both immediately preceding and immediately following the day on which the holiday is observed. An approved absence is a day of paid vacation or other paid leave. If an employee is absent on one or both of these days because of an illness or injury, the City reserves the right to verify the reason for the absence before approving holiday pay.~~
- ~~C. Non-exempt employees who work on a City designated holiday may choose compensatory time off or pay at the rate of one and one-half (1 ½) times the amount of time worked.~~
- ~~D. If a holiday falls on a day in which an eligible employee is regularly scheduled for more than eight (8) hours (for example; 10 or 12 hour shifts) and the employee is not required to work or has requested the holiday off as leave, any time over the eight (8) hours for holiday will be taken as paid leave. Employees may request to adjust their schedule within the same work week as the holiday at the discretion of their supervisor instead of taking leave for hours above the eight (8) hours of holiday pay.~~

4.8. Holidays that fall during an employee's approved vacation leave period will be counted as holiday pay up to eight (8) hours.

~~E.C.~~ Employees hired into Paramedic/Firefighter positions shall be entitled to a lump sum payment annually for up to eleven (11) days (88 hours) of Holiday and one (1) day (8 hours) for their Floating Holiday. Holiday pay shall be calculated by dividing the employee's annual base salary as of January 31st of the prior year by 2,756. This holiday amount will be received in January to compensate the employee for eligible holidays which occurred the previous year.

1. During the first year of employment, the number of holidays eligible for payment will be based on the Paramedic/Firefighters start date. *For example; if the employee was hired in March they would only receive payment for eight (8) holidays (64 hours) and one (1) day (8 hours) for their floating holiday the following January.*
2. At the time of voluntary separation, Paramedic/Firefighters shall receive a lump sum holiday pay based on the number of holidays which occurred in the year prior to their date of separation. *For example; if the date of separation occurs in August, the employee would receive a lump sum payment for six (6) holidays (48 hours) and one (1) day (8 hours) for their floating holiday at the time of separation.*

VIII. Moscow Volunteer Fire Department Leave

City of Moscow employees are, at the discretion of their supervisor, granted time off with pay during regular work hours while serving as a volunteer with the Moscow Volunteer Fire Department for active call outs. Employees must be in good standing with their supervisor and department. Overtime is not permitted to accommodate for volunteer hours provided during regular work hours.

IX. Paid Parental Leave

- A. Paid Parental Leave is intended to provide employees the time and financial support to adjust to the addition of a new family member following the birth, adoption, or placement of a child for activities related to the physical and mental well-being and care of the child and parents or caregiver.
- B. This leave is separate and in addition to other leave policies. Eligible employees are able to receive up to six (6) weeks (240 hours) of paid parental leave, Paramedic/Firefighters are eligible to receive up to 336 hours, to be used within the first six (6) months of the birth, adoption, or regular full-time custody of a child not previously under an employee's care, paid on the employee's regular payroll dates. If applicable, the amount of leave permitted with this benefit will be deducted from the employee's FMLA entitlement.
- C. Under some circumstances, employees may take paid parental leave on an intermittent or reduced schedule basis. Use of intermittent or reduced schedule parental leave requires departmental approval prior to the use of paid parental leave.
- D. If both parents are City employees and meet benefit eligibility criteria, each parent is eligible to receive the six-week paid parental leave benefit. An eligible parent is defined as a biological parent, same-sex spousal equivalent, domestic partner, new adoptive parent, or caregiver assuming significant parental and financial responsibility for a child. An individual who adopts a spouse or partner's child(ren) is not eligible for this benefit.
- E. Eligibility
 - 1. City employees regularly working thirty (30) or more hours per week who have been employed for the previous twelve (12) consecutive months and have worked for at least one thousand two hundred fifty (1,250) hours during the prior twelve (12) month period are eligible for paid parental leave. Eligibility requirements must be met as of the last day worked prior to the start of the paid leave.
 - 2. Part-time employees who work an average of thirty (30) hours per week will receive Paid Parental Leave on a prorated basis to be calculated by dividing the average hours worked per work period over the prior twelve months by forty (40) (i.e. if an employee averaged thirty-five (35) hours per work period over the prior year, they would receive two hundred and ten (210) hours of parental leave $((35/40)*240=210)$).

3. Temporary, part-time employees who work less than thirty (30) hours per week, and seasonal employees are not eligible for Paid Parental Leave.

X. Bereavement

- A. Up to three (3) consecutive days of paid bereavement leave is available in the event of the death of an employee's immediate family member, a member of the same household, or a relative as defined below. Bereavement leave may be extended for an additional five (5) working days by deduction from the employee's sick leave accrual. The compensable days must fall within the regularly scheduled workweek and must be approved in advance by the employee's supervisor and department manager.
- B. For the purpose of this policy, the definitions that apply to this section and chapter are as follows:
 1. Immediate Family Member – A spouse, brother, sister, parents, children, stepchildren, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, and son-in-law.
 - a. *Child* – A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing "in loco parentis" by providing day-to-day care and/or financial support.
 - b. *Parent* – A biological, adoptive, step or foster parent, or another person who stood "in loco parentis" to the eligible employee when the employee was a child by providing day-to-day care and financial support.
 - c. *Spouse* – A person to who the employee is legally married.
 2. Household – A Domestic Partner as defined in Chapter 3, Section IV.G.2, domestic partners dependent child(ren) or other persons whom the employee is legally obligated to support within their same household.
 3. Relative - Related to the employee by blood or marriage within the second degree which includes an employee's aunt, uncle, grandparent, grandchild, niece, nephew, and first cousin.

XI. Jury Duty

A paid leave of absence will be granted to employees who serve on jury duty. Employees will be paid their regular pay rate, including all benefits in order to maintain in-service pay status. In exchange, the employee's compensation from jury duty is paid over to the City of Moscow up to, but not to exceed, the net pay distributed to the employee. An employee whose public service duty is completed before the midpoint of their typical working day is expected to return to their work location at the City. As an alternative, employees may take vacation leave to meet jury duty or witness obligations and may retain both City paid wages as well as court compensation.

XII. Vacation

- A. Full-time, regular employees are eligible to accrue vacation leave based on length of service. The City Administrator may determine the vacation accrual rates for new employees. Part-time employees who consistently work more than thirty (30) hours per week accrue vacation hours on a prorated basis. Temporary employees and part-time employees who consistently work less than thirty (30) hours per week are not eligible for vacation accrual.
- B. Full-time, regular employees accrue vacation at the following rates based on their FLSA exemption status. Employees classified as a Paramedic/Firefighter accrue vacation leave based on the Exempt Employees accrual schedule:

	Non-Exempt Employees	FLSA Exempt Employees
Year 1 through 4	8 hrs/month (3.69/pay period)	12 hrs/month (5.54/pay period)
Year 5 through 8	10 hrs/month (4.62/pay period)	14 hrs/month (6.46/pay period)
Year 9 through 12	12 hrs/month (5.54/pay period)	16 hrs/month (7.38/pay period)
Year 13 through 16	14 hrs/month (6.46/pay period)	18 hrs/month (8.31/pay period)
Year 17 through 20	16 hrs/month (7.38/pay period)	18 hrs/month (8.31/pay period)
Year 21 +	18 hrs/month (8.31/pay period)	18 hrs/month (8.31/pay period)

- C. The maximum accumulation at the end of the calendar year is two hundred forty (240) hours. An employee may request an additional forty (40) hours to be rolled over at the end of the year. All requests are subject to approval by employee's supervisor and the City Administrator and may only be approved where it is determined that work demands, staffing levels or other conditions prohibited the employee from reasonably utilizing their vacation time accrual.
- D. Requests for vacation leave are to be made in writing to the responsible supervisor and based on the department requirements for requesting leave. Efforts will be made to accommodate the employee's preference in vacation scheduling while minimizing the impact to department operations. Vacation leave may not be used until it is earned or in any amount greater than the number of vacation leave hours accrued.
- E. If a paid holiday falls during an employee's approved vacation period, the holiday will count as holiday pay up to eight (8) hours. Employees scheduled shifts greater than eight (8) hours will use vacation leave for the remaining hours.
- F. If an employee qualifies for sick leave during their vacation period, and provides information to their supervisor to support use of sick leave, such time may be taken as sick leave and not counted against an employee's vacation leave.

G. Upon termination of employment, employees shall be paid for all unused vacation accrued. Employees who leave in good standing may be eligible by approval of the City Administrator to take vacation to extend their in-pay status beyond their final day in office. The extension of in-pay status does not provide for the accrual of sick leave, vacation hours, or holiday pay.

H.A. The value of unused vacation leave hours will be calculated at the hourly rate of the employee at the time of separation.

1. For Exempt employees working a standard 40-hour workweek or 80-hour work period the hourly rate will be calculated by dividing the employee's annual salary by 2,080.
2. For Paramedic/Firefighters the hourly rate will be calculated by dividing the employee's base annual salary by 2,756.

XIII. Sick Leave

A. The City recognizes that there are times when employees themselves or their dependents have health problems that require time away from work. Sick leave is provided for the following circumstances.

1. Personal illness or injury including work-related injuries, pregnancy and birth of a child, etc.;
2. Care for children, spouse or other members of immediate family when they have a health condition that requires supervision/ treatment;
3. Medical, dental or optical appointments for self or dependents, if arranged in advance with the appropriate supervisor;
4. Extended Bereavement Leave;
5. Care for new-born children during the twelve (12) month period following their birth as permitted under FMLA.

B. Regular, full-time employees accrue three point six-nine (3.69) hours of sick leave per pay period. Regular part-time employees who consistently work more than thirty (30) hours per week accrue sick leave hours on a prorated basis. Sick leave accrues only when an employee's status is active, i.e., working or taking paid time off. The maximum accumulation of sick leave is nine hundred sixty (960) hours. Once maximum accumulation is reached, no additional hours are accumulated until the employee's balance falls below nine hundred sixty (960) hours.

C. Paramedic/Firefighters accrue eleven point zero eight (11.08) hours of sick leave per pay period. Sick leave accrues only when an employee's status is active, i.e., working or taking paid time off. The maximum accumulation of sick leave is two thousand eight hundred and eighty (2,880) hours. Once maximum accumulation is

reached, no additional hours are accumulated until the employee's balance falls below two thousand eight hundred and eighty (2,880) hours. Due to the nature of the shift work, Paramedic/Firefighters may only use sick leave in increments as defined by the Fire Department.

- D. In the event sick leave is needed, the appropriate supervisor must be notified initially; daily contact must be made after that unless otherwise arranged. A signed physician's release may be required for leaves of absences of three (3) work days or more, or at the discretion of the supervisor depending on the reoccurring nature of sick leave requests.
- E. A supervisor may request a signed physician's release at any time when an employee is suspected of abusing sick leave. Absences that are designated as FMLA absences must be converted to a leave of absence if employment rights are to be maintained under the FMLA. Employees returning from sick leave may be asked to provide certification of their ability to perform their job's essential functions.
- F. Sick leave may not be used until it is earned or in any amount greater than the number of sick leave hours accrued. Any misuse of sick leave will be considered cause for discipline, which may include termination of employment.
- G. In the event that an employee is unable to work due to a work-related injury and is collecting compensation payments appropriately through the State Insurance Fund (SIF) with an open worker's compensation claim, the employee may submit the SIF compensation payment to the City in exchange for additional sick leave hours in the amount commensurate with the compensation payments received.
- H. When an employee leaves City employment in good standing, fifteen percent (15%) of the value of sick leave hours accumulated will be contributed to the employee's VEBA account or Health Savings Account (HSA). Any amounts under \$100 will be paid directly to the employee through payroll on their final paycheck. If an employee separates prior to the set up of a VEBA or HSA account, any amount will be paid directly to the employee through payroll on their final paycheck. Sick leave payout is forfeited when an employee leaves City employment due to involuntary termination.
- I. For Paramedic/Firefighters the number of sick leave hours accumulated for the fifteen percent (15%) sick leave payout will be calculated as follows: the number of accumulated sick leave hours divided by three (3). *For example; if a paramedic/firefighter has 1,200 hours accumulated at the time of separation or retirement: 1200 divided by 3 equals 400 (1200/3=400). The 15% sick leave payout would be based on the calculated 400 hours.*
- J. The value of the sick leave hours will be calculated at the hourly rate of the employee at the time of separation.

1. For Exempt employees working a standard forty (40) hour workweek or eighty (80) hour work period the hourly rate will be calculated by dividing the employee's annual salary by two thousand and eighty (2,080).
2. For Paramedic/Firefighters the hourly rate will be calculated by dividing the employees base annual salary by two thousand seven hundred and fifty-six (2,756).

XIV. Sick Leave Bank

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

A. Sick Leave Bank Program

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

B.A. Eligibility and Criteria

1. The Sick Leave Bank is available to:

- a. Eligible employees participating in the Sick Leave Bank program who have legitimately exhausted all of their accumulated paid leave time. This time includes all earned vacation, sick leave, floating holiday, and compensatory time.
 - b. Employees unable to work due to a work-related injury who have legitimately exhausted all of their accumulated sick leave time and also meet the following conditions:
 - i. Is an active participant in the Sick Leave Bank Program;
 - ii. Has met the 5-day waiting period for workers' compensation; and
 - iii. Has an active worker's compensation claim through the State Insurance Fund (SIF)
2. Criteria for Sick Leave Bank Program usage is as follows:
- a. Catastrophic accident or illness of the employee requiring absences from work: Catastrophic illness and/or injury is defined as an acute or prolonged illness or injury that is considered life-threatening or with the threat of serious residual disability.
 - b. Extended hospitalization of the employee.
 - c. Absence from work due to a work-related injury and an active Worker's Compensation Claim.
 - d. To be considered for hours through the Sick Leave Bank Program, the Sick Leave Bank Request form, signed by the employee's supervisor(s), must be submitted by the employee to Human Resources for approval by the City Administrator. Progress reports may be required as a condition of receiving sick leave hours from the Sick Leave Bank Program.
 - e. The Sick Leave Bank will not be made available in cases of suspected sick leave abuse.

C.B. Sick Leave Bank Administration:

- 1. Human Resources shall be responsible for managing and administering the Sick Leave Bank Program including the procedural establishment, solicitation of contributions, processing of applications, and records management.
- 2. Payroll shall be responsible for all payroll processing of the Sick Leave Bank, as well as managing and administering the Sick Leave Bank for employees with active workers' compensation claims through SIF. Refer to the City's Personnel Policy, Chapter 8, Section XV Worker's Compensation for more details.

XV. Workers' Compensation

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

A. Employee Reporting

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

B. Medical Treatment

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

C. Compensation

1. Under Idaho Workers' Compensation law, employees do not receive income benefits from SIF for the first five (5) days they are off work due to an injury, unless the injury requires overnight hospitalization or the time loss exceeds fourteen (14) days.

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

XVI. Compensation (REPEALED PER RESOLUTION 2023-25)

XVII. Family and Medical Leave Act (FMLA)

The Family and Medical Leave Act (FMLA) of 1993 entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical

reasons. The City of Moscow is covered under FMLA and complies with all FMLA requirements.

A. Employee Eligibility:

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

B. Leave Entitlement

1. Eligible employees may take up to twelve (12) workweeks (480 hours) of leave in a 12-month period for one or more of the following reasons:
 - a. The birth of a child or placement of a child with the employee for adoption or foster care;
 - b. To care for a spouse, child, or parent who has a serious health condition;
 - c. For a serious health condition that makes the employee unable to perform the essential functions of their job; or
 - d. For any qualifying exigency arising out of the fact that a spouse, child, or parent is a covered military member on covered active duty or call to covered active duty status.
2. An eligible employee may take up to twenty-six (26) workweeks (1,040 hours) of leave during a "single 12-month period" to care for a covered servicemember with a serious injury or illness when the employee is the spouse, son, daughter, parent, or next of kin of the service member.
3. Under some circumstances, employees may take FMLA on an intermittent or reduced schedule basis. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment or appointments to minimize disruption to the City's operations.
4. If FMLA is for the birth, adoption, or foster placement of a child, the use of intermittent or reduced schedule leave requires prior departmental approval.

C. Compensation and Health Benefits

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

D. Requesting Leave under FMLA:

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

E. FMLA Certification

1. When requesting FMLA for an employee's own serious medical condition or to care for a family member with a serious medical condition, healthcare certification is required and must be received by HR within fifteen (15) calendar days of the FMLA start date, or as soon as practical.
2. Employees do not have to share a medical diagnosis but must provide enough information to determine if the leave qualifies for FMLA protection. A statement or document(s) from the health care provider for the individual being treated should include the following information for supporting the FMLA request:

- a. Contact information for the certifying health care provider.
 - b. The date the serious health condition began and how long it will last.
 - c. Appropriate medical facts about the condition such as symptoms, hospitalization, or doctor's visits.
 - d. For leave for the employee's own serious health condition, information showing that the employee cannot perform the essential functions of the job.
 - e. For leave to care for a family member, a statement establishing the family member needs care, an estimate of when and how long the leave is needed.
 - f. For leave that needs to be taken in short blocks of time, an estimate of how much time will be needed for each absence, how often absences may occur, and information establishing the medical necessity for taking intermittent leave or requiring a reduced schedule.
3. When requesting leave for a qualifying exigency for Military FMLA certification is required and must be received by HR within fifteen (15) calendar days of the Military FMLA start date, or as soon as practical. This certification will be provided using the Department of Labor (DOL) "Certification of Qualifying Exigency for Military Family Leave."
 4. When requesting leave for a serious injury or illness of a covered member for Military FMLA certification is required and must be received by HR within fifteen (15) calendar days of the leave start date, or as soon as practical. This certification will be provided using the DOL Certification for Serious Injury or Illness of Covered Service member.
 5. If FMLA or Military FMLA certification is deemed incomplete or insufficient, the employee will be advised in writing of what additional information is necessary to make certifications complete and sufficient. Employees must return revised medical certifications to HR within the date specified.
 6. The City may require employees to obtain a second medical certification from a health care provider that is selected and paid for by the employee's department. See Chapter 8. Section XVIII of the City's Personnel Policy, Fit for Duty, for additional processes guidelines.
 7. If FMLA or Military FMLA is requested for an employee's or their family member's serious health condition that continues beyond a single leave year, employees shall provide HR with new medical certifications each leave year.

F. Job Restoration

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

XVIII. Fit for Duty

- A. Applicants to whom a conditional offer of employment has been extended and current employees may be required to undergo medical tests, procedures, or examinations whenever there is a question of the employees' ability to perform their job responsibilities in a safe, secure, productive, and effective manner.
- B. Successful applicants for employment may be required as a condition of employment to pass a medical examination to establish their fitness to perform the jobs for which they have applied without endangering the health and safety of themselves or others. If the manager determines that an examination is appropriate to a particular position, all applicants for the job to whom a conditional offer of employment has been made are to be examined.
- C. Employees may be required to have a medical examination on other occasions when the examination is job-related and consistent with business necessity. For example, a medical examination may be required when an employee is exposed to toxic or unhealthy conditions, requests an accommodation for a disability, or has a questionable ability to perform their duties on the job for which they are being considered.
- D. Medical examinations required by the City will be paid for at City expense and must be performed by a physician or licensed medical facility designated or approved by the City. Medical examinations paid for by the City are the property of the City, and the examination records are to be treated as confidential and held in separate medical files.
- E. However, records of specific examinations, and if required by law or regulation, will be made available to the employee, persons designated and authorized by the employee, public agencies, relevant insurance companies, and/or the employee's doctor.
- F. Employees who need to use prescribed drugs or narcotics while at work must report this necessity to their supervisor if the use of such prescribed drugs might reasonably be expected to impair their ability to perform the job safely and effectively. Depending on the circumstances, employees may be reassigned, forbidden to perform certain tasks, or even prohibited from working if they are judged by their supervisor unable to perform their job safely and properly while taking prescribed drugs.
- G. The City reserves the right to require acceptable confirmation of the nature and extent of any illness that requires an employee to be absent from scheduled work. Employees returning from a disability leave of absence caused by health problems may be required to provide a doctor's certification of their ability to perform their regular work satisfactorily without endangering themselves, the public or their fellow employees. The City reserves the right to require a second and, if necessary,

third medical opinion regarding an employee's absence because of illness or injury. Any required second or third opinions will be paid for by the City.

H.A. Employees who become ill on the job or suffer any injury, either of which is related to work, no matter how minor, must report to their supervisors, who will arrange referral for examination and treatment, as circumstances require and who will record the incident. Time spent by an employee in obtaining this medical attention will be considered hours worked for pay purposes. The cost of medical treatment sought will initially be covered by the employee's insurance and may later be reimbursed to the employee pending worker's compensation claim (if appropriate) or by the City at request of the employee.

H.B. An injured employee's supervisor, manager, or medical personnel are authorized to direct the employee to be transported to a medical facility for treatment. Human Resources is responsible for developing and directing programs concerning employee health and safety.

XIX. Return to Work – Light Duty

The City may allow employees who have been injured or who are seriously ill and cannot return to full duty due to physical limitations to return to a temporary light duty assignment as determined by the department head in consultation with Human Resources. Upon release to full duty, employees are not eligible for a temporary light duty assignment.

A. The City may allow an employee to return to a temporary light duty assignment for a period not to exceed six (6) calendar months, in cases where:

1. There is legitimate temporary light duty work available without displacing another employee;
2. The employee is qualified to perform the essential functions of the light duty work assignment; and
3. The employee's health care provider releases the employee to perform light duty work.

B. Employees currently on a Performance Improvement Plan (PIP) are not normally eligible for light duty work assignments for off-the-job injuries or illnesses.

1. If a light duty work assignment is approved under ADA requirements or other exceptional circumstances, the PIP timeline and expectations may be adjusted to ensure a fair evaluation period.

- C. Employees serving an initial introductory period are not normally eligible for light duty work assignments for off-the-job injuries or illnesses.
 - 1. If a light duty work assignment is approved under ADA requirements or other exceptional circumstances, the introductory period timeline and expectations may be adjusted to ensure a fair evaluation period.
- D. Temporary light duty work assignments will be evaluated in thirty (30) day increments. The temporary light duty assignment will end at any time within the evaluation period if the conditions above are not met and/or at the discretion of the department head in consultation with Human Resources.
- E. In unusual cases, such as where the employee is undergoing therapy and the employee is an active and committed participant in the therapy and the expectation of a recovery allowing the full performance of the essential job functions is verified by the employee's health care provider, the light duty may be extended upon approval by the City Administrator.
- F. In cases where a temporary light duty assignment is not available, the employee may remain on Workers' Compensation if the injury or illness was classified as an on-the-job accident or illness and has been processed through the City's Workers' Compensation insurance. During such time, the employee may use accrued leave in accordance with policy section XV. Workers' Compensation or request a medical leave of absence. Leave(s) must be coordinated through Human Resources.
- G. When a temporary light duty assignment is not available or the time limitation has been met as outlined in XIX.A, and the injury or illness was not classified as an on-the-job accident or illness the following options are available to the employee:
 - 1. Return to work in the same job held previously, performing the full duties of the job, with a physician's release.
 - 2. Reassignment to another position available in the City, for which the employee possesses the minimum qualifications, and the essential functions of which the employee is able to perform. Availability shall be determined by the human resources manager and the department manager(s) involved. Reassignment to a position in a different department must be approved by the City Administrator.
 - 3. Return to the same job held previously with reasonable accommodation to help in the performance of the essential functions.

4. Medical leave of absence (either using accrued leave or leave without pay if leave accruals have been exhausted or are not applicable).
5. Apply on a competitive basis for any open position in the City.
6. Retirement or other separation from City employment.

XX. Emergency Closures

The City ~~understands~~recognizes that extreme weather events, power outages, natural disasters, inelement weather and other unforeseen emergencies ~~can~~may require the closure of City facilities and services ~~and affect the ability for City operations to be open and services to be available.~~ It is the policy of the City to ~~provide timely information to City employees and the community concerning the status of City offices as a result of weather conditions or emergency situations.~~

~~In the event of inelement weather or other unforeseen emergencies~~When required, the City Administrator₂ or authorized designee₂ will determine whether an emergency closure of City facilities and services is required ~~and communicate appropriately any impact to normal City operations which necessitates the delayed opening, or the closing of a City building, facility, or service during normally scheduled business hours.~~ ~~Essential employees are to report to work as normally scheduled or as required in the event of inelement weather or other emergency situation.~~ The decision to declare an emergency closure shall be communicated to all department managers, who shall inform their employees.

A. Essential Employees:

There are certain critical City ~~operations~~facilities and services that cannot be suspended or interrupted to ensure the continued safety and delivery essential services to ~~of~~ the community. ~~Essential employees are employed in positions and/or departments which require they provide essential services to the public or provide direct leadership or support, regardless of environmental factors.~~ Essential departments, identified below, typically operate on a 24-hour ~~day~~-rotating schedule or ~~play a critical role in maintaining the~~provide public safety and/or essential services of the City. Essential employees scheduled to work during an emergency closure shall report to work during their scheduled shift unless otherwise directed by their supervisor.

1. Police Department: All sworn personnel are designated as essential employees. Non-sworn employees may be designated as essential at the discretion of the Chief of Police ~~and City Administrator.~~
2. Fire Department: All fire public safety personnel are designated as essential employees. Public safety administrative employees may be designated as essential at the discretion of the Fire Chief and City Administrator.

3. Public Works: The Deputy City Administrator and City Administrator will determine which departments or employees within Public Works are designated as essential employees.
- 4.1. Information Services: All IS personnel are designated as essential employees to ensure that communication equipment and other City technology remains functional. The Information Services Manager may determine if services could be maintained via remote or if on-site monitoring is required.
- 5.2. Other personnel may be designated as essential based on the nature of the emergency situation.

A. Non-Essential Employees:

Non-essential employees include all other employees not defined as essential employees herein. Non-essential employees shall not be required to report to work for the duration of the emergency closure. Non-essential employees who report to work prior to the announcement of the emergency shall be allowed to return home.

B. Emergency Closure Compensation

1. If a City facility or service is suspended for an entire work day, or portion of a work day, nNon-essential employees who are scheduled to work during an emergency closure on that day, will shall receive their regular pay for the duration of the emergency closure and shallwill not be required to use vacation leave, sick leave, or compensatory time paid leave. Non-essential employees shall record their normally scheduled shift during an emergency closure as regular hours on their timesheet.
2. Employees not scheduled to work during the emergency closure shall not be eligible to receive additional compensation (regular or overtime pay) during the emergency closure.
- 2.3. Employees already approvedscheduled for paid time off (i.e. on vacation, sick leave, compensatory time, etc., including FMLA) leave during the emergency closure shall use the approved paid leave and will continue to use the scheduled paid time off and are not shall not be eligible to receive regular pay for additional compensation (regular or overtime pay) during the emergency closures.
4. If non-essential employees decide, on their own accord, to remain at work during the emergency closure, and it is safe for them to do so, they shall be compensated at their normal hourly rate and shall not be eligible for overtime compensation.
- 3.5. Employees may be asked to work remotely, when feasible, to the extent possible during an emergency closure. Employees who work remotely during an emergency closure shall not be entitled to additional pay or overtime for

~~hours worked during their regularly scheduled workday—an extreme weather event and when doing so shall not be entitled to extra pay or overtime for such hours worked during the regularly scheduled workday.~~

~~4.6. Essential employees required to work during their regularly scheduled hours will be compensated at a rate of one and one half (1 ½) times their regular hourly rate for hours worked during the emergency closure. If an essential employee is dismissed for any portion of their scheduled shift during an emergency closure, they will be paid at their regular rate for any remaining scheduled shift hours. If an essential employee is unable to report to work during an emergency closure, they must take paid leave to cover their regularly scheduled shift.~~

~~5.7. If the City remains open on an adverse weather day or other unforeseeable event, but an employee elects not to work or is unable to report to work due to school/daycare closures and/or road conditions they should notify their supervisor(s) as soon as possible. All employees are expected to assess their personal safety when commuting to work and act accordingly. If the City remains open during adverse weather or another unforeseeable event, but an employee is unable, or elects not to work, due to school/daycare closures and/or road conditions, the employee must notify their supervisor as soon as possible.~~

Employees who are unable to report to work may:

- a. Request use of available ~~vacation, comp time, or personal holiday paid leave (excluding sick leave).~~
- b. If eligible, ~~may~~ request to work ~~remotely from home~~, subject to supervisor approval. ~~Work from home will only be granted at the approval of the supervisor.~~
- c. If an employee does not have available paid leave to cover this time off, ~~leave no paid leave is available, the time~~ may be recorded as leave without pay, ~~subject to approval as approved~~ by the City Administrator.

~~6. All employees are expected to make their own decisions regarding their personal safety while commuting to work and act accordingly.~~

Chapter 9 - Records

I. Payroll and Time Records

- A. Employees are paid every two weeks throughout the year. All paychecks are distributed by direct deposit with paystubs issued on every payday. Paychecks compensate employees for work performed in the pay period preceding the week in which the check is issued.
- B. Each non-exempt employee is responsible to accurately record time that they have worked following the procedures established by the Finance Department - Payroll Office. Each report of non-exempt employees must be signed manually or electronically by both the Supervisor and the employee. It must contain a certification that it is a true and correct record of the employee's actual time worked and benefits used for the time period covered. Any changes to the time record made by a Supervisor or the Payroll Office to correct mistakes must be acknowledged by the employee. Exempt employees may be required to document time worked or benefits used for accountability purposes.
- C. Employees may not falsify their timesheet or alter another employee's timesheet in any way. Employees must not under or over report hours worked by themselves or other employees, or conceal any falsification of time records, even if instructed to do so by a supervisor, manager, an Elected Official, or another person. If instructed to do so, the employee must immediately report it to the City Attorney.
- D. Every effort will be made to ensure that employees are paid correctly. Occasionally, however, inadvertent mistakes occur. Each employee must monitor the accuracy of compensation received and review their paper or electronic paycheck stub when received to make sure it is correct. The information shown on the employee's paycheck stub is provided for information only. Actual practices regarding the issuance of paychecks and allocation of employee benefits must be consistent with the City's official policy. In the event of disagreement between the computer-generated paycheck stub and official policy, as interpreted by the City Council, the policy will prevail. Employees are obligated to call the City's attention by notifying payroll to any such errors, whether to the employee's advantage or disadvantage. When mistakes are made and are called to the City's attention, the City will correct the error as soon as possible.

II. Personnel Files

A. Personnel Records

1. The official employee records for the City will be kept in the Human Resource Office.

2. The personnel files should contain records related to employee performance, employee status, and other relevant materials related to the employee's service with the City.
3. The employee's supervisors and the employee them self may contribute materials to the personnel files deemed relevant to the employee's performance.

B. Access to Personnel Files

1. Only the employee's supervisors, attorneys for the City, Human Resources staff, and the employee are authorized to view materials in a personnel file. Access of others to such files will be allowed only when authorized after consultation with legal counsel for the City or upon receiving written consent by the employee.
2. Information regarding personnel matters will only be provided to outside parties with a release from the employee, when deemed necessary by legal counsel for the City, or pursuant to a Court order or a proper subpoena.
3. The City reserves the right to disclose the contents of personnel files to outside state or federal agencies, its insurance carrier or its carrier's agents for risk management purposes, or when necessary to defend itself against allegations of unlawful conduct.
4. Copies of materials in an employee's personnel file are available to that employee without charge, subject to exceptions provided by statutes.

C. Employee Responsibility

1. Employees have a responsibility to make sure their personnel records are up to date and should notify Human Resources in writing as soon as possible of any changes in at least the following areas:
 - a. Name
 - b. Current address
 - c. Social Security Number or other tax identification number
 - d. Marital status
 - e. Number of withholding allowances (dependents)
2. This information is required for the City to properly process and report W4 and W2 information as required by the Internal Revenue Service.

III. Management of Information In Personnel Files

Each employee may contest the contents of their personnel file at any time, by filing a written objection and explanation that will be included in the file along with the objectionable material. It is the sole judgment of the City Administrator or designee, after consultation with Human Resources and City Attorney, to determine if any material may be removed from a personnel file. In general, there is a presumption that materials are to remain in personnel files accompanied by the employee's written objection and explanation to provide a complete employment history. Any such approved removal of information will be documented in writing and maintained in the employee's personnel file.

Chapter 10 - Operational Policies

I. Conflicts of Interest

The City prohibits its employees from engaging in any activity, practice, or conduct which conflicts with, or appears to conflict with, the interests of the City. Since it is impossible to describe all of the situations which may cause or give the appearance of a conflict of interest, the prohibitions which may cause or give the appearance of a conflict of interest, include but are not limited to the following examples.

- A. Employees are expected to represent the City in a positive and ethical manner and have an obligation both to avoid conflicts of interest and to refer questions and concerns about potential conflicts to their supervisor or manager.
- B. Employees are not to engage in, directly or indirectly either on or off the job, any conduct which is disloyal, disruptive, or damaging to the City.
- C. Employees and their immediate family are not to accept gifts, (except those of nominal value), or any special discounts or loans from any person or firm doing, or seeking to do, business with the City.
- D. Employees are not to give, offer, or promise, directly or indirectly, anything of value to any representative of a customer, of a potential customer, or of a financial institution in connection with any transaction or business that the City may have with that customer, potential customer, or financial institution.
- E. While actively employed, employees shall not:
 - 1. Hold any City of Moscow elective office. (Employees may run for any City of Moscow elective office; but, must resign their City position if elected and prior to being sworn into such elective office.)
 - 2. Engage in any campaigning or circulating political petitions while on the job;
 - 3. Use any City funds, resources, time supplies or equipment for political purposes;
 - 4. Participate in any political activity while wearing any uniform or part of any uniform associating them with their City employment.

II. Outside Employment

- A. The City may allow its employees to engage in outside work or hold other jobs, subject to certain restrictions as outlined below.
- B. The City requires that employee's activities and conduct away from the job must not conflict with or compromise the City's interests, or adversely affect job performance and the ability to fulfill the employee's responsibilities to the City.

This requirement, for example, prohibits employees from performing any services for customers on non-working time that are normally performed by City personnel. This prohibition also extends to the unauthorized use of any City tools or equipment. In addition, employees are not to solicit or conduct any outside business during paid working time.

C.A. Full-time employees are not encouraged to engage in outside employment or other work activity, but may be permitted to do so if granted permission. Employees are cautioned to consider carefully the demands that additional work activity will create before requesting permission to seek or accept outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. If outside work activity does cause or contribute to job-related problems, it must be discontinued; and, if necessary, normal disciplinary procedures will be followed to respond to the specific problems.

D.B. All employees, including part-time employees, must obtain prior approval from their manager before any outside employment or other work activity is undertaken. Failure to do this may result in disciplinary action. To request approval, complete the Outside Employment Form, available from Human Resources.

E.C. The request should state any pertinent information about the outside employer, the nature of the job, and the hours of employment. The manager should then either approve or disapprove the request and forward to Human Resources for inclusion in the employee's personnel file.

F.D. This form must be reviewed and approved by the employee's supervisor, deputy city administrator, and Human Resources. Decisions of approval or disapproval, at all levels, are final.

G.E. The following factors are examples of when an Outside work requests may not be approved:

1. May reduce the employee's efficiency in working for the City.
2. Involve working for an organization that does business with the City, such as contractors and suppliers.
3. May create a potential for CONFLICT OF INTEREST.

H.F. Employees who have accepted outside employment are not eligible for paid sick leave if the absence is used to work on the outside job or is the result of an injury sustained on the outside job. Fraudulent use of sick leave or personal absences will result in disciplinary action.

I.G. Any employee who is injured or becomes ill while working on any outside job must report the injury or illness to their supervisor.

III. Business Travel

Business travel must be approved in advance and should be engaged in and reimbursed according to the guidelines below.

- A. Employees holding jobs that require some travel are expected to travel as a condition of employment. For all other jobs, travel is considered only an incidental function of the position, but may be required.
- B. Supervisors must approve any employee travel in advance.
- C. The City may issue guidelines specifying or restricting travel booking requirements. Under normal circumstances, employees should use the most expedient mode of transportation available, book the least expensive fares, and stay in and eat at moderately priced establishments.
- D. Employees should provide their supervisor with a copy of their itinerary before leaving on business travel.
- E. Employee expenses for approved travel will be paid or reimbursed when properly documented by the employee and approved by the supervisor. Employees who know or anticipate that they will have a special request for travel expense reimbursement should seek approval for the expense from their supervisor before the expense is incurred. Any travel expenses deemed unreasonable relative to the circumstances will not be paid or reimbursed and are the employee's personal responsibility.
- F. Employees may obtain a cash advance for travel expenses in accordance with the adopted per diem schedule by submitting a written request to their supervisor. When city employees receive an advance for per diem, they are not required to keep receipts of their use of the per diem.
- G. Meal expense amounts paid by credit card shall comply with the approved per diem rate of the travel location.
- H. Time spent by non-exempt employees in traveling away from home on City business during normal working hours is considered hours worked for pay purposes.
- I. Employees traveling on City business are representatives of the City and are expected to maintain a high level of professionalism and follow all of the City's policies and rules.

IV. Use of Communication Systems

Communications systems necessary to promote the efficient conduct of its business will be provided.

- A. The City Communications System includes but is not limited to the following: mail; electronic mail; courier services; facsimiles; computers; computer networks; on-line services; computer files; intercom systems; video equipment; recording devices and recordings; pagers; two-way radio equipment; phones; and cellular phones.
- B. Supervisors are responsible for instructing employees on the proper use of The City Communications Systems used by the organization for both internal and external business communications.
- C. No employee shall have any expectation of privacy in any message, file, image, or other form of data created, sent, received, accessed, or in the City's Custody or control, by use of the City's Communication System, which includes GPS data. All City equipment used for communication, including the messages transmitted or stored, and the location of where the messages are transmitted, are the sole property of the City. Supervisors and/or managers may access and monitor employee use of the City Communication Systems and files, as considered appropriate. Some City issued systems and devices have the ability to include GPS tracking data. The employee has no expectation of privacy as it relates to the GPS data stored on any City issued system or device when such device is used for work or personal reasons.
- D. Authorized personal use of the City Communication System includes uses made by City employees where such use:
 - 1. Does not adversely affect the performance of the City Communication Systems;
 - 2. Creates no significant additional cost to the City, however, personal long-distance calls and personal use of City-issued cellular phones are prohibited;
 - 3. Is of reasonable duration and frequency, and whenever possible, made during employee's personal time (such as breaks or the time before and after a shift);
 - 4. Has little impact on the employee's or other employees' productivity or ability to perform their assigned duties.
- E. While at work, employees are to exercise discretion in using City Communication Systems or personal devices such as cellular phones. Excessive personal use of any communication systems or personal devices during the work day interferes with employee's productivity and can be distracting to others; therefore, excessive personal use (regardless of the system used) during an employee's workday is prohibited.
- F. Users of the City Communication Systems shall obey all pertinent federal, state, county, and local laws and ordinances.
- G. While at work, public safety employees (police and fire) are expected to operate vehicles and other equipment in a safe manner and shall not utilize any device in a manner that interferes with the safe operation of the vehicle/equipment. Public

safety employees shall not operate any non-City issued Communication System devices while operating a vehicle/equipment.

- H. While at work, non-public safety employees shall not operate any device while driving a motor vehicle or operating equipment. Non-public safety employees who receive a cell phone call or text message while driving a motor vehicle or operating equipment are required to stop the vehicle/equipment in a safe location so that communication occurs while the vehicle/equipment is stopped. The use of hands-free technology and the use of vehicle installed two-way radio equipment is acceptable as long as it does not interfere with the safe operation of the vehicle/equipment. This section shall not apply to employees who are passengers in a motor vehicle.
- I. Improper use of City Communication Systems equipment will result in discipline, up to and including termination. Improper use for the purposes of this policy includes, but is not limited to: playing computer games, sending any harassing, offensive, demeaning, insulting, intimidating, or sexually suggestive written, recorded, or electronically transmitted messages, materials, or data.

V. Vehicle Use

This Policy applies to all employees and City volunteers (those that volunteer on a regular basis, not one-time volunteers) who operate vehicles on City business. Activities of these employee drivers will be reviewed by supervisors to ensure full implementation and compliance of this Policy.

- A. Employees operating City-owned or leased motor vehicles shall always drive safely, legally and courteously, remembering that they are directly responsible for maintaining both City-owned property and the public trust.
- B. Employees are expected to operate vehicles safely. It is the policy of the City to provide a safe working environment that protects City employees and citizens from injury and property loss. The City considers the use of vehicles part of the working environment and is committed to safe responsible employee driving behavior that reduces the risk of personal injury and property loss.
- C. Some City vehicles may be equipped with GPS capabilities where at any given time the vehicle may transmit and the City may utilize the GPS information to identify where the vehicle is located or historical information as to where the vehicle has been. Employee has no expectation of privacy as it relates to the use of the City vehicle and as it relates to the electronic information the vehicle may store or transmit. The City has the discretion to utilize this information for any use it determines appropriate.

D. Authorized Use

- 1. Employees must be authorized by their supervisor to operate a City vehicle.

2. Vehicles owned or leased by the City are to be used for the approved functions of the City. Personal use, use by a person not employed by the City, or any other type of use must be authorized.
 3. The City Street/Vehicle Maintenance Manager is entrusted with the care and keeping of the vehicles and may assign that responsibility to an employee.
 4. Some employees may be assigned the use of a City vehicle that is driven home. Such personal use, if allowed, may be a taxable benefit.
 5. Vehicles over 26,000 gross vehicle weight, buses, and vans over fifteen (15) passengers require a commercial driver's license (CDL). Members of the Moscow Volunteer Fire Department are exempt from the CDL requirement per Idaho Code § 49-302(3).
- E. Employees who drive their personal vehicles on City business are subject to the requirements of this Policy including:
1. Maintaining auto liability insurance with minimum state limits.
 2. Maintain their vehicle in a safe operating condition when driven on City business.
- F. Assigned or Permitted Drivers
1. Each employee assigned to a City vehicle or employees who operate a City vehicle or personal vehicle while conducting City business is required to have a valid driver's license. Should an employee's driver's license expire, be revoked or suspended, the employee shall immediately notify their supervisor. During the entire time of the revocation or suspension, the employee's City vehicle-use privileges will be suspended. Under no circumstances will such an employee operate a City vehicle until the employee's driver's license has been fully restored and validated.
 2. Each employee assigned or permitted to operate a City vehicle shall be responsible for the proper and safe operation of the vehicle.
- G. To evaluate employees as drivers, management may:
1. Review past driving performance and work experience through reference checks with previous employers;
 2. Review the employee's driver's license record (DLR);
 3. Ensure the employee has a valid driver's license; and
 4. Ensure that the employee is qualified to operate the type of vehicle they will drive.

- H. Seatbelt Use - Except as specifically authorized herein, all drivers and passengers are required to utilize seatbelts as mandated by law. Exception: City sworn law enforcement officers may dispense with wearing safety restraints in specific tactical situations or when it reasonably appears that, due to unusual circumstances, wearing a seatbelt would hinder rather than increase safety. Idaho Code § 49-673(2)(b).
- I. Mobile Communication Device, Cell Phone and Computer Use - Except as specifically authorized herein, the driver of a City vehicle, or any other vehicle being used for City business, is prohibited from using a mobile communication device, cell phone or computer of any type while the vehicle is in motion. Drivers must be safely parked before using phone or mobile computer equipment. For purposes of this section of this Policy, a mobile communication device is defined as “a text messaging device or a wireless, two-way communication device designed to receive and transmit voice or text communication”. This section of this Policy does not apply to City work-related two-way radios. Exception: Moscow Volunteer Fire Department Command Staff may use mobile communication devices in specific tactical situations. City sworn law enforcement officers may use mobile communication devices in specific tactical situations or as otherwise authorized by the Chief of Police.
- J. Smoking Prohibited in Vehicles - Smoking is expressly prohibited in all City vehicles.
- K. Impaired Driving - No driver shall operate a City or a personal vehicle while on City business when their ability to do so is impaired or influenced by: alcohol, illegal drugs or other illegal or intoxicating substances, prescribed or over-the-counter medication, or illness, fatigue or injury. The employee driver is obligated to report to their supervisor any reason that may affect their ability to drive safely.
- L. Proof of Insurance - Employee drivers must make sure that the current insurance card is kept in the vehicle at all times.
- M. Accident Reporting
1. In the event of an accident, the driver shall, when possible, first check on the safety and welfare of all persons involved and seek immediate medical attention (should it be required for themselves or others).
 2. Drivers shall always report any incident that involves a City vehicle or an instance when driving a personal vehicle while conducting City business to the police. This will help ensure that the employee and the City are protected from unwarranted claims. No driver or passenger should discuss fault with or sign anything from anyone except for a police officer, a representative from the City’s insurer, or an authorized representative of the City.

3. Vehicles should be left at the scene of the accident until police arrive. If there is an immediate danger or hazard, the vehicle should be moved to a safe location out of the way of traffic.
 4. Drivers and/or the Drivers emergency contact, shall notify their supervisor as soon as possible of the accident and report on the required City form the extent of the injuries and property damage involved notifying the City Clerk in order to complete the applicable and required forms within five (5) working days, unless additional time is required due to the extent of the employee's injuries and inability to complete the required forms within five (5) working days. The supervisor may need to assist with completing the required forms.
 5. Drivers should refer to the Drug and Alcohol Testing Policy as in the event of an accident drug and alcohol testing may be required.
 6. Drivers shall cooperate fully with the City and the claims department of the City's insurer during the handling of the claim.
- N. Traffic Violations - All fines and other criminal penalties resulting from violations of the law by the driver are the personal responsibility of the driver of any City vehicle. These costs are not reimbursable by the City and must be paid promptly by the driver.
- O. Vehicle Registration, Maintenance and Repair
1. If the City vehicle needs repairs, the vehicle should be scheduled for repair.
 2. Maintenance of the vehicle registration, license plates and inspections are the responsibility of the Street/Vehicle Maintenance Manager.

VI. Social Media

- A. The City of Moscow's use of social networking is for the primary function of communicating and delivering information directly to the public about government matters.
- B. Personal social media accounts should not be utilized for City business and is not approved to be utilized for City business. To the extent an employee, elected official, commission member, or anyone appointed to conduct City business utilizes a personal account for City business, they are responsible for maintaining those records and providing those records for public record requests or potential lawsuits or litigation.
- C. In terms of personal use, it is not the intent of the City to restrict an employees', agents' or officers' First Amendment rights, but rather to ensure that Content posted by employees, agents or officers clearly reflect that those comments are personal and not being made on behalf of the City unless authorized by the City.

VII. Confidentiality

Supervisors and managers are responsible for and entrusted with all confidential information that is maintained by their respective departments or routed through their departments. Confidential information includes but is not limited to sensitive information pertaining to members of the city, community, and personnel records maintained by Human Resources. Confidential information must be maintained in secured files at all times when not in use, and may not be duplicated, shared, or distributed without prior written authorization from the assigned supervisor or department head, except where expressly provided for in City policy or written departmental rules or procedures.

Employees shall refrain from disclosing, requesting, or discussing information related to confidential internal meetings, work incidents, or other confidential information with the public or other employees who do not have a legitimate business need for the information. Confidential information will be shared only with employees or members of the public for legitimate business reasons, or as required by the Idaho Public Records Act or other state or federal laws, court orders, or subpoenas. Except where expressly provided for in City policy or written departmental rules or procedures, before disclosing any confidential information to another employee or the public, employees must obtain written authorization from their assigned department head or the City Attorney, or their designees, to release the requested confidential information. Violation of this policy may result in disciplinary action up to and including termination.

All employees and public officials are required to complete a Confidentiality Agreement at the time of hire and then every three (3) years. Unpaid interns, or volunteers may be required to complete a Confidentiality Agreement based on the nature of their role with the City.

VIII. Artificial Intelligence Employee Use Policy

Artificial Intelligence (AI), or the capability of large language computer models to perform tasks that normally require human intelligence, such as learning from data, recognizing patterns, understanding language, and solving problems, is an emerging technology that may be useful for certain tasks, but it must be utilized with due caution and in accordance with this policy. AI models are known to produce inaccurate information, generate false or misleading information, and produce convincing fabrications and false data sources. The use of AI technology cannot replace the professional knowledge and expertise, critical thought, analysis, and decision-making of employees in the workplace. If employees choose to utilize AI tools to assist in work tasks, the employee remains personally responsible and accountable for the accuracy and authenticity of the work product.

City employees have access to privileged, sensitive and confidential information that may not otherwise be publicly available. Many AI technologies collect, store, and analyze submitted data and information for a variety of potential commercial and other

purposes. The City of Moscow and City employees have a duty to safeguard privileged, sensitive and confidential information, in compliance with applicable state and federal privacy and security laws.

Not all the positions within the City will be permitted to utilize AI technology for a variety of factors, to include ethical obligations, professional obligations, and legal implications. If Employees choose to use AI technologies to assist in performing their work duties, employees must adhere to the following AI use requirements prior to any AI use:

- A. Discuss the scope and proposed use of AI technology with their supervisor. Supervisor will be required to determine if the proposed use is appropriate. An employee's failure to inform their supervisor of the use of AI technologies in the performance of their duties may result in disciplinary actions.
- B. All City employees authorized to utilize AI technologies shall be required to complete the AI training and are expected to use generative AI technologies in a responsible and ethical manner and consistent with any parameters established by their supervisor and/or separate department policy. This includes safeguarding privileged, confidential, privacy and personal data, ensuring the technology is used only for lawful and beneficial purposes, avoiding deceptive or harmful applications, and promoting transparency and understanding of the technology's capabilities and limitations.
- C. Staff may not use AI technology without prior approval of their supervisor and verification that all required training has been completed.
- D. All employees who are approved to utilize AI technologies in the performance of their job duties shall comply with the following requirements:
 1. AI technologies shall not be used to replace the knowledge, expertise, judgment and decision-making of an employee.
 2. Employees shall be responsible for any AI-generated work product they elect to use or generate. Employees must still make any discretionary decisions necessary in the performance of their job duties.
 3. When using AI-generated content that contains technical information or computations, employees must independently verify the information generated by verifying the AI-generated content against at least one reputable, reliable, and verifiable source. It is important to remember that AI technology can provide inaccurate, unreliable, or incomplete information.
 4. Employees shall not upload any Personal Identifiable Information and/or confidential or sensitive information (such as names, social security numbers, dates of birth, financial account information, health information, biometric

records, addresses, private phone numbers, and other similar information) into any AI tool. If employees are not certain whether information is confidential or sensitive, they must consult with their supervisor before uploading any data into any AI tool.

5. If employees utilize AI technology to create or generate imagery, videos, or other visual or audio simulations, the use of AI technology must be disclosed, and the AI-generated image or video must contain a printed disclosure on the image or video material clearly indicating that the image or video is AI-generated.
6. Employees' use of any AI technology is subject to all City policies and procedures.
7. AI technology may not be used to assist in any employment decision (e.g., any decision relating to the hiring, conditions of employment, wages, disciplinary control, or termination of an employee).
8. If AI technology is utilized in the preparation of any formal or technical report that is relied upon for the development of City policies, programs, regulations, laws, or other actions, employees must disclose that the content was created with AI with a written reference and disclaimer within the report or document.
9. Misuse of AI technologies or violation of this policy by City staff may result in corrective and/or disciplinary action.

COMMITTEE / CITY COUNCIL STAFF REPORT

DATE: Monday, June 15, 2026



AGENDA ITEM TITLE

Appeal of Board of Adjustment Decision Regarding 513 S. Main Street (ACTION ITEM) - Mike Ray/Lucy Falcy

RESPONSIBLE STAFF

Michael Ray, Assistant CD Director/Planning Manager

ADDITIONAL PRESENTER(S)

Lucy Falcy, Planner

DESCRIPTION

On March 2, 2026, Roderick ‘Rusty’ Olps applied for a Conditional Use Permit (CUP) to offer music, fitness, and dance classes at 513 South Main Street within the Central Business (CB) Zoning District. The Board of Adjustment conducted a public hearing for the proposed CUP on April 27, 2026, and subsequently voted to deny the application based on Criterion #2, “The character of the proposed use will be in harmony with the neighborhood and surrounding land uses” and as documented in their written decision dated May 20, 2026. On May 27, 2026, the applicant submitted an appeal of the Board of Adjustment’s decision to the City Council per MCC 4-8-5.

Per MCC 4-5-8.A “Grounds upon which an appeal to the City Council may be made following a final decision of the Board of Adjustment or of the Planning and Zoning Commission includes the following: 1. Decision violates statutory or constitutional provisions; 2. Decision exceeds statutory authority; 3. Decision was made upon unlawful procedure; 4. Decision was unsupported by substantial evidence in the records or as a whole; or 5. Decision was arbitrary, capricious, or an abuse of discretion.”

The appellant has appealed the decision on the cited basis that the decision of the Zoning Board of Adjustment was unsupported by substantial evidence in the records or as a whole. Under MCC 4-8-9.B.3, the appellant must indicate in the appeal whether they are requesting oral argument before the Council. The appellant has requested oral argument in their appeal filing.

According to MCC 4-8-5.C, the Council may sustain the decision in whole or in part, reverse the decision in whole or in part, or remand the decision where the appellant shows the Council that there is new information that was not readily available at the time of the decision and that it would be in the public interest to develop such additional material information on the matter.

REVIEWED BY

PROPOSED ACTIONS

PROPOSED ACTIONS: Council has the following options:

1. Sustain the Decision (in whole or in part)
2. Reverse the Decision (in whole or in part)

- 3. Remand the Matter to the Board of Adjustment (in whole or in part)

With any of the three options, staff should be directed to prepare a written decision reflecting Council's action.

STAFF RECOMMENDATION

- 1. Sustain the Decision (in whole or in part)
- 2. Reverse the Decision (in whole or in part)
- 3. Remand the Matter to the Board of Adjustment (in whole or in part)

With any of the three options, staff should be directed to prepare a written decision reflecting Council's action.

OTHER RESOURCES

FISCAL IMPACT

PERSONNEL IMPACT

ATTACHMENTS

- 1. Council Memo
- 2. Appeal Application
- 3. Public Meeting Notice
- 4. BOA PH Packet
- 5. BOA PH Verbatim Minutes
- 6. BOA PH Minutes, Written Comments, RCS Document
- 7. BOA RCS Minutes



City of Moscow Community Development

Memo

To: Mayor Lewis, City Council

Cc: Bill Belknap, Mia Bautista, Nichoel Baird-Spencer

From: Lucy Falcy, Planner 1

Date: June 9, 2026

Re: Appeal of BOA Decision for Conditional Use Permit at 513 S. Main Street

On March 2, 2026, Roderick 'Rusty' Olps applied for a Conditional Use Permit (CUP) to offer music, fitness, and dance classes at 513 South Main Street within the Central Business (CB) Zoning District. The Board of Adjustment conducted a public hearing for the proposed CUP on April 27, 2026, and subsequently voted to deny the application based on Criterion #2, "The character of the proposed use will be in harmony with the neighborhood and surrounding land uses" and as documented in their written decision dated May 20, 2026. On May 27, 2026, the applicant submitted an appeal of the Board of Adjustment's decision to the City Council per MCC 4-8-5.

Per MCC 4-5-8.A "Grounds upon which an appeal to the City Council may be made following a final decision of the Board of Adjustment or of the Planning and Zoning Commission includes the following: 1. Decision violates statutory or constitutional provisions; 2. Decision exceeds statutory authority; 3. Decision was made upon unlawful procedure; 4. Decision was unsupported by substantial evidence in the records or as a whole; or 5. Decision was arbitrary, capricious, or an abuse of discretion."

The appellant has appealed the decision on the cited basis that the decision of the Zoning Board of Adjustment was unsupported by substantial evidence in the records or as a whole. Under MCC 4-8-9.B.3, the appellant must indicate in the appeal whether they are requesting oral argument before the Council. The appellant has requested oral argument in their appeal filing.

According to MCC 4-8-5.C, the Council may sustain the decision in whole or in part, reverse the decision in whole or in part, or remand the decision where the appellant shows the Council that there is new information that was not readily available at the time of the decision and that it would be in the public interest to develop such additional material information on the matter.



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

For City Use Only			
Date Received			
Dept	Fee Type	Fees	Paid
CDV	Application Fee	\$300.00	
	Receipt Number		

APPLICATION FOR APPEAL (MCC 4-8-2 and 4-8-5)

(Please type or print plainly with blue ink.)

I, Roderick "Rusty" Olps, Jr., hereby appeal the decision of the:

- Zoning Administrator Board of Adjustment Planning & Zoning Commission

File Number: LUP2026-0010 Address/Project: 513 S. Main St.

Grounds for Appeal:

Appeals are limited to applicant(s), city representatives, or an affected person as defined by Moscow City Code 4-1-6.D.3.

- Decision violates statutory or constitutional provisions. Decision was unsupported by substantial evidence in the records or as a whole.
- Decision exceeds statutory authority. Decision was arbitrary, capricious, or an abuse of discretion.
- Decision was made upon unlawful procedure.

Appellant(s) must attach a letter detailing the following to complete this application:

Supporting materials requested herein may be included as attachments to the letter.

1. Describe the original request and the specific final decision being appealed.
2. If you are not the original applicant or city representative, describe the testimony or evidence you presented or provided prior to the final decision being made.
3. Provide evidence supporting the grounds for appeal.
4. Provide evidence that the applicant is an "affected person", as defined by Moscow City Code, if not the original applicant or city representative.

Once your appeal has been accepted and a public meeting is set, you have the right to request or waive an oral argument:

Are you requesting the opportunity to provide an oral argument? Y (Y/N)

Appellant:

Name: Roderick "Rusty" Olps, Jr. Phone: 208-301-4029
Address: 931 Harold St. Moscow ID 83843 Email: rdolpsjr@gmail.com

Notes:

1. The only topics which may be discussed during the hearing are the specific reasons for the appeal as stated in this application.
2. The appeal process follows specific procedures outlined in Moscow City Code Title 4, Chapter 8.

I understand this information is a public record and may be posted to a public website. I declare and certify under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct.

Signature of Appellant

5/22/2026
Date

May 27, 2026

To: Moscow City Council
 From: Roderick "Rusty" Olps, Jr.
 RE: 513 S. Main St. CUP Board of Adjustment Decision Appeal

Mayor and Council Members,

On April 27th I applied for a CUP from the BOA for "Fitness Instruction" and "Fine Arts Instruction" at 513 S. Main St., formerly Paradise Bicycles.

This application was denied in a vote split 4-2.

The rationale for this decision was specifically the assertion of Relevant Criteria and Standards number 2, "The character of the proposed use will be in harmony with the neighborhood and surrounding land uses." My application was found to be "not in harmony with the neighborhood and surrounding land uses." The rest of the Relevant Criteria and Standards were found to be of limited relevance or completely satisfied by the application. Particularly of note, the application for use was deemed "not in conflict with the comprehensive plan" in RCS number 7.

I'm appealing this decision on three criteria: 1- significant confusion about my application, 2- the proposed use *is* in harmony with the neighborhood and surrounding land uses, and 3- the legitimate concerns for additional retail are not in conflict with my application.

1. There was and remains tremendous public confusion about the use of the building which led to bewildering and hostile public testimony in high disproportion to unrepresented demographics. Public testimony was overtly stated as a consideration for the BOA, and so that testimony should be briefly considered.

The newspaper and other media published confusing testimony about the application being tied to a church use. However, church use is a by-right use, and even though the staff was very considerate of this and stated plainly that the church use was not in question, the testimony included many vehement protests against this by-right use.

The hostile comments included implied and overt testimony that I was a front for a church, even though I disclosed the church use, which transparency led to the problem in the first place. There were concerns about the nature of the church that would occupy the space, which church has not been disclosed, is not leased, and is not relevant anyway. There were concerns about the church's tax-exempt status, which is doubly irrelevant since a church use is by-right and I, as the landlord, would pay the same taxes as any other landlord.

There were confusing allegations leveled against me personally. The BOA, however, does not sit in judgment of my religious or political opinions. The spurious and inaccurate allegations were, I believe, disregarded by the BOA, as they should be.

2. The proposed application for two categories of instruction is absolutely in harmony with the neighborhood. Under NAICS 611610 "Fine Arts Instruction" and NAICS 611620 "Sports and Recreation Instruction" there are many existent examples downtown. I'm cautious to name them all, but I think their existence is common knowledge.

The definition of "harmony" should be considerate of the land use table's by-right uses, which includes concert halls, sports arenas, dance halls, and fitness centers. Such uses are much more intensive versions of the uses I'm proposing. And those by-right uses ordinarily include instruction. For instance, I could, by right, open a fitness center, though, according to the BOA, a class of a dozen people being instructed in pilates or karate is out of harmony with the neighborhood. I think the implied distinctions are very subtle and difficult to sustain.

3. There were several rational concerns from the hearing articulating a desire for more retail, which is a by-right use and not in question by the BOA. Personally speaking, and as a local landlord, I share the public's desire for more retail. The internet is steadily killing local retail, and I think this is tragic. I'm a localist. I think shopping in consideration of neighborly relationships is superior to shopping only for the best price. Retail is a by-right use, and it would be a welcome opportunity. In fact, I permitted a pop-up pottery shop to operate at 513 over the last few weeks.

I have high hopes for this project. Demolition on the low ceilings in this space has commenced. The fantastic, original 15-foot ceilings will be recovered and restored providing amazing acoustics for musical instruction and performance. I'd love for 513 to be a heart of the arts in Moscow where fine arts is explored by students of all types. And, I'd also love it to be a center for fitness classes- whether that means a quiet sanctuary for pilates or a raucous martial arts class.

Granting my CUP appeal will allow me to introduce much greater commercial life to this central space and its wonderful neighborhood.

Sincere thanks for your consideration.



NOTICE OF PUBLIC MEETING

Appeal of a Conditional Use Permit at 513 S. Main St.
Permit Application LUP2026-0015

A public meeting at which you may be present will be conducted before the City Council of the City of Moscow at which time the following proposal will be considered:

The Appeal of Conditional Use Permit that was denied on April 27, 2026 by the Board of Adjustment to allow for the utilization of an existing building located at 513 South Main Street as a music, dance, and exercise class venue within the Central Business (CB) Zoning District, per Moscow City Code 4-3-4.

The Council shall not act on an appeal which differs materially from that which was considered by the Board of Adjustment. When considering the merits of an appeal, no additional public testimony or information shall be taken or considered by the Council.

HEARING DATE: Monday, June 15, 2026

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


MEETING TIME: 7:00 p.m.

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

You may obtain further information about the public hearing process and procedures on the City's Website at: <https://www.ci.moscow.id.us/593/Public-Hearing-Notices>



Laurie Hopkins, Moscow City Clerk


Jennifer Fleischman, Deputy City Clerk

Published: Saturday, May 30, 2026

BOARD of ADJUSTMENT



Jerry Schutz
Board Chair
BOA@ci.moscow.id.us

Public Hearing
~ Agenda~

Lucy Falcy
Staff Liaison
208.883.7095

<https://www.ci.moscow.id.us/581/Agendas-and-Minutes>

Monday
April 27, 2026

7:00 PM

Council Chambers
206 E Third Street

WELCOME AND ATTENDANCE

REGULAR AGENDA

1. **Approval of Minutes from March 31, 2026 (ACTION ITEM)**

PROPOSED ACTIONS: Approve minutes as presented; approve minutes with amendments; or provide staff further direction.

2. **Public Comment**

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

3. **Public Hearing: Proposal for a Conditional Use Permit at 513 S Main St. Permit Application LUP2026-0010 (ACTION ITEM)**

Conditional Use Permit application for the utilization of an existing building located at 513 South Main Street as a music, dance, and exercise class venue, not associated with an academic school, college, or university, within the Central Business (CB) Zoning District per Moscow City Code 4-3-4.

PROPOSED ACTIONS: Conduct the Public Hearing for the Conditional Use Permit (CUP) request, and upon consideration of any testimony received, approve the CUP and direct Staff to prepare a Reasoned Statement of Relevant Criteria and Standards; or approve the CUP with conditions and direct Staff to prepare a Reasoned Statement of Relevant Criteria and Standards; or deny the CUP and direct Staff to prepare a Reasoned Statement of Relevant Criteria and Standards; or take other action as deemed appropriate.

REPORTS

ANNOUNCEMENTS

UPCOMING EVENTS/MEETINGS

The next Board of Adjustment meeting is scheduled for 5:30 PM on May 6, 2026.

ADJOURN

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

BOARD of ADJUSTMENT



Jerry Schutz
Board Chair
BOA@ci.moscow.id.us

Public Meeting
~ Minutes~

Lucy Falcy
Staff Liaison
208.883.7095

<http://www.ci.moscow.id.us/354/Board-of-Adjustment>

Tuesday
March 31, 2026

5:30 PM

Council Chambers
206 E. Third Street

Schutz called the meeting to order at 5:30 PM

MEMBERS PRESENT: Jerry Schutz, Chair; Steve Bush, Marshall Comstock, Ivy Dickinson, Laura Weldon

MEMBERS ABSENT: Tim Kinkeade, Tim Thomson

STAFF: Lucy Falcy, Jennifer Fleischman

REGULAR AGENDA

1. Approval of Minutes from March 18, 2026 (ACTION ITEM)

Dickinson moved for approval of the minutes as written, seconded by Weldon. Vote by Acclamation; Ayes: Comstock, Dickinson, Schutz, Weldon (4). Nays: None. Abstentions: Bush (1). Motion carried.

2. Public Comment

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

None offered.

Bush arrived at 5:31 PM

3. Approval of Reasoned Statement of Relevant Criteria and Standards (ACTION ITEM)

Conditional Use Permit for the utilization of an existing building located at 324 North Jackson Street as a Public Service Facility operating as a family-based resource center and overnight shelter, within the Motor Business (MB) Zoning District, per Moscow City Code 4-3-4. Permit Application LUP2026-0005.

Comstock moved for approval of the Reasoned Statement of Relevant Criteria and Standards for the Conditional Use Permit as amended, seconded by Bush. Roll Call Vote; Ayes: Unanimous (5). Nays: None. Abstentions: None. Motion carried.

REPORTS

ANNOUNCEMENTS

UPCOMING EVENTS/MEETINGS

The meeting was adjourned at 5:33 PM

Jerry Schutz, Chair

Date

CITY OF MOSCOW
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

HEARING DATE: Monday, April 27, 2026

GENERAL INFORMATION

Hearing Body: Board of Adjustment

Subject: LUP2026-0010 - Conditional Use Permit application to use an existing building, together with other outright permitted uses, to offer music, fitness, and dance classes on the site located at 513 South Main Street within the Central Business (CB) Zoning District, per Moscow City Code 4-3-4.

Attachments: A. Public Hearing Notice – published in the Moscow-Pullman Daily News on Saturday, April 11, 2026

B. Conditional Use Permit Application

C. Site Plan, Elevations, and Floor Plan

Prepared by: Lucy Falcy, Planner I

STAFF REVIEW

Proposal:

The applicant, Rusty Olps, is proposing to use the building located at 513 South Main Street to provide educational services not associated with an elementary school, secondary school, college, university, or professional school. Educational services are proposed to include music, dance, and fitness classes. Other anticipated uses permitted outright on the site include church service on Sundays and some private offices. Classes will be available to the public and by membership and are anticipated to include all ages, including minors.

Proposed classes include music classes of up to four (4) students and four (4) instructors throughout the business day (9 a.m.- 6 p.m.) plus dance and fitness classes of up to twelve (12) students on evenings (5p.m.-8p.m.) and weekends. Class times are estimated to be an hour in length. Smaller music classes are to be located within the thirteen (13) smaller instructional rooms upstairs on the mezzanine while dance and fitness classes would occur in the larger open area on the ground floor. Occasional performances and competitions are anticipated during evenings and weekends.

There are waiting areas at both the east and west entrances of the building. For students that will be dropped off, drop-off is proposed both at the ten (10) minute parking spot on Main Street as well as in the Jackson Street parking lot to the west of the building.

At the time of application submittal, the applicant did not have specific tenants for the building.



Subject Site

Site and Area Land Use:

The subject property is 5,000 square feet in area and is fully occupied by a single two-story building, previously home to Paradise Creek Bicycles. The property has forty (40) feet of frontage on downtown Main Street as well as forty (40) feet of frontage along the alley to the west. The building has entrances on both the east and west frontages. The north and south edges of the building immediately abut to the adjacent buildings.

The interior of the subject building is of an open design with a stairway up to an open mezzanine. The mezzanine is anticipated to be converted to small classroom spaces while the open area on the ground floor is to be left mostly open for larger classes.

The surrounding land use is a mix of restaurant, retail, office, church, and entertainment uses within the downtown core.

Streets and Access:

The subject property is accessed via pedestrian doors from Main Street to the east and an alley to the west. There is no site navigation outside of the building. The west alley is connected to Jackson Street/Highway 95 via numerous access points throughout the public parking lot between them. The Main Street access point is ADA accessible.

Comprehensive Plan:

Chapter 2, Community Character and Land Use, designates the subject property's future land use as Urban Commercial. Urban Commercial areas "are intended to provide for the most intensive mix of commercial and residential uses in a pedestrian orientated manner. This is appropriately applied within the City's downtown urban core, and the immediate surrounding area were deemed appropriate." Such areas are most appropriately zoned Central Business (CB).

Chapter 3, Community Mobility, identifies Main Street as a local street. Jackson Street, west of the adjacent parking area and alley, is also Highway 95, a National Highway.

A goal of Chapter 6 is to, “Enhance and strengthen the regional economy utilizing the strengths and assets of the region.”

Zoning:

The subject property, as well as all surrounding properties, is located within the Central Business Zoning District (CB).



Zoning Map

Per MCC 4-2-4-K, “The principal purpose of the CB Zoning District is to provide a location for groups of compatible commercial uses having the common characteristic of not involving more than incidental and minimal assembly, fabrication or storage of commodities; for example, establishments dispensing retail commodities, and those providing professional and personal services to the individual. The CB Zoning District is the most intensive commercial Zoning District. To promote pedestrian use, unbroken, street-level, commercial frontage is encouraged in this Zoning District.”

Per MCC 4-1-6-D-52, Educational Services are “establishments that provide instruction and training in a wide variety of subjects. The instruction and training is provided by specialized establishments, such as schools, colleges, universities, and training centers.”

Per MCC 4-3-4 Land Use Table, ‘Educational Services’ are permitted as a conditional use in the CB Zone if they are not associated with an elementary or secondary school, college, university or professional school. Educational services associated with any of those entities are not permitted in the CB Zone. The proposed music, dance, and fitness classes fall under the conditionally permitted NAICS code listed for educational services if they are not associated with the educational institutions noted above.

Per MCC 4-6-2, there is no required parking for any use within the CB Zone.

The building meets the zoning requirements for the site. No external building modifications are proposed at this time. Any future modifications will be required to be compliant with applicable code provisions.

Input from Other Departments/Entities:

The application was sent to the following departments: Building, Fire, Engineering, Parks, Legal. The application was sent to the following external entities: Idaho Transportation Department, Moscow School District, North Central Idaho Public Health District. No comments were received from any Departments/Entities.

RELEVANT CRITERIA AND STANDARDS

The following are the stated relevant criteria for a Conditional Use Permit as outlined in MCC 4-8-4-B, as well as Staff's comments interpreting compliance with noted standards. The following statements may be used for the Relevant Criteria and Standards or changed to include or remove any statement deemed necessary or appropriate by the Board.

1. The proposed use (is/is not) a conditionally permitted use within the Zoning District.

Educational services not associated with elementary or secondary schools, colleges, universities or professional schools are conditionally permitted within the Central Business Zone. The proposed uses are listed within the Other Schools and Instruction category of the Educational Services sector and are therefore a CUP within the CB Zone.

2. The character of the proposed use (will/will not) be in harmony with the neighborhood and surrounding land uses.

The character of the proposed use is in harmony with the downtown core, and its wide variety of retail, entertainment, restaurant, and office uses.

3. The proposed use as approved, or as approved with conditions, (will/will not) generate nuisances that would be injurious or detrimental to the adjoining properties or the neighborhood (including, but not limited to, noise, dust, glare, vibrations, odors, and the like).

The proposed use will not generate nuisances that would be injurious or detrimental to the adjoining properties or the neighborhood. Noise associated with the proposed use is unlikely to be any louder than other uses permitted outright in the neighborhood such as bars, movie theaters, and dance halls.

4. The location, design, and size of the proposed use (will/will not) be adequately served by existing streets, public facilities and services.

The proposed use will be adequately served by existing streets, public facilities and services. The proposed small class size, together with the public parking lot immediately adjacent to the site, facilitates the handling of the cyclical nature of the site's loading and parking needs: transition times between classes will have the highest parking and traffic

burden. The larger dance and fitness classes are proposed exclusively for evenings and weekends when the downtown parking burden is lighter.

5. The proposed use (will/will not) endanger the public health or safety if located where proposed.

The proposed use will not endanger public health or safety. The only potential safety concern is children going to and from classes. There is a loading zone parking space in front of the building and public parking immediately adjacent.

6. Proposed use (meets/does not meet) all applicable development standards of the Zoning Code.

The proposed use meets all applicable development standards of the zoning code.

7. The proposed use (will/will not) be in conflict with the Comprehensive Plan.

The proposed use is not in conflict with the comprehensive plan.

RECOMMENDATION FOR CONDITIONAL USE PERMIT APPLICATION

The Board has the option to approve, approve with conditions, or deny the application subject to the Relevant Criteria and Standards and any public testimony provided at the public hearing. The board may also table the decision for the application in order to request more information, including studies of social, economic, fiscal and environmental effects of the proposed Conditional Use Permit.

The Board of Adjustment may impose conditions including, but not limited to those 1) minimizing adverse impact on other development; 2) controlling the sequence and timing of development; 3) controlling the duration of development; 4) assuring that development is maintained properly; 5) designating the exact location and nature of development; 6) requiring the provision for on- or off-site public facilities or services; 7) requiring more restrictive standards than those generally required in an ordinance; and/or 8) requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction.

Staff recommends **approval** of the application for a Conditional Use Permit to use the existing building for music, fitness, and dance classes not associated with an academic school, college, or university at 513 South Main Street within the Central Business (CB) Zoning District with no conditions.

In accordance with the Board's decision, direct staff to prepare the Relevant Criteria and Standards document.

NOTICE OF PUBLIC HEARING

Proposal for a Conditional Use Permit at 513 S. Main Street.
Permit Application LUP2026-0010

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

Conditional Use Permit application for the utilization of an existing building located at 513 South Main Street as a music, dance, and exercise class venue within the Central Business (CB) Zoning District, per Moscow City Code 4-3-4.

HEARING DATE: Monday, April 27, 2026

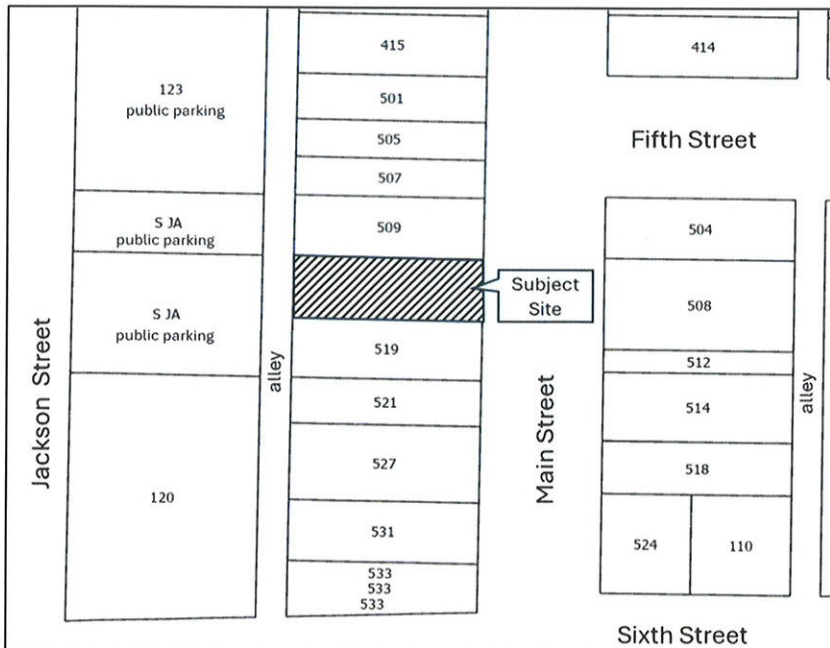
HEARING LOCATION: Council Chambers on the Second Floor of Moscow City Hall
206 East Third Street, Moscow, Idaho

MEETING TIME: 7:00 p.m.

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

Verbal testimony at the hearing is generally limited to three (3) minutes time. Public participants desiring to submit textual materials to the decision-making board shall make that submission at least five (5) calendar working days in advance of the scheduled meeting. Materials provided tardy may be admitted for consideration subject to the discretion of the decision-making board. You may obtain further information about the public hearing process and procedures on the City's Website at:

<https://www.ci.moscow.id.us/593/Public-Hearing-Notices>



Laurie Hopkins, Moscow City Clerk


Jennifer Fleischman, Deputy City Clerk

Published: Saturday, April 11, 2026



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

For City Use Only			
Date Received			
Dept	Fee Type	Fees	Paid
CDV	Application Fee	\$600.00	
Receipt Number			

APPLICATION FOR CONDITIONAL USE PERMIT

(Please type or print plainly with blue ink.)

GENERAL INFORMATION

1. Applicant

Name: Roderick "Rusty" Olps Phone: [REDACTED]
Address: [REDACTED] Moscow ID 83843 Email: [REDACTED]

Relationship to affected property (please check one):

Owner Purchaser Lessee Other (explain below)

2. Owner of Affected Property (if other than applicant)

Name: Clevenger Properties LLC Phone: [REDACTED] (Realtor)
Address: _____ Email: [REDACTED]

3. Location of Affected Property: 513 S Main St.

If described by Metes and Bounds, please attach deed on a separate sheet.

Legal Description: Dr Taylors Addition Block 1 Lot 2
(Subdivision) (Block) (Lot)

INFORMATION ON REQUESTED CONDITIONAL USE

4. Proposal: The applicant proposes the following use and/or construction for the above-described property:

Fine Arts Instruction, 2022 NAICS 611610. Sports and Recreation Instruction, NAICS 611620.

Under these definitions I anticipate hosting music and dance instruction as well as martial arts instruction or
other applications under 611610 and 611620.

The proposed activities and use shall be shown on an attached site plan drawn to a standard engineer's or architect's scale. The site plan shall show, label and dimension all property lines and easements, existing and proposed buildings, parking lot, driveway(s), fencing, and landscaping. A site topography map shall be provided when appropriate.

- 5. **Authorization:** Section 3-4 of the Moscow Zoning Ordinance authorizes the proposed use, subject to a Conditional Use Permit.
- 6. **Operating Characteristics:** Detail the operating characteristics of the proposed use. In other words, provide specific information which describes and defines how the proposed use will be conducted and what will be involved in the day-to-day operations of the proposed use. Applicable information may include hours of operation, number of people (employees, customers, students, etc.) involved, traffic and/or delivery information, services provided, equipment or machinery which may be involved, or any other information which helps describe and define the proposed use and impacts the proposed use may have.
 Instructional uses for the NAICS definitions will involve hosting instructors for individual and small groups. Hours of operation will be from 5:30AM until 10:00PM, spread out over a longer period than retailer hours, since many students won't be able to attend classes during the work or school day. Number of people on site will vary from 0 to 25. Traffic is mostly drop off traffic and can be served at the rear of the building as well as the Main St. entrance. Examples: karate class, piano lessons.
- 7. Before the Board of Adjustment may issue a Conditional Use Permit, the Board of Adjustment must first make findings of compliance with the following seven **Relevant Criteria and Standards**. Please describe in the spaces provided below how your requested Conditional Use is in compliance with each of the relevant criteria and standards.

Criteria #1. THE PROPOSED USE IS A CONDITIONALLY PERMITTED USE WITHIN THE ZONING DISTRICT.

Title 4 of the zoning code allows conditional use in CB for "All other schools and instruction" referencing NAICS 6116

Criteria #2. THE CHARACTER OF THE PROPOSED USE WILL BE IN HARMONY WITH THE NEIGHBORHOOD AND SURROUNDING LAND USES.

The neighborhood currently and historically hosts both Fine Arts Instruction and Sports and Recreation Instruction

Criteria #3. THE PROPOSED USE AS APPROVED, OR AS APPROVED WITH CONDITIONS, WILL NOT GENERATE NUISANCES THAT WOULD BE INJURIOUS OR DETRIMENTAL TO ADJOINING PROPERTIES OR THE NEIGHBORHOOD (INCLUDING BUT NOT LIMITED TO NOISE, DUST, GLARE, VIBRATIONS, ODORS AND THE LIKE).

I don't anticipate any of the examples given of nuisance nor other examples. The masonry walls will shield neighbors from music instruction noise. And no parking is required in the CB zone.

The uses are similar or lower impact than the neighborhood's current activities.

Criteria #4. THE LOCATION, DESIGN, AND SIZE OF THE PROPOSED USE WILL BE ADEQUATELY SERVED BY EXISTING STREETS, PUBLIC FACILITIES AND SERVICES.

Yes. Historical use involves bicycle inventory management and deliveries. There is no anticipated retail uses, heavy truck deliveries, or high traffic uses that will not be adequately served between the two means of entry into the building. Public facilities and services are more than adequate.

Criteria #5. THE PROPOSED USE WILL NOT ENDANGER THE PUBLIC HEALTH OR SAFETY IF LOCATED WHERE PROPOSED.

It will not.

Criteria #6. THE PROPOSED USE MEETS ALL APPLICABLE DEVELOPMENT STANDARDS OF THE ZONING CODE.

Proposed use meets standards for CB zoning.

Criteria #7. THE PROPOSED USE WILL NOT BE IN CONFLICT WITH THE COMPREHENSIVE PLAN.

It will not.

CONDITIONS OF APPROVAL

The Board of Adjustment, pursuant to Moscow City Code Title 4, Chapter 8, Sec. 8-4.D., may impose conditions including, but not limited to, those (1) minimizing adverse impact on other development; (2) controlling the sequence and timing of development; (3) controlling the duration of development; (4) assuring that development is maintained properly; (5) designating the exact location and nature of development; (6) requiring the provision for onsite or offsite public facilities or services; (7) requiring more restrictive standards than those generally required in an ordinance; and/or (8) requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction.

COMPLIANCE

1. In the event of failure to comply with the plans approved by the Board of Adjustment, or with any conditions imposed upon the Conditional Use Permit, the permit shall be immediately revoked and shall be automatically null and void.
2. Where plans are submitted and approved as part of the application for a Conditional Use Permit, modifications of the original plans may be required by the Board of Adjustment as a condition of approval.
3. Where plans approved by the Board of Adjustment are modified following such approval, such plan modifications must be submitted to and determined by City staff to be in substantial conformance with the plans approved by the Board of Adjustment. If plan modifications are not in substantial conformance, the plan modifications must be resubmitted to the Board of Adjustment for an additional public hearing as an amendment to the Conditional Use Permit application.

REVOCATIONS

If a Building Permit and/or Certificate of Occupancy pertaining to the Conditional Use Permit is not obtained for the subject property within one (1) year from the date of the Board of Adjustment’s final decision, the Conditional Use Permit shall be immediately revoked and shall be automatically null and void. If the use and/or occupancy for which the Conditional Use Permit is approved ceases for a period of twelve consecutive months, unless otherwise provided for in the Conditional Use Permit, then the Conditional Use Permit shall be immediately revoked and shall be automatically null and void.

Application Submittal:

This application must be completed and submitted with the below described items to the Community Development Department at least twenty-one (21) days prior to the hearing at which the application is to be considered by the Board of Adjustment. Applicant will be notified by the City Planner I as to the time, date, and place of the hearing pertaining to this application.

The following items must be submitted with this application before it will be processed:

1. Application Fee
2. Site Plan, drawn to scale
3. Floor Plans, drawn to scale
4. Elevation Drawings, drawn to scale (for new construction only)

I understand this information is a public record and may be posted to a public website. I declare and certify under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct and that I have legal authority to submit this Application.



Signature of Applicant

2/27/202

Date

Rett Clevenger

Signature of Property Owner (if different)

02/28/2026 10:05 AM

Date

From Planning:

1. Please provide more operational details.
2. Is there a plan in place for scheduling classes to reduce intermittent downtown traffic congestion?
3. How many classes are anticipated in a day and how many might run concurrently (related to class changes and impact on traffic)?

Answers to 2 and 3:

Music instruction is offered on a basis of no more than 4 students at a time from 9-6 during the day. This additional traffic will be directed to the rear of the building where the alley provides uncongested traffic flow through public parking with multiple one-way exits and entries. Additionally, there is a drop off 10 minute spot currently in front of the building. Fitness and Dance Instruction will involve classes of no more than 12 and after 5pm on week days and during the day on Saturdays.

4. Are all classes going to be open to the public?

Answer: YES

5. What are the anticipated ages of class participants, namely, will they include minors who may be dropped off and picked up?

Answer: all ages, including minors.

6. Is participation drop in or by membership?

Answer: membership and open to the public.

7. Will you be renting out the space to different instructors for different classes at different times or will it all be run by yourself or a single tenant?

Answer: The owner will take responsibility, even if I have tenants under my management.

8. Cooking classes fall under a different NAICS code. Are they also going to be included or is there a different reason for needing a kitchen?

Answer: The purpose of the kitchen is for serving the tenant(s).

9. How many instructional rooms are anticipated?

Answer: 13

10. Is there a waiting room proposed for prior to and after class?

Answer: Yes, there is space designated for waiting with folding chairs at both entrances.

11. Will there be performances or competitions held at the space (e.g. dance recitals, martial arts tournaments)?

Yes. After 5pm and on weekends

12. Please provide: a more clearly labeled floorplan; exterior elevation photographs of the building (street and alley faces); a few interior photos to give a sense of the space.

Answer: Exhibits Following

Additional Questions from Zoning:

13. Please provide separate labelled floorplans for the main floor as well as the mezzanine.

Answer: Please see Exhibits.

14. Educational facilities associated with elementary or secondary schools as well as colleges, universities, and professional schools are not permitted in the Central Business Zone. Please clarify if any of these groups are potential tenants and whether any classes offered at the location will be for credit bearing classes for an educational institution. As this application remains speculative, please outline how this requirement will continue to be met over time.

Answer: Non-permitted uses will not be allowed, including elementary or secondary schools as well as colleges, universities, and professional schools, or any other non-permitted use.

15. To get an idea of how the site will operate, what other uses permitted outright are anticipated for the site?

Answer: The only other anticipated uses would be for a small church on Sundays and maybe a couple of private offices.

16. Your class phasing answer indicates that there will be classes of up to four music students throughout the workday with larger classes of up to twelve students arriving in the evening and weekends for dance and fitness classes. Is this the extent of the educational services that you are requesting this CUP for?

Answer: Yes.

17. For the classes specified above, how many instructors will there be at a time?

Answer: No more than 4.

18. For the classes specified above, how long will the classes be and how many rounds of classes a day will there be?

Answer: One hour each. As many as 4 students per hour from 9-6 for fine arts, and as many as 12 students per hour from 5-8.

19. Please clarify the use of the twelve small instructional rooms in the mezzanine.

Answer: They are for fine arts instruction. For example, a student may receive instruction in playing a cello. That room will be equipped for that use with specific instruments, posters and other tools related to cello instruction.

Exhibits A-F on following pages.

Exhibit A: Main floor waiting area, fitness/dance area



Exhibit B: Floor area under mezzanine depicting bathrooms and kitchen and waiting at rear entrance.

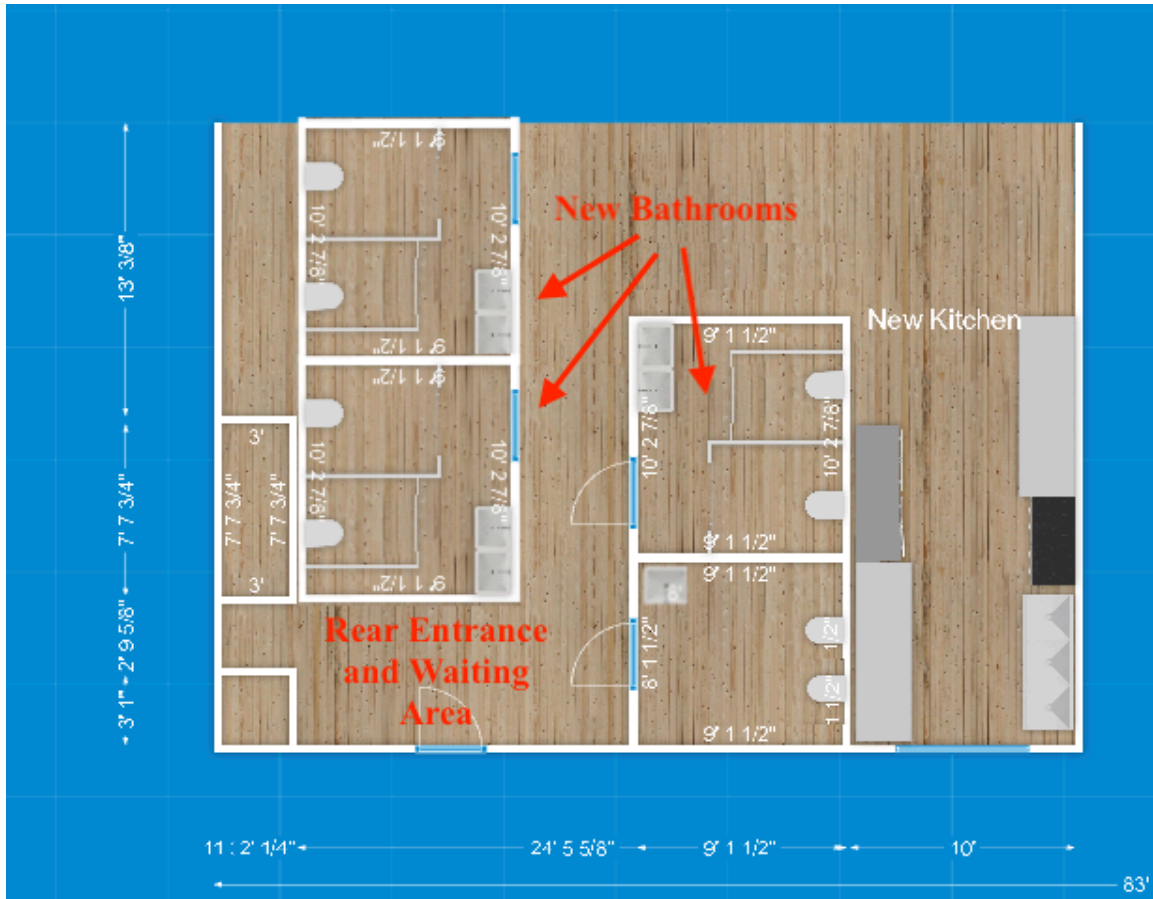


Exhibit C: Mezzanine instruction room/office layout.

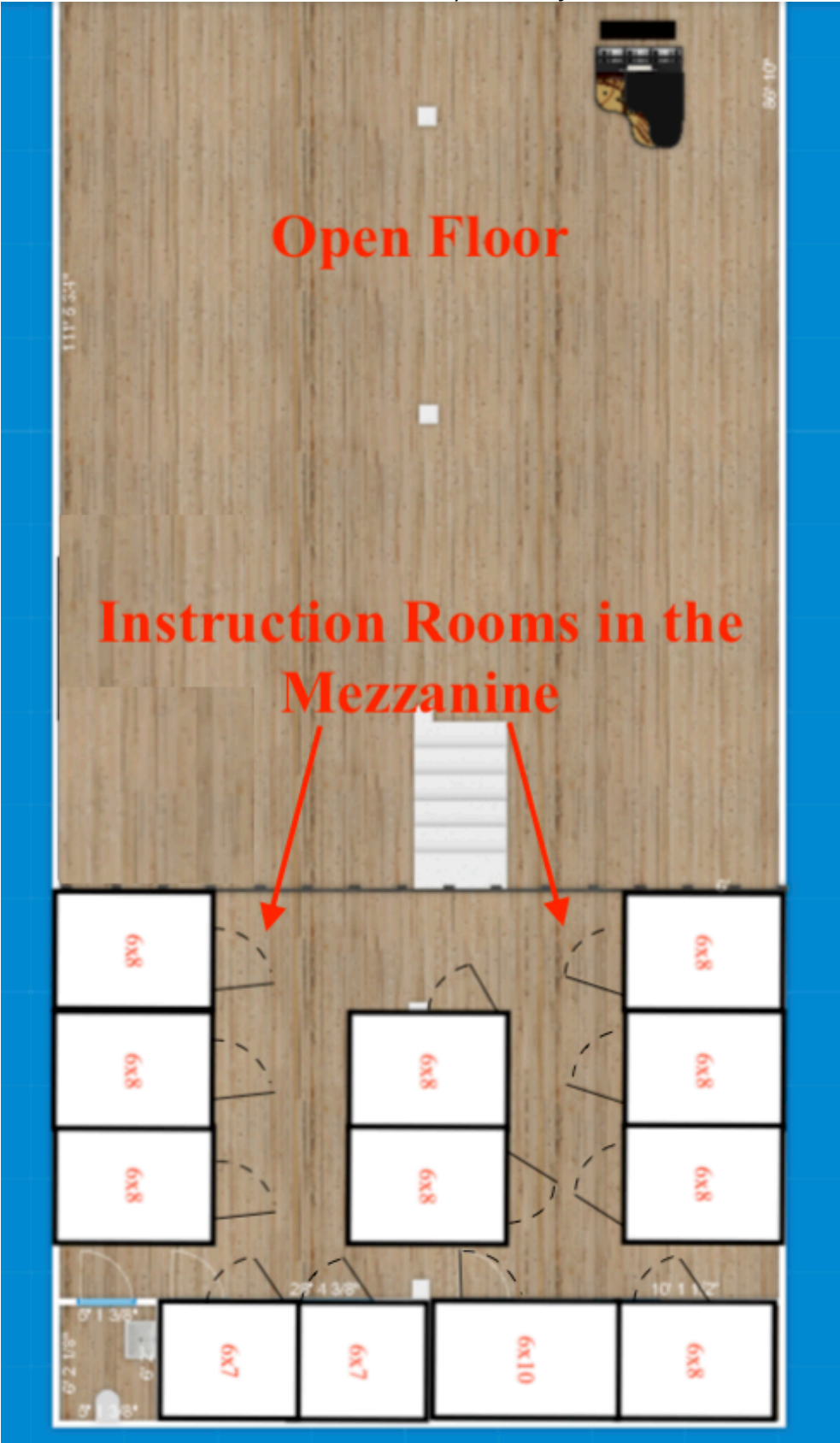


Exhibit D: Photograph of main floor.



Exhibit E: Area under Mezzanine at the rear (west).



Exhibit F: Mezzanine



Exhibit G: Requested photographs following.







Hearing Record Transcript: Proposal for a Conditional Use Permit at 513 S Main St. Permit Application LUP2026-0010

The meeting was called to order at 6:59 PM

MEMBERS PRESENT: Jerry Schutz, Chair; Marshall Comstock, Ivy Dickinson, Tim Thomson, Laura Weldon

OTHERS: Sandra Kelly

STAFF: Nichoel Baird Spencer, Lucy Falcy, Jennifer Fleischman

1 SCHUTZ: Moving on. Um, Public Hearing proposing for a Conditional Use Permit at 5 cer- 13
2 South Main. Um, Conditional Use Permit application for the utilization of the existing
3 building at 513 South Main as a music, dance, and exercise class venue not associated
4 with an academic school, college, or university. You're up.

5 FALCY: Thank you. Yes. Tonight, we are here to hear Land Use Permit 2026-0010 Conditional
6 Use Permit application to use an existing building to offer educational services at 513
7 South Main within the Central Business Zoning District. Specifically, the applicant,
8 Rusty Olps, is applying to provide educational services to include music, dance, and
9 fitness classes at 513 South Main Street. And these classes are not to be associated
10 with an elementary school, secondary school, college, university, or professional
11 school. 513 South Main Street is located within the downtown core on the west side
12 of Main Street, just north of Sixth Street. To north- to the north is Panhandle Ice
13 Cream and Humble Burger. To the south- building is, uh, DK Mullen Architects and
14 Ampersand. There's public parking to the east and a public parking lot to the west as
15 well as an alley. Further west is Jackson Street, which is a state highway at this
16 location. The subject site is 5,000 square feet and is built to its lot lines with a two-
17 story building that has an open floorplan and a partial second floor mezzanine. Within
18 the Comprehensive Plan, this site is designated Urban Commercial, which is intended
19 to provide for the most intense mix of commercial and residential uses in a pedestrian-
20 oriented manner. The subject site, as well as all surroundings sub- all surrounding
21 properties, are zoned Central Business. And the Central Business Zone is designated
22 to provide a location for groups of compatible commercial uses having the common

1 characteristic of not involving more than incidental and minimal assembly, fabrication
2 or storage of commodities. The Central Business Zoning District is the most intensive
3 commercial zoning district and to promote pedestrian use, unbroken street level
4 commercial frontage is encouraged in this zoning district. Within the Central Business
5 Zone, the buildings are allowed to build to their site edge as this building has done.
6 No external building modifications are proposed with this proposal, but any building
7 modifications, internal or external or signs, are subject to permit review and City
8 standards. Within the Central Business Zone, there is no required parking, though
9 there is the public parking located in the parking lot immediately west of the building
10 as well as the on-street parking and unloading areas to the east. Within the building,
11 there is pedestrian access on the west and east edges, and there are waiting areas
12 proposed on both- adjacent to both of those entrances. The applicant is proposing
13 drop-off both at the 10-minute parking spot on Main Street as well as in the parking
14 lot to the west of the building. The applicant is proposing three types of educational
15 services. Now, educational services are establishments that provide instruction and
16 training in a wide variety of subjects. The instruction and training is provided by
17 specialized establishments such as schools, colleges, universities, and training centers.
18 Within the Central Business Zone, educational services are permitted as a conditional
19 use if they are not associated with an elementary or secondary school, college,
20 university, or professional school. Educational services associated with any of those
21 entities are not permitted in the Central Business Zone. The proposed music, dance,
22 and fitness classes fall under the conditionally permitted NAICS Code 6116 listed for
23 educational services if they are not associated with the educational institutions noted
24 above. The applicant is proposing music classes of up to four students and instructors
25 at a time during, generally, business hours, 9:00 am to 6 pm Monday through Friday,
26 with larger dance and fitness classes up to 12 students up- at a time on evenings and

1 weekends. All of those uses expect occasional performances and competitions during
2 weekends and evenings. These proposed classes are to be available to the general
3 public and by membership. They're open to all ages. The smaller music classes are
4 proposed for within the 13 class instructional office rooms upstairs in the mezzanine,
5 while dance and fitness classes would occur in the larger open area on the ground
6 floor. Here's a floorplan of the building with the downstairs on the left, mostly with
7 an open floorplan; some new restrooms to the south as well as a kitchen. Upstairs on
8 the half-mezzanine: smaller office classroom space. At the current time, there is no
9 specific tenant or providers of these educational services. The application is
10 speculative, and tenants have not been engaged. The applicant, Rusty Olps, has noted
11 that he will be responsible for ensuring that the standards that are required are met.
12 And he's also noted that the providers will not be associated with an elementary
13 school, secondary school, college, university, or professional school. Uh, as of this
14 afternoon, we had received five public comments. These comments did not arrive in
15 time to go into the packet or become part of the public record. And it is the option of
16 the Board to read them in or accept them into the record.

17 SCHUTZ: The Board is going to accept them into the record, um, and they'll be entered by name
18 and, um, title.

19 FALCY: And to just provide, um, some Staff thoughts on the comments received thus far. They
20 have generally focused on opposition to placement of a church within downtown in
21 the Central Business Zone. Churches- religious facilities are a outright permitted use,
22 by right, within the Central Business Zone and are not part of tonight's review of the
23 Conditional Use Permit application for educational services within the downtown
24 central business core. So, however that's going to be addressed, I look forward to- to
25 hearing it. Uh, in reviewing a Conditional Use Permit, it is the Board's obligation to
26 review the application regarding- in light of the Relevant Criteria and Standards for a

1 Conditional Use Permit. And those are; that the proposed use is a conditionally
2 permitted use within the zoning district; that the character of the proposed use will be
3 in harmony with the neighborhood and surrounding land uses; that the proposed use,
4 as approved or as approved with conditions, will not generate nuisances that would
5 be injurious or detrimental to adjoining properties; that the location design and size of
6 the proposed use will be adequately served by existing streets, facilities, and services;
7 that the proposed use will not endanger the public health or safety if located where
8 proposed; that the proposed use meets all applicable development standards of the
9 Zoning Code; and that the proposed use will not be in conflict with the Comprehensive
10 Plan. Tonight, the Board has the option to approve the application, approve the
11 application with conditions, deny the application subject to the Relevant Criteria and
12 Standards and any public testimony provided at the Hearing, or to table the decision
13 for the application in order to request more information. Staff is recommending
14 approval of the application for a Conditional Use Permit to use the existing building
15 to offer music, fitness, and dance classes not associated with an educational institution
16 as proposed at 513 South Main Street within the Central Business Zoning District
17 with no conditions. As always, I'm here with question- for questions.

18 SCHUTZ: Question. Marshall?

19 COMSTOCK: Yeah, Lucy. Um, you don't happen to have a map of the Central Business District,
20 how it lays downtown, where the-

21 FALCY: Not-

22 COMSTOCK: -or where the boundaries are?

23 FALCY: Not tonight, no.

24 COMSTOCK: Could you describe the- where those boundaries lay in the best of your knowledge?

25 FALCY: The downtown core. Um, you can see a little bit of it in the Zoning map. You try to
26 come prepared with everything. Um, you can start to see the edges to the east and the

1 west. And then- I am not exactly sure on how far north it extends. It extends just to
2 about to where the highway re-merges and, uh, couple blocks south of Sixth, I believe.

3 COMSTOCK: Sorry- sorry to put you on the spot.

4 FALCY: That's okay.

5 THOMSON: Let's- let me see if I can put you on a spot. Has the City done a parking, uh, analysis
6 for that- the public parking spot to, you know, to the west of all of the retail stores?
7 Has there been a survey or an updated status of availability? This-

8 FALCY: Engineering would have that. I don't have it on me tonight. I can provide it if you'd
9 like.

10 AUDIENCE: Could everybody use their microphones, please? Like, for the fellow that just talked.

11 THOMSON: Okay.

12 AUDIENCE: Yeah, that'd be great.

13 THOMSON: Okay.

14 SCHUTZ: Anybody else? Alright. Thank you. Um, would the applicant like to, uh, speak?

15 OLPS: Uh, I'm- I'm Rusty Olps. I'm a local real estate owner, uh, manager, sometimes
16 developer, and, uh, this is my project. Um, I think there are- so my arguments are
17 ultimately pragmatic. I want to know who wants to pay, as unidealistic as that is. And,
18 um, I own and manage some, uh, 80,000 square feet of commercial space in two
19 different counties. And, uh, the bulk of that is probably in Moscow. Um, all of those
20 locations, um, are leased out to retailers, office workers, uh, remote office, uh, people,
21 um, purveyors of, you know, food and- and services, insurance, uh, all kinds of things.
22 And I- I would- I would note that, uh, I- I enjoy having a diversity of tenants. I would
23 guess that 95% of this room routinely, uh, visits, uh, my different locations for
24 services or for, uh, food or for other things like that. So, that- this is- this is everyday
25 business for me. Um, I would like to add to that that, uh, this is my first, that I can
26 think of fo- I- I'm on the board of my daughter's ballet company. So, this is my second

1 foray into the, uh, arts and I am treading lightly because I don't know what I'm doing.
2 I- I've always heard that Moscow is the heart of the arts and that it appreciates the arts
3 and it seems like having venues in the downtown corridor where people can learn the
4 arts would be in line with, uh, sort of the- a- a greater aesthetic and cultural vision for
5 Moscow. Uh, and also incidentally, um, in compliance with, uh, other uses that are
6 similar to that, um, or the same as that within that same neighborhood. The- if the
7 CUP is granted, uh, and applied as I have proposed applying it, it would, uh, severely
8 limit the, um, density of the space and the traffic around the space. I don't want to give
9 up any of my rights to- to use the property, uh, in the Central Business Zone for the
10 entitled rights, which are many. Um, you know I- I've got- I've got rights that I could
11 exercise such as archery and shooting ranges, bowling centers, dance halls, fitness
12 centers, movie theaters, riding stables. I'm seriously considering riding stables. Um,
13 stadiums and sports arenas. That's my plan B. Uh, just kidding. But, uh, those by right
14 uses, um, anything from a taco stand to a dance hall is going to have a tremendous
15 amount of daily traffic in our congested downtown. I like that our downtown is
16 congested. Um, I like traffic problems as a fruit of a, uh, commercial area. I- I don't
17 think it's great if you were to do a stadium, for instance, and have the kind of parking
18 problems that would come from that. So, again, if I were to use the space for fine arts
19 instruction, the- the space's busyness on a per foot basis would be extremely limited.
20 Um... Are there other questions from the Board that I can answer or is that for a
21 different time? Go ahead, sir.

22 SCHUTZ: Go ahead.

23 COMSTOCK: Yeah. Mr. Olps, are you the owner of the building?

24 OLPS: I plan on closing Thursday.

25 SCHUTZ: Other questions? Don't go far.

1 BUSH: I guess I have one question and- and talks about, um, uh, the, um, students or the- the
2 members- the- the people that would be using it. And it talks about, um, minors and-
3 and, uh, do you have an age bracket of what your target audience is?

4 OLPS: I- I can't play a tune on a harmonica, so I won't be doing any instruction. I have
5 interviewed a number of different people who are either existing tenants or they're
6 tenants who I know and how their business operates, uh, or prospective tenants to
7 inform the specifics of how the operation would actually work. Uh, so I- I don't want
8 to limit future tenants of a building I will own in the future, um, speculatively. So, I'm
9 comfortable with, in broad strokes, the characteristics of the specifics that we've listed
10 and that Lucy has gone over in the application. But that said, I would- I would hope
11 that anybody could go. I don't know if it matters whether they're five years old or 85
12 years old. It would be a- it would be a one-on-one type instruction. So, um, you know,
13 how to play the violin, stuff like that. Stuff that Keeney Brothers used to do and I don't
14 know if anybody does it anymore.

15 BUSH: Okay, thank you.

16 OLPS: Yes, sir.

17 SCHUTZ: K. Any other questions? Okay. Alright, in just a moment I will open the Public
18 Hearing. Um, the way a Public Hearing goes is that, um, I will ask for testimony in
19 favor of the application first. Um, I ask you to come to the microphone, state your
20 name and address for the record. Um, limit your remarks to three minutes. Um, and,
21 um, address all of your comments to the Board, not to the audience. Um, next I will
22 ask for testimony in, um, in- in opposition to the, uh, proposed CUP. And lastly, I
23 will, um, ask for any testimony of a general nature. Again, all- everyone gets the same
24 three minutes. Um, before we get started, once I open the he- hearing, I will, um, read
25 the letters in by name and by, um, person who wrote it. Um, the Board has all been
26 supplied with the letters, so we're going to go ahead and take those tonight. Alright.

1 Um, the first letter is regarding the const- the ‘Conditional Use Permit 513 South Main
2 B- uh, Main Street, Moscow’ by BJ Swanson. The second one is ‘In Regards to the
3 CUP at 513 South Main’, um, Christine Berven. The third one is ‘Without Prejudice,
4 Intended for Political Speech as a Citizen of Moscow’, by Jennifer Fleischman
5 [correction: comment by Linda Pike]. Um, the next one is ‘Comment Regarding
6 Proposed CUP at 513 South Main’, Heather Nelson. And a ‘New business in Paradise
7 Creek Bike Shop’, by Julia- I'm going to slaughter it- Piaskowski? Um, all right. And
8 with that, I ask for testimony in favor of the application... In favor... In favor... Going
9 once...going twice. Alright, applic- uh, comment in opposition to the application.

10 SCHUTZ: (inaudible)

11 HALL: David Hall, 1334 Wallen Road, Moscow. Um, per M- um, Moscow City Code 4-2-4-
12 K quote, "The principal purpose of the Central Zoning District is to provide a location
13 for groups of compatible commercial uses." It continues on and, “The Central
14 Business Zoning District is the most intensive commercial zoning district. To prom-
15 promote pedestrian use, unbroken street level commercial frontage is encouraged in
16 this zoning district.” End quote. A Moscow ordinance passed in 2019 prohibits
17 colleges and universities from expanding in the Central Business Zoning District.
18 Expansion isn't tied solely to the number of students. It can also be additional office
19 space, it could be expanded hours of operation, added offices, added employees. The
20 Board should exercise its authority to protect the integrity of the Central Business
21 District by denying this permit. Thank you.

22 SCHUTZ: Thank you, David. Alright, how do you reset this?

23 BAFUS: Hello, um, Bev Bafus. I live at 417 Pintail, Moscow, Idaho. You know you're in a
24 small town when you know everyone on the Board. Um, um, so in addition to living
25 at 417 Pintail, I have a business downtown in the Central Business District at 218
26 South Main. And I have lived and worked in Moscow long enough that I remember

1 downtown Moscow before the malls. And I have worked in downtown Moscow
2 during the time when Moscow struggled to keep downtown open. And somehow,
3 Moscow has survived, and downtown Moscow is thriving. The problem is, though,
4 that we have many, many spots that are not retail, many spots that are not restaurants
5 or cafes and it breaks up the continuity of downtown, and I'm afraid that one CUP at
6 a time, we are losing our downtown. So, that's what I have to say about that.

7 SCHUTZ: Thank you, Bev.

8 AUDIENCE: (applause)

9 SCHUTZ: Yeah. Um, also can you please refrain from clapping?

10 DAVIS: Hello, my name is Cass Davis, 219 East E Street. Um, I have a really good friend who
11 lives down in Boise, and he's, like, probably one of the best attorneys on city politics
12 there is. And I had a discussion with him about CUPs and he said, for the most part,
13 there has never been any CUPs that have been enforced, period. And I'm wondering
14 if- I mean, there was CUPs granted for some downtown schools that happened and
15 the idea was that we wanted to control those schools and keep our downtown not
16 looking like a campus. I'm downtown quite often and sometimes it looks a lot like a
17 campus. There's students going from one building to another to another. There was
18 also the CUP said stuff about maybe parking. There's been no way to, like, really look
19 at who's parking where or enforce the CUP in any way. There's no- doesn't look like
20 there's any way you're going to enforce any CUP on the way it looks like a campus
21 either. I haven't seen any action to do anything to actually enforce a CUP. So, I
22 discourage you guys from passing another CUP until it has teeth in some way or
23 another, where you can actually use it and- and actually make it really conditional,
24 not just a thing that happens and then you're- you're there. Um, so, I guess that's the
25 most part of what I want to say. And, you know, just- if you- I mean, it's like when
26 the president breaks the law and the courts rule, if nobody's going to enforce it, it does

1 no good to have a judicial system. So, is there a way that you can actually enforce the
2 CUP if you see it's being violated? That's my question.

3 SCHUTZ: Thank you.

4 BROOKS: Um, my name is Graham Brooks. I live at 519 North Washington Street here in
5 Moscow. And the applicant made the statement that he could do what he wants
6 essentially with the, uh, property once he purchases it. Um, that's why we have CUPs,
7 so that the people of the City of Moscow have a say in what we see downtown, who
8 we get to interact with downtown, the sorts of businesses we want to have. I love the
9 idea of more restaurants. I love the idea of more shops, places to buy and sell. That's
10 what I want to see downtown. I don't want to see more education downtown. I love
11 education. We should have more education. There should be a separate campus for
12 more education. Thank you.

13 SCHUTZ: Thank you.

14 ANDERSON: My name is Gayle Anderson. I live in City of Moscow. And Moscow is-

15 THOMSON: Ma'am, we need the address I'm afraid.

16 ANDERSON: Oh, 3715 Moscow Mountain Road. Um, Moscow is vibrant, our downtown. And I
17 think, in my personal opinion, we are the envy of many communities, and we applaud
18 the hard work of, um, the Mayor and the City Council and everybody that has put
19 together the Central Business Zone and it's a success story. So, I urge you to deny this
20 Conditional Use Permit and keep with the vision of protecting our businesses. We
21 need retail, restaurants. And so, anyway, that's- those are my thoughts.

22 SCHUTZ: Thank you.

23 BUSCH: Uh, hello, my name is Paul Busch, 209 East E Street in Moscow. I just want to say as
24 a, uh, musician, um, I- I do really appreciate the, uh, effort and flexibility of the City
25 of Moscow to make music, um, possible and to create, uh, venues that offer things for
26 the community. Um, I think that it's important to have a distinction, um, between the,

1 um, aims of the Central Business Zone, um, and some of the aims of, um, uh, I- I
2 guess other- other purposes, uh, that even could align somewhat with music. Um, it's
3 been disappointing not to have a music shop in Moscow. And it is very surprising
4 that, um, uh, that the future owner, um, mentioned Keeney Brothers, which I think
5 was a big loss, um, and Mountain Man Music in Pullman. But anyway, um, and that
6 seems like something that would be a really positive development, is to have that
7 space, um, that is more of a mercantile space, uh, for music. Um, that's my main
8 opinion. And I also would like to make a brief note that, um, there- there's a lot of
9 energy about this topic and I think that an extended comment period would be
10 definitely within the purview of you folks to put out. Um, that's all I have to say.
11 Thank you.

12 SCHUTZ: Thank you.

13 DORIOUS: I'm Kaitlyn Dorius. My address is 1751 Old Highway 95, Genessee. Um, I am the
14 mother of a small child, the type of child who would take dance classes. I also have,
15 um, older step-kids who took classes in a downtown area in another city. And my
16 experience has been that parents come quickly, they drop their kid off, and then they
17 leave. And then they come quickly, they pick their kid up, and they leave. Creating
18 traffic- of lots of coming and going, but then they don't go and occupy and visit the
19 nearby businesses because they're busy trying to get home, get dinner on the table and
20 do those things. A space like that in the downtown area, to me, is not an ideal fit. You
21 need a space where there is less pedestrian traffic for the safety of the pedestrians.
22 And that space ideally should be something, in my opinion, that is going to further
23 enhance the other businesses in the area where people are going to stop and visit one
24 shop, and visit another, and visit a restaurant. Versus having a small amount of people
25 able to use a space at one time. So, that is all I have to say. Thank you.

26 SCHUTZ: Thank you.

1 HANSEN: I'm Karen Hansen. I live in, uh, near Viola, Idaho. Moscow is my hometown. This is
2 where I come. And I miss Keeney music. I really enjoy the shopping opportunities
3 and the, uh, coffee shops and- and other retail businesses. And I would not want to
4 have a Conditional Use Permit given for another instructional place that doesn't
5 involve a lot of interaction, when people just come to town to shop and enjoy food
6 and drink. I repeat, I miss Keeney music. I also- my hearing is not super good, and I
7 didn't understand the, um, the church, uh, usage issue. It was just mentioned really
8 quickly and flew right by me. Uh, I would like just a- a clarification. Is- is, uh, a
9 church space allowed in this business or is it completely disallowed or is that part of
10 the CUP that's being requested?

11 SCHUTZ: Okay. Part of, um, Lucy's presentation was that the church is a u- a permitted use by
12 right in the Central Business District or- yeah, in the Central Business District.

13 HANSEN: What does that mean?

14 SCHUTZ: That means it could be a church. Um, he could buy it and turn it into a church, and he
15 wouldn't have to-

16 HANSEN: With or without a CUP?

17 SCHUTZ: Without a CUP. All he- all he's coming for is asking for the music studio and the- the
18 fitness and dance, which isn't compatible with-

19 HANSEN: Education.

20 SCHUTZ: -according to the- the table that we have, isn't- isn't part of the table, but it's allowed
21 as a CUP. So, that's what the CUP is for.

22 HANSEN: Okay. That issue of having more churches downtown is problematic. It's financially,
23 um, pretty unhelpful in terms of the tax base and then having a church property that
24 has- offers instructions. I would have concerns about whether those businesses in that
25 same space would be paying taxes. Um, we have an issue with financing our

1 downtown district and keeping the infrastructure healthy and well cared for. And I'll
2 put in a plug for taking better care of our downtown trees. That's all.

3 SCHUTZ: Thank you.

4 BAILEY: My name is R. Todd Bailey. I live at 512 East D Street. And for the sake of
5 comparison, I would suggest looking at the Nuart Theatre, which is indicated as a
6 theater by common advertisement, and that building is a church. I would like also to
7 call attention to CJ's, which is also advertised as a music conservatory. And the only
8 people I see going in and out of that building are those attending church services. I
9 believe that if you observe question number 15, appended to this application, you will
10 notice that the mentioning of church services held at this facility is contained strictly
11 in the rear of its description. I believe that this is an attempt on the part of those
12 affiliated with Christ Church to create a parallel economy in the City of Moscow. I
13 believe also that this is essentially a trojan horse in which we advertise its functions
14 as civic and educational. Whereas the proper allegiance is to a religious institution.
15 And I believe that the number of times that this has been allowed to pass is a direct
16 threat to the secular nature of our community. I believe also that that is a very strong
17 reason to deny this application. If we do not, consider with me how many businesses
18 downtown will double as churches. And whose church is this? How many times will
19 people walking down the streets of Moscow have to see representations of one faith?
20 How many times will we have to drive into Moscow seeing billboards advertising our
21 city as the province of one church? I think that the elephant in this room, which is
22 very rarely and uncommonly discussed in public forums such as this, is the growing
23 capture of public and civil space by one church at the expense of those who do not
24 belong to it and who conflict with its interests. For that reason, among others, I
25 strongly encourage this Board to deny the application outright. Thank you.

26 SCHUTZ: Thank you.

1 AUDIENCE: (applause)

2 SCHUTZ: No applause!

3 CLEVINGER: Hello, I'm Grace Clevenger. I live on 212 North Home Street in Moscow. Um, my
4 dad is the former owner of Paradise Creek Bicycles. Um, I'm his oldest daughter and
5 I grew up in that space. That's where I learned how to ride a bike. That's where I got
6 my first bike. That's where my friends, like my friend Jamie here, we would hang out
7 there every day after school. And I am in post- in opposition of this CUP. I don't, as
8 my former teacher, Mr. Bailey said, um, I don't believe that our public spaces should
9 be going to a singular church in disguise as a public building. Um, I have grown up
10 in Moscow for most of my life and I'm tired of seeing um, places that are supposed to
11 be for the public only for people under a certain church in our town. Um, I am tired
12 of hearing people from outside of Moscow talk about how we are to- being taken over
13 by a, um, a church that does not believe in the values of its communities, that it hosts.
14 Um, and I wish that our Board would not allow this to happen. And this does not-
15 Christ Church's beliefs do not represent my families'. I was not raised as a Christian.
16 Um, and I would be very, very sad to see this building be taken by that part of our
17 community.

18 SCHUTZ: Thank you.

19 O'NEILL: I'm Kelly O'Neill. I live at 710 Mabelle Street and, uh, the location we're talking about
20 downtown is prime real estate and I'm surprised, um, with all respect to Mr. Olps,
21 when he says that he doesn't know how many violin schools are in Moscow. There
22 are many, many dance schools, music schools right now for kids. I'm an artist myself
23 and I support the arts, and I love to see the arts downtown, but I think this is the wrong
24 use for this space. Um, when we hear that there will be four students during the day
25 coming in for music lessons, that does not create a vibrant downtown. When we hear
26 that there will be 12 students coming in in the evening for dance lessons, that does not

1 create a vibrant downtown. Our downtown should be focused on keeping the core
2 vibrant with restaurants, with retail, but not with, unfortunately, this educational, um,
3 proposal. And also, the fact, as other people have mentioned, that there would be
4 church services on Sunday. Um, that's not right for our downtown. And so, like many
5 others before me, I would urge you to deny this permit.

6 SCHUTZ: Thank you.

7 O'NEILL: Thank you.

8 LATTA: Hello. Uh, my name is Leah Latta. I live at 1009 Bird Song Lane, Moscow. Um, my
9 concern is, uh, echoes a little bit on the woman who was just up here to- this is a- this
10 spot is like the primo spot in downtown as far as I'm concerned. That's where everyone
11 wants to go. Everyone wants to go to Ampersand. You want to go to the bookstore.
12 You want to go to the, uh, Mexican food, and you're gonna stick something in the
13 middle that's, uh, I know it's not affiliated with a school, but any kind of educational
14 spot is basically a school. So, that doesn't fit with the economic commercial walk from
15 store to store to store and it is a huge space. This is one of the biggest retail spots on-
16 in- on Main Street and it sounds like 16 people are going to benefit from that? That's
17 nothing. And I would venture not- um, he says he wants to- he's interested in who
18 wants to pay, but I don't see how having 16 students pays for a downtown space, uh,
19 on a monthly basis. There's something else that has to be going there and paying s-
20 that space for that to be economically feasible.

21 SCHUTZ: Thank you.

22 ERHARD-HUDSON: Hello. Uh, my name is Jamie Erhard-Hudson. I live at 212 North Home Street,
23 here in Moscow. And to speak to an earlier point about the presence of violin teaching
24 and other musical establishments in this town, I started playing the violin learning in
25 this town starting at age eight. I took group lessons. I took individual lessons. I knew
26 dozens of other children who took violin and other string instrument classes. And

1 none of them took place in our downtown establishments. They took place in pre-
2 existing educational areas. And like other speakers have said, I don't think that that
3 space downtown is best at all used for a few individual, uh, music students or for a
4 few people of one religion for them to use when there are already many pre-existing
5 music, uh, teaching. Like, I know personally half a dozen violin teachers who operate
6 independently of the downtown spaces and so I do not think it is necessary to utilize
7 that space for that purpose.

8 SCHUTZ: Thank you.

9 SWANSON: I'm BJ Swanson. I live at 1121 Lamb Road in Troy. I respectfully urge you to deny
10 the Conditional Use Permit for 513 South Main Street. A music, dance, and exercise
11 class venue is an educational use, not a commercial or retail use. It is fundamentally
12 incompatible with the p- with the purpose and intent of Moscow's Central Business
13 District zoning. The fact that a Conditional Use Permit is required confirms this use
14 does not belong here. The Central Business District exists to concentrate and protect
15 Moscow's core commercial and retail activity. Educational and recreational
16 instruction uses generate foot traffic that does not translate into retail spending.
17 Students arrive for class, attend, and leave. They usually do not browse adjacent stores
18 or contribute to the retail synergy that makes a downtown thrive. Moscow Code
19 designates this zone for commercial purposes. This application does not meet that
20 standard. Granting the CO- the CUP would set a damaging precedent, gradually
21 converting prime retail space into a studio district. These uses are permitted in other
22 zones throughout Moscow. There is no hardship that justifies placing them here.
23 Looking from the outside, I have professional experience analyzing the financial
24 feasibility of commercial property acquisitions. This business plan raises serious
25 viability concerns. The property is listed at \$1.3 million dollars. It is not in good
26 condition. Renovation costs are likely \$400,000 or more, putting total investment near

1 \$1.7 million. To achieve even a thin 5% annual return on investment, the property
2 would need to generate \$17,000 dollars per month in revenue. That means very busy
3 and a lot of traffic. Given the proposed uses and the population of Moscow, it is very
4 difficult to see how that threshold is even achievable. When properties fail to generate
5 adequate returns, the predictable result is deferred maintenance, deterioration, and
6 eventual vacancy, exactly what CBD zoning is designed to prevent. This concern is
7 not hypothetical. Several other downtown properties were purchased, never opened,
8 remain unoccupied, and in disrepair. One site is an empty hole where a building was
9 demolished with no apparent progress. Please don't enable more of the same. I urge
10 the Board to deny this permit and protect the commercial vitality of our downtown
11 Central Business District. Thank you.

12 SCHUTZ: Thank you. She timed that one.

13 COMSTOCK: Does it got a volume on it?

14 SCHUTZ: I don't know-

15 CLANCY: Hello, my name is Mary Katherine Clancy. I live at 609 North Almon, number 3034
16 in Moscow.

17 SCHUTZ: Can you repeat your name for me, please?

18 CLANCY: Mary Katherine Clancy.

19 SCHUTZ: Thank you.

20 CLANCY: I also urge you to deny this permit. I've been a resident of Moscow for 43 years. I've
21 seen many changes downtown, stores that have come and gone, restaurants that have
22 come and gone. When I moved here, Ken's Stationery was in that space and after
23 Office Depot and Staples moved in, they were clo- they closed. Um, we have some
24 vibrant, wonderful small businesses. I work very hard to buy locally as much as I can.
25 I go to Hodgin's Drugs, the only local pharmacy that's really left, even though I could
26 save a few bucks by getting my prescriptions by mail order. It's really important to

1 me to buy local and keep our money in our local economy. So, I urge you to, um,
2 reject this and- and keep our downtown the vibrant local business that- that- that we
3 have now.

4 SCHUTZ: Thank you.

5 BILODEAU: Um, Katie Bilodeau, 329 North Grant Street. Um, I urge the Board to either deny this
6 application or minimally to table it for more information, including studies of social,
7 economic, and environmental effects. Um, I would note that the first I heard of this
8 meeting was a couple hours ago. I have like a couple of pages of comments that I
9 won't get to and I hope that you take, um, and consider, but um, I don't get the
10 Moscow-Pullman Daily News. Uh, uh. the first I heard of this was a couple hours ago
11 and the Idaho Code 67-6509 states that in addition to a 15-day notice in the general
12 paper of circulation. that the governing body shall also make available to notice to
13 other papers, radio and television stations that serves. uh, as a jurisdiction- serves the
14 jurisdiction as for, um, a public service announcement. And the agenda packet didn't
15 reflect that this was done and I didn't- you know, I didn't hear about it. So, um, I was
16 also a little concerned with the recommendation of Staff to approve this, um, because
17 I think more consideration is required to make some of these findings legally
18 justifiable. On page six of the packet, um, when talking about the character of the
19 proposed use in harmony with the neighborhood, it just simply states it will be with
20 no justification. Um, if it were in harmony- the surrounding land- with the land uses,
21 a Conditional Use Permit wouldn't need to be sought. Um, so stating that's in
22 harmony without more explanation is not adequate justification. Um, this isn't
23 commercial frontage. It breaks up commercial frontage. Uh, if the Board justifies this
24 Conditional, um, Permit, I'd like a summary of how many Conditional Permits are
25 downtown right now, and how many the Board has approved in the past decade. Um,
26 what percentage of this district are currently Conditional Use Permits? Well, one

1 conditional use here and there is easy to approve in a vacuum. These conditional uses
2 add up and there's a tipping point where the cumulative effect changes the core
3 planning for downtown. Um, also when answering whether the proposed, uh, use
4 would generate nuisances, the recommendation said simply that noise associated
5 would not be any louder than the uses permitted outright in the neighborhood whi-
6 such as bars, movie theaters, and dance halls. Um, and unified sound carries. Musical
7 instruments carry. Drums and, uh, trumpets carry. Uh, dances that involve jumping
8 around, especially with tap shoes, carry and they cause vi- vibrations. And this
9 storefront is all glass. It's also an old building and there doesn't seem to have been any
10 studies with audio tests using anticipated decibel levels to gauge what will carry onto
11 the street and through the walls. So, um, with that I'm going to stop. Is there a place I
12 can leave the rest of my comments with you? Thank you.

13 SCHUTZ: Thank you.

14 ARGERSINGER: Siri, set an alarm for three minutes. Good evening. My name is Jana Argersinger and
15 I live at 1415 Pine Cone Road, I've lived in Moscow since 1995. Um, I want to ask
16 the Board with both respect and urgency to deny this CUP application. In my view,
17 the propu- proposed use is not in keeping with the spirit or intent of Moscow's CBD.
18 In recent years, we have seen a series of similar CUP applications granted to
19 dismaying cumulative effect. A cumulative effect, like others who have spoken before
20 me, that's a big consideration. Um, it's gradually eroding our downtown's visible
21 vitality, its commercial character, and its intended contribution to the City's budgetary
22 health. I have loved, loved, and patronized the locally owned bike shop at 513 South
23 Main Street for decades, and I want more such businesses. What we need, I believe,
24 is coura- courageous decision-making by the City to stop the trend away from
25 commercial space, especially locally owned commercial space. Not only to stop the
26 trend, but to reverse it for the good of the community as a whole. Um, and I think I'm

1 going to repeat the one- the person who spoke just before me to some extent. Um, if
2 you're not prepared to deny the CUP outright, please grant a postponement for the
3 sake of thorough information gathering and public transparency, which I'm confident
4 are priorities for the Board. Um, below are some questions that come immediately to
5 mind. I might have a minute to mention some, and some may be easily answerable,
6 um, already. Um, again, perhaps some overlap. What proportion of property within
7 the CBD zone is now owned and operated or allowed to sit in disrepair under CUP
8 affordance? How exactly does the steady reduction of business property tax generated
9 by downtown impact the City's budget? Has there been an analysis of that? Does it hit
10 the general budget, City services, other? Um, has this been analyzed, published? And
11 is there anything written into the current CBD or elsewhere in City Code that
12 addresses the conglomerate effect? Again, big concern of piece by piece, CUPs
13 protecting the community as a whole from this kind of consolidation. Thanks very
14 much.

15 SCHUTZ: Thank you.

16 GERONDA: Hello, my name is Sam Geronda. I live at, uh, 201 West Taylor, Moscow. Well, I also
17 heard about this meeting 10 minutes before it started and I rushed over here because
18 I knew exactly what it was about, and I knew exactly what was happening. I'm young.
19 Um, I'm an Idaho native. I've lived in Idaho my entire life. Um, I came to Moscow to
20 go to college in 2015. I decided to stay and give my life to this community. I love this
21 community with all my heart. I love it because it's the heart of the arts, as an artist
22 myself and a writer. I've always had a passion for, um, designing cities that are meant
23 for people to live in. Um, and... I've- I play lots of video games that are meant for
24 nerds, for city nerds. City nerds who know- who want to learn how a city works.
25 What- how to design a city, how to lay the groundwork for a city to develop by itself
26 and to reinforce itself. When it comes to the downtown commercial district, many

1 others have spoken before me in terms of the way that local businesses are able to-
2 they are able to survive. Locally owned businesses that have been here forever, like
3 Hodgin's. Hodgin's Drug. I go to Hodgin's Drug. Are able to survive because they
4 reinforce each other. Uh, an educational space downtown. Um, downtown is already
5 taken up by a lot of educational space. I should not have to talk about, um, who it's
6 affiliated with because, by my argument that is not relevant. So, I strongly urge you
7 to reject, um, this app- this application or- and/or open it up for extended comment.
8 Thank you very much.

9 SCHUTZ: Thank you.

10 HARTZELL: Good evening. My name is Trish Hartzell. I live at 1009 Restful Lane. I've lived here
11 for 32 years. Doug Wilson has stated that he wants to make Moscow a Christian town,
12 but I don't think Moscow wants Doug's plan. I have seen Doug's church take over
13 many downtown businesses and I'm very, very sad that those businesses are gone.
14 Because they haven't been replaced. They've been turned into schools, and we've
15 heard this from everybody so far. I am sad that this former bike space now has been
16 sold or is about to be sold by this Thursday. It's probably too late to put the kibosh on
17 that. If you want to preserve this beautiful, diverse and secular community, you need
18 to deny this...vague CUP.

19 SCHUTZ: Thank you.

20 KUMAR: My name is Ria Kumar. I live at 1418 West A Street and I've lived in Moscow for the
21 past several years and I plan to live here for many more years. I call this place home
22 now and I love it dearly. I have seen the City Council fail Moscow time and time
23 again already! There shouldn't be NSA downtown. There shouldn't be UIdaho
24 downtown. We shouldn't have any education downtown. Downtown: there is no other
25 place in Moscow like downtown for small businesses, for p- pedestrians, for a vibrant
26 community where you can talk to your neighbors and actually, you know, it's not a

1 strip mall. Every other place is for strip malls and large corporations. We don't have
2 another place in Moscow, anything like downtown. And it is already being taken over.
3 I also- I think people have been using very polite language. Christ Church is frankly
4 a neo-Nazi Christian nationalist white supremacist cult, and I don't want them having
5 any more foothold and I know that is not the topic but I need you all to keep that in
6 mind still. Anyway, I've seen City Council fails again. People are scared to have their
7 children in Friendship Square now. I have heard this from multiple people because of
8 the aggressive, uh, choir singing from the NSA students? Um, I also think that we
9 don't need, again, another, uh, place for, um, instrumental teaching. I am also a
10 musician, and I've taken a music lesson since I was five and so I understand the
11 importance of it, but that is, again, not a space for downtown. People already talked
12 about the traffic. I don't need to go over that. Um, and I already think that is hard
13 enough for small and local businesses right now, given the current economic and
14 financial pressures like rising rent and other costs. Um, it is already hard. I've also
15 heard this from multiples- um, people who are trying to move their businesses or are
16 finding it hard to afford having small businesses already. Uh, so I think this would
17 just add to the pressure of that. Um, there's also, again, already too little parking
18 downtown with it looking like an entire campus and having these unofficial, um,
19 these- these apartments that have been- that are practically converted to dormitories
20 as well, which also I believe violates, uh, certain zoning laws. Um, but yeah that is
21 pretty much, uh, all I have to say. I strongly urge you guys to reject this. I don't- um,
22 and if anyone believes in an ounce of democracy, then I would- I would see this
23 rejected.

24 SCHUTZ: Thank you.

25 COMSTOCK: She's already testified.

26 SCHUTZ: You've-

1 CLEVINGER: Sorry, I have more to say.

2 SCHUTZ: You've already used your three minutes, ma'am.

3 CLEVINGER: I didn't use all of my three minutes, no.

4 SCHUTZ: I'm not going to reset it for a minute and a half. Alright, fine.

5 CLEVINGER: Thank you. I do deserve to talk if I would like to. To this community and this Board,
6 as I am a member of this community and I've grown up here. Um, I- with all due
7 respect sir, I would- I think it would be a shame to see my dad's space go this way.
8 Um, that building means a lot to me as I've already stated. Um, this community means
9 a lot to me and I'm kind of tired of having to make lists of com- like buildings
10 downtown I can't go to anymore because I don't want my money to fund a church that
11 doesn't believe in my rights as a woman or my friends rights as gay people or brown
12 people. Um, and I- I know that there's a lot of people who might roll their eyes at that,
13 but it is, um, it is a thing. Do you- I mean, I'm sure you're aware that CNN came into
14 town and interviewed Doug Wilson and he puts Moscow's name in the mud. Like he-
15 if you love your community and you sit on that Board, I urge you to put this down. I
16 love Moscow. I am an MS- MET- MHS graduate. I'm a U of I student, right. My dad
17 loves Moscow. My dad moved here in the '90s and he worked at that shop and then
18 he bought it and he loved our community. Everyone who sits here and everyone
19 outside of here. If there's anything I learned from my dad, is that I should put into my
20 community what I want out and that is love and acceptance. I want a thriving
21 downtown. I grew up in a thriving downtown.

22 SCHUTZ: I need you to stop. You've used your time.

23 CLEVINGER: Thank you.

24 SCHUTZ: Thank you.

25 DAIL: My name is Becky Dail, 1995 Pinto Drive here in Moscow. And I do get the Daily
26 News and have for 35 years and it's just for this sort of thing, to find out what's going

1 on in town. And to support businesses that open up. Um, I'm asking clarification on
2 the tax scene. Um, in the article, uh, about the- the purchase of this, um, shop, it
3 mentioned church services at the very end. He has not mentioned that today, but
4 apparently it could be a right. Um, if he does not state that at the outset, now that that's
5 his plan, if he does make it into church services later, is it non-taxable?

6 SCHUTZ: Okay. I'm going to start by saying I'm not a lawyer-

7 DAIL: Right, I'm just- I'm just throwing that out-

8 SCHUTZ: But- but- I believe that the contract relationship would be a lessor for the church,
9 which means he is still going to pay tax on the space-

10 DAIL: Even if there are church services?

11 SCHUTZ: Even if they're services because it's a rented space not a owned space. However, I'm
12 not the assessor. I'm not the treasurer.

13 DAIL: That's alright, I'm just throwing that out-

14 SCHUTZ: -that's just how I would interpret it. Laura- or Lucy, do you have a better one for me?

15 FALCY: I'm also not- work for the assessor or a tax lawyer.

16 SCHUTZ: Thank you.

17 DAIL: I just want to also bring to the front that Troy is in a situation where they did grant the
18 sale of a bank there. It was supposed to be for gatherings but not for church related.
19 Um, they have an ordinance. It can- uh, church cannot be within a certain amount of
20 a distance from active bars. They did start having church services and it's been going
21 on, um, years now, I think. And what has happened- the result of that is that they filed,
22 um, a discrimination and so the US Government Attorney General now is suing Troy
23 for, um, slander and discrimination. So, be careful what you say here.

24 SCHUTZ: Thank you.

25 SOULE: Hi, I'm John Soule. Um, 335 Northwest Larry Street, Pullman. But don't let that fool
26 you. I am a U of Idaho resident and I spend most of my little buying power mostly in

1 Moscow and poured my soul into this community. Please deny this. Um, please do
2 not accept this. What do Kirkers provide? They provide squat. Absolutely nothing. If
3 you want to go to a nerd store, there's Safari Pearl, an excellent store. If you want
4 coffee, there's One World and Cafe Artista. If you want food, there's Mikey's Gyros
5 and Moscow Bagel. And there are multiple bike shops as well as outdoor shops like
6 Hyperspod. There's also many churches that aren't funneling and profiting off of
7 abuse/abusers. I myself go to UU, but there's plenty of great churches and religious
8 institutions here. Moscow is a community that cannot be destroyed by a bunch of
9 bullies. This, and turning an old bike shop into another cult space to fester, is not
10 helping. I also want to see justice to everyone who was a victim of this cult. They are
11 neo-Nazis. Thank you. That's all.

12 SCHUTZ: Thank you.

13 BUTLER: Hi, my name is Miles Butler, 301 Lauder Ave. We've heard a couple different
14 arguments tonight about this CUP, and my biggest issue with this comes down- with
15 the- first, the CUP not really having any long-term specifics or detail beyond just the
16 ownership of it. The owner mentioned earlier- the applicant mentioned earlier that he
17 wants to own it and- but doesn't really- hasn't really established much clearer plans or
18 clear structure beyond the conversion to a dance studio and an educational space. As
19 a student, I've enjoyed the vibrant downtown, and I'm consider- I'm considering living
20 here for the foreseeable future after I graduate. But converting this property into an
21 educational and dance studio seems like it doesn't really add anything to Moscow, and
22 downtown Moscow, because it won't be a business where people will rotate in and
23 out like all of the other businesses in the Central Business District. Therefore, I ask
24 the Board to not- deny this CUP. I recognize that something needs to be done with
25 this property, but this feels like a spur-of-the- moment thing, and with the information
26 we have available us to- available to us, this CUP just doesn't seem like it'll benefit

1 Moscow in the Central Business District. I also ask the Board to think about how
2 many CUPs have been issued that don't truly reflect what they are when they were
3 proposed to the Board. And those CUPs that no longer benefit the community, even
4 when the original applicant suggested they would. Because I can count on multiple
5 han- uh, about one hand, maybe more, the CUPs that have- meet this criteria. When
6 you're considering this proposal, please deny it or reject it with conditions that need
7 to be met for its acceptance. Thank you.

8 SCHUTZ: Thank you.

9 CAUDILL: I'm Chris Caudill, 326 North Blaine Street in Moscow.

10 AUDIENCE: (inaudible)

11 CAUDILL: Oh! Chris Caudill, 326 North Blaine Street here in Moscow. I came here 20 more
12 year- more than 20 years ago as an educator and so I understand the need for education
13 as a core of the Moscow, uh, community, but this isn't the- the highest and best use of
14 this space. The commercial nature of the downtown brings a vibrancy. This space
15 would sort of cut against the synergies of having a bunch of businesses in the same
16 place at the same time. I'd like- also, like to ask, uh, a process question. The applicant,
17 eh, indicated that he doesn't own the building. And, why is it that you're considering
18 an application for use from someone who does not own or even control the building
19 so far as we know?

20 FALCY: It is- it is a speculative use, that is true. Um...uh...

21 BAIRD SPENCER: Um, it's not unheard of for a- a- application to come before us for somebody who has
22 a property under contract, which is what it sounds like this property is. They often
23 build the terms of their contract around the ability to get land use approvals ahead of
24 buying and taking down the property. So, it's not unheard of. Um, I would just point
25 out that the Conditional Use Permit is tied to the land, not to a user. So, the end user,

1 regardless of whether the buyer here buys it or the land remains in the property holding
2 it- it currently is in, the use would be allowable to both.

3 CAUDILL: Thank you for that clarification. So, I urge you- strongly urge you to deny the- the use
4 permit because again, it is not consistent with the core values of the Central Business
5 District being for commercial space. Um, and you know, I- I'll- I had a thought and
6 I'll share it, and it's- I- I think music is awesome and I love music lessons. I've- I've
7 known people who've learned on the violin and I couldn't get the picture of sitting at
8 Casa Lopez, um, outside during the summertime, and hearing the educational
9 experience and enrichment of the youth of Moscow. Thank you very much.

10 SCHUTZ: Thank you.

11 AUDIENCE: (applause)

12 SCHUTZ: No applause! We're not playing America Got Talent.

13 FALCON: My name is Arlene Falcon and I live at 113 North Garfield. As a downtown business
14 owner, um, I am not in favor of having another institution- uh, educational institution
15 downtown. Retail begets retail and we need more retail. And I agree with everything
16 Mr. Bailey said about the trojan horse, where it appears- I jotted something down. It
17 appears harmless but conceals a hidden agenda. And CJ's- CJ's became a music
18 academy. They can have music and dance there, but not in our downtown Central
19 Business District. It should become more retail. And he has the choice of creating
20 more retail or making a facility that only few people would use. Thank you for having
21 this Public Hearing tonight.

22 SCHUTZ: Thank you.

23 AUDIENCE: (inaudible)

24 WILDER: Um, my name is David Wilder, 687 Styner, Moscow. I used to own a business
25 downtown. Actually, it was neighboring this- this store. And Arlene and I used to send
26 business to each other. And so, my point is business- businesses depend on each other

1 downtown. You fill downtown with office spaces, with schools, with churches, they're
2 not helping downtown. So, I encourage you to deny this permit.

3 SCHUTZ: Thank you.

4 LAVOIE: Um, my name is Bill LaVoie. I'm at 1122 East Seventh and, uh, I'm a musician. A lot
5 of people here know I'm a musician. And, uh, I guess I have a question regarding what
6 would constitute support from another educational institution when you have a, uh,
7 you have an entire music school down the street that's run by St. Andrews College,
8 right? And you're going to have, uh, some church services and a lot of crossover. Um,
9 I can't imagine there's not going to be crossover between, like, instructors and so,
10 would that constitute support by another educational institution? And that's my
11 question I'm posing. I mean, I don't approve of the C- of the CUP right but, uh, for a
12 host of reasons that people have said but, I'm kind of wondering about this question
13 in terms of like what support- what constitutes support, because in this case I have to
14 think there's going to be support from New St. Andrews College in some way or
15 another, from the other music school. So, that's my only question.

16 SCHUTZ: Thank you.

17 COMSTOCK: She's already testified.

18 SCHUTZ: Ma'am, you already testified, and you used all your time.

19 KUMAR: Oh, are we not allowed to do that again?

20 SCHUTZ: No.

21 KUMAR: Oh, okay.

22 SCHUTZ: Thank you. F...

23 MERLEY: Hello, my name is Finn Merley. I live at 901 Paradise Creek Street. I'm a University
24 of Idaho student here in Moscow. Uh, but I have connections to Moscow that go
25 beyond my time here as a student. My sibling before me, uh, came here. And a lot of
26 what I'm going to say is going to echo some of the sentiments provided by this room.

1 But I think it's important to present that because this is a very important issue to me
2 living here. Um, this CUP- I strongly believe that this CUP should be denied. Uh, one
3 of the sort of, big critical pieces of that to me, was reading through, sort of, the slides
4 earlier. I believe the second or- I don't- I think it was like the list of requirements or
5 conditions needed to be met. Uh, the second one was that the business must be in
6 harmony with the surrounding neighborhood and land use. I do believe that that was
7 mentioned earlier, and I think if anything the amount of people that have showed up
8 here in this room to echo that they believe it will not, uh, be in harmony with the
9 surrounding community and land use might indicate that that is true. No one came
10 here to speak in support of this business and- or in support of this CUP. The CUP is
11 vague. It provides no specific meaningful actionable items. Uh, it does not contribute
12 to the surrounding community. It does not provide public spaces where people can go
13 enjoy looking at retail, consuming food together. It is instead a private exclusionary
14 space that is created for, uh, created for a specific set few students in an otherwise
15 community focused area of the town, the Central Business District. Uh, and based on-
16 based on the document, there's been- or based on the CUP, uh, and there's been
17 discussion of this already. It is very likely that that exclusionary group is going to
18 belong to some Christ Church or similar neo-Nazi groups in Moscow, Idaho that drag
19 Moscow, Idaho's name through the mud. Unlike a bike shop that existed there
20 previously that I had heard of before I even lived here. Uh, I was told by my excited
21 stepmom who loves cyclists and cycling that we should go enjoy this business.
22 Approving the C- CUP provides nothing like that. No one's really going to be hearing
23 about a private dance school in Moscow, Idaho, that serves 16 students. That's not
24 something that actually serves our community. So, I strongly believe, echoing what
25 everyone here also believes, that this CUP should absolutely be denied.

26 SCHUTZ: Thank you. ...Additional testimony in opposition?

1 R. MACK: Rhoda Mack from Newell Road, Viola. I've been looking at this building. It's- it's the
2 prime center of downtown. What a building. What a sight. And, just like when you
3 play Jenga, you pull out that one supporting unit and the whole thing collapses. That's
4 what you've got here. This building, you need to think of very carefully, what you're
5 going to let it become. Um, and I'll just leave one visual. Young women are now
6 learning when they sit in a bar to cover their drinks. Ladies and gentlemen, cover your
7 drinks.

8 SCHUTZ: Thank you.

9 COCHRAN: Good evening. My name is Lisa Cochran. I live at 325 Lewis Street, Moscow. I have
10 been here since 1984. So, that's quite a few years to have watched my community
11 transition away from what it once was to what it is, uh, becoming. I want to reiterate
12 the one thing that really stood out is the idea that a lot of people haven't heard about
13 this meeting. A lot of people weren't really m- aware this was going on. And I do
14 believe if nothing else, you should give the public time to be properly notified on a
15 variety of platforms so that people can know that you're meeting and considering these
16 things. We have a right to know. We have a right to speak up and I would suggest
17 please, take your time and give people the time they need to prepare to talk about their
18 feelings about their- their town. We all love it. We want it to stay a vibrant community,
19 but we all need to know what's going on in the community in order to be a part of that.
20 Thank you very much.

21 SCHUTZ: Thank you.

22 BENNETT: Hi. Uh, my name is Alisa Bennett. Uh, I live at 1418 West A Street, 203. Um, and I
23 want to speak in opposition to the CUP. I- I don't have anything particularly new to
24 add that everybody else hasn't already said. Um, other than that, you can see clearly
25 what people stand on this. And... I mean, I- it's pretty clear from what the people that
26 have shown up today that we all want our community to stay safe and to stay free and

1 to stay a place where everyone is welcome. This community is really important to me.
2 I've lived here, for like, I believe four years now and it's really important to me that
3 our community stays safe and free and this specific allocation of this space doesn't
4 support that goal. Um, and yeah, you can see where everybody stands on this based
5 on all the testimony in the room. So, I would encourage you to really think about
6 where our community wants to go, where- where we want to move. Thanks.

7 SCHUTZ: Thank you. Further testimony in opposition?

8 CARVER: My name's Carver Carver. I'm at 113 North Garfield. Uh, thank you Council for this
9 forum and, uh, I'm a retired businessman and what stands out to me is, uh, re-
10 addressing the parking ratio to the existing businesses and consider that with your
11 CUP. And that's all I have, thank you.

12 SCHUTZ: Thank you. Any further testimony in opposition?

13 AUDIENCE: (Inaudible)

14 COMSTOCK: No.

15 SCHUTZ: No.

16 AUDIENCE: (Inaudible)

17 WEAVER: Hi, my name is Susan Weaver. I'm at 1320 Public Avenue. I just would like to state
18 that I'm opposed to this. Um, and I- I think it's the retail issue. Um, I think more retail
19 in the downtown, to support the other retail businesses, makes more sense than- than
20 this kind of use of this space. And that's, kind of ech- echoing a lot of other people.
21 Thank you.

22 SCHUTZ: Thank you.

23 A. MACK: My name is Ariel Mack. I'm on Newell Road in Viola. I strongly and respectfully-

24 AUDIENCE: (inaudible)

25 A. MACK: I strongly and respectfully want to urge the Council to deny this proposal. I'm a mother
26 of a household of five. I'm a former educator, a former designer at a mixed-use

1 architectural firm in New York City. Um, I have a fine arts degree. I'm a former violist.
2 I appreciate and love education and the arts. But this proposal is right in the core center
3 of the retail district of Moscow. It does not line up with any of the values that the city
4 of Moscow encompasses. Above all, I am a community member here and I strongly
5 believe that in a community, we take care of one another. We support one another,
6 and we welcome everyone and support everyone. These values are not the same values
7 as those lobbying for this proposal. And I think and I want to urge you to take that
8 into full consideration when you look at what will be in the center of Moscow. Thank
9 you.

10 SCHUTZ: Thank you.

11 RINALDI: Hello. My name is Jill Rinaldi. I live at 943 Hirschi Road and I'm a taxpayer. And I'm
12 a taxpayer who likes to know that when things are approved in cities and counties that
13 we've had full disclosure and that there's been plenty of opportunity beforehand and,
14 um, that the public is informed. It- that things aren't railroaded to change how the
15 personality of the City. I gra- grew up in Genessee, Idaho. Graduated from the U of I
16 in '74. Came back in '97. Left for 12 years, came back and the, uh, personality of
17 Main Street has changed because of the things that have been allowed there in the last
18 20 years. And if you want that vision of, um, unfriendliness, uh, you know, taking up
19 friendship square for two or three hours every day for one entity, then this Conditional
20 Use Permit is going to in- increase that type of, um, segregation in your community,
21 in my community. And as a taxpayer, I've noticed that people ask for, uh, forgiveness
22 rather than permission as they sneak into other things and whether this is gonna, um,
23 we could just look at Troy and see what Troy's doing and what Troy has had to put up
24 with, with people not being forthright and honest because deception is seeping into
25 our community. And I think you as the, um, Board and, uh, the representatives of us,
26 the taxpayers, and we want the flavor of the town to reflect, uh, openness and, uh,

1 friendliness and working together. And you can walk downtown, and you can go in
2 and out all the stores and it's beautiful. But there's some sections already that are
3 closed off to the general public. So, you're going to close off more sections to the
4 general public. And I feel sorry that that might happen if you don't- if we all don't do
5 our due diligence in how important these decisions are made. Thank you.

6 SCHUTZ: Thank you.

7 SIX: Hi, my name is Sheri Six. Um, my address is 856 Kenneth Street in Moscow. And,
8 um, you know, I agree with most everything that's been said here, but I- I was shocked
9 in the presentation to learn that such a big space would be taking care of so few people.
10 Um, the four students during the day and the 12 students at night or whatever the
11 combination may end up to be. Um, and that- that seems very problematic to me. Um,
12 and the- the mentions of retail begetting retail. Um, I hadn't thought of that myself,
13 but some of those, uh, testimonies tonight have really rung true to me. Um, but- so I
14 guess that's my- that's my opposition. But I also was very surprised to see that church
15 services are allowed in a- as part of the zoning in the Commercial Business Zone. I
16 don't understand that. Um, and maybe you can talk to that if you want to tonight. Um,
17 but I know that's not really the purpose of tonight, but I just want to, I guess raise that
18 question for you to consider. Um, why- wh- what is a church- you know, what
19 commercial business does a- a church provide? So, thank you.

20 SCHUTZ: Thank you. Further testimony in opposition?

21 POTTS: Victoria Potts, 326 North Blaine in Moscow. I feel obligated to come up here and
22 voice what everyone else here tonight has voiced and that is to reject the CUP because
23 it does not align with the spirit of Moscow. It- the retail begets retail. It's in the c-
24 central part of downtown Moscow. And I have the ability and the means to leave
25 Moscow. And it comes more and more on my mind, when this comes up about these
26 businesses that are exclusive to Christ Church. I don't want this as my downtown when

1 I retire. I would love to stay here. I would love to enjoy the businesses. But if it
2 continues to go down this road, this path of Christ Church owning properties, I will
3 leave and it will be a huge shame and I think it will start a trend. And that's not- that's
4 not why we're here. That's not what Moscow is about. So, it'd be a- it would be a
5 travesty to see that happen. So, I would encourage you- implore you to please deny
6 this CUP.

7 SCHUTZ: Thank you. Further testimony in opposition?

8 ROD: Hi, I'm Rebecca Rod and I've been a mem- oh, my- my address is 2680 Troy Road.
9 Been living in Moscow for 40 something years. Uh, it's been a great town so far. There
10 is a- kind of a weird trend going on that I'm not very happy about that we've spoken
11 about. I was kind of shocked at the initial presentation of the proposal, initially. Our
12 presenter didn't even mention the little pro- paragraph down below that was like, 'and
13 occasionally we may want to, you know, use this for church purposes'. And I do think
14 that's the red herring here. And I think that's why so many people have showed up. To
15 be honest, I thought we'd show up and there'd be, you know, half folks would be
16 proponents of- supporters of this proposition. And here, I- I see person after person
17 get up that are thinking- we're all thinking the same thing. This is a slippery slope
18 deal. And when we did the CUP to allow- that college downtown was a big mistake.
19 A big mistake. So, if, uh, I- I don't- I'm- I don't see what the business plan really is. It
20 does seem very kind of wobbly and like what BJ was saying. How can- how can they
21 bring in f- \$17,000 dollars a month to support a business that doesn't seem like it has
22 a very good plan and doesn't support very many people? Um, so, uh, I- I think this
23 Conditional Use Permit stuff really needs to be, uh, scrutinized more than it has been
24 and followed up more than it has been. And, um, you know, we- we do need a vital
25 business community. We do need to keep our community a place where people are all
26 welcome to join into things and, you know, people aren't muscling in declaring

1 dominion over our town and this is what we need to watch. But, uh, I guess that's
2 mainly what I want to say is just that I- I don't think that CUP should be, uh, granted
3 and I think we need to keep an eye on this CUP business. I think we need to look at
4 this, whatever section of whatever, that says that churches are allowed downtown and
5 probably change that. Um, because that doesn't seem like a vibrant downtown idea.
6 Maybe it was in 1874 or something. I don't know. But, uh, you know, doesn't seem
7 like a great deal now. But, uh, so anyway, that's my feeling.

8 SCHUTZ: Thank you.

9 GAYLER: Richard Gayler, 839 Nyler- Nylarol Street, Moscow. Uh, I did not intend to come up
10 here and talk. Uh, but, uh, I have two points. One, I trust this Board will make a good
11 decision here and the vision, the intent, what's good for Moscow. I trust that you guys
12 will do this because I- obviously 99% of us have spoken and it has been in opposition.
13 And to you, I think if you're a good neighbor, you should withdraw this consideration.
14 It's just being a good neighbor. I don't think anybody wants this and maybe reconsider
15 something- doing something else. Thank you.

16 SCHUTZ: Thank you.

17 ASHIGLAR: Sarah Ashiglar, 1433 Sunnyside Avenue, Moscow. Uh, not going to repeat what
18 everybody said. Um, I just have two kids, and we did have them in the music school
19 and it definitely- that was downtown on Third Street. It was a parking problem. When
20 they moved: much better situation. I- I love music. Both my kids are in it as well. So,
21 to me, it's a big parking issue. Um, and I think the downtown space, that particular
22 space, I loved the bike shop. Um, should bring in more pedestrians and bikers, less
23 cars. And as a parent, you drive your kids around everywhere. It's cold and nasty and
24 it- it would be better to have a- a retail store that people can walk and- and park in one
25 spot and- and not drop their kids off and come back and get their kids and all that kind
26 of stuff. So, that's it.

1 SCHUTZ: Thank you. Further testimony in opposition...? Going once... Going twice... Now,
2 we have testimony of a general nature. Would anyone like to testify in a general
3 nature?

4 AUDIENCE: (inaudible)

5 SCHUTZ: All right, would the applicant like to respond to anything- Uh, okay...

6 AUDIENCE: (inaudible)

7 LATTA: Yeah. Well, actually my question is, um, and so we're- this is for a Conditional Use
8 Permit. Is there- is there an end date to this Conditional Use? Because they say- or is
9 this just something that goes with this property forever?

10 SCHUTZ: Uh, unless you don't use it for 6 months. Is that correct?

11 AUDIENCE: (inaudible)

12 BAIRD SPENCER: Mr. Chairman? Um, a Conditional Use Permit is generally allowed a- a permitted use
13 on a property once it's been approved, unless other standards are put in place that it
14 has an expiration date or has a termination date. Uh, a- a Conditional Use does run
15 with the land, um, and does stay with the property unless otherwise terminated.

16 SCHUTZ: Forever and ever?

17 BAIRD SPENCER: Forever and ever.

18 SCHUTZ: Good lord.

19 LATTA: Okay. So- so, I guess maybe I don't know if this is a general nature, but in general that
20 seems kind of dangerous to put a, uh, on- on Main Street in a prime location- because
21 this, I mean, yes, it's the Commercial Business District, but it is Main Street. It's not,
22 you know, just one over, or you know, it's like m- that- that's a big space, but this is
23 like, you know, where everyone wants to walk and- and do their shopping. Um, so to
24 have a spot on Main Street, regardless of who owns it, for it to be a- an educational
25 spot does not make sense to me in any way sha-, or shape, or form. I guess I didn't say
26 my name. Do you want me to say?

1 SCHUTZ: Yeah, please.

2 LATTA: Um, Leah Latta, 1009 Bird Song Lane, Moscow.

3 SCHUTZ: Thank you.

4 LATTA: Thanks.

5 HART: Ann- Ann Hart, 315 North Howard. I don't know what 'conditional' means. Can you
6 just explain that, so far?

7 FALCY: Yeah. So, a Conditional Use Permit is a review for a permit of a proposed use that,
8 because of its operating characteristics or its location or its size, needs additional
9 public review. Uh, in this particular instance, educational services are conditionally
10 permitted uses almost throughout the entire town except, um, University I believe.

11 HART: So- so- my understanding of conditional is it can change? I just don't understand.
12 Hasn't everything been permanent, so far, that's been granted Conditional Use or has
13 anything been discarded along the way?

14 FALCY: It's more of a way of determining between an outright permitted use, by right, and
15 one that is conditionally permitted: one that's permitted with permission.

16 BAIRD SPENCER: The difference is a Conditional Use is meant to have conditions or re- extra review
17 prior to being allowed to be moving forward and be used.

18 HART: Okay. So, it has-

19 BAIRD SPENCER: -it's not that a- versus a permitted use, which is by right. You have a piece of property-

20 HART: Okay.

21 BAIRD SPENCER: -and you can do it, by right. It's just an extra to review.

22 HART: Thank you. I just- hard to understand.

23 SCHUTZ: Thank you. Any further testimony of a general nature? You've already spoke. Thanks
24 for trying again though. Would the applicant like to respond to anything that you've
25 heard tonight?

1 OLPS: Uh, the- I mean, as I understand it, the Board of Adjustment doesn't consider church
2 affiliation or religious views in its determination of a CUP. So, when I distill the, uh,
3 less prejudicial concerns, I remember things like a desire for greater retail in that
4 space. Um, I would sympathize with that. I have a lot of retailers, uh, who tenant with
5 me, and I love the vibrancy they bring. Um, I like having a mixture of more passive
6 uses, like a service industry or an office with retail, so that you can have even an
7 internal dynamic in an office building or other parts of town where, uh, there's a- a
8 feed- um, a mutual feeding. Um, so I'm not opposed to that. I haven't signed any leases
9 yet. Um, I- I'm- I'm reeling a little bit. I- I haven't expressed this level of contempt
10 and prejudice before. So, I've learned about myself, views I didn't know I held, such
11 as neo-Naziism. Um, last I checked, when I checked in with myself, I did not hold to
12 that view. So, I- I realize things like that aren't in consideration for the CUP. But I
13 mean, I could- I could go on and on about- about the more inflammatory aspects, but
14 wi- with respect to how, uh, a central building in, uh, in the core of downtown should
15 be used, I think I agree with, uh, many of the public's opinions about the centrality of
16 retail. And, um, I'm not committing to either a church use or a retail use at this point.
17 Maybe that's part of the wobbliness of my business plan. Um, I also don't know that I
18 should speak to the- the business plan aspect. Uh, I'm not paying what people think
19 I'm paying and I'm not going to spend, Lord willing, uh, as much as they want me to
20 spend on CapEx. So, it could be that I have a bad business plan and this flops. I'm an
21 entrepreneur and that happens to me sometimes. Uh, I really don't know where to go
22 in terms of answering some of those questions. Does the Board have questions that
23 were provoked by the public that I could address directly?

24 WELDON: Yeah, just clarification here on your classes. I know it's an- a proposal, right? It's an-
25 an idea. You're- there's not four students there for the day, correct? It says classes up

1 to four students, right? Smaller classes throughout the day. There will be multiple
2 students coming through there, not just four.

3 OLPS: Yeah, I thought it was four per hour.

4 WELDON: Yeah, that's- that's- that's what I'm hearing. I just wanted to make that-

5 OLPS: And again, that's my tenants' job. If their business flops, I'll- I'll move the, uh, the
6 horse racing thing in right away. Any other questions for me?

7 SCHUTZ: Anyone? Nope, I don't think so.

8 OLPS: Thank you. Thanks for being patient with the drama I've developed here.

9 SCHUTZ: Thank you. With that, I'm going to close the con- the, uh, Hearing. And I'm going to
10 address two things. One, the City of Moscow does have a mailing list. If you'd like to
11 be noticed and you don't get the newspaper, contact the City. Uh, they'll send you an
12 email that says, "Hey, there's a Public Hearing, there's a Commissioner's meeting,
13 there's, um, there's Council meeting coming up." So, um, please avail yourself of that.
14 And secondly, if anybody wants to talk about churches in the Central Business
15 District, the, um, Planning and Zoning Commission meets twice a month on
16 Wednesdays, in this room. I do not believe that it is on their agenda, nor is it ame- uh,
17 something that's in front of them. Use the three minutes, or the 15 minutes, at the front
18 of their meeting and come talk to them about it. With that, I'd like to invite the, uh,
19 Board to discuss.

20 COMSTOCK: Jerry?

21 SCHUTZ: Yeah.

22 COMSTOCK: Well, I'll start the ball rolling. First of all-

23 SCHUTZ: Oh, microphones.

24 COMSTOCK: Sorry, folks. First of all, I've given my life to this community. I've served for the- with
25 the City of Moscow for over 50 years in one capacity or another. So, yes, I love this
26 committee- this- this community. I love the City of Moscow, but as a Board of

1 Adjustment, we have certain tools that we have to use. We can't, uh, bring something
2 in at a meeting like this and just say no, we're not going to allow churches in- in
3 Central Business District anymore. I mean, there's a process that it goes through, but
4 that's not the process that we have to look at. Our tools that we have available to us,
5 we- we can look at the Comprehensive Plan. We can- we can look at the zoning of-
6 of the properties, make sure that it's zoned correctly, and then we look at Conditional
7 Use Permits. And when we look at Conditional Use Permits, there's certain criteria
8 that we have to address one way or another. To approve it, we have a certain criteria
9 that we have to look at for every step. To deny it, we also have to look at it through
10 every step. So, the- we are limited to the tools that we can use to do this legally and
11 properly. Oh, with that I would say that when I look at the Comprehensive Plan- the
12 Comprehensive Plans for- for this Central Business District looks at mixed uses. We
13 look at all the mixed uses that are here. Retail primarily, but there's also medical
14 facilities, there's insurance, there's architects, there's attorneys, there's restaurants,
15 there's bars. There's a huge mixture. And anything that doesn't fall within the- the use
16 of right, then we have- have listed as a Conditional Use. Is what we're doing tonight.
17 And every Conditional Use is looked at on its own merit one way or another. And we
18 can add conditions to it. Like parking or hours of operations, there's things that we
19 can add to it to- to make it fit. So, tonight I want to remember- remind this Board that
20 what we're looking at is it- it- does it meet the Comprehensive Plan? Yes. It- does it
21 fall in the zoning category? Yes. And are- as we follow that criteria to either approve
22 it or deny it. That's what we have to focus on. This is not about denying Christ Church.
23 This is not about having a church in- in this zoning district. This is about this
24 application for what's been stated in front of us to approve under that criteria.

25 SCHUTZ: Thank you, Marshall.

1 DICKINSON: I just want one- would- would like to ask for one point of clarification from the City
2 about, um, I- I mean, I've been part of the Board that's made decisions on a CUP with
3 terms, like a term limit for a number of years. Um, you know, I'm just- I just want to
4 clarify that we can- we can add terms. So, it's the- the CUP is transferable unless we
5 add terms for a time frame, right? As- can-

6 BAIRD SPENCER: So- so, a CUP runs with the land. It doesn't run with a- with- with a specific applicant.
7 I just want to first of clarify that. So, if this applicant gets an approval and ends up not
8 buying it and the next person does it, they could do the same studio dance use on the
9 property if the CUP is approved. It goes with the land. Secondly, you can put terms
10 and conditions on to the use. That is allowed as part of a CUP. You- they need to be
11 justified. They need to be connected to the Relevant Criteria and Standards that are
12 set forth in City Code. So, why are the- why are you putting those conditions on, uh,
13 to prevent what is being asked for in the Code. So, that's- that would be the direction
14 I would give you.

15 THOMSON: Um, I certainly, uh, respect what Marshall is saying here and he's absolutely right
16 about the fact that we have to, um, use as our, um, baseline anyhow the Relevant
17 Criteria and Standards. So, that's where I go to. I mean, I- I certainly can't help but to
18 be a- a- impressed by the, uh, majority of the folks here who are in opposition to this.
19 And so, I focused on in my reading the, uh, condition number two where it talks about
20 the harmony with the neighborhood. And that's been brought up a couple times, but I
21 noted it myself. And I guess we can all sit here and try to define in our own personal
22 way what harmony really means. But I guess I- I'm hearing some pretty strong feelings
23 and testimony that the, uh, some subject matter experts, some retailers here, some
24 folks who know, uh, the differences between some of the uses of this person- of this
25 property is going to be- are better educated than I am in that particular area. However,
26 I- I have a hard time believing that this is harmonious with the, uh, uh, the culture and

1 the, um, perception of what the downtown core really stands for. I- I understand the
2 value of diversity. Um, but I guess I- I- I have a problem considering that what I've
3 heard tonight, uh, that this is particularly harmonious, this particular use of this, uh,
4 this property.

5 COMSTOCK: You want to address Tim or you want let- somebody else speak for a while?

6 SCHUTZ: You guys want to say anything or...?

7 BUSH: Well, I just want to say that, um, as some people had mentioned that years ago, um,
8 when I got here, it was Ken's Stationary then it was, um, it was, um, s- kinda like a
9 Staples decor and then- and then Earl bought the property and made it a bicycle shop
10 and it was there for a long time and- and, uh, then TJ bought it and it's been operated
11 as a bicycle shop and it- and it- it is part of the- a big- a big building downtown in
12 Moscow and, uh, and it has a big footprint there and, uh, and me-, um, it would be
13 nice to see it stay as retail. But I- and then again, you know, you have a buyer and you
14 have a seller and- and you have a seller who wants to sell a building and- and, uh, he
15 doesn't have, uh- he- he doesn't have a dozen people coming to his door and saying,
16 "I- I want to purchase your- your building." So, you know, you're- you're- you're, uh,
17 limiting the ability of the seller to be able to market their product, um, by saying that,
18 well, this particular sale is- isn't, um, doesn't fit. But, uh, but I think that if it- if as
19 we've had so much discussion, uh, from the public, um, criteria number two: 'The
20 character of the proposed use will not be in harmony with- with the neighborhood'.
21 You know, it- it doesn't fit into the- the retail neighborhood of- of the- uh, of the, um,
22 um, the downtown area. And- and then, what I don't really like, but it's- it's a- it's a
23 fact of life that this- the, um, Commercial Downtown District does not require
24 parking. That just- that just bothers me to no end. But I, um, but that's just the way it
25 is. And, uh, and I can't change it. And, uh, and so we have limited parking downtown
26 and- and, uh, and the idea of coming and dropping people off and- and leaving

1 students for an hour or whatever and then coming and picking them up, it doesn't
2 really, um, it doesn't really utilize the area for retail. It doesn't get people to walk
3 downtown and- and shop. And- and what you're looking for in your downtown areas
4 is retail. Uh, in my opinion, that's what- what you're looking for is retail and- and this
5 doesn't quite fit that niche. And- and so if the criteria number two is- is it in harmony
6 with the neighborhood? It doesn't for me fit the criteria of the neighborhood because
7 it's- it's not retail.

8 COMSTOCK: Can I address that real quick?

9 SCHUTZ: Yup.

10 COMSTOCK: Half of the Central Business District downtown is not retail.

11 BUSH: Mmhmm.

12 COMSTOCK: Got attorney's offices, architectural office, insurance offices, designers, restaurants.
13 Well, restaurants are retail, but there's many factors of the Central Business District
14 that aren't just retail.

15 BUSH: Right. Yeah. Yeah, I- I totally agree. And, uh, and- and again, it goes back to
16 somewhat parking where we have the mall, where we have the big parking lot out
17 there and downtown, it's a place where people have a ha- hard time coming to- coming
18 to find a place to park.

19 COMSTOCK: Got a title company down there.

20 BUSH: Unfortunately.

21 SCHUTZ: Well, and to that point, um, we have eroded our retail downtown. And I mean, one of
22 the parking considerations in the last 50 years that we've talked about the lack of
23 parking downtown is that Realtors are in downtown and they play, um, you know,
24 three-hour hopscotch. And so that keeps parking available for shoppers. Well, they're
25 down on one side more than they are on, you know, on the central, where I'm going
26 to call the Central Business District, which is Friendship Square south. When we close

1 Main Street, and this is something to think about for the Central Business District,
2 when we close Main Street, we only close it from Third to Sixth. You know, nobody
3 ever reaches to the other side. And why is that? It's because it's re- it's of- professional
4 offices, a bar. Um, you know, so I- I- I think that I- I have to agree that I don't find
5 this particular use of one of the largest buildings in downtown, uh, giving it something
6 other than it is able to do by right because this is a Conditional Use. It's not something
7 that was primarily decided to be in the Central Business District. This isn't as easy as
8 a, you know, 1100-square-foot garage somebody's putting on the- the back of their
9 house, which is what we usually get. Um, so, um, I'm- I'm kind of leaning against- on,
10 you know, on number two as well. You know, I don't think this is the- a harmonious
11 use to the rest of the businesses that are in, specifically, that part of downtown.

12 BUSH: Yeah, that's- it's part of, um, the- when we close off for Farmers Market, that's the
13 area that's closed off for Farmers Market. It's- it's part of, uh, the retail, part of- of
14 downtown and- and the businesses on Saturday get traffic during that Farmers Market
15 and it's- its gets crowded.

16 COMSTOCK: I'd like to hear what Laura was saying.

17 WELDON: There's a- what's interesting to me is there's a wide variety of uses that it could be
18 without the CUP. Do you have a list of those that you could read for me at all?

19 FALCY: Want me to list them all?

20 WELDON: A- a- a bunch of them, please, just so that we're all aware.

21 FALCY: I'll admit I've been watching the list this whole meeting.

22 WELDON: I have- I bet.

23 FALCY: It's kind of funny. All right. Uh, residential above or behind a commercial use, or a
24 second- yeah, commercial use. Uh, as an accessory use, you can have accessory
25 structures or home occupations. Um, animal slaughtering and processing.

26 WELDON: Okay.

1 FALCY: Gardens, archery, bowling, dance halls, fitness centers-

2 BUSH: Don't give Randy a bunch of ideas.

3 FALCY: -uh, sorry, it gets a little tiny here. Miniature golf, movie theater, mmm, riding stables,
4 agencies, brokerage, insurance related activities, broadcasting studios, business
5 professionals, social advocacy services. Um, commercial banking, credit
6 union/savings, construction contractor services, data processing. Uh, professional
7 scientific services. Sorry, it's kind of hard.

8 WELDON: That's-

9 FALCY: -publishing industries, real estate, securities, commodities, software publishing,
10 alcoholic drinking places.

11 WELDON: So, that's- that's a good-

12 FALCY: That's- that's one page of-

13 WELDON: Many?

14 FALCY: All right. Beverage manufacturing, which I- it's an interesting one. Uh, antenna
15 towers, funeral- nope, government office buildings, healthcare services. Hospitals,
16 public parks, religious facilities, telecommunication facilities, commu- consumer
17 good rentals, laundries and dry cleaners, personal care services, retail sales...
18 Electronic and precision equipment repair and maintenance, parking lots and garages,
19 bed and breakfasts, hotels and motels, drive-thru facilities.

20 WELDON: Thank you, Lucy. Thank you. Um-

21 FALCY: I missed one on accident.

22 SCHUTZ: That even said something about fit- fitness in there. And it wasn't a fitness class, right?
23 Fitness... Sorry...

24 FALCY: Fitness centers.

25 WELDON: Fitness centers.

26 COMSTOCK: Which hold classes.

1 WELDON: Yeah. Yeah. So, I don't- personally I don't- I don't know that there's that large of a dis-
2 a difference than a lot of those, um, uses for classes, dance classes. I do- I've- I've had
3 young kids myself. Um, it's hard to find a dance class. My kids wanted to do dance
4 and we don't find one that they could do. Um, and then the parking though, is an issue
5 and the drop offs and whatnot and I can see how that can be a problem along with the
6 continuity. However, um, when we're talking about retail continuity or the public is
7 talking about retail continuity, those other options that can be done without a CUP, I
8 don't know that they would fit in with those as well, if the, um, buyer wants to do one
9 of those options instead. I do know, um, I am in the real estate industry, that this
10 building in particular has been on the market for quite a while. So, um, just throwing
11 that out there. Yeah.

12 COMSTOCK: So, Jerry, that's my point. I would love to see more retail in downtown Moscow, and
13 I love the retail that we have there, but it's not the only thing that's allowed in the
14 Central Business District. We've got to look at the whole picture. And to me, the uses
15 that have been presented to us fit in that picture. Um, I mean, we've got-

16 WELDON: Yoga.

17 COMSTOCK: -established businesses downtown that are holding classes, there's cooking classes,
18 there's fitness classes, there's many types of classes that are being held there. They're
19 not certified educational classes, but they're- they are classes.

20 SCHUTZ: Okay. So, for the- my- my response to that would be, for example Ampersand does
21 cooking classes but they are primarily a retail space. So, I- I could- you know, it would
22 be easier for me to- if there was something that was going to create traffic and the
23 traffic that we're looking at is, you know, four- 4 times 8 is 24 and then, another maybe
24 24, and a dance class and a- and a fitness class. Even the fitness center has more than
25 48 people a day going through it. Um, and I just- I- I feel strongly, and you know I-
26 I've felt this way, you know, back when I was in the Chamber. You know, our biggest

1 complaint about downtown is parking and a lack of retail. Um, and those are- those
2 are the two things that, right now, we can't deal with the parking. Um, but to me, this
3 is an opportunity to say, "Yeah, retail is more important," you know, or- or a slaughter
4 house. I mean, I'm okay with that. Um, be kind of interesting, you know, we'd get
5 fresh beef.

6 COMSTOCK: There- there used to be one, Jerry.

7 SCHUTZ: I'm sure there was. That's why it's in there. But, um, but you know, I- I guess- I- I'm
8 not really making light of it but, you know, at the same time, um, I think there's-
9 there's- within that cacophony of- of, uh, list that, um, Lucy read, I think there's
10 something in there that would fit within- without having to get a Conditional Use
11 Permit. Which, as we have been told, and I was actually under the impression, falsely,
12 that it's forever. So, I- I-

13 COMSTOCK: We don't- we don't have to make it forever. We can condition it.

14 DICKINSON: Yeah, we can con- condition it, with-

15 SCHUTZ: So...

16 COMSTOCK: Put a time limit on it and see how it goes.

17 DICKINSON: I- I guess I, um, would just add to this discussion that one of the things maybe in
18 addition to what we- what all of you have been talking about related to number two.
19 I'm having some trouble with the squishiness of this business plan. The, um, and I'm
20 using that term because it just seems very nebulous to me. It doesn't seem fully- fully
21 ironed out and I'm- I'm not quite sure why you would purchase an expensive building
22 in the downtown without more of an ironed out plan.

23 COMSTOCK: That isn't something this Board looks at.

24 DICKINSON: I- I understand that. But- but the- but the issue is that condition number three is that
25 we're supposed to determine if the Conditional Use Permit can be granted, based- you
26 know, because it or we- we've determined that it will not generate nuisances or be

1 injurious or detrimental to the adjoining properties, um, or the neighborhood,
2 including but not limited to noise, dust, glare, vibrations, odors, and the like. And I
3 just don't know that any of those things have really been sussed out. This, um, there's
4 a comment in, um, one of the criteria about how the masonry walls will shield
5 neighbors from noises. So, it's just- has anybody played a violin in there even? I mean,
6 that's like the lowest tech version of- of checking to see if you have a nuisance, um,
7 that bothers the neighbors. And I don't-

8 COMSTOCK: What about a bar that has a band?

9 DICKINSON: You know, that- that-

10 COMSTOCK: Use of Right.

11 DICKINSON: Right. But the, um, it's- it's true. There's bars that have a band, you know...

12 AUDIENCE: (inaudible)

13 SCHUTZ: And there's residents downtown.

14 DICKINSON: And there's residents downtown. So, it's- but it's, you know, it- it is different when
15 you're talking about, uh, actual accomplished musicians versus somebody playing the
16 violin for the first time.

17 COMSTOCK: Well, I think we need to focus on what's on our plate. We can't fo- focus on, well,
18 what if this and what if that. We need to focus on what's been presented to us.

19 BAIRD SPENCER: Commissioners, if I may, um, I would recommend is a way of starting forward is
20 looking through your Relevant Conditions and Standards one by one and determine if
21 you feel that this application meets those Relevant Conditions and Standards. And if
22 you feel that they do, why? And if they don't, why? That will provide us a good record
23 to move forward with.

24 COMSTOCK: Well, cho- would you prefer to have a motion first and then carry on with the Relevant
25 Criteria? I think that would get us off.

1 BAIRD SPENCER: I think it's at the discretion of the Board. It's really at your feelings of how you feel.
2 Um, it may- going through them one by one may help facilitate you getting to a
3 motion. Um, but you could also make a motion, but I would encourage that whatever
4 motion you make does include the Relevant Standards that you are using and applying
5 or finding them to be a miss on.

6 FALCY: And, also just to clarify, I misread the tiny type: slaughterhouses are not allowed, but
7 right below that, market gardens are.

8 SCHUTZ: Okay.

9 COMSTOCK: But, bowling alleys are in there.

10 SCHUTZ: But, bowling alleys are okay, so. And we can use one of those, too.

11 COMSTOCK: How do you want to do it, Jer?

12 SCHUTZ: Uh, it's up to you guys. Um-

13 BUSH: You do it.

14 SCHUTZ: You want to make a motion, we can go there.

15 COMSTOCK: Yeah, I'll do that.

16 SCHUTZ: -can work backwards or we can start at the front. I mean, we've already talked about,
17 you know, the relevance of number two. So, yeah.

18 COMSTOCK: Okay. I'll make motion that we approve the Conditional Use Permit with a condition
19 of a time limit of 10 years.

20 SCHUTZ: Ok-

21 AUDIENCE: No. No. No.

22 SCHUTZ: Is there a second...? Hearing none, the motion dies. Okay, that's a start. Um, on the
23 criteria, I guess that's our second.

24 THOMSON: Well, I think it's pretty clear that it's- meets the zoning, um, with the staff has provided.
25 I didn't have an issue with that.

1 SCHUTZ: Okay. So, number one is, is it conditionally permitted within the zoning district? And
2 yes, it is. Okay. Number two-

3 BUSH: Well, it is with the with a Conditional Use Permit, I mean-

4 SCHUTZ: Well, yeah, but is the Conditional Use Permit within the zoning district? So, yes, that
5 part is.

6 BUSH: Okay.

7 SCHUTZ: But it is a conditional use. Yes, I agree with you on that. Um, number two is the
8 character of the proposed use will be in harmony with the neighborhood and
9 surrounding land uses?

10 AUDIENCE: No. No. No.

11 SCHUTZ: Okay! You guys got your chance to talk. This is our time to talk. Like, we don't need
12 the echo chamber in here. Um, it's hard enough working on this already. So, um, just
13 be nice.

14 COMSTOCK: What I would say to this, Jerry, is I believe it- it's in harmony with most of the other
15 businesses in the zoning. I don't know that it needs to be in harmony with every one
16 of them.

17 SCHUTZ: Okay.

18 THOMSON: I guess I've already made my position on this. I mean I- 25 people testify against it
19 and I only- I think maybe one was in front of it, one was in paper. I mean that's an
20 imp- makes an impression on me. It's a Public Hearing, so we need to hear the pu-
21 from the public. And that's- draws me to that fact that there certainly seems to be a
22 feeling that it is not in harmony with the neighborhood as far as, uh, the vibrancy
23 they'd like to see and, um, and the uses. So, that's- that's how I feel about it.

24 SCHUTZ: Would you be able to-

25 BUSH: Yeah, I kind of I kind of agree that it- it- the- the character of the- of the central district,
26 central, uh, dis- commercial district to me is re- is real- real thing- real, um, is retail

1 sales and, uh, and it really doesn't address retail sales. It- it is a more of a educational
2 part which we already have, um, you know quite a bit downtown but, um, but it again
3 it doesn't, uh, bring people in to shop downtown the way it's designed and it doesn't,
4 uh, um, it doesn't cause people to go from door to door to look around for items for
5 retail sales and- and, uh, and seems like that central district area really needs to focus
6 on retail. And in my opinion, it's just when I-

7 COMSTOCK: Steve, you own a title company. How many retail people do you have? How many do
8 the retail people the insurance companies have or the attorneys? Or the-

9 BUSH: Well, there's some real- there's banks and there's real- uh, insurance people and real
10 estate office down there and- and, uh, and that brings people downtown, um, that are
11 shopping for, um, services and, uh, but I don't- in my opinion educational parts are
12 not services. They are to the community, but they aren't services to the downtown
13 district. They could be anywhere in town and provide a service for anybody down-
14 in- in town, but it wouldn't really focus on bringing people to downtown for the
15 commercial aspect of resta- retail.

16 COMSTOCK: How many classes are taught in this room? Hundreds.

17 SCHUTZ: But again, of those hundreds, hundreds of those people go down and partake of
18 downtown in those meetings.

19 COMSTOCK: Hope- hope- hopefully.

20 SCHUTZ: Again, with the numbers that we're looking at on the proposed, I'm not sure we're
21 generating that same kind of- that same kind of retail feel where, you know, the- the
22 vibrancy for lack of a- and I'm going to keep- I'm going to harping on retail.

23 COMSTOCK: Well, they got to eat- they got to eat somewhere.

24 SCHUTZ: Well, yeah. and you know- and we have- the one thing we still have is we have good
25 restaurants in Moscow. Um, and you know, in order to keep good restaurants we need

1 to have that continual traffic downtown. So, again, a- a large building like this should
2 have some kind of traffic generation to it, um, and I just don't see it with this proposal.

3 WELDON: Could that be part of a condition? That there be some retail? Because as a young mom,
4 I might go and take my kid to dance class if I could sit downstairs and have a cafe or
5 a coffee and a sandwich or something or maybe there's some- some way we can do it
6 to where both needs are met of the community? The educational dance classes are
7 able to happen, along with retail. Could that be a-

8 COMSTOCK: Could sell violins.

9 WELDON: Good. People wanted some music stores or, you know, what if- is- is that possible for
10 us to be able to merge those two together as a condition?

11 THOMSON: I don't know if we want to- I didn't want to be reprimanded here.

12 COMSTOCK: I think it's discriminatory.

13 SCHUTZ: I was going to say...

14 THOMSON: Yeah, I don't know if we also want to kind of dictate what a, um, owner- principles of
15 his business plan. Uh, I'm- I mean, yes, we could do that. I think we- I would probably
16 be- if I- if it was me, I wouldn't, uh, like to be told what I had to include in my business
17 plan. I'd like to have that latitude myself. I guess.

18 BUSH: Yeah, I don't think we can dictate that at all.

19 THOMSON: Well, I think we can, I just- I- I don't believe we should, that's all.

20 COMSTOCK: -at the bottom with the criteria, Jerry.

21 SCHUTZ: Hm?

22 COMSTOCK: (inaudible)

23 SCHUTZ: Um, number three was the proposed use as approved or as approved with conditions
24 will not generate nuisances that would be injurious or detrimental to the adjoining
25 properties or the neighborhood, including but not limited to noise, dust, glare,

1 vibrations, odor, and the like. Um, the only thing we've heard is, um, a- a preference
2 not to have early violin people.

3 THOMSON: Well, and the percussion was a pretty- I think that- that- that should be taken seriously.
4 I- I can't remember the two stores on either side. Maybe that- that's irrelevant because
5 that can change. So, disregard that comment.

6 SCHUTZ: Okay. Um, number four, the location, design, and size of the pro- proposed use will
7 be adequately served by existing streets, public facilities, and services. Everybody
8 downtown has an equal opportunity.

9 DICKINSON: So, going back to- I- I would like to go back to number three for just a minute.

10 SCHUTZ: Yeah.

11 DICKINSON: I think it's just, um, some of the differences are the hours of operation. You know,
12 generally speaking. Yes, there's other businesses downtown that have musical
13 performances. Not saying that musical performances shouldn't happen, but this is a
14 business that's potentially going to be open from 5:00 a.m. to 10 p.m. So, it's- it's
15 potential to conflict with other businesses and be a nuisance exists. And- I- so, I- I
16 guess I'm not sure that that has been fully explored and it is one of our Relevant
17 Criteria- Criteria and Standards that were supposed to use to determine if this proposal
18 should be granted or this Conditional Use Permit should be granted. So, worth
19 considering. It's-

20 SCHUTZ: Okay.

21 DICKINSON: It- you know, it exists. It's a- it's a business that's got this, um, you know these hours
22 of operation that are pretty vast, and you know, whether that competes with its
23 neighbors should be considered. So, that is something that I'm- I'm a little bit nebulous
24 on.

25 SCHUTZ: Okay. Anybody else want to comment on three? We'll go back to four.

1 BUSH: Well, ag- again, you know, at- at 5:00 in the morning, there aren't too many other
2 people- other businesses open at that time. And, uh, and so if you had drums, violins
3 going on at that time, it- it- they wouldn't be a nuisance, you know, a- a bother to those
4 people. But-

5 SCHUTZ: Except for the people that live upstairs in the downtown area.

6 BUSH: They're a ways away.

7 SCHUTZ: Where is the- aren't there- are there- well, there's an apartment right across the street,
8 um, between the Kenworthy and the Nuart. It's on the back side of the building though.
9 It's not on the front.

10 BUSH: Yeah.

11 SCHUTZ: Um, I don't know what's- what's above Humble or, you know, going that way. South.
12 I think the only other- I mean, the other- other only ones I can think of are at the corner
13 of Friendship Square next to Hyperspud and that's the apartments and then the- the
14 Garden apartments. Okay. Um, number five is the proposed use will not endanger the
15 public health or safety-

16 COMSTOCK: Will. Will.

17 SCHUTZ: - will or will not, um, health and safety where it's proposed.

18 THOMSON: I don't think it's an issue.

19 SCHUTZ: Um, number six is the proposed use meets all applicable development standards of
20 the Zoning Code. Um, and the proposed use will not be in conflict with the
21 Comprehensive Plan.

22 COMSTOCK: And it's not- correct, it's not. So, it looks like the sticking points are number two with
23 the harmony aspect and number three. Is there a nuisance and can't be conditioned?

24 THOMSON: I don't think the nuisances was, um, commented on very much if- if at all by the public
25 tonight.

26 COMSTOCK: No.

1 THOMSON: Um, so I don't- Ivy, if you want to explain that some more, please do. Um, I'm just
2 trying to glean also what I heard tonight is how to address number three. And, um, I
3 could see some potential problems, but it's- I don't- it's not enough, uh, it's too much-
4 it's too speculative, I'm afraid.

5 DICKINSON: I'm thinking.

6 THOMSON: Well, I guess I'll make a motion that we disapprove the Conditional Use Permit in- in
7 the fact that it is not supported by, um, crit- a Relevant critical- re- Relevant Criteria
8 number two.

9 SCHUTZ: Okay. Is there a second?

10 BAIRD SPENCER: Point of clarification? Can you specify what specifically in number two was not- you
11 did not feel was met?

12 THOMSON: I didn't feel- I don't feel the use is in harmon- is- is in harmony with the neighborhood
13 and surrounding land uses.

14 SCHUTZ: Is there a second?

15 BUSH: Yeah, I'll second that just see what we- where we go with it.

16 SCHUTZ: See where it goes, okay. It's been moved and seconded. Further discussion?

17 COMSTOCK: Well, I think it is in harmony with most of the zoning in the neighborhood. Um, like
18 I said, there's other classes being taught in- in some of the other businesses downtown
19 and the aspect of- of the church is not an issue.

20 SCHUTZ: Right.

21 COMSTOCK: Um, so, so I- I guess I would disagree with that fact-

22 SCHUTZ: Okay.

23 COMSTOCK: -that it's in- in- it's harmonious with most of the other businesses.

24 SCHUTZ: Okay. Anything else?

25 DICKINSON: We could also consider- I mean, they- they have presented that there's, um, you know,
26 four students per hour. We can have conditions that align with what has been

1 presented if that will limit the- whatever, any conflicts. I- I- I'm also a little bit unsure
2 that the...existing streets, public facilities and services adequately ser- serve this.

3 SCHUTZ: Okay. Well, that one we got-

4 DICKINSON: But-

5 SCHUTZ: -that's a gimme because-

6 DICKINSON: It's a gimme?

7 SCHUTZ: -nobody- everybody has the same hunting permit to go find parking out there.

8 DICKINSON: Yeah, okay.

9 SCHUTZ: And- and that we can't require parking and the streets are what they are. There is a
10 city parking lot. Um, so yeah, I- I'm- I'm going to say that that one's probably a-

11 DICKINSON: Off that.

12 SCHUTZ: -no starter.

13 DICKINSON: You're right.

14 COMSTOCK: Other comments?

15 SCHUTZ: Other comments? Anybody else? We'll start with vote. Start on your end.

16 WELDON: (inaudible)

17 THOMSON: Make sure- make sure we know how we're going to vote. I- I mean, it's a doug- double
18 negative, so make sure you-

19 SCHUTZ: Yeah. So, um we are voting in opposition to the, um, CUP. To not grant it. Um, and
20 primarily because it is not harmonious with the neighborhood. All right-

21 WELDON: Start there.

22 SCHUTZ: Steve, you start. I'll come back to her.

23 WELDON: Thank you.

24 BUSH: Aye.

25 THOMSON: Aye.

26 SCHUTZ: Aye.

1 COMSTOCK: No.

2 DICKINSON: Aye.

3 WELDON: No.

4 SCHUTZ: Okay. Um, the ayes have it.

5 AUDIENCE: (applause)

6 SCHUTZ: Um, the Conditional Use Permit is denied.

7 STAFF: (inaudible)

8 SCHUTZ: Oh, yeah. You made the original motion, you want to make the second?

9 THOMSON: Um, well I-

10 AUDIENCE: (inaudible)

11 SCHUTZ: Board. Not the Council, we are the Board of Adjustment.

12 THOMSON: I also move- I guess I also move that the, uh, staff complete the re- re- Relative-

13 AUDIENCE: (inaudible)

14 SCHUTZ: Thank you.

15 THOMSON: -Criteria and Standards.

16 SCHUTZ: Is there a second?

17 WELDON: I'll second.

18 SCHUTZ: All those in fav- oh, do you want to start?

19 WELDON: Aye.

20 BUSH: Aye.

21 THOMSON: Aye.

22 SCHUTZ: Aye.

23 COMSTOCK: Aye.

24 DICKINSON: Aye.

25 SCHUTZ: Ok... Okay, folks! We got to finish up this meeting here, can you...? Yeah, you can

26 leave, yeah. You're welcome to leave. Thank you for coming.

BOARD of ADJUSTMENT



Jerry Schutz
Board Chair
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Public Hearing
~ Minutes~

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<http://www.ci.moscow.id.us/354/Board-of-Adjustment>

Monday
April 27, 2026

7:00 PM

Council Chambers
206 E Third Street

Schutz called the meeting to order at 6:59 PM

MEMBERS PRESENT: Jerry Schutz, Chair; Steve Bush, Marshall Comstock, Ivy Dickinson, Tim Thomson, Laura Weldon
OTHERS: Sandra Kelly
STAFF: Nichoel Baird Spencer, Lucy Falcy, Jennifer Fleischman

REGULAR AGENDA

1. Approval of Minutes from March 31, 2026 (ACTION ITEM)

Dickinson moved for approval of the minutes as written, seconded by Weldon. Roll Call Vote; Ayes: Bush, Comstock, Dickinson, Schutz, Weldon (5) Nays: None. Abstentions: Thomson (1). Motion carried.

2. Public Comment

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

Kelly O'Neill, Moscow, talked in general about what a thriving downtown looks like and how that is reflected in Moscow.

3. Public Hearing: Proposal for a Conditional Use Permit at 513 S Main St. Permit Application LUP2026-0010 (ACTION ITEM)

Conditional Use Permit application for the utilization of an existing building located at 513 South Main Street as a music, dance, and exercise class venue, not associated with an academic school, college, or university, within the Central Business (CB) Zoning District per Moscow City Code 4-3-4.

Falcy presented the Conditional Use Permit (CUP) request as described above and recommended approval with no conditions. There was a short conversation about the CB Zoning District and how far out it extends from downtown, as well as the use of the public parking lots.

The Public Hearing opened at 7:12 PM

Roderick Olps (applicant), Moscow, introduced himself as a local real estate owner and manager and stated that he is seeking a CUP for arts-related instructional uses, including music, dance, and fitness classes, at the subject property. He explained that the proposal is intended as a lower intensity use with fewer occupants and less traffic than other permitted uses in the CB district. He also noted that the property is under contract, that he has consulted with potential tenants but has not finalized plans, and that he wishes to retain flexibility for future use of the space consistent with zoning regulations.

The Chair accepted into the hearing record five (5) comments written in opposition to the proposed application that were received after the deadline (see attached).

David Hall, Moscow, spoke in opposition and stated that the proposed use is inconsistent with the CB zoning intent, which prioritizes commercial activity and pedestrian-oriented retail.

Bev Bafus, Moscow, was against the project and expressed concern that increasing non-retail uses disrupts the continuity of downtown and diminishes its commercial vitality.

Cass Davis, Moscow, opposed the proposal and questioned the lack of enforcement of previous conditional use permits and argued that new ones should not be approved unless they can be meaningfully enforced.

Graham Brooks, Moscow, stated that he supports commercial uses such as retail and restaurants downtown and does not support additional educational uses.

Gayle Anderson, Moscow, commented on the success of downtown Moscow and urged the Board to deny the CUP to preserve its commercial character.

Paul Busch, Moscow, expressed support for arts-related uses but stated a preference for retail-oriented music businesses. He also suggested extending the public comment period.

Kaitlyn Anderson Dorius, Genessee, does not support the proposed project and stated that instructional uses generate traffic but do not significantly benefit surrounding businesses.

Karen Hansen, Viola, is against the proposal and cited concerns about additional instructional uses and potential tax implications of church-related activities.

Robert Todd Bailey, Moscow, expressed concern that the application may function as an extension of a religious institution and urged denial of the CUP.

Emmalynn Grace Clevenger, Moscow, spoke against the CUP and cited concerns about loss of inclusive public space and potential affiliation with a religious organization.

Kelly O'Neill, Moscow, stated that the proposed use would not contribute significantly to downtown activity due to limited occupancy.

Leah Latta, Moscow, was against the project and described the site as prime retail space and questioned the economic viability of the proposal.

Jamie Erhard-Hudson, Moscow, did not support the proposal and noted that similar instructional uses exist elsewhere and are not typically located in downtown retail spaces.

BJ Swanson, Troy, read a written comment into the record that was submitted earlier (see attached).

Mary Katherine Clancy, Moscow, emphasized the importance of supporting local retail businesses and opposed the CUP.

Katie Bilodeau, Moscow, opposed the application and raised concerns regarding public notice, adequacy of staff findings, and lack of supporting studies. She recommended denial or postponement in a written comment (see attached).

Jana Argersinger, Moscow, cited concerns about cumulative impacts of CUP approvals and urged denial or deferral for further analysis.

Sam Geronda, Moscow, emphasized the importance of maintaining a strong retail core and opposed the CUP.

Patricia Hartzell, Moscow, expressed concern about the loss of commercial businesses and opposed the CUP.

Ria Kumar, Moscow, opposed the CUP and cited concerns about impacts to small businesses, parking, and community character.

Emmalynn Grace Clevenger, Moscow, spoke again and reiterated her opposition, emphasizing her concerns about community identity and inclusivity.

Becky Dail, Moscow, requested clarification regarding potential tax implications if the property were used for religious purposes. Staff indicated that tax treatment would likely depend on ownership and lease structure, though no definitive determination was provided.

John Soule, Pullman, opposed the CUP and stated that the proposal would not contribute meaningful value to the community and would detract from existing local businesses.

Miles Butler, Moscow, does not support the application and cited a lack of a clearly defined plans and stated that the proposed use would not contribute to the vitality of the downtown core.

Chris Caudill, Moscow, spoke against the project and stated that the proposal is not the highest and best use of the property and questioned the speculative nature of the application.

Arlene Falcon, Moscow, does not agree with the proposal and emphasized the importance of retail uses in the CB zone and expressed concern about potential hidden intentions associated with the proposal.

David Wilder, Moscow, opposed the proposal and stated that downtown businesses rely on one another and that non-commercial uses weaken the economic ecosystem.

Bill LaVoie, Moscow, opposed the CUP and asked a question regarding whether connections to existing educational institutions would constitute institutional support under the code.

Finn Merley, Moscow, spoke against the project and stated that the proposal is not in harmony with surrounding uses and would not contribute to a vibrant, community-oriented downtown.

Rhoda Mack, Viola, was against the application and expressed concern that altering the use of a key downtown property could have broader negative impacts on the district.

Lisa Cochran, Moscow, was against the application and requested that the Board delay its decision due to insufficient public notice and the need for broader community input.

Alisa Bennett, Moscow, spoke against the CUP and stated that the proposal does not align with community values or the goal of maintaining a safe and inclusive downtown.

Carver Carver, Moscow, was against the application and raised concerns regarding parking impacts and requested that parking ratios be considered.

Susan Weaver, Moscow, spoke against the CUP and stated that retail uses better support the economic vitality of downtown.

Ariel Mack, Viola, opposed the application and stated that, while she supports arts and education, the proposed use is not appropriate for a central retail location and does not align with community values.

Jill Rinaldi, Moscow, was opposed to the application and cited concerns about transparency, adequate public notice, and long-term impacts on the character of downtown.

Sheri Six, Moscow, was against the CUP and expressed concern about the limited number of users relative to the size of the space and questioning the appropriateness of church uses within the CB zone.

Victoria Potts, Moscow, did not support the project and stated that continued trends of similar approvals could negatively impact community retention and the character of downtown.

Rebecca Rod, Moscow, was opposed to the proposed project and questioned the business plan, enforcement of CUP conditions, and potential for future church-related use.

Richard Gayler, Moscow, spoke against the application and noted the overwhelming public opposition and suggested that the applicant withdraw the request.

Sara Ashiglar, Moscow, was against the application and cited concerns about parking and traffic impacts associated with instructional uses.

Leah Latta, Moscow, asked the Board and Staff for clarification on the expiration of a CUP.

Ann Hart, Moscow, asked the Board what a Conditional Use Permit is.

Roderick Olps (applicant), Moscow, responded to some of the comments regarding retail space and mixed-use commercial spaces. He agreed with the space being key to the downtown vibrancy. The anticipated number of students using the classroom at one time was clarified.

The Public Hearing closed at 8:40 PM

The Chair informed the public about available City public notification resources and that broader policy questions should be addressed through the Planning & Zoning Commission. The Board discussed their responsibility to base the decision on the applicable Comprehensive Plan, zoning regulations, and CUP criteria, noting that broader policy issues are outside the scope of the application. It was clarified that a CUP runs with the land and may include conditions if supported by required findings.

The Board discussed each of the required criteria, focusing primarily on whether the proposed use is “in harmony” with the surrounding CB district. Some Board members expressed concern that the proposed low-intensity instructional use may not align with the retail-oriented character of downtown, while others noted the CB zone allows a mix of uses beyond retail.

Additional discussion addressed parking, pedestrian activity, potential impacts to downtown vitality, and whether sufficient information was provided to evaluate impacts such as noise or operational effects. Staff advised the Board to evaluate the application strictly against the code criteria and document findings accordingly.

Comstock moved to approve the CUP for 513 South Main Street with the condition that the CUP would expire in ten (10) years. The motion died for lack of a second.

The Board continued to review the criteria, agreeing that the proposal meets zoning requirements under a conditional use permit and is generally consistent with the district's allowed uses. Discussion focused primarily on whether the proposed use is in harmony with the surrounding downtown environment. Several members expressed concern that the proposal may not align with the area's retail-oriented character, citing public testimony largely in opposition, while others noted the district includes a mix of non-retail uses and that harmony does not require uniformity across all businesses.

Members also discussed potential nuisance impacts, particularly regarding hours of operation, noise from instruction or performances, and proximity to residential units, though some felt the concerns were largely speculative. Criteria related to public health and safety, infrastructure adequacy, and compliance with development standards were generally not viewed as problematic. The primary unresolved considerations identified were harmony with the neighborhood and potential nuisance impacts, with members divided on whether these criteria are met or can be adequately conditioned.

Thomson moved to deny the CUP at 513 South Main Street on the grounds that it does not meet Criteria No. 2 because it was not proven to be harmonious to the local neighborhood. The motion was seconded by Bush. Roll Call Vote; Ayes: Bush, Dickinson, Schutz, Thomson (4). Nays: Comstock, Weldon (2). Abstentions: None. Motion carried.

Thomson moved to direct Staff to prepare the draft Relevant Criteria and Standards document, seconded by Weldon. Roll Call Vote; Ayes: Unanimous (6). Nays: None. Abstentions: None. Motion carried.

REPORTS

ANNOUNCEMENTS

UPCOMING EVENTS/MEETINGS

The next Board of Adjustment meeting is scheduled for 5:30 PM on May 6, 2026.

The meeting adjourned at 9:19 PM


Jerry Schutz, Chair


Date

BJ Swanson
1121 Lamb Road, Troy ID 83871
(208) 301-1221 – bjswanson@gmail.com

April 27, 2026

Chairman Jerry Schutz
Members of the Moscow Board of Adjustment

RE: Conditional Use Permit for 513 S. Main Street, Moscow

Honorable Chairman Schutz and Members of the Moscow Board of Adjustment,

I respectfully urge the Board to deny Conditional Use Permit Application LUP2026-0010 for 513 S. Main Street. A music, dance, and exercise class venue is an educational use, not a commercial or retail use, and is therefore fundamentally incompatible with the purpose and intent of Moscow's Central Business Zoning District (CBD). The fact that a Conditional Use Permit is required at all confirms this use does not belong in this zone as a matter of right. The Board should exercise its authority to protect the integrity of the CBD by denying this permit.

The Central Business District zone exists to concentrate and protect Moscow's core commercial and retail activity, the economic engine of our downtown. Educational and recreational instruction uses generate foot traffic that does not translate into retail spending. Students arrive for class, attend, and leave. They do not browse adjacent stores or contribute to the retail synergy that makes a downtown thrive. Moscow City Code Section 4-3-4 designates this zone specifically for commercial purposes, and this application does not meet that standard. Granting this CUP would set a damaging precedent, gradually converting prime retail space into a studio district, fragmenting the very commercial character this zoning is designed to protect. These uses are permitted in other zones throughout Moscow, there is no hardship that justifies placing them here, in the heart of our Central Business District.

Successful downtown commercial districts across the country share a common factor, consistent enforcement of commercial zoning. Where that consistency holds, storefronts stay occupied, businesses thrive, and the community benefits. Where non-commercial uses are permitted through incremental exceptions, the commercial synergy erodes. Vacancies follow. Moscow's Central Business District is small, which makes it both precious and fragile. Each non-retail use granted a CUP removes one more piece of the commercial fabric. The Board should deny this request and send a clear message that the CBD will be protected.

The Moscow Central Business District is a small but vital community asset. Each exception granted chips away at its commercial character. Please do not allow it to become fragmented one CUP at a time.

I have professional experience analyzing the financial feasibility of commercial property acquisitions. Based on publicly available information, this business plan raises serious viability concerns. The property is listed at \$1.3 million and is not in good condition. Renovation costs to bring it to operating standards are likely \$400,000 or more, putting total investment near \$1.7

million. To achieve even a modest 5% annual return on investment, the property would need to generate approximately \$17,000 per month in revenue. Given the nature of the proposed uses, individual and small-group music lessons and fitness classes, and the population of Moscow, it is very difficult to see how that revenue threshold is achievable. When properties fail to generate adequate returns, the predictable result is deferred maintenance, deterioration, and eventual vacancy, exactly the outcome the CBD zoning is designed to prevent.

This concern is not hypothetical. Several other downtown properties were purchased, never opened, and have remain unoccupied and in disrepair for extended times. One site is an empty hole where a building was demolished with no apparent development progress. Please don't enable more of the same.

For all of the reasons stated above, I urge the Board to deny the Conditional Use Permit application LUP2026-0010 for 513 S. Main Street and to continue protecting the commercial vitality of Moscow's Central Business District.

Thank you,

Sincerely,



BJ Swanson

Jennifer Fleischman

From: Paul Nelson <rjdesign@moscow.com>
Sent: Monday, April 27, 2026 11:10 AM
To: Board of adjustment
Subject: Comment regarding proposed CUP at 513 S Main

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This message originated from outside the City of Moscow's network. Exercise caution when clicking links or opening attachments. If in doubt, please contact Information Systems at extension 7004.

Hello,

I am unable to attend tonight's meeting, but wanted to weigh in. I hope this is okay. My concern is whether, given that the space will be used for church services in addition to its other uses, there will be a reduction in the property tax base for the city if the CUP is approved. As church-related activities (New St Andrews, and presumably their administrative offices) reduce the property taxes in prime real estate areas it puts an undue burden on the rest of the property owners in the city. Property tax exemptions should be used sparingly.

Thank you.

Heather Nelson



Virus-free. www.avast.com

Jennifer Fleischman

From: Linda Pike <lindaopike@gmail.com>
Sent: Monday, April 27, 2026 1:51 PM
To: Board of adjustment; ifalcy@ci.moscow.id.us
Subject: Hearing for permit at 513 S Main

CAUTION: This message originated from outside the City of Moscow's network. Exercise caution when clicking links or opening attachments. If in doubt, please contact Information Systems at extension 7004.

Without Prejudice Intended for Political Speech as a Citizen of Moscow

Jerry Schutz, Chair and Board Members

We strongly oppose this conditional use permit for the following reasons:

A city's main street is the heart of the city. People, including residents, students, and tourists frequent Moscow's downtown for its friendliness, its walkability, access to unique retail shops, entertainment, and restaurants. This proposed "business" has none of those plus the applicant states it may be used for church services.

Moscow's mainstreet already hosts a religious college and at least 1 church affiliated with that college. Church use can be an exemption for property tax purposes and we as residents cannot afford to lose another property to a tax exemption. In addition, if the developer is affiliated with Christ Church, headed by Doug Wilson, known nationally to be a leader of the Christian Nationalist movement, this will be another church/business in downtown Moscow giving our City more negative publicity. Is this the reputation you want Moscow to have? If so, it is doomed as an open diverse friendly town.

The uses that the applicant states on the application are not in keeping with uses that attract customer traffic. The uses proposed will not enhance

downtown for visitors and will be limited to only a few students plus church followers.

At the very least, if you consider this application, bar any church activities. Enough is enough. When Moscow is getting negative publicity as a town with ties to Christian Nationalism involved in the federal government, it is time to draw a line.

Bob and Linda Pike
1026 E Third St
Moscow ID83843

Dear Council Members,

I am writing with regard to the CUP at 513 S Main St.

I have read the complete Staff Review for this permit as posted on the City Council website.

My concerns with this permit are the following:

1. Criteria 2: Adding a fitness and dance studio to the downtown core area is a poor use of the limited business properties on Main Street. Fitness and dance studios can be placed anywhere whereas a business that would like to establish itself in Moscow would find being able to be near other businesses downtown advantageous. In short, using a storefront on Main Street is a waste of that resource for our economic development.
2. Criteria 4: We already have a handful of churches near Main Street that would use the same parking spaces. None of these are on Main Street. I am concerned that the proposed church services would attract so many more vehicles to the area that parking, especially on Main Street would become nearly unavailable. This would deter people from coming downtown on Sundays, harming other businesses already there while only serving a small fraction of our community.
3. Criteria 2 & 4: Regarding the proposed church service, there is no information regarding the duration of these services. Will they be short, only in the mornings on Sundays? Or might they be all-day affairs that would deter patrons of all the other businesses from even considering going to Main Street on a Sunday? The ambiguity in this part of the application at the very least must be resolved and I would argue should preclude this CUP from being approved.

In summary, I would urge you to reject this CUP outright unless there is very strong evidence that concerns such as mine can be addressed.

Sincerely,

Christine Berven
980 Colt Rd
Moscow, ID

Jennifer Fleischman

From: Julia Piaskowski <jpiaskowska@gmail.com>
Sent: Monday, April 27, 2026 4:48 PM
To: Board of adjustment
Subject: New biz in Paradise creek bike shop

CAUTION: This message originated from outside the City of Moscow's network. Exercise caution when clicking links or opening attachments. If in doubt, please contact Information Systems at extension 7004.

Can we please reserve our downtown for retail usage and not private clubs? Especially the ground level, high visibility areas.

Thank you,

Julia Piaskowski
403 N Van Buren
Moscow, Idaho

To: Board of Adjustment

From: Katie Bilodeau, Moscow resident

Re: **Proposal for a Conditional Use Permit at 513 S Main St. Permit Application LUP2026-0010 (ACTION ITEM)**

Dear Board of Adjustment:

I urge the board to deny this application or minimally table for more information, including studies of social, economic, and environmental effects. The recommendation noted that at the time of the application, there were no specific tenants, so the board has time to study and make a more informed decision with more public input that can better satisfy its legal obligations.

I am concerned the public hasn't had proper notice. The first I heard of this meeting was a couple hours ago—I don't get the Moscow-Pullman Daily News. Idaho Code 67-6509 states that, in addition to a fifteen-day notice in the general paper of circulation, that the governing body "shall also make available a notice to other papers, radio, and television stations serving the jurisdiction for use as a public service announcement." The agenda packet doesn't reflect this was done. "Shall" is a mandatory language in the Idaho Code, and more outreach to the public could certainly have been done.

Staff provided a reasoned statement of relevant criteria and standards that I was first able to see last week, and I did not have time to respond to them five days before the hearing, which is why I am here tonight. I think more consideration is required to make some of these findings justifiable.

- On p. 6 of the packet posted last week, when answering whether **"The character of the proposed use (will/will not) be in harmony with the neighborhood and surrounding land uses."** the recommendation simply states that it will be in harmony with no justification. If it were in harmony with the surrounding land uses, a conditional use wouldn't need to be sought. Stating a non-conforming use is in harmony without more explanation is not adequate justification.

Moscow City Code 4-2-4-K is to "promote pedestrian use, unbroken, street-level, commercial frontage is encouraged in this Zoning District.

This isn't commercial frontage, and it breaks up commercial frontage. If the board justifies this conditional permit, I would like a summary of how many conditional-permits are downtown right now, and how many the board has approved in the past decade. What percentage of this district are currently conditional-use permits? While one conditional use here and one there is easy to approve in a vacuum, these conditional uses add up, and there is a tipping point where the cumulative effect changes the original core planning for downtown.

- On p. 6, when answering whether, **“3. The proposed use as approved, or as approved with conditions, (will/will not) generate nuisances that would be injurious or detrimental to the adjoining properties or the neighborhood (including, but not limited to, noise, dust, glare, vibrations, odors, and the like). The recommendation simply says that “Noise associated with the proposed use is unlikely to be any louder than other uses permitted outright in the neighborhood such as bars, movie theaters, and dance halls.”**

Limitations for Central Business conditional-use permits include not constituting a nuisance beyond the property lines by reason of smoke, fumes, odor, steam, gasses, vibration, noise, hazards, or other causes.

Unified sound carries. Musical instruments carry, especially trumpets and drums; Dances that involve jumping around, especially with tap shoes, carry and cause vibrations. These buildings are old, and there don't seem to have been any studies with audio tests using anticipated decibel levels to gauge what will carry to the street and through the walls.

- On page 6, when answering whether **The location, design, and size of the proposed use (will/will not) be adequately served by existing streets, public facilities and services**, the recommendation and the application seems to assume that students will be dropped off and picked up. I think the tendency, especially for children's classes, but especially music lessons that are only a half hour, is for the parent to remain on site. So minimally, this assumption that there will be drop-off and pick-up without longer parking plans for people not shopping is inaccurate.

There are enough questions connected with this conditional use, if the Board doesn't decline it, I request the Board table the application for more consideration. It will give the Board more time to conduct these studies about potential noise and vibration nuisances, as well providing a more rounded outreach to the public for meaningful public input.

Thank you,

Katie Bilodeau

**BEFORE THE BOARD OF ADJUSTMENT
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 CONDITIONAL USE PERMIT APPLICATION TO USE AN
EXISTING BUILDING TO OFFER MUSIC, FITNESS, AND DANCE CLASSES ON
THE SITE LOCATED AT 513 SOUTH MAIN STREET WITHIN THE CENTRAL
BUSINESS (CB) ZONING DISTRICT, PER MOSCOW CITY CODE 4-3-4.**

WHEREAS, the applicant filed an application for a Condition Use Permit on March 2, 2026; and

WHEREAS, this matter came before the Moscow Board of Adjustment during a duly noticed public hearing on April 27, 2026; and

WHEREAS, having reviewed the application, including all exhibits entered, the staff report, and having considered the issues presented; and

WHEREAS, during the public hearing and having considered the matter including all testimony presented, the Moscow Zoning Board of Adjustment denied the proposed Conditional Use Permit and instructed Staff to prepare the Reasoned Statement of Relevant Criteria for the Board’s review and approval:

**THE MOSCOW BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW, IDAHO,
AFTER DUE DELIBERATION AND CONSIDERATION, HEREBY CONCLUDES:**

I. RELEVANT FACTS AND CONCLUSIONS

1. The Board of Adjustment considered the request pursuant to the City of Moscow Zoning Code, Comprehensive Plan, State Statutes, and Moscow City Code.
2. The applicant, Roderick “Rusty” Olps, requested a Conditional Use Permit to use the building located at 513 South Main Street to provide educational services not associated with an elementary school, secondary school, college, university, or professional school. Proposed educational services to include music, dance, and fitness classes.
3. Classes would be available to the general public, by membership, for all ages including minors.
4. Proposed classes would include music classes of up to four (4) students and four (4) instructors at a time, throughout the business day (9 a.m.- 6 p.m.) plus dance and fitness classes of up to twelve (12) students in the evenings (5p.m.-8p.m.) and weekends. Class times

would be an hour in length. Smaller music classes would occur within the thirteen (13) smaller instructional rooms upstairs on the mezzanine while dance and fitness classes would take place in the larger open area on the ground floor. Occasional performances and competitions would occur during evenings and weekends.

5. Other anticipated uses of the site include church service on Sundays and some private offices. Moscow City Code 4-8-4 permits religious services, and a variety of professional office uses by right in the Central Business (CB) Zone. These uses are not subject to the application.
6. Moscow Comprehensive Plan Chapter 2, Community Character and Land Use, designates the subject property's future land use as Urban Commercial. Urban Commercial areas "are intended to provide for the most intensive mix of commercial and residential uses in a pedestrian orientated manner. This is appropriately applied within the City's downtown urban core and the immediate surrounding area where deemed appropriate." Such areas are most appropriately zoned CB.
7. Moscow Comprehensive Plan Chapter 3, Community Mobility, identifies Main Street as a local street. Jackson Street, west of the adjacent parking area and alley, is also Highway 95, a National Highway.
8. A goal of Moscow Comprehensive Plan Chapter 6 is to, "Enhance and strengthen the regional economy utilizing the strengths and assets of the region.
9. The subject property is within the Central Business (CB) Zoning District. All surrounding properties are also located within the CB Zone. Per MCC 4-2-4-K, "The principal purpose of the CB Zoning District is to provide a location for groups of compatible commercial uses having the common characteristic of not involving more than incidental and minimal assembly, fabrication or storage of commodities; for example, establishments dispensing retail commodities, and those providing professional and personal services to the individual. The CB Zoning District is the most intensive commercial Zoning District. To promote pedestrian use, unbroken, street-level, commercial frontage is encouraged in this Zoning District."
10. Per MCC 4-1-6-D-52, Educational Services are "establishments that provide instruction and training in a wide variety of subjects. The instruction and training is provided by specialized establishments, such as schools, colleges, universities, and training centers."
11. MCC 4-3-4 Land Use Table permits 'Educational Services' as a conditional use in the CB Zone if they are not associated with an elementary or secondary school, college, university or professional school. Educational services associated with any of those entities are not permitted in the CB Zone. The proposed music, dance, and fitness classes fall under the conditionally permitted NAICS code listed for educational services if they are not associated with the educational institutions noted above and are instead provided by "all other schools and instruction".
12. Per MCC 4-6-2-E-4-A, there is no required parking for any use within the CB Zone.

13. The building meets the zoning requirements for the site. No external building modifications were proposed. Any future modifications would be required to be compliant with applicable city code provisions.
14. Anticipated interior building modifications would be subject to applicable building permits and City code.
15. The CB Zone covers properties adjacent to the subject property. Surrounding properties present a mix of public parking, restaurant, retail, office, church, and entertainment uses within the downtown core.
16. The subject property is 5,000 square feet in area and the two-story building, previously home to Paradise Creek Bicycles, fully covers the lot. The property has forty (40) feet of frontage on downtown Main Street as well as forty (40) feet of frontage along the alley to the west. The building has entrances on both the east and west frontages. The north and south edges of the building immediately abut the adjacent buildings.
17. The proposed building layout included waiting areas at both the east and west entrances of the building. For students that are dropped off, vehicle access exists both at the ten (10) minute parking spot on Main Street as well as in the Jackson Street parking lot to the west of the subject site.
18. The subject property access is via pedestrian doors from Main Street to the east and an alley to the west. There is no site navigation outside of the building. The west edge of the lot has connections to Jackson Street/Highway 95 via the adjacent alley and numerous access points throughout the public parking lot between them. The Main Street access point is ADA accessible.
19. The following external entities had the opportunity to comment on the application: Idaho Transportation Department, Moscow School District, Public Health – Idaho North Central District. The City did not receive any comments.
20. Prior to the public hearing and after release of the agenda packet, five (5) citizens submitted written comments opposing the application. One was read into the record at the meeting by the author. The Board accepted these comments into the hearing record and they are incorporated by reference.
21. During the public testimony portion of the public hearing, forty (40) citizens submitted verbal testimony which was generally opposed to the proposed project and conditional use permit.
22. During the public testimony portion of the public hearing, two (2) citizens submitted verbal testimony which was general in nature.
23. A large portion of the public comments received presented a preference to increase retail uses and decrease educational facilities downtown. Other concerns included: traffic, noise, conditional use permit enforceability, conditional use permit time limits, parking, parents dropping off and picking up minors without shopping downtown, lack of business plan

details, and the possibility of allowing a non-retail use that would reduce the commercial viability of downtown.

24. During the public testimony portion of the public hearing, two (2) citizens identified themselves as downtown business owners. They spoke in opposition to the proposed application and noted the need for additional retail downtown.

BASED ON THE ABOVE RELEVANT FACTS AND CONCLUSIONS, THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW HEREBY FINDS THE FOLLOWING RELEVANT CRITERIA AND STANDARDS:

II. RELEVANT CRITERIA AND STANDARDS

Consistent with Moscow City Code Section 4-8-4-B, the following criteria and standards must be met or met through the implementation of conditions in order to approve the application:

1. The proposed use is a conditionally permitted use within the Zoning District.

The proposed uses are listed within the Other Schools and Instruction category of the Educational Services sector and are therefore a conditionally permitted use within the CB Zone.

The Board found that the educational services not associated with elementary or secondary schools, colleges, universities or professional schools are conditionally permitted within the Central Business Zone.

2. The character of the proposed use will be in harmony with the neighborhood and surrounding land uses.

There was a substantial amount of public testimony in opposition to the conditional use permit which indicated that granting of the conditional use permit would not be in harmony with the neighborhood and surrounding land uses. Concerns were raised during the public hearing regarding the low-intensity use proposed in the application and the associated potential loss of economic vitality downtown. Concerns were also raised regarding high-intensity traffic patterns during drop-off and pick-up times and the impact on downtown traffic patterns.

The Board found that the proposed educational services were not in harmony with the neighborhood and surrounding land uses.

3. The proposed use as approved, or as approved with conditions, will not generate nuisances that would be injurious or detrimental to the adjoining properties or the neighborhood (including, but not limited to, noise, dust, glare, vibrations, odors, and the like).

There was some discussion regarding noise associated with the proposed use. Noise associated with the proposed use is unlikely to be any louder than other uses permitted outright in the neighborhood such as bars, shooting ranges, and dance halls.

The Board's discussion regarding nuisance was inconclusive regarding the proposed use as a potential nuisance. This criterion was not listed as a reason for denial of the application.

4. The location, design, and size of the proposed use will be adequately served by existing streets, public facilities and services.

The proposed small class size, together with the public parking lot immediately adjacent to the site, facilitates the handling of the cyclical nature of the site's loading and parking needs: transition times between classes will have the highest parking and traffic burden.

The Board found the proposed use to be adequately served by existing streets, public facilities and services.

5. The proposed use will not endanger the public health or safety if located where proposed.

Testimony and discussion mentioned safety concerns about children going to and from classes. There is a loading-zone parking space in front of the building and public parking immediately adjacent.

The Board found that the proposed use would not endanger public health or safety.

6. Proposed use meets all applicable development standards of the Zoning Code.

The existing structure meets zoning code standards. The proposed use meets all parking standards and is a conditionally permitted use in the CB zone. Any future modifications to the site would be required to meet applicable Zoning Code.

The Board found that the proposed use met all applicable development standards of the zoning code.

7. The proposed use will not be in conflict with the Comprehensive Plan.

Public testimony addressed concerns regarding increased vehicle traffic and decreased pedestrian traffic associated with the proposed use.

The Board found that the proposed use was not in conflict with the comprehensive plan.

III. COMMISSION DELIBERATION

Upon closing the public hearing, the Board made a motion based upon the information provided by staff and the testimony received. The deliberation can be found at the following link (YouTube time: 1:43:23):

<https://www.youtube.com/watch?v=ota6G6Nu49Q&list=PLFaiNAV02ViJdImW5rp0QXRJp6j-3PUvr>

IV: DECISION

Based on the above Reasoned Statement of Relevant Criteria, the City of Moscow Board of Adjustment denies LUP 2026-0010 for a Conditional Use Permit to use an existing building for music, fitness, and dance classes not associated with an academic school, college, or university at 513 South Main Street within the Central Business (CB) Zoning District.

DENIED BY THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW THE 20
OF may, 2026.



Jerry Schutz, Chair
Board of Adjustment

* In accordance with Moscow City Code Section 4-8-5, any applicant, City representative or affected person, may appeal a final decision of the Board of Adjustment or of the Planning and Zoning Commission to the Council within ten (10) calendar days following a final decision of such Board or Commission regarding an interpretation of or administration of the Zoning Code by the Zoning Administrator, which includes: a variance application, conditional use permit, or PUD, by filing written notice of appeal specifying the grounds therefor with the City Clerk, or their designee. Grounds upon which an appeal to the City Council may be made following a final decision of the Board of Adjustment or of the Planning and Zoning Commission includes the following:

1. Decision violates statutory or constitutional provisions;
2. Decision exceeds statutory authority;
3. Decision was made upon unlawful procedure;
4. Decision was unsupported by substantial evidence in the records or as a whole; or
5. Decision was arbitrary, capricious, or an abuse of discretion.

BOARD of ADJUSTMENT



Jerry Schutz
Board Chair
BOA@ci.moscow.id.us

Public Meeting
~ Minutes~

Lucy Faley
Staff Liaison
208.883.7095

<http://www.ci.moscow.id.us/354/Board-of-Adjustment>

Wednesday
May 20, 2026

5:30 PM

Council Chambers
206 E. Third Street

Schutz called the meeting to order at 5:32 PM

MEMBERS PRESENT: Jerry Schutz, Chair; Steve Bush, Ivy Dickinson, Laura Weldon
MEMBERS ABSENT: Marshall Comstock, Tim Thomson
STAFF: Nichoel Baird Spencer, Lucy Faley, Jennifer Fleischman

REGULAR AGENDA

1. Approval of Minutes from April 27, 2026 (ACTION ITEM)

Bush moved for approval of the minutes as written, seconded by Weldon. Vote by Acclamation; Ayes: Bush, Schutz, Weldon (3). Nays: None. Abstentions: Dickinson (1). Motion carried.

Dickinson arrived at 5:33 PM

2. Public Comment

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

None offered.

3. Approval of Reasoned Statement of Relevant Criteria and Standards (ACTION ITEM)

Denial of a Conditional Use Permit for the utilization of an existing building located at 513 South Main Street as a music, dance, and exercise class venue, not associated with an academic school, college, or university, within the Central Business (CB) Zoning District per Moscow City Code 4-3-4. Permit Application LUP2026-0010.

Dickinson moved for approval of the Reasoned Statement of Relevant Criteria and Standards for the Conditional Use Permit as written, seconded by Bush. Roll Call Vote; Ayes: Unanimous (4). Nays: None. Abstentions: None. Motion carried.

REPORTS

ANNOUNCEMENTS

UPCOMING EVENTS/MEETINGS

The meeting was adjourned at 5:36 PM

Jerry Schutz, Chair

Date

COMMITTEE / CITY COUNCIL STAFF REPORT

DATE: Monday, June 15, 2026



AGENDA ITEM TITLE

Approval of FBI Gem State Crimes Against Children Task Force Memorandum of Understanding and Reimbursement Agreement (ACTION ITEM) - Anthony Dahlinger

RESPONSIBLE STAFF

Anthony Dahlinger, Police Chief

ADDITIONAL PRESENTER(S)

DESCRIPTION

The Moscow Police Department (MPD) has partnered with the Idaho Crimes Against Children (ICAC) Task Force with the Idaho Attorney General's Office for many years. Unfortunately, that partnership has ended as of May 1, 2026. MPD remains committed to protecting children in our community as well as assisting other federal, state and local law enforcement partners in protecting the children of our region. It is with this commitment that MPD is seeking City Council approval to join the newly formed FBI Gem State Crimes Against Children (GSCAC) task force.

The mission of the Gem State Crimes Against Children Task Force (GSCACTF) is to provide a rapid, proactive, and intelligence-driven investigative response to the sexual victimization of children, other crimes against children, and human trafficking within the FBI's jurisdiction; to identify and recover victims of child exploitation and human trafficking; to reduce the vulnerability of children and adults to sexual exploitation and abuse; to reduce the negative impact of domestic and international parental rights disputes; and to strengthen the capabilities of the FBI and federal, state, local, and international law enforcement through training, intelligence-sharing, technical support, and investigative assistance.

Joining the GSCAC task force will allow MPD the opportunity to work with our federal law enforcement partners to continue the important work of protecting children as well as provide the opportunity to seek federal prosecution in appropriate cases. If approved, the FBI would supply the MPD with one vehicle for the designated MPD GSCAC task force detective to utilize, as well as reimbursement of overtime accrued while conducting GSCAC case work and investigations.

REVIEWED BY

PROPOSED ACTIONS

PROPOSED ACTIONS: Approve FBI Gem State Crimes Against Children Task Force Memorandum of Understanding and Reimbursement Agreement, or take other action deemed appropriate.

STAFF RECOMMENDATION

Approve the FBI Gem State Crimes Against Children Task Force Memorandum of Understanding and Reimbursement Agreement.

OTHER RESOURCES

FISCAL IMPACT

PERSONNEL IMPACT

ATTACHMENTS

- 1. 2026 MOU with Moscow Police Dept and Gem State CACTF
- 2. 2026 CRA Moscow Police Dept and Gem State CACTF Reimbursement Agreement

FOR OFFICIAL USE ONLY

1

FEDERAL BUREAU OF INVESTIGATION
GEM STATE CRIMES AGAINST CHILDREN TASK FORCE
MEMORANDUM OF UNDERSTANDING

PARTIES

1. This Memorandum of Understanding (MOU) is entered into by and between the **Federal Bureau of Investigation (FBI)** and the **Moscow Police Department**. Nothing in this MOU should be construed as limiting or impeding the basic spirit of cooperation which exists between these agencies.

AUTHORITIES

2. Authority for the FBI to enter into this agreement can be found at Title 28, United States Code (U.S.C.), Section (§) 533; 34 U.S.C. § 10211; Title 28, Code of Federal Regulations (C.F.R.), § 0.85; and applicable United States Attorney General's Guidelines.

PURPOSE

3. The purpose of this MOU is to delineate the responsibilities of the Gem State Crimes Against Children Task Force (GSCACTF) personnel; formalize relationships between participating agencies for policy guidance, planning, training, public and media relations; and maximize inter-agency cooperation). This MOU is not intended, and should not be construed, to create any right or benefit, substantive or procedural, enforceable at law or otherwise by any third party against the parties, the United States, or the officers, employees, agents, or other associated personnel thereof. No assignment of rights, duties, or obligations of this MOU shall be made by any party without the express written approval of a duly authorized representative of all other parties.

MISSION

4. The mission of the Gem State Crimes Against Children Task Force (GSCACTF) is to provide a rapid, proactive, and intelligence-driven investigative response to the sexual victimization of children, other crimes against children, and human trafficking within the FBI's jurisdiction; to identify and recover victims of child exploitation and human trafficking; to reduce the vulnerability of children and adults to sexual exploitation and abuse; to reduce the negative impact of domestic and international parental rights disputes; and to strengthen the capabilities of the FBI and federal, state, local, and international law enforcement through training, intelligence-sharing, technical support, and investigative assistance.
5. The defined priority threats that are aligned with the mission of the GSCACTFs are:
 - a. **Child Abductions (Non-Ransom and Ransom)**
 - b. **Production/Manufacturing of Child Sexual Abuse Material**
 - c. **Sextortion**
 - d. **Electronic Groups/Organizations/Enterprises for Profit**
 - e. **Travelers/Enticement**
 - f. **Traders/Distributors of Child Sexual Abuse Material**
 - g. **Interstate Transportation of a Minor with Intent that Minor Engage in Any Illegal Sexual Activity**
 - h. **Human Trafficking**
 - i. **Child Sex Trafficking**
 - j. **Adult Sex Trafficking**
 - k. **Forced Labor**
 - l. **Domestic Servitude**

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- m. **International Parental Kidnapping**
- n. **Possessors of Child Sexual Abuse Material**
- o. **Child Sex Tourism**
- p. **Unlawful Flight to Avoid Prosecution – Parental Kidnapping**
- q. **All other Crimes Against Children and Human Trafficking matters within the FBI’s jurisdiction**

SUPERVISION AND CONTROL

A. Supervision

- 6. Overall management of the GSCACTF shall be the shared responsibility of the FBI and participating agency heads and/or their designees.
- 7. The Special Agent in Charge (SAC) of the FBI Salt Lake City Field Office shall designate one Supervisory Special Agent (GSCACTF Supervisor) to supervise the GSCACTF. The GSCACTF Supervisor may designate a Special Agent to serve as the GSCACTF Coordinator.
- 8. Conduct undertaken outside the scope of an individual’s GSCACTF duties and assignments under this MOU shall not fall within the oversight responsibility of the GSCACTF Supervisor or GSCACTF Coordinator. As stated below, neither the United States nor the FBI shall be responsible for such conduct.
- 9. GSCACTF personnel will report to his or her respective agency for personnel and administrative matters. Each participating agency shall be responsible for the pay, overtime, leave, performance appraisals, and other personnel matters relating to its employees detailed to the GSCACTF. The FBI and the participating agency may provide for overtime reimbursement by the FBI by separate written agreement.
- 10. All FBI personnel will adhere to the FBI’s ethical standards, including Department of Justice (DOJ)/FBI regulations relating to outside employment and prepublication review matters, and will remain subject to the Supplemental Standards of Ethical conduct for employees of the DOJ.
- 11. All GSCACTF personnel, which includes Task Force Officers, Task Force Members, and Task Force Participants, must adhere to the applicable U.S. Attorney General’s Guidelines and Domestic Operations Investigative Guidelines (DIOG).
- 12. GSCACTF personnel will continue to report to their respective agency heads for non-investigative administrative matters not detailed in this MOU.
- 13. Continued assignment of personnel to the GSCACTF will be based on performance and at the discretion of appropriate management. The FBI SAC and GSCACTF Supervisor will also retain discretion to remove any individual from the GSCACTF.

B. Case Assignments

- 14. The FBI GSCACTF Supervisor will be responsible for opening, monitoring, directing, and closing GSCACTF investigations in accordance with existing FBI policy and the applicable United States Attorney General’s Guidelines.
- 15. Assignments of cases to personnel will be based on, but not limited to, experience, training, and performance, in addition to the discretion of the GSCACTF Supervisor.

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16. For FBI administrative purposes, GSCACTF cases will be entered into the relevant FBI computer system.
17. GSCACTF personnel will have equal responsibility for each case assigned. GSCACTF personnel will be responsible for complete investigation from predication to resolution.

C. Resource Control

18. The head of each participating agency shall determine the resources to be dedicated by that agency to the GSCACTF, including personnel, as well as the continued dedication of those resources. The participating agency head or designee shall be kept apprised of investigative developments by his or her subordinates.

OPERATIONS

A. Investigative Exclusivity

19. It is agreed that matters designated to be handled by the GSCACTF will not knowingly be subject to non-GSCACTF law enforcement efforts by any of the participating agencies. It is incumbent on each agency to make proper internal notification regarding the GSCACTF's existence and areas of concern.
20. It is agreed that there is to be no unilateral action taken on the part of the FBI or any participating agency relating to GSCACTF investigations or areas of concern as described in paragraphs 4 and 5. All law enforcement actions will be coordinated and cooperatively carried out.
21. GSCACTF investigative leads outside of the geographic areas of responsibility for the FBI will be communicated to other FBI offices for appropriate investigation.

B. Confidential Human Sources

22. The disclosure of FBI informants, or Confidential Human Sources (CHSs), to non-GSCACTF personnel will be limited to those situations where it is essential to the effective performance of the GSCACTF and only with prior FBI approval. These disclosures will be consistent with applicable FBI guidelines and policy.
23. Non-FBI GSCACTF personnel may not make any further disclosure of the identity of an FBI CHS, including to other individuals assigned to the GSCACTF. No documents or information which identify, tend to identify, or may indirectly identify an FBI CHS may be released without prior FBI approval.
24. In those instances where a participating agency provides a CHS, the FBI may become solely responsible for the CHS's continued development, operation, and compliance with necessary administrative procedures regarding operation and payment as set forth by the FBI.
25. The United States Attorney General's Guidelines and FBI policy and procedure for operating FBI CHSs shall apply to all FBI CHSs opened and operated in furtherance of GSCACTF investigations. Documentation of, and any payments made to, FBI CHSs shall be in accordance with FBI policy and procedure.
26. Operation, documentation, and payment of any CHS opened and operated in furtherance of a GSCACTF investigation must be in accordance with the United States Attorney General's Guidelines, regardless of whether the handling agency is an FBI GSCACTF participating agency. Documentation of state, county,

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or local CHSs opened and operated in furtherance of GSCACTF investigations shall be maintained at an agreed upon location.

C. Reports and Records

27. All investigative reporting will be prepared in compliance with existing FBI policy. Subject to pertinent legal and/or policy restrictions, copies of pertinent documents created by GSCACTF personnel will be made available for inclusion in the respective investigative agencies' files as appropriate.
28. GSCACTF reports prepared in cases assigned to GSCACTF personnel will be maintained at an FBI approved location; original documents will be maintained by the FBI.
29. Records and reports generated in GSCACTF cases which are opened and assigned by the GSCACTF Supervisor with designated oversight for investigative and personnel matters will be maintained in the FBI investigative file for GSCACTF.
30. GSCACTF investigative records maintained at the Salt Lake City Field Office of the FBI will be available to all GSCACTF personnel, as well as their supervisory and command staff subject to pertinent legal, administrative, and/or policy restrictions.
31. All evidence and original tape recordings (audio and video) acquired by the FBI during the GSCACTF investigations will be maintained by the FBI. The FBI's rules and policies governing the submission, retrieval, and chain of custody will be adhered to by GSCACTF personnel.
32. All GSCACTF investigative records will be maintained at an approved FBI location. Placement of all or part of said information into participating agency files rests with the discretion of supervisory personnel of the concerned agencies, subject to GSCACTF Supervisor approval.
33. Classified information and/or documents containing information that identifies or tends to identify an FBI CHS shall not be placed in the files of participating agencies unless appropriate FBI policy has been satisfied and only with prior FBI approval.

INFORMATION SHARING

34. Records or reports created or obtained by the GSCACTF are the property of the FBI and disclosure of such records, if it occurs, shall be pursuant to applicable federal law, with the approval of FBI. If such records are shared outside of the GSCACTF with state and/or local law enforcement agencies, such records are merely loaned to the non-Federal agency and are subject to retrieval by the FBI at its discretion. In the event that the participating agencies receive a request pursuant to public records statute, the civil or criminal discovery process, or other judicial, legislative, or administrative process, to disclose GSCACTF records, the participating agencies will immediately notify the FBI of any such request in order to allow sufficient time for the FBI to seek to prevent disclosure through appropriate channels, if necessary.
35. No information possessed by the FBI, to include information derived from informal communications between GSCACTF personnel and FBI employees not assigned to the GSCACTF, may be disseminated by GSCACTF personnel to non-GSCACTF personnel without the approval of the GSCACTF Supervisor and in accordance with the applicable laws and internal regulations, procedures, or agreements between the FBI and the participating agencies that would permit the participating agencies to receive that information directly. Likewise, GSCACTF personnel will not provide any participating agency information

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to the FBI that is not otherwise available to it unless authorized by appropriate participating agency officials.

36. The Parties acknowledge that this MOU may provide GSCACTF personnel with access to information about U.S. persons which is protected by the Privacy Act of 1974 and/or Executive Order 12333. The Parties expressly agree that all such information will be handled lawfully pursuant to the provisions thereof. The Parties further agree that if this access to information by GSCACTF personnel requires a change in privacy compliance documents, those changes will be accomplished prior to access being granted.
37. Each Party that discloses personally identifiable information (PII) is responsible for making reasonable efforts to ensure that the information disclosed is accurate, complete, timely, and relevant.
38. The FBI is providing access to information from its records with the understanding that in the event the recipient becomes aware of any inaccuracies in the data, the recipient will promptly notify the FBI so that corrective action can be taken. Similarly, if the FBI becomes aware that information it has received pursuant to this MOU is inaccurate, it will notify the contributing Party so that corrective action can be taken.
39. Each Party is responsible for ensuring that information it discloses was not knowingly obtained or maintained in violation of any law or policy applicable to the disclosing Party, and that information is only made available to the receiving Party as may be permitted by laws, regulations, policies, or procedures applicable to the disclosing Party.
40. Each Party will immediately report to the other Party each instance in which data received from the other Party is used, disclosed, or accessed in an unauthorized manner (including any data losses or breaches).
41. Each party agrees to provide, upon request, details regarding the handling and maintenance of data in electronic and paper recordkeeping systems maintained pursuant to the provisions of this MOU, to allow the other party to ensure that appropriate security and privacy protections are in place. Such information shall be provided to the extent allowable by the laws, regulations, and policies governing each party.

PROSECUTIONS

42. GSCACTF investigative procedures, whenever practicable, are to conform to the requirements which would allow for either federal or state prosecution.
43. A determination will be made on a case-by-case basis whether the prosecution of GSCACTF cases will be at the state or federal level. This determination will be based on the evidence obtained and a consideration of which level of prosecution would be of the greatest benefit to the overall objectives of the GSCACTF.
44. If a state or local matter is developed that is outside the jurisdiction of the FBI or it is decided to prosecute a GSCACTF case at the state or local level, the FBI agrees to provide all relevant information to state and local authorities in accordance with all applicable legal limitations.

A. Investigative Methods/Evidence

45. For cases assigned to an FBI Special Agent or in which FBI CHSs are utilized, the Parties agree to conform to federal standards concerning evidence collection, processing, storage, and electronic surveillance. However, in situations where the investigation will be prosecuted in the State Court where statutory or

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common law of the state is more restrictive than the comparable federal law, the investigative methods employed by FBI case agents shall conform to the requirements of such statutory or common law pending a decision as to venue for prosecution.

46. In all cases assigned to state, county, or local law enforcement participants, the Parties agree to utilize federal standards pertaining to evidence handling and electronic surveillance activities as outlined in the DIOG to the greatest extent possible. However, in situations where the statutory or common law of the state is more restrictive than the comparable federal law, the investigative methods employed by state and local law enforcement agencies shall conform to the requirements of such statutory or common law pending a decision as to venue for prosecution.
47. The use of other investigative methods (search warrants, interceptions of oral communications, etc.) and reporting procedures in connection therewith will be consistent with the policies and procedures of the FBI.

B. Undercover Operations

48. All GSCACTF undercover operations will be conducted and reviewed in accordance with FBI guidelines and the United States Attorney General's Guidelines on FBI Undercover Operations. All participating agencies may be requested to enter into an additional agreement if an employee of the participating agency is assigned duties which require the officer to act in an undercover capacity.

USE OF LESS-THAN-LETHAL-DEVICES¹

49. The parent agency of each individual assigned to the GSCACTF will ensure that while the individual is participating in FBI-led task force operations in the capacity of a task force officer, task force member, or task force participant, the individual will carry only less lethal devices that the parent agency has issued to the individual, and that the individual has been trained in accordance with the agency's policies and procedures.
50. The parent agency of everyone assigned to the GSCACTF will ensure that the agency's policies and procedures for use of any less-lethal device that will be carried by the task force officer, task force member, or task force participant are consistent with the DOJ policy statement on the Use of Less-Than-Lethal Devices.²

¹ Pursuant to Section VIII of the DOJ Less-Than-Lethal Devices Policy dated May 16, 2011, all state/local officers participating in joint task force operations must be made aware of and adhere to the policy and its limits on DOJ officers.

² Less-lethal – When use of force is required, but deadly force may not be appropriate, law enforcement officers may employ less-lethal weapons to gain control of a subject. Less-lethal weapons are designed to induce a subject to submit or comply with directions. These weapons give law enforcement officers the ability to protect the safety of officers, subjects, and the public by temporarily incapacitating subjects. While less-lethal weapons are intended to avoid causing any serious harm or injury to a subject, significant injuries and death can occur from their use.

The term "less-than-lethal" is synonymous with "less-lethal," "non-lethal," "non-deadly," and other terms referring to devices used in situations covered by the DOJ Policy on the Use of Less-Than Lethal Devices. "Less lethal" is the industry standard and the terminology the FBI has elected to utilize in reference to this policy.

DEADLY FORCE AND SHOOTING INCIDENT POLICIES

51. GSCACTF personnel will follow their own agencies' policies concerning firearms discharge and use of deadly force.

DEPUTATIONS

- 52. Local and state law enforcement personnel designated to the GSCACTF, subject to a limited background inquiry, shall be sworn as federal task force officers by acquiring Title 18 authority (via the United States Marshals) and Title 21 U.S.C. authority (via the FBI, to participate in federal drug investigations). The FBI will secure the required deputation authorization(s). These deputation(s) should remain in effect throughout the tenure of each investigator's assignment to the GSCACTF or until the termination of the GSCACTF, whichever comes first.
- 53. Deputized GSCACTF personnel will be subject to the rules and regulations pertaining to such deputation. Administrative and personnel policies imposed by the participating agencies will not be voided by deputation of their respective personnel.
- 54. State, local, tribal, and territorial law enforcement officers (LEOs) who serve on the GSCACTF must be federally deputized under Title 18. They must also be deputized under Title 21 to participate in federal drug investigations. The FBI may likewise require federal LEOs who serve on the GSCACTF to be deputized while assigned to the GSCACTF. The FBI will secure the required authorization for deputations, as needed.
- 55. Under the terms of this MOU, the Participating Agency agrees that non-LEOs detailed to the GSCACTF will not: (1) participate in law enforcement activities; (2) carry a weapon, either lethal or non-lethal; or (3) participate in the execution of search/arrest warrants.

VEHICLES

- 56. In furtherance of this MOU, employees of participating agencies may be permitted to drive FBI owned or leased vehicles for official GSCACTF business and only in accordance with applicable FBI rules and regulations, including those outlined in the FBI Government Vehicle Use Policy Guide (1093PG). The assignment of an FBI owned or leased vehicle to participating agency GSCACTF personnel will require the execution of a separate Vehicle Use Agreement.
- 57. The participating agencies agree that FBI vehicles will not be used to transport passengers unrelated to GSCACTF business.
- 58. Neither the FBI nor the United States shall be responsible for any civil liability arising from the use of an FBI owned or leased vehicle by task force personnel while engaged in any conduct other than their official duties and assignments pursuant to their federal deputation on the GSCACTF.
- 59. To the extent permitted by applicable law, the participating agencies agree to hold harmless the FBI and the United States, for any claim for property damage or personal injury arising from any use of an FBI owned or leased vehicle by task force personnel which is outside the scope of their official duties and assignments.

SALARY/OVERTIME COMPENSATION

- 60. The FBI and each participating agency remain responsible for all personnel costs for their GSCACTF representatives, including salaries, overtime payments, and fringe benefits consistent with their respective agency, except as described in paragraph 61 below.

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61. Subject to funding availability and legislative authorization, the FBI will reimburse to participating agencies the cost of overtime worked by non-federal GSCACTF personnel assigned full-time to GSCACTF, provided overtime expenses were incurred because of GSCACTF-related duties, and subject to the provisions and limitations set forth in a separate Cost Reimbursement Agreement to be executed in conjunction with this MOU. A separate Cost Reimbursement Agreement must be executed between the FBI and participating agencies for full-time employee(s) assigned to GSCACTF, consistent with regulations and policy, prior to any reimbursement by the FBI. Otherwise, overtime shall be compensated in accordance with applicable participating agency overtime provisions and shall be subject to the prior approval of appropriate personnel.

PROPERTY AND EQUIPMENT

62. Property utilized by the GSCACTF in connection with authorized investigations and/or operations and in the custody and control and used at the direction of the GSCACTF, will be maintained in accordance with the policies and procedures of the agency supplying the equipment. Property damaged or destroyed which was utilized by GSCACTF in connection with authorized investigations and/or operations and is in the custody and control and used at the direction of GSCACTF, will be the financial responsibility of the agency supplying said property.

FUNDING

63. This MOU is not an obligation or commitment of funds, nor a basis for transfer of funds, but rather is a basic statement of the understanding between the Parties hereto of the tasks and methods for performing the tasks described herein. Unless otherwise agreed in writing, each Party shall bear its own costs in relation to this MOU. Expenditures by each Party will be subject to its budgetary processes and to the availability of funds and resources pursuant to applicable laws, regulations, and policies. The Parties expressly acknowledge that the above language in no way implies that Congress will appropriate funds for such expenditures.

FORFEITURES

64. The FBI shall be responsible for processing assets seized for federal forfeiture in conjunction with GSCACTF operations.

65. Asset forfeitures will be conducted in accordance with federal law and the rules and regulations set forth by the FBI and DOJ. Forfeitures attributable to GSCACTF investigations may be equitably shared with the agencies participating in the GSCACTF.

DISPUTE RESOLUTION

66. In cases of overlapping jurisdiction, the participating agencies agree to work in concert to achieve the GSCACTF's objectives.

67. The participating agencies agree to attempt to resolve any disputes regarding jurisdiction, case assignments, workload, etc., at the field level first before referring the matter to supervisory personnel for resolution.

MEDIA RELEASES

- 68. All media releases and statements will be mutually agreed upon and jointly handled according to FBI and participating agency guidelines.
- 69. Press releases will conform to DOJ Guidelines regarding press releases. No release will be issued without FBI final approval.

SELECTION TO GSCACTF AND SECURITY CLEARANCES

- 70. If a participating agency candidate for the GSCACTF will require a security clearance, he or she will be contacted by FBI security personnel to begin the background investigation process prior to the assigned start date.
- 71. If, for any reason, the FBI determines that a participating agency candidate is not qualified or eligible to serve on the GSCACTF, the participating agency will be so advised, and a request will be made for another candidate.
- 72. Upon being selected, each candidate will receive a comprehensive briefing on FBI field office security policies and procedures. During the briefing, each candidate will execute non-disclosure agreements (SF-312 and FD-868), as may be necessary or required by the FBI.
- 73. Before receiving unescorted access to FBI space identified as an open storage facility, GSCACTF personnel will be required to obtain and maintain a "Top Secret" security clearance. GSCACTF personnel will not be allowed unescorted access to FBI space unless they have received a Top-Secret security clearance.
- 74. Upon departure from the GSCACTF, everyone whose assignment to the GSCACTF is completed will be given a security debriefing and reminded of the provisions contained in the non-disclosure agreement to which he or she previously agreed.

LIABILITY

- 75. The participating agencies acknowledge that this MOU does not alter the applicable law governing civil liability, if any, arising from the conduct of personnel assigned to the GSCACTF.
- 76. Each party agrees to notify the other in the event of receipt of a civil claim arising from scope of the FBI's relationship with the MOU's other party. Both parties agree to cooperate fully with one another in the event of any investigation arising from alleged negligence or misconduct arising from the operational relationship. Nothing in this paragraph prevents any party from conducting an independent administrative review of any incident giving rise to a claim. If a civil claim or complaint is brought against a state or local officer assigned to the GSCACTF, the officer may request legal representation and/or defense by DOJ, under the circumstances and pursuant to the statutes and regulations identified below.

77. COMMON LAW TORT CLAIMS

- A. Congress has provided that the exclusive remedy for the negligent or wrongful act or omission of an employee of the U.S. Government, acting within the scope of his or her employment, shall be an action against the United States under the Federal Tort Claims Act, 28 U.S.C. § 1346(b), and §§ 2671-2680.

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- B. Notwithstanding any other provision contained in this MOU, for the limited purpose of defending civil claims arising out of [operational relationship] activity, any employee detailed from a Participating Agency who is acting within the course and scope of his or her official duties and assignments pursuant to this MOU may be considered an "employee" of the U.S. government, as defined at 28 U.S.C. § 2671. See 5 U.S.C. § 3374(c)(2).
- C. Under the Federal Employee Liability Reform and Tort Compensation Act of 1998 (commonly known as the Westfall Act), see 28 U.S.C. § 2679(b)(1), if an employee of the United States is named as a defendant in a civil action, the Attorney General or his or her designee may certify that the defendant acted within the scope of his or her employment at the time of the incident giving rise to the suit. 28 U.S.C. § 2679(d)(1)&(2). The United States can then be substituted for the employee as the sole defendant with respect to any tort claims alleged in the action. 28 U.S.C. § 2679(d)(1)&(2). Decisions to certify that an employee was acting within the scope of his or her employment at the time of the incident giving rise to the suit, see 28 U.S.C. § 2679(d)(1)&(2), are made on a case-by case-basis, and such certification cannot be guaranteed.
- D. If the Attorney General declines to certify that an employee was acting within the scope of employment, "the employee may at any time before trial petition the court to find and certify that the employee was acting within the scope of his office or employment." 28 U.S. C. § 2679(d)(3)."

78. For the limited purpose of defending against a civil claim arising from an alleged violation of the U.S. Constitution pursuant to 42 U.S.C. § 1983 or Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 403 U.S. 388 (1971): An individual assigned to the GSCACTF who is named as a defendant in a civil action as a result of or in connection with the performance of his or her official duties and assignments pursuant to this MOU may request individual-capacity representation by DOJ to defend against the claims. 28 C.F.R. §§ 50.15, 50.16. Any such request for individual-capacity representation must be made in the form of a letter from the individual defendant to the U.S. Attorney General. The letter should be provided to Chief Division Counsel (CDC) for the FBI Salt Lake City Division, who will then coordinate the request with the FBI Office of the General Counsel. In the event of an adverse judgment against the individual, he or she may request indemnification from DOJ. 28 C.F.R. § 50.15(c)(4). Requests for DOJ representation and indemnification are determined by DOJ on a case-by-case basis. The FBI cannot guarantee the United States will provide legal representation or indemnification to any GSCACTF personnel.

79. Unless otherwise authorized by the FBI, liability for any conduct by GSCACTF personnel undertaken outside of the scope of their duties and assignments pursuant to their federal deputation on the GSCACTF shall not be the responsibility of the FBI or the United States.

DURATION

80. The term of this MOU is for the duration of the GSCACTF's operations, contingent upon approval of necessary funding, but may be terminated at any time upon written mutual consent of the agency involved.

81. Any participating agency may withdraw from the GSCACTF at any time by written notification to the GSCACTF Supervisor with designated oversight for investigative and personnel matters or program manager of the GSCACTF at least 30 days prior to withdrawal.

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82. Upon termination of this MOU, all equipment provided to the GSCACTF will be returned to the supplying agency/agencies. In addition, when an entity withdraws from the MOU, the entity will return equipment to the supplying agency/agencies. Similarly, remaining agencies will return to a withdrawing agency any unexpended equipment supplied by the withdrawing agency during any GSCACTF participation.

MODIFICATIONS

83. This agreement may be modified at any time by written consent of all involved agencies.

84. Modifications to this MOU shall have no force and effect unless such modifications are reduced to writing and signed by an authorized representative of each participating agency.

SIGNATORIES

Robert J. Bohls
Special Agent in Charge
Federal Bureau of Investigation

Date

Hailey Lewis
Mayor
City of Moscow

Date

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FEDERAL BUREAU OF INVESTIGATION
Gem State Crimes Against Children Task Force
2026 FY Cost Reimbursement Agreement

GSCACTF File No.: 305-SU-C4165872-CRA

Pursuant to Congressional appropriations, the Federal Bureau of Investigation (FBI) receives authority to pay overtime for police officers assigned to the formalized Salt Lake City, Gem State Crimes Against Children Task Force (GSCACTF), as set forth below, for expenses necessary for detection, investigation, and prosecution of crimes against the United States. It is hereby agreed between the FBI and the City of **Moscow** (CITY), located at 155 Southview Ave., Moscow, ID 83843, Taxpayer Identification Number: _____, and Telephone Number: (208)883-7054, that:

1. This Agreement is entered into pursuant to, and as an annex to, the FBI Salt Lake City, Gem State Crimes Against Children Task Force Memorandum of Understanding (MOU) signed by the Mayor and shall be read and interpreted in conformity with all terms of that document.

2. Commencing upon execution of this Agreement, the FBI will, subject to availability of required funding, reimburse CITY for overtime payments made to City of Moscow Police Department officers (MPD) assigned to and working full time on GSCACTF related matters.

3. Requests for reimbursement shall be made monthly utilizing the United States Department of the Treasury Invoice Processing Platform (IPP) software system and shall be submitted to the FBI Salt Lake City Field Office immediately after the first of the month which follows the month for which reimbursement is requested. The reimbursement request shall be approved by the appropriate Supervisor (or their designee) at MPD prior to the invoice submission in IPP. The invoice submitted in IPP will automatically route to the FBI GSCACTF personnel for their review, approval, and processing for payment.

4. Overtime reimbursement payments from the FBI will be made via electronic funds transfer (EFT) directly to CITY using the FBI's Unified Financial Management System (UFMS). To facilitate EFT, CITY shall establish an account online in the System for Award Management (SAM) at www.SAM.gov. Verification of CITY banking information is required on an annual basis to keep payment information current. For additional information regarding the UFMS and SAM, contact the FBI Salt Lake City Financial Liaison Specialist.

5. Overtime reimbursements will be calculated at the usual rate for which the individual officer's time would be compensated in the absence of this Agreement. However, said reimbursement, per officer, shall not exceed monthly and/or annual limits established annually by the FBI. The limits, calculated using Federal pay tables, will be in effect for the Federal fiscal year running from October 1st of one year through September 30th of the following year, unless changed during the period. The FBI reserves the right to change the reimbursement limits, upward or downward, for subsequent periods based on fiscal priorities and appropriations limits. The FBI will notify MPD of the applicable annual limits prior to October 1st of each year.

6. The number of MPD deputies assigned full-time to the GSCACTF and entitled to overtime reimbursement by the FBI shall be approved by the FBI in advance of each fiscal year. Based on the needs of the GSCACTF, this number may change periodically, upward or downward, as approved in advance by the FBI.

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Revised 05/24/2022

7. Prior to submission of any overtime reimbursement requests, MPD shall prepare an official document setting forth the identity of each officer assigned full-time to the GSCACTF, along with the regular and overtime hourly rates for each officer. Should any officers change during the fiscal year, a similar statement shall be prepared regarding the new officers prior to submitting any overtime reimbursement requests for the officers. If the rate changes during the fiscal year for a previously assigned officer, an updated letter shall be attached with the invoice submission in IPP that reflects the new rate. The updated letter shall be mailed to the Salt Lake City Field Office GSCACTF personnel to maintain in FBI records.

8. Each request for reimbursement shall be submitted via IPP to the FBI. The request for reimbursement shall include an invoice number, invoice date, the name, overtime compensation rate, number of reimbursable hours claimed, and the dates of those hours for each officer for whom reimbursement is sought. An attachment signed and dated by an authorized Agency representative noting the dates and hours for each officer overtime reimbursement claimed shall be uploaded in IPP as supporting documentation for the invoice to confirm the information described in this paragraph is accurate, and the personnel for whom reimbursement is claimed were assigned full-time to the GSCACTF.

9. Requests for reimbursement shall be submitted monthly, and all requests shall be received by the FBI no later than December 31st of the next fiscal year for which the reimbursement applies. For example, reimbursements for the fiscal year ending September 30, 2026, shall be received by the FBI monthly and not later than December 31, 2026. The FBI is not obligated to reimburse any requests received untimely and not in accordance herewith.

10. This Agreement is effective upon signatures of the parties and will remain in effect for the duration of MPD's participation on the GSCACTF, contingent upon approval of necessary funding, and unless terminated in accordance with the provisions herein. This Agreement may be modified at any time by written consent of the parties or based on changing business operations and practices of the FBI. It may be terminated at any time upon mutual consent of the parties, or unilaterally upon written notice from the terminating party to the other party at least 30 days prior to the termination date.

Signatories:

Robert J. Bohls
Special Agent in Charge
Federal Bureau of Investigation

Date: _____

Hailey Lewis
Mayor
City of Moscow

Date: _____

Andrew Beaty
Financial Liaison Specialist
Federal Bureau of Investigation

Date: _____