

**AGENDA  
MOSCOW CITY COUNCIL  
REGULAR MEETING**

**Monday, March 1, 2010**

**7:00 p.m.**

**City Hall Council Chambers  
206 East Third Street, Second Floor**

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The Moscow Mayor, City Council and Staff welcome you to tonight's meeting. 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 as item number 3. 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. Thank you for your interest in City government.

**RENEWING OUR FOCUS** – At each meeting, we will highlight good deeds, good news, and the people and activities that inspire us and make our community great. Contact a Council-member with examples to share at future meetings.

1. Consent Agenda: Any item will be removed from the consent agenda at the request of any member of the Council and that item will be considered separately later. Approval by roll call vote.

A. Approval of Minutes of February 16, 2010 – Stephanie Kalasz

B. Personnel Policy Changes – Family Medical Leave (FMLA) – Equal Employment Opportunity (EEO) and Sick Leave Bank Policy – Leslie Moss

A. The Family and Medical Leave Act (FMLA) has been amended as part of changes to the 2010 National Defense Authorization Act (NDAA) to extend FMLA to employees with family members in all military branches. The 2010 NDAA also amends the FMLA to allow eligible employees to take FMLA to care for a seriously ill or injured veteran. B. The Genetic Information Nondiscrimination Act (GINA) of 2008 took effect on November 21, 2009. The Act, which was signed into law by former President Bush in May 2008, applies to employers with 15 or more employees and prohibits covered employers from refusing to hire an applicant or from discriminating against any employee with respect to the compensation, terms, conditions, or privileges of employment because of "genetic information." To comply with GINA the City's Equal Employment Opportunity policy has been updated to include genetic information. C. The City offers an employee sick leave bank as a benefit to regular full-time employees. Employees become members of the bank by donating one day of sick leave to the bank. An employee request to borrow time from the bank has historically been considered by the Employee Advisory Committee (EAC) who recommended approval, modification or denial of the request. Recommendations were based on evidence of illness or disability and history of sick leave use. Final approval rests with the City Supervisor. Because medical information is confidential and protected by various laws the Sick Leave Bank policy has been revised. The EAC will no longer review these requests. Instead, the request will either be approved or denied by the immediate supervisor followed by approval from the department head. The human resources director will sign off on the request to ensure all legal obligations and coordination with other benefits and policies is followed. The City Supervisor will retain final approval. Additional changes require the requestor to return days borrowed and not used and employees receiving worker's compensation are not eligible to borrow from the bank. The proposed changes were discussed by the Employee Advisory Committee at their meeting on January 21, 2010. The EAC agrees the changes are appropriate. Reviewed by the Administrative Committee on February 22, 2010.

ACTION: Approve the Personnel Policy changes.

C. ITD Idaho Airport Grant Agreement and Resolution – Robb Parish

The Moscow-Pullman Regional Airport has received a grant offer from the Idaho Transportation Department. This Agreement and Resolution must be approved by the City Council.

ACTION: Approve the Agreement and related Resolution 2010-05.

2. Mayor's Appointments – Mayor Chaney

3. Public Comment and Mayor's Response Period (limit 15 minutes) - For members of the Public to speak to the Council regarding matters NOT on the Agenda and not currently pending before the Planning and Zoning Commission or Board of Adjustment, please state your name and address for the record and limit remarks to three minutes. Mayor will respond to comments from previous meeting.

4. Citizen Commission Report – Sustainable Environment Commission – Tom Scallorn

5. Public Hearing – 1912 Retaining Wall and Parking Lot Community Development Block Grant Application – Alisa Stone

The Idaho Department of Commerce is accepting ICDBG grant applications until March 5, 2010 for Senior and Community Center requests for up to \$150,000. Staff has been working with the Jenny Sheneman, Executive Director of the Heart of the Arts, Inc. (HOA) who manages the 1912 Center to plan and design this project. The proposed project would provide the following improvements at the 1912 Center: a retaining wall on the northeast side of the existing parking lot, curb, gutter, plant strip and sidewalk on Second Street, completion of an asphalt parking lot on the west side of the building and replacement of commercial kitchen appliances. Engineering, Design and Construction Management is being performed by Lawrence Rose of Design West Architects who has worked on the prior 1912 redevelopment projects. The Engineering, Design and Construction Management fees will be paid by HOA. Reviewed by the Administrative Committee on February 22, 2010.

ACTION: Approve submittal of a grant application to the Idaho Department of Commerce ICDBG program for \$150,000 for exterior infrastructure improvements at the 1912 Center or take other such action as deemed appropriate.

6. Proposed Day Care Ordinance Changes – Randy Fife/Stephanie Kalasz

The Council recently amended the Day Care Facility Ordinance. Staff believes that there are several additional changes that should be considered. There is a technical redundancy in the Code which can easily be corrected. Staff also believes that the name of the "Day Care Facility Ordinance" should be shortened to the "Day Care Ordinance". Currently there is no appeal process for applicants who are denied a license for supplying false or misleading information, who fail or refuse to disclose information required, or who violate various provisions of the Ordinance during licensure. This may preclude them from correcting the situation and reapplying. Staff suggests that there be an appeal process for the foregoing situations so that either the Council can consider the staff's decision on appeal or the applicant can reapply with the correct and complete information. Reviewed by the Administrative Committee on February 8 and 22, 2010.

ACTION: 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.

**REPORTS:**

Administrative Committee  
Public Works/Finance Committee  
Other Boards & Commissions  
Mayor

**\*\* NOTICE: Individuals attending the meeting who require special assistance to accommodate physical, hearing, or other impairments, please contact the City Clerk, at (208) 883-7015 or TDD 883-7019, as soon as possible so that arrangements may be made.**