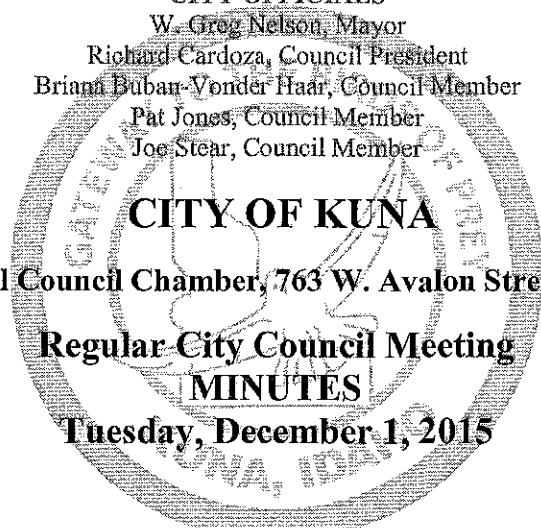


CITY OFFICIALS
W. Greg Nelson, Mayor
Richard Cardoza, Council President
Briana Buban-Vonder Haar, Council Member
Pat Jones, Council Member
Joe Stear, Council Member



Kuna City Hall Council Chamber, 763 W. Avalon Street, Kuna, Idaho

Regular City Council Meeting

MINUTES

Tuesday, December 1, 2015

7:00 P.M. REGULAR CITY COUNCIL

1. Call to Order and Roll Call:

COUNCIL MEMBERS PRESENT: Mayor W. Greg Nelson
Council President Richard Cardoza
Council Member Briana Buban-Vonder Haar
Council Member Pat Jones
Council Member Joe Stear

CITY STAFF PRESENT: John Marsh, City Treasurer
Richard Roats, City Attorney
Chris Engels, City Clerk
Wendy Howell, P & Z Director
Bob Bachman, Facilities Director
Bobby Withrow, Parks Director
Mike Borzik, GIS Manager

2. Invocation: Chris Bent, Calvary Chapel

3. Pledge of Allegiance: Mayor Nelson

4. Consent Agenda:
(Timestamp 00:01:37)

All items listed under the Consent Agenda are considered to be routine and are acted on with one motion by the City Council. There will be no separate discussion on these items unless the Mayor, Council Member, or City Staff requests an item to be removed from the Consent Agenda for discussion. Items removed from the Consent Agenda will be placed on the Regular Agenda under Old Business or as instructed by the City Council.

A. City Council Meeting Minutes:

1. Personnel Manual Workshop Minutes, November 17, 2015
2. Regular City Council Minutes, November 17, 2015

B. Accounts Payable Dated November 24, 2015 in the Amount of \$287,835.91

C. Resolution:

D. Findings of Facts and Conclusions of Law:

Consideration to approve 15-01-AN, Falcon Crest Annexation: Based on the record contained in Case No. 15-01-AN, including exhibits, staff's report and the public testimony at the public hearing, the City Council of Kuna, Idaho hereby approves the Findings of Fact and Conclusions of Law, and conditions of approval for Case No. 15-01-AN, annexation and zone change. Troy Behunin, Senior Planner

Council Member Stear moved to approve the consent agenda. Seconded by Council Member Buban-Vonder Haar with the following roll call vote:

Voting Aye: Council Members Cardoza, Jones, Buban-Vonder Haar and Stear

Voting No: None

Absent: None

Motion carried 4-0.

5. Citizen's Reports or Requests:

(Timestamp 00:02:15)

- A. Request by the Kuna Chamber of Commerce for funds toward Kuna Days 2016 fireworks in the amount of \$2,500 – Fabiola Giddings

Amy Hawkins, Vice President of the Kuna Chamber of Commerce made the request for a \$2,500 check to be made out to Lloyd Stubbs for fireworks for Kuna Days.

Mayor Nelson explained the early payment helps Lloyd Stubbs purchase more fireworks for the money and is already approved in the budget.

Council Member Jones recused himself from the matter.

Council Member Stear clarified Council Member Jones has no connection to the fireworks show. There is no reason to abstain if there is no direct conflict.

Council Member Jones moved to approve funds in the amount of \$2,500. Seconded by Council Member Stear with the following roll call vote:

Voting Aye: Council Members Buban-Vonder Haar, Cardoza, Jones and Stear

Voting No: None

Motion carried 4-0.

6. Public Hearings: (7:00 p.m. or as soon thereafter as matters may be heard.)

7. Business Items:

(Timestamp 00:06:35)

- A. Consideration to approve 15-04-LLA and 15-02-LS – Meadow View Plaza Lot Line Adjustment and Lot Split -Troy Behunin, Senior Planner.

The applicant seeks lot line adjust (LLA) and lot split (LS) approval for a parcel totaling approximately 14.63 acres in order to prepare the lots for future commercial development. The LLA will match the property lines with new ownership to reflect a recent land sale. The LS is intended to divide the remaining land, to reflect the recent rezone approvals from Council.

Senior Planner Troy Behunin explained to Council the application is a request from Aspen Engineers and the Rama Group to divide a qualified lot. All requirements have been met and all documents submitted. There are additional photos available if needed.

There are two parcels and they will be rearranged. The remaining property will be split to match the rezone of a previous Council approval. He explained what qualifies a property. Mr. Behunin explained the decisions included at the end of the document for Council review. He noted a change for condition number seven; currently stating “no lot or parcel shall have direct access to Meridian Rd”, to read “the applicant will follow city, ITD and ACHD requirements to achieve access to Meridian Rd”. Mr. Behunin noted the applicant was present.

Mayor Nelson asked if the change in condition number 7 should be noted in the motion.

Mr. Behunin responded yes; please add the change to the motion.

Council President Cardoza asked about page 3; the parcel has two zones on the same parcel. What distinguishes the zones and who makes the designation.

Mr. Behunin said it was approved by a previous Council. The parcel in question was zoned R-6 and Commercial. The lots were not split and the documents were not recorded. This consideration/approval will define and split the zones.

Council President Cardoza asked if the motion needed to address the two zones.

Mr. Behunin said it does not. He clarified the zoning of the area; there hasn't been a change since 2007 with the exception of a portion changed from R6 to C1 approved in August of this year that was referred to previously. This lot split will define the zones.

Council Member Jones asked for clarification; on page 2 of 13 the map shows the small parcel has moved to the larger parcel. In the following page it seems to be divided into thirds.

Mr. Behunin showed Council larger exhibits to explain the parcel divisions.

Lance Warnick, Aspen Engineers, 485 W Main, Kuna Id 83634. He noted that he appreciates the assistance from P & Z during the process. Mr. Warnick explained adjusting the lot configuration to match the rezone and dividing the commercial parcel. The southern portion would subdivide in phases to bring new businesses to Kuna in the future. He stood for questions and asked for the Council's approval.

There were no questions from Council.

Council Member Buban-Vonder Haar moved to approve 15-04-LLA with the amendment of condition 7 to indicate the parcels will follow City, ITD and ACHD for access to Meridian Rd. Seconded by Council Member Stear with the following roll call vote:

Voting Aye: Council Members Buban-Vonder Haar, Cardoza, Jones and Stear

Voting No: None

Motion carried 4-0.

Council Member Buban-Vonder Haar moved to approve 15-02-LS with the amendment of condition 7 to indicate the parcels will follow City, ITD and ACHD for access to Meridian Rd. Seconded by Council Member Stear with the following roll call vote:

Voting Aye: Council Members Buban-Vonder Haar, Cardoza, Jones and Stear

Voting No: None

Motion carried 4-0.

- B.** Consideration to Approve R88-2015 Prospector PI Project Easement – Gordon Law, City Engineer
(Timestamp 00:28:50)

RESOLUTION APPROVING ACCEPTANCE OF AN EASEMENT ON KUNA MIDDLE SCHOOL PROPERTY FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING A PRESSURE IRRIGATION MAIN FOR THE PROSPECTOR PRESSURE IRRIGATION PROJECT.

GIS Manager, Mike Borzick explained the school has allowed an easement for an 8" pressurized irrigation main line. Work has started and is about half complete.

Mayor Nelson asked if this new line was because of blockages caused by the configuration of the current line.

Mr. Borzick said the blockages are in the sewer lines. He and Mr. Law have discussed this and it will be a tough project. He explained that to remove the

Prospector lift station will affect the EDU count at Crimson and cause a shortage for other developments in that area. This project is for pressurized irrigation to help with pressure and add service to residents that don't currently have access to irrigation and are using potable water for irrigation.

Council President Cardoza asked if there was any monetary restitution.

Mr. Borzick said there is not. The School District had asked but it wasn't possible.

Council President Cardoza asked that a letter of appreciation be sent to the School District.

Council Member Stear moved to approve R88-2015. Seconded by Council Member Buban-Vonder Haar with the following roll call vote:

Voting Aye: Council Members Buban-Vonder Haar, Cardoza, Jones and Stear

Voting No: None

Motion carried 4-0.

- C. November 2015 Construction Report – Gordon Law, City Engineer
(No Action Required)
(Timestamp 00:32:55)

Mr. Borzick stood for questions.

There were no questions from Council.

- D. Continuation of Personnel Manual Workshop if needed – Richard Roats, City Attorney
(Timestamp 00:37:11)

City Attorney Richard Roats introduced section 12.

The biggest concern he has heard is a short term disability option; possibly sick leave hours being divided with one portion going to a short term disability bank for each employee.

Council Member Jones said his understanding is the average number of sick days used is 6 per year.

City Treasurer John Marsh said the average use is 48%.

Council Member Jones is agreeable to 12 days with 6 days going to a short term disability fund and 6 days into a normal sick leave fund.

Council Member Buban-Vonder Haar asked if there would be restrictions on the banked hours.

Council Member Jones said it should be treated as short term disability. There should be a doctor's note or proof of a disability.

P & Z Director, Wendy Howell said that single mothers aren't being considered. She gave herself as an example. By assigning a portion of sick days to a short term disability fund, single parents could be placed in a bind.

Council discussed the various options and criteria.

Council Member Stear said he is uncomfortable restricting employees regarding how they use their benefits.

Mayor Nelson said employees with legitimate reasons to use sick leave should be separated from the employee that uses sick leave just to use it up.

Facilities Director, Bob Bachman asked if Directors/Supervisors notice a trend in employee absences, could the personnel manual note that a Dr.'s excuse may be required at the Director's/Supervisor's discretion.

Mr. Roats read the section in the current personnel manual stating Directors and/ or Supervisors may require a note and if the absence is 3 or more days a note will be required.

City Clerk, Chris Engels asked if the FMLA criteria will be followed as our criteria, will the relationship criteria also be followed; child, parent, significant other, step-children, step-parent? What does that criteria look like?

Council Member Buban-Vonder Haar clarified; applying the FMLA standards was a bit too stringent. Instead, documenting a need or providing a Dr.'s note would be sufficient.

Council Member Buban-Vonder Haar discussed voluntary leave donations. She asked if there should be an unpaid status before leave donations can be received. Also, she doesn't think donated leave should be retroactive as noted in 12.4.10 (B2)

Council agreed donated leave should not be retroactive.

Council Member Jones discussed 12.4.10 (B3); unused, donated leave should not be transferred back to the donor. Once the leave has been donated, it should become the recipient's.

Council Member Buban-Vonder Haar said if multiple donors were involved as well as the conversion rates, returning unused leave could create issues.

City Treasurer, John Marsh responded yes, it would create several issues on the payroll side.

Mr. Roats pointed out section 12.4 states “transfer of vacation leave and compensatory time”. Comp time cannot be taken away from any employee. Should that be statement be changed to “transfer of vacation time” only?

Council Member Jones clarified; holidays would not be included in the calculation of overtime.

Mr. Marsh responded; that is correct, holidays would not apply toward overtime.

Council President Cardoza asked what the final decision was on 12.3.1.

Mr. Roats said the time would be split at 4 hours each month will go to sick and 4 will go to a short term disability bank with guidelines/criteria for usage.

Council President Cardoza had concerns about leave needs for someone like Ms. Howell.

Council Member Buban-Vonder Haar responded that the leave in the bank could be accessed with medical documentation, basically applying FMLA standards.

12.5.2 – Compensation pay on holidays; 2x rate of pay on all holidays or only on specific holidays?

Council Member Jones said he supported 2x rate of pay applying to all holidays.

Council agreed.

Mr. Roats will work on more specific verbiage regarding On Call compensation on holidays.

12.8.3 (E) (F) – Allowance of Unpaid Time; currently employees are required to use any accrued vacation or sick leave concurrently with unpaid leave.

Council Member Jones thought it should not be required to use accrued leave. However, if an employee chooses to use any accrued leave, it should extend the unpaid time, not be concurrent.

Council Member Buban-Vonder Haar asked for clarification regarding (f) if the employee is on Worker’s Comp leave, it would run concurrently with any unpaid leave. Workers Comp would involve an unforeseen work related injury.

12.7. – Leave of Absence

Council President Cardoza asked if the Mayor approved an employee to be gone for up to 30 unpaid days; does the city have to provide health insurance and PERSI?

City Treasurer, John Marsh responded he is not sure. Employees would remain on the plans but he will have to check into who would be responsible for the premiums.

Mr. Roats said if there is justifiable reason for an employee to ask for unpaid leave, the cost to the city for the premiums is minimal.

Council Member Buban-Vonder Haar said in the Federal government if an employee is in an unpaid status, sick leave and vacation are not accrued and the employer portion of the employee benefits are continued.

Mr. Roats clarified; the employee would pay the employee portion of the benefits during the unpaid time.

12.13 – Provision for Uniforms, Footwear and Safety Equipment

Council Member Jones said he thinks it would be easier to offer a designated allowance per year. He would also like to see a more uniform dress code for city employees with an appropriate identification for each employee whether it be a nameplate on a desk or door or a nametag for those in the field.

Council discussed options for safety requirements and dollar allowances per employee.

Council Member Stear would like to see the safety equipment portion such as boots, purchased specifically for the employees to maintain their safety. Employees could then be assigned an allowance for the clothing portion.

12.14.2 (A), 12.14.3 (A) (B) Educational Reimbursement, Certification for Advancement and Employee Repayment of Educational Reimbursement

Council Member Buban-Vonder Haar suggested a \$500 or more designation for the Educational Reimbursement Agreement.

Council President Cardoza asked for an amount the city pays per employee for education.

City Treasurer, John Marsh said he would estimate \$300 per employee.

Mayor Nelson pointed out; if employees are required to be certified, part of the contract with them is that the city will pay for the certifications.

Council discussed options and guidelines for employee's continuing education, certification requirements, reimbursement agreement and employee repayment of educational reimbursement.

Council President Cardoza asked if the Educational Reimbursement Agreement is an addendum in the personnel manual that employees can review.

Mr. Roats responded it was not at this time. He will draft the agreement when Council sets the parameters. It will be added in the final copies.

12.15 Travel Reimbursement

Mr. Roats reviewed the changes and asked for Council direction regarding meal reimbursement and travel parameters.

Council Member Buban-Vonder Haar said if the conference or training is local or less than 2 hours travel time, employees could pack a lunch or choose to buy their own lunch. Venues more than 2 hours travel time or overnight would be reimbursed.

Chapter 13 Employee Performance and Discipline

Council Member Buban-Vonder Haar suggested if an employee is given a proposed disciplinary action, it would be reasonable to give the employee paid time to prepare evidence in their case.

Mr. Roats responded he is not sure that it would be reasonable to pay an employee evidence preparation time after committing an offense that required disciplinary action.

Mayor Nelson said he thinks the employee should be given some time to prepare.

City Clerk, Chris Engels asked if ICRMP had any direction.

Mr. Roats responded ICRMP does not have a policy for paid preparation time.

Council and Mayor Nelson decided to leave the matter up to Supervisor discretion.

13.4.5 (A)

Council Member Jones would like an employee to submit a request for a name-clearing hearing within 7 days of their termination or demotion instead of 14 days.

Mr. Roats responded this specifically refers to unlawful discrimination or retaliation. We would not want to deprive an employee the opportunity to prepare properly which probably means seeking legal counsel.

8. Ordinances:

- A. *Third Reading* of Ordinance No 2015-12 Idaho Power Franchise Agreement –
Richard Roats, City Attorney
(Timestamp 00:33:53)

Consideration to approve ordinance

Consideration to approve a summary publication of the ordinance

AN ORDINANCE IN ACCORDANCE WITH IDAHO CODE SECTIONS 50-328, 50-329 AND 50-329A GRANTING A FRANCHISE TO IDAHO POWER COMPANY, AN IDAHO CORPORATION, AND TO ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT, MAINTAIN AND OPERATE IN AND UPON THE PRESENT AND FUTURE STREETS, HIGHWAYS AND OTHER PUBLIC PLACES WITHIN THE CORPORATE LIMITS OF THE CITY OF KUNA, IDAHO, ELECTRIC UTILITY PROPERTY AND FACILITIES FOR SUPPLYING ELECTRICITY AND ELECTRIC SERVICE TO THE CITY, THE INHABITANTS THEREOF, AND OTHERS FOR A TERM OF TEN (10) YEARS; PROVIDING A RIGHT TO THE CITY TO PHYSICALLY LOCATE AND MAINTAIN TELEPHONE, CABLE, FIBER OPTICS OR OTHER COMMUNICATIONS FACILITIES ON THE POLES AND OTHER FACILITIES OF GRANTEE; PROVIDING FOR A HOLD HARMLESS CLAUSE; PROVIDING FOR A REQUIREMENT FOR INSURANCE; PROVIDING FOR A PROCESS TO IMPLEMENT A FRANCHISE FEE; PROVIDING FOR A NON COMPETE CLAUSE; PROVIDING A CLAUSE THAT PERMITS THE CITY TO GENERATE POWER FOR ITS OWN CONSUMPTION; RESERVING POWER OF EMINENT DOMAIN; PROVIDING FOR THE PAYMENT OF FRANCHISE FEES; AND SPECIFYING OTHER LIMITATIONS, TERMS AND CONDITIONS GOVERNING THE EXERCISE OF SAID FRANCHISE.

Council Member Stear moved to approve Ordinance No. 2015-12. Seconded by Council Member Buban-Vonder Haar with the following roll call vote:

Voting Aye: Council Members Buban-Vonder Haar, Cardoza, Jones and Stear

Voting No: None

Motion carried 4-0.

Council Member Stear moved to approve a summary publication of Ordinance No. 2015-12. Seconded by Council Member Buban-Vonder Haar. Motion carried 4-0.

9. Mayor/Council Discussion Items:

10. Announcements:

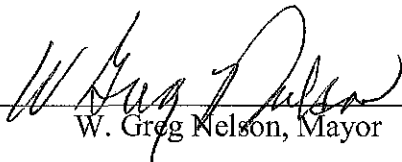
11. Executive Session:

12. Adjournment:

Council Member Stear moved to adjourn the meeting at 9:43 p.m. Seconded by Council President Cardoza. Motion carried 4-0.

After the motion to adjourn, Council Member Buban-Vonder Haar suggested that due to the administrative time involved in issuing gift certificates or Chamber checks as Christmas gifts to the employees, it would be easier to issue Chamber checks which can be used wherever employees choose.

Council agreed.



W. Greg Nelson, Mayor

ATTEST:



Chris Engels, City Clerk



*Minutes prepared by Dawn Stephens
Date Approved: CCM 12.15.2015*