

**COUNCIL MEMBERS:**

SHAWN	LANCE	DON	GREGORY	JIM	REBECCA	CHRIS
BARIGAR	CLOW	HALL	LANTING	MUNN, JR.	MILLS SOJKA	TALKINGTON
		<i>Vice Mayor</i>	<i>Mayor</i>			



Meeting of the Twin Falls City Council  
**April 16, 2012**  
 City Council Chambers  
 305 3rd Avenue East -Twin Falls, Idaho

**5:00 P.M.**

PLEDGE OF ALLEGIANCE TO THE FLAG  
 CONFIRMATION OF QUORUM  
 INTRODUCTION OF STAFF  
 CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:  
 PROCLAMATIONS: **DISABILITY AWARENESS WEEK**

AGENDA ITEMS	Purpose	By:
<b>I. CONSENT CALENDAR:</b> 1. Consideration of accounts payable for April 10 – 16, 2012. 2. Consideration of the April 2, 2012, City Council Minutes. 3. Consideration of a request for the approval for beer to be served at the Ice Breaker Softball Tournament on Saturday, May 19, 2012, from 4:00 p.m. until 8:00 p.m. at Harmon Park. 4. Consideration of a request by Rosalinda Paiz to approve the 27 <sup>th</sup> Annual Mother’s Day and Latin Fiesta to be held at the City Park. 5. Consideration of a request by Snake Harley-Davidson to approve its sixth season of outdoor customer appreciation concerts at their facility beginning at 6:00 p.m. and ending at 9:00 p.m. on various Friday evenings throughout the spring and summer, in addition to their annual ORU Fundraiser to be held on Sunday, June 3, 2012, from 5:00 p.m. to 9:00 p.m.	Action	Staff Report Sharon Bryan L. Sanchez Dennis Pullin  Dennis Pullin  Dennis Pullin
<b>II. ITEMS FOR CONSIDERATION:</b> 1. A presentation by the Human Resources team reviewing the status of employee compensation. This presentation will provide an overview of how our current employment market was determined, market data collection and analysis, as well as drafted strategies for consideration. 2. Public input and/or items from the City Manager and City Council.	Presentation/ Action	Susan Harris
<b>III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</b>		
<b>IV. PUBLIC HEARINGS: 6:00 - None</b>		
<b>V. ADJOURNMENT</b> Executive Session 67-2345 (1)(a) To consider hiring a public officer, employee, staff member or individual agent. This paragraph does not apply to filling a vacancy in an elective office.  Executive Session 67-2345(1)(c) To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency.		

*\*Any person(s) needing special accommodations to participate in the above noticed meeting should contact Leila Sanchez at (208) 735-7287 at least two working days before the meeting.*

Present: Shawn Barigar, Lance Clow, Don Hall, Gregory Lanting, Jim Munn, Rebecca Mills Sojka, Chris Talkington  
Absent: None  
City Staff: City Manager Travis Rothweiler, Community Development Director Mitch Humble, Human Resource Director Susan Harris, Human Resource Analyst and Risk Management Gretchen Scott, Staff Sergeant Dennis Pullin, Staff Sergeant Dan McAtee, Deputy City Clerk/Recording Secretary Leila A. Sanchez.

Mayor Lanting called the meeting to order at 5:00 P.M. He then invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him and with Boy Scouts from Troop 180. A quorum was present. Mayor Lanting introduced staff.

**CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:**

City Manager Rothweiler requested that the April 2, 2012, Minutes be removed from the Consent Calendar. The minutes would be placed on the April 23, 2012, agenda.

**MOTION:**

Councilperson Hall made a motion to remove the April 2, 2012, Minutes from the Consent Calendar. The motion was seconded by Councilperson Munn and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

**PROCLAMATIONS:** **DISABILITY AWARENESS WEEK - Mayor Lanting read the proclamation.**

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of accounts payable for April 10 – 16, 2012, total: \$1,583,634.66.  
April 16, 2012, total: \$ 579.25  
April 13, 2012, Payroll: \$103,416.01
2. Consideration of the April 2, 2012, City Council Minutes
3. Consideration of a request for the approval for beer to be served at the Ice Breaker Softball Tournament on Saturday, May 19, 2012, from 4:00 p.m. until 8:00 p.m. at Harmon Park.
4. Consideration of a request by Rosalinda Paiz to approve the 27<sup>th</sup> Annual Mother's Day and Latin Fiesta to be held at the City Park.
5. Consideration of a request by Snake Harley-Davidson to approve its sixth season of outdoor customer appreciation concerts at their facility beginning at 6:00 p.m. and ending at 9:00 p.m. on various Friday evenings throughout the spring and summer, in addition to their annual QRU Fundraiser to be held on Sunday, June 3, 2012, from 5:00 p.m. to 9:00 p.m.

**MOTION:**

Councilperson Barigar made a motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Sojka and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

**II. ITEMS FOR CONSIDERATION:**

1. A presentation by the Human Resources team reviewing the status of employee compensation. This presentation will provide an overview of how our current employment market was determined, market data collection and analysis, as well as drafted strategies for consideration.

Susan Harris, Human Resource Director, gave the presentation.

On February 13, 2012, the City Manager requested to shift \$12,500 from the Human Resource Department's budget for the purpose of completing a compensation survey. The Council opted not to approve the request but directed staff to provide an analysis of the city's current compensation package and a plan to bring wages to the current market.

Susan Harris continued to discuss the history on the 2010 salary survey, shared statistical data as to how it relates to the organization and requested to seek council guidance and collaboration in identifying strategies that can be used in setting the foundation of a future compensation plan.

Following is what was presented in the PowerPoint presentation:

- 2012 Salary survey and shared statistical data and strategies.
- Step & Grade
- Pay for Performance

-SEED

In 2009, the City sought the services of the BDPA to conduct a comprehensive study and benefit survey. Because of several contributing factors the Council lacked confidence in the final report and understandably was uncomfortable in moving forward with the information which showed on the average the City of Twin Falls was approximately 7.5% behind market. Gretchen Scott transitioned into the H/R Department on a full time basis and recruitment became one of her primary responsibilities. It has provided her with an excellent sense of what is going on in the organization and has positioned her to address some of the challenges experienced with recruitment over the last few years.

Gretchen Scott stated that she will be presenting details, percentages, and averages, as defined by the Department of Labor.

She reviewed the following using a PowerPoint presentation:

- Cost of living indices
- How has this affected hiring?
- In which grades are increases occurring?
- Where are our applicants from?
- Where are they going? Voluntarily separated from the City.
- Department of Labor – 2011 Occupational Employment & Wage Survey
- 2012 Public Safety Salary/Benefit (Survey by the -City of Nampa)
- Comparison with Market Cities.
- Our market position.

In summarization, the City is 8% to 10%, behind market.

Susan Harris stated that compensation theory is not an exact science. She once heard compensation theory defined as conflict resolution. Many employees feel they are not paid enough and others wonder why they are paid what they are.

Discussion followed:

Councilperson Talkington asked if what was presented was wage only and did not include the total compensation benefits.

Susan Harris stated that benefits were not addressed at this point because in the last survey a great deal of time was spent on looking at the benefits. The City had the BDPA survey, and the City did their own survey on local employers as it related to the benefits and found that it was rather a push. For this presentation staff only looked at salary.

City Manager Rothweiler stated that under the BDPA study, a full market comparison was done. The BDPA study basically said that the benefits that the City offers to employees are generally no better and no worse than the market people.

Susan Harris stated that in order to maintain the ability to retain and attract a quality workforce, work needs to be done collaboratively to address the salary plan, and to strive to make sure, from three factors, that it is internally equitable, fiscally responsible, and addresses the internal compression. The market has been defined and the City is on an average 8% to 10%, behind market. She read a quote from the Times News regarding City officials updating employee salaries. In moving into the budgetary process and beginning to develop the new strategic plan, staff is committed to address the issues that are on the board. A general consensus is needed to address the total compensation philosophy to determine whether the decision is to lag behind the market, be equal with the market, or to try to be a leader. Once the philosophy is defined, staff will work to create a plan that will mesh the salary table with the philosophy, and then move to develop a strategy to bring employees in line. This can be taken one step further by changing the salary structure to address compression. Separate pay tables may be created, if necessary, for different departments. If the Council is comfortable with the market and the range that has been established, implementation can be addressed. Staff would like to bring information back to the Council.

The Council commended both Susan Harris and Gretchen Scott for their presentation.

Councilperson Talkington stated that at this point the Council needs to begin looking at dollars and cents, and what various incremental increases will get wages closer to a comparable range; in other words, if wages are bumped across the board or in the definition area by 4% what would this equate to, dollarwise.

Susan Harris stated that part of the implementation schedule that is being looked at is not only adjusting the table but doing some kind of comp ratio. To make that leap would not be a fair comparison, but to give the Council a perspective, every 1% rate adjustment is approximately \$156,000.

Councilperson Mills Sojka stated that she understood from the presentation that other employers exercise a difference between entry wages and experienced wages and that may be something that the organization needs to do in changing the table; and that overall, changes need to be made to get employees to market value to acquire experienced people. She asked if this was correct.

Susan Harris stated that staff needs the support in the definition of the philosophy. Budget is obviously a major consideration. When looking at the implementation strategy it may be found that it can be done in one year or may need to be implemented over several years. Staff will come back with several options for consideration. At this point, the compensation philosophy of where the Council wants to be is important to staff.

Councilperson Barigar suggested that one of the first things that needs to be done, independent of the strategic planning process, is to have the discussion of the kind of employer the City wants to be and what is that philosophy.

Councilperson Munn stated that during future discussions the entire performance evaluation system should be re-evaluated. The SEED program, from his personal perspective, did not receive the desired results and was disastrous. This needs to be looked at closely because it caused huge morale problems across the organization. He stated that he hoped this is looked at as part of the overall strategy for compensation and employee benefits.

Vice Mayor Hall stated when he worked for the City in 1988 the City of Twin Falls was a municipality of choice. Over the last several years the City has lost ground. When you lose ground you lose experience and service. He stated his philosophy is to pay as well as possible and stay competitive as possible in order to recruit and retain the proper employees to provide services to the community.

Councilperson Clow stated he struggled on how the next step is to be implemented. A comment was made on how the City compares to experienced versus the mean and the entry, yet statistics that were given show that the City is not hiring at the entry level, so is there one chart for experienced, and another chart for no experience? He also asked when do they move from one to another. He stated that he struggled with the Hay Study. He stated that he feels that it might be better to have different tables for the workforce.

Mayor Lanting stated that he is concerned that money is spent on training for employees, and they are the most likely to be hired away from the City if the City is not competitive.

City Manager Rothweiler stated that May 7 is the budget kickoff. Chief Financial Officer Race will give another financial update and will go through the process to discuss where the City stands in the current fiscal year on revenue collections. It may be an appropriate meeting to discuss philosophy and targets. On May 8, the City is having a community open house in relationship to the strategic plan.

2. Public input and/or items from the City Manager and City Council.

City Manager Rothweiler stated that Josh Palmer, who is with the Times News, will be the City's new Public Information Officer on April 30, 2012.

Cheri Condie, 2135 Oakwood Court, stated that she would like to speak on the Canyon Park Development on the Canyon Rim. She believes this proposal violates the City Code for the Canyon Rim Overlay District. It does not enhance the Canyon Rim but detracts from it. The Canyon has some breathtaking views from the property and the bridge. Perrine Memorial Bridge is a world famous site and BASE jumpers come from all over the world. The City has beauty, tourism, and now another strip mall. Community leaders are being relied on to make sure that this shopping center is built with respect and creativity. This is an opportunity for Twin Falls to stand out and to be the "go to" city in the Magic Valley. It would be to the City's benefit to have a shopping center that is pedestrian friendly and uses state of the art planning.

Mayor Lanting stated that several citizens contacted him the past week about the possible appeal process of some of the decisions made, more specifically by the Planning & Zoning Commission. He asked Community Development Director Humble to explain the options or lack of options concerning the process of the appeal of the Planning & Zoning Commission approval of the preliminary plat. Concerns have been raised on how close the shopping center is to the canyon rim.

Community Development Director Humble stated that the Planning & Zoning Commission approved the preliminary plat of the Canyon West Development. A preliminary plat is an item considered the final decision of the Planning & Zoning Commission, meaning the Council does not usually see a preliminary plat for action. Council's role comes in the process with the approval of the final plat. The platting is a land subdivision process and plats are reviewed per conformance with comprehensive plans, zoning ordinance, and PUD. The Commission will make a decision based on that conformance. The Commission approved the preliminary plat. Typically an appeal process would be requested by the applicant if they did not agree with the conditions placed or if the plat was denied. The Timberlake Apartments plat was appealed. That preliminary plat was denied by the Commission and the applicant appealed to the City Council. The Council went through the process and approved the preliminary plat. Some decisions by the Planning & Zoning Commission set out a process for the aggrieved party. An aggrieved party, not necessarily the applicant, can appeal the decision of the Planning & Zoning Commission. Regarding Special Use Permits, an aggrieved party who in person spoke at the hearing or who provided written comments can appeal the decision of the Commission. For the preliminary plats, there is no such provision provided in the City Code. There is a section in the code regarding the Planning & Zoning Commission's duty that the City Council can review a final decision of the Planning & Zoning Commission. It uses the term Council, not a member of the Council. The body as a whole can make a motion to direct staff to bring back a review to Council to consider and act on the preliminary plat. The time frame is 15 days after approval.

Council discussion followed:

Mayor Lanting stated that a final plat is placed on the Council's agenda but is not a public hearing.

Community Development Director Humble stated that a preliminary plat is not a public hearing, the public is invited to the meetings, and notification is sent to property owners within 300' requesting their input. The Planning & Zoning Commission will allow public comment with preliminary plats. The City, by State law, is told how to handle final plats. Preliminary plats are a complete creation of City Code. Final plats are placed on the Council agenda as a consent item and are not public hearings. It is up to the Mayor's discretion to allow comment on the final plat.

Councilperson Mills Sojka asked which part of the code addresses appeals and when will the Council see the PUD and approve the PUD agreement.

Community Development Director Humble stated that the typical process is to have a hearing on the rezone request. On April 9, 2012, a rezone request was heard on the Canyon Park Development and the PUD was discussed as part of the hearing, the development criteria proposed and the master development plan. Staff will run the process of creating a PUD agreement when going through the development review process for the plats. A PUD agreement will be brought before the Council around the same time the final plat comes to the Council. The section on appeals is in City Code 10-17-2, stating that says the Council can review a decision of the Planning & Zoning Commission.

Councilperson Barigar stated that in regards to the preliminary plat process, even with an appeal of that process to the Council, changes to the plat do not change the placement of the buildings adjacent to the Canyon Rim, unless there is a lot.

Community Development Director Humble stated that preliminary and final plats are a subdivision of property, and do not relate as to how a building sits on the property. In some of the zones one building per lot is allowed, and other zones allow multiple buildings per lot. A commercial zone allows multiple buildings per lot.

Councilperson Talkington referred to City Code 10-17-2 (the appeal process) asking if public safety consideration is worthy of scientific investigation, speaking specifically of an unusual, not replicated, situation at Canyon Park West. The final site would be 50' to 100' from the canyon rim depending on geological waivers. With a number of big box and retailers, there is a question of public safety and if the 50' or 100' setbacks are justified. The geology of the area is dynamically evolving and constantly in the process of sloughing off the canyon wall. He asked staff if the Council should exercise an appeal process asking for the burden of proof to be on the applicant, to not have substantial setbacks in excess of 100'.

Community Development Director Humble stated that in City Code Section 10-17-2, the Council can appeal the Planning & Zoning Commission's decision and the Council would need to determine if there is a "significant adverse impact" as the result of the Commission's action, which is a determination to be made by Council and not staff. If the Council, as a body, determines that approval of this plat can lead to a significant adverse impact, safety issues can certainly be significant adverse impact. He stated that he would raise the question if the division of land causing a significant adverse impact. On April 9, 2012, as part of the presentation it was clarified that setbacks would be at least 100'. The Master Development Plan was approved and will not allow any building to be closer than the 100' setback.

City Manager Rothweiler requested that the Council refrain from making any decisions until legal counsel is present to discuss the process to fully understand roles and responsibilities.

Mayor Lanting asked if the PUD Agreement can be amended by the Council at approval time.

Community Development Director Humble answered in the affirmative.

Mayor Lanting stated that Ms. Condie stated her concern of whether or not the proposed development would enhance the aesthetic value of the Canyon, and he asked staff what are her avenues.

Community Development Director Humble stated that Ms. Condie brought her concern to the Council and has done what is available to her.

City Manager Rothweiler stated that the intent of the public open meeting law is to allow the public to have the right to know the items being contemplated and being discussed before an elected body. A motion tonight would be inappropriate because this has not been placed on the amended agenda. He recommended that an item for discussion be placed on the agenda, allowing legal counsel and both parties to be present.

Council asked staff to clarify the 15 day appeal process rule.

Mayor Lanting directed that discussion of the issue be placed on the April 23, 2012, agenda.

Kathy McMillan asked if the 15 day appeal process can be adjusted if a discussion is being held because staff is waiting for clarification from legal counsel. She asked if a group can appeal the approval of the preliminary plat.

City Manager Rothweiler stated that the code does not allow flexibility of that interpretation. Staff does not believe that any other group besides the City Council has the right to appeal the matter and the question. Members of the community have the right to be able to submit their thoughts and their comments in writing.

Kathy McMillan stated that this may require a different geological stability if the code is for buildings that are actually more for isolation and the 100' setback is dealing with individual buildings. She would encourage the Council to get another opinion.

City Manager Rothweiler stated that the decision the Council will make on April 23, 2012, is whether or not the Council would like to go through a review process, and not the actual review.

**III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:**

Councilperson Talkington stated his concern that in the accounts payables for the last pay period over \$1,050,000 was spent on three payables related to the water and sewer projects. He stated that several engineering and construction firms are making a comfortable living in this partnership with the City.

**IV. PUBLIC HEARINGS: 6:00 - None**

**V. ADJOURNMENT**

Executive Session 67-2345 (1)(a) To consider hiring a public officer, employee, staff member or individual agent. This paragraph does not apply to filling a vacancy in an elective office.

Executive Session 67-2345(1)(c) To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency.

**MOTION:**

Vice Mayor Hall made the motion to move to Executive Session as presented. The motion was seconded by Councilperson Munn and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

The meeting adjourned at 7:06 P.M.

Leila A. Sanchez  
Deputy City Clerk/Recording Secretary