

COUNCIL MEMBERS:

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



**MINUTES**  
 Meeting of the Twin Falls City Council  
**October 1, 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: None

AGENDA ITEMS	Purpose	By:
<b>I. <u>CONSENT CALENDAR:</u></b> 1. Consideration of a request to approve the accounts payable for September 25 – October 1, 2012. 2. Consideration of a request to approve the September 10, 2012, September 17, 2012, and September 24, 2012, City Council Minutes. 3. Consideration of a request to approve the 2012 Oktoberfest, sponsored by Steve and Bev O’Conner of O’Dunken’s Draught House, to be held Saturday, October 6, 2012.	<u>Action</u>	<u>Staff Report</u> Sharon Bryan L. Sanchez  Ryan Howe
<b>II. <u>ITEMS FOR CONSIDERATION:</u></b> 1. Consideration of a request from a citizen to receive support to allow bungee jumping from the Perrine Bridge. 2. Consideration of request by the Senior Citizen Center to allow for the sale of alcohol at special events. 3. Consideration of a request to approve the 2012-13 Certified Local Government application to the Idaho State Historical Society from the Twin Falls City Historic Preservation Commission. 4. Presentation of the finances for the City of Twin Falls for eleven months of fiscal year 2011-2012. 5. Public input and/or items from the City Manager and City Council.	Action Action Action Presentation	Eric Lyman Travis Rothweiler Mitch Humble Lorie Race
<b>III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u></b>		
<b>IV. <u>PUBLIC HEARINGS:</u>            6:00 - None</b>		
<b>V. <u>ADJOURNMENT:</u></b>		

*\*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, Don Hall, Suzanne Hawkins, Greg Lanting, Jim Munn, Jr., Rebecca Mills Sojka, and Chris Talkington.  
Absent: None  
Staff Present: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Chief Financial Officer Lorie Race, Community Development Director Mitch Humble, Sergeant Ryan Howe, Assistant to the City Manager Mike Williams, Public Information Officer Joshua Palmer, 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. Mayor Lanting introduced staff. A quorum is present.

## AGENDA ITEMS

### I. CONSENT CALENDAR:

1. Consideration of a request to approve the accounts payable for September 25 24 – October 1, 2012, total: \$1,824,523.38  
October 1, 2012, total: \$29,357.08  
September 28, 2012, Payroll total: \$112,853.24  
September 28, 2012, Fire Payroll total: \$50, 972, 61
2. Consideration of a request to approve the September 10, 2012, September 17, 2012, and September 24, 2012, City Council Minutes.
3. Consideration of a request to approve the 2012 Oktoberfest, sponsored by Steve and Bev O'Conner of O'Dunken's Draught House, to be held Saturday, October 6, 2012.

#### **MOTION:**

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

### II. ITEMS FOR CONSIDERATION:

1. Consideration of a request from a citizen to receive support to allow bungee jumping from the Perrine Bridge.

City Manager Rothweiler stated that he received a call from Eric Lyman regarding this request. City Manager Rothweiler explained to Mr. Lyman that the bridge is under the jurisdiction of the Idaho Transportation Department (ITD) and that the bridge is not under the City's control. The City does not have the ability to grant authority or to change approval. Eric Lyman was to request that the Council consider drafting a letter and submitting it to ITD for changing their rule structure that currently states that jumping off the bridge is allowed; however, nothing can be attached to the bridge.

Council discussion followed:

Vice Mayor Hall stated that he is supportive of recreational activities in the area, but is hesitant to be in support of the request after ITD has stated that there may be some structural issues and prior to making any action on the request he would like input from ITD.

Eric Lyman arrived at the Council Meeting at 5:08 P.M.

Eric Lyman, Over the Edge Inc., stated that he is coming before Council to introduce the bungee jumping as more of an attraction to the area. Events have been cancelled because not everyone was on the same page. When he last spoke to ITD everything was good with ITD as long as the jumpers do not make any attachments to the bridge and as long as pedestrian traffic is not hindered in any way. According to Mr. Lyman, bungee jumping is safer than base jumping and brings tourists to the area. Recently, the bungee jumpers had an event planned to clean up the canyon and do other things for the community area, which they would like to continue doing.

Council discussion followed.

Councilperson Talkington asked how bungee jumping is done without having an attachment to the structure.

Eric Lyman stated that the attachment is to a human.

Councilperson Talkington commented that in times past at various music festivals they have had bungee jumping off the Perrine Bridge but whether that was freestyle, temporary, or without permits is unknown. He has observed bungee jumpers who were attached to the structure.

Councilperson Barigar asked for more clarification on how one holds the cord.

Eric Lyman stated that the intent by ITD is to prevent any damage to the handrail. Bungee jumpers go up over the concrete edge and on the concrete surface and that is where a person holds the cord. A knot is tied in a rubber device that rests right on the edge and to which a person can hold quite easily. There is plenty of room for pedestrians to walk. He believes bungee jumpers are as intrusive as base jumpers and would like to be treated the same way. The bungee jumpers believe they fit within the policy of ITD in not attaching anything to the structure and thus preventing any damage to the handrail. After a person jumps a retrieval is used that comes up through the handrail and does not touch the handrail at any point. As far as he understands the policy, bungee jumpers should be all right to proceed.

Vice Mayor Hall asked if ITD had signed off on the process.

Eric Lyman stated that ITD has not signed off on the process or base jumping. It is not something ITD needs to sign off on as long as it's within the guidelines of their policy and within their limits of their policy.

Vice Mayor Hall stated that there needs to be some kind of verbal notice that it is within their guidelines and asked if he received that yet from ITD.

Eric Lyman stated that he has talked to ITD many times over the years. The last time he spoke to ITD they said flat out that as long as they (bungee jumpers) are not making attachments or blocking pedestrian traffic they are not concerned. It is not the bungee jumping itself; it is the possibility of damaging the handrail.

Vice Mayor Hall asked Mr. Lyman his purpose of coming before the City Council.

Eric Lyman stated he came before the Council to create public awareness about the issue so that everyone is on the same page because quite often they are greeted by police officers who don't know the first thing about the issue, and he is hoping to garner Council's support since it is good for the community. Every group that they bring in from out of town includes tourists who want to stay in the area and experience jumping. Bungee jumping would bring an attraction to the area, and he is requesting Council support.

Mayor Lanting asked if the request is for support for the attachment.

Eric Lyman stated that the request is for support for the industry in general.

Vice Mayor Hall stated that before Mr. Lyman commented he supports the industry overall but is concerned about safety.

Eric Lyman stated that the best way to do this is to keep communication open. He believes this falls within the ITD guidelines, which has been discussed with ITD many times.

Vice Mayor Hall asked if the Twin Falls City Police Department would need to contact ITD for direction as to what is expected from the department when calls are received.

Councilperson Talkington commented that if the Council were to write a letter of support it would not be very meaningful because it is not in the City of Twin Falls' area of jurisdiction. He stated that the letter of support would include a liability disclaimer. He asked Mr. Lyman if they are an insurable business.

Mr. Lyman stated that the business is very insurable. In fact, bungee jumping is statistically much safer than base jumping. It is hard to get insurance because bungee jumping is something that falls within the gray area of the law.

City Manager Rothweiler stated that when he spoke with Mr. Lyman on the phone, it was his understanding that it wasn't Twin Falls City Police officers, but it was more ISP that made the stops and the enforcements.

Eric Lyman stated that this was correct.

Councilperson Hawkins thanked Eric Lyman for taking the time to educate the Council.

**MOTION:**

Councilperson Talkington made a motion of support for the bungee jumping as described with the caveats that this is not in the City's jurisdiction, the City does not accept liability, and acting on the premise that only professionals do it, and the business has some framework where they can collect insurance. The motion was seconded by Councilperson Barigar.

Council discussion followed.

Councilperson Munn asked for clarification if the motion is endorsing the sport and not any particular company.

Mayor Lanting stated that the motion is endorsing the sport.

Councilperson Munn questioned if local government should be involved in endorsement of certain sports or non sports. He stated he was not certain that it was a wise use of the Council's time as stewards of the public trust.

Vice Mayor Hall stated that he would like to have ITD make a presentation before Council prior to making a decision to support the motion.

Councilperson Mills Sojka stated she supports the base and bungee jumping industry but she is concerned with the liability and endorsing something that goes against ITD rules. She would like to hear from ITD as to why they have the rules as mentioned and if there is any factual or scientific information that would help Council make a decision. She stated that she has liked the neutral approach that the Council has taken in the past.

Councilperson Barigar stated that the recreational activities that happen around the canyon, in the river, on the bridge, and from the bridge are an important part of the economic vitality of the community. He believes from the presentation that if this activity can occur on the bridge without breaking the rules that ITD has set out, the Council should be supportive of that general concept of more recreational opportunities, not only for the people who live in the community but also to people who visit Twin Falls. He stated that he believes that the Council does have a responsibility to be supportive of those types of activities that aren't harming others.

Councilperson Hawkins asked for clarification of the motion.

Councilperson Talkington stated that the intention of the motion is not to show we are endorsing bungee jumping but the use of the facility for the described activity with the caveats that it is not in our jurisdiction and the City does not accept responsibility. This would be in the form of a letter to ITD stating that the Council is not opposed to using the structure for the intended purpose.

Councilperson Hawkins asked Eric Lyman if he was planning to approach the Jerome County or the Jerome City Council, or anybody on that side of the bridge as well.

Eric Lyman answered no. He stated that he has approached other cities. Glens Ferry and White Bird are interested in urging support of the activity in their areas as well. He stated that jumpers jump facing west because at 11:00 a.m. every morning the wind changes direction. Base jumpers tend to like a tailwind and his group like to jump into the wind so they do not hit the cord on their way down. Base jumpers are always gathered on the opposite side of the bungee jumpers.

Councilperson Hawkins stated that she would like to have more information prior to making any decision.

Councilperson Munn stated that prior to the Council endorsing anything in writing, the Council invites ITD to come forward and make a short presentation in regards to their analysis of this sport.

**MOTION:**

Councilperson Barigar moved to table the motion and extend an invitation ITD to come and give their side to the presentation. The motion was seconded by Vice Mayor Hall. Roll call vote showed Councilperson Barigar, Hall, Hawkins, Lanting, Munn, and Mills Sojka voted in favor of the request. Councilperson Talkington voted against the request. Approved 6 to 1.

2. Consideration of a request by the Senior Citizen Center to allow for the sale of alcohol at special events.

City Manager Rothweiler explained the request. He referred to the Addendum, paragraph 6, which basically states that the Council has entrusted the City Manager to meet with the Executive Director to review plans of activities and then to sign off on them. He is asking the Council for their input on the proposed Addendum allowing the sale of alcohol at special events, which currently is not in the Lease.

Jeanette Rowe, Executive Director, explained the request. She explained that she has contacted a band to play on Friday nights and serve beer and wine at these events. The sale of alcohol draws people to fundraiser activities and the income would support the Center. The Lease agreement states that the owner (City) would need to sign off on the sale of alcohol prior to approval.

Councilperson Talkington asked if it is considered subletting if the Center were to have more than one wine distributor.

City Attorney Wonderlich stated that this would not be subletting because beer and wine are for the Center's events.

Councilperson Barigar asked if the intent is to bring an outside caterer for the Center's events or if they are planning to have their own catering license, as they are available to non-profits.

Jeanette Rowe stated that she has spoken to the Anchor Bistro and others who said they would cater events. The Center requires a renter for the facility to get their catering and special events permit.

Councilperson Barigar asked the City Attorney the process of when the facility is rented out for an event at which the sale of alcohol is planned.

City Attorney Wonderlich stated that if the Center wants to sublease it out or rent it out for an outside group to have an alcohol catered event they need to get the approval of the City Manager. Staff did not clearly understand that this was a senior activity as explained by Jeanette Rowe; therefore, staff does not have an issue with the request. A special events application process is not required.

**MOTION:**

Councilperson Talkington made the motion to authorize the use of the allowance of catering events with the use of beer and wine at the Twin Falls Senior Center as part of the standard lease agreement between the City and the Senior Center. The motion was seconded by Councilperson Hall.

Councilperson Munn stated that he would encourage staff to assure there is not a conflict between the special events and what has been discussed to avoid in being in conflict with the City's policies or City Codes.

City Attorney Wonderlich on overhead projection showed and explained 3-5-3: SPECIAL EVENT PERMIT REQUIRED: (A) No person shall stage, promote, or conduct any special event in the city without first obtaining a special event permit from the chief of police or his/her designee. With the exception of events at which alcohol is served or sold publicly and events intending to generate amplified sound or excessive noise, no special event permit under this chapter will be required for events to be attended by fewer than five hundred (500) people.

City Manager Rothweiler was planning to suggest to Council prior to the motion that in part of the allowance of alcohol to also allow the Mayor to sign a special use application if it is needed. According to Development Director Humble this would be a onetime submittal to the Planning & Zoning Commission.

Councilperson Talkington with approval of Councilperson Hall made an addition to his motion to allow the Mayor to sign a one time submittal of a special use permit to the Planning & Zoning Commission.

Councilperson Hall stated that other event centers are not required to have a special use permit every time an event is held.

Councilperson Barigar stated that the Radio Rendevo is privately owned and the Senior Center is owned by the City. Any other public facilities that the City manages such as parks, streets, etc., require a process. He suggested that the Center list the series of events on the special event application. In addition, he asked why a special use permit is required.

Community Development Director Humble showed and explained on overhead projection 3-6-3: SPECIAL EVENT PERMIT REQUIRED: (B) The requirements for permitting under this chapter shall not apply to: 4. Venues that are permitted to hold such activities by the property's zoning or through an approved special use permit.

The Senior Center is in an M-2 zone and a civic or social organization is allowed by right to operate because the facility is allowed by zoning or by SUP to operate a Senior Center. Jeanette Rowe explained holding dances as part of their senior activities which is an extension of the Senior Center and is not outside the bounds of their use. The Center is excluded from having to go through the special event process because they are in a facility that is allowed by right.

City Manager Rothweiler explained that a special use permit is not required for a senior event.

Councilperson Talkington with approval of Councilperson Hall withdrew the addition to his motion to allow the Mayor to sign a one time submittal of a special use permit to the Planning & Zoning Commission.

Roll call vote on the motion showed all members present voted in favor of the motion.

3. Consideration of a request to approve the 2012-13 Certified Local Government application to the Idaho State Historical Society from the Twin Falls City Historic Preservation Commission.

Randall Watson explained the request. The Historic Preservation Commission recommends that the Council approve and authorize the Mayor to sign the 2012-13 CLG application.

**MOTION:**

Councilperson Hall made the motion to approve the 2012-13 Certified Local Government application to the Idaho State Historical Society from the Twin Falls City Historic Preservation Commission as presented. The motion was seconded by Councilperson Mills Sojka and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

4. Presentation of the finances for the City of Twin Falls for eleven months of fiscal year 2011-2012.

Chief Financial Officer Race gave a presentation for the eleven months of fiscal year 2012-2012, using a PowerPoint presentation.

The information included a look at budget to actual information for revenues and expenditures in the tax supported funds, and in the three major enterprise funds.

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

Councilperson Hawkins reported on the Youth Council discussing a fundraiser on the BMX park signage.

Councilperson Mills Sojka stated that Bob Seastrom has invited the Council to a bike ride of the BMX park in the near future.

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

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

**V. ADJOURNMENT: The meeting adjourned at 7:40 p.m.**

Leila A. Sanchez  
Deputy City Clerk/Recording Secretary