

**Minutes of Meeting
Parks & Waterways
February 23, 2023
9:00 a.m.**

The Kootenai County Board of Commissioners: Chair Leslie Duncan, Commissioner Bruce Mattare and Commissioner Bill Brooks met to discuss the following agenda items. Also present were KCSO Sheriff Robert Norris, KCSO Captain Kevin Smart, KCSO Lieutenant Mark Ellis, KCSO Sergeant Ryan Miller, KCSO Patrol Deputy Jon Traw, Parks & Waterways (P&W)/Noxious Weeds/Snowgroomers Director Nick Snyder, BOCC Communications Coordinator Jonathan Gillham and Deputy Clerk Tina Ginorio. Also present were P&W Advisory Board Chair Doug Harris, Kootenai County Residents John Stanley, Mary Stanley, Gary L. Maddock, Anne Gehrett, Will Neal, Mary Ann Stoll, Kristine Bartz, Jim Stafford, Shawn Hathaway, Scott Scofield, Sheri Scofield, Edward Kent, Ron McCray, Carol McCray, Debby Roose and Randy Kirsch. Mr. Kent, Ms. Roose and Mr. Kirsch were present via teleconference.

- A. Call to Order:** Chair Leslie Duncan called the meeting to order at 9:00 a.m.
- B. Changes to the Agenda (Action):** There were no changes to the agenda.
- C. Business:**

Waterways Improvement Fund Grant Applications (Discussion)

Parks & Waterways Advisory Board Chair Doug Harris stated that the group had met on December 8, 2022 and January 25, 2023. He said a group of citizens submitted a proposal at the December 8 meeting asking to change the ordinances on the Spokane River related to excessive wakes and towing. He said that the Advisory Board asked that the proposal be redrafted and brought back, so it was discussed again at the January 25 meeting.

Chair Duncan asked Mr. Harris to address the first three items listed on the agenda.

Mr. Harris reported that all three of the groups below had come to the Advisory Board and asked for grants. He said all three were approved and submitted to the BOCC.

- **City of Coeur d’Alene Parks – 3rd Street Mooring Dock Replacement**
- **Kootenai County Parks & Waterways – Spokane Point Dock Replacement**
- **Kootenai County Sheriff’s Office – Boat Electronics Update**

Proposed Amended Kootenai County Waterways Ordinance (Discussion)

Mr. Harris stated that the representatives of KCSO at the January meeting had asked that the wake ordinance be reviewed and adjusted to align with the state law. He said they also had recommended that there be no towing on the Spokane River, due to the level of traffic. He reported that the Advisory Board had approved a motion rescinding Resolution 2021-63 and, as applicable, 2020-38, plus the addition of a 150 foot no tow zone for any structure, dock or shoreline on the Spokane River.

Mr. Harris said a second motion was made to eliminate towing on weekends and holidays but did not receive a second.

Kootenai County Resident Greg Delevan entered the meeting at 9:05 a.m.

KCSO Sergeant Ryan Miller called attention to the changes recommended by the Sheriff's Office to the existing ordinances. He said they suggested restricting towing during the most congested times, Friday, Saturday and Sunday from 10:00 a.m. to 6:00 p.m. and on the Fourth of July. He stated they had also suggested that the excessive wake portion be removed from the ordinance and the portion related to towing be changed to 150 feet, as previously described. He added that this proposal had not yet been submitted to an attorney for refinement.

Commissioner Bruce Mattare asked how a boater would know they were 150 feet from the shore or a structure.

Sergeant Miller replied that it was the boater's responsibility to know. He described the Marine Patrol's use of range finders and other enforcement tactics. He confirmed that most of the stops they made were for educational purposes rather than to give a citation. He said that only between 7% and 9% of their stops resulted in citations.

Chair Duncan asked if just starting with restricting towing on Saturday and Sunday would have a noticeable impact.

Sergeant Miller said that KCSO would strongly recommend Friday, Saturday and Sunday from 10 a.m. to 6 p.m. He remarked that they did not know how many teams they would be able to field this season and predicted that they would be understaffed this year.

Parks & Waterways (P&W)/Noxious Weeds/Snowgroomers Director Nick Snyder said he hoped that a balance could be struck between safety and the public's rights to reside and recreate on the water. He suggested a new ordinance be adopted, rescinding the wake language, adding restrictions to towing on Saturday and Sunday from 12:00 p.m. to 6:00 p.m. from June 1 each year through the Tuesday after the Labor Day Weekend and no towing on the 4th of July. He praised the work KCSO had done last year. He promised that his department would assist in any way possible.

Chair Duncan said that the Board would take this information under advisement. She stated that there was no requirement that a change in ordinance of this type be given a public hearing, but that the Commissioners would consider whether a hearing or a public meeting would be best.

Commissioner Bill Brooks indicated he would favor the more formal option of a full public hearing. Commissioner Mattare voiced agreement.

Chair Duncan said she did not feel a public hearing was needed, since they had already received a great deal of public input. She stated that, if the other two Commissioners felt a public hearing was desirable, it could be scheduled.

Chair Duncan remarked that, if there was a lack of enforcement, a change in the ordinance would not have the necessary effect. She suggested that the members of the public viewing this meeting submit written comments for the Commissioners to address.

- D. Public Comment:** This section is reserved for citizens wishing to address the Board regarding a County related issue. Idaho Law prohibits Board action on items brought under this section except in an emergency circumstance. Comments related to future public hearings should be held for that public hearing.

Kootenai County Resident Jim Stafford stated that he was the President of the Spokane River Association and a member of River Friends. He said that they had been promised a report from KCSO on their activities on the Spokane River last year and had not yet received it. He reported that 52 more commercial docks were going to be added on the River this year, which would further increase traffic. He voiced concern regarding the Sheriff's position on enforcement of these ordinances and recommended that towing be banned on the River completely.

Kootenai County Resident John Stanley pointed out that it was the public's right to use the River for recreation.

Kootenai County Resident Sherry Scofield agreed with Mr. Stanley. She asked how much of the traffic on the River was actually from people from Washington rather than residents of Idaho.

Kootenai County Resident Scott Scofield discussed erosion occurring on the River and indicated that he did not think the newly replaced buoys were adequate.

Coeur d'Alene Tribe Representative Rebecca Stevens briefly stressed her group's support of improved water safety. She called attention to Governor Little's initiative and the efforts to reduce nutrient load in the water.

Kootenai County Resident Randy Kirsch said he felt the current ordinance was too restrictive and complained that the Prosecutor had declined to prosecute citations. He provided details of an accident which took place on the River last year involving a jet ski and a wake boat.

Kootenai County Residents Edward and Susan Kent reported that, as Post Falls residents, they would like the 150 foot rule enforced consistently. Mr. Kent described having to replace his floating dock with a permanent structure because of the wakes.

KCSO Sheriff Robert Norris exited the meeting at 9:35 a.m.

Post Falls Resident Debbie Roos commented that she was new to living on the River and to these controversies. She said she hoped there would be no restrictions placed on use of the River but suggested that Personal Water Safety Licenses be required for operation, like those used in Wisconsin.

E. Adjournment (Action): Chair Duncan adjourned the meeting at 9:36 a.m.

Respectfully submitted,

JENNIFER LOCKE, CLERK

BOCC SIGNATURE

BY: _____
Tina Ginorio, Deputy Clerk