

Minutes of Meeting
Parks & Waterways Public Meeting
May 19, 2020
6:00 p.m.

The Kootenai County Board of Commissioners: Chairman Chris Fillios, Commissioner Leslie Duncan and Commissioner Bill Brooks met to discuss the following agenda item. Also present were KCSO Sheriff Ben Wolfinger, KCSO Sergeants William Klinkefus and Ryan Miller, KCSO Patrol Deputies Justin Arts and G. Wallace, Community Development Director David Callahan, Parks & Waterways/Noxious Weeds/Snowgroomers Director Nick Snyder, Civil Deputy Prosecuting Attorney Jamila Holmes, BOCC Administrative Supervisor Leighanna Keiser, BOCC Front Desk Coordinator Chandra Newberry and Deputy Clerk Tina Ginorio. Also present were Idaho Department of Parks and Recreation Representative Sam Hoggatt, Kootenai County Resident John Condon and Coeur d'Alene Press Reporter Ralph Bartholdt.

- A. Call to Order:** Chairman Chris Fillios called the meeting to order at 6:01 p.m.
- B. Changes to the Agenda (Action):** There were no changes to the agenda.
- C. Business (Action):**

Receive Public Comments Regarding Waterways Resolution 2020-38

Chairman Fillios introduced the other Commissioners and County employees present.

Chairman Fillios announced that the Board had already received about 380 written comments on the proposed resolution, about half positive and half negative. He explained the preparations which had been made to allow proper social distancing for the meeting, as per the Governor's directives. He stated that the purpose of the meeting was to receive in-person comments from residents; no deliberations would be entered. He said an additional meeting would be held Thursday, May 21, 2020 at 11:00 a.m. for the Commissioners' deliberations.

Chairman Fillios stated that group presentations would be allowed ten minutes and individual comments would be allowed three minutes. He explained that the meeting was not required by statute; the Board could have decided the issue without it, but the Commissioners all felt the public's input should be heard.

KCSO Sheriff Ben Wolfinger commented that this had been an ongoing issue for ten years or more. He noted the problem centered on the fact that the State did not include a definition of "excessive wake" when it passed its law and said that Prosecutor Barry McHugh had advised him that the State law was unenforceable without such a definition. He stated that he felt the proposed resolution presented a workable solution to the problems of safety and property damage.

KCSO Sergeant William Klinkefus reported that there would be four teams of Marine Deputies on duty this season, with added assistance of one team from the Post Falls Police Department to be deployed on the Spokane River on weekends.

Susan Stiger, 11831 West Riverview Drive, Post Falls:

Ms. Stiger stated that she was representing Riverfriends. She said her group generally agreed with the proposed resolution, with the exception of the provision that established a 200 foot no excessive wake zone on the Spokane River, which they felt would be unnecessary and confusing. She provided a PowerPoint presentation to illustrate the group's reasoning and the data they drew on to reach their conclusions.

John Stanley, 205 South Coho Road:

Mr. Stanley described his experiences on the Spokane River and the issues he had experienced with his dock. He said he felt Coast Guard laws and regulations should be applied to boaters on the River, urged the Commissioners to encourage enforcement of currently existing laws, and expressed his support for required boater's education.

James Stafford, 4699 West Mill River Court:

Mr. Stafford stated that he was the President of the Spokane River Association. He described his personal experiences on the Spokane River. He said he believed that wake surf boats violated state and county law, in particular Idaho Statute §67-7025, "Interference with Navigation." He called attention to the many letters the Board had received complaining of damage to property and erosion caused by excessive wakes. He expressed his group's criticism of the proposed resolution and urged that wake boats be banned from the River.

Richard Hartman, 5672 West Freeman Road, Twin Lakes:

Mr. Hartman objected to the language of the resolution because he said he felt it would technically make wake sports illegal throughout the County and suggested a change of phrasing to correct this. He said he had similar problems living on a lake. He provided map projections illustrating navigational issues created in the areas under consideration.

Greg Delevan, 3665 South Boothe Park Road, Coeur d'Alene:

Mr. Delevan expressed his support for Ms. Stiger's position as articulated in her presentation. He criticized the Board for taking too long to address the issue. He stated he represented the Coeur d'Alene Lakeshore Property Owners' Association. He described the issues his group had with the resolution and asked the Commissioners to alter it. He presented the Deputy Clerk with an aerosol can of insecticide, in case the Commissioners "decided to kick the can further down the street," rather than take action now.

Casey Price, 1634 West Bellerive Lane, Coeur d'Alene:

Mr. Price described the precautions he took when driving a wake boat to prevent causing damage or putting others at risk. He expressed curiosity about how well the owners had maintained their docks and whether neglect could have been a partial cause for any damage experienced. He suggested that the Commissioners see whether the additional enforcement this season solved the problem before introducing new regulations.

Steve Meyer, 10500 Hayden Bluff Lane, Hayden:

Mr. Meyer called on all Kootenai County residents to make more of an effort to live together in courtesy and consideration of others.

Brian Ewasko, 1109 South McMillan Road, Spokane Valley, WA:

Mr. Ewasko spoke in favor of requiring boater education. He expressed his reservations about the phrasing of the ordinance, especially as regarded the Twin Lakes section. He said he was concerned that the restrictions would tend to concentrate boaters and others into a small area on Twin Lakes and tend to increase the hazards.

Ruben Miranda: 4045 West Lennox Loop, Coeur d'Alene:

Mr. Miranda said he wanted to speak for the protection of the waters of the River and the Lake. He pointed out the damage the wakes caused to the shorelines. He said he supported the ordinance, but it did not go far enough. He stressed his concerns regarding the environmental impact on the waterways created by recreation activities.

Gary Schmit, 9899 North Maple Street, Hayden:

Mr. Schmit stated that he was a member of the Kootenai County Parks & Waterways Advisory Board, but intended to speak as an individual only tonight. He stressed the need for more enforcement of existing regulations rather than the creation of additional ones.

Kenneth Stauffer, 3794 West Shoreview Lane, Coeur d'Alene:

Mr. Stauffer shared his experience with a wake boat passing his dock and washing his granddaughter off the dock. He pointed out the ads from the boating industry encouraged unsafe behavior. He complimented the definition of excessive wake provided in the proposed resolution and encouraged enforcement of the current laws.

Tyler Ettner, 820 North 2nd Street, Coeur d'Alene:

Mr. Ettner advocated boater education, more enforcement of existing regulations and required licensing, rather than more restrictive rules.

Geoffrey Harvey, 5925 East Hayden Lake Road, Hayden Lake:

Mr. Harvey stated that he was the President of the Hayden Lake Watershed Association. He voiced their general support for the proposed resolution. He said they would have liked to see a 500 ft. limit, but were willing to start with the resolution as written.

Kirk Hill, 6430 East Maplewood Ave, Post Falls:

Mr. Hill stated that he lived on the River and had a dock. He said he has not had any damage to his dock because it was well built and maintained. He said he did not support

the 200 ft. limit; it was too restrictive and made navigation too difficult. He added that he favored boater education.

Gary Kline, 5367 East Shoreline Drive, Post Falls:

Mr. Kline advocated a ban on wake boats and wake surfing on the River. He stated he lived on the River and owned a wake boat himself.

Ted Hughes, 4893 West Miller River Court, Coeur d'Alene:

Mr. Hughes said he had not seen any damage or experienced any safety issues on his dock or on his boat. He encouraged additional boater education and periodic maintenance checks on docks. He also suggested full time patrols assigned just to the River consisting of two or three boats, Friday through Sunday.

Terren Roloff and Bradley Ennis, 5968 East Windy Point Loop:

Ms. Roloff commented that her family had owned property on the water for the past 60 years and had experienced trouble with wake boats for the last ten years. She said they had observed numerous near accidents between boats, had waves wash over them when they sat on their dock, observed that their shoreline was shrinking and had to perform constant dock repairs. She noted that boats from Tobler Marina run twelve hours a day during the summer, used loudspeakers to instruct people learning to wakeboard, and sometimes used their lights to continue to operate after dark.

Taylor Petticolas, 10290 Camp Court, Hayden:

Ms. Petticolas stated that she was employed within the boating industry as well as a resident. She encouraged boater education and enforcement of existing rules.

Donald Parrish and Sylvia Parrish, 5341 Shoreline Drive, Post Falls:

Mr. Parrish included a list of ten people for whom he had been authorized to speak. He advocated a total ban on wake surfing on the Spokane River.

Tristan Scoffield, 8025 North Chateaux Drive, Hayden:

Mr. Scoffield urged the Commissioners not to enact any new ordinances, but to increase requirements for boater education. He suggested boater licenses also, at the state level.

Jan Wilkins, 12970 North Knox Drive, Hayden:

Ms. Wilkins stated she was the Vice President of the Hayden Lake Watershed Association. She voiced her concern regarding shoreline erosion and other ecological damage caused by any boat coming too close to shore, not just wakeboats. She added that she was in favor of a 300 ft. limit.

Dean Wickens, 317 South Coho Road, Post Falls:

Mr. Wickens stated he had lived on the Spokane River for fifteen years and had experienced the wave action issues. He pointed out that a person had to get a permit for an encroachment on the river to install a dock, so the dock should be constructed to properly handle conditions. He recommended more visible patrols on the water to encourage people to behave.

Cameron Barclift, 6700 East Maplewood Avenue, Post Falls:

Mr. Barclift spoke in favor of the benefit to the local economy brought by those who brought their boats for recreational activities. He said the proposed restrictions in the resolution were vague and difficult to enforce. He added that the current restrictions were sufficient, if enforced.

James and Nancy Doughty, 3400 East Hayden Lake Road, Hayden:

Commissioner Leslie Duncan read comments from James and Nancy Doughty into the record:

It began, "WSAN" is attempting to confuse the issues regarding this proposed ordinance and mount a campaign to defeat it. Do not let this happen. Let's make and keep this simple and easy to pass. Change the language to 'no wake surfing within the proposed distances within the zone.' Don't get caught up in wake size, but simply ban wake surfing altogether. Everyone knows you need a huge wake to surf, so it is easier to ban surfing rather than trying to define and enforce wake sizes. One is either wake surfing or they are not. Easy to enforce. It is additionally necessary to post a specific fine amount, \$500 to \$1,000 through the media and at all the launches that will be imposed for anyone violating the no wake zone that will be strictly enforced, so the plea of 'I didn't know,' can't apply."

Chairman Fillios declared a short break.

The meeting went into recess at 7:38 p.m.

Chairman Fillios called the meeting back into session at 7:47 p.m.

Randy Kirsch, 314 South Coho Road, Post Falls:

Mr. Kirsch stated that he was the President of the Riverrun Homeowner's Association and was speaking on behalf of ten other people. He expressed his belief that the problem had already been solved by the Commissioners by adding patrols, buoys and boosting boater education. He asked that they allow time for those measures to show an effect and for the resolution not be passed. He expressed his opinion that the resolution would cause a decrease in safety on the river.

Craig Hamelink, 5949 West Harbor Drive, Coeur d'Alene:

Mr. Hamelink pointed out that erosion has become a major issue for the Spokane River, which he said was caused by boat's wakes. He said the wakes created dangerous conditions for people also. He expressed his support for the 200 ft. limit and other rules to limit excessive wakes.

Robin Wallner, 229 South Theresa Terrace Drive, Post Falls:

Ms. Wallner stated she had just bought a house on the Spokane River that included shoreline and a dock. She said she did not want the resolution passed because it was a public waterway and the ordinance would impede her use of the River.

Karen Schomer, 1124 West Bellerive Lane:

Ms. Schomer expressed her agreement with Ms. Wallner's points. She said she was opposed to the proposed no wake zone and would like to see additional boater education and enforcement of current rules instead.

Patrick Green, 13400 North Clovis Road, Hayden:

Mr. Green stated he was speaking as a representative of Tobler Marina. He said they had been in business since 1948. He predicted that the volume of boats on the water in Kootenai County over the next decade would continue to increase quickly. He said he felt the Spokane River was too dangerous to wake board, surf or waterski and called for more enforcement, boater education and a licensing requirement.

Tyler Alvarado, 584 South Hidden Island Lane, Coeur d'Alene:

Mr. Alvarado said he opposed the proposed resolution. He said he felt safe with his children swimming in front of their house in the Spokane River. He stated he did not feel wake surfing should be banned on the River. He offered his support for regulations as they currently existed.

Troy Mullenix, 24227 North Teal Way, Rathdrum:

Mr. Mullenix said that he was against the resolution because it was unenforceable on the narrow points of the River and parts of the Lakes. He suggested additional signage, buoys, education and enforcement.

Matt Harmon, 5999 West Harbor Drive, Coeur d'Alene:

Mr. Harmon stated that the emphasis patrols worked well last summer. He said he felt additional enforcement of the existing rules should be enough.

Robert Stiger, 11831 West Riverview Drive, Post Falls:

Mr. Stiger stressed the difference between “no wake” and “no excessive wake.” He commented that the ability to enjoy life on the water was being taken away by a small number of people “who seem to have no social conscience.” He stated the regulations were fine the way they were written. He suggested putting the new ordinance in place but dropping the 200 foot limit.

John Condon, 8207 North Sally, Coeur d’Alene:

Mr. Condon declared himself to be neutral regarding the ordinance. He urged additional education and enforcement and encouraged the Commissioners to find necessary funding. He asked that the Board not let bad behavior of some dictate policy.

D. Public Comment (Discussion): 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. There was no additional public comment.

E. Adjournment (Action): Chairman Fillios adjourned the meeting at 8:36 p.m.

Respectfully submitted,

JIM BRANNON, CLERK

CHRIS FILLIOS, CHAIRMAN

BY: _____
Tina Ginorio, Deputy Clerk
