

**Minutes of Meeting  
Parks & Waterways  
June 26, 2018  
3:00 p.m.**

The Kootenai County Board of Commissioners: Chairman Marc Eberlein, Commissioner Chris Fillios, and Commissioner Bob Bingham met to discuss the following agenda items. Also present were Sheriff Ben Wolfinger, Captain Matt Street, Lieutenant Ryan Higgins, Parks & Waterways (P&W) Director Nick Snyder, BOCC Financial Analyst Nanci Plouffe, and Deputy Clerk Ronnie Davisson. Also present were Coeur d'Alene Press Staff Writer Brian Walker, citizen Ruben Miranda and several members of the public.

- A. Call to Order:** Chairman Marc Eberlein called the meeting to order at 3:07 p.m.
- B. Introductions:** There were no introductions.
- C. Changes to the Agenda:** There were no changes to the agenda.
- D. Action:**

**Advisory Elected Officer Update**

Parks & Waterways Advisory Board Chair Terry Werner opened the meeting stating he had been on the Advisory Board for approximately 2.5 years, but had just recently been appointed as Chairman. Chairman Eberlein said he was glad to have Mr. Werner as part of the Advisory Board.

**Proposed Waterways Ordinance Changes**

Mr. Werner said the P&W Advisory Board was requesting to have two additional law enforcement officers strictly for the Spokane River to help regulate the Wakeboard and No Wake Zones. He also said they were recommending implementing mandatory Boater Safety courses. P&W Advisory Board Vice Chair Craig Brosene said the mandatory Boater Safety courses could become a County ordinance if the boaters would receive a moving violation and sentenced to Boater Safety courses.

Sheriff Ben Wolfinger said the Sheriff's Office already offered boating safety courses and said they could offer additional safety courses in lieu of a criminal citation for a boating violation. Chairman Eberlein asked Sheriff Wolfinger how many Marine Deputies had been hired for the year; Sheriff Wolfinger said they had eight deputies total, with seven becoming a permanent full-time patrol deputy at the conclusion of the season. He also stated that because of the vast amount of rivers and lakes and only eight deputies, it was extremely difficult to assign deputies just for the Spokane River. Captain Matt Street added that it depended on how many positions would be funded through the Boater Safety Grant, which helped to pay the salaries of the deputies. Further, the rates of pay had increased over the years, and as such, the amount of positions the grant would cover had decreased. In addition, the amount of deputies depended on how many applications were received and how many could pass the background screening.

Mr. Brosene explained that Idaho was one of six states remaining that did not offer boater education courses.

Another issue Mr. Werner and Mr. Brosene discussed were the noise levels of the boats on the river and the mooring buoys on County facilities. They stated the Advisory Board was in favor of implementing the regulations of mooring buoys. Mr. Snyder read the following excerpt from Resolution 2018-35 Moorage of Vessels & Noise Reduction:

*“Whereas, the Director of Kootenai County Parks & Waterways Department has recommended that the practice of rafting any vessels to one another when said vessels are moored to a dock be prohibited at County-owned and/or County-managed facilities”.*

Mr. Snyder said the Advisory Board had made a motion to adopt the passage. He read the following excerpt from the same Resolution, but regarding Noise Ordinance:

*“Whereas, the Director of Kootenai County Parks and Waterways Department has recommended that noise levels at County-owned and/or County-managed facilities shall not exceed eight-eight (88 dBa) decibels, measured at the County facility property line, between the hours of 10 p.m. and 8 a.m.”.*

Mr. Snyder said it was simply to keep noise levels down while people are trying to sleep at night.

Sheriff Wolfinger said he appreciated the idea of managing the noise but stated the problem was how the noise was measured. He explained that with a decibel meter, it was impossible to screen out ambient noise so if there would be noise, music, or even a car running while the meter was being used, it would reflect all sets of noise. He said he recommended that the decibel meter not be used, because it would be un-enforceable; if the responding deputy could hear the noise more than 50 or 100 feet off the property, they could cite the offender.

Mr. Snyder said he would bring the idea to Legal and Sheriff Wolfinger said that if Legal had the time, there could be a solution by the end of the week.

### **No Wake and Wakeboard Board Restriction Discussion**

Mr. Werner apologized for jumping right into the discussion and not looking at the agenda, as the No Wake/Wakeboard Restriction Discussion was the first item discussed. Commissioner Bingham said there were no easy solutions to their request and pointed out that Sheriff Wolfinger was already being awarded 15 deputies and 5 Control Room Operators for the Jail Expansion. He then asked if there were any days that the Spokane River could have more patrol. Sheriff Wolfinger said there are only so many boats and so many deputies for a six mile stretch of water.

Commissioner Chris Fillios asked about the routine of the Marine Deputies. Lieutenant Ryan Higgins said they were unable to provide 24-hour coverage, as there were only 8

boats and 4 jet skis, but the deputies were working seven days a week with two-man teams. He also pointed out that there were 54 miles of water and 18 lakes they patrol.

Mr. Snyder said the issue regarding Wakeboard and Wakes had resulted in an increase in complaints and reflected back to when he first started his employment with the County, saying that he rarely recalled receiving complaints. Since 2015, he had recognized an increase in complaints and it had continued, particularly concerning large boats that make large wakes. He made it known that because there were not many members of the public present at the meeting, there were still many citizens with complaints. Mr. Snyder said he was currently working on obtaining a grant that would help purchase more GPS located buoys for the Spokane River.

Mallene Herzog, 10736 W. Spirit Lake Rd., Spirit Lake, said that she was a member of her Homeowner's Association, and had been seeing many complaints related to the wildlife on the shorelines. She said there were nests that had been washed away and shorelines that were being destroyed. She also pointed out that many of the large wake boats were too far away to identify individually, but she had timed how long it took a large wave from the boats to hit the shoreline and cause destruction, which was 5 minutes.

Sid Wurzburg, 10975 W. Carroll Rd., Spirit Lake, said he was also a member of the HOA and attended an annual meeting that discussed the local lakes from Washington and Idaho. He said during this year's meeting, there had been a half-hour discussion on the boat wakes, which led him to one possible suggestion to solve the problem at hand. Mr. Wurzburg said he did not feel as though banning all boat wakes would be workable but possibly banning the artificially ballasted wake boats on the smaller lakes.

Hans Herzog, 10736 W. Spirit Lake Rd., Spirit Lake, said that no matter where the boats are on the lake, there were still large waves that hit the shoreline, which was problematic.

Fred Gabourie, PO Box 2529, Post Falls, said he had lived on the Spokane River for 42 years and it was too small of a body of water to do wake boarding. Further, wake boarding would be better suited on a large body of water, like Lake Coeur d'Alene and there were several people along the river that had sustained damage to their docks because of the large wakes. Mr. Gabourie said he believed it to be almost impossible to enforce and the wakes were destroying the wetlands surrounding the river.

Chairman Eberlein asked Sheriff Wolfinger what the ordinance said about wakes. Sheriff Wolfinger said the boats had to be 100 feet away from shore or docks, but should also not be excessive or cause damaging wakes. Sheriff Wolfinger also pointed out it was difficult to enforce dock damage because it was hard to tell the amount of damage sustained and that a specific boat caused that specific damage.

Mr. Wurzburg stated that it could be enforceable if the ban were on artificially enhanced wake boats, because if there was a violation it could be cited.

Mr. Gabourie said he believed it could also be up to Public Relations; boat dealerships could educate the purchasers on where to use the wake boats and provide reasoning behind it.

- E. 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. There were no public comments.

Chairman Eberlein adjourned the meeting at 4:20 p.m.

Respectfully submitted,

JIM BRANNON, CLERK

MARC EBERLEIN, CHAIRMAN

BY: \_\_\_\_\_  
Ronnie Davisson, Deputy Clerk

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