



CITY OF COEUR D'ALENE

PARKS & RECREATION DEPARTMENT

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NOTES – HOOLIGAN MEETING Thursday, June 8 at 11 am-12 pm GOZZER ROOM - LIBRARY

PRESENT:

Randy Adams, City Attorney

Bobby Gonder, Fire Department

Bill Greenwood, Parks & Rec Director

Sam LaPresta, Parks Superintendent

Glen Lauper, Fire Department

Kathy Lewis, City Clerk

Mike Maxwell

Rob Riley, Hooligan Owner

Eric Turrell, Police Department

Shawn Youngman

Rob Riley: Thank you Bill for setting up this meeting, I really appreciate it. Obviously our hope is to share with you about Hooligan Island, see what our operations, and come to an agreement as to where we can operate on the Lake, satisfying your needs and requests. Some of you have had a chance to look through the manual already. Background on us, my partner Clint is up in Canada on business and couldn't be here. We both are residents, I live in Hayden and Clint lives in ???. I've been here 10 years, and I'm not sure how long Clint has. We came up with the idea last summer to manufacture these, started putting them together, some we sell, we decided to operate one in our own backyard. My cell phone: 208-215-4370. These are put together in Dalton Gardens.

Bill Greenwood: We had a meeting with the Tarzan Boat guy, different than this group that had their boat out on the lake. A meeting was set up by Renata with these players (and Tarzan Boat) to address concerns the City has about this activity. We asked him a whole bunch of questions he couldn't answer, we asked him to come back with answers. He then called and said he wanted to go directly to Parks and Rec Commission. He presented the same stuff he talked to us about, didn't really address any of Fire and Police concerns. The commission asked questions, it was an opportunity for him to talk directly to the Commission, there was no action. This is Rob's opportunity to hear from the City the concerns about this sort of activity and whether or not it is allowed.

???: We are informally giving you thoughts, and codes, and regulations that you may not have dealt with or that's not listed in here (manual).

Rob Riley: We operate on different lakes and waterways, want to address their concerns. Ideally we would like to do business in the city's jurisdiction. City's jurisdiction, so within 1,000 feet? Yes, ideally that is our goal. We have spoken to the Coast Guard on how to do it outside the City's jurisdiction. Do we know who did the inspection?

Bill: I have his name. He was here inspecting the cruise boats, I have his name, he's their lead out of Seattle.

Do you have a vessel or a structure on the water? Right now I don't have anything on the water. Did you have a vessel or a structure? By Coast Guard rules or classification it is a

vessel. Does it have a Coast Guard number? It does have a hull identification number and it is registered in the state of Idaho.

How do people sign up to do this? Every place is a little bit different. In some areas we have a kiosk on the shore people come in and fill out the liability waivers and accept payment. Typically we are close to shore, usually 100 feet. Or the other option is they can fill out the waiver online, pay online, and then check in with our security officer who issues the wristband. Other locations we run a shuttle basically we have a boat that picks up from a dock and take them out. Each place is different depending on what the drop off is in the lake, some lakes we can't get too close to shore the shelf is too shallow. Our hope here is that we can send them from the beach so they can swim out; that would be ideal for us.

What were some of the concerns the Coast Guard had if you were past 1,000 feet? The Coast Guard's concern, which we've addressed if you look at this picture, this is the one on the Coeur d'Alene. The upper railing was not to their code, there were four inch gaps in the rails, if you look at the picture, the upper railing wasn't up to their code. We fixed that. The other item they had was our capacity, there is a stability test the Coast Guard asked for – we are having done this week – very difficult, it's classified as a vessel, but not a typical vessel for them, so our stability test we should have the answer back by next week to find out our true capacity. We found out during the engineering part of it, we over-engineered it. We based our weight bearing capacity at 250,000 pounds, the Coast Guard came in at 185, we are way over, which is nice, because as the numbers go up, we won't have to go back.

Are these operating somewhere else right now? Yes, Arizona, Utah, and California.

How do you prevent someone swimming out as someone is jumping off? Daytime or nighttime? Daytime: so on the vessel we have we have a minimum of 2 lifeguards at all times, and we have a, what we would call a security officer who checks to make sure everyone has a wristband. We have two entrance points onto the vessel, they are both ladders, when someone comes up, if someone isn't wearing a wristband, or secondly if they aren't wearing a Hooligan lifejacket, they will not be allowed on they won't have gone through the proper procedures. Where do they get the lifejacket? Two places, traditionally we would give it to them onshore when they check in, we still are trying to figure out here how we would do it, if we take them out by boat, we keep issue them on the boat. We operate what's called a six pack, takes six people at a time.

So, the boat would be operating in a place we've designated as no-boating? If we were within 100 feet, it would be correct. If it was at city beach where the buoys are, we would prefer to be just outside the buoys. So swimming out 1,000 feet it would be outside what is designated as a no-boating area. Correct if it's 1,000 feet out. Where would you launch your boat, if you have a 6-pack boat where would it launch from? We have a private slip at Hagadone.

Did you meet with the City's in Arizona, Utah, and California? We met with cities, counties, state, National Forest Service. Which cities did you have to get permits? Lake Havasu City has 4 different agencies on the water, Arizona and California and each has a sheriff on the water. In Utah we worked with Ogden City, National Forest Service, and ?? City. Utah has been the easiest to work with, the process took 3 days. Everybody is a little bit different.

How many lifeguards did you say? At any time, a minimum of two.

It says in here they are highly trained are they certified lifeguards? Certified in the water, and CPR. Certified by who? We have a couple different agencies that do it since it is open water no one does it here. We work with a safety agency based in California called ICE Safety Solutions.

The trainer is wherever we are at. You'll be able to provide us with copies of their certifications and who certified them? Red Cross doesn't do it any longer? No, not here, Red Cross in Seattle doesn't do them anymore, we have to go outside. We have an agency in Utah, certifying them there. Not an easy thing to get, Bill shared that with us and we understand that, but it's the cost of doing business.

When will you operate? Typically 10 am to 6 pm. We would like to do some stuff at night, but there's a drop off as to when they come out to do this. We have lights, security lights, we have spotlights.

This isn't self-propelled, it has to be towed? Yes-towed. Is there a navigation system on it? Yes. Didn't you have to get certification for it to be a vessel? For the State of Utah, yes, they asked for a motor to be put on it. The Coast Guard recommended we not have a motor on it, for their certification they asked us to take it off.

Did you go through the Army Corp of Engineers for permission to put it in the lake? We called them and they said they were fine with it. Do you have a letter that waives that? I would like to see something from the Army Corp because if you are permanently moored, if you aren't going to be moving it, it becomes something more than a vessel. We actually aren't permanently moored, we are temporarily anchored. I think that's something the Army Corp would like to hear more about. I just got off the phone with the Coast Guard, and they suggested that you either are approved through the Army Corp, or you have a letter from them saying they aren't going to get involved in this, and then it's a Coast Guard, State, Kootenai County, City deal since it's in the City. And Department of Lands really controls this he's already spoken with Jim Brady a little bit about anchoring in the lake. We would just like to see that the Army Corp isn't interested in where you are anchoring this thing. There seems to be some conflicting dialogue between the Coast Guard and the Army Corp as to what this is. I completely understand it's a foreign piece, like the stability test, when they first saw it, they said we didn't fit any category, so they said we couldn't do it, well, that doesn't work, there has to be some way to do it. So we got it done.

How will you prevent people from getting on there at night? We will do everything possible to make sure people don't. We have locking gates all around and no climb netting, ideally the biggest issue we have is if someone pulls up in a boat tall enough that they jump over the gates and locked fences and get on there. We have motion sensors, security lights, video cameras, and notification piece that notifies management that someone is on the vessel. It does have the option to notify fire and police, but we don't want to bug you guys with that. We are trying to figure out how to get a PA type system that once we're notified someone is on it, we can speak through the system. The lights and the alarm works good. The camera system is a backup on the insurance side in case someone gets hurt. If they are swimming up, the ladders fold up and lock, they can't get on. If in a boat you could figure it out.

Bobby, for providing emergency medical care, what are your concerns? A boat that can get out there on the water. The Coast Guard has said it might be in our best interest to have straight boards they said maybe get those and see what the city says. You have to have lifeguards who are trained to use those boards. **Ours are?** This is out on the water and the only way to get out there is in a boat. As a commercial venture, does that change anything for you, the number of people using this concern you? I'd like to get a square footage count of people and see where it falls for occupancy. Does the Coast Guard rating work? Mine is a fire rating for occupancy code, have to see how this would fall for public assembly, standing room only, two stories, I'd have to run numbers, I need total square footage. We have the area, but not square footage. So the Coast Guard for a vessel, they don't use square footage, they use weight per person, 185 lbs., we don't, we go by square footage per person to determine occupancy load. They told me they

Comment [RRA1]: I thought he said his lifeguards were NOT trained on the boards and so wouldn't have them.

use both, the weight and square footage. He didn't know what that number was. You mention up to 75 people. We would never put 75 on, our max is 40. Until you get your stability test you don't know what the number will be, this is a guess. This is based on engineering.

Your book says one highly trained lifeguard, you actually have two you said. We base it on the amount of people on it, right now one for every 15, if we have 15 or under, we have one lifeguard. It says here you have 75 jumpers with one lifeguard. I apologize, that's our marketing guy.

When the other guy was here, you have one on the bow and one on the stern. If you have one per 15, you have to have a 360° it's difficult for one guard, their back would be to the customers. We said that there would have to be two lifeguards, no matter the number of people, to cover 160° adding up to that 360° to ensure folks are safe. The other question we had for the Tarzan Boat people, what about your rotation and where the guards are going to be kept, is it every 30 or 40 minutes for changing, our guards had to rotate, get out of the sun, rest for 15 minutes. How many guards will you have during the rotation, and where will they stay? We typically plan for 10 guards a day. We would have them rest in the park to get out of the sun, we also thought about having a boat. Everywhere else we have umbrellas and kiosks to rehydrate.

Last time, Erik, PD had lots of concerns about controlling crowds, disputes, fights, managing customer belongings while they are on the boat. Yes, those are all concerns. We don't have boats, we have to hitch a ride with these guys, which we don't like doing. Right now the Sherriff's department controls the lake, even if it's in our jurisdiction, they have to respond with their boats, accidents, they handle the waters. If there's a fight, we won't be able to get there, my other concern do you have things in place, when the drunk guy says "screw you I'm coming on this thing" what are your guys going to do, are they trained to deal with anything like that? We have a third individual on the bottom, they are like security or a bouncer, if the lifeguard says someone isn't paying attention, security would deal with it. I could see that, someone who says you are out of line, you are gone. How are you going to control "I've paid my money, I'm not going to leave" do you have contingencies for that? Are you going to rely on police? Criminally we can have something in place, if this is treated like a vessel, it could be unlawful entry, not sure about the trespass. It's like a boat, we don't control them. Ideally we've not had that experience, the majority of our customers are age 8 to 15 with their parents. Our big thing would be get them off the vessel, we don't want them interfering with other participants. Somehow we would get them off the vessel and get them back to shore.

How long have these been operating in these other markets? This is the first year. Have you had any incidents, injuries? Our waiver is very good where it talks about our policies, strict no alcohol, jumping heights. We haven't had any issues. It would be very different if we were serving alcoholic beverages. It's been very surprising, no injuries. Our design has helped us. If I can compare us to Tarzan Boat, our trampolines are the biggest liability. The design on our trampolines, number one, ours are larger than any other, and two, we have special springs made for us. When you jump from one platform down to another level, compared to just jumping on a trampoline, you run the risk of injury. We've done everything to sloping the trampoline, the springs, mats underneath, we've had zero issues. Our biggest issue has been stubbing a toe on the stairs.

As far as decking, how's the slick hazard when these get wet? We use outdoor commercial carpet on the deck out of everything we tested it was the least slippery.

Picking up anchor and towing, is this where it stays? We prefer that, there are some locations we move it in every night, Lake Havasu is one it has to be moored and brought back out. Are

you opposed to doing that here? I prefer not to. We would need a place to moor at night. When it comes in, we increase ability for people to access it, that's a liability. The further out, the less enticing it is to get on. When we put it on the lake here, it was way further out to reduce the risk of people going out. 100 feet isn't far, 200 feet is.

What's your power source for this? We have 3 marine solar batteries. They are recharged. That's it, no generators, so there's no shock hazards. There is a shock hazard potential with the solar batteries, it poses some risk, we have isolated that per install instructions. The Coast Guard made sure all wiring was okay so there's no shock hazard. We do have a large flagpole on top. We've accounted for all items.

From the fire departments prospective on this, this is a pretty good outline of what you've got but we would require a public safety plan on this, we would talk to legal, and with you and the police for public safety. I'll give you a copy of the code that requires that, this has an impact on public safety, on us providing services to you. It will be a fairly extensive document covering what we've talked about here, what we've talked about with the Army Corp, and the Coast Guard telling us more about this application because it is new to the Coast Guard, they aren't sure of what it is either. The big thing is wind and drift of your vessel you're indicating one anchor which means this thing can swim 360°. I need to update that. We are very concerned about what your plan is for wind and current. I would love for you to come out and see our anchoring system. We have two blocks that are 1,000 lbs. each. That's moorage, that's not an anchor, that's a permanent anchor, correct? No, it works like any other anchor. Okay, we'll deal with the Department of Lands. Tell them what you told me about how it's in the center and you have a winch. They are on both ends, we have two 5,000 lb winches at any time you grab a remote and pull up anchor.

The other part we are trying to sort through these murky water, we don't know exactly what it is, how it will function for us if this is outside our 1,000 jurisdiction, we don't have much to do with it. If Council chooses to allow for some commercial activity off the shores of City beach, then it's within our stuff. I've talked to Rob about this extensively, it wouldn't be Hooligan Island, it would be an open bid process, before we get there we need to seek approval from Parks & Rec Commission, then to General Services, and then to Council to say whether or not they believe this idea is something they want to entertain. Once that's solidified, we would put out an RFP and we couldn't say specifically it's Hooligan Island, we would have to talk about water based businesses and stipulate what those can and can't be so we don't have another water based business like a kayak company being close to our existing vendor who is leasing property from us, renting kayaks, and legal is here to say if what I'm saying is okay or not. I don't know if we can be specific about that, Rob and I have talked extensively about this, and then within this, if someone is chosen, there will be stipulations within the lease that says here's what you can do, you have to comply with Coast Guard, Department of Lands, whatever agency outside of ours, if they can't get those compliances, then the lease or bid is revoked because they couldn't comply. That's the process.

What about ADA? Is that a factor? I don't know. It came up with the Coast Guard they said it didn't apply here. We didn't research it any further. Not sure there is a building code for the manufacture of this. I think we fall under every other boat don't need a specialized ramp or whatever.

Is this roped off so boats can't get over there? No, it wouldn't be. What keeps a boater from zipping through when you have people swimming out there at the same time? It's one of those things that through the permitting process we can go through, most locations that we've spoken to they have not asked for that or required it. Our experience has been, you are signing a waiver

and accept the risk as to where it's at. We won't allow someone to pull up and drop someone off from a boat.

Boats have to have lights. What kind of lighting and reflective will you have? The only thing the Coast Guard is requiring is the anchor light. The anchor light you can see for four miles. We've also added on solar lights, we are a wide perimeter want to make sure people see the outer perimeter. I'm surprised they didn't require some kind of emergency escape vehicle, or lifeboat. They didn't require anything, there may be a point where they will come out and say it's a good idea, but for them they shared they anticipated something like this will be on the lake. Even with certification from them, there may be things that come up we will need to comply with. You are a commercial vessel with a vessel number from the Coast Guard, and you have to be inspected which means having your stability test, so you still aren't ready to go until you get that stability test, they give you a number of people this can accommodate. And then the rest of the Coast Guard regulations and you'll have an inspection and you will present it to us that you are passed as a vessel by the Coast Guard. Currently with our size, we are okay to operate even without our stability test. So, a commercial vessel, someone on that vessel should be in charge of the people, and a Coast Guard approved captain? No, we don't need one since we aren't ???. All these questions need to be addressed from you to us and say "this is what the Coast Guard says." I can provide that in a letter they just sent that to us. It worked out nice that they were here doing inspections when we were here. We had discussions that they can't tell us how to operate in the city, but outside at 1,000 feet they can tell us how to operate on federal water, we talked about the 6-pakcs, captains, that we don't need because we don't move it while people are on it.

A sheriff's deputy that used to be with the Coast Guard asked all the same questions. So even if we come to an agreement, a year or two from now, our goal is to do this properly, we know we might need to see this, we are going through these channels to make this happen, talking to the sheriff's department and the Department of Lands we learned something about Idaho laws, it was an educational piece for them as well. When we put it out there, I know it upset a lot of people, but it was still ??

Where is it at right now? (inaudible) State park called us and said they would like it. Our intent is to have another one out on the lake by next weekend. So, none of these vessels you are creating have been stability tested by the Coast Guard? The most recent one has had the test, but not all the waters we are on are controlled by the Coast Guard, they are not federally controlled, so Hayden lake is not federally controlled, there's a whole list of those federally required. The Tarzan Boat doesn't have their certification at all they are in the process, they have been trying to stay off federally controlled water, yet they are on some, we asked how does that work, they basically said they don't have the manpower to patrol, if an accident happens it will come to them. That's not how we want to do business. When we talked about the stability test we got on it right away, it's a huge investment on the part of our company. Hooligan Island evolved from hey, let's build one and put it out on Coeur d'Alene Lake, to, everybody likes the idea so we started building more. We are coming out with a smaller residential version for the lakes for homeowners. If somebody purchased it, it would be under the same jurisdiction and up to the homeowner to comply with the Coast Guard. We would have the stability test on that one, it's not done yet. For us as a company we look at these getting more popular over the years, they will be operating out on the lake. That's the Department of Lands and Coast Guards concern that there could be five of these outside the city's jurisdiction on the lake. Legally that is true. We hope to be the one that goes through the process to operate in the city's jurisdiction. There's a couple things with that it's better business for us, it's closer easier to do business, and it's safer, we have a security person on shore within swimming distance and easier to pick up passengers. The percentage received, 6%, for the city. No, that's not true, we don't have a

lease that gives us a piece of the till, it's an actual bid number. The Department of Lands says they get up to 6% if you have a lease with them. Our goal is to work within the city's jurisdiction, but our plan is to be out on the water outside the jurisdiction.

Did you let IDL know that? We have not. I suggest you do that along with the County and sheriff's patrol. The sheriff already knows. You said no matter what you will be out on the water, outside our jurisdiction of 1,000? Yes outside the 1,000. Thanks for letting us know, since we provide medical. I don't want to be a jerk, I wanted to let you know, we are following what the Coast Guard recommended, do it this way and rent it out as a charter. Will you give us a location so we know where to find you if you call for help? I don't know yet where we will be, but I'll let you know.

One of the things you need to be aware of too, if you are hoping to stay within eye shot of City Park or independence point, Brooks seaplane has an area he runs his boats on for take offs and landings, they are different depending on the wind. FAA also regulates Brooks. We spoke to him last week he seemed pretty supportive.

4th of July is busy, the barge that sets off the fireworks, Ironman they swim off City Beach, need to take that into consideration, very busy, make sure there's no interference. The swim goes out beyond our 1,000. The cruise boats are tight as they come into the dock where they moor. The exception of the seaplane the navigation you find in a number of places, they maneuver around the vessel. Ironman they swim way out there a ½ mile loop. When we first discussed where we would be for Ironman we placed it outside that area. With our anchoring system in 5 minutes we can move it. Swim cutoff is 10:30 a.m. for Ironman, they are out of the water by then, the vessel wouldn't be open yet.

What other questions do you have for me? What I hear is safety and liability from the police department and fights. For the most part, Rob, it's been about the liability. I've also heard from home owners around the area you parked it before, they think it's an eyesore. From my perspective it's really about liability. What do you want in the way of liability? Every place has been different. We would require \$500,000 (inaudible) proliferation is a concern too. Again, if this was ever to be allowed in our jurisdiction, just like the commercial docks, it would be ??, outside our jurisdiction we don't have any control, and there could be several dozen of them out there. I have a question for legal, what if I have a couple of boats and I want to anchor them out there inside the 1,000 feet, with an anchor light, leave them there, could I do that? As a citizen, is there a duration of time that's allowed? Not that I know of. So, I could anchor my boat out there all summer long and never move it, and just swim out to it? Yes, you could. That's what the Department of Lands was really surprised about they checked it, even commercial activity, in the State of Idaho there's no law or limit for how long you can anchor in one spot, some states allow anchoring in spot for 14 days. There is legislation on the books right now to change that, they have tried to pass it a couple times, it has never passed. They said the public, if they figured it out, could anchor 3 feet off a public dock, leave it there, and never pay a dime. I anticipate the State of Idaho will eventually change that law. The City could have an ordinance to prohibit that within 1,000 feet within our waters. I think that's a good idea, there are people around here who have invested a lot of money in marinas. I don't know if that could be an ordinance you could create. How would you enforce that?

Our role is to work with the city to find a spot where we can do this. I think we were painted in the public eye, even the Major said that he thought we were just some people that came by and plopped this in the water and started doing business, I asked him where he heard that, he said "the city." There is a lot of misconception about who we are, what we do, and how this

happened, it's unfortunate. The feedback we get, other than the people in Fort Ground, we have had support, some don't like the idea, but we are just locals trying to do business.

(Greenwood): There is a lot of misperception about what's going on here, some miscommunication between you and I, and I want to clear the air up with this group. You have mentioned I gave you permission, I want to clear that up right here, I never gave you permission. Rob and I met onsite and I pointed out into the water about where they could be, my line of sight goes out further than his line of sight, we didn't have a GPS, "X" marks the spot on the water. From his perspective he went out and told people in the paper, during the Blog stuff that was going on, that I knew about this and gave permission, the same information was given to the ~~Major-Mayor~~ apparently, I've heard about that, that's not true. I just want to make everyone aware that I never gave Rob permission to be there and never gave Rob a spot. In fact when he was working with me and decided to move it from City Beach, somewhere near the campus, he asked me where he could park or moor that and I wouldn't give him an answer because I said as long as it's outside our jurisdiction, I couldn't tell him anything, I can tell him not to park it in our jurisdiction.

It was a misunderstanding. When talking about line of sight, there was a post in the water, it was stated by Bill, "I don't even know if you can anchor to that point right there, you would have to check with Department of Lands." And, I said, within our jurisdiction, and I told you I didn't even know what it was. And that's correct, so when we put it out there it was the general area, it was known because we discussed when we were going to do it and you were quite surprised when we were in the water. So that general area we put it, the City knew about it. How far was that? It was about 200 feet. When you sit on the vessel you look at the beach you seem really close, from the dock you look further out. I don't know what our footage was. I don't think we were trying to beat each other up, it was a misunderstanding. What I ask you to do from here on out, is to say it was a misunderstanding, not continually discuss or say I gave you permission. You are really putting me in a bind here with the people I report to, and I don't appreciate it.

I understand that, the key point