

**PUBLIC SAFETY & JUSTICE COMMITTEE**  
**September 19, 2011**

**Call to Order.** Chair Collins called the meeting of the Public Safety and Justice Committee to order at 4:00 P.M. on September 19, 2011 in Conference Room N-1/N-2 at the Rock County Courthouse-East.

**Committee Members Present:** Supervisors Collins, Beaver, Brill, Knudson and Wiedenfeld.

**Committee Members Excused:** None.

**Staff Members Present:** Jeff Kuglitsch, Corporation Counsel; Captain Gary Groelle; Elizabeth Pohlman McQuillen, Criminal Justice Planner/Analyst; Dave Sleeter, 911 Communications Center Director; Shirley Connors, Emergency Management Coordinator; Sue Zastoupil, Human Resources Secretary.

**Others Present:** Supervisors Podzilni, Kraft, Mawhinney and Diestler; Dave Brown, Janesville; Evan Sayre, Town of Fulton; Rich Plywacz, Edgerton; Fred Falk, Milton; Paul Dreis, Consolidated Koshkonong Sanitary District, Madison; John Green, Edgerton; Stewart Kersten, Edgerton; Jim Watson, Edgerton; Bill Carter, Edgerton; Dave Markson, Edgerton; Bob Swann, Edgerton, Lake Koshkonong Lake District; Art Baldock, Janesville; Penny Shackelford, Milton, Lake Koshkonong Wetland Association; Susan Yates, Fort Atkinson, Lake Koshkonong Wetland Association; H. W. Stockwell, Edgerton; Ronald Anderson, Edgerton; Robert Hajny, Edgerton; Sharon Hajny, Edgerton; Gerald Luiting, Edgerton; Allen Haight, Fort Atkinson, Lake Koshkonong Wetland Association; Larry Schauder, Edgerton; Susan Shultz, Milton, Lake Koshkonong Wetland Association; Jim Bowers, Edgerton, Rock Koshkonong Lake District; William O'Connor, Madison, Rock Koshkonong Lake District; David Houfe, Edgerton, Koshkonong Sanitary District; Rob Montgomery, Cottage Grove, Rock Koshkonong Lake District; John Kinnett, Edgerton, Anchor Inn; Gary Shackelford, Milton; Arnie DeGarmo, Janesville; Neil Johnson, Janesville Gazette.

**Adoption of Agenda.** Chair Collins requested the deletion of item 5.A.1. Supervisor Knudson moved approval of the agenda with this deletion, second by Supervisor Brill. ADOPTED.

**Adoption of Minutes.** Supervisor Wiedenfeld moved approval of the minutes of September 8, 2011, second by Supervisor Beaver. ADOPTED.

**Citizen Participation, Communications, Announcement, Information.** None.

**Consent Calendar.**

**Transfers and Appropriations.** None.

**Bills/Encumbrances.**

Emergency Management	\$	20.00
Sheriff		18,980.48
Correctional Facility		12,599.61
Circuit Courts		20.00
Mediation/Family Court Services		1,048.32
Clerk of Courts		4,243.01
911 Project Operations		3,306.68
District Attorney		553.85
Deferred Prosecution/Domestic Violence		135.00
Emergency Management		50.00
Coroner		2,516.15
Child Support		1,229.33
HIDTA Grant		2,325.88
Drug Court Grant		2,705.26
Drug TRT CRT WRD		3,044.99
Sheriff's Vehicles		395.00
911 Capital Project		5,900.00

**Pre-Approved Encumbrance Amendments.** None.

Supervisor Knudson moved approval of the above Consent Calendar for the Public Safety & Justice Committee, second by Supervisor Wiedenfeld. ADOPTED.

**Resolutions.**

**Repeal and Recreate Chapter 25, Rock County Ordinances, Regarding Slow-No-Wake Restrictions on Rivers and Streams in Rock County**

“NOW, THEREFORE, BE IT ORDAINED by the Rock County Board of Supervisors in session this \_\_\_\_\_ day of \_\_\_\_\_, 2011 that they repeal Chapter 25 of the Rock County Ordinances and recreate an ordinance to regulate the speed of watercraft operated on the Rock River and other rivers and streams in Rock County as follows:

**SLOW NO WAKE ON RIVERS AND STREAMS IN ROCK COUNTY**

Section 1	Applicability
Section 2	Purpose
Section 3	Authority
Section 4	Definitions
Section 5	Speed Restrictions
Section 6	Duties and Powers of the Rock County Sheriff
Section 7	Notice and Posting
Section 8	Enforcement and Penalties
Section 9	Severability

Section 1. APPLICABILITY. The provisions of this Ordinance shall apply to the reaches of the Rock River and each named and unnamed river and stream located within Rock County, Wisconsin.

Section 2. PURPOSE. The purpose of this Ordinance is to promote safe boating conditions and to prevent damage to aquatic ecosystems by: (A) limiting boats on the Rock County rivers and streams to slow-no-wake speed when the water level of the river exceeds the recommended levels, (B) establishing slow-no-wake areas in certain locations where that is warranted by boating congestion, (C) authorizing the Rock County Sheriff to impose slow-no-wake speed limits on other rivers and streams in the county during permitted special events or when that is warranted by exceptional circumstances.

Section 3. AUTHORITY. This Ordinance is adopted by the Rock County Board of Supervisors pursuant to the powers granted by Section 30.77 of the Wisconsin Statutes.

Section 4. DEFINITIONS. The definitions as set forth in Section 30.01 of the Wisconsin Statutes are incorporated herein by reference as though fully set forth herein, except as follows:

(A) BOAT, WATERCRAFT. "Boat" or "Watercraft" means any device used for navigation on water, including personal watercraft.

(B) SLOW-NO-WAKE SPEED. "Slow-No-Wake Speed" means that speed at which a boat moves as slowly as possible while still maintaining steerage control.

Section 5. SPEED RESTRICTIONS.

(A) No person shall operate a boat or watercraft at greater than Slow-No-Wake Speed on any portion of the Rock River downstream from the northern Rock County line to the Indianford Dam, when the gauge water level at the US Geological Survey Gauge 05427235 (Lake Koshkonong near Newville, Wisconsin) is above \_\_\_\_\_ feet. This information can be obtained from the NOAA website.

(B) No person shall operate a boat or watercraft at greater than Slow-No-Wake Speed on any portion of the Rock River downstream from the Indianford Dam to southern Rock County line when the gauge water level at the US Geological Survey gauge 05430500 (Rock River at Afton, Wisconsin) is above \_\_\_\_\_ feet. This information can be obtained from the NOAA website.

(C) No person shall operate a boat or watercraft at greater than Slow-No-Wake Speed in the following areas, which are more specifically described as follows:

- (1) From a point 100 feet west of Interstate 90 to point 1,500 feet east of the Newville Bridge (Highway 59).
- (2) An area 250 feet on either side of the railroad bridge over the Rock River in Town of Fulton.
- (3) From the Indianford Bridge to approximately 1,000 feet north of the Indianford Bridge on the Rock River in the Town of Fulton.

(D) No person shall operate a boat or watercraft at greater than Slow-No-Wake Speed within any area subject to a Special Event Permit issued by the Rock County Sheriff pursuant to Section 6(A).

(E) No person shall operate a boat or watercraft at greater than Slow-No-Wake Speed within any area declared to be a Boating Hazard Zone by the Rock County Sheriff pursuant to Section 6(B).

Section 6. DUTIES AND POWERS OF THE ROCK COUNTY SHERIFF.

(A) SPECIAL EVENTS. On the application of a person proposing to conduct a special event on any river or stream in the County and with the approval of the governing body of each city, village or town within which such event is proposed, the Rock County Sheriff may issue a Special Aquatic Event Permit and may impose a slow-no-wake speed on the operation of boats or water craft not participating in the special event. Any permit issued under this Section shall specify the time, date and location of the event and the boundaries of the slow-no-wake area so designated and shall be posted in accordance with Section 7.

(B) BOATING HAZARD ZONE. The Rock County Sheriff may designate all or any part of any river or stream within Rock County as a Boating Hazard Zone if he determines that high water levels or emergency conditions resulting from storms or other conditions warrant the imposition of a slow-no-wake speed restriction. Each such designation shall specify the boundaries of the Boating Hazard Zone so designated and notice of the imposition of the slow-no-wake speed restriction shall be posted in accordance with Section 7.

Section 7. NOTICE AND POSTING. The Rock County Sheriff shall notify media sources serving the area affected by any slow-no-wake speed restriction imposed pursuant to this Ordinance and shall place and maintain regulatory notice of such restrictions at all public access points within such areas. Such notices shall be sent and posted as soon as practicable after the issuance of the permit or designation and when the Rock River water level reaches or is anticipated to reach the level specified in Section 5(A) and or 5(B) within 24 hours. The Sheriff shall notify the media and remove such notices as soon as possible when the conditions resulting in the slow-no-wake speed restriction have passed.

Section 8. ENFORCEMENT AND PENALTIES.

(A) ENFORCEMENT. This Ordinance may be enforced by law enforcement officers of the Rock County Sheriff's Office and the Wisconsin Department of Natural Resources.

(B) OBSTRUCTION. No person shall resist or obstruct any law enforcement officer in the performance of his or her duties under this Ordinance.

(C) ENFORCEMENT PROCEDURE. The provisions of Sections 66.0109, 66.0113, 66.0114 and 30.50 to 30.71 of the Wisconsin Statutes are adopted and by reference made a part of this Ordinance as if fully set forth herein. Any future additions, amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this Ordinance in order to secure uniform state-wide regulation and enforcement of boating ordinance violations. The County elects to use the citation method of enforcement.

(D) OTHER REMEDIES. The issuance of a citation hereunder shall not preclude the County or any authorized person from proceeding under any other ordinance of law or by any other enforcement method to enforce any ordinance, regulation or order.

(E) PENALTIES AND DEPOSITS. Any person violating the provisions of this Ordinance shall be subject to penalties as provided for in Section 30.80 of the Wisconsin Statutes and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, which are hereby adopted by reference with all references therein to "fines" amended to "forfeitures" and all references to "imprisonment" deleted.

Section 9. SEVERABILITY. The provisions of this Ordinance shall be deemed severable and it is expressly declared that the County would have passed the other provisions of this Ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this Ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall be effect.

This Ordinance shall take effect immediately upon passage and publication as provided by law."

Supervisor Knudson moved the above resolution for discussion, second by Supervisor Brill.

Mr. Kuglitsch said the latest draft includes input from the different parties and the DNR. The levels have been left blank in the Resolution waiting for the Committee's recommendation. After this Committee sets the recommendation it will go on to the County Board for a public hearing and then another County Board meeting for action.

Mr. Brown said he is a citizen of Rock County, is on the Fulton Town Board and suggested the following working: "Section 5. Speed Restrictions – (A) No person shall operate a boat or watercraft at greater than Slow-No-Wake speed on any portion of the Rock River

downstream from the northern Rock County line to the Indianford Dam, when the "Pool" level shown on the US Geological Survey graph NVLW3 (Rock River Near Newville / Lake Koshkonong) is less than 1.0 ft. below Action Stage. (B) No person shall operate a boat or watercraft at greater than Slow-No-Wake speed on any portion of the Rock River downstream from the Indianford Dam to southern Rock County line, when the "Stage" shown on the US Geological Survey graph AFTW3 (Rock River at Afton) is less than 1.0 ft. below Action Stage."

Mr. Sayre, Fulton Town Chair, said the 7.5 ft. was put in to effect 20 years ago and has continued to work well using common sense and flexibility.

Mr. Plywacz handed out copies of the Riparian Water Rights from Wikipedia (internet encyclopedia). He said when the Rock River was at 9 ft. his neighbor had water to the middle of his lawn. If the water level is raised to 9 ft. it will cause a great deal of damage. He said 7.5 ft. has worked well and should remain.

Mr. Falk declined to speak.

Mr. Dreis said he would like the level kept at 7.5 ft. and if it were raised to 9 ft. it would cause damage not only to property but to the sanitary sewer. He added that a great deal of money has been put into this facility and by raising the water level it would add a great deal more water to the system. He said this would be taking a step backward if the water level were raised.

Mr. Green said he agrees with Mr. Brown. He said he does not want Mr. Sayre to decide when to remove the Slow-No-Wake and that the 7.5 ft. is too low. He feels the water level should be made a certain level so everyone can go online and find out what they need to know.

Mr. Kersten said Mr. Sayre does a good job and if we don't like what he does we can vote him out.

Mr. Watson said he feels the water level is fine as it is.

Mr. Carter said he had no comment.

Mr. Markson said he feels no reason to change it from 7.5 ft.

Mr. Swann said he agrees with Mr. Sayre and to keep the water level at 7.5 ft.

Mr. Baldock had no comment.

Ms. Shackelford said she feels the water level should be kept at 7.5 ft. for the Slow-No-Wake. She said it is important not to have a higher level.

Ms. Yates said she agrees the water level should remain at 7.5 ft.

Mr. Stockwell said the 7.5 ft. has worked fine.

Mr. Anderson said the 7.5 ft water level has worked fine and, in fact, for some of the home owners that is even a little high. At 9 ft. it is at the top of the rip rap. He said the wakes are getting higher especially since wake surfing has gotten more and more popular.

Mr. Hajny had no comment.

Ms. Hajny had no comment.

Mr. Luiting said Section 5 is a concern. He said he feels there needs to be four gauging stations along the Rock River. He added that he likes Mr. Sayre's way of looking at what's coming and feels there is no need to look further. He said there should be something in the ordinance to allow for special events. He added that enforcement needs to be done on the River.

Mr. Schauder said we are getting more runoff than 20 years ago, and if the piers are not high enough then raise them. He suggested using NOAA's recommendation of a 9 ft. action level.

Mr. Haight said he feels 7.5 ft. is accurate and that this is appropriate for the shoreland needs.

Ms. Shultz said she concurs with the 7.5 ft.

Mr. Bowers said he is there on behalf of the Rock Koshkonong Business District and the Rock Koshkonong Lake District and he agrees with Mr. Schauder that we have more rip rap on our section of the River than any other areas he has seen. He said he feels we can support a higher water level.

Mr. O'Connor said he is the attorney for the Rock Koshkonong Lake District and it was just about a year ago the District objected to not having a water level. He said there is not an option of leaving it at 7.5 ft. because this is not in the ordinance. Wisconsin law is clear that it needs to be set by this kind of a board. He said he is glad we are dealing with the real question on where the water level should be. He said the water level should be set by logical reasons not by where the water comes on someone's pier.

Mr. Montgomery said he is the hydraulic engineer for the Lake District and they asked what his opinion was. He handed out a copy of his PowerPoint with the issues, where the Slow-No-Wake areas are, a USGS graph showing the water levels from 2001 – 2011 on Lake Koshkonong near Newville, the flood rise and fall effect of the Slow-No-Wake declaration and lifting, the NOAA Action Stage, and the suggestion to use the NOAA Slow-No-Wake Action Stage of 9.0 ft.

Mr. Haufe said he is with the Consolidated Koshkonong Sanitary District and is favor of the 7.5 ft. water level.

Mr. Kinnett said he is the owner of Anchor Inn and he would like to be able to have a point on the internet to use so they would know what to do easily. He said he personally feels the level is a little low.

Mr. Shackelford said he is for the preservation of the shoreland and wetland and a reasonable level should be set so as not to harm the environment.

Mr. DeGarmo had no comment.

Supervisor Mawhinney had no comment at this time.

Supervisor Kraft said she represents District 3 and has received at least 20 phone calls requesting the level remain at 7.5 ft. and only one call that it could be raised.

Mr. Johnson had not comment.

Supervisor Diestler said he represents District 9 and he had a call requesting the water level remain at 7.5 ft.

Mr. Montgomery asked if the flood levels would go higher if there were sanitary sewer facilities near that would be affected. Mr. Dreis said there are a couple stations and when the water is at action stage they cannot open one of them.

Mr. Plywacz said he feels the Sheriff's Office does a good job and have responded well.

Mr. Watson said boating is not necessary for people to live and that we need to preserve our environment. He added that speed on the River needs to be enforced.

Mr. Stockwell said that they get a great deal of wake near the Highway 51 bridge.

Mr. Bowers said when the water is up you cannot get a boat under the Railroad Bridge.

Captain Groelle said the Sheriff is in support of the residents along the River and that he understands the erosion problems too.

Mr. Montgomery said the USGS runs the gauges and NOAA defines the lowest flood stage as the lowest it causes damage. They define the Action Stage as "keep on eye on this."

Chair Collins said there will be a public hearing when the Resolution goes to County Board for the first reading, and the Resolution going to County Board will have numbers in it.

Chair Collins turned the meeting over to Vice Chair Wiedenfeld.

Supervisor Collins moved to table the Resolution, second by Acting Chair Wiedenfeld.  
TABLED.



Acting Chair Wiedenfeld turned the meeting back over to Chair Collins.

Chair Collins thanked the public for coming and for their comments.

**Authorizing Acceptance of Edward Byrne Memorial Justice Assistance Grant and Amending 2011 Budget**

**“NOW, THEREFORE, BE IT RESOLVED** that the Rock County Board of Supervisors duly assembled this \_\_\_\_\_ day of \_\_\_\_\_, 2011, does approve and authorize the acceptance of the Edward Byrne Memorial Justice Assistance Grant; and,

**BE IT FURTHER RESOLVED**, that the Chair of the Rock County Board of Supervisors is authorized to accept all funds on behalf of the County of Rock, the City of Beloit, and the City of Janesville; and,

**BE IT FURTHER RESOLVED**, that the Sheriff’s Office budget for 2011 be amended as follows:

...”

Supervisor Brill moved approval of the above resolution, second by Supervisor Beaver. ADOPTED.

**Consideration of Contract to Increase Rent on County Highway A Tower.**

Supervisor Knudson moved approval of the contract to increase the rent on the County Highway A Tower, second by Supervisor Beaver. ADOPTED.

**Committee Request and Motions.**

**Sheriff’s Office Tour – October 3, 2011** Chair Collins reminded the Committee of the tour of the Jail at the next meeting.

**Adjournment.** Supervisor Wiedenfeld moved adjournment at 5:15 P.M., second by Supervisor Knudson. ADOPTED.

Respectfully submitted,

Marilyn Bondehagen  
Confidential Administrative Assistant

**NOT OFFICIAL UNTIL APPROVED BY COMMITTEE.**