

**PUBLIC SAFETY & JUSTICE COMMITTEE**  
**October 17, 2011**

**Call to Order.** Chair Collins called the meeting of the Public Safety and Justice Committee to order at 4:00 P.M. on October 17, 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; Randy Terronez and Nick Osborne, Assistants to the County Administrator; Elizabeth Pohlman McQuillen, Criminal Justice Planner/Analyst; Dave Sleeter, 911 Communications Center Director; Jenifer Keach, Coroner, Diane Michaelis, Finance Office Manager, Sheriff's Office.

**Others Present:** Supervisors Podzilni, Kraft, Mawhinney and Diestler; Dave Brown, Janesville; Rich Plywacz, Edgerton; Paul Dreis, Strand and Associates, Consolidated Koshkonong Sanitary District, Madison; Bill Carter, Edgerton; Dave Markson, Edgerton; Penny Shackelford, Milton, Lake Koshkonong Wetland Association; Susan Yates, Fort Atkinson, Lake Koshkonong Wetland Association; H. W. Stockwell, Edgerton; Ronald Anderson, Edgerton; 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; Neil Johnson, Janesville Gazette; Don Giese, Edgerton; Carl Lichtfuss, Edgerton; Brian Christianson, Edgerton; Stacey Babiarz, Edgerton.

**Adoption of Agenda.** Chair Collins said there was an addition of a pre-approved encumbrance amendment for the Sheriff's Office. Supervisor Knudson moved approval of the agenda with this addition, second by Supervisor Brill. ADOPTED.

**Adoption of Minutes.** Supervisor Wiedenfeld moved approval of the minutes of September 19, 2011 and October 3, 2011, second by Supervisor Brill. ADOPTED.

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

**Consent Calendar.**

**Transfers and Appropriations.**

**911 Communications Center**

**FROM**

<b><u>Account #</u></b>	<b><u>Amount</u></b>
00-0000-0001-42605	\$10,567.50
Insurance Proceeds	

**TO**

<b><u>Account #</u></b>	<b><u>Amount</u></b>
23-2400-0000-62420	\$10,567.50
Equipment R&M	

00-0000-0001-42605	10,783.25	23-2400-0000-62400	10,783.25
Insurance Proceeds		R&M Services	

**Bills/Encumbrances.**

Sheriff	\$	9,222.88
RECAP Operations		6,304.16
Correctional Facility		2,141.09
Circuit Courts		140.00
Mediation/Family Court Services		1,048.32
Clerk of Courts		7.75
911 Project Operations		5,151.22
District Attorney		1,114.52
Coroner		17,919.94
Child Support		487.34
HIDTA Grant		759.94
IFERN Radio BS SIT		24,974.00
Mutual D. Rd Grant		39,397.11
911 Capital Project		24,236.34

**Pre-Approved Encumbrance Amendments.**

**Sheriff's Office**

Fleet Services	\$	16,000.00
Fleet Services		72,000.00
Elan Financial Service		2,299.00

Supervisor Knudson moved approval of the above Consent Calendar for the Public Safety & Justice Committee, second by Supervisor Brill. 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 operating 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 7.5 feet. This information can be obtained from the NOAA website. [<http://water.weather.gov/ahps2/hydrograph.php?wfo=mkx&gage=nvlw3&view=1,1,1,1,1,1,1> (Graph NVLW3)]

(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 6.5 feet. This information can be obtained from the NOAA website.

[<http://water.weather.gov/ahps2/hydrograph.php?wfo=mkx&gage=aftw3&view=1,1,1,1,1,1,1,1> (Graph AFTW3)]

(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 the 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 the Sheriff 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, second by Supervisor Beaver.

Mr. Dreis said he would like to re-emphasize not raising the slow-no-wake as he feels raising the height would test the ability of the Sanitary Sewer Districts to handle the water coming in and the possible release of like during a flood. A change would be a step backward.

Mr. Plywacz said he had no comment at this time.

Mr. Giese said he had no comment at this time.

Mr. Lichtfuss said he had no comment at this time.

Mr. Houfe said he had no comment at this time.

Mr. Stockwell said 7.5 ft. has worked well in the past and should not be deviated from at all.

Ms. Yates said she agrees with the opposition to raise the height above 7.5 ft.

Mr. Anderson said he feels 7.5 ft. is a bit high where he lives, they have learned to live with 7.5 ft. but does not know what they will do if the level is raised. He said he would like the level to remain at 7.5 ft.

Mr. Markson said he agrees with Mr. Dreis and Mr. Anderson. The potential of raw sewage being released back in the river would be a public health hazard.

Mr. Christianson said he had no comment at this time.

Mr. Montgomery handed out a table with a monthly breakdown of the percentage of each month during the boating season the water level is higher than 9.0 ft., 8.25 ft., and 7.5 ft. He said at 7.5 ft. there is a significant amount of time the water level would be over this height. He said they are not talking about raising the water level, just the height the slow-no-wake is placed on the waters. He said it would just be transient waves when the boats go by.

Mr. Carter said he had no comment at this time.

Ms. Babiarz said she feels there should be a happy medium.

Mr. O'Connor emphasized it is a constitutional right to use the waterways. This is not a free for all or a popularity issue. There must be rationale for choosing a height and there has only been casual testimony. He said he feels there needs to be stronger evidence to put the water at 7.5 ft. He added that the strongest evidence he has seen is from Mr. Montgomery and the Association.

Ms. Shackelford said this does not restrict boats from being on the water, just on how fast they can go. She said she is concerned about the environment and health concerns and that this information should be considered carefully and encouraged the Committee to consider all factors before they make a decision.

Mr. Bowers said he is there on behalf of the Rock Koshkonong Business District and the Rock Koshkonong Lake District and that he would like the level raised and a number for when a slow-no-wake would be placed on the waters and when it would be lifted.

Mr. Lichtfuss said he has lived on the river close to 30 years and when the water level rises the piers could come loose and cause more damage.

Supervisor Kraft said she represents District 3 and has received at over 20 phone calls requesting the level remain at 7.5 ft., one to raise the level to 9 ft., and one call to table the decision until next spring to allow time to take pictures at each level but that it is up to Mother Nature. She said it is good to have access to the information on the computer and that it should be based on factual information. She said she had asked the Planning Department to do maps on the elevation levels on both sides of the river and handed these three maps to the Committee. She said it is evident that the water levels would affect a number of homes, homes that were built prior to regulations, and none the less they are still homes. Granted there are some businesses that would like the level higher but it should not be at the expense of their neighbors and patrons.

Mr. Giese said he would like the level kept at 7.5 ft.

Mr. Anderson said the water level went down to 7.5 ft. on June 2<sup>nd</sup> and never came back up.

Supervisor Wiedenfeld said he had received one letter to keep the level as is and one call to have the level stay as it is.

Chair Collins said he had received two calls, one to raise the level as the Lake District would like it and one call to raise the level a little.

Chair Collins said the Ordinance had a motion and a second on the floor and called for a vote. ADOPTED.

Chair Collins said there will be a public hearing when the Ordinance goes to County Board for the first reading and this will be another time for public input.

### **Recognizing Medicolegal Death Investigators Week**

**“NOW, THEREFORE, BE IT RESOLVED** by the Rock County Board of Supervisors duly assembled this \_\_\_\_\_ day of \_\_\_\_\_, 2011, that the fourth week of October will be recognized as Medicolegal Investigators’ Week, with the gratitude of the people of the County of Rock, for the services that they provide.”

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

### **Authorizing Funding to Pay for Gasoline for Sheriff Vehicles**

**“NOW, THEREFORE, BE IT RESOLVED** by the Rock County Board of Supervisors duly assembled this \_\_\_\_\_ day of \_\_\_\_\_, 2011, that the 2011 budget be amended as follows:

...”

Supervisor Wiedenfeld moved approval of the above resolution, second by Supervisor Knudson. ADOPTED.

### **Budget Review.**

**Child Support** Ms. Baker Ellis said she is concerned about the early elimination of the Support Reimbursement Specialist. The difference in cost is about \$4,500 and she has the possibility of a retirement and she would like to keep trained staff if possible. She added the staff cuts will affect customer service and we will need to look at making some changes there, and this affects the people who need the most help. She requested consideration to keep this position to April 2012.

Mr. Knutson referred to Child Support Department starting on page 43 of the 2012 Budget and said the State is reducing aid by 50%. He added that he did not like having to do this but this was an area hit hard by State cuts. He said he looked at the caseload per staff and even with these staff reductions our caseload is 321 cases per staff, which is still lower than comparable counties. He said if there are any changes in aid we would be happy to revisit this. The Child Support Department budget increased by \$52,649 or 8.6% from last year.

Chair Collins asked how much this would affect the tax levy. Ms. Baker Ellis said \$4,500 - \$4,800 for the three months. Mr. Knutson said the problem is that we are already at the levy limit.

**Sheriff's Office** Captain Groelle and Ms. Michaelis said the Sheriff's Office is satisfied with the budget. Mr. Knutson said the Sheriff's Office budget increased by \$114,484 or 0.6% over the prior year.

Supervisor Wiedenfeld asked if the gas budget had increased. Mr. Knutson said it was increased by \$50,000.

**Clerk of Courts** No one present from the Clerk of Courts Office.

Mr. Knutson said the Clerk of Courts Office budget increased by \$12,078 or 0.5% over the prior year.

**911 Communications Center** Mr. Knutson said the Communications Center budget decreased by \$25,614 from the prior year.

Mr. Sleeter said the only issue they have is with the State on the Budget Repair Bill.



**District Attorney** Mr. Knutson said the District Attorney's budget increased by \$8,085 or 0.6% over the prior year.

**Emergency Management** Mr. Knutson said the Emergency Management budget decreased \$3,892 or 4.6% less than the prior year.

**Coroner** Mr. Knutson said the Coroners budget decreased \$14,027 or 3.9% less than the prior year.

**Alternative Residential and Community Service Programs** Mr. Knutson said Rock Valley Community Programs remained the same as last year. The \$100,000 for OWI Court in the 2011 budget is recommended to carry over to 2012.

Chair Collins thanked the Department Heads for their input.

Supervisor Wiedenfeld asked if the OWI Court will start the first of the year. Ms. Pohlman McQuillen said they are aiming for January 2012.

The Committee thanked Mr. Knutson for his hard work on the budget.

**Committee Request and Motions.** None.

**Adjournment.** Supervisor Beaver moved adjournment at 4:54 P.M., second by Supervisor Brill. ADOPTED.

Respectfully submitted,

Marilyn Bondehagen  
Confidential Administrative Assistant

**NOT OFFICIAL UNTIL APPROVED BY COMMITTEE.**