

**Meeting Minutes of the Town of Dewhurst No Wake Ordinance Meeting**  
**Tuesday, December 10, 2024 – 6:30 PM (CST)**  
**Town of Dewhurst – Town Hall**

**Board members present:** Bill Kolve, Chairman; Bruce Delaney, Supervisor 1; Troy Wyss, Supervisor 2; Kelly Errthum, Clerk; Todd Schultz, Deputy Treasurer

**Town of Dewhurst Employees present:** Chris Holt; Rollin Opelt

**Citizens present:** Steve & Barb Kunes, Dave Baumeister, Randy Nichols, Gene O'Brien, Paul Sullivan, Jean & Nate Vandeberg, Paul & Robyn Stearns; Chuck & Marie Kaufman, Ralph Johnson, Barb Deml, Duane Gjerseth, Steve Errthum, Marilyn Grace, Sally Wipfli, Barney & Laura Adams, Lorri and Richard Johnson, Dan Kohls, Scott Zenz, Neil Czarnecki, Ted Janicki, Rollin Opelt, Barb & Jeff Hagenbrock, and Steven Wertz. (Note: if you did not sign in, your attendance will not be documented.)

**Call to Order:** Bill Kolve called the No Wake Ordinance meeting to order at 6:30 PM (CST). At that time, Bill stated that there would be a slight change on the agenda. The approval of the ordinance will follow after the citizen comments.

**Approval of Agenda:**

\*Motion by Troy Wyss to approve the revised agenda; second to the motion: Bruce Delaney

\*Motion carried: 3/0

**Reading of the Ordinance:** Bruce Delaney began by letting attendees know that the ordinance revision was initiated by the DNR as the current ordinance was from 1978 and was out of date. All ordinances when including any waterways, must be approved and signed off by the DNR. The ordinance has been reviewed by the DNR and is now being brought to the citizens for input and potential approval. Bruce referred to the following Items that were missed in printing of the ordinance:

(a) Permit required. No person shall direct or participate in any boat race, regatta, water ski or other water-sporting event or exhibition unless such event has been authorized and a permit issued therefore by the County Sheriff's Department *or Town of Dewhurst*.

b) Permit. A permit issued under this section shall specify the course or area of water to be used by participants in such event and the permittee shall be required to place marker flags or buoys approved by the County Sheriff's Department *or Town of Dewhurst* designating the specifics: Area. ~~Permits shall be issued only if, in the opinion of the County Sheriff's Department,~~ the proposed use of the water can be carried out safely and without danger of the substantial obstruction of other watercraft or persons using the lake. Permits shall be valid only for the hours and areas specified thereon.

Bruce then went on to highlight the items that were changed from the 1978 ordinance everything is from the DNR direction on what is enforceable and what should/should not be in the ordinance. Arnold Creek no-wake indication of 10 mph the intention was to have no-wake. So, this was changed to simply "no-wake". Also removed were the refence skiing/tubing beyond the high wire on the lake. A right of way to sailboats was removed as there isn't a lot of them on the lake, this was removed. The item of the noise decibel of 80 @100ft was forbidden, the DNR indicated that it was unenforceable and to remove it. Bruce indicated that so much of this is governed by the statutes of the State of Wisconsin. The major changes to the ordinance were as follows: Arnold Creek went to a "no-wake" versus listed at 10mph, the removal of the

prohibition of skiing/tubing past the high wire and the motorized noise section was removed. Bruce pointed out that enforcers still have the ability to stop you under state statutes if you are doing something unsafe. Troy Wyss also pointed out some highlights slow no wake within 100ft of a swimmer, interference of markers prohibited, capacity restrictions, cannot be intoxicated to operate/ride in boats, cannot swim/jump off from moving boat, no litter, races must be authorized. Don't drive vehicles recklessly on the ice. Bruce indicated that if the ordinance is approved, the DNR would have to accept/sign off on it. Once that was completed, and once posted, it would become the ordinance.

### **Citizen Concerns:**

Diana Laufenberg wanted clarity on who would enforce this as previous conversations with the county have been that if this is a local ordinance, they would not enforce it. Bruce indicated that section 2 does address the enforcement by "any law enforcement officer authorized to enforce the laws of the State of Wisconsin". Diana said she has been told by Clark County Sheriff would not enforce local ordinance. Bruce pointed out that this is more of a DNR enforcement. Diana then asked again if Bruce thinks that the sheriff would enforce and has, he talked to Clark County. Bruce indicated that again, he had worked with the DNR as these types of ordinances pertain to their jurisdiction. Permits exist at Clark County? Bruce indicated that it reads "or Town of Dewhurst". Diana then asked if the permits exist? Bruce was not sure, as there was previous ski shows held. Diana asked if there were supporting documents if the permitting were to happen at the Town of Dewhurst and any process? Diana also pointed out typos/errors within the document and asked if they would be corrected. Bruce indicated the document would be reviewed any errors corrected. Bruce reminded Diana that the initiation of the changes was made by the DNR and we have followed their directions. Diana is concerned that there is no process in place if a permit was requested. Enforcement again was a topic with Diana stating it was always an issue that she will address. As far as the fines, would be county, law enforcement driven, she was confused on whose ordinance this is as the Town of Dewhurst has no power. Diana stated that she has seen people past her house exceeding the no-wake. Troy Wyss replied that this ordinance will at least give the DNR the opportunity to contact Clark County. Bill Kolve pointed out that the DNR is the one that request this. Bruce reminded Diana that if we didn't have this ordinance, the buoys that are currently out, would be out of compliance. Bruce will ask the warden about who to contact and enforcement.

Dave Baumeister missing slow/no-wake it is listed on all handbooks that you have to be 100' from shoreline, raft, or buoy. Bruce replied that it is a state law. Dave confirmed but stated it wasn't listed that way within the document. Bill Kolve pointed out that it is listed in section five (5). It is also listed in Definitions.

Ralph Johnson indicated that he has called the DNR and they have come out and issued citations. He also noted that two (2) wardens that cover a large area with land and water. Bruce did state that he has noticed a higher presence of law on the holiday/big weekends.

Neil Czarnecki asked regarding the statement of the "wires". He stated that he lives up there and does pull a tube up that way. Bruce clarified that the limitation of the "high wire" has been removed.

Bernie Adams reads the ordinance as pertaining to Lake Arbutus/Arnold Creek and not the "river". He lives on the river. Bruce responded that this covers the waterways of Lake Arbutus. Bernie asked how many acres Lake Arbutus is and where it starts/stops. Bruce responded over 900 acres. The old ordinance also referred to "high wire" and that was part of the river that has been removed.

Dave Baumeister asked who requested the removal of the “high wire” restriction. Bruce responded that it was per the DNR. He clarified that it was unenforceable. Dave indicated that it was enforced years ago. He believes that the width of the river does not provide enough space for boats to pass and stay 100’ from shore. Dave indicated he has spoken to the warden and the warden stated, the river is unenforceable to use the 100’ rule. Dave feels that it is too dangerous in that area. He would like no wake above the high line returned.

Diana Laufenberg asked who is responsible for the buoys and placing them. Bruce responded that the Town of Dewhurst is in charge of Arnold Creek. They are put out by the township or we contract it out. Curtis who is the Clark County Forest Administrator puts them out and they also put them out for the beach area. The Lake Arbutus Lake Association is in charge of getting the buoys out on the lake. Diana stated that there are currently two (2) buoys in the Arnold Creek area. Could we get additional buoys to remind people that the no-wake continues.

Paul Stearns stated he had previously asked for some signage for the “other side” of the bridge for the no-wake area. He has seen an increase of boats over the last two (2) years. He stated that shore damage is happening on the other side of the bridge as well. Bruce, as that side of the creek is narrow, buoys would be feasible. Possibly a sign on the bridge would be helpful? Bruce will investigate if there is something that can be done for signage on the “other side of the bridge”.

Lorri Johnson commented that she felt that a lot of people are not taking boater safety and are not educated. Maybe a definition of what “no-wake” means by each boat landing? Ralph Johnson indicated that there is already signage at the boat landings however, they are not read. This ordinance will be posted at all boat landing whether it is read or not.

Bernie Adams stated that he would like to see additional patrol as he has not seen an enforcement boat out on the lake in a couple of years. He stated that he is on the water a lot and has not seen an enforcement boat. He feels that the lake is getting out of control. He feels that they should issue warnings then tickets to “calm the lake down”. Bill Kolve indicated that he knew for a fact that there were enforcement boats out in July as he knew of tickets being given. Bill did agree that we could use more enforcement boats. Bruce indicated that they are out during the busy holidays/weekend for sure. Bill said that maybe we ask them to be out there more.

Paul Sullivan indicated that when the noise ordinance was being discussed that it was brought up that “people come here to use the bars, VRBOs, restaurants, and that the last thing they want is rules as they come to recreate”. He agrees with the ordinance. He stated that Bruce previously stated the aforementioned comment. Bruce didn’t remember saying that. Bruce indicated if there is a problem, then an ordinance should be created to correct it. Paul stated “like the noise ordinance”. Bruce stated that the reason for this ordinance modification was the waterways were incorrectly stated. Paul stated that the “noise ordinance” that he had problems with “wasn’t a problem”? Bruce indicated he never said that. Paul stated that he has had issues with the noise and he’s had a lot of issues. Bruce clarified that we are not discussing the noise ordinance now and Paul stated that “we are talking about an ordinance” and he wanted to call it out.

Virgil Bohac asked who is going to enforce the ordinance as the town Chairman can’t enforce it. Stated jokingly, maybe we should get Bill a gun and a badge? Bill stated he may need a fast boat too.

Neil Czarnecki pointed out that there is little/lack of enforcement and on some busy weekends, he will see the enforcement but, after speaking with the wardens, it is just hard to manage so much with limited resources. Bruce stated he will again mention it to Joe and see if they can increase visibility.

Troy Wyss indicated that lack of funding. He reminded the attendees that there was a discussion previously to increase funds to pay for increased policing. At that time, people did not want to pay additional dollars. He pointed out that another community had paid in to fund for a part-time officer to patrol their area more frequently. The community decided approx. 5-6 months ago that they would not spend the money.

Approve the ordinance

\*Motion by Bruce Delaney to approve the ordinance with corrections grammar/spelling etc. corrected; second to the motion: Troy Wyss

\*Motion Carried: 3/0

Adjourn

Meeting was adjourned at 7:02 PM (CST)

Minutes submitted by: Kelly Errthum, Interim Town of Dewhurst Clerk