

**FEBRUARY 8, 2011  
WALWORTH COUNTY BOARD OF SUPERVISORS  
MEETING**

The Walworth County Board of Supervisors meeting was called to order by Chair Russell at 6:00 p.m. in the County Board Room at the Walworth County Government Center, 100 W. Walworth Street, Elkhorn, Wisconsin.

Roll call was conducted and the following Supervisors were present: Richard Brandl, Jerry A. Grant, Randy Hawkins, Vice-Chair Daniel G. Kilkenny, Carl Redenius, Joe Schaefer, Rick Stacey, Russ Wardle, David A. Weber, and Chair Nancy Russell. Kathy Ingersoll was absent. A quorum was established.

Russ Wardle, Walworth County Board Supervisor, District # 3, delivered the invocation.

**Amendments, Withdrawals, and Approval of Agenda**

Supervisor Grant offered a motion, seconded by Supervisor Schaefer, to approve the agenda. On motion by Supervisor Kilkenny, seconded by Supervisor Weber, the agenda was amended by moving Executive Committee item 1, Resolution No. 74-02/11, for consideration immediately after the first public comment period. The amended agenda was approved by voice vote.

**Approval of the Minutes**

On motion by Supervisor Stacey, seconded by Supervisor Hawkins, the minutes of the January 11, 2011 Walworth County Board Meeting were approved by voice vote.

**Comment Period by Members of the Public Concerning Items on the Agenda**

There were no public comment cards at this time.

Resolution No. 74-02/11 – Recognizing the Walworth County Visitors Bureau for Their Involvement in Promoting Walworth County at the Summer 2010 German Fest was considered at this time. On motion by Supervisor Weber, seconded by Supervisor Schaefer, **Resolution No. 74-02/11** was approved by voice vote.

**Special Order of Business**

- Recognizing the Walworth County Visitors Bureau for Their Involvement in Promoting Walworth County at the Summer 2010 German Fest

Chair Russell asked members of the Visitors Bureau to come forward. Chair Russell said that Walworth County was honored at the 30<sup>th</sup> German Fest in Milwaukee as the 2010 honor county. She said she appreciated all the help of the Visitor's Bureau in representing Walworth County at German Fest and for taking care of the Supervisors and others. She read the resolution and presented it and the plaque to Executive Director Kathy Seeberg. The resolution recognized Ms.

Seeberg and Tammy Dunn, Group Services Manager. Ms. Seeberg thanked the Board and said that she was proud to represent Walworth County at German Fest.

- Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting for Fiscal Year 2009

Sarah Kitsembel presented the GFOA Certificate of Achievement for Excellence in Financial Reporting to Walworth County for the eighth consecutive year. Ms. Kitsembel thanked the Board for their continued interest in this program and congratulated Nicki Andersen and the Finance Department. Ms. Andersen thanked Chair Russell, Administrator Bretl, and Department staff for their help over the years. Chair Russell said that on behalf of the County Board she is proud of the Finance staff for their accurate and timely financial reporting.

### **Appointments**

1. Aging and Disability Resource Center Board
  - Richard Lorenz – To fill an unexpired term to begin upon appointment and end June 30, 2013 (Recommended by the Executive Committee 5-0)
2. Board of Adjustment
  - Greg Guidry – To appoint as a regular member to fill an unexpired term to begin upon appointment and end on June 30, 2013 (Recommended by the Executive Committee 5-0)
3. Walworth County Metropolitan (WalCoMet) Sewerage District Commission
  - Ron Henriott – Reappointment to begin February 28, 2011 and end February 28, 2016 (Recommended for reappointment by the Executive Committee 5-0)

Clerk Bushey noted that Greg Guidry's term of appointment should end on June 30, 2013 not December 30, 2013 as shown on the agenda.

On motion by Supervisor Weber, seconded by Supervisor Brandl, Richard Lorenz was appointed to the Aging and Disability Resource Center Board to fill an unexpired term to begin upon appointment and end June 30, 2013; Greg Guidry was appointed as a regular member to the Board of Adjustment to fill an unexpired term to begin upon appointment and end of June 30, 2013; and Ron Henriott was reappointed to the Walworth County Metropolitan (WalCoMet) Sewerage District Commission, term to end February 28, 2016; as recommended by the Executive Committee, by voice vote.

### **Communications and Matters to Be Referred**

Chair Russell announced that unless there was a request for an individual communication to be discussed, the Clerk would dispense with the reading of each title and the Chair would direct that all communications be referred or placed on file as indicated on the agenda.

1. Claims Received After Agenda Mailing – There were none.
2. Claims: a) Claim for Damages-Marjorie Geiger v Walworth County Public Works Department was referred to the Executive Committee.

3. Communication from William Vlach, Darien Township, regarding State statutes and collectors of salvage vehicles was referred to the County Zoning Agency.
4. Communication from Supervisor Rick Stacey regarding the Governor's statement that Wisconsin is "Open for Business" and Walworth County's approach to ensure that we are open for business was referred to the County Zoning Agency and Executive Committee.
5. Correspondence from Wisconsin Department of Administration regarding American Recovery and Reinvestment Act of 2009 (ARRA) Funding Expenditure Compliance was referred to the Finance Committee.
6. Lincoln County Resolution 2011-01-05 – Support Legislative Changes to Modify Binding Arbitration for Public Employees was referred to the Human Resources Committee.
7. SEWRPC Planning Report No. 52, "A Regional Water Supply Plan for Southeastern Wisconsin," transmittal letter, and model resolution to endorse the Plan was referred to the Land Conservation Committee.
8. Correspondence from the State of Wisconsin Department of Military Affairs, Division of Emergency Management FFY 2010 Second Half Progress Report was placed on file.
9. Report of the County Clerk Concerning Communications Received by the Board and Recommended to be Placed on File
10. Report of County Clerk Concerning Communications Received by the Board After the Agenda Mailing-The following items were placed on Supervisors' desks:
  - *Walworth County Aging & Disability Resource Center News*, February 2011 – To be placed on file
11. Report of County Clerk Concerning Zoning Petitions was referred to the County Zoning Agency.
  - Dwayne Deakins, Town of Lafayette, A-5 to A-1
  - Kelly and Debra Elliott, Town of Linn, A-1 to A-4
  - Amendment to Walworth County Code of Ordinances – Sec. 74-264 Floodplain appendix

## **Unfinished Business**

### **Executive Committee**

1. Ordinance No. 665-02/11 – Repealing Article III of Chapter 10 of the Walworth County Code of Ordinances Relative to *Massage-Vote required: Two-thirds* (Recommended by the Executive Committee 5-0) (This ordinance replaces Ordinance No. 662-01/11 – An Ordinance Amending Article III of the Walworth County Code of Ordinances Relative to Massage, which was referred back to the Executive Committee at the January 11, 2011 County Board Meeting.)

Administrator Bretl gave a history and an overview of what occurred at the Executive Committee regarding the massage ordinance. He said that it was initially brought to his attention by the Operator of the Abbey that portions of the existing law were either adverse to State law or very onerous to them conducting their business. The original ordinance had grandfathered all operators so there were very few licenses obtained over the years, and by virtue by State law it was not necessary that the County have an ordinance. The Executive Committee recommended that the ordinance be repealed.

Supervisor Weber offered a motion, seconded by Supervisor Kilkenny, to approve Ordinance No. 665-02/11. On motion by Supervisor Grant, seconded by Supervisor Stacey, **Ordinance No. 665-02/11 was approved by unanimous consent.**

## **New Business**

### **Reports of Standing Committees**

#### **County Zoning Agency**

1. Delsie J. Everett (James Peterson Sons, Inc., App.), Town of Lyons, Rezone 47.3 acres of M-3 to A-1 & C-2 – approved 6 – 0 (1-20-11 public hearing)

On motion by Supervisor Brandl, seconded by Supervisor Grant, the County Zoning Agency Report of Proposed Zoning Amendments, Delsie J. Everett (James Peterson Sons, Inc., App.), Town of Lyons, was approved as recommended by the County Zoning Agency.

#### **Executive Committee**

1. Resolution No. 74-02/11 – Recognizing the Walworth County Visitors Bureau for Their Involvement in Promoting Walworth County at the Summer 2010 German Fest-*Vote required: Majority* (Recommended by the Executive Committee 5-0)

Resolution No. 74-02/11 was approved earlier in the meeting.

#### **Finance Committee**

1. Ordinance No. 666-02/11 – Amending Section 30-185 of the Walworth County Code of Ordinances Relating to Establishment of Agency Funds-*Vote required: Majority* (Recommended by the Finance Committee 5-0)

2. Ordinance No. 667-02/11 – Creating Section 30-143 of the Walworth County Code of Ordinances Relating to Payment of Public Service Organizations-*Vote required: Majority* (Recommended by the Finance Committee 5-0)

3. Resolution No. 75-02/11 – Authorizing Closure of the Financial Systems Upgrade Project and Transferring Remaining Funds to the General Fund Unassigned Fund Balance-*Vote Required: Majority* (Recommended by the Finance Committee 5-0)

On motion by Supervisor Stacey, seconded by Supervisor Grant, item 1, **Ordinance No. 666-02/11**, item 2, **Ordinance No. 667-02/11**, and item 3, **Resolution No. 75-02/11**, were approved by voice vote.

**Health and Human Services Board**

1. Ordinance No. 668-02/11 – Amending Chapter 50 of the Walworth County Code of Ordinances Relating to Interjurisdictional Agreements for the Placement of Out-of-County Residents in Walworth County-*Vote required: Majority* (Recommended by the Health and Human Services Board 7-0)

On motion by Supervisor Hawkins, seconded by Supervisor Grant, **Ordinance No. 668-02/11** was approved by voice vote.

**Human Resources Committee**

1. Ordinance No. 664-02/11 – Amending Section 15-634 of the Walworth County Code of Ordinances Relating to Use of County and Personal Vehicles-*Vote required: Majority* (Recommended by the Human Resources Committee 5-0 with the exception of the portion of the ordinance relating to spousal use, which the committee recommended 4-1.)

Supervisor Grant offered a motion, seconded by Supervisor Weber, to approve Ordinance No. 664-02/11. Discussion ensued. Administrator Bretl said that several years ago the practice of who could take a vehicle home was turned into an ordinance. He said that Ordinance No. 664-02/11 amends the ordinance and authorizes certain individuals to take the vehicles home. **Ordinance No. 664-02/11** was approved by voice vote.

**Lakeland Health Care Center Board**

1. Ordinance No. 669-02/11 – Creating Chapter 51 of the Walworth County Code of Ordinances Relating to the Lakeland Health Care Center-*Vote required: Majority* (Recommended by the Lakeland Health Care Center Board 5-0)

On motion by Supervisor Grant, seconded by Supervisor Weber, **Ordinance No. 669-02/11** was approved by voice vote.

**Reports of Special Committees**

There were none.

**Comment Period by Members of the Public Concerning Items Not on the Agenda**

There were none.

**Chairperson’s Report**

Chair Russell said that Dave Kachel passed away on February 3. She said he was a friend of Walworth County and a generous contributor to Lakeland School. She announced that the funeral services would be held on February 9 at the First United Methodist Church.

**Adjournment**

On motion by Supervisor Brandl, seconded by Supervisor Weber, the meeting was adjourned at 6:31 p.m.

STATE OF WISCONSIN    )  
                                  )SS  
COUNTY OF WALWORTH)

I, Kimberly S. Bushey, County Clerk in and for the County aforesaid, do hereby certify that the foregoing is a true and correct copy of the proceedings of the County Board of Supervisors for the February 8, 2011 meeting.

(These minutes are not final until approved by the County Board at the next regularly scheduled County Board meeting.)



**Nomination for Committee/Board/Commission Appointment**

**Committee:** Pauline Parker

**Nominee:** 613 Franklin Street/Post office Box 534

**Address:** Genoa City, WI 53128

**Submitted by:** David Bretl, County Administrator

**Authority:** Section 59.18, Wisconsin Statutes

**Who will the nominee replace?** Joyce Ketchpaw

**When did/does the incumbent's current term expire?** April 30, 2011

**Was this vacancy advertised?** no

**Comment** Ms. Parker served for fourteen years as a County Board Supervisor, during which time she was a member of the Health and Human Services (HHS) Board and served as its chair from 2006 to 2008. Upon County Board appointment, the County Administrator recommends Ms. Parker to complete the current term, through April 30, 2011 as well as a subsequent three-year term of service, from April 30, 2011 through April 30, 2014.

**Names of individuals who have expressed interest in serving in this position:**

\_\_\_\_\_  
\_\_\_\_\_

**For incumbents, committee attendance, if known:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8

WALWORTH COUNTY  
NOTICE OF INTEREST TO SERVE AS A CITIZEN REPRESENTATIVE

Name: PAULINE PARKER

Date: 1-11-11

Mailing Address: 613 FRANKLIN ST.

Phone: 662-899-3055

P.O. BOX 534

GEXDA CITY, W. 53128

I reside in:  the Town of \_\_\_\_\_

the Village of GEXDA CITY

the City of \_\_\_\_\_

Please consider me for appointment to: H.H.S. Bd.

(CITIZEN MEMBER)

I am interested in serving as a citizen representative because: I enjoyed my

time served on the H.H.S. Bd. as a county Bd. member.

I understand the problems associated with the H.H.S.

dept. because of my board experience.

Special skills, experience or qualifications I possess related to this appointment are:

I SERVED AS A BOARD MEMBER FOR A NUMBER OF YEARS AND

ALSO AS H.H.S. Bd. CHAIRMAN.

Check one of the following:

I am a resident of Walworth County and reside in the appropriate jurisdiction to serve on the board or commission for which I am applying.

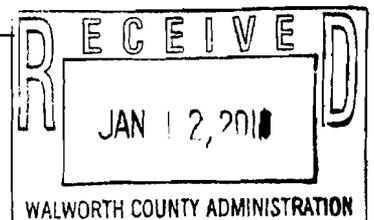
I am not a resident of Walworth County.

I certify that the information I have provided is truthful to the best of my knowledge.

Pauline Parker  
Signature of Applicant

1-11-11  
Date

Feel free to attach any additional documentation to this form.



WALWORTH COUNTY  
POTTERS LAKE REHABILITATION DISTRICT

STATE OF WISCONSIN    )  
                                  )SS  
COUNTY OF WALWORTH)

I, the undersigned Chair of the Walworth County Board of Supervisors, do hereby appoint Roy Lightfield, pursuant to the recommendation of the Land Conservation Committee, to the Potters Lake Rehabilitation District. Said term to continue until a successor is named.

Dated this 8<sup>th</sup> day of March, 2011.

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Nancy Russell, Chair  
Walworth County Board of Supervisors



Joeann Douglas/WALCO  
02/16/2011 09:18 AM

To Lee Ann Brunner/WALCO@WALCO  
cc Louise A Olson/WALCO@WALCO  
bcc

Subject LCC Approval of Roy Lightfield as Potters Lake District  
Citizen Representative

History:  This message has been replied to.

**Potters Lake Rehabilitation District Representative nomination of Roy Lightfield – Supervisor Hawkins and Citizen Member Burwell moved and seconded to approve the nomination of Roy Lightfield and send it to the County Board for approval. Motion carried 4-0**

On Monday, February 14, 2011 LCC Meeting, the Land Conservation Committee approved the nomination of Roy Lightfield and send it on to the Walworth County Board for approval. The motion was unanimous

Joeann



**3301 BAY ROAD LLC, by  
LISA COLLYER and MICHAEL COLLYER,**  
5827 N. Nickerson  
Chicago, IL 60631,

Case No. 10-CV-577  
Case Code: 30301

**ROBERT J. BERMAN, as Trustee of the  
ROBERT J. BERMAN TRUST,**  
100 E. Huron St. #3405  
Chicago, IL 60611,

**received**  
2/9/11 ABB

**DORRIT J. BERN, Individually and as  
Trustee of the DORRIT J. BERN TRUST,**  
3407 South Shore  
Delavan, WI 53115,

**FILED  
CIRCUIT COURT**

**WILLIAM J. BRADY, as Trustee of the  
WILLIAM JOHN BRADY TRUST**  
721 E. North Path  
Wheaton, IL 60187,

JAN 28 2011

Clerk of Courts-Walworth Co.  
By: SUE A. OAKES

**SUZANNE M. BRANDNER, as Trustee of the  
SUZANNE M. BRANDNER TRUST,**  
2724 Willow Point Drive  
Delavan, WI 53115,

**STEVEN R. BROWN and CAROLYN K. BROWN,**  
10 South Wacker Dr. #3175  
Chicago, IL 60606,

**BARTON F. CAMERON,**  
3469 South Shore Drive  
Delavan, WI 53115,

**GEORGE CIBON and AGI CIBON,**  
1875 Duffy Lane  
Bannockburn, IL 60015,

**THEODORE C. COMPALL, as Trustee of the  
THEODORE C. COMPALL TRUST,**  
7555 West Myrtle Street  
Chicago, IL 60631,

**MATTHEW CONNELLY AND ELIZABETH CONNELLY,**  
1108 W. Albion Avenue  
Chicago, IL 60626,

**DONALD J. JENKINS AND LAURA ANN HARTIGAN,**  
4297 Country Club Drive  
Long Beach, CA 90807,

**FRED CUTLER and SANDRA CUTLER, as Trustees of the  
CUTLER FAMILY TRUST,**  
3302 Bay Road  
Delavan, WI 53115

**JOSEPH CRAIG FEHSENFELD,**  
266 Steeplechase Road  
Barrington Hills, IL 60010,

**CHARLES R. GOULET, as Trustee of the  
CHARLES R. GOULET TRUST,**  
3717 Ridge Point Drive  
Geneva, IL 60134-5104,

**WALTER A. GROSS, as Trustee of the  
WALTER A. GROSS REVOCABLE TRUST,**  
44 Steeple Ridge Court,  
Oak Brook, IL 60523,

**CAROL C. GROSS, as Trustee of the  
CAROL C. GROSS REVOCABLE TRUST,**  
44 Steeple Ridge Court,  
Oak Brook, IL 60523,

**W. STEVEN GROSS, as Trustee of the  
W. STEVEN GROSS TRUST,**  
2120 N. Sheffield Avenue  
Chicago, IL 60614,

**MICHAEL W. GROVER and LORI B. GROVER,**  
2312 N. Shore Drive  
Delavan, WI 53115,

**DONALD J. HAMMAN and CAROL S. HAMMAN,**  
13351B Faxon Road  
Plano, IL 60545,

**WALTER D. HARDY III, as Trustee of the  
WALTER D. HARDY III TRUST,  
P.O. Box 9017  
Naples, FL 34101,**

**ROSEMARY C. HERZ, as Trustee of the  
ROSEMARY C. HERZ TRUST and as Trustee of the  
ERWIN R. HERZ TRUST,  
701 Landmeier Road  
Elk Grove Village, IL 60007,**

**FRANCINE C. INBINDER, as Trustee of the  
FRANCINE C. INBINDER TRUST  
180 E. Pearson St. #5903  
Chicago, IL 60611,**

**DONALD J. KERESTES, and DOROTHY A. KERESTES, AS  
Trustees of the KERESTES TRUST NO. 2005,  
5814 Weymouth Drive  
Rockford, IL 61114,**

**CHAD A. KORT and KATHY A. KORT, as Trustees of the  
CHAD A. KORT AND KATHY A. KORT REVOCABLE TRUST,  
2730 Willow Point Dr.  
Delavan, WI 53115,**

**JOHN P. LARKIN and ALISON S. LARKIN,  
238 Sunset Avenue  
Glen Ellyn, IL 60137,**

**RICHARD LARSON and DIANNA LARSON,  
56 Browns Beach Road  
Rock Falls, IL 61071,**

**HOWARD J. LEVIN and RHONDA L. LEVIN, as  
Trustees of the RHONDA L. LEVIN TRUST,  
131 Commodore Drive  
Jupiter, FL 33477,**

**GERALD R. LYNCH,  
2906 Borg Road  
Delavan, WI 53115,**

**MHM CORPORATION, a Wisconsin Corporation,  
1147 Sheridan Road  
Winnetka, IL 60093,**

**PETER G. MALONEY and MAUREEN P. MALONEY,**  
13710 Hampton Ct.  
Homer Glen, IL 60491,

**DON W. MATHENY, as Trustee of the**  
**DON W. MATHENY TRUST,**  
902 Linden Court  
Western Spring, IL 60558,

**JANET P. MATHENY, as Trustee of the**  
**JANET P. MATHENY TRUST,**  
902 Linden Court  
Western Spring, IL 60558,

**PHILIP L. MATTISON JR., as Trustee of the**  
**PHILIP L. MATTISON JR. TRUST,**  
3429 South Shore Drive  
Delavan, WI 53115,

**CAROL S. MCCARTHY,**  
2714 Lincoln Street  
Evanston, IL 60201,

**G. HENRY MUNDT III, as Trustee of the**  
**G. HENRY MUNDT III TRUST,**  
333 Sunset  
LaGrange, IL 60525,

**ELIZABETH R. MUNDT, as Trustee of the**  
**ELIZABETH R. MUNDT TRUST,**  
333 Sunset  
LaGrange, IL 60525,

**MARY LORENTZ OVITZ, as Trustee of the**  
**OVITZ LIVING TRUST,**  
2125 South Shore Drive  
Delavan, IL 53115,

**MICHAEL J. POWERS and NANCY E. POWERS,**  
28318 North Oak Lane  
Libertyville, IL 60048,

**HAROLD RIDER and SUSAN RIDER,**  
109 Otis Road  
Barrington, IL 60010,

**JOSEPH S. RUPKEY and JENNIFER R. RUPKEY,**  
W210 N5415 Carter's Crossing Cir.  
Menomonee Falls, WI 53051,

**JOSE L. SALAZAR, as Trustee of the**  
**JOSE L. SALAZAR TRUST,**  
3220 North Shore Drive  
Delavan, WI 53115,

**CYNTHIA S. SALAZAR, as Trustee of the**  
**CYNTHIA S. SALAZAR TRUST,**  
3220 North Shore Drive  
Delavan, WI 53115,

**BANK OF AMERICA, N.A., a Foreign Corporation, as**  
**Trustee of the JAMES P. SOPER, JR. TRUST and as**  
**Trustee of the SOPER FAMILY 2004 TRUST,**  
231 S. LaSalle Street  
Chicago, IL 60697,

**DALE A. STINTON and MARYANN STINTON,**  
4N995 Dover Hill Road  
St. Charles, IL 60175,

**SLAWOMIR (STEVE) Z. SZCZEPANSKI and CYNTHIA SZCZEPANSKI,**  
641 W. Willow #107  
Chicago, IL 60614,

**RICHARD V. WEAGLEY, as Trustee of the**  
**RICHARD V. WEAGLEY TRUST,**  
242 Heritage Drive  
Aurora, IL 60506,

**MELINDA H. WHITE**  
1023 Trillium Tr.  
West Chicago, IL 60185,

**MEGAN M. PLAIN,**  
148 N. Buckingham  
Sugar Grove, IL 60554,

**MATTHEW C. MCKEE,**  
5342 N. Winthrop #1W  
Chicago, IL 60640,

**JEFFREY D. WILDER and LISA WILDER,**  
840 S. Elm Street  
Hinsdale, IL 60521

and

**ROBERT WILLIAMSON, SR., as Trustee of the  
ROBERT WILLIAMSON, SR. LIVING TRUST,**  
3334 Main Street  
Skokie, IL 60076,

Plaintiffs,

v.

**TOWN OF DELAVAN**  
5621 Town Hall Road  
Delavan Town Hall  
Delavan, WI 53115

Defendant/Third-Party Plaintiff,

**DELAVAN-DARIEN SCHOOL DISTRICT**  
**Clerk: Mr. Jim Hansen**  
324 Beloit Street  
Delavan, WI 53115

**WALWORTH JOINT SCHOOL DISTRICT #1**  
**Clerk: Mary Heyer**  
121 Beloit Street  
Walworth, WI 53184

**FONTANA JOINT 8 SCHOOL DISTRICT**  
**Clerk: Joseph McHugh**  
450 S. Main Street  
Fontana, WI 53125

**WALWORTH COUNTY**  
**County Clerk: Kim Bushey**  
Walworth County Government Center  
100 W. Walworth Street  
Elkhorn, WI 53121

**GATEWAY TECHNICAL COLLEGE**  
**Secretary of District Board: Julie Whyte**  
400 County Road H  
Elkhorn, WI 53121

and,

**DELAVAN LAKE SANITARY DISTRICT**

**Administrator: Gail Swaine**

2990 County Road F South

Delavan, WI 53115

Third-Party Defendants.

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**THIRD-PARTY SUMMONS**

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THE STATE OF WISCONSIN to each person named above as a Defendant/Third-Party Defendant.

You are hereby notified that the Defendant/Third-Party Plaintiff, Town of Delavan named above, has filed a lawsuit or other legal action against you. The Complaint, which is attached, states the nature and basis of the legal action.

Within 20 days of receiving this Summons, you must respond with a written answer, as that term is used in Chapter 802 of the Wisconsin Statutes; the State of Wisconsin, an officer or agency of the State, shall also have forty-five (45) days to respond with a written answer; with the exception that the United State of America, an officer or agency, shall be granted a period of sixty (60) days to respond with a written Answer to the Complaint. The Court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to:

Clerk of Courts  
Walworth County Courthouse  
P.O. Box 1001  
1800 County Rd. NN  
Elkhorn, WI 53121-1001

Atty. Bennett J. Brantmeier  
Laitsch & Brantmeier, LLC  
100 N. Main Street, Suite 203  
P.O. Box 309  
Jefferson, WI 53549

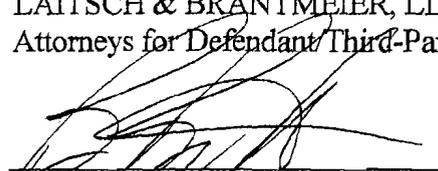
Atty. Maureen A. MicGinnity  
Foley & Lardner, LLP  
777 East Wisconsin Avenue  
Milwaukee, WI 53202

You may have an attorney help or represent you.

If you do not provide a proper answer within 20 days, the Court may grant judgment against you for the award of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Dated at Jefferson, Wisconsin, this 26<sup>th</sup> day of January, 2011.

LAITSCH & BRANTMEIER, LLC  
Attorneys for Defendant/Third-Party Plaintiffs



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Bennett J. Brantmeier  
WI State Bar #1019428  
P.O. Box 309  
100 N. Main Street, Suite 203  
Jefferson, WI 53549-0309  
(920) 674-6220

**3301 BAY ROAD LLC, by  
LISA COLLYER and MICHAEL COLLYER,**  
5827 N. Nickerson  
Chicago, IL 60631,

Case No. 10-CV-577  
Case Code: 30301

**ROBERT J. BERMAN, as Trustee of the  
ROBERT J. BERMAN TRUST,**  
100 E. Huron St. #3405  
Chicago, IL 60611,

**DORRIT J. BERN, Individually and as  
Trustee of the DORRIT J. BERN TRUST,**  
3407 South Shore  
Delavan, WI 53115,

**FILED  
CIRCUIT COURT**

JAN 28 2011

**WILLIAM J. BRADY, as Trustee of the  
WILLIAM JOHN BRADY TRUST**  
721 E. North Path  
Wheaton, IL 60187,

Clerk of Courts-Walworth Co.  
By: SUE A. OAKES

**SUZANNE M. BRANDNER, as Trustee of the  
SUZANNE M. BRANDNER TRUST,**  
2724 Willow Point Drive  
Delavan, WI 53115,

**STEVEN R. BROWN and CAROLYN K. BROWN,**  
10 South Wacker Dr. #3175  
Chicago, IL 60606,

**BARTON F. CAMERON,**  
3469 South Shore Drive  
Delavan, WI 53115,

**GEORGE CIBON and AGI CIBON,**  
1875 Duffy Lane  
Bannockburn, IL 60015,

**THEODORE C. COMPALL, as Trustee of the  
THEODORE C. COMPALL TRUST,**  
7555 West Myrtle Street  
Chicago, IL 60631,

**MATTHEW CONNELLY AND ELIZABETH CONNELLY,**  
1108 W. Albion Avenue  
Chicago, IL 60626,

**DONALD J. JENKINS AND LAURA ANN HARTIGAN,**  
4297 Country Club Drive  
Long Beach, CA 90807,

**FRED CUTLER and SANDRA CUTLER, as Trustees of the  
CUTLER FAMILY TRUST,**  
3302 Bay Road  
Delavan, WI 53115

**JOSEPH CRAIG FEHSENFELD,**  
266 Steeplechase Road  
Barrington Hills, IL 60010,

**CHARLES R. GOULET, as Trustee of the  
CHARLES R. GOULET TRUST,**  
3717 Ridge Point Drive  
Geneva, IL 60134-5104,

**WALTER A. GROSS, as Trustee of the  
WALTER A. GROSS REVOCABLE TRUST,**  
44 Steeple Ridge Court,  
Oak Brook, IL 60523,

**CAROL C. GROSS, as Trustee of the  
CAROL C. GROSS REVOCABLE TRUST,**  
44 Steeple Ridge Court,  
Oak Brook, IL 60523,

**W. STEVEN GROSS, as Trustee of the  
W. STEVEN GROSS TRUST,**  
2120 N. Sheffield Avenue  
Chicago, IL 60614,

**MICHAEL W. GROVER and LORI B. GROVER,**  
2312 N. Shore Drive  
Delavan, WI 53115,

**DONALD J. HAMMAN and CAROL S. HAMMAN,**  
13351B Faxon Road  
Plano, IL 60545,

**WALTER D. HARDY III, as Trustee of the  
WALTER D. HARDY III TRUST,  
P.O. Box 9017  
Naples, FL 34101,**

**ROSEMARY C. HERZ, as Trustee of the  
ROSEMARY C. HERZ TRUST and as Trustee of the  
ERWIN R. HERZ TRUST,  
701 Landmeier Road  
Elk Grove Village, IL 60007,**

**FRANCINE C. INBINDER, as Trustee of the  
FRANCINE C. INBINDER TRUST  
180 E. Pearson St. #5903  
Chicago, IL 60611,**

**DONALD J. KERESTES, and DOROTHY A. KERESTES, AS  
Trustees of the KERESTES TRUST NO. 2005,  
5814 Weymouth Drive  
Rockford, IL 61114,**

**CHAD A. KORT and KATHY A. KORT, as Trustees of the  
CHAD A. KORT AND KATHY A. KORT REVOCABLE TRUST,  
2730 Willow Point Dr.  
Delavan, WI 53115,**

**JOHN P. LARKIN and ALISON S. LARKIN,  
238 Sunset Avenue  
Glen Ellyn, IL 60137,**

**RICHARD LARSON and DIANNA LARSON,  
56 Browns Beach Road  
Rock Falls, IL 61071,**

**HOWARD J. LEVIN and RHONDA L. LEVIN, as  
Trustees of the RHONDA L. LEVIN TRUST,  
131 Commodore Drive  
Jupiter, FL 33477,**

**GERALD R. LYNCH,  
2906 Borg Road  
Delavan, WI 53115,**

**MHM CORPORATION, a Wisconsin Corporation,  
1147 Sheridan Road  
Winnetka, IL 60093,**

**PETER G. MALONEY and MAUREEN P. MALONEY,**  
13710 Hampton Ct.  
Homer Glen, IL 60491,

**DON W. MATHENY, as Trustee of the**  
**DON W. MATHENY TRUST,**  
902 Linden Court  
Western Spring, IL 60558,

**JANET P. MATHENY, as Trustee of the**  
**JANET P. MATHENY TRUST,**  
902 Linden Court  
Western Spring, IL 60558,

**PHILIP L. MATTISON JR., as Trustee of the**  
**PHILIP L. MATTISON JR. TRUST,**  
3429 South Shore Drive  
Delavan, WI 53115,

**CAROL S. MCCARTHY,**  
2714 Lincoln Street  
Evanston, IL 60201,

**G. HENRY MUNDT III, as Trustee of the**  
**G. HENRY MUNDT III TRUST,**  
333 Sunset  
LaGrange, IL 60525,

**ELIZABETH R. MUNDT, as Trustee of the**  
**ELIZABETH R. MUNDT TRUST,**  
333 Sunset  
LaGrange, IL 60525,

**MARY LORENTZ OVITZ, as Trustee of the**  
**OVITZ LIVING TRUST,**  
2125 South Shore Drive  
Delavan, IL 53115,

**MICHAEL J. POWERS and NANCY E. POWERS,**  
28318 North Oak Lane  
Libertyville, IL 60048,

**HAROLD RIDER and SUSAN RIDER,**  
109 Otis Road  
Barrington, IL 60010,

**JOSEPH S. RUPKEY and JENNIFER R. RUPKEY,**  
W210 N5415 Carter's Crossing Cir.  
Menomonee Falls, WI 53051,

**JOSE L. SALAZAR, as Trustee of the**  
**JOSE L. SALAZAR TRUST,**  
3220 North Shore Drive  
Delavan, WI 53115,

**CYNTHIA S. SALAZAR, as Trustee of the**  
**CYNTHIA S. SALAZAR TRUST,**  
3220 North Shore Drive  
Delavan, WI 53115,

**BANK OF AMERICA, N.A., a Foreign Corporation, as**  
**Trustee of the JAMES P. SOPER, JR. TRUST and as**  
**Trustee of the SOPER FAMILY 2004 TRUST,**  
231 S. LaSalle Street  
Chicago, IL 60697,

**DALE A. STINTON and MARYANN STINTON,**  
4N995 Dover Hill Road  
St. Charles, IL 60175,

**SLAWOMIR (STEVE) Z. SZCZEPANSKI and CYNTHIA SZCZEPANSKI,**  
641 W. Willow #107  
Chicago, IL 60614,

**RICHARD V. WEAGLEY, as Trustee of the**  
**RICHARD V. WEAGLEY TRUST,**  
242 Heritage Drive  
Aurora, IL 60506,

**MELINDA H. WHITE**  
1023 Trillium Tr.  
West Chicago, IL 60185,

**MEGAN M. PLAIN,**  
148 N. Buckingham  
Sugar Grove, IL 60554,

**MATTHEW C. MCKEE,**  
5342 N. Winthrop #1W  
Chicago, IL 60640,

**JEFFREY D. WILDER and LISA WILDER,**  
840 S. Elm Street  
Hinsdale, IL 60521

and

**ROBERT WILLIAMSON, SR., as Trustee of the  
ROBERT WILLIAMSON, SR. LIVING TRUST,**  
3334 Main Street  
Skokie, IL 60076,

Plaintiffs,

v.

**TOWN OF DELAVAN**  
5621 Town Hall Road  
Delavan Town Hall  
Delavan, WI 53115

Defendant/Third-Party Plaintiff,

**DELAVAN-DARIEN SCHOOL DISTRICT**  
**Clerk: Mr. Jim Hansen**  
324 Beloit Street  
Delavan, WI 53115

**WALWORTH JOINT SCHOOL DISTRICT #1**  
**Clerk: Mary Heyer**  
121 Beloit Street  
Walworth, WI 53184

**FONTANA JOINT 8 SCHOOL DISTRICT**  
**Clerk: Joseph McHugh**  
450 S. Main Street  
Fontana, WI 53125

**WALWORTH COUNTY**  
**County Clerk: Kim Bushey**  
Walworth County Government Center  
100 W. Walworth Street  
Elkhorn, WI 53121

**GATEWAY TECHNICAL COLLEGE**  
**Secretary of District Board: Julie Whyte**  
400 County Road H  
Elkhorn, WI 53121

and,

**DEHAVAN LAKE SANITARY DISTRICT**

**Administrator: Gail Swaine**

2990 County Road F South

Delavan, WI 53115

Third- Party Defendants.

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**THIRD-PARTY COMPLAINT**

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**NOW COMES** the Defendant and Third Party Plaintiff, Town of Delavan, a municipal entity, through its attorneys, Laitsch & Brantmeier, LLC by Attorney Bennett J. Brantmeier and for a third-party complaint against third-party defendants, Delavan-Darien School District, Walworth Joint School District #1, Fontana Joint 8 School District, Walworth County, Gateway Technical College, and Delavan Lake Sanitary District, allege and show the Court as follows:

**GENERAL AVERMENTS**

1. Plaintiffs in this action are property owners on Lake Delavan who reside at the address listed above and have sued the Town of Delavan under §§ 74.35(3)(d) and 74.37(3)(d), "...to recover funds of 2009 real property taxes imposed because of the unlawful and/or excessive assessments of ...real...property."
2. Plaintiffs allege in the original complaint that, "This is an action brought pursuant to Wis. Stats. §§ 74.35(3)(d) and 74.37(3)(d) to recover refunds of 2009 real property taxes imposed because of the unlawful and/or excessive assessments of the real property described [herein]."
3. Defendant and Third-Party Plaintiff, Town of Delavan, alleges and incorporates by reference, as if set forth herein, the specific location of the properties listed in the original complaint and above, as well as the answer and affirmative defenses filed in response thereto.
4. Defendant and Third-Party Plaintiff, Town of Delavan, is a Wisconsin municipal entity with its principal place of business and office located at 5621 Town Hall Road, Delavan, WI 53115.
5. Third-Party Defendant, the School District of Delavan-Darien, a body corporate and politic, with power granted by law, organized and existing under and by virtue of Wisconsin law, having its principle place of business and offices located at 324 Beloit Street, Delavan, WI 53115, whose Clerk is Jim Hansen. Third-

Party Defendant, the school district of Delavan-Darien is joined in this lawsuit as a necessary taxing entity.

6. Third-Party Defendant, Fontana Joint 8 School District, a body corporate, and politic, with power granted by law organized and existing under and by virtue of Wisconsin law, having its principle place of business and offices located at 450 S. Main Street, Fontana, Wisconsin, 53125, whose Clerk is Joseph McHugh. Third-Party Defendant, Fontana Joint 8 School District is joined in this lawsuit as a necessary taxing entity.
7. Third Party Defendant, Walworth JT School District #1, a body corporate and politic, with power granted by law organized and existing under and by virtue of Wisconsin law, having its principle place of business and offices located at 121 Beloit Street, Walworth, Wisconsin, 53184 whose Clerk is Mary Heyer. Third-Party Defendant, Walworth JT School District #1 is joined to this lawsuit as a necessary taxing entity.
8. Third-Party Defendant, Walworth County, a body corporate and politic with power granted by law, organized and existing under and by virtue of Wisconsin law, having its principle place of business and offices located at 100 W. Walworth Street, Elkhorn, WI 53121, whose Clerk is Kim Bushey. Third-Party Defendant, Walworth County is joined to this lawsuit as a necessary taxing entity.
9. Third-Party Defendant, Gateway Technical College, a body corporate and politic with power granted by law, organized and existing under and by virtue of Wisconsin law, having its principle place of business and offices located at 400 County Road H, Elkhorn, WI 53121 whose District Board Secretary is Julie Whyte. Third-Party Defendant, Gateway Technical College is joined to this lawsuit as a necessary taxing entity.
10. Third-Party Defendant, Delavan Lake Sanitary District, a body corporate and politic with power granted by law, organized and existing under and by virtue of Wisconsin law, having its principle place of business and offices located at 2990 County Road F South, Delavan, WI 53115, whose Administrator is Gail Swaine. Third-Party Defendant, Lake Delavan Sanitary District is joined to this lawsuit as a necessary taxing entity.

### **BACKGROUND FACTS**

11. One of the original Plaintiffs, "Rosemary C. Herz as Trustee of the Rosemary C. Herz Trust and as Trustee of the Erwin R. Herz Trust" requested voluntary dismissal from this action which order was granted and entered by the Court on December 10, 2010.

12. Plaintiffs' to the original action allege that the real estate parcels are located on or near Lake Delavan in the Town of Delavan, which location also includes the Third-Party Defendant's taxing districts and/or jurisdictions.
13. The Town of Delavan assessed Plaintiffs' properties for the year 2009 within its and Third-Party Defendants' taxing districts and/or jurisdictions.
14. Plaintiffs, in the original action, allege that their 2009 assessments... "were increased disproportionately" to the increase applied to parcels in other neighborhoods in the Town, and that the assessments exceed the fair market values of Plaintiffs' parcels. (Comp. ¶ 49).
15. Plaintiffs, in the original action, allege that two of the 2009 assessments were based upon factual errors:
  - a) FS 0003 (Maloney): The assessment was based on a formula that assumed lake front footage of 66 feet. It is alleged that the parcel's correct lake footage is 58 feet.
  - b) FMT 00005 (McCarthy): The assessment was based on a formula that assessed lake front footage of 125 feet. It is alleged that the parcel's correct lake footage is 100 feet. (Comp. ¶ 50).
16. Plaintiffs, in the original action, allege that: "with the exception of Lynch and the Kereste Trust, all of the Plaintiffs timely filed objections to the 2009 assessments of their parcels with the Town's Board of Review and presented evidence at Board of Review Hearings. Following such hearings, the Board of Review issued determinations establishing the 2009 final assessments of Plaintiffs' parcels..." (Comp. ¶ 51).
17. Plaintiffs, in the original action, allege that: "The Board of Review notice of determination issued to Handy sets forth a final assessment that exceeds the value determined by the Board at its October 28, 2009 hearing. Handy brought this error to the attention of the Town's Clerk, but the error was not corrected." (Comp. ¶ 52).
18. Plaintiffs, in the original action, allege that: "Lynch failed to file a timely objection to his 2009 assessment with the Board of Review due to health reasons and other extraordinary circumstances. Lynch filed an objection while the Board was in session, together with an explanation for his failure to file a timely objection and requested the Board consider his late-filed objection under the Extraordinary Circumstances Provision of Wis. Stat. § 70.47(a). The Board arbitrarily refused to consider his late-filed objection." (Comp. ¶ 53).
19. Plaintiffs in the original action allege that: "Following a meeting with a trustee of the Kerestes Trust during the open book period preceding the Board of Review's first meeting, the Town's assessor issued a revised assessment notice reducing the

original 2009 assessment of the Kerestes Trust parcel from \$333,500 to \$233,500. The Kerestes Trust was willing to accept the reduced assessment and therefore did not file an objection with the Board of Review. On or about November 4, 2009, the trustees of the Kerestes Trust received a letter from the Board of Review advising that, on its own initiative, the Board had scheduled a hearing on the Kerestes Trust assessment for November 3, 2009. Due to the lateness of the notice, the trustees did not have an opportunity to appear and be heard at the Board hearing. At the hearing, the Board increased the assessment of the Kerestes Trust parcel to \$333,500.” (Comp. ¶ 54).

20. Plaintiffs in the original action allege that: “On January 29, 2010, all of the plaintiffs timely and properly served on the Town their claims for unlawful and/or excessive assessment pursuant to Wis. Stat. §§ 74.35 and 74.37 (“2009 Claims”), seeking refunds...assuming their claims are not resolved until after plaintiffs have paid all installments of 2009 taxes.” (Comp. ¶ 55).
21. Plaintiffs in the original action allege that they “timely paid the first installments of their 2009 property taxes as assessed and satisfied all other conditions for filing the 2009 Claims.” (Comp. ¶ 56).
22. Plaintiffs in the original action allege that: “On or about February 10, 2010 the Town issued notices to the plaintiffs disallowing each of the 2009 Claims.” (Comp. ¶ 57).

#### **PLAINTIFFS’ ORIGINAL CLAIMS FOR RELIEF**

23. Third-Party Plaintiff repeats and re-alleges paragraphs 1 through 22 above as if set forth in full herein.
24. Plaintiffs in the original action allege that: “Wis. Stat. § 70.32 and Wisconsin case law obligate assessors to assess properties based upon the best information available and further obligate assessors to utilize the arms-length sale prices of subject parcels and/or the sale prices of comparable properties in assessing properties.” (Comp. ¶ 59).
25. Plaintiffs in the original action allege that: “Article VIII, Section 1 of the Wisconsin Constitution (the “Uniformity Clause”) states that the ‘rule of taxation shall be uniform...’ The Uniformity Clause requires the Town’s assessor to assess similar properties similarly, using the same or substantially the same methodologies.” (Comp. ¶ 60).
26. Plaintiffs in the original complaint allege that: “The Town’s 2009 assessments of Plaintiffs’ parcels violate Wis. Stat. § 70.32 and the Uniformity Clause in numerous respects, including, but without limitation, the following:

- a) The assessments of plaintiffs' parcels are based upon formulas that are not derived from data on actual market sales.
  - b) The assessments of plaintiffs' parcels exceed fair market values as reflected in recent sales and listings of comparable properties.
  - c) The assessments of the Maloney and McCarthy parcels are based upon incorrect assumptions regarding lake front footage dimensions.
  - d) The assessments of some of plaintiffs' parcels fail to take into account steep slopes, substandard lake frontage and water quality, and other unique characteristics of the parcels that diminish market values.
  - e) The assessments of plaintiffs' parcels violate the Uniformity Clause because the Town assessed parcels in non-lake fronting neighborhoods substantially below fair market value but assessed plaintiffs' parcels, which are located in lake fronting neighborhoods, at or above fair market value." (Comp. ¶ 61).
27. Plaintiffs in the original action allege that: "Additionally, the Board of Review unlawfully increased the assessments of some of plaintiffs' parcels based upon evidence that was presented at hearings on the assessments of other parcels, thereby denying such plaintiffs their constitutional rights to notice and an opportunity to be heard." (Comp. ¶ 62).
28. Plaintiffs in the original action allege that: "Additionally, the Board of Review's notice of determination issued to Hardy imposes an unlawful assessment in violation of Wis. Stat. § 74.35 because the value set forth in the determination notice exceeds the value determined by the Board at its hearing on October 28, 2009." (Comp. ¶ 63).
29. Plaintiffs in the original action allege that: "Additionally, the Board of Review's increase in the assessment of the Kerestes Trust parcel is unlawful because the Board failed to provide adequate notice to the Kerestes Trust of the November 3, 2009 Board of Review hearing. The Kerestes Trust therefore was deprived of its constitutional due process right to notice and the opportunity to be heard." (Comp. ¶ 64).
30. Plaintiffs in the original action allege that: "Additionally, the Board of Review's refusal to consider the objection filed by Lynch was arbitrary and capricious, and represents an abuse of the Board's discretion." (Comp. ¶ 65).
31. Plaintiffs in the original action allege that: "Plaintiffs are entitled to refunds of property taxes imposed for 2009 based on the reductions of their respective assessments, plus statutory interest." (Comp. ¶ 66).

## CONTRIBUTION CLAIM AGAINST THIRD-PARTY DEFENDANTS

32. Third-Party Plaintiff incorporates by reference paragraphs 1 to 31 above as if set forth in full herein.
33. Upon information and belief, Third-Party Defendant, The School District of Delavan-Darian, is a real party of interest in this action. If the final judgment (order for reassessment) reduces any of the tax assessments for 2009, Third-Party Defendants by law are required by law to refund a portion of the taxes paid on all of Plaintiffs' properties with the exception of the three listed in paragraph 34 below.
34. Upon information and belief, Third-Party Defendants, The Walworth JT School District #1 and The Fontana Joint 8 School District are real parties of interest in this action. If the final judgment (order for reassessment) reduces any of the tax assessments for 2009, Third-Party Defendants are required by law to refund a portion of the taxes paid on the following properties:
  - a) Brady Trust FBA 00007
  - b) Cameron FBA 00004
  - c) Kerestes Trust FD 3200011
35. Upon information and belief, Third-Party Defendants, Walworth County, Gateway Technical College and Lake Delavan Sanitary District are all real parties of interest in this action. If the final judgment (order for reassessment) reduces any of the tax assessments for 2009, Third-Party Defendants are required by law to refund a portion of the taxes paid on the listed properties in the case caption above.
36. If the Court ultimately determines that the amount of tax paid by the Plaintiffs was excessive and taxes are thereby refunded under Wis. Stat. § 74.37, there is a statutory procedure for "charging back refunded or rescinded taxes" and "sharing certain collected taxes" Wis. Stat. § 74.41. Upon information and belief, Third-Party Defendants are real parties of interest to this lawsuit as the final judgment or order for reassessment may cause them a loss of revenue from their taxing district or jurisdiction.
37. If this matter was ultimately subject to an order for reassessment as mentioned in the preceding paragraph, the equalized value of the properties located within the Town of Delavan and within Third-Party Defendants taxing jurisdictions may be lowered thereby affecting the tax revenues that each Third-Party Defendant receives.
38. Upon information and belief, joining Third-Party Defendants to this action is necessary for a just and complete adjudication of the issues. Additionally, Third-Party Defendants have an interest in the property taxes paid by Plaintiffs and are

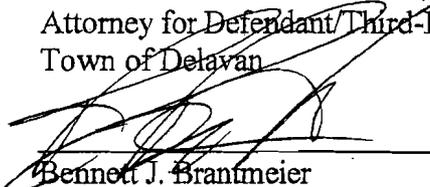
so situated that the disposition of the action in the Third-Party Defendants absence may, as a practical matter, impair or impede Third-Party Defendants ability to protect that interest. Wis. Stat. §§ 803.03 and 803.02.

39. If the final disposition reduces the amount received by Third-Party Defendants, upon information and belief, it would be unfair to the citizens/taxpayers of each district and/or jurisdiction if the Third-Party Defendant was not given due process or an opportunity to be heard on the issues.

**WHEREFORE**, Defendant and Third-Party Plaintiff demands judgment against Third-Party Defendants for contribution in the amounts determined by law and this court, together with costs, disbursements and such other relief as this court finds just and equitable.

Respectfully submitted this 26<sup>th</sup> day of January, 2011.

LAITSCH & BRANTMEIER, LLC  
Attorney for Defendant/Third-Party Plaintiff,  
Town of Delavan



Bennett J. Brantmeier  
WI State Bar #1019428  
100 N. Main Street, Suite 203  
Jefferson, WI 53549  
(920) 674-6220

DATE 2/9/21 TIME 3:26 pm  
PLACE 100 W Walnut St  
Leeds, VA  
MANNER Business  
FROM Walsh County, Kim Bushey, County Clerk  
BY [Signature]  
REGG INVESTIGATIONS

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# SPEER LAW FIRM

A PROFESSIONAL CORPORATION

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THE STILWELL BUILDING  
104 WEST 9<sup>TH</sup> STREET, SUITE 305  
KANSAS CITY, MISSOURI 64105

\* CHARLES F. SPEER  
\*PETER B. BIERI (BRITT)  
\* LICENSED IN MISSOURI AND KANSAS

RECEIVED  
FEB 04 REC'D  
Walworth County Board  
(816) 472-3560  
FAX (816) 421-2150  
TOLL-FREE (866) 472-3560

February 1, 2011

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
AND REGULAR U.S. MAIL  
70090080000144297416

David A. Crass on behalf of Todd Tuls  
1 S. Pinckney Street  
Suite 700  
PO Box 1806  
Madison, WI 53701-1806

*Re: Opposition to construction and operation of Dairy CAFO by Todd Tuls*

Dear Mr. Crass,

We have been retained by the citizens and property owners of Rock and Walworth Counties, Wisconsin listed below who have serious concerns with your client, Todd Tuls' announced plans to construct and operate a 5200 head dairy operation ("CAFO") in Rock County.

The permit application prepared on the proposed facility represents that the CAFO will generate million gallons of manure per year, the approximate equivalent, according to numbers issued by the EPA, to the quantity of waste produced by over 822,000 people, waste that often contains high levels of nitrates, pesticides and pharmaceuticals.

Our clients are of the reasonable belief that confined dairy operations of the size Mr. Tuls proposes present a serious threat to human health and the environment. The likelihood of waste

leaving your client's property and the certainty of emissions of pollutants to the atmosphere poses a serious threat to the health of our clients and their families.

Dairy CAFOs generate huge amounts of waste. That waste has to go somewhere. The standard method of disposing of the waste is to "land apply" it to local fields. However, the waste is applied in such large volumes that the plants on those fields cannot possibly take up all of the "nutrients" contained in the waste. Those unabsorbed nutrients and other contaminants, etc. will eventually find their way into the ground water. Studies have shown that land application of animal waste may result in the leaching of nitrates and other contaminants into the ground water. Mr. Tuls' application states that he will be running center pivot applications six times during the months of June and July. These applications will release enormous quantities of toxic contaminants such as ammonia, methane, hydrogen sulfide and particulate matter. Mr. Tuls' land application fields are within 100-170 feet of neighboring residences. There are other residences less than one-half mile away from the land application fields.

You, and thereby Mr. Tuls, are hereby put on notice of the threat to public health and the environment posed by your client's proposed dairy. Should Mr. Tuls proceed with construction and operation of the proposed facilities, he should also consider this letter as notice of our clients' intention to hold him personally responsible for any harm to human health or the environment including, but not limited to, punitive damages for his knowing and reckless disregard for human health and the environment.

The certainty of the emission of foul and toxic odors from Mr. Tuls proposed facilities as well as the accompanying fly infestations and other noxious effects from his proposed facilities constitutes an unreasonable use of his property to the detriment of our clients. Dairy CAFOs are heavy emitters of methane and ammonia. Your client's proposed facilities will deny our clients the full use and benefit of their properties. You and Mr. Tuls should also consider this letter as notice of our clients' intention to hold Mr. Tuls personally responsible for creating a nuisance that denies them the full benefit and use of their properties.

#### **Concerned Citizens**

Dwight Brass  
Steve and Dru Douglas  
Norbert Larson  
Eugene and Margaret Pulera

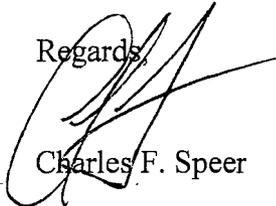
In 2006 a Jackson County Missouri jury found in favor of six plaintiffs that had sued a hog facility in northern Missouri claiming nuisance caused by the odor emitted from the hog facility. The jury awarded each of the plaintiffs \$750,000. In addition the jury ruled that punitive damages should be awarded as well. This does not include the millions of dollars the owners of the hog facility had spent during the years of litigation on attorney fees and expenses.

David A. Crass  
February 1, 2011  
Page 3 of 4

In 2010 another Jackson County Missouri jury found in favor of fifteen plaintiffs from northern Missouri also claiming nuisance caused by the odor emitted from a nearby hog facility awarding them over \$11 million in damages.

I suggest that Mr. Tuls forward a copy of this letter to his insurance carrier and to the company with which he contracts.

Regards,

  
Charles F. Speer

Enclosures

cc: Tim Banwell, Environmental Health Director  
Rock County Public Health Department  
3328 North US Highway 51  
P.O. Box 1143  
Janesville, Wisconsin 53547-1143

J. Russell Podzilni, Chairman  
Rock County Board of Supervisors  
Rock County Courthouse  
51 South Main Street  
Janesville, Wisconsin 53545

Pat Grove, R.N.  
Walworth County Department of Health  
W4051 County NN  
P.O. Box 1005  
Elkhorn, Wisconsin 53121

Nancy Russell, Chairman  
Walworth County Board of Supervisors  
Walworth County Administration  
P.O. Box 1001  
Elkhorn, Wisconsin 53121

Attorney General J.B. Van Hollen  
114 East State Capitol  
Madison, Wisconsin 53707-7857

Wisconsin Department of Natural Resources  
DNR Secretary Cathy Stepp

David A. Crass  
February 1, 2011  
Page 4 of 4

101 South Webster Street  
P.O. Box 7921  
Madison, Wisconsin 53707-7921

RESOLUTION #: 2011- 12

**Title: RESCINDING CHANGES MADE TO PREVAILING WAGE LAWS**

**WHEREAS**, the Wisconsin Legislature and the Governor made extensive changes to prevailing wage laws (Sections 66.0903 and 103.49, Wis. Stats. effective January 1, 2010, by enactment of the State budget, 2009 Wisconsin Act 28; and;

**WHEREAS**, under prior law prevailing wage requirements applied only to multiple-trade public works projects over \$234,000 and single-trade public works projects over \$48,000; and;

**WHEREAS**, under current law prevailing wage requirements apply to public works projects of \$25,000 or more; and;

**WHEREAS**, under prior law the prevailing wage requirements did not apply to private projects that received public financing; and;

**WHEREAS**, under current law the prevailing wage requirements apply to private projects that receive public funding; and;

**WHEREAS**, the reduction in the prevailing wage requirements threshold to \$25,000 will increase the cost of many small public works projects previously exempted from the prevailing wage requirements; and;

**WHEREAS**, the increased costs to pay prevailing wage on all public works projects which cost \$25,000 or more will force counties and other local governments to either reduce the number and/or size of the public works projects or raise taxes to meet the increased costs, which will further burden property taxpayers; and;

**WHEREAS**, the changes that were made to prevailing wage laws effective January 1, 2010, will add to the cost of projects in Vernon County at a time when Vernon County is operating under numerous financial constraints including levy limits and tax rate limits.

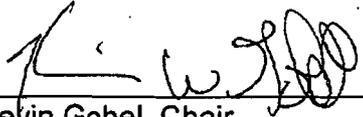
**NOW, THEREFORE, BE IT RESOLVED** that the Vernon County Board of Supervisors in session this 1<sup>st</sup> day of February, 2011 hereby urges the Wisconsin Legislature and the Governor to rescind the changes that were made to prevailing wage laws (Sections 66.0903 and 103.49, Wis. Stats.) effective January 1, 2010 by enactment of the State budget, 2009 Wisconsin Act 28.

**BE IT FURTHER RESOLVED**, that the Vernon County Clerk is hereby authorized and directed to transmit a copy of this Resolution to the Governor of the State of Wisconsin, all Wisconsin State Legislators with a constituency within Vernon County, the Wisconsin Counties Association and all other Wisconsin counties.

Recommended for consideration by the full County Board.

Dated: January 14, 2011

Brought in by Legal Affairs Committee

  
\_\_\_\_\_  
Kevin Gobel, Chair

Vote: 5 yes 0 no 0 absent/abstain

Adopted by Vernon County Board of Supervisors

2-1, 2011

Attest:

  
\_\_\_\_\_  
Ron Hoff, Vernon County Clerk

## 2010 LAWS/DOG LICENSE RECONCILIATION

FEES COLLECTED BY COUNTY CLERK	\$32,137.00
LESS FEES SENT TO STATE (5% MIN FEES 17,866.00)	(893.30)
LESS LOCAL TREASURER FEES	(1,192.00)
MUNIS 8310-44510 END OF YEAR	<u>30,051.70</u>
LESS EXPENSES:	
NEWSPAPERS/ADVERTISING	(85.76)
LICENSES SUPPLIES (TAGS)	(253.95)
BEAR GRAPHICS (BOOKS/CARDS)	(414.95)
<b>TOTAL DUE LAWS</b>	<b><u>\$29,297.04</u></b>

DOG LICENSING STATISTICS

DOG LICENSE FUND  
WALWORTH COUNTY

<u>Year</u>	<u>Number of Dogs Licensed</u>	<u>Dog License Total Receipts</u>	<u>5% to State</u>	<u>Claims Paid For Damages</u>	<u>LAWS Custody Dogs/Cats</u>
1986	5,049	\$16,196.00	\$809.80	\$0.00	\$0.00
1987	4,818	\$15,383.50	\$769.17	\$1,280.00	\$0.00
1988	4,527	\$14,264.00	\$713.21	\$846.00	\$0.00
1989	4,751	\$14,922.50	\$746.13	\$1,234.91	\$0.00
1990	4,788	\$15,009.50	\$750.48	\$22.50	\$0.00
1991	4,686	\$14,184.50	\$709.24	\$1,021.00	\$0.00
1992	4,610	\$20,688.50	\$1,034.48	\$0.00	\$0.00
1993	4,512	\$19,893.00	\$994.65	\$200.00	\$0.00
1994	4,535	\$20,102.00	\$1,005.10	\$50.00	\$0.00
1995	4,769	\$20,325.00	\$1,017.25	\$600.00	\$0.00
1996	4,612	\$19,268.00	\$963.40	\$0.00	\$0.00
1997	4,603	\$19,073.50	\$953.68	\$0.00	\$0.00
1998	4,665	\$19,149.00	\$957.45	\$0.00	\$0.00
1999	4,662	\$18,830.00	\$941.50	\$0.00	\$0.00
2000	4,746	\$18,925.00	\$946.25	\$3,887.00	\$0.00
2001	4,809	\$18,966.00	\$948.30	\$0.00	\$8,598.00
2002	4,838	\$19,122.00	\$956.10	\$0.00	\$6,405.00
2003	4,748	\$18,548.00	\$927.40	\$0.00	\$3,504.50
2004	4,960	\$19,202.00	\$960.10	\$150.00	\$0.00
2005	4,987	\$19,534.00	\$976.70	\$0.00	\$0.00
2006	5,110	\$19,676.00	\$983.80	\$0.00	\$0.00
2007	5,071	\$19,514.50	\$1,267.75	\$0.00	\$0.00
2008	5,045	\$19,203.00	\$960.15	\$1,000.00	\$0.00
2009	4,810	\$18,212.00	\$910.60	\$0.00	\$0.00
2010	4,768	\$32,137.00	\$893.30	\$0.00	\$0.00

December 31, 2010

42

SUMMARY OF 2010 DOG LICENSES SOLD IN WALWORTH COUNTY

Number of males .....	350 @ \$ 11.00 =	\$ 3,850.00
Number of females .....	295 @ \$ 11.00 =	\$ 3,245.00
Number of neutered males .....	2,032 @ \$ 6.00 =	\$12,192.00
Number of spayed females .....	2,078 @ \$ 6.00 =	\$12,468.00
Number of dogs 5 months old after July 1 (Unaltered) .....	4 @ \$ 5.50 =	\$ 22.00
Number of dogs 5 months old after July 1 (Altered) .....	0 @ \$ 3.00 =	\$ 0.00
Number of kennels .....	9 @ \$35.00 =	\$ 315.00
Dogs in excess of 12 per kennel .....	15 @ \$ 3.00 =	\$ 45.00 (per dog)
Total fees collected .....		\$32,137.00

Fees to the State are based on the Min fee of \$8 and \$3 = \$17,866.00  
 5% of min fees payable to State Treasurer..... \$ 893.30

Less local treasurer fees ..... \$ 1,192.00

Less Dog License expenses (printing, supplies  
 advertising, damage, etc.) ..... \$ 754.66

Amount paid to Lakeland Animal Welfare Society ..... \$ 29,297.04

\$1,000.00 Balance for Dog Damage Claims remains in general ledger account  
 number 830-24133

January 19, 2011

# SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

W239 N1812 ROCKWOOD DRIVE • PO BOX 1607 • WAUKESHA, WI 53187-1607 • TELEPHONE (262) 547-6721  
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Serving the Counties of:

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WASHINGTON  
WAUKESHA



## MEMORANDUM

TO: Kimberly S. Bushey, Walworth County Clerk

FROM: William J. Stauber, Chief Land Use Planner, Southeastern Wisconsin Regional Planning Commission

DATE: February 15, 2011

SUBJECT: Transmittal of the Adopted Comprehensive Plan for the Town of East Troy

RECEIVED  
WALWORTH COUNTY CLERK  
2011 FEB 16 AM 8:49

On behalf of the Town of East Troy, we are hereby providing to you a copy of the adopted comprehensive plan for the Town of East Troy, as required in Section 66.1001(4) of the *Wisconsin Statutes*. This report, titled *A Comprehensive Plan for the Town of East Troy: 2035*, is based upon the multi-jurisdictional comprehensive plan for Walworth County, which was previously adopted by the Town of East Troy as its comprehensive plan. The comprehensive plan as presented in the accompanying report was adopted by the East Troy Town Board on December 1, 2010. A copy of the plan adoption ordinance is included at the end of the report.

The Town of East Troy comprehensive plan is also available online on the Town website—[www.townofeasttroy.com](http://www.townofeasttroy.com).

\* \* \*

155867

44.



March 8, 2011 – Walworth County Board Meeting

County Clerk

**Report of the County Clerk Regarding Communications Received by the Board and Recommended to be Placed on File**

Kimberly S. Bushey  
County Clerk

- There were none.

Hearing Date: March 17, 2011

FORM #2b

REPORT OF PETITIONS REFERRED TO  
WALWORTH COUNTY ZONING AGENCY

TO: The County Board of Walworth County

The undersigned County Clerk hereby reports that the following petitions for rezone of lands in Walworth County were referred to the County Zoning Agency for public hearing:

NAME	TOWN	CHANGE REQUESTED	DATE REFERRED
Dwayne Deakins	Lafayette	A-5 to A-1	2-18-11

That copies of said petitions are annexed hereto.

Dated this 21st day of February, 2011.

  
County Clerk

February 18, 2011  
February 18, 2011 - expanded

Please include the following County Zoning Agency items on the March 8, 2011 County Board agenda:

Amendment to Walworth County Code of Ordinances, Walworth County, Wisconsin, Chapter 74-51, 74-61, and 74-131 of the Zoning Ordinance and Chapter 74-178, 74-188 and 74-263 of the Shoreland Zoning Ordinance – approved 5 – 0 (1-20-11 public hearing)

Kelly and Debra Elliott, Town of Linn, Rezone .24 acres of A-1 to A-4 – approved 5 – 0 (2-17-11 public hearing)

CONFORMANCE WITH COUNTY LAND USE PLAN:

The County 2035 Land Use Plan identifies this area as Prime Agricultural Lands in the rezone area and Agricultural Related Manufacturing, Warehousing and Marketing use category in the contractor storage yard area.

Thank you.

ORDINANCE NO. 673 – 03/11

AMENDING SECTIONS 74-51, 74-61, 74-131, 74-178, 74-188 AND 74-263 OF THE  
WALWORTH COUNTY CODE OF ORDINANCE RELATING TO FARM FOOD  
SERVICE

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS  
FOLLOWS:

1 **PART I: That Section 74-51 of the Walworth County Code of Ordinances is hereby**  
2 **amended to read as follows (additions shown by underline; deletions shown by strike-**  
3 **through):**

4  
5 **“Sec. 74-51. Agricultural districts.**

6  
7 *A-4 Agricultural related manufacturing, warehousing and marketing district.* The  
8 primary purpose of this district is to provide for the proper location and regulation of  
9 manufacturing, warehousing, storage, and related industrial and marketing activities that are  
10 dependent upon or closely allied to the agricultural district.

11  
12 (2) *Conditional uses.*

13  
14 ddd. Retail sales related to those agricultural uses listed in A-4. The retail sales  
15 of ancillary non-agricultural items is subject to detailed plan approval by  
16 the committee.

17  
18 eee. Farm food service. The retail sales of ancillary non-agricultural items and  
19 agricultural items not produced on the farm are subject to detailed plan  
20 approval by the committee.

21  
22 (3) *Area, height and yard requirements.”*

23  
24 **PART II: That Section 74-61 of the Walworth County Code of Ordinances is hereby**  
25 **amended to read as follows (additions shown by underline; deletions shown by strike-**  
26 **through):**

27  
28 **“Sec. 74-61. Agricultural and related uses.**

29  
30 (12) *Agricultural-related manufacturing, warehousing, and marketing activities* in the  
31 A-4 district, including contract sorting, grading, and packaging services for fruits  
32 and vegetables; corn shelling, hay baling, and threshing services; spring water  
33 bottling; grist mill services; horticultural services; poultry hatchery services;  
34 production of animal and marine fat and oil; canning of fruits, vegetables,  
35 preserves, jams, and jellies; canning of specialty foods; preparation of cereals;  
36 production of natural and processed cheese; production of chocolate and cocoa

1 products; coffee roasting and production of coffee products; production of  
2 condensed and evaporated milk; wet milling of corn, cottonseed oil milling;  
3 production of creamery butter; drying and dehydrating fruits and vegetables;  
4 preparation of feeds for animal and fowl; production of flour and other grain mill  
5 products; blending and preparing of flour; fluid milk processing; production of  
6 frozen fruits, fruit juices, vegetables, and other specialties; malt production; meat  
7 packing; fruit and vegetable pickling, vegetable sauces and seasoning, and salad  
8 dressing preparation; poultry and small game dressing and packing, providing that  
9 all operations be conducted within an enclosed building; milling of rice;  
10 production of sausages and other meat products; providing that all operations be  
11 conducted within an enclosed building; production of shortening, table oils,  
12 margarine and other edible fats and oils; milling of soy bean oil; milling of  
13 vegetable oil; sugar processing and production; production of wine, brandy and  
14 brandy spirits; farm food service; livestock sales facilities; grain elevators and  
15 bulk storage of feed grain; fertilizer production, sales, mixing, storage and  
16 blending; sales or maintenance of farm implements and related equipment; and  
17 transportation-related activities primarily serving the basic agricultural industry.  
18 Any outside storage or display areas in conjunction with the above commercial  
19 and related uses may be permitted by the committee after considering such  
20 evidence as may be presented at the public hearing bearing upon the general  
21 purpose and intent of this ordinance. In no case shall the area be closer than 25  
22 feet to any right-of-way.”

23  
24 **PART III: That Section 74-131 of the Walworth County Code of Ordinances is hereby**  
25 **amended to read as follows (additions shown by underline; deletions shown by strike-**  
26 **through):**

27  
28 **“Sec. 74-131. Definitions.**

29  
30 *Farm family business:* Any lawful activity, except a farm operation, consisting of uses  
31 which are accessory to an agricultural use listed in the A-4 district except the production,  
32 packing, packaging, and light assembly of products from glass, metals, plaster, and plastics,  
33 conducted primarily for any of the following:

- 34  
35 (1) The purchase, sale, lease or rental of personal or real property;  
36  
37 (2) The manufacture, processing or marketing of products, commodities or any other  
38 personal property;  
39  
40 (3) The sale of services.

41  
42 *Farm food service:* The preparation, serving and sale of agricultural food products  
43 produced on the farm in a meal setting.

44  
45 *Farm stand:* See "roadside stand."

1 **PART IV: That Section 74-178 of the Walworth County Code of Ordinances is hereby**  
2 **amended to read as follows (additions shown by underline; deletions shown by strike-**  
3 **through):**

4  
5 **“Sec. 74-178. Agricultural districts.**

6  
7 *A-4 Agricultural-related manufacturing, warehousing and marketing district.* The  
8 primary purpose of this district is to provide for the proper location and regulation of  
9 manufacturing, warehousing, storage, and related industrial and marketing activities that are  
10 dependent upon or closely allied to the agricultural industry.

11  
12 (2) *Conditional uses.*

13  
14 ddd. Retail sales related to those agricultural uses listed in A-4. The retail sales  
15 of ancillary non-agricultural items is subject to detailed plan approval by  
16 the committee.

17  
18 eee. Farm food service. The retail sales of ancillary non-agricultural items and  
19 agricultural items not produced on the farm are subject to detailed plan  
20 approval by the committee.

21  
22 (3) *Area, height and yard requirements.”*

23  
24  
25 **PART V: That Section 74-188 of the Walworth County Code of Ordinances is hereby**  
26 **amended to read as follows (additions shown by underline; deletions shown by strike-**  
27 **through):**

28  
29 **“Sec. 74-188. Agricultural and related uses.**

30  
31 Agricultural-related manufacturing, warehousing, and marketing activities in the A-4  
32 district, including contract sorting, grading, and packaging services for fruits and vegetables;  
33 corn shelling, hay baling, and threshing services; spring water bottling, grist mill services;  
34 horticultural services; poultry hatchery services; production of animal and marine fat and oil;  
35 canning of fruits, vegetables, preserves, jams, and jellies; canning of specialty foods; preparation  
36 of cereals; production of natural and processed cheese; production of chocolate and cocoa  
37 products; coffee roasting and production of coffee products; production of condensed and  
38 evaporated milk; wet milling of corn; cottonseed oil milling; production of creamery butter;  
39 drying and dehydrating fruits and vegetables; preparation of feeds for animal and fowl;  
40 production of flour and other grain mill products; blending and preparing of flour; fluid milk  
41 processing; production of frozen fruits, fruit juices, vegetables, and other specialties; malt  
42 production, meat packing, fruit and vegetable pickling, vegetable sauces and seasoning, and  
43 salad dressing preparation; poultry and small game dressing and packing, providing that all  
44 operations be conducted within an enclosed building; milling of rice; production of sausages and  
45 other meat products, providing that all operations be conducted within an enclosed building;

1 production of shortening, table oils, margarine and other edible fats and oils; milling of soy bean  
2 oil; milling of vegetable oil; sugar processing and production; production of wine, brandy, and  
3 brandy spirits; farm food service; livestock sales facilities; grain elevators and bulk storage of  
4 feed grain; fertilized production, sales, mixing, storage and blending; sales of farm implements  
5 and related equipment; and transportation-related activities primarily serving the basic  
6 agricultural industry. Any outside storage or display areas in conjunction with the above  
7 commercial and related uses may be permitted by the committee after considering such evidence  
8 as may be presented at the public hearing bearing upon the general purpose and intent of this  
9 ordinance. In no case shall the area be closer than 25 feet to any right-of-way.”

10  
11 **PART VI: That Section 74-263 of the Walworth County Code of Ordinances is hereby**  
12 **amended to read as follows (additions shown by underline; deletions shown by strike-**  
13 **through):**

14  
15 **“Sec. 74-263. Definitions.**

16  
17 *Farm family business:* Any lawful activity, except a farm operation, consisting of uses  
18 which are accessory to an agricultural use listed in the A-4 district except the production,  
19 packing, packaging, and light assembly of products from glass, metals, plaster, and plastics,  
20 conducted primarily for any of the following:

- 21  
22 (1) The purchase, sale, lease or rental of personal or real property;  
23  
24 (2) The manufacture, processing or marketing of products, commodities or any other  
25 personal property;  
26  
27 (3) The sale of services.

28  
29 *Farm food service:* The preparation, serving and sale of agricultural food products  
30 produced on the farm in a meal setting.

31  
32 *Farm stand:* See "roadside stand."  
33

34 **PART VII: This Ordinance shall become effective upon passage.**

35  
36 **PASSED and ADOPTED** by the Walworth County Board of Supervisors this 8<sup>th</sup> day of March,  
37 2011.  
38  
39  
40  
41

42  
43 \_\_\_\_\_  
44 Nancy Russell  
45 County Board Chair

42  
43 \_\_\_\_\_  
44 Kimberly S. Bushey  
45 Attest: County Clerk



**Ordinance No. 673-03/11**  
**Fiscal Note and Policy Impact Statement**

- I. **Title:** Amending Sections 74-51, 74-61, 74-131, 74-178, 74-188 and 74-263 of the Walworth County Code of Ordinance Relating to Farm Food Service
- II. **Purpose and Policy Impact Statement:** This amendment was initiated by the Town of Spring Prairie. The proposed ordinance amendment is to permit A-1 zoned parcels another use option under a Farm Family Business. Currently, the zoning ordinance permits a Farm Family Business as a conditional use in the A-1 district. A farm family business includes those uses listed in the A-4 district, with some exceptions. The proposed amendment will add the use "Farm Food Service" to the A-4 district, which in turn would permit farms the ability to prepare, serve and sell agricultural food products produced on the farm in a meal setting. This proposed ordinance amendment was reviewed by the Land Conservation Committee. The Land Conservation Committee supported the amendment and recommended language to address ancillary non-agricultural products. Language is proposed in Section 74-51/74-178 in the A-4 District to try and address the LCC recommendation. It reads, "The retail sales of ancillary non-agricultural items and agricultural items not produced on the farm are subject to detailed plan approval by the committee". The proposed amendment was also reviewed by the Wisconsin DATCP and received support.
- III. **Is this a budgeted item and what is its fiscal impact:** Passage of this ordinance will have no fiscal impact on the County budget.
- IV. **Referred to the following standing committee(s) for consideration and date of referral:**

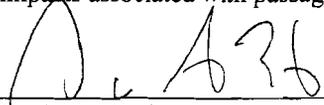
Committee: County Zoning Agency

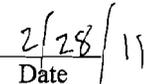
Date: February 17, 2011

Vote: 5 - 0

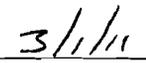
County Board Meeting Date: March 8, 2011

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

  
\_\_\_\_\_  
David A. Bretl  
County Administrator/Corporation Counsel

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Nicole Andersen  
Deputy County Administrator - Finance

  
\_\_\_\_\_  
Date





**Resolution No. 76 – 03/11**  
**Recognizing the UW-Whitewater Warhawks Football Team on the Occasion of  
Their Third NCAA Division III National Championship**

1 Moved/Sponsored by: Executive Committee  
2

3 **WHEREAS**, the University of Wisconsin-Whitewater is an important part of the Walworth  
4 County community; and,  
5

6 **WHEREAS**, the UW-Whitewater Warhawks football team competed in the National Collegiate  
7 Athletic Association (“NCAA”) Division III national football championship game on December  
8 18, 2010 in the Amos Alonzo Stagg Bowl in Salem, Virginia, ending the season with a 15-0  
9 record and earning their third national football championship title in four years with a 31-21 win  
10 over the opponent, the University of Mount Union of Ohio; and,  
11

12 **WHEREAS**, led by Coach Lance Leipold, the Warhawks finished the championship game with  
13 312 rushing yards, with running back Levell Coppage setting a Stagg Bowl record of 299 yards  
14 on 39 carries, breaking a former Warhawk record set in 2007, and earning the game’s MVP  
15 Award.  
16

17 **NOW, THEREFORE, BE IT RESOLVED** that the Walworth County Board of Supervisors  
18 wishes to recognize and congratulate the University of Wisconsin-Whitewater Warhawks  
19 football team for their efforts throughout the 2010 football season, culminating in their third  
20 national championship title in four years.  
21  
22  
23  
24

25 \_\_\_\_\_  
26 Nancy Russell  
27 County Board Chair

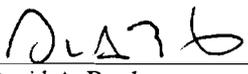
25 \_\_\_\_\_  
26 Kimberly S. Bushey  
27 County Clerk

28  
29 County Board Meeting Date: March 8, 2011  
30

31 Action Required:    Majority Vote   X   Two-thirds Vote \_\_\_\_\_ Other \_\_\_\_\_

Policy and Fiscal Note is attached.

Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

 2/23/11  
Date  
David A. Bretl  
County Administrator/Corporation Counsel

 2/23/11  
Date  
Nicole Andersen  
Deputy County Administrator - Finance

If unsigned, exceptions shall be so noted by the County Administrator.

**Policy and Fiscal Note**  
**Resolution No. 76 - 03/11**

- I. **Title:** Recognizing the UW-Whitewater Warhawks Football Team on the Occasion of Their Third NCAA Division III National Championship
  
- II. **Purpose and Policy Impact Statement:** The purpose of this resolution is to recognize and congratulate the University of Wisconsin-Whitewater Warhawks football team on their third NCAA Division III National Football Championship.
  
- III. **Budget and Fiscal Impact:** Passage of this resolution will have no fiscal impact on the 2011 county budget.
  
- IV. **Referred to the following standing committees for consideration and date of referral:**

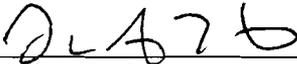
Committee: Executive

Meeting Date: January 17, 2011

Vote: 5 - 0

County Board Meeting Date: March 8, 2011

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

 2/23/11  
\_\_\_\_\_  
Date  
David A. Bretl  
County Administrator/Corporation Counsel

 2/23/11  
\_\_\_\_\_  
Date  
Nicole Andersen  
Deputy County Administrator - Finance









**ORDINANCE NO. 670- 03/11**

**AMENDING SECTION 30-286 OF THE WALWORTH COUNTY CODE OF ORDINANCES RELATIVE TO LAND USE AND RESOURCE MANAGEMENT FEES RELATED TO CAMPGROUNDS**

**THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:**

1 **PART I: That Section 30-286 of the Walworth County Code of Ordinances is hereby**  
 2 **amended to read as follows (additions shown by underline; deletions shown by strike-**  
 3 **through):**

4  
 5 **“Sec. 30-286. Consolidated fee schedule.**

Description	Fee	Effective Date	Authority
Land Use and Resource Management			
Pre-application conference fee for subdivisions, condominium plats <u>and campgrounds</u> 5 or more units or lots or sites commercial/industrial w/10,000 sq. ft. or greater building size or upon applicant request Rezones into ALL M-3, Business zoning districts, and land restoration, on sites 2 acres or greater.	\$1,000	Jan-10	Wis. Stats. § 236.45; Code ch. 58
<u>Public hearing fee-Conditional use hearing: campground</u>	<u>\$575.00; additional \$50.00 per campsite, additional \$200.00 fee may apply if development includes residential use.</u>	<u>Jan-11</u>	<u>Wis. Stats. § 59.696; Code ch. 74</u>

6 **PART II: The effective date of this ordinance shall be January 1, 2011 unless otherwise**  
 7 **noted.**

8  
 9 **PASSED and ADOPTED** by the Board of Supervisors of Walworth County Wisconsin this 8<sup>th</sup>  
 10 day of March, 2011.

11  
 12  
 13  
 14  
 15  
 16 \_\_\_\_\_  
 17 Nancy Russell  
 18 County Board Chair

16 \_\_\_\_\_  
 17 Kimberly S. Bushey  
 18 County Clerk

19 County Board Meeting Date: March 8, 2011

20  
 21 Action Required: Majority Vote  X  Two-thirds Vote \_\_\_\_\_ Other \_\_\_\_\_

*Coz.*

Policy and Fiscal Note is attached.

Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

D. A. Bretl      3/1/2011  
David A. Bretl      Date  
County Administrator/Corporation Counsel

N. Andersen      3/1/11  
Nicole Andersen      Date  
Deputy County Administrator-Finance

If unsigned, exceptions shall be so noted by the County Administrator.



**Resolution No. 80 - 03/11**

**Recognizing Rich Colbert and Louise Olson on Being Awarded the Wisconsin Land Information Association's "Local Government Achievement" Award**

1 Moved/Sponsored by: Land Conservation Committee  
2

3 **WHEREAS**, the Wisconsin Land Information Association ("WLIA") recognizes local,  
4 municipal, tribal and county government entities that have implemented land record  
5 modernization using Wisconsin Land Information Program funds in such ways that exemplify  
6 the program goals, including innovative applications, local data sharing with statewide  
7 accessibility and cooperative agreements; and,  
8

9 **WHEREAS**, the WLIA nominated, among others, Rich Colbert, Applications Supervisor and  
10 Louise Olson, Deputy Director - Land Use & Resource Management, to receive the WLIA's  
11 "Local Government Achievement" award based upon their cooperative efforts in developing a  
12 web application for NR151 Compliance Tracking; and,  
13

14 **WHEREAS**, participation in this cooperative effort will benefit not only Walworth County but  
15 other Wisconsin counties that utilize the web application for tracking compliance with Wisconsin  
16 NR151; and,  
17

18 **WHEREAS**, the Walworth County Board is proud to honor its employees whose hard work  
19 reflects positively on their departments and on Walworth County.  
20

21 **NOW, THEREFORE, BE IT RESOLVED** that the Walworth County Board of Supervisors  
22 hereby expresses its appreciation and recognizes Louise Olson and Rich Colbert for their  
23 cooperative efforts in developing a web application for NR151 Compliance Tracking.  
24  
25  
26

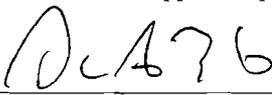
27 \_\_\_\_\_  
Nancy Russell  
28 County Board Chair

\_\_\_\_\_   
Kimberly S. Bushey  
County Clerk

30 County Board Meeting Date: March 8, 2011  
31

32 Action Required:      Majority Vote   X        Two-thirds Vote \_\_\_\_\_      Other \_\_\_\_\_

Policy and Fiscal Note is attached.  
Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

	<u>2/25/11</u>		<u>3/1/11</u>
David A. Bretl	Date	Nicole Andersen	Date
County Administrator/Corporation Counsel		Deputy County Administrator - Finance	

If unsigned, exceptions shall be so noted by the County Administrator.

**Policy and Fiscal Note**  
**Resolution No. 80 – 03/11**

- I. **Title:** Recognizing Rich Colbert and Louise Olson on Being Awarded the Wisconsin Land Information Association's "Local Government Achievement" Award
  
- II. **Purpose and Policy Impact Statement:** The purpose of this resolution is to recognize Rich Colbert, Applications Supervisor and Louise Olson, Deputy Director - Land Use & Resource Management, on being awarded the Wisconsin Land Information Association's "Local Government Achievement" award for their cooperative efforts in developing a web application for NR151 Compliance Tracking.
  
- III. **Budget and Fiscal Impact:** Passage of this resolution will not have any fiscal impact on the County budget.
  
- IV. **Referred to the following standing committees for consideration and date of referral:**

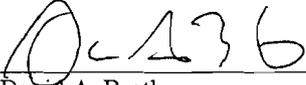
Committee: Land Information

Meeting Date: February 14, 2011

Vote: 4 - 0

County Board Meeting Date: March 8, 2011

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

 2/25/11  
\_\_\_\_\_  
Date  
David A. Bretl  
County Administrator/Corporation Counsel

 3/1/11  
\_\_\_\_\_  
Date  
Nicole Andersen  
Deputy County Administrator - Finance

ORDINANCE NO. 672-03/11

AMENDING CHAPTER 42 OF THE WALWORTH COUNTY CODE OF ORDINANCES  
RELATING TO PARKS AND RECREATION

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS  
FOLLOWS:

1 PART I: That Section 42-1 of the Walworth County Code of Ordinances is hereby  
2 amended to read as follows (addition shown by underline, deletions shown by  
3 strikethrough):  
4

5 “Sec. 42-1. Rules for county parks and trails.  
6

7 (a) The following rules shall apply to the use of county-owned parks and trails,  
8 including the White River State Recreation Trail:  
9

10 (1) Parks and trails shall be open from 6:00 a.m. ~~7~~ to 10:00 p.m. daily. No person  
11 shall use a park or trail outside those hours except by special permit or as  
12 authorized in section 42-1(b)(1).  
13

14 (4) No person may offer for sale any item of any kind ~~unless authorized by a written~~  
15 ~~permit issued by the county~~ unless permitted by County administrative  
16 procedures.  
17

18 (7) Camping is prohibited except within designated camping areas (see 42-2 (a)).  
19

20 (10) Swimming and wading are prohibited. ~~except in designated swimming areas~~  
21 ~~during designated hours and when a lifeguard is present.”~~  
22

23 PART II: That Section 42-2 of the Walworth County Code of Ordinances is hereby  
24 amended to read as follows (addition shown by underline, deletions shown by  
25 strikethrough):  
26

27 “Sec. 42-2. Permits for overnight camping and special events use.  
28

29 (a) Permits may be granted by the county ~~for the following uses~~ for overnight stays,  
30 subject to the following restrictions:  
31

32 (1) ~~Overnight and special events use of park facilities in accordance with procedures~~  
33 ~~approved by the land conservation committee.~~ Overnight stays shall be limited to  
34 two (2) nights.  
35

36 (2) ~~Sales, when such sales are first approved by the land conservation committee.~~ No  
37 campers, motor homes, or any recreational type vehicles are allowed.  
38

1           (3) Sales may be conducted only as permitted by County administrative procedures.

2  
3           (4) There shall be one adult present for every six (6) people under the age of 16.

4  
5           ~~(b) Where a permit is granted for a special event, the permittee has preference for use~~  
6 ~~of the facility reserved.”~~

7  
8 **PART III: This Ordinance shall become effective upon passage.**

9  
10 **PASSED and ADOPTED** by the Walworth County Board of Supervisors this 8<sup>th</sup> day of March,  
11 2011.

12  
13  
14  
15  
16 \_\_\_\_\_  
17 Nancy Russell  
18 County Board Chair

16 \_\_\_\_\_  
17 Kimberly S. Bushey  
18 Attest: County Clerk

19 County Board meeting date: March 8, 2011

20  
21 Action Required:      X   Majority Vote                  2/3 Vote                  Other

Policy and Fiscal Note is attached.

Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

David A. Bretl                      3/11/2011  
Date  
County Administrator/Corporation Counsel

Nicole Andersen                      3/11/11  
Date  
Deputy County Administrator - Finance

If unsigned, exceptions shall be so noted by the County Administrator.

608.

**Ordinance No. 672 – 03/11**  
**Fiscal Note and Policy Impact Statement**

- I. Title:** Amending Chapter 42 of the Walworth County Code of Ordinances Relating to Parks and Recreation
- II. Purpose and Policy Impact Statement:** The purpose of this amendment to Chapter 42, as directed by the Walworth County Park Committee, is to add and update rules governing the use of county-owned parks and trails.
- III. Is this a budgeted item and what is its fiscal impact:** Adoption of this amendment will have no fiscal impact on the County budget.
- IV. Referred to the following standing committee(s) for consideration and date of referral:**

Committee: Park Committee

Date: February 14, 2011

Vote: 4 – 0

County Board Meeting Date: March 8, 2011

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

  
\_\_\_\_\_  
David A. Bretl  
County Administrator/Corporation Counsel

3/11/2011  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Nicole Andersen  
Deputy County Administrator - Finance

3/1/11  
\_\_\_\_\_  
Date