



**WALWORTH COUNTY BOARD OF SUPERVISORS
MEETING**

TUESDAY, DECEMBER 10, 2013 AT 6:00 P.M.

County Board Room
Walworth County Government Center
100 W. WALWORTH STREET
ELKHORN, WI

Board of Supervisors

Nancy Russell – Chair
Jerry A. Grant – Vice-Chair

A G E N D A

Call to Order

Pledge of Allegiance

Invocation

- Jerry A. Grant, Walworth County Board Supervisor, District #4

Roll Call

Withdrawals from Agenda, if any

Approval of the Agenda

Approval of the Minutes

- November 12, 2013 County Board Meeting Minutes

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

Appointments/Elections

1. Health & Human Services (HHS) Board
 - Dr. James Seegers – Three-year term to begin upon County Board confirmation and end on October 12, 2016 (Recommended by the Executive Committee 3-0)
 - Sandra Wagie-Troemel – Three-year term to begin upon County Board confirmation and end on December 10, 2016 (Recommended by the Executive Committee 3-0)
2. Local Emergency Planning Committee (LEPC)
 - Dan Nickels (Recommended by the Executive Committee 3-0)
3. Workforce Development Board (WDB)
 - Lynn Jones
 - Peggy Osborne(Recommended by the Executive Committee 3-0)

Communications and Matters to Be Referred

1. Claims Received After Agenda Mailing

2. Claims: a) Summons and Complaint – Walworth State Bank, Plaintiff, vs. Mark A. Anderson and Kymberley A. Anderson, County of Walworth, State of Wisconsin Bureau of Child Support/Department of Children and Families, Defendants (To be referred to the Executive Committee)
3. Thomas F. Regan’s repurchase of tax parcel #F D 3200096; request for issuance of a Quit Claim deed of conveyance (To be referred to the Finance Committee)
4. Correspondence from State of Wisconsin Department of Natural Resources in regard to the proposed gift of a 13.05 acre easement for the Turtle Creek Wildlife Area in the Town of Darien (To be placed on file)
5. Report of the County Clerk Regarding Communications Received by the Board and Recommended to be Placed on File
6. Report of the County Clerk Regarding Communications Received by the Board After the Agenda Mailing
7. Report of the County Clerk Regarding Zoning Petitions (To be referred to the County Zoning Agency)

Unfinished Business

New Business

Reports of Standing Committees

County Zoning Agency Report of Proposed Zoning Amendments

1. Ord. No. 819-12/13 – Amending Sections 74-59, 74-63, 74-74, 74-131, 74-186, 74-190, 74-203 and 74-263 of the Walworth County Code of Ordinances Relating to Parking Modifications – *Vote Required: Majority* (Recommended by the County Zoning Agency 7-0)
Amendment to Section(s) 74-59, 74-63, 74-74, and 74-131 of the Zoning Ordinance and Section(s) 74-186, 74-190, 74-203, and 74-263 of the Shoreland Zoning Ordinance, Walworth County Code of Ordinances relative to parking modifications – Approved: 7-0 (November 21, 2013 County Zoning Agency Public Hearing)
2. David Flitcroft and Randy Smith, Attorney Richard Torhorst – Applicant, Section 23, Linn Township. Rezone approximately 3.44 acres of B-4 to 1.60 acres of A-5 and 1.84 acres of R-3 – Approved: 7-0 (November 21, 2013 County Zoning Agency Public Hearing)

Executive Committee

1. Ord. No. 823-12/13 – Amending Section 2-45 of the Walworth County Code of Ordinances Relating to County Board Supervisor Insurance Benefits – *Vote Required: Two-thirds* (Recommended by the Executive Committee 3-0)
2. Res. No. 58-12/13 – Extending the Employment Contract of County Administrator David A. Bretl – *Vote Required: Majority* (Recommended by the Executive Committee 4-0)
3. Res. No. 60-12/13 – Supporting Legislation Increasing Petitioner Fees Relating to Election Ballot Recounts and Reducing Vote Margin Thresholds When a Payment is Required – *Vote Required: Majority* (Recommended by the Executive Committee 3-0)
4. Res. No. 61-12/13 – Supporting Legislation Requiring That Any Person Officiating a Marriage Be At Least 18 Years Old and Eliminating the Requirement of a

Sponsorship Letter – *Vote Required: Majority* (Recommended by the Executive Committee 3-0)

5. Res. No. 62-12/13 – Supporting Legislation Changing the Method a Municipality May Collect the Costs of Razing a Building from a Special Tax to a Special Charge and Not Requiring the County to Pay a Municipality’s Razing Costs – *Vote Required: Majority* (Recommended by the Executive Committee 3-0)
6. Res. No. 63-12/13 – Requesting the State of Wisconsin to Uphold Its Funding Commitment to County Victim Witness Coordinator Programs – *Vote Required: Majority* (Recommended by the Executive Committee 3-0)
7. Res. No. 64-12/13 – Supporting Creation of a New Nonpartisan Procedure for the Preparation of Legislative and Congressional Redistricting Plans – *Vote Required: Majority* (Recommended by the Executive Committee 3-0)

Human Resources Committee

1. Ord. No. 820-12/13 – Amending Section 15-394 of the Walworth County Code of Ordinances Relating to Safety Shoes for Public Works Employees – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
2. Ord. No. 821-12/13 – Amending Section 15-359 of the Walworth County Code of Ordinances Relating to Special Pay Premiums for Certain Lakeland Health Care Center Employees – *Vote Required: Majority* (Recommended by the Lakeland Health Care Center Board of Trustees 4-0 and Human Resources Committee 5-0)
3. Ord. No. 822-12/13 – Amending Sections 15-6, 15-634 and 15-810 of the Walworth County Code of Ordinances Relating to Updates to Position Titles – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
4. Res. No. 59-12/13 – Setting Pay Rates for LHCC Pool Employees – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)

Reports of Standing Committees

Reports of Special Committees

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

Chairperson’s Report

Adjournment

Kimberly S. Bushey
Walworth County Clerk

*Supervisors and Committees: Please submit titles for the Tuesday, January 14, 2014 agenda on or before Monday, December 30, 2013.

**NOVEMBER 12, 2013
WALWORTH COUNTY BOARD OF SUPERVISORS
MEETING**

The Walworth County Board of Supervisors meeting was called to order by Chair Russell at 6:05 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, Tim Brellenthin, Vice-Chair Jerry A. Grant, Daniel G. Kilkenny, Kenneth H. Monroe, Carl Redenius, Joe Schaefer, Rick Stacey, David A. Weber, and Chair Nancy Russell. Tim Schiefelbein was absent. A quorum was established.

David A. Weber, Walworth County Board Supervisor, District #7, delivered the invocation.

Amendments, Withdrawals, and Approval of Agenda

On motion by Vice-Chair Grant, seconded by Supervisor Kilkenny, the agenda was approved by voice vote with the amendment of moving Unfinished Business Item 2 to prior to Comment Period by Members of the Public Concerning Items on the Agenda.

Approval of the Minutes

On motion by Supervisor Stacey, seconded by Supervisor Weber, the October 8, 2013 County Board Meeting minutes were approved by voice vote.

On motion by Supervisor Brandl, seconded by Vice-Chair Grant, the October 29, 2013 Public Budget Hearing minutes were approved by voice vote.

Unfinished Business

2. Res. No. 47-10/13 – Recognizing Virginia Hall for Her Contribution to the History of Walworth County Departments Volume II – *Vote Required: Majority* (Recommended by the Executive Committee 5-0)

On motion by Supervisor Weber, seconded by Vice-Chair Grant, **Resolution No. 47-10/13** was approved by voice vote. Chair Russell read the resolution and presented Ms. Hall with copies of the History of Walworth County Departments Volume II and Walworth County History – Excerpts of the Walworth County Proceedings (1839-1962).

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

Michael Hurlburt, N7242 Countryside Lane, addressed the Board regarding the ordinance for the new county park. Mr. Hurlburt stated he is a member of the Park Committee. He said he has listened to the pros and cons of the park, and he does not want to see the county lose this opportunity.

James Houck, 6590 Hospital Road, Burlington, addressed the Board regarding the county park. He said that hunting and trapping must be allowed due to the stewardship grant. He also said the property needs to be something that everyone can use. He stated he does not believe this property is what the county is looking for.

Appointments/Elections

1. 911 Governing Board
 - Jean Froggatt – Two-year term to begin upon County Board confirmation and end on May 8, 2015 (Recommended by the Executive Committee 4-0)
 - Melody Lentz – Two-year term to begin upon County Board confirmation and end on May 8, 2015 (Recommended by the Executive Committee 4-0)
 - Timothy O’Neill – Two-year term to begin upon County Board confirmation and end on May 8, 2015 (Recommended by the Executive Committee 4-0)
2. Aging & Disability Resource Center Governing Board
 - Janet Kelly – Term to begin upon County Board confirmation and end on June 30, 2015 (Recommended by the Executive Committee 4-0)
3. Local Emergency Planning Committee
 - John Ennis
 - Kevin Kennedy
 - Michael Katzenberg
 - Senator Neal Kedzie
 - Michael Ciardo
 - David Fladten
 - Jim Obligato
 - Elizabeth Walsh
 - David Thompson
 - Richard Kuhnke
 - David Graves
 - Nancy Russell
 - Mark Ruosch
 - Kevin Brunner
 - Daniel Plutchak
 - Eric Hudson
 - David Bretl

(Recommended by the Executive Committee 3-0)

On motion by Supervisor Schaefer, seconded by Supervisor Weber, the appointments to the 911 Governing Board, Aging & Disability Resource Center Governing Board, and Local Emergency Planning Committee were approved 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
2. Claims: a) Notice of Claim for Vehicle Damage – General Beverage Sales Co.; b) Notice of Receiver’s Motion, Motion, and Order – In re: B. R. Amon & Sons, Inc. – 13CV00363, Amon & Sons, Inc. – 13CV00365, Amon Land Company, LLC – 13CV00364, Lake Mills Blacktop, Inc. – 13CV00366 (To be referred to the Executive Committee)
3. Wood County Resolution #13-10-2 – To create a new nonpartisan procedure for the preparation of legislative and congressional redistricting plans (To be referred to the Executive Committee)
4. Columbia County Resolution No. 26-13 – Funding for Victim Witness Coordinator Program (To be referred to the Executive Committee)
5. Correspondence from Dave Saalsaa, President of Downtown Whitewater, Inc., in regard to the County Board’s decision not to fund the UW-Extension Walworth County Community & Economic Development Educator position in 2014 (To be placed on file)
6. Correspondence from the Wisconsin Historical Society in regard to Phoenix Hall, located in Delavan, Wisconsin, being considered for removal from the Wisconsin State Register of Historic Places and the National Register of Historic Places (To be placed on file)
7. Correspondence from U.S. Senator Tammy Baldwin in regard to federal tax treatment of municipal bonds (To be placed on file)
8. Correspondence from State of Wisconsin Department of Natural Resources in regard to the Knowles-Nelson Stewardship Program (To be placed on file)

9. Report of the County Clerk Regarding Communications Received by the Board and Recommended to be Placed on File
 - Polk County Resolution No. 35-13 – Resolution in Support of Clean Energy Choice for Wisconsin (was previously referred to the Executive Committee)
 - Winnebago County Resolution No. 236-72013 – Support Legislative Changes So As to Reduce the Number of Non-Violent Offenders Sentenced to Jail or Prison for Alcohol and/or Other Drug Issues (was previously referred to the Executive Committee)
10. Report of the County Clerk Regarding Communications Received by the Board After the Agenda Mailing
 - Ord. No. 810-10/13 – Amending Chapter 42 of the Walworth County Code of Ordinances Relating to Hunting, Fishing and Trapping in County Parks – *Vote Required: Majority* (Recommended by the Park Committee 4-0)
 - Ord. No. 813-11/13 – Amending Section 30-286 of the Walworth County Code of Ordinances Relative to Fees – *Vote Required: Majority* (Recommended by the Finance Committee 4-0)
 - Ord. No. 817-11/13 – Amending Section 15-6 of the Walworth County Code of Ordinances Relating to At-Will Employment – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
 - Res. No. 57-11/13 – Authorizing the Use of the County Cupola Mark by Health & Human Services – *Vote Required: Majority* (Recommended by the Health & Human Services Board 6-0)
 - Outagamie Co. Resolution No. 73—2013-14 – Supports legislation changing the method a municipality may collect the costs of razing a building from a special tax to a special charge and would not require the county to pay a municipality’s costs – To be referred to the Executive Committee
 - Outagamie Co. Resolution No. 74—2013-14 – Supports legislation requiring any person officiating a marriage be at least 18 years old and eliminates the requirements of a sponsorship letter – To be referred to the Executive Committee
 - Outagamie Co. Resolution No. 76—2013-14 – Supports legislation to increase the petitioner fee for an election recount from \$5 to \$25 for each ward the petitioner requests a ballot recount or from \$5 to \$25 for each municipality the petitioner requests a recount where no wards exist – To be referred to the Executive Committee
 - *Walworth County Aging & Disability Resource Center News*, November 2013
11. Report of the County Clerk Regarding Zoning Petitions (To be referred to the County Zoning Agency)
 - David Flitcroft and Randy Smith, Linn Township. Rezone approx. 3.44 acres of B-4 Highway Business District to 1.60 acres of A-5 Agricultural-Rural Residential District and 1.84 acres of R-3 Two-Family Residence District (unsewered)
 - Walworth County Land Use and Resource Management Department, All Townships. Ordinance Repealing and Recreating Article I and Article II of Chapter 65 – Renewable Energy, Wind Energy Systems of the Walworth County Code of Ordinances, in compliance with PSC 128
 - Walworth County Land Use and Resource Management Department, All Townships. Ordinance Repealing and Recreating Article II of Chapter 64 – Telecommunications, Mobile Tower Siting Ordinance, Walworth County Code of Ordinances, in compliance with Wisconsin Act 20

Unfinished Business

1. Ord. No. 810-10/13 – Amending Chapter 42 of the Walworth County Code of Ordinances Relating to Hunting, Fishing and Trapping in County Parks – *Vote Required: Majority* (Recommended by the Park Committee 4-0)
2. Res. No. 47-10/13 – Recognizing Virginia Hall for Her Contribution to the History of Walworth County Departments Volume II – *Vote Required: Majority* (Recommended by the Executive Committee 5-0)

3. Res. No. 51-10/13 – Accepting the Wisconsin Knowles-Nelson Stewardship Program Grants for the White River Park Acquisition and Development – *Vote Required: Majority* (Recommended by the Park Committee 5-0)

Supervisor Kilkenny offered a motion, seconded by Supervisor Weber, to approve Item 1, Ordinance No. 810-10/13. Supervisor Kilkenny offered a motion, seconded by Supervisor Weber, to amend Ordinance No. 810-10/13 as follows: 1) Line 9 of Page 1 shall be amended to read, “Except as provided in (d)(9)...”, 2) Lines 24-40 on Page 3 [(9)a-e] shall be removed, and 3) Line 42 on Page 3 shall be renumbered as follows: “~~(40)~~ (9)”. Supervisor Kilkenny stated the reason for the amendment is to ensure the county is in compliance with the grant requirements. He said that if there are problems in the future, the county cannot change things unilaterally, but there is a process to go through the Wisconsin Department of Natural Resources (DNR) to make amendments or changes. Chair Russell stated that Dan Kaemmerer from DNR was present to answer any questions regarding the ordinance or the stewardship grant. Supervisor Schaefer asked if the county revises the ordinance in the future, if the DNR would ask for the grant money back. Mr. Kaemmerer stated if there is some kind of conflict in the future that is not in accordance with intended DNR policy, they would not ask for the money back, but it would be their full intent to problem solve and determine how to proceed that would be mutually agreeable to both sides. He also said that both the DNR and the county are under a grant contract.

Supervisor Redenius questioned how many permits will be available to the public. Kevin Brunner, Director – Central Services, stated a permitting system would have to be developed with the DNR. Mr. Kaemmerer stated the permitting system will give Walworth County the control of the property with respect to the number of people hunting and trapping in the park at any one time. He said this would be done in cooperation with the DNR to ensure it does not present any hardship or is restrictive with respect to public access for hunting and trapping activities.

Supervisor Kilkenny added another amendment to his original motion, which is as follows: Line 38 of Page 1 should read “Except as provided in ~~(e)~~ (d)(8)...”. This was acceptable to Supervisor Weber, who seconded Supervisor Kilkenny’s original motion. Chair Russell relinquished the chair to Vice-Chair Grant in order to address the Board. Chair Russell stated there was a newspaper article which referenced comments she made at the last Park Committee meeting. She said that she has changed her position on this since the last Park Committee meeting and since it was published in the newspaper, she felt she should be clear about this. She stated she does not want to give up this opportunity and the DNR has been willing to allow the county to make changes in order to protect the public. Chair Russell resumed the chair. Supervisor Schaefer clarified that rifle hunting will be not allowed for safety purposes, only shotgun hunting will be allowed.

A roll call vote was conducted on Supervisor Kilkenny’s amendment to Ordinance No. 810-10/13. Total votes: 10. Ayes: 9 – Brandl, Brellenthin, Grant, Kilkenny, Monroe, Schaefer, Stacey, Weber, and Russell; Noes: 1 – Redenius; Absent: 1 – Schiefelbein. The amendment to Ordinance No. 810-10/13 was approved by roll call vote.

A roll call vote was conducted on Ordinance No. 810-10/13 as amended. Total votes: 10. Ayes: 9 – Brandl, Brellenthin, Grant, Kilkenny, Monroe, Schaefer, Stacey, Weber, and Russell; Noes: 1 – Redenius; Absent: 1 – Schiefelbein. **Ordinance No. 810-10/13** as amended was approved by roll call vote.

Item 2, Resolution No. 47-10/13, was acted upon earlier in the meeting.

Supervisor Kilkenny offered a motion, seconded by Supervisor Weber, to approve Item 3, Resolution No. 51-10/13. Supervisor Stacey asked for clarification if the fuel tanks were dug up at the location. Bretl stated the fuel tanks were dug up as they wanted them removed before the ground froze. Brunner stated this will be credited to the county at closing and assessment of the tanks determined that the site was clean. A roll call vote was conducted on Resolution No. 51-10/13. Total votes: 10. Ayes: 8 – Brellenthin, Grant, Kilkenny, Monroe, Schaefer, Stacey, Weber, and Russell; Noes: 2 – Brandl and Redenius; Absent: 1 – Schiefelbein. **Resolution No. 51-10/13** was approved by roll call vote.

New Business

Reports of Standing Committees

County Zoning Agency Report of Proposed Zoning Amendments

1. Justin and Jodi Ehrhardt (Town of Sugar Creek – Applicant), Section 34, Town of Sugar Creek. Request to amend the 2035 Land Use Plan Map (approximately 16.05 acres) from Prime Agricultural Land to 14.73 acres Other Agricultural, Rural Residential Land Use Category and 1.32 acres Isolated Natural Resource Area for future residential development – Approved: 4-3 (October 17, 2013 County Zoning Agency Public Hearing)
2. Melvin Helms and Constance Glatz-Helms, Section 23, LaGrange Township. Rezone 10.27 acres of A-2 to A-5 – Approved: 5-2 (October 17, 2013 County Zoning Agency Public Hearing)
3. Walter F. (Rick) and Lynn C. Lottig, Section 27, Linn Township. Rezone 4.35 acres of wooded A-1 to A-5 and add the rezone property to the owner’s existing 1.7 acre A-5 lot – Approved: 7-0 (October 17, 2013 County Zoning Agency Public Hearing)

On motion by Supervisor Stacey, seconded by Supervisor Brandl, the County Zoning Agency Report of Proposed Zoning Amendments, Items 1 thru 3, was approved as recommended by the County Zoning Agency.

Executive Committee

1. Res. No. 53-11/13 – Denying the Claim of Raymond L. Franklin – *Vote Required: Majority* (Recommended by the Executive Committee 4-0)

On motion by Supervisor Weber, seconded by Supervisor Brandl, **Resolution No. 53-11/13** was approved by voice vote.

Finance Committee

1. Ord. No. 811-11/13 – Amending Section 30-173 of the Walworth County Code of Ordinances Relating to Health & Human Services Fund Balance Policy – *Vote Required: Majority* (Recommended by the Health & Human Services Board 6-0 and the Finance Committee 4-0)
2. Ord. No. 812-11/13 – Amending Section 30-181 of the Walworth County Code of Ordinances Relating to Enterprise Funds Net Position – *Vote Required: Majority* (Recommended by the Public Works Committee 5-0, Lakeland Health Care Center Board of Trustees 4-0, and Finance Committee 4-0)
3. Ord. No. 813-11/13 – Amending Section 30-286 of the Walworth County Code of Ordinances Relative to Fees – *Vote Required: Majority* (Recommended by the Finance Committee 4-0)
4. Res. No. 54-11/13 – Committing General Fund Balances for Future Building/Equipment – *Vote Required: Two-thirds* (Recommended by the Finance Committee 4-0)
5. Res. No. 55-11/13 – Adopting the 2014 Appropriation of the Walworth County Budget and CIP Plan – *Vote Required: Majority* (Recommended by the Finance Committee 4-0)

6. Res. No. 56-11/13 – Establishing the County Tax Levy to Support the 2014 Budget Appropriation –
Vote Required: Majority (Recommended by the Finance Committee 4-0)

On motion by Supervisor Brandl, seconded by Supervisor Stacey, Item 1, **Ordinance No. 811-11/13**; and Item 2, **Ordinance No. 812-11/13**; were approved by voice vote.

Vice-Chair Grant offered a motion, seconded by Supervisor Weber, to approve Item 3, Ordinance No. 813-11/13. Bretl stated the Board could address Supervisor Redenius’s Budget Amendment E at this time, which is creating a new permit to remove invasive species only with no fee. Supervisor Kilkenny offered a motion, seconded by Supervisor Redenius, to amend the fee schedule with the following:

Description	Fee	Effective Date	Authority
Land Use and Resource Management			
Waterfront zoning permit - Vegetation removal/shoreland - removal and replacement of invasive species only	No fee (General Permit)	Jan-14	Wis. Stats. § 59.69; Code ch. 74

Supervisor Kilkenny clarified that this would create a new waterfront zoning permit, but a general permit would still be required. The amendment to Ordinance No. 813-11/13 was approved by voice vote. **Ordinance No. 813-11/13** as amended was approved by voice vote.

Supervisor Schaefer offered a motion, seconded by Vice-Chair Grant, to approve Item 4, Resolution No. 54-11/13. On motion by Supervisor Stacey, seconded by Supervisor Weber, **Resolution No. 54-11/13** was approved by unanimous consent.

Vice-Chair Grant offered a motion, seconded by Supervisor Stacey, to approve Item 5, Resolution No. 55-11/13. The budget amendments (BA) were discussed at this time.

BA-A: Bretl stated this amendment takes an increase in transportation aids of \$200,000 and utilizes an additional \$78,516 of the tax levy to provide a sufficient fund for workers compensation. On motion by Supervisor Brandl, seconded by Supervisor Kilkenny, Budget Amendment A was approved by voice vote.

BA-B: Russell stated this amendment is to increase the CIP request for single axle plow trucks from two to three as a result of the Wisconsin Department of Transportation requesting the county to increase its level of service for highway maintenance. She also said that Public Works would like to keep trucks #56 and #91 as reserves rather than retiring them. She stated the net budget impact is zero and the funding source will be Public Works equipment replacement funds. On motion by Supervisor Schaefer, seconded by Vice-Chair Grant, Budget Amendment B was approved by voice vote.

BA-C: Supervisor Redenius offered a motion, seconded by Supervisor Brandl, to approve Budget Amendment C, which is to remove funding for the acquisition of the White River Park. Supervisor Redenius stated that he feels that the property is overvalued. He said the county’s offer is approximately \$10,000 per acre. He questioned how the money will be paid back to the general fund and stated that this purchase will cost the taxpayers. Budget Amendment C failed.

BA-D: Supervisor Stacey offered a motion, seconded by Supervisor Redenius, to approve Budget Amendment D, which is to remove funding for the second Ag agent. If passed, this amendment would result in a reduction to the levy in the amount of \$63,000. Chrissy Wen, UW-Extension, stated she appreciates the county’s willingness to add another Ag agent as the Farm Technology Days is a huge undertaking for the department. Supervisor Kilkenny stated they do not want the current Ag agent

stretched too thin while working on the Farm Technology Days so that she cannot perform her normal duties. Supervisor Redenius stated the reason he proposed this budget amendment is because the department did not ask for the second Ag agent and the current Ag agent gave him the impression that she did not need the help. Supervisor Weber stated this is a huge project and if we deny the availability of additional manpower to get the planning done upfront, he fears that the county may come up short. Chair Russell stated this is not adding an additional person in UW-Extension as the CNRED agent position is being eliminated. Bretl said the state was funding the CNRED agent position 60%; however, the state will not do the same for the additional Ag agent. Jim Stowell, Executive Committee Chairperson for the Farm Technology Days, stated more information will be provided in the future regarding the upcoming Farm Technology Days. He said they expect 800 exhibitors at the event, which Walworth County will be hosting in 2016, and they are in the process of raising funds for the event. He also said that Peg Reedy, Ag Agent, is working very hard and he would support the extra help. Budget Amendment D failed.

BA-E: Chair Russell stated this budget amendment was addressed earlier in the meeting with the amendment to the fee schedule (Ordinance No. 813-11/13).

Item 5, **Resolution No. 55-11/13** as amended with approved budget amendments A, B, and E was approved by voice vote.

The Board took a 5-minute recess at 7:20 p.m.

The Board resumed the meeting at 7:26 p.m. Supervisor Schaefer was excused at that time.

Nicki Andersen, Deputy County Administrator – Finance, distributed a revised Resolution No. 56-11/13 to reflect changes from the approved budget amendments. Andersen stated with the budget as amended, the 2014 levy is currently \$2,003 less than last year's levy, which is equivalent to a 0% levy change. She said there is a 3.37% increase in the mill rate, which is due to declining equalized value. On motion by Vice-Chair Grant, seconded by Supervisor Stacey, Item 6, **Resolution No. 56-11/13**, was approved by voice vote.

Health & Human Services Board

1. Res. No. 57-11/13 – Authorizing the Use of the County Cupola Mark by Health and Human Services – *Vote Required: Majority* (Recommended by the Health & Human Services Board 6-0)

Vice-Chair Grant offered a motion, seconded by Supervisor Monroe, to approve Resolution No. 57-11/13. On motion by Vice-Chair Grant, seconded by Supervisor Monroe, Resolution No. 57-11/13 was amended to include language that there be a contract explaining or describing the use of the county cupola mark/logo. **Resolution No. 57-11/13** as amended was approved by voice vote.

Human Resources Committee

1. Ord. No. 814-11/13 – Amending Section 15-17 of the Walworth County Code of Ordinances Relating to Authorized Positions by Department Based on the 2014 Budget – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
2. Ord. No. 815-11/13 – Amending Sections 15-359, 15-1045 and 15-1048 of the Walworth County Code of Ordinances Relating to Compensation for Certain CDEB Employees – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
3. Ord. No. 816-11/13 – Amending Sections 15-4, 15-6, 50-2 and 50-3 of the Walworth County Code of Ordinances Relating to the LHCC Administrator Position – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)

WALWORTH COUNTY
HEALTH AND HUMAN SERVICES BOARD

STATE OF WISCONSIN)
) SS
COUNTY OF WALWORTH)

I, the undersigned Chair of the Walworth County Board of Supervisors, do hereby re-appoint Dr. James Seegers, M.D. to the Health and Human Services Board for an additional three-year term to begin upon confirmation and end on October 12, 2016, or until a successor is named.

Dated this 10th day of December 2013.

Nancy Russell, Chair
Walworth County Board of Supervisors

Nomination for Committee/Board/Commission Appointment

Committee: Health and Human Services (HHS) Board

Nominee: Dr. James Seegers

Address: W5494 Lost Nation Road

Elkhorn, WI 53121

Submitted by: David Bretl, County Administrator

Authority: Section 59.18, Wisconsin Statutes

Who will the nominee replace? _____

When did/does the incumbent's current term expire? October 12, 2013

Was this vacancy advertised? _____

Comment County Board appointment of Dr. Seegers would be for an additional three-year

term to begin upon confirmation and end on October 12, 2016.

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

For incumbents, committee attendance, if known:

WALWORTH COUNTY
NOTICE OF INTEREST TO SERVE AS A CITIZEN REPRESENTATIVE

Name: Seegers, James

Date: 9/18/13

Mailing Address: WS 494 Lost Nation Rd
Elkhorn, WI
53121

Phone: 262-742-2224

I reside in: the Town of _____

the Village of _____

the City of Elkhorn (Lauderdale Lakes)

Please consider me for appointment to: Volunteer position
health + human services committee

I am interested in serving as a citizen representative because: _____

Have served 1 term, and am available
to continue to serve. Am a retired physician
+ surgeon. Have lived here since 1978.

Originally Mr. Bretl asked me to consider volunteering so as to have a doctor on the committee.

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

Worked as surgeon at Lakeland Medical Center
since 1978. Have knowledge + experience in many
areas this committee deals with.

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.

James Seegers 9/18/13
Signature of Applicant Date

Feel free to attach any additional documentation to this form.

WALWORTH COUNTY
HEALTH AND HUMAN SERVICES BOARD

STATE OF WISCONSIN)
) SS
COUNTY OF WALWORTH)

I, the undersigned Chair of the Walworth County Board of Supervisors, do hereby re-appoint Sandra Wagie-Troemel to the Health and Human Services Board for an additional three-year term to begin upon confirmation and end on December 10, 2016, or until a successor is named.

Dated this 10th day of December 2013.

Nancy Russell, Chair
Walworth County Board of Supervisors

Nomination for Committee/Board/Commission Appointment

Committee: Health and Human Services (HHS) Board

Nominee: Sandra Wagie-Troemel

Address: 210 Parkside Drive

Whitewater, WI 53190

Submitted by: David Bretl, County Administrator

Authority: Section 59.18, Wisconsin Statutes

Who will the nominee replace? _____

When did/does the incumbent's current term expire? _____

Was this vacancy advertised? _____

Comment County Board appointment of Ms. Wagie-Troemel would be for an additional

three-year term to begin upon confirmation and end on December 10, 2016.

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

For incumbents, committee attendance, if known:

**WALWORTH COUNTY
NOTICE OF INTEREST TO SERVE AS A CITIZEN REPRESENTATIVE**

Name: Sandra Wagle-Troemel

Date: 9-18-13

Mailing Address: 210 Parkside Dr
Whitewater
WI 53190

Phone: 262-473-
8069
Cell
414-690-5206

I reside in: the Town of _____
 the Village of _____
 the City of Whitewater

Please consider me for appointment to: Health & Human
Services Board

I am interested in serving as a citizen representative because: _____

I am vested in the Children &
Elderly of Walworth County and
want to insure we stay on track to help all.

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

was on HHS Board when I was on the
County Board. Have served on HHS since
as a citizen Rep.

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.

Sandra Wagle Troemel 9-18-2013
Signature of Applicant Date

Feel free to attach any additional documentation to this form.

Nomination for Committee/Board/Commission Appointment

Committee: Local Emergency Planning Committee (LEPC)

Nominee: Dan Nickels

Address: 331 David Street

Darien, WI 53114

Submitted by: David Bretl, County Administrator

Authority: Section 59.18, Wisconsin Statutes

Who will the nominee replace? Taylor Vanness

When did/does the incumbent's current term expire? _____

Was this vacancy advertised? _____

Comment Mr. Nickels' application is attached. His term would begin upon County Board confirmation.

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

For incumbents, committee attendance, if known:

**WALWORTH COUNTY
NOTICE OF INTEREST TO SERVE AS A CITIZEN REPRESENTATIVE**

Name: Dan NICKELS.

Date: OCT-1-13.

Mailing Address: _____

Phone: 262-607-0010

331 DAVID ST

DARIEN WJ 53114

I reside in: the Town of _____

the Village of Darien

the City of _____

Please consider me for appointment to: LEPC

I am interested in serving as a citizen representative because: I AM

Involved in the Community + Business interests
+ feel I can assist in this AREA.

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

Currently working in the "Industry"
Field.

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.

Dan Nickels
Signature of Applicant

10/10/13
Date

Feel free to attach any additional documentation to this form.

Nomination for Committee/Board/Commission Appointment

Committee: Workforce Development Board (WDB)

Nominees: Lynn Jones and Peggy Osborne

Address: (see attached applications)

Submitted by: David Bretl, County Administrator

Authority: Section 59.18, Wisconsin Statutes

Who will the nominee replace? Ms. Jones will replace Lisa Furseth, who resigned; Ms. Osborne will be a new appointee.

When did/does the incumbent's current term expire? _____

Was this vacancy advertised? _____

Comment Workforce Development Board appointments are not for a term specific. Appointments are reviewed regularly. Both appointments will begin upon County Board confirmation.

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

For incumbents, committee attendance, if known:

**WALWORTH COUNTY
NOTICE OF INTEREST TO SERVE AS A CITIZEN REPRESENTATIVE**

Name: Lynn Jones

Date: 10-7-13

Mailing Address: 20 Eclipse Center
Beloit, WI
53511

Phone: 608-313-1310

I reside in: the Town of _____
 the Village of _____
 the City of Janesville

Please consider me for appointment to: Walworth County Work
force Development Board

I am interested in serving as a citizen representative because: As a
Community Action, Inc. Director, the agency
is an advocate for and supports programming
for those in poverty in Walworth County.

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

Over 20 years of experience in employment
& training in the state-line area; currently
Employment & Training Director for Community Action, Inc.

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.

Lynn Jones
Signature of Applicant

10-7-13
Date

Feel free to attach any additional documentation to this form.

LYNN A. JONES

22 N. Oakhill Ave.
Janesville, Wisconsin 53548
E-mail: joneslynna08@yahoo.com

Home Phone: (608) 752-3448
Cell Phone: (608) 751-7317
Work Phone: (608) 313-1310

The following summarizes the extensive employment, training and education experience working with diverse low-income populations throughout Southern Wisconsin, currently working with Rock and Walworth County populations.

EMPLOYMENT EXPERIENCE

Non-Profit Community Development Experience-over twenty years of continuous related experience

Employment & Training Director/Community Action Inc., Janesville, WI (6/04 to Present)
One Stop/Job Center Manager/SW WI Workforce Development Board, Janesville, WI (2/02-6/04)
Job Center Coordinator/Rock County, Janesville, WI (11/97-2/02)
Job Center Coordinator/Blackhawk Technical College, Janesville, WI (01/96-11/97)
Program Manager/Private Industry Council of Rock County, Janesville, WI (07/93-12/95)
JobPlus Coordinator/YWCA, Janesville, WI (06/92-06/93)

- Leader and advocate of collaborative efforts for local non-profit organizations related to youth, low-income, homeless, victims of domestic violence, seniors, child care, and fatherhood initiatives
- Advocate for nontraditional programs and projects for women since 1992, local and state level
- Grant writing experience, making foundations/local, state and federal requests including: State of Wisconsin Department of Workforce Development, U.S. Department of Labor (DOL), and U.S. Department of Housing and Urban Development (HUD)
- Working with budgets that exceed one million since 2002, reviewing profit and loss statements and developing corrective action as needed
- Experience as the Limited English Proficiency (LEP) Coordinator and Civil Rights Compliance Officer to promote equality and diversity, experience with diverse ethnic and economic populations
- Promote organizational awareness in cultural competence and poverty issues (involved in poverty simulations and training)
- Grant development and monitoring of housing projects including transitional living and shelter services in Rock and Walworth Counties for victims of domestic violence, teen parents, individuals with disabilities and alcohol and other drug abuse issues
- Responsible for coordination of job center system in six county area (Grant, Green, Iowa, Lafayette, Richland and Rock) through the Job Center Coordinator and One Stop Manager roles
- Extensive experience with formal and informal presentations at the local, state, and national levels
- Facilitator for the development of the Rock County Job Center facility, including organization of partners, planning, design, development of Memorandums of Understanding, operating agreements, leases, policies and procedures; facility obtained recognition as the #1 One Stop in the Nation and Model One Stop by the U.S. Department of Labor
- Public relations experience in media contacts as well as marketing strategies; involved in website development and organizational promotional efforts
- Responsibilities include staff supervision, team development and organization of work experience/volunteers
- Active in strategic planning and program development, including incorporation of Baldrige quality criteria, results oriented management, and logic model principles
- Proficient in the use of various computer software, primarily Microsoft Office Suite and knowledge of computer networks
- Knowledgeable on current federal legislation, including Workforce Investment Act (WIA), DOL, HUD, community block grants

Teaching and School Experience-five years experience

Substitute Teacher and At Risk Supervisor/Janesville Public Schools and
Franklin Middle School, Janesville, WI (1991/92 and 1984/85)
Chapter One Assistant/Charter School Curriculum Development/Fort Wayne, IN (1989-1991)
Internship, Junior High Teacher and High School Coach/Seymour, WI (1977/78)

At Risk Supervisor/Substitute Teacher

➤ students at risk ➤ K-12, all subjects ➤ recreation director

Education Instructional Assistant/Resource Assistant

➤ students with special needs ➤ at risk students ➤ curriculum development
Assisted in the organization of the first elementary school aerospace program, applied curriculum

Junior High Physical Education Teacher/Coach

➤ skill development ➤ High School coach ➤ team teaching

High School Physical Education Teacher/Coach

➤ leisure skills curriculum ➤ assistant coach ➤ internship
*11-12 grade elective program, emphasis on leisure activities:
cross country skiing, cycling, indoor games, yoga, racquetball, and tennis*

Other Management Experience-twelve years experience

Co-Owner Amos' Restaurant, Janesville, WI (1992 to 1997)
➤ site development ➤ system design ➤ staff training

Manager/Elaine Powers, Seattle, WA (1978 to 1984)
➤ individual counseling ➤ troubleshooter ➤ individual plan development
Responsible for staffing, training, and accounting for a national fitness center

EDUCATION AND OTHER TRAINING

UNIVERSITY OF WISCONSIN - WHITEWATER

Whitewater, WI

Master of Science Degree - 1996

Community Counseling Emphasis - Career Counseling Specialization

UNIVERSITY OF WISCONSIN - LACROSSE

LaCrosse, WI

Bachelor of Science Degree - 1977

Dean's List, Physical Education Major, Recreation Minor, Coaching Concentration

OTHER TRAININGS (2000 to Present)

- Cultural Competence
- Wisconsin Forward Award Examiner
- Bridges Out of Poverty
- Leadership Development Academy

PROFESSIONAL AFFILIATION

Blackhawk Technical College Creative Technology Options Advisory Member; Community and
Business Development

I 39/90 Stakeholders Advisory

Wisconsin Forward Award

The National Association of Workforce Development Professionals

State of Wisconsin Nontraditional Options Advisory

Rock County Job Center Management Team

Action Council/Homeless Intervention Task Force

**WALWORTH COUNTY
NOTICE OF INTEREST TO SERVE AS A CITIZEN REPRESENTATIVE**

Name: Peggy Osborne

Date: 10-17-13

Mailing Address: 30 E. Sedgemoor St
Elkhorn, WI
53121

Phone: 202-581-6952

I reside in: the Town of _____
 the Village of _____
 the City of Elkhorn

Please consider me for appointment to: Tri-County Board

I am interested in serving as a citizen representative because: I believe

seeing on the board will benefit local
companies as well as ^{the} citizens to

determine needs of the communities &
employers. look for opportunities to grow

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

and support
positive
change.

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.

Peggy Osborne 10-10-13
Signature of Applicant Date

Feel free to attach any additional documentation to this form.

Peggy Osborne

Objective To obtain a position in Warehouse Management that is challenging and flexible.

Experience

2009 – current Birds Eye Foods / Pinnacle Foods Darien, WI
Distribution Superintendent

- Manage over 600,000 sq. ft warehouse
- Inventory of over 100 million pounds / 65,000 pallet positions in a frozen food environment.
- Lead and Manage all 3 shifts to include over 55+ forklift drivers in a Union Environment and a team of 7 Salaried Management Staff
- Implemented LEAN procedures to reduce cost

2001 - 2009 Birds Eye Foods Inc. Darien, WI
Office / Warehouse Supervisor

- Maintained monthly budgets, and petty cash.
- Managed office staff, ordered supplies.
- Travel as necessary to train other facilities on our AS/400 system.

1998 - 2001 Birds Eye Foods Inc. Darien, WI
Distribution Coordinator

- Daily appointments, checking in drivers, and customer service.
- Filing, answering phones, and miscellaneous reports.
- Travel to other facilities to train other employees.

1996 - 1998 Frank Holton Co. Elkhorn, WI
Lacquer / Degreaser

- Degreased French horns (musical instruments).
- Lacquered French horns.
- Touched up flaws on the horns (drips, runs).

1995 - 1996 Lakeland Nursing Home Elkhorn, WI
Certified Nursing Assistant

- Daily activities with the elderly.
- Feeding, changing, and bathing the elderly.
- Daily reports on activity throughout the unit.

Education

1995 Gateway Technical College Elkhorn, WI

- Certificate in the Certified Nursing Assistant program

1999 - 2001 Gateway Technical College Elkhorn, WI

- Associate of Applied Science degree.

Interests Computers, travel, FAMILY

References References available upon request.

RECEIVED
WALWORTH COUNTY CLERK

STATE OF WISCONSIN:

CIRCUIT COURT:

WALWORTH COUNTY:

2013 NOV 19 AM 10:09

WALWORTH STATE BANK
105 N. Highway 67
Walworth, WI 53184,

Plaintiff,

-vs-

MARK A. ANDERSON and
KYMBERLEY A. ANDERSON
25 W. Sedgemoor Street
Elkhorn, WI 53121,

-and-

COUNTY OF WALWORTH
c/o Kimberly S. Bushey, Walworth County Clerk
1800 County Road NN
Elkhorn, WI 53121,

-and-

STATE OF WISCONSIN BUREAU OF CHILD
SUPPORT/DEPARTMENT OF CHILDREN
AND FAMILIES
c/o J.B. VanHollen, Wisconsin Attorney General
Risser Justice Center
17 West Main Street
Madison, WI 53707,

Defendants.

File No. **13 CV 01050**

Case Classification Type:
Foreclosure of Mortgage

Code No. 30404

FILED

NOV 07 2013

WALWORTH COUNTY
CLERK OF CIRCUIT COURT
DUSTIN VEPLY

SUMMONS

THE STATE OF WISCONSIN

To each person named above as a Defendant:

You are hereby notified that the Plaintiff 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.

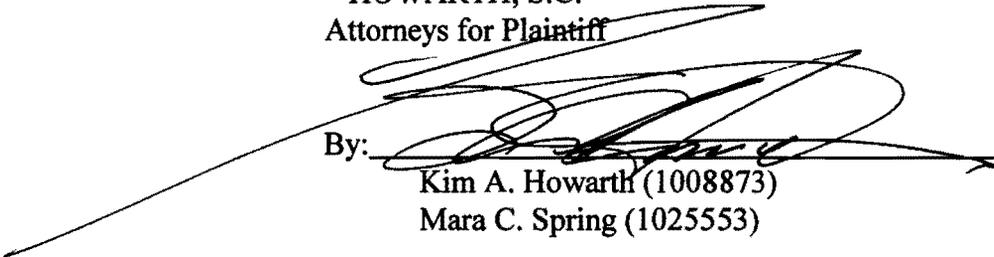
To Defendants, Mark A. Anderson and Kymberley A. Anderson: Within 20 days of receiving this Summons, you must respond with a written answer, as that term is used in Wis. Stat. ch. 802, to the Complaint. The Court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the Court, whose address is the Walworth County Judicial Center, 1800 County Road NN, Elkhorn, Wisconsin 53121, and to Plaintiff's attorneys, Godfrey, Leibsle, Blackbourn & Howarth, S.C., Attn. Kim A. Howarth, whose address is 354 Seymour Court, Elkhorn, Wisconsin 53121. 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.

To Defendants, County of Walworth and State of Wisconsin Bureau of Child Support/Department of Children and Families: Within 45 days of receiving this Summons, you must respond with a written answer, as that term is used in Wis. Stat. ch. 802, 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 the Court, whose address is the Walworth County Judicial Center, 1800 County Road NN, Elkhorn, Wisconsin 53121, and to Plaintiff's attorneys, Godfrey, Leibsle, Blackbourn & Howarth, S.C., Attn. Kim A. Howarth, whose address is 354 Seymour Court,

Elkhorn, Wisconsin 53121. You may have an attorney help or represent you. If you do not provide a proper answer within 45 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 this 6 day of November, 2013.

GODFREY, LEIBSLE, BLACKBOURN &
HOWARTH, S.C.
Attorneys for Plaintiff

By: 

Kim A. Howarth (1008873)

Mara C. Spring (1025553)

Kim A. Howarth
GODFREY, LEIBSLE, BLACKBOURN &
HOWARTH, S.C.
354 Seymour Court
Elkhorn, Wisconsin 53121
Telephone: (262) 723-3220
Facsimile: (262) 723-5121
email: khowarth@godfreylaw.com

T:\WALWORTH\StateBank\Anderson\Mark and Kymberley\offcopy\summons-3.wpd

STATE OF WISCONSIN:

CIRCUIT COURT:

WALWORTH COUNTY:

WALWORTH STATE BANK,

Plaintiff,

File No. **13 CV 01050**

-vs-

Case Classification Type:
Foreclosure of Mortgage

MARK A. ANDERSON, KYMBERLEY A.
ANDERSON, COUNTY OF WALWORTH, and
STATE OF WISCONSIN BUREAU OF CHILD
SUPPORT/DEPARTMENT OF CHILDREN
AND FAMILIES,

Code No. 30404

Defendants.

FILED

NOV 07 2013

WALWORTH COUNTY
CLERK OF CIRCUIT COURT
DUSTIN VEPELY

COMPLAINT

NOW COMES the above-named Plaintiff, by its attorneys, Godfrey, Leibsle, Blackburn & Howarth, S.C., and as and for a cause of action against the above-named Defendants, alleges and shows to the Court as follows:

1. Plaintiff, Walworth State Bank ("WSB"), is a state banking corporation, with offices located at 105 N. Highway 67, Walworth, Wisconsin 53184, engaged in, among other things, the mortgage lending business.

2. Defendants, Mark A. Anderson ("Mark Anderson") and Kymberley A. Anderson ("Kymberley Anderson") (collectively, "Andersons"), upon information and belief, are adults, husband and wife, residing at 26 W. Sedgemoor Street, Elkhorn, Wisconsin 53121.

3. Defendant, County of Walworth ("County"), upon information and belief, is a creditor pursuant to a judgment in favor of the Walworth County Clerk of Circuit Court and against Kymberley Anderson, docketed in the Office of the Clerk of Circuit Court, Walworth County, Wisconsin, as Case No. 2013-FA-000269, on August 7, 2013, in the sum of \$50.18, and pursuant

to a judgment in favor of the Walworth County Clerk of Circuit Court and against Kymberley Anderson, docketed in the Office of the Clerk of Circuit Court, in Case No. 2013-FA-000269, on August 14, 2013, in the amount of \$125.44. The County's agent for service of process is Kimberly S. Bushey, Walworth County Clerk, whose office is located at 1800 County Road NN, Elkhorn, Wisconsin 53121.

4. Defendant, State of Wisconsin Bureau of Child Support/Department of Children and Families ("WBCS"), upon information and belief, is a creditor pursuant to a Lien filed by WBCS, against Mark Anderson, and docketed in the Office of the Clerk of Circuit Court, Kenosha County, Wisconsin, on August 11, 1988, as Lien No. 450254, in the sum of \$560.82. The WBCS' agent for service of process is J.B. VanHollen, Wisconsin Attorney General, whose principal office is located at Risser Justice Center, 17 West Main Street, Madison, Wisconsin 53707.

FIRST CAUSE OF ACTION

WSB realleges and incorporates herein by reference paragraphs 1 through 4 of this Complaint.

5. On February 20, 2012, for value received, the Andersons did duly make, execute, and deliver to WSB a Note, in writing, dated that date, in the amount of \$185,422.39 ("Note 1"). A copy of Note 1 is attached hereto as Exhibit A and incorporated herein by reference.

6. In order to secure the payment of Note 1, on February 20, 2013, the Andersons did duly execute, acknowledge, and deliver to WSB a mortgage ("Mortgage") to the following described real property:

Lot 55, Elkhorn West Addition No. 1, being part of the Northeast 1/4 and southeast 1/4 of the Southeast 1/4 of Section 35, T3N, R16E, and part of the Northeast 1/4 of the Northeast 1/4 of Section 2, T2N, R16E, City of Elkhorn, Walworth County, Wisconsin.

Tax Key No. YEW1 00055

("Mortgaged Premises.") A copy of the Mortgage is attached hereto as Exhibit B and incorporated herein by reference.

7. The Mortgage was duly acknowledged so as to entitle the same to be recorded, and the same was recorded in the Office of the Register of Deeds for Walworth County, Wisconsin, on February 27, 2012, as Document No. 832909.

8. The Andersons have failed to comply with the terms and conditions of Note 1 and the Mortgage (collectively, "Loan Documents"), by failing and neglecting to pay the monthly payments, as required.

9. The Andersons have further failed to comply with the terms and conditions of the Loan Documents by failing and neglecting to pay the sums due thereunder, with interest when due; and that there is justly due and owing, according to the terms and conditions of the Loan Documents, as of October 2, 2013, the following amounts:

Principal balance:	\$181,320.16
Interest to October 2, 2013:	\$2,431.72
Late charges:	\$177.04
Satisfaction fee:	\$30.00
Statement fee:	\$10.00
Projected escrow reserves:	(\$2,074.17)
Interest on escrow to October 2, 2013:	<u>(\$2.07)</u>
TOTAL:	<u>\$181,892.68</u>

Interest continues to accrue on Note 1 at the rate of \$19.75 *per diem*.

10. According to the provisions of the Loan Documents, WSB declares the entire principal balance of the Loan Documents due and payable, and has authorized and directed foreclosure proceedings to be instituted on said Loan Documents.

11. No proceeding has been had at law or otherwise for recovery of the sums secured by said Loan Documents.

12. WSB is still the lawful owner and holder of the Loan Documents.

13. The Mortgaged Premises, upon information and belief, is a one to four family residence that is owner occupied.

14. Upon information and belief, the Mortgaged Premises is the homestead of the Andersons, and the Andersons have not relinquished possession and control of the Mortgaged Premises and have not abandoned the same.

15. The interest or lien of the County, if any, is subsequent, subordinate, and junior to WSB's interest.

16. The interest or lien of the WBCS, if any, is subsequent, subordinate, and junior to WSB's interest.

17. Pursuant to Wis. Stat. § 846.101, WSB waives its right to assert a deficiency under Note 1 against the Andersons after sale of the Mortgaged Premises, and requests that the Court impose a six-month period of redemption, pursuant to Wis. Stat. § 846.101(2). WSB does not waive any of its rights under Note 2 and hereby asserts its right to collect the full amount owed under Note 2, as more specifically set forth in the Second Cause of Action, below, pursuant to *Harbor Credit Union v. Samp*, 2011 WI App 40, ¶ 32, 332 Wis. 2d 214, 796 N.W.2d 813.

SECOND CAUSE OF ACTION

WSB realleges and incorporates herein by reference paragraphs 1 through 17 of this Complaint.

18. On May 14, 2012, for value received, the Andersons did duly make, execute, and deliver to WSB a Note, in writing, dated that date, in the amount of \$11,206.35 ("Note 2"). A copy of Note 2 is attached hereto as Exhibit C and incorporated herein by reference.

19. The Andersons have failed to comply with the terms and conditions of Note 2 by failing and neglecting to pay the monthly payments, as required.

20. The Andersons have further failed to comply with the terms and conditions of Note 2 by failing and neglecting to pay the sums due thereunder, with interest when due, and that there is justly due and owing, according to the terms and conditions of Note 2, as of October 2, 2013, the following amounts:

Principal balance:	\$10,642.01
Interest to October 2, 2013:	\$192.43
Late charges:	<u>\$16.92</u>
TOTAL:	<u>\$10,851.36</u>

Interest continues to accrue on Note 2
at the rate of \$1.60 *per diem*.

21. According to the provisions of Note 2, WSB declares the entire principal balance of Note 2 due and payable.

22. No proceeding has been had at law or otherwise for recovery of the sums due under Note 2.

23. WSB is still the lawful owner and holder of Note 2.

24. WSB is entitled to a personal judgment against the Andersons in the sum of \$10,851.36, plus ongoing interest at the rate of \$1.60 *per diem* from October 2, 2013, through the date of judgment, and its costs, disbursements, and reasonable attorney fees incurred in prosecuting this matter.

WHEREFORE, WSB demands judgment:

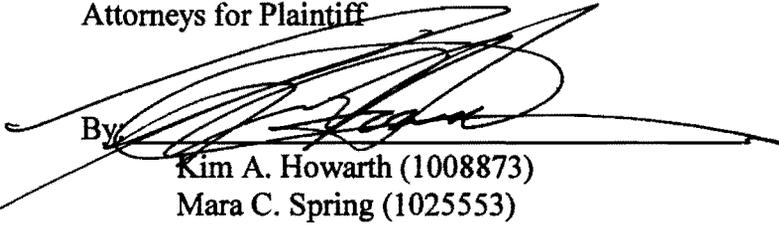
- a. For foreclosure and sale of the Mortgaged Premises as provided by law.
- b. For all amounts due for principal, interest, taxes, late charges, costs, disbursements, and attorney fees.
- c. Ordering that the Andersons, and all persons claiming under them, be barred and foreclosed of all right, claim, and equity of redemption in and to the Mortgaged Premises, except the right to redeem the same before sale, as provided by law.
- d. For sale of the Mortgaged Premises, or such part thereof as may be sufficient to pay the amounts due under the Loan Documents, with interest to the time of such payment, together with late charges, costs, disbursements, and actual attorney fees incurred in prosecuting this action, and such additional amounts as WSB may advance for payment of taxes, insurance, and other expenses upon said premises, with interest on the same as allowed by law, from the date of judgment, out of the proceeds of such sale so far as the monies arising out of such sale and proceeds applicable thereto will pay the same.
- e. Enjoining the Andersons from committing waste upon the Mortgaged Premises, or doing any other act which may impair the value of the Mortgaged Premises between the date of judgment and the date of sale of the Mortgaged Premises, and the date the sale of the Mortgaged Premises is confirmed by the Court.
- f. Ordering that in the event there is a sale of the Mortgaged Premises, the Andersons, and all persons claiming under them, be barred and foreclosed of all right, title, and equity of redemption in and to the Mortgaged Premises so sold.
- g. For a personal judgment against the Andersons, jointly and severally, in the amount of \$10,857.36, plus ongoing interest at the rate of \$1.60 per day from October 2, 2013, through the date of judgment, and

WSB's actual costs, disbursements, and reasonable attorney fees incurred in prosecuting this action.

- h. For such other and further relief as the Court may deem just and equitable.

Dated this 6 day of November, 2013.

GODFREY, LEIBSLE, BLACKBOURN &
HOWARTH, S.C.
Attorneys for Plaintiff

By 

Kim A. Howarth (1008873)
Mara C. Spring (1025553)

Pursuant to the Fair Debt Collection Practices Act (15 U.S.C. Section 1692), we are required to state that we are attempting to collect a debt on our client's behalf and any information we obtain will be used for that purpose.

Kim A. Howarth
GODFREY, LEIBSLE, BLACKBOURN &
HOWARTH, S.C.
354 Seymour Court
Elkhorn, Wisconsin 53121
Telephone: (262) 723-3220
Facsimile: (262) 723-5121
email: khowarth@godfreylaw.com
T:\WALWORTH\StateBank\Anderson\Mark and Kymberley\offcopy\complaint-3.wpd

RECEIVED
WALWORTH COUNTY CLERK

WILLIAM A. REGAN, J.D., C.P.A.

REGAN LAW OFFICE

2937 North 121st Street
Wauwatosa, WI 53222

2013 NOV 21 PM 2:02

Email : reganlaw@att.net

Tel: (414) 302-0700 • Fax: (414) 302-0701

November 15, 2013

Atty. Michael P. Cotter
Deputy Corporation Counsel Walworth County
1800 County Rd NN # 1020
P.O. Box 1001
Elkhorn, WI. 53121-1001

RECEIVED
NOV 19 2013
CORPORATION COUNSEL
WALWORTH COUNTY

Re: Thomas F. Regan's repurchase of tax parcel # F D 3200096; request for issuance of a Quit Claim deed of conveyance.

Dear Atty. Cotter:

Enclosed please find the following items for your review in this matter:

1. My letter, dated September 12, 2013, to Ms. Valerie Etzel regarding my client's repurchase of his property.
2. Walworth County Treasurer's office tax receipts received of Thomas F Regan for the repurchase.
3. Default Judgment foreclosing the tax liens on the above-referenced parcel.
4. Affidavit and Petition for Amendment of Default Judgment.
5. Default Judgment Amendment.
6. Walworth County Code of Ordinances Chapter 62 Taxation, Article I In General & Article II Property Taxes.

My above-referenced client, pursuant to Wis. Stat. Sec. 75.35(3) and Walworth County Code of Ordinance ("Ordinance") Sec. 62-44(b), submitted payments (enclosures 1 and 2) on September 12, 2013 for the repurchase of his property, tax parcel # F D 3200096, that he lost title to on June 10, 2013 when the Default Judgment (enclosure 3) foreclosing the tax liens on his property was filed. In accordance with Sec. 62-44(c), my letter (enclosure 1) to Ms. Valerie Etzel, Treasurer Walworth County, requested that the county issue a Quit Claim deed to him thereby returning title ownership to him.

By way of background information, prior to the Default Judgment, the property was co-owned by my client and Lawrence Chapman. Mr. Chapman alone placed a mortgage on

the property with Bank of America and real estate taxes were escrowed for. For reasons I have not been able to determine, the Bank did not pay any of the taxes for 2009 and did not fully pay the amount of taxes due for 2010 and 2011 as shown by the receipt information in Enclosure 2. These non-payments resulted in the Default Judgment.

Ordinance Sec. 62-41 adopted the provisions of Wis. Stat. Sec. 75.521 for the purpose of enforcing tax liens. Ordinance Sec. 62-43(a) provides that the county will sell tax deeded lands pursuant to Wis. Stat. ch. 75. Ordinance Sec. 62-2 defines tax-deeded lands to have the meaning set forth in Wis. Stat. Sec. 75.35(1), which Sec. defines tax-deeded lands to include lands acquired by a county through enforcement of the collection of delinquent taxes by an action in rem under Sec. 75.521.

Wis. Stat. Sec. 75.521(8) provides, in relevant part, that in default cases "... the court ... shall render final judgment ordering and adjudging that the county is vested with an estate in fee simple absolute in such lands, subject to ... recorded restrictions as provided by s. 75.14(4) and all persons, both natural and artificial ... who may have had any right, **title** (emphasis added), interest, claim, **lien** (emphasis added), or equity of redemption in such lands, are forever barred and foreclosed of such right, **title**, interest, claim, **lien** or equity of redemption." The Sec. further provides that "Such judgment shall have the effect of the issuance of a **tax deed** (emphasis added) or deeds and of judgment to bar former owners and quiet title thereon." The Default Judgment language recites the language provided in Sec. 75.521(8). Sec. 75.14(4) clearly provides, in relevant part, that "Whenever a deed in the chain of title shall contain valid and enforceable restrictions and covenants running with the land, ... said restrictions and covenants shall survive and be enforceable after the issuance of a tax deed ... but this subsection shall not protect covenants creating any debt or **lien** against or upon the property..."

In *Leciejewski v. Sedlad*, 116 Wis. 2d 629, 342 N.W. 2d 734 (1984) citing *Foreclosure of Tax Liens v. Young*, 106 Wis. 2d 244, 316 N.W. 2d 362 (1982), the Wisconsin Supreme Court stated that "...the clear intent of sec. 75.521, Stats., is to foreclose all rights, titles, interests, liens, and claims in the property that is subject to the foreclosure, ... The provisions in sec. 75.521 also reflect an intent to ensure that once a valid foreclosure judgment is rendered, the judgment vests in the county an estate in the property in fee simple absolute, which the county may then pass on. Further, a tax deed is not derivative, but creates a new title that extinguishes all former titles and liens not expressly exempted from its operation."

Wis. Stat. Sec. 75.35(3) provides, in relevant part, that a county may by ordinance provide that "... in the sale of tax-deeded lands, the former owner who lost his or her title through delinquent tax collection enforcement procedure ... may be given such preference in the right to purchase such lands as such ordinance shall provide." Pursuant to this authority, Walworth County adopted Ordinance Sec. 62-44 Preference to former owners in tax sales. Ordinance Sec. 62-44(a) states the "...purpose of this ordinance is to permit the **sale** (emphasis added) of certain tax delinquent lands to the **former owner** (emphasis added) who lost his title through delinquent tax collection enforcement procedure..." Ordinance Sec. 62-44(b) provides that the former owner who lost his title shall be entitled to **repurchase** (emphasis added) his property upon payment to the county treasurer of all delinquent taxes, interest, penalties, fees and charges. Enclosures 1 and 2 document the timely payments of these repurchase amounts. Ordinance Sec. 62-44(c) directs the county treasurer to cause the tax parcel to be conveyed to the person who made payment therefore. These enclosures document that my client alone made the payments and is entitled to a quit claim deed of conveyance. Additionally, it should be noted that Wis. Stat. Sec. 75.35(e) provides, in relevant part, that "... any county ... may sell and convey tax-deeded lands to the former owner ... and such conveyance shall not operate to

revive ... any other *lien* (emphasis added) whatsoever which was cut off and rendered void by the ... action in rem under s. 75.521...”.

Furthermore, in the case of *Bank of Commerce v. Waukesha County*, 89 Wis. 2d 715, 279 N.W. 2d 237 (1979), the Wisconsin Supreme Court held that a strict reading of Wis. Stats. sec. 75.35(3) and sec. 75.521 and a county ordinance adopting sec. 75.35(3) compelled the result that allowed a former owner mortgagor to repurchase his property free of the mortgage lien.

Ordinance 62-44(c) provides that when a former owner repurchases his land in a sale transaction, the county treasurer shall cause such lands to be conveyed to the person making payment therefore in the form of a quit claim deed or amended judgment as determined by the corporation counsel. The Default Judgment Amendment (enclosure 5), as it pertains to my client’s property, is for the reasons hereinafter set forth void and of no legal effect for transfer of title back to my client.

First, the amended judgment contains no words of conveyance of the county’s tax deed to my client. A real estate sale transaction requires the seller to provide a buyer with a deed of conveyance evidencing the transaction.

Second, the amended judgment language excluding my client’s property from the operation of the Default Judgment appears to be a vacation of the judgment as it applies to only my client’s property thereby reinstating the prior co-ownership of the property and the mortgage lien. This result would be in total contradiction of the specific provisions of Sec. 75.521 governing in rem tax foreclosure proceedings and the court’s holding in the *Bank of Commerce*, supra, and for which there is no statutory authorization for it in all of Chapter 75. Additionally, the amended judgment does not cite any of the grounds set forth in Wis. Stat. 806.07(1) that would authorize a court to entertain a motion to re-open a default judgment. Furthermore, my client was not provided with notice and opportunity to be heard on the motion to re-open the default judgment thereby rendering the amended judgment of no legal effect (see *Gittel v. Abram*, 2002 WI App 113, 255 Wis. 2d 767, 649 N.W. 2d 661, 01-1132 and *Larry v. Harris*, 2008 WI 81, 311 Wis. 2d 326, 752 N.W. 2d 279, 05-2935).

Third, the Affidavit and Petition for Amendment of Default Judgment (enclosure 4) recites a factually incorrect basis to justify the proposed amendment; that is, that subsequent to the entry of the default judgment, the property was “...*redeemed* (emphasis added) by the *owners* (emphasis added)...”. Wis. Stat. Sec. 75.521(5) addresses the right of redemption and, in relevant part, provides that “Every person...having any right, title, or interest in, or lien upon, any parcel described in such list (that is the treasurer’s list of tax liens filed in the treasurer’s office and in the office of the clerk of the circuit court in accordance with Wis. Stat. Sec. 75.521(3)) may *redeem* (emphasis added) such parcel by paying all of the sums mentioned in such list of tax liens ...*before* (emphasis added) the expiration of the *redemption period* (emphasis added) mentioned in the notice published pursuant to sub. (6)... In the event of the failure to redeem ... by any person having the right to redeem...within the time herein limited, such person, ... from and after the date of filing of said list of tax liens with the clerk of the circuit court, shall be forever barred and foreclosed of all of his...right, title and interest in and to the parcel described in such list of tax liens and a judgment in foreclosure may be taken as herein provided. Upon redemption as permitted by this section, the person redeeming shall be entitled to a certificate evidencing such redemption from the county treasurer...and the fact of such redemption shall be noted upon the tax rolls in the office of the county treasurer, who shall file a certified copy of such redemption certificate with the clerk of the circuit court and upon such filing, such clerk shall note the word “Redeemed” and the date of such

filing opposite the description of said parcel on such list of tax liens. Such notation shall operate to cancel the notice of pendency of the proceeding with respect to such parcel...”

The Default Judgment recites that the last day for redemption was April 11, 2013, which date ended prior to my client’s repurchase date of September 12, 2013. The Default Judgment recites the affidavit of default of the county treasurer as stating that those parcels listed in the list contained in the affidavit, which list identified my client’s parcel, remained “*unredeemed*” (emphasis added) as of the last day for redemption. Wis. Stat. Sec. 75.521(8) provides that in the event of a failure to redeem by a person having a right to redeem, “the court... shall render final judgment ordering and adjudging that the county is vested with an estate in fee simple absolute in such lands... Such judgment shall have the effect of the issuance of a tax deed ... and of judgment to bar former owners and quiet title thereon.”

Thus, a redemption period precedes and ends before a final default judgment of foreclosure can be rendered. In a redemption situation the property owner never lost title to his property; whereas in a former owner repurchase situation, title was lost and with the entry of a default judgment a tax deed to the property was conveyed to the county.

Thus, under the statutory scheme of in rem tax foreclosure procedures, it is not legally possible for a person to “redeem” his property after a default judgment of foreclosure has been entered. Therefore, the Default Judgment Amendment (enclosure 5) grounded upon the erroneous factual assertion of property being “*redeemed*” by the “*owners*” (my client was the only repurchaser of the property) is void and of no legal effect.

Fourth, as discussed above, the Default Judgment vested Walworth County with a fee simple absolute title to my client’s property which the county may then pass on and this tax deed creates a new title that extinguishes all former titles and liens not expressly exempted from its operation. The Default Judgment Amendment attempts to rescind the county’s tax deed thereby nullifying its effect and restoring the ownership and lien status of my client’s property to that which existed before the Default Judgment was entered as if the judgment never occurred in the first instance. The court has no statutory authority to rescind a tax deed that was lawfully issued. In the case of *Jackson County v. Department of Natural Resources*, 2006 WI 96, 293 Wis. 2d 497, 717 N.W. 2d 713, 04-2582 (2006), the Wisconsin Supreme Court held that when a county accepts a tax deed, all property rights vest in fee simple absolute in the county and that the county has no statutory authority to rescind a tax deed that was lawfully issued and to thereby unilaterally impose property ownership on a third party and that such an attempted rescission has no effect on ownership of the property. Thus, based on the court’s decision, at this point in time, Walworth County continues to be the lawful owner of my client’s property as the Default Judgment Amendment is void and of no legal effect to transfer property ownership.

Fifth, a successful bidder at a tax foreclosure auction who purchases the property is issued a quit claim deed by the county to convey the property. A former owner who repurchases his property is a purchaser as is the successful bidder and is similarly entitled to be issued a quit claim deed. To deny the issuance of a quit claim deed to a former owner repurchaser would be constitutionally impermissible as a violation of the equal protection of the laws clause, U.S. Const., Amend. XIV, Sec.1.

Based upon the above analysis and discussion, it is my position that the Default Judgment Amendment is void and of no legal effect, that it should be vacated and set aside under Wis. Stat. Sec. 806.07(1)(a) on the grounds of mistake of fact, in that the property was not *redeemed* but rather was in fact *repurchased* by its former owner. Therefore, my client is entitled to have the county issue a quit claim deed to him to transfer the property

Atty. Michael P. Cotter
November 15, 2013
Page 5

ownership that he purchased. Additionally, a quit claim deed would avoid a potential cloud on title issue that now exists under the Default Judgment Amendment.

Thank you for your review of this matter. I shall look forward to hearing from you.

Sincerely,


William A. Regan

Enclosures

RECEIVED
WALWORTH COUNTY CLERK

2013 NOV 21 PM 2: 02

WILLIAM A. REGAN, J.D., C.P.A.

REGAN LAW OFFICE

2937 North 121st Street
Wauwatosa, WI 53222

Email : reganlaw@att.net
Tel: (414) 302-0700 • Fax: (414) 302-0701

COPY

September 12, 2013

HAND DELIVERED

Ms. Valerie Etzel
Treasurer, Walworth County
Walworth County Government Center
Room 103
100 W Walworth
PO Box 1001
Elkhorn, WI 53121

Re: Thomas F Regan's repurchase of tax parcel # F D 3200096.

Dear Ms. Etzel:

Pursuant to Wis. Stat. Sec. 75.35(3) and Walworth County Code of Ordinance Sec. 62-44, Thomas F Regan, as former owner of parcel # F D 3200096, submits the following cashier checks in full payment of all delinquent taxes, interests, penalties and costs for the repurchase of said parcel:

1. Wells Fargo Bank Cashier's Check payable to Treasurer, Walworth County in the amount of \$ 11,305.42.
2. Wells Fargo Bank Cashier's Check payable to Treasurer, Walworth County in the amount of \$ 165.00.
3. Wells Fargo Bank Cashier's Check payable to Register of Deeds, Walworth County in the amount of \$ 30.00.

In accordance with Ordinance Sec. 62-44(c), it is requested that title be conveyed to Thomas F Regan by quit claim deed.

Please date stamp the enclosed copy of this letter to acknowledge receipt of this letter and enclosed checks and return the same to the undersigned.

Thank you for your assistance in this matter.

Sincerely,

William A Regan
William A Regan

Enclosures

0001313 11-24
Office AU # 1210(8)

CASHIER'S CHECK

0131310549

Operator I.D.: milw0503 milw0503

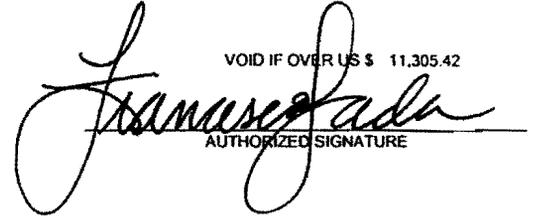
September 11, 2013

PAY TO THE ORDER OF ***TREASURER, WALWORTH COUNTY***

Eleven thousand three hundred five dollars and 42 cents

***\$11,305.42**

WELLS FARGO BANK, N.A.
131 W LAYTON AVE
MILWAUKEE, WI 53207
FOR INQUIRIES CALL (480) 394-3122

VOID IF OVER US \$ 11,305.42

AUTHORIZED SIGNATURE

⑈0131310549⑈ ⑆121000248⑆4861 513018⑈

0001313 11-24
Office AU # 1210(8)

CASHIER'S CHECK

0131311020

Operator I.D.: milw0503 milw0503

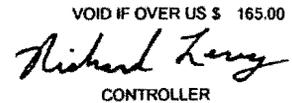
September 11, 2013

PAY TO THE ORDER OF ***TREASURER, WALWORTH COUNTY***

One hundred sixty-five dollars and no cents

***\$165.00**

WELLS FARGO BANK, N.A.
131 W LAYTON AVE
MILWAUKEE, WI 53207
FOR INQUIRIES CALL (480) 394-3122

VOID IF OVER US \$ 165.00

CONTROLLER

⑈0131311020⑈ ⑆121000248⑆4861 512978⑈

0001313 11-24
Office AU # 1210(8)

CASHIER'S CHECK

0131311021

Operator I.D.: milw0503 milw0503

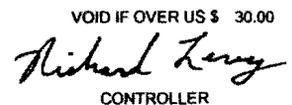
September 11, 2013

PAY TO THE ORDER OF ***REGISTER OF DEEDS, WALWORTH COUNTY***

Thirty dollars and no cents

***\$30.00**

WELLS FARGO BANK, N.A.
131 W LAYTON AVE
MILWAUKEE, WI 53207
FOR INQUIRIES CALL (480) 394-3122

VOID IF OVER US \$ 30.00

CONTROLLER

⑈0131311021⑈ ⑆121000248⑆4861 512978⑈

Walworth County Treasurer
 Valerie Etzel
 100 W Walworth PO Box 1001
 Elkhorn, WI 53121
 Phone: (262) 741-4251
 Fax: (262) 741-4383
 Email: treasurer@co.walworth.wi.us

Tax Receipt

WALWORTH COUNTY
 PO BOX 1001
 ELKHORN WI 53121

Receipt Number
 750161

Received

Receipt Date
 9/12/2013 11:47:00 AM

Payment Date
 9/12/2013 11:47:00 AM

Entered 9/12/2013 11:48:30 AM by R01

Received Of
 THOMAS F REGAN

Notes
 VNE - T01

Payment Methods

Type	Number	Amount
Cashier's Check	0131310549	\$11,305.42
Total Received		\$11,305.42

If payment is made by check, receipt is not valid until all checks have cleared all banks.

Tax Parcels

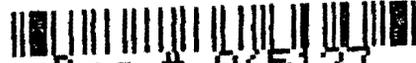
Tax Parcel No.	Tax Year	Owner	General Tax	Spec. Assmt/ Tax	Interest	Penalty	Total Paid	Amount Due 08/12/13
006 F D 3200096	2009	WALWORTH COUNTY	\$6,339.73		\$2,789.48	\$1,394.74	\$10,523.95	0.00
006 F D 3200096	2010	WALWORTH COUNTY	\$441.63		\$141.32	\$70.66	\$653.61	0.00
006 F D 3200096	2011	WALWORTH COUNTY	\$98.35		\$19.67	\$9.84	\$127.86	0.00

For parcels that are not paid in full, interest and penalty are not included in the amount due if tax bill is delinquent. Contact the County Treasurer's Office for current payoff amount.

DEFAULT JUDGMENT

Document Number

Document Title



Doc # 865127

Recorded
June 13, 2013 3:34 PM

DONNA R. PRUESS
REGISTER OF DEEDS
WALWORTH COUNTY, WI
Total Pages: 7

Default Judgment - Case No. 13-CV-64

Name and Return Address

Walworth County Treasurer
PO Box 1001
Elkhorn, WI 53121

Parcel Identification Number (PIN)

This information must be completed by submitter: document title, name & return address, and PIN (if required). Other information such as the granting clause, legal description, etc., may be placed on this first page of the document or may be placed on additional pages of the document. Note: Use of this cover page adds one page to your document and \$2.00 to the recording fee. Wisconsin Statutes, 59.43(2m). WRDA HB Rev. 1/8/2004

STATE OF WISCONSIN

CIRCUIT COURT

WALWORTH COUNTY

IN THE MATTER OF THE FORECLOSURE
OF TAX LIENS UNDER SECTION 75.521,
WISCONSIN STATUTES, BY WALWORTH
COUNTY, LIST OF TAX LIENS 2013,
NUMBER ONE

Case No. 13 CV 64

Code No. 30404

FILED
CIRCUIT COURT

JUN 10 2013

CLERK OF COURTS - WALWORTH CO.
BY ELISABETH YAZBEC

DEFAULT JUDGMENT

The above-entitled action for foreclosure of tax liens by proceeding in rem pursuant to the provisions of Wisconsin Statute Section 75.521 having been commenced as provided by law and having been filed in this Court, and

IT APPEARING that this action was commenced in this Court pursuant to the procedure established under Wisconsin Statute Section 75.521(3) by the posting in the office of the County Treasurer of the List of Tax Liens as shown by the Affidavit of the County Treasurer filed in this Court on January 26, 2013, and the publication of the Notice of Commencement of Proceeding In Rem To Foreclose Tax Liens by Walworth County as a Class 3 notice under Chapter 985 as required by Wisconsin Statute Section 75.521(6) as appears by the Affidavit of the County Treasurer filed in this Court January 28, 2013, and

IT APPEARING by the Affidavit of Mailing and Compliance with Wisconsin Statute Section 75.521(3)(c) filed in this Court January 28, 2013, that notice was given by registered or certified mail as required by that section, and

IT APPEARING that by Order of this Court on January 31, 2013, Thomas F. Meyer, an attorney of Elkhorn, Wisconsin, was appointed guardian ad litem for all persons known or unknown who have or may have an interest in the lands described in said lists and who are, or may be, minors or who are incompetents at the date of filing such list in the office of the Clerk of Circuit Court; and it appearing from the affidavit of Thomas F. Meyer dated May 8, 2013, on file herein, that notice to all persons and interests listed in the List of Tax Liens, and Notice of the Commencement of said action, and his appointment and role as Guardian ad Litem, was given, and that he is satisfied that none of said individuals to the best of his knowledge are minors or incompetents, all as required by Wisconsin Statute Section 75.521(12), and

IT APPEARING from the Affidavit of Default of Walworth County Treasurer Valerie N. Etzel that those parcels listed in the list contained in said Affidavit of Default dated June 4, 2013, and as attached hereto as Exhibit "A" remain unredeemed and that the last day for redemption of same (April 11, 2013) has passed more than thirty (30) days ago and further that no Answer objecting to said Petition has been filed in this Court or served upon the County Treasurer contesting said action or setting forth a defense with respect to any of said parcels, and



IT APPEARING from the Affidavit of the Guardian ad Litem and the itemized statement attached that the fees charged by the guardian ad litem \$2,259.88, including advanced costs, are reasonable, and further that default attorney fees in the amount of \$250.00 pursuant to Wisconsin Statute Section 814.06 of the Wisconsin Statutes are appropriate in favor of Walworth County,

NOW, THEREFORE, IT IS HEREBY ORDERED that default judgment be entered in favor of Walworth County as provided in Wisconsin Statute Section 75.521(8) and that Walworth County is vested with an estate in fee simple absolute in all of the lands contained in the Affidavit of Default of the Walworth County Treasurer dated May 31, 2013, and attached hereto as Exhibit "A", subject to all unpaid taxes and charges which are subsequent to the latest dated valid tax lien appearing on the List filed in the office of the Clerk of Circuit Court and posted in the office of the County Treasurer pursuant to Wisconsin Statute Section 75.521(3)(b), and further subject to recorded restrictions as more specifically set forth in Wisconsin Statute Section 75.14(4), and all persons, both natural and artificial, including the State of Wisconsin, infants, individuals adjudicated incompetent, absentees and non-residents who may have had any right, title, interest, claim, lien or equity of redemption in such lands, are forever barred and foreclosed of such right, title, interest, claim, lien or equity of redemption to the extent permitted and provided by law, and

IT IS FURTHER ORDERED that no personal judgment shall be entered against any person having or claiming to have any right, title or interest in or lien upon such lands, and

IT IS FURTHER ORDERED that this judgment shall have the effect of the issuance of a tax deed or deeds and of judgment to bar former owners and quiet title with respect to each such parcel of property appearing on the attached list to the extent permitted and provided for by law, and

IT IS FURTHER ORDERED that attorney fees in the amount of \$250.00 pursuant to Wisconsin Statutes 814.04(6) and guardian ad litem fees in the amount of \$2,259.88 including advanced costs are approved and may be added as costs of this action to be allocated evenly among the parcels of property set forth on the attached list.

Dated this 7th day of June, 2013.

BY THE COURT:

James L. Carlson
James L. Carlson, Circuit Court Judge

This instrument drafted by:

Special Deputy Corporation Counsel Russell W. Devitt
332 W. Whitewater Street
Whitewater, WI 53190
(262)473-5105

State of Wisconsin }
County of Walworth } SS
I, Sheila T. Reiff, Clerk of the Circuit Court of Wal-
worth County, Wisconsin, and keeper of the records
and files thereof, do hereby certify that foregoing is a
true and correct copy of the original document as it
appears in the files in my office.
Dated this 11th day of June, 2013
Sheila T. Reiff
Clerk of Courts

/TRA 00059A N 1/2 LOT 13 BLK 8 TRIPPS 2ND ADD CITY OF WHITEWATER
OUT OF /TRA-59 PER #674003

CS 00111 LOTS 9 THRU 12 BLK 6 SKANSEN SUB

CS 00219 LOTS 23 & 24 BLK 13 SKANSEN SUB

F D 3200096 PT SE 1/4 SEC 32 T2N R16E DESC AS: COM 1008.15' N OF SW COR
GOVT LOT 2, N59D28'E 733.92' TO POB, N59D28'E 50', N39D32'W
264', N59D32'W 46.86', SWLY 50', S39D32'E 42.24', S39D32'E 264' TO
POB.

FDM 00014 LOT 26 BLK 2 DELMAR

FDM 00066 LOTS 15 & 16 BLK 15 DELMAR, SEC 27 TOWN OF DELAVAN

G SC 300007D1 PT NW 1/4 SEC 3 T3N R16E DESC AS: COM NW COR SEC 3, S15D00'
46"E 1010.68' TO POB, S27D31' 37"W 578.15', S89D33'38"E 701. 50',
N26D15'W 231.14', N11D08' E 247.95', S83D41'W 133.20', N77D59'W
93.65', N56D47'W 168. 06', S27D31'37"W 33.16' TO POB. ALSO
EASEMENT

GI 00105 S'LY 1/2 LOT 13 BLK 11 LOTS 14-16 BLK 11 MAP OF INTERLAKEN

GI 00106 LOTS 17 & 18 BLK 11 MAP OF INTERLAKEN

GI 00612
INTERLAKEN WLY1/2 LOT 24 BLK 67 LOT 25 BLK 67 FIFTH MAP OF

GSI 00004 LOT 9 SHORE-WOODS ISLAND

HA313700001 LOT 1 CERTIFIED SURVEY NO. 3137 AS RECORDED IN VOL 17 OF
C.S. ON PAGE 122 WCR. LOCATED IN SEC 34 T4N R16E. 35518 SQ
FT OMITTS HBS3-4, HBS3-5 & HBS3-6

HBS3 00001 LOT 1 BUBBLING SPRINGS SUB. 3RD ADD. AS RECORDED IN
CAB B SLIDE 65. ALSO PT LOT 2 DESC AS: COM NW COR LOT 2,
S5D53' 15"E 40.11' TO POB, ALG CURVE, CHORD S39D30'18"E
18.02', S2D 35'38"E 28.18', ALG CURVE, CHORD S27D39'59"W 15.12',
N5D 53'15"W 55.74' TO POB. EXC. COM NE COR LOT 1, S5D53'15"E
40.11', N35D51'11"W 44.24', N79D30'E 22.17' TO POB.

HBS3 00002 LOT 2 BUBBLING SPRINGS SUB. 3RD ADD. AS RECORDED IN
CAB B SLIDE 65. EXC COM NW COR LOT 2 S5D53'15"E 40.11' TO
POB, ALG CURVE, CHORD S39D30'18"E 18. 02', S2D35'38"E 28.18',
ALG CURVE, CHORD S27D39'59"W 15. 12', N5D53'15"W 55.74' TO
POB. ALSO PT LOT 1 DESC AS: COM NE COR LOT 1, S5D53'15"E
40.11', N35D51'11"W 44.24', N79D30'E 22.17' TO POB.

JGN 1700002 UNIT 17-02 GENEVA NATIONAL CONDOMINIUM NO. 17 AS
RECORDED UNDER DOC. NO. 194774. LOCATED IN NE 1/4 & SE
1/4 SECTION 29 T2N R17E. .43 A. OUT OF J G29-4 TOWN OF
GENEVA

JLCB 00447 LOT 2588 BLK 45 LOT 2589 BLK 45 LAKE COMO BEACH SECOND
MAP

STATE OF WISCONSIN

CIRCUIT COURT

WALWORTH COUNTY

IN THE MATTER OF THE FORECLOSURE
OF TAX LIENS UNDER SECTION 75.521,
WISCONSIN STATUTES, BY WALWORTH
COUNTY, LIST OF TAX LIENS 2013.
NUMBER ONE

Case No. 13 CV 64

Code No. 30404

FILED
CIRCUIT COURT
SEP 19 2013
CLERK OF COURT WISCONSIN
DEPT. 1000

**AFFIDAVIT AND PETITION FOR AMENDMENT
OF DEFAULT JUDGMENT**

STATE OF WISCONSIN)
)SS
COUNTY OF WALWORTH)

Valerie N. Etzel, being first duly sworn deposes and says:

1. I am the Treasurer of Walworth County, Wisconsin.
2. Judgment of Foreclosure in Rem was entered in the above entitled matter and filed on June 10, 2013.
3. Subsequent to the entry of judgment the following property was redeemed by the owners:

Tax Key No. F D 3200096

PT SE ¼ SEC 32 T2N R16E DESC AS: COM 1008.15' N OF
SW COR GOVT LOT 2, N59D28'E 753.92 TO POB, N59D28'E
50', N39D32' W 264', N59D32' W 46.86', SWLY 50', S39D32' E
42.24', S39D32' E 264' TO POB.

4. As this property has been redeemed your affiant petitions that the Court amend the Default Judgment above filed to exclude this property from said judgment.

Dated this 17th day of September 2013.

Valerie N. Etzel
Valerie N. Etzel, Walworth County Treasurer

Subscribed to and sworn to before me
this 17th day of September, 2013.

Dawn Hall
Notary Public
Walworth County, Wisconsin
My commission expires: 9/25/2016

This instrument drafted by:

Special Deputy Corporation Counsel Russell W. Devitt
332 W. Whitewater Street
Whitewater, WI 53190
(262)473-5105

STATE OF WISCONSIN

CIRCUIT COURT

WALWORTH COUNTY

IN THE MATTER OF THE FORECLOSURE OF TAX LIENS UNDER SECTION 75.521, WISCONSIN STATUTES, BY WALWORTH COUNTY, LIST OF TAX LIENS 2013, NUMBER ONE

Case No. 13 CV 64

Code No. 30404

FILED

SEP 23 2013

DEFAULT JUDGMENT AMENDMENT

CLERK OF COURT
BY ELISABETH NAZARET

UPON the Petition and Affidavit of Walworth County Treasurer Valerie N. Etzel:

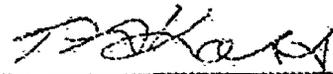
IT IS HEREBY ORDERED that the Default Judgment heretofore filed in this matter on June 10, 2013, be amended to exclude from its operation the following:

Tax Key No. FD 3200096

PT SE ¼ SEC 32 T2N R16E DESC AS: COM 1008.15' N OF SW COR GOVT LOT 2, N59D28'E 733.92 TO POB, N59D28'E 50', N39D32'W 264', N59D32'W 46.86', SWLY 50', S39D32'E 42.24', S39D32'E 264' TO POB.

Dated this 23 day of Sept, 2013.

BY THE COURT:

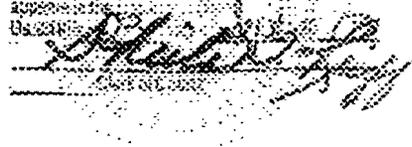


Phillip A. Koss, Circuit Court Judge

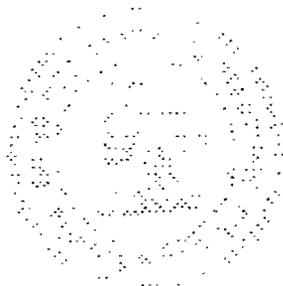
This instrument drafted by:

Special Deputy Corporation Counsel Russell W. Devitt,
332 W. Whitewater Street
Whitewater, WI 53190
(262)473-5105

State of Wisconsin
County of Walworth
I, Shelia T. Hoff, Clerk of Walworth County, do hereby certify that the foregoing is a true and correct copy of the original instrument as it appears in the records of the County of Walworth.



RECEIVED
SEP 14 2013
WALCO- Treasurer



Walworth County, Wisconsin, Code of Ordinances >> ARTICLE I. IN GENERAL >>

ARTICLE I. IN GENERAL

Sec. 62-1. Purpose and interpretation.

Sec. 62-2. Definitions.

Secs. 62-3—62-40. Reserved.

Sec. 62-1. Purpose and interpretation.

- (a) The purpose of this chapter is to set forth county policy concerning taxation and to assign responsibility and establish uniform procedures relative to taxation issues.
- (b) Nothing herein shall be interpreted as to diminish the duties and responsibility of the county treasurer as set forth in the Wisconsin Statutes.
- (c) With respect to section 62-43
 - (1) Any person aggrieved by an interpretation of the above-stated section, by the director - central services, may appeal such decision to the county administrator. Interpretations of the county administrator shall be subject to review by the finance committee.
 - (2) The county administrator may promulgate such administrative procedures as may be necessary to carry out the intent of this chapter.

(Ord. No. 503-08/08, pt. 1, 8-5-08; Ord. No. 757-01/13, pt. 1, 1-8-13)

Sec. 62-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

Tax-deeded lands shall have the meaning set forth in Wis. Stats. § 75.35(1).

(Ord. No. 503-08/08, pt. 1, 8-5-08)

Secs. 62-3—62-40. Reserved.

Walworth County, Wisconsin, Code of Ordinances >> ARTICLE II. PROPERTY TAXES >>**ARTICLE II. PROPERTY TAXES ^[2]**

Sec. 62-41. Enforcement of tax liens.

Sec. 62-42. Penalty on delinquent taxes.

Sec. 62-43. Sale of tax-deeded lands.

Sec. 62-44. Preference to former owners in tax sales.

Secs. 62-45—62-75. Reserved.

Sec. 62-41. Enforcement of tax liens.

The county elects to adopt the provisions of Wis. Stats. § 75.521 for the purpose of enforcing tax liens in the county in the cases where the procedure provided by that section is applicable.

(Ord. No. 503-08/08, pt. II, 8-5-08)

Sec. 62-42. Penalty on delinquent taxes.

Pursuant to Wis. Stats. § 74.47 there is hereby imposed a penalty of 0.5 percent per month on all delinquent property taxes, special assessments, special charges and special taxes that are delinquent on the effective date of the article.

(Ord. No. 503-08/08, pt. II, 8-5-08)

Sec. 62-43. Sale of tax-deeded lands.

- (a) The county will sell tax deed lands pursuant to Wis. Stats. ch. 75.
- (b) The county board of supervisors delegates authority to carry out the sale provisions of Wis. Stats. § 75.35 and § 75.69 to the director - central services or his or her designee.
- (c) The county recognizes that in some cases, it may be undesirable to take title to some properties due to issues including, but not limited to, liability, environmental contamination or the presence of certain structures. The treasurer shall present to the finance committee, in April of each year, a listing of such undesirable properties. The finance committee will determine whether the county shall remove these parcels from the final judgment. If a property is so removed, the treasurer shall contact the appropriate assessor and request that the assessed value of the property be reduced.
- (d) Pursuant to Wis. Stats. § 75.69, the director - central services or his or her designee shall:
 - (1) Advertise tax delinquent properties for sale.
 - (2) Sell tax deed lands by sealed bid or by online auction. With respect to online auctions:
 - a. The committee will determine minimum acceptable bids prior to the parcel being listed.
 - b. The sale of the parcel will be awarded to the highest qualified bidder.
 - c. Payment terms and conditions will be in accordance with the terms and conditions of the online auction company.

- d. The director - central services will present a bid award report to the finance committee.
- e. Upon receipt of final payment from the online auction company, the parcel will be conveyed to the prevailing bidder by quit claim deed.
- f. Aggrieved bidders may appeal the online sale process in writing to the director - central services within 12 hours after the time of the auction closing. The director - central services will consider the appeal, and the process set forth in 62-1(c)(1) shall apply.
- (e) The county finance committee shall accept and award the bid in the manner prescribed in Wis. Stats. § 75.69 and section 2-133 of the Walworth County Code of Ordinances.
- (f) The corporation counsel shall take all reasonable steps to promptly remove occupants from properties to which the county has taken title.
- (g) Administrative procedures authorized by 62-1(c)(2) shall provide specific rules to be followed in cases where a discrepancy of \$5.00 or less has been made in the tender of earnest money.

(Ord. No. 503-08/08, pt. II, 8-5-08; Ord. No. 757-01/13, pt. II, 1-8-13)

Sec. 62-44. Preference for former owners in tax sales.

- (a) This section is promulgated pursuant to the authority granted by Wis. Stats. § 75-35(3). The purpose of this ordinance is to permit the sale of certain tax delinquent lands to the former owner who lost his title through delinquent tax collection enforcement procedure, or his heirs, upon compliance with the terms and conditions of this section.
- (b) Where tax delinquent lands are owned by the county under tax deed or under judgment of foreclosure of tax liens in rem, the former owner who lost his title through such procedure shall be entitled to repurchase such lands upon payment to the county treasurer of all delinquent taxes, interest, penalties, fees and charges, provided such payment is received by the county treasurer no later than 5:00 p.m., central time, on the last day prior to the date of award of sale of the parcel.
- (c) In the event such former owner or his heirs make timely payment of such delinquent taxes, interest, penalties, fees and charges, the county treasurer shall cause such lands to be conveyed to the person who made payment therefore. The manner of such conveyance shall be in the discretion of the corporation counsel in the form of a quit claim deed or amended judgment.
- (d) The sale of such lands to the former owner or his heirs as herein provided shall be exempt from all the provisions of Wis. Stats. § 75.69.
- (e) The provisions of this ordinance shall not apply to tax deeded lands which have been improved for or dedicated to a public use by the county subsequent to its acquisition thereof.

(Ord. No. 503-08/08, pt. II, 8-5-08; Ord. No. 593-01/10, pt. I, 1-12-10)

Secs. 62-45—62-75. Reserved.

FOOTNOTE(S):

--- (2) ---

Editor's note— Ord. No. 503-08/08, pt. II, adopted August 5, 2008, amended the Code by repealing former art. II, §§ 62-41—62-43, and adding a new art. II. Former art. II pertained to administration, and derived from Ord. No. 12.

adopted October 31, 1963; Ord. No. 263-05/04, adopted May 11, 2004; and Ord. No. 375-08/06, adopted August 8, 2006. [\(Back\)](#)

Cross reference— *Administration, ch. 2; businesses, ch. 10; finance, ch. 30. [\(Back\)](#)*

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster Street
Box 7921
Madison WI 53707-7921

Scott Walker, Governor
Cathy Stepp, Secretary
Telephone 608-266-2621
FAX 608-267-3579
TTY Access via relay - 711



November 9, 2013

WM 60237
Sender's Direct Line: 608-266-2136

NANCY RUSSELL
County Chairman
1720 FAIRVIEW DR
LAKE GENEVA, WI 53147

Dear Chairperson:

The Department would like to inform you of the proposed gift of a 13.05 acre easement for the TURTLE CREEK WILDLIFE AREA in the Town of DARIEN. The site is shown on the attached map. The land will be managed for conservation and public recreational use.

We are notifying you of this proposed gift so that you know of Department activities in the project. For all transactions we notify the Town Chairman, the County Chairman, the State Representative, and the State Senator for the area.

If you would like more information, or have questions or concerns about the purchase, please contact me at the above address or at 608-266-2136 by December 11, 2013.

Thank you for this consideration.

Sincerely,

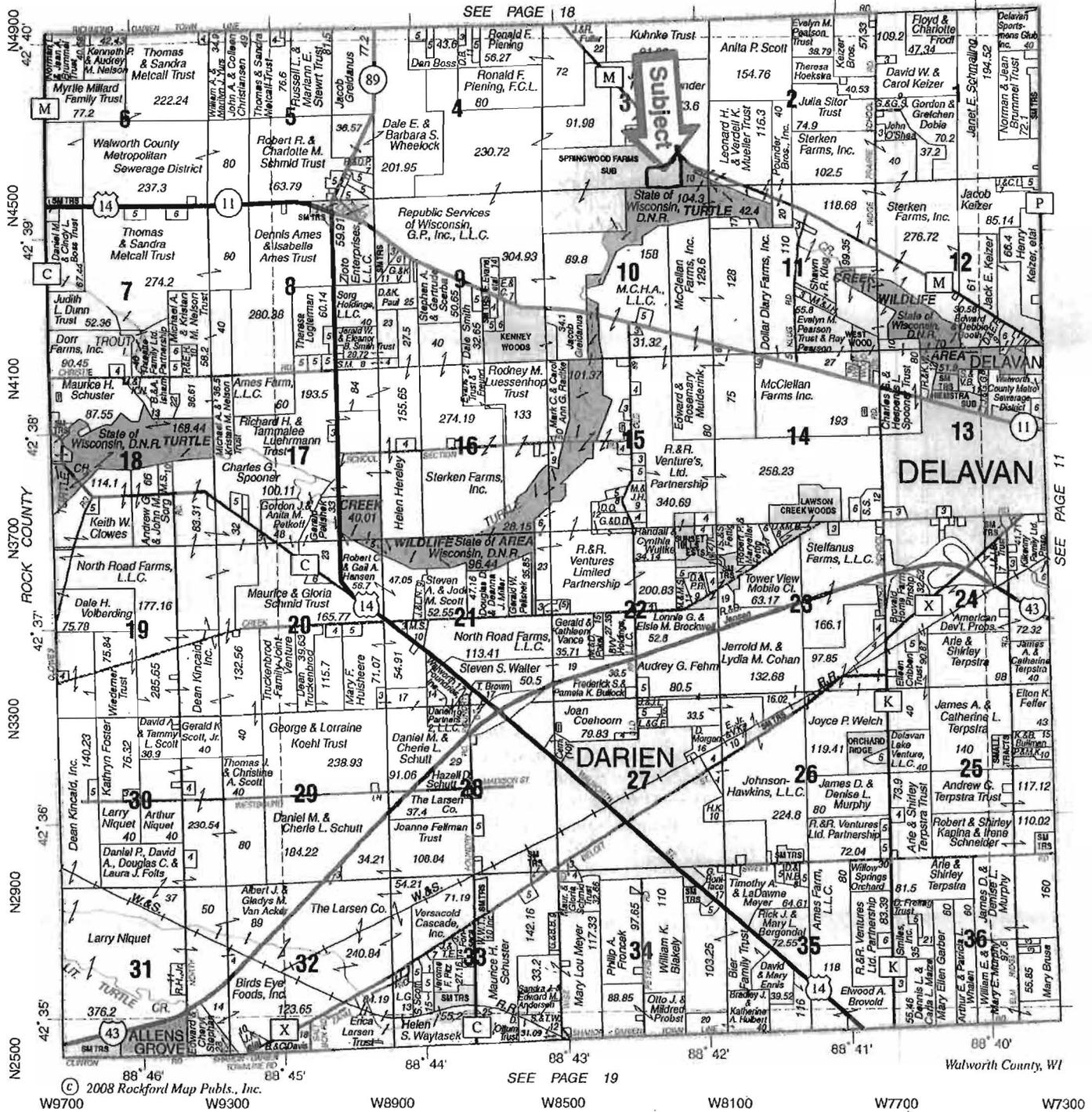
Douglas J Haag
Deputy Facilities and Lands Bureau Director

Attach.

cc: J. Morrissey

DARIEN

T.2N.-R.15E.



ART NIQUET REALTY

Office: (608) 756-1733

Cell: (608) 774-0822

LARRY NIQUET

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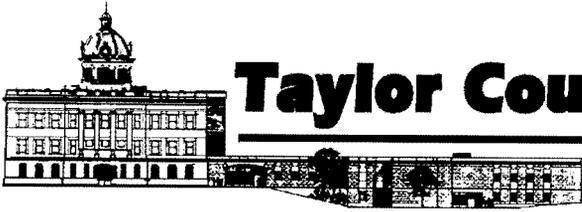
County Clerk

Kimberly S. Bushey
County Clerk

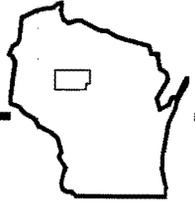
December 10, 2013 – Walworth County Board Meeting

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

- Taylor County Resolution No. 73 – A resolution requiring creation of a new nonpartisan procedure for the preparation of legislative and congressional redistricting plans (was previously referred to the Executive Committee)



Taylor County Board Office



JIM METZ, Chair
715-748-1404

LINDA DANIELS
County Board Administrative Assistant
715-748-1401
linda.daniels@co.taylor.wi.us

RECEIVED

NOV 21 2013

CAROL ZIEMER
Receptionist
715-748-1400
carol.ziemer@co.taylor.wi.us

WALWORTH COUNTY BOARD

November 19, 2013

Dear County Board Chairman:

Please find the enclosed resolution which was adopted by the Taylor County Board of Supervisors at the October 30, 2013, Session. We would appreciate your support on this important matter.

Sincerely,

Jim Metz, Chairman
Taylor County Board of Supervisors

Enclosure

JM:ld

RESOLUTION NO. 73

A RESOLUTION REQUIRING CREATION OF A NEW NONPARTISAN PROCEDURE FOR THE PREPARATION OF LEGISLATIVE AND CONGRESSIONAL REDISTRICTING PLANS.

WHEREAS, currently under the state constitution, the legislature is directed to redistrict legislative districts according to the number of inhabitants at its next session following the decennial federal census by the majority party. At the same intervals, the legislature also reapportions congressional districts in this state pursuant to federal law, and

WHEREAS, legislative and congressional redistricting plans enacted pursuant to this procedure are used to elect members of the legislature and members of Congress in the fall of the second year following the year of the census, and

WHEREAS, the 2011 process to draw the maps and fight lawsuits cost taxpayers nearly \$1.9 million, and

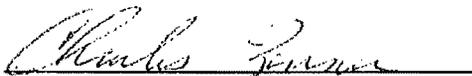
WHEREAS, historically legislative and congressional plans in Wisconsin have been subject to partisan influence that put the desires of politicians ahead of the needs of the people, and

NOW THEREFORE BE IT RESOLVED that the Taylor County Board of Supervisors recommends the creation of a nonpartisan procedure for the preparation of legislative and congressional redistricting plans, and

BE IT FURTHER RESOLVED that the process promotes more accountability and transparency and prohibits the consideration of voting patterns, party information, and incumbents' residence information or demographic information in drawing the maps, except as necessary to ensure minority participation as required by the U.S. Constitution.

BE IT FURTHER RESOLVED that the County Clerk is directed to send a copy of this resolution to the Governor of the State of Wisconsin, the Wisconsin Counties Association, the Wisconsin Towns Association, the Wisconsin League of Municipalities, all members of the state legislature, and to each Wisconsin County.

RESPECTFULLY SUBMITTED:


Charles Zenner, District 8 Supervisor
Taylor County Board of Supervisors

REFERRAL AND NOTICE OF PETITION TO
WALWORTH COUNTY ZONING AGENCY, COUNTY SUPERVISORS OF AFFECTED DISTRICTS AND
COUNTY BOARD

WHEREAS the following petitions have been filed with the County Clerk requesting that the County Zoning Ordinance and Shoreland Zoning Ordinance be amended as specified:

REPORT OF PETITIONS REFERRED TO
WALWORTH COUNTY ZONING AGENCY

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

NAME	TOWN	CHANGE REQUESTED	DATE REFERRED
Margie A. Schoenberg	Lyons Township Part of Tax Parcel N LY-10-1	Rezone approximately 18 acres of C-1 Lowland Resource Conservation (non-shoreland) and C-4 Lowland Resource Conservation (shoreland) Districts to A-1 Prime Agricultural District to match the wetland boundaries to inventoried field conditions.	December 10, 2013
Peter & Teresa Hoekstra	Darien Township Part of Tax Parcel B D-2-2	Rezone approximately 4.5 acres of C-2 Upland Resource Conservation District and 1.33 acres of M-3 Mineral Extraction District to A-1 Prime Agricultural District.	December 10, 2013
Walworth County per Wisconsin Department of Natural Resources mandate	East Troy Township Northeast ¼ of Section 5 and Northwest ¼ of Section 4,	The Wisconsin Department of Natural Resources mandate for amendments to the Walworth County Shoreland Floodplain Ordinance requiring a larger flood hazard area below the Lake Beulah Dam and a result of High Hazard Rating.	December 10, 2013
Walworth County Land Use and Resource Management Department	All Townships	Amendment to Section(s) 74-44 of the Zoning Ordinance and Section(s) 74-171 of the Shoreland Zoning Ordinance, Walworth County Code of Ordinances relative to chickens in the R-1, R-2, R-3, R-5, R-5A and C-3 districts and modified requirements in the agricultural and C-2 districts.	December 10, 2013

Said petition/s is/are hereby referred to the County Zoning Agency as the Zoning Agency of this County, which is hereby directed to hold one or more public hearings on the changes proposed in said petition/s, pursuant to Section 59.69(5) (e) Wisconsin Statutes. Copies of said petitions are available for review on the Walworth County Website at (www.co.walworth.wi.us).

Dated this _____ day of _____, 2013.

County Clerk

Cc: County Supervisor Joe Schaefer
County Supervisor Carl Redenius
County Supervisor Rick Stacey

ORDINANCE NO. 819 – 12/13

AMENDING SECTIONS 74-59, 74-63, 74-74, 74-131, 74-186, 74-190, 74-203 AND 74-263
OF THE WALWORTH COUNTY CODE OF ORDINANCES RELATING TO PARKING
MODIFICATIONS

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS
FOLLOWS:

1 **PART I: That Section 74-59 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. 74-59. Review and approval of conditional uses.**

6
7 Compliance with all other provisions of this ordinance, such as lot width and area, yard,
8 site regulations, height, parking, loading, traffic, highway access, and performance standards
9 shall be required of all conditional uses, unless specifically permitted to be modified by the
10 committee in the conditional uses division. Variances and special exceptions shall only be
11 granted as provided in division 10.”

12
13 **PART II: That Section 74-63 of the Walworth County Code of Ordinances is hereby**
14 **amended to read as follows (additions shown by underline; deletions shown by strike-**
15 **through):**

16
17 **“Sec. 74-63. Residential and related uses.**

18
19 (2) *Planned residential developments* in the A5, R-1, R-2, R-2A, R-3, R-4, R-5, R-
20 5A, R-6, R-7, R-8, C-2, C-3 and B-5 districts, provided that no planned
21 development shall be approved which includes residential uses not permitted as a
22 principal use in the given district. The district regulations, excluding exterior
23 district setback requirements, may be modified provided that adequate open space
24 shall be provided so that the average intensity and density of land use shall be no
25 greater than that permitted for the district in which it is located. Parking stall and
26 interior driveway requirements to private right of ways for property located in the
27 R-5, R-5A, R-6 and B-5 planned districts may be modified by the committee
28 provided barriers (i.e. curbed landscaped islands, striping) are installed to define
29 those private right of ways and further provided that any modification be in
30 accordance with the purpose and intent of this ordinance. The proper preservation,
31 care, and maintenance by the original and all subsequent owners of the exterior
32 design shall be assured by deed restriction. All common structures, facilities,
33 essential services, access and open spaces shall also be assured by deed
34 restrictions.”

35

1 **PART III: That Section 74-74 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. 74-74. Parking requirements.**

- 6
7 (5) *Location* to be on the same lot as the principal use, or on a lot not over 400 feet
8 from the principal use. Parking stalls and interior driveways located in the A-4, P-
9 1, P-2, R-4, R-5, R-6, R-7, R-8, B-1, B-2, B-3, B-4, B-5, B-6, M-1, M-2 districts
10 shall be located at least 25 feet from any public vehicular right-of-way. Parking
11 stalls and driveways in the A-4, P-1, P-2, R-4, R-8, B-1, B-2, B-3, B-4, B-5, M-1,
12 M-2, M-3, and M-4 districts shall be located at least 25 feet from any R-1, R-2, R-
13 2A, R-3, R-5, R-6, R-7, and A-5 district lot line and at least five feet from any
14 property line. No parking stall or driveway is permitted within the shoreyard.”

15
16 **PART IV: That Section 74-131 of the Walworth County Code of Ordinances is hereby**
17 **amended to read as follows (additions shown by underline; deletions shown by strike-**
18 **through):**

19
20 **“Sec. 74-131. Definitions.**

21
22 *Private right-of-way:* A right-of-way that supports no more than one dwelling unit, lot,
23 or outlot for ingress or egress purposes.

24
25 *Public right-of-way:* A right-of-way that supports a minimum of 2 dwelling units, lots, or
26 outlots for ingress or egress purposes.

27
28 *Subdivision road:* A town road or other officially approved means of access providing
29 access to interior lots or units located within a subdivision, condominium, or minor subdivision
30 as defined in the Walworth County Land Division Ordinance.”

31
32 **PART V: That Section 74-186 of the Walworth County Code of Ordinances is hereby**
33 **amended to read as follows (additions shown by underline; deletions shown by strike-**
34 **through):**

35
36 **“Sec. 74-186. Review and approval of conditional uses.**

37
38 Compliance with all other provisions of this ordinance, such as lot width and area, yard,
39 site regulations, height, parking, loading, traffic, highway access, and performance standards,
40 shall be required of all conditional uses, unless specifically permitted to be modified by the
41 committee in the conditional uses division. Variances and special exceptions shall only be
42 granted as provided in division 10.”

1 **PART VI: That Section 74-190 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. 74-190. Residential and related uses.**

- 6
7 (2) Planned residential developments in the A-5, R-1, R-2, R-2A, R-3, R-4, R-5, R-
8 5A, R-6, R-7, R-8, C-2, C-3 and B-5 districts, provided that no planned
9 development shall be approved which includes residential uses not permitted as a
10 principal use in the given district. The district regulations, excluding exterior
11 district setback requirements, may be modified provided that adequate open space
12 shall be provided so that the average intensity and density of land use shall be no
13 greater than that permitted for the district in which it is located. Parking stall and
14 interior driveway requirements to private right of ways for property located in the
15 R-5, R-5A, R-6 and B-5 planned districts may be modified by the committee
16 provided barriers (i.e. curbed landscaped islands, striping) are installed to define
17 those private right of ways and further provided that any modification be in
18 accordance with the purpose and intent of this ordinance. The proper
19 preservation, care, and maintenance by the original and all subsequent owners of
20 the exterior design shall be assured by deed restriction. All common structures,
21 facilities, essential services, access and open spaces shall also be assured by deed
22 restrictions.”

23
24 **PART VII: That Section 74-203 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. 74-203. Parking requirements.**

- 29
30 (5) *Location.* Location to be on the same lot as the principal use, or on a lot not over
31 400 feet from the principal use. Parking stalls and interior driveways located in
32 the A-4, P-1, P-2, R-4, R-5, R-6, R-7, R-8, B-1, B-2, B-3, B-4, B-5, B-6, M-1, M-
33 2 districts shall be located at least 25 feet from any ~~public~~ vehicular right-of-way.
34 Parking stalls and driveways in the A-4, P-1, P-2, R-4, R-8, B-1, B-2, B-3, B-4,
35 B-5, M-1, M-2, M-3, and M-4 districts shall be located at least 25 feet from any
36 R-1, R-2, R-2A, R-3, R-5, R-6, R-7, and A-5 district lot line and at least five feet
37 from any property line. No parking stall or driveway is permitted within the
38 shoreyard, except as provided in (3) above.”

39
40 **PART VIII: That Section 74-263 of the Walworth County Code of Ordinances is hereby**
41 **amended to read as follows (additions shown by underline; deletions shown by strike-**
42 **through):**

43
44 **“Sec. 74-263. Definitions.**

1 Private right-of-way means a right-of-way that supports no more than one dwelling unit,
2 lot, or outlot for ingress or egress purposes.

3
4 Public right-of-way means a right-of-way that supports a minimum of 2 dwelling units,
5 lots, or outlots for ingress or egress purposes.

6
7 Subdivision road means a town road or other officially approved means of access
8 providing access to interior lots or units located within a subdivision, condominium, or minor
9 subdivision as defined in the county land division ordinance.”

10
11 **PART IX: This Ordinance shall become effective upon passage.**

12
13 **PASSED and ADOPTED** by the Walworth County Board of Supervisors this 10th day of
14 December, 2013.

15
16
17
18
19
20 _____
21 Nancy Russell
22 County Board Chair

Kimberly S. Bushey
Attest: County Clerk

23 **County Board Meeting Date:** December 10, 2013

24 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 12/3/13
Date
County Administrator/Corporation Counsel

Nicole Andersen 12/3/13
Date
Deputy County Administrator - Finance

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

Ordinance No. 819-12/13
Fiscal Note and Policy Impact Statement

- I. **Title:** Amending Sections 74-59, 74-63, 74-74, 74-131, 74-186, 74-190, 74-203 and 74-263 of the Walworth County Code of Ordinances Relating to Parking Modifications
- II. **Purpose and Policy Impact Statement:** The proposed amendment is to relax current zoning requirements for parking stalls and interiors driveways. The County Zoning Agency requested this amendment to permit the committee the ability to modify parking setback requirements, through the conditional use process, in the mixed use districts (R-5, R-5A, R-6 and B-5) from a private right-of-way. Currently, the zoning ordinance(s) requires a 25' setback for parking stalls and interior driveways from a right-of-way. This amendment will permit the committee to modify the setback requirement, provided barriers (ex: curbed landscaped islands, striping, etc.) are installed to define those private right-of-ways. Any modification shall also be in accordance with the purpose and intent of the zoning ordinance(s). To implement this modification process also requires definitions of private right-of-way and public right-of-way.
- 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:**

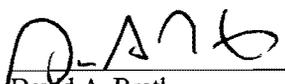
Committee: County Zoning Agency

Date: November 21, 2013

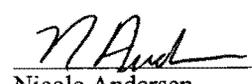
Vote: 7 - 0

County Board Meeting Date: December 10, 2013

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.

 12/3/13

Date
David A. Bretl
County Administrator/Corporation Counsel

 12/3/13

Date
Nicole Andersen
Deputy County Administrator - Finance

November 21, 2013
November 21, 2013 - expanded

Please include the following County Zoning Agency items on the December 10, 2013, County Board agenda:

Ordinance Amendments:

Amendment to Section(s) 74-59, 74-63, 74-74, and 74-131 of the Zoning Ordinance and Section(s) 74-186, 74-190, 74-203, and 74-263 of the Shoreland Zoning Ordinance, Walworth County Code of Ordinances relative to parking modifications.

Approved 7 – 0 at the November 21, 2013, Zoning Agency public hearing.

Rezones:

1. **David Flitcroft and Randy Smith – Attorney Richard Torhorst applicant**, Section 23, Linn Township. The Property owners are requesting to rezone approximately 3.44 acres of B-4 Highway Business District to 1.60 acres of A-5 Agricultural-Rural Residential District and 1.84 acres of R-3 Two-Family Residence District (unsewered). The property of concern is located on the west side of Hwy 120 approximately 4,000 feet south of the intersection of Hwy 120 and Willow Road and is identified as parts of Tax Parcel IA1425-1.

Approved 7 – 0 at the November 21, 2013, Zoning Agency public hearing.

Conformance with County Land Use Plan: The Commercial Land Use category was approved as part of the 2035 Land Use Plan due to a single parcel island of B-4 commercial zoning that existed at the time of the Land Use Plan approval.

ORDINANCE NO. 823-12/13

AMENDING SECTION 2-45 OF THE WALWORTH COUNTY CODE OF ORDINANCES
RELATING TO COUNTY BOARD SUPERVISOR INSURANCE BENEFITS

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS
FOLLOWS:

1 PART I: That Section 2-45 of the Walworth County Code of Ordinances is hereby amended
2 to read as follows (additions shown by underline; deletions shown by strike-through):
3

4 “Sec. 2-45. County board supervisor compensation.
5

6 (5) *Insurance benefits.* Within 30 calendar dates of taking the oath of office, each
7 supervisor may elect to enroll in the health insurance plan and/or the dental
8 insurance plan by completing an insurance enrollment form. A supervisor must
9 submit a health statement application as a late entrant to apply for coverage after the
10 first 30 calendar days in office. Any supervisor re-elected to a subsequent term may
11 enroll as a new-elected supervisor (within 30 days of being sworn in for the
12 subsequent term) and a health statement will not be required. Supervisors may
13 enroll in the Tier 1 or Tier 2 health plan. The county shall deposit authorized
14 Health Savings Account contributions for those supervisors who have elected the
15 Tier 2 health plan.
16

17 a. Annual Health Savings Account contributions from the county shall be \$750 for
18 a single health plan and \$1,500 for a family health plan. This county
19 contribution shall be a lump sum contribution for those supervisors who are
20 enrolled in Tier 2 as of 1/1/2014. The lump sum contribution is only applicable
21 to the 2014 plan year.
22

23 b. Supervisors who enroll in Tier 2 on January 2, 2014 and thereafter shall receive
24 Health Savings Account contributions from the county on a monthly basis in the
25 amount of one-twelfth of the authorized contribution for every month enrolled
26 on the Tier 2 health plan.
27

28 c. For plan years 2015 and thereafter, authorized county Health Savings Account
29 contributions, shall be distributed monthly on a prorated basis equivalent to one-
30 twelfth of the authorized annual amount for each month enrolled on the Tier 2
31 health plan.
32

33 d. A supervisor who experiences a Qualifying Life Event as established by the
34 Internal Revenue Service in Section 125 shall not have the option to switch
35 plans from Tier 1 to Tier 2 or vice versa at the time of the Qualifying Life
36 Event.
37

38 1. Supervisors who experience a Qualifying Life Event, and who elect to move
39 from Single coverage to Family coverage, and who were eligible and

1 received the Health Savings Account single contribution under (5)a above
2 shall receive an additional contribution of \$62.50 per month commencing
3 with the first month of family eligibility.

- 4
- 5 2. Supervisors who experience a Qualifying Life Event, and who elect to move
6 from Single coverage to Family coverage, and are eligible for the Health
7 Savings Account single contribution under (5)b above, shall be eligible to
8 receive the increased prorated family contribution established in (5)b and c
9 above, commencing with the first month of family eligibility.
- 10
- 11 3. Supervisors who experience a Qualifying Life Event, and who elect to move
12 from Family coverage to Single coverage, and who were eligible and
13 received the Health Savings Account family contribution under (5)a above,
14 no adjustment shall be made to the county's contribution.
- 15
- 16 4. Supervisors who experience a Qualifying Life Event, and who elect to move
17 from Family coverage to Single coverage, and are eligible for the Health
18 Savings Account family contribution under (5)b and c above, shall be
19 eligible to receive the decreased prorated single contribution established in
20 (5)b and c above, commencing with the first month of single eligibility.
- 21
- 22 5. In no event shall the annual county Health Savings Account contribution
23 exceed the authorized amount equivalent to the family contribution."

24

25 **PART II: This ordinance shall supersede all previous ordinances and resolutions on the**
26 **subject, to the extent such ordinances and resolutions may conflict with this ordinance, and**
27 **shall become effective as of January 1, 2014.**

28

29 **PASSED and ADOPTED** by the Walworth County Board of Supervisors this 10th day of
30 December 2013.

31

32

33

34 _____
35 Nancy Russell
36 County Board Chair

34 _____
35 Kimberly S. Bushey
36 Attest: County Clerk

37 **County Board Meeting Date:** December 10, 2013

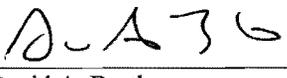
38

39 Action Required: Majority Vote 2/3 Vote Other

40

Policy and Fiscal Note is attached.

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

 12/2/13

Date
David A. Bretl
County Administrator/Corporation Counsel

 12/2/13

Date
Nicole Andersen
Deputy County Administrator - Finance

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

Ordinance No. 823-12/13
Fiscal Note and Policy Impact Statement

- I. **Title:** Amending Section 2-45 of the Walworth County Code of Ordinances Relating to County Board Supervisor Insurance Benefits

- II. **Purpose and Policy Impact Statement:** The purpose of this ordinance amendment is to clarify the eligibility requirements for the new health plans and to clarify the appropriate administration of those plans.

- III. **Is this a budgeted item and what is its fiscal impact:** The fiscal impact associated with passage of this ordinance has been included in the 2014 budget.

- IV. **Referred to the following standing committee(s) for consideration and date of referral:**

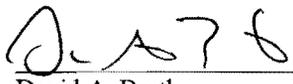
Committee: **Executive**

Date: November 18, 2013

Vote: 3 - 0

County Board Meeting Date: December 10, 2013

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.

 12/2/13

Date
David A. Bretl
County Administrator/Corporation Counsel

 12/2/13

Date
Nicole Andersen
Deputy County Administrator - Finance

Policy and Fiscal Note
Resolution No. 58-12/13

- I. **Title:** Extending the Employment Contract of County Administrator David A. Bretl
- II. **Purpose and Policy Impact Statement:** The purpose of this resolution is to extend the County Administrator's contract through December 31, 2016. The attached Agreement continues Bretl's employment relationship with the following changes to his current Agreement:
1. Subject to satisfactory job performance, Bretl would be entitled to a 1.9 percent raise (to both base salary and the Corporation Counsel compensation) in 2015 and 2016.
 2. The parties would negotiate a contract extension in 2015.

III. **Budget and Fiscal Impact.** Bretl's recent salary history is as follows:

	County Administrator Salary	Corporation Counsel Salary
2010	\$142,376	\$23,000
2011	142,376	23,000
2012	142,376	23,000
2013	145,224	23,460
2014	148,128	23,929

Provided this contract is approved, Bretl would be entitled to the following compensation, assuming satisfactory performance:

	County Administrator Salary	Corporation Counsel Salary
2015	\$150,942	\$24,383
2016	153,809	24,846

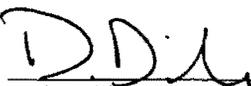
IV. **Referred to the following standing committees for consideration and date of referral:**

Committee: Executive Meeting Date: October 14, 2013

Vote: 4 - 0

County Board Meeting Date: December 10, 2013

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.

 12/2/2013

 Date
 Duffy Dillon, Esq.
 Special Counsel

 12/2/13

 Date
 Nicole Andersen
 Deputy County Administrator - Finance

EMPLOYMENT AGREEMENT

THIS EMPLOYMENT AGREEMENT (the "Agreement") is made and entered into effective June 1, 2012, by and between Walworth County (the "County") Wisconsin and David A. Bretl ("Bretl").

WHEREAS, the County desires to employ Bretl as County Administrator and Corporation Counsel, and Bretl is willing to render services to the County on the terms and conditions of employment as set forth below.

NOW, THEREFORE, in consideration of the promises, terms and conditions hereof, the County and Bretl agree as follows:

1. Employment. The County employs Bretl and Bretl accepts such employment with the County upon the terms and conditions hereinafter set forth. Bretl represents and warrants that neither the execution by him of this Agreement nor the performance by him of his duties and obligations hereunder will violate any agreement to which he is a party. The County and Bretl agree that his employment shall be at will, which means that either party may, at any time, for any reason, decide to terminate the relationship. The only limitation to this at will employment is specified in Paragraph 9. Bretl agrees that by entering into this Agreement he is knowingly, voluntarily and intentionally waiving the statutory protections provided for by Wis. Stats. Sec. 17.10 (2) and Sec. 59.18 (7) and any other personnel ordinance of the County relating to termination of employment. Bretl further represents that he is an attorney and understands the legal effect of waiving his rights under this section. This Agreement shall supersede all agreements by and between Bretl and the County entered into prior hereto.

2. Term. The term of employment hereunder shall commence on June 1, 2012 and shall end on December 31, 2016 unless terminated by either party pursuant to Paragraph 9 of this Agreement.

3. Duties. Bretl is employed as the County Administrator and Corporation Counsel of Walworth County and shall render his services at the principal business offices of the County located at Elkhorn, Wisconsin. As County Administrator of the County, Bretl has full responsibility and authority as defined in Section 59.18, Wis. Stats., the County Code of Ordinances and in the job description attached hereto as Exhibit A. As Corporation Counsel of the County, Bretl has full responsibility and authority as defined in Section 59.42, Wis. Stats., and the Walworth County Code of Ordinances. The County Code of Ordinances and the

attached job description may be amended from time to time by the County Board at its sole discretion and Bretl may thereby be required to perform such duties as delegated to him by the County Board.

Bretl has and will maintain his own automobile; he has and will maintain a valid driver's license; and, he has and will maintain an adequate level of automobile collision insurance consistent with County policies.

4. Reporting Obligations as Corporation Counsel. As Corporation Counsel, Bretl shall supervise all employees in the office of Corporation Counsel and all employees of said office shall report directly to Bretl. Bretl shall report to and be supervised in the position of Corporation Counsel by the County Board Chair. The Chair shall give a report on Bretl's performance as Corporation Counsel on or before November 1 of each year to the Executive Committee of the Board. Bretl shall be directed by the Chair as Corporation Counsel, be responsible at all times to the Chair and, in the absence of the Chair, to the Vice Chair of the County Board.

5. Performance Evaluation. Annually, the County Board Chair, in coordination with the Executive Committee, shall define such goals and performance objectives for Bretl in both capacities as Administrator and Corporation Counsel and shall further establish a relative priority among those various goals and objectives, said goals and objectives to be reduced to writing. The goals and performance objectives shall generally be obtainable within the time limitations specified, within the annual operating and capital budgets and appropriations provided by the County, and within the scope of authority of the position. Bretl shall have an opportunity to present his ideas prior to the reduction to writing of the goals and objectives.

The County Board Chair, in coordination with the Executive Committee, shall review and evaluate Bretl's performance at least once annually no later than November 1. Said review and evaluation shall be in coordination with specific criteria developed by the County and shall take into account the above-referenced goals and objectives. Other evaluation criteria may be added to or deleted from as the County, from time to time, determines. The County Board Chair, in coordination with the Executive Committee, shall provide Bretl with a written summary statement of the annual performance evaluation of the County Board Chair in coordination with the Executive Committee, and provide an adequate opportunity for Bretl to discuss his evaluation with the County Board Chair and Executive Committee. This evaluation may be used by the

County in determining increases in compensation for Bretl. In effecting the provisions of this section, the County and Bretl mutually agree to abide by the provisions of applicable law and the relevant county personnel policies, subject to the provisions of Paragraphs 10 of this Agreement.

6. Outside Employment. Bretl shall devote all necessary working time, ability and attention to the business of the County during his employment with the County. The County hereby grants Bretl the right to receive compensation for outside employment in the areas of teaching, consulting and writing, provided that none of the work is done or paid for by Walworth County, that no County resources are used in said endeavors, and that such employment does not conflict with County interests. Bretl retains sole ownership of any products of these endeavors, such as published writings.

7. Compensation. As compensation for his services rendered pursuant to this Agreement, Bretl shall be entitled to receive the following:

a. Salary.

(1) In consideration of performance of his duties as County Administrator, the County shall pay Bretl, at the commencement of this Agreement, a salary at the rate of \$142,376 per annum (the "Salary"). Provided Bretl's performance is satisfactory, he shall be entitled to a two percent (2%) salary increase on January 1, 2013 and a two percent (2%) increase on January 1, 2014 and a 1.9% increase on January 1, 2015 and a 1.9% increase on January 1, 2016. Any decision to deny a salary increase shall be based upon Bretl's performance and reasons therefore shall be provided in writing to Bretl by the County Board.

(2) In consideration of performance of his duties as Corporation Counsel and in addition to the salary specified in Paragraph 7 a (1), the County shall pay Bretl a salary at the rate of \$23,000 per annum ("Corporation Counsel Compensation"). Corporation Counsel Compensation shall be payable bi-weekly. Provided Bretl's performance as Corporation Counsel is satisfactory, he shall be entitled to a two percent (2%) increase in his Corporation Counsel Compensation effective January 1, 2013 and a two percent (2%) increase on January 1, 2014 and a 1.9% increase on January 1, 2015 and a 1.9% increase on January 1, 2016. It is the intention of the Parties that Bretl serve as both County Administrator and Corporation

Counsel during the term of this Agreement. Bretl and the County agree to cooperate and use their best efforts in order that Bretl can serve in both capacities.

b. Benefits.

Except as otherwise provided herein, as County Administrator Bretl shall be permitted to participate in any and all Employee Benefit Plans, including, but not limited to, health and medical insurance, paid holidays, group term life insurance, disability insurance, retirement plan contributions, vacation and sick time, as may be in effect for Department Heads of the County. Bretl acknowledges that provision of these benefits by the County is subject to change at any time with or without notice by the County and that these benefits are provided solely at the County's discretion; however, the County agrees to provide benefits to Bretl consistent with benefits provided to Department Heads of the County. At the commencement of the contract, Bretl shall be credited with such sick time and accrued vacation that he earned under his previous contract with the County.

8. Business Expenses. The County shall reimburse Bretl for all business expenses incurred in the performance of his duties under this Agreement in a manner consistent with the County-wide policies for reimbursing business expenses in effect at any relevant time. Consistent with the County's practices, an annual budget has been and will be established for Bretl's incurrence of necessary business expenses, such as gas and mileage reimbursement of his automobile (excluding the cost of Bretl's commute to work), commercial travel needs, meals, lodging and registration for seminars, conventions, membership dues and subscriptions to professional journals related to his work. The County further agrees that it will pay for Bretl's continuing legal education (CLE) so he may maintain a current Wisconsin law license. Attendance of this training shall be considered in the State Bar of Wisconsin and shall also pay for his malpractice insurance, if any is required. The County shall pay Bretl's membership in the International City/County Management Association (ICMA).

9. Termination. While it is the intent of both parties to this Employment Agreement that Bretl serve in the dual capacity of County Administrator and Corporation Counsel, during the term of this Agreement his employment in the dual role of Administrator and Corporation Counsel may be terminated as follows:

a. By the County Administrator and Corporation Counsel.

Bretl agrees to serve in both capacities as County Administrator and Corporation Counsel for a period ending on December 31, 2016. It is agreed by the parties that if Bretl wishes to terminate his employment as County Administrator, he must also simultaneously terminate his job as Corporation Counsel.

In the Event that Bretl decides to terminate his job as County Administrator before the expiration date set forth, he must terminate his employment by written notice and by giving the County 45 days advance notice, which notice shall be given to the Chair of the County Board. Bretl shall receive any compensation and benefits accrued to the date of termination, calculated in the same manner as Department Heads of the County, and shall not be entitled to any compensation beyond the actual date of termination. The County Board, however, at its sole discretion, may elect to relieve Bretl of his duties under this Agreement prior to the expiration of the 45-day notice period, in which event the County shall pay continued compensation for the remainder of the 45 days. Bretl shall not be entitled to any compensation beyond the actual date he ceases performing his duties as County Administrator under this Agreement.

In the event that Bretl wishes to continue his job as County Administrator but wishes to terminate his job as Corporation Counsel, he must give written notice of that intent to the Chair of the County Board 45 days in advance of the termination. He shall continue receiving his compensation as Corporation Counsel during that 45-day period, unless the County Board, at its sole discretion, elects to relieve him of his duties as Corporation Counsel prior to the expiration of the 45-day period. If he is relieved of duties as Corporation Counsel in these circumstances, while still retaining his job as County Administrator, the County will not be required to pay him his salary as Corporation Counsel during the remainder of the 45-day period.

b. By the County without Cause.

The County Board, by majority vote, may at any time, for any lawful reason, remove Bretl from both the County Administrator position and the Corporation Counsel position without cause and may terminate this Agreement prior to December 31, 2016, subject only to the following notice provision. The County Board must provide Bretl with 180 days advance written notice of termination or, in the alternative, must pay Bretl any continued compensation as described in Paragraph 7 for any reduction in the notice period. For example, if the county gives Bretl 90 days advance written notice, it must then pay Bretl 90 days continuing compensation. If

the County Board gives Bretl no advance written notice of termination, it must pay him 180 days continuing compensation. Continued compensation will not include any additional accrual of sick or vacation pay beyond the last day on which services are performed.

In the event the County gives Bretl advance written notice of termination as County Administrator and Corporation Counsel and Bretl requests to be released from his duties under this Agreement prior to the expiration of the advance notice, the County shall honor Bretl's request, in which case no continuing compensation will be paid to Bretl by the County.

In the event that the County Board, by majority vote, wishes to terminate Bretl's employment as Corporation Counsel but wishes to retain Bretl as County Administrator, it may remove him as Corporation Counsel at any time without cause by giving him 180 days advance written notice of termination of that position. The County Board, at its sole discretion, may relieve him of his Corporation Counsel duties prior to the expiration of the 180-day period. The County shall continue to pay Bretl his salary as Corporation Counsel for the remainder of the 180-day period, even if the County Board elects to relieve him of his duties as Corporation Counsel prior to the expiration of the period.

c. By the County with Cause.

Notwithstanding any other provisions of this Agreement, the County Board may terminate the employment of Bretl from both the County Administrator job and the Corporation Counsel job at any time "for cause" as defined herein. It is agreed that if cause exists to terminate him from either job, it will be deemed that cause exists to terminate him from both jobs and to thereby terminate his employment. In the event that his employment is terminated for cause, Bretl will only be paid his compensation and benefits through the end of the payroll period in which he is terminated.

For the purposes of this contract Agreement, "cause" for termination shall consist of any of the following types of conduct committed by Bretl:

- i. intentional misappropriation of County funds, for personal or unauthorized use by himself or others;
- ii. commission of an illegal act as defined by state or federal criminal statutes;
- iii. material failure to perform his statutory duties;
- iv. material breach of this Agreement;
- v. physical or mental illness incapacity as defined in this Agreement;

- vi. three (3) repeated acts of unsatisfactory conduct, each of which acts must have been the subject of a separate written notice to him by the County Board, by majority vote on each such notice.

In the event that the County Board wishes to consider terminating Bretl for cause, it shall pass a resolution by majority vote authorizing the Chair of the Board to make a written notice of the charges creating the cause for discharge. The notice shall also give a summary of the evidence relied upon for each charge for the allegation of cause. The notice shall then be served upon Bretl. Bretl shall have ten (10) days from receipt of the notice to request a conference with the County Board Chair to review the charges and to present arguments and evidence against the charge. At said conference, both the Chair and Bretl may have independent legal counsel present. After the conference, or if none is requested, the County Board Chair will take the matter back to the County Board for its review in closed session. The review will not be a hearing and will not require or permit testimony by Bretl. Bretl would also be permitted to submit a written response to the Board prior to any vote on removal. The County Board may then issue a notice of termination of employment for cause to Bretl and shall give Bretl a written notice of its decision, setting forth a date for the discharge. In the event that Bretl disagrees with the decision of the County Board, he shall have the right to institute a civil action against the Board, to challenge whether cause existed for his termination.

Bretl agrees that the processes set forth herein comply with all constitutional due process provisions and that he waives any claim of additional due process protections or procedures in the event that he is terminated for cause.

d. Physical or Mental Illness Incapacity.

Bretl's Agreement shall be terminable by the County, without notice, as a result of Bretl's incapacity due to physical or mental illness, on the earlier of either:

- i. the date when Bretl is eligible for coverage under the County's long term disability insurance plan; or
- ii. the date when Bretl shall have been absent from his duties hereunder on a full-time basis for a period of ninety (90) consecutive calendar days. Bretl agrees that he waives any claim of accommodation under the state or federal disabilities law once he has been absent for the aforesaid ninety (90) days.

e. Death.

Bretl's employment under this Agreement shall terminate as a result of his death. The designated beneficiary or beneficiaries shall be entitled to receive any due and owing compensation. The rights under the Benefit Plans and Programs of the County shall be determined in accordance with the terms and provisions of such plans and programs.

10. Conflict of Interest. In the event a conflict of interest arises as a result of Bretl's duties as Administrator and Corporation Counsel, the parties agree that the County will employ outside counsel to represent the County. For purposes of this section, a conflict of interest shall be defined as SCR Chapter 20 Rules of Professional Conduct for Attorneys and is administered by the Wisconsin State Bar and Wisconsin Supreme Court. Bretl shall be responsible for complying with his ethical responsibilities in the event any of his duties as Corporation Counsel creates a conflict of interest with his duties as County Administrator. In the event of a conflict of interest, Bretl's duties as Administrator shall be paramount and either he or the County Board may recommend the retention of outside counsel to handle any legal problems that would otherwise be handled by the Corporation Counsel. In addition, Bretl shall take care to avoid any appearance of a conflict of interest. In such cases, he shall consult with the County Board Chair as to how best to proceed with the issue.

Nothing herein shall preclude the County from retaining outside counsel from time to time to answer specifically the problems that may arise, or from having its insurance carrier provide counsel, even if no conflict of interest exists. The County shall consult with Bretl in such circumstances.

11. Notices. Any Notices to be given hereunder by either party to the other may be effected either by personal delivery in writing or by mail, registered or certified, postage pre-paid, with return receipt requested. Mailed Notices shall be addressed as follows:

If to the County: County Board Chair
Walworth County Government Center
Post Office Box 1001
Elkhorn, WI 53121

If to the County Administrator: David A. Bretl
3359 North Menomonee River Parkway
Wauwatosa, WI 53222

Either party may change its address for notice by giving notice in accordance with the terms of this Paragraph.

12. Indemnification/Defense. To the extent authorized by Wisconsin Statutes, the County shall defend and indemnify any and all demands, claims, suits, actions and legal proceedings brought against the County Administrator (a) in his official capacity or (b) personally by actions performed within the scope of his employment as Administrator and as Corporation Counsel.

13. Department Head. Except as otherwise specifically provided in this Agreement or by ordinance or resolution of the County Board, the County Administrator and Corporation Counsel shall be subject to all policies and procedures of the County which apply generally to Department Heads.

14. General Provisions.

- a. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Wisconsin.
- b. Invalid Provisions. If any provision of this Agreement is held to be illegal, invalid or unenforceable, such provision shall be fully severable, and this Agreement shall be construed and enforced as if such illegal, invalid or unenforceable provision had never comprised a part hereof; and, the remaining provisions hereof shall remain in full force and effect and shall not be affected by the illegal, invalid or unenforceable provisions or by its severance thereof.
- c. Binding Effect. This Agreement shall extend to and be binding upon and inure to the benefit of the parties hereto. This Agreement may not be assigned by Bretl.
- d. Entire Agreement. This Agreement sets forth the entire understanding of the parties and supersedes all prior arrangements and/or understandings, whether written or oral, with respect to the subject matter hereof. No terms, conditions, warranties, other than those contained herein, and no amendments or modifications hereto shall be binding unless made in writing and signed by the parties hereto.
- e. Execution. This Agreement may be executed in one or more counterparts, each of which shall be considered an original and all of which, taken together, shall be considered one and the same instrument.

15. Drafting and Reliance on Counsel. All terms and conditions included in this Agreement are understood as NO CONSTRUCTION AGAINST ANY PARTY. This Agreement is the product of informed negotiations between Walworth County and Bretl, who acknowledge to have been represented by competent and informed counsel. If any part of this Agreement is deemed to be unclear or ambiguous, it shall be construed as if it were drafted jointly by both parties.

16. Extension. The parties agree to negotiate, in good faith, an extension of this Agreement on or before January 1, 2016. Nothing herein shall obligate either party to extend the employment relationship.

WALWORTH COUNTY

Nancy Russell
County Board Chair

Dated: _____

This Agreement was drafted as an Employment Agreement by David A. Bretl, individually, and by Attorney Duffy Dillon of Brennan Steil, S.C., representing Walworth County.

David A. Bretl

Dated: _____

BRENNAN ■ STEIL SC

By:



Duffy Dillon
Special Counsel for Walworth County

Dated: 11/7/2013

Resolution No. 60-12/13

Supporting Legislation Increasing Petitioner Fees Relating to Election Ballot Recounts and Reducing Vote Margin Thresholds When a Payment Is Required for a Recount

1 Moved/Sponsored by: Executive Committee

2
3 **WHEREAS**, under current law, any candidate who receives votes in an election and any elector
4 who votes in a referendum may petition for a recount; and,

5
6 **WHEREAS**, current filing fees charged for an election recount depend on the total votes cast for
7 the office as well as the difference between the total votes cast for the leading candidate and the
8 total votes cast for the petitioner or between the affirmative and negative votes cast at a
9 referendum; and,

10
11 **WHEREAS**, when 1,000 or fewer votes are cast, a recount fee of \$5 per ward is required if the
12 difference is at least 10 votes between the votes cast for the leading candidate and those cast for
13 the petitioner or between the affirmative and negative votes cast at a referendum; and,

14
15 **WHEREAS**, when more than 1,000 votes are cast and the margin of difference between the total
16 votes cast for the leading candidate and those cast for the petitioner or between the affirmative
17 and negative votes cast in a referendum is more than 0.5% but not more than 2%, the fee charged
18 is \$5 per ward; if the difference is more than 2%, the petitioner must pay the actual cost of
19 conducting the recount; and,

20
21 **WHEREAS**, 2013 Assembly Bill 418 proposes to increase the above-stated fees from \$5 to \$25
22 per ward or \$25 per municipality, if a municipality is not divided into wards; and,

23
24 **WHEREAS**, in addition to the proposal set forth in Assembly Bill 418, Assembly Amendment 2
25 to AB 418 would reduce the vote margin threshold range, when a payment is required for a
26 recount, from the current range of 0.5% to 2% to a range of .25% to 1%; and,

27
28 **WHEREAS**, the above-stated proposed changes would be consistent in allowing recounts
29 without causing unnecessary burden on the petitioner requesting a recount.

30
31 **NOW, THEREFORE, BE IT RESOLVED** that the County Board supports legislation to
32 increase petitioner fees for election ballot recounts from \$5 to \$25 per ward and from \$5 to \$25
33 per municipality if a municipality is not divided into wards, and to reduce vote margin threshold
34 range, when a payment is required for a recount, from the current range of 0.5% to 2% to a range
35 of .25% to 1%.

36
37 **BE IT FURTHER RESOLVED** that the County Clerk provide a copy of this resolution to
38 Governor Walker and the State Legislators that represent Walworth County.

39
40
41
42
43 _____
44 Nancy Russell
County Board Chair

Kimberly S. Bushey
County Clerk

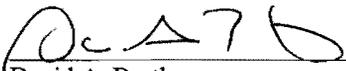
1 County Board Meeting Date: December 10, 2013

2

3 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:

 12/2/13
David A. Bretl Date
County Administrator/Corporation Counsel

 12/2/13
Nicole Andersen Date
Deputy County Administrator - Finance

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

Resolution No. 61-12/13

Supporting Legislation Requiring That Any Person Officiating a Marriage Be at Least 18 Years Old and Eliminating the Requirement of a Sponsorship Letter

1 Moved/Sponsored by: Executive Committee

2
3 **WHEREAS**, current Wisconsin law permits marriages to be officiated by: (a) any ordained
4 member of the clergy of any religious denomination or society who continues to be an ordained
5 member of the clergy; (b) any licentiate of a denominational body or an appointee of any bishop
6 serving as the regular member of the clergy of any church of the denomination to which the
7 member of the clergy belongs, if not restrained from so doing by the discipline of the church or
8 denomination; (c) the two parties themselves, by mutual declarations that they take each other as
9 husband and wife, in accordance with the customs, rules and regulations of any religious society,
10 denomination or sect to which either of the parties may belong; (d) any judge of a court of record
11 or a reserve judge appointed under Wis. Stats Sec. 753.075; (e) any circuit court commissioner
12 appointed under SCR 75.02 (1) or supplemental court commissioner appointed under section
13 757.675 (1); or (f) any municipal court judge; and,
14

15 **WHEREAS**, current Wisconsin law permits officiating persons who are not Wisconsin residents
16 but who meet the criteria set forth in 'a' and 'b' to officiate at a marriage in Wisconsin, if they
17 possess at the time of the marriage ceremony, a letter of sponsorship from a clergy member of
18 the same religious denomination or society who has a church in this state under his or her
19 ministry; and,
20

21 **WHEREAS**, proposed legislation provides that, except for the two parties themselves, who may
22 be under the age of 18, any person officiating a marriage must be at least 18 years old; and,
23

24 **WHEREAS**, State legislation further proposes to eliminate the requirement of a letter of
25 sponsorship if the person officiating a marriage is not a Wisconsin resident but meets the criteria
26 set forth in 'a' and 'b' above.
27

28 **NOW, THEREFORE, BE IT RESOLVED** that the Walworth County Board supports
29 proposed legislation requiring any person officiating at a marriage to be at least 18 years old and
30 eliminating the requirement of a sponsorship letter for nonresident religious officiants.
31

32 **BE IT FURTHER RESOLVED** that the County Clerk forward a copy of this resolution to all
33 Wisconsin State Senators and Assembly Representatives that represent Walworth County.
34

35
36 _____
37 Nancy Russell
38 County Board Chair

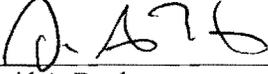
Kimberly S. Bushey
County Clerk

39
40 County Board Meeting Date: December 10, 2013

41
42 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:

 12/2/13

Date
David A. Bretl
County Administrator/Corporation Counsel

 12/3/13

Date
Nicole Andersen
Deputy County Administrator - Finance

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

Policy and Fiscal Note
Resolution No. 63-12/13

- I. **Title:** Requesting the State of Wisconsin To Uphold Its Funding Commitment to County Victim Witness Coordinator Programs
- II. **Purpose and Policy Impact Statement:** The purpose of this resolution is to request the state to uphold its funding commitment to county victim witness coordinator programs.
- III. **Budget and Fiscal Impact:** This is an advisory resolution, thus passage will not have a fiscal impact on the County budget.
- IV. **Referred to the following standing committees for consideration and date of referral:**

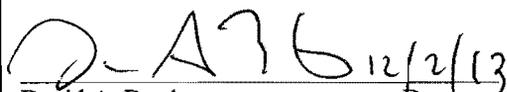
Committee: Executive

Meeting Date: November 18, 2013

Vote: 3 - 0

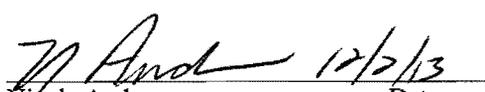
County Board Meeting Date: December 10, 2013

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.



Date

David A. Bretl
County Administrator/Corporation Counsel



Date

Nicole Andersen
Deputy County Administrator – Finance

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

Resolution No. 64-12/13
**Supporting Creation of a New Nonpartisan Procedure for the Preparation of
Legislative and Congressional Redistricting Plans**

1 Moved/Sponsored by: Executive Committee

2
3 **WHEREAS**, under the State Constitution, the legislature is directed to redistrict legislative
4 districts according to the number of inhabitants at its next session following the decennial federal
5 census by the majority party; and;

6
7 **WHEREAS**, at the same intervals, the legislature also reapportions congressional districts in
8 Wisconsin pursuant to federal law; and,

9
10 **WHEREAS**, legislative and congressional redistricting plans enacted pursuant to the above-
11 stated procedure are used to elect members of the legislature and members of Congress in the fall
12 of the second year following the year of the census; and,

13
14 **WHEREAS**, the 2011 process to draw the district maps and fight lawsuits cost taxpayers nearly
15 \$1.9 million; and,

16
17 **WHEREAS**, historically legislative and congressional plans in Wisconsin have been subject to
18 partisan influence that put the desires of politicians ahead of the needs of the people.

19
20 **NOW, THEREFORE, BE IT RESOLVED** that the Walworth County Board recommends the
21 creation of a nonpartisan procedure for the preparation of legislative and congressional
22 redistricting plans.

23
24 **BE IT FURTHER RESOLVED** that the Board supports a process that will promote more
25 accountability and transparency as well as prohibit the consideration of voting patterns, party
26 information, and incumbents' residence information or demographic information in drawing the
27 district maps, except as necessary to ensure minority participation as required by the U.S.
28 Constitution.

29
30 **BE IT FURTHER RESOLVED** that the County Clerk forward a copy of this resolution to the
31 Governor and all State Assembly Representatives and Senators representing Walworth County,
32 in addition to the Wisconsin Counties Association.

33
34
35 _____
36 Nancy Russell
37 County Board Chair

Kimberly S. Bushey
County Clerk

38
39
40 County Board Meeting Date: December 10, 2013

41
42 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:

David A. Bretl 12/3/13
Date
County Administrator/Corporation Counsel

Nicole Andersen 12/3/13
Date
Deputy County Administrator - Finance

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

Policy and Fiscal Note
Resolution No. 64-12/13

- I. **Title:** Supporting Creation of a New Nonpartisan Procedure for the Preparation of Legislative and Congressional Redistricting Plans

- II. **Purpose and Policy Impact Statement:** The purpose of this resolution is to support the creation of a new nonpartisan procedure for the preparation of legislative and congressional plans in Wisconsin.

- III. **Budget and Fiscal Impact:** This resolution is advisory, thus passage will not have any fiscal impact on the County budget.

- IV. **Referred to the following standing committees for consideration and date of referral:**

Committee: Executive Meeting Date: November 18, 2013

Vote: 3 - 0

County Board Meeting Date: December 10, 2013

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 12/3/13
Date

County Administrator/Corporation Counsel

N. Andersen 12/3/13
Date

Deputy County Administrator – Finance

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

ORDINANCE NO. 820 – 12/13

AMENDING SECTION 15-394 OF THE WALWORTH COUNTY CODE OF ORDINANCES RELATING TO SAFETY SHOES FOR PUBLIC WORKS EMPLOYEES

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

PART I: That Section 15-394 of the Walworth County Code of Ordinances is hereby created to read as follows:

“Sec. 15-394. Safety shoes.

The county will reimburse shall pay an annual stipend in the amount of \$75 to public works employees in all classifications, excluding office staff and limited term and/or casual employees, up to \$75 each calendar year for the purchase of safety shoes, provided the employee furnishes a receipt for the purchase. The stipend shall be paid on the first paycheck in February. The stipend shall not be pro-rated for a new hire within the annual period.”

PART II: This Ordinance shall become effective as of January 1, 2014.

PASSED and ADOPTED by the Walworth County Board of Supervisors this 10th day of December 2013.

Nancy Russell
County Board Chair

Kimberly S. Bushey
Attest: County Clerk

County Board Meeting Date: December 10, 2013

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 11/24/13
County Administrator/Corporation Counsel
Nicole Andersen 11/26/13
Deputy County Administrator - Finance
If unsigned, exceptions shall be so noted by the County Administrator.

Ordinance No. 820 – 12/13
Fiscal Note and Policy Impact Statement

- I. **Title:** Amending Section 15-394 of the Walworth County Code of Ordinances Relating to Safety Shoes for Public Works Employees

- II. **Purpose and Policy Impact Statement:** The purpose of this amendment is to change the \$75 reimbursement for safety shoes for public works employees to an annual stipend.

- III. **Is this a budgeted item and what is its fiscal impact:** Funds have been included in the 2014 budget to cover the cost of this annual stipend.

- IV. **Referred to the following standing committee(s) for consideration and date of referral:**

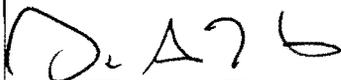
Committee: Human Resources Committee

Date: November 20, 2013

Vote: 5 – 0

County Board Meeting Date: December 10, 2013

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.

 11/26/13

Date
David A. Bretl
County Administrator/Corporation Counsel

 11/26/13

Date
Nicole Andersen
Deputy County Administrator - Finance

ORDINANCE NO. 821 – 12/13

**AMENDING SECTION 15-359 OF THE WALWORTH COUNTY CODE OF
ORDINANCES RELATING TO SPECIAL PAY PREMIUMS FOR CERTAIN
LAKELAND HEALTH CARE CENTER EMPLOYEES**

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

3
4 **PART I: That Section 15-359 of the Walworth County Code of Ordinances is hereby**
5 **amended to read as follows (additions shown by underline; deletions shown by strike-**
6 **through):**

7
8 **“Sec. 15-359. Special pay premiums.**

9
10 (b) Any premium listed below is paid on productive hours only.
11

Type of Premium	How Much	Who	Special Notes
Call-in Pay	2 hour minimum; may be required to work the full two hours	hourly employees <u>* Excludes LHCC pool staff</u>	n/a
Shift Premium	\$0.75/hour	LPN - Unit Supervisor (2 nd and 3 rd shift)	Received for any hours worked from 2:45 p.m. to 7:30 a.m.
	\$1.00/hour	RN - Unit Supervisor and Assistant Nurse Manager (2 nd and 3 rd shift)	Received for any hours worked from 2:45 p.m. to 7:30 a.m.
	\$0.25/hour	All hourly LHCC employees in nursing excluding RN's and LPN's (2 nd and 3 rd shift) <u>* Excludes LHCC pool staff</u>	Received for any hours worked from 2:45 p.m. to 7:30 a.m.
	\$0.50/hour additional	LHCC employees assigned to a 2 nd shift CNA or CMA position as of 1-1-12 <u>* Excludes LHCC pool staff</u>	An employee moving into a 2nd shift position after 1-1-12 will not be eligible for this premium
	\$0.25/hour	Food service and reception employees, including the part-time Account Clerk I, at LHCC <u>* Excludes LHCC pool staff</u>	Received for any hours worked with a start time of 11:30 a.m. or later.
	\$0.75/hour	Correctional or Communications Officers (2 nd shift)	Received for any hours worked from 3:00 p.m. to 11:00 p.m.
	\$0.25/hour	Correctional or Communications Officers (3 rd shift)	Received for any hours worked from 11:00 p.m. to 7:00 a.m.
	\$0.75/hour	Corrections Sergeants (2 nd and 3 rd shift)	Received for any hours worked from 2:45 p.m. to 7:00 a.m.
	\$0.20/hour	Health & Human Services (reception) working 2nd shift	Applies to a shift beginning in the reception unit on or after 12:00 p.m.
<u>\$0.50/hour</u>	<u>LHCC CNA pool staff</u>	<u>Received for any hours worked from 2:45 p.m. to 7:30 a.m.</u>	

	<u>\$1.00/hour</u>	<u>LHCC licensed pool staff</u>	<u>Received for any hours worked from 2:45 p.m. to 7:30 a.m.</u>
Charge Premium	\$1.40/hour	RN - Unit Supervisors <u>* Excludes LHCC pool staff</u>	n/a
	\$1.00/hour	Communications Officers	n/a
Weekend Differential	\$5.00/hour	RN - Unit Supervisors	For an employee who works additional straight-time hours on weekends in excess of their normally scheduled weekend hours, as long as the extra hours are not a result of employee-initiated trade days. A weekend is defined as a period beginning with the 3rd shift on Friday through the 2nd shift on Sunday.
	\$4.00/hour	LPN - Unit Supervisors	For an employee who works additional straight-time hours on weekends in excess of their normally scheduled weekend hours, as long as the extra hours are not a result of employee-initiated trade days. A weekend is defined as a period beginning with the 3rd shift on Friday through the 2nd shift on Sunday.
	\$2.00/hour	All LHCC employees scheduled to work weekends excluding RN's and LPN's <u>* Excludes LHCC pool staff and LHCC clerical staff.</u>	For an employee who works additional straight-time hours on weekends in excess of their normally scheduled weekend hours, as long as the extra hours are not a result of employee-initiated trade days. A weekend is defined as a period beginning with the 3rd shift on Friday through the 2nd shift on Sunday.
	<u>\$0.50/hour</u>	<u>LHCC dietary pool staff and CNA pool staff</u>	<u>Received for any hours worked from 11:00 p.m. on Friday until 11:15 p.m. on Sunday.</u>
	<u>\$1.00/hour</u>	<u>LHCC licensed pool staff</u>	<u>Received for any hours worked from 11:00 p.m. on Friday until 11:15 p.m. on Sunday.</u>
Standby Pay	\$1.50/hour, not on a holiday	LHCC employees <u>* Excludes LHCC pool staff</u>	n/a
	\$2.00/hour, on a holiday set forth in 15-515(b)	LHCC employees <u>* Excludes LHCC pool staff</u>	n/a
CDEB Stipend	Up to \$5,000 annually	Assistant director of special education	For additional work beyond contract days as set forth in 15-357 (c)
	Up to \$2,500 annually	School psychologist	For additional work beyond contract days as set forth in 15-357 (c)

Summer School	Step 1 of Special Education Aide Pay Range	Special Education Aides	n/a
Extended School Year Therapy	110% of current hourly rate	Physical Therapists Occupational Therapists	n/a
Road or Marking/Signing Lead Worker Differential	\$1.00/hour	Patrolman/Woman Machine Operator	n/a
Shop Lead Worker Differential	\$0.75/hour	Mechanic II	n/a
Machine Operator Differential	\$0.50/hour	Patrolman/Woman Road Lead Worker Marking/Signing Lead Worker Mechanic II	n/a
Mechanic II Differential	\$0.50/hour	Patrolman/Woman Road Lead Worker Marking/Signing Lead Worker	n/a
Economic Support Specialist Lead Worker Differential	\$1.00/hour	Economic Support Specialists	n/a
Substitute Aide Pay	\$90/day	Substitute Special Education Aides	n/a
Substitute Teacher Pay	\$90/day	Substitute Teachers	This rate applies until a substitute teacher has worked 30 continuous school days – at that time 15-1048 applies
Lunchroom Pay	3.13% of step 1 of lane 1 of current teacher pay schedule	Teachers Physical Therapists Occupational Therapists	n/a
Student Supervision Pay	Equal to Substitute Aide/Teacher daily rate	Lakeland School Employees	Applies only to non-contract days, including overnight trips on contract days.

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PART II: This ordinance shall become effective upon passage and publication.

PASSED and ADOPTED by the Walworth County Board of Supervisors this 10th day of December 2013.

Nancy Russell
County Board Chair

Kimberly S. Bushey
Attest: County Clerk

1 **County Board Meeting Date:** December 10, 2013

2

3 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:

 11/26/13
Date
David A. Bretl
County Administrator/Corporation Counsel

 11/26/13
Date
Nicole Andersen
Deputy County Administrator-Finance

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

ORDINANCE NO. 822 – 12/13

**AMENDING SECTIONS 15-6, 15-634 AND 15-810 OF THE WALWORTH COUNTY
CODE OF ORDINANCES RELATING TO UPDATES TO POSITION TITLES**

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

**PART I: That Section 15-6 of the Walworth County Code of Ordinances is hereby
amended to read as follows (additions shown by underline; deletions shown by strike-
through):**

“Sec. 15-6. At-will employment.

(f) The county administrator shall ensure that employment contracts are prepared and
executed for any department head hired or promoted after January 8, 2002 (excluding an elected
official) and anyone hired through competitive means pursuant to 15-316 (b) and 15-335 (a) after
the date indicated into the positions identified below.

Position	Department	Effective Date:
HR Generalist	Administration	January 1, 2013
HR Specialist	Administration	December 11, 2007
Comptroller	Finance	December 11, 2007
Finance Manager	Finance	April 21, 2009
Payroll/Benefits Manager	Finance	December 11, 2007
Administrator – LHCC	Lakeland Health Care Center	December 11, 2007
Deputy Director	Health and Human Services	December 11, 2007
Deputy Director	Health and Human Services	December 11, 2007
HS Manager – Aging/Long Term Care	Health and Human Services	April 21, 2009
HS Manager – Children’s Services	Health and Human Services	April 21, 2009
HS Manager – Community Support Services	Health and Human Services	April 21, 2009
HS Manager – Behavioral Health Services	Health and Human Services	January 1, 2011
<u>HS Manager - Mental Health Recovery Services</u>	<u>Health and Human Services</u>	<u>April 21, 2009</u>
HS Manager - Public Health	Health and Human Services	April 21, 2009
Manager of IT Operations	Information Technology	December 11, 2007
<u>Senior IT architect</u>	<u>Information Technology</u>	<u>January 1, 2014</u>
Deputy Director	Land Use and Resource Management	December 11, 2007
Assistant DPW Superintendent – Facilities	Public Works	April 21, 2009
Assistant DPW Superintendent – Facilities Plant Operations	Public Works	April 21, 2009
Assistant DPW Superintendent - Roads	Public Works	April 21, 2009
Assistant DPW Superintendent – Roads	Public Works	April 21, 2009
Assistant DPW Superintendent – Roads	Public Works	April 21, 2009
Assistant DPW Superintendent - Shop	Public Works	April 21, 2009

<u>Business Services Manager</u>	<u>Public Works</u>	<u>November 9, 2010</u>
County Engineer	Public Works	October 8, 2013
Director of Operations — DPW	Public Works	November 9, 2010
<u>Facilities Manager</u>	<u>Public Works</u>	<u>April 21, 2009</u>
<u>Highway Operations Manager</u>	<u>Public Works</u>	<u>November 9, 2010</u>
Office/Purchasing Manager — DPW	Public Works	November 9, 2010

1
2 **PART II: That Section 15-634 of the Walworth County Code of Ordinances is hereby**
3 **amended to read as follows (additions shown by underline; deletions shown by strike-**
4 **through):**

5
6 **“Sec. 15-634. Use of county and personal vehicles.**

7
8 (a) Except as provided under subsection (b), employees are prohibited from using a
9 county vehicle to commute from home to work or work to home or for any other personal
10 reasons.

11
12 (b) Employees and elected officials holding the following positions shall be assigned
13 a county vehicle and are required to commute in the vehicle for bona fide non-compensatory
14 business reasons: sheriff, under-sheriff, captain, lieutenant, deputy sheriffs assigned to K-9 units,
15 public works ~~director of operations~~ highway operations manager, and assistant public works
16 superintendent - roads and assistant public works superintendent - shop. At any time the
17 department head may access the vehicle or assign alternative use of a county vehicle. The county
18 may require that the vehicle be stored on county premises. Employees shall be required to
19 maintain a log showing the personal use of the vehicle and submit the log for payroll processing.

20
21 (c) If a county vehicle is provided for bona fide business use, the employee shall not
22 use the vehicle for personal purposes other than for commuting or *de minimis* personal use. In
23 addition, the employee's spouse or dependents shall not be allowed in the commuter vehicle for
24 any reason.

25
26 (d) No employee shall drive a county-owned vehicle or their own personal vehicle on
27 county business without first possessing a valid driver's license and liability insurance as
28 required by section 30-455(c) of the Code of Ordinances. Employees shall promptly report the
29 loss of their driver's license or liability insurance coverage to their supervisor.

30
31 (e) Absolute sobriety shall be required of any employee or elected official while
32 operating a county-owned vehicle.

33
34 (f) In addition to those employees set forth in (b), the ~~assistant public works~~
35 ~~superintendent~~ facilities manager and the ~~assistant public works superintendent~~ facilities plant
36 operations may be required to commute in a county-owned vehicle for bona fide non-
37 compensatory business reasons. In the event such action is required, the director - central
38 services will make such designation in writing to the deputy county administrator - finance. Use
39 of county-owned vehicles by the personnel listed herein shall be in accordance with the terms of
40 all applicable ordinances.”

1 **PART III: That Section 15-810 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. 15-810. Drug or alcohol testing.**

6
 7 (e) The county will randomly test the following non-represented employee
 8 classifications for compliance with its drug-free workplace policy.
 9

Department	Classification
Administration	County administrator
Finance	Comptroller
	Deputy administrator - finance
	Finance manager
	Payroll and benefits manager
	Payroll specialist
Human Resources	Human Resources Director
Information technology	Business Analyst/Project Manager
	<u>Computer operator</u>
	Desktop lead/server specialist
	Director - IT
	GIS Coordinator
	Help desk analyst
	<u>IT specialist</u>
	Manager of IT Operations
	Network engineer
	<u>Senior IT architect</u>
	Senior IT support specialist
<u>Lakeland Health Care Center</u>	<u>Administrator – LHCC</u>
Public works	Director - central services
Sheriff's office	Captain
	Jail administrator
	Jail superintendent
	Lieutenant
	Sheriff (elected)
	Undersheriff

Resolution No. 59-12/13
Setting Pay Rates for LHCC Pool Employees

1 Moved/Sponsored by: Human Resources Committee

2
3 **WHEREAS**, the Human Resources Committee (“Committee”) wishes to formally establish the
4 pay rates for the pool employees at the Lakeland Health Care Center; and,

5
6 **WHEREAS**, the Pool Dietary Staff shall be paid a base rate of \$13.00 per hour; and,

7
8 **WHEREAS**, the Pool Certified Nursing Assistants (“CNAs”) shall be paid a base rate of \$16.00
9 per hour; and,

10
11 **WHEREAS**, the Pool Nurses shall be paid a base rate of \$31 per hour; and,

12
13 **WHEREAS**, special pay premiums shall apply for weekends and second/third shifts as set forth
14 in Section 15-359 of the Walworth County Code of Ordinances; and,

15
16 **WHEREAS**, Pool Dietary Staff, Pool CNAs and Pool Nurses shall receive overtime at a rate of
17 one and one half (1 ½) times their hourly rate for hours worked over 40 in a seven-day week
18 (Sunday through Saturday); and,

19
20 **WHEREAS**, Pool Dietary Staff, Pool CNAs and Pool Nurses shall also receive a rate of one and
21 one half (1 ½) times their hourly rate for all hours worked on holidays recognized by Walworth
22 County.

23
24 **NOW, THEREFORE, BE IT RESOLVED** that the Walworth County Board of Supervisors
25 does hereby set the rates for LHCC pool employees as outlined above.

26
27
28 _____
29 Nancy Russell
30 County Board Chair

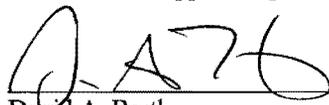
Kimberly S. Bushey
County Clerk

31
32
33 Action Required: Majority X Two-thirds _____ Other _____

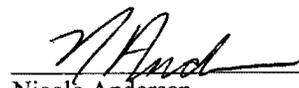
34
35 County Board Meeting Date: December 10, 2013

Policy and Fiscal Note is attached.

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

 12/2/13

David A. Bretl Date
County Administrator/Corporation Counsel

 12/2/13

Nicole Andersen Date
Deputy County Administrator - Finance

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

Policy and Fiscal Note
Resolution No. 59-12/13

- I. **Title:** Setting Pay Rates for LHCC Pool Employees

- II. **Purpose and Policy Impact Statement:** The purpose of this resolution is to formally set the pay rates for the LHCC pool employees.

- III. **Budget and Fiscal Impact:** Funds have been included in the 2014 budget for the LHCC pool employees.

- IV. **Referred to the following standing committees for consideration and date of referral:**

Committee: Human Resources

Meeting Date: November 20, 2013

Vote: 5 – 0

County Board Meeting Date: December 10, 2013

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.

 12/2/13

Date
David A. Bretl
County Administrator/Corporation Counsel

 12/2/13

Date
Nicole Andersen
Deputy County Administrator - Finance