



WALWORTH COUNTY BOARD OF SUPERVISORS MEETING

TUESDAY, FEBRUARY 10, 2015 AT 2:00 P.M.

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

Board of Supervisors

Nancy Russell – Chair
Rick Stacey – Vice-Chair

A G E N D A

Call to Order

Pledge of Allegiance

Invocation

- David A. Weber, Walworth County Board Supervisor, District #7

Roll Call

Withdrawals from Agenda, if any

Approval of the Agenda

Approval of the Minutes

Pgs. 1-5

- January 13, 2015 County Board Meeting

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

[Pursuant to Section 2-68 (7) of the Walworth County Code of Ordinances, "Public comment shall not be permitted with respect to any zoning item that has been the subject of a previously noticed public hearing."]

Appointments/Elections

Pg. 6

1. Agriculture and Extension Education and Land Conservation Committees
 - Matt Polyock – Farm Service Agency Representative (Recommended by the Executive Committee 5-0)

Pgs. 7-9

2. Civil Service Board
 - Sheldon "Shelly" Shepstone – Five-year term to begin upon confirmation and end on December 31, 2019
 - Thomas Cotter – Five-year term to begin upon confirmation and end on December 31, 2019

(Recommended by the Executive Committee 5-0)

Pg. 10

3. Wisconsin River Rail Transit Commission
 - Kevin Brunner – Term to begin upon confirmation and end on April 30, 2016 (Recommended by the Executive Committee 5-0)

Communications and Matters to Be Referred

- Pgs. 11-19** 1. Claims Received After Agenda Mailing
2. Claims: a) Summons and Complaint – Tom and Donna Poulos vs. Walworth County and Walworth County Board of Adjustment (To be referred to the Executive Committee)
- Pgs. 20-23** 3. Correspondence from Brown County Citizens for Responsible Wind Energy regarding the Public Service Commission of Wisconsin’s recently released 2014 Wind Siting Council Report (To be placed on file)
- Pg. 24** 4. Report of the County Clerk Regarding Communications Received by the Board and Recommended to be Placed on File
5. Report of the County Clerk Regarding Communications Received by the Board After the Agenda Mailing
- Pgs. 25-26** 6. Report of the County Clerk Regarding Zoning Petitions (To be referred to the County Zoning Agency)

Unfinished Business

New Business

Reports of Standing Committees

Executive Committee

- Pg. 27** 1. Approval of the 2015-2016 County Board Meeting Schedule – *Vote Required: Majority* (Recommended by the Executive Committee 5-0; the Finance Committee will consider this item and make a recommendation at their February 10, 2015 meeting.)
- Pgs. 28-29** 2. Res. No. 65-02/15 – Denying the Claim of Robert Drozdowski – *Vote Required: Majority* (Recommended by the Executive Committee 5-0)
- Pgs. 30-31** 3. Res. No. 66-02/15 – Recognizing the UW-Whitewater Warhawks Football Team on the Occasion of Their Sixth Division III National Championship – *Vote Required: Majority* (Recommended by the Executive Committee 5-0)

Finance Committee

- Pgs. 32-34** 1. Ord. No. 914-02/15 – Creating Chapter 13 of the Walworth County Code of Ordinances Concerning Risk Management and Creating Sections, thereof, Relative to Medical Coverage for Volunteers – *Vote Required: Majority* (The Finance Committee will consider this item and make a recommendation at their February 10, 2015 meeting.)
- Pgs. 35-38** 2. Res. No. 67-02/15 – Authorizing the Closing of CTH H, CTH M, CTH H (Lake Geneva) Roadwork Projects and CTH NN Culvert Project and Transferring Remaining Funds to the Road Construction Committed Fund Balance Account – *Vote Required: Majority* (Recommended by the Public Works Committee 4-0; the Finance Committee will consider this item and make a recommendation at their February 10, 2015 meeting.)
- Pgs. 39-41** 3. Res. No. 68-02/15 – Repealing Resolution No. 12-04/13 Approving Financing of Project on Behalf of Geneva Ridge Housing Foundation, LLC and Resolution No. 93-03/14 Approving Financing of Project on Behalf of Geneva Ridge Senior Housing, LP – *Vote Required: Majority* (The Finance Committee will consider this item and make a recommendation at their February 10, 2015 meeting.)

- Pgs. 42-43** 4. Res. No. 69-02/15 – Authorizing the Commitment of \$250,000 in the Risk Management Fund to Establish Self-funded Medical Coverage for Volunteers – *Vote Required: Majority* (The Finance Committee will consider this item and make a recommendation at their February 10, 2015 meeting.)

Human Resources Committee

- Pgs. 44-46** 1. Ord. No. 912-02/15 – Amending Section 15-17 of the Walworth County Code of Ordinances Relating to the Reclassification of an Account Clerk II Position in the Treasurer’s Office – *Vote Required: Majority* (Recommended by the Human Resources Committee 4-0)

- Pgs. 47-48** 2. Ord. No. 913-02/15 – Amending Section 15-359 of the Walworth County Code of Ordinances Relating to Special Pay Premiums for CDEB – *Vote Required: Majority* (Recommended by the Human Resources Committee 4-0)

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, March 10, 2015 agenda on or before Wednesday, February 25, 2015.

**JANUARY 13, 2015
WALWORTH COUNTY BOARD OF SUPERVISORS
PUBLIC HEARING**

Adopting the Walworth County Natural Hazards Mitigation Plan: 2014-2018 Five-Year Update

The Public Hearing for Adopting the Walworth County Natural Hazards Mitigation Plan: 2014-2018 Five-Year Update was called to order at 2:00 p.m. in the County Board Room at the Walworth County Government Center, 100 W. Walworth Street, Elkhorn, Wisconsin.

Public Input and General Discussion

Supervisor Weber offered a motion, seconded by Supervisor Brandl, to open the public hearing. Chair Russell asked for public input.

Michael Cotter, Director of Land Use and Resource Management (LURM), stated Deb Grube of his department has some inserts to include in the plan.

Deb Grube stated that LURM has been actively involved in county flood plain regulations since 1970 and asked the Board to consider adding LURM as a “Responsible Entity” on the following pages: Page 72 (of the agenda packet) Item 1 under Implementation Actions/Strategies; Page 73 Items 1, 2 and 3 under Implementation Actions/Strategies; and Page 75 Items 13, 22 and 23.

On motion by Supervisor Brandl, seconded by Supervisor Schaefer, the Public Hearing was closed at 2:07 p.m.

**JANUARY 13, 2015
WALWORTH COUNTY BOARD OF SUPERVISORS
MEETING**

The Walworth County Board of Supervisors meeting was called to order by Chair Russell at 2:07 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, Daniel G. Kilkenny, Kenneth H. Monroe, Joe Schaefer, Vice-Chair Rick Stacey, Charlene Staples, David A. Weber, Paul Yvarra, and Chair Nancy Russell. Kathy Ingersoll was absent. A quorum was established.

Charlene Staples, Walworth County Board Supervisor, District #5, delivered the invocation.

Amendments, Withdrawals, and Approval of Agenda

On motion by Supervisor Brandl, seconded by Supervisor Staples, the agenda was approved by voice vote with no withdrawals.

Approval of the Minutes

On motion by Supervisor Schaefer, seconded by Supervisor Monroe, the December 9, 2014 County Board Meeting minutes were approved by voice vote.

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

There was none.

Special Order of Business

- Recognizing Sheriff David Graves for his service to Walworth County

Chair Russell presented an award to Sheriff Graves for 38 years of service to Walworth County. Sheriff Graves thanked the board for the recognition and for their support over the years.

Appointments/Elections

1. Agriculture and Extension Education Committee
 - Mary Kaye Merwin – Two-year term to begin upon confirmation and end on December 31, 2016
 - Michael Krejci – Two-year term to begin upon confirmation and end on December 31, 2016
 - Sue Bellman – Two-year term to begin upon confirmation and end on December 31, 2016
 - Stacy Stewart – Alternate Member – Two-year term to begin upon confirmation and end on December 31, 2016

(Recommended by the Agriculture and Extension Education Committee 8-0 and the Executive Committee 5-0)
2. Lakeshores Library System Board
 - Edgar “Skip” Mosshamer – Three-year term to begin upon confirmation and end on December 31, 2017
 - Brian Broga – Three-year term to begin upon confirmation and end on December 31, 2017
 - Amanda Pflug – Three-year term to begin upon confirmation and end on December 31, 2017

(Recommended by the Executive Committee 5-0)
3. Walworth County Transportation Coordinating Committee
 - Jerry Grant – Two-year term to begin upon confirmation and end on December 31, 2016

(Recommended by the Executive Committee 5-0)

On motion by Supervisor Weber, seconded by Supervisor Brandl, the appointments to the Agriculture and Extension Education Committee, Lakeshores Library System Board, and Walworth County Transportation Coordinating 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 Appeal – B.R. Amon & Sons, Inc., Amon & Sons, Inc., Amon Land Company, LLC, Lake Mills Blacktop, Inc., Assignors (To be referred to the Executive Committee)
3. Correspondence from State of Wisconsin Division of Emergency Management regarding semiannual reports submitted for the second half FFY2014 (To be placed on file)
4. Correspondence from Gerald and Barbara Kramer regarding their support for Bruce Meyer’s variance request on W8080 Bayview Drive (To be placed on file)
5. Report of the County Clerk Regarding Communications Received by the Board and Recommended to be Placed on File
 - There were none.
6. Report of the County Clerk Regarding Communications Received by the Board After the Agenda Mailing

- Resolution No. 64-01/15 – Approving a Collective Bargaining Agreement by and between Walworth County and the Health and Human Service Professionals for the Period of January 1, 2015 to December 31, 2015 – *Vote Required: Majority* (The Human Resources Committee will consider this item at a special meeting prior to the January 13, 2015 County Board meeting.)
 - Notice of Claim – Robert Drozdowski – To be referred to the Executive Committee
 - Correspondence from Supervisor Richard Brandl regarding Town of Sharon Resolution #12-08-2014-02 Withhold Monies to Wisconsin River Rails Commission – To be referred to the Public Works Committee and the Finance Committee
 - *Walworth County Aging & Disability Resource Center News*, January 2015 – To be placed on file
7. Report of the County Clerk Regarding Zoning Petitions (To be referred to the County Zoning Agency)
- Charles B. Moelter Family Trust & Moelter Foundation, Lyons Township. Rezone approx. 3.7 acres of A-1 Prime Agricultural District to A-4 Agricultural Related Manufacturing, Warehousing and Marketing District for a boat storage facility. Rezone approx. 1.5 acres of A-1 to C-2 Upland Resource Conservation District, 7.1 acres of M-3 Mineral Extraction District to C-2, 18.3 acres of M-3 to A-1, and 1.7 acres of C-2 to A-1 for return of a material barrow site to A-1, recreational camp, and agricultural landing strip.

Unfinished Business

1. Res. No. 56-12/14 – Extending the Employment Contract of County Administrator David A. Bretl – *Vote Required: Majority* (Recommended by the Executive Committee 5-0)
2. Res. No. 57-12/14 – Extending the Employment Contract of Michael Cotter for Performing the Duties of Deputy Corporation Counsel – *Vote Required: Majority* (Recommended by the Executive Committee 5-0)

Administrator Bretl stated the resolution and policy and fiscal note page were signed by outside legal counsel as it is a conflict of interest for him to advise on his own contract; however, he can advise on Mr. Cotter's contract. On motion by Supervisor Weber, seconded by Supervisor Brandl, Item 1, **Resolution No. 56-12/14**; and Item 2, **Resolution No. 57-12/14**; were approved by voice vote.

New Business

Reports of Standing Committees

Agriculture and Extension Education Committee

1. Res. No. 62-01/15 – Authorizing Additions to Previously Established Pre-Approved Recurring Grants List – *Vote Required: Majority* (Recommended by the Agriculture and Extension Education Committee 9-0)

On motion by Supervisor Weber, seconded by Supervisor Staples, **Resolution No. 62-01/15** was approved by voice vote.

County Zoning Agency Report of Proposed Zoning Amendments

1. Allen C. and Nancy L. Lehman, Section 9, Walworth Township. Rezone approximately 2.47 acres of A-2 to A-1, 2.13 acres of A-2 to C-1, and 3.93 acres of C-1 to A-2 – Approved: 7-0 (December 18, 2014 County Zoning Agency Hearing)
2. SS&B Investments, LLC, Jamie Stilling Stepp – Applicant, Section 13, Sugar Creek Township. Rezone an approximately 1.96 acres parcel of A-2 to B-2 – Approved: 7-0 (December 18, 2014 County Zoning Agency Public Hearing)

3. Holt Brothers, Inc., William Holt – Vice President/Applicant, Section 4, Delavan Township. Rezone approximately .27 acres of P-2 to A-1 – Approved: 7-0 (December 18, 2014 County Zoning Agency Public Hearing)

On motion by Vice-Chair Stacey, seconded by Supervisor Brandl, Items 1 through 3 of the County Zoning Agency Report of Proposed Zoning Amendments were approved as recommended by the County Zoning Agency.

Executive Committee

1. Res. No. 51-12/14 – Adopting the Walworth County Natural Hazards Mitigation Plan: 2014-2018 Five-Year Update – *Vote Required: Majority* (Recommended by the Executive Committee 5-0)

Supervisor Weber offered a motion, seconded by Supervisor Brandl, to approve Resolution No. 51-12/14. Supervisor Weber offered a motion, seconded by Supervisor Monroe, to amend the plan by adding LURM as a “Responsible Entity” on the following pages: Page 72 (of the agenda packet) Item 1 under Implementation Actions/Strategies; Page 73 Items 1, 2 and 3 under Implementation Actions/Strategies; and Page 75 Items 13, 22 and 23. Motion carried. **Resolution No. 51-12/14 as amended** was approved by voice vote.

Human Resources Committee

1. Ord. No. 910-01/15 – Amending Section 15-17 of the Walworth County Code of Ordinances Relating to the Deputy Director – HHS Position – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
2. Ord. No. 911-01/15 – Amending Section 15-17 of the Walworth County Code of Ordinances Relating to the Reclassification of a Legal Secretary Position in Administration – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
3. Res. No. 64-01/15 – Approving a Collective Bargaining Agreement by and between Walworth County and the Health and Human Service Professionals for the Period of January 1, 2015 to December 31, 2015 – *Vote Required: Majority* (Recommended by the Human Resources Committee 4-0)

On motion by Supervisor Brandl, seconded by Supervisor Monroe, Item 1, **Ordinance No. 910-01/15**; Item 2, **Ordinance No. 911-01/15**; and Item 3, **Resolution No. 64-01/15**; were approved by voice vote.

Public Works Committee

1. Res. No. 60-01/15 – Approving an Amendment to the Intergovernmental Agreement for Joint Dam Operation By and Between Walworth County and the Lake Beulah Management District – *Vote Required: Majority* (Recommended by the Public Works Committee 5-0)
2. Res. No. 61-01/15 – Accepting the Kikkoman Corporation Donation of Two (2) 11,000 Gallon Storage Tanks for Public Works Operations – *Vote Required: Majority* (Recommended by the Public Works Committee 5-0)
3. Res. No. 63-01/15 – Approving the Lease of Farmland By and Between Walworth County and David Geils – *Vote Required: Majority* (Recommended by the Public Works Committee 5-0)

Vice-Chair Stacey offered a motion, seconded by Supervisor Weber, to approve Item 1, Resolution No. 60-01/15; Item 2, Resolution No. 61-01/15; and Item 3, Resolution No. 63-01/15. **Resolution No. 60-01/15** and **Resolution No. 61-01/15** were approved by voice vote. Bretl stated there needs to be a correction made to the Policy and Fiscal Note page of Resolution No. 63-01/15. Peggy Watson, Public Works Business/Purchasing Office Manager, stated the amount of \$220,000 under Part III of the Policy and Fiscal Note page should be changed to \$170,000. Supervisor Weber offered a motion, seconded by Supervisor Brandl, to amend the Policy and Fiscal Note page as requested by Ms. Watson. The

amendment was approved by voice vote. **Resolution No. 63-01/15 as amended** was approved by voice vote.

Report of Special Committees

There were none.

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

There was none.

Chairperson's Report – None.

Adjournment

On motion by Supervisor Brandl, seconded by Supervisor Monroe, the meeting was adjourned at 2:25 p.m.

STATE OF WISCONSIN)
) SS
COUNTY OF WALWORTH)

I, Kimberly S. Bushey, County Clerk in and for the County aforesaid, do hereby certify that the foregoing is a true and correct copy of the proceedings of the County Board of Supervisors for the January 13, 2015 meeting.

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

Nomination for Committee/Board/Commission Appointment

Committees: Agriculture & Extension Education and Land Conservation

Nominee: Matt Polyock

Address: W4079 Oakwood Drive

Lake Geneva, WI 53147

Submitted by: David Bretl, County Administrator

Authority: Section 59.18, Wisconsin Statutes

Who will the nominee replace? Sue Bellman

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

Was this vacancy advertised? _____

Comment Mr. Polyock will replace Sue Bellman as the local Farm Service Agency's representative on both the Ag-Extension Education and Land Conservation committees.

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

For incumbents, committee attendance, if known:

Nomination for Committee/Board/Commission Appointment

Committee: Walworth County Civil Service Commission

Nominee: Sheldon "Shelly" Shepstone

Address: 527 Madison Street

Lake Geneva, WI 53147

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 _____

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: SHELDON O SHEPSTONE

Date: 1-17-15

Mailing Address: 527 MADISON ST.

Phone: 263-348-2961

LAKE GENEVA, WI
53141

RECEIVED

JAN 20 2015

WALWORTH COUNTY ADMINISTRATION

I reside in: the Town of _____

the Village of _____

the City of LAKE GENEVA

Please consider me for appointment to (name of county committee, commission or board):

CIVIL SERVICE COMMISSION

I am interested in serving as a citizen representative because:

AFTER SERVING THE CITIZENS AS A DEPUTY SHERIFF, SERVING AS A COUNTY SUPERVISOR, AS ALDERMAN FOR LAKE GENEVA AND AS MAYOR FOR LAKE GENEVA, I WOULD LIKE TO CONTINUE SERVING THE CITIZENS OF WALWORTH COUNTY AS MEMBER OF THE CIVIL SERVICE COMMISSION

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

I RELATE & COMMUNICATE WELL W/ PEOPLE, CHAIRMAN PERSONAL COMMITTEE CITY LAKE GENEVA, MEMBER UTILITY COMM. - BOTH INVOLVED WITH HIRING AND PROMOTING PERSONNEL

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.

Sheldon O Shepstone 1-15-15
Signature of Applicant Date

Feel free to attach any additional documentation to this form.

Nomination for Committee/Board/Commission Appointment

Committee: Walworth County Civil Service Board

Nominee: Thomas Cotter

Address: 3037 Clayton Ave.

East Troy, WI 53120

Submitted by: David Bretl, County Administrator

Authority: Section 59.18, Wisconsin Statutes

Who will the nominee replace? Mr. Cotter currently serves on the Civil Service Board.

When did/does the incumbent's current term expire? December 31, 2014

Was this vacancy advertised? _____

Comment Appointment by the County Board would be for an additional five-year term of

Service to end on December 31, 2019.

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

For incumbents, committee attendance, if known:

Nomination for Committee/Board/Commission Appointment

Committee: Wisconsin River Rail Transit Commission

Nominee: Kevin Brunner, Central Services Director

Address: W4097 County Road NN

Elkhorn, WI 53121

Submitted by: David Bretl, County Administrator

Authority: Section 59.18, Wisconsin Statutes

Who will the nominee replace? Jerry Grant

When did/does the incumbent's current term expire? April 30, 2016

Was this vacancy advertised? _____

Comment _____

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

For incumbents, committee attendance, if known:

15.85

RECEIVED
WALWORTH COUNTY CLERK

STATE OF WISCONSIN

CIRCUIT COURT

WALWORTH COUNTY

2015 JAN 27 AM 11:11

TOM AND DONNA POULOS
W8128 Nature Drive
Whitewater, WI 53190,

Plaintiffs,

vs.

WALWORTH COUNTY
100 W. Walworth Street
Elkhorn, WI 53121,

and

WALWORTH COUNTY BOARD OF ADJUSTMENT
100 W. Walworth Street
Elkhorn, WI 53121,

Defendants.

'14 CV 00973

Case No.

Code No. 30607

HON. PHILLIP A. KOSS

FILED

DEC 18 2014

WALWORTH COUNTY
CLERK OF CIRCUIT COURT
BETHANY FIEGEL

SUMMONS

THE STATE OF WISCONSIN

To each person named above as a defendant:

You are hereby notified that the plaintiffs named above have filed a lawsuit or other legal action against you. The complaint, which is attached, states the nature and basis of the legal action.

Within 20 days of receiving this summons, you must respond with a written answer, as that term is used in Chapter 802 of the Wisconsin Statutes, 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:

Clerk of Circuit Court
Walworth County Judicial Center
P. O. Box 1001
Elkhorn, WI 53121

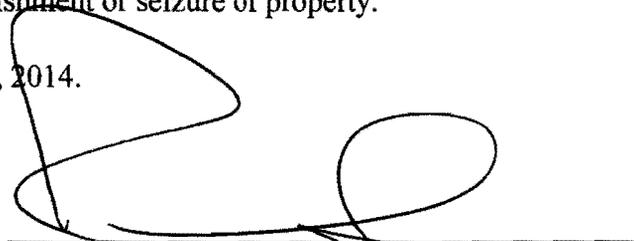
and to Russell W. Devitt, plaintiffs' attorney, whose address is:

SOFFA & DEVITT LLC
332 W. Whitewater Street
Whitewater, WI 53190

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 or any subsequent filing 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 and may also be enforced by garnishment or seizure of property.

Dated this 17 day of December, 2014.



Russell W. Devitt, SB#1014346
Teague D. Devitt, SB#1041762
Attorneys for Plaintiffs
SOFFA & DEVITT LLC
332 W. Whitewater Street
Whitewater, WI 53190
(262)473-5105
(262)473-5166 - fax

TOM AND DONNA POULOS
W8128 Nature Drive
Whitewater, WI 53190,

Plaintiffs,

vs.

WALWORTH COUNTY
100 W. Walworth Street
Elkhorn, WI 53121,

and

WALWORTH COUNTY BOARD OF ADJUSTMENT
100 W. Walworth Street
Elkhorn, WI 53121,

Defendants.

Case No. **'14 CV 00973**

Code No. 30607

HON. PHILLIP A. KOSS

FILED

DEC 18 2014

WALWORTH COUNTY
CLERK OF CIRCUIT COURT
BETHANY FIEGEL

COMPLAINT

Plaintiffs, by their attorneys, Soffa & Devitt, LLC, as and for a complaint in certiorari against the above-named defendants, allege and show to the Court as follows:

1. This is an action for certiorari brought by the filing of a civil complaint as provided for in Wis. Stat. §§801.02(5) and 781.01.
2. Plaintiffs, Tom and Donna Poulos, own improved real property located at W8128 Nature Drive, Whitewater, WI 53190. Plaintiffs' improved real property is adjacent to improved real property owned by Iza Goroff and Carol Goodwin and located at W8114 Nature Drive, Whitewater, WI 53190.
3. Defendant Walworth County is a municipal entity with offices located at 100 W. Walworth Street, Elkhorn, WI 53121.

4. Defendant Walworth County Board of Adjustment is a municipal entity that, among other things, hears and decides property owners' requests for variance from the Walworth County Shoreland Zoning Ordinance. The Board of Adjustment conducts its business at 100 W. Walworth Street, Elkhorn, WI 53121.

5. On or about November 12, 2014, the Board of Adjustment conducted a hearing on a variance request made by Goroff and Goodwin that would permit them to maintain an accessory structure constructed more than five feet taller than the 17-foot height limit imposed by the Walworth County Shoreland Zoning Ordinance.

6. Plaintiffs appeared at the above-mentioned hearing and voiced their opposition to the variance request.

7. On or about November 13, 2014, the Board of Adjustment voted two to one to grant Goroff and Goodwin's variance request, a decision memorialized in a Notice of Board of Adjustment Decision and Findings filed on November 20, 2014, a true and accurate copy of which is attached hereto as Exhibit "A".

8. In granting Goroff and Goodwin's request for a variance, the Board of Adjustment failed to keep within its jurisdiction; proceeded on an incorrect theory of law; acted arbitrarily, oppressively, and unreasonably, with its decision representing its will and not its judgment; and made a decision it could not reasonably have made based on the evidence.

WHEREFORE, plaintiffs demand judgment against the defendants as follows:

- A. For judgment reversing the Board of Adjustment's November 20, 2014, approval of Goroff and Goodwin's request for a variance.
- B. For their costs and disbursements incurred in bringing this action to the full extent provided by law; and

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

Dated this 17 day of December, 2014.

A handwritten signature in black ink, consisting of a large, stylized 'R' followed by a large, stylized 'D'. The signature is written over a horizontal line.

Russell W. Devitt, SB#1014346

Teague D. Devitt, SB#1041762

Attorneys for Plaintiffs

SOFFA & DEVITT LLC

332 W. Whitewater Street

Whitewater, WI 53190

(262)473-5105

(262)473-5166 – fax



NOTICE OF BOARD OF ADJUSTMENT DECISION AND FINDINGS

NAME OF APPLICANT (S): Iza Goroff, Carol Goodwin, owners

TOWN: Town of Richmond

TAX PARCEL NUMBER: CMH 00005

REQUIRED BY ORDINANCE: The Ordinance limits the height of an accessory structure to 17'.

**Land Use and Resource
Management Department**

VARIANCE REQUEST: The applicants are requesting an accessory structure 22' 3" in height. The request is a variance from Section(s) 74-163 / 74-181 of Walworth County's Code of Ordinances – Shoreland Zoning to permit the height of an accessory structure (treehouse).

BOARD OF ADJUSTMENT DECISION: The Walworth County Board of Adjustment, during the meeting of November 12 & 13, 2014, for the petition of Iza Goroff, Carol Goodwin, owners, motioned to **deny** the request for an accessory structure 22' 3" in height. (opposal of denial 2 – 1 results in **APPROVAL**)

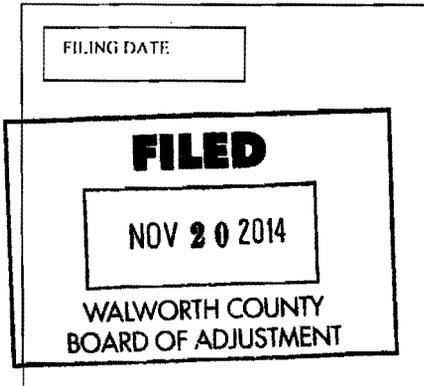
BOARD OF ADJUSTMENT FINDINGS: The Board found the steep slope to be a unique property limitation. The Board found the hardship was not self-created as the information received by the owner prior to construction was confusing. The Board found the accessory structure to be in a remote location. The Board found to approve the variance request would cause no harm to public interests. A family member spoke in support. There was a letter of opposition from the Town of Richmond and an e-mail of opposition from a neighboring property owner. Three neighboring property owners spoke in opposition.

BOARD MEMBER'S SIGNATURES:

OPPOSED
John Roth, Chair

OPPOSED
Franklin B. Jones, 2nd Alternate

Elizabeth C. Sukala
Elizabeth Sukala, 1st Alternate



This decision may be appealed by filing an action in certiorari in the Walworth County Circuit Court within thirty (30) days from the date the decision is filed in the offices of the Land Use and Resource Management Department.

Approvals by the Board of Adjustment shall expire within twelve (12) months unless substantial work has commenced pursuant to such approvals.

Non-compliance with the Boards decision may result in citations being issued at \$663.00 per day.

100 West Walworth Street
P.O. Box 1001
Room 222
Elkhorn, WI 53121
Planning/Zoning/Sanitation/
Conservation Divisions
262.741.4972 tel
262.741.4974 fax
262.741.4973 fax

TOM AND DONNA POULOS
W8128 Nature Drive
Whitewater, WI 53190,

'14 CV 00973

Plaintiffs,

Case No.

vs.

Code No. 30607

HON. PHILLIP A. KOSS

WALWORTH COUNTY
100 W. Walworth Street
Elkhorn, WI 53121,

and

WALWORTH COUNTY BOARD OF ADJUSTMENT
100 W. Walworth Street
Elkhorn, WI 53121,

FILED
CIRCUIT COURT

DEC 22 2014

Defendants.

Clerk of Courts-Walworth Co.
By: Kristi Schiller Deputy Clerk

ORDER

Plaintiffs having timely filed a summons and complaint in certiorari seeking review of a decision of the Walworth County Board of Adjustment filed on November 20, 2014, in which it granted a variance request made by Iza Goroff and Carol Goodwin pertaining to their property located at W8114 Nature Drive, Whitewater, WI 53190,

IT IS HEREBY ORDERED that, pursuant to Wis. Stat. §801.02(5), an authenticated copy of the summons and complaint and a conformed copy of this order shall be served upon defendants within ninety (90) days hereafter, and defendants shall file a proper answer within twenty (20) days of the date of service. It is further ordered that the complete administrative record for the Walworth County Board of Adjustment proceedings referred to in the complaint

must be produced by the defendants to the Walworth County Clerk of Courts, 1800 Highway NN, Elkhorn, WI 53121, within sixty (60) days after service of this order.

Dated this 22 day of December, 2014.

BY THE COURT:



Walworth County Circuit Court Judge

[Faint, illegible text and lines, possibly a stamp or bleed-through from the reverse side of the page]

Kim Busby - County Clerk

Wauworth County

Served this 27th day of June 20 15 at 11:01 AM Elkhor

City, Town or Village

Wauworth County, Wisconsin

KURT PICKNELL

SHERIFF

BY

Deputy Sheriff

RECEIVED

18

CLERK COURT BETHANY FIEGEL



Please share with your Board members
BCCRWE Team
to:

01/19/2015 10:39 AM
Please respond to leadershipteam
[Show Details](#)

2 Attachments



Capital Times-Wind Siting Report Not to be Trusted.pdf



Wind Siting Report Isn't Whole Story.pdf

Dear Clerk,

Attached are two recently published articles regarding the Public Service Commission of Wisconsin's recently released 2014 Wind Siting Council Report. Each article is written by a regular or alternate member of the Wind Siting Council and appeared in either the (Madison) *Capital Times* or the (Appleton) *Post Crescent*. Similar articles have also recently appeared in the *Green Bay Press Gazette*, the *Portage Daily Register*, the *Fond du Lac Reporter*, and the *Wisconsin State Journal*.

This information is important to any community where the potential exists for industrial wind turbines to be built nearby. With wind turbine projects becoming more widespread, your Board officials may need to be aware of this information.

Please share these articles with your Board members.

Thank you,

Brown County Citizens for Responsible Wind Energy



Jim Vanden Boogart: Wind siting report not to be trusted

DECEMBER 24, 2014 4:30 AM • JIM VANDEN BOOGART | WIND SITING COUNCIL ALTERNATE MEMBER

In 2009, Wisconsin Act 40 directed the Public Service Commission of Wisconsin to appoint a Wind Siting Council to provide advice to the PSC during the rule-making process for the siting of wind turbines. Act 40 also requires that council to submit a report to the Legislature every five years providing updated information about health research and regulatory developments, and to provide recommendations for legislation, if needed. In October that report was sent to the Legislature.

Act 40 specifies the WSC membership makeup, and it created a bias in the form of a majority made up of several pro-wind energy interests and pro-wind environmentalists versus a minority of others who would focus on safety and health. Herein lies the problem with the reliability or usefulness of the report.

The report is *supposed* to be an objective, scientific presentation of the facts surrounding the human health impacts of wind energy systems. Unfortunately, the council makeup has led to the politicization of the report due to the pro-wind majority's ability to include or exclude specific information that is either favorable or unfavorable to their position. This problem with the council's pro-wind imbalance is only exacerbated by the fact that the report's details and tenor were largely controlled by the staff of the PSC, an agency that has promulgated unprotective wind siting rules that are injurious to public health and which has consistently approved Wisconsin wind projects with inadequate noise limits and safety setbacks.

The result: a politicized, biased report masquerading as a scientific, authoritative presentation on the health status of wind siting in Wisconsin, and serving as a tool of the PSC and wind industry to build more wind projects in Wisconsin under harmfully permissive regulations.

For example, the report's health literature survey section concludes by saying, "(T)he council is unable, at this time, to conclude that wind turbines have a direct and negative effect on human health." Compare this with the conclusion of the peer-reviewed "Systematic Review 2013: Association Between Wind Turbines and Human Distress" conducted by the Northern Ontario School of Medicine. This systematic review of existing published peer-reviewed studies investigating the association between wind turbines and human distress states, "All peer-reviewed studies captured in our review found an association between wind turbines and human distress. These studies had levels of evidence of four and five. Two studies showed a dose-response relationship between distance from wind turbines and distress, and none of them concluded no association."

So how can the WSC report make its claim? Through insisting on a DIRECT CAUSAL LINK having absolute scientific certainty, while dismissing the ubiquitous reporting of health complaints across the globe that demonstrate a very high correlation between health symptoms and the onset of wind

turbine operations.

The policy update section of the report relied heavily upon the 2012 report commissioned by the National Association of Regulatory Utility Commissioners. While the WSC report concludes that “Wisconsin’s siting regulations for wind energy systems are evidently consistent with other state and national policy regulatory developments,” in fact, Wisconsin is NOT following the NARUC recommendations for dB(A) noise limits, setting noise limits based on ambient noise levels, noise monitoring, complaint arbitration and resolution, daily shadow flicker limits, or decommissioning escrow requirements.

Wisconsin’s wind siting laws fall far short of the best practices that are recommended in the United States and fall even further short of the best practices that are being implemented in other countries that have broader experience with wind energy.

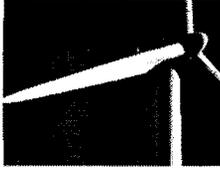
The pro-health WSC minority members have MUCH more to say about wind’s problems and how to address them. While largely excluded from the main report, their view is presented as an appendix to the main report and provides a truthful, objective report by unconflicted WSC members, whose only interest is protecting public health. Read it at: <http://bccrwe.com/images/stories/WSCMinorityResponse2014.pdf>

Jim Vanden Boogart, of Greenleaf, is an alternate member of the Wind Siting Council and president of the Brown County Citizens for Responsible Wind Energy.

Wind-siting report isn't whole story

Glen R. Schwalbach, For Post-Crescent Media 5 a.m. CST January 6, 2015

A biased majority on the state council rejects the minority's views about the effects.



(Photo: Getty Images/moodboard RF)

In 2009, the state Legislature created the Wind Siting Council. The statute requires the WSC to report to the Legislature every five years on research regarding health impacts and state and national regulatory developments with recommendations for legislation. The first five-year report was released at the end of October. I'm a member of the WSC.

For anyone reading the full report, it's essential to understand how the Wind Siting Council is comprised. The majority, eight members, are advocates for wind energy, many with financial interests in wind development and some being benefactors of tax subsidies. The minority, six members, are primarily focused on health and safety issues.

To protect their interests, the WSC's majority voted to exclude the very significant Public Service Commission-funded report by four acoustic consulting firms in the Shirley Wind Farm in Brown County.

In addition, the majority voted not to report on 1) the regulatory requirements of non-U.S. nations, 2) the resident-complaint logs from wind-project operators, 3) the numerous affidavits from Wisconsin residents who attested to their negative health impacts, 4) the resolutions sent to the Legislature and the PSC by local government boards, and 5) the testimony of residents who have suffered negative effects. These documents contain critical information that legislators need to review, but weren't included.

The majority voted to accept the health report draft, as final, without a paragraph-by-paragraph discussion, resulting in irrelevant studies and misleading conclusions remaining in the report.

For example, the report cites surveys, done among respondents in wind projects, that state "... most respondents did not report annoyance or adverse health effects." The main text doesn't point out that these projects consisted of small 0.5 megawatt wind turbines and respondents were as much as 8,000 feet away. Turbines in the Shirley Wind Farm are five times larger (2.5 megawatts) and located as close as 1,022 feet to homes.

The majority voted to reject the minority's list of recommendations for legislation, including requesting acoustic and epidemiological studies. Medical and engineering professionals and unbiased scientists insist such studies are needed based on the deficiencies of previous scientific studies and the growing evidence of a correlation between negative health impacts and the presence of inaudible infrasound and low frequency noise in wind projects. Significant research has been published this year — too late for the WSC to review per the majority's vote.

As the majority's actions biased the report, the minority members decided to produce the minority report (<http://bccrwe.com/images/stories/WSCMinorityResponse2014.pdf>), included as Appendix F of the full report. The minority report provides unbiased information to the Legislature, addresses the inadequacy of Wisconsin's wind-siting regulations, and includes recommendations for legislation to provide safer wind projects in the future.

It suggests improvements to audible and inaudible noise level limits, adequate setbacks from property lines, funding for scientific studies, and compensation for those suffering health and financial losses.

The wind industry and their attorneys will misleadingly cite the biased main report without mentioning the minority report, which was supported by 43 percent of the WSC members.

The minority report gives legislators an accurate report and real-world guidance on how to responsibly develop wind energy in Wisconsin. The wind industry will repeat the usual arguable comment that there is no scientific proof — different from scientific evidence — that wind turbines harm people. They won't support additional studies for which they may not be able to control the outcome.

Left unabated, this industry will continue to inflict suffering upon Wisconsin families.

— Glen R. Schwalbach is a De Pere engineer and energy consultant. He can be reached at pletters@postcrescent.com

Read or Share this story: <http://post.cr/1Bu27z1>



February 10, 2015 – Walworth County Board Meeting

County Clerk

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

Kimberly S. Bushey
County Clerk

- There were none.

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 and County Land Use Plan 2035 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
YMCA of Elgin, Jody A Heimos - Applicant	East Troy Township Tax Parcels P ET-8-18, P ET-9-39 and 45 and P ET-16-2	Rezone entire recreational camp parcels from A-3 Agricultural Holding District, C-2 Upland Resource Conservation District and C-4 Lowland Resource Conservation District (Shoreland Wetlands) to P-1 Park District and C-1 Lowland Resource Conservation District (Non-Shoreland Wetlands) according to a digital survey and wetland delineation.	February 10 th , 2015
Jodi A. Buckett	LaFayette Township Tax Parcel K LF-21-6	Rezone approx. 35 acres of A-1 Prime Agricultural District to approx. 22 acres of A-2 Agricultural District and 13 acres of A-5 Agricultural-Rural Residential District.	February 10 th , 2015
Richard H. Kraus Jr. Trust	Whitewater Township Part of Tax Parcel D W-20-6	Rezone approx. 59.97 acres of M-3 Mineral Extraction District to A-1 Prime Agricultural District.	February 10 th , 2015
Douglas Ridge	Whitewater Township Part of Tax Parcel D W-9-1	Rezone approx. 21.7 acres of M-3 Mineral Extraction District to A-3 Agricultural Holding District.	February 10 th , 2015
Robin C. Goessling	Whitewater Township Part of Tax Parcel D W-7-4B	Rezone approx. 28.39 acres of M-3 Mineral Extraction District to A-1 Prime Agricultural District.	February 10 th , 2015

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 _____, 2015.

County Clerk

cc: County Supervisor Rick Stacey
County Supervisor Joe Schaefer
County Supervisor Tim Brellenthin

WALWORTH COUNTY BOARD OF SUPERVISORS 2015-2016 MEETING SCHEDULE

DRAFT

Tuesday, April 7, 2015 – SPRING ELECTION

6:00 p.m., Tuesday, April 21, 2015 [Per Wis. Stats. § 59.11 (1)(c)]

6:00 p.m., Tuesday, May 12, 2015

6:00 p.m., Tuesday, June 9, 2015

6:00 p.m., Tuesday, July 14, 2015

*5:00 p.m., Tuesday, September 8, 2015 – Committee of the Whole – Budget Workshop –
Presentation of Administrator's 2016 Budget

6:00 p.m., Tuesday, September 8, 2015

6:00 p.m., Tuesday, October 13, 2015

6:00 p.m., Thursday, October 29, 2015 – Public Budget Hearing

6:00 p.m., Tuesday, November 10, 2015 – Budget Adoption

2:00 p.m., Tuesday, December 8, 2015

2:00 p.m., Tuesday, January 12, 2016

2:00 p.m., Tuesday, February 9, 2016

Tuesday, February 16, 2016 –SPRING PRIMARY ELECTION

6:00 p.m., Tuesday, March 8, 2016

Tuesday, April 5, 2016 – SPRING ELECTION

6:00 p.m., Tuesday, April 19, 2016 – Swearing In of Newly Elected Supervisors

6:00 p.m., Thursday, April 21, 2016

*Committee of the Whole Meetings

Please Note: There will not be a County Board meeting in August.

Draft meeting schedule approved by the Executive Committee 5-0 at their January 19, 2015 meeting.

The Finance Committee will consider the meeting schedule at their February 10, 2015 meeting.

Resolution No. 65-02/15
Denying the Claim of Robert Drozdowski

1 Moved/Sponsored by: Executive Committee

2

3 **WHEREAS**, a claim was filed on January 13, 2015 by Robert Drozdowski, 2360 Wexford Lane,
4 Lake in the Hills, Illinois 60156, by his attorneys Hupy and Abraham S.C.; and,

5

6 **WHEREAS**, based upon a review of the facts of this claim, the Executive Committee
7 recommends the claim be denied.

8

9 **NOW, THEREFORE, BE IT RESOLVED** that the claim of Robert Drozdowski be and the
10 same is hereby denied.

11

12 **BE IT FURTHER RESOLVED** that the County Clerk be authorized and directed to serve a
13 Notice of Disallowance on the claimant and his counsel.

14

15

16

17

18 _____
19 Nancy Russell
20 County Board Chair

Kimberly S. Bushey
County Clerk

21

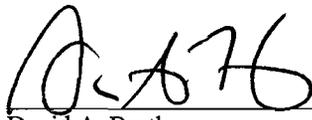
22 County Board Meeting Date: February 10, 2015

23

24 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:

 1/22/15

Date

David A. Bretl
County Administrator/Corporation Counsel

 1/23/15

Date

Nicole Andersen
Deputy County Administrator - Finance

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

Policy and Fiscal Note
Resolution No. 65-02/15

- I. Title:** Denying the Claim of Robert Drozdowski

- II. Purpose and Policy Impact Statement.** The purpose of this resolution is to deny the claim of Robert Drozdowski.

- III. Budget and Fiscal Impact:** Passage of this resolution will not have any fiscal impact on the county budget.

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

Committee: Executive

Meeting Date: January 19, 2015

Vote: 5 - 0

County Board Meeting Date: February 10, 2015

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.

 1/22/15

Date
David A. Bretl
County Administrator/Corporation Counsel

 1/23/15

Date
Nicole Andersen
Deputy County Administrator – Finance

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

ORDINANCE NO. 914-02/15

**CREATING CHAPTER 13 OF THE WALWORTH COUNTY CODE OF ORDINANCES
CONCERNING RISK MANAGEMENT AND CREATING SECTIONS, THEREOF,
RELATIVE TO MEDICAL COVERAGE FOR VOLUNTEERS**

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

PART I: That Chapter 13 of the Walworth County Code of Ordinances entitled Risk Management is hereby created to read as follows:

“ARTICLE I.

IN GENERAL

Sec. 13-1. Purpose.

The purpose of this chapter is to establish and maintain sound risk management practices to ensure the safety of the public and the county’s employees.

Sec. 13-2 to 13-20. Reserved.

ARTICLE II.

VOLUNTEERS

Sec. 13-21. Medical expense coverage.

(a) Walworth County does hereby establish a program of self-insurance for registered, active volunteers serving county programs and departments in the amounts set forth in (b) and subject to all of the terms and conditions of the program, which shall be established by Administrative Procedure. Interpretation of this ordinance and all Administrative Procedures shall be at the sole discretion of Walworth County. This program may be rescinded by the County Board at any time. This program is offered in appreciation of the valuable contributions made by County volunteers. Any payment made from this program to, or on behalf of a volunteer, shall in no way be deemed as an admission of liability by Walworth County.

(b) The limits of coverage shall be as follows:

Accidental Death, Dismemberment – Indemnity (\$200,000 aggregate limit)	\$50,000
Accidental Medical Expense Benefit	\$25,000
Accidental Medical Expense Coverage	Primary

Accidental Medical Expense Benefit
Period

Provided treatment begins within 90
days from the date of injury.
Benefits are payable for 104 weeks
from the date of injury

1
2 (c) The Deputy County Administrator – Finance shall ensure that adequate reserves are
3 established and maintained to support this program. Claims shall be evaluated and, if authorized by
4 this Ordinance and Administrative Procedure, approved for payment by the Deputy County
5 Administrator-Finance. Any person aggrieved by the decision of the Deputy County Administrator-
6 Finance may appeal the decision to the County Administrator. Appeals of the County
7 Administrator’s decision shall be to the Executive Committee, which decision shall be final.
8

9 (d) For purposes of this ordinance, a registered and active volunteer shall mean a
10 volunteer actively supporting a department of County government or a County sponsored program,
11 and who has successfully completed all of the requirements of becoming an official County
12 volunteer.”
13

14 **PART II:** That this ordinance shall become effective upon passage and publication.
15

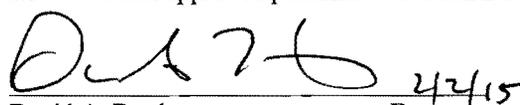
16 **PASSED and ADOPTED** by the Walworth County Board of Supervisors this 10th day of February
17 2015.
18

19
20
21 _____
22 Nancy Russell
23 County Board Chair

21 _____
22 Kimberly S. Bushey
23 Attest: County Clerk

24
25 County Board Meeting Date: February 10, 2015

26 Action Required: Majority Vote _____ Two-thirds Vote X Other _____

Policy and Fiscal Note is attached.
Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:
 2/2/15
David A. Bretl Date
County Administrator/Corporation Counsel
 2/2/15
Nicole Andersen Date
Deputy County Administrator - Finance
If unsigned, exceptions shall be so noted by the County Administrator.

Ordinance No. 914-02/15
Fiscal Note and Policy Impact Statement

- I. Title:** Creating Chapter 13 of the Walworth County Code of Ordinances Concerning Risk Management and Creating Sections, thereof, Relative to Medical Coverage for Volunteers
- II. Purpose and Policy Impact Statement:** The purpose of this ordinance is to establish and maintain sound risk management practices to ensure the safety of the public and the county's employees.
- III. Is this a budgeted item and what is its fiscal impact:** By separate resolution, the county will commit \$250,000 in the risk management fund for use in settling claims associated with authorized volunteers.
- IV. Referred to the following standing committee(s) for consideration and date of referral:**

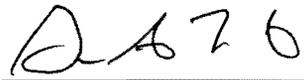
Committee: Finance

Date: February 10, 2015

Vote:

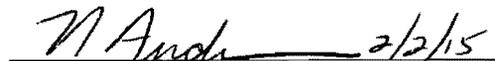
County Board Meeting Date: February 10, 2015

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 ordinance.



David A. Bretl
County Administrator/Corporation Counsel

2/2/15
Date



Nicole Andersen
Deputy County Administrator - Finance

Resolution No. 67-02/15
**Authorizing the Closing of CTH H, CTH M, CTH H (Lake Geneva) Roadwork Projects
and CTH NN Culvert Project and Transferring Remaining Funds to the Road
Construction Committed Fund Balance Account**

1 Moved/Sponsored by: Public Works and Finance Committees
2

3 **WHEREAS**, the County Trunk Highway (CTH) H (Hwy 12 LaGrange S to CTH A) roadwork
4 project was funded by tax levy, road construction committed fund balance, and state funds. The
5 total budget for the CTH H project was \$2,017,075. All field work on the CTH H project was
6 completed in 2014 at a cost of \$1,833,110.12; and,
7

8 **WHEREAS**, the CTH M (STH 89 to Delavan) road work project was funded by tax levy and
9 state funds. The total budget for the CTH M project was \$2,085,340. All field work on the CTH
10 M project was completed in 2014 at a cost of \$1,902,373.63; and,
11

12 **WHEREAS**, the CTH H (CTH NN to Williams St) Lake Geneva roadwork project was funded
13 by tax levy, and road construction committed fund balance. The total budget for the CTH H
14 project was \$286,600. All field work on the CTH H project was completed in 2014 at a cost of
15 \$254,669.36; and,
16

17 **WHEREAS**, the CTH NN culvert rehabilitation project was funded by tax levy. The total
18 budget for the CTH NN project was \$37,500. The culverts for the CTH NN project were
19 received in 2013 at a cost of \$36,954.6. The installation of the culverts will be completed in
20 conjunction with the CTH NN (East Campus South to CTH H) roadwork project in 2016; and,
21

22 **WHEREAS**, the Walworth County Department of Public Works requests to transfer the
23 remaining project funds of \$522,579.19 to the Road Construction Committed Fund Balance
24 Account.
25

26 **NOW, THEREFORE, BE IT RESOLVED** that the Walworth County Board of Supervisors
27 authorizes the closure of the CTH H, CTH M, CTH H (Lake Geneva), and CTH NN projects and
28 approves the transfer of the remaining project funds to the Road Construction Committed Fund
29 Balance Account in the Capital Projects Fund.
30

31 **BE IT FURTHER RESOLVED** that the Walworth County Board of Supervisors authorizes the
32 Finance Department to adjust the amount transferred to the Capital Projects Funds Committed to
33 Road Contingency for residual project invoices.
34
35
36

Policy and Fiscal Note
Resolution No. 67-02/15

- I. **Title:** Authorizing the Closing of CTH H, CTH M, CTH H (Lake Geneva) Roadwork Projects and CTH NN Culvert Project and Transferring Remaining Funds to the Road Construction Committed Fund Balance Account.
- II. **Purpose and Policy Impact Statement:** The purpose of this resolution is to authorize the closing of the 2014 roadwork projects and the 2013 culvert rehabilitation project.
- III. **Budget and Fiscal Impact:** The field work on the CTH H (Hwy 12 LaGrange S to CTH A) roadwork project was complete in 2014. The total project budget was \$2,017,075. The project funding sources were tax levy \$1,726,600, road construction committed fund balance \$90,475.00, and state funds (CHI D) \$200,000. The total actual project costs were \$1,833,110.12. The actual state funding for the project is \$193,037.96. The project was completed for \$267,002.84 under budget.

The field work on the CTH M (STH 89 to Delavan) roadwork project was complete in 2014. The total project budget was \$2,085,340. The project funding sources were tax levy \$1,885,340 and state funds (CHIP) \$200,000. The total actual project costs were \$1,902,373.63. The actual state funding for the project is \$204,148.63. The project was completed for \$187,115.00 under budget.

The field work on the CTH H (CTH NN to Williams St) Lake Geneva roadwork project was complete in 2014. The total project budget was \$286,600. The project funding source was tax levy. The total actual project costs were \$254,669.36. Additionally, the county will invoice the City of Lake Geneva for their share of the cost in the amount of \$35,985.31. The project was completed for \$67,915.95 under budget.

The culverts for the CTH NN culvert rehabilitation project were received in 2013. The total project budget was \$37,500. The project fund source was tax levy. The total project costs incurred were \$36,954.60. The culverts will be installed during the 2016 CTHNN roadwork project. The budget balance remaining in the culvert project is \$545.40.

In total, these four projects are \$522,579.19 under budget. Upon receipt of state payments and payment from the City of Lake Geneva, this is the amount to return to the capital projects funds committed to road contingency.

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

Committee: Public Works

Meeting Date: January 19, 2015

Vote: 4-0

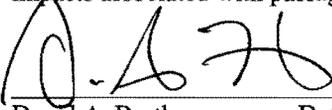
Committee: Finance

Meeting Date: February 10, 2015

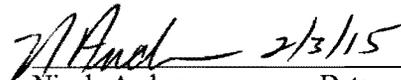
Vote:

County Board Meeting Date: February 10, 2015

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

 2/3/15

David A. Bretl Date
County Administrator/Corporation Counsel

 2/3/15

Nicole Andersen Date
Deputy County Administrator - Finance

Resolution No. 68-02/15

Repealing Resolution No. 12-04/13 Approving Financing of Project on Behalf of Geneva Ridge Senior Housing Foundation LLC and Resolution No. 93-03/14 Approving Financing of Project on Behalf of Geneva Ridge Senior Housing, LP

Moved/Sponsored by: Finance Committee

1 **WHEREAS**, Resolution No. 12-04/13 approved “conduit” financing by Geneva Ridge Senior
2 Housing Foundation, LLC, a Wisconsin limited liability company (the “Borrower”), for the issu-
3 ance of Bonds in a principal amount not to exceed \$43,000,000, in one or more series, for costs
4 associated with the acquisition of land and condominium units and rights appurtenant thereto in the
5 Town of Geneva, Walworth County, Wisconsin and the acquisition, construction, installation and
6 equipping of senior housing facilities thereon to be owned by Geneva Ridge Senior Housing
7 Foundation, LLC including, without limitation, assisted living, independent living and memory
8 care facilities (collectively, the “Project; and,
9

10 **WHEREAS**, Resolution No. 93-03/14 approved “conduit” financing by Geneva Ridge Senior
11 Housing, LP, a Wisconsin limited partnership (the “Borrower”), for the issuance of Bonds in a
12 principal amount not to exceed \$40,000,000, in one or more series, for costs associated with the
13 acquisition of land and rights appurtenant thereto in the Town of Geneva, Walworth County, Wis-
14 consin and the construction of buildings and related improvements and the acquisition of furnish-
15 ings, equipment and related property to be installed therein, all constituting a 160-unit senior hous-
16 ing facility to be owned by Geneva Ridge Senior Housing LP including, without limitation, assist-
17 ed living, independent living and memory care facilities (collectively, the “Project; and,
18

19 **WHEREAS**, Geneva Ridge Senior Housing Foundation, LLC and Geneva Ridge Senior Housing,
20 LP each requested that the County Board of Walworth County, Wisconsin (the “County”) approve
21 the financing of the aforementioned Projects in order to satisfy Section 66.0304(11)(a) of the Wis-
22 consin Statutes (the “Act”) to allow issuance of bonds by the Public Finance Authority; and,
23

24 **WHEREAS**, subsequent to the passage of the aforesaid Resolutions, the Borrower notified Wal-
25 worth County by letter dated November 25, 2014 of the intent to pursue alternate financing instead
26 of bond financing; and,
27

28 **WHEREAS**, approval of the Project financing by Walworth County pursuant to the Act is there-
29 fore no longer required; and,
30

31 **WHEREAS**, the Walworth County Finance Committee met on February 10, 2015 and has recom-
32 mended to the Walworth County Board of Supervisors the rescinding of Resolution No. 12-04/13
33 and Resolution No. 93-03/14.
34
35

1 **NOW THEREFORE, BE IT RESOLVED** by the Walworth County Board of Supervisors that
2 Resolution No. 12-04/13 and Resolution No. 93-03/14 be and hereby are repealed.

3
4
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9
10
11
12
13

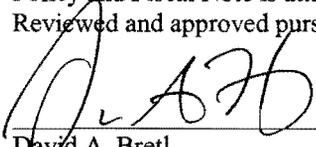
Nancy Russell
County Board Chair

Kimberly S. Bushey
County Clerk

County Board Meeting Date: February 10, 2014

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 County Administrator/Corporation Counsel	<u> 2/3/15 </u> Date	 _____ Nicole Andersen Deputy County Administrator - Finance	<u> 2/3/15 </u> Date
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If unsigned, exceptions shall be so noted by the County Administrator.

Policy and Fiscal Note
Resolution No. 68-02/15

- I. **Title:** Repealing Resolution No. 12-04/13 Approving Financing of Project on Behalf of Geneva Ridge Senior Housing Foundation, LLC and Resolution No. 93-03/14 Approving Financing of Project on Behalf of Geneva Ridge Senior Housing, LP
- II. **Purpose and Policy Impact Statement:** The purpose of this resolution is to repeal the County's approval of the financing pertaining to the acquisition of land in the Town of Geneva, Walworth County, Wisconsin for a senior housing facility. The request was initially made in April 2013 by Geneva Ridge Senior Housing Foundation LLC, a Wisconsin limited liability company (the "Borrower"). The Borrower subsequently restructured to Geneva Ridge Senior Housing, LP, A Wisconsin limited partnership. The County's approval of the financing was then sought on behalf of Geneva Ridge Senior Housing, LP in March 2014.

The County was notified by letter dated November 25, 2014 that Geneva Ridge Senior Housing, LP will pursue alternate financing, rather than bond financing through the Public Finance Authority. Therefore, the County is repealing the resolutions which authorized financing under both entities' names.

- III. **Budget and Fiscal Impact:** There is no fiscal impact. Walworth County had no responsibility for the issuance, repayment, or application of the proceeds of the Bonds, or any other matter with respect to the Bonds. The County's approval of the financing was required to satisfy Statutory requirements.

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

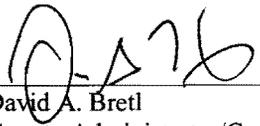
Committee: Finance

Meeting Date: February 10, 2014

Vote:

County Board Meeting Date: February 10, 2014

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

 2/3/15

Date
David A. Bretl
County Administrator/Corporation Counsel

 2/3/15

Date
Nicole Andersen
Deputy County Administrator – Finance

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

Resolution No. 69-02/15

Authorizing the Commitment of \$250,000 in the Risk Management Fund to Establish Self-funded Medical Coverage for Volunteers

Moved/Sponsored by: Finance Committee

WHEREAS, Walworth County Ordinance 914-02/15 authorizes the establishment of self-funded medical coverage for volunteers; and,

WHEREAS, Walworth County government is fortunate to work with more than 600 volunteers who generously give of their time and talent to make our communities better places to live; and,

WHEREAS, it is the County's policy to support volunteer service programs to supplement County resources to meet the business needs of the County; and,

WHEREAS, it has been determined that self-funded medical coverage for County volunteers is cost-effective and advantageous to the County; and,

WHEREAS, based upon past claims history, a \$250,000 commitment should be sufficient to fund submitted claims; and,

WHEREAS, funds are available in the risk management fund to offset the establishment of said coverage.

NOW, THEREFORE, BE IT RESOLVED that the Walworth County Board of Supervisors authorizes the commitment of \$250,000 in the risk management fund for the purpose of self-funding medical coverage for volunteers.

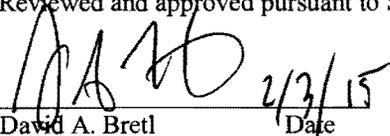
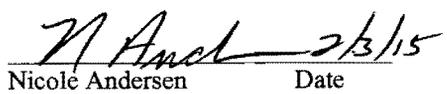
BE IT FURTHER RESOLVED that any expenditure of the aforementioned funds shall be reimbursed in future years through a chargeback to the appropriate department.

Nancy Russell
County Board Chair

Kimberly S. Bushey
County Clerk

County Board Meeting Date: February 10, 2015

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 County Administrator/Corporation Counsel	 _____ Nicole Andersen Deputy County Administrator - Finance
2/13/15	2/13/15
Date	Date
If unsigned, exceptions shall be so noted by the County Administrator.	

Policy and Fiscal Note
Resolution No. 69-02/15

- I. **Title:** Authorizing the Commitment of \$250,000 in the Risk Management Fund to Establish Self-funded Medical Coverage for Volunteers
- II. **Purpose and Policy Impact Statement:** The purpose of this resolution is to commit \$250,000 in the risk management fund to provide funds necessary to establish self-funded medical coverage for County volunteers.

Ordinance 914-02/15 created Chapter 13 of the Walworth County Code of Ordinances regarding risk management and authorized the establishment of self-funded medical coverage for volunteers.

- III. **Budget and Fiscal Impact:** Staff determined that self-funded insurance for volunteers is more cost-effective than continuing to purchase such insurance from an outside source. Sufficient funds exist in the risk management fund to create the segregated account.

Establishment of this fund will save the County approximately \$7,100 each year in premiums.

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

Committee: Finance

Meeting Date: February 10, 2015

Vote:

County Board Meeting Date: February 10, 2015

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

 2/3/15

Date
David A. Bretl
County Administrator/Corporation Counsel

 2/3/15

Date
Nicole Andersen
Deputy County Administrator - Finance

ORDINANCE NO. 912 – 02/15

AMENDING SECTION 15-17 OF THE WALWORTH COUNTY CODE OF ORDINANCES RELATING TO THE RECLASSIFICATION OF AN ACCOUNT CLERK II POSITION IN THE TREASURER’S OFFICE

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

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

“Sec. 15-17. Authorized positions by department.

(r) Treasurer

CLASSIFICATION TITLE	FTE
Account Clerk I	0.05
Account Clerk II	1.00
Account Clerk III	1.00
Account Clerk IV	1.00
Accountant	1.00
<u>Clerk II</u>	<u>1.00</u>
County Treasurer (elected)	1.00
Printing Coordinator	1.00
Receptionist/Clerk ¹	0.10
Total Treasurer FTEs	6.15

¹Reports to Children with Disabilities Education Board

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 February 2015.

Nancy Russell
County Board Chair

Kimberly S. Bushey
Attest: County Clerk

County Board Meeting Date: February 10, 2015

Action Required: Majority Vote X Two-thirds Vote _____ Other _____

Ordinance No. 912-02/15
Fiscal Note and Policy Impact Statement

- I. Title:** Amending Section 15-17 of the Walworth County Code of Ordinances Relating to the Reclassification of an Account Clerk II Position in the Treasurer's Office
- II. Purpose and Policy Impact Statement:** The purpose of this ordinance amendment is to reclassify the Account Clerk II position in the Treasurer's Office to a Clerk II position.
- III. Is this a budgeted item and what is its fiscal impact:** The reclassification of the Account Clerk II position to a Clerk II position will result in a 2015 cost savings of approximately \$15,731 and an annual savings of approximately \$3,778.
- IV. Referred to the following standing committee(s) for consideration and date of referral:**

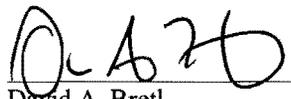
Committee: Human Resources Committee

Date: January 21, 2015

Vote: 4-0

County Board Meeting Date: February 10, 2015

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 ordinance.



David A. Bretl 1/22/15
County Administrator/Corporation Counsel Date



Nicole Andersen 1/23/15
Deputy County Administrator-Finance Date

