



**WALWORTH COUNTY BOARD OF SUPERVISORS
MEETING**

THURSDAY, SEPTEMBER 4, 2014 AT 6:00 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 - AMENDED AUGUST 27, 2014

Call to Order

Pledge of Allegiance

Invocation

- Kimberly S. Bushey, Walworth County Clerk

Roll Call

Withdrawals from Agenda, if any

Approval of the Agenda

Approval of the Minutes

Pgs. 1-5

Pgs. 6-8

- July 8, 2014 County Board Meeting
- July 28, 2014 Special County Board Meeting

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

Special Order of Business

- ~~Government Finance Officers Association (GFOA) Distinguished Budget Presentation Award for Fiscal Year 2014 (moved to the Committee of the Whole at 5:00 p.m.)~~

Appointments/Elections

Pgs. 9-11

1. Delavan Aram Public Library Board
 - Nancy Sanders – Three-year term to begin upon confirmation and end on June 30, 2017 (Recommended by the Executive Committee 5-0)

Communications and Matters to Be Referred

Pgs. 12-64

1. Claims Received After Agenda Mailing
2. Claims: a) Notice of Receiver's Motion, Order, and Final Order – B.R. Amon & Sons, Inc., Amon & Sons, Inc., Amon Land Company, LLC, Lake Mills Blacktop, Inc.; b) Summons and Complaint – Frank and Patricia Eames, Co-Trustees under

the Frank or Patricia Eames Revocable Trust, William and Lorraine Norem, Polo Park, LLC, Glenn and Lisa Terry, Plaintiffs, vs. Ronald M. Carlson, Esq. Court Appointed Receiver of B.R. Amon & Sons, Inc., Amon & Sons, Inc., Amon Land Company, LLC, and Lake Mills Blacktop, Inc., Forseti Consulting, LLC, Southwind RAS, LLC, County of Walworth, and Walworth County Zoning Agency, Defendants; c) Claim for Vehicle Damage – Patti Fladten; d) Claim for Vehicle Damage – Randy Lathrop; e) Notice of Receiver’s Motions to Approve the Sale of Certain Assets to Sugar Creek Sanctuary, LLC – B.R. Amon & Sons, Inc., et al. (To be referred to the Executive Committee)

Pg. 65

3. Correspondence from Peg Reedy, Executive Secretary – Walworth County Farm Technology Days, regarding a possible special zoning district for temporary use for the 2016 Farm Technology Days (To be referred to the County Zoning Agency)

Pgs. 66-68

4. Formal complaint and request to review the conditional use permit for the wind turbine in use at Green Leaf located at 5072 Hwy 50, Delavan (To be referred to the County Zoning Agency)

Pgs. 69-79

5. Outagamie County Resolution No. 9-2014-15 regarding the State Legislature accepting federal funds for Badger Care (To be referred to the Executive Committee)

Pgs. 80-83

6. Wisconsin Department of Administration Preliminary Estimate of January 1, 2014 Population for Walworth County (To be referred to the Executive Committee)

Pgs. 84-100

7. Correspondence from SEWRPC regarding their Calendar Year 2015 Budget (To be referred to the Finance Committee)

Pg. 101

8. Correspondence from Ed Yaeger expressing concern over the proposed parking structure in the City of Lake Geneva and requesting closure of TIF District #4 (To be referred to the Finance Committee)

Pg. 102

9. Correspondence from SEWRPC regarding the Park and Open Space Plan for Walworth County (To be placed on file)

Pgs. 103-104

10. Correspondence from State of Wisconsin Division of Emergency Management regarding FFY 2013 Southeast Region 2013 First-Half County Plan of Work Reports (To be placed on file)

Pgs. 105-106

11. Correspondence from the Wisconsin Historical Society in regard to Wandawega Inn, N5453 Lake View Drive, Sugar Creek Township, being considered for nomination to the National Register of Historic Places and the Wisconsin State Register of Historic Places (To be placed on file)

Pgs. 107-108

12. Correspondence from Enbridge regarding pipelines in Walworth County (To be placed on file)

Pgs. 109-116

13. Correspondence from Enbridge Energy regarding the Line 61 Pipeline Upgrade Project (To be placed on file)

Pgs. 117-119

14. Correspondence from Wisconsin State Building Trades Crafts regarding pipeline safety (To be placed on file)

Pg. 120

15. Correspondence from Local 118 Plumbers and Steamfitters in support of the Enbridge Energy Line 61 Pipeline Upgrade (To be placed on file)

Pgs. 121-122

16. Correspondence from Jane Myers regarding the upcoming circus being held at the Walworth County Fairgrounds and the mistreatment of animals (To be placed on file)

Pg. 123

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

18. Report of the County Clerk Regarding Communications Received by the Board After the Agenda Mailing

Pgs. 124-137

19. 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

Pgs. 138-183

1. Ord. No. 879-09/14 – Amending Sections 74-26, 74-28, 74-44, 74-51, 74-56, 74-58, 74-59, 74-60, 74-61, 74-63, 74-66, 74-67, 74-129, 74-131, 74-151, 74-153, 74-171, 74-178, 74-183, 74-185, 74-186, 74-186.1, 74-188, 74-190, 74-193, 74-194, 74-261 and 74-263 of the Walworth County Code of Ordinances Relating to Farmland Preservation – *Vote Required: Majority* (Recommended by the County Zoning Agency 5-0)

Amendment to Section(s) 74-26, 74-28, 74-44, 74-51, 74-56, 74-58, 74-59, 74-60, 74-61, 74-63, 74-66, 74-67, 74-129 and 74-131 of the Zoning Ordinance and Section(s) 74-151, 74-153, 74-171, 74-178, 74-183, 74-185, 74-186, 74-186.1, 74-188, 74-190, 74-193, 74-194, 74-261 and 74-263 of the Shoreland Zoning Ordinance needed to obtain State of Wisconsin Department of Agriculture, Trade and Consumer Protection Certification for County farmers to be eligible for Farmland Preservation Program state income tax credits – Approved: 5-0 (August 21, 2014 County Zoning Agency Public Hearing)

Pgs. 184-186

2. Mark & Karen Korf, Section 11, Richmond Township. Rezone 10.57 acres of C-3 to C-2 – Approved: 5-0 (August 21, 2014 County Zoning Agency Public Hearing)

Executive Committee

Pgs. 187-188

1. Res. No. 23-09/14 – Opposing the Proposed Lapse in State Funding to the Circuit Court System – *Vote Required: Majority* (Recommended by the Executive Committee 5-0)

Pgs. 189-191

2. Res. No. 24-09/14 – Supporting State Funding for County 911 Services and One Designated Public Safety Answering Point Per County – *Vote Required: Majority* (Recommended by the Executive Committee 5-0)

Human Resources Committee

Pgs. 192-194

1. Ord. No. 877-09/14 – Amending Section 15-802 of the Walworth County Code of Ordinances Relating to Ethical Standards for Employees – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)

Pgs. 195-197

2. Ord. No. 878-09/14 – Amending Sections 15-533 & 15-536 of the Walworth County Code of Ordinances Relating to Premium Contributions and Changes in Employment Status – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)

Land Conservation Committee

Pgs. 198-199

1. Res. No. 26-09/14 – Supporting a Full Environmental Assessment of Enbridge Line 61 Expansion and Needed Public Input – *Vote Required: Majority* (Recommended by the Land Conservation Committee 5-0)

Public Works Committee

1. Res. No. 25-09/14 – Approving the Whitewater Tower Agreement Between the Walworth County Sheriff’s Office and the Whitewater Unified School District – *Vote Required: Majority* (Recommended by the Public Works Committee 3-0)
2. Res. No. 27-09/14-Accepting the Kikkoman Corporation Donation of an 11,000 Gallon Storage Tank for Public Works Operations – *Vote Required: Majority* (The Public Works and Finance Committees will consider this resolution and make a recommendation at a joint meeting to be held immediately preceding the September 4, 2014 County Board meeting.)

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, October 14, 2014 agenda on or before Wednesday, October 1, 2014.

**Please note: Additions underlined, deletions ~~struck through~~.

JULY 8, 2014
WALWORTH COUNTY BOARD OF SUPERVISORS
MEETING

The Walworth County Board of Supervisors meeting was called to order by Chair Russell at 6:04 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, Kathy Ingersoll, Kenneth H. Monroe, Joe Schaefer, Rick Stacey, Charlene Staples, David A. Weber, Paul Yvarra, and Chair Nancy Russell. Daniel G. Kilkenny was absent. A quorum was established.

David Bretl, Walworth County Administrator, delivered the invocation.

Amendments, Withdrawals, and Approval of Agenda

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

Approval of the Minutes

On motion by Supervisor Schaefer, seconded by Supervisor Weber, the June 10, 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.

Appointments/Elections

1. 911 Governing Board
 - Kevin Williams, Bruce VanderVeen, and David Fladten – Two-year terms to begin upon confirmation and end on May 8, 2016 (Recommended by the Executive Committee 5-0)
2. Aging & Disability Resource Center Governing Board (ADRC)
 - Penny Scheuerman – Three-year term to begin upon confirmation and end on June 30, 2017 (Recommended by the Executive Committee 5-0)
3. Walworth County Housing Authority Board of Commissioners
 - Jon D. Kachel – Five-year term to begin upon confirmation and end on June 30, 2019 (Recommended by the Executive Committee 5-0)
4. Land Information Advisory Council (LIAC)
 - Joe Kroll – Four-year term to begin upon confirmation and end on July 31, 2018 (Recommended by the Executive Committee 5-0)
5. Wisconsin River Rail Transit Commission (WRRTC)
 - Richard Kuhnke – Three-year term to begin upon confirmation and end on April 30, 2017 (Recommended by the Executive Committee 5-0)
6. Walworth County Workforce Development Board (WDB)
 - Theresa Carroll (Recommended by the Executive Committee 5-0)

Supervisor Kilkenny arrived at 6:10 p.m.

On motion by Supervisor Brandl, seconded by Supervisor Schaefer, the appointments to the 911 Governing Board, Aging & Disability Resource Center Governing Board, Walworth County Housing Authority Board of Commissioners, Land Information Advisory Council, Wisconsin River Rail Transit Commission, and Walworth County Workforce Development Board 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 Circumstances Giving Rise to Claim and Claim Pursuant to Wis. Stats. § 893.80 – Lake Beulah Management District, Claimant; b) Claim for Vehicle Damage – Hanover Insurance Group on behalf of David Schultz; c) Summons and Complaint – Walworth State Bank, Plaintiff, vs. Richard Gramse and Julie Gramse, and County of Walworth, Defendants (To be referred to the Executive Committee)
3. Correspondence from County Administrator requesting the Walworth County Board to approve Resolution No. 20-07/14 – Supporting a Land Acquisition in the Town of Bloomfield by Ducks Unlimited for Conservation and Recreation Purposes (Please note, it is anticipated that the County Board will move pursuant to Section 2-65 (c)(1) of the Walworth County Code of Ordinances to take action on the resolution at this meeting)
4. Resolutions from La Crosse and Kenosha Counties regarding Opposition to the Proposed Lapse in State Funding to the Circuit Court System (To be referred to the Executive Committee)
5. Door County Resolution No. 2014-52 In Support of State Funding for County Emergency Dispatch (“911”) Services / One Designated Public Safety Answering Point Per County (To be referred to the Executive Committee)
6. Correspondence from Supervisor Charlene Staples regarding concerns about the planned expansion of Enbridge Energy’s Line 61 (To be referred to the Land Conservation Committee)
7. Correspondence from Governor Scott Walker acknowledging receipt of Walworth County resolution (To be placed on file)
8. Report of the County Clerk Regarding Communications Received by the Board and Recommended to be Placed on File
 - Grant County Resolution #03-14 – Opposing Acting by the Wisconsin State Legislature Which Abrogate or Significantly Modify or Decrease Local Authority and Control by Counties, Towns and Municipalities in Matters Related to the Health, Safety, and Well-Being of Residents (was previously referred to the Executive Committee)
9. Report of the County Clerk Regarding Communications Received by the Board After the Agenda Mailing
 - SEWRPC publication Vision 2050: Guiding the Vision – To be placed on file (The publication can be viewed in the County Clerk’s Office)
 - *Walworth County Aging & Disability Resource Center News*, July 2014 – To be placed on file
10. Report of the County Clerk Regarding Zoning Petitions (To be referred to the County Zoning Agency)
 - Michael & Mary Ellen Vilona, Troy Township. Rezone approx. 1.45 acres of A-1 Prime Agricultural to A-5 Agricultural-Rural Residential District
 - R. Logan Wegner & Karen G. Jacobson Trust, Sugar Creek Township. Rezone approx. 1 acre of A-1 Prime Agricultural and R-1 Single Family Residential to M-1 Industrial and R-1 Single Family Residential Districts
 - Walworth County Land Use and Resource Management Department, All Townships. Amendment to Section(s) 74-26, 74-28, 74-44, 74-51, 74-56, 74-58, 74-59, 74-60, 74-61, 74-63, 74-66, 74-67, 74-129, and 74-131 of the Zoning Ordinance and Section(s) 74-151, 74-156, 74-170, 74-178, 74-183, 74-185, 74-186, 74-186.1, 74-188, 74-190, 74-193, 74-197, 74-261, and 74-263 of the

Shoreland Zoning Ordinance, Walworth County Code of Ordinances relative to Farmland Preservation

Supervisor Kilkenny offered a motion, seconded by Supervisor Monroe, to discuss Item 3, Resolution No. 20-07/14. Motion carried. Administrative Bretl stated this is a time sensitive item. Supervisor Monroe stated he spoke with Dan Schoonover of the Town of Bloomfield and the Town will be holding a hearing on Wednesday regarding this. On motion by Supervisor Monroe, seconded by Supervisor Kilkenny, **Resolution No. 20-07/14** was approved by voice vote.

Unfinished Business

New Business

Reports of Standing Committees

County Zoning Agency Report of Proposed Zoning Amendments

1. Ord. No. 873-07/14 – Amending Sections 74-53, 74-62(7), 74-180 and 74-189(7) of the Walworth County Code of Ordinances Relating to Park Districts and Planned Campground Developments – *Vote Required: Majority* (Recommended by the County Zoning Agency 7-0)
Amendment to Section(s) 74-53 and 74-62(7) of the Zoning Ordinance and Section(s) 74-180 and 74-189(7) of the Shoreland Zoning Ordinance, Walworth County Code of Ordinances relative to permitting Planned Campgrounds as a conditional use in P-1 Recreational Park District and P-2 Institutional Park District – Approved: 7-0 (June 19, 2014 County Zoning Agency Public Hearing)

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

Executive Committee

1. Ord. No. 867-07/14 – Amending Section 2-200 of the Walworth County Code of Ordinances Relating to Land Information Advisory Council Membership and Section 2-144 Relating to Committee Meeting Times – *Vote Required: Two-thirds* (Recommended by the Executive Committee 5-0)
2. Res. No. 15-07/14 – Recognizing the UW-Whitewater Warhawks Baseball Team on the Occasion of Their Second Division III National Championship – *Vote Required: Majority* (Recommended by the Executive Committee 5-0)
3. Res. No. 16-07/14 – Opposing State Legislative Actions that Abrogate or Significantly Modify or Decrease Local Authority and Control by Counties, Towns and Municipalities Regarding Matters of Health, Safety and the Well-being of Residents – *Vote Required: Majority* (Recommended by the Executive Committee 5-0)
4. Res. No. 17-07/14 – Denying the Claim of Robert D. Sharp – *Vote Required: Majority* (Recommended by the Executive Committee 5-0)

Supervisor Schaefer offered a motion, seconded by Supervisor Weber, to approve Item 1, Ordinance No. 867-07/14. On motion by Vice-Chair Stacey, seconded by Supervisor Weber, **Ordinance No. 867-07/14** was approved by unanimous consent.

On motion by Supervisor Weber, seconded by Supervisor Monroe, Item 2, **Resolution No. 15-07/14**; was approved by voice vote. Chair Russell read the resolution.

On motion by Supervisor Weber, seconded by Supervisor Brandl, Item 3, **Resolution No. 16-07/14**; and Item 4, **Resolution No. 17-07/14**; were approved by voice vote.

Finance Committee

1. Ord. No. 874-07/14 – Amending Section 30-286 of the Walworth County Code of Ordinances Relative to Children with Disabilities Education Board Lunch Fees – *Vote Required: Majority* (Recommended by the Children with Disabilities Education Board 5-0 and the Finance Committee 5-0)
2. Res. No. 18-07/14 – Adopting the Walworth County Plan for Library Service-Spring 2014 for Plan year 2014 – *Vote Required: Majority* (Recommended by the Finance Committee 5-0)
3. Res. No. 19-07/14 – Authorizing the Donation of Flu Vaccines Not to Exceed \$5,000 to the Open Arms Free Clinic – *Vote Required: Majority* (Recommended by the Health & Human Services Board 8-0 and the Finance Committee 5-0)

On motion by Supervisor Weber, seconded by Supervisor Ingersoll, Item 1, **Ordinance No. 874-07/14**; Item 2, **Resolution No. 18-07/14**; and Item 3, **Resolution No. 19-07/14**; were approved by voice vote.

Human Resources Committee

1. Ord. No. 868-07/14 – Amending Section 15-17 of the Walworth County Code of Ordinances Relating to Position Changes in Administration and the County Clerk's Office – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
2. Ord. No. 869-07/14 – Amending Section 15-394 of the Walworth County Code of Ordinances Relating to Safety Shoes – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
3. Ord. No. 870-07/14 – Creating Section 15-505 of the Walworth County Code of Ordinances Relating to Past Due Employee-Paid Benefits – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
4. Ord. No. 871-07/14 – Amending Section 15-324 of the Walworth County Code of Ordinances Relating to Performance Based Compensation – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
5. Ord. No. 872-07/14 – Amending Section 15-17 of the Walworth County Code of Ordinances Relating to the Reclassification of an Interpreter Position and the Creation of an Additional Special Education Aide Position – *Vote Required: Two-thirds* (Recommended by the Human Resources Committee 5-0)

On motion by Supervisor Brandl, seconded by Vice-Chair Stacey, Item 1, **Ordinance No. 868-07/14**, was approved and amended as follows: Line 26 on Page 1 shall be amended to read "The effective date of the transfer of the Administrative Clerk position from Administration to the County Clerk's Office will be July 13, 2014. The effective date of the reclassification of the Deputy County Clerk to an Administrative Clerk will be July 21, 2014". Motion carried.

On motion by Vice-Chair Stacey, seconded by Supervisor Monroe, Item 2, **Ordinance No. 869-07/14**; Item 3, **Ordinance No. 870-07/14**; and Item 4, **Ordinance No. 871-07/14**; were approved by voice vote.

Supervisor Weber offered a motion, seconded by Supervisor Brandl, to approve Item 5, Ordinance No. 872-07/14. On motion by Vice-Chair Stacey, seconded by Supervisor Monroe, **Ordinance No. 872-07/14** was approved by unanimous consent.

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

Chair Russell stated the dedication of White River County Park is Thursday, July 10, 2014 at 6:00 p.m. Chair Russell also reminded Supervisors that there will not be a regular County Board meeting in August. Administrator Bretl stated there is a possible special County Board meeting at the end of July.

Adjournment

On motion by Supervisor Kilkenny, seconded by Supervisor Weber, the meeting was adjourned at 6:24 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 July 8, 2014 meeting.

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

JULY 28, 2014
WALWORTH COUNTY BOARD OF SUPERVISORS
SPECIAL COUNTY BOARD MEETING

The Walworth County Board of Supervisors meeting was called to order by Chair Russell at 5:00 p.m. in the County Board Room at the Walworth County Government Center, 100 W. Walworth Street, Elkhorn, Wisconsin.

Roll call was conducted and the following Supervisors were present: Richard Brandl, Tim Brellenthin, Kathy Ingersoll, Kenneth H. Monroe, Joe Schaefer, Vice-Chair Rick Stacey, Charlene Staples, David A. Weber, Paul Yvarra, and Chair Nancy Russell. Daniel G. Kilkenny was absent. A quorum was established.

Amendments, Withdrawals, and Approval of Agenda

On motion by Supervisor Schaefer, seconded by Supervisor Staples, the agenda was approved by voice vote with no withdrawals. Vice-Chair Stacey offered a motion, seconded by Supervisor Weber, to suspend the rules and allow the Fairest of the Fair to deliver a short presentation at tonight's meeting as noted in Item 1 under Communications and Matters to be Referred. Motion carried.

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

Communications and Matters to be Referred

1. Correspondence from the Walworth County Fair Office requesting the Fairest of the Fair to deliver a brief presentation to the County Board regarding the upcoming Walworth County Fair (To be placed on file) (It is anticipated that the County Board will suspend its rules and consider the request and permit the Fairest of the Fair to make a short presentation at this meeting)
2. Report of the County Clerk Regarding Zoning Petitions (To be referred to the County Zoning Agency)

Emilie Cerny, 2014 Walworth County Fairest of Fair, delivered a brief presentation regarding the upcoming Walworth County Fair. She said they are also celebrating 100 years of 4-H. Ms. Cerny distributed 100-year commemorative pins to the Supervisors and information regarding the fair.

Clerk Bushey stated the Item 2, Report of the County Clerk Regarding Zoning Petitions, will be referred to the County Zoning Agency.

New Business

County Zoning Agency Report of Proposed Zoning Amendments

1. Ord. No. 875-07/14 – Amending Sections 74-131, 74-166, 74-174, 74-187, 74-218, 74-222, 74-248, 74-250, 74-259, 74-263 and 74-264 of the Walworth County Code of Ordinances Relating to Shoreland/Floodplain Ordinance – *Vote Required: Majority* (Recommended by the County Zoning Agency 7-0)
Amendment to Section(s) 74-131 of the Zoning Ordinance and Section(s) 74-166, 74-174, 74-187, 74-218, 74-222, 74-248, 74-250, 74-259, 74-263 and 74-264 of the Shoreland Zoning Ordinance, Walworth County Code of Ordinances relative to Floodplain Regulations to comply with DNR and FEMA requirements – Approved: 7-0 (July 17, 2014 County Zoning Agency Public Hearing)
2. Michael and Mary Ellen Vilona – Owners, Section 36, Troy Township. Rezone approximately 1.45 acres of A-1 to A-5 – Approved: 7-0 (July 17, 2014 County Zoning Agency Public Hearing)

3. R. Logan Wenger and Karen G. Jacobson Trust – Owners, Section 8, Sugar Creek Township. Rezone approximately 1 acre of A-1 and R-1 to M-1 and R-1 – Approved: 7-0 (July 17, 2014 County Zoning Agency Public Hearing)

On motion by Vice-Chair 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.

Human Resources Committee

1. Ord. No. 876-07/14 – Amending Section 15-17 of the Walworth County Code of Ordinances Relating to the Creation of an Additional Correctional Officer Position – *Vote Required: Two-thirds* (Recommended by the Human Resources Committee 5-0)
2. Res. No. 21-07/14 – Adopting Pay Ranges for CDEB Professional Employees for the 2014-2015 School Year – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)

Vice-Chair Stacey offered a motion, seconded by Supervisor Brandl, to approve Item 1, Ordinance No. 876-07/14. On motion by Vice-Chair Stacey, seconded by Supervisor Brandl, **Ordinance No. 876-07/14** was approved by unanimous consent.

On motion by Supervisor Weber, seconded by Supervisor Ingersoll, Item 2, **Resolution No. 21-07/14** was approved by voice vote.

Public Works Committee

1. Discussion and possible action concerning status of replacement of the Lake Beulah Dam in light of the fact that the county received no bids for the reconstruction project
2. Res. No. 22-07/14 – Approving an 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)

Administrator Bretl said they received no bids for the project and they will not be able to commence with the project this year. He also said if there is no objection or no motion, there is no need to take action on Item 1. He stated this was placed on the agenda to provide the Board with flexibility in the event the Board wanted to pursue a sole source replacement of the dam, but that is not the recommendation of staff. He said there were some modifications to the resolution that was provided in the packet.

Supervisor Weber offered a motion, seconded by Supervisor Monroe, to approve Item 2, Resolution No. 22-07/14. Bretl distributed a revised resolution to those present. He read the changes to the resolution that were made at the Public Works Committee meeting, which include: Line 30 should now read “Now, Therefore, Be It Resolved that the Walworth County Board of Supervisors authorizes the proper County officials to execute the Intergovernmental Cooperation Agreement for Joint Operation of the CTH J Lake Beulah Dam by and between Walworth County and the Lake Beulah Management District, which agreement was reviewed by the Public Works Committee on July 28th and which incorporates those changes approved by the Committee.” He said there were several other changes discussed at the Public Works Committee that were put on record one of which is to place a two-year time limitation on how long the parties would hold the agreement open. He stated he will review the minutes from the Public Works Committee meeting to ensure the agreement that is sent to us comports with what was discussed and will have staff execute the agreement. He said he removed the part from the resolution that said the authority is contingent upon the committee awarding a construction contract for the dam. He stated the agreement is supposed to be in effect even though there is currently no construction contract. He said the resolution now reads that the “authority is contingent upon approval of the Director of Central Services, Lake

DELAVAN ARAM PUBLIC LIBRARY BOARD

STATE OF WISCONSIN)
) SS
COUNTY OF WALWORTH)

I, the undersigned Chair of the Walworth County Board of Supervisors, do hereby reappoint Nancy Sanders to serve as a county representative on the Delavan Aram Public Library Board for an additional three-year term to begin upon confirmation and end on June 30, 2017, or until a successor is named.

Dated this 4th day of September 2014.

Nancy Russell
Walworth County Board Chair

Nomination for Committee/Board/Commission Appointment

Committee: Delavan Aram Library Board

Nominee: Nancy Sanders

Address: 4505 Highland Drive

Delavan, WI 53115

Submitted by: David Bretl, County Administrator

Authority: Section 59.18, Wisconsin Statutes

Who will the nominee replace? Ms. Sanders currently serves on the board.

When did/does the incumbent's current term expire? June 30, 2014

Was this vacancy advertised? _____

Comment The library board recommended Ms. Sanders be reappointed. Upon County

Board appointment, the new term of service would extend through June 30, 2017.

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: Nancy SANDERS

Date: 7/10/14

Mailing Address: 4505 HIGHLAND DR.
DeLavan, WI 53115

Phone: 262-728-5393

I reside in: the Town of DeLavan, WI
 the Village of _____
 the City of _____

Please consider me for appointment to: Aram Library Board
DeLavan, WI

I am interested in serving as a citizen representative because: I am a retired
childrens librarian and have 9 yrs experience
as a board member.

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

Member of Friends of Aram Library. Policy Personnel
and Buildings & Grounds Committee

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.

Nancy Sanders 7/10/14
Signature of Applicant Date

Feel free to attach any additional documentation to this form.

RECEIVED
WALWORTH COUNTY CLERK
2014 JUL -9 AM 9:06

STATE OF WISCONSIN

CIRCUIT COURT

WALWORTH COUNTY

In re:

B. R. AMON & SONS, INC.,
Assignor.

Case No.: 13-CV-363
Case Code: 30304

In re:

AMON & SONS, INC.,
Assignor.

Case No.: 13-CV-365
Case Code: 30304

In re:

AMON LAND COMPANY, LLC,
Assignor.

Case No.: 13-CV-364
Case Code: 30304

FILED

In re:

LAKE MILLS BLACKTOP, INC.,
Assignor.

Case No.: 13-CV-366
Case Code: 30304

JUL 03 2014

WALWORTH COUNTY CLERK
COURT REPORT
LINDA VERLEY

NOTICE OF RECEIVER'S MOTIONS FOR ENTRY OF AN ORDER APPROVING FOURTH EXTENSION OF FINANCING AGREEMENT, ORDER AUTHORIZING RECEIVER TO BORROW FUNDS OR USE CASH COLLATERAL AND TO GRANT ADDITIONAL LIENS AND SECURITY INTERESTS, AND FINAL ORDER AUTHORIZING RECEIVER TO BORROW FUNDS OR USE CASH COLLATERAL AND TO GRANT ADDITIONAL LIENS AND SECURITY INTERESTS; FOR ENTRY OF AN ORDER EXTENDING TIME FOR THE RECEIVER TO FILE THE SETTLEMENT OF RECEIVER'S ACCOUNTS

TO: CREDITORS AND PARTIES-IN-INTEREST

PLEASE TAKE NOTICE that Ronald M. Carlson, Esq., Wis. Stats. Chapter 128 Receiver for B.R. Amon & Sons, Inc., Amon & Sons, Inc., Amon Land Company, LLC and Lake Mills Blacktop, Inc. has filed the following Motions with the Court herein (the "Motions").

- 1) RECEIVER'S MOTION FOR ENTRY OF AN ORDER APPROVING FOURTH EXTENSION OF FINANCING AGREEMENT, ORDER AUTHORIZING RECEIVER TO BORROW FUNDS OR USE CASH COLLATERAL AND TO GRANT ADDITIONAL LIENS AND

SECURITY INTERESTS, AND FINAL ORDER AUTHORIZING RECEIVER TO BORROW FUNDS OR USE CASH COLLATERAL AND TO GRANT ADDITIONAL LIENS AND SECURITY INTERESTS

2) RECEIVER'S MOTION FOR ENTRY OF AN ORDER EXTENDING TIME FOR THE RECEIVER TO FILE THE SETTLEMENT OF RECEIVER'S ACCOUNTS

Because the Motions are lengthy and the cost of mailing copies to creditors and interested parties would be excessive, the Receiver has not included copies herewith. However, copies of the Motions are available from the Clerk of Court, Walworth County Judicial Center, 1800 Cty Tk NN Elkhorn, WI 53121, Phone: 262-741-7012, the Receiver (contact information below) and the Attorney for the Receiver (contact information below).

HEARING ON MOTIONS

A hearing will be held on the Motions before the Honorable Phillip A. Koss at the address set forth below on July 16, 2014 at 10:30 a.m.

OBJECTIONS

If you want to file an Objection to any of the Motions, you or your attorney must:

- **File a written Objection on or before July 15, 2014 explaining the factual and legal basis for your position, at the following address:**

Honorable Phillip A. Koss
Walworth County Judicial Center
1800 Cty Tk NN
Elkhorn, WI 53121

- **Mail, fax or e-mail a copy of your Objection so that it is received the same date by:**

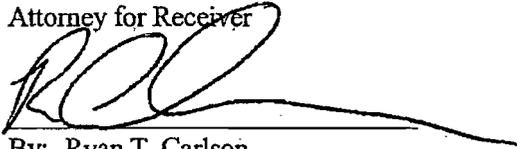
Attorney Ryan T. Carlson
Carlson Dash, LLC
10411 Corporate Drive, Suite 100
Pleasant Prairie, WI 53158
Fax: (262) 857-1619
E-mail: rcarlson@carlsondash.com

- **Appear and explain your position at the hearing which will be held on the Motions.**

If you or your attorney do not take these steps, the Motions will likely be approved by the Court.

Dated at Pleasant Prairie, Wisconsin, this 3rd day of July, 2014.

Attorney for Receiver



By: Ryan T. Carlson
State Bar No. 1081395

Carlson Dash, LLC
10411 Corporate Drive
Suite 100
Pleasant Prairie, WI 53158
Tel: 262.857.1600
Fax: 262.857.1619
rcarlson@carlsondash.com

Ronald M. Carlson, Esq.
Wis.Stats. Chapter 128 Receiver
Forseti Consulting, LLC
N35 W23877 Highfield Court, Suite 100B
Pewaukee, WI 53072
Tel: 262-857-2121
rc@forseticonsulting.com

STATE OF WISCONSIN:

CIRCUIT COURT:

WALWORTH COUNTY:

FRANK AND PATRICIA EAMES,
CO-TRUSTEES UNDER THE FRANK OR
PATRICIA EAMES REVOCABLE TRUST
W4028 Potter Road
Elkhorn, WI 53121,

File No. 14CV00582

SUMMONS

-and-

WILLIAM AND LORRAINE NOREM
N6422 Cobb Road
Elkhorn, WI 53121,

Case Classification Type:
Other Injunction or Restraining Order
Declaratory Judgment

Code Nos. 30704 and 30701

-and-

POLO PARK, LLC
W3923 Potter Road
Elkhorn, WI, 53121,

FILED
CIRCUIT COURT

-and-

GLENN AND LISA TERRY
W4004 Potter Road
Elkhorn, WI 53121,

CLERK OF COURT
BY: FAT M. EAMES,

Plaintiffs,

-vs-

RONALD M. CARLSON, ESQ., Court
Appointed Receiver of B. R. Amon & Sons, Inc.,
Amon & Sons, Inc., Amon Land Company, LLC,
and Lake Mills Blacktop, Inc.
10411 Corporate Drive
Suite 100
Pleasant Prairie, WI 53158,

RECEIVED
WALWORTH COUNTY CLERK
2014 JUL -9 PM 4:03

-and-

FORSETI CONSULTING, LLC
c/o Kurt M. Carlson, Registered Agent
10411 Corporate Drive
Suite 100
Pleasant Prairie, WI 53158,

-and-

SOUTHWIND RAS, LLC
c/o Brian Lansu, Registered Agent
2250 Southwind Boulevard
Bartlett, IL 60103,

-and-

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

-and-

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

Defendants.

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 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 Plaintiffs' attorneys, Godfrey, Leibsle, Blackburn & Howarth, S.C., Attn. Lisle W. Blackburn, 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 9th day of July, 2014.

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

By: 
Lisle W. Blackbourn (1003897)

Lisle W. Blackbourn
GODFREY, LEIBSLE, BLACKBOURN &
HOWARTH, S.C.
354 Seymour Court
Elkhorn, Wisconsin 53121
Telephone: (262) 723-3220
Facsimile: (262) 723-5091
email: lblackbourn@godfreylaw.com

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STATE OF WISCONSIN:

CIRCUIT COURT:

WALWORTH COUNTY:

FRANK AND PATRICIA EAMES,
CO-TRUSTEES UNDER THE FRANK OR
PATRICIA EAMES REVOCABLE TRUST,
WILLIAM AND LORRAINE NOREM, POLO
PARK, LLC, and GLENN AND LISA TERRY,

Plaintiffs,

-vs-

RONALD M. CARLSON, ESQ., Court
Appointed Receiver of B. R. Amon & Sons, Inc.,
Amon & Sons, Inc., Amon Land Company, LLC,
and Lake Mills Blacktop, Inc.,
FORSETI CONSULTING, LLC, SOUTHWIND
RAS, LLC, COUNTY OF WALWORTH and
WALWORTH COUNTY ZONING
AGENCY,

Defendants.

File No. 14 CV 00582

COMPLAINT

Case Classification Type:
Other Injunction or Restraining Order
Declaratory Judgment

Code Nos. 30704 and 30701

FILED
CIRCUIT COURT

JUL 13 2014

CLERK OF CIRCUIT COURT, WALWORTH CO.
JANET M. HAYES,

NOW COME the Plaintiffs, Frank and Patricia Eames, Co-Trustees Under the Frank or Patricia Eames Revocable Trust, William and Lorraine Norem, Polo Park, LLC, and Glenn and Lisa Terry (collectively "Plaintiffs"), by their attorneys, Godfrey, Leibsle, Blackbourn & Howarth, S.C., and as and for a cause of action against the above named Defendants, Ronald M. Carlson, Esq., Court Appointed Receiver of B. R. Amon & Sons, Inc., Amon & Sons, Inc., Amon Land Company, LLC and Lake Mills Blacktop, Inc., Forseti Consulting, LLC, Southwind RAS, LLC, County of Walworth and Walworth County Zoning Agency, allege and show as follows:

1. This case arises from the misguided and neglectful exercise of political power at the local level by public officials who, individually and collectively, have abandoned the legal obligations of their elected and appointed offices, and permitted themselves to be used by third parties intent upon protecting their own economic self interest and position in the marketplace. If

the relief which is requested herein is not provided, the rights of individual citizens and landowners in Walworth County to the safe, quiet and peaceful possession and use of their property will fall victim to the short sighted personal agendas of outsiders. Moreover, if allowed to go unchallenged, the perpetuation of the zoning ordinance violations which are the subject of this lawsuit will set the dangerous precedent in Wisconsin of favoring short term economic gain over preservation of the environment and the safety and well being of the people.

2. The Potter Pit which is the subject of this lawsuit is bordered on the north by approximately 3,000 acres designated as Prime Environmental Corridor. This area has been defined under Walworth County's 2035 Land Use Plan as "the best remaining woodlands, wetlands and wildlife habitat in the County." The Potter Pit is bordered on the South and West by prime agricultural land, another scarce resource. Individual homes and small farms surround the Potter Pit on all sides. Use of the Potter Pit as a construction material waste and asphalt shingle recycling facility is inconsistent with the Walworth County 2035 Land Use Plan. Future land use plans for Potter Pit do not contemplate an industrial use such as construction material waste and asphalt shingle recycling.

3. The Plaintiffs, Frank and Patricia Eames, Co-Trustees of the Frank or Patricia Eames Revocable Trust, are adults who reside at W4028 Potter Road, Elkhorn, Wisconsin 53121.

4. The Plaintiffs, William and Lorraine Norem, are adults who reside at N6422 Cobb Road, Elkhorn, Wisconsin 53121.

5. The Plaintiff, Polo Park, LLC, is Illinois Limited Liability Company with a place of business located at W3923 Potter Road, Elkhorn, Wisconsin 53121.

6. The Plaintiffs, Glenn and Lisa Terry, are adults who reside at W4004 Potter

Road, Elkhorn, Wisconsin 53121.

7. The Defendant, Ronald M. Carlson, Esq., ("Carlson"), is, upon information and belief, an attorney licensed to practice law in the State of Wisconsin with an office located at 10411 Corporate Drive, Suite 100, Pleasant Prairie, Wisconsin 53158. Attorney Carlson was appointed a Wis. Stat. ch. 128 Receiver for B. R. Amon & Sons, Inc., ("Amon"), by the Walworth County Circuit Court in Case No. 13-CV-363; for Amon Land Company, LLC, in Walworth County Circuit Court Case No. 13-CV-364; for Amon & Sons, Inc., in Walworth County Circuit Court Case No. 13-CV-365; and for Lake Mills Blacktop, Inc., in Walworth County Circuit Court Case No. 13-CV-366.

8. The claims asserted herein do not affect the custody or control of receivership property. Plaintiffs are not creditors seeking preferential status in receivership property. A receiver has no authority or discretion to manage receivership assets in violation of county zoning ordinances. Leave of the appointing court to file this action against Carlson is not, therefore, required under Wisconsin law.

9. The Defendant, Forseti Consulting, LLC, is, upon information and belief, a Wisconsin Limited Liability Company under which Carlson conducts receivership activities, with a principle place of business located at 10411 Corporate Drive, Suite 100, Pleasant Prairie, Wisconsin 53158.

10. The Defendant, Southwind RAS, LLC is, upon information and belief, an Illinois Limited Liability Company with its principle place of business located at 2250 Southwind Blvd., Bartlett, Illinois 60103.

11. The Defendant, County of Walworth, is, upon information and belief, a

municipal corporation organized and existing under the laws of the State of Wisconsin, with offices located at 100 W. Walworth Street, Elkhorn, Wisconsin, 53121.

12. The Defendant, Walworth County Zoning Agency, is, upon information and belief, the zoning agency of Walworth County, with offices located at 100 W. Walworth Street, Elkhorn, Wisconsin, 53121.

13. Prior to April 2, 2013, Amon owned real property located at W4186 Potter Road, in the Town of Lafayette, Walworth County, Wisconsin, commonly referred to as the "Potter Pit." Amon conducted non-metallic mineral extraction activities at the Potter Pit, which is zoned M-3 Mineral Extraction District.

14. On April 24, 2008, the Walworth County Zoning Agency issued a conditional use permit for the Potter Pit to Amon, ("4/24/08 CUP"), to operate a recycling center for recycling shingles into asphalt. A true and accurate copy of the 4/24/08 CUP is attached hereto, marked Exhibit 1, and incorporated herein by reference.

15. Approval of the 4/24/08 CUP was conditioned upon Amon, as owner and operator of the Potter Pit, complying with the following conditions, among others:

4. The owner/operator must comply with all federal, state, county and local regulations.

* * *

6. The owner shall notify the County if any changes are made regarding operation of this site including size, location, and type of materials recycled.

* * *

9. The materials in the outside storage area must

be moved off the property and recycled at least every six months.

* * *

10. The site shall be maintained in a nuisance free condition. The owner shall be held solely responsible for the control of dust, odors, fire, vermin, insects, rodents, filth, groundwater and surface water contamination and windblown materials resulting from past and future operations on this site.
11. If problems should develop, Walworth County may require a clean-up schedule, modification of the process operation or termination of the operation and this conditional use permit.

* * *

19. Recycle shingle piles shall not exceed 40,000 tons of materials brought to and stored at the facility per year.

16. After receiving the 4/24/08 CUP, Amon began to accept delivery of construction waste, including asphalt shingles, at Potter Pit. Amon did not, however, upon information and belief, actively or regularly process this waste. Instead, Amon allowed the construction waste materials to pile up at the Potter Pit. Amon made no effort to cover or otherwise protect these construction waste piles, allowing the piles of waste material to be fully exposed to the elements.

17. Amon, upon information and belief, was experiencing financial difficulties at the time the 4/24/08 CUP was issued. Amon was unable to sustain a gravel extraction or waste recycling business at the Potter Pit. In desperation, Amon entered into a lease agreement for the Potter Pit with a company called Construction Materials Recycling, LLC ("CRM"). CRM was to

use the Potter Pit to operate a construction waste materials recycling facility.

18. Amon applied to the Walworth County Zoning Agency for another conditional use permit that would allow CRM to conduct construction waste material recycling at the Potter Pit.

19. On January 19, 2012, the Walworth County Zoning Agency issued a conditional use permit to B. R. Amon & Sons, Inc./Amon Land Company, LLC. ("1/19/12 CUP"). Amon, upon information and belief, was in violation of several of the conditions of the 4/28/08 CUP at the time it applied for, and received, the 1/19/12 CUP. A copy of the 1/19/12 CUP is attached hereto, marked Exhibit 2 and incorporated herein by reference.

20. The 1/19/12 CUP contained the same general and specific conditions originally listed in the 4/24/08 CUP, but did not terminate, invalidate or otherwise limit the 4/24/08 CUP in any respect. The 4/24/08 CUP and the 1/19/12 CUP, therefore, are both currently in effect for the Potter Pit. The 1/19/12 CUP permits Amon, Amon Land Company, LLC and CRM to each conduct construction waste material recycling at Potter Pit, even though Amon had essentially abandoned the Potter Pit by the time the 1/19/12 CUP was issued.

21. After the 1/19/12 CUP was issued, CRM continued to accept delivery of additional construction waste materials, including asphalt shingles, at Potter Pit. CRM, upon information and belief, was paid by contractors and other customers to accept and store the additional construction waste materials at Potter Pit. CRM, however, never actually conducted any construction waste material recycling at Potter Pit. CRM simply continued to accept construction waste material for storage at Potter Pit, for a fee. Amon and CRM continued to allow construction waste materials to pile up at the Potter Pit. Neither Amon nor CRM made any effort to cover or otherwise protect these growing construction waste piles, allowing the piled waste material to be

fully exposed to the elements.

22. Amon's financial woes apparently worsened. On April 2, 2013, Carlson, on behalf of Amon's creditors, petitioned the Walworth County Circuit Court for appointment as a Wis. Stat. ch. 128 Receiver over the assets of Amon and its related party entities, Amon & Sons, Inc., Amon Land Company, LLC, and Lake Mills Blacktop, Inc. A true and accurate copy of Carlson's petition for appointment of receiver for B. R. Amon & Sons, Inc., is attached hereto, marked Exhibit 3 and incorporated herein by reference.

23. On April 2, 2013, Carlson also filed an assignment of the assets and property of Amon for the benefit of creditors ("Assignment"). A true and accurate copy of the Assignment is attached hereto, marked Exhibit 4, and incorporated herein by reference.

24. In the Assignment, Carlson alleged that Amon was not able to meet its financial obligations. Carlson further alleged that he had agreed to accept an assignment of Amon's property for the benefit of Amon's creditors. Pursuant to the Assignment, Amon conveyed and assigned Potter Pit to Carlson, "to be held, administered and disposed of by [Carlson]"

25. Under an amended court order filed on April 10, 2013, Carlson was authorized to sell all Amon property, including Potter Pit, subject to approval of the Court and the written consent of Hometown Bank, a creditor of Amon who, upon information and belief, is owed over \$12,000,000. A true and accurate copy of the amended court order is attached hereto, marked Exhibit 5 and incorporated herein by reference.

26. Upon information and belief, other than creating huge piles of construction waste material, no recycling activities have been conducted at the Potter Pit for at least two years. CRM has abandoned the Potter Pit. The huge piles of construction waste material, however, remain

at Potter Pit and continue to be exposed to the elements.

27. The existing piles of construction waste material currently stored at the Potter Pit, upon information and belief, exceed 40,000 tons, in violation of the 4/28/08 CUP and the 1/19/12 CUP.

28. The huge piles of construction waste material, upon information and belief, have been stored, unprotected, at the Potter Pit for at least two years, in violation of the 4/28/08 CUP and the 1/19/12 CUP.

29. Neither Amon nor CRM, upon information and belief, ever notified Walworth County of any changes regarding the size, location, or type of materials being stored at the Potter Pit, in violation of the 4/28/08 CUP and the 1/19/12 CUP.

30. Storage of construction waste materials, including asphalt shingles, in amounts and for time periods exceeding the limitations imposed by the 4/24/08 CUP, and by the 1/19/12 CUP, have created a nuisance at the Potter Pit, in violation of the 4/28/08 CUP and the 1/19/12 CUP.

31. The huge piles of construction waste material currently stored at the Potter Pit, upon information and belief, contain all sorts of unknown and discarded construction material, including roofing felt liner. Felt liner material typically contains asbestos, an extremely hazardous material. The unknown construction waste material, stored outside, on the ground at the Potter Pit, unprotected from the elements, poses a threat to contaminate groundwater. The grinding and processing of the unknown construction waste materials currently stored at the Potter Pit, upon information and belief, could result in the emission of asbestos particles into the air.

32. Neither the County of Walworth nor the Walworth County Zoning Agency

have made any efforts to enforce the 4/24/08 CUP or the 1/19/12 CUP.

33. The 4/24/08 CUP and the 1/19/12 CUP were issued under applicable Walworth County zoning ordinances. Pursuant to Wis. Stat. § 59.69 (11), compliance with zoning rules and regulations may be enforced by injunctive orders at the suit of an owner of real estate within the district affected by the regulations. Wis. Stat. § 59.69 (11) is an enforcement mechanism available when a property owner does not comply with zoning ordinances.

34. "Self-help" through the use of injunctions by private litigants is an important element of zoning enforcement.

35. The Plaintiffs are owners of real estate in the Town of Lafayette, Walworth County, Wisconsin, either adjacent to or near Potter Pit, and have been or will be affected by the violations of the 4/28/08 CUP and the 1/19/12 CUP described herein.

36. Plaintiffs are entitled to declaratory and injunctive relief, terminating the 4/24/08 CUP, terminating the 1/19/12 CUP, and for an order compelling Carlson to remediate the Potter Pit zoning violations by causing removal of the illegally stored construction waste material, and associated garbage, debris and other foreign objects.

37. Carlson has successfully arranged for a private contractor to remove 46,000 to 50,000 tons of construction waste material stored at another Amon gravel pit in Cambridge, Wisconsin, commonly known as the Banker Pit, for offsite recycling and processing. This arrangement was approved by the Honorable Phillip A. Koss, Walworth County Circuit Court Judge, in a written order entered in Walworth County Circuit Court Case No. 13-CV-363 on March 10, 2014.

38. Southwind RAS, LLC, ("Southwind"), upon information and belief, has

entered into a written offer to purchase Potter Pit from Carlson and Forseti Consulting, LLC. One of the contingencies of such a purchase, upon information and belief, is the issuance, to Southwind, of an amended conditional use permit to conduct shingle recycling activities at Potter Pit, by the Walworth County Zoning Agency.

39. On June 5, 2014, Carlson and Forseti, LLC, as owners of Potter Pit, and Southwind, as applicant, filed an application to amend the 4/28/08 CUP with the Walworth County Zoning Agency ("Southwind Application"). The Walworth County Zoning Agency conducted a public hearing on the Southwind Application on June 19, 2014. The Walworth County Zoning Agency is scheduled to vote on the Southwind Application at its next regularly scheduled meeting, on July 17, 2014.

40. As a result of the pending Southwind Application, the County of Walworth, the Walworth County Zoning Agency and Southwind are necessary parties to this litigation, pursuant to Wis. Stat. § 803.03.

41. It would be improper and illegal for the Walworth County Zoning Agency to amend an existing conditional use permit when that permit is in violation of County zoning ordinances.

WHEREFORE, Plaintiffs demand judgment against Carlson and Forseti Consulting, LLC, as follows:

- a. For entry of a declaratory judgment finding that the current condition of Potter Pit violates the 4/24/08 CUP and the 1/19/12 CUP.
- b. For declaratory and injunctive relief, pursuant to Wis. Stat. § 59.69 (11), terminating and rendering null and void the 4/24/08 CUP and the 1/19/12 CUP.
- c. For declaratory and injunctive relief compelling Carlson and/or Forseti Consulting, LLC, as Receiver for Potter Pit, to abate the nuisance that presently exists at Potter Pit, prevent further pollution

at the site, and arrange removal of the piles of construction waste material.

- d. For an award of costs, disbursements and attorney fees incurred by Plaintiffs in bringing this action.
- e. For such other and further relief as the Court may deem just and equitable.

Dated this 9th day of July, 2014.

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

By: 

Lisle W. Blackburn (1003897)

PLEASE TAKE NOTICE THAT THE PLAINTIFF DEMANDS THAT THIS ACTION BE TRIED BY A 12-PERSON JURY.

Lisle W. Blackburn
GODFREY, LEIBSLE, BLACKBOURN &
HOWARTH, S.C.
354 Seymour Court
Elkhorn, Wisconsin 53121
Telephone: (262) 723-3220
Facsimile: (262) 723-5091
email: lblackbourn@godfreylaw.com

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Land Use and Resource
Management Department

NAME: B. R. AMON & SONS, INC.
TOWN: LAFAYETTE

A conditional use permit for a recycling center for recycling shingles into asphalt as specified in Chapter 74, Division 4, Walworth County Code of Ordinances, Walworth County, Wisconsin, on lands zoned M-3 Mineral Extraction District, and described as follows:

Tax Parcel #K LF2000002

Has been APPROVED subject to the following conditions:

1. This facility is approved per plan submitted as an asphalt shingle recycling area to be used in conjunction with an existing asphalt hot mix plant with all additional conditions.
2. Use of the site shall be strictly limited to a recycling of materials specified in the plan of operations.
3. The hours of operation shall be set from 6:00 a.m. to 6:00 p.m. weekdays and from 6:00 a.m. to noon on Saturday.
4. The owner/operator must comply with all federal, state, county and local regulations.
5. All signage must conform to county ordinance standards and shall require sign permit approval.
6. The owner shall notify the county if any changes are made regarding operation of this site including size, location and type of materials recycled.
7. No yard waste, domestic waste, oil and gas, anti-freeze, hazardous waste, batteries, non-empty fuel tanks, auto salvaging, air conditioning fluids or gases or other similar materials shall be allowed on site.
8. Building construction demolition materials may not be brought on site without first meeting all requirements of state local and federal regulations.
9. The materials in the outside storage area must be moved off the property and recycled at least every six months.

100 West Walworth Street
P.O. Box 1001
Room 222
Elkhorn, WI 53121
Planning/ zoning/Permitting/
Conservation Division
842.741.4973 tel
262.741.4974 fax
262.741.4973 fax

Exhibit 1

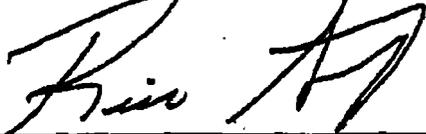
10. The site shall be maintained in a nuisance free condition. The owner shall be held solely responsible for the control of dust, odors, fire, vermin, insects, rodents, filth, groundwater and surface water contamination and windblown materials resulting from past and future operations on this site.
11. If problems should develop, Walworth County may require a clean-up schedule, modification of the process operation or termination of the operation and this conditional use permit.
12. Staff may conduct inspections necessary to ensure site is operated and maintained according to applicable regulations.
13. The owner must obtain a Walworth County Land Disturbance, Erosion Control and Stormwater Permit from Walworth County Land Conservation Office. This permit may require the installation of a stormwater catch basin for drainage from off the loading area and storage areas.
14. All parking must be as designated on the approved plan. The parking must be in compliance with the approved plan within in 60 days of this approval.
15. If the Walworth County Land Use and Resource Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the Walworth County Zoning Agency for approval.

Specific Conditions:

16. The owner/operator shall remove and properly dispose of any contaminants that may be present in the raw yard waste material before the material is shredded or processed in any way.
17. If required by the Department of Natural Resources, annual submittal of the Material Recovery Facility Self Certification form is shall be submitted to D.N.R. under NR 544.16 Wisconsin Administrative Code. The owner/operator shall provide a copy of any annual reports from D.N.R. for the file upon annual renewal.
18. Proper access must be granted by the Lafayette Town Highway Department prior to operations. The owner must maintain the road maintenance agreement with the town while using the site for the recycling of shingles.

19. Recycle shingle piles shall not exceed 40,000 tons of materials brought to and stored at the facility per year.
20. The owner must construct a 4-foot high woven wire fence around the recycling area to insure that materials are not transported to other areas of the gravel pit.
21. All building construction demolition materials sorted from the asphalt shingles must be stored in dumpsters on site and must be immediately transported from the site once the dumpsters are full.
22. The owner must contact the Walworth County Conservation Office and obtain a re-evaluation of the reclamation for the gravel pit with regard to the temporary use of this area for asphalt shingle recycling. This conditional use is temporary and shall not be valid upon restoration of the gravel pit back to post mining conditions. The owner shall either remove the recycling operations from the property or rezone the property to a permanent industrial zone district upon restoration of the gravel pit.
23. The owner must provide a copy of the Tier II Industrial Stormwater Permit from the Wisconsin DNR and keep the permit current in the file prior to and during use of the site.

Dated this 24th day of April, 2008.



COUNTY ZONING AGENCY
RICK STACEY, CHAIRMAN



Land Use and Resource
Management Department

NAME: BR Amon & Sons Inc. / Amon Land Company LLC

TOWN: Lafayette

The application indicates: The applicant is requesting conditional use approval for a construction materials recycling facility within an existing non-metallic mining site. Construction Materials Recycling LLC (CRM) would provide local builders, remodelers, home improvement specialists and commercial waste haulers with an option to economically recycle beneficially reusable construction and demolition materials rather than dispose of materials in a sanitary landfill. The facility would take in greater than 100 tons per day of recyclable materials consisting of residential roofing and construction/demolition materials (drywall, metal, wood, and concrete). It is expected that greater than 50% of these materials by weight would be recycled. Materials not recycled would be hauled to a landfill or in the case of concrete and asphalt incorporated into the existing mining and asphalt producing operations on site.

Tax Parcel #K LF1700005 / K LF2000001 / K LF2000002

Has been APPROVED subject to the following conditions:

General:

1. This facility is approved per plan submitted for construction materials recycling with all additional conditions.
2. Use of the site shall be strictly limited to a recycling of materials specified in the plan of operations. All materials are to be temporarily stored, recycled and then relocated to other licensed areas for reuse or disposal.
3. The hours of operation shall be set from 6:00 a.m. to 6:00 p.m. weekdays and from 6:00 a.m. to 1:00 p.m. on Saturday.
4. The owner/operator must comply with all Federal, State, County and local regulations.
5. All signage must conform to County ordinance standards.
6. The owner shall notify the County if any changes are made regarding operation of this site including size, location and type of materials recycled.
7. No yard waste, domestic waste, oil and gas, anti-freeze, hazardous waste, batteries, non-empty fuel tanks, auto salvaging, air conditioning fluids or

100 West Walworth Street
P.O. Box 1001
Room 223
Elkhorn, WI 53121
Planning/Zoning/Construction/
Conservation Division
262.741.4973 tel
262.741.4974 fax
262.741.4973 fax

Exhibit 2

gases or other similar materials shall be intentionally allowed on site. Any Ancillary materials of these types recovered from the construction material recycling process shall be immediately containerized in a water proof dumpster and transported to an appropriate disposal facility within two weeks of being containerized.

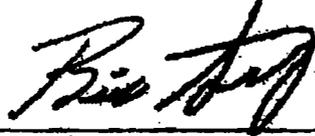
8. Storage of materials shall be allowed only in the areas designated on the proposed plan. All materials stored in outside areas must be in containers or on an approved impervious pad. The materials in the outside storage area must be moved off the property and recycled at least every six months.
9. The site shall be maintained in a nuisance free condition. The owner shall be held solely responsible for the control of dust, odors, fire, vermin, insects, rodents, filth, groundwater and surface water contamination and windblown materials resulting from past and future operations on this site.
10. If problems should develop, Walworth County may require a clean-up schedule, modification of the process operation or termination of the operation and this conditional use permit.
11. County staff may conduct inspections necessary to ensure site is operated and maintained according to applicable regulations.
12. The owner must obtain a Land Disturbance, Erosion Control and Stormwater Permit from Land Conservation Office. This permit may require the installation of a stormwater catch basin for drainage from off the loading area and storage areas.
13. All parking must be as designated on the approved plan. The parking must be in compliance with the approved plan within in 60 days of this approval.
14. The owner/operator shall remove and properly dispose of any contaminants that may be present in the materials before the material is shredded or processed in any way.
15. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.
16. Failure to actively exercise this conditional use within three years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the conditional use. A time extension for actively exercising the conditional use must be requested in writing during the original three year period. Any extension requested during the three year active exercise period greater than one year beyond the original three year period shall require additional Town and County committee approvals.

Specific:

17. Proper access must be granted by the Town and County Highway Department prior to operations on site.
18. All records maintained at the facility in order to meet the requirements of The State of Wisconsin Department of Natural Resources Conditional Plan of Operation Approval for a Construction and Demolition Solid Waste Processing Facility shall be made available to the Town and County upon request.
19. There shall be a maintained 75-foot setback from all designated wetlands.
20. The construction/demolition materials brought on site and stored for processing shall not exceed the cubic yards capacity approved for the facility without additional conditional use review and approval.
21. The property owner shall be responsible for providing onsite staff at all times when the construction materials storage site is being used.
22. The construction materials storage site shall be gated and locked when no onsite employees are present to prevent illegal dumping.
23. The recycling facility shall be temporary and removed from the site when the pit is no longer being mined or the site shall be rezone to a permanent industrial zone district.
24. No construction materials brought on site shall be disposed of in or used in reclamation of the gravel pit.
25. The construction materials recycling facility is not approved for on-site composting.
26. This conditional use approval is not valid until the site is cleaned up and brought into compliance with the operations plan submitted for both the shingle recycling and construction materials recycling operations as per the Town.
27. All water from the construction materials recycling conditional use area is to be separated for settlement and filtration treatment before it travels to any off-site pond. The construction materials recycling facility shall have a separate stormwater pond as per the Town.
28. As much foreign water as possible from the non-construction materials recycling conditional use site will be averted away from the site using ditches, berms, etc. as per the Town.
29. The property owner shall provide an updated stormwater management site plan to the Town as per the Town.

30. All sub-contractors processing and recycled materials on site must meet State and Federal regulations and all processing is to be done inside the Construction Materials Recycling area. (IE. - shredding of wood) as per the Town.
31. The entire approved Construction Material Recycling area shall be fenced, separating it totally from any asphalt processing and all gravel pit operations with a 10 foot perimeter setback inside the fence for storage of products as per the Town.
32. All recyclable materials, waiting for processing and waste materials are to be kept inside the Construction Materials Recycling conditional use perimeter fence as per the Town.
33. The Town shall be responsible for obtaining water samples in the presence of a Construction Materials Recycling representative according to Wisconsin Pollution discharge Elimination System (WPDES) permit conditions set forth by the DNR including presence of substances to be tested for, locations from which to obtain samples and timing of sampling. The Town shall have the authority to add to the list of substances. The Town will choose the laboratory to test the samples and Construction Materials Recycling will be billed for sample testing. The results will be sent to the Town Clerk who will forward copies to Construction Materials Recycling. Construction Materials Recycling will also be required to forward copies of any Tier 1 test result to the Town conducted outside of these parameters as per the Town.
34. Construction Materials Recycling shall forward copies, to the Town of LaFayette, of all written communications sent and received from Walworth County. The same conditions shall also apply to all communications sent to and received from the WI DNR as per the Town.
35. Any non-clean materials shall be required to be kept on the containment pad as per the Town.
36. All foreign materials processed by Construction Materials Recycling shall be required to stay on the containment pad as per the Town.
37. This approval is conditional upon WI DNR recommendation of the plan, including outside storage of recyclable materials as per the Town.
38. The conditional use permit shall be in effect for a ~~one (1)~~ three (3) year period and shall be subject to ~~annual~~ renewal. Modifications to previous conditions or additional conditions may be imposed upon an application for renewal as per the Town.

Dated this 19th day of January, 2012.

A handwritten signature in black ink, appearing to read "Rick Stacey". The signature is written in a cursive style with a large initial "R".

COUNTY ZONING AGENCY
RICK STACEY, CHAIRMAN

In re:

B. R. AMON & SONS, INC.,

Assignor.

FILED
CIRCUIT COURT
APR 22 2013
CLERK OF DISTRICT COURT
WALWORTH CO.
WISCONSIN

HON. JAMES L. CARLSON

Case No.: 13 CV 00363
Case Code: 30304

PETITION FOR APPOINTMENT OF A RECEIVER

TO THE CIRCUIT COURT, WALWORTH COUNTY:

Petitioner, Ronald M. Carlson, Esq., ("Petitioner") respectfully alleges:

1. That B. R. Amon & Sons, Inc. ("BR Amon") has made a voluntary assignment to Petitioner for the benefit of its creditors.

2. That BR Amon is a family business founded in 1922 engaged in the road construction and paving business which maintains its principal place of business at W2950 Highway 11, Elkhorn, Wisconsin.

3. That as of March 18, 2013, BR Amon had the following assets:

- A. Accounts receivable of an unknown value;
- B. Ownership of BR Amon's main office building which is located at W2950 Highway 11, Elkhorn, Wisconsin, including a shop, parts and supplies;
- C. A 50% ownership interest in Whitewater Limestone, Inc.;
- D. Ownership of the real estate commonly known as the Potter Pit, which includes approximately 400 acres, inventory with a value of approximately \$520,000 and an asphalt plant;

Exhibit 3

E. Ownership of the real estate commonly known as the Williams Bay Pit, which includes approximately 113 acres and inventory with a value of approximately \$200,000;

F. Ownership of the real estate commonly known as the Richmond Pit, which includes approximately 97 acres and inventory with a value of approximately \$100,000;

G. Ownership of the real estate commonly known as the Burmeister Pit, which includes approximately 30 acres;

H. Ownership of the real estate commonly known as the Spring Valley Pit, which includes approximately 11 acres;

I. Substantial equipment and machinery with an unknown value;

J. Leasehold interest in the real estate commonly known as the George Pit, which includes approximately 20 acres and inventory with a value of approximately \$80,000;

K. Leasehold interest in the real estate commonly known as Henning Field, which includes approximately 40 acres;

L. Leasehold interest in the real estate commonly known as the Wilson Pit;

M. Leasehold interest in the real estate commonly known as the Wheelan Pit;

N. Leasehold interest in the real estate commonly known as the Nelson Pit;

O. Leasehold interest in the real estate commonly known as the Kraemer Pit;

P. Leasehold interest in the real estate commonly known as the Junker Pit;

Q. Leasehold interest in the real estate commonly known as the Friemoth Pit;

R. Leasehold interest in the real estate commonly known as the Notbaum Pit; and

S. Leasehold interest in the real estate commonly known as the Trayner Pit.

4. That the fair value of BR Amon's assets is unknown.

5. That as of March 18, 2013, BR Amon was indebted to Hometown Bank in the amount of \$12,207,811, not including interest and fees, which is secured by a lien on the majority of BR Amon's equipment and first position mortgages on the real estate owned by BR Amon, and includes the following:

- A. \$2,445,348 pursuant to a line of credit Note, #101;
- B. \$4,548,474 pursuant to a U.S. Small Business Administration term loan Note, #102;
- C. \$780,441 pursuant to a U.S.D.A. Rural Development term loan Note, #103;
- D. \$1,343,932 pursuant to U.S.D.A. Rural Development term loan Note, #104;

and

- E. \$3,089,616 pursuant to a term loan Note, #105.

6. That BR Amon has substantial other secured and unsecured debts of an unknown amount.

7. That the fair value of BR Amon's assets is less than its liabilities.

8. That Petitioner has filed BR Amon's Assignment for the Benefit of Creditors in this Court and requests that he be designated as Receiver by this Court on the basis of said Assignment.

9. That Petitioner further requests:

A. That an Order be entered appointing him Receiver under a bond of \$10,000.

B. That all creditors of Assignor be directed to file their claims with the Clerk of Court within three months from the date of the notice of appointment of Petitioner as Receiver.

C. That all creditors be restrained and enjoined from (i) commencing any action or prosecuting any other action now pending other than these proceedings, (ii) enforcing

against BR Amon or its property any judgment and (iii) taking any action to collect or recover a claim against BR Amon.

D. That he be authorized to use Hometown Bank as the depository for all funds in this matter.

E. That he be authorized to employ appraisers and/or liquidators of his choice.

F. That he be authorized to employ an accountant to prepare any necessary tax returns.

G. That he be authorized to sell all property of BR Amon free and clear of all liens, with all liens attaching to the proceeds, through public or private proceedings in a commercially reasonable manner, subject to further Order of this Court and the prior written consent of Hometown Bank.

H. That he be authorized to assume plan sponsor responsibility of BR Amon's profit sharing and/or 401(k) plan (the "Plan") as successor to BR Amon, if applicable.

I. That he be authorized to assume fiduciary responsibility for the Plan and its assets; this authority includes, but is not limited to, the authority to terminate the fiduciary status of previous fiduciaries; to direct third party administrator and/or other related service providers; to direct the payment of expenses associated with final administration and termination of the Plan; to direct distributions to participants from the Plan's assets; to terminate the Plan, and to take such other and further actions as the Receiver in his discretion deems advisable under the circumstances.

J. For such other and further relief as the Court deems appropriate.

Dated this 2nd day of April, 2013.

Ronald M. Carlson

Ronald M. Carlson, Esq.
State Bar No. 1018005

State of Wisconsin)
 :SS
Walworth County)

This instrument was acknowledged before me on April 2, 2013, by Ronald M. Carlson.

[Signature]

Notary Public, State of Wisconsin

My commission expires: 15 Percent

In re:

HON. JAMES L. CARLSON

B. R. AMON & SONS, INC.,

FILED
CIRCUIT COURT

APR 02 2013

Case No.:

Case Code:

13 CV 00363
30304

Assignor.

CLERK OF COURTS-WALWORTH CO.

BY: *W*

ASSIGNMENT FOR THE BENEFIT OF CREDITORS

THIS ASSIGNMENT FOR THE BENEFIT OF CREDITORS is made and entered this 2 day of April, 2013, by and between B. R. Amon & Sons, Inc. ("Assignor") and Ronald M. Carlson, Esq. of Pleasant Prairie, Wisconsin ("Assignee") (collectively, the "Parties").

WHEREAS, Assignor is not able to meet its financial obligations as they mature and desires to make an Assignment of its property for the benefit of its creditors;

WHEREAS, Assignee has agreed to accept an Assignment of Assignor's property for the benefit of Assignor's creditors.

NOW, THEREFORE, in consideration of the foregoing recitals, and for other good and valuable consideration, receipt of which is hereby acknowledged, and in further consideration of the covenants hereinafter contained, the Parties agree as follows:

1. Assignor does hereby convey and assign to Assignee, for the benefit of Assignor's creditors, all the property of Assignor, both real and personal, tangible and intangible, of whatever description and location, including without limitation all of Assignor's cash on hand or on deposit with a financial institution, all of its accounts receivable, claims, demands and causes of action, liquidated and unliquidated, together with all collateral or security therefor, all machinery, equipment, fixtures, furnishings, vehicles, supplies, inventory, patents, trademarks, copyrights, trade names and licenses, and any and all other assets owned by Assignor (collectively, the "Property").

All of the Property is to be held, administered and disposed of by Assignee in trust and upon the terms and conditions of this Assignment for the benefit of all of the creditors of Assignor.

2. Assignee shall take possession of the Property and notify all creditors of Assignor of this Assignment. Assignee shall thereafter sell the Property, either in bulk or in parcels, at public auction or at private sale, with or without notice, in such manner as he believes is in the best interest of said creditors, Assignee to use his discretion with reference to the manner and time of sale and also as to the giving of notice, and in all other respects. Assignee shall expend and disburse the proceeds of such sale or sales pursuant to the Order of Distribution set forth in Chapter 128 of the Wisconsin Statutes, and pursuant to any Order entered in these proceedings.

3. Assignee is authorized to collect, compromise, sell or dispose of any accounts receivable, claims, demands and causes of action existing in favor of Assignor and to settle and compromise any and all claims against Assignor.

4. Assignee is further authorized to employ such help and incur such reasonable expenses as he may deem necessary to properly carry out this Assignment and he may employ the services of attorneys, consultants, accountants, appraisers, liquidators and other professionals when it appears to him necessary and advisable to do so.

5. Assignor hereby authorizes Assignee to execute, acknowledge and deliver all contracts, bills of sale, assignments, releases, deeds, conveyances, transfers and other documents necessary and proper to carry out this Assignment. In order to further assist Assignee, Assignor agrees to immediately turn over to Assignee all of its papers, records and books of account used in its business.

6. Assignee shall not be liable to Assignor or to any of its creditors for anything that he may in good faith do or omit to do hereunder, or for any conduct whatsoever, save bad faith. It is expressly understood and agreed that Assignee does not assume any liability for the lease of any real

or personal property and does not assume any liability to the lessor of any such property for rent or otherwise under any such lease.

7. After his acceptance of the trust hereby conferred, Assignee will file this instrument and his acceptance with the Clerk of the Circuit Court in Walworth County, Wisconsin, in which Assignor has its principal place of business, and will apply to said Court for his appointment as Receiver herein, all in accordance with the provisions of Chapter 128 of the Wisconsin Statutes.

8. Nothing herein contained shall in any manner be deemed to contravene the provisions of Chapter 128 of the Wisconsin Statutes nor to preclude any creditor from requiring this Assignment to be filed with a Court of competent jurisdiction.

WHEREFORE, the Parties agree to the provisions of this Assignment for the Benefit of Creditors, Assignee executing as such and not otherwise.

B. R. AMON & SONS, INC.

By: *Thomas Amon*

Title: *President*

Ronald M. Carlson, Assignee, accepts the trust created by this Assignment for the Benefit of Creditors, and agrees to faithfully perform his obligations thereunder.

Ronald M. Carlson
Ronald M. Carlson

State of Wisconsin)
 :SS
Walworth County)

This instrument was acknowledged before me on *April 2, 2013*, by Ronald M. Carlson.

[Signature]
Notary Public, State of Wisconsin
My commission expires: *11 Dec 2014*

STATE OF WISCONSIN

CIRCUIT COURT

WALWORTH COUNTY

In re:

B. R. AMON & SONS, INC.,

Assignor.

Case No.: 13 CV 363

Case Code: 30304

FILED
CIRCUIT COURT

File
APR 10 2013

CLERK OF COURTS - WALWORTH CO
BY ELIZABETH YAZBEC

**AMENDED APRIL 2, 2013
ORDER APPOINTING RECEIVER, ENJOINING CREDITORS FROM
PROCEEDINGS AGAINST ASSIGNOR, AND GRANTING OTHER RELIEF**

Ronald M. Carlson, Esq., having filed in this Court the original Assignment for the Benefit of Creditors (the "Assignment") made and duly executed by a duly authorized representative of B. R. Amon & Sons, Inc. (the "Assignor"), and having filed in these proceedings his acceptance of said Assignment in accordance with Wis. Stat. § 128.05, and having filed a Petition for the Appointment of a Receiver:

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That Ronald M. Carlson, Esq., 10411 Corporate Drive, Suite 100, Pleasant Prairie, Wisconsin 53158 (the "Receiver"), is hereby appointed as Receiver of Assignor, whose principal place of business is located in Elkhorn, Wisconsin, the Receiver having all of the usual powers vested in him pursuant to Chapter 128 of the Wisconsin Statutes, and the laws applicable thereto. The Receiver is hereby appointed as an officer of the Court and shall have immunity from personal liability as is afforded such officers under Wisconsin law, including, but not limited to immunity from personal liability for acts or omissions undertaken as Receiver within the scope of his authority as set forth herein or as otherwise defined by law or by statute. In addition, the Receiver may not be sued without the prior permission of this Court.

2. That the Receiver shall obtain a surety bond in the sum of \$10,000 and the Receiver is further directed to file said surety bond with the Court.

3. The Receiver shall give notice of this Assignment to all known creditors of Assignor, by mail, and by publication as a Class III Notice under Chapter 985 of the Wisconsin Statutes, in Walworth County, and shall further give notice to the following government agencies: Internal Revenue Service, Wisconsin Department of Revenue, Wisconsin Department of Workforce Development, and the local municipality. Said notice shall direct all creditors to file their claims within three (3) months of the date of the notice with this Court to the attention of the Clerk of Court, Walworth County Courthouse, 1800 County Road NN, Elkhorn, Wisconsin 53121. That all creditors not filing their claims within said time shall be precluded and barred from participating in any dividend payable to creditors.

4. That Assignor, its agents, directors, officers and employees, are hereby enjoined and restrained from transferring, encumbering or otherwise disposing of any assets of Assignor.

5. That all creditors of Assignor are hereby enjoined and restrained from: (a) commencing any action or prosecuting any other action now pending other than in these proceedings; (b) enforcing against Assignor or its property any judgment; and (c) taking any action to collect or recover a claim against Assignor.

6. That within ten (10) days of this Order Assignor shall file a verified list of the assets and liabilities of Assignor and shall comply with any request by the Receiver for turnover of any books and records of Assignor, except as modified by any subsequent Order entered in these proceedings.

7. That the Receiver is hereby authorized to employ an accountant to prepare any necessary tax returns.

8. That the Receiver is hereby authorized to sell any and all property of the Assignor free and clear of all liens, with all liens attaching to the proceeds of sale in the order of their priority, through public or private proceedings, in a commercially reasonable manner, subject to the prior approval of the Court and the written consent of Hometown Bank.

9. That the Receiver be authorized to assume plan sponsor responsibility for Assignor's Profit Sharing and/or 401(k) Plan as successor to Assignor, if applicable.

10. That the Receiver be authorized to assume fiduciary responsibility for Assignor's 401(k) Plan (the "Plan") and its assets; this authority includes, but is not limited to, the authority to terminate the fiduciary status of previous fiduciaries; to direct third party administrator and/or other related service providers; to direct the payment of expenses associated with final administration and termination of the Plan; to direct distributions to participants from the Plan's assets; to terminate the Plan, and to take such other and further actions as the Receiver in his discretion deems advisable under the circumstances.

11. That the Receiver is hereby authorized to use Hometown Bank as the depository of any funds which may come into the possession of the Receiver in the liquidation of the assets of the Assignor.

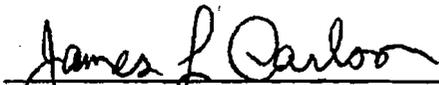
12. The Receiver shall not, by the exercise of his authority under this Order, be deemed to possess or control, nor hold title to, the subsurface of the property which is the subject of this action, nor any hazardous waste or hazardous substance. The terms "hazardous waste" and/or "hazardous substance" mean those substances which are regulated by or form the basis of liability under any federal, state or local environmental laws, including without limitation, asbestos, polychlorinated biphenyls ("PCBs"), and radioactive substances, or any other material or substance which has in the

past or could in the future constitute a health, safety or environmental hazard to any person or property.

13. That the Receiver may apply for such other and further relief as is appropriate under the circumstances.

Dated this 16th day of April, 2013.

BY THE COURT:


Honorable James L. Carlson
Circuit Court Judge

SOUTHERN LAKES INVESTIGATIONS L.L.C.

DATE: 7-9-2014 TIME: 4:00pm.

LOCATION: 100 W. WALWORTH.

ELKHORN, NE.

WHO SERVED: Susi Pike

SERVED BY: Alennis Wisniewski



RECEIVED
WALWORTH COUNTY CLERK

Dennis Wisniewski
262.215.6194

P.O. Box 565, Lake Geneva, WI 53147 • sl.investigation@gmail.com
Member P.A.W.L.I.

RECEIPT OF SERVICE

I acknowledge that I have received documents personally served upon me by Southern Lakes Investigations, on the date, time and location as indicated on the back of the document(s) served.

Susifra

Signature

7/9/14

Date

Summons / COMPLAINT

Type of Document(s)

RECEIVED
WALWORTH COUNTY CLERK

2014 JUL 10 AM 9:17

July 9, 2014

Att: Walworth County Clerk

I have been instructed to send estimate and written notice of the circumstance of the claim to you per Amanda Lagle.

On July 5th approximately 2:10 pm my vehicle was being driven by my son stop on plantation road waiting for traffic on hwy 12. Office Todd Newman was behind my 2003 Ford F150 and has admitted to looking in a drive way to his left and proceeded forward and hit my vehicle in the left rear bumper and rear step bumper pad.

State patrol was called to the scene and stated that someone needed to get a ticket, Office Newman stated several times per my son that it was his fault and to ticket him. As far as I know Office Newman was ticketed.

I have enclosed estimates for repairs.



Patti Fladten

W4394 Cty Rd A

Elkhorn, WI 53121

262-745-1124

HILLER FORD
6455 SOUTH 108TH STREET
FRANKLIN, WI 53132
OFFICE: 414-425-1000 FAX: 414-529-6048
FEDERAL ID #39-0874090

*** PRELIMINARY ESTIMATE ***

07/08/2014 03:20 PM

Owner

Owner: PATTI FLADTEN
Address: W439 CTY RD A
City State Zip: Elkhorn, WI 53121

Work/Day:
Home/Evening: (262)745-1124
FAX:

Inspection

Inspection Date: 07/08/2014 03:21 PM
Primary Impact: Left Rear Corner

Inspection Type:
Secondary Impact:

Appraiser Name: NED CERRA

Appraiser License # :

Repairer

Repairer: HILLER FORD
Address: 6455 SOUTH 108TH. ST.
City State Zip: FRANKLIN, WI 53132
Email: bodyshop@hillerford.com

Contact: NED CERRA
Work/Day: (414)425-1000x603
FAX: (414)529-6048

Vehicle

2003 Ford F-150 XLT 2 DR Standard Cab Stepside Short Bed
8cyl Gasoline 5.4
4,Speed Automatic

Lic.Plate: FLATN
Lic Expire:
Prod Date:
Veh Insp# :
Condition:
Ext. Color: EBONY
Ext. Refinish: Two-Stage
Ext. Paint Code: UA,UD

Lic State: WI
VIN: 1FTRF08L53KC32865
Mileage: 131,846
Mileage Type: Actual
Code: P8153B
Int. Color:
Int. Refinish: Two-Stage
Int. Trim Code:

Options

4-Wheel Drive
Alarm System
Chrome Step Bumper
Fog Lights
Leather Steering Wheel
Polished Alloy Wheels
Power Mirrors
Privacy Glass
Tachometer
Velour/Cloth Seats

AM/FM CD Player
Anti-Lock Brakes
Cruise Control
Intermittent Wipers
Lighted Entry System
Power Brakes
Power Steering
Split Front Bench Seat
Tilt Steering Wheel
Wheel Lip Moldings

Air Conditioning
Auto Locking Hubs (4WD)
Dual Airbags
Keyless Entry System
Overhead Console
Power Door Locks
Power Windows
Stepside Bed
Tinted Glass

Damages

Line	Op	Guide	MC	Description	MFR.Part No.	Price	ADJ%	B%	Hours	R
Rear Bumper										
1	EC	592		Bumper,Rear Step	Replace Economy	\$336.00*			2.2	SM
2	L	592	13	Bumper,Rear Step	Refinish				2.3	RF
					1.4 Surface					
					0.6 Two-stage setup					
					0.3 Two-stage					
3	EC	566		Pad,Rear Bumper Step	Replace Economy	\$74.00*			INC	SM
				>> 2 PIECE						

Manual Entries

4	L			HAZARD. WSTE. REM.	Refinish	\$5.00*				SM
4				Items						

MC Message

13 INCLUDES 0.6 HOURS FIRST PANEL TWO-STAGE ALLOWANCE

Estimate Total & Entries

Other Parts	\$415.00		
Paint Materials	\$78.20		
Parts & Material Total		\$493.20	
Tax on Parts & Material	@ 5.600%	\$27.62	

Labor	Rate	Replace Hrs	Repair Hrs	Total Hrs	
Sheet Metal (SM)	\$54.00	2.2		2.2	\$118.80
Mech/Elec (ME)	\$99.95				
Frame (FR)	\$54.00				
Refinish (RF)	\$54.00	2.3		2.3	\$124.20
Paint Materials	\$34.00				

Labor Total			4.5 Hours	\$243.00
Tax on Labor	@ 5.600%			\$13.61
Gross Total				\$777.43
Net Total				\$777.43

Alternate Parts No

Audatex Estimating 7.0.226 ES 07/08/2014 03:24 PM REL 7.0.226 DT 06/01/2014 DB 07/01/2014
Copyright (C) 2013 Audatex North America, Inc.

0.9 HRS WERE ADDED TO THIS ESTIMATE BASED ON AUDATEX'S TWO-STAGE REFINISH FORMULA.

THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF ONE OR MORE REPLACEMENT

PARTS SUPPLIED BY A SOURCE OTHER THAN THE MANUFACTURER OF YOUR MOTOR VEHICLE. WARRANTIES APPLICABLE TO THESE REPLACEMENT PARTS ARE PROVIDED BY THE MANUFACTURER OR DISTRIBUTOR OF THE REPLACEMENT PARTS RATHER THAN BY THE MANUFACTURER OF YOUR MOTOR VEHICLE.

Op Codes

* = User-Entered Value	E = Replace OEM	NG = Replace NAGS
EC = Replace Economy	OE = Replace PXN OE Srpls	UE = Replace OE Surplus
ET = Partial Replace Labor	EP = Replace PXN	EU = Replace Recycled
TE = Partial Replace Price	PM = Replace PXN Reman/Reblt	UM = Replace Reman/Rebuilt
L = Refinish	PC = Replace PXN Reconditioned	UC = Replace Reconditioned
TT = Two-Tone	SB = Sublet Repair	N = Additional Labor
BR = Blend Refinish	I = Repair	IT = Partial Repair
CG = Chippguard	RI = R & I Assembly	P = Check
AA = Appearance Allowance	RP = Related Prior Damage	



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Audatex Estimating is a trademark of Audatex North America, Inc.

Date: 7/8/2014 04:33 PM
 Estimate ID: 10900
 Estimate Version: 0
 Preliminary
 Profile ID: Mitchell

Keith's Auto Body

4131 Industrial Court, Delavan, WI 53115
 (262) 728-8861
 Fax: (262) 728-8805
 Email: keithsautobody@mia.net
 Tax ID: 391704169

Damage Assessed By: Keith V.

Deductible: 0.00
 Claim Number: 10900

Owner: PATTI FLADTEN
 Address: W4394 CTY RD A, ELKHORN, WI 53121
 Telephone:
 Cell Phone: (262) 745-1124

Mitchell Service: 912623

Description: 2003 Ford Pickup F150 XLT
 Body Style: 2D Pkup 7' Bed 120" WB
 VIN: 1FTRF08L53KC32865
 Mileage: 131,805
 OEM/ALT: O
 Color: BLACK

Drive Train: 5.4L Inj 8 Cyl 4WD
 License: FLADTN WI

Search Code: None

Options: PASSENGER AIRBAG, DRIVER AIRBAG, POWER LOCK, POWER WINDOW, POWER STEERING
 MANUAL AIR CONDITION, CRUISE CONTROL, TILT STEERING COLUMN, ANTI-LOCK BRAKE SYS.
 LEATHER STEERING WHEEL, 4WD OR AWD, FRONT AIR DAM, TINTED GLASS
 ANTI-THEFT SYSTEM, AM/FM STEREO CD, FRONT SPLIT BENCH SEAT, KEYLESS ENTRY SYSTEM
 POWER DISC BRAKES, POWER FOLDING EXTERIOR MIRRORS
 STEERING WHEEL MOUNTED CONTROLS, STEP BUMPER

Line Item	Entry Number	Labor Type	Operation	Line Item Description	Part Type/ Part Number	Dollar Amount	Labor Units
1	AUTO	BDY	OVERHAUL	Rear Bumper Assy			1.2
2	204796	BDY	REMOVE/REPLACE	Rear Bumper Face Bar	** QUAL REPL PART	336.00	* INC
3	AUTO	REF	REFINISH	Rear Face Bar			C 2.0
4	204759	BDY	REMOVE/REPLACE	L Rear Bumper Step Pad	** QUAL REPL PART	74.00	* INC
5	AUTO	REF	ADD'L OPR	Clear Coat			0.8
6	AUTO		ADD'L COST	Paint/Materials		100.80	*
7	AUTO		ADD'L COST	Hazardous Waste Disposal		3.00	*

* - Judgment Item

C - Included in Clear Coat Calc

ESTIMATE RECALL NUMBER: 07/08/2014 16:27:27 10900
 Mitchell Data Version: MAY_14_V

Software Version: 7.1.164

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Page 1 of 2

GENEVA AUTO BODY INC.
 1152 ELKHORN ROAD
 LAKE GENEVA, WI 53147
 OFFICE: 262/248-8880 FAX: 262/249-0300
 FED# 391568174

*** PRELIMINARY ESTIMATE ***

07/08/2014 05:08 PM

Owner

Owner: PATTI FLADTEN
 Address: W4394 CTY RD. A
 City State Zip: Elkhorn, WI 53121

Work/Day: (262)745-1124
 FAX:

Inspection

Inspection Date: 07/08/2014 05:09 PM

Inspection Type:

Address:

Work/Day: (262)248-8880

Repairer

Repairer: GENEVA AUTO BODY INC.
 Address: 1152 Elkhorn Rd.

Contact:
 Work/Day: (262)248-8880
 FAX: (262)249-0300
 FAX:

City State Zip: Lake Geneva, WI 53147
 Email: gab@genevaonline.com

Vehicle

2003 Ford F-150 XL 2 DR Standard Cab Long Bed
 8cyl Gasoline 5.4
 4 Speed Automatic

Lic.Plate: FLADTN
 Lic Expire:
 Prod Date:
 Veh Insp# :
 Condition: Excellent
 Ext. Color: BLACK
 Ext. Refinish: Two-Stage

Lic State: WI
 VIN: 1FTRF08L53KC32885
 Mileage: 131,807
 Mileage Type: Actual
 Code: P8153D
 Int. Color:
 Int. Refinish: Two-Stage

Options

4-Wheel Drive
 Anti-Lock Brakes
 Dual Airbags
 Power Steering
 Velour/Cloth Seats

AM/FM Stereo Tape
 Auto Locking Hubs (4WD)
 Intermittent Wipers
 Styled Steel Wheels
 Wheel Lip Moldings

Air Conditioning
 Chrome Step Bumper
 Power Brakes
 Tinted Glass

Damages

Line	Op	Guide	MC Description	MFR.Part No.	Price	ADJ%	B%	Hours	R
------	----	-------	----------------	--------------	-------	------	----	-------	---

2003 Ford F-150 XL 2 DR Standard Cab Long Bed
Claim #:

07/08/2014 05:08 PM

Rear Bumper

1	E	565	01	Bumper,Rear Step	2C3Z17906DA	\$483.88	2.2	SM
2	L	565	13	Bumper,Rear Step	Refinish 1.4 Surface 0.6 Two-stage setup 0.3 Two-stage		2.3	RF
3	E	570		Pad,Rear Bumper Step LT	XL3Z17B807BA	\$44.08	INC	SM

Manual Entries

4	SB			HAZARD. WSTE. REM.	Sublet Repair	\$5.00*		SM
4				Items				

MC Message

01 CALL DEALER FOR EXACT PART # / PRICE
13 INCLUDES 0.6 HOURS FIRST PANEL TWO-STAGE ALLOWANCE

Estimate Total & Entries

Gross Parts	\$507.76	
Paint Materials	\$80.50	
Parts & Material Total		\$588.26
Tax on Parts & Material	@ 5.500%	\$32.38

Labor	Rate	Replace Hrs	Repair Hrs	Total Hrs	
Sheet Metal (SM)	\$56.00	2.2		2.2	\$123.20
Mech/Elec (ME)	\$80.00				
Frame (FR)	\$80.00				
Refinish (RF)	\$58.00	2.3		2.3	\$128.80
Paint Materials	\$35.00				

Labor Total			4.5 Hours	\$252.00
Tax on Labor	@ 5.500%			\$13.86
Sublet Repairs				\$5.00
Tax on Sublet	@ 5.500%			\$0.28
Gross Total				\$891.75
Net Total				\$891.75

Alternate Parts Y/00/00/00/00 CUM 00/00/00/00/00 Zip Code: 63147 Audatex Host

Audatex Estimating 7.0.226 ES 07/08/2014 05:11 PM REL 7.0.226 DT 06/01/2014 DB 07/01/2014
Copyright (C) 2013 Audatex North America, Inc.

0.9 HRS WERE ADDED TO THIS ESTIMATE BASED ON AUDATEX'S TWO-STAGE REFINISH FORMULA.

THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF ONE OR MORE REPLACEMENT PARTS SUPPLIED BY A SOURCE OTHER THAN THE MANUFACTURER OF YOUR MOTOR VEHICLE. WARRANTIES APPLICABLE TO THESE REPLACEMENT PARTS ARE PROVIDED BY THE MANUFACTURER OR DISTRIBUTOR OF THE REPLACEMENT PARTS RATHER THAN BY THE MANUFACTURER OF YOUR MOTOR VEHICLE.

RECEIVED
WALWORTH COUNTY CLERK

2014 JUL 16 PM 3:56

To WHO it may concern

Concrete chip from mower hit the
door of my pickup at Hwy 50 + F.

~~SAW~~ TRACTOR # 104. DRIVER JACK.

DANE WOODHONSE is aware of this incident.

Randy LATHEAD
P.O. BOX 288
FONTANA, WI

847 910 4673 PHONE CONTACT:

Date: 7/15/2014 01:21 PM
 Estimate ID: 10923
 Estimate Version: 0
 Preliminary
 Profile ID: Mitchell

Keith's Auto Body

4131 Industrial Court, Delavan, WI 53115
 (262) 728-8861
 Fax: (262) 728-8805
 Email: keithsautobody@mia.net

Damage Assessed By: Garritt V.

Deductible: 0.00
 Claim Number: 10923

Owner: RANDY LATHROOP
 Address: PO BOX 288 , FONTANA, WI 53184
 Telephone: Home Phone: (847) 910-4673

Mitchell Service: 910839

Description: 2013 Ford Pickup F150 Lariat
 Body Style: 4D PkupCrw 6' Bed 145" WB
 VIN: 1FTFW1ET8DKD78384
 Mileage: 6,159
 OEM/ALT: O
 Options: PASSENGER AIRBAG, DRIVER AIRBAG, POWER DRIVER SEAT, POWER LOCK, POWER WINDOW
 REAR WINDOW DEFOGGER, CRUISE CONTROL, TILT STEERING COLUMN, LEATHER SEAT
 POWER PASSENGER SEAT, ANTI-LOCK BRAKE SYS., FOG LIGHTS, ALUM/ALLOY WHEELS
 AUXILIARY INPUT, SATELLITE RADIO, TOW HITCH RECEIVER, 4WD OR AWD, TINTED GLASS
 AUTO AIR CONDITION, TRIP COMPUTER, VARIABLE ASSISTED STEERING, SIDE AIRBAGS
 ANTI-THEFT SYSTEM, AUTOMATIC HEADLIGHTS
 INTERIOR AUTOMATIC DAY/NIGHT OR ELECTROCHROMATIC MIRROR
 SIDE HEAD CURTAIN AIRBAGS, AM/FM STEREO CD/MP3 PLAYER
 ELECTRONIC STABILITY CONTROL, FRONT SEATS WITH POWER LUMBAR SUPPORT
 FRONT SPLIT BENCH SEAT, KEYLESS ENTRY SYSTEM, POWER DISC BRAKES
 STEERING WHEEL AUDIO CONTROLS

Drive Train: 3.5L Turbo Inj 6 Cyl 4WD
 License: CHUTE5 WI
 Search Code: None

Line Item	Entry Number	Labor Type	Operation	Line Item Description	Part Type/ Part Number	Dollar Amount	Labor Units
1	000970	BDY	REPAIR	L Frt Door Shell	Existing		1.5* #
2	AUTO	REF	REFINISH	L Frt Door Outside			C 2.4
3	000449	BDY	REMOVE/INSTALL	L Frt Otr Belt Moulding			1.0 #
4	000715	BDY	REMOVE/INSTALL	L Frt Rear View Mirror			INC #
5	000205	BDY	REMOVE/INSTALL	L Frt Otr Door Handle			0.3 #
6	AUTO	REF	ADD'L OPR	Clear Coat			1.0
7	933003	REF	ADD'L OPR	TINT COLOR			0.5*
8	933018	BDY *	ADD'L OPR	MASK FOR OVERSPRAY		5.00 *	
9	900500	BDY *	ADD'L LABOR OP	ADHESIVE MOULDING TAPE CLEAN-UP	New	8.00 *	0.2*
10	900500	BDY *	REMOVE/REPLACE	ADHESIVE MOULDING TAPE / REPLACEMENT MATE	New	8.00 *	0.0*
11	AUTO		ADD'L COST	Paint/Materials		140.40 *	
12	AUTO		ADD'L COST	Hazardous Waste Disposal		3.00 *	

ESTIMATE RECALL NUMBER: 07/15/2014 13:16:54 10923
 Mitchell Data Version: MAY_14_V

Software Version: 7.1.164

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Page 1 of 2

In re:

B. R. AMON & SONS, INC.,

Case No.: 13-CV-363

Assignor.

Case Code: 30304

In re:

AMON & SONS, INC.,

Case No.: 13-CV-365

Assignor.

Case Code: 30304

In re:

AMON LAND COMPANY, LLC,

FILED

Case No.: 13-CV-364

Assignor.

Case Code: 30304

JUL 29 2014

In re:

LAKE MILLS BLACKTOP, INC.,

CIRCUIT COURT
WALWORTH COUNTY
KATRINA OLSON

Case No.: 13-CV-366

Assignor.

Case Code: 30304

NOTICE OF RECEIVER'S MOTIONS TO APPROVE THE SALE OF CERTAIN ASSETS TO SUGAR CREEK SANCTUARY, LLC, WITH ALL LIENS, CLAIMS AND ENCUMBRANCES ATTACHING TO THE PROCEEDS OF SALE, AND AUTHORIZING THE DISBURSEMENT OF THE SALE PROCEEDS; APPROVE THE SALE OF CERTAIN ASSETS TO RELIABLE MATERIALS CORPORATION OF ILLINOIS, WITH ALL LIENS, CLAIMS AND ENCUMBRANCES ATTACHING TO THE PROCEEDS OF SALE, AND AUTHORIZING THE DISBURSEMENT OF THE SALE PROCEEDS; AND APPROVE THE BROKER, AGREEMENT WITH BROKER, AND TO SELL AGGREGATE INVENTORY LOCATED ON THE SPRING VALLEY AND POTTER PITS, WITH ALL LIENS, CLAIMS AND ENCUMBRANCES ATTACHING TO THE PROCEEDS OF SALE, AND AUTHORIZING THE DISBURSEMENT OF THE SALE PROCEEDS

TO: CREDITORS AND PARTIES-IN-INTEREST

PLEASE TAKE NOTICE that Ronald M. Carlson, Esq., Wis. Stats. Chapter 128 Receiver for B.R. Amon & Sons, Inc., Amon & Sons, Inc., Amon Land Company, LLC and Lake Mills Blacktop, Inc. has filed the following Motions with the Court herein (the "Motions").

- 1) RECEIVER'S MOTION TO APPROVE THE SALE OF CERTAIN ASSETS TO SUGAR

2014 JUL 31 AM 9:37
RECEIVED
WALWORTH COUNTY CLERK

CREEK SANCTUARY, LLC, WITH ALL LIENS, CLAIMS AND ENCUMBRANCES
ATTACHING TO THE PROCEEDS OF SALE, AND AUTHORIZING THE DISBURSEMENT
OF THE SALE PROCEEDS

- 2) RECEIVER'S MOTION TO APPROVE THE SALE OF CERTAIN ASSETS TO RELIABLE
MATERIALS CORPORATION OF ILLINOIS, WITH ALL LIENS, CLAIMS AND
ENCUMBRANCES ATTACHING TO THE PROCEEDS OF SALE, AND AUTHORIZING
THE DISBURSEMENT OF THE SALE PROCEEDS
- 3) RECEIVER'S MOTION TO APPROVE THE BROKER, AGREEMENT WITH BROKER,
AND TO SELL AGGREGATE INVENTORY LOCATED ON THE SPRING VALLEY AND
POTTER PITS, WITH ALL LIENS, CLAIMS AND ENCUMBRANCES ATTACHING TO
THE PROCEEDS OF SALE, AND AUTHORIZING THE DISBURSEMENT OF THE SALE
PROCEEDS

Because the Motions are lengthy and the cost of mailing copies to creditors and interested parties would be excessive, the Receiver has not included copies herewith. However, copies of the Motions are available from the Clerk of Court, Walworth County Judicial Center, 1800 Cty Tk NN Elkhorn, WI 53121, Phone: 262-741-7012, the Receiver (contact information below) and the Attorney for the Receiver (contact information below).

HEARING ON MOTIONS

A hearing will be held on the Motions before the Honorable Phillip A. Koss at the address set forth below on August 6, 2014 at 3:30 p.m.

OBJECTIONS

If you want to file an Objection to any of the Motions, you or your attorney must:

- **File a written Objection on or before August 5, 2014 explaining the factual and legal basis for your position, at the following address:**

Honorable Phillip A. Koss
Walworth County Judicial Center
1800 Cty Tk NN
Elkhorn, WI 53121

- **Mail, fax or e-mail a copy of your Objection so that it is received the same date by:**

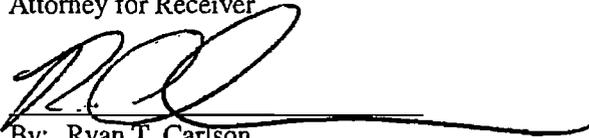
Attorney Ryan T. Carlson
Carlson Dash, LLC
10411 Corporate Drive, Suite 100
Pleasant Prairie, WI 53158
Fax: (262) 857-1619
E-mail: rcarlson@carlsondash.com

- **Appear and explain your position at the hearing which will be held on the Motions.**

If you or your attorney do not take these steps, the Motions will likely be approved by the Court.

Dated at Pleasant Prairie, Wisconsin, this 29th day of July, 2014.

Attorney for Receiver


By: Ryan T. Carlson
State Bar No. 1081395

Carlson Dash, LLC
10411 Corporate Drive
Suite 100
Pleasant Prairie, WI 53158
Tel: 262.857.1600
Fax: 262.857.1619
rcarlson@carlsondash.com

Ronald M. Carlson, Esq.
Wis.Stats. Chapter 128 Receiver
Forseti Consulting, LLC
N35 W23877 Highfield Court, Suite 100B
Pewaukee, WI 53072
Tel: 262-857-2121
rc@forseticonsulting.com



*Your county
extension office*

Walworth County UW-Extension
100 W. Walworth
P.O. Box 1001
Elkhorn, WI 53121
262-741-4951 tel
262-741-4955 fax

Debbie Burkman
4-H Youth Development
Educator

Susan Clark
Support Staff

Chelsea Dertz
4-H Youth Development
Coordinator

Colleen Lesniak
Volunteer Coordinator

Maria Yolanda Peña
WNEP Coordinator

Peg Reedy
Agriculture Educator

Jenny Wehmeier
Family Living Educator
Department Head

Christine Wen
Horticulture Educator
Leadership Team

Brittany Wierzbach
Support Staff

July 20, 2014

Kimberly Bushey, Walworth County Clerk
100 W. Walworth Street
Elkhorn, WI 53121

Dear Ms. Bushey,

I am writing on behalf of the 2016 Farm Technology Days Executive Committee to request a new rule for zoning of the show, to be held July 19-21, 2016 at Snudden Farms, Inc. located on County Road B, Linn Township. The event will require approximately 60 acres for the tent city and event parking. The tent city houses exhibits by agency groups, commercial vendors, small demonstrations, and food vendors. The proposed site is located east of Zenda Road, north of County Hwy B and west of Brink Road. In addition, 100 acres will be allocated for large scale field demonstrations on acreage adjacent to the tent city and parking areas. Attendance is projected to be 45,000 people based on the attendance of the last three years' events. Hours of operation are 8:00 a.m. until 5:00 p.m. No alcohol is permitted on the grounds of Farm Technology Days. Based on Walworth County's current zoning districts, this event does not match up well with existing districts. We are requesting that the Walworth County Land Use and Resource Management Committee suggest a possible special district for temporary use leading up to and through the 2016 Farm Technology Days and that this special zoning designation be approved by the Walworth County Board of Supervisors.

Sincerely,

Peg Reedy
Executive Secretary,
Walworth County Farm Technology Days

RECEIVED
WALWORTH COUNTY CLERK
2014 JUL 18 PM 3:23



Dean
5116 State Road 50
Delavan, WI 53115
August 10, 2014

Walworth County Board of Supervisors
100 W. West Street
Elkhorn, WI 53121

Dear Supervisors,

We are writing this as a Formal Complaint and are asking that you take the necessary time to review the Conditional Use Permit for the wind turbine in use at the Green Leaf at 5072 Hwy 50 Delavan, WI. For over four years we have lived with the constant noise generated from the turbine. Most summer days and nights we must close our windows turn on our air conditioning and fans in order to sleep. It also prohibits us from enjoying our own pool and backyard.

When we attended the initial meetings regarding this structure, we were emphatically told the noise would be a 'gentle swooshing sound - if even that'. We were also told the Green Leaf development would be completed within 12 - 18 months. According to numerous newspaper articles they are unable to secure the necessary funding to complete the project. The appearance of the property continues to resemble an abandoned site. Many people have questioned us about its condition and ask if there has been a fire.

It was our understanding that major grants were given to the owners for the wind energy system. At one time their web site boasted of how much money - \$800.00 per month - they made selling the generated electricity back to the electric company. They are obviously not using the energy system for its original intention, but in order to supplement their income. The irony is we must use more electricity to cool our home in order to escape the relentless noise disturbance.

Last year many complaints were filed with the township board and our complaints were forwarded to the owner. They are on file and address the

noise, the condition of the property, the interference with TV and cell phone reception. The same concerns are still the same and the noise is even louder!

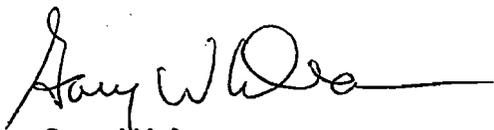
This year I have spent time discussing this matter with John Olson, Delavan Township Administrator, and Phillip Smith, Chief of Police for Delavan Township. The Chief has visited our home and has filed a report.

If the neighbors, the Delavan Township Board, and the County Board had more research and been given honest information, I believe the turbine would not have been given approval. Instead the word/promises of the Green Leaf lawyers and owners were believed and accepted without enough investigation.

In conclusion, we believe that the County Board supervisors should reconsider the unconditional use permit. It appears to be the only thing in operation at the Green Leaf is an intrusive wind energy system. The permits were give with the understanding that this project would be fully operational as well as a model for green energy - not noise pollution, income from the electric company and unhappy neighbors.

Thank-you in advance for your time and attention in this matter.

Sincerely,



Gary W. Dean
5116 State Road 50
Delavan, WI 53115



Brenda Dean
5116 State Road 50
Delavan, WI 53115



Mike Feeney
5106 State Road 50
Delavan, WI 53115



Christine Feeney
5106 State Road 50
Delavan, WI 53115



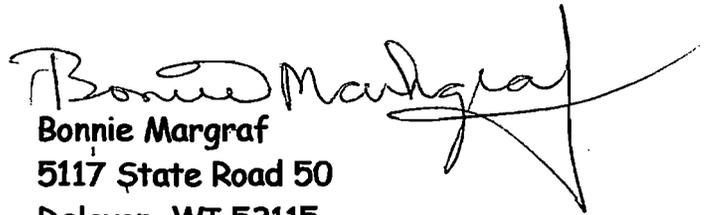
Jim Wolfgram
5124 State Road 50
Delavan, WI 53115



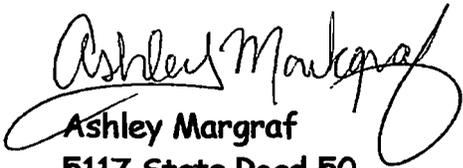
Gail Wolfgram
5124 State Road 50
Delavan, WI 53115



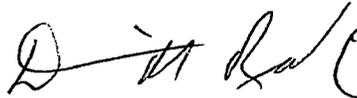
John Margraf
5117 State Road 50
Delavan, WI 53115



Bonnie Margraf
5117 State Road 50
Delavan, WI 53115



Ashley Margraf
5117 State Road 50
Delavan, WI 53115



Dennis Rowland
5113 State Road 50
Delavan, WI 53115

Cc: John Olson
Delavan Township Administrator

Chief Phillip G. Smith
Chief of Police
Delavan Township

Charlene Staples
Walworth County Supervisor

Darin Schwanke
Walworth County Zoning

RESOLUTION NO.: 9—2014-15

TO THE HONORABLE, THE OUTAGAMIE COUNTY BOARD OF SUPERVISORS

LADIES AND GENTLEMEN:

MAJORITY

1
2 Would the people of Outagamie County wish to have the State of Wisconsin reconsider
3 accepting federal dollars for Medicaid expansion? The State of Wisconsin has yet to take
4 advantage of billions of new federal Medicaid dollars which would have improved the state's
5 BadgerCare program. These federal funds are available at any time and upon acceptance would
6 provide access to BadgerCare to 84,000 people as estimated by the State's Legislative Fiscal
7 Bureau. Nineteen counties have passed resolutions urging Wisconsin to utilize these federal
8 funds. These federal funds would bring in an estimated \$57 million into the local economy by
9 2021 and would help over 1,971 parents and childless adults in Outagamie County access
10 BadgerCare; a position that has been reiterated by the Wisconsin Counties Association. Being
11 underinsured and uninsured impacts county Health & Human Services Departments because it
12 can lead to untreated mental health or substance abuse and lack of preventative health care can
13 lead to loss of jobs, the inability to function and loss of self-sufficiency.

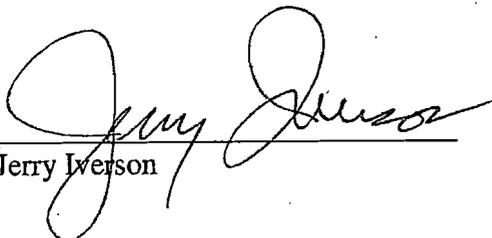
14
15 NOW THEREFORE, the undersigned members of the Health & Human Services Committee
16 recommend adoption of the following resolution.

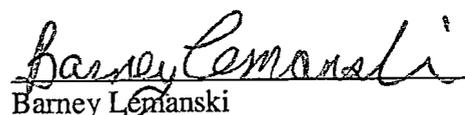
17 BE IT RESOLVED, the Outagamie County Board of Supervisors does direct the County Clerk
18 to place the following advisory question on the countywide ballot at the election to be held on
19 November 4, 2014: "Shall the next State Legislature accept available federal funds for expansion of
20 Badgercare?", and

25 BE IT FINALLY RESOLVED, that the Outagamie County Clerk be directed to forward a copy
26 of this resolution to the Outagamie County Health and Human Services Director, the Outagamie County
27 Lobbyist for distribution to our Legislative Delegation, Wisconsin Counties Association and Governor
28 Walker.

29 Dated this 24th day of June, 2014.

30 Respectfully Submitted,
31 HEALTH & HUMAN SERVICES COMMITTEE

32
33 
34 Jerry Iverson
35
36


Barney Lemanski

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Kevin Behnke
Kevin Behnke

Patrick Meyer
Patrick Meyer

Cathy Spears
Cathy Spears

Duly and officially adopted by the County Board on: July 8, 2014

Signed: Kelen Taylor
Board Chairperson

Doreen O'Bright
County Clerk

Approved: 7.9.14

Vetoed: _____

Signed: TN
County Executive



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-1847 • Fax: (608) 267-6873
Email: fiscal.bureau@legis.wisconsin.gov • Website: <http://legis.wisconsin.gov/lfb>

December 16, 2013

TO: Representative Melissa Sargent
Room 8 West, State Capitol

FROM: Charles Morgan, Program Supervisor

SUBJECT: LRB 2899/1: BadgerCare Plus Eligibility Standard for Adults – County-Based Demonstration Program

In response to your request, this memorandum provides information on LRB 2899/1, which would require the Department of Health Services (DHS) to seek approval from the U.S. Department of Health and Human Services (DHHS) to enable any Wisconsin county to provide benefits under the medical assistance (MA) program to adults whose family incomes do not exceed 133% of the federal poverty level (FPL).

You requested estimates of the number of additional individuals who could be enrolled in each county if the bill were enacted, and the amount of additional federal funding that would be available to support MA-eligible services to these participating individuals. Under the bill, this coverage would be available in a county if the eligibility expansion were approved by the county's Board of Supervisors and DHHS.

Background

As enacted, the Affordable Care Act required states to provide MA coverage to virtually all non-elderly adults with family incomes not greater than 133% of the FPL, beginning January 1, 2014, including adults without dependent children. Following the U.S. Supreme Court's decision in *National Federation of Business v. Sebelius*, the ACA's MA expansion became optional for states.

States that implement the expansion are eligible for the enhanced federal matching rates the ACA provides for that purpose. Specifically, if the individuals covered by a state's MA expansion are "newly eligible" for MA, the state can receive an enhanced federal medical assistance percentage (FMAP) for services provided to the expansion population. The FMAP is the percentage of MA eligible service costs funded by the federal government.

Since Wisconsin's current income eligibility standard for adults with dependent children is

200% of the FPL, the enhanced FMAP would only be available to fund services to adults without dependent children with family income up to 133% of the FPL. In calendar years 2014, 2015, and 2016, the enhanced FMAP is 100%, but declines thereafter as follows: 95% in 2017, 94% in 2018, 93% in 2019, and 90% in 2020 and each subsequent year. CMS has since indicated that a state must establish an eligibility standard of 133% of the FPL for their "newly- eligible" populations in order to qualify for the enhanced FMAP to support services for these individuals.

Under Act 20, Wisconsin will provide health care coverage under BadgerCare Plus to adults without dependent children with family income up to 100% of the FPL, beginning January 1, 2014. However, under December Special Session Assembly Bill 1, which was passed by the Assembly and is scheduled for action by the Senate on December 19, the start date would be delayed until April 1, 2014. In addition, on that date, approximately 72,000 adults with dependent children in families with income between 100% and 200% of the FPL would no longer be eligible for coverage under BadgerCare Plus.

Summary of LRB 2899/1

LRB 2899/1 would require DHS to submit on behalf of any county, with approval of the county board of supervisors, a waiver of federal Medicaid law or a proposal for a demonstration program to DHHS in order for the county to provide benefits under the MA program to adults whose family incomes do not exceed 133% of the FPL. DHS would be required, in good faith, to assist the county in preparing the waiver or proposal and in any negotiations with DHHS.

In its negotiations with DHHS regarding the proposal, DHS would be required to promote the approval of the waiver request or proposal and to seek the highest available federal MA matching percentage. DHS would be required to submit any amendment to the state MA plan and any amendment to the waiver request or proposal, and comply and assist any county in complying with all federal requirements to qualify for the highest available FMAP. Finally, if DHHS approves the waiver or demonstration program, DHS would be required to facilitate, as needed, the administration of MA benefits in that county.

County Estimates

In May, 2013, this office estimated that an additional 31,000 adults without dependent children and 53,700 adults with dependent children would be enrolled in the program, on an annualized basis, if the state had elected to establish an eligibility standard equal to 133% of the FPL, rather than 100% of the FPL for these two groups. For the purpose of estimating the effect of this proposal for each county, it is assumed that the percentage of additional adults that would be enrolled in each county would equal the percentage of adult parents and caretakers in each county that are currently enrolled in BadgerCare Plus. For example, in November, 2013, there were 218,000 adult parents and caretakers enrolled in BadgerCare Plus, of which 993 (approximately 0.46%) were residents of Adams County. It is therefore estimated that 0.46% of the 31,000 additional childless adults and 0.46% of the 53,700 adults with dependent children, for a total of 386 adults, would be eligible for BadgerCare Plus coverage in Adams County if DHHS approved the 133% eligibility standard for Adams County $[(31,000 \times 0.46) + (53,700 \times 0.46) = 386]$.

In May, 2013, this office estimated that the additional federal funding that would be available to support MA benefits costs had the state chosen to establish the eligibility standard for all adults (including adults with dependent children and adults without dependent children) at 133% of the FPL, compared to the 100% eligibility standard that was enacted, would total \$489.0 million in the 2013-15 biennium, \$708.1 million in the 2015-17 biennium, \$648.1 million in the 2017-19 biennium, and \$598.2 million in the 2019-21 biennium, for a total of \$2,443.4 million for the period January 1, 2014 through June 30, 2021. In order to estimate the additional federal funding that the state would receive on a per-county basis under the proposal, this total is multiplied by the percentages used for the enrollment estimate. In other words, it is assumed that these additional federally-funded costs would be proportional to enrollment in each county. For example, if DHHS approved the state's request to establish an income eligibility standard of 133% of the FPL in Adams County, it is estimated that federally funded payments to health care providers for services provided to Adams County residents would increase by approximately \$11.1 million for the 2014 through 2021 period ($\$2,443.4 \text{ million} \times 0.46 = \$11,130,000$.)

Note that enhanced federal funding would only be available to support "newly eligible" enrollees (adults without dependent children). If a county chose to increase the income eligibility standard for adults in the county to 133% of the FPL, the federal government would be responsible for supporting approximately 60% of the costs of services for adults with dependent children, as no enhanced FMAP would be available to support services to this population. Although the draft appears to assign the responsibility to fund all non-federal costs of expanding MA eligibility to participating counties, this draft could be modified to clarify this intent.

The attachment lists the county-by-county estimates that you requested. As previously indicated by this office, multi-year estimates of MA caseloads and costs on a statewide basis are uncertain due to many factors, including the national economy. Multi-year county level caseload and cost estimates are even more speculative.

Please contact me if you require additional information on this matter.

CM/b
Attachment

ATTACHMENT

Estimated Effect of BadgerCare Plus Eligibility Expansion, By County and Tribe,
LRB 2899/1

County	November, 2013		Estimates of Additional Adults			Jan. 1, 2014 - June 30, 2021 Total Estimates of Additional Federal Funding Available to Support Services for BadgerCare Plus Enrollees
	Number of BadgerCare Plus Adults with Dependent Children	Percentage of Statewide Total	Childless	Adults with	Total	
			Adults	Children		
Adams	993	0.46%	141	245	386	\$11,130,000
Ashland	165	0.08	23	41	64	1,850,000
Bad River Tribe	206	0.09	29	51	80	2,310,000
Barron	2,340	1.07	333	576	909	26,230,000
Bayfield	37	0.02	5	9	14	410,000
Brown	8,443	3.87	1,201	2,080	3,280	94,630,000
Buffalo	26	0.01	4	6	10	290,000
Burnett	803	0.37	114	198	312	9,000,000
Calumet	1,029	0.47	146	253	400	11,530,000
Chippewa	2,799	1.28	398	689	1,088	31,370,000
Clark	66	0.03	9	16	26	740,000
Columbia	1,812	0.83	258	446	704	20,310,000
Crawford	773	0.35	110	190	300	8,660,000
Dane	11,257	5.16	1,601	2,773	4,374	126,170,000
Dodge	2,774	1.27	394	683	1,078	31,090,000
Door	1,026	0.47	146	253	399	11,500,000
Douglas	2,002	0.92	285	493	778	22,440,000
Dunn	1,691	0.78	240	417	657	18,950,000
Eau Claire	3,931	1.80	559	968	1,527	44,060,000
Florence	19	0.01	3	5	7	210,000
Fond du Lac	3,112	1.43	443	767	1,209	34,880,000
Forest	89	0.04	13	22	35	1,000,000
Grant	1,694	0.78	241	417	658	18,990,000
Green	1,262	0.58	179	311	490	14,140,000
Green Lake	742	0.34	106	183	288	8,320,000
Iowa	783	0.36	111	193	304	8,780,000
Iron	49	0.02	7	12	19	550,000
Jackson	47	0.02	7	12	18	530,000
Jefferson	2,707	1.24	385	667	1,052	30,340,000
Juneau	1,347	0.62	192	332	523	15,100,000
Kenosha	7,120	3.27	1,012	1,754	2,766	79,800,000
Kewaunee	657	0.30	93	162	255	7,360,000
La Courte Tribe	16	0.01	2	4	6	180,000
Lac Du Flambeau Tribe	458	0.21	65	113	178	5,130,000
La Crosse	10,507	4.82	1,494	2,588	4,082	117,770,000
Lafayette	607	0.28	86	150	236	6,800,000
Langlade	1,147	0.53	163	283	446	12,860,000
Lincoln	351	0.16	50	86	136	3,930,000
Manitowoc	2,646	1.21	376	652	1,028	29,660,000
Marathon	5,039	2.31	717	1,241	1,958	56,480,000

Jan. 1, 2014 - June 30, 2021

County	November, 2013		Estimates of Additional Adults			Total Estimates of Additional Federal Funding Available to Support Services for BadgerCare Plus Enrollees
	Number of BadgerCare Plus Adults with Dependent Children	Percentage of Statewide Total	Childless Adults	Adults with Children	Total	
Marquette	2,030	0.93%	289	500	789	\$22,750,000
Marquette	620	0.28	88	153	241	6,950,000
Menominee	533	0.24	76	131	207	5,970,000
Milwaukee	55,018	25.24	7,824	13,553	21,376	616,660,000
Monroe	92	0.04	13	23	36	1,030,000
Oconto	1,419	0.65	202	350	551	15,900,000
Oncida	1,616	0.74	230	398	628	18,110,000
Oncida Tribe	790	0.36	112	195	307	8,850,000
Outagamie	5,074	2.33	722	1,250	1,971	56,870,000
Ozaukee	1,391	0.64	198	343	540	15,590,000
Pepin	21	0.01	3	5	8	240,000
Pierce	1,047	0.48	149	258	407	11,740,000
Polk	1,869	0.86	266	460	726	20,950,000
Portage	2,193	1.01	312	540	852	24,580,000
Potawatomi Tribe	19	0.01	3	5	7	210,000
Price	70	0.03	10	17	27	780,000
Racine	8,620	3.95	1,226	2,123	3,349	96,620,000
Red Cliff Tribe	207	0.09	29	51	80	2,320,000
Richland	872	0.40	124	215	339	9,770,000
Rock	7,798	3.58	1,109	1,921	3,030	87,100,000
Rusk	85	0.04	12	21	33	950,000
Sauk	2,410	1.11	343	594	936	27,010,000
Sawyer	155	0.07	22	38	60	1,740,000
Shawano	1,837	0.84	261	453	714	20,590,000
Sheboygan	3,948	1.81	561	973	1,534	44,250,000
Sokaogon Tribe	77	0.04	11	19	30	860,000
St. Croix	2,183	1.00	310	538	848	24,470,000
Stockbridge Tribe	60	0.03	9	15	23	670,000
Taylor	91	0.04	13	22	35	1,020,000
Trempealeau	34	0.02	5	8	13	380,000
Vernon	32	0.01	5	8	12	360,000
Vilas	84	0.04	12	21	33	940,000
Walworth	3,797	1.74	540	935	1,475	42,560,000
Washburn	980	0.45	139	241	381	10,980,000
Washington	2,874	1.32	409	708	1,117	32,210,000
Waukesha	6,271	2.88	892	1,545	2,436	70,290,000
Waupaca	1,977	0.91	281	487	768	22,160,000
Waushara	927	0.43	132	228	360	10,390,000
Winnebago	5,749	2.64	818	1,416	2,234	64,440,000
Wood	10,528	4.83	1,497	2,593	4,090	118,000,000
Other Statewide Agencies	30	0.01	4	7	12	340,000
Total	218,000	100.00%	31,000	53,700	84,700	\$2,443,100,000

FY 2014

FUND: HUMAN SERVICES - 206 DEPARTMENT NAME: HEALTH & HUMAN SERVICES
 FUNCTION: HEALTH / SOCIAL SERVICES COST CENTER NAME / NUMBER: SUMMARY / ALL

DEPARTMENT OF HEALTH & HUMAN SERVICES - RECAP OF EXPENDITURES AND REVENUES:

EXPENDITURES:	TOTAL	SALARIES	FRINGE BENEFITS	TRAVEL / TRAINING	SUPPLIES	PURCHASED SERVICES	ALLOCATED APPLIED EXPENSE	ALLOCATED APPLIED CREDIT	CAPITAL OUTLAY
MANAGEMENT & SUPPORT	7,879,100	2,815,481	1,381,768	24,781	107,430	3,811,692	-	(88,806)	36,775
AGING & LONG-TERM SUPPORT	8,080,570	1,288,428	520,705	61,548	1,078	3,691,487	899,483	(60,137)	-
CHILDREN, YOUTH & FAMILIES	5,121,906	1,784,833	827,889	105,039	-	3,067,803	-	(483,256)	-
MENTAL HEALTH/ALCOHOL & OTHER DRUG ABUSE	15,823,140	3,630,822	1,302,348	148,384	910	10,891,753	-	(157,056)	-
ECONOMIC SUPPORT DIVISION	5,439,428	2,918,730	1,280,638	17,882	-	1,331,707	263,779	(81,286)	-
PUBLIC HEALTH	1,999,205	1,318,638	513,078	53,002	32,418	42,148	24,870	(24,870)	-
YOUTH & FAMILY SERVICES	5,074,186	2,281,445	889,784	83,083	40,505	1,789,379	2,700	(2,700)	-
TOTAL EXPENDITURES	47,177,845	16,514,278	6,468,004	474,679	182,339	24,335,769	990,832	(823,131)	36,775

REVENUES:	TOTAL	INTER - GOVERNMENTAL	FEES, FINES & COSTS	CHARGES FOR SERVICES	MISC.	FINANCING SOURCES OTHER
MANAGEMENT & SUPPORT	8,410,128	7,293,285	34,921	24,322	87,888	1,000,000
AGING & LONG-TERM SUPPORT	3,910,874	3,789,809	1,302	77,572	61,891	-
CHILDREN, YOUTH & FAMILIES	800,471	300,109	300,585	-	-	-
MENTAL HEALTH/ALCOHOL & OTHER DRUG ABUSE	5,928,542	853,171	241,987	5,033,384	-	-
ECONOMIC SUPPORT DIVISION	4,353,926	4,301,879	52,049	-	-	-
PUBLIC HEALTH	1,018,000	870,310	324,289	18,421	5,000	-
YOUTH & FAMILY SERVICES	2,237,020	1,995,708	191,103	47,982	2,228	-
TOTAL REVENUES	26,458,781	18,984,378	1,145,896	5,199,681	128,706	1,000,000
NET COST (INCOME)	20,720,784					

FY 2013

FUND: HUMAN SERVICES - 206 DEPARTMENT NAME: HEALTH & HUMAN SERVICES
 FUNCTION: HEALTH / SOCIAL SERVICES COST CENTER NAME / NUMBER: SUMMARY / ALL

DEPARTMENT OF HEALTH & HUMAN SERVICES - RECAP OF EXPENDITURES AND REVENUES:

EXPENDITURES:	TOTAL	SALARIES	FRINGE BENEFITS	TRAVEL / TRAINING	SUPPLIES	PURCHASED SERVICES	ALLOCATED APPLIED EXPENSE	ALLOCATED APPLIED CREDIT	CAPITAL OUTLAY
MANAGEMENT & SUPPORT	8,108,013	2,483,389	1,300,580	24,059	128,513	4,192,738	-	(51,851)	28,805
AGING & LONG-TERM SUPPORT	4,798,299	1,288,965	518,683	63,382	785	2,581,640	398,154	(50,290)	-
CHILDREN, YOUTH & FAMILIES	4,933,814	2,034,229	600,820	104,741	-	2,308,560	-	(103,338)	-
MENTAL HEALTH/ALCOHOL & OTHER DRUG ABUSE	15,207,073	3,489,624	1,224,353	129,188	495	10,585,841	-	(232,828)	-
ECONOMIC SUPPORT DIVISION	5,125,502	2,368,025	1,120,131	23,004	-	1,378,045	281,283	(45,886)	-
PUBLIC HEALTH	1,883,580	1,281,437	508,281	45,544	29,298	48,030	47,113	(47,113)	-
YOUTH & FAMILY SERVICES	4,631,287	2,127,822	788,434	63,033	36,134	1,604,944	33,102	(33,102)	-
TOTAL EXPENDITURES	44,892,858	15,053,471	6,070,282	483,851	185,208	22,897,898	737,852	(574,108)	28,805

REVENUES:	TOTAL	INTER-GOVERNMENTAL	PERG, PERS & COSTS	CHARGES FOR SERVICES	MISC.	FINANCING SOURCES OTHER
MANAGEMENT & SUPPORT	8,381,208	2,191,801	27,832	22,560	138,923	1,000,000
AGING & LONG-TERM SUPPORT	2,856,512	2,540,172	-	184,138	32,202	-
CHILDREN, YOUTH & FAMILIES	593,748	309,983	282,563	-	1,200	-
MENTAL HEALTH/ALCOHOL & OTHER DRUG ABUSE	4,863,943	688,048	273,281	4,002,034	-	-
ECONOMIC SUPPORT DIVISION	4,078,841	3,986,172	90,489	-	-	-
PUBLIC HEALTH	1,017,369	670,489	328,381	16,488	5,000	-
YOUTH & FAMILY SERVICES	2,196,089	1,996,282	180,288	19,381	-	-
TOTAL REVENUES	24,095,488	12,483,057	1,180,512	4,244,692	177,325	1,000,000
NET COST (INCOME)	20,597,372					

FY 2012

PLANS	HUMAN SERVICES - HW	DEPARTMENT NAME	HEALTH & HUMAN SERVICES
FUNCTION	HEALTH / SOCIAL SERVICES	COST CENTER NAME	SCANNING
		COST CENTER NUMBER	ALL

DEPARTMENT OF HEALTH & HUMAN SERVICES - RECAP OF EXPENDITURES AND REVENUES

EXPENDITURE	TOTAL	ALARMS	PHONE	TRAVEL	SUPPLIES	PURCHASE	ALLOCATED	ALLOCATED	CAPITAL
			EXPENSES	TRAINING		SERVICES	EXPENSES	APPLIED	OUTLAY
MANAGEMENT & SUPPORT	8,878,561	2,838,867	1,221,950	77,878	88,704	3,893,870		(61,874)	2,708
ACCOM & LONG TERM SUPPORT	8,768,017	2,546,817	1,106,778	14,848	1,238	3,358,378	478,422	(17,584)	
CHILDREN, YOUTH & FAMILIES	4,211,717	2,062,862	684,149	112,938		2,361,782		(190,812)	
MENTAL HEALTH/CONOR & OTHER DRUG ABUSE	15,998,776	3,973,678	1,136,653	143,812	2,388	8,250,338		(268,812)	
ECONOMIC SUPPORT DIVISION	3,997,153	2,238,188	2,098,997	72,153		1,817,841	238,947	(17,198)	
PUBLIC HEALTH	1,887,121	1,278,321	142,219	39,864	24,888	28,187	12,888	(12,888)	
YOUTH & FAMILY SERVICES	8,281,887	2,724,736	1,268,088	81,888	28,888	3,227,117	78,818	(147,814)	11,928
TOTAL EXPENDITURES	47,316,511	18,771,176	8,945,180	462,248	198,888	25,274,881	825,867	(682,977)	14,636

REVENUE	TOTAL	INTER	FEES, FINES	CHARGES	MISC	FINANCING
		GOVERNMENTAL	& COSTS	FOR SERVICES		SOURCES OTHER
MANAGEMENT & SUPPORT	8,428,582	7,236,827	28,538	12,251	88,887	1,038,887
ACCOM & LONG TERM SUPPORT	3,738,588	3,637,088		122,024	788	
CHILDREN, YOUTH & FAMILIES	488,150	397,421	488,150		1,252	
MENTAL HEALTH/CONOR & OTHER DRUG ABUSE	4,722,128	341,084	247,168	3,821,876		
ECONOMIC SUPPORT DIVISION	4,378,519	4,484,888	80,888			
PUBLIC HEALTH	1,887,422	847,878	322,887	19,887	8,008	
YOUTH & FAMILY SERVICES	2,228,928	2,228,928	182,884	18,888		
TOTAL REVENUES	28,778,842	22,888,078	1,273,117	4,674,768	81,887	1,088,888
NET COST (INCOME)	22,087,489					

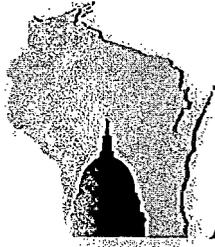
APPENDIX I (continued)

Services for Individuals with Mental Illness, County Expenditures*
Calendar Years 2007 through 2011

County	2007	2008	2009	2010	2011
Marquette	\$1,032,995	\$1,126,862	\$1,120,707	\$975,327	\$1,095,424
Menominee	716,495	1,026,927	1,081,536	**	**
Milwaukee	119,720,847	124,740,340	127,322,100	132,031,274	129,942,247
Monroe	1,914,455	2,123,650	2,393,100	**	**
Oconto	1,270,546	1,324,923	1,329,655	1,283,719	1,374,366
Outagamie	10,750,594	10,326,700	10,010,349	10,102,475	11,118,053
Ozaukee	3,036,832	3,133,060	2,702,921	3,045,165	2,745,112
Pepin	242,079	344,080	391,674	416,606	339,885
Pierce	1,316,552	1,418,232	1,320,251	1,061,040	1,239,591
Polk	3,109,795	3,196,723	3,337,180	4,015,789	4,177,079
Portage	3,098,357	2,747,774	2,956,119	3,169,851	3,230,019
Price	1,006,044	780,931	692,943	1,064,690	885,134
Racine	8,206,170	8,023,904	9,491,915	10,046,303	9,000,827
Richland	2,293,556	2,059,354	2,087,809	2,074,808	2,292,045
Rock	12,847,991	12,927,108	13,812,601	15,531,563	17,209,117
Rusk	796,841	824,882	713,246	992,469	890,710
Sauk	4,963,641	4,604,613	5,154,893	5,926,651	5,956,018
Sawyer	1,225,892	1,278,351	1,358,536	1,417,935	1,448,423
Shawano	1,700,674	1,613,907	1,651,750	1,654,849	1,132,869
Sheboygan	7,300,011	9,220,202	8,042,524	8,268,673	7,199,610
St. Croix	6,192,613	6,420,216	5,249,620	5,882,087	**
Taylor	548,456	704,486	644,715	795,531	772,180
Trempealeau	1,602,821	1,808,919	1,876,321	2,096,755	1,806,639
Vernon	1,422,285	1,878,889	1,814,042	1,815,215	2,074,578
Walworth	4,931,852	5,186,393	5,276,026	6,313,641	2,529,560
Washburn	1,204,365	1,095,596	945,695	948,657	918,854
Washington	6,802,357	7,025,678	13,742,972	16,439,190	9,135,878
Waukesha	17,397,774	19,112,603	21,065,494	19,442,642	19,920,412
Waupaca	3,552,148	3,613,031	2,927,338	3,789,651	3,864,209
Waushara	2,108,476	2,539,282	2,730,095	2,468,819	2,761,959
Winnebago	11,012,544	10,865,373	10,620,874	10,316,504	10,312,003
Wood	7,657,035	7,941,480	7,450,980	8,669,929	8,005,769

* Data obtained from county Human Services Revenue Reports (HSRR) collected by DHS

**No data reported (Menominee and Monroe Counties for 2010 and 2011, and St. Croix County for 2011).



RECEIVED
WALWORTH COUNTY CLERK

2014 AUG 11 AM 9:31

WISCONSIN DEPARTMENT OF
ADMINISTRATION

SCOTT WALKER
GOVERNOR

MIKE HUEBSCH
SECRETARY

Division of Intergovernmental Relations
Post Office Box 8944
Madison, WI 53708-8944
Voice (608) 266-0288
Fax (608) 267-6917

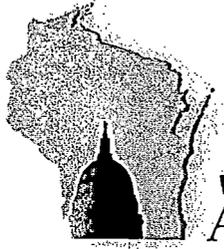
KIMBERLY BUSHEY
CLERK, WALWORTH COUNTY
PO BOX 1001
ELKHORN, WI 53121 - 1001

August 10, 2014

Dear County Clerk:

The preliminary estimate of the January 1, 2014 population for Walworth County is 102,837. This represents a change of 609 persons (0.60%) since the 2010 Census.

<u>Municipality</u>	<u>2010 Census Count</u>	<u>2014 Preliminary Estimate</u>
Town of Bloomfield	6,278	1,595
Town of Darien	1,693	1,695
Town of Delavan	5,285	5,267
Town of East Troy	4,021	4,041
Town of Geneva	4,993	5,012
Town of Lafayette	1,979	1,967
Town of La Grange	2,454	2,453
Town of Linn	2,383	2,403
Town of Lyons	3,698	3,697
Town of Richmond	1,884	1,886
Town of Sharon	907	898
Town of Spring Prairie	2,181	2,174
Town of Sugar Creek	3,943	3,936
Town of Troy	2,353	2,352
Town of Walworth	1,702	1,686
Town of Whitewater	1,471	1,481
Village of Bloomfield	0	4,680
Village of Darien	1,580	1,588
Village of East Troy	4,281	4,282
Village of Fontana-on-Geneva Lake	1,672	1,678
Village of Genoa City	3,036	3,052
Village of Mukwonago	101	117
Village of Sharon	1,605	1,593
Village of Walworth	2,816	2,821
Village of Williams Bay	2,564	2,577
City of Burlington	0	0
City of Delavan	8,463	8,433
City of Elkhorn	10,084	9,956
City of Lake Geneva	7,651	7,696



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

SCOTT WALKER
GOVERNOR

MIKE HUEBSCH
SECRETARY

Division of Intergovernmental Relations
Post Office Box 8944
Madison, WI 53708-8944
Voice (608) 266-0288
Fax (608) 267-6917

<u>Municipality</u>	<u>2010 Census Count</u>	<u>2014 Preliminary Estimate</u>
City of Whitewater	11,150	11,821
Total for Walworth County	102,228	102,837

Approximately 79,498 of the estimated population for Walworth County are of voting age. The County's voting age population is the summation of the voting age population for all communities within the county. This approximation is a courtesy estimate which helps you comply with Wisconsin Statute 5.66, which requires municipal clerks to approximate the number of electors prior to elections. The voting age population was calculated by applying the census proportion of persons over 18 to the preliminary January 1 estimate, and then multiplying the result by a state-wide factor to account for the general aging of the population.

COUNTY POPULATION ESTIMATE CHALLENGE FORM

If you believe the estimate of the county or any of its component municipalities is not a reasonable approximation of the population, complete this form and submit it **with administrative data** that can be used to evaluate the challenge. Submit the challenge on or before **September 15, 2014**.

Mail challenges to:

**Dan Barroilhet, Demographer
Demographic Services Center
WI Department of Administration
PO Box 8944
Madison, WI 53708-8944
(608) 266-1755**

The Council/Board of the County of _____

has authorized me to submit a challenge to the correctness of the annual preliminary population estimate prepared for our county. The county contends the estimate is inaccurate because it is based upon inadequate information.

Evidence based upon administrative records or other information is presented in support of this contention, as required by §16.96 of the Wisconsin Statutes.

The statutes do not permit the Department of Administration to accept the results of a population enumeration conducted by any group, agency or unit of government other than the U.S. Census Bureau.

NAME: _____

TITLE: _____

MAILING ADDRESS: _____

DAYTIME TELEPHONE: () _____

SIGNATURE: _____ DATE: _____

CHANGE OF ADDRESS/OFFICE HOLDER NOTIFICATION

(This side of form is for Change of Address or Office Holder only.)

MAIL TO:

**Demographic Services Center
WI Department of Administration
PO Box 8944
Madison, WI 53708-8944**

Please note name/address change below for:

County of: _____

NAME: _____

TITLE: _____

OFFICIAL MAILING ADDRESS: _____

DAYTIME TELEPHONE: () _____

SIGNATURE OF RESPONDENT: _____

DATE: _____

SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

W239 N1812 ROCKWOOD DRIVE • PO BOX 1607 • WAUKESHA, WI 53187-1607

TELEPHONE (262) 547-6721
FAX (262) 547-1103

Serving the Counties of:

KENOSHA
MILWAUKEE
OZAUKEE
RACINE
WALWORTH
WASHINGTON
WAUKESHA



July 8, 2014

Ms. Kimberly S. Bushey
Walworth County Clerk
Walworth County Government Center
100 West Walworth Street
P.O. Box 1001
Elkhorn, WI 53121-1001

Dear Ms. Bushey:

The Southeastern Wisconsin Regional Planning Commission has been providing planning services for our seven county area for 54 years, and this is the ninth straight year that we have been able to maintain a level total budget for the seven counties. The only adjustments made are the relative amount that each County pays based upon the comparative equalized valuation among the seven counties.

In accordance with Section 66.0309(14)(b) of the *Wisconsin Statutes*, the Southeastern Wisconsin Regional Planning Commission hereby certifies to you the property tax levy required in partial support of regional planning in Southeastern Wisconsin in calendar year 2015. That tax levy is set forth in Table 14 of the Commission's calendar year 2015 budget adopted by the Commission on June 18, 2014. A copy of that budget is enclosed.

We trust that this letter and the attached budget document provide all of the information required for Walworth County to make the appropriate budgetary provisions for the continuing support of the Regional Planning Commission.

Should you have any questions concerning this statutory certification, please do not hesitate to write or call.

Very truly yours,

David L. Stroik
Chairman

DLS/EAL/dad
#145581 v6 - TaxLevyWalLtr

Attachment: 2015 SEWRPC Budget

cc: (w/enclosure)
Ms. Nancy Russell, SEWRPC Commissioner
Ms. Nicole Andersen, Deputy County Administrator-Finance
Mr. David Bretl, County Administrator, Walworth County

RECEIVED
WALWORTH COUNTY CLERK
2014 JUL 11 AM 9:15

CALENDAR YEAR 2015 BUDGET

SOUTHEASTERN WISCONSIN
REGIONAL PLANNING COMMISSION

P.O. Box 1607
W239 N1812 Rockwood Drive
Waukesha, Wisconsin
53187-1607

Telephone: (262) 547-6721

Adopted by the Commission on
June 18, 2014

#21387 v2 - BUDGETTITLPG

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#21401 v1 - BUDGETTBLOFCONTENTS

Table 1

SUMMARY OF EXPENDITURES BY PROGRAM

Program	2014 Adopted Budget	Adopted 2015 Budget	Change 2014-2015	
			Amount	Percent
Land Use.....	\$1,472,632	\$1,352,322	-\$120,310	-8.17
Transportation.....	2,451,324	2,651,808	200,484	8.18
Water Quality.....	893,351	964,288	70,937	7.94
Floodland Management.....	791,566	942,088	150,522	19.02
Planning Research.....	492,129	707,743	215,614	43.81
Community Assistance.....	826,907	760,083	-66,824	-8.08
Economic Development.....	119,009	147,114	28,105	23.62
Coastal Management.....	40,890	40,175	-715	-1.75
Total	\$7,087,808	\$7,565,621	\$477,813	6.74

Table 2

SUMMARY OF REVENUES BY SOURCE

Program	2014 Adopted Budget	Adopted 2015 Budget	Change 2014-2015	
			Amount	Percent
Federal Grants.....	\$3,037,844	\$3,093,607	\$55,763	1.84
State Grants.....	402,901	378,901	-24,000	-5.96
Service Agreements.....	1,276,818	1,722,868	446,050	34.93
Regional Tax Levy*.....	2,370,245	2,370,245	0	0.00
Total	\$7,087,808	\$7,565,621	\$477,813	6.74

* See Table 14 for allocation of regional tax levy to counties

Table 3

DETAIL OF EXPENDITURES BY CATEGORY

Category		2014 Adopted Budget	Adopted 2015 Budget	Change 2014-2015	
Type	Item			Amount	Percent
Salaries and Related	Salaries and Wages.....	\$3,969,570	\$4,277,720 *	\$308,150	7.76
	Social Security.....	292,165	315,120	22,955	7.86
	Retirement.....	275,435	289,985	14,550	5.28
	Health insurance.....	1,008,612	1,067,640	59,028	5.85
	Disability/Life insurance.....	19,686	19,230	-456	-2.32
	Part-time/overtime pay.....	235,910	263,266	27,356	11.60
	Commissioner meeting fees.....	15,000	15,000	0	0.00
	Subtotal	\$5,816,378	\$6,247,961	\$431,583	7.42
Expenses	Consultant fees.....	\$130,000	\$258,400	\$128,400	98.77
	Library acquisition.....	35,000	35,000	0	0.00
	Office supplies.....	60,000	50,000	-10,000	-16.67
	Printing and graphics supplies.....	40,000	50,000	10,000	25.00
	Travel.....	35,000	45,000	10,000	28.57
	Building usage.....	172,260	172,260	0	0.00
	Building maintenance.....	170,500	170,500	0	0.00
	Telephone.....	30,000	30,000	0	0.00
	Postage.....	30,000	25,000	-5,000	-16.67
	Insurance, audit, legal fees.....	109,670	79,500	-30,170	-27.51
	Unemployment compensation.....	5,000	5,000	0	0.00
	Software & equipment maintenance.....	162,000	162,000	0	0.00
	Capital outlay.....	247,000	185,000	-62,000	-25.10
	Rent.....	15,000	20,000	5,000	33.33
	Other.....	30,000	30,000	0	0.00
	Subtotal	\$1,271,430	\$1,317,660	\$46,230	3.64
Total	\$7,087,808	\$7,565,621	\$477,813	6.74	

* Increase in salaries due to 3 additional staff positions

#211680

Table 4

DETAIL OF REVENUES BY SOURCE

Type	Source Program	2014 Adopted Budget	Adopted 2015 Budget	Change 2014-2015	
				Amount	Percent
Federal Grants	USDOT Highway (PL).....	\$3,037,844	\$3,093,607	\$55,763	1.84
	Subtotal	\$3,037,844	\$3,093,607	\$55,763	1.84
State Grants	WISDOT (Normal 3C).....	\$202,901	\$202,901	\$0	0.00
	WISDNR (Water Quality).....	180,000	156,000	-24,000	-13.33
	WISDOA (Coastal Zone).....	20,000	20,000	0	0.00
	Subtotal	\$402,901	\$378,901	-\$24,000	-5.96
Service Agreements	Park and Land Use.....	\$25,000	\$50,000	\$25,000	100.00
	Economic Development.....	52,000	40,000	-12,000	-23.08
	USDOT Highway (STP) Orthophotos.....	0	170,400	170,400	N/A
	Transportation.....	200,000	200,000	0	0.00
	Regional Plan Update 2050.....	0	200,000	200,000	N/A
	Washington County TDP.....	40,190	0	-40,190	-100.00
	Re-Monumentation Assistance.....	75,000	75,000	0	0.00
	Wetland Delineation.....	100,000	100,000	0	0.00
	Community Assistance.....	20,000	0	-20,000	-100.00
	Water Quality.....	76,810	71,500	-5,310	-6.91
	Stormwater Management.....	271,360	399,510	128,150	47.23
	County Surveyor.....	344,940	344,940	0	0.00
	Rent.....	71,518	71,518	0	0.00
Subtotal	\$1,276,818	\$1,722,868	\$446,050	34.93	
Tax Levy	Regional Support.....	\$2,370,245	\$2,370,245	\$0	0.00
	Total	\$7,087,808	\$7,565,621	\$477,813	6.74

#211680

Table 5

BUDGET SUMMARY: LAND USE PLANNING PROGRAM

Expenditures

Program	2014 Adopted Budget	Adopted 2015 Budget	Change 2014-2015	
			Amount	Percent
Salaries and Related.....	\$1,219,151	\$1,156,957	-\$62,194	-5.10
Consultant Fees.....	0	0	0	0.00
Other Expenses.....	253,481	195,365	-58,116	-22.93
Total	\$1,472,632	\$1,352,322	-\$120,310	-8.17

Revenues

Program	2014 Adopted Budget	Adopted 2015 Budget	Change 2014-2015	
			Amount	Percent
USDOT Highway (PL).....	\$820,218	\$835,274	\$15,056	1.84
WISDOT (Normal 3C).....	54,783	54,783	0	0.00
Service Agreements.....	25,000	60,967	35,967	143.87
Tax Levy.....	572,631	401,298	-171,333	-29.92
Total	\$1,472,632	\$1,352,322	-\$120,310	-8.17

Table 6

BUDGET SUMMARY: TRANSPORTATION PLANNING PROGRAM

Expenditures

Program	2014 Adopted Budget	Adopted 2015 Budget	Change 2014-2015	
			Amount	Percent
Salaries and Related.....	\$2,029,384	\$2,261,866	\$232,482	11.46
Consultant Fees.....	0	8,000	8,000	N/A
Other Expenses.....	421,940	381,942	-39,998	-9.48
Total	\$2,451,324	\$2,651,808	\$200,484	8.18

Revenues

Program	2014 Adopted Budget	Adopted 2015 Budget	Change 2014-2015	
			Amount	Percent
USDOT Highway (PL).....	\$1,883,463	\$1,948,972	\$65,509	3.48
WISDOT (Normal 3C).....	125,799	127,828	2,029	1.61
WISDOT (Wash Co TDP).....	40,190	0	-40,190	-100.00
Service Agreements.....	200,000	215,593	15,593	7.80
Tax Levy.....	201,872	359,415	157,543	78.04
Total	\$2,451,324	\$2,651,808	\$200,484	8.18

#211682

Table 7

BUDGET SUMMARY: WATER QUALITY PLANNING PROGRAM

Expenditures

Program	2014 Adopted Budget	Adopted 2015 Budget	Change 2014-2015	
			Amount	Percent
Salaries and Related.....	\$739,581	\$824,981	\$85,400	11.55
Consultant Fees.....	0	0	0	N/A
Other Expenses.....	153,770	139,307	-14,463	-9.41
Total	\$893,351	\$964,288	\$70,937	7.94

Revenues

Program	2014 Adopted Budget	Adopted 2015 Budget	Change 2014-2015	
			Amount	Percent
WISDNR (Water Quality).....	\$180,000	\$156,000	-\$24,000	-13.33
Service Agreements.....	76,810	201,386	124,576	162.19
Tax Levy.....	636,541	606,902	-29,639	-4.66
Total	\$893,351	\$964,288	\$70,937	7.94

#211682

Table 8

BUDGET SUMMARY: FLOODLAND MANAGEMENT PLANNING PROGRAM

Expenditures

Program	2014 Adopted Budget	Adopted 2015 Budget	Change 2014-2015	
			Amount	Percent
Salaries and Related.....	\$655,316	\$805,988	\$150,672	22.99
Consultant Fees.....	0	0	0	N/A
Other Expenses.....	136,250	136,100	-150	-0.11
Total	\$791,566	\$942,088	\$150,522	19.02

Revenues

Program	2014 Adopted Budget	Adopted 2015 Budget	Change 2014-2015	
			Amount	Percent
Service Agreements.....	\$271,360	\$399,510	\$128,150	47.23
Tax Levy.....	520,206	542,578	22,372	4.30
Total	\$791,566	\$942,088	\$150,522	19.02

#211682

Table 9

BUDGET SUMMARY: PLANNING RESEARCH PROGRAM

Expenditures

Program	2014 Adopted Budget	Adopted 2015 Budget	Change 2014-2015	
			Amount	Percent
Salaries and Related.....	\$390,863	\$459,715	\$68,852	17.62
Consultant Fees.....	20,000	170,400	150,400	752.00
Other Expenses.....	81,266	77,628	-3,638	-4.48
Total	\$492,129	\$707,743	\$215,614	43.81

Revenues

Program	2014 Adopted Budget	Adopted 2015 Budget	Change 2014-2015	
			Amount	Percent
USDOT Highway (PL).....	\$334,163	\$309,361	-\$24,802	-7.42
WISDOT (Normal 3C).....	22,319	20,290	-2,029	-9.09
Service Agreements.....	100,000	313,954	213,954	213.95
Tax Levy.....	35,647	64,138	28,491	79.93
Total	\$492,129	\$707,743	\$215,614	43.81

#211682

Table 10

BUDGET SUMMARY: COMMUNITY ASSISTANCE PLANNING PROGRAM

Expenditures

Program	2014 Adopted Budget	Adopted 2015 Budget	Change 2014-2015	
			Amount	Percent
Salaries and Related.....	\$634,901	\$603,223	-\$31,678	-4.99
Consultant Fees.....	60,000	55,000	-5,000	-8.33
Other Expenses.....	132,006	101,860	-30,146	-22.84
Total	\$826,907	\$760,083	-\$66,824	-8.08

Revenues

Program	2014 Adopted Budget	Adopted 2015 Budget	Change 2014-2015	
			Amount	Percent
Service Agreements.....	\$511,458	\$491,458	-\$20,000	-3.91
Tax Levy.....	315,449	268,625	-46,824	-14.84
Total	\$826,907	\$760,083	-\$66,824	-8.08

#211682

Table 11

BUDGET SUMMARY: ECONOMIC DEVELOPMENT ASSISTANCE PROGRAM

Expenditures

Program	2014 Adopted Budget	Adopted 2015 Budget	Change 2014-2015	
			Amount	Percent
Salaries and Related.....	\$98,524	\$125,861	\$27,337	27.75
Consultant Fees.....	0	0	0	0.00
Other Expenses.....	20,485	21,253	768	3.75
Total	\$119,009	\$147,114	\$28,105	23.62

Revenues

Program	2014 Adopted Budget	Adopted 2015 Budget	Change 2014-2015	
			Amount	Percent
Service Agreements.....	\$52,000	\$40,000	-\$12,000	-23.08
Tax Levy.....	67,009	107,114	40,105	59.85
Total	\$119,009	\$147,114	\$28,105	23.62

#211682

Table 12

BUDGET SUMMARY: COASTAL MANAGEMENT PROGRAM

Expenditures

Program	2014 Adopted Budget	Adopted 2015 Budget	Change 2014-2015	
			Amount	Percent
Salaries and Related.....	\$33,852	\$34,371	\$519	1.53
Consultant Fees.....	0	0	0	0.00
Other Expenses.....	7,038	5,804	-1,234	-17.53
Total	\$40,890	\$40,175	-\$715	-1.75

Revenues

Program	2014 Adopted Budget	Adopted 2015 Budget	Change 2014-2015	
			Amount	Percent
WISDOA (Coastal Zone).....	\$20,000	\$20,000	\$0	0.00
Tax Levy.....	20,890	20,175	-715	-3.42
Total	\$40,890	\$40,175	-\$715	-1.75

#211682

Table 13

BUDGET SUMMARY: STREAM GAGING PROGRAM*

Expenditures

Program	2014 Adopted Budget	Adopted 2015 Budget	Change 2014-2015	
			Amount	Percent
Contract with U.S. Geological Survey to Operate 15 Stream Gaging Stations and Publish Data.....	\$174,000	\$180,750	\$6,750	3.88
Total	\$174,000	\$180,750	\$6,750	3.88

Revenues

Program	2014 Adopted Budget	Adopted 2015 Budget	Change 2014-2015	
			Amount	Percent
Kenosha Sewer and Water Utility.....	\$6,100	\$6,200	\$100	1.64
Racine Sewer and Water Utility.....	6,100	6,200	100	1.64
City of Delafield	3,050	3,100	50	1.64
Upper Nemahbin Lake Management District.....	3,050	3,100	50	1.64
Milwaukee Metropolitan Sewerage District.....	48,800	49,600	800	1.64
Waukesha County.....	24,400	24,800	400	1.64
U.S. Geological Survey.....	82,500	87,750	5,250	6.36
Total	\$174,000	\$180,750	\$6,750	3.88

* This Program is administered by SEWRPC outside of the normal SEWRPC budget.

#211682

Table 14

ALLOCATION OF REGIONAL TAX LEVY TO COUNTIES

County	2014 Adopted Budget	Adopted 2015 Budget	Change 2014-2015	
			Amount	Percent
Kenosha.....	\$177,145	\$174,665	-\$2,480	-1.40
Milwaukee.....	808,715	815,455	6,740	0.83
Ozaukee.....	144,795	145,975	1,180	0.81
Racine.....	197,580	191,830	-5,750	-2.91
Walworth.....	192,030	188,185	-3,845	-2.00
Washington.....	181,820	180,140	-1,680	-0.92
Waukesha.....	668,160	673,995	5,835	0.87
Total	\$2,370,245	\$2,370,245	\$0	0.00

NOTES:

1. The allocation for 2015 is based on the distribution of the 2013 equalized valuation of the Region by county, the most recent such data available at the time of the preparation of the SEWRPC budget.
2. The Commission is permitted by law to levy up to 0.00300 percent of the equalized value of the Region. The 2008 rate was 0.00133; the 2009 rate was 0.00125; the 2010 rate was 0.00123; the 2011 rate was 0.00124; the 2012 rate was 0.00130; the 2013 rate was 0.00133; the 2014 rate was 0.00140; the 2015 rate is 0.00143.
3. The Commission budget represents the ninth straight year of a no change or decrease in the tax levy assessed to the Region.

Table 15

BUDGET SUMMARY BY REVENUE

Revenues	2014 Adopted Budget	Adopted 2015 Budget
Continuing Program		
Federal Grants.....	\$3,037,844	\$3,093,607
State Grants.....	402,901	378,901
Regional Support.....	2,370,245	2,370,245
Subtotal	\$5,810,990	\$5,842,753
Service Agreement Revenues.....	\$1,276,818	\$1,552,468
Regional Aerial Orthophotography Program.....	\$0	\$170,400
Total	\$7,087,808	\$7,565,621

RECEIVED
WALWORTH COUNTY CLERK

2014 AUG 15 AM 10: 15

August 15, 2014

To: Lake Geneva City Clerk, Lake Geneva Mayor, City Council, Walworth County Clerk, Editor of the Lake Geneva Regional News

November parking structure referendum question: Yes or No? Big Question. The requested seven million dollars from TIF #4 are available now. So why has the Lake Geneva City Council and city administrator asked for another taxpayer-funded two million dollar TIF increment for 2015? Lake Geneva administration has continued to compromise state and county TIF expectations regarding excess TIF fund balances. Another two million dollar increment levy could create another problem. There are thousands of taxpayers in Lake Geneva and the county who don't understand and/or don't care about the hidden TIF tax. Elected officials are included on that list.

It would seem that if the TIF advocates would like a "yes" vote on the parking structure proposal, they should consider giving recognition and relief to the taxpayers for the millions and millions of dollars already paid into TIF #4. This can be accomplished by closing TIF #4 before the referendum and before the 2015 budget work begins. Close TIF#4 now? Yes, it can be done. The money is there, and statute will allow it to be used for the proposed use even after TIF closure. TIF #4 closure could have a positive effect on the outcome of the parking structure question.

In as much as the required Joint Review Board meeting has not yet been called to approve the subject proposal, it is respectfully requested that the Walworth County Clerk use the authority within the County's TIF ordinance to share this proposal to close TIF #4, along with comments, to the involved county officials and Joint Review Board members.

Save our City,
Ed Yaeger

COPY

SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

W239 N1812 ROCKWOOD DRIVE • PO BOX 1607 • WAUKESHA, WI 53187-1607

TELEPHONE (262) 547-6721
FAX (262) 547-1103

Serving the Counties of:

KENOSHA
MILWAUKEE
OZAUKEE
RACINE
WALWORTH
WASHINGTON
WAUKESHA



July 8, 2014

Ms. Cathy Stepp, Secretary
Wisconsin Department of Natural Resources
101 S. Webster Street
Madison, WI 53707

Dear Ms. Stepp:

In accordance with Section 66.0309(10) of the *Wisconsin Statutes*, the Southeastern Wisconsin Regional Planning Commission hereby provides a certified copy of SEWRPC Community Assistance Planning Report No. 135 (3rd Edition), *A Park and Open Space Plan for Walworth County*. On June 18, 2014, the Commission adopted this plan as an amendment to SEWRPC Planning Report No. 27, *A Regional Park and Open Space Plan for Southeastern Wisconsin: 2000*. Prior to the Commission's action, the new plan was adopted by the Walworth County Board of Supervisors.

The purpose of this certification is to inform you of the Commission's action in this matter and to request that the Wisconsin Department of Natural Resources: 1) endorse the new park and open space plan as an update to prior park and open space planning for Walworth County; 2) certify Walworth County's continuing eligibility to receive State and Federal grants in support of projects identified in the plan; and 3) inform Walworth County of its renewed eligibility with respect to such grant programs.

Thank you for your cooperation in this matter. Should you have any questions, please do not hesitate to call Mr. David A. Schilling of the Commission staff.

Very truly yours,

David L. Stroik
Chairman

DLS/KRY/DAS/ds
#219265

Enclosure

cc: Mr. James Ritchie, Southeast Region Government Outreach Team Supervisor, Southeast District,
Wisconsin Department of Natural Resources (enclosure)
Ms. Kimberly S. Bushey, Walworth County Clerk

RECEIVED
WALWORTH COUNTY CLERK
2014 JUL 10 AM 9:17



STATE OF WISCONSIN
DEPARTMENT OF MILITARY AFFAIRS
DIVISION OF EMERGENCY MANAGEMENT

Brian M. Satula
Administrator

Scott Walker
Governor

RECEIVED

JUL 10 2014

July 8, 2014

Bennett J. Schliesman
Southeast Regional Director
21115 W. Moreland Blvd.
Waukesha, WI 53186-2902

WALWORTH COUNTY BOARD

Ms. Nancy Russell
County Board Chairperson
P.O. Box 1001
Elkhorn, WI 53121

RE: FFY 2013 Southeast Region 2013 First-Half County Plan of Work Reports

Dear Ms. Russell,

The Southeast Region office of Emergency Management has received and reviewed the half-year reports submitted by County Directors of Emergency Management for the first half period of October 01, 2013 through March 31, 2014. The following is an excerpt from the Southeast Region Report as it relates to your county:

The Director updated the Countywide Strategic Plan; four EPCRA Off-site Facility Plans and developed seven new Off-site Facility Plans; in addition he is in the process of developing and updating numerous other Off-Site Facility Plans. Outreach Campaign activities included EPCRA, Household Hazardous Waste Clean Sweep and Tornado & Severe Weather. The Director has started meeting with all County Department Heads to begin the process of reviewing the County's new Emergency Response Plan and is heavily involved with the newly created Greater Lake Geneva Public/Private Partnership. The Director attended numerous training, meetings and conferences and sponsored training classes for first responders and the public.

Lt. Ennis coordinated and participated in two table-top Exercises, Lakeland Health Care Facility and Inspiration Ministries; in any given month he will respond to several minor HazMat spills. A new endeavor he has undertaken is planning training for all elected officials in Walworth County to explain their roles during a major incident. During the Propane Shortage Event, Lt. Ennis actively participated by providing updates to WEM and following-up with citizens in Walworth County that called the Propane Shortage Hotline. Director Ennis continues to work on regional collaboration projects with the SE County Emergency Managers and pursues all avenues that will protect and benefit the citizens of Walworth County. Payment of EMPG and EPCRA grants is recommended for the 2014 First-half reporting period.

If you have any questions regarding your county's emergency management plan of work, or my comments in this report, please feel free to contact me at any time.

Sincerely,

A handwritten signature in black ink, appearing to read "Bennett J. Schliesman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Bennett J. Schliesman, Director

Southeast Regional, WEM

Cc: John Ennis; Walworth County Emergency Management; Regional File



RECEIVED
WALWORTH COUNTY CLERK

2014 JUL 22 AM 10:10

TO: Local and State Officials
FROM: Jim Draeger, State Historic Preservation Officer
RE: State and National Register of Historic Places nomination
DATE: July 15, 2014

We are pleased to inform you that the *Wandawega Inn at W5453 Lake View Drive in the town of Sugar Creek, Walworth County, Wisconsin* will be considered by the Wisconsin Historic Preservation Review Board for nomination to the Wisconsin State Register of Historic Places and the National Register of Historic Places.

The nomination will be considered at the Wisconsin Historic Preservation Review Board meeting on *Friday, August 15, 2014 in Madison, Wisconsin at the Pyle Center at the University of Wisconsin, 702 Langdon Street*. The enclosed agenda provides the times of the full board and committee meetings.

Any comments or questions should be directed to Peggy Veregin at (608) 264-6501.

State Historic Preservation Review Board Meeting
August 15, 2014
Pyle Center, Third Floor Rooms: 317, 325 and 326
702 Langdon Street, Madison, Wisconsin

AGENDA

- Times as Noted** **COMMITTEE MEETINGS**
Individual properties are presented only at the applicable committee meetings. See the list below to determine the committee meeting(s) where a specific nomination will be presented.
- 9:45-11:00 AM** **Architecture Committee (AR), Pyle Center, Third Floor, Room 326**
Shekey, Albert and Mary, House, Town of Koshkonong, Jefferson County (AR)
Wood County Courthouse, Wisconsin Rapids, Wood County (AR, H)
Goodrich, Ezra and Elizabeth, House, Milton, Rock County (AR, H)
Masonic Temple, Milton, Rock County (AR)
- 10:30-11:00 AM** **Anthropology Committee (AN), Pyle Center, Third Floor, Room 317**
- 9:00-11:00 AM** **History Committee (H), Pyle Center, Third Floor, Room 325**
Wood County Courthouse, Wisconsin Rapids, Wood County (AR, H)
Goodrich, Ezra and Elizabeth, House, Milton, Rock County (AR, H)
Joseph B. Funke Company, La Crosse, La Crosse County (H)
Square D Company/Industrial Controller Division, Milwaukee, Milwaukee County (H)
Eau Claire Vocational School, Eau Claire, Eau Claire County (H)
Wandawega Inn, Town of Sugar Creek, Walworth County (H)
- 11:00 AM-12:30 PM** **FULL REVIEW BOARD MEETING, Pyle Center, Third Floor, Room 326**
Committees provide recommendations on individual properties for consideration by the Review Board.
Historic Districts are presented to the board; the board votes on both individual properties and districts.
- Individual Nominations (Action on Individual Nominations)**
Eau Claire Vocational School, Eau Claire, Eau Claire County (H)
Goodrich, Ezra and Elizabeth, House, Milton, Rock County (AR, H)
Joseph B. Funke Company, La Crosse, La Crosse County (H)
Masonic Temple, Milton, Rock County (AR)
Shekey, Albert and Mary, House, Town of Koshkonong, Jefferson County (AR)
Square D Company/Industrial Controller Division, Milwaukee, Milwaukee County (H)
Wandawega Inn, Town of Sugar Creek, Walworth County (H)
Wood County Courthouse, Wisconsin Rapids, Wood County (AR, H)
- PRESENTATION OF INDIVIDUAL PROPERTY CERTIFICATES**
- Historic Districts (Presentation and Action on District Nominations)**
Downtown Baraboo Historic District, Baraboo, Sauk County
East Oregon and South Barclay Industrial Historic District, Milwaukee, Milwaukee County
- 12:30 – 1:00 PM** **LUNCH BREAK FOR BOARD MEMBERS, Pyle Center, Third Floor, Room 326**
- 1:00 PM -** **REVIEW BOARD BUSINESS MEETING, Pyle Center, Third Floor, Room 326**
Call to order
Minutes of Review Board Meeting on May 16, 2014
Report by Chairperson Schroeder
Reports by SHPO and Staff
Adjournment

All meetings are open to the Public

*** Action may be taken on any item listed on the agenda. **Page 106 of 210**

From: Becky Haase <becky.haase@enbridge.com>
To: "dbretl@co.walworth.wi.us" <dbretl@co.walworth.wi.us>
Cc: "nrussell@co.walworth.wi.us" <nrussell@co.walworth.wi.us>, "nhill@co.walworth.wi.us" <nhill@co.walworth.wi.us>
Date: Thursday, July 17, 2014 12:16PM
Subject: Enbridge Pipelines in Walworth County

Mr. Bretl,

Thank you very much for your response to my contact concerning the Line 61 Upgrade Project, and I'm sorry we haven't yet been able to chat by phone. I would greatly appreciate your help to distribute the attached information to your Board of Supervisors and any Walworth County department you believe may benefit from them. One of the attachments is a fact sheet concerning the Project and the other is a more detailed map of Enbridge lines that travel through Walworth and Rock Counties.

There has been some understandable confusion concerning the route of Line 61. Two of our lines – Line 14 and 6A – do cross Walworth County, but Line 61 travels south through Rock County from our Delavan pump station (itself in Lima Township of Rock County) into Illinois without entering Walworth County. We will gladly work with the appropriate department in your county, to provide more accurate maps of our lines, if you desire.

We understand that the Walworth Board of Supervisors will consider a resolution concerning Line 61, during its September Board meeting. We would greatly appreciate the opportunity to meet with you and the Board members in advance to answer any questions they may have. It is our desire that elected officials fully understand the issues before rendering their opinions.

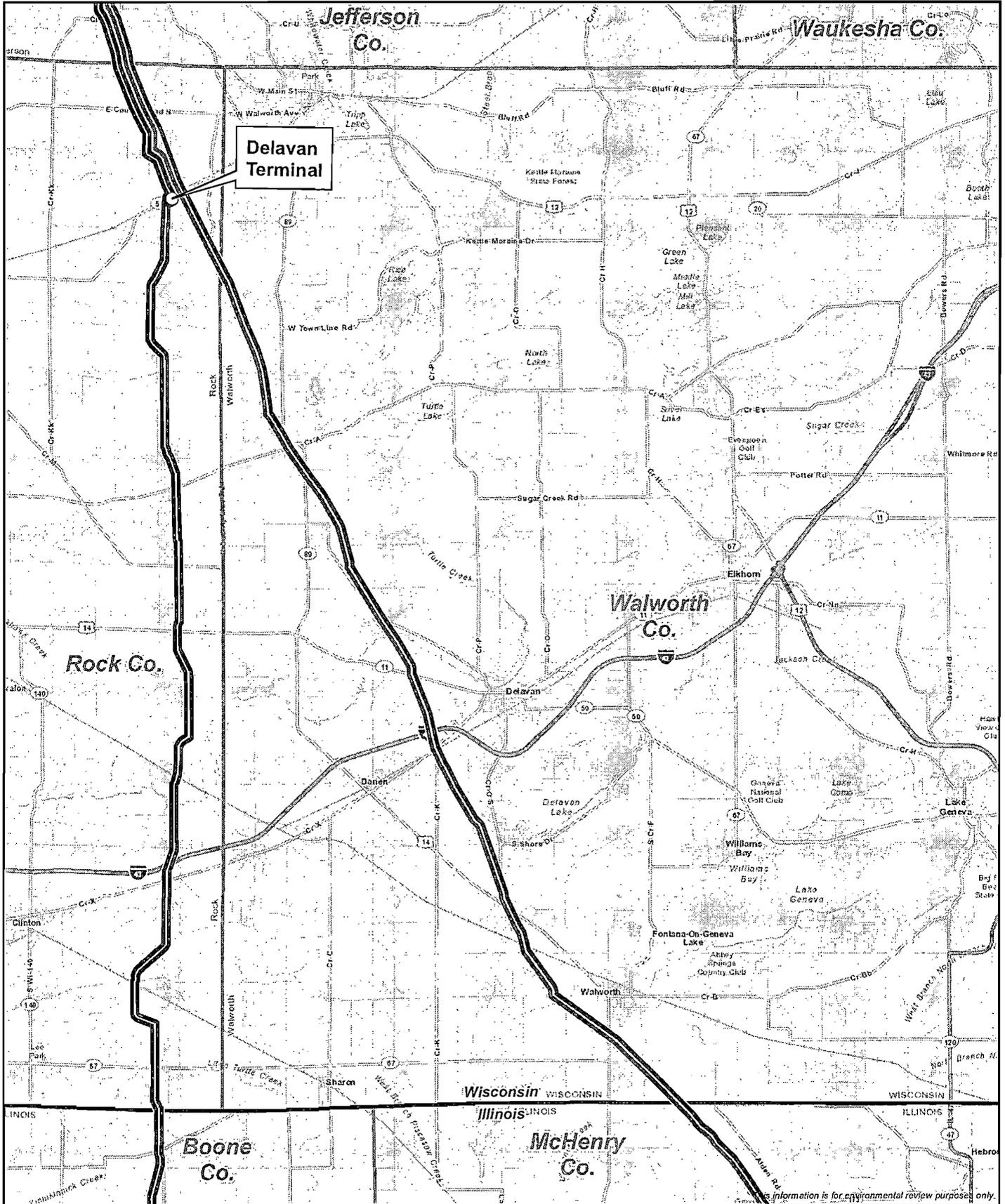
Thank you again for your time and assistance to inform your Board of Supervisors. I do look forward to speaking with you further on this.

Kind regards,

Becky

Becky Haase
Specialist, Stakeholder Relations

becky.haase@enbridge.com



This information is for environmental review purposes only.

○ Delavan Terminal	— Line 13
▭ State Boundary	— Line 61
▭ County Boundary	— Line 14
	— Line 6A

1:200,000

0 1 2 Miles

**Enbridge Pipelines
Delavan, WI**





Enbridge Energy, Limited Partnership
26 E. Superior Street, Suite 309
Duluth, MN 55802
www.enbridge.com

Becky Haase
Stakeholder Relations Specialist,
U.S. Public Affairs
Liquids Operations & Projects

August 14, 2014

Ms. Kimberly S. Bushey
Clerk
Walworth County
P.O. Box 1001
100 West Walworth St
Elkhorn, WI 53121

RECEIVED
WALWORTH COUNTY CLERK
2014 AUG 18 AM 9:24

Dear Ms. Bushey:

Enbridge Energy is currently expanding the capacity of our Line 61 Pipeline to its full 1.2 million barrels per day (bpd) designed capacity. This upgrade project involves the construction and modification of pump stations on Line 61 between Enbridge's Superior, Wis. Terminal and Flanagan Terminal near Pontiac, Ill. In your region of the state, Line 61 passes north to south, through Rock County.

Lines 14 and 6-A pass through Walworth County but are not part of the Line 61 Upgrade Project. Please refer to the enclosed handouts for more information about the project.

The additional capacity on Line 61 will help meet a rise in demand from refineries for growing supplies of crude oil produced in North America, including the abundant production regions of western Canada and North Dakota. As a change in supply rather than an increase in U.S. consumption, the Project marks another positive step toward North American energy independence and security, by further reducing reliance on crude oil shipments from unstable, less reliable countries.

This expansion will also help generate benefits for local economies by creating skilled construction jobs, increasing tax revenue and supporting businesses through the purchase of local goods and services, lodging, food, supplies, and equipment during construction.

The Project does not require pipeline construction outside pump station facilities. All work will be performed on property owned or acquired by Enbridge.

The Project is being completed in two phases:

- **Phase 1** will increase the average annual capacity of Line 61 from 400,000 to 560,000 bpd. This phase involves the installation of new pumping facilities within Enbridge's Superior, Vesper and Delavan, Wisconsin, Stations, and modification of facilities within Enbridge's Flanagan, Illinois, Terminal. Construction began in June 2013 and the pipeline will begin operating at the 560,000-bpd capacity in the upcoming months.

- **Phase 2** will increase the average annual capacity of Line 61 from 560,000 bpd to its full 1.2 million bpd designed capacity. In Wisconsin, this phase involves the construction of new pumping facilities near Enbridge stations in the following locations: Hawthorne, Minong, Stone Lake, Ladysmith, Owen, Marshfield, Adams, Portage and Waterloo. Modifications will be made to existing pump stations in Superior, Sheldon, Vesper and Delavan. Three new pump stations will also be constructed in Illinois. Subject to permit and regulatory approvals, construction for Phase 2 began at most stations in May and June 2014. The pipeline will begin operating at the 1.2 million bpd capacity in mid-2015.

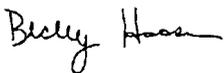
The purpose of this letter is to update you of Enbridge's project and provide our contact information in the event you, or one of your constituents, have questions. For more information, stakeholders may contact Enbridge directly by visiting our project website at www.enbridge.com or calling us toll free at 855-788-7809.

You may be asked to consider a resolution to oppose the Line 61 Upgrade Project. If so, we request that you research the issues fully before casting your vote. I have attached information pertaining to the content in resolutions we have seen most recently. In addition, we would gladly schedule time to meet with you, to discuss issues associated with this project, or even guide you on a tour of one of our pump stations. Please feel free to contact me at 218-464-5722.

I also wanted to ensure you received our invitation to the Walworth County Board to tour the Enbridge Cambridge Pump Station on Thursday, September 4, 2014. Learn more about the purpose and operation of a pump station and how Enbridge's pipeline system serves as a vital link to stable and reliable North American crude oil supplies for Wisconsin and the surrounding region. Please call (412) 515-1164 to RSVP.

We hope you share our excitement about these needed and large investments in transportation infrastructure that supports increased North American energy independence. We value our relationship with you, and we look forward to addressing any questions you may have about our project.

Sincerely,



Becky Haase
Stakeholder Relations Specialist
U.S. Public Affairs, Liquids Operations & Projects

Enclosure

LINE 61 UPGRADE PROJECT – Phases 1 & 2

Construction and Modification of Pump Stations



As part of ongoing efforts to meet North America's needs for reliable and secure transportation of petroleum energy supplies, Enbridge Energy Partners, L.P., through its affiliate, Enbridge Energy, Limited Partnership ("Enbridge"), is proposing to expand in phases the average annual capacity of Line 61 ("Line 61 Upgrade Project") to an ultimate 1.2 million bpd. Line 61 is a 42-inch-diameter crude oil pipeline (referred to as "Southern Access Pipeline Project" during construction) that became operational in 2009 and spans from Enbridge's terminal in Superior, Wisconsin, to Enbridge's Flanagan Terminal near Pontiac, Illinois.

Increasing Line 61's average annual capacity to 1.2 million bpd will involve the construction or modification of pump stations in Wisconsin and Illinois (see locations list on the right). These expansions will help generate benefits for local economies by providing temporary jobs, increasing tax revenue and supporting businesses through the purchase of local goods and services, lodging, food, supplies and equipment during construction.

Project Details

- Ownership:** Enbridge Energy, Limited Partnership
- Affected Stations Phase 1:** Superior Terminal in Douglas County, WI
Sheldon Station in Chippewa County, WI
Vesper Station in Wood County, WI
Delavan Station in Rock County, WI
- Affected Stations Phase 2:** Superior Terminal in Douglas County, WI
Hawthorne Station in Douglas County, WI
Minong Station in Douglas County, WI
Stone Lake Station in Sawyer County, WI
Ladysmith Station in Rusk County, WI
Sheldon Station in Chippewa County, WI
Owen Station in Clark County, WI
Marshfield Station in Wood County, WI
Vesper Station in Wood County, WI
Adams Station in Adams County, WI
Portage Station in Columbia County, WI
Waterloo Station in Dane County, WI
Delavan Station in Rock County, WI
Belvidere Station in Boone County, IL
DeKalb Station in DeKalb County, IL
Ottawa Station in La Salle County, IL
- Facility Upgrades:** This capacity expansion requires the construction or modification of pump stations on property owned or acquired in fee by Enbridge.
- Capacity:** Expand average annual capacity of Line 61 from:
Phase 1: 400,000 bpd to 560,000 bpd
Phase 2: 560,000 bpd to 1.2 million bpd
- Construction:** **Phase 1:** Began in summer 2013
Phase 2: Beginning in spring 2014, pending permit and regulatory approvals.
- In-service Date:** **Phase 1:** Mid 2014
Phase 2: Late 2015

For more information, please call Enbridge at 855-788-7809 or email MainlineEnhancements@enbridge.com.

Pump stations play a vital role in moving crude oil through the Enbridge pipeline system. Pump units are designed to maintain flow at adequate levels through the pipeline.

Project Benefits

- New capital investment in America's energy infrastructure to help meet this and future generations' energy needs.
- Increased access to long-term, reliable and economical supplies of crude petroleum produced in North America.
- Increased pipeline capacity to transport crude petroleum produced in North America as production in some regions increase and U.S. refineries turn to these growing supplies to fulfill a larger portion of their crude supply needs, thus reducing reliance on imports from less stable areas of the world.
- Increased flexibility in the Midwest and beyond, benefiting Midwestern refineries and consumers.
- Employment for professionals and new business for contractors hired to assist in the design, survey, environmental assessment and project planning processes.
- Economic activity through the purchases of local products, services, lodging, food and supplies during construction.
- Additional economic activity, such as tax revenues, associated with ongoing pipeline operations.
- Optimizing use of existing facilities to provide additional energy capacity to the Midwest and beyond.



The pumping upgrades that will be completed as part of the Line 61 Upgrade Project will provide additional power to increase the amount of crude oil that can be transported in the pipeline.

All work will be performed on property that is owned or acquired in fee by Enbridge. Pump stations contain one or more electrically driven pumping units to keep flow within safe operating limits of the pre-tested pipeline.

Maintaining Safe, Reliable Facilities

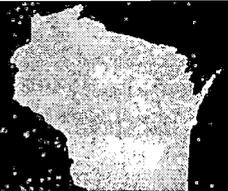
Enbridge builds safety into every step of pipeline design, construction and operations, and many preventive measures are taken to promote the safe, reliable operation of our liquid petroleum and natural gas liquids pipelines and related facilities. Experienced engineers, manufacturers and specialists plan, design, construct and operate pipeline systems to meet or exceed a host of national industry standards, codes, federal regulations, applicable state and local requirements.

Pipelines are built with high-quality steel pipe tested for strength at the factory and again in the field. The pipe is coated with anti-corrosive, fusion-bonded materials and further protected from corrosion by cathodic protection systems. Enbridge inspects every weld, far exceeding the required 10 percent sampling mandated by federal regulation. Field welds are also coated with anticorrosion coating. Before operation begins, the pipeline is pressure tested with water at levels above the authorized operating pressure. Federal pipeline safety inspectors from PHMSA check for compliance during construction and periodically during operations of the pipeline.

The pipeline is monitored 24-hours a day by our computerized Pipeline Control System and trained controllers. In the event there is an abnormal change in pressure or flow rates alarms are sounded, and the Pipeline Control System can either automatically initiate pump shut down, or control room operators will safely shut down the pipeline within minutes and mobilize trained field personnel to investigate. Mainline block valves, all of which can be remotely controlled, allow for the isolation of pipe segments and the protection of rivers and lakes. Enbridge has recently invested in a new pipeline control center, additional leak detection and training towards our goal of zero leaks or accidents.

More information on pipelines and how they operate and are regulated is available at www.pipeline101.org.

CONTRIBUTING TO GROWTH IN WISCONSIN



EXPANSION PROJECTS

Enbridge is proposing pipeline and facility expansion projects that will enhance U.S. energy security, create hundreds of construction jobs and deliver almost immediate economic benefits to communities in Wisconsin.

By leveraging existing infrastructure wherever possible, impacts to landowners, communities and the environment will be minimized.

America needs new ways to move safe, reliable and secure North American energy from where it is produced to where it is needed most. By providing crude oil producers in the Bakken region of North Dakota, western Canada and other emerging crude oil sources with direct access to refineries in the U.S. Midwest and beyond, Enbridge's market expansion projects are an innovative, flexible and effective solution for securing America's energy future.

UP TO
500
CONSTRUCTION JOBS

\$20.7
MILLION
IN 2012 PROPERTY TAXES

MORE THAN
\$595
MILLION
IN INFRASTRUCTURE INVESTMENT

The **Mainline Enhancement Project** involves a series of pump station and terminal upgrades of Enbridge's crude oil mainline pipeline system, known as the Lakehead System, between the U.S./Canadian border near Neche, North Dakota, and Enbridge's Flanagan Terminal near Pontiac, Illinois.

At the Superior Terminal, Enbridge is planning two projects that will add five new above-ground oil storage tanks, along with associated piping and equipment. Construction on the Superior Terminal Upgrade Project, which involves the construction of two new tanks, began in May 2013, and the tanks are targeted to be in service in mid-2014. Enbridge is also proposing the Superior Terminal Expansion Project which will add three new tanks that would be in service in 2016, pending regulatory approval.

Currently, more than 1.5 million barrels per day are transported into Superior Terminal with 40 storage tanks and 8.5 million barrels of storage capacity. The two facility expansions will add more than 2 million barrels of storage capacity. The new tanks will be 286 feet in diameter and 56 feet tall. They will be designed to store the products we transport and include floating roofs to reduce emissions.

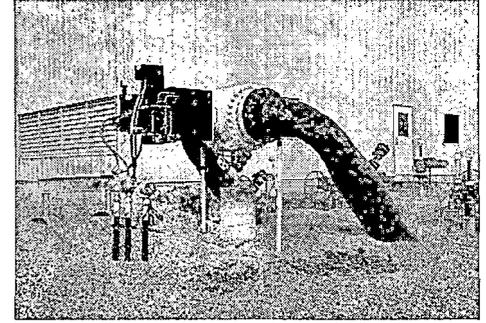
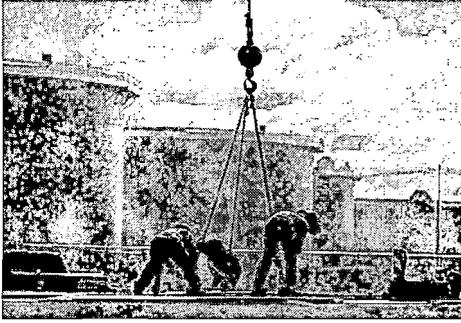
An above-ground pipe rack will be constructed to hold twenty-seven 36" diameter pipes and, when fully operational, will span 1,200 feet and include three levels reaching a total of 44 feet above ground. This will reduce the need to add underground pipelines at the terminal.

As part of the Mainline Enhancement Program, the capacity of **Line 61** (previously referred to as the "Southern Access Pipeline Project" during construction) will also be increased in phases from an average annual capacity of 400,000 barrels per day (bpd) to its full 1.2 million bpd designed capacity between Enbridge's Superior, Wisconsin Terminal and its Flanagan Terminal.

All work will be performed on property that is owned or acquired by Enbridge.

Phase 1 construction began in June 2013, and Line 61 will begin operating at a capacity of 560,000 bpd in mid-2014. This phase involves the installation of new pumps, and other minor station modification work within Enbridge's Superior and Vesper, Wisconsin, stations, and a new pump station will be constructed adjacent to Enbridge's pump station near Sheldon, Wisconsin. Modifications and upgrades are also planned within Enbridge's pump station in Delavan, Wisconsin, and at facilities within Enbridge's Flanagan Terminal.

Phase 2 Construction is expected to begin in spring 2014, pending permit and regulatory approvals, and will increase the average annual capacity of Line 61 from 560,000 bpd to its full 1.2 million bpd designed capacity by mid-2015. The Project involves the construction of new pump stations occurring adjacent to or near Enbridge facilities in Wisconsin, including Hawthorne, Minong, Stone Lake, Ladysmith, Owen, Marshfield, Adams, Portage and Waterloo. Modifications will also be made to existing pump stations in Superior, Sheldon, Vesper and Delavan.



SAFETY AND RELIABILITY

Enbridge has been committed to safe and reliable operation of its pipelines for more than 60 years. This same commitment will be inherent in the design, installation and operation of our market expansion projects.

ABOUT ENBRIDGE

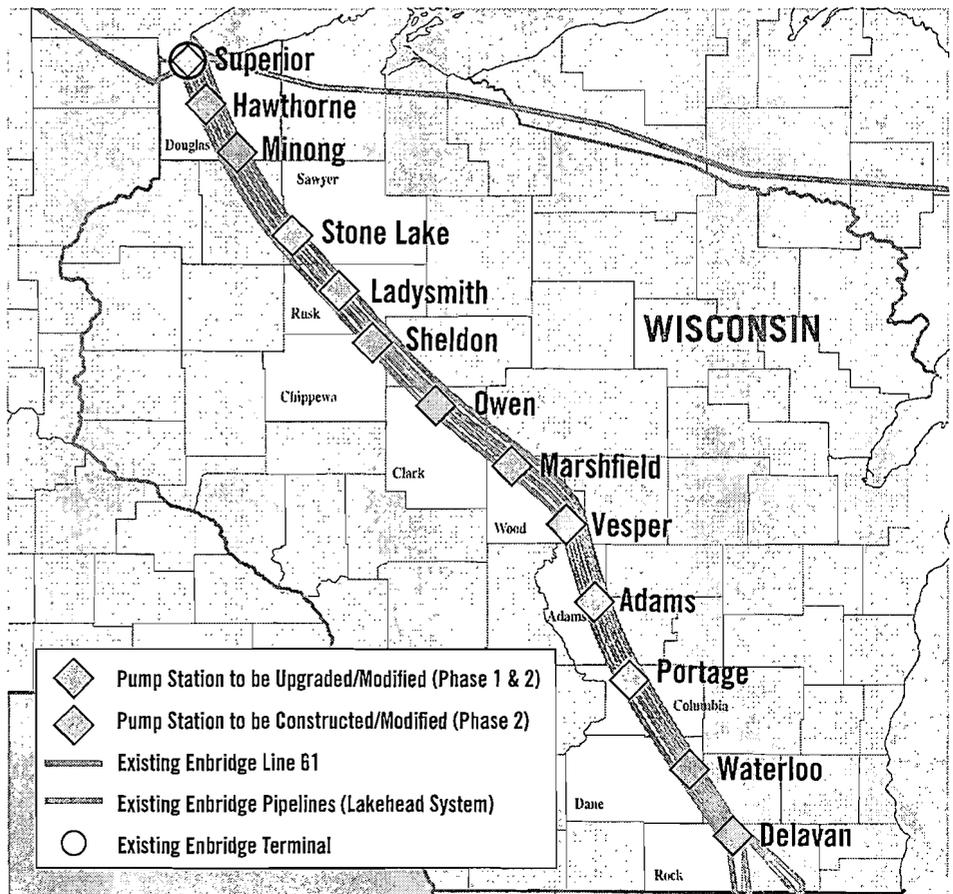
Enbridge is a leading transporter and distributor of energy in North America, transporting about 2 million barrels (about 84 million gallons) of crude oil every day by operating the world's longest liquid petroleum pipeline system. This system includes the Lakehead Pipeline System that has been running through Wisconsin and across five Midwestern states for more than 60 years, transporting North American crude oil and natural gas liquids to refineries in the Great Lakes region and beyond.

Enbridge meets 100 percent of Wisconsin refinery capacity, and about 15 percent of total U.S. petroleum imports arrives via Enbridge's system through Superior, Wis.

BENEFITS OF PIPELINE EXPANSION

Enbridge is investing in major expansions of our systems in Wisconsin that will contribute to long-term stable and reliable sources of energy for the United States reducing the amount of crude oil refineries import form outside North America.

At a local level, communities located along the pipelines will benefit from the economic impact of such major investments, including incremental property taxes, high paying construction jobs, and associated economic activities during construction.





Line 61 Upgrade Project/Superior Terminal Expansion Project Fact Sheet concerning 2014 Wis. county resolutions

Following are both the issues raised in resolutions passed by supervisors in Wisconsin counties and the facts directly associated with them:

Myth: A full environmental analysis should be conducted on the Line 61 corridor, with public hearings, before Enbridge can move forward with its project.

- An Environmental Assessment (EA) of the original Line 61 corridor, which measured the environmental impacts of the Line 61 (known then as Southern Access) project, was completed in 2006. Following the permit application and EA publication, and after the public comments and hearings, Wisconsin regulators granted a permit in 2007. Before Line 61 began operating in 2009, it was hydrostatically tested successfully to pressures beyond those required for operation at an average annual capacity of 1.2 million barrels per day (BPD).

Myth: The Wisconsin Department of Natural Resources held a public hearing pertaining to an air permit in Superior, Wis., and this is the only public hearing that was scheduled by the WDNR before approving the expanded use of the pipeline.

- Enbridge announced plans to upgrade Line 61 in 2012, and filed for wetland permits with the Wisconsin Department of Natural Resources (WDNR) and the Army COE in December 2013. The WDNR's 21-day public comment period, which was publicized in advance and in accordance with WDNR rules and state statutes, closed in March without any request for a public hearing. The COE's comment period took place in February and March. We received the permits in May.
- Enbridge applied for an air permit from the WDNR for its Superior Terminal Expansion Project, not the Line 61 Upgrade Project. A portion of the Superior project will allow an increase of 210,000 bpd in the Superior Terminal's throughput capacity. This increase in capacity at the terminal is related to the increase in capacity on Line 61. To facilitate dialogue concerning the project, it was Enbridge that requested a public hearing be held, and the WDNR conducted it on May 5 in Superior. The air permit was granted by the WDNR on June 12, 2014.

Myth: Oil Sands oil is more corrosive and acidic than traditional oil and historically is 3.6 times more prone to lead to pipeline ruptures than traditional petroleum lines.

- There simply is no correlation between western Canadian crude oil and pipeline performance. Studies have repeatedly shown that it has no unique or extreme properties that influence pipeline performance. More to the point, Enbridge has invested billions to enhance and maintain pipelines, and plans to invest billions more to improve infrastructure in the coming years. Safety is and always will be the cornerstone of our business.

Myth: This expansion puts a number of Wisconsin's water bodies at risk.

- According to federal Pipeline and Hazardous Materials Safety Administration (PHMSA) statistics, pipelines are by far the safest method of transporting crude oil. All pump stations are monitored 24-hours per day from a state-of-the-art control center, and multiple on-site detectors and transmitters are employed to promptly initiate remote shutdown and isolation, if needed. Enbridge has emergency response plans in place to work promptly and effectively with local emergency responders. Our plans meet or exceed regulatory requirements, and we go above and beyond to prevent leaks. Along with communities and neighbors near our pipelines, the last thing Enbridge wants is a pipeline release.

August 2014

Myth: Oil Sands oil is denser than traditional oil and do not float. It is thick like peanut butter and extremely difficult to clean up.

- No oil spill is acceptable, but claims that diluted bitumen is unique and sinks in water bodies, making it more difficult to clean up, are unfounded, according to the independent study by the **National Academy of Science**. This distinguished panel found that diluted bitumen is no different than other forms of crude oil.
 - Diluted bitumen, like all crude oils, is less dense than water and therefore floats.
 - Any crude oil that attaches to sand and other sediments can submerge if the combined density is greater than water—this physical interaction is not unique to diluted bitumen.
- Enbridge has transported Oils Sand crude oil for decades. Oil Sands crude must be upgraded or diluted to create a liquid that will flow in a pipeline. Enbridge has strict specifications on the crude oil accepted into our system before it can be transported.

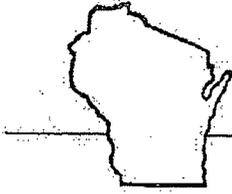
Myth: The Kalamazoo River spill has not been successfully cleaned up despite the expenditure of \$1 billion to do so.

- The 2010 spill in Michigan was certainly one of the worst days in Enbridge's 65-year history, and the company is committed to preventing this type of incident from ever occurring again. Our continued presence there demonstrates our commitment to the region and to the safe transport of crude oil. We will not leave until the job is done – to the best interests of the affected community.

Myth: Enbridge will not be liable for damages or cleanup if a spill occurs.

- This is incorrect. Enbridge will take responsibility for any damages or clean up on its system. In those rare instances when a spill has occurred, we have proven our commitment to the communities in which we operate.
- Numerous federal, state and local agencies have not only the responsibility to ensure that our projects meet or beat exacting design and operational standards, in order to protect the environment, but also to enforce established laws and regulations if an incident occurs. This is a good thing. Agencies such as the U.S. Environmental Protection Agency and the U.S. Department of Transportation (PHMSA) at the federal level, and the WDNR and Health Department at the state level, as well as local building and zoning, land and water, or even public works departments, each have an important role to ensure that we operate safely and reliably.

County leaders who are asked to consider resolutions that oppose the Line 61 Upgrade Project, or the Superior Terminal Expansion Project, are respectfully requested to fully research the issues before conducting a vote. Board members may choose to table such resolutions until each member has the opportunity to learn more and verify information. Enbridge will gladly come and meet with county boards and answer any questions about its projects. More information can be found at www.enbridge.com or by calling enbridge toll free at 855-788-7809.



Wisconsin State Building Trades Crafts

1602 South Park Street, Room 204

Madison, WI 53715

August 18, 2014

To: All Wisconsin County Boards

In 2008 the Doyle Administration oversaw the process of approval and construction of Enbridge's Southern Access pipeline. This project was built to accommodate crude oil demand at that time; and, it was built to expand capacity with very little additional intrusion on landowners. Many legislators openly supported the project because it created jobs paying family-supporting wages and increased national energy security.

Now some local officials are seeking to deter the construction of compressor stations that can be added with little public inconvenience. Moreover, this construction will bring new employment opportunities to skilled craft worker across Wisconsin. A national effort is underway to stop the development and production of North American crude oil reserves. As a result, deliberate misrepresentations of the nature of Canadian crude oil are being made. And, opponents ignore the facts about pipeline safety and how leaks and spills are remediated.

Here are the facts:

- When Oil Sands crude is shipped in a pipeline its consistency is similar to other heavier crude oil shipped or imported into the United States. According to the Transportation Research Board (See attachment 1): "The committee did not find any causes of pipeline failure unique to the transportation of diluted bitumen. Furthermore, it did not find evidence of physical or chemical properties of diluted bitumen that are outside the range of those of other crude oils; nor did it find evidence of any other aspect of the transportation of diluted bitumen by pipeline that would make diluted bitumen more likely than other crude oils to cause releases."
- Oil Sands crude is not hotter than other crude oil. (See attachment 1)
- On a "oil well to wheels" basis, Oil Sands crude is comparable in greenhouse gas emissions to crude oil imported from less, stable, less friendly countries;



- and, less than some crude oil produced in California. (See attachment 2)
- A barrel of crude oil is safely delivered to its destination 99.999% of the time. (Source: American Petroleum Institute)
 - The nature of the threat of spills to aquifers made by pipeline opponents has not been reflected by the results of a case study being conducted in Minnesota. <http://www.startribune.com/science/263118021.html>
 - Oil Sands crude has been shipped through Wisconsin since the early 1980's. (Source: Enbridge)

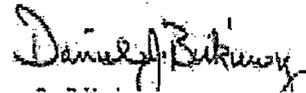
Wisconsin Building Trades are among the best-trained and most conscientious workers in the world. Over 80% of our members own hunting and fishing licenses. We are responsible workers concerned about Wisconsin's natural resources. However, we are also determined to support good-paying jobs created by responsible companies. If you want the truth about pipelines, go to Kalamazoo, Michigan and witness what Enbridge's billion-dollar investment has done to remediate the river. If you seek the truth about the critical need for these projects for hard-working families, talk to our members. If the truth about domestic crude oil production to national security is important to you then please watch a video by no less an authority than General James Jones, former National Security Advisor to President Obama.

https://www.youtube.com/watch?v=8ro_aL998FE&feature=youtu.be

Please support Wisconsin's working families.



Dave Branson
Executive Director
Building and Construction Trades Council
Of South Central Wisconsin



Dan Bukiewicz
President
Milwaukee Building and
Construction Trades Council



Ted Gumienny
Business Development
NorthEast Wisconsin Building
And Construction Trades Council



Jeff Daveau
Vice President
Northwestern Building and
Construction Trades Council



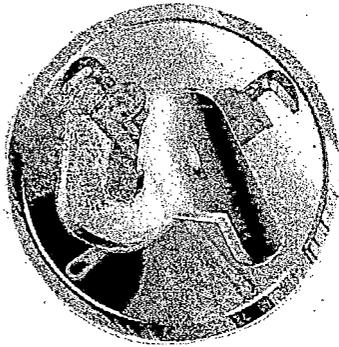
Roger Clark
President
Southeastern Wisconsin Building
And Construction Trades Council



Terry Hayden
President
Western Wisconsin Building and
Construction Trades Council



Greg Hunt
President
Southern Wisconsin Building
And Construction Trades Council



PLUMBERS AND STEAMFITTERS

LOCAL 118

Kenosha, Racine &
Walworth Counties WI

3030 - 39th Avenue Room 125
Kenosha, Wisconsin 53144-4210
(262) 654-3815 FAX: 654-3199

email address local118@bizwi.rr.com



RECEIVED

AUG 26 2014

WALWORTH COUNTY BOARD

August 25, 2014

Dear Land Conservation Committee Members:

I am Roger Clark, the Business Manager of Local 118 Plumbers and Steamfitters in Kenosha, Racine and Walworth Counties. I also serve as President of the Southeastern Building Trades Council.

I am forwarding a letter of support for the Line 61 upgrade project in Walworth County. Many local building trades members will benefit from the work performed on the oil pipelines and compressor stations. Pipeline transfer of oil is safe and efficient and the use of trained and skilled labor help support that safety effort.

I hope this information is beneficial to help you learn more about the lines in place today. Please contact me if you have any questions.

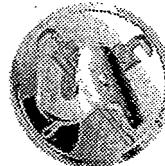
Sincerely,

Roger Clark
Business Manager Local 118
(262) 654-3815—office
(262) 496-8759—cell

RC/mm

Enclosures

PLUMBERS AND STEAMFITTERS LOCAL 118 U.A.
Kenosha, Racine and Walworth Counties



ROGER CLARK
Business Manager

Phone 262-654-3815
FAX 262-654-3199
local118@bizwi.rr.com

Page 120 of 210

ROOM 125
3030 - 39th AVENUE
KENOSHA, WI 53144



9/21/2014 event Walworth County Fairgrounds

bylagoon

to:

bolson

08/21/2014 07:44 AM

Cc:

hrehberg, gpayson, jdalessandro, smcclory, tmyrin, ghuss, tadjja, kbushey, walcoweb
Show Details

Dear Mayor Brian Olson,

We live in a time when background checks are necessary to protect children and the public from harm. Merely taking a business license at face value and a copy of a liability insurance policy would not reveal crimes, fines, USDA violations or broken laws.

Kelly Miller Circus has leased the Fairgrounds on September 21 & 22. A USDA background check of the wild animal exhibitors touring with the circus would give one cause concern.

Kelly Miller Circus rents the performing elephants from Carson & Barnes Circus who owns these elephants. Carson has a long documented history of public endangerment and beating animals. (USDA C License Number: 73-C-0001)

http://www.aphis.usda.gov/foia/enforcement_actions/2012/September/Animal%20Welfare%20Act%20%28AWA%29/Stipulations/OK10026_AC_sa_Carson%20and%20Barnes_072612_Redacted%20Final.pdf Synopsis: <http://www.bornfreeusa.org/facts.php?more=1&p=420>

Parents are lead to believe that riding these elephants is a safe activity when in reality they are unknowingly putting their children on the backs of huge stressed animals. . Recently Carson's trainers were taped beating angry elephants trying to control them. The circus continues to use these stressed elephants to give rides. This is the second time one of the elephants in this video has acted out. <http://vimeo.com/98627950>

In April 2014 three of Carson's circus elephants performing in St. Louis MO were spooked by the crowd noise as they were preparing to give rides, they rampaged through a parking lot out of control and damaging vehicles for 45 minutes. This is the second time one of these elephants escaped. <http://kplr11.com/2014/03/22/elephants-damage-4-vehicles-on-family-arena-parking-lot/>

Towns all across the country when presented with conclusive science and evidences realize that it is impossible for circuses to meet the physical and mental needs of their wild animals and are banning wild animals from their communities. Please examine this proof before dismissing it because the circus says they take good care of their animals. http://www.federalcircusbill.org/wp-content/uploads/2014/04/ADI_US_Science_on_suffering_2008.pdf
<http://ketchumidaho.org/DocumentCenter/View/1893>

"In a 2010 internal audit, the USDA itself said, "In 1995 and again in 2005, we reported that the monetary penalties were often so low that violators regarded them as a cost of business and that APHIS reduced the stipulations by making them basically meaningless." Circuses can stay in business for decades no matter how many animal violations they get. As long as they pay their civil penalties they get to keep their USDA License active.

[http://www.federalcircusbill.org/wp-content/uploads/2014/04/USDA Controls over APHIS Licensing 2010.pdf](http://www.federalcircusbill.org/wp-content/uploads/2014/04/USDA_Controls_over_APHIS_Licensing_2010.pdf)

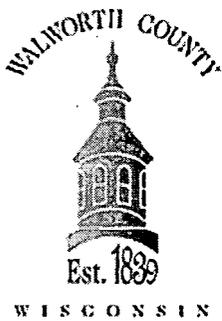
Ryan Easley tiger exhibitor touring with Kelly Miller Circus. USDA License Number 73-C-0193. <https://acissearch.aphis.usda.gov/LPASearch/faces/CustomSearch.jspx>
Jan 21, 2014: At time of inspection inside the large building housing Ryan Easley/Holder's 6 adult tigers there was standing water in the floor. Inside there was not any way the water of fecal matter could drain from the inside of the building.

The elephants Kelly and Lisa touring with Kelly Miller Circus were captured from the wild as babies in 1971 & 1975 and shipped to the circus where a bullhook, cattle prod was used to beat and break their spirit? That is why their trainers carry a bullhook around constantly. The elephant are scared of being hit or hooked with this sharp weapon. Kelly and Lisa have been forced to perform since they were babies and they look tired, depressed and sad.

Spend some time watching the animals in their pens behind the Big Top and you will likely see these animals swaying, pacing and displaying "Stereotypical Behavior". Wild animal experts say this behavior has never been seen in the wild it is repetitive behavior and regarded as an indicator of poor welfare, stress of living in constant confinement in an unnatural environment. <https://www.youtube.com/watch?v=Nq1Yw2ebE0o>

It is shocking to people when they learn the truth about the animal cruelty associated with traveling circuses. Your own childhood memories may even be shaken or shattered. But as responsible adults it is morally and ethically wrong to continue to promote this kind of fundraiser with all the overwhelming proof of the cruel training methods and inhumane life the wild animals live.

Respectfully yours.
Jane Myers



September 4, 2014 – 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

- Juneau Co. Resolution No. 14-55 – Endorsement of Legislative Action Regarding Funding of 911 Services (was previously referred to the Executive Committee)
- Dodge Co. Resolution No. 14-25 – Supporting State Funding for County 911 Services/One Designated Public Service Answering Point Per County (was previously referred to the Executive Committee)
- Oconto Co. Resolution No. 45-14 – In Support of State Funding for County Emergency Dispatch (“911”) Services/One Designated Public Safety Answering Point Per County (was previously referred to the Executive Committee)
- Jackson Co. Resolution No. 47-8-2014 – Endorsement of Legislative Action Regarding Funding of 911 Services (was previously referred to the Executive Committee)
- Waushara Co. Resolution No. 24-08-14 – Supporting State Funding for County 911 Services/One Designated Public Service Answering Point Per County (was previously referred to the Executive Committee)
- Trempealeau Co. Resolution – Opposition to Proposed Lapse in State Funding to Circuit Court System (was previously referred to the Executive Committee)
- Shawano Co. Resolution No. 41-14 – Opposition to Proposed Lapse in State Funding to Circuit Court System (was previously referred to the Executive Committee)
- Milwaukee Co. Resolution No. 14-458 – Opposition to the proposed \$11.8 million budget reduction in funding to the Wisconsin Circuit Court System over the next two-year period (was previously referred to the Executive Committee)
- Door Co. Resolution No. 2014-63 – Opposition to Proposed Lapse in State Funding to Circuit Court System (was previously referred to the Executive Committee)
- Jackson Co. Resolution No. 48-8-2014 – Opposition to Proposed Lapse in State Funding to Circuit Court System (was previously referred to the Executive Committee)

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
Joanne Beck & Mark Anders	East Troy Township Part of Tax Parcels PBM-6 & 7	Rezone approx. .12 acres of C-4 Lowland Resource Conservation District (shoreland wetland) to R-1 Single Family Residential District (unsewered) to correct the wetland boundary.	September 4, 2014
Christian League for the Handicapped, Inspiration Ministries c/o Richard Hall	Walworth Township Part of Tax Parcel E W-2-13	Rezone approx. 7.49 acres of A-1 Prime Agricultural and P-2 Institutional Park Districts to A-1, P-2 and C-2 Upland Resource Conservation Distircts.	September 4, 2014
Fort Community Credit Union c/o Jim Simdon (President)	LaGrange Township Tax Parcel H LG-11-3A	Rezone approx. 1.5 acres of C-2 Upland Resource Conservation District to A-5 Agricultural Rural Residential District.	September 4, 2014

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 _____, 2014.

County Clerk

cc: County Supervisor Rick Stacey
County Supervisor Richard Brandl
County Supervisor Tim Brellenthin

NOTICE OF PUBLIC HEARING
ON PROPOSED AMENDMENTS TO WALWORTH COUNTY CODE OF ORDINANCES
AND CONDITIONAL USES
NOTICE OF INFORMATIONAL HEARING ON RECLAMATION PLAN REVISION

NOTICE IS HEREBY GIVEN that a public hearing will be held by the County Zoning Agency in the County Board Meeting Room (Rm. 114) of the Government Center located at 100 West Walworth Street, Elkhorn, Wisconsin, on Thursday, **September 18th, 2014**, at **5:30 p.m.**, covering proposed ordinance amendments (rezones) to the Walworth County Code of Ordinances and conditional uses. (The items may not necessarily be heard in the order listed on this notice.)

Rezones with Conditional Uses - None

Rezones:

Joanne Beck, Mark Anders, Paul Anders, and Kristin Sleeth, Section 9, East Troy Township. The property owners are requesting to rezone approximately .12 acres of C-4 Lowland Resource Conservation District (shoreland wetland) to R-1 Single Family Residential District to correct the wetland boundary line to existing delineated field conditions. The properties of concern are located on the west side of Humphrey Lane approximately 800 feet north of the intersection of Humphrey Lane and South Shore Drive and are identified as parts of Tax Parcels PBM-6 & 7.

Christian League for the Handicapped, Inspiration Ministries c/o Richard Hall, Robert Pearce – Applicant, Section 2, Walworth Township. The property owner is requesting to rezone approximately 7.49 acres of A-1 Prime Agricultural and P-2 Institutional Park Districts to A-1, P-2 and C-2 Upland Resource Conservation Districts to straighten the zone boundaries so the A-1 lands may be divided off the parcel. The property of concern is located on the south side of Hwy 67 approximately 1000 feet east of the intersection of Hwy 67 and Hwy F and is identified as parts of Tax Parcel E W-2-13.

Fort Community Credit Union c/o Jim Simdon (Vice President), Section 11, LaGrange Township. The property owner is requesting to rezone approximately 1.5 acres of C-2 Upland Resource Conservation District to A-5 Agricultural Rural Residential District to make a legal substandard parcel a standard parcel. The property of concern is located on the west side of Tamarack Road approximately 2700 feet south of the intersection of Tamarack Road and Bluff Road and is identified as Tax Parcel H LG-11-3A.

Conditional Uses - None

The petitions to amend said Ordinance are on file at The Land Use and Resource Management Department, Elkhorn, Wisconsin.

Dated This 27th day of August , 2014.

Walworth County Zoning Agency requests any arrangements for handicapped access, sign language interpreter, or other assistance; please call our Offices at 262-741-4972 at least 48 hours prior to the Meeting.

PETITION FOR AMENDMENT OF THE WALWORTH COUNTY
CODE OF ORDINANCES

Fed. #575 (see schedule) (ZONING/SHORELAND ZONING) LURM Staff Initials

OWNER(S): JOANNE BECK (N9106 HUMPHREY LANE) MARK AND PAUL ANDERSON & KRISTIN SLEETH (N9169 HUMPHREY LANE)

TOWN: EAST TROY TAX PARCEL NO. BECK - PBM00006 ANDERSON/SLEETH - PBM00007

1.12 acres

TO THE COUNTY BOARD OF WALWORTH COUNTY:

The undersigned hereby petitions the County Board to amend the Walworth County Code of Ordinances (Zoning/Shoreland Zoning) as follows:

Present Zoning: R-1 AND C-4

Requested Zoning: SEE ATTACHED DESCRIPTION

RESIDENTIAL REZONES: Number of Proposed lots: 2 Number of Proposed Housing Units: _____

COMMERCIAL & INDUSTRIAL REZONES: Total Proposed Gross Floor Area (All Buildings): _____ Site Area (Acres): _____



LEGAL DESCRIPTION: (Written Metes and Bounds Description of the Land to be Rezoned.)

SEE ATTACHED PLAT OF SURVEYS FOR BOTH PROPERTIES.

(Attach separate sheet if additional space is needed.)

Property Owner's Name (Print): _____

Property Owner's Signature: _____

Address: BECK - N9106 HUMPHREY LANE, EAST TROY, WI 53120 ANDERSON/SLEETH - N9169 HUMPHREY LANE, EAST TROY, WI 53120 JOANNE BECK - 414-534-2223

Telephone No.: _____

Applicant's Name (Print): KYLE KOHLMANN

Applicant's Signature: _____

Address: W396 S9510 HWY E, MUKWONAGO, WI 53149

Telephone No.: 262-392-3444

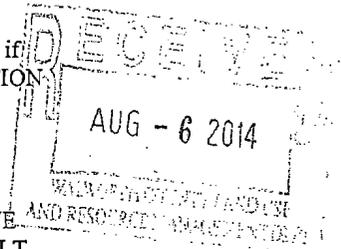
Statement of proposed use of property, with pertinent facts regarding the size of area involved, extent of development, type of operation, etc.:

SEE ATTACHED DESCRIPTION

Submit a plat of survey or plot plan (if applicable) of the property to be rezoned, drawn to scale, showing:

- Dimensions and location of existing and proposed structures. Identify (label) their use and indicate their distance (setback) from lot lines.
- Lot layout, where rezone is intended for subdivision or condominium development. Show number and size of lots, interior roads, outlots, proposed parking, and open space areas, etc.
- Drainage areas, floodplains, rivers, streams, lakes, forested areas, and any other natural features.

More information may be requested by the Walworth County Zoning Agency if deemed necessary to properly evaluate your request. THE LACK OF INFORMATION SUBMITTED MAY IN ITSELF BE SUFFICIENT CAUSE TO DENY A PETITION. If you have any questions regarding this procedure, please contact the Zoning Office at (262) 741-4972.



IT IS NECESSARY FOR THE APPLICANT OR A REPRESENTATIVE TO BE PRESENT AT THE HEARING. FAILURE TO APPEAR MAY RESULT IN THE HEARING BEING POSTPONED AND THE REZONE PETITION EITHER BEING POSTPONED OR DENIED. IF DENIED, THE REZONE APPLICANT CANNOT REPETITION FOR THE REZONE FOR ONE YEAR FROM THE DATE OF PUBLIC HEARING.

Dated this _____ day of _____, 20____

PROPERTY OWNER'S SIGNATURE

ONLY TO BE COMPLETED IF REZONING OUT OF A-1 DISTRICT

I understand that if the A-1 land proposed for rezoning has been enrolled in the Farmland Preservation Tax Credit Program, there may be a payback of credits received due the State of Wisconsin. I am including a legal description and acreage determination from a licensed surveyor of the A-1 conversion area(s).

PROPERTY OWNER'S SIGNATURE

APPLICANT'S SIGNATURE

TOWN BOARDS:

The Town Board of the township in which property is located can deny any rezone petition. The Town Board denies a rezone by submitting a denial resolution to the County within required time limits. The County cannot grant any rezone if denied by a Town Board.

Therefore, the petitioner must go before the Town Board on the proposed rezone before the appearing at County. The County shall not hold a public hearing without first receiving a written Town decision.

If you have further questions regarding this procedure, please contact the Zoning Office at (262) 741-4972.

NOTICE: THE ZONING AGENCY HAS ESTABLISHED AN AGENDA LIMIT OF 20 ITEMS IN ORDER TO ALLOW EACH APPLICATION PROPER CONSIDERATION. IT IS SUGGESTED THAT YOU SUBMIT YOUR PETITION AS EARLY AS POSSIBLE. WHEN THE 20 ITEM LIMIT IS REACHED, SUBSEQUENT PETITIONS MAY BE SCHEDULED FOR THE NEXT AVAILABLE HEARING DATE.

PETITION FOR AMENDMENT OF THE WALWORTH COUNTY

CODE OF ORDINANCES

Fee: _____ (see schedule) (ZONING/SHORELAND ZONING)



OWNER: JOANNE BECK

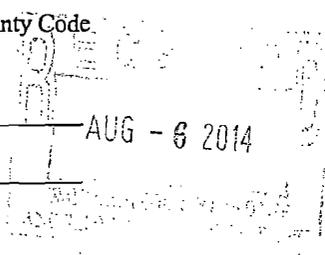
TOWN: East Troy TAX PARCEL NO. PBM 00006

TO THE COUNTY BOARD OF WALWORTH COUNTY:

The undersigned hereby petitions the County Board to amend the Walworth County Code of Ordinances (Zoning/Shoreland Zoning) as follows:

Present Zoning: _____

Requested Zoning: _____



RESIDENTIAL REZONES: Number of Proposed lots: _____ Number of Proposed Housing Units: _____

COMMERCIAL & INDUSTRIAL REZONES: Total Proposed Gross Floor Area (All Buildings): _____ Site Area (Acres): _____

LEGAL DESCRIPTION: (Written Metes and Bounds Description of the Land to be Rezoned.)

(Attach separate sheet if additional space is needed.)

Property Owner's Name (Print): JOANNE BECK

Property Owner's Signature: Joanne Beck

Address: N9168 Humphrey Lane, East Troy, WI 53120

Telephone No.: 414-534-2223

Applicant's Name (Print): _____

Applicant's Signature: _____

Address: _____

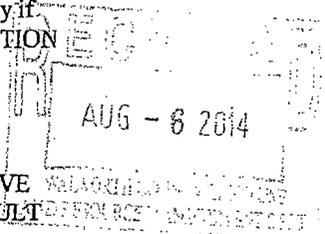
Telephone No.: _____

Statement of proposed use of property, with pertinent facts regarding the size of area involved, extent of development, type of operation, etc.:

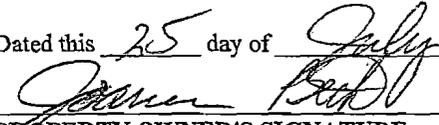
Submit a plat of survey or plot plan (if applicable) of the property to be rezoned, drawn to scale, showing:

- Dimensions and location of existing and proposed structures. Identify (label) their use and indicate their distance (setback) from lot lines.
- Lot layout, where rezone is intended for subdivision or condominium development. Show number and size of lots, interior roads, outlots, proposed parking, and open space areas, etc.
- Drainage areas, floodplains, rivers, streams, lakes, forested areas, and any other natural features.

More information may be requested by the Walworth County Zoning Agency if deemed necessary to properly evaluate your request. THE LACK OF INFORMATION SUBMITTED MAY IN ITSELF BE SUFFICIENT CAUSE TO DENY A PETITION. If you have any questions regarding this procedure, please contact the Zoning Office at (262) 741-4972.



IT IS NECESSARY FOR THE APPLICANT OR A REPRESENTATIVE TO BE PRESENT AT THE HEARING. FAILURE TO APPEAR MAY RESULT IN THE HEARING BEING POSTPONED AND THE REZONE PETITION EITHER BEING POSTPONED OR DENIED. IF DENIED, THE REZONE APPLICANT CANNOT REPETITION FOR THE REZONE FOR ONE YEAR FROM THE DATE OF PUBLIC HEARING.

Dated this 25 day of July, 2014


 PROPERTY OWNER'S SIGNATURE

ONLY TO BE COMPLETED IF REZONING OUT OF A-1 DISTRICT

I understand that if the A-1 land proposed for rezoning has been enrolled in the Farmland Preservation Tax Credit Program, there may be a payback of credits received due the State of Wisconsin. I am including a legal description and acreage determination from a licensed surveyor of the A-1 conversion area(s).

PROPERTY OWNER'S SIGNATURE

APPLICANT'S SIGNATURE

TOWN BOARDS:

The Town Board of the township in which property is located can deny any rezone petition. The Town Board denies a rezone by submitting a denial resolution to the County within required time limits. The County cannot grant any rezone if denied by a Town Board.

Therefore, the petitioner must go before the Town Board on the proposed rezone before the appearing at County. The County shall not hold a public hearing without first receiving a written Town decision.

If you have further questions regarding this procedure, please contact the Zoning Office at (262) 741-4972.

NOTICE: THE ZONING AGENCY HAS ESTABLISHED AN AGENDA LIMIT OF 20 ITEMS IN ORDER TO ALLOW EACH APPLICATION PROPER CONSIDERATION. IT IS SUGGESTED THAT YOU SUBMIT YOUR PETITION AS EARLY AS POSSIBLE. WHEN THE 20 ITEM LIMIT IS REACHED, SUBSEQUENT PETITIONS MAY BE SCHEDULED FOR THE NEXT AVAILABLE HEARING DATE.

BECK - N9168 HUMPHREY LANE

PLAT OF SURVEY

WETLAND LOCATED PER S.E.W.R.P.C. DELINEATION

AUG - 6 2014

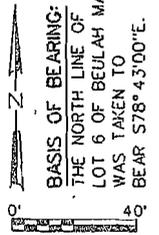
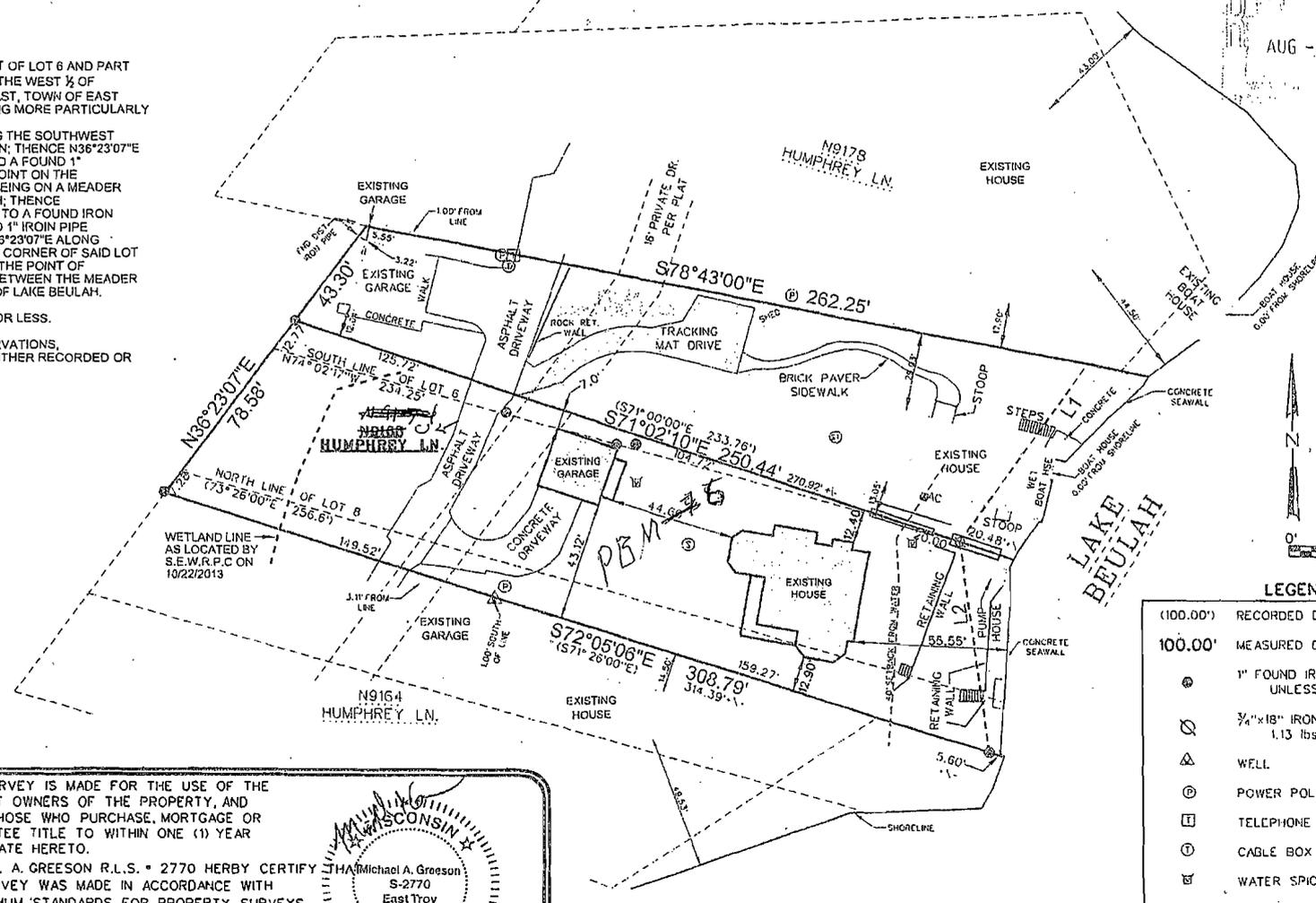
DESCRIPTION:

A PARCEL OF LAND DESCRIBED AS LOT 7, PART OF LOT 6 AND PART OF LOT 8 OF BEULAH MANOR, BEING PART OF THE WEST 1/4 OF SECTION 9, TOWNSHIP 4 NORTH, RANGE 18 EAST, TOWN OF EAST TROY, WALWORTH COUNTY, WISCONSIN, BEING MORE PARTICULARLY DESCRIBED AS:
 BEGINNING AT A FOUND 1" IRON PIPE MARKING THE SOUTHWEST CORNER OF LOT 6 BEULAH MANOR SUBDIVISION; THENCE N36°23'07"E ALONG THE WEST LINE OF SAID LOT 6, 12.77' TO A FOUND 1" IRON PIPE; THENCE S71°02'10"E, 250.44' TO A POINT ON THE NORTHERLY LINE OF SAID LOT 6; SAID POINT BEING ON A MEANDER LINE ALONG THE SHORE LINE OF LAKE BEULAH; THENCE S07°40'35"E ALONG SAID MEANDER LINE, 77.55' TO A FOUND IRON PIPE; THENCE N72°05'06"W, 308.79' TO A FOUND 1" IRON PIPE ON THE WESTERLY LINE OF LOT 8; THENCE N36°23'07"E ALONG SAID WESTERY LINE 7.28' TO THE NORTHWEST CORNER OF SAID LOT 8; THENCE CONTINUING N36°23'07"E, 58.53' TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS LANDS BETWEEN THE MEANDER LINE AND THE ORDINARY HIGH WATER MARK OF LAKE BEULAH.

SAID PARCEL CONTAINING 0.48 ACRES MORE OR LESS.

SAID PARCEL SUBJECT TO ALL RIGHTS, RESERVATIONS, RESTRICTIVE COVENANTS AND EASEMENTS EITHER RECORDED OR UNRECORDED.

NOTE:
 REVISED EXISTING HOUSE
 LOCATION: 05/10/2012



LEGEND:

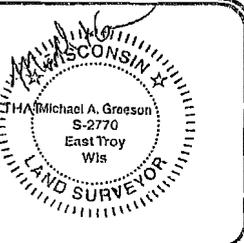
- (100.00') RECORDED DISTANCE
- 100.00' MEASURED DISTANCE
- 1" FOUND IRON PIPE, UNLESS NOTED
- ⊙ 3/4"x18" IRON PIPE SET, 1.13 lbs./L.F.
- △ WELL
- ⊕ POWER POLE
- ⊞ TELEPHONE PEDISTAL
- Ⓢ CABLE BOX
- ⊞ WATER SPICKET
- Ⓢ SEPTIC TANK
- Ⓢ SEPTIC CLEAN OUT/VENT

LINE TABLE

LINE #	BEARING	DISTANCE
L1	N35°19'57"E	79.59'
L2	N07°40'35"W	77.55'

SURVEY DATE: 12/02/2013
 ADDED WETLAND LINE
 SURVEY MADE FOR:
 JOANNE BECK
 N9168 HUMPHREY LANE
 EAST TROY, WI 53120

THIS SURVEY IS MADE FOR THE USE OF THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE OR GUARANTEE TITLE TO WITHIN ONE (1) YEAR FROM DATE HERETO.
 I, MICHAEL A. GREESEON R.L.S. • 2770 HERBY CERTIFY THIS SURVEY WAS MADE IN ACCORDANCE WITH THE MINIMUM STANDARDS FOR PROPERTY SURVEYS. (CHAPTER A-E 7) FOR THE STATE OF WISCONSIN AND HAS BEEN PREPARED UNDER MY DIRECTION AND CONTROL AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



PETITION FOR AMENDMENT OF THE WALWORTH COUNTY

CODE OF ORDINANCES

Fee: _____ (see schedule) (ZONING/SHORELAND ZONING)

LURM Staff Initials _____

OWNER: Inspiration Ministries.

TOWN: Walworth. TAX PARCEL NO. EW 200013

TO THE COUNTY BOARD OF WALWORTH COUNTY:

The undersigned hereby petitions the County Board to amend the Walworth County Code of Ordinances (Zoning/Shoreland Zoning) as follows:

Present Zoning: A-1 & P-2

Requested Zoning: A-1 & P-2 & C-2

RESIDENTIAL REZONES: Number of Proposed lots: _____ Number of Proposed Housing Units: _____

COMMERCIAL & INDUSTRIAL REZONES: Total Proposed Gross Floor Area (All Buildings): _____ Site Area (Acres): _____

LEGAL DESCRIPTION: (Written Metes and Bounds Description of the Land to be Rezoned.)

See Attached

(Attach separate sheet if additional space is needed.)

Property Owner's Name (Print): Richard Hagg

Property Owner's Signature: Richard Hagg

Address: X

Telephone No.: X

Applicant's Name (Print): Robert Pearce.

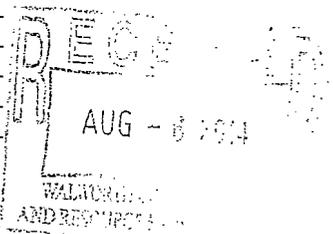
Applicant's Signature: Robert Pearce

Address: W. 5888 N. Walworth Rd. Walworth WI 53184

Telephone No.: 262 374 0574.

Statement of proposed use of property, with pertinent facts regarding the size of area involved, extent of development, type of operation, etc.:

Ag. land. Buying property & trying to straighten out New property line.

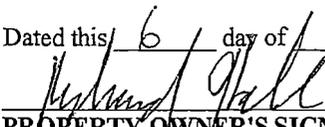


Submit a plat of survey or plot plan (if applicable) of the property to be rezoned, drawn to scale, showing:

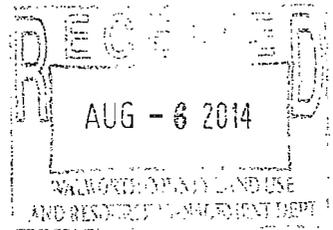
- Dimensions and location of existing and proposed structures. Identify (label) their use and indicate their distance (setback) from lot lines.
- Lot layout, where rezone is intended for subdivision or condominium development. Show number and size of lots, interior roads, outlots, proposed parking, and open space areas, etc.
- Drainage areas, floodplains, rivers, streams, lakes, forested areas, and any other natural features.

More information may be requested by the Walworth County Zoning Agency if deemed necessary to properly evaluate your request. THE LACK OF INFORMATION SUBMITTED MAY IN ITSELF BE SUFFICIENT CAUSE TO DENY A PETITION. If you have any questions regarding this procedure, please contact the Zoning Office at (262) 741-4972.

IT IS NECESSARY FOR THE APPLICANT OR A REPRESENTATIVE TO BE PRESENT AT THE HEARING. FAILURE TO APPEAR MAY RESULT IN THE HEARING BEING POSTPONED AND THE REZONE PETITION EITHER BEING POSTPONED OR DENIED. IF DENIED, THE REZONE APPLICANT CANNOT REPETITION FOR THE REZONE FOR ONE YEAR FROM THE DATE OF PUBLIC HEARING.

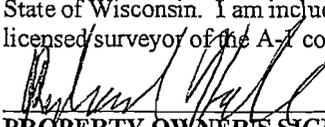
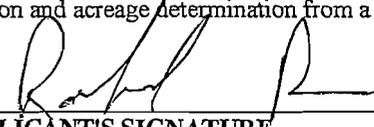

 Dated this 6 day of August, 2014


 PROPERTY OWNER'S SIGNATURE



ONLY TO BE COMPLETED IF REZONING OUT OF A-1 DISTRICT

I understand that if the A-1 land proposed for rezoning has been enrolled in the Farmland Preservation Tax Credit Program, there may be a payback of credits received due the State of Wisconsin. I am including a legal description and acreage determination from a licensed surveyor of the A-1 conversion area(s).

 PROPERTY OWNER'S SIGNATURE APPLICANT'S SIGNATURE

TOWN BOARDS:

The Town Board of the township in which property is located can deny any rezone petition. The Town Board denies a rezone by submitting a denial resolution to the County within required time limits. The County cannot grant any rezone if denied by a Town Board.

Therefore, the petitioner must go before the Town Board on the proposed rezone before the appearing at County. The County shall not hold a public hearing without first receiving a written Town decision.

If you have further questions regarding this procedure, please contact the Zoning Office at (262) 741-4972.

NOTICE: THE ZONING AGENCY HAS ESTABLISHED AN AGENDA LIMIT OF 20 ITEMS IN ORDER TO ALLOW EACH APPLICATION PROPER CONSIDERATION. IT IS SUGGESTED THAT YOU SUBMIT YOUR PETITION AS EARLY AS POSSIBLE. WHEN THE 20 ITEM LIMIT IS REACHED, SUBSEQUENT PETITIONS MAY BE SCHEDULED FOR THE NEXT AVAILABLE HEARING DATE.

STATE HIGHWAY 67

STATE HIGHWAY 67

N 88°36'09" E
1083.20

N 81°23'19" W
990.34

REZONE PARCEL B
A-1 TO P-2

REZONE PARCEL A
P-2 TO A-1

REZONE PARCEL C
P-2 TO A-1

S 89°35'41" W
165.94'

REZONE PARCEL D
A-1 TO P-2

N 00°23'19" W
1438.77

REZONE PARCEL E
P-2 TO A-1

REZONE PARCEL F
A-1 TO P-2

S 88°40'04" W
458.00

REZONE PARCEL G
A-1 TO C-2

N 01°19'56" W
205.00

S 00°25'17" E
1165.77

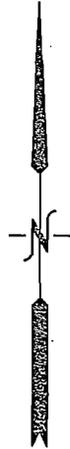
P-2

A-1

C-2

E W 200013

CHRISTIAN LEAGUE FOR THE HANDICAPPED



PETITION FOR AMENDMENT OF THE WALWORTH COUNTY
CODE OF ORDINANCES

Fee: _____ (see schedule) (ZONING/ShORELAND ZONING)



OWNER: Fort Community Credit Union

TOWN: 014 - La Grange TAX PARCEL NO. HLG 1110003A

TO THE COUNTY BOARD OF WALWORTH COUNTY:

The undersigned hereby petitions the County Board to amend the Walworth County Code of Ordinances (Zoning/Shoreland Zoning) as follows:

Present Zoning: C-2

Requested Zoning: A-5

RESIDENTIAL REZONES: Number of Proposed lots: 1 Number of Proposed Housing Units: 1

COMMERCIAL & INDUSTRIAL REZONES: Total Proposed Gross Floor Area (All Buildings): N/A Site Area (Acres): 1.5

LEGAL DESCRIPTION: (Written Metes and Bounds Description of the Land to be Rezoned.)

Part of the NW 1/4 of the NW 1/4 of Section 11, T2N, R16E, Walworth County, Wisconsin described as follows:
Starting at the North 1/8 corner of the NW 1/4 of Section 11, thence 3 chains North; thence 5 chains West; thence 3 chains North; thence 5 chains East to the place of beginning.

(Attach separate sheet if additional space is needed.)

Property Owner's Name (Print): Fort Community Credit Union

Property Owner's Signature: [Signature] Vice President by Jim Simdon

Address: 800 Madison Avenue, Fort Atkinson, WI 53538

Telephone No.: _____

Applicant's Name (Print): Fort Community Credit Union

Applicant's Signature: [Signature] Vice President by Jim Simdon

Address: 800 Madison Avenue, Fort Atkinson, WI 53538

Telephone No.: _____

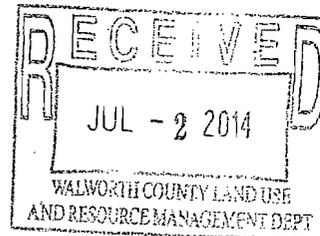
Statement of proposed use of property, with pertinent facts regarding the size of area involved, extent of development, type of operation, etc.:

The property is approximately 1.5 Acres. It is currently zoned C-2. The owner believes the property is perfect for a single family residential structure and would fit into the town of La Grange and Walworth County's long term land use plans.

The property needs to be rezoned before it can be buildable.

Refunds only when applicable

(over)
(Revised 11-23-09)



Submit a plat of survey or plot plan (if applicable) of the property to be rezoned, drawn to scale, showing:

- Dimensions and location of existing and proposed structures. Identify (label) their use and indicate their distance (setback) from lot lines.
- Lot layout, where rezone is intended for subdivision or condominium development. Show number and size of lots, interior roads, outlots, proposed parking, and open space areas, etc.
- Drainage areas, floodplains, rivers, streams, lakes, forested areas, and any other natural features.

More information may be requested by the Walworth County Zoning Agency if deemed necessary to properly evaluate your request. THE LACK OF INFORMATION SUBMITTED MAY IN ITSELF BE SUFFICIENT CAUSE TO DENY A PETITION. If you have any questions regarding this procedure, please contact the Zoning Office at (262) 741-4972.

IT IS NECESSARY FOR THE APPLICANT OR A REPRESENTATIVE TO BE PRESENT AT THE HEARING. FAILURE TO APPEAR MAY RESULT IN THE HEARING BEING POSTPONED AND THE REZONE PETITION EITHER BEING POSTPONED OR DENIED. IF DENIED, THE REZONE APPLICANT CANNOT REPETITION FOR THE REZONE FOR ONE YEAR FROM THE DATE OF PUBLIC HEARING.

Dated this 11th day of June, 20 14

Jim Simdon, V.P.
PROPERTY OWNER'S SIGNATURE Jim Simdon, Vice President

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PROPERTY OWNER'S SIGNATURE
Vice President, Fort Community Credit Union

APPLICANT'S SIGNATURE

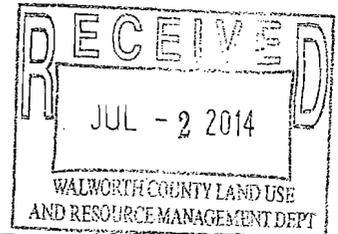
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August 21, 2014 :
August 21, 2014 - expanded

Please include the following County Zoning Agency items on the September 4, 2014 County Board agenda:

Ordinance Amendments:

Amendment to Section(s) 74-26, 74-28, 74-44, 74-51, 74-56, 74-58, 74-59, 74-60, 74-61, 74-63, 74-66, 74-67, 74-129, and 74-131 of the Zoning Ordinance and Section(s) 74-151, 74-153, 74-171, 74-178, 74-183, 74-185, 74-186, 74-186.1, 74-188, 74-190, 74-193, 74-194, 74-261, and 74-263 of the Shoreland Zoning Ordinance needed to obtain State of Wisconsin Department of Agriculture, Trade and Consumer Protection Certification for County farmers to be eligible for Farmland Preservation Program state income tax credits – Deb Grube

Approved 5 – 0 at the August 21, 2014 Zoning Agency public hearing.

Rezones:

1. **Mark and Karen Korf**, Section 11, Richmond Township. The property owner is requesting to rezone a 10.57 acre C-3 Conservancy-Residential District parcel to C-2 Upland Resource Conservation District. Tax parcel CA1504-3.

Approved 5 – 0 at the August 21, 2014 Zoning Agency public hearing.

Conformance with County Land Use Plan: The Walworth County 2035 Land Use Plan identifies this area as part Urban Density Residential and part Primary Environmental Corridor.

ORDINANCE NO. 879 – 09/14

AMENDING SECTION(S) 74-26, 74-28, 74-44, 74-51, 74-56, 74-58,
74-59, 74-60, 74-61, 74-63, 74-66, 74-67, 74-129, 74-131 74-151, 74-153, 74-171, 74-178,
74-183, 74-185, 74-186, 74-186.1, 74-188, 74-190, 74-193, 74-194, 74-261, AND
74-263 OF THE WALWORTH COUNTY CODE OF ORDINANCES RELATING TO
FARMLAND PRESERVATION

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS
FOLLOWS:

1 **PART I: That section 74-26 of the Walworth County Code of Ordinances is hereby amended**
2 **to read as follows (additions are underlined; deletions are shown in strike-through text):**
3

4 **“Sec. 74-26. Authority.**

5
6 This ordinance is adopted under the authority granted by Wis. Stats. §§ 59.692, 59.694,
7 87.30 and 91 and amendments thereto. The Board of Supervisors of the County of Walworth,
8 Wisconsin, do ordain as follows:
9

10 **PART II: That section 74-28 of the Walworth County Code of Ordinances is hereby amended**
11 **to read as follows (additions are underlined; deletions are shown in strike-through text):**
12

13 **“Sec. 74-28. Purpose.**

14
15 The purpose of this ordinance is to promote the comfort, health, safety, prosperity, aesthetics,
16 and general welfare of the county and its communities and to protect the natural and agricultural
17 resources and environmental corridors, as identified and mapped in the County Land Use Plan, the
18 Farmland Preservation Plan, the Regional Natural Areas and Critical Species Habitat Protection and
19 Management Plan for Southeastern Wisconsin, the County Park and Open Space Plan, and/or on the
20 County Zoning Map. . . .
21

22 **PART III: That section 74-44 of the Walworth County Code of Ordinances is hereby**
23 **amended to read as follows (additions are underlined; deletions are shown in strike-through**
24 **text):**
25

26 **“Sec. 74-44. Pet and animal regulations.**

27
28 ...
29

30 (b) All animals other than household pets shall be permitted only in the agricultural, C-1 and C-2
31 conservation districts, P-1 and P-2 park districts and the B-5 business district. Structures used for the
32 housing of animals, other than household pets, must be located at least 100 feet from the side and
33 rear property lines. Commercial feedlot structures for a commercial feedlot for 500 or more
34 agricultural animals shall be at least 100 feet from property lines, wetland boundaries and floodplain
35 boundaries. Livestock structures for a livestock facility for 500 to fewer than 1,000 animal units
36 shall be at least 100 feet from all property lines, wetland boundaries and floodplain boundaries.
37 Livestock structures for a livestock facility for 1,000 animal units or more shall be at least 200 feet
38 from property lines, wetland boundaries and floodplain boundaries and 150 feet from an access
39 right-of-way. (DATCP 51.12(1)(a) & (b))
40

Animal Units

For animal units not listed, the equivalency to animal units shall be based on live animal weights, the characteristics of the manure, including nutrient content or pollutant concentration, or a combination of both. In those cases, 1000 pounds of live weight is equivalent to one animal unit. The current NR243 rules should be consulted for any changes to the equivalencies.

Number Equivalent to 500 Animal Units	Number Equivalent to 1,000 Animal Units	Animal Type	Animal Equivalency Factor
		DAIRY CATTLE:	
350	700	Milking and dry cows	1.4
450	900	Heifers (800 to 1,200 lbs.)	1.1
835	1,670	Heifers (400 to 800 lbs.)	0.6
2,500	5,000	Calves (under 400 lbs.)	0.2
		BEEF CATTLE:	
500	1,000	Steers or cows (800 lbs. to mkt.)	1.0
1,000	2,000	Calves (under 600 lbs.)	0.5
350	700	Bulls	1.4
		SWINE:	
1,250	2,500	Pigs (55 lbs. to mkt.)	0.4
5,000	10,000	Pigs (up to 55 lbs.)	0.1
1,250	2,500	Sows	0.4
1,000	2,000	Boars	0.5
		SHEEP:	
5,000	10,000	Per animal	0.1
		HORSES:	
250	500	Per animal	2.0
		DUCKS:	
2,500	5,000	Per bird (wet lot)	0.2
50,000	100,000	Per bird (dry lot)	0.01
		CHICKENS:	
50,000	100,000	Layers	0.01
100,000	200,000	Broilers	0.005
50,000	100,000	Broilers (continuous overflow watering)	0.01
15,000	30,000	Layers or broilers (liquid manure system)	0.033
		TURKEYS:	
27,500	55,000	Per bird	0.018
		COMBINED ANIMAL UNITS:	
500	1,000	Calculated total	

<u>Combined Animal Unit Equivalency</u>	<u>Animal Type:</u>	<u>Individual Animal Unit Equivalency</u>
---	---------------------	---

<u>Factor/500 units/1000 Units</u>		<u>Factor/500 Units/1000 Units</u>
	<u>Dairy Cattle:</u>	
<u>1.4/ 358/ 715</u>	<u>Milking and Dry Cows</u>	<u>1.43/ 350/ 700</u>
<u>1.1/ 455/ 910</u>	<u>Heifers (800 to 1,200 lbs.)</u>	<u>1.0/ 500/ 1000</u>
<u>0.6/ 835/ 1670</u>	<u>Heifers (400 to 800 lbs.)</u>	<u>1.0/ 500/1000</u>
<u>0.2/ 2500/ 5000</u>	<u>Calves (under 400 lbs.)</u>	
	<u>Veal Calves:</u>	
<u>0.5/ 1000/ 2000</u>	<u>Per Animal</u>	<u>1.0/ 500/ 1000</u>
	<u>BEEF CATTLE:</u>	
<u>1.0/ 500/ 1000</u>	<u>Steers or cows (400 lbs. to mkt.)</u>	<u>1.0/ 500/ 1000</u>
<u>0.2/2500/ 5000</u>	<u>Calves (under 400 lbs.)</u>	
<u>1.4/ 350/ 700</u>	<u>Bulls</u>	<u>1.0/ 500/ 1000</u>
	<u>SWINE:</u>	
<u>0.4/ 1250/ 2500</u>	<u>Pigs (55 lbs. to mkt.)</u>	<u>0.4/1250/ 2500</u>
<u>0.1/ 5000/ 10000</u>	<u>Pigs (up to 55 lbs.)</u>	<u>0.1/ 5000/ 10000</u>
<u>0.4/ 1250/ 2500</u>	<u>Sows</u>	
<u>0.5/ 1000/ 2000</u>	<u>Boars</u>	
	<u>SHEEP:</u>	
<u>0.1/ 5000/ 10000</u>	<u>Per animal</u>	<u>0.1/ 5000/ 10000</u>
	<u>HORSES:</u>	
<u>2.0/ 250/ 500</u>	<u>Per animal</u>	<u>2.0/ 250/ 500</u>
	<u>DUCKS:</u>	
<u>0.2/ 2500/ 5000</u>	<u>Per bird (Liquid poultry manure handling)</u>	<u>0.2/ 2500/5000</u>
<u>0.01/ 50000/ 100000</u>	<u>Per bird (Non-liquid poultry manure handling)</u>	<u>0.0333/ 15000/ 30000</u>
	<u>CHICKENS:</u>	

<u>0.033/ 15000/ 30000</u>	Per Bird (Liquid poultry manure Handling)	<u>0.0333/ 15000/ 30000</u>
<u>0.01/ 50000/ 100000</u>	Layers (Non-liquid poultry manure Handling)	<u>0.0123/ 41000/ 82000</u>
<u>0.005/ 100000/ 200000</u>	Broilers and Pullets (Non-liquid poultry Manure handling)	<u>0.008/ 62500/ 125000</u>
	TURKEYS:	
<u>0.018/ 27500/ 55000</u>	Per bird	<u>0.018/ 27500/ 55000</u>

1
2 ...

3
4 **PART IV: That section 74-51 of the Walworth County Code of Ordinances is hereby amended**
5 **to read as follows (additions are underlined; deletions are shown in strike-through text):**

6
7 **“Sec. 74-51. Agricultural districts.**

8
9 *A-1 Prime agricultural land district. A Farmland Preservation District.* The primary purpose of this district
10 is to maintain, preserve, and enhance agricultural lands historically highly productive exclusive
11 agricultural lands in food and fiber production by effectively limiting encroachment of non-agricultural
12 development and minimizing land use conflicts among incompatible uses, exhibiting high crop yields.
13 Such lands are generally covered by Class I, II, and III soils as rated by the U.S. Natural Resource
14 Conservation Service and are identified in the county farmland preservation plan as farmland
15 preservation areas identified under Wis. Stats. Ch. 91.10(1)(d) in a farmland preservation plan described
16 in Wis. Stats. Ch. 91.12(2). As a matter of policy, it is hereby determined that the highest and best use
17 of these lands is agriculture (~~Wis. Stats. ch. 91.04(10)~~). All structures and improvements must be
18 consistent with agricultural use.

19
20 (1) *Principal uses.*

21
22 a. Farm residence: means any one of the following that is located on a farm parcel with a
23 minimum of 35 acres of A-1

24 A single family dwelling that is the only dwelling on the farm and is occupied by any of the
25 following:

- 26 o An owner or operator of the farm
- 27 o A parent of child of an owner or operator of the farm
- 28 o An individual who earns more than 50 percent of his or her gross income from the farm.

29
30 b. Dairying.

31
32 c. Floriculture (cultivation of ornamental flowering plants).

33
34 d. Grazing, subject to regulations in division 2.

35
36 e. Livestock raising, except commercial feed lots.

37
38 f. Orchards.

39
40 g. Paddocks.

41
42 h. Plant nurseries, Christmas tree production.

43
44 i. Poultry raising, except commercial egg production.

1
2 j. Raising of grain, grass, mint, and seed crops. Crop or forage production.

3
4 k. Raising of tree fruits, nuts, and berries.

5
6 l. Sod farming.

7
8 m. Vegetable raising.

9
10 n. Viticulture (grape growing).

11
12 o. Equestrian trails.

13
14 p. Forest and game management.

15 ~~q. Greenhouses.~~

16
17 ~~q.f. Nature trails and walks.~~

18
19 ~~s. Stables.~~

20
21 ~~r.t. Apiculture (beekeeping).~~

22
23 ~~s.u. Roadside stands not exceeding one per farm, limited to a structure having a ground area of not~~
24 ~~more than 300 sq. ft., not permanently fixed to the ground, readily removable in its entirety, not fully~~
25 ~~enclosed and to be used solely for the sale of farm products produced on the premises (or~~
26 ~~adjoining premises).~~

27
28 ~~t.v. The separation of farm structures from farmland. Farm residences dwelling or structures which~~
29 ~~existed prior to the adoption of this ordinance (July 9, 1998) may be separated from a larger farm~~
30 ~~parcel for the purposes of farm consolidation. The separation must conform with the regulations set~~
31 ~~forth in sections 74-39 and 74-40 of this ordinance; the parcel shall not be less than 40,000 square~~
32 ~~feet in area, nor greater than the larger of either five acres in area, or the acreage necessary to~~
33 ~~maintain the minimum yard required in the A-1, A-2, or A-3 district; it shall not leave the balance of~~
34 ~~the land in a substandard condition; and the property owner will be required to record deed~~
35 ~~restrictions on both the farm separation parcel and on a parcel which meets the minimum required~~
36 ~~by the applicable zoning district, which directly adjoins or abuts the majority of the farm separation~~
37 ~~parcel, and which meets the intent of these provisions. A plat of survey for said parcel shall be~~
38 ~~prepared by a registered land surveyor licensed in the State of Wisconsin. Said deed restriction~~
39 ~~shall state that no structures may be placed on the adjoining acreage without first obtaining a~~
40 ~~conditional use approval from the committee and that no land may be deeded to the separation~~
41 ~~parcel which increases its size above that outlined above without first obtaining proper approval~~
42 ~~which may include a rezone.~~

43 ~~u.w. Minor home occupation/professional home office.~~

44 ~~v. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural~~
45 ~~land conservation payment program.~~

46 ~~w. Aquaculture~~

47 ~~x. Undeveloped natural resource and open space areas.~~

48
49 (2) Accessory uses.

50
51 ~~a. A building, structure, or improvement that is an integral part of, and consistent with an agricultural~~
52 ~~use (for example but not limited to: barn, stable, greenhouse).~~

53
54 ~~b. Roadside stands not exceeding one per farm, limited to a structure having a ground area of not~~
55 ~~more than 300 sq. ft., not permanently fixed to the ground, readily removable in its entirety, not fully~~
56 ~~enclosed and to be used solely for the sale of farm products produced on the premises (or~~
57 ~~adjoining premises).~~

58
59 ~~c. Minor home occupation/professional home office.~~

60
61 (3) Conditional uses. (See division 4.)

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- a. ~~Housing for farm laborers an owner or operator of the farm, a parent or child of an owner or operator of the farm, or an individual who earns more than 50 percent of his or her gross income from the farm.~~ Nonfarm dwelling. The approval for more than one farm dwelling is limited to one per a minimum of 35 acres of A-1. If approval is granted for more than one farm dwelling, the dwelling may be separated from the farm parcel provided that any parcel so created conforms with all regulations set forth in section 74-39 and 74-40 of this ordinance, except that no such parcel shall be less than 40,000 square feet in area nor greater than the larger of either five acres in area or the acreage necessary to maintain the minimum required setbacks and the remnant acreage shall be deed restricted; it shall not leave the balance of the land in a substandard condition; and the property owner will be required to record a deed restriction on a remnant area which meets the minimum required by the applicable zoning district, which directly adjoins or abuts the majority of the farm dwelling separation parcel, and which meets the intent of these provisions. A plat of survey for said parcel shall be prepared by a registered land surveyor licensed in the State of Wisconsin. Said deed restriction shall state that no structures may be placed on the remnant acreage without first obtaining a conditional use permit from the committee and that no land may be deeded to the separation parcel which increases its size above that outlined above without first obtaining proper approval which may include a rezone.
- b. ~~Housing for seasonal or migratory farm workers.~~ A migrant labor camp (certified under s. 103.92)
- c. Mobile homes for farm laborers. The approval for a mobile home is limited to one per 35 acres of A-1 zoned land.
- d. Commercial feed lots.
- e. Livestock Facility
- f. Livestock sales facilities.
- g. Veterinarian facility services for farm animals -livestock
- h. ~~Commercial-fur farms, Wild.~~
- i. Commercial egg production (An animal confinement facility used or designed for the raising of poultry for egg production having a capacity of 200 or more animal units.).
- j. Land restoration.
- i. ~~Mobile homes for farm laborers.~~
- k. Business directory signs.
- l. Sewage disposal plants if the committee determines that all of the following apply: The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district; The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law; The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use; The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use; Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- m. ~~Airports, airstrips, landing fields and heliports, which are related to agricultural activities, including those which are used to assist the owner or operator with a means of transportation to and from the site.~~
- n. ~~Governmental and cultural uses, such as fire, and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park~~ and recreation facilities

committee determines that all of the following apply: The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district; The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law; The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use; The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use; Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

- o. Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial if the committee determines that all of the following apply: The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district; The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law; The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use; The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use; Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- p. Schools and churches if the committee determines that all of the following apply: The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district; The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law; The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use; The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use; Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- q. Yard waste Composting.
- r. Home occupations.
- s. ~~More than one farm dwelling If approval is granted for more than one farm dwelling, each additional dwelling may be separated from the farm lot provided that any parcel so created conforms with all regulations set forth in section 74-39 and 74-40 of this ordinance, except that no such parcel shall be less than 40,000 square feet in area nor greater than the larger of either five acres in area or the acreage necessary to maintain the minimum required setbacks.~~
- s. Farm family business in the A-1, Prime Agricultural Land District is a use which is accessory to an agricultural use consisting of uses listed in the A-4 district except the production, packing, packaging, and light assembly of products from glass, metals, plaster, and plastics. A farm family business may be permitted as a conditional use for farm owners if limited to existing farm residence or farm structures not dedicated to agricultural uses. No more than two persons who are not members of the resident farm family may be employed in the farm family business and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.
- t. Hunting and fishing club land without structures.
- u. Slurry storage for industrial waste water of agricultural by products.
- v. Placement of any structures on remnant parcels where the separation of farm structures has been approved and separated.

(4) *Area, height and yard requirements.*

Lot (farm size)	Area	Minimum 35 acres
-----------------	------	------------------

	Width	Minimum 300 feet
Building		
Farm dwelling	Height	Maximum 45 feet
Agricultural structures	Height	Maximum two times their distance from the nearest lot lines (See division 9)
Yards		
Farm dwelling and agricultural structures	Rear	Minimum 100 feet
	Side	Minimum 20 feet except structures used for the housing of animals must be located at least 100 feet from side and rear lot lines <u>and comply with 74-44</u>
	Street:	
	Subdivision road	Minimum 25 feet
	Town road	Minimum 50 feet
	County road	Minimum 65 feet
	State and federal highway (not including freeways)	Minimum 85 feet

1 *Existing Substandard Lots - See section 74-92*

2 *A-2 Agricultural land district. The primary purpose of this district . . .*

3
4 . . .

5
6 (2) *Conditional uses . . .*

7
8 . . .

9
10 e. Veterinary facility. Services.

11
12 f. Commercial fur farms, Wild.

13
14 . . .

15
16 (3) *Conventional Design*

17
18 . . .

Yards		
Farm dwelling	Rear	Minimum 100 feet
Agricultural structures	Side	Minimum 20 feet except structures used for the housing of animals must be 100 feet from side and rear lot lines <u>and comply with 74-44</u>

19
20 . . .

21 *A-3 Agricultural land holding district. The primary purpose of this district . . .*

22
23 (2) *Conditional uses . . .*

24
25 e. Commercial fur farms, Wild

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(3) *Area, height and yard requirements.*

Yards		
Farm dwelling	Rear	Minimum 100 feet
Agricultural structures	Side	Minimum 20 feet except structures used for the housing of animals must be 100 feet from side and rear lot lines <u>and comply with 74-44</u>

A-4 *Agricultural related manufacturing, warehousing and marketing district.* The primary purpose of this district ...

e. Veterinarian facility services.

(2) *Conditional uses.*

a. Contract sorting, grading and packaging services for fruits and vegetables.

ddd. Commercial feed lot

eee. Livestock facility

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

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

hhh. Processing agricultural products.

(3) *Area, height and yard requirements.*

Lot	Area	Minimum, sufficient area for the principal structure and its accessory buildings, all required yards, and off street parking and loading as required by <u>section 74-74</u> of this ordinance
Building	Height	Maximum 70 feet
Yards	Rear	Minimum 75 feet <u>except structures used for the housing of animals must comply with 74-44</u>
	Side	Minimum 75 feet <u>except structures used for the housing of animals must comply with 74-44</u>
	Street:	
	Subdivision road	Minimum 25 feet
	Town road	Minimum 50 feet
	County road	Minimum 65 feet
	State and federal hwys. (not including freeways)	Minimum 85 feet

A-5 *Agricultural-rural residential district.*

1 **PART V: That section 74-56 of the Walworth County Code of Ordinances is hereby amended**
2 **to read as follows (additions are underlined; deletions are shown in strike-through text):**

3
4 **“Sec. 74-56. Industrial districts.**

5
6 ...

7
8 *M-3 Mineral extraction, oil or gas exploration or production district.*

9
10 (1) *Principal uses.* All uses in this district are conditional uses and must be approved in accordance with
11 the procedures established in division 4.

12
13 (2) *Conditional uses.*

14 a. Aggregate or ready-mix plant.

15 ...

16 n. Oil and gas exploration or production.

17 (3) *Yard requirements.* All excavations shall be at least 200 feet from the right-of-way of any public or
18 approved private street or property line. All accessories, such as offices, parking areas, and stock
19 piles, shall be at least 100 feet from any right-of-way or property line. The Committee may vary this
20 requirement for shallow clay barrow excavation when the excavation and backfilling is conducted in
21 a continuous phase and the barrow material is replaced on site for the re-establishment of the
22 original grade after considering such evidence as may be presented at the public hearing bearing
23 upon the general purpose and intent of this Ordinance. In no case shall the setback requirement be
24 reduced to less than 2½ times the proposed maximum depth.

25 ...

26
27 **PART VI: That section 74-58 of the Walworth County Code of Ordinances is hereby amended**
28 **to read as follows (additions are underlined; deletions are shown in strike-through text):**

29
30 **“Sec. 74-58. Application.**

31
32 *Pre-application requests.* A pre-application meeting shall be required prior to the submittal of any conditional
33 use request for subdivisions, condominiums or campgrounds of five or more units, or any conditional use
34 request for commercial, industrial or manufacturing district with buildings 10,000 square foot or greater or
35 upon applicant's request. The pre-application process shall include a sketch plan prepared by a registered
36 land surveyor and the applicable fee. The plans submitted shall be reviewed in a meeting scheduled by the
37 county. The plans shall be reviewed for issues related to, but not limited to, platting, zoning, sanitation,
38 stormwater, highway and parks. If a pre-application meeting is held during the changes and amendment
39 (rezone) process, a pre-application meeting is not required during this process.

40
41 Application for conditional use permits and amendments shall be made to the county zoning administrator on
42 forms furnished by the administrator and shall include the following where pertinent and necessary for proper
43 review by the committee:

44
45 ...

46
47 (7) Applications for conditional use permits and amendments for a Livestock Facility shall follow the
48 procedures and standards as established in Section 74-60 and ATCP 51.30; ATCP 51.32; and
49 ATCP 51.34.

50
51 **PART VII: That section 74-59 of the Walworth County Code of Ordinances is hereby**
52 **amended to read as follows (additions are underlined; deletions are shown in strike-through**
53 **text):**

1 **“Sec. 74-59. Review and approval of conditional uses.**

2
3 ...
4
5 Conditions such as landscaping, architectural design, type of construction, construction commencement
6 and completion dates, sureties, light, fencing, location, size and number of signs, water supply and waste
7 disposal systems, higher performance standards, street dedication, certified survey maps, floodproofing,
8 ground cover, diversions, silting basins, terraces, streambank protection, planting screens, operational
9 control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions,
10 increased yards, or additional parking may be required by the committee upon its finding that these are
11 necessary to fulfill the purpose and intent of this ordinance, the State Water Resources Act of 1965, and to
12 meet the provisions of the state floodplain and shoreland management programs. Conditions and procedures
13 in this section do not apply to the issuance of a conditional use permit for a livestock facility. A Livestock
14 Facility shall comply with the provisions of Section 74-60 and ATCP 51.30, 51.32, and 51.34.

15 ...
16
17 Amendments. The committee may make a decision to amend a conditional use decision if the committee
18 finds the amendment is in keeping with the purpose and intent of the original conditional use decision and
19 receives town approval. Any addition or alteration to structures or improvements which exceed 25 percent of
20 the structure size or increase by 25 percent or more of the intensity of use shall be subject to a new
21 conditional use process. Conditions and procedures in this section do not apply to the issuance of a
22 conditional use permit for a livestock facility. A Livestock Facility shall comply with the provisions of Section
23 74-60 and ATCP 51.30, 51.32, and 51.34..

24 ...
25
26 **PART VIII: That section 74-60 of the Walworth County Code of Ordinances is hereby**
27 **amended to read as follows (additions are underlined; deletions are shown in strike-through**
28 **text):**

29
30 **“Sec. 74-60. Reserved. Livestock Facility Siting.**

31
32 Where a definition or provision of this ordinance is unclear or absent, ATCP 51 is hereby adopted by
33 reference.

34
35 **A. Application.**

36 (1) GENERAL. A person seeking conditional use approval shall complete and file with Walworth County
37 the application form shown in Appendix A of ATCP 51.30. The application shall include all of the
38 information required by Appendix A and attached worksheets, including any authorized modifications
39 made by the political subdivision under sub. (2). The information contained in the application shall be
40 credible and internally consistent.

41 (2) LOCAL MODIFICATIONS. Walworth County may not alter the application form shown in Appendix A and
42 attached worksheets, or require any additional information, except that a political subdivision may require
43 information needed to determine compliance with Walworth County standards authorized under s. ATCP
44 51.10 (3) or 51.12 (1).

45 (3) ADDITIONAL COPIES. Walworth County may require an applicant to submit up to 4 duplicate copies of
46 the original application under sub. (1). Each duplicate copy shall include all of the worksheets, maps and
47 other attachments included in the application, except that it is not required to include engineering design
48 specifications.

49 **Note:** A political subdivision must file one duplicate copy of the final application and attachments with the
50 department, within 30 days after the political subdivision grants or denies that application. See s. ATCP
51 51.34 (5). If the political subdivision approves the application, the political subdivision must give the
52 applicant a copy of the approved application, marked "approved." See s. ATCP 51.34 (3) (b). The
53 applicant may wish to record this documentation with the register of deeds, and convey the
54 documentation to any subsequent purchaser of the livestock facility. Among other things, documentation
55 establishes "odor score" reference points for future expansions. See s. ATCP 51.14 (6).

56 **(4) LOCAL FEES.**

57 (a) Walworth County may charge an application fee in compliance with ATCP 51.30(4) to offset the
58 Walworth County's costs to review and process an application under sub. (1).

1 (b) Walworth County may not require an applicant to pay any fee, or post any bond or security with
2 the political subdivision, except as provided in par. (a).

3 **Note:** If a waste storage facility is abandoned or not properly closed, a political subdivision may seek
4 redress under s. 66.0627 or 254.59, Stats., and other law as appropriate. However, a political subdivision
5 may not require an applicant for local approval to post any bond or security with the application.

6 (5) COMPLETE APPLICATION. Within 45 days after Walworth County receives an application under sub. (1),
7 Walworth County shall notify the applicant whether the application contains everything required under
8 subs. (1) to (4). If the application is not complete, the notice shall specifically describe what else is
9 needed. Within 14 days after the applicant has provided everything required under subs. (1) to (4),
10 Walworth County shall notify the applicant that the application is complete. A notice of completeness
11 does not constitute an approval of the proposed livestock facility.

12 (6) NOTICE TO ADJACENT PROPERTY OWNERS. Within 14 days after Walworth County issues a notice under
13 sub. (5), the political subdivision shall mail a completed written copy of the notice in Appendix C to the
14 recorded owner of each parcel of land that is adjacent to the proposed livestock facility. Walworth county
15 shall mail the notice by first class mail. Walworth County may recover from the livestock facility operator,
16 under sub. (4) (a), its reasonable cost to prepare and mail notices under this subsection. The sum of the
17 costs charged to the livestock operator under this subsection and sub. (4) (a) may not exceed the
18 maximum amount specified in sub. (4) (a). Failure to comply with the notice requirement under this
19 subsection does not invalidate Walworth County's approval of a proposed livestock facility, or create a
20 cause of action by a property owner against Walworth County.

21 **History:** CR 05-014: cr. Register April 2006 No. 604, eff. 5-1-06.

22 **B. Timely action on application.**

23 (1) GENERAL. Except as provided in sub. (2), Walworth County shall grant or deny an application under
24 s. ATCP 51.30 (1) within 90 days after Walworth County gives notice under s. ATCP 51.30 (5) that the
25 application is complete.

26 (2) TIME EXTENSION.

27 (a) Walworth County may extend the time limit in sub. (1) for good cause, including any of the following:

28 1. Walworth County needs additional information to act on the application.

29 2. The applicant materially modifies the application or agrees to an extension.

30 (b) Walworth County shall give an applicant written notice of any extension under par. (a). The notice
31 shall state the reason for the extension, and shall specify the extended deadline date by which the
32 political subdivision will act on the application.

33 **C. Granting or denying an application.**

34 (1) GRANTING AN APPLICATION. Except as provided in sub. (2), Walworth County shall grant an
35 application under s. ATCP 51.30 (1) if all of the following apply:

36 (a) The application complies with s. ATCP 51.30.

37 (b) The application contains sufficient credible information to show, in the absence of clear and
38 convincing information to the contrary, that the proposed livestock facility meets or is exempt from the
39 standards in subch. II. To the extent that a standard under subch. II vests discretion in Walworth
40 County, the Walworth County may exercise that discretion.

41 **Note:** See s. 93.90 (4) (d), Stats.

42 (2) DENYING AN APPLICATION. Walworth County may deny an application under s. ATCP 51.30 if any of
43 the following apply:

44 (a) The application fails to meet the standard for approval under sub. (1).

45 (b) Walworth County finds, based on other clear and convincing information in the record under s.
46 ATCP 51.36, that the proposed livestock facility fails to comply with an applicable standard under
47 subch. II.

48 (3) WRITTEN DECISION.

49 (a) Walworth County shall issue its decision under sub. (1) or (2) in writing. The decision shall be
50 based on written findings of fact included in the decision. The findings of fact shall be supported by
51 evidence in the record under s. ATCP 51.36. Findings may be based on presumptions created by this
52 chapter.

53 (b) If Walworth County grants an application for local approval, Walworth County shall issue the local
54 approval to the applicant in writing. Walworth County shall include a duplicate copy of the approved
55 application, marked "approved." The duplicate copy shall include all of the worksheets, maps and

1 other attachments included in the application, except that it is not required to include engineering
2 design specifications.

3 (4) TERMS OF APPROVAL. An approval under sub. (1) is conditioned on the operator's compliance with
4 subch. II and representations made in the application for approval. This chapter does not limit a
5 Walworth County's authority to do any of the following:

6 (a) Monitor compliance.

7 (b) Withdraw an approval, or seek other redress provided by law, if any of the following apply:

8 1. The operator materially misrepresented relevant information in the application for local
9 approval.

10 2. The operator, without authorization from Walworth County, fails to honor relevant commitments
11 made in the conditional use application . Walworth County may not withhold authorization,
12 under this subdivision, for reasonable changes that maintain compliance with the standards in
13 subch. II.

14 3. The livestock facility fails to comply with applicable standards in subch. II.

15 (5) NOTICE TO DEPARTMENT.

16 (a) Within 30 days after Walworth County grants or denies an application under this section, or
17 withdraws an approval under sub. (4) (b) or s. ATCP 51.08 (2), Walworth County shall do all of the
18 following:

19 1. Give the department written notice of its action.

20 2. File with the department a copy of the final application granted or denied, if Walworth County has
21 granted or denied an application under this section. The copy shall include all of the worksheets,
22 maps and other attachments included in the application, except that it is not required to include
23 engineering design specifications.

24 3. File with the department a copy of Walworth County's final notice or order withdrawing conditional
25 use approval under sub. (4) (b) or s. ATCP 51.08 (2), if Walworth County has withdrawn a local
26 approval.

27 (b) Walworth County shall submit the information required under pars. (a) and (b), by mail or fax, to the
28 following address:

29 Wisconsin Department of Agriculture, Trade
30 and Consumer Protection
31 Agricultural Resource Management Division
32 Bureau of Land and Water Resources
33 P.O. Box 8911
34 Madison, WI 53708-8911
35 Fax (608) 224-4615

36
37 **PART IX: That section 74-61 of the Walworth County Code of Ordinances is hereby amended**
38 **to read as follows (additions are underlined; deletions are shown in strike-through text):**
39

40 **“Sec. 74-61. Agricultural and related uses.**

41
42 Except where specifically permitted as a principal use in division 3, the following agricultural and related
43 uses shall be conditional uses and may be permitted as specified. All conditional uses in the A-1 district
44 (farmland preservation district) are limited to those where the use and its location are consistent with the
45 purposes of the farmland preservation zoning district; the use and its location in the farmland preservation
46 zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved
47 under state or federal law; the use is reasonably designed to minimize conversion of land at and around the
48 site of the use, from agricultural use or open space use; the use does not substantially impair or limit the
49 current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to
50 agricultural use; and construction damage to land remaining in agricultural use is minimized and repaired, to
51 the extent feasible. are limited to those that are consistent with agricultural use and found to be necessary in
52 light of alternative locations available for any such uses (Wis. Stats. ch. 91.01(10)). In approving or
53 disapproving the location of a conditional use, the county park and planning commission zoning agency shall
54 view the proposed site or sites and shall consider such evidence as may be presented at the public hearing
55 bearing upon the general purpose and intent of this ordinance set forth in sections 74-28 and 74-29 and upon
56 the particular land use problems related to development of the site or sites proposed.
57

- 1 (1) Single-family dwellings exceeding one per farm in A-4, A-2, and A-3 districts provided, however, that
2 such dwellings may only be permitted when consistent with an agricultural use and that are occupied
3 by an owner of the parcel, or a person who, or a family of which at least one adult member earns the
4 majority of his or her gross income from conducting the farm operations on the parcel, or a parent or
5 child of an owner who conducts the majority of the farm operations on the parcel, or a parent or child
6 of an owner who resides on the parcel and who previously conducted the majority of the farm
7 operations on the parcel and laborers principally engaged in a principal or approved conditional use
8 and only when the need for such additional units to support and carry on the principal or approved
9 conditional use has been established. If conditional use approval is granted for one or more
10 additional dwellings, such dwellings may be separated from the farm lot provided however, that any
11 parcel so created conforms with all regulations set forth in sections 74-39 and 74-40 of this
12 ordinance, except that no such parcel shall be less than 40,000 square feet in area nor greater than
13 the larger of either five acres in area or the acreage necessary to maintain the minimum required.
14
- 15 (2) Nonfarm dwelling in the A-1 district is subject to the following requirements:
16
- 17 a. The location and size of the proposed nonfarm dwelling parcel will not do any of the
18 following:
19
- 20 i. Convert prime farmland from agricultural use or convert land previously used as
21 crop land, other than a woodlot, from agricultural use if on the farm there is a
22 reasonable alternative location or size for a nonfarm residential parcel or a nonfarm
23 residence.
24
- 25 ii. Significantly impair or limit the current or future agricultural use of other protected
26 farmland.
27
- 28 iii. The approval for more than one farm dwelling is limited to one per 35 acres of A-1
29 zoned land, for the owner or operator of the farm, a parent or child of an owner or
30 operator of the farm, an individual who earns more than 50 percent of his or her
31 gross income from the farm. The remnant acreage shall be deed restricted; it shall
32 not leave the balance of the land in a substandard condition; and the property owner
33 will be required to record deed restrictions on both the residence parcel and on a
34 parcel which meets the minimum required by the applicable zoning district, which
35 directly adjoins or abuts the majority of the farm residence separation parcel, and
36 which meets the intent of these provisions. A plat of survey for said parcel shall be
37 prepared by a registered land surveyor licensed in the State of Wisconsin. Said
38 deed restriction shall state that no structures may be placed on the remnant acreage
39 without first obtaining a conditional use permit from the committee and that no land
40 may be deeded to the separation parcel which increases its size above that outlined
41 above without first obtaining proper approval which may include a rezone.
42
- 43 (3) A migrant labor camp for migratory or seasonal farm workers in the A-1 district certified under s.
44 103.92 provided the location will not convert prime farmland from agricultural use or convert land
45 previously used as crop land, other than a woodlot, from agricultural use if on the farm there is a
46 reasonable alternative location and will not significantly impair or limit the current or future
47 agricultural use of other protected farmland.
48
- 49 (4) Housing for migratory or seasonal farm workers in the A-1, A-2 and A-3 Districts.
50
- 51 (5) Mobile home in the A-1 district for a farm labor who earns more than 50 percent of his or her gross
52 income from the farm, limited to one per 35 acres of A-1 zoned land provided the location will not
53 convert prime farmland from agricultural use or convert land previously used as crop land, other than
54 a woodlot, from agricultural use if on the farm there is a reasonable alternative location and will not
55 significantly impair or limit the current or future agricultural use of other protected farmland.
56
- 57 (6) Mobile home in the A-2, A-3 district for a farm labor who earns more than 50 percent of his or her
58 gross income from the farm.
59
- 60 (7) Commercial feed lots in the A-1, A-2, and A-4 districts in accordance with the provisions of Wis.
61 Stats. And Wisconsin Administrative Rules, if applicable..
62

- 1 (8) *Livestock facility* in the A-1, A-2, and A-4 districts in accordance with Section 74-60 and the
2 provisions of Wis. Stats. § 93.90, and ATCP 51 of Wis. Administrative Rules, if applicable, inclusive
3 of all future amendments to any provisions of those sections of the Wisconsin Statutes and
4 Administrative Rule. Applications for livestock facilities shall be approved unless the committee finds
5 based on clear and convincing information and documentation that the application does not comply
6 with requirements of the regulations.
7
- 8 (9) *Livestock sales facilities* in the A-1, A-3 and A-4 districts.
9
- 10 (10) *Animal hospitals, shelters, and kennels* in the A-2, A-3, A-4 and agricultural districts, C-2, C-3 and
11 the B-2, B-3, B-4 and B-5 business districts provided that the lot area is not less than five acres and
12 further provided that, if animals are to be housed outside, there is a minimum building separation of
13 1,000 feet from the nearest residential structure existing at the time of the issuance of a zoning
14 permit.
15
- 16 (11) *Veterinarian facilities services* in the A-1, A-2 and A-4 districts.
17
- 18 (12) *Commercial stables* in the A-2, A-4, C-2, P-1, P-2 and B-5 districts. Tack rooms associated with
19 commercial stables shall be used only by the owner and boarders.
20
- 21 (13) *Commercial stables* with horse shows and tack shop that permits off-site retail sales in the A-4 and
22 P-1 districts.
23
- 24 (9) ~~*Commercial raising and propagation of fur-bearing animals* in the A-1, A-2 and A-3 districts.~~
25
- 26 (14) *Commercial egg production* in the A-1, A-2 and A-3 districts. *Egg production, commercial is defined*
27 *as an animal confinement facility used or designed for the raising of poultry for egg production*
28 *having a capacity of 200 or more animal units provided that permits are issued in accordance with*
29 *the provisions of Wisc. Statutes 93.90 and ATCP 51 of Wisconsin Administrative Code.*
30
- 31 (15) *Fur farms, Wild* in the A-1, A-2, and A-3 districts.
32
- 33 (16) *Land restoration* in the A-1, A-2, A-3, A-4, and C-2 districts when conducted in accordance with the
34 county conservation standards. Any project designed and certified by NRCS, Land Conservation or
35 the Department of Natural Resource Fish and Wildlife or water quality ponds may be exempt from
36 the conditional use process.
37
- 38 (17) *Agricultural-related manufacturing, warehousing, and marketing activities* in the A-4 district, including
39 contract sorting, grading, and packaging services for fruits and vegetables; corn shelling, hay baling,
40 and threshing services; spring water bottling; grist mill services; horticultural services; poultry
41 hatchery services; production of animal and marine fat and oil; canning of fruits, vegetables,
42 preserves, jams, and jellies; canning of specialty foods; preparation of cereals; production of natural
43 and processed cheese; production of chocolate and cocoa products; coffee roasting and production
44 of coffee products; production of condensed and evaporated milk; wet milling of corn, cottonseed oil
45 milling; production of creamery butter; drying and dehydrating fruits and vegetables; preparation of
46 feeds for animal and fowl; production of flour and other grain mill products; blending and preparing of
47 flour; fluid milk processing; production of frozen fruits, fruit juices, vegetables, and other specialties;
48 malt production; meat packing; fruit and vegetable pickling, vegetable sauces and seasoning, and
49 salad dressing preparation; poultry and small game dressing and packing, providing that all
50 operations be conducted within an enclosed building; milling of rice; production of sausages and
51 other meat products; providing that all operations be conducted within an enclosed building;
52 production of shortening, table oils, margarine and other edible fats and oils; milling of soy bean oil;
53 milling of vegetable oil; sugar processing and production; production of wine, brandy and brandy
54 spirits; farm food service; livestock sales facilities; grain elevators and bulk storage of feed grain;
55 fertilizer production, sales, mixing, storage and blending; sales or maintenance of farm implements
56 and related equipment; and transportation-related activities primarily serving the basic agricultural
57 industry. Any outside storage or display areas in conjunction with the above commercial and related
58 uses may be permitted by the committee after considering such evidence as may be presented at
59 the public hearing bearing upon the general purpose and intent of this ordinance. In no case shall
60 the area be closer than 25 feet to any right-of-way.

1 Placement of any structures in the A-1 prime agricultural land district, A-2 agricultural land district
2 and A-3 agricultural holding district on remnant parcels where the separation of farm structures has
3 been approved and separated.

4 Farm family business in the A-1, Prime Agricultural Land District is a use which is accessory to an
5 agricultural use consisting of uses listed in the A-4 district except the production, packing,
6 packaging, and light assembly of products from glass, metals, plaster, and plastics. A farm family
7 business may be permitted as a conditional use for farm owners if limited to existing farm residence
8 or farm structures not dedicated to agricultural uses. No more than two persons who are not
9 members of the resident farm family may be employed in the farm family business and that does not
10 impair or limit the current or future agricultural use of the farm or of other protected farmland.

11
12 (18) Signage for approved business on A-4 provided the sign is located at least five feet from property
13 lines.

14
15 (19) Off-season storage facilities for boats, and other recreational vehicles, such as campers, travel
16 trailers, snowmobiles, off-road vehicles, and motor homes in the A-4 district. Any outside storage or
17 display areas in conjunction with this use may be permitted by the committee after considering such
18 evidence as may be presented at the public hearing bearing upon the general purpose and intent of
19 this ordinance. In no case shall areas be closer than 25 feet to any right-of-way.

20
21 (20) Hunting and fishing club land without structures in the A-1 zoning districts.

22
23 (21) Retail sales related to those agricultural uses listed in A-4. The retail sales of ancillary non-
24 agricultural items is subject to detailed plan approval by the committee.

25
26 (22) Home occupations in the A-1 district, not to exceed 25 percent of the area of any floor of a building
27 on the parcel. Such operations shall not involve any external alteration that would effect a substantial
28 change in the residential character of the building or parcel, may include employees and stock and
29 trade may be kept or sold from the premises after considering such evidence as may be presented
30 at the public hearing bearing upon the general purpose and intent of this ordinance.

31
32 (23) Airports, airstrips, and landing fields, excluding heliports, in the A-1 district, provided the parcel is at
33 least 35 acres in size and the same is related to agricultural activities.

34
35 (24) Heliports in the A-1 district, provided that the parcel is at least 35 acres in size and the same is
36 related to agricultural activities and that the principal structures and uses are not less than 100 feet
37 from any residential district boundary.

38
39 (25) Governmental and cultural uses in the A-1 district such as fire and police stations, community
40 centers, libraries, public emergency shelters, parks, playgrounds, and museums in the A-1 district if
41 the committee determines that all of the following apply: The use and its location in the farmland
42 preservation zoning district are consistent with the purposes of the farmland preservation zoning
43 district; The use and its location in the farmland preservation zoning district are reasonable and
44 appropriate, considering alternative locations, or are specifically approved under state or federal law;
45 The use is reasonably designed to minimize the conversion of land, at and around the site of the
46 use, from agricultural use or open space use; The use does not substantially impair or limit the
47 current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted
48 to agricultural use; Construction damage to land remaining in agricultural use is minimized and
49 repaired, to the extent feasible.

50
51 (26) Utilities in the A-1 district provided all principal structures and uses associated with the utility are not
52 less than 50 feet from all district lot lines except business, park, and industrial, which will require a
53 ten-foot setback if the committee determines that all of the following apply: The use and its location
54 in the farmland preservation zoning district are consistent with the purposes of the farmland
55 preservation zoning district; The use and its location in the farmland preservation zoning district are
56 reasonable and appropriate, considering alternative locations, or are specifically approved under
57 state or federal law; The use is reasonably designed to minimize the conversion of land, at and
58 around the site of the use, from agricultural use or open space use; The use does not substantially
59 impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for
60 or legally restricted to agricultural use; Construction damage to land remaining in agricultural use is
61 minimized and repaired, to the extent feasible. Utilities required to obtain a certificate of
62 convenience and public necessity from the Wisconsin Public Service Commission or those utilities

1 required to obtain a Federal Energy Regulatory Commission certificate shall be exempt from
2 obtaining a conditional use permit.

3
4 (27) Public, parochial, and private elementary and secondary schools in the A-1 district provided the lot
5 area is not less than two acres and all principal structures and uses are not less than 50 feet from
6 any lot line if the committee determines that all of the following apply: The use and its location in the
7 farmland preservation zoning district are consistent with the purposes of the farmland preservation
8 zoning district; The use and its location in the farmland preservation zoning district are reasonable
9 and appropriate, considering alternative locations, or are specifically approved under state or federal
10 law; The use is reasonably designed to minimize the conversion of land, at and around the site of
11 the use, from agricultural use or open space use; The use does not substantially impair or limit the
12 current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted
13 to agricultural use; Construction damage to land remaining in agricultural use is minimized and
14 repaired, to the extent feasible.

15
16 (28) Churches in the A-1 district provided the lot area is not less than two acres and all principal
17 structures and uses are not less than 50 feet from any lot line if the committee determines that all of
18 the following apply: The use and its location in the farmland preservation zoning district are
19 consistent with the purposes of the farmland preservation zoning district; The use and its location in
20 the farmland preservation zoning district are reasonable and appropriate, considering alternative
21 locations, or are specifically approved under state or federal law; The use is reasonably designed to
22 minimize the conversion of land, at and around the site of the use, from agricultural use or open
23 space use; The use does not substantially impair or limit the current or future agricultural use of
24 surrounding parcels of land that are zoned for or legally restricted to agricultural use; Construction
25 damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

26
27 **PART X: That section 74-63 of the Walworth County Code of Ordinances is hereby amended**
28 **to read as follows (additions are underlined; deletions are shown in strike-through text):**

29
30 **“Sec. 74-63. Residential and related uses.**

31
32 Except where specifically permitted as a principal use in division 3 the following residential and quasi-
33 residential uses shall be conditional uses and may be permitted as specified. In approving or disapproving the
34 location of a conditional use, the committee shall view the proposed site or sites and shall consider such
35 evidence as may be presented at the public hearing bearing upon the general purpose and intent of this
36 ordinance set forth in sections 74-28 and 74-29 and upon the particular land use problems related to
37 development of the site or sites as proposed.

38 ...
39
40 (6) *Home occupations* in the ~~A-1~~, A-2, A-3, R-1, R-2, R-2A, R-3, R-4, R-5, R-5A, R-6, R-7, R-8 districts,
41 not to exceed 25 percent of the area of any floor of a building on the parcel. Such operations shall
42 not involve any external alteration that would effect a substantial change in the residential character
43 of the building or parcel, may include employees and stock and trade may be kept or sold from the
44 premises after considering such evidence as may be presented at the public hearing bearing upon
45 the general purpose and intent of this ordinance.

46
47 (7) *Mobile homes*, in the ~~A-1~~, A-2 and A-3 districts when necessary and essential to the principal or
48 conditional permitted use.

49 ...
50
51 **PART XI: That section 74-66 of the Walworth County Code of Ordinances is hereby amended**
52 **to read as follows (additions are underlined; deletions are shown in strike-through text):**

53
54 **“Sec. 74-66. Public and semi-public uses.**

55
56 Except where specifically permitted as a principal use in division 3 the following public and semi-public
57 uses shall be conditional uses and may be permitted as specified. In approving or disapproving the location of
58 a conditional use, the committee shall view the proposed site or sites and shall consider such evidence as
59 may be presented at the public hearing bearing upon the general purpose and intent of this ordinance set

1 forth in sections 74-28 and 74-29 and upon the particular land use problems related to development of the
2 site or sites as proposed.
3

- 4 (1) Airports, airstrips, and landing fields, excluding heliports, in the A-2, A-3, A-4, A-5 all agricultural
5 districts and the P-2 and B-5 districts, provided, in the ~~A-1~~ district, the same is related to agricultural
6 activities, including those which are used to assist the owner or operator with a means of
7 transportation to and from the property, and provided, further, that the site area is not less than 20
8 acres.
9
- 10 (2) Heliports in the A-2, A-3, A-4, A-5 all agricultural districts, and the P2, B-2 and B-5 districts,
11 provided that in the ~~A-1~~ district, the same is related to agricultural activities, including those which
12 are used to assist the owner or operator with a means of transportation to and from the property,
13 and provided, further, that the principal structures and uses are not less than 100 feet from any
14 residential district boundary.
15
- 16 (3) Governmental and cultural uses such as fire and police stations, community centers, libraries, public
17 emergency shelters, parks, playgrounds, and museums in all districts (except A-1).
18
- 19 (4) Utilities in all districts (except A-1) provided all principal structures and uses associated with the
20 utility are not less than 50 feet from all district lot lines except business, park, and industrial, which
21 will require a ten-foot setback. Utilities required to obtain a certificate of convenience and public
22 necessity from the Wisconsin Public Service Commission or those utilities required to obtain a
23 Federal Energy Regulatory Commission certificate shall be exempt from obtaining a conditional use
24 permit.
25
- 26 ...
27
- 28 (7) Churches in all residential, business, agricultural (except A-1) and P-1 districts, provided the lot area
29 is not less than two acres and all principal structures and uses are not less than 50 feet from any lot
30 line.
31
- 32 ...
33
34

35 **PART XII: That section 74-67 of the Walworth County Code of Ordinances is hereby**
36 **amended to read as follows (additions are underlined; deletions are shown in strike-through**
37 **text):**
38

39 **“Sec. 74-67. Mineral extraction, oil and gas exploration or production and related uses.**
40

41 *Mineral extraction related uses* in the M-3 mineral extraction district, including aggregate or ready-mix
42 plants; clay, ceramic, and refractor minerals mining; crushed and broken stone quarrying; mixing of asphalt;
43 nonmetallic mining services; processing of top soil; sand and gravel quarrying; washing, refining, or
44 reprocessing of rock, slate, gravel, sand, or mineral; ~~and~~ the extension of any existing mineral extraction
45 related uses and oil and gas exploration or production.
46

47 All of the above stated mineral extraction and related uses shall be subject to the following regulations and
48 such other regulations as the committee may deem appropriate after viewing the site or sites and considering
49 evidence presented at the hearing.
50

- 51 ...
52
- 53 (6) Licensing. A license from the State of Wisconsin Department of Natural Resources under Wisc.
54 Statute ch. 295., subchapter 11 for oil and gas exploration or production is required.
55
56

57 **PART XIII: That section 74-129 of the Walworth County Code of Ordinances is hereby**
58 **amended to read as follows (additions are underlined; deletions are shown in strike-through**
59 **text):**

1
2 **“Sec. 74-129. Text and map amendments to the A-1 district.**

3
4 The county may approve petitions for rezoning areas zoned for exclusive agricultural use only after
5 findings are made based upon consideration of the following:
6

- 7 ~~(1) Adequate public facilities to accommodate development either exist or will be provided within a~~
8 ~~reasonable time.~~
9
10 ~~(2) Provision of public facilities to accommodate development will not place an unreasonable burden on~~
11 ~~the ability of affected local units of government to provide them.~~
12
13 ~~(3) The land proposed for rezoning is suitable for development and development will not result in undue~~
14 ~~water or air pollution, cause unreasonable soil erosion or have an unreasonably adverse effect on~~
15 ~~rare or irreplaceable natural areas.~~
16

17 Land which is rezoned under this section shall be subject to the lien provided under Wis. Stats. §§ 91.19(8)–
18 (10) for the amount of tax credits paid on the land rezoned. If the rezoning occurs solely as a result of action
19 initiated by a governmental unit, any lien required under Wis. Stats. §§ 91.19(8)–(10) shall be paid by the
20 governmental unit initiating the action. The department of agriculture, trade and consumer protection shall be
21 notified of all rezonings under this section.
22

- 23 1. The proposed rezone should be consistent with the Walworth County and Town comprehensive plans
24 and the Walworth County agricultural preservation plan. Rezones shall be considered to be
25 consistent with these plans if the following standards are met:
26
27 a. Less than 50 percent of the parcel should be covered by soils in agricultural capability
28 Classes I, II and III. Areas that are mapped as Class I, II or III soils but which are
29 demonstrated to be unsuitable for agriculture due to erosion or other factors, should not
30 be “counted” as Class I, II or III farmland. Such determinations should be made by a
31 qualified soil mapping technician.
32
33 b. The proposed land use should be compatible with remaining prime agricultural land in the
34 vicinity.
35
36 2. In accordance with the Wisconsin Farmland Preservation Law (Chapter 91) the proposed rezone may
37 be approved by the County and Town only after findings are made based upon consideration of the
38 following:
39
40 a. The rezoned land is better suited for a use not allowed in the farmland preservation
41 zoning district.
42
43 b. The rezoning is consistent with any applicable comprehensive plan.
44
45 c. The rezoning is substantially consistent with the county farmland preservation plan,
46 which is in effect at the time of rezoning.
47
48 d. The rezoning will not substantially impair or limit current or future agricultural use of other
49 protected farmland.
50
51 3. Subsection (2) does not apply to any of the following:
52
53 a. A rezoning that is affirmatively certified by the Wisconsin Department of Agricultural,
54 Trade and Consumer Protection under Ch. 91, Wis. Stats.
55
56 b. A rezoning that makes the farmland preservation zoning ordinance map more consistent
57 with the county farmland preservation plan map, certified under Ch. 91, Wis. Stats.,
58 which is in effect at the time of rezoning.
59
60 4. Exceptions. With certain exceptions, it is envisioned that the lands identified as prime agricultural land
61 and located within the Farmland Preservation Areas will be retained in agricultural and in agricultural

1 -related uses that are allowed as principal or conditional uses in the A-1, Prime Agricultural Land
2 zoning district. The exceptions are:

- 3
- 4 a. Areas which may in the future be found to meet the criteria for rezoning from the A-1,
5 Prime Agricultural Land zoning district set forth above.
- 6
- 7 b. Areas of A-1 which are in the future proposed for agricultural manufacturing,
8 warehousing, and marketing uses (uses permitted in the A-4 zoning district) – where the
9 proposed use is compatible with adjacent agricultural areas and consistent with County
10 and town goals and objectives. All such proposals will be subject to the County zoning
11 ordinances. Such areas would have to be rezoned into the A-4 Agricultural Related
12 Manufacturing, Warehousing, and Marketing district and receive a conditional use permit.
13 Such uses, if approved, will be accommodated without amending the comprehensive
14 plan or farmland preservation plan.
- 15
- 16 c. Mineral extraction may be needed in the future and may be proposed as an M-3 rezone
17 within the agricultural preservation areas where the proposed use is compatible with
18 adjacent agricultural use, and consistent with county and town goals and objectives. All
19 nonmetallic mining proposals will be considered on a case-by-case basis and will be
20 subject to the County zoning ordinance and non-metallic mining reclamation ordinance.
21 Such area would have to be rezoned into the M-3 Mineral Extraction District and receive
22 a conditional use permit. The County has adopted a nonmetallic mining policy requiring
23 the reclamation of a nonmetallic mining sites in an agricultural preservation areas to
24 agricultural use. Such uses, if approved, will be accommodated without amending the
25 comprehensive plan or farmland preservation plan.
- 26
- 27 d. Parcels which may be developed in accordance with the substandard lot provision of the
28 county zoning ordinance.
- 29
- 30 5. By March 1 of each year the county shall provide to the Wisconsin Department of Agriculture, Trade
31 and Consumer Protection a report of the number of acres that the county has rezoned out of the
32 farmland preservation zoning district under sub (2) during the previous year and a map that clearly
33 shows the location of those acres.
- 34

35 **PART XIV: That section 74-131 of the Walworth County Code of Ordinances is hereby**
36 **amended to read as follows (additions are underlined; deletions are shown in strike-through**
37 **text):**

38

39 **“Sec. 74-131. Definitions.**

40

41 For the purpose of this ordinance, the following definitions shall be used. Words used in the present
42 tense include the future; the singular number includes the plural number; and the plural number includes the
43 singular number. The word "shall" is mandatory and not discretionary.

44 ...

45

46 Agricultural animal: means bovine animals, equine animals, goats, poultry, sheep, bison, mink, swine,
47 farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish. (Chapter 91)

48

49 Agricultural use: means any of the following activities conducted for the purpose of producing an
50 income or livelihood: Aquaculture; Beekeeping; commercial feedlots; dairying; egg production; floriculture; fish
51 or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses,
52 Christmas tree production, and nurseries; poultry raising; crop or forage production raising of grain, grass,
53 mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return
54 for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program
55 under 16 USC 3831 to 3836 or lands that are part of other state and federal conservation programs;
56 participating in the milk production termination program under 7 USC 1446 (d); and vegetable raising. (Wis.
57 Stats. 91.01, 92.10)

58 ...

59

60 Animal unit: Has the meaning given in NR-243.03(3 as of April 27, 2004). For animal units not listed,
61 the equivalency to animal units shall be based on live animal weights. In these cases, p. 000 records of 110

1 weight is equivalent to one animal unit. The current NR243 rules should be consulted for any changes to the
2 equivalents.

3
4 Aquaculture: is the farming of aquatic organisms such as fish, shellfish and even plants.

5
6 ...

7
8 Farm: means all land under common ownership that is primarily devoted to agricultural use.

9
10 Farm acreage: means size of a farm in acres.

11
12 Farm family business: Any lawful activity, except a farm operation, consisting of uses which are
13 accessory to an agricultural use listed in the A-4 district except the production, packing, packaging, and light
14 assembly of products from glass, metals, plaster, and plastics, conducted primarily for any of the following:

- 15
16 (1) The purchase, sale, lease or rental of personal or real property;
17
18 (2) The manufacture, processing or marketing of products, commodities or any other personal
19 property;
20
21 (3) The sale of services.

22
23 Farm food service: The preparation, serving and sale of agricultural food products produced on the
24 farm in a meal setting.

25
26 Farmland preservation area: means an area that is planned primarily for agricultural use or
27 agriculture-related use or both, identified under S. 91.10(1)(d) in a farmland preservation plan described in S.
28 91.12(2).

29
30 Farmland preservation plan: means a plan for the preservation of farmland in a county, including an
31 agricultural preservation plan under subch IV of ch. 91, 2007 stats.

32
33 Farmland preservation zoning district: means a farmland preservation zoning district (A-1) designated
34 under s.91.38(1)© in an ordinance described in s.91.32(2).

35
36 Farm residence: means any of the following structures that is located on a farm parcel with a
37 minimum of 35 acres of A-1: A single family dwelling or two-family dwelling that is the only residential
38 structure on the farm and is occupied by any of the following:

- 39 - An owner or operator of the farm
40 - A parent of child of an owner or operator of the farm
41 - An individual who earns more than 50 percent of his or her gross income from the farm.

42
43 Farm stand: See "roadside stand."

44
45 Feed lot, commercial: An agricultural animal confinement facility used or designed for the feeding or
46 holding of 500 or more animal units for a period of 30 days or more.

47
48 Feed lot structure, commercial: A building or other structure used to house or feed agricultural
49 animals, to confine agricultural animals for feeding other than grazing, to store feed, or to collect or store
50 waste generated at a commercial feed lot. Commercial feed lot structure includes but is not limited to a barn,
51 milking parlor, feed storage facility, feeding facility, animal lot or waste storage facility. A commercial feed lot
52 structure does not include a pasture, a fence surrounding a pasture, a livestock watering facility in a pasture,
53 or a machine shed or like facility that is not used for agricultural animals.

54
55 ...

56
57 Fur farm, Wild: Any property comprising land or buildings or both, used for the purpose of raising or
58 harboring fur bearing animals including those defined in Wis. Stats. § 29.01(3)(e), and also including
59 chinchillas and other fur bearing animals, if any, whether the animals are kept for breeding or slaughtering or
60 pelting purposes. The breeding, propagating and dealing with furbearing animals in accordance with NR16.18

61
62 ...

1
2 Gross farm revenues for farmland preservation tax purposes: has the meaning given in
3 s.71.613(1)(g).
4

5 ...
6
7 Livestock: Domestic animals traditionally used in this state in the production of food, fiber or other
8 animal products. Livestock includes animals such as cattle, ~~bovine animals~~, swine, poultry, sheep and goats,
9 Livestock does not include animals such as equine animals, bison, farm-raised deer, fish, captive game birds,
10 ratites, camelids or mink. (ATCP 51)
11

12 Livestock facility: A feedlot, dairy farm or other operation where livestock are or will be fed, confined,
13 maintained or stabled for a total of 45 days or more in any 12-month period. All applicable definitions of ATCP
14 51 that are not defined in the zoning ordinance, are adopted by reference. A "livestock facility" includes all of
15 the tax parcels on which the facility is located, but does not include an entire tax parcel used only for pasture.
16 Two or more livestock facilities constitute a single livestock facility, for purposes of this chapter, if the same
17 person owns or manages all of the facilities and any of the following apply:
18

- 19 (1) The facilities are adjacent. Adjacent means livestock facilities that are located on adjacent tax
20 parcels, or on tax parcels that are separated only by a river, stream, or transportation or utility right-
21 of-way.
22
23 (2) Common livestock structures are used to collect or store manure or other waste from the facilities.
24
25 (3) Manure or other waste from the facilities is applied to the same tax parcel of land, or under the
26 same nutrient management plan.
27

28 Livestock sales facility: Any premises open to the public for the purposes of buying or selling livestock
29 and that have facilities to keep, feed, and water livestock prior to sale.
30

31 Livestock structure: A building or other structure used to house or feed livestock, to confine livestock
32 for milking, to confine livestock for feeding other than grazing, to store livestock feed, or to collect or store
33 waste generated at a livestock facility. Livestock structure includes but is not limited to a barn, milking parlor,
34 feed storage facility, feeding facility, animal lot or waste storage facility. Livestock structure does not include a
35 pasture, a fence surrounding a pasture, a livestock watering facility in a pasture, or a machine shed or like
36 facility that is not used for livestock.
37

38 ...
39

40 Nonfarm residence: A residence other than a farm residence that is located on a farm parcel with a
41 minimum of 35 acres of A-1
42

- 43 - more than one dwelling on a farm
44 - A mobile home for a farm laborer.
45 - A migrant labor camp that is certified under s 103.92
46

47 ...
48

49 Owner: means a person who has an ownership interest in land.
50

51 ...
52

53 Permitted use: means a use that is allowed without a conditional use permit, special exception, or
54 other special zoning permission.
55

56 ...
57

58 Prime farmland: means any of the following:
59

- 60 a) An area with a class I, II or III land capability classification as identified by the natural
61 resources conservation service of the federal department of agriculture.
62

1 b) Land, other than land described in par.(a) that is identified as prime farmland in a certified
2 farmland preservation plan.
3
4 ...
5

6 Protected farmland: means land that is located in a farmland preservation zoning district (A-1 zoning
7 district), is covered by a farmland preservation agreement, or is otherwise legally protected from
8 nonagricultural development.
9
10 ...
11

12 **PART XV: That section 74-151 of the Walworth County Code of Ordinances is hereby**
13 **amended to read as follows (additions are underlined; deletions are shown in strike-through**
14 **text):**
15

16 **“Sec. 74-151. Authority.**
17

18 This ordinance is adopted under the authority granted by Wis. Stats. §§ 59.69, 59.692,
19 59.694, 87.30, 91, and 281.31 and amendments thereto. The Board of Supervisors of the County of
20 Walworth, Wisconsin, do ordain as follows:
21

22 **PART XVI: That section 74-153 of the Walworth County Code of Ordinances is hereby**
23 **amended to read as follows (additions are underlined; deletions are shown in strike-through**
24 **text):**
25

26 **“Sec. 74-153. Purpose.**
27

28 The purpose of this ordinance is to promote the comfort, health, safety, prosperity, aesthetics,
29 and general welfare of the county and its communities and to protect the natural and agricultural
30 resources and environmental corridors, as identified and mapped in the County Land Use Plan, the
31 Farmland Preservation Plan, the Regional Natural Areas and Critical Species Habitat Protection and
32 Management Plan for Southeastern Wisconsin, the County Park and Open Space Plan, and/or on the
33 County Zoning Map. ...
34

35 **PART XVII: That section 74-171 of the Walworth County Code of Ordinances is hereby**
36 **amended to read as follows (additions are underlined; deletions are shown in strike-through**
37 **text):**
38

39 **“Sec. 74-171. Pet and animal regulations.**
40
41 ...
42

43 (b) All animals other than household pets shall be permitted only in the agricultural, C-1 and C-2
44 conservation districts, P-1 and P-2 park districts and the B-5 business district. Structures used for the
45 housing of animals, other than household pets, must be located at least 100 feet from the side and
46 rear property lines. Commercial feedlot structures for a commercial feedlot for 500 or more
47 agricultural animals shall be at least 100 feet from property lines, wetland boundaries and floodplain
48 boundaries. Livestock structures for a livestock facility for 500 to fewer than 1,000 animal units
49 shall be at least 100 feet from all property lines, wetland boundaries and floodplain boundaries.
50 Livestock structures for a livestock facility for 1,000 animal units or more shall be at least 200 feet
51 from property lines, wetland boundaries and floodplain boundaries and 150 feet from an access
52 right-of-way. (DATCP 51.12(1)(a) & (b))
53

Animal Units

For animal units not listed, the equivalency to animal units shall be based on live animal weights, the characteristics of the manure, including nutrient content or pollutant concentration, or a combination of both. In those cases, 1000 pounds of live weight is equivalent to one animal unit. The current NR243 rules should be consulted for any changes to the equivalencies.

Number Equivalent to 500 Animal Units	Number Equivalent to 1,000 Animal Units	Animal Type	Animal Equivalency Factor
		DAIRY CATTLE:	
350	700	Milking and dry cows	1.4
450	900	Heifers (800 to 1,200 lbs.)	1.1
835	1,670	Heifers (400 to 800 lbs.)	0.6
2,500	5,000	Calves (under 400 lbs.)	0.2
		BEEF CATTLE:	
500	1,000	Steers or cows (800 lbs. to mkt.)	1.0
1,000	2,000	Calves (under 600 lbs.)	0.5
350	700	Bulls	1.4
		SWINE:	
1,250	2,500	Pigs (55 lbs. to mkt.)	0.4
5,000	10,000	Pigs (up to 55 lbs.)	0.1
1,250	2,500	Sows	0.4
1,000	2,000	Bears	0.5
		SHEEP:	
5,000	10,000	Per animal	0.1
		HORSES:	
250	500	Per animal	2.0
		DUCKS:	
2,500	5,000	Per bird (wet lot)	0.2
50,000	100,000	Per bird (dry lot)	0.01
		CHICKENS:	
50,000	100,000	Layers	0.01
100,000	200,000	Broilers	0.005
50,000	100,000	Broilers (continuous overflow watering)	0.01
15,000	30,000	Layers or broilers (liquid manure system)	0.033
		TURKEYS:	
27,500	55,000	Per bird	0.018
		COMBINED ANIMAL UNITS:	
500	1,000	Calculated total	

<u>Combined Animal Unit Equivalency</u>	<u>Animal Type:</u>	<u>Individual Animal Unit Equivalency</u>
---	---------------------	---

<u>Factor/500 units/1000 Units</u>		<u>Factor/500 Units/1000 Units</u>
	<u>Dairy Cattle:</u>	
<u>1.4/ 358/ 715</u>	<u>Milking and Dry Cows</u>	<u>1.43/ 350/ 700</u>
<u>1.1/ 455/ 910</u>	<u>Heifers (800 to 1,200 lbs.)</u>	<u>1.0/ 500/ 1000</u>
<u>0.6/ 835/ 1670</u>	<u>Heifers (400 to 800 lbs.)</u>	<u>1.0/ 500/1000</u>
<u>0.2/ 2500/ 5000</u>	<u>Calves (under 400 lbs.)</u>	
	<u>Veal Calves:</u>	
<u>0.5/ 1000/ 2000</u>	<u>Per Animal</u>	<u>1.0/ 500/ 1000</u>
	<u>BEEF CATTLE:</u>	
<u>1.0/ 500/ 1000</u>	<u>Steers or cows (400 lbs. to mkt.)</u>	<u>1.0/ 500/ 1000</u>
<u>0.2/2500/ 5000</u>	<u>Calves (under 400 lbs.)</u>	
<u>1.4/ 350/ 700</u>	<u>Bulls</u>	<u>1.0/ 500/ 1000</u>
	<u>SWINE:</u>	
<u>0.4/ 1250/ 2500</u>	<u>Pigs (55 lbs. to mkt.)</u>	<u>0.4/1250/ 2500</u>
<u>0.1/ 5000/ 10000</u>	<u>Pigs (up to 55 lbs.)</u>	<u>0.1/ 5000/ 10000</u>
<u>0.4/ 1250/ 2500</u>	<u>Sows</u>	
<u>0.5/ 1000/ 2000</u>	<u>Boars</u>	
	<u>SHEEP:</u>	
<u>0.1/ 5000/ 10000</u>	<u>Per animal</u>	<u>0.1/ 5000/ 10000</u>
	<u>HORSES:</u>	
<u>2.0/ 250/ 500</u>	<u>Per animal</u>	<u>2.0/ 250/ 500</u>
	<u>DUCKS:</u>	
<u>0.2/ 2500/ 5000</u>	<u>Per bird (Liquid poultry manure handling)</u>	<u>0.2/ 2500/5000</u>
<u>0.01/ 50000/ 100000</u>	<u>Per bird (Non-liquid poultry manure handling)</u>	<u>0.0333/ 15000/ 30000</u>
	<u>CHICKENS:</u>	

<u>0.033/ 15000/ 30000</u>	Per Bird (Liquid poultry manure Handling)	<u>0.0333/ 15000/ 30000</u>
<u>0.01/ 50000/ 100000</u>	Layers (Non-liquid poultry manure Handling)	<u>0.0123/ 41000/ 82000</u>
<u>0.005/ 100000/ 200000</u>	Broilers and Pullets (Non-liquid poultry Manure handling)	<u>0.008/ 62500/ 125000</u>
	<u>TURKEYS:</u>	
<u>0.018/ 27500/ 55000</u>	Per bird	<u>0.018/ 27500/ 55000</u>

1
2 ...

3
4 **PART XVIII: That section 74-178 of the Walworth County Code of Ordinances is hereby**
5 **amended to read as follows (additions are underlined; deletions are shown in strike-through**
6 **text):**

7
8 **“Sec. 74-178. Agricultural districts.**

9
10 *A-1 Prime agricultural land district. A Farmland Preservation District.* The primary purpose of this district
11 is to maintain, ~~preserve, and enhance agricultural lands historically~~ highly productive exclusive
12 agricultural lands in food and fiber production by effectively limiting encroachment of non-agricultural
13 development and minimizing land use conflicts among incompatible uses, exhibiting high crop yields.
14 Such lands are generally covered by Class I, II, and III soils as rated by the U.S. Natural Resource
15 Conservation Service and are identified in the county farmland preservation plan as farmland
16 preservation areas identified under Wis. Stats. Ch. 91.10(1)(d) in a farmland preservation plan described
17 in Wis. Stats. Ch. 91.12(2). As a matter of policy, it is hereby determined that the highest and best use
18 of these lands is agriculture (~~Wis. Stats. ch. 91.01(10)~~). All structures and improvements must be
19 consistent with agricultural use.

20
21 (1) *Principal uses.*

- 22
23 a. Farm residence: means any one of the following that is located on a farm parcel with a
24 minimum of 35 acres of A-1: A single family dwelling that is the only dwelling on the farm
25 and is occupied by any of the following:
26
 - An owner or operator of the farm
 - A parent or child of an owner or operator of the farm
 - An individual who earns more than 50 percent of his or her gross income
27 from the farm.
- 28
29 b. Dairying.
30
31 c. Floriculture (cultivation of ornamental flowering plants).
32
33 d. Grazing, subject to regulations in division 2.
34
35 e. Livestock raising, except commercial feed lots.
36
37 f. Orchards.
38
39 g. Paddocks.
40
41
42 h. Plant nurseries, Christmas tree production.
43

- 1
2 i. Poultry raising, except commercial egg production.
3
4 j. Raising of grain, grass, mint, and seed crops. Crop or forage production.
5
6 k. Raising of tree fruits, nuts, and berries.
7
8 l. Sod farming.
9
10 m. Vegetable raising.
11
12 n. Viticulture (grape growing).
13
14 o. Equestrian trails.
15
16 p. Forest and game management.
17
18 ~~q. Greenhouses.~~
19
20 q.f. Nature trails and walks.
21
22 ~~s. Stables.~~
23
24 r.t. Apiculture (beekeeping).
25
26 ~~s.u. Roadside stands not exceeding one per farm, limited to a structure having a ground area of not~~
27 ~~more than 300 sq. ft., not permanently fixed to the ground, readily removable in its entirety, not~~
28 ~~fully enclosed and to be used solely for the sale of farm products produced on the premises (or~~
29 ~~adjoining premises).~~
30
31 t.v. The separation of farm structures from farmland. Farm residences dwelling or structures which
32 existed prior to the adoption of this ordinance (July 9, 1998) may be separated from a larger
33 farm parcel for the purposes of farm consolidation. The separation must conform with the
34 regulations set forth in sections 74-164 and 74-165 of this ordinance; the parcel shall not be
35 less than 40,000 square feet in area, nor greater than the larger of either five acres in area, or
36 the acreage necessary to maintain the minimum yard required in the A-1, A-2, or A-3 district; it
37 shall not leave the balance of the land in a substandard condition; and the property owner will
38 be required to record deed restrictions on both the farm separation parcel and on a parcel
39 which meets the minimum required by the applicable zoning district, which directly adjoins or
40 abuts the majority of the farm separation parcel, and which meets the intent of these
41 provisions. A plat of survey for said parcel shall be prepared by a registered land surveyor
42 licensed in the State of Wisconsin. Said deed restriction shall state that no structures may be
43 placed on the adjoining acreage without first obtaining a conditional use approval from the
44 committee and that no land may be deeded to the separation parcel which increases its size
45 above that outlined above without first obtaining proper approval which may include a rezone.
46 u.w. Minor home occupation/professional home office.
47
48 v. Enrolling land in a federal agricultural commodity payment program or a federal or state
49 agricultural land conservation payment program.
50
51 w. Aquaculture
52
53 x. Undeveloped natural resource and open space areas.
54

55 (2) Accessory uses.
56

- 57 a. A building, structure, or improvement that is an integral part of, and consistent with an
58 agricultural use (for example but not limited to: barn, stable, greenhouse).
59
60 b. Roadside stands not exceeding one per farm, limited to a structure having a ground area of
61 not more than 300 sq. ft., not permanently fixed to the ground, readily removable in its entirety,

1 not fully enclosed and to be used solely for the sale of farm products produced on the
2 premises (or adjoining premises).

3
4 c. Minor home occupation/professional home office.

5
6 (3) Conditional uses. (See division 4.)

- 7
8 a. Housing for farm laborers an owner or operator of the farm, a parent or child of an owner or
9 operator of the farm, or an individual who earns more than 50 percent of his or her gross
10 income from the farm. Nonfarm dwelling. The approval for more than one farm dwelling is
11 limited to one per a minimum of 35 acres of A-1. If approval is granted for more than one farm
12 dwelling, the dwelling may be separated from the farm parcel provided that any parcel so
13 created conforms with all regulations set forth in section 74-164 and 74-165 of this ordinance,
14 except that no such parcel shall be less than 40,000 square feet in area nor greater than the
15 larger of either five acres in area or the acreage necessary to maintain the minimum required
16 setbacks and the remnant acreage shall be deed restricted; it shall not leave the balance of the
17 land in a substandard condition; and the property owner will be required to record a deed
18 restriction on a remnant area which meets the minimum required by the applicable zoning
19 district, which directly adjoins or abuts the majority of the farm dwelling separation parcel, and
20 which meets the intent of these provisions. A plat of survey for said parcel shall be prepared by
21 a registered land surveyor licensed in the State of Wisconsin. Said deed restriction shall state
22 that no structures may be placed on the remnant acreage without first obtaining a conditional
23 use permit from the committee and that no land may be deeded to the separation parcel which
24 increases its size above that outlined above without first obtaining proper approval which may
25 include a rezone.
- 26
- 27 b. Housing for seasonal or migratory farm workers. A migrant labor camp (certified under s.
28 103.92)
- 29
- 30 c. Mobile homes for farm laborers. The approval for a mobile home is limited to one per 35 acres
31 of A-1 zoned land.
- 32
- 33 d. Commercial feed lots.
- 34
- 35 e. Livestock Facility
- 36
- 37 f. Livestock sales facilities.
- 38
- 39 g. Veterinarian facility services for farm animals -livestock
- 40
- 41 h. Commercial-fur farms, Wild.
- 42
- 43 i. Commercial egg production (An animal confinement facility used or designed for the raising of
44 poultry for egg production having a capacity of 200 or more animal units.).
- 45
- 46 j. Land restoration.
- 47
- 48 i. ~~Mobile homes for farm laborers.~~
- 49
- 50 k. Business directory signs.
- 51
- 52 l. Sewage disposal plants if the committee determines that all of the following apply: The use and
53 its location in the farmland preservation zoning district are consistent with the purposes of the
54 farmland preservation zoning district; The use and its location in the farmland preservation
55 zoning district are reasonable and appropriate, considering alternative locations, or are
56 specifically approved under state or federal law; The use is reasonably designed to minimize
57 the conversion of land, at and around the site of the use, from agricultural use or open space
58 use; The use does not substantially impair or limit the current or future agricultural use of
59 surrounding parcels of land that are zoned for or legally restricted to agricultural use;
60 Construction damage to land remaining in agricultural use is minimized and repaired, to the
61 extent feasible.
- 62

- 1 m. Airports, airstrips, landing fields and heliports, which are related to agricultural activities,
2 including those which are used to assist the owner or operator with a means of transportation
3 to and from the site.
4
- 5 n. Governmental and cultural uses, such as fire, and police stations, community centers, libraries,
6 public emergency shelters, parks, playgrounds, museums, and park and ride facilities if the
7 committee determines that all of the following apply: The use and its location in the farmland
8 preservation zoning district are consistent with the purposes of the farmland preservation
9 zoning district; The use and its location in the farmland preservation zoning district are
10 reasonable and appropriate, considering alternative locations, or are specifically approved
11 under state or federal law; The use is reasonably designed to minimize the conversion of land,
12 at and around the site of the use, from agricultural use or open space use; The use does not
13 substantially impair or limit the current or future agricultural use of surrounding parcels of land
14 that are zoned for or legally restricted to agricultural use; Construction damage to land
15 remaining in agricultural use is minimized and repaired, to the extent feasible.
16
- 17 o. Utilities, provided all principal structures and uses associated with the utility are not less than
18 50 feet from all district lot lines except business, park and industrial if the committee
19 determines that all of the following apply: The use and its location in the farmland preservation
20 zoning district are consistent with the purposes of the farmland preservation zoning district;
21 The use and its location in the farmland preservation zoning district are reasonable and
22 appropriate, considering alternative locations, or are specifically approved under state or
23 federal law; The use is reasonably designed to minimize the conversion of land, at and around
24 the site of the use, from agricultural use or open space use; The use does not substantially
25 impair or limit the current or future agricultural use of surrounding parcels of land that are
26 zoned for or legally restricted to agricultural use; Construction damage to land remaining in
27 agricultural use is minimized and repaired, to the extent feasible.
28
- 29 p. Schools and churches if the committee determines that all of the following apply: The use and
30 its location in the farmland preservation zoning district are consistent with the purposes of the
31 farmland preservation zoning district; The use and its location in the farmland preservation
32 zoning district are reasonable and appropriate, considering alternative locations, or are
33 specifically approved under state or federal law; The use is reasonably designed to minimize
34 the conversion of land, at and around the site of the use, from agricultural use or open space
35 use; The use does not substantially impair or limit the current or future agricultural use of
36 surrounding parcels of land that are zoned for or legally restricted to agricultural use;
37 Construction damage to land remaining in agricultural use is minimized and repaired, to the
38 extent feasible.
39
- 40 q. Yard waste Composting.
- 41
- 42 r. Home occupations.
- 43
- 44 s. ~~More than one farm dwelling If approval is granted for more than one farm dwelling, each~~
45 ~~additional dwelling may be separated from the farm lot provided that any parcel so created~~
46 ~~conforms with all regulations set forth in section 74-165 and 74-166 of this ordinance, except~~
47 ~~that no such parcel shall be less than 40,000 square feet in area nor greater than the larger of~~
48 ~~either five acres in area or the acreage necessary to maintain the minimum required setbacks.~~
49
- 50 s. Farm family business in the A-1, Prime Agricultural Land District is a use which is accessory to
51 an agricultural use consisting of uses listed in the A-4 district except the production, packing,
52 packaging, and light assembly of products from glass, metals, plaster, and plastics. A farm
53 family business may be permitted as a conditional use for farm owners if limited to existing farm
54 residence or farm structures not dedicated to agricultural uses. No more than two persons who
55 are not members of the resident farm family may be employed in the farm family business and
56 that does not impair or limit the current or future agricultural use of the farm or of other
57 protected farmland.
58
- 59 t. Hunting and fishing club land without structures.
- 60
- 61 u. Slurry storage for industrial waste water of agricultural by products.
62

v. Placement of any structures on remnant parcels where the separation of farm structures has been approved and separated.

(4) *Area, height and yard requirements.*

Lot (farm size)	Area	Minimum 35 acres
	Width	Minimum 300 feet
Building		
Farm dwelling	Height	Maximum 45 feet
Agricultural structures	Height	Maximum two times their distance from the nearest lot lines (See division 9)
Yards		
Farm dwelling and agricultural structures	Rear	Minimum 100 feet
	Side	Minimum 20 feet except structures used for the housing of animals must be located at least 100 feet from side and rear lot lines <u>and comply with 74-171</u>
	Street:	
	Subdivision road	Minimum 25 feet
	Town road	Minimum 50 feet
	County road	Minimum 65 feet
	State and federal highway (not including freeways)	Minimum 85 feet

Existing Substandard Lots - See section 74-221

A-2 Agricultural land district. The primary purpose of this district . . .

(2) *Conditional uses . . .*

e. Veterinary facility. Services.

f. Commercial-fur farms, Wild.

(3) *Conventional Design*

Yards		
Farm dwelling	Rear	Minimum 100 feet
Agricultural structures	Side	Minimum 20 feet except structures used for the housing of animals must be 100 feet from side and rear lot lines <u>and comply with 74-171</u>

A-3 Agricultural land holding district. The primary purpose of this district . . .

1
2
3
4
5
6
7
8

- (2) *Conditional uses . . .*
- e. Commercial fur farms, Wild
- . . .
- (3) *Area, height and yard requirements.*
- . . .

Yards		
Farm dwelling	Rear	Minimum 100 feet
Agricultural structures	Side	Minimum 20 feet except structures used for the housing of animals must be 100 feet from side and rear lot lines <u>and comply with 74-171</u>

9

. . .

10 *A-4 Agricultural related manufacturing, warehousing and marketing district.* The primary purpose of this
 11 district . . .

12

. . .

13 e. Veterinarian facility services.

14 (2) *Conditional uses.*

15 a. Contract sorting, grading and packaging services for fruits and vegetables.

16

. . .

17 ddd. Commercial feed lot

18 eee. Livestock facility

19 fff. Retail sales related to those agricultural uses listed in A-4. The retail sales of ancillary non-
 20 agricultural items is subject to detailed plan approval by the committee.

21 ggg. Farm food service. The retail sales of ancillary non-agricultural items and agricultural items not
 22 produced on the farm are subject to detailed plan approval by the committee.

23 hhh. Processing agricultural products.

24 (3) *Area, height and yard requirements.*

26

Lot	Area	Minimum, sufficient area for the principal structure and its accessory buildings, all required yards, and off street parking and loading as required by section 74-203 of this ordinance
Building	Height	Maximum 70 feet
Yards	Rear	Minimum 75 feet <u>except structures used for the housing of animals must comply with 74-171</u>
	Side	Minimum 75 feet <u>except structures used for the housing of animals must comply with 74-171</u>
	Street:	
	Subdivision road	Minimum 25 feet
	Town road	Minimum 50 feet
	County road	Minimum 65 feet
	State and federal hwys. (not including freeways)	Minimum 85 feet

27

28 *A-5 Agricultural-rural residential district.*

29

. . .

1
2 **PART XIX: That section 74-183 of the Walworth County Code of Ordinances is hereby**
3 **amended to read as follows (additions are underlined; deletions are shown in strike-through**
4 **text):**

5
6 **“Sec. 74-183. Industrial districts. /**

7
8 ...
9
10 *M-3 Mineral extraction, oil or gas exploration or production district.*

11
12 (1) *Principal uses.* All uses in this district are conditional uses and must be approved in accordance with
13 the procedures established in division 4.

14
15 (2) *Conditional uses.*

16
17 a. Aggregate or ready-mix plant.

18 ...

19 n. Oil and gas exploration or production.

20
21 (3) *Yard requirements.* All excavations shall be at least 200 feet from the right-of-way of any public or
22 approved private street or property line or a shoreline. All accessories, such as offices, parking
23 areas, and stock piles, shall be at least 100 feet from any right-of-way or property line or a shoreline.
24 The Committee may vary this requirement for shallow clay barrow excavation when the excavation
25 and backfilling is conducted in a continuous phase and the barrow material is replaced on site for the
26 re-establishment of the original grade after considering such evidence as may be presented at the
27 public hearing bearing upon the general purpose and intent of this Ordinance. In no case shall the
28 setback requirement be reduced to less than 2½ times the proposed maximum depth.

29 ...
30
31
32 **PART XX: That section 74-185 of the Walworth County Code of Ordinances is hereby**
33 **amended to read as follows (additions are underlined; deletions are shown in strike-through**
34 **text):**

35
36 **“Sec. 74-185. Application.**

37
38 *Pre-application requests.* A pre-application meeting shall be required prior to the submittal of any conditional
39 use request for subdivisions, condominiums or campgrounds of five or more units, or any conditional use
40 request for commercial, industrial or manufacturing district with buildings 10,000 square foot or greater or
41 upon applicant's request. The pre-application process shall include a sketch plan prepared by a registered
42 land surveyor and the applicable fee. The plans submitted shall be reviewed in a meeting scheduled by the
43 county. The plans shall be reviewed for issues related to, but not limited to, platting, zoning, sanitation,
44 stormwater, highway and parks. If a pre-application meeting is held during the changes and amendment
45 (rezone) process, a pre-application meeting is not required during this process.

46
47 Application for conditional use permits and amendments shall be made to the county zoning administrator on
48 forms furnished by the administrator and shall include the following where pertinent and necessary for proper
49 review by the committee:

50 ...
51
52
53 (7) Applications for conditional use permits and amendments for a Livestock Facility shall follow the
54 procedures and standards as established in Section 74-186.1 and ATCP 51.30; ATCP 51.32; and
55 ATCP 51.34.

1 **PART XXI: That section 74-186 of the Walworth County Code of Ordinances is hereby**
2 **amended to read as follows (additions are underlined; deletions are shown in strike-through**
3 **text):**

4
5 **“Sec. 74-186. Review and approval of conditional uses.**

6
7 ...
8
9 Conditions such as landscaping, architectural design, type of construction, construction commencement
10 and completion dates, sureties, light, fencing, location, size and number of signs, water supply and waste
11 disposal systems, higher performance standards, street dedication, certified survey maps, floodproofing,
12 ground cover, diversions, silting basins, terraces, streambank protection, planting screens, operational
13 control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions,
14 increased yards, or additional parking may be required by the committee upon its finding that these are
15 necessary to fulfill the purpose and intent of this ordinance, the State Water Resources Act of 1965, and to
16 meet the provisions of the state floodplain and shoreland management programs. Conditions and procedures
17 in this section do not apply to the issuance of a conditional use permit for a livestock facility. A Livestock
18 Facility shall comply with the provisions of Section 74-186.1 and ATCP 51.30, 51.32, and 51.34.

19 ...
20
21 Amendments. The committee may make a decision to amend a conditional use decision if the committee
22 finds the amendment is in keeping with the purpose and intent of the original conditional use decision and
23 receives town approval. Any addition or alteration to structures or improvements which exceed 25 percent of
24 the structure size or increase by 25 percent or more of the intensity of use shall be subject to a new
25 conditional use process. Conditions and procedures in this section do not apply to the issuance of a
26 conditional use permit for a livestock facility. A Livestock Facility shall comply with the provisions of Section
27 74-186.1 and ATCP 51.30, 51.32, and 51.34..

28 ...
29
30 **PART XXII: That section 74-186.1 of the Walworth County Code of Ordinances is hereby**
31 **created to read as follows (additions are underlined; deletions are shown in strike-through**
32 **text):**

33
34 **“Sec. 74-186.1. Livestock Facility Siting.**

35
36 Where a definition or provision of this ordinance is unclear or absent, ATCP 51 is hereby adopted by
37 reference.

38
39 **A. Application.**

40 (1) GENERAL. A person seeking conditional use approval shall complete and file with Walworth County
41 the application form shown in Appendix A of ATCP 51.30. The application shall include all of the
42 information required by Appendix A and attached worksheets, including any authorized modifications
43 made by the political subdivision under sub. (2). The information contained in the application shall be
44 credible and internally consistent.

45 (2) LOCAL MODIFICATIONS. Walworth County may not alter the application form shown in Appendix A and
46 attached worksheets, or require any additional information, except that a political subdivision may require
47 information needed to determine compliance with Walworth County standards authorized under s. ATCP
48 51.10 (3) or 51.12 (1).

49 (3) ADDITIONAL COPIES. Walworth County may require an applicant to submit up to 4 duplicate copies of
50 the original application under sub. (1). Each duplicate copy shall include all of the worksheets, maps and
51 other attachments included in the application, except that it is not required to include engineering design
52 specifications.

53 Note: A political subdivision must file one duplicate copy of the final application and attachments with the
54 department, within 30 days after the political subdivision grants or denies that application. See s. ATCP
55 51.34 (5). If the political subdivision approves the application, the political subdivision must give the
56 applicant a copy of the approved application, marked "approved." See s. ATCP 51.34 (3) (b). The
57 applicant may wish to record this documentation with the register of deeds, and convey the

1 documentation to any subsequent purchaser of the livestock facility. Among other things, documentation
2 establishes "odor score" reference points for future expansions. See s. ATCP 51.14 (6).

3 **(4) LOCAL FEES.**

4 (a) Walworth County may charge an application fee in compliance with ATCP 51.30(4) to offset the
5 Walworth County's costs to review and process an application under sub. (1).

6 (b) Walworth County may not require an applicant to pay any fee, or post any bond or security with
7 the political subdivision, except as provided in par. (a).

8 **Note:** If a waste storage facility is abandoned or not properly closed, a political subdivision may seek
9 redress under s. 66.0627 or 254.59, Stats., and other law as appropriate. However, a political subdivision
10 may not require an applicant for local approval to post any bond or security with the application.

11 **(5) COMPLETE APPLICATION.** Within 45 days after Walworth County receives an application under sub. (1),
12 Walworth County shall notify the applicant whether the application contains everything required under
13 subs. (1) to (4). If the application is not complete, the notice shall specifically describe what else is
14 needed. Within 14 days after the applicant has provided everything required under subs. (1) to (4),
15 Walworth County shall notify the applicant that the application is complete. A notice of completeness
16 does not constitute an approval of the proposed livestock facility.

17 **(6) NOTICE TO ADJACENT PROPERTY OWNERS.** Within 14 days after Walworth County issues a notice under
18 sub. (5), the political subdivision shall mail a completed written copy of the notice in *Appendix C* to the
19 recorded owner of each parcel of land that is adjacent to the proposed livestock facility. Walworth county
20 shall mail the notice by first class mail. Walworth County may recover from the livestock facility operator,
21 under sub. (4) (a), its reasonable cost to prepare and mail notices under this subsection. The sum of the
22 costs charged to the livestock operator under this subsection and sub. (4) (a) may not exceed the
23 maximum amount specified in sub. (4) (a). Failure to comply with the notice requirement under this
24 subsection does not invalidate Walworth County's approval of a proposed livestock facility, or create a
25 cause of action by a property owner against Walworth County.

26 **History:** CR 05-014: cr. Register April 2006 No. 604, eff. 5-1-06.

27 **B. Timely action on application.**

28 **(1) GENERAL.** Except as provided in sub. (2), Walworth County shall grant or deny an application under
29 s. ATCP 51.30 (1) within 90 days after Walworth County gives notice under s. ATCP 51.30 (5) that the
30 application is complete.

31 **(2) TIME EXTENSION.**

32 (a) Walworth County may extend the time limit in sub. (1) for good cause, including any of the following:

33 1. Walworth County needs additional information to act on the application.

34 2. The applicant materially modifies the application or agrees to an extension.

35 (b) Walworth County shall give an applicant written notice of any extension under par. (a). The notice
36 shall state the reason for the extension, and shall specify the extended deadline date by which the
37 political subdivision will act on the application.

38 **C. Granting or denying an application.**

39 **(1) GRANTING AN APPLICATION.** Except as provided in sub. (2), Walworth County shall grant an
40 application under s. ATCP 51.30 (1) if all of the following apply:

41 (a) The application complies with s. ATCP 51.30.

42 (b) The application contains sufficient credible information to show, in the absence of clear and
43 convincing information to the contrary, that the proposed livestock facility meets or is exempt from the
44 standards in subch. II. To the extent that a standard under subch. II vests discretion in Walworth
45 County, the Walworth County may exercise that discretion.

46 **Note:** See s. 93.90 (4) (d), Stats.

47 **(2) DENYING AN APPLICATION.** Walworth County may deny an application under s. ATCP 51.30 if any of
48 the following apply:

49 (a) The application fails to meet the standard for approval under sub. (1).

50 (b) Walworth County finds, based on other clear and convincing information in the record under s.
51 ATCP 51.36, that the proposed livestock facility fails to comply with an applicable standard under
52 subch. II.

53 **(3) WRITTEN DECISION.**

54 (a) Walworth County shall issue its decision under sub. (1) or (2) in writing. The decision shall be
55 based on written findings of fact included in the decision. The findings of fact shall be supported by

1 evidence in the record under s. ATCP 51.36. Findings may be based on presumptions created by this
2 chapter.

3 (b) If Walworth County grants an application for local approval, Walworth County shall issue the local
4 approval to the applicant in writing. Walworth County shall include a duplicate copy of the approved
5 application, marked "approved." The duplicate copy shall include all of the worksheets, maps and
6 other attachments included in the application, except that it is not required to include engineering
7 design specifications.

8 (4) TERMS OF APPROVAL. An approval under sub. (1) is conditioned on the operator's compliance with
9 subch. II and representations made in the application for approval. This chapter does not limit a
10 Walworth County's authority to do any of the following:

11 (a) Monitor compliance.

12 (b) Withdraw an approval, or seek other redress provided by law, if any of the following apply:

13 1. The operator materially misrepresented relevant information in the application for local
14 approval.

15 2. The operator, without authorization from Walworth County, fails to honor relevant commitments
16 made in the conditional use application. Walworth County may not withhold authorization,
17 under this subdivision, for reasonable changes that maintain compliance with the standards in
18 subch. II.

19 3. The livestock facility fails to comply with applicable standards in subch. II.

20 (5) NOTICE TO DEPARTMENT.

21 (a) Within 30 days after Walworth County grants or denies an application under this section, or
22 withdraws an approval under sub. (4) (b) or s. ATCP 51.08 (2), Walworth County shall do all of the
23 following:

24 1. Give the department written notice of its action.

25 2. File with the department a copy of the final application granted or denied, if Walworth County has
26 granted or denied an application under this section. The copy shall include all of the worksheets,
27 maps and other attachments included in the application, except that it is not required to include
28 engineering design specifications.

29 3. File with the department a copy of Walworth County's final notice or order withdrawing conditional
30 use approval under sub. (4) (b) or s. ATCP 51.08 (2), if Walworth County has withdrawn a local
31 approval.

32 (b) Walworth County shall submit the information required under pars. (a) and (b), by mail or fax, to the
33 following address:

34 Wisconsin Department of Agriculture, Trade
35 and Consumer Protection
36 Agricultural Resource Management Division
37 Bureau of Land and Water Resources
38 P.O. Box 8911
39 Madison, WI 53708-8911
40 Fax (608) 224-4615

41
42 **PART XXIII: That section 74-188 of the Walworth County Code of Ordinances is hereby**
43 **amended to read as follows (additions are underlined; deletions are shown in strike-through**
44 **text):**

45
46 **“Sec. 74-188. Agricultural and related uses.**

47
48 Except where specifically permitted as a principal use in division 3, the following agricultural and related
49 uses shall be conditional uses and may be permitted as specified. All conditional uses in the A-1 district
50 (farmland preservation district) are limited to those where the use and its location are consistent with the
51 purposes of the farmland preservation zoning district; the use and its location in the farmland preservation
52 zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved
53 under state or federal law; the use is reasonably designed to minimize conversion of land at and around the
54 site of the use, from agricultural use or open space use; the use does not substantially impair or limit the
55 current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to
56 agricultural use; and construction damage to land remaining in agricultural use is minimized and repaired, to
57 the extent feasible, are limited to those that are consistent with agricultural use and found to be necessary in
58 light of alternative locations available for any such uses (Wis. Stats. ch. 91.01(10)). In approving or

1 disapproving the location of a conditional use, the ~~committee~~ county zoning agency shall view the proposed
2 site or sites and shall consider such evidence as may be presented at the public hearing bearing upon the
3 general purpose and intent of this ordinance set forth in sections 74-153 and 74-154 and upon the particular
4 land use problems related to development of the site or sites proposed.
5

6 (1) *Single-family dwellings* exceeding one per farm in A-4, A-2, and A-3 districts provided, however, that
7 such dwellings may only be permitted when consistent with an agricultural use and that are occupied
8 by an owner of the parcel, or a person who, or a family of which at least one adult member earns the
9 majority of his or her gross income from conducting the farm operations on the parcel, or a parent or
10 child of an owner who conducts the majority of the farm operations on the parcel, or a parent or child
11 of an owner who resides on the parcel and who previously conducted the majority of the farm
12 operations on the parcel and laborers principally engaged in a principal or approved conditional use
13 and only when the need for such additional units to support and carry on the principal or approved
14 conditional use has been established. If conditional use approval is granted for one or more
15 additional dwellings, such dwellings may be separated from the farm lot provided however, that any
16 parcel so created conforms with all regulations set forth in sections 74-164 and 74-165 of this
17 ordinance, except that no such parcel shall be less than 40,000 square feet in area nor greater than
18 the larger of either five acres in area or the acreage necessary to maintain the minimum required.
19

20 (2) Nonfarm dwelling in the A-1 district is subject to the following requirements:

21 a. The location and size of the proposed nonfarm dwelling parcel will not do any of the
22 following:

23 i. Convert prime farmland from agricultural use or convert land previously used as
24 crop land, other than a woodlot, from agricultural use if on the farm there is a
25 reasonable alternative location or size for a nonfarm residential parcel or a nonfarm
26 residence.

27 ii. Significantly impair or limit the current or future agricultural use of other protected
28 farmland.

29 iii. The approval for more than one farm dwelling is limited to one per 35 acres of A-1
30 zoned land, for the owner or operator of the farm, a parent or child of an owner or
31 operator of the farm, an individual who earns more than 50 percent of his or her
32 gross income from the farm. The remnant acreage shall be deed restricted; it shall
33 not leave the balance of the land in a substandard condition; and the property owner
34 will be required to record deed restrictions on both the residence parcel and on a
35 parcel which meets the minimum required by the applicable zoning district, which
36 directly adjoins or abuts the majority of the farm residence separation parcel, and
37 which meets the intent of these provisions. A plat of survey for said parcel shall be
38 prepared by a registered land surveyor licensed in the State of Wisconsin. Said
39 deed restriction shall state that no structures may be placed on the remnant acreage
40 without first obtaining a conditional use permit from the committee and that no land
41 may be deeded to the separation parcel which increases its size above that outlined
42 above without first obtaining proper approval which may include a rezone.
43
44
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47

48 (3) A migrant labor camp for migratory or seasonal farm workers in the A-1 district certified under s.
49 103.92 provided the location will not convert prime farmland from agricultural use or convert land
50 previously used as crop land, other than a woodlot, from agricultural use if on the farm there is a
51 reasonable alternative location and will not significantly impair or limit the current or future
52 agricultural use of other protected farmland.
53

54 (4) Housing for migratory or seasonal farm workers in the A-4, A-2 and A-3 Districts.

55 (5) Mobile home in the A-1 district for a farm labor who earns more than 50 percent of his or her gross
56 income from the farm, limited to one per 35 acres of A-1 zoned land provided the location will not
57 convert prime farmland from agricultural use or convert land previously used as crop land, other than
58 a woodlot, from agricultural use if on the farm there is a reasonable alternative location and will not
59 significantly impair or limit the current or future agricultural use of other protected farmland.
60
61

- 1 (6) Mobile home in the A-2, A-3 district for a farm labor who earns more than 50 percent of his or her
2 gross income from the farm.
3
- 4 (7) Commercial feed lots in the A-1, A-2, and A-4 districts in accordance with the provisions of Wis.
5 Stats. And Wisconsin Administrative Rules, if applicable.
6
- 7 (8) Livestock facility in the A-1, A-2, and A-4 districts in accordance with Section 74-186.1 and the
8 provisions of Wis. Stats. § 93.90, and ATCP 51 of Wis. Administrative Rules, if applicable, inclusive
9 of all future amendments to any provisions of those sections of the Wisconsin Statutes and
10 Administrative Rule. Applications for livestock facilities shall be approved unless the committee finds
11 based on clear and convincing information and documentation that the application does not comply
12 with requirements of the regulations.
13
- 14 (9) Livestock sales facilities in the A-1, A-3 and A-4 districts.
15
- 16 (10) Animal hospitals, shelters, and kennels in the A-2, A-3, A-4 and agricultural districts, C-2, C-3 and
17 the B-2, B-3, B-4 and B-5 business districts provided that the lot area is not less than five acres and
18 further provided that, if animals are to be housed outside, there is a minimum building separation of
19 1,000 feet from the nearest residential structure existing at the time of the issuance of a zoning
20 permit.
21
- 22 (11) Veterinarian facilities services in the A-1, A-2 and A-4 districts.
23
- 24 (12) Commercial stables in the A-2, A-4, C-2, P-1, P-2 and B-5 districts. Tack rooms associated with
25 commercial stables shall be used only by the owner and boarders.
26
- 27 (13) Commercial stables with horse shows and tack shop that permits off-site retail sales in the A-4 and
28 P-1 districts.
29
- 30 (9) ~~Commercial raising and propagation of fur-bearing animals in the A-1, A-2 and A-3 districts.~~
31
- 32 (14) Commercial egg production in the A-1, A-2 and A-3 districts. Egg production, commercial is defined
33 as an animal confinement facility used or designed for the raising of poultry for egg production
34 having a capacity of 200 or more animal units provided that permits are issued in accordance with
35 the provisions of Wisc. Statutes 93.90 and ATCP 51 of Wisconsin Administrative Code.
36
- 37 (15) Fur farms, Wild in the A-1, A-2, and A-3 districts.
38
- 39 (16) Land restoration in the A-1, A-2, A-3, A-4, and C-2 districts when conducted in accordance with the
40 county conservation standards. Any project designed and certified by NRCS, Land Conservation or
41 the Department of Natural Resource Fish and Wildlife or water quality ponds may be exempt from
42 the conditional use process.
43
- 44 (17) Agricultural-related manufacturing, warehousing, and marketing activities in the A-4 district, including
45 contract sorting, grading, and packaging services for fruits and vegetables; corn shelling, hay baling,
46 and threshing services; spring water bottling; grist mill services; horticultural services; poultry
47 hatchery services; production of animal and marine fat and oil; canning of fruits, vegetables,
48 preserves, jams, and jellies; canning of specialty foods; preparation of cereals; production of natural
49 and processed cheese; production of chocolate and cocoa products; coffee roasting and production
50 of coffee products; production of condensed and evaporated milk; wet milling of corn, cottonseed oil
51 milling; production of creamery butter; drying and dehydrating fruits and vegetables; preparation of
52 feeds for animal and fowl; production of flour and other grain mill products; blending and preparing of
53 flour; fluid milk processing; production of frozen fruits, fruit juices, vegetables, and other specialties;
54 malt production; meat packing; fruit and vegetable pickling, vegetable sauces and seasoning, and
55 salad dressing preparation; poultry and small game dressing and packing, providing that all
56 operations be conducted within an enclosed building; milling of rice; production of sausages and
57 other meat products; providing that all operations be conducted within an enclosed building;
58 production of shortening, table oils, margarine and other edible fats and oils; milling of soy bean oil;
59 milling of vegetable oil; sugar processing and production; production of wine, brandy and brandy
60 spirits; farm food service; livestock sales facilities; grain elevators and bulk storage of feed grain;
61 fertilizer production, sales, mixing, storage and blending; sales or maintenance of farm implements
62 and related equipment; and transportation-related activities primarily serving the basic agricultural

1 industry. Any outside storage or display areas in conjunction with the above commercial and related
2 uses may be permitted by the committee after considering such evidence as may be presented at
3 the public hearing bearing upon the general purpose and intent of this ordinance. In no case shall
4 the area be closer than 25 feet to any right-of-way.

5 Placement of any structures in the A-1 prime agricultural land district, A-2 agricultural land district
6 and A-3 agricultural holding district on remnant parcels where the separation of farm structures has
7 been approved and separated.

8 Farm family business in the A-1, Prime Agricultural Land District is a use which is accessory to an
9 agricultural use consisting of uses listed in the A-4 district except the production, packing,
10 packaging, and light assembly of products from glass, metals, plaster, and plastics. A farm
11 family business may be permitted as a conditional use for farm owners if limited to existing farm
12 residence or farm structures not dedicated to agricultural uses. No more than two persons who are
13 not members of the resident farm family may be employed in the farm family business and that does
14 not impair or limit the current or future agricultural use of the farm or of other protected farmland.

15
16 (18) Signage for approved business on A-4 provided the sign is located at least five feet from property
17 lines.

18
19 (19) Off-season storage facilities for boats, and other recreational vehicles, such as campers, travel
20 trailers, snowmobiles, off-road vehicles, and motor homes in the A-4 district. Any outside storage or
21 display areas in conjunction with this use may be permitted by the committee after considering such
22 evidence as may be presented at the public hearing bearing upon the general purpose and intent of
23 this ordinance. In no case shall areas be closer than 25 feet to any right-of-way.

24
25 (20) Hunting and fishing club land without structures in the A-1 zoning districts.

26
27 (21) Retail sales related to those agricultural uses listed in A-4. The retail sales of ancillary non-
28 agricultural items is subject to detailed plan approval by the committee.

29
30 (22) Home occupations in the A-1 district, not to exceed 25 percent of the area of any floor of a building
31 on the parcel. Such operations shall not involve any external alteration that would effect a substantial
32 change in the residential character of the building or parcel, may include employees and stock and
33 trade may be kept or sold from the premises after considering such evidence as may be presented
34 at the public hearing bearing upon the general purpose and intent of this ordinance.

35
36 (23) Airports, airstrips, and landing fields, excluding heliports, in the A-1 district, provided the parcel is at
37 least 35 acres in size and the same is related to agricultural activities.

38
39 (24) Heliports in the A-1 district, provided that the parcel is at least 35 acres in size and the same is
40 related to agricultural activities and that the principal structures and uses are not less than 100 feet
41 from any residential district boundary.

42
43 (25) Governmental and cultural uses in the A-1 district such as fire and police stations, community
44 centers, libraries, public emergency shelters, parks, playgrounds, and museums in the A-1 district if
45 the committee determines that all of the following apply: The use and its location in the farmland
46 preservation zoning district are consistent with the purposes of the farmland preservation zoning
47 district; The use and its location in the farmland preservation zoning district are reasonable and
48 appropriate, considering alternative locations, or are specifically approved under state or federal law;
49 The use is reasonably designed to minimize the conversion of land, at and around the site of the
50 use, from agricultural use or open space use; The use does not substantially impair or limit the
51 current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted
52 to agricultural use; Construction damage to land remaining in agricultural use is minimized and
53 repaired, to the extent feasible.

54
55 (26) Utilities in the A-1 district provided all principal structures and uses associated with the utility are not
56 less than 50 feet from all district lot lines except business, park, and industrial, which will require a
57 ten-foot setback if the committee determines that all of the following apply: The use and its location
58 in the farmland preservation zoning district are consistent with the purposes of the farmland
59 preservation zoning district; The use and its location in the farmland preservation zoning district are
60 reasonable and appropriate, considering alternative locations, or are specifically approved under
61 state or federal law; The use is reasonably designed to minimize the conversion of land, at and
62 around the site of the use, from agricultural use or open space use; The use does not substantially

1 impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for
2 or legally restricted to agricultural use; Construction damage to land remaining in agricultural use is
3 minimized and repaired, to the extent feasible. Utilities required to obtain a certificate of
4 convenience and public necessity from the Wisconsin Public Service Commission or those utilities
5 required to obtain a Federal Energy Regulatory Commission certificate shall be exempt from
6 obtaining a conditional use permit.
7

8 (27) Public, parochial, and private elementary and secondary schools in the A-1 district provided the lot
9 area is not less than two acres and all principal structures and uses are not less than 50 feet from
10 any lot line if the committee determines that all of the following apply: The use and its location in the
11 farmland preservation zoning district are consistent with the purposes of the farmland preservation
12 zoning district; The use and its location in the farmland preservation zoning district are reasonable
13 and appropriate, considering alternative locations, or are specifically approved under state or federal
14 law; The use is reasonably designed to minimize the conversion of land, at and around the site of
15 the use, from agricultural use or open space use; The use does not substantially impair or limit the
16 current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted
17 to agricultural use; Construction damage to land remaining in agricultural use is minimized and
18 repaired, to the extent feasible.
19

20 (28) Churches in the A-1 district provided the lot area is not less than two acres and all principal
21 structures and uses are not less than 50 feet from any lot line if the committee determines that all of
22 the following apply: The use and its location in the farmland preservation zoning district are
23 consistent with the purposes of the farmland preservation zoning district; The use and its location in
24 the farmland preservation zoning district are reasonable and appropriate, considering alternative
25 locations, or are specifically approved under state or federal law; The use is reasonably designed to
26 minimize the conversion of land, at and around the site of the use, from agricultural use or open
27 space use; The use does not substantially impair or limit the current or future agricultural use of
28 surrounding parcels of land that are zoned for or legally restricted to agricultural use; Construction
29 damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
30

31 **PART XXIV: That section 74-190 of the Walworth County Code of Ordinances is hereby**
32 **amended to read as follows (additions are underlined; deletions are shown in strike-through**
33 **text):**
34

35 **“Sec. 74-190. Residential and related uses.**

36
37 Except where specifically permitted as a principal use in division 3 the following residential and quasi-
38 residential uses shall be conditional uses and may be permitted as specified. In approving or disapproving the
39 location of a conditional use, the committee shall view the proposed site or sites and shall consider such
40 evidence as may be presented at the public hearing bearing upon the general purpose and intent of this
41 ordinance set forth in sections 74-153 and 74-154 and upon the particular land use problems related to
42 development of the site or sites as proposed.
43

44 ...

45 (6) *Home occupations* in the A-1, A-2, A-3, R-1, R-2, R-2A, R-3, R-4, R-5, R-5A, R-6, R-7, R-8 districts,
46 not to exceed 25 percent of the area of any floor of a building on the parcel. Such operations shall
47 not involve any external alteration that would effect a substantial change in the residential character
48 of the building or parcel, may include employees and stock and trade may be kept or sold from the
49 premises after considering such evidence as may be presented at the public hearing bearing upon
50 the general purpose and intent of this ordinance.
51

52 (7) *Mobile homes*, in the A-1, A-2 and A-3 districts when necessary and essential to the principal or
53 conditional permitted use.
54

55 ...

56
57 **PART XXV: That section 74-193 of the Walworth County Code of Ordinances is hereby**
58 **amended to read as follows (additions are underlined; deletions are shown in strike-through**
59 **text):**

1
2 **“Sec. 74-193. Public and semi-public uses.**
3

4 Except where specifically permitted as a principal use in division 3 the following public and semi-public
5 uses shall be conditional uses and may be permitted as specified. In approving or disapproving the location of
6 a conditional use, the committee shall view the proposed site or sites and shall consider such evidence as
7 may be presented at the public hearing bearing upon the general purpose and intent of this ordinance set
8 forth in sections 74-153 and 74-154 and upon the particular land use problems related to development of the
9 site or sites as proposed.

- 10
11 (1) Airports, airstrips, and landing fields, excluding heliports, in the A-2, A-3, A-4, A-5 all agricultural
12 districts and the P-2 and B-5 districts, provided, ~~in the A-1 district, the same is related to agricultural~~
13 ~~activities, including those which are used to assist the owner or operator with a means of~~
14 ~~transportation to and from the property, and provided, further, that the site area is not less than 20~~
15 ~~acres.~~
16
17 (2) Heliports in the A-2, A-3, A-4, A-5 all agricultural districts, and the P2, B-2 and B-5 districts,
18 provided ~~that in the A-1 district, the same is related to agricultural activities, including those which~~
19 ~~are used to assist the owner or operator with a means of transportation to and from the property,~~
20 ~~and provided, further, that the principal structures and uses are not less than 100 feet from any~~
21 ~~residential district boundary.~~
22
23 (3) Governmental and cultural uses such as fire and police stations, community centers, libraries, public
24 emergency shelters, parks, playgrounds, and museums in all districts except A-1, and except in the
25 C-4, lowland resource conservation district.
26
27 (4) Utilities in all districts (except A-1) provided all principal structures and uses associated with the
28 utility are not less than 50 feet from all district lot lines except business, park, and industrial, which
29 will require a ten-foot setback. Utilities required to obtain a certificate of convenience and public
30 necessity from the Wisconsin Public Service Commission or those utilities required to obtain a
31 Federal Energy Regulatory Commission certificate shall be exempt from obtaining a conditional use
32 permit.
33
34 ...
35
36 (7) Churches in all residential, business, agricultural (except A-1) and P-1 districts, provided the lot area
37 is not less than two acres and all principal structures and uses are not less than 50 feet from any lot
38 line.
39
40 ...
41
42

43 **PART XXVI: That section 74-194 of the Walworth County Code of Ordinances is hereby**
44 **amended to read as follows (additions are underlined; deletions are shown in strike-through**
45 **text):**

46
47 **“Sec. 74-194. Mineral extraction, oil and gas exploration or production and related uses.**
48

49 Mineral extraction related uses in the M-3 mineral extraction district, including aggregate or ready-mix
50 plants; clay, ceramic, and refractor minerals mining; crushed and broken stone quarrying; mixing of asphalt;
51 nonmetallic mining services; processing of top soil; sand and gravel quarrying; washing, refining, or
52 reprocessing of rock, slate, gravel, sand, or mineral; ~~and the extension of any existing mineral extraction~~
53 ~~related uses~~ and oil and gas exploration or production.
54

55 All of the above stated mineral extraction and related uses shall be subject to the following regulations and
56 such other regulations as the committee may deem appropriate after viewing the site or sites and considering
57 evidence presented at the hearing.
58
59 ...
60

1 (6) Licensing. A license from the State of Wisconsin Department of Natural Resources under Wisc.
2 Statute ch. 295., subchapter 11 for oil and gas exploration or production is required.
3
4

5 **PART XXVII: That section 74-261 of the Walworth County Code of Ordinances is hereby**
6 **amended to read as follows (additions are underlined; deletions are shown in strike-through**
7 **text):**
8

9 **“Sec. 74-261. Text and map amendments to the A-1 district.**

10
11 The county may approve petitions for rezoning areas zoned for exclusive agricultural use only after
12 findings are made based upon consideration of the following:
13

- 14 ~~(1) Adequate public facilities to accommodate development either exist or will be provided within a~~
15 ~~reasonable time.~~
16
17 ~~(2) Provision of public facilities to accommodate development will not place an unreasonable burden on~~
18 ~~the ability of affected local units of government to provide them.~~
19
20 ~~(3) The land proposed for rezoning is suitable for development and development will not result in undue~~
21 ~~water or air pollution, cause unreasonable soil erosion or have an unreasonably adverse effect on~~
22 ~~rare or irreplaceable natural areas.~~
23

24 ~~Land which is rezoned under this section shall be subject to the lien provided under Wis. Stats. §§ 91.19(8)–~~
25 ~~(10) for the amount of tax credits paid on the land rezoned. If the rezoning occurs solely as a result of action~~
26 ~~initiated by a governmental unit, any lien required under Wis. Stats. §§ 91.19(8)–(10) shall be paid by the~~
27 ~~governmental unit initiating the action. The department of agriculture, trade and consumer protection shall be~~
28 ~~notified of all rezonings under this section.~~
29

- 30 1. The proposed rezone should be consistent with the Walworth County and Town comprehensive plans
31 and the Walworth County agricultural preservation plan. Rezones shall be considered to be
32 consistent with these plans if the following standards are met:
33
34 a. Less than 50 percent of the parcel should be covered by soils in agricultural capability
35 Classes I, II and III. Areas that are mapped as Class I, II or III soils but which are
36 demonstrated to be unsuitable for agriculture due to erosion or other factors, should not
37 be “counted” as Class I, II or III farmland. Such determinations should be made by a
38 qualified soil mapping technician.
39
40 b. The proposed land use should be compatible with remaining prime agricultural land in the
41 vicinity.
42
43 2. In accordance with the Wisconsin Farmland Preservation Law (Chapter 91) the proposed rezone may
44 be approved by the County and Town only after findings are made based upon consideration of the
45 following:
46
47 a. The rezoned land is better suited for a use not allowed in the farmland preservation
48 zoning district.
49
50 b. The rezoning is consistent with any applicable comprehensive plan.
51
52 c. The rezoning is substantially consistent with the county farmland preservation plan,
53 which is in effect at the time of rezoning.
54
55 d. The rezoning will not substantially impair or limit current or future agricultural use of other
56 protected farmland.
57
58 3. Subsection (2) does not apply to any of the following:
59
60 a. A rezoning that is affirmatively certified by the Wisconsin Department of Agricultural,
61 Trade and Consumer Protection under Ch. 91. Wis. Stats.

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- b. A rezoning that makes the farmland preservation zoning ordinance map more consistent with the county farmland preservation plan map, certified under Ch. 91. Wis. Stats., which is in effect at the time of rezoning.
4. Exceptions. With certain exceptions, it is envisioned that the lands identified as prime agricultural land and located within the Farmland Preservation Areas will be retained in agricultural and in agricultural -related uses that are allowed as principal or conditional uses in the A-1, Prime Agricultural Land zoning district. The exceptions are:
- a. Areas which may in the future be found to meet the criteria for rezoning from the A-1, Prime Agricultural Land zoning district set forth above.
 - b. Areas of A-1 which are in the future proposed for agricultural manufacturing, warehousing, and marketing uses (uses permitted in the A-4 zoning district) – where the proposed use is compatible with adjacent agricultural areas and consistent with County and town goals and objectives. All such proposals will be subject to the County zoning ordinances. Such areas would have to be rezoned into the A-4 Agricultural Related Manufacturing, Warehousing, and Marketing district and receive a conditional use permit. Such uses, if approved, will be accommodated without amending the comprehensive plan or farmland preservation plan.
 - c. Mineral extraction may be needed in the future and may be proposed as an M-3 rezone within the agricultural preservation areas where the proposed use is compatible with adjacent agricultural use, and consistent with county and town goals and objectives. All nonmetallic mining proposals will be considered on a case-by-case basis and will be subject to the County zoning ordinance and non-metallic mining reclamation ordinance. Such area would have to be rezoned into the M-3 Mineral Extraction District and receive a conditional use permit. The County has adopted a nonmetallic mining policy requiring the reclamation of a nonmetallic mining sites in an agricultural preservation areas to agricultural use. Such uses, if approved, will be accommodated without amending the comprehensive plan or farmland preservation plan.
 - d. Parcels which may be developed in accordance with the substandard lot provision of the county zoning ordinance.
5. By March 1 of each year the county shall provide to the Wisconsin Department of Agriculture, Trade and Consumer Protection a report of the number of acres that the county has rezoned out of the farmland preservation zoning district under sub (2) during the previous year and a map that clearly shows the location of those acres.

42 **PART XXVIII: That section 74-263 of the Walworth County Code of Ordinances is hereby**
43 **amended to read as follows (additions are underlined; deletions are shown in strike-through**
44 **text):**

45
46 **“Sec. 74-263. Definitions.**

47
48 For the purpose of this ordinance, the following definitions shall be used. Words used in the present
49 tense include the future; the singular number includes the plural number; and the plural number includes the
50 singular number. The word "shall" is mandatory and not discretionary.

51 ...
52
53 Agricultural animal means bovine animals, equine animals, goats, poultry, sheep, bison, mink, swine,
54 farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish. (Chapter 91)

55
56 Agricultural use means any of the following activities conducted for the purpose of producing an
57 income or livelihood: Aquaculture; Beekeeping; commercial feedlots; dairying; egg production; floriculture; fish
58 or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses,
59 Christmas tree production, and nurseries; poultry raising; crop or forage production raising of grain, grass,
60 mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return
61 for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program

1 under 16 USC 3831 to 3836 or lands that are part of other state and federal conservation programs;
2 participating in the milk production termination program under 7 USC 1446 (d); and vegetable raising. (Wis.
3 Stats. 91.01, 92.10)

4 ...
5
6 Animal unit has the meaning given in NR-243.03(3 as of April 27, 2004). For animal units not listed,
7 the equivalency to animal units shall be based on live animal weights. In these cases, 1,000 pounds of live
8 weight is equivalent to one animal unit. The current NR243 rules should be consulted for any changes to the
9 equivalents.

10
11 Aquaculture is the farming of aquatic organisms such as fish, shellfish and even plants.

12 ...

13
14
15 Farm means all land under common ownership that is primarily devoted to agricultural use.

16
17 Farm acreage means size of a farm in acres.

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

- 22
23 (4) The purchase, sale, lease or rental of personal or real property;
24
25 (5) The manufacture, processing or marketing of products, commodities or any other personal
26 property;
27
28 (6) The sale of services.

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

32
33 Farmland preservation area means an area that is planned primarily for agricultural use or
34 agriculture-related use or both, identified under S. 91.10(1)(d) in a farmland preservation plan described in S.
35 91.12(2).

36
37 Farmland preservation plan means a plan for the preservation of farmland in a county, including an
38 agricultural preservation plan under subch IV of ch. 91, 2007 stats.

39
40 Farmland preservation zoning district means a farmland preservation zoning district (A-1) designated
41 under s.91.38(1)© in an ordinance described in s.91.32(2).

42
43 Farm residence means any of the following structures that is located on a farm parcel with a minimum
44 of 35 acres of A-1: A single family dwelling or two-family dwelling that is the only residential structure on the
45 farm and is occupied by any of the following:

- 46 - An owner or operator of the farm
47 - A parent or child of an owner or operator of the farm
48 - An individual who earns more than 50 percent of his or her gross income from the farm.

49
50 Farm stand: See "roadside stand."

51
52 Feed lot, commercial means an agricultural animal confinement facility used or designed for the
53 feeding or holding of 500 or more animal units for a period of 30 days or more.

54
55 Feed lot structure, commercial means a building or other structure used to house or feed agricultural
56 animals, to confine agricultural animals for feeding other than grazing, to store feed, or to collect or store
57 waste generated at a commercial feed lot. Commercial feed lot structure includes but is not limited to a barn,
58 milking parlor, feed storage facility, feeding facility, animal lot or waste storage facility. A commercial feed lot
59 structure does not include a pasture, a fence surrounding a pasture, a livestock watering facility in a pasture,
60 or a machine shed or like facility that is not used for agricultural animals.

61 ...

1
2 Fur farm, Wild: Any property comprising land or buildings or both, used for the purpose of raising or
3 harboring fur bearing animals including those defined in Wis. Stats. § 29.01(3)(c), and also including
4 chinchillas and other fur bearing animals, if any, whether the animals are kept for breeding or slaughtering or
5 pelting purposes. The breeding, propagating and dealing with furbearing animals in accordance with NR16.18
6

7 ...
8
9 Gross farm revenues for farmland preservation tax purposes has the meaning given in
10 s.71.613(1)(g).
11

12 ...
13
14 Livestock: Domestic animals traditionally used in this state in the production of food, fiber or other
15 animal products. Livestock includes animals such as cattle, bovine animals, swine, poultry, sheep and goats,
16 Livestock does not include animals such as equine animals, bison, farm-raised deer, fish, captive game birds,
17 ratites, camelids or mink. (ATCP 51)
18

19 Livestock facility: A feedlot, dairy farm or other operation where livestock are or will be fed, confined,
20 maintained or stabled for a total of 45 days or more in any 12-month period. All applicable definitions of ATCP
21 51 that are not defined in the zoning ordinance, are adopted by reference. A "livestock facility" includes all of
22 the tax parcels on which the facility is located, but does not include an entire tax parcel used only for pasture.
23 Two or more livestock facilities constitute a single livestock facility, for purposes of this chapter, if the same
24 person owns or manages all of the facilities and any of the following apply:
25

- 26 (1) The facilities are adjacent. Adjacent means livestock facilities that are located on adjacent tax
27 parcels, or on tax parcels that are separated only by a river, stream, or transportation or utility right-
28 of-way.
29
30 (2) Common livestock structures are used to collect or store manure or other waste from the facilities.
31
32 (3) Manure or other waste from the facilities is applied to the same tax parcel of land, or under the
33 same nutrient management plan.
34

35 Livestock sales facility: Any premises open to the public for the purposes of buying or selling livestock
36 and that have facilities to keep, feed, and water livestock prior to sale.
37

38 Livestock structure: A building or other structure used to house or feed livestock, to confine livestock
39 for milking, to confine livestock for feeding other than grazing, to store livestock feed, or to collect or store
40 waste generated at a livestock facility. Livestock structure includes but is not limited to a barn, milking parlor,
41 feed storage facility, feeding facility, animal lot or waste storage facility. Livestock structure does not include a
42 pasture, a fence surrounding a pasture, a livestock watering facility in a pasture, or a machine shed or like
43 facility that is not used for livestock.
44

45 ...
46
47 Nonfarm residence: A residence other than a farm residence that is located on a farm parcel with a
48 minimum of 35 acres of A-1
49

- 50 - more than one dwelling on a farm
51 - A mobile home for a farm laborer.
52 - A migrant labor camp that is certified under s 103.92
53

54 ...
55
56 Owner means a person who has an ownership interest in land.
57

58 ...
59
60 Permitted use means a use that is allowed without a conditional use permit, special exception, or
61 other special zoning permission.
62

1 ...
2
3 Prime farmland means any of the following:

- 4
5 a) An area with a class I, II or III land capability classification as identified by the natural
6 resources conservation service of the federal department of agriculture.
7
8 b) Land, other than land described in par.(a) that is identified as prime farmland in a certified
9 farmland preservation plan.

10 ...
11
12
13 Protected farmland means land that is located in a farmland preservation zoning district (A-1 zoning
14 district), is covered by a farmland preservation agreement, or is otherwise legally protected from
15 nonagricultural development.
16
17 ...

18
19 **PART XXIX:** That this ordinance shall become effective, upon passage and publication.

20
21
22 **PASSED and ADOPTED** by the Walworth County Board of Supervisors this 4th day of September,
23 2014.

24
25
26
27 _____
28 Nancy Russell
29 County Board Chair

Kimberly S. Bushey
Attest: County Clerk

30 County Board Meeting Date: September 4, 2014

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

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

DA Bretl 8/25/14
Date
David A. Bretl
County Administrator/Corporation Counsel

NA Andersen 8/26/14
Date
Nicole Andersen
Deputy County Administrator - Finance

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

Ordinance No. 879 – 09/14
Fiscal Note and Policy Impact Statement

I. Title: Amending Sections 74-26, 74-28, 74-44, 74-51, 74-56, 74-58, 74-59, 74-60, 74-61, 74-63, 74-66, 74-67, 74-129, 74-131, 74-151, 74-153, 74-171, 74-178, 74-183, 74-185, 74-186, 74-186.1, 74-188, 74-190, 74-193, 74-194, 74-261, and 74-263 of the Walworth County Code of Ordinances Relating to Farmland Preservation

II. Purpose and Policy Impact Statement: The development of the proposed zoning ordinance amendments started with the development of the County Comprehensive Land Use Plan which was adopted November 10, 2009. That planning effort continued with the preparation of the Farmland Preservation Plan and certification by the state on July 31, 2012. The Zoning Ordinance amendments were prepared by Walworth County Land Use and Resource Management Staff using the direction provided by the Comprehensive Land Use Plan, the recently certified Farmland Preservation Plan, state statutes and DATCP Program Rules.

The last time the Walworth County Farmland Preservation Ordinance was certified by the State of Wisconsin was 1978. There are only a few changes between the original ordinance and the one being requested for certification. The reason for this is that throughout the preparation of the County Farmland Preservation Plan and County Comprehensive Plan the current goals, objectives and implementation tools contained in the county zoning ordinance were reaffirmed and supported. In other words the vast majority of the public and elected officials liked the existing approach to farmland preservation in Walworth County. The proposed zoning ordinance amendments are consistent with that community developed directive gathered from numerous public meetings and a community planning survey. The following is a summary of some of the key elements of the zoning ordinance amendments:

- Ordinance text maintains the 35 acre minimum parcel size requirement for creating new parcels in the A-1 Zoning District
- Ordinance text continues to identify the A-1 Zoning District as the counties Farmland Preservation Zoning District.
- Ordinance text continues to allow current principle and conditional uses with the addition of several conditional uses and additional requirements for having more than one residence on a farm.
- The standards for rezoning A-1 land are being added to the ordinance text. These standards are already included in the Walworth County Farmland Preservation Plan and Comprehensive Land Use Plan.

The proposed Zoning Ordinance amendments are consistent with the recently certified Walworth County Farmland Preservation Plan and the Walworth County Comprehensive Land Use Plan.

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

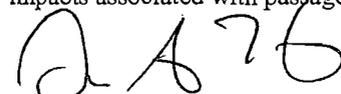
Date: August 21, 2014

Vote: 5 - 0

County Board Meeting Date:

September 4, 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 ordinance.

 8/25/14

David A. Bretl Date
County Administrator/Corporation Counsel

 8/26/14

Nicole Andersen Date
Deputy County Administrator - Finance

Form #4

Name: Mark W. Korf
Karen M. Korf

Town: Richmond

REPORT OF COUNTY ZONING AGENCY
TO COUNTY BOARD ON HEARING ON PETITION
TO AMEND THE WALWORTH COUNTY CODE OF ORDINANCES

TO THE COUNTY BOARD OF WALWORTH COUNTY:

The County Zoning Agency, having considered the petition to amend the Walworth County Code of Ordinances filed by Mark W. Korf and Karen M. Korf on the 21st day of August, 2014, to rezone from C-3 Conservancy – Residential District To C-2 Upland Resource Conservation District the following described lands:

All of Tax Parcel # CA150400003, Section 11 and 12, Richmond Township.

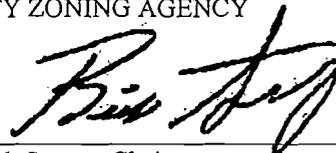
And having held public hearing thereon, pursuant to Section 59.69 (5) (e) Wisconsin Statutes, notice thereof having been given as provided by law, and being duly informed of the facts pertinent to the changes proposed and duly advised of the wishes of the people in the area affected, hereby recommends the following:

SAID PETITION BE APPROVED AFTER THE APPROPRIATE FINDINGS WERE MADE AS REQUIRED BY SECTION 66.1001(4) WIS. STATS.

Findings: The Walworth County 2035 Land Use Plan identifies this area as part Urban Density Residential and part Primary Environmental Corridor.

Dated this 21st day of August, 2014

COUNTY ZONING AGENCY



BY: Rick Stacey, Chairman

FORM #5

NAME: Mark Koft and Karen Koft

TOWN: Richmond

PROOF OF NOTICE
BY CERTIFIED MAIL

TO THE COUNTY BOARD OF WALWORTH COUNTY:

State of Wisconsin)

County of Walworth)

Sheril Oldenburg being first duly sworn, deposes and says that she is the duly appointed and acting Land Use Resources Management Assistant for the Walworth County Land Use and Resource Management Department and that in such capacity she has proof of sent copies of the attached notice by certified mail to those listed below, at their addresses, as indicated.

NAME & POSITION: Barbara Ceas, Town Clerk

ADDRESS: W8776 Territorial Road, Whitewater, WI 53190

DATE MAILED: August 4, 2014

Sheril Oldenburg
Sheril Oldenburg

Subscribed and sworn to before me

This 4 day of August 2014.

Katherine a. Wright
Notary Public, Walworth County, Wisconsin

My Commission expires 4-12-15

Mark W. Korf
Karen M. Korf
Town of Richmond

FORM #6

ORDINANCE AMENDING
WALWORTH COUNTY CODE OF ORDINANCES

WHEREAS the Walworth County Board of Supervisors has heretofore been petitioned to amend the Walworth County Code of Ordinances, and

WHEREAS the petition has been referred to the County Zoning Agency for public hearing, and

WHEREAS the County Zoning Agency, on due notice, conducted a public hearing on the proposed amendment, and filed their recommendation with the Board, and

WHEREAS the proposed amendment has been given due consideration by the Board in open session,

NOW THEREFORE, THE County Board of Supervisors of the County of Walworth do ordain as follows:

The Walworth County Code of Ordinances, Zoning and Shoreland Zoning Ordinance (and accompanying Zoning Map) is amended in the following respects:

TO AMEND SAID ZONING MAPS FROM C-3 CONSERVANCY – RESIDENTIAL DISTRICT TO C-2 UPLAND RESOURCE CONSERVATION DISTRICT THE FOLLOWING DESCRIBED LANDS:

All of Tax Parcel # CA150400003, Section 11 and 12, Richmond Township.

And having held public hearing thereon, pursuant to Section 59.69 (5) (e) Wisconsin Statutes, notice thereof having been given as provided by law, and being duly informed of the facts pertinent to the changes proposed and duly advised of the wishes of the people in the area affected, hereby recommends the following:

SAID PETITION BE APPROVED AFTER THE APPROPRIATE FINDINGS WERE MADE AS REQUIRED BY SECTION 66.1001(4) WIS. STATS.

Findings: The Walworth County 2035 Land Use Plan identifies this area as part Urban Density Residential and part Primary Environmental Corridor.

ATTEST this _____ day of _____ September _____, 2014.

County Board Chair

ATTEST this _____ day of _____ September _____, 2014.

County Clerk

Resolution No. 23-09/14

Opposing the Proposed Lapse in State Funding to the Circuit Court System

1 Moved/Sponsored by: Executive Committee

2
3 **WHEREAS**, the 2013-2015 Wisconsin State biennial budget requires the Wisconsin court
4 system to return a total of \$11.8 million to the state general fund over the next two-year biennial
5 budget period, potentially resulting in significant budget cuts that would affect the circuit court
6 system; and,

7
8 **WHEREAS**, these budget cuts will result in Walworth County no longer receiving state funding
9 at previous levels in the form of circuit court support payments, interpreter assistance and
10 guardian ad litem assistance; and,

11
12 **WHEREAS**, the loss of state funding will create a financial challenge to Walworth County that
13 would impact the 2015 tax levy; and,

14
15 **WHEREAS**, a significant amount of revenue is collected in the court system through fees or
16 surcharges imposed on litigants; and,

17
18 **WHEREAS**, less than one penny of each tax dollar collected by the state goes to the court
19 system, that is, the judicial branch receives less than 1% from each tax dollar.

20
21 **NOW, THEREFORE, BE IT RESOLVED** that the Walworth County Board recognizes the
22 impact that reduced state funding would cause in circuit court operations and hereby opposes any
23 lapse of funding by the State of Wisconsin to the circuit court system over the 2013-2015 state
24 biennial budget period.

25
26 **BE IT FURTHER RESOLVED** that the county clerk forward a copy of this resolution to
27 Governor Walker and all State Assembly Representatives and Senators who represent Walworth
28 County.

29
30
31 _____
32 Nancy Russell
33 County Board Chair

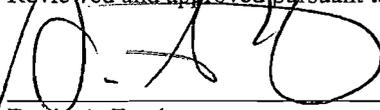
Kimberly S. Bushey
County Clerk

34
35 County Board Meeting Date: September 4, 2014

36
37 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 Date 8/4/14
County Administrator/Corporation Counsel



Nicole Andersen Date 8/5/14
Deputy County Administrator - Finance

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

Policy and Fiscal Note
Resolution No. 23-09/14

- I. **Title:** Opposing the Proposed Lapse in State Funding to the Circuit Court System

- II. **Purpose and Policy Impact Statement:** The purpose of this resolution is to oppose the state's proposed lapse in funding to the circuit court system during the 2013-2015 biennial budget period.

- III. **Budget and Fiscal Impact:** Assuming a proportionate distribution of state funding throughout the circuit court system, the state's proposed \$11.8 million funding lapse could result in an estimated \$211,000 reduction in funding to Walworth County.

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

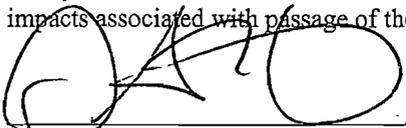
Committee: Executive

Meeting Date: July 14, 2014

Vote: 5 – 0

County Board Meeting Date: September 4, 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.



David A. Bretl
County Administrator/Corporation Counsel

8/4/14
Date



Nicole Andersen
Deputy County Administrator – Finance

8/5/14
Date

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

Resolution No. 24-09/14
Supporting State Funding for County 911 Services and One Designated Public Safety Answering Point per County

1 Moved/Sponsored by: Executive Committee

2
3 **WHEREAS**, countywide emergency 911 dispatch services are vital to Wisconsin residents and
4 visitors, who expect excellent service throughout the state, whenever and wherever an
5 emergency occurs; and,

6
7 **WHEREAS**, in 2003, the state established a fee on all wireless phones in order to fund grants to
8 counties to pay for enhanced 911 services, such as wireless call-locating software and
9 equipment; and,

10
11 **WHEREAS**, in 2009, when the enhanced 911 grant program expired, the Wisconsin Counties
12 Association (WCA) and state telecommunications providers advocated establishing a permanent
13 grant program to fund equipment purchases and training for employees of county-designated
14 Public Safety Answering Points (PSAPs); and,

15
16 **WHEREAS**, each county was encouraged to designate one PSAP per county, by resolution, said
17 PSAP to be funded with a monthly fee of up to 75 cents on all devices capable of dialing 911;
18 and,

19
20 **WHEREAS**, in 2009, the state legislature and governor re-designated the PSAP funding as a 75-
21 cent monthly Police and Fire Protection Fee for all such devices and directed the revenue from
22 the fee to fund the county and municipal aid (shared revenue) account in order to meet other state
23 financial obligations; and,

24
25 **WHEREAS**, without the PSAP funding originally designated by the state to fund grants for
26 PSAP services, counties must now rely on property taxes to pay for equipment, training, and
27 consolidation of municipal and county 911 services; and,

28
29 **WHEREAS**, many counties are unable to upgrade needed equipment to receive texts, video and
30 still photographs to provide training to 911 system operators and foster consolidation of
31 emergency 911 services; and,

32
33 **WHEREAS**, eliminating the Police and Fire Protection Fee and restoring 911 funding without
34 replacing lost revenue would result in an approximate \$50 million annual reduction in shared
35 revenue payments to municipalities and counties; and,

36
37 **WHEREAS**, current law requires counties to individually contract with a telecommunications
38 provider for telephone lines running to each county 911 center, causing counties to depend on a
39 maximum 40-cent monthly fee on land line telephones to pay telecommunications providers for
40 the cost of this services; and,

1 **WHEREAS**, revenue from the 40-cent landline fee has been declining for several years as a
2 result of increased cell phone use and decreased use of land lines, and the 40-cent landline fee is
3 insufficient to cover the cost of telecommunications services, requiring the difference to be
4 funded by property taxes.

5
6 **NOW, THEREFORE, BE IT RESOLVED** that the Walworth County Board urges the State
7 Legislature and Governor Walker to support legislation and State budget action to:

- 8
9 • Fully fund the shared revenue program to fund county and municipal aid services using
10 State general purpose revenue, rather than the Police and Fire Protection Fee;
11 • Establish a fee to be charged on all cellular phones, land lines and other devices capable
12 of dialing 911;
13 • Provide a sustainable source of funding for costs associated with providing all telephone
14 lines, both land lines and cellular, into county PSAPs.

15
16 **BE IT FURTHER RESOLVED** that the county clerk provide a copy of this resolution to
17 Governor Walker and all State Assembly Representatives and Senators representing Walworth
18 County, as well as to the Wisconsin Counties Association, urging them to restore state funding
19 for county 911 services and support one designated public safety answering point per county.
20

21
22
23 _____
24 Nancy Russell
25 County Board Chair

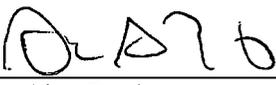
Kimberly S. Bushey
County Clerk

26
27 County Board Meeting Date: September 4, 2014

28
29 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:

 8/15/14

Date
David A. Bretl
County Administrator/Corporation Counsel

 8/18/14

Date
Nicole Andersen
Deputy County Administrator - Finance

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

Policy and Fiscal Note
Resolution No. 24-09/14

- I. Title:** Supporting State Funding for County 911 Services and One Designated Public Safety Answering Point per County
- II. Purpose and Policy Impact Statement:** The purpose of this resolution is to urge the Wisconsin State Legislature and Governor Walker to support state funding for county 911 services and one designated Public Safety Answering Point per county.
- III. Budget and Fiscal Impact:** This is an advisory resolution and, as such, 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: July 14, 2014

Vote: 5 - 0

County Board Meeting Date: September 4, 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.

 8/15/14

David A. Bretl
County Administrator/Corporation Counsel

 8/18/14

Nicole Andersen
Deputy County Administrator – Finance

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

ORDINANCE NO. 877 – 09/14

AN ORDINANCE AMENDING SECTION 15-802 OF THE WALWORTH COUNTY CODE OF ORDINANCES RELATING TO ETHICAL STANDARDS FOR EMPLOYEES

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

1 **PART I: That Section 15-802 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. 15-802. Ethical standards for employees.**

5
6 (a) Employees shall avoid conflicts between their personal interests and their
7 responsibilities as public employees. Employees shall not engage in, any on the job conduct that is
8 disloyal, disruptive, competitive, or damaging to the county. Employees shall not engage in any off
9 duty conduct that significantly diminishes the public level of trust and confidence in the employee's
10 position with the county.

11
12 (b) No employee may use his or her public position to obtain financial gain or anything
13 of value for the private benefit of himself or herself or his or her immediate family, or for an
14 organization with which he or she is associated with.

15
16 (c) No employee may directly or by means of an agent offer or promise to give or
17 withhold his or her influence, or promise to take or refrain from taking official action with respect to
18 any proposed or pending matter in consideration of, or upon condition that any other person provide
19 or refrain from providing any service or other thing of value to or for the benefit of the employee, his
20 or her immediate family or for an organization with which he or she is associated with.

21
22 (d) No employee may:

23
24 (1) Take any official action substantially affecting a matter in which the official, a
25 member of his or her immediate family, or an organization with which the official is
26 associated has a substantial financial interest.

27
28 (2) Use his or her position in a way that produces or assists in the production of a
29 substantial benefit, direct or indirect, for the official, one or more members of the
30 official's immediate family either separately or together, or an organization with
31 which the official is associated.

32
33 (e) Employees shall comply with ordinances and administrative procedures concerning
34 outside employment. No employee shall use his or her position to influence the County to do
35 business with an organization with whom he or she is employed. ~~may not accept employment or~~
36 ~~serve as an advisor or consultant with any organization which does business with the county or~~
37 ~~which is in conflict with county official interests.~~

38
39 (f) Employees shall disclose any financial interest they or their immediate family have in

1 any firm which does business with the county or which competes with the county.

2
3 (g) Employees shall not disclose confidential information to anyone, either inside or
4 outside the organization, who does not have a lawful and legitimate business need to know it.

5
6 (h) Fraud reporting:

7
8 (1) Employees have a duty to report any workplace fraud that they become aware of.
9 Such fraud includes, but is not limited to, the following:

10
11 (i) Theft or misappropriation of county funds, property or resources by another
12 employee or officer of the county or member of the public.

13
14 (ii) A violation of any state or federal law or regulation by another employee or
15 officer of the county.

16
17 (iii) Mismanagement or abuse of authority by any employee or officer of the
18 county that results in substantial waste of public funds or a danger to public health or
19 safety.

20
21 (2) No employee or officer of the county shall retaliate, in any way, against another
22 employee who has reported any conduct set forth in (h) (1). Nothing herein shall restrict the
23 right of the county to take appropriate disciplinary action against an employee who
24 knowingly makes an untrue statement regarding the report of conduct set forth in (h) (1).

25
26 (3) An employee may report activities set forth in (h) (1) to his or her supervisor,
27 department head or the county administrator or county board chairperson. In cases of
28 conduct that violates state or federal law, the employee should also report the conduct to law
29 enforcement."

30
31 **PART II:** That this ordinance shall become effective upon passage and publication.

32
33 **PASSED and ADOPTED** by the Walworth County Board of Supervisors this 4th day of
34 September, 2014.

35
36
37
38 _____
39 Nancy Russell
40 County Board Chair

41 _____
42 Kimberly S. Bushey
43 Attest: County Clerk

44 County Board Meeting Date:

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

46 Policy and Fiscal Note is attached.

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

48 David A. Bretl 7/30/14
49 _____ Date
50 County Administrator/Corporation Counsel

51 Nicole Andersen 7/30/14
52 _____ Date
53 Deputy County Administrator - Finance

ORDINANCE NO. 878 – 09/14

AMENDING SECTIONS 15-533 AND 15-536 OF THE WALWORTH COUNTY CODE OF ORDINANCES RELATING TO PREMIUM CONTRIBUTIONS AND CHANGES IN EMPLOYMENT STATUS

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

PART I: That section 15-533 of the Walworth County Code of Ordinances is hereby amended to read as follows (additions are underlined; deletions are shown in strike-through text):

“Sec. 15-533. Premium contributions.

(a) The collective bargaining agreement shall determine the amount of premium a deputy sheriffs association employee is required to pay.

(b) For all other eligible employees, the monthly premium will be split between the county and the employee. The employee contribution can be reduced in two ways:

Health risk assessment (HRA). The employee (and spouse, if a member of the county health plan) must complete a health risk assessment (to be offered by the county annually).

Education completion. The employee (and spouse, if a member of the county health plan) must complete the education/counseling component* as outlined in the HRA.

Guaranteed County Contribution	Employee Contribution if no Reduction	Reduction for Completed HRA	Reduction for Completed Education/Counseling	Potential Employee Contribution after Reductions
88%	12%	-2%	-3%	7%

New hires. New employees hired after the annual health risk assessments have been offered will automatically receive the reduced premium.

*In the event the HRA comes back with no recommendations for education/counseling, the employee will automatically receive the full five percent reduction.

(c) The county shall pay a percentage of the health premium for an eligible part-time employee ~~prorated based on their positions' budgeted FTE level as defined below.~~ For those meeting the criteria in (1) and (2) below, the starting point to calculate the prorated county premium is the county premium contribution offered to a full-time employee as identified in 15-533(b) above.

(1) Based on their positions' budgeted FTE level for all eligible part-time employees for health insurance effective prior to January 1, 2015.

(2) For those employees who qualify for health insurance under 15-531(a)(1)c.1., the

1 county will continue to pay based upon their positions' budgeted FTE level for health
2 insurance effective after January 1, 2015.

3
4 (3) For those employees who qualify for health insurance under 15-531(a)(1)b., the
5 county will pay the percentage of the health insurance premium defined in 15-533(b)
6 above for health insurance effective after January 1, 2015.

7
8 (d) The county shall pay 100 percent (single or family) of the premium for a full-time
9 and 50 percent (single or family) of the premium for a part-time employee enrolled in a dental plan.

10
11 (e) A retiree or county board supervisor shall pay the full premium, except as otherwise
12 provided by chapter 15 or a collective bargaining agreement.

13
14 (f) An employee's premium contribution shall be paid by payroll deduction.”

15
16 **PART II: That section 15-536 of the Walworth County Code of Ordinances is hereby**
17 **amended to read as follows (additions are underlined; deletions are shown in strike-through**
18 **text):**

19
20 **“Sec. 15-536. Changes in employment status.**

21
22 An employee shall be eligible to enroll in insurance benefits or to change coverage when his
23 or her employment status increases to a regular part-time position regularly scheduled to work a
24 minimum of 0.5 FTE (0.75 FTE effective November 1, 2012 for health insurance pursuant to 15-
25 531(a) (1) b. (2)), or increases to a regular full-time position. An enrollment form must be received
26 in the department within 31 days of the date of the qualifying employment status change and shall be
27 considered an initial enrollment, subject to section 15-535. This section shall not apply to a
28 temporary assignment.”

29
30 **PART III: That this ordinance shall become effective upon passage and publication.**

31
32 **PASSED and ADOPTED** by the Walworth County Board of Supervisors this 4th day of September
33 2014.

34
35
36
37 _____
38 Nancy Russell
39 County Board Chair

40 _____
41 Kimberly S. Bushey
42 Attest: County Clerk

43 County Board Meeting Date: September 4, 2014

44 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:

DA 36 7/30/14
David A. Bretl Date
County Administrator/Corporation Counsel

N Andersen 8/1/14
Nicole Andersen Date
Deputy County Administrator - Finance

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

Resolution No. 26-09/14
SUPPORTING A FULL ENVIRONMENTAL ASSESSMENT OF ENBRIDGE
LINE 61 EXPANSION AND NEEDED PUBLIC INPUT

1 Moved/Sponsored by: Land Conservation Committee
2

3 **WHEREAS**, Enbridge Pipeline 61 runs from Superior, Wisconsin to Northern Illinois.
4 Enbridge Energies seeks to expand Line 61 from an initial flow rate of 400,000 barrels per day to
5 a proposed 1.2 million barrels per day and the material to be transported in this pipeline is tar
6 sand oil, which is more corrosive than traditional oil and leads to more pipeline ruptures and
7 spills. Tar sand oil is denser than traditional oil with toxic materials to diluent. It does not float,
8 and is extremely difficult and costly to clean up any spill; and
9

10 **WHEREAS**, Enbridge Energies has a record of pipeline related incidents, which include the
11 accident at Grand Marsh here in Wisconsin, as well as a massive tar sand oil spill on Michigan's
12 Kalamazoo River. The Kalamazoo River spill resulted from a leak in a pipe with the flow rate
13 one-sixth of the flow rate proposed for pipeline 61 running through Walworth County. The
14 Kalamazoo River spill of 2010 has still not been successfully cleaned up, despite a cost of \$800
15 million, making it more costly than any onshore spill in U.S. history; and
16

17 **WHEREAS**, the D.N.R. held one public hearing about its air permit in Superior, Wisconsin on
18 May 5, 2014, and this remains the one and only public hearing scheduled anywhere in the state
19 regarding the proposed expansion of line 61. It is important to have further public input as well
20 as a full environmental assessment before approving this expanded use, especially where line
21 failure would cause a significant threat to tourism and agriculture in Walworth County.
22

23 **NOW, THEREFORE, BE IT RESOLVED** that the Walworth County Board urges the D.N.R.
24 to reject the air permit for this project and undertake a full environmental impact assessment and
25 further public hearings before authorizing Enbridge to move tar sands oil through Walworth
26 County in its pipelines; and
27

28 **BE IT FURTHER RESOLVED** that the County Clerk forward this Resolution to the Governor,
29 D.N.R. Secretary and all other counties along the proposed pipeline path.
30
31

32 _____
33 Nancy Russell
34 County Board Chair
35

Kimberly S. Bushey
County Clerk

36 County Board Meeting Date: September 4, 2014
37

38 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:
Note: Enbridge has disputed the accuracy of a number of statements contained in the resolution.
Corporation Counsel has not verified the substance of the facts set forth in the resolution. Approval is
limited to the question of whether the Board may legally adopt the resolution.

 D A Bret 8/27/14
David A. Bret Date

 Nicole Andersen 8/27/14
Nicole Andersen

Resolution No. 25-09/14

Approving the Whitewater Tower Agreement Between the Walworth County Sheriff's Office and the Whitewater Unified School District

1 Moved/Sponsored by: Public Works Committee

2
3 **WHEREAS**, the Walworth County Sheriff's Office owns a telecommunications tower
4 (Whitewater Tower) located at W8361 RW Townline Road, Whitewater, Wisconsin; and,

5
6 **WHEREAS**, the Whitewater Unified School District (WUSD) wishes to occupy attachment
7 locations on the Whitewater Tower for placement of antennas, cabling and ancillary equipment
8 and certain space on the ground adjacent to the Tower to enhance the WUSD's internet service;
9 and,

10
11 **WHEREAS**, the terms of occupation of the Sheriff's Office tower and adjacent space, including
12 but not limited to licensing, installation, maintenance, term of occupation, indemnification,
13 insurance and compliance with applicable laws are set forth in the attached Whitewater Tower
14 Agreement.

15
16 **WHEREAS**, the County Board of Supervisors hereby approves the terms and conditions as set
17 forth in the attached Tower Agreement.

18
19 **NOW, THEREFORE, BE IT RESOLVED** that the Walworth County Board of Supervisors
20 hereby approves the Whitewater Tower Agreement and authorizes the Walworth County
21 Sheriff's Office to execute the Agreement with WUSD.

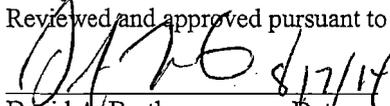
22
23
24
25 _____
26 Nancy Russell
27 County Board Chair

Kimberly S. Bushey
County Clerk

28 County Board Meeting Date: September 4, 2014

29
30 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 Date	 _____ Nicole Andersen Date
County Administrator/Corporation Counsel	Deputy County Administrator - Finance

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

Policy and Fiscal Note
Resolution No. 25-09/14

- I. **Title:** Approving the Whitewater Tower Agreement Between the Walworth County Sheriff's Office and the Whitewater Unified School District
- II. **Purpose and Policy Impact Statement:** To authorize the Walworth County Sheriff's Office to execute the proposed Tower Agreement with the Whitewater Unified School District.
- III. **Budget and Fiscal Impact:** The passage of this resolution will have no fiscal impact on the county budget.
- IV. **Referred to the following standing committees for consideration and date of referral:**

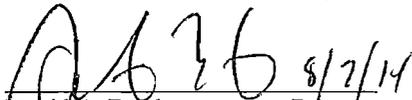
Committee: Public Works

Meeting Date: June 16, 2014

Vote: 3- 0

County Board Meeting Date: September 4, 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.



Date 8/7/14

David A. Brel
County Administrator/Corporation Counsel



Date 8/7/14

Nicole Andersen
Deputy County Administrator - Finance



Communications Division

Memorandum

To: Public Works Committee

From: Captain Kevin Williams

Date: June 10, 2014

Re: Whitewater Tower Agreement

Enclosed you will find a proposed Whitewater Tower agreement that I am requesting favorable action on.

This agreement is between Walworth County and the Whitewater Unified School District. The school district operates the Lakeview Elementary School on R & W Townline Road in the Town of Whitewater. They are looking to provide internet services to that school through their campus located in the City of Whitewater. To accomplish this they are requesting that we allow them to place equipment on our radio tower located in the Town of Whitewater near the Lakeview Elementary School.

Both representatives from the Whitewater Unified School District and the Walworth County Corporation Counsel have developed and reviewed the proposed agreement and both feel it is reasonable and worthy of approval.

WHITEWATER TOWER AGREEMENT

This Whitewater Tower Agreement (hereinafter referred to as the "Agreement") is made and entered into the ____ day of _____, 2014, by and between the Walworth County Sheriff's Office (hereinafter referred to as the "Sheriff's Office") and the Whitewater Unified School District (hereinafter referred to as the "School District").

WHEREAS, the Sheriff's Office owns a telecommunications tower (the "Tower") located at W8361 RW Townline Road, _____, Whitewater, WI (the "Site").

WHEREAS, the School District desires to occupy, and the Sheriff's Office is willing to provide, attachment locations upon the Tower for the placement of the School District's antennas, cabling, and ancillary equipment (the "Tower Space") as well as certain space on the ground adjacent to the Tower (the "Ground Space") (collectively the Tower Space and the Ground Space shall be referred to hereinafter as the "Licensed Space"), to enhance the School District's internet service.

NOW, THEREFORE, in consideration of the mutual promises, conditions, and other good and valuable consideration of the parties hereto, it is covenanted and agreed as follows:

1. License Conferred. The Sheriff's Office hereby confers upon the School District, and the School District hereby receives and accepts from the Sheriff's Office, a license and privilege, which shall be irrevocable for the stated duration hereof unless otherwise stated herein, to do all of the following:

Place equipment on the Tower and Site for the purpose of providing internet access to the School District.

2. Improvements and Purpose.

- (a) Use. The School District shall be permitted to use the Site and the Tower to install, operate, and maintain thereon internet telecommunications equipment, including system networking, station control, and performance monitoring functions (all of which is collectively referred to hereinafter as "School District's Equipment"), and for no other use or purpose. The School District's installation of the School District's Equipment on the Tower and the Site shall be limited to the antennas and other equipment and frequencies agreed upon in advance by the Sheriff's Office. The School District's Equipment shall at all times comply with and conform to all laws and regulations applicable thereto, and shall be subject to the Sheriff's Office's review and approval.
- (b) Limited Use of Tower. The School District's installation of the School District's Equipment on the Tower and the Site shall be limited to the portion of the Tower structure for which the School District has been granted a license and the portion of the Site for which the School District has been granted a license, and the

School District shall not have the right to use the Sheriff's Office's Equipment or other portions of the Tower or the Site.

- (c) The School District agrees to use Radicom for all installation and maintenance work related to the School District's equipment. Radicom currently holds the maintenance agreement with the Sheriff's Office for this Tower. The School District agrees to pay Radicom for any and all installation and maintenance work related to the School District's Equipment at the Tower or the Site. If the Sheriff's Office enters into a new maintenance agreement with a different vendor, the School District agrees to use the new vendor in place of Radicom.
- (d) Time of Installation. The School District's installation of the School District's Equipment on the Tower and the Site shall be performed on dates and at times and within time frames approved by the Sheriff's Office and shall not interrupt or interfere with the operation of the Sheriff's Office's communications system or the Sheriff's Office's Equipment unless the Sheriff's Office agrees to such interruption or interference in writing.
- (e) Compliance with Laws. The School District's installation of the School District's Equipment at the Tower and the Site shall be in compliance with all present and future laws, regulations, and requirements of all federal, state, or local authorities, and the School District shall deliver to the Sheriff's Office, prior to installing the School District's Equipment on the Tower and the Site or structurally enhancing the Tower, all certificates, permits, licenses, and other approvals required by any federal, state, or local authority to install the School District's Equipment or structurally enhance the Tower.

3. Duration. The initial term of this Agreement shall be five (5) years, commencing on the earlier of installation or September 1, 2014 (herein referred to as the "Commencement Date"). Thereafter, provided that it has faithfully performed its obligations under this Agreement, the School District may extend its occupation of the Licensed Space, continuing all the same conditions and provisions hereof, for two (2) renewal terms of five (5) years each. The School District's extension of each renewal term shall occur automatically unless the School District notifies the Sheriff's Office, in writing, of the School District's intention not to renew this Agreement, at least one hundred twenty (120) days prior to the expiration of the initial term, or as applicable, any additional renewal term.

4. License Fee. The Sheriff's Office will not charge the School District for use of the Tower.

5. Utilities. The Sheriff's Office will not charge the School District for the use of utilities including electrical costs.

6. Equipment. Any equipment purchased by the School District for this project shall remain the property of the School District.

7. Maintenance and Replacement Costs. All maintenance and replacement costs for the School District's Equipment at the Tower and Site shall be the responsibility of the School District.

8. Mutual Indemnification. Each party shall, to the fullest extent permitted by law, indemnify, defend, and hold harmless the other party, against all claims, losses, costs, expenses, damages, and liabilities related to the Tower, Site, or Licensed Space and arising from: (i) the negligence, willful misconduct, or strict liability of such party, or its agents, employees, or contractors; or (ii) any material breach by such party of any provision of this Agreement. Neither party shall be responsible or liable to the other for any claim, loss, cost, expense, damage, or liability arising from any claim to the extent attributable to any acts or omissions of the other party or to other third parties at the Tower or Site.

9. Insurance. The School District shall have adequate insurance at all times at the School District's expense which coverage shall include, but are not limited to the following: Commercial Workers' Compensation Insurance as required by law, Commercial General Liability Insurance with a minimum combined single limit of \$5,000,000 covering personal injury and property damage, completed operations, independent contractors, and contractual liability (which may be provided in any combination of primary and excess coverage); Employer's Liability Insurance with a minimum combined single limit of \$1,000,000; and Commercial Automobile Liability Insurance for any motor vehicle, covering bodily injury and property damage with a minimum combined single limit of \$1,000,000. The foregoing insurance shall be issued on an occurrence basis, shall be primary with respect to any liability assumed by the School District hereunder, shall specifically name the Sheriff's Office as an additional insured. The School District shall provide the Sheriff's Office with certificates of insurance evidencing the required coverage and shall give the Sheriff's Office thirty (30) days written notice if the coverage represented in these certificates is reduced or canceled.

10. Requirements regarding the School District's installation, removal, repair, replacement, and maintenance of the School District's Equipment.

(a) The School District shall contract with Radicom or the Sheriff's Office's current maintenance agreement vendor, to install, remove, repair, replace, and perform maintenance on the School District's Equipment located on the Site, Tower or Licensed Space.

(b) The School District shall not install, remove, repair, replace, or perform maintenance on any of the School District's Equipment located on the Site, Tower, or Licensed Space. Wherever it is expressly stated or contemplated in the Agreement that the School District will be performing any activities pertaining to installing, removing, repairing, replacing, and performing maintenance on

any of the School District's Equipment located on the Site, Tower, or Licensed Space, said activities shall be conducted only by Radicom or current vendor and not by the School District.

(c) In the event that the School District has failed to comply with this provision, the Sheriff's Office may immediately terminate the Agreement and remove from the Tower, Site and Licensed Space, at the School District's expense, the School District's Equipment.

11. Removal of the School District's Property. (a) The School District's Equipment is agreed to be the School District's personal property, and the School District shall at all times be authorized to create security interests in said property specifically itemized, and to remove said property from the Licensed Space free from any lien of the Sheriff's Office. Upon the expiration or earlier termination of this Agreement, the School District shall (i) contact Radicom to remove the School District's Equipment in a good, efficient, and workmanlike manner and in compliance with all applicable legal requirements, (ii) repair any damage caused to the Tower and the Site caused by such removal, (iii) not interrupt or interfere with the operation of the Sheriff's Office's communications system or the Sheriff's Office's Equipment in removing the School District's Equipment, and (iv) surrender the Tower and the Site in good condition, ordinary wear and tear excepted. In the event the School District fails to remove any of the School District's Equipment from the Tower or the Site within thirty (30) days of the expiration or earlier termination of this Agreement, the School District shall be deemed to have abandoned the School District's Equipment.

(b) If the School District has abandoned the School District's Equipment pursuant to this Section, then the Sheriff may give the School District written notice that the School District must remove all of the School District's Equipment from the Tower and Site within thirty (30) days. If the School District fails to remove all of the School District's Equipment from the Tower and Site after the expiration of thirty (30) days from the date of receiving written notice pursuant to this Section, then the Sheriff's Office shall be free to remove and dispose of the School District's Equipment in any manner determined by the Sheriff's Office, in the Sheriff's Office's sole and absolute discretion, and without any liability to the School District therefor. If the School District is deemed to have abandoned the School District's Equipment to the Sheriff's Office, pursuant to this Section, the School District shall reimburse the Sheriff's Office within ten (10) days of the School District's receipt of an invoice from the Sheriff's Office, for all costs incurred by the Sheriff's Office in removing and disposing of the School District's Equipment, such obligation to reimburse the Sheriff's Office to survive the termination of this Agreement. Notwithstanding the foregoing, the School District shall not have the right to, and may not, remove any structural enhancements to the Tower, such structural enhancements becoming the property of the Sheriff's Office upon the expiration or earlier termination of this Agreement.

12. Termination.

(a) The Sheriff's Office's Right to Terminate. The Sheriff's Office shall have the right to terminate this Agreement at any time upon ninety (90) days prior written notice to the School District.

(b) The School District's Right to Terminate. The School District shall have the right to terminate this Agreement at any time upon ninety (90) days prior written notice to the Sheriff's Office.

13. Destruction. If the Tower is totally or substantially destroyed, the Sheriff's Office, in the Sheriff's Office's sole and absolute discretion, may terminate this Agreement or may rebuild the Tower. If the Sheriff's Office elects to terminate this Agreement, all rights and obligations of the parties arising after the termination date shall terminate.

14. Binding Effect. All of the covenants, conditions, and provisions of this Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

15. Entire Agreement. This Agreement constitutes the entire contract between the parties, and supersedes any prior understanding or oral or written agreements between them respecting the within subject matter.

16. Modifications. This Agreement may not be modified except in writing signed by the party against whom such modification is sought to be enforced.

17. Severability. If any term of this Agreement is found to be void or invalid, such invalidity shall not affect the remaining terms of this Agreement, which shall continue in full force and effect. The parties shall agree that if any provisions are deemed not enforceable, they shall be deemed modified to the extent necessary to make them enforceable.

18. Authority. The persons who have executed this Agreement represent and warrant that they are duly authorized to execute this Agreement in their individual or representative capacity as indicated.

19. Notices. Any notice, request, or demand required or permitted to be given pursuant to this Agreement shall be in writing and shall be deemed sufficiently given if delivered by messenger at the address of the intended recipient, sent prepaid by Federal Express (or a comparable guaranteed overnight delivery service), or deposited in the United States first class mail (registered or certified, postage prepaid, with return receipt requested), addressed to the intended recipient at the address set forth below. Any such notice, request, or demand so given shall be deemed given on the day it is delivered by messenger at the specified address, on the day after deposit with Federal Express (or a comparable guaranteed overnight delivery service), or on the day that is two (2) days after deposit in the United States mail, as the case may be.

Sheriff's Office: Walworth County Sheriff's Office
Attention: Sheriff
Post Office Box 1004
1770 County Road NN
Elkhorn, WI 53121
(262) 741 - 4400
(262) 741 - 4475

School District: Whitewater Unified School District
Attention: _____

20. Waiver of Compliance. Any failure of the School District to comply with any obligation, covenant, agreement, or condition herein may be expressly waived by the Sheriff's Office, but such waiver or failure to insist upon strict compliance with such obligation, covenant, agreement, or condition shall not operate as a waiver of, or estoppel with respect to, any subsequent or other failure.

21. Survival. The representations, warranties, and indemnifications contained herein shall survive the termination or expiration of this Agreement.

22. Other. This Agreement shall become effective and binding only upon the execution and delivery hereof by both the Sheriff's Office and the School District.

END OF AGREEMENT - SIGNATURE PAGE TO FOLLOW

Signature Page

IN WITNESS WHEREOF, the parties hereto bind themselves to this *Whitewater Tower Agreement* as of the day and year first above written.

Walworth County Sheriff's Office

By: _____

Printed: _____

Title: _____

Whitewater Unified School District

By: _____

Printed: _____

Title: _____

ACKNOWLEDGEMENTS

STATE OF WISCONSIN)
)
COUNTY OF WALWORTH)

I, the undersigned, a Notary Public in and for the State of Wisconsin, hereby certify that Kevin Williams, Captain of Walworth County Sheriff's Office, known to me to be the same person who signed the foregoing "Tower Agreement," personally appeared before me this day and acknowledged that, pursuant to his/her authority, s/he signed the said Agreement as his/her free and voluntary act on behalf of said corporation for the uses and purposes therein stated.

Witness my hand and official seal the ____ day of _____, 2014.

Notary Public

STATE OF WISCONSIN)
)
COUNTY OF WALWORTH)

I, the undersigned, a Notary Public in and for the State of Wisconsin, hereby certify that Charlie Barr, Technological Coordinator, Whitewater Unified School District, known to me to be the same person who signed the foregoing "Tower Agreement," personally appeared before me this day and acknowledged that, pursuant to his/her authority, s/he signed the said Agreement as his/her free and voluntary act of said corporation, for the uses and purposes therein stated.

Witness my hand and official seal the ____ day of _____, 2014.

Notary Public