



**WALWORTH COUNTY BOARD OF SUPERVISORS
MEETING**

WEDNESDAY, NOVEMBER 12, 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 NOVEMBER 4, 2014

Call to Order

Pledge of Allegiance

Invocation

- Kathy Ingersoll, Walworth County Board Supervisor, District #6

Roll Call

Withdrawals from Agenda, if any

Approval of the Agenda

Approval of the Minutes

Pgs. 1-8

Pgs. 9-12

- October 14, 2014 County Board Meeting
- October 30, 2014 Public Budget Hearing

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

Communications and Matters to Be Referred

#2a. Pgs. 13-31

#2b. Pgs. 32-37

#2c. Pgs. 38-49

#2d. Pgs. 50-71

1. Claims Received After Agenda Mailing
2. Claims: a) Notice of Auction and Auction Terms and Bid Procedures – In re: B.R. Amon & Sons, Inc., Amon & Sons, Inc., Amon Land Company, LLC, Lake Mills Blacktop, Inc., Assignors; b) Writ of Certiorari and Petition for Writ of Certiorari – James E. Siffermann, Petitioner, vs. Walworth County Board of Adjustment, Respondent; c) Receiver Ronald M. Carlson, Esq., Forseti Consulting, LLC, and Southwind RAS' Response to Plaintiff-Intervenor's Motion for Leave to Sue the Receiver, or, in the alternative, for Leave to Intervene in the Receivership Trust Pursuant to Wis. Stat. § 803.09(1) – In re: B.R. Amon & Sons, Inc., Amon & Sons, Inc., Amon Land Company, LLC, Lake Mills Blacktop, Inc., Assignors; d) Notice of Motion to Allow Environmental Testing Upon Receivership Property – In re: B.R. Amon & Sons, Inc., Amon & Sons, Inc., Amon Land Company, LLC, Lake Mills Blacktop, Inc., Assignors (To be referred to the Executive Committee)

- Pgs. 72-73** 3. Correspondence from the Government Finance Officers Association (GFOA) regarding Walworth County being awarded the Certificate of Achievement for Excellence in Financial Reporting (To be referred to the Finance Committee)
- Pg. 74** 4. Press Release from Brown County Citizens for Responsible Wind Energy in regard to Duke Energy’s Shirley Wind Turbines Declared a “Human Health Hazard” (To be placed on file)
- Pgs. 75-76** 5. Correspondence from the State of Wisconsin Department of Natural Resources acknowledging receipt of Walworth County Resolution No. 26-09/14 regarding the Enbridge Energy Line 61 expansion (To be placed on file)
- Pgs. 77-78** 6. Notice of Public Hearing and Order for Publication – In the Matter of West Shore Ventures, LLC’s Application to Place a Pier on the Bed of Lake Beulah in the Town of East Troy (To be placed on file)
- Pg. 79** 7. Southeastern Wisconsin Regional Planning Commission’s 2013 Annual Report (To be placed on file)
- Pg. 80** 8. Report of the County Clerk Regarding Communications Received by the Board and Recommended to be Placed on File
9. Report of the County Clerk Regarding Communications Received by the Board After the Agenda Mailing
- Pg. 81** 10. Report of the County Clerk Regarding Zoning Petitions (To be referred to the County Zoning Agency)

Unfinished Business

New Business

Reports of Standing Committees

Pg. 82 County Zoning Agency Report of Proposed Zoning Amendments

1. Mukwonago Baptist Church Inc., Rhon L. Roberts – Agent, Section 2, East Troy Township. Requests to amend the 2035 Land Use Plan Map from approximately 20.12 acres of (RR) Rural Density Residential (at least 5 acres per dwelling) land use category to (G) Governmental and Institutional land use category – Approved: 7-0 (October 16, 2014 County Zoning Agency Public Hearing)
2. Jodi Buckett Vanwormer – owner, Section 21, LaFayette Township. Requests to amend the 2035 Land Use Plan Map from approximately 35 acres of (AP) Prime Agricultural land use category to (AG1) Other Agricultural Rural Residential and Other Open Lands (5 to 34 acres per dwelling) land use category – Approved: 5-2 (October 16, 2014 County Zoning Agency Public Hearing)
3. Grand Geneva, LLC, Mark McDonald – Applicant, Sections 29 and 32, Lyons Township. Rezone approximately 12 acres of A-2 and C-1 to B-5, approximately 3.3 acres of A-2 to C-4 and C-1 (shoreland and non-shoreland wetlands), and approximately 9.25 acres of B-5 to C-4 – Approved: 7-0 (October 16, 2014 County Zoning Agency Public Hearing)

Executive Committee

- Pgs. 83-84** 1. Res. No. 46-11/14 – Honoring the Service of Bob and Lavonne Webster and the Support the Troops Committee – *Vote Required: Majority* (The Executive Committee will consider this resolution and make a recommendation at a special meeting immediately prior to the November 12, 2014 County Board meeting.)

Finance Committee

- Pgs. 85-87** 1. Ord. No. 893-11/14 – Amending Section 30-181 of the Walworth County Code of Ordinances Relating to Public Works State Performance Bid Net Position Carryforward – *Vote Required: Majority* (Recommended by the Public Works Committee 5-0 and the Finance Committee 5-0)
- Pgs. 88-136** 2. Ord. No. 894-11/14 – Amending Section 30-286 of the Walworth County Code of Ordinances Relative to Fees – *Vote Required: Majority* (Recommended by the Finance Committee 5-0)
- Pgs. 137-141** 3. Ord. No. 895-11/14 – Amending Sections 62-104 and 62-105 of the Walworth County Code of Ordinances Relating to Tax Incremental Financing Districts – *Vote Required: Majority* (Recommended by the Finance Committee 5-0)
- Pgs. 142-144** 4. Res. No. 42-11/14 – Authorizing the Sheriff’s Office to Accept OWI Task Force Grant Funds in the Amount of \$40,000 to Monitor and Enforce OWI Traffic Laws and Authorizing Addition to the Previously Established Pre-approved Recurring Grants List – *Vote Required: Majority* (Recommended by the Finance Committee 5-0)
- Pgs. 145-146** 5. Res. No. 43-11/14 – Accepting the Donation of Twenty-five (25) Apple iPads and Cases from the Geneva National Foundation for Use at Lakeland School – *Vote Required: Majority* (Recommended by the Children with Disabilities Education Board 5-0 and the Finance Committee 5-0)
- Pgs. 147-150** 6. Res. No. 44-11/14 – Adopting the 2015 Appropriation of the Walworth County Budget and CIP Plan – *Vote Required: Majority* (Recommended by the Finance Committee 4-1)
- Pgs. 151-153** 7. Res. No. 45-11/14 – Establishing the County Tax Levy to Support the 2015 Budget Appropriation – *Vote Required: Majority* (Recommended by the Finance Committee 5-0)
- Pgs. 154-157** 8. Res. No. 48-11/14 – Approving a Negotiated Agreement by and between Walworth County and the Internal Revenue Service – *Vote Required: Two-thirds* (Recommended by the Finance Committee 3-0 and the Human Resources Committee 5-0)

Health and Human Services Board

1. ~~Ord. No. 903-11/14 – Amending Chapter 2 of the Walworth County Code of Ordinances Relating to Health and Human Services Board Membership – *Vote Required: Two-thirds* (Recommended by the Health and Human Services Board 8-0)~~

Human Resources Committee

- Pgs. 158-159** 1. Ord. No. 896-11/14 – Amending Section 15-187 of the Walworth County Code of Ordinances Relating to Residency Requirements for Deputies – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
- Pgs. 160-162** 2. Ord. No. 897-11/14 – Amending Section 15-52 of the Walworth County Code of Ordinances Relating to Requests to Waive Recruitment – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
- Pgs. 163-174** 3. Ord. No. 898-11/14 – Amending Section 15-17 of the Walworth County Code of Ordinances Relating to Authorized Positions by Department Based on the 2015 Budget – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)

- Pgs. 175-177** 4. Ord. No. 899-11/14 – Amending Chapter 15 of the Walworth County Code of Ordinances Relating to the Creation of the Office of Medical Examiner – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
- Pgs. 178-182** 5. Ord. No. 900-11/14 – Amending Chapter 15 of the Walworth County Code of Ordinances Relating to Updates to Various Position Titles – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
- Pgs. 183-185** 6. Ord. No. 901-11/14 – Amending Section 15-810 of the Walworth County Code of Ordinances Relating to Drug or Alcohol Testing – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
- Pgs. 186-188** 7. Ord. No. 902-11/14 – Amending Section 15-142 of the Walworth County Code of Ordinances Relating to Temporary Staffing Agencies – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)

Land Conservation Committee

- Pgs. 189-191** 1. Ord. No. 892-11/14 – Amending Section 26-301 of the Walworth County Code of Ordinances Relating to Nonmetallic Mining Reclamation – *Vote Required: Majority* (Recommended by the Land Conservation Committee 5-0)

Public Works Committee

- Pgs. 192-193** 1. Res. No. 47-11/14 – Rescinding Resolution No. 27-09/14 Which Accepted a Donation from the Kikkoman Corporation of an 11,000 Gallon Storage Tank for the Purpose of Applying Waste Salt Brine to County Roads – *Vote Required: Majority* (Recommended by the Public Works Committee 3-2)

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, December 9, 2014 agenda on or before Tuesday, November 25, 2014.

**Reminder: The December 9, 2014 County Board meeting is scheduled for 2:00 p.m.

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

**OCTOBER 14, 2014
WALWORTH COUNTY BOARD OF SUPERVISORS
MEETING**

The Walworth County Board of Supervisors meeting was called to order by Chair Russell at 6:20 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, Daniel G. Kilkenny, Kenneth H. Monroe, Joe Schaefer, Vice-Chair Rick Stacey, Charlene Staples, David A. Weber, Paul Yvarra, and Chair Nancy Russell. A quorum was established.

Nancy Russell, Walworth County Board Supervisor, District #11, delivered the invocation.

Amendments, Withdrawals, and Approval of Agenda

Vice-Chair Stacey offered a motion, seconded by Supervisor Brandl, to approve the agenda with two amendments: 1) move Appointments/Elections prior to Comment Period by Members of the Public Concerning Items on the Agenda; and 2) suspend the rules in order to discuss Item #3 under Communications and Matters to be Referred. Motion carried.

Approval of the Minutes

On motion by Supervisor Schaefer, seconded by Supervisor Weber, the September 4, 2014 Committee of the Whole and September 4, 2014 County Board meeting minutes were approved by voice vote.

Appointments/Elections

1. Director of Health and Human Services
 - Elizabeth Aldred – To succeed Linda Seemeyer (Recommended by the Health and Human Services Board 9-0 and the Executive Committee 5-0)
2. Walworth County Medical Examiner
 - Dr. Lynda Biedrzycki (Recommended by the Executive Committee 5-0)
3. Local Emergency Planning Committee
 - John Ennis
 - Kevin Kennedy
 - Michael Katzenberg
 - David Fladten
 - Jim Obligato
 - Elizabeth Walsh
 - David Thompson
 - Richard Kuhnke
 - David Graves
 - Nancy Russell
 - Mark Ruosch
 - Kevin Brunner
 - Daniel Plutchak
 - Daniel Nickels
 - Eric Hudson
 - David Bretl

(Recommended by the Executive Committee 5-0)
4. Southeastern Wisconsin Regional Planning Commission (SEWRPC)
 - Charles Colman (Recommended by the Executive Committee 5-0)

(The County Board’s recommendation and Mr. Colman’s background information will be forwarded to Governor Walker for consideration and action.)
5. Walworth County Workforce Development Board
 - Derek D’Auria (Recommended by the Executive Committee 5-0)

On motion by Supervisor Schaefer, seconded by Supervisor Weber, the appointments for Director of Health and Human Services, Walworth County Medical Examiner, Local Emergency Planning Committee, SEWRPC, and Walworth County Workforce Development Board were approved by voice.

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

Shaun Serediak, Sr. PQ Advisor – Enbridge, 1408 Hammond Ave., Superior, WI, addressed the board regarding the Enbridge Line 61 upgrade and provided an overview of the products transported in the pipeline.

Becky Haase, Enbridge, 1408 Hammond Ave., Superior, WI, addressed the board regarding the Enbridge Line 61 upgrade. Ms. Haase urged the board to reject the proposed resolution as the pipeline project does not affect Walworth County.

John Schwarz, Technical Supervisor – Enbridge, W5867 Hedrick Dr., Fort Atkinson, WI, addressed the board regarding the Enbridge Line 61 expansion. He asked the Board to carefully consider the proposed resolution as the Line 61 project does not affect through Walworth County.

Mary Burpee, 609 W. Walworth St., Elkhorn, spoke in favor of the pipeline resolution. She stated human error can happen with any business product or service. She stated she thought that Enbridge and the County Board would be supportive of an environmental impact statement to protect citizens.

Ellen M. Holly, W5108 Wandawega Dr., Elkhorn, spoke in favor of the pipeline resolution. She said Walworth County citizens deserve a full environmental impact statement and she would like to see public hearings held on this subject.

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 Supply received from Super Mix of Wisconsin Inc. regarding furnished labor/materials for various county road projects; b) Claim for Vehicle Damage – Jeremy A. Behrens; c) Intervenor’s Notice of Motion and Motion for Leave to Sue the Receiver – In re: B.R. Amon & Sons, Inc., Amon & Sons, Inc., Amon Land Company, LLC, Lake Mills Blacktop, Inc., Assignors (To be referred to the Executive Committee)
3. Correspondence from Wisconsin Healthy Workplace Advocates regarding “Freedom from Workplace Bullies Week” (It is anticipated that the County Board will move, pursuant to Section 2-62 of the Walworth County Code of Ordinances, to suspend its rules in order to take action on this item)
4. Correspondence from Attorney John L. Maier, Jr. in regard to the Mound Road Estates Subdivision / The Shores of Delavan Lake Subdivision and requesting the County Zoning Agency refund an equitable portion of application fees to the applicant in the event that the Shodeen Project is rejected (To be referred to the County Zoning Agency)
5. Outagamie Co. Res. No. 26-2014-15 – Supporting legislation to allow escrow accounts and irrevocable trusts used by landfill owners to demonstrate proof of financial responsibility (To be referred to the Executive Committee)
6. Correspondence from Vice-Chair Rick Stacey in regard to providing cameras to the Sheriff’s Office in order to record interaction between law enforcement and citizens (To be referred to the Executive Committee)

7. Correspondence from Vice-Chair Rick Stacey in regard to the interest rate charged on delinquent taxes (To be referred to the Finance Committee)
8. Correspondence from State Rep. Andy Jorgensen acknowledging receipt of Walworth County resolutions regarding funding for county 911 services and the circuit court system (To be placed on file)
9. Report of the County Clerk Regarding Communications Received by the Board and Recommended to be Placed on File
 - There were none.
10. Report of the County Clerk Regarding Communications Received by the Board After the Agenda Mailing
 - Resolution No. 36-10/14 – Supporting Center-based Programming for People with Disabilities – *Vote Required: Majority* (Recommended by the Executive Committee 5-0, Children with Disabilities Education Board 4-0, and Health and Human Services Board 8-0)
 - Correspondence from Tom Laughlin regarding opposition to short term rentals – To be referred to the County Zoning Agency
 - Correspondence from Larry Kulik regarding opposition to short term rentals – To be referred to the County Zoning Agency
 - Summons and Complaint – U.S. Bank National Association, as Trustee for Structured Asset Investment Loan Trust Mortgage Pass-Through Certificates, Series 2006-2 c/o Ocwen Loan Servicing, LLC, Plaintiff, vs. Joseph J. Hogan, Sara M. Hogan a/k/a Sara M. Boehmer, Lake Como Beach Property Owners Association, Inc., Thorpe & Christian, S.C., County of Walworth, State of Wisconsin, Defendants – To be referred to the Executive Committee
 - Wisconsin Department of Administration Final Estimate of January 1, 2014 Population of Walworth County – To be referred to the Executive Committee
 - Correspondence from the State of Wisconsin Department of Natural Resources in regard to the Amendment to the Regional Water Quality Management Plan – City of Burlington, Walworth County – To be placed on file
 - *Walworth County Aging & Disability Resource Center News*, October 2014 – To be placed on file
11. Report of the County Clerk Regarding Zoning Petitions (To be referred to the County Zoning Agency)
 - ML Group, LLC – Cindy Lychotet, Applicant, Sugar Creek Township. Rezone approx. 10.78 acres of A-1 Agricultural and B-2 Highway Business Districts to C-4 and C-1 Lowland Resource Conservation Districts (shoreland and non-shoreland wetlands); rezone approx. .26 acres of A-2 Agricultural District to B-2 Highway Business District
 - Grand Geneva, LLC – Mark McDonald, Applicant, Lyons Township. Rezone approximately 12 acres of A-2 Agricultural District and C-1 Lowland Resource Conservation District to B-5 Planned Commercial Recreational Business District, approximately 3.3 acres of A-2 District to C-4 and C-2 Districts (shoreland and non-shoreland wetlands) and approximately 9.25 acres of B-5 District to C-4 District
 - Mukwonago Baptist Church Inc., Rhon L. Roberts – Agent, East Troy Township. Amend the 2035 Land Use Plan Map from approximately 20.12 acres of (RR) Rural Density Residential (at least 5 acres per dwelling) land use category to the (I) Governmental and Institutional land use category
 - Jodi Buckett Vanwormer – owner, LaFayette Township. Amending the 2035 Land Use Plan Map from approximately 35 acres of (AP) Prime Agricultural land use category to the (AG1) Other Agricultural Rural Residential and Other Open Lands (5 to 34 acres per dwelling) land use category

Supervisor Monroe offered a motion, seconded by Vice-Chair Stacey, to approve Item #3 – Correspondence from Wisconsin Healthy Workplace Advocates regarding “Freedom from Workplace

Bullies Week” and proclaimed October 19-25, 2014 as “Freedom from Workplace Bullies Week”.
Motion carried.

Unfinished Business

1. Res. No. 26-09/14 – Supporting a Full Environmental Impact Statement for Enbridge Energy Line 61 Expansion and Needed Public Input – *Vote Required: Majority* (Recommended by the Land Conservation Committee 4-1)

On motion by Supervisor Kilkenny, seconded by Supervisor Staples, **Resolution No. 26-09/14** was approved by voice vote. Vice-Chair Stacey and Supervisor Brandl requested that their votes be recorded as “No”.

New Business

Reports of Standing Committees

County Zoning Agency Report of Proposed Zoning Amendments

1. Joanne Beck, Mark Anders, Paul Anders, and Kristin Sleeth, Section 9, East Troy Township. Rezone approximately .12 acres of C-4 to R-1 – Approved: 6-0 (September 18, 2014 County Zoning Agency Public Hearing)
2. Christian League for the Handicapped, Inspiration Ministries c/o Richard Hall, Robert Pearce – Applicant, Section 2, Walworth Township. Rezone approximately 7.49 acres of A-1 and P-2 to A-1, P-2 and C-2 – Approved: 6-0 (September 18, 2014 County Zoning Agency Public Hearing)
3. Fort Community Credit Union c/o Jim Simdon (Vice President), Section 11, LaGrange Township. Rezone approximately 1.5 acres of C-2 to A-5 – Approved: 6-0 (September 18, 2014 County Zoning Agency)

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

Executive Committee

1. Ord. No. 890-10/14 – Amending Chapter 6 and Chapter 14 of the Walworth County Code of Ordinances Relative to Powers of the County Humane Officer – *Vote Required: Majority* (Recommended by the Executive Committee 5-0 and the Finance Committee 4-0)
2. Ord. No. 891-10/14 – Amending Section 2-144 of Chapter 2 of the Walworth County Code of Ordinances Relating to Committee Procedure (CDEB Meeting Time) – *Vote Required: Two-thirds* (Recommended by the Executive Committee 5-0)
3. Res. No. 35-10/14 – Designating Cindy Wrobel as the Walworth County Humane Officer – *Vote Required: Majority* (Recommended by the Executive Committee 5-0)
4. Res. No. 36-10/14 – Supporting Center-based Programming for People with Learning Disabilities – *Vote Required: Majority* (Recommended by the Executive Committee 5-0, Children with Disabilities Education Board 4-0, and Health and Human Services Board 8-0)
5. Res. No. 40-10/14 – Regarding the Claim of Myron Paddock – *Vote Required: Majority* (Recommended by the Executive Committee 3-2)

On motion by Supervisor Brandl, seconded by Supervisor Staples, Item 1, **Ordinance No. 890-10/14**; Item 3, **Resolution No. 35-10/14**; and Item 4, **Resolution No. 36-10/14** were approved by voice vote.

Supervisor Ingersoll offered a motion, seconded by Supervisor Schaefer, to approve Item 2, Ordinance No. 891-10/14. On motion by Vice-Chair Stacey, seconded by Supervisor Monroe, **Ordinance No. 891-10/14** was approved by unanimous consent.

Regarding Item 5, Resolution No. 40-11/14, County Clerk Bushey stated the Executive Committee voted 3-2 to disallow the claim based on the recommendation of the county's insurance company. Supervisor Brandl offered a motion, seconded by Supervisor Weber, to deny the claim of Myron Paddock. Supervisors Kilkenny, Staples, Ingersoll, and Brellenthin requested that their votes be recorded as "No". Motion carried.

Finance Committee

1. Ord. No. 880-10/14 – Amending Section 30-150 of the Walworth County Code of Ordinances Relating to Write-off of Receivables – *Vote Required: Majority* (Recommended by the Finance Committee 4-0)
2. Ord. No. 881-10/14 – Amending Section 30-185 of the Walworth County Code of Ordinances Relating to Establishment of Agency Funds – *Vote Required: Majority* (Recommended by the Finance Committee 4-0)
3. Ord. No. 882-10/14 – Amending Section 30-414 of the Walworth County Code of Ordinances Relating to Correction of Errors – *Vote Required: Majority* (Recommended by the Finance Committee 4-0)
4. Res. No. 28-10/14 – Approving an Agreement by and between Walworth County and the Lakeland Animal Welfare Society, Inc. for Contract Term 2015 to 2019 – *Vote Required: Two-thirds* (Recommended by the Finance Committee 4-0)
5. Res. No. 29-10/14 – Internally Designating Lakeland Health Care Center 2014 Net Position for Future Building/Equipment – *Vote Required: Two-thirds* (Recommended by the Lakeland Health Care Center Board of Trustees 5-0 and the Finance Committee 4-0)
6. Res. No. 30-10/14 – Committing General Fund Balances for Future Building/ Equipment – *Vote Required: Two-thirds* (Recommended by the Finance Committee 4-0)
7. Res. No. 31-10/14 – Authorizing Additions to Previously Established Pre-Approved Recurring Grants List – *Vote Required: Majority* (Recommended by the Finance Committee 4-0)
8. Res. No. 33-10/14 – Approving Intergovernmental Cooperation Agreement between Waukesha County and Walworth County Regarding the Provision of Medical Examiner Services to Walworth County – *Vote Required: Two-thirds* (Recommended by the Finance Committee 4-0)
9. Res. No. 34-10/14 – Approving Intergovernmental Cooperation Agreement between Waukesha County and Walworth County Regarding the Provision of Transition Services to Medical Examiner System – *Vote Required: Majority* (Recommended by the Finance Committee 4-0)

On motion by Supervisor Brandl, seconded by Supervisor Weber, Item 1, **Ordinance No. 880-10/14**; Item 2, **Ordinance No. 881-10/14**; and Item 3, **Ordinance No. 882-10/14**; were approved by voice vote.

Supervisor Brandl offered a motion, seconded by Supervisor Staples, to approve Item 4, Resolution No. 28-10/14. On motion by Vice-Chair Stacey, seconded by Supervisor Weber, **Resolution No. 28-10/14** was approved by unanimous consent.

Supervisor Ingersoll offered a motion, seconded by Supervisor Weber, to approve Item 5, Resolution No. 29-10/14. On motion by Vice-Chair Stacey, seconded by Supervisor Brandl, **Resolution No. 29-10/14** was approved by unanimous consent.

Supervisor Weber offered a motion, seconded by Supervisor Yvarra, to approve Item 6, Resolution No. 30-10/14. On motion by Vice-Chair Stacey, seconded by Supervisor Brandl, **Resolution No. 30-10/14** was approved by unanimous consent.

On motion by Supervisor Weber, seconded by Supervisor Yvarra, Item 7, **Resolution No. 31-10/14**, and Item 9, **Resolution No. 34-10/14**; were approved by voice vote.

Supervisor Brandl offered a motion, seconded by Supervisor Weber, to approve Item 8, Resolution No. 33-10/14. On motion by Vice-Chair Stacey, seconded by Supervisor Brandl, **Resolution No. 33-10/14** was approved by unanimous consent.

Human Resources Committee

1. Ord. No. 883-10/14 – Amending Sections 15-6 and 15-17 of the Walworth County Code of Ordinances Relating to the Reclassification of the HS Supervisor-Administration – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
2. Ord. No. 884-10/14 – Amending Section 15-17 of the Walworth County Code of Ordinances Relating to the Reclassification of a Unit Clerk and an RN-Unit Supervisor – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
3. Ord. No. 885-10/14 – Amending Section 15-359 of the Walworth County Code of Ordinances Relating to Special Pay Premiums for the Extended School Year – *Vote Required: Majority* (Recommended by the Children with Disabilities Education Board 4-0 and the Human Resources Committee 5-0)
4. Ord. No. 886-10/14 – Creating Section 15-366 of the Walworth County Code of Ordinances Relating to Safety Shoe Stipend for Certain LHCC Employees – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
5. Ord. No. 887-10/14 – Amending Sections 15-154 and 15-601 of the Walworth County Code of Ordinances Relating to Safety – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
6. Ord. No. 888-10/14 – Amending Section 15-333 of the Walworth County Code of Ordinances Relating to Step Increase Dates for CDEB Management Staff – *Vote Required: Majority* (Recommended by the Children with Disabilities Education Board 4-0 and the Human Resources Committee 5-0)
7. Ord. No. 889-10/14 – Creating Sections 15-540 and 15-549 of the Walworth County Code of Ordinances Relating to Special Benefit Provisions for CDEB Professional Employees – *Vote Required: Majority* (Recommended by the Children with Disabilities Education Board 4-0 and the Human Resources Committee 5-0)
8. Res. No. 32-10/14 – Approving a Collective Bargaining Agreement by and between Walworth County and the Health and Human Services Professionals for the Period of January 1, 2014 to December 31, 2014 – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)

On motion by Supervisor Monroe, seconded by Supervisor Weber, Item 1, **Ordinance No. 883-10/14**; Item 2, **Ordinance No. 884-10/14**; Item 3, **Ordinance No. 885-10/14**; Item 4, **Ordinance No. 886-10/14**; Item 5, **Ordinance No. 887-10/14**; Item 6, **Ordinance No. 888-10/14**; Item 7, **Ordinance No. 889-10/14**; and Item 8, **Resolution No. 32-10/14**; were approved by voice vote.

Park Committee

1. Res. No. 38-10/14 – Authorizing County Conservation Aids Program – *Vote Required: Majority* (Recommended by the Park Committee 4-0)

2. Res. No. 39-10/14 – Approving Memorandum of Understanding (MOU) with Rock County on Maintenance and Development of the Pelishek-Tiffany Trail – *Vote Required: Majority* (Recommended by the Park Committee 4-0)
3. Res. No. 41-10/14 – Authorizing County Officials to Enter into a Lease Agreement for Rental of the Residence Located in the White River County Park – *Vote Required: Majority* (No formal vote was taken at the September 15, 2014 Park Committee meeting.)

On motion by Supervisor Staples, seconded by Supervisor Brandl, Item 1, **Resolution No. 38-10/14**; and Item 2, **Resolution No. 39-10/14**; were approved by voice vote.

Administrator Bretl began discussion on Item 3, Resolution No. 41-10/14. He said this was being held at Park Committee to develop a draft lease and it is important to obtain direction from the County Board due to the upcoming cold weather season. He stated the house requires \$11,000 in repairs in order to prepare it for rental. Nicki Andersen, Deputy County Administrator-Finance, stated this resolution will require a two-thirds vote due to transferring funds from the contingency fund. Supervisor Schaefer offered a motion, seconded by Supervisor Weber to approve Item 3, Resolution No. 41-10/14. Kevin Brunner, Director of Central Services, provided an overview of the current condition of the home. He said the house was excluded from the stewardship grant; therefore, the county is able to sell the home.

Discussion ensued as to whether the county should make repairs in order to lease the home. Supervisor Kilkenny said it would be advantageous to have someone on site at the park and it was the consensus of the Park Committee was to move forward with this resolution. Supervisor Weber suggested moving forward with restoration to prepare for occupancy. He said there is no way for the county to rent to an occupant that would not have duties to oversee the property, and this would narrow the field for prospective renters. He said the duties and responsibilities of the occupant need to be determined and suggested having the Park Committee determine a profile of an occupant. Vice-Chair Stacey and Supervisors Yvarra and Monroe expressed concern regarding the liability issues of renting the home. Chair Russell relinquished the chair to Vice-Chair Stacey in order to address the board. Chair Russell expressed her concerns over renting the home. She stated she is reluctant because she would like to have someone on site but she stated the disadvantages outweigh the advantages. Chair Russell resumed the chair. Brunner stated the original intent was to lease the home when the county purchased the park. He said he does not believe it is prudent to preserve the home.

A roll call vote was conducted on Item 3, Resolution No. 41-10/14. Total votes: 11. Ayes: 4 – Kilkenny, Schaefer, Staples, and Weber; Noes: 7 – Brandl, Brellenthin, Ingersoll, Monroe, Stacey, Yvarra, and Russell; Absent: 0. Resolution No. 41-10/14 failed.

Brunner stated it should not cost much to winterize the home. Bretl stated they would request bids demolishing the home and another vote will be needed to transfer funds in order to demolish the home. Vice-Chair Stacey offered a motion, seconded by Supervisor Brandl, to winterize the home, obtain bids to demolish the home and return back to the Board.

Supervisor Ingersoll asked if there was any other reason to restore the home other than renting it out. Brunner stated the house is not in great shape, but in some people's eyes, the home could be preserved. Chair Russell stated she thought they had ruled out selling the home due to the county having less control. Supervisor Schaefer asked the amount of fire insurance on the property. Brunner stated he believes the insured value is approximately \$90,000. He said when the property was appraised, they included an appraised value of the home at \$28,000 if the home was moved from the property.

**WALWORTH COUNTY BOARD OF SUPERVISORS
PUBLIC BUDGET HEARING
OCTOBER 30, 2014**

The meeting was called to order at 6:01 p.m. by Chair Russell at the Walworth County Government Center, 100 W. Walworth St., Elkhorn, Wisconsin.

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

Approval of the Agenda

On motion by Supervisor Brandl, seconded by Supervisor Weber, the agenda was approved by voice vote.

Motion to Convene as “Committee of the Whole”

On motion by Supervisor Schaefer, seconded by Supervisor Brandl, the Board convened as a “Committee of the Whole.” No “No” votes were heard.

Finance Committee Chair to Conduct Public Budget Hearing

Chair Russell turned the meeting over to Administrator Bretl.

Presentation of the Executive Summary:

Administrator Bretl stated the purpose of this meeting is to hear from the public as to any concerns or comments they may have regarding the budget. He said tonight’s presentation provides another opportunity for the public to review the budget. He introduced Nicki Andersen, Deputy County Administrator-Finance. Andersen introduced Jessica Conley, Comptroller, and Stacie Johnson, Finance Manager, who play key roles in the budget process.

Ms. Conley gave an overview of the 2015 Preliminary Budget. She noted the county achieves a budget with a conservative tax levy increase from last year, which adheres to the state’s strict levy limit. She said the state cap limits certain aspects of growth to net new construction which kept the county at a 0.45% total levy increase for 2015. She provided an overview of the budget process.

Conley provided a comparison of the county’s total tax levy to the consumer price index (CPI) which shows the county tax levy continues to be below inflation. She said the county’s equalized value with tax incremental financing (TIF) districts is equal to \$13.3 billion with its first increase being seen in the last several years. She stated the county’s equalized value without TIF districts increased by an average of 0.67%, and this increase is the 17th lowest in the state.

Conley provided an example of how to calculate the county portion of the property tax bill. She stated the county portion of the tax bill is approximately 23% of the total tax bill, and depending on the municipality in which you reside, this portion can be as low as 8% or as high as 31%. She said the county portion of the total tax bill can include between two to four levies, which are Library, Debt Service, CDEB, and Operating. She stated the 2015 total levy is \$61,153,471, which is \$275,611 more than last year.

Conley gave an overview of the county's past budget strategies and new initiatives. She stated the county has saved almost \$700,000 in interest costs by making debt payments early over the last six years. She said the county has been setting aside funds for Lakeland School to call its bonds. Currently, \$6.4 million has been accumulated, which will fund 61% of the outstanding debt eligible to be called in 2017 and 2018. She said the last debt borrowing occurred in 2011 and according to the current capital plan, there are no new borrowings expected in the next five years. She said savings from operations each year have been placed in various accounts to save for future purchases. Between 2003 and 2011, road construction and large building construction projects were paid for with debt. She said the current road construction plan results in a relatively constant annual levy impact of approximately \$3 million. She outlined the planned additions and uses for the \$4 million road construction contingency committed fund balance account. She said the strategy to set aside funds to maintain building and equipment infrastructure will provide the funding for the renovation and expansion projects of the Public Works garage facility and the Health and Human Services building. The Public Works facility project will be completed by 2018 with an estimated cost of \$10.8 million, and the Health and Human Services building project will begin in 2019 with an estimated cost of \$8.8 million.

Conley discussed the county's Other Post Employment Benefits (OPEB), which are the liabilities to fund retirement health benefits. She said due to the county over funding this liability early, it has allowed the county to change its funding schedule from a 30-year schedule to an 11-year schedule. She said their current investment asset report shows that this liability is now fully funded, and according to their investment advisor, it is expected to remain fully funded through 2043 if this investment continues to grow at 5.35% or higher return rates.

Conley provided an overview of the 2015 Preliminary Expenditures. She said wages and benefits make up half of the county's budget. She stated market studies have been conducted to ensure appropriate wages are being paid to employees and numerous benefits changes have been incorporated over the years to keep wage and benefits costs down. The total cost of wages and benefits has risen by less than 3% since 2007. She stated the county's health costs have remained relatively stable due to changes in the county's self-insured plan. She said 2015 plan costs will be offset with the new revenue from the fully funded OPEB trust.

Conley gave an overview of the 2015 Preliminary Revenues. She stated the county's tax levy supports 44.07% of the county's expenditure budget. In comparison to 2008, the tax levy supported 34% of the total budget. She said the county relies more heavily on the tax levy due to the numerous revenue reductions. She stated the county's 0.5% sales tax is fast approaching the levels seen in 2008. The 2013 sales tax was \$125,000 short of where it was in 2008. She said this may be an indication that the county is seeing improved economic conditions.

Conley stated the county recognizes the growing need for cost effective transportation options for citizens in need and created the Transportation Coordinating Committee. She said transportation for clients and residents was outsourced in 2014 for Health and Human Services and Lakeland Health Care Center. The transportation grant and funding for non-county clients and residents have been moved from Health and Human Services to County Administration. She said an additional \$100,000 has been added for new program costs as well as \$25,000 for a consultant.

Conley stated due to the growing staff needs of the Public Works department, the 2015 budget includes the addition of one patrol person. The state recommends staffing levels per mile be at one patrol person per 40-42 lane miles and the addition of one patrol person will improve the county's staffing ratio to one patrol person per 49.9 lane miles. In order to adequately maintain a building, Public Works staff

recommends there should be one maintenance technician per 50,000 square feet. She said the county proposes to add one maintenance technician beginning July 1, 2015 to increase the county average to one maintenance technician per 72,800 square feet. She stated these staffing additions still place Walworth County in a lower than recommended staffing level.

Conley stated succession planning has taken place in many county departments. Linda Seemeyer, Director of Health and Human Services, has announced her retirement, and Elizabeth Aldred, who has worked as Deputy Director of Health and Human Services with Seemeyer for the last eight years, will succeed her. Sheriff David Graves announced his decision to retire and not seek re-election. With no competition on the ballot, it is expected that Kurt Picknell will be elected as the next Sheriff. Picknell has served as the Undersheriff for 14 years.

Conley gave an overview of the expenditures by department as well as the tax levy allocation by department. She said the Sheriff's Office makes up 39% of the tax levy use with 92% of its funding coming directly from the county's tax levy. She stated Lakeland Health Care Center has seen the largest department wide tax levy decrease with a 10% decrease. She said the 2015 LHCC budget includes the final payment to the general fund for the advance that was made to call debt early. With the building being fully paid, any excess funds over the minimum net position can be set aside for other purposes such as future and building needs.

Conley said the county purchased 195 acres in the Town of Lyons to open the White River County Park with 50% of the funding coming from a Department of Natural Resources stewardship grant. She stated the county also opened a dog park at Price Park. She stated the county will also begin to rebuild its parks savings account for future years with a \$50,000 allocation for future acquisition of park land. She said this allocation has been made for several years and helped fund the county share of the White River County Park purchase.

She concluded the presentation by stating the 2015 Walworth County Preliminary Budget is available for review in the County Clerk and Finance offices and the county website (www.co.walworth.wi.us).

Public Comments and Questions

There were none.

Motion to Close Public Hearing

On motion by Supervisor Monroe, seconded by Supervisor Ingersoll, the Public Budget Hearing was closed.

Chairperson's Report

Chair Russell stated the agenda for the November 12, 2014 County Board meeting were distributed at tonight's meeting. Bretl said the deadline for filing budget amendments is November 5, 2014.

Adjournment

On motion by Supervisor Brandl, seconded by Supervisor Weber, the meeting adjourned at 6:41 p.m.

Kimberly S. Bushey

County Clerk

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 October 30, 2014 Public Budget Hearing.

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

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

OCT 15 2014

CIRCUIT COURT
WALWORTH COUNTY
DUSTIN POWERS

RECEIVED
WALWORTH COUNTY CLERK
2014 OCT 17 AM 9:00

In re:

LAKE MILLS BLACKTOP, INC.,
Assignor.

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

NOTICE OF AUCTION AND AUCTION TERMS AND BID PROCEDURES

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. (collectively, the "Debtor") has filed the following with the Court herein:

- 1) AUCTION TERMS AND SALE PROCEDURES RE: BANKER'S PIT ("Banker Terms")

The auction terms and sale procedures have been filed in advance of the auction which is scheduled on October 29, 2014 at 10:00 a.m. for the Banker Pit Auction. The auction will be conducted at Lake Lawn Resort, 2400 E. Geneva St., Delevan, Wisconsin.

BANKER PIT AUCTION

The Receiver has designated Dunneisen Excavating, LLC ("Dunneisen") as the Stalking Horse Bidder and entered into an Asset Purchase Agreement (the "Banker APA") with Dunneisen for the purchase and sale of the following assets owned by the Debtor: all fee, leasehold and other title to or interest in all real property as more particularly described in the Banker Terms (the "Banker Real Property"); plus all aggregate inventory located at the Banker Real Property; and the scale located at or used in connection with the Banker Pit, for a total purchase price of \$475,000.00. Please be advised that the sale does not include the asphalt shingles and asphalt plant currently located at the Banker's Pit. The Banker APA requires a minimum overbid at auction of \$20,000.00 and a good faith deposit of \$10,000.00 by Dunneisen and any other qualified bidder wishing to participate at auction. The Banker APA also provides for a break-up fee of \$15,000.00 payable to Dunneisen if a third party is the winning bidder. Any person wishing to bid for the Debtor's assets at auction must execute and submit to the Receiver on or before 5:00 P.M. on October 27, 2014 a bid agreement, accompanied by a \$10,000.00 good faith deposit, and demonstrate to the Receiver's satisfaction, the ability to pay the purchase price in full at closing.

A copy of the Banker Terms and Sale Procedures are attached. The Banker Terms are consistent with the provisions of the Banker APA. The Banker APA and bid agreement have not been attached but any qualified bidder may obtain a copy of the Banker APA and bid agreement by requesting one from the Receiver whose contact information is set forth below.

Dated at Pewaukee, Wisconsin, this 15th day of October, 2014.

WIS. STAT. CHAP. 128 RECEIVER


Ronald M. Carlson

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

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

OCT 15 2014

In re:

LAKE MILLS BLACKTOP, INC.,

CIRCUIT COURT
WALWORTH COUNTY
DUSTIN POWERS

Case No.: 13-CV-366

Assignor.

Case Code: 30304

**AUCTION TERMS AND SALE PROCEDURES
RE: BANKER'S PIT**

I. AUCTION TERMS

1. Assets To Be Sold.

Ronald M. Carlson, Esq. (the "**Receiver**"), as Wis. Stats. Chapter 128 Receiver of B.R. Amon & Sons, Inc., Amon & Sons, Inc., Amon Land Company, LLC and Lake Mills Blacktop, Inc. (collectively, the "**Debtors**") will conduct an auction (the "**Auction**") of certain of the Debtors' assets (collectively, the "**Assets**") described as:

- (a) Lot 1 – Banker's Pit including fee title thereto, all aggregate inventory located thereon and the one scale located thereon or used in connection therewith (the "**Banker's Pit Assets**").

The asphalt shingles and asphalt plant ("**Asphalt Plant**") currently located on the Banker's Pit are not included in this auction.

2. Sale "As is", "Where is".

The Assets will be sold on an "as is, where is" basis, without any representations or warranties by the Debtors or the Receiver.

3. Sale Free and Clear of Liens.

All of Receivers' right, title, and interest in and to any of the Assets will be sold free and clear of all security interests, liens, claims, interests, restrictions and encumbrances of any kind or nature (collectively, "**Liens**") (except for real estate and personal property taxes due or to become due on the Assets), with any and all Liens attaching to the proceeds of sale in the order of their priority.

4. Due Diligence.

Prior to the Auction, the Receiver shall grant reasonable physical access to the Assets and make due diligence information available to any prospective bidder ("**Bidder**"), all until the Qualified Bid Deadline. Before providing such access or due diligence information, the Receiver reserves the right to require a Bidder to execute a confidentiality agreement, in the form determined by the Receiver, and/or demonstrate that they have the legal authority and financial ability to close a sale at the Minimum Opening Bid.

II. BIDDING PROCEDURES

1. Requirements to Participate in Auction.

Only Qualified Bidders may participate at the Auction. To be deemed a "**Qualified Bidder**", a prospective bidder must timely submit a Qualified Bid.

2. Bid Deadline.

Proposed Qualified Bids must be submitted not later than **October 27, 2014**, at 5:00 P.M. Central time (the "**Qualified Bid Deadline**") to:

Ronald M. Carlson, Receiver
Forseti Consulting LLC
N35 W23877 Highfield Ct., Ste. 100B
Pewaukee, WI 53072

or by email to rc@forseticonsulting.com
with a copy to ryan@rcarlsonlaw.com.

3. Qualified Bid.

A "**Qualified Bid**" includes all of the following items:

(a) A duly signed Bid in a form substantially similar, in the Receiver's sole opinion, to the Bid Agreement form attached hereto as **Form 1** which:

(i) Identifies each entity or person submitting the Bid or otherwise

participating in the Bid, and the complete terms of any such participation.

- (ii) Identifies all directors and controlling shareholders, if any, of the Bidder and all affiliated parent and subsidiary organizations of the Bidder.
- (iii) Identifies the Assets that the Bidder would like to purchase (including the Lot number for such Assets set forth above).
- (iv) Proposes a purchase price for the Assets to be paid in cash at closing, in immediately available funds, in an amount not less than (1) the purchase price for such Assets provided for under the Stalking Horse Agreement, which in this situation is \$475,000 plus (2) the Break-Up Fee for such Assets plus (3) the Bid Increment for such Assets (in total the "**Minimum Opening Bid**"); and an allocation of that purchase price to real estate, equipment, inventory, and intangibles, if any.
- (v) Does not contain any provisions that requires financing, environmental assessment or remediation, further due diligence, or requires a break-up fee, expense reimbursement, or similar payment.
- (vi) Contains a written acknowledgment that the Bidder agrees to all of the terms set forth in these Auction Terms and Sale Procedures ("**Sale Procedures**") and that its bid constitutes an irrevocable offer and is binding on the Bidder until the earlier to occur of 48 hours after the sale of the Assets has closed or ninety (90) days after entry by the Court of any order approving the sale of the subject Assets.
- (vii) Identifies the person(s) entitled to bid at Auction for the Bidder and to receive notifications regarding the Auction, with such person(s)' complete contact information and e-mail address(es).

(b) A deposit ("**Earnest Money Deposit**"), in an amount equal to \$10,000 (US\$), in the form of a cashier's check payable to the order of Ronald M. Carlson, Receiver, or a wire transfer or ACH in immediately available funds to the Receiver's account at ABA #075906854, Account #6110606; which amount shall be held in escrow by the Receiver.

(c) Such information sufficient to establish, to the satisfaction of the Receiver, that:

- (i) The Bidder is financially able to consummate its proposed transaction.
- (ii) The Bidder has obtained all necessary corporate, partnership, limited liability company, or similar governing body authority and approvals with respect to the submission of its Bid and completion of the contemplated sale under the terms of these Auction Terms.

(d) By submitting a Bid, each Bidder is deemed to have agreed to, represented and warranted, and each Qualified Bid is deemed to contain, the following standard terms:

- (i) The bidding, auction, and sale are subject to the Auction Terms.

(ii) The Assets are sold on an "as is, where is" basis and without representations or warranties of any kind, nature, or description by Debtors, the Receiver, receivership estate, Hometown Bank, and/or any of the foregoing's agents.

(iii) The acquisition of the Assets does not violate any agreement the Bidder has with any third-party or any applicable law or governing court or agency order.

(iv) The Bidder, if necessary, is qualified to, or at the Closing Date will be qualified to, conduct business in the state of Wisconsin, and will fully complete the terms of the Bid.

(v) The Bidder has relied solely upon its own independent review, investigation, and/or inspection of any documents and/or Assets in making its Bid and has not relied upon any written or oral statements, representations, promises, warranties, or guaranties whatsoever, whether express, implied, by operation of law, or otherwise, regarding the Assets or the completeness of any information provided in connection with the Assets, the order approving these Sale Procedures, or the Auction.

(vi) The allocation of the final purchase price resulting from the Auction to real estate, equipment, inventory, and intangibles, if any, shall be adjusted at closing to equate to the same percentage originally stated in the proposed Qualified Bid.

(vii) All Qualified Bidders will be deemed to have consented to the jurisdiction of the Walworth County Circuit Court in Elkhorn, Wisconsin (the "**Court**") with respect to the Assets, the Auction, the Sale Procedures, and all orders entered thereto, and waived any right to jury trial in connection with any dispute relating thereto.

(viii) The Sale Procedures are subject to modification from time to time by the Receiver as circumstances may warrant. The Receiver shall promptly notify parties in interest and prospective bidders of any such modifications. No Bidder has any rights against the Debtors, the receivership estate, the Receiver, Hometown Bank, and/or any agents of any of the foregoing by virtue of any modification of these Sale Procedures, lack of notice, or non-acceptance of its bid by the Receiver or the Court.

4. Designation of Qualified Bids.

Not less than 24 hours prior to the Auction, the Receiver shall designate those submitted bids, if any, that are Qualified Bids, and shall inform the Qualified Bidders of their status as such.

The Receiver may, at any time, but is not obligated to, contact Bidders to discuss or clarify terms, to indicate any terms which may need to be modified in order to conform a bid to a Qualified Bid, to negotiate terms, or give Bidders an opportunity to cure any deficiency in their bid before the start of the Auction.

The Receiver reserves the right to reject any Bid if such Bid (a) is not received by the Bid Deadline, (b) does not comply with the Sale Procedures, or (c) in Receiver's reasonable business judgment provides less economic benefit to the estate and its creditors than the Stalking Horse Agreement. Any Bid rejected per this paragraph shall not be deemed to be a

Qualified Bid.

If the Receiver does not certify a prospective bidder as a Qualifying Bidder and that prospective bidder has submitted an Earnest Money Deposit, the Receiver's counsel shall promptly return that prospective bidder's Earnest Money Deposit.

For any Assets for which no Qualified Bid is submitted, other than the Qualified Bid of Stalking Horse Bidder, the Auction shall be canceled with regard to those Assets and the Stalking Horse Bidder shall be deemed the Winning Bidder of those Assets.

5. Stalking Horse Bidder.

Receiver has selected DUNNEISEN EXCAVATING, LLC (the "*Stalking Horse Bidder*") to be the stalking horse bidder in this Auction pursuant to an Asset Purchase Agreement dated August 31, 2014 between the Receiver and the Stalking Horse Bidder (the "*Stalking Horse Agreement*"). The Receivers' obligation to sell the Assets to the Stalking Horse Bidder is subject to the Receiver's right to attempt to obtain higher bids pursuant to the auction process contemplated herein.

The Stalking Horse Bidder is deemed to be a "Qualified Bidder" and the Stalking Horse Bidder's bid represented by the Stalking Horse Agreement is deemed to be a "Qualified Bid", for purposes of these Sale Procedures. Accordingly, Stalking Horse Bidder may, but is not required to, participate in the Auction without complying with the requirements of Section II.2 and II.3. Stalking Horse has agreed to provisions of Section II.3(d) and all the terms and conditions of these Sale Procedures.

III. AUCTION

1. Auction Rules.

At the Auction, the Receiver may adopt additional rules which are consistent with these Sale Procedures.

2. Assets Excluded from the Auction.

All Assets not designated by Receiver as included in the Auction are excluded from the Auction.

3. Auction Place and Time.

If one or more Qualified Bids are received (in addition to the Qualified Bid of Stalking Horse Bidder), the Auction will be conducted at:

Lake Lawn Resort
2400 E. Geneva St.
Delevan, WI 53115

on **October 29, 2014** at 10:00 A.M.

4. Conduct of Auction.

Only representatives and authorized agents of the Receiver, Hometown Bank, the Stalking Horse Bidder, and any other Qualified Bidders, and their respective counsel, shall be entitled to attend the Auction. All participants must register at the Auction by signing the "official sign-in sheet" acknowledging their interest in participating in the Auction and reiterating their familiarity and acceptance of the Sale Procedures.

The Receiver may in his discretion allow participants to participate in the Auction by telephone, fax, and/or e-mail.

The Receiver may establish and announce rules on the conduct of the Auction and may modify those rules in his discretion; provided that such rules are in all material respects consistent with these Sale Procedures and are designed to promote the most competitive bidding process.

All bidding must be competitive. Any collusive bidding or bidding which otherwise operates to limit competition among bidders is not allowed. The Receiver reserves the right to expel from the Auction any parties the Receiver believes to be engaging in such conduct and to reject any bids submitted by any such party.

The Auction may be postponed by announcement by the Receiver, but not for more than three (3) business days.

5. Bidding at the Auction.

At the Auction, the Assets will be offered for sale in the lots described in Section I.1 above (each, a "**Lot**"). The Auction shall proceed in rounds. Each Qualified Bidder shall have fifteen (15) minutes in each round to provide Receiver with its bid. For each Lot, the opening bid at the Auction shall be the highest Qualified Bid as determined by the Receiver (each, an "**Opening Bid**"). For each Lot, the first bid immediately following the Opening Bid must exceed the Opening Bid by at least the applicable bid increment for such Lot set forth below (each, a "**Bid Increment**", collectively, the "**Bid Increments**"). The Stalking Horse Bidder will be entitled to submit additional bids at the Auction for any or all of the Lots. All bids at the Auction shall be irrevocable. The Receiver has the right to reject any bids that are not in compliance with the Sale Procedures, or which are, in the Receiver's sole discretion, in excess of the bidder's financial ability to consummate the proposed transaction.

<u>Lot</u>	<u>Assets</u>	<u>Bid Increments</u>
1	Banker's Pit Assets	\$5,000.00

For each Lot, the Auction as it relates to such Lot shall close at the conclusion of any round in which no Qualified Bidder submits a bid that exceeds the highest bid from the prior round.

Immediately prior to the end of the Auction, the Qualified Bidder that submitted the highest and best bid for a particular Lot as determined by the Receiver and executes an Asset Purchase Agreement ("*APA*") in conformity with that bid and in a form agreeable to Receiver (collectively the "*Winning Bid*") shall be deemed the Winning Bidder ("*Winning Bidder*") for such Lot and the Assets in each Lot will thereafter be sold to the Winning Bidder for such Lot.

The Back-Up Bidder shall then be determined as provided hereafter, and the Auction shall be ended. No additional bids will be considered after the end of the Auction.

6. Break-Up Fees.

In the event any of the Assets in a Lot are sold to a Qualified Bidder other than the Stalking Horse Bidder and the Stalking Horse Bidder is ready, willing and able to close pursuant to the terms and conditions of the Stalking Horse Agreement, the Stalking Horse Bidder will be entitled to a break-up fee with respect to such Lot as described below (the "*Break-Up Fees*"). All Break-Up Fees shall be payable to the Stalking Horse Bidder in cash upon the closing of the sale of such Assets to the other Qualified Bidder.

<u>Lot</u>	<u>Assets</u>	<u>Break-Up Fee</u>
1	Banker's Pit Assets	\$15,000.00

7. Back-up Bids.

The bid of the Qualified Bidder ("*Back-Up Bidder*") placing the second highest and best bid (as determined by the Receiver) on a particular Lot at the Auction and who executes an APA in conformity with that bid contingent only on the Winning Bid not closing and in a form agreeable to Receiver (collectively the "*Back-Up Bid*") shall remain open and irrevocable until ninety (90) days following the date an Order approving the sale of the Assets is entered. If for any reason a Winning Bidder fails to consummate the purchase of any Lot within fifteen (15) days following the date an Order approving the sale of the Assets is entered by the Court or November 20, 2014, whichever is later, the Receiver may, in his sole discretion, by providing written notice to the Winning Bidder and Back-Up Bidder for such Lot, cancel the Winning Bid and deem the Back-Up Bidder for that Lot to be the Winning Bidder for such Lot, and the Receiver may affect the sale of the Lot to the Back-Up Bidder. In this situation, the canceled bidder shall, after appropriate notice and an opportunity for a hearing, forfeit its Earnest Money Deposit to the Receiver as liquidated damages.

8. Sale Approval Hearing.

After the Auction date, the Receiver shall use his best efforts to have the Court enter an Order authorizing Receiver to:

- (a) consummate the sale(s) of the Assets pursuant to the terms of the Winning Bid for each Lot,
- (b) execute such reasonable additional documentation and take such other actions as is necessary to complete the sale(s) of the Assets to the Winning Bidder(s), and
- (c) if the Winning Bidder(s) fail to timely so close, to accept and close on such sales with the Back-Up Bidder(s).

The Winning Bidder of each Lot shall appear at the hearing to approve the sale to such Winning Bidder and state, on the record, that such bidder is ready, willing and able to close on the purchase of the Assets with no contingencies whatsoever other than Court approval of the transaction and those contingencies set forth in Winning Bid.

The Winning Bid for each Lot shall be binding on the Winning Bidder and may be withdrawn only (i) in the event it is not approved by the Court or (ii) pursuant to the terms and conditions of the Winning Bid. The Winning Bid is not binding on the Receiver until the Court enters an Order approving the sale of the Assets pursuant to such Winning Bid.

The Court has currently set a hearing to approve the sale for November 7, 2014 at 11:00 A.M. before the Honorable Phillip A. Koss, Circuit Court Judge for Walworth County, Wisconsin in his courtroom located at the Walworth County Courthouse, 1800 Cty. Tk. NN, Elkhorn, Wisconsin 53121.

9. Closing.

The closing of all sales of the Assets shall take place at the offices of the Receiver in Pewaukee, Wisconsin, or at a some other location agreeable to the Receiver, as soon as possible after the date an Order approving the sale of the Assets is signed (the "**Closing**"). All sales shall be final and for cash, except as otherwise agreed to between the Winning Bidder and Receiver. An appeal of the Order approving the sale of the Assets, or any party thereof, shall not, absent a stay pending appeal or injunction enjoining the Closing, relieve any party of the obligation to close such sale.

10. Return of Earnest Money Deposits.

(a) All Earnest Money Deposits, other than those of the Winning Bidder and the Back-Up Bidder shall be returned within five (5) business days of the Closing provided that, if a Qualifying Bidder failed to become the Winning Bidder or Back-Up Bidder because it withdrew a bid it made at and during the Auction, whereupon the Receiver, in his discretion, elected to recognize the next highest bid, it shall, after appropriate notice and an opportunity for a hearing, forfeit its Earnest Money Deposit to the Receiver as liquidated damages.

(b) The Earnest Money Deposits of any Winning Bidder or Back-Up Bidder, shall be applied, credited, forfeited, or returned as follows:

- (i) The Earnest Money Deposit of any Winning Bidder or Back-Up Bidder that actually purchases any of the Assets shall be credited against its purchase price at Closing.
- (ii) If a Winning Bidder, or a Back-Up Bidder that becomes a Winning Bidder, does not close on the purchase of the Assets for which it submitted the Winning Bid, it shall forfeit its Earnest Money Deposit to the Receiver as liquidated damages, unless, at the time of Closing:
 - (I) the Winning Bidder or Back-Up Bidder was not in breach of its Winning Bid and was ready, willing and able to close the transactions contemplated by such bid;
 - (II) the failure to close is due to a breach by Receiver of the Winning Bid.

In the event a Winning Bidder or Back-Up Bidder fails to close as set forth in Section III.10(b)(ii)(I) or (II), the Earnest Money Deposit will be promptly returned to such Winning Bidder or Back-Up Bidder.

Retention by the Receiver of any Earnest Money Deposit shall not be deemed an election of remedies or otherwise limit any remedies Receiver may have to enforce the obligations of the Winning Bidder, as such term is defined below, to close the sale.

Any questions regarding these Sale Procedures, the Assets or the Auction should be addressed to:

Ronald M. Carlson, Esq.
Wis. Stat. Chap. 128 Receiver
N35 W23877 Highfield Ct., Ste. 100B
Pewaukee, WI 53072
Phone: (262) 857-2121
E-mail: rc@forseticonsulting.com.

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,

Case No.: 13-CV-364

Assignor.

Case Code: 30304

FILED

In re:

OCT 15 2014

LAKE MILLS BLACKTOP, INC.,

CIRCUIT COURT
WALWORTH COUNTY
DUSTIN POWERS

Case No.: 13-CV-366

Assignor.

Case Code: 30304

NOTICE OF RECEIVER'S MOTION TO APPROVE AUCTION AND AUCTION TERMS AND BID PROCEDURES, APPROVE AND AUTHORIZE THE SALE OF THE BANKER'S PIT ASSETS, FREE AND CLEAR OF ALL LIENS, CLAIMS AND ENCUMBRANCES, WITH ALL LIENS, CLAIMS AND ENCUMBRANCES ATTACHING TO THE PROCEEDS OF SALE, AND TO AUTHORIZE 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 Motion with the Court herein (the "Motion").

MOTION TO APPROVE AUCTION AND AUCTION TERMS AND BID PROCEDURES, APPROVE AND AUTHORIZE THE SALE OF THE BANKER'S PIT ASSETS, FREE AND CLEAR OF ALL LIENS, CLAIMS AND ENCUMBRANCES, WITH ALL LIENS, CLAIMS AND ENCUMBRANCES ATTACHING TO THE PROCEEDS OF SALE, AND TO

AUTHORIZE THE DISBURSEMENT OF THE SALE PROCEEDS

Because the proposed order on the Motion is subject to change based on the results of the auctions, the Receiver has not included copies herewith. However, copies of the report of sales and proposed order on the Motion will be hereinafter available from the Clerk of Court, Walworth County Judicial Center, 1800 Cty Tk NN Elkhorn, WI 53121, Phone: 262-741-7012, or the Receiver (contact information below) or the Attorney for the Receiver (contact information below) on November 4, 2014.

HEARING ON MOTION

A hearing will be held on the Motion before the Honorable Phillip A. Koss at the address set forth below on November 7, 2014 at 11:00 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 November 6, 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 or e-mail a copy of your Objection so that it is received the same date by:**

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

and

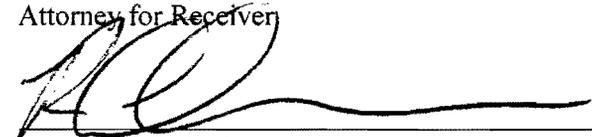
Attorney Ryan T. Carlson
R. Carlson Law Offices, LLC
N35 W23877 Highfield Court, Suite 100B
Pewaukee, WI 53072
ryan@rcarlsonlaw.com

- **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 Motion will likely be approved by the Court.

Dated at Pewaukee, Wisconsin, this 5th day of October, 2014.

Attorney for Receiver



By: Ryan T. Carlson
State Bar No. 1081395

R. Carlson Law Offices, LLC
N35 W23877 Highfield Court, Suite 100B
Pewaukee, WI 53072
Tel: 262-857-2121
ryan@rcarlsonlaw.com

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

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.

FILED

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

OCT 15 2014

In re:

LAKE MILLS BLACKTOP, INC.,
Assignor.

CIRCUIT COURT
WALWORTH COUNTY
DUSTIN POWERS

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

RECEIVER’S MOTION TO APPROVE AUCTION AND AUCTION TERMS AND BID PROCEDURES, APPROVE AND AUTHORIZE THE SALE OF THE BANKER’S PIT ASSETS, FREE AND CLEAR OF ALL LIENS, CLAIMS AND ENCUMBRANCES, WITH ALL LIENS, CLAIMS AND ENCUMBRANCES ATTACHING TO THE PROCEEDS OF SALE, AND TO AUTHORIZE THE DISBURSEMENT OF THE SALE PROCEEDS

Ronald M. Carlson, Esq. (the “Receiver”), as Wis. Stats. Chapter 128 Receiver of B.R. Amon & Sons, Inc., Amon & Sons, Inc., Amon Land Company, LLC and Lake Mills Blacktop, Inc. (collectively, the “Debtor”), hereby moves the Court for entry of an Order to approve the auction, auction terms and bid procedures, approve and authorize the sale of the Banker’s Pit assets, free and clear of all liens, claims and encumbrances, with all liens, claims and encumbrances attaching to the proceeds of sale, and to authorize the disbursement of the sale proceeds (the “Auction Motion”).

In support of this Motion, the Receiver alleges as follows:

1. On April 2, 2013 (the "Filing Date"), Orders were entered in these proceedings appointing Ronald M. Carlson as Receiver of the Debtors pursuant to Chapter 128 of the Wisconsin Statutes.

2. The Debtor is the owner of certain real property, aggregate inventory and equipment (scale) located at the property commonly referred to as the Banker's Pit (the "Banker's Property"), as more particularly described in the Auction Terms and Sale Procedures Re: Banker's Pit (the "Banker's Terms").

3. Since the Filing Date, the Receiver, in conjunction with the secured claimant, Hometown Bank ("Hometown"), have contacted numerous potential buyers in order to market and sell the assets of the Debtor in a commercially reasonable manner, in order to maximize the value of those assets for the benefit of the creditors of the Debtors.

4. The Receiver has executed an Asset Purchase Agreement for the Banker's Property with Dunneisen Excavating, LLC ("Dunneisen") and has designated Dunneisen as a Stalking Horse (the "Banker's Stalking Horse APA"). The agreement provides for the purchase and sale of the following assets owned by the Debtor: all fee, leasehold and other title to or interest in all real property plus the aggregate inventory and equipment as more particularly described in the Banker's Terms. The Banker's Stalking Horse APA provides for a total purchase price of \$475,000.00. It requires a minimum overbid at auction of \$20,000.00 and a good faith deposit of \$10,000.00 by Dunneisen and any other qualified bidder wishing to participate at auction. The Banker's Stalking Horse APA also provides for a break-up fee of \$15,000.00 payable to Dunneisen if a third party is the winning bidder.

5. The Receiver will hereinafter be filing the Report of Sale that describes in detail the actions taken prior to the Auction, how bidders were qualified, how the Auction was conducted and a description of the bidding process and determinations of the Winning Bids.

6. The Receiver believes the conduct of the Auction to be in the best interest of the Receivership estate and a commercially reasonable means to sell the Banker's Property for an amount no less than or in excess of the respective liquidation values of the Banker's Property.

7. Dunneisen nor any of their principals have ever been officers, directors, employees or shareholders of any of the Debtors.

8. Under the circumstances, the Receiver believes that the Banker's Terms for the sale of the Banker's Property is fair and reasonable. The Auction will be properly noticed and conducted in a commercially reasonable manner in accordance with the Banker's Terms.

9. Hometown has a properly perfected first priority lien on the Property and is owed at least \$6,097,331.15 as of July 1, 2014.

10. The Banker's Property will be sold free and clear of all liens, claims and encumbrances, with the liens being released as provided under the terms of the sale, with any and all liens, claims and encumbrances to attach to the proceeds of sale in the order of their priority.

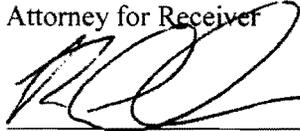
11. Hometown has consented to the sales of the Banker's Property, including the designation of the Stalking Horse pursuant to the Banker's Terms.

12. Subsequent to the auctions sale closings, the proceeds of the sales are proposed to be disbursed to Hometown, which shall apply all payments actually received in partial satisfaction of its secured claim.

WHEREFORE, the Receiver moves the Court for entry of an Order to approve the auction, auction terms and bid procedures, approve and authorize the sale of the Banker's Pit assets, free and clear of all liens, claims and encumbrances, with all liens, claims and encumbrances attaching to the proceeds of sale, and to authorize the disbursement of the sale proceeds, and for such other and further relief as the Court deems appropriate under the circumstances.

Dated at Pewaukee, Wisconsin, this 5th day of October, 2014.

Attorney for Receiver



By: Ryan T. Carlson
State Bar No. 1081395

R. Carlson Law Offices, LLC
N35 W23877 Highfield Court, Suite 100B
Pewaukee, WI 53072
Tel: 262-857-2121
ryan@rcarlsonlaw.com

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

NOTICE

Please take notice that the contact information for the receiver and attorney for receiver has changed. Please direct any correspondence or communications regarding the auction and any further matters to their attention at the contact information listed below.

Receiver

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

Attorney for Receiver

Ryan T. Carlson
R. Carlson Law Offices, LLC
N35 W23877 Highfield Court, Suite 100B
Pewaukee, WI 53072
Phone: 262-857-2121
Email: ryan@rcarlsonlaw.com

STATE OF WISCONSIN	CIRCUIT COURT	WALWORTH COUNTY	
In re			
B. R. AMON & SONS, INC.		Case No.	13-CV-365
Assignor		Case Code	30304
In re			
AMON & SONS, INC.		Case No.	13-CV-365
Assignor		Case Code	30304
In re			
AMON LAND COMPANY, LLC		Case No.	13-CV-364
Assignor		Case Code	30304
In re			
LAKE MILLS BLACKTOP, INC.		Case No.	13-CV-366
Assignor		Case Code	30304

Ryan T. Carlson
R. Carlson Law Offices
N35 W23877 Highfield Court, Suite 100B
Pewaukee, Wisconsin 53072
Phone: 262-857-2121
Email: ryan@rcarlsonlaw.com

Kurt M. Carlson
Carlson Dosh, LLC
10411 Corporate Dr. Ste 100
Pleasant Prairie, WI 53158
Ph: 262-857-1600
Email: K.Carlson@carlsondosh.com

WITHDRAWAL AND SUBSTITUTE APPEARANCE OF COUNSEL

I, the undersigned, enter my substitute appearance on behalf of the Receiver, Ronald M. Carlson in the above-captioned civil action and immediately begin representation for the Receiver in such action


Ryan T. Carlson
State Bar No. 1081395

I, the undersigned, withdraw my appearance on behalf of the Receiver, Ronald M. Carlson in the above-captioned civil action and immediately terminate further representation of the Receiver in such action


Kurt M. Carlson
State Bar No. 1087495

RECEIVED
WALWORTH COUNTY CLERK
CIRCUIT COURT :
2014 OCT 17 PM 12:07

ORIGINAL

STATE OF WISCONSIN :

CIRCUIT COURT :

WALWORTH COUNTY

STATE OF WISCONSIN, ex rel.
JAMES E. SIFFERMANN,

WRIT OF CERTIORARI

Petitioner,

-vs-

'14 CV 00818

WALWORTH COUNTY
BOARD OF ADJUSTMENT,

Case No:
Case Code: 30955

Respondent.

The State of Wisconsin to the Walworth County Board of Adjustment:

It has been represented to this Court by the Petition of James E. Sifferman, now on file with the office of the Clerk of this Court, that on the 17th day of September, 2014, the Walworth County Board of Adjustment filed its decision denying the Petitioner, James E. Sifferman's request for a variance. A Petition for Writ of Certiorari has been filed herewith, alleging that said action of the Walworth County Board of Adjustment was erroneous, arbitrary, capricious, and void for the reasons set forth in said Petition.

This Court shall review all the proceedings the Walworth County Board of Adjustment had in relation to the matter and on which its determination is founded, and directs that you certify and return to this Court and file this Writ and your return with the Clerk of this Court within sixty (60) days after the service of this Writ on you, the action and decision of the Walworth County Board of Adjustment so far as it relates to the application for a variance filed by James E. Sifferman, so that this Court may further act on this matter as of right and according to law.

Witness, the Honorable Phillip A. Koss, Judge of the Circuit Court, and the seal of the Court, at the Courthouse of Walworth County, Wisconsin, on October 16, 2014.

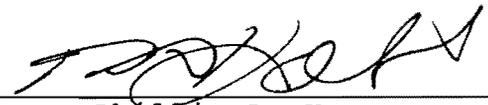
BY THE COURT:


Elisabeth Yazbec, Deputy Clerk

On the Petition for Writ of Certiorari of James E. Sifferman dated October 13, 2014, on file in the office of the Clerk of this Court, I allow the above Writ and direct its issuance.

Dated this 16 day of October, 2014.

BY THE COURT:


Hon. Phillip A. Koss
Circuit Court Judge

Wassel, Harvey & Schuk, LLP
1034D Ann Street
P.O. Box 524
Delavan, WI 53115
(262)728-0700
(FAX)728-0300

RECEIVED

OCT 14 2014

**WALWORTH COUNTY
CLERK OF CIRCUIT COURT
BETHANY FIEGEL**

RECEIVED
WALWORTH COUNTY CLERK

STATE OF WISCONSIN : CIRCUIT COURT :

WALWORTH COUNTY
2014 OCT 17 PM 12:07

STATE OF WISCONSIN, ex rel.
JAMES E. SIFFERMANN,

PETITION FOR
WRIT OF CERTIORARI

Petitioner,

FILED

-vs-

OCT 14 2014

'14 CV 00818

WALWORTH COUNTY
BOARD OF ADJUSTMENT,

WALWORTH COUNTY
CLERK OF CIRCUIT COURT
BETHANY FIEGEL

Case No:
Case Code: 30955

Respondent.

HON. PHILLIP A. KOSS

NOW COME the above-named Petitioner, by his attorneys, Wassel, Harvey & Schuk, LLP, as and for a cause of action against the above-named Respondents, alleges and shows to the Court as follows:

1. Petitioner, James E. Siffermann ("Siffermann"), is an adult resident of the County of Walworth, State of Wisconsin, currently residing at 1342 Geneva National East, Lake Geneva.

2. At all times relevant hereto, Siffermann owned real property more particularly described as follows:

A PARCEL OF LAND BEING A PART OF LOT 1 OF A PLAT OF A SUBDIVISION OF LOT NO. 1 OF METTOWEE AND OTHER LAND LOCTED IN THE SW1/4 OF SECTION 27 AND THE SE1/4 OF SECT 28, T2N, R16E, TOWN OF DELAVAN, WALWORTH COUNTY, WISCONSIN, MORE PARTICULARLY DESCRIBED AS: A PART OF LAND COMMENCING AT A POINT ON THE WEST LINE OF SECTION 27, TOWNSHIP 2 NORTH, RANGE 16 EAST OF WALWORTH COUNTY, WISCONSIN, SAID POINT BEING THE SOUTH CORNER OF LOT 1 OF THE PLAT OF A SUBDIVISION OF LOT 1 OF THE PLAT OF METTOWEE, AND THE PLAT OF WHICH SUBDIVISION IS ON RECORD IN THE OFFICE OF THE REGISTER OF DEEDS IN AND FOR SAID WALWORTH COUNTY, IN VOLUME 5 OF PLATS ON PAGE 242; THENCE NORTHWESTERLY ALONG THE SOUTHWESTERLY LINE OF SAID LOT 1 TO THE SHORE OF DELAVAN LAKE AT LOW WATER LINE; THENCE NORTHEASTERLY ALONG THE SHORE OF SAID LAKE 97 FEET TO A POINT THAT IS LOCATED 97 FEET AT RIGHT ANGLES FROM THE FIRST DESCRIBED LINE, WHICH POINT IS THE PLACE OF BEGINNING OF THE LAND TO BE DESCRIBED; THENCE CONTINUE ALONG SAID SHORE 48 FEET MORE OR LESS TO A POINT THAT IS LOCATED 145 FEET AT RIGHT ANGLES FROM THE FIRST DESCRIBED LINE, WHICH POINT IS ALSO THE NORTHWESTERLY CORNER OF ONE CERTAIN PARCEL OF LAND CONVEYED TO ANNA I. MAHONEY, A RECORD OF WHICH CONVEYANCE MAY BE FOUND IN THE ABOVE MENTIONED REGISTER OF DEEDS OFFICE IN VOLUME 136 OF DEEDS ON PAGE 355; THENCE SOUTHEASTERLY ALONG THE SOUTHWEST LINE OF SAID ANNA I. MAHONEY'S LOT 305 FEET MORE OR LESS TO THE CENTERLINE OF ONE CERTAIN PUBLIC HIGHWAY; THENCE SOUTHWESTERLY

ALONG THE CENTERLINE OF SAID HIGHWAY 48 FEET MORE OR LESS TO A POINT THAT IS LOCATED 48 FEET AT RIGHT ANGLES FROM THE LAST MENTIONED LINE; THENCE NORTHWESTERLY 305 FEET MORE OR LESS TO THE PLACE OF BEGINNING. Tax Key No.: FMT1 00002A ("Property")

3. Respondent, Walworth County Board of Adjustment, upon information and belief, is a Board organized by Walworth County in compliance with the Wisconsin Statutes.

4. On or about June 20, 2014, Siffermann submitted an application for a variance requesting that the Respondent waive the strict application of the 50' wide road frontage requirements of the Walworth County Zoning ordinances, to allow a residence to be built on the Property, which has 48.20' of road frontage. A copy of the variance application ("Request") is attached hereto as Exhibit A and incorporated herein by reference.

5. A hearing was held on September 10, 2014 before the Walworth County Board of Adjustment ("Board"), pursuant to Sec. 59.694, Wis. Stat.

6. On September 17, 2014, the Board denied Siffermann's Request. A copy of the Board's Final Determination is attached hereto as Exhibit B and is incorporated herein by reference.

7. This court has jurisdiction to review the Board's Final Determination, pursuant to Sec. 59.694(10).

8. Pursuant to State v. Kenosha County Bd. Of Adjustment, 218 Wis. 2d 396, 577 N.W. 2d 813 (1998) and Arndorfer v. Sauk County Bd. Of Adjustment, 162 Wis. 2d 246, 469 N.W. 2d 831 (1991), the criteria to be utilized by a municipality in making a decision are 1) Does the property in question have unique limitations as it relates to the zoning ordinance? 2) Does the ordinance create an unnecessary hardship for that property? and 3) Does the granting of the variance harm the public's interest?

9. The Board cited the prior use of the Property as a basis for its denial, and in so doing relied upon an incorrect theory of law.

10. The evidence presented to the Board was insufficient and inadequate to support the Board's decision, since a property with 48.20 feet of road frontage does not create any more of a safety concern than a property with 50 feet of road frontage.

11. In denying the Request, the Board acted in an arbitrary, oppressive, or unreasonable manner, since it did not apply the criteria for evaluating variance requests specified in State v.

Kenosha County Bd. Of Adjustment, 218 Wis. 2d 396, 577 N.W. 2d 813 (1998) and Arndorfer v. Sauk County Bd. Of Adjustment, 162 Wis. 2d 246, 469 N.W. 2d 831 (1991).

12. The Board's denial of the Request represented its will and not its judgment, as evidenced by the arbitrary granting of several other variance applications requesting more substantial deviation from the Walworth County Zoning Ordinances, and the lack of reference to the criteria found in State v. Kenosha County Bd. Of Adjustment, 218 Wis. 2d 396, 577 N.W. 2d 813 (1998) and Arndorfer v. Sauk County Bd. Of Adjustment, 162 Wis. 2d 246, 469 N.W. 2d 831 (1991).

WHEREFORE, Mr. Siffermann requests judgment against the Walworth County Zoning Board of Adjustment as follows:

a) For issuance of a Writ of Certiorari commanding the Board of Adjustment to file a complete copy of the record in this matter;

b) For judgment reversing the Walworth County Board of Adjustment's denial of Mr. Siffermann's 1.2 foot road frontage variance;

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

Dated this 13th day of October, 2014.


Mara C. Spring
Wassel, Harvey & Schuk, LLP
Attorneys for James E. Siffermann
State Bar No. 1025553

Wassel, Harvey & Schuk, LLP
1034D Ann Street
P.O. Box 524
Delavan, WI 53115
(262)728-0700
(FAX)728-0300

STATE OF WISCONSIN

RECEIVED
WALWORTH COUNTY CLERK
CIRCUIT COURT WALWORTH COUNTY

2014 OCT 20 AM 9:55

In re:

B.R. AMON & SONS, INC.,

Case No. 13-CV-363

Case Code: 30304

Assignor.

FILED
CIRCUIT COURT

OCT 17 2014

In re:

AMON & SONS, INC.,

CLERK OF COURTS-WALWORTH CO.
BY: PAT M. HAYES,

Case No. 13-CV-365

Case Code: 30304

Assignor.

In re:

AMON LAND COMPANY, LLC,

Case No. 13-CV-364

Case Code: 30304

Assignor.

In re:

LAKE MILLS BLACKTOP, INC.

Case No. 13-CV-366

Case Code 30304

Assignor.

**RECEIVER RONALD M. CARLSON, ESQ., FORSETI CONSULTING, LLC, AND
SOUTHWIND RAS' RESPONSE TO PLAINTIFF-INTERVENORS' MOTION FOR LEAVE TO
SUE THE RECEIVER, OR, IN THE ALTERNATIVE, FOR LEAVE TO INTERVENE IN THE
RECEIVERSHIP PURSUANT TO WIS. STAT. § 803.09(1)**

Now come the Receiver, Ronald M. Carlson, Esq. (the "Receiver"), Forseti Consulting, LLC ("Forseti"), and Southwind RAS, LLC ("Southwind") (the Receiver, Forseti, and Southwind sometimes collectively referred to herein as the "Respondents"), through their attorneys, Sweet & Maier, S.C., and in Response to the Motion ("Motion") of Frank and Patricia Eames, as Co-Trustees Under the Frank or Patricia Eames Revocable Trust, William and Lorraine Norem, Polo Park, LLC, and Glenn and Lisa

Terry (collectively, the "**Movants**") For Leave to Sue the Receiver, or in the Alternative, For Leave to Intervene in the Receivership Pursuant to Wis. Stat. § 803.09(1), state as follows:

INTRODUCTION AND SUMMARY OF ARGUMENT

This case arises from the unfortunate demise of a longstanding fixture of Walworth County business, B.R. Amon & Sons, Inc., and its affiliates ("**Amon**"). As a result of Amon becoming insolvent and ceasing its business operations, Amon's assets and liabilities are now the subject of this proceeding, brought under the provisions of Chapter 128 of the Wisconsin Statutes.

The Court has broad authority under the law to control both the procedure of Chapter 128 proceedings, and, the parties involved in those proceedings, as follows:

128.01 Jurisdiction. The circuit courts shall have supervision of proceedings under this chapter and may make all necessary orders and judgments therefor; and all assignments for the benefit of creditors shall be subject to this chapter.

Exercising its discretion in this regard, the Court appointed the Receiver, for the general purpose of liquidating Amon's assets, and seeing to the distribution of the resultant cash proceeds among Amon's creditors, all subject to the Court's review and approval. As such, the Receiver in this state court proceeding fulfills a role somewhat analogous to that of a Trustee in a federal bankruptcy proceeding.

A significant portion of the Court-administered Amon "estate" assets consist of various real estate parcels previously used in connection with Amon's business operations. The Receiver has heretofore sought out purchasers for these land parcels, and this Court has entered its Order approving the sale of the "Potter Pit" property (the "**Property**") by the Receiver to Southwind.

The Movants in this action are neighbors of the Property, and are unhappy with the way the Property has been operated by Amon, characterizing the resultant condition of the Property as a "nuisance." Movants have now requested this Court's permission to file a complaint, either in a separate action, or as part of the instant receivership proceedings, demanding that the Receiver abate the alleged public and private nuisance, and cease any ongoing violations of several conditional use permits ("**CUP**") which govern the use of the Property. Specifically, in their proposed Complaint and Supplemental Complaint, Movants ask the Court to compel the Receiver to remove certain construction

waste material from the Property, on the grounds that the material may contain asbestos and thereby present a hazard to the Movants, and the general public.

The Receiver asks this Court to deny Movants' Motion because whether or not the construction waste materials placed on the site by Amon constitute a public or private nuisance, or violate the terms of the CUPs applicable to the Property, the Receiver does not have, and never has had, any duty to remove the material. The Receiver must act according to the authority conferred upon him by statute and this Court's orders, and, this Court has explicitly decreed the Receiver does not possess, control, or hold title to any hazardous substances including asbestos. Because the Receiver cannot be liable in tort, and cannot have violated CUPs, based on his failure to remove that which he does not possess, control, or legally own, Movants may not properly bring their claims against the Receiver, as part of this or any other proceeding.¹ Therefore, Movants' Motion should be denied in respect to their request to sue the Receiver.

Nevertheless, the Receiver acknowledges that, if Movants have a valid claim pertaining to current environmental conditions at the Property, such a claim will affect the Receiver's disposition of the Property, and, therefore, the interests of creditors who are parties to this receivership. Accordingly, the Receiver does not object to Movants intervening in these receivership proceedings, provided Movants assert appropriate claims and request appropriate relief within the purview of Wis. Stat. 128.

SUMMARY OF MOVANTS' CLAIMS AGAINST THE RECEIVER

Movants request leave to sue the Receiver, under two alternative theories of recovery, either: (i) to abate a public and/or private nuisance, and/or (ii) pursuant to Wis. Stat. 59.69(11), which allows "an owner of real estate within the district affected by (a) regulation" to seek an injunction enforcing zoning ordinances. Wis. Stat. 59.69(11). However, Movants ground both of their theories of relief in the same factual allegations, and, under either theory, seek the same remedy.

¹ At issue before the Court is whether Movants may assert their claims against the Receiver (Movants have sued both Carlson and Forseti as the alleged Receiver, even though Carlson is, in reality, the only Receiver appointed by the Court). Movants' proposed Complaint also names Southwind, the County, and the CZA as defendants. In this Response, Respondents do not address the viability of any claims other than those against the Receiver (and, by extension, Forseti). However, Respondents note Movants propose to sue Southwind, the County, and the CZA only as "necessary parties" because of their involvement with the 2014 CUP. If Movants wish to challenge the grant of the 2014 CUP, they may only do so through a petition for writ of certiorari, See Walworth County Zoning Ordinance, § 74-59, and therefore, Movants may not pursue any claims against the non-Receiver respondents outside of a petition for a writ of certiorari action.

In their proposed Complaint, Movants assert construction waste material piles accumulated at the Property from 2008 to 2013 under the watch of Amon and its lessee, Construction Materials Recycling, LLC ("CMR") (Complaint, ¶¶ 16-21). Movants further allege "huge piles of construction material" have remained at the Property since the Receiver accepted an assignment of the property (Complaint, ¶ 26). The construction waste material piles, contend Movants, may include roofing felt liner, which, in turn, "typically contains asbestos, an extremely hazardous material." (Complaint ¶ 31) Therefore, Movants request "an order compelling (the Receiver) to remediate the Potter Pit zoning violations by causing removal of the illegally stored construction waste material." (Complaint, ¶ 36)

The Court should deny Movants' request to file the above-described claims against the Receiver, because the Receiver's statutory and court-created duties do not include unilateral removal of waste materials from the Property, and therefore, Movants may not sue the Receiver for his past failure to remove such materials.

ARGUMENT

I. The Court should exercise its discretion and deny Movants leave to sue the Receiver.

This Court has discretion to deny Movants' request for leave to sue the Receiver. See M & I Marshall & Ilsley Bank v. Urquhart Companies, 287 Wis.2d 623, 706 N.W.2d 335 (Ct.App.2005). The Court should exercise its discretion and deny Movants' motion because Movants have not stated, and cannot possible state, viable claims *against the Receiver* for the alleged public and private nuisance or CUP violations.

Movants misguidedly assume that by alleging the existence of a nuisance or CUP violations at the Property, they thereby allege a viable claim against the Receiver. In support of their right to sue the Receiver, Movants recite that "[c]onditions at the Potter Pit constitute a continuing nuisance," "[t]he property is in violation of the 2008, 2012, and 2014 CUPs," and "[a]s property owners in the district, Plaintiffs have a statutory right to enjoin zoning violations and enforce zoning regulations." (Motion, at 4)

None of Movants' arguments support a suit against the Receiver for the hypothetical nuisance or alleged CUP violations.

Movants cite Kinney v. Crocker, an 1864 case in which a court-appointed receiver negligently ran a train of cars across a street in Milwaukee without warning, resulting in a collision with plaintiff's vehicle and injuries to the plaintiff. See Kinney, 18 Wis. 74 (1864). Kinney is inapposite because while the Kinney receiver actively operated train cars on a city street, Movants seek to sue the Receiver solely based on the Receiver's *failure to act*. As set forth below, the Receiver's alleged inaction cannot result in liability, because the Receiver had no duty, or authority, to undertake the actions demanded by Movants.

II. Plaintiffs cannot establish the Receiver is liable for any public or private nuisance at the Property.

Movants point to an alleged nuisance at the Property, but, Movants cannot assign liability to the Receiver for any such nuisance simply because that nuisance exists. For nuisance liability to attach to the Receiver, the Receiver must have acted tortiously: "[I]t is imperative to distinguish between a nuisance and liability for a nuisance, as it is possible to have a nuisance and yet no liability. A nuisance is nothing more than a particular type of harm suffered; **liability depends upon the existence of underlying tortious acts that cause the harm.**" Milwaukee Metropolitan Sewerage Dist. v. City of Milwaukee, 277 Wis.2d 635, 656, 691 N.W.2d 658, 669 (2005) (emphasis added).

Tortious conduct creating nuisance liability must be either "intentional and unreasonable," or, "unintentional and otherwise actionable under the rules controlling liability for negligent . . . conduct." Id. at 660, 691 N.W.2d 671, quoting Restatement (Second) of Torts § 822.

Movants do not allege the Receiver created the alleged nuisance at the Property. Instead, Movants allege the Receiver *maintained* a nuisance created by Amon and CMR: Movants state Amon and CMR allowed construction waste materials to accumulate at the Property (Complaint, ¶ 21); Amon and CMR neglected to cover or protect the growing construction waste material piles (Complaint, ¶ 21); and, Amon violated County ordinances and maintained a public and private nuisance at the Property for years (Motion, at 8). In contrast to Amon and CMR, who actively generated the nuisance, the Receiver,

according to Movants, has merely continued the nuisance, for example, by "not tak(ing) any steps to test the stockpiles of construction waste to determine whether hazardous materials are present." (Motion, at 4)

In both public and private nuisance lawsuits, where claims arise from a defendant's passive maintenance rather than active creation of a nuisance, liability requires that the defendant have an affirmative duty to act: "[W]hen liability is predicated on a 'failure to act,' **there must be proof that the actor was 'under a duty to take positive action to prevent or abate the interference with the public interest or the invasion of the private interest.'**" *Id.* at 662, 691 N.W.2d 672, quoting Restatement (Second) of Torts § 824 (emphasis added).

A. The Receiver had no duty to act to abate the alleged nuisance because, pursuant to this Court's order, he had no possession or control of the allegedly nuisance-causing materials.

Movants have undermined the allegations in their own Complaint by attaching to it Exhibits that preclude a finding the Receiver had an affirmative duty to remediate any nuisance. Specifically, this Court's April 10, 2013 Order (Complaint, Ex. 5), states:

"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 . . . including without limitation, asbestos . . ." (Ex. 5 to Complaint, ¶ 12) (emphasis added).

The Receiver cannot have a legal duty to abate a nuisance by removing from the Property materials over which, pursuant to his court-created authority, he had no possession, control, or title: "So far as the complaint seeks an injunction or abatement of the nuisance it is clear that no such relief can be granted against the (defendant) which has parted with title and control over the property. **To constitute one as a continuing wrongdoer, he must have a legal right and be under legal duty to terminate the cause of injury.**" *Midland Empire Packing Co. v. Yale Oil Corporation*, 119 Mont. 36, 169 P.2d 732 (Mont. 1946), quoted approvingly in *Kamke v. Clark*, 268 Wis. 465, 475, 67 N.W.2d 841, 845 (1955) (emphasis added).

Movants seek to impose liability upon the Receiver because the Receiver allowed construction waste materials that may contain asbestos to remain on the Property. However, the Receiver never had possession or control of any possibly asbestos-containing materials (see Complaint, Ex. 5); the Receiver therefore never had a duty to remediate the alleged nuisance by removing the materials, see Kamke, 268 Wis. at 475, 67 N.W.2d at 845; and, thus, the Receiver cannot be held liable for public or private nuisance based on his failure to remove the materials, see Milwaukee Metropolitan Sewerage Dist., 277 Wis.2d at 662, 691 N.W.2d 672.

B. The Receiver had no duty to abate the alleged nuisance because the Receiver's duties are created by Wisconsin law and this Court's orders, which do not mandate that the Receiver unilaterally remove construction waste materials.

Even if this Court had not specifically absolved the Receiver of any duty to remove hazardous materials from the Property, the Receiver would not have that duty because Wisconsin law does not impose such a duty upon the Receiver, especially where removal of materials would potentially conflict with the Receiver's legal duties and authority.

This Court appointed the Receiver pursuant to Wis. Stat. 128.001, *et seq* ("Wis. Stat. 128"). Under Wis. Stat. 128, a receiver must administer the debtor's property for the benefit of the debtor's creditors. See Wis. Stat. 128.03; Linton v. Schmidt, 88 Wis.2d 183, 198, 277 N.W.2d 136, 143 (1979) ("The object and purpose of assignment law is to afford an equal distribution of the assignor's estate to all creditors in proportion to their claims. **During the whole course of the trust the assignee is therefore bound to look primarily to the interests of the creditors.**") (emphasis added).

The Receiver must act primarily for the benefit of the debtor's creditors by maximizing the value of the debtor's property and making that value available to the creditors. Logically, the Receiver has no duty to take actions, including removal of potentially valuable asphalt shingles from the debtor's property, that might undermine the Receiver's statutory directive to maximize the value of the debtor's property for the creditors' benefit.

- C. **Even though the Receiver had no duty to abate the alleged nuisance by removing construction waste materials from the Property, the Receiver has, to the greatest practicable extent, attempted to address environmental conditions at the Property within the confines of his legal duties.**

Notably, even though the Receiver has no duty to unilaterally remove construction waste materials from the Property, Movants' allegations demonstrate the Receiver has, in fact, attempted to address environmental conditions at the Property to the maximum extent possible within the confines of his statutory and court-ordered duties and powers. Therefore, no court could ever find the Receiver "breached" any (non-existent) duty to Movants.

This Court ordered the Receiver to "sell any and all property of the Assignor . . . in a commercially reasonable manner." (Complaint, Ex. 5, ¶ 8). The 2014 CUP (Supplemental Complaint, Ex. 6) evidences the Receiver applied for and obtained a CUP to allow a prospective purchaser to use the Property in a commercially reasonable, profitable manner. The 2014 CUP requires the holder to reduce the piles of construction waste material according to a specific schedule. (Supplemental Complaint, Ex. 6, ¶¶ 19-24)

Thus, the Receiver, in furtherance of his statutory and court-ordered duties, identified a potential purchaser, Southwind, with the knowledge, experience, and financial means to own and operate the Property in an environmentally responsible manner. Furthermore, the Receiver sought and obtained a governmental authorization that maximizes the Property's value to a potential purchaser, and thereby benefits the debtor's creditors, *while also* requiring a reduction of the construction waste materials -- the exact remedy Movants purport to seek through their Complaint. In applying for and ultimately obtaining the CUP, the Receiver cooperated with the Town and County, and facilitated an inspection of the Property by a County board member, a reclamation specialist, and assistant corporation counsel. The Receiver has unquestionably demonstrated reasonable behavior at every step of the receivership proceedings, and in carrying out his legal duty of serving the creditors' best interests, has gone above and beyond any requirement that he address environmental conditions at the Property.

Movants cannot possibly allege the Receiver negligently created a nuisance by failing to remove construction waste materials, when Movants' proposed Complaint establishes: (i) the Receiver has no duty to remove the construction waste materials from the Property, but nevertheless, (ii) the Receiver has arranged to carry out his legal duties in a manner that will address any hypothetical "nuisance" on the Property.

Because the Receiver clearly does not have, and never has had, any duty to remove the construction waste materials from the Property, the Receiver has not acted negligently, or intentionally, and cannot be held liable for any public or private nuisance.

III. The Receiver is not liable for any CUP violations.

Movants seek to enforce the 2008, 2012, and 2014 CUPs against the Receiver pursuant to Wis. Stat. § 59.69(11). Movants' proposed statutory enforcement action fails for the following reasons:

A. The 2014 CUP superseded the 2008 and 2012 CUPs, rendering them moot.

The 2008 and 2012 CUPs have been superseded by the 2014 CUP (See Supplement Complaint, Ex. 6, ¶ 34). Because the Receiver cannot possibly comply with moot CUPs, a court could never enforce the 2008 and 2012 CUPs against the Receiver.

B. The Receiver cannot comply with the 2014 CUP by removing allegedly hazardous construction waste material from the Property because the Receiver has no possession or control of the material.

Movants' effort to enforce the 2014 CUP against the Receiver fails, too, for the same reason Movants' proposed nuisance claims fail. Movants identify the alleged 2014 CUP violations as "the fact that the unknown construction waste materials, stored outside, on the ground at the Potter Pit, unprotected from the elements, threaten to contaminate the air and the groundwater." (Supplemental Complaint, ¶ 46). The Receiver does not possess, control, or hold title to the allegedly violative materials, and therefore, cannot be forced to address the alleged violations by reducing the material piles.

C. The "requirements" identified by Movants are conditions rather than current requirements.

Further, the 2014 CUP makes clear, facially, that its "requirements" are in fact necessary preconditions to the allowed conditional use, which is: "expansion of a sand and gravel quarry operation and to expand operations of an existing asphalt shingle recycling (RAS) conditional use," including "off-site transfer of RAS materials rather than incorporation of RAS in an on-site asphalt plant, storage of RAS materials onsite for 18 months rather than the approved six months." (Supplement Complaint, Ex. 6, Introductory Paragraph) The Receiver has not begun to, and never will, conduct the conditional use allowed by the 2014 CUP. The ultimate purchaser of the Property, not the Receiver, will conduct the allowable conditional use, if the Receiver and the purchaser ever consummate their transaction. Therefore, the "requirements" identified by Movants will have no effect, and cannot be enforced, until the Receiver conveys the Property, and the transferee engages in the allowable conditional use.

D. Movants paradoxically ask the Court to enforce, and also declare null and void, the 2014 CUP.

Finally, Movants cannot, as they have in their Complaint, simultaneously ask the Court to enforce against the Receiver, and declare void, the 2014 CUP (Supplemental Complaint, Prayer for Relief, ¶¶ a, b). The Receiver cannot carry out the provisions of a void CUP.

For all of the above reasons, the Court should deny Movants' permission to bring an action under Wis. Stat. 59.69(11) to enforce the CUPs against the Receiver.

IV. The Court should deny Movants permission to bring their claims against the Receiver in the receivership proceedings, but, Respondents do not object to Movants intervening in the receivership and thereafter filing an appropriate claim.

As set forth above, Movants have no valid claim of public or private nuisance, or enforcement of CUPs under Wis. Stat. § 59.69(11), against the Receiver, regardless of the forum in which Movants attempt to file their complaint.

Movants rely on a California appellate court case, Jun v. Myers, 105 Cal. Rptr. 2d 537 (Cal. Ct. App. 2001), for the proposition that due process entitles them to file the claims set forth in their Complaint *somewhere*. However, the court in Jun, in addressing whether a California court should allow

a movant to file a separate action against a Receiver, acknowledged a court should do so where the receivership court "cannot afford the same relief in intervention as a claimant would be entitled to in an independent action." Jun, 105 Cal Rptr. at 543.

However, this Court *can* afford similar relief to that requested by Movants, should Movants intervene and file a proper pleading or claim in these receivership proceedings. Movants cannot maintain nuisance or statutory enforcement claims against the Receiver, for the reasons set forth above, but Movants may ask this Court for relief similar to that requested in their proposed Complaint, thus obviating due process concerns.

First, this Court is the appropriate forum for Movants to assert any claim regarding environmental conditions at the Property. Movants concede the Property is "receivership property." (Motion, at 7) Movants also assert "disposition of the receivership may as a practical matter impair or impede (Movants') ability to protect their interests," (Motion, at 7); conversely, Movants' attempt to "protect their interests" in the Property will undoubtedly interfere (and have already interfered) with the Receiver's disposition of the receivership, and specifically, the Receiver's attempt to sell the Property. These receivership proceedings are unquestionably the proper forum for Movants to assert any environmental claim pertaining to the Property, so that this Court can ensure any environmental remediation efforts occur in conjunction with a sale of the Property for the creditors' benefit.

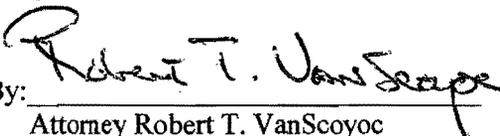
Second, this Court has the power to afford Movants a remedy similar to that sought in the Complaint. Wis. Stat. 128 grants this Court broad authority to make orders and fashion remedies deemed appropriate by the Court for the disposition of the debtor's property: "The circuit courts shall have supervision of proceedings under this chapter **and may make all necessary judgments and orders therefore,**" Wis. Stat. 128.01; "In all actions authorized by this chapter, **appropriate provisional remedies may be had** and final relief administered to the equal distribution of all assets recovered among the creditors of the debtor." Wis. Stat. 128.11. Thus, this Court has the power to enter an order allowing the Receiver's sale of the Property to move forward for the creditors' benefit, free from pending litigation, while also protecting Movants' environmental interests, if any.

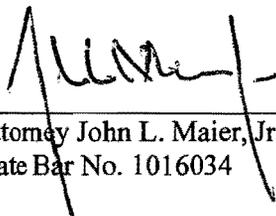
CONCLUSION

Respondents object to Movants filing a claim against the Receiver in any forum, for the reasons stated in this Response, and therefore ask the Court to deny Movants' Motion in that respect. However, Respondents do not object to Movants intervening in this receivership proceeding and filing a proper claim or pleading, or a request for other relief, as provided for under, and within the dictates of, Wis. Stat. 128.

Respectfully submitted,

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Attorneys for the Receiver, Forseti, and
Southwind

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State Bar No. 1094921

By: 
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STATE OF WISCONSIN

CIRCUIT COURT

RECEIVED
WALWORTH COUNTY CLERK

WALWORTH COUNTY

In re:

2014 NOV -3 AM 9: 59

B.R. AMON & SONS, INC.,

Case No. 13-CV-363

Case Code: 30304

Assignor.

FILED
CIRCUIT COURT

In re:

OCT 22 2014

AMON & SONS, INC.,

Case No. 13-CV-365

Case Code: 30304

Assignor.

CLERK OF COURTS-WALWORTH CO.
BY: PAT M. HAYES,

In re:

AMON LAND COMPANY, LLC,

Case No. 13-CV-364

Case Code: 30304

Assignor.

In re:

LAKE MILLS BLACKTOP, INC.

Case No. 13-Cv-366

Case Code 30304

Assignor.

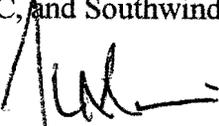
**NOTICE OF MOTION
TO ALLOW ENVIRONMENTAL TESTING UPON RECEIVERSHIP PROPERTY**

TO: [See attached service list]

PLEASE TAKE NOTICE that Ronald M. Carlson, Esq., Forseti Consulting, LLC, and Southwind RAS, LLC, by their attorneys, Sweet & Maier, S.C., will move the Court, Hon. Phillip Koss, Circuit Court Judge, in his Courtroom in the Walworth County Courthouse, Elkhorn, Wisconsin on the 22nd day of DECEMBER, 2014, at 9:30 o'clock am/pm, for an order allowing certain environmental testing to be conducted upon receivership property, and granting certain other relief. The basis for the aforementioned motion is set forth in the movants' Motion to Allow Environmental Testing Upon Receivership Property, a copy of which accompanies this Notice.

Dated this 22 day of October, 2014.

Sweet & Maier, S.C.
Attorneys for Ronald M. Carlson, Esq., Forseti Consulting,
LLC, and Southwind

By: 

Attorney John L. Maier, Jr.
State Bar No. 1016034

Sweet & Maier, S.C.
PO Box 318
Elkhorn, WI 53121
262-723-5480
262-723-2180 fax

Creditors Filing Proof of Claims

NAME	C/O	Street	City	State	Zip
Adams Electric Inc.	Benjamin Adams	504 A Nathan Ln.	Elkhorn	WI	53121
Airgas USA, LLC	Gary A. Liggett	6055 Rockside Woods Blvd	Independence	OH	44131
Amon & Sons, Inc.	c/o Tom Amon	219 Sunset Dr.	Elkhorn	WI	53121-1219
Amon, Kenneth and Bonny	Kenneth and Bonny Amon	W2992 State Rd. 11	Elkhorn	WI	53121
Amon Land Company, LLC	c/o Tom Amon	219 Sunset Dr.	Elkhorn	WI	53121-1219
AMP Electric Inc.	Brian Scott	500 W. South St.	Freeport	IL	61032
Anderson Pump & Process	Mark Gaeto	21365 Gateway Ct., Suite 300	Brookfield	WI	53045
Anich Lumber/Pal Steel	David Anich	414 S. Third St.	Palmyra	WI	53156
Archambault Asphalt Sealing & Striping	Teri Havercroft	1430 S. Murphy Rd.	Janesville	WI	53548
Asphalt Research Technology d/b/a The EZ Street Company	Lars Seagren	1786 N W 82nd Ave.	Miami	FL	33126
Badger Truck Center, Inc		PO Box 1530	Milwaukee	WI	53201
Barricade Flasher Service, Inc.	Tim Lampman	6610 S. 13th St.	Oak Creek	WI	53154
Baumeister Trust Dated August 21, 2001		5065 Warren Rd	Burlington	WI	53105
Bearings Inc.	Ken Dardner II	601 Nathan Ln.	Elkhorn	WI	53124
BP Products North America Inc.	Steve Smithy	30 South Wacker Dr.	Chicago	IL	60606
B.R. Amon & Sons, Inc.	c/o Tom Amon	219 Sunset Dr.	Elkhorn	WI	53121-1219
Brooks Tractor Inc.	Sue Newton	1900 W. Main St.	Sun Prairie	WI	53590
Business Associates Inc.	Gregory M. Marx	N114 W19225 Clinton Dr., PO Box 726	Germantown	WI	53022
Capitol Scale Company	Jeff Playter	2744 Pearl Ct.	Sun Prairie	WI	53590
Cedar Lake Sand & Gravel	Eric Gilbert	5189 Aurora Rd.	Hartford	WI	53027
Central States Pension Fund	Peter Priede	9377 W. Higgins Road	Rosemont	IL	60018
CGC, Inc.	Kim J. Lewis	2921 Perry St.	Madison	WI	53713
Christine Turney (owner Richard W. Whelan property)	Christine Turney	5401 N. Foothills Dr.	Tucson	AZ	85718
City of Burlington Clerk	Diahnn Halbach	300 N. Pine St.	Burlington	WI	53105
City of Delavan Clerk	Susan Kitman	123 S. 2nd St.	Delavan	WI	53115
City of Elkhorn Clerk	Darlene Igl	9 S. Broad St., PO Box 920	Elkhorn	WI	53121-0920
City of Lake Mills Clerk	Elizabeth Milbrath	200D Water St.	Lake Mills	WI	53551
City of Plymouth Clerk	Patricia Huberty	128 Smith St., PO Box 107	Plymouth	WI	53073
City of Sheboygan Clerk	Susan Richards	828 Center Ave	Sheboygan	WI	53081
City of Whitewater Clerk	Michele Smith	312 W. Whitewater St. 2nd Floor	Whitewater	WI	53190
CNH Capital America, LLC	Jennifer Jarrett	5729 Washington Ave.	Racine	WI	53406
Columbia County Clerk	Susan M. Moll	400 DeWitt St.	Portage	WI	53901

Compost Management, Inc.	Thomas Yakes	3136 Theatre Rd.	Delavan	WI	53115
Constangy, Brooks & Smith, LLP	Townseil G. Marshall	230 Peachtree St., Suite 2400	Atlanta	GA	30303
Construction Fabrics & Materials Corp.	Maureen Casey	2525 Peiper Rd.	Cottage Grove	WI	53527
Construction Materials Recycling, LLC	Michael Etter	N3161 Elm Ridge Rd.	Delavan	WI	53115
Department of Workforce Development, State of Wisconsin	Benefits	PO Box 7888	Madison	WI	53707
Department of Workforce Development, State of Wisconsin	Taxes	PO Box 8914	Madison	WI	53708
D.L. Wingers, Inc.	Darrel Wingers	N4294 Oak Grove Dr.	Columbus	WI	53925
Dawn M. Amon Living Trust	Stacey Bulow	416 S. Wisconsin St.	Elkhorn	WI	53121
Dillman Equipment	Dawn R. Hillenburg	34600 County Rd. K	Prairie du Chien	WI	53821
Drier Trucking Inc.	Ken Drier	N5129 635th St.	Ellsworth	WI	54011
EMS Industrial, Inc.	William Hinnendael	4901 Prairie Dock Dr.	Madison	WI	53718
Energetics, Div. of EMS Industrial, Inc.	William Hinnendael	4901 Prairie Dock Dr.	Madison	WI	53718
Engineered Additives, LLC	Allen E. Smith	5 South Deer Hill Run	Sparta	NJ	07871
Fabco Equipment Inc.	Daniel L. Rusch	600 Hansen Rd.	Greenbay	WI	54304
Faulks Bros Construction Inc.	Thomas Glinski	E3481 Royalton St.	Waupaca	WI	54980
Fencing Plus, Inc.	Lila Birkenholz	N7884 Sunnyside Rd.	Sheldon	WI	54766
First Supply LLC	Ted Falk	6800 Gisholt Dr.	Madison	WI	53713
Forest Landscaping & Construction Inc.	Jason Forest	W8583 Finch Brothers Rd.	Lake Mills	WI	53551
Forever Sandfill & Limestone, Inc.	Jon Halverson	170 US Hwy 51 N	Edgerton	WI	53534
Frawley Oil Company, Inc.	Michael Frawley	662 East Milwaukee St.	Whitewater	WI	53190
Friemoth, Adam & Jennifer	Adam & Jennifer Friemoth	W2919 Cty Rd. D	Elkhorn	WI	53121
Frontier-Servco FS / Growmark Inc.	Tom Mueller	222 E. Puerner St.	Jefferson	WI	53549
G5 CHS, LLC	Dan Grasser	204 Woodland Beach Rd.	Lake Mills	WI	53551
Gary Jacobson Trucking LLC	Gary Jacobson Sr	W6922 Hwy B	Lake Mills	WI	53551
Gencor Industries, Inc.	Larry Maingot	5201 N. Orange Blossom Tr.	Orlando	FL	32810
George Schroeder Trucking, Inc.	George Schroeder	8855 McHenry St.	Burlington	WI	53105
Great Lakes Auction Co. Inc.	Joel J. Cielak	9100 N. 107th St.	Milwaukee	WI	53224
Hanover Insurance Group	Steven J. Hirsh	333 W. Pierce Rd. Ste 300	Itasca	IL	60143
Hausz Bros. Inc.	Don Hausz	PO Box 104	Fort Atkinson	WI	53538
H.D.L. Enterprises, Inc.	Kathie Hanssen	W4191 State Rd. 11	Elkhorn	WI	53121
Hein Reclamation & Const., Inc.	Ann Hein	2189 Ironwood Drive	Green Bay	WI	54304
Impact Service Corporation	Ken Warren	3811 E. Francis Ave.	Spokane	WA	99217
IRS Central Insolvency		PO Box 7346	Philadelphia	PA	19101-7346
Iverson Construction, LLC	David R. Iverson	3190 County Hwy N	Cottage Grove	WI	53527

J&J Baumhardt Trucking Inc.	James Baumhardt	W3998 Hwy 45	Eden	WI	53019
J. Engineering Management	Michael E. Jaskaniec	405 Blue Ridge Pkwy	Madison	WI	53705
Jaeckel Bros., Inc.	Barbara Jaeckel	N2708 Jaeckel Road	Jefferson	WI	53549
James Peterson Sons, Inc.	James R. Peterson	N2251 Gibson Dr., PO Box 120	Medford	WI	54451
Jerry Hepp Excavating, Inc.	Gerald L. Hepp	1616 Lakeside Terrace, PO Box 47	Watertown	WI	53094
JHGKL, LLC & Ted Junker a/k/a Theodor Junker, Estate of	Helga Wantschik, Special Administrator	N7337 Cool Hill Dr.	Elkhorn	WI	53121
Kaestner Auto Electric Co.	Steven A. Ullenberg	W222 N757 Cheaney Dr.	Waukesha	WI	53186
Koplin Excavating & Grading	Travis Hamann	N1330 Hwy 26	Watertown	WI	53098
Kowalski Concrete, Inc.	Edwin Kowalski	13502 Townline Rd.	Whitewater	WI	53190
Kraemer, Norbert & Janice	Norbert & Janice Kraemer	W7055 County Rd. N	Plymoth	WI	53073
Krueger & Stienfest Inc.	Monte Shane Krueger	539 E. Forrest Rd., PO Box 159	Antigo	WI	54409
Lake Mills Blacktop, Inc.	c/o Tom Amon	219 Suset Dr.	Elkhorn	WI	53121-1219
Larsen Cooperative, a Div. of CHS Inc.	Amy Paalman	1104 Mulligan Dr.	New London	WI	54961
Lueders Law Ltd	Randall Lueders	635 Park Ave. PO Box 227	Columbus	WI	53925
Markee Water Conditioning	Frank Gauger	N3306 County Rd. H	Lake Geneva	WI	53147
Matt Frey d/b/a Frey Trucking	Matt Frey	W8008 Perry Rd.	Fort Atkinson	WI	53538
Maxim Rebuilders, Inc.	Scott Streiff	1702 South Pine St.	Burlington	WI	53105
MeadWestvaco	Richard Caputo	501 S. 5th St.	Richmond	VA	23219
Means Trucking, Inc.	Robert Means	440 Sunshine Ave.	Delavan	WI	53115
MGA Research Corporation		5000 Warren Rd.	Burlington	WI	53105
Michels Corporation	Aubrey Conrad	817 W. Main St. PO Box 128	Brownsville	WI	53006
Motion Engineering Inc.	Mark D. Groose	10675 Concord Center Dr.	Sullivan	WI	53178
Motion Industries	Steve Brown	PO Box 1477	Birmingham	AL	35201
Neenah Enterprises	Jeff Ness	2121 Brooks Ave.	Neenah	WI	54956
Otter Sales & Service, Inc.	Harold Otter	1197 Milwaukee Ave.	Burlington	WI	53105
Patriot Truck Service Inc.	Elizabeth P. Dzbinski	PO Box 231	Waterford	WI	53185
Payne & Dolan, Inc.	Cecilia M. McCormack	N3 W23650 Badinger Rd.	Waukesha	WI	53188
Pitney Bowes Global Financial Services LLC	Eva Milanowski	27 Waterview Dr.	Shelton	CT	06484
Powers Lake Construction Company Inc.	Steven McDonald, Chapter 7 Trustee	7280 South 13th St., Suite 103	Oak Creek	WI	53154
Quality Hydro, Inc	David C. West	111 N. Oakridge Dr., PO Box 430	North Prairie	WI	53155
Racine County Clerk	Wendy M. Christensen	730 Wisconsin Ave.	Racine	WI	53403
Renvick Resurfacing, LLC	Aaron Renvick	N3625 Hwy E	Sullivan	WI	53178
River Country Co-op	Matthew Bartholomew	1080 W. River St.	Chippewa Falls	WI	54729
Robert W. Braukhoff Family Trust Dated October 28, 2007		9122 S. Kemmerer Rd	Clinton	WI	53525

Robin's Trucking, LLC	Robin Goessling	W9699 Walworth Ave.	Whitewater	WI	53190
Rock County Clerk	Lori Stottler	51 S. Main St.	Janesville	WI	53545
Rock Road Companies, Inc.	Stephen Kennedy	301 West B-R Townline Rd	Janesville	WI	53545
Roland Machinery Company		816 N. Dirksen Pkwy	Springfield	IL	62702
S&G Trucking	Shelley Stadler	W18895 Cedar Rd.	Birnamwood	WI	54414
Scott Construction, Inc.	Steve Heiser	PO Box 340	Lake Delton	WI	53940
Sheboygan County Clerk	Jon Dolson	615 N. 6th St.	Sheboygan	WI	53081
St. Mary Magdalene Catholic Church	Mr. David Wanish	242 Williams St.	Johnson Creek	WI	53038
Super Mix	Jack Pease	5435 Bull Valley Rd., Ste 330,	McHenry	IL	60050
Terra Staffing	Brian W. Hall	340 S. Main St.	Ft. Atkinson	WI	53538
Tonyan Bros., Inc.	Frank P. Zebell	5105 N. Route 31, PO Box 70	Ringwood	IL	60072
Town of Bradford	Jill Bier	2136 S. Trescher Rd	Avalon	WI	53505
Town of LaFayette	Barbara A. Fischer	N6221 Tamarack Ct.	Elkhorn	WI	53121
Town Of Lyons	Karla Hill	PO Box 337	Lyons	WI	53148
Town of Milton	Sandra J. Kunkel	23 1st St.	Milton	WI	53563
Town of Mitchell	Mari Born	W8095 Parnell Road	Cascade	WI	53011
Town of Oakland	Deanna Krause	7426 Main St. W., PO Box 675	Webster	WI	54893-8710
Town of Richmond	Barbara Ceas	W8776 Territorial Road	Whitewater	WI	53190
Town of Spring Prairie	Debbie Collins	N6097 State Rd 120	Burlington	WI	53121
Town of Springvale	Patricia Heyer	W10811 County Rd T	Brandon	WI	53919
Town of Sugar Creek	Diane Boyd	P.O. Box 287	Elkhorn	WI	53121
Town of Troy	John Kendall, Town Chair	W3296 CR J	East Troy	WI	53120
Town of Waterloo	Cindy Schroeder	N7874 STH 89	Waterloo	WI	53594
Twin Lakes Transit, Ltd	Karen Baumhardt	PO Box 312	Eden	WI	53019
Village of Cambridge	Lisa Moen	200 Spring St.	Cambridge	WI	53523
Village of Darlen	Clerk	24 Wisconsin St.	Darlen	WI	53114
Village of Kingston, unincorporated Dalton	Lisa Wendt	206 S. South St., PO Box 23	Kingston	WI	53939
Village of Rio	Amy Stone	207 Lincoln Ave., PO Box 276	Rio	WI	53960
Village of Sharon	Diana Dykstra	125 Plain St., PO Box 379	Sharon	WI	53585
Village of Williams Bay	Jacqueline Hopkins	250 Williams St., PO Box 580	Williams Bay	WI	53191
W K Construction Co., Inc.	William Kahl	4292 Twin Valley Rd.	Middleton	WI	53562
Waldron Group, Inc d/b/a Napa Auto Parts	Thomas W. Showers	804 S. Main St.	Jefferson	WI	53549
Walworth County Clerk	Kimberly S. Bushey	100 W. Walworth St., PO Box 1001	Elkhorn	WI	53121
Wendt Trucking, LLC	Kevin Wendt	N4422 Kielblock Rd.	Tigerton	WI	54486

Western Culvert & Supply Inc.	Scott Leubner	W324 Delafield Rd.	Oconomowoc	WI	53066
Wisconsin Department of Natural Resources	Kenneth Hein	2300 N. Dr. Martin Luther King, Jr. Drive	Milwaukee	WI	53212-3128
Wisconsin Dept. of Revenue	Hiram Cutting	PO Box 8901	Madison	WI	53708
Wolff Sand & Gravel, LLC	Glenn Wolfe	N7907 Hwy 89,	Waterloo	WI	53594
Zarnoth Brush Work, Inc.	Kathleen Mooren	215 W. Calumet St.	Chilton	WI	53014
Zignego Ready Mix	Tim Zignego	W226 N2940 Duplainville Rd.	Waukesha	WI	53186
Attorneys Representing Parties					
Attorney Bradley J. Lochowicz		PO Box 470	Elkhorn	WI	53121
Attorney Carl K. Buesing		2124 Kohler Memorial Dr.	Sheboygan	WI	53081
Attorney Cecilia M. McCormack		PO Box 1028	Waukesha	WI	53187
Attorney Christina Isackson		2620 N. Pontiac Dr.	Janesville	WI	53547
Attorney Darrell R. Zall		4650 N. Port Washington Rd.	Milwaukee	WI	53212
Attorney David Stegeman		817 W. Main St., PO Box 128	Brownsville	WI	53006
Attorney Edward F. Thompson		617 E. Walworth Ave., PO Box 445	Delevan	WI	53115
Attorney Erin A. West		PO Box 2038	Madison	WI	53701
Attorney Gene G. Krug		156 South Main Street	Medford	WI	54451
Attorney George B. Erwin, III		2300 North Mayfair Rd., Suite 1175	Milwaukee	WI	53226
Attorney J. Edison Woods, Jr.		208 West Green Bay St.	Shawano	WI	54166
Attorney J. Edward Clair		617 E. Walworth Ave., PO Box 445	Delavan	WI	53115
Attorney John Kendall, Town Chair		W3296 CR J	East Troy	WI	53120
Attorney John M. Wood		PO Box 8100	Janesville	WI	53547
Attorney Justin H. Silcox		920 10TH Ave North	Onalaska	WI	54650
Attorney Laurence Rappapert		85 Challenger Rd., Suite 501	Ridgefield Park	NJ	07660
Attorney Mara C. Spring		354 Seymour Ct.	Elkhorn	WI	53121
Attorney Mark T. Olm		PO Box 37	Whitewater	WI	53190
Attorney Michael A. Faust		303 E. Court St.	Janesville	WI	53545
Attorney Michael D. Jankowski		1000 N. Water St, Ste 2100, PO Box 2965	Milwaukee	WI	53201
Attorney Michael Polsky		330 E. Kilborn Ave., Suite 1085	Milwaukee	WI	53202
Attorney Michael Weber		1 N. LaSalle St # 3600	Chicago	IL	60602
Attorney Mutil I. Aellit		100 S. Main St.	Janesville	WI	53545
Attorney Nancy B. Johnson		One East Milwaukee St.	Janesville	WI	53545
Attorney Nancy B. Johnson		1 E. Milwaukee St.	Janesville	WI	53545
Attorney Nathan Deladuramtey		735 W. Wisconsin Ave., Suite 720	Milwaukee	WI	53233
Attorney Paul W. Rosenfeldt		10 Forest Ave., Suite 200, PO Box 1276	Fond du Lac	WI	54936

Attorney Philip C. Ristow		320 S. Main St.	Jefferson	WI	53549
Attorney Piermario Bertolotto		3505 30th Ave.	Kenosha	WI	53144
Attorney Randall E. Doyle		701 N. Center St., PO Box 810	Beaver Dam	WI	53916
Attorney Randall Lueders		635 Park Ave. PO Box 227	Columbus	WI	53925
Attorney Richard C. Kelly		205 W. Center St.	Whitewater	WI	53190
Attorney Stephen D. Chiquoine		Po Box 399	Reedsburg	WI	53959
Attorney Steven Koch		23 N. Wisconsin St., PO Box 470	Elkhorn	WI	53121
Attorney T. Scott Leo		One North LaSalle St., Suite 3600	Chicago	IL	60602
Attorney Timothy J. Edmier		300 S. Wacker Dr., Suite 500	Chicago	IL	60606
Attorney Vincent J. Gurrero		116 E. Lake St.	Lake Mills	WI	53551
Attorney Wallace K. McDonell		452 W. Main St., PO Box 59	Whitewater	WI	53190
Attorney T. Michael Schober		2835 South Moorland Road	New Berlin	WI	53151

In re:

B.R. AMON & SONS, INC.,

Case No. 13-CV-363

Case Code: 30304

Assignor.

In re:

FILED
CIRCUIT COURT

AMON & SONS, INC.,

OCT 22 2014

Case No. 13-CV-365

Case Code: 30304

Assignor.

CLERK OF COURTS-WALWORTH CO.
BY: PAT M. HAYES,

In re:

AMON LAND COMPANY, LLC,

Case No. 13-CV-364

Case Code: 30304

Assignor.

In re:

LAKE MILLS BLACKTOP, INC.

Case No. 13-Cv-366

Case Code 30304

Assignor.

**RECEIVER RONALD M. CARLSON, ESQ., FORSETI CONSULTING, LLC, AND
SOUTHWIND RAS' MOTION TO ALLOW ENVIRONMENTAL TESTING UPON
RECEIVERSHIP PROPERTY**

Now come the Receiver, Ronald M. Carlson, Esq. (the "**Receiver**"), Forseti Consulting, LLC ("**Forseti**"), and Southwind RAS, LLC ("**Southwind**") (the Receiver, Forseti, and Southwind sometimes collectively referred to herein as the "**Movants**"), through their attorneys, Sweet & Maier, S.C., and hereby request that this Honorable Court enter an Order authorizing Southwind to conduct certain environmental testing upon receivership property, as follows:

1. On April 10, 2013, this Court appointed the Receiver as receiver of the assets of B.R. Amon & Sons, Inc., and certain of its affiliates (collectively, "**Amon**").

2. At the time the Court appointed the Receiver, Amon's assets included certain real property located in the Town of Lafayette, Walworth County, Wisconsin, which real property comprises approximately 400 acres, and is commonly known as the "Potter Pit" property.

3. Included within the "Potter Pit" property is real property (the "**Pit Property**") comprising approximately 58.75 acres, which real property is part of the approximately 80.45 acre parcel of real property that is assigned Walworth County Tax Key No. K LF2000002.

4. On April 10, 2013, this Court granted the Receiver authority to sell all of Amon's property, including the Pit Property, "free and clear of all liens . . . in a commercially reasonable manner."

5. In July, 2014, the Receiver and Reliable Materials Corporation of Illinois, an affiliate of Southwind (and therefore, sometimes hereinafter referred to in this Motion, either individually, or collectively together with Southwind, as "**Southwind**") entered into a WB-13 Vacant Land Offer to Purchase (the "**Purchase Contract**"), whereby the Receiver agreed to sell to Southwind, and Southwind agreed to purchase from the Receiver, the Pit Property.

6. The Purchase Contract conditioned Southwind's obligation to purchase the Pit Property upon the Walworth County Zoning Agency's (the "**CZA**") grant of a Conditional Use Permit (the "**CUP**") allowing Southwind to conduct certain business activities, including the recycling of asphalt shingles ("**Shingles**") located upon the Pit Property, at the Pit Property.

7. Accordingly, the Receiver applied for the CUP, and on July 17, 2014, the CZA granted the CUP (attached hereto as "**Exhibit A**," and incorporated herein).

8. The CUP requires that the owner and operator of the Pit Property comply with all applicable federal, state, county, and local regulations. (Ex. A, ¶ 4)

9. Southwind is an Illinois limited liability company (and, Reliable Materials Corporation of Illinois, Southwind's affiliate, is also an Illinois corporation), and plans to transport the recycled Shingles to Illinois, for use in road building and other applications. Therefore, Southwind, the intended future

owner and operator of the Property, is required to comply with all State of Illinois regulations, including Illinois Environmental Protection Agency ("EPA") regulations, in connection with its use of the recycled Shingles.

10. On August 6, 2014, this Court approved the Receiver's prospective sale of the Pit Property to Southwind.

11. However, the Receiver and Southwind have not yet closed on their respective sale and purchase of the Pit Property. Certain owners of real property near the Pit Property¹ (the "Plaintiffs") have attempted to file a Complaint requesting that the court (i) rescind the CUP, and, (ii) prevent certain activities, including Southwind's recycling of Shingles, from occurring at the Pit Property.

12. Plaintiffs ultimately seek to compel the Receiver to abate an alleged nuisance and conditional use permit violations at the Pit Property. Plaintiffs base their nuisance and CUP-related claims upon their belief the Shingles may contain asbestos and thereby present a hazard to Plaintiffs. Therefore, Plaintiffs ask the Court to require the Receiver to remove the possibly asbestos-containing Shingles from the Pit Property.

13. Plaintiffs have requested the Court's permission to file their claims against the Receiver, either in a separate proceeding, or as part of this receivership proceeding. The Receiver and Southwind have asked the Court to deny Plaintiffs' request, but do not object to Plaintiffs intervening, as creditors, in the receivership proceeding, and thereafter filing whatever claims for relief may be appropriate.²

14. The Plaintiffs' proposed Complaint and discovery, if allowed to proceed, will delay both the CUP's effectiveness, and Southwind's ability to recycle Shingles at the Pit Property, and will therefore interfere with the Receiver's sale of the Pit Property to Southwind.

15. Wis. Stat. 128 grants this Court broad authority to make orders and fashion remedies deemed appropriate by the Court for the disposition of the debtor's property: "The circuit courts shall have

¹ Frank and Patricia Eames, as Co-Trustees Under the Frank or Patricia Eames Revocable Trust, William and Lorraine Norem, Polo Park, LLC, and Glenn and Lisa Terry.

² Movants incorporate herein their Response to Plaintiff-Intervenors' Motion for Leave to Sue the Receiver, or, in the Alternative, for Leave to Intervene in the Receivership Pursuant to Wis. Stat. § 803.09(1).

supervision of proceedings under this chapter and may make all necessary judgments and orders therefore," Wis. Stat. 128.01; "In all actions authorized by this chapter, appropriate provisional remedies may be had and final relief administered to the equal distribution of all assets recovered among the creditors of the debtor." Wis. Stat. 128.11.

16. The Receiver's sale of the Pit Property to Southwind is contingent upon the CUP which, in turn, is contingent upon Southwind's compliance with all IEPA, among other applicable, regulations.

17. IEPA regulations require that Southwind, before it can recycle Shingles at the Pit Property, submit to the IEPA an Application to Request a Beneficial Use Determination ("**BUD**"), and demonstrate that there would be no hazardous materials [including asbestos-containing materials] brought into Illinois as part of Southwind's business enterprise. On April 4, 2014, Southwind submitted its BUD to the IEPA. Southwind's BUD contains Southwind's comprehensive plan for the Pit Property, including Southwind's purpose for recycling Shingles, Southwind's proposed Shingle-testing process, and, statements by Southwind regarding compliance with applicable IEPA regulations.

18. The BUD includes a document titled "Lafayette Facility Best Management Practices" (the "**Best Management Practices**," attached hereto as "**Exhibit B**," and incorporated herein) that sets forth Southwind's proposed procedure for conducting sampling of, and asbestos testing upon, the Shingles at the Pit Property, and, thereafter, arranging for the safe removal and disposal of Shingles, if necessary.

19. Southwind requests that the Court, under its broad statutory authority to fashion appropriate remedies to aid in the disposition of receivership property, order and authorize Southwind to enter upon the Pit Property and engage in asbestos sampling and testing in a manner substantially similar to that provided for in the Best Management Practices, upon the Shingles presently located on the Pit Property.

20. Because the Shingles are already located at the Pit Property, Southwind proposes to undertake a sampling and testing procedure that will vary slightly from the Best Management Practices procedure, and will generally include the following:

- a. Southwind will obtain two samples from every 250 tons of raw material currently located on the Pit Property, in compliance with current IEPA standards and procedures.
- b. During the testing process, all raw materials will be quarantined, until all the raw materials have been tested.
- c. An Illinois Certified Asbestos Inspector ("**Inspector**") will conduct the asbestos testing.
- d. The Inspector will test the samples for the presence of asbestos according to IEPA procedures using "polarized light microscopy" (PLM).
- e. If the testing of samples reveals that any of the raw materials contain asbestos, the Inspector will determine which 250-ton pile contains the asbestos.
- f. The Inspector will further divide the asbestos-containing pile into smaller sample sections.
- g. The Inspector will continue to test the new, smaller sample sections until the Inspector has isolated the source of the asbestos.

21. By performing the asbestos sampling and testing procedures set forth in the Best Management Practices (modified as set forth in paragraphs 19 - 20, above), *Southwind will not only comply with IEPA regulations, and thereby fulfill one of the CUP's necessary conditions, in furtherance of the Receiver's Court-ordered sale of the Pit Property to Southwind, but will also identify whether any nuisance arising from the presence of asbestos might exist on the Pit Property, thereby making the determination Plaintiffs hope to make through their proposed Complaint and discovery.*

22. Wis. Stat 128.01 bestows upon the Court broad authority to enter appropriate orders, and grant appropriate provisional remedies, in furtherance of the Receiver's disposition of receivership property. The Court can allow Plaintiffs to obtain the information they seek – i.e., whether potentially hazardous material exists at the Pit Property - while allowing the Receiver's sale of the Pit Property to Southwind to proceed, for the benefit of the debtor's creditors, simply by allowing Southwind to conduct the sampling and asbestos testing it must perform under IEPA regulations.

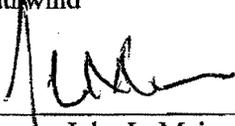
23. Furthermore, the CUP requires the owner of the Pit Property to construct a four-foot high woven fence around the area containing recycled Shingles. (Ex. A, ¶ 26) Southwind is able and willing to enter upon the Pit Property and construct such a fence, to further mitigate Plaintiffs' concerns regarding any potential environmental hazard, if authorized to do so by the Court pursuant to Wis. Stat. 128.01.

24. In addition to the aforementioned requirements, the CUP contains numerous deadlines regarding reduction of the existing Shingle piles on the Pit Property. By granting the relief sought in this Motion, the Court will facilitate Southwind's ability to satisfy the CUP's various deadlines regarding reduction of the Shingle piles, in furtherance of the Receiver's prospective sale of the Pit Property to Southwind for the creditors' benefit, and in furtherance of the Plaintiffs' environmental interests.

WHEREFORE, Movants request that this Honorable Court enter an order: (i) allowing Southwind to enter upon the Pit Property to conduct the asbestos sampling and testing described in the Best Management Practices, and in this Motion; (ii) granting Southwind the authority to enter upon the Pit Property to construct the fence required by paragraph 26 of the CUP; (iii) denying Plaintiffs' request to file their claims of nuisance and conditional use permit violations against the Receiver; (iv) allowing the Receiver and Southwind to immediately close upon their respective sale and purchase of the Pit Property; (v) thereafter, confirming the Receiver's sale of the Pit Property to Southwind; and, (vi) setting this matter for further hearing after Southwind's receipt of the results of the aforementioned sampling and testing, for determination by the Court of any appropriate further relief to be granted to the parties to this receivership proceeding, with respect to the Pit Property, in light of the aforementioned sampling and testing results.

Respectfully submitted,

Sweet & Maier, S.C.
Attorneys for the Receiver, Forseti, and
Southwind

By: 

Attorney John L. Maier, Jr.
State Bar No. 1016034

Sweet & Maier, S.C.
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262-723-5480
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WALWORTH COUNTY



WISCONSIN

Land Use and Resource
Management Department

NAME: Aron Land Company, Inc.
Fossett Consulting, LLC C/O Ronald Carlson - Owner

TOWN: LAFAYETTE

The Operator is requesting approval for expansion of a sand and gravel quarry operation and to expand operations of an existing asphalt shingle recycling (RAS) conditional use. The change in use would include off-site transfer of RAS materials rather than incorporation of RAS in an on-site asphalt plant, storage of RAS materials onsite for 18 months rather than the approved six months.

Part of Tax Parcel # K LF2000002

Has been APPROVED subject to the following conditions:

General Conditions:

1. This facility is approved per plan submitted as a recycle asphalt shingle (RAS) facility in conjunction with extraction of gravel materials to be incorporated into the RAS product for use off site.
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 eighteen months.

100 West Wisconsin Street
PO Box 1001

Room 222

Elsie, WI 53121

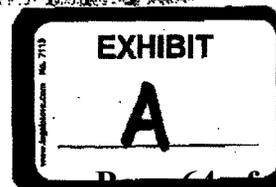
Mapping/Zoning/Permitting/

Construction Division

262.741.4872 ext.

160.721.0724 fax

262.741.4775 tdd



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 shall require the installation of a stormwater 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 recycled asphalt shingle operation is approved for three years from the date of this approval. During the three year approved period the recycled asphalt shingle operator may apply to the Town for review and County for renewal of this approval for up to an additional five year approval.
17. This conditional use is temporary and shall not be valid upon restoration of the gravel pit to post mining conditions. The property owner shall be responsible for reclamation of the gravel pit including the recycled asphalt shingle operations area. All shingles, RAS product, equipment and waste materials shall be removed from the site prior to reclamation of the shingle recycling area. The recycled asphalt shingle operations area shall be reclaimed within two year of the removal of the recycling operations from the site.
18. The owner must contact the Walworth County Conservation Office and obtain approval of a revised reclamation plan for the gravel pit. The new extraction area shall have a reclamation plan and be covered by a reclamation bond consistent with Walworth County non-metallic mining reclamation requirements. The revised reclamation plan and bond shall be approved prior to any operations being conducted on site.

19. The on-site recycle shingle piles shall not exceed 25,000 tons of materials after two years from start of shingle recycling operations as per the Town.
20. If the total weight of on-site recycle shingle piles continue to exceed 25,000 tons after two years, an injunction shall be imposed on the import of new materials until such time as the total weight of on-site piles is brought into compliance with the 25,000 tons material requirement.
21. The total weight of all on-site shingles and RAS product materials shall be maintained at or below 25,000 tons once the maximum weight capacity is reduced to the 25,000 tons weight requirement.
22. The property owner/operator shall provide the Walworth County Land Use and Resource Management Department with a monthly report by the 15th of each month specifying the total tonnage of shingles and RAS product stored on site.
23. Compliant monthly reports shall show a continued progress of reduction of materials towards the 25,000 ton maximum weight requirement. If a noncompliant monthly report indicates an increase in on site materials rather than a progressive reduction towards the 25,000 ton requirement, an injunction shall be imposed on the import of new materials. An injunction shall be enforced until such time as a new compliant report is provided by the operator showing continued weight reduction towards the 25,000 tons capacity maximum. A compliant report with progressive reduction must specify equal to or less onsite tonnage than the previous compliant report.
24. No new shingles shall be accepted during the final year of operation of any approved operation period. If a renewal period approval is granted the final year of operations shall be the last year of the renewal period.
25. The owner/operator shall remove and properly dispose of any contaminants that may be present in the recycle shingle material before the material is shredded or processed in any way.
26. 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.
27. 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 and properly dispose of once the dumpsters are full.
28. If required by the Department of Natural Resources, annual submittal of the Material Recovery Facility Self Certification form shall be submitted to D.N.R. under NR 544.16 Wisconsin Administrative Code. The owner/operator shall provide a copy of any reports to and from D.N.R. for the conditional use file.

29. 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 as per the Town.
30. The owner must provide a copy of the Tier I & II Industrial Stormwater Permits from the Wisconsin DNR and keep the permits current in the conditional use file prior to and during use of the site.
31. Tier I Industrial Stormwater testing shall be conducted annually with a copy of the results provided to the Town as per the Town.
32. The site plan shall be revised and resubmitted with the notes "former (removed)" and "existing (By Others)" asphalt plants removed from the face of the plan as per the Town.
33. The applicant shall submit a performance bond exercisable by Walworth County equal to the cost of grinding the on-site asphalt shingle stockpiles into RAS product plus twenty percent of the grinding cost to cover the binning process for a new operator and mobilization of equipment. The performance bond must be submitted prior to conducting operations on site. The performance bond shall be kept current at all times when the site is used for shingle recycling.
34. The decision to approve this conditional use replaces all other previously approved conditional uses on the affected property.

Dated this 17th day of July, 2014.



COUNTY ZONING AGENCY
RICK STACEY, CHAIRMAN

cc: Forsted Consulting, LLC, c/o Ron Carlson, 10411 Corporate Dr, Pleasant Prairie, WI 53158
 54935 Amon Land Company, LLC, C/O Hometown Bank, 80 Sheboygan St, Fond Du Lac, WI
 BR Amon & Sons Inc, C/O Hometown Bank, 80 Sheboygan St, Fond Du Lac, WI 54933
 Southwind RAS LLC, 2250 Southwind Blvd, Bartlett, IL 60103
 53121 Town of Lafayette, Daniel Cooper, Chairman, N6221 Tamarack Court, Elkhorn, WI
 53121 Town of Lafayette, Barbara A. Fischer, Clerk, N6221 Tamarack Court, Elkhorn, WI

"Lafayette" Facility Best Management Practices

Date: August 18, 2011

Operation of a Post-Consumer Reclaimed Asphalt Shingles Facility

The intent of this document is to summarize the environmental and process controls for recycling post-consumer reclaimed asphalt shingles at the "Lafayette" Facility, subject to the parameters outlined under a beneficial use determination ("BUD")(415ILCS 5/22.54).

1. Incoming loads of post-consumer asphalt shingles will be inspected and accepted or rejected by the onsite Illinois Certified Asbestos Inspector, trained to identify potential asbestos containing materials and other unacceptable wastes and materials. Loads identified by the Illinois Certified Asbestos Inspector as containing potential asbestos containing materials will be rejected. Acceptance and rejection of the incoming loads will be recorded and records will be maintained electronically.
2. A list of unacceptable items will be displayed at the point of inspection (see Exhibit - Supplier List of Acceptable and Unacceptable Materials)
3. Training of the suppliers and processing facility personnel on acceptable and unacceptable materials will be completed by an Illinois Certified Asbestos Inspector. The goal of the training is to achieve separation of unacceptable materials at the source of the clean loads or to train personnel at mixed load facilities to sort shingles in the manner required. Training materials are attached which describes training required for all parties in the process. Training documents will be updated as necessary.
4. Environmental Control
 - a. The initial 100 loads or 1000 tons (whichever is met first) of pre-processed tear-off asphalt shingles will be sampled and tested for asbestos containing materials every 10/tons according to IEPA current standards and procedures.
 - i. Each load will be weighed, ticketed, and stockpiled separately in an assigned area.
 - ii. Representative samples of the asphalt shingle material will be collected according by the onsite Illinois Certified Asbestos Inspector. Representative samples will include different colors and patterns present.
 - iii. Samples will be tested according to IEPA current standards and procedures for ACM using "Polarized Light Microscopy" (PLM).
 - iv. Only material certified as non-hazardous for asbestos will be incorporated into the feed material.
 - v. In the event that asbestos is not detected through PLM in the first 100 loads or 1000 tons of post-consumer pre-processed material, in-bound sampling protocol will be reduced to 2 samples for every 250 tons.



inbound. This frequency of testing may be modified in future as determined by IEPA.

- vi. In the event that asbestos is detected through PLM in the first 100 loads or 1000 tons of post-consumer pre-processed material, loads identified as hazardous asbestos containing materials will be rejected and properly disposed of at a landfill.
- b. The initial 1000 tons of post-processed post-consumer asphalt shingles will be tested after processing for ACM content.
 - i. ACM testing of the initial 1000 tons will occur at a rate of 1 PLM test/100 tons.
 - ii. Test results confirming the material is non-hazardous for asbestos, will be obtained prior to commingling the material with stockpiled product.
 - iii. After the first 1000 tons, testing will be completed at a rate of 1 PLM test for every 500 tons of produced. This frequency of testing may be modified in future as determined by IEPA.

5. Air monitoring Plan

- a. An initial exposure assessment (personal breathing zone air sampling) for asbestos fibers will be conducted in the breathing zone of each specific task by a certified industrial hygienist (CIH) during the grinding of the asphalt shingles within the first month of processing. The assessment will include samples collected at 30-minute, 4-hour, and 8-hour durations. Samples will be analyzed by PLM or Phase Contrast Microscopy (PCM), and results are not to exceed 0.1 fibers per cubic centimeter. Samples requiring further analysis will be analyzed using Transmission Electron Microscopy (TEM), which differentiates and counts only asbestos fibers. Documentation of the results will be maintained on-site and will be made available to the IEPA Asbestos Unit Program Manager upon request.
- b. Exposure assessments will be conducted bi-annually the first year and then annually thereafter under the supervision of the certified industrial hygienist for each task identified. This frequency and type of testing may be modified in future as determined by IEPA.

6. Quality Control and Processing

- a. Quality Control will comply with IDOT, Illinois Tollway, or other local hot mix asphalt consumers according to the Quality Control requirements for inclusion in hot mix asphalt.
- b. Quality Testing will be completed on processed product, ready for use, to ensure the product characteristics are representative and meet customer mix design requirements.

- c. Processing production logs will be completed to indicate the quantities of material sorted ground, tested as non-hazardous ACM, and processed daily for final use in hot mix asphalt.

7. General Operating Guidelines

- a. Access to the facility will be controlled by a gated entrance and exit. The gate must be locked when facility personnel are not present.
- b. A sign will be posted at the entrance of the processing facility indicating the name of the facility and the hours of operation.
- c. Incoming loads will be inspected by the on-site Illinois Certified Asbestos Inspector familiar with the requirements and operation of the facility.
- d. Unloading of the post-consumer tear-off shingles will be confined to an approved designated "tipping area" paddock.
- e. Fencing at least 6 feet in height will be constructed to prevent windblown material from leaving the storage area.
- f. Storage shall be a minimum of 100' from waters of the U.S.
- g. A sort-line staffed by trained personnel will be used to remove deleterious materials from the clean shingles prior to processing.
- h. Unacceptable material separated from the shingles will be evaluated periodically to determine the amount of unacceptable materials entering the site from each supplier in order to reduce the amount of unacceptable materials entering the site.
- i. Stockpiles of incoming shingles, clean, sorted material ready for grinding, and ground RAS shall not exceed 10,000 tons, unless documentation (i.e. contracts, order requests, or letters of intent), from either an Illinois Highway Authority or private hot mix asphalt producer can be provided. Storage time will not exceed 18 months after shingles are received at BUD.
- j. The regulatory agencies will be allowed to conduct random visits to the facility.
- k. Clean loads, ready for processing, shall not exceed a cumulative total of 1.5% by weight of felt attached to shingles or other deleterious. This weight shall not include nails, which will be removed during processing.
- l. Grinding of clean, sorted material, ready for processing will be conducted using an industrial shingle grinder. The grinder will utilize water for dust control and to control temperature during the grinding process.
- m. During storms, heavy rain and/or high winds, production will be stopped until weather conditions allow for safe operation.
- n. Storage of the final post-processed asphalt shingle product will be a minimum of 100' from waters of the U.S. and shall not exceed 10,000 tons unless a larger quantity is authorized by the regulatory agency.



Government Finance Officers Association
203 N. LaSalle Street - Suite 2700
Chicago, IL 60601
Phone (312) 977-9700 Fax (312) 977-4806

RECEIVED

NOV 03 2014

WALWORTH COUNTY BOARD

October 29, 2014

The Honorable Nancy Russell
County Board Chair
Walworth County
PO Box 1001
Elkhorn WI 53121-1001

Dear Ms. Russell:

We are pleased to notify you that your comprehensive annual financial report for the fiscal year ended **December 31, 2013** qualifies for a Certificate of Achievement for Excellence in Financial Reporting. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

An award for the Certificate of Achievement has been shipped to:

Nicole Andersen
Deputy County Administrator - Finance

We hope that you will arrange for a formal presentation of the Certificate and Award of Financial Reporting Achievement, and that appropriate publicity will be given to this notable achievement. A sample news release is enclosed to assist with this effort. In addition, details of recent recipients of the Certificate of Achievement and other information about Certificate Program results are available in the "Awards Program" area of our website, www.gfoa.org.

We hope that your example will encourage other government officials in their efforts to achieve and maintain an appropriate standard of excellence in financial reporting.

Sincerely,
Government Finance Officers Association

Stephen J. Gauthier, Director

Technical Services Center

SJG/ds



Government Finance Officers Association
203 N. LaSalle Street - Suite 2700
Chicago, IL 60601

Phone (312) 977-9700 Fax (312) 977-4806

10/29/2014

NEWS RELEASE

For Information contact:
Stephen Gauthier (312) 977-9700

(Chicago)--The Certificate of Achievement for Excellence in Financial Reporting has been awarded to **Walworth County** by the Government Finance Officers Association of the United States and Canada (GFOA) for its comprehensive annual financial report (CAFR). The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

An Award of Financial Reporting Achievement has been awarded to the individual(s), department or agency designated by the government as primarily responsible for preparing the award-winning CAFR. This has been presented to:

Finance Department, Walworth County

The CAFR has been judged by an impartial panel to meet the high standards of the program including demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the CAFR.

The GFOA is a nonprofit professional association serving approximately 17,500 government finance professionals with offices in Chicago, IL, and Washington, D.C.

FOR IMMEDIATE RELEASE

2014 OCT 22 October 16, 2014
AM 8:11

DUKE ENERGY's Shirley Wind Turbines Declared a "HUMAN HEALTH HAZARD"

DENMARK, WI - At the October 14, 2014 Brown County Board of Health meeting, a motion was unanimously approved declaring the Shirley Wind turbines a "Human Health Hazard". The text of the unanimously approved motion reads:

"To declare the Industrial Wind Turbines at Shirley Wind Project in the Town of Glenmore, Brown County, WI. A Human Health Hazard for all people (residents, workers, visitors, and sensitive passersby) who are exposed to Infrasound/Low Frequency Noise and other emissions potentially harmful to human health."

We applaud the integrity of the Brown County Board of Health in the work they have done to carry out their mission to 'promote individual and community health'. They have been deeply involved in trying to resolve the public health crisis that has existed in the Town of Glenmore since Emerging Energies of Wisconsin built the industrial wind project there in 2010. The project has been sold twice since its construction and is now owned by the renewables arm of Duke Energy, with Wisconsin Public Service purchasing the electricity.

Since the erection of the 8 turbines in Glenmore, among the largest in the United States at just under 500 feet tall, three families have vacated the homes they still own and complaints involving over 75 people in the project area have been filed with the Brown County Board of Health (including affidavits representing over 50 people that have been submitted to the Public Service Commission of Wisconsin). The root of the complaints and the home abandonments are the conditions created by Shirley Wind, allege the residents.

The declaration of Duke's Shirley Wind turbines as "Human Health Hazards" follow a year long study linking the signature of inaudible low frequency noise (created by the passing of the massive turbine blades past their supporting towers) to the homes that have been abandoned and to the homes where people continue to suffer. The Board of Health was asked to look at the study's raw data, the evidence linking the sound data to the wind turbines, peer-reviewed medical research and the complaints of the people living in the conditions around Duke's Shirley Wind project. They looked at the facts, they listened to the residents, they studied the medical literature, and then made the connection between Shirley Wind's operations and the suffering in Glenmore - declaring the wind turbines a "Human Health Hazard".

The Brown County Board of Health, the Brown County Human Services Committee, and the Brown County Board of Supervisors have all taken action on the wind turbine issue over the past four years. When resolutions have been sent to the State of Wisconsin to conduct the studies that their own PSC-funded testing called for, nothing was done. When emergency relocation aide was requested for those families forced from or suffering in their homes, the request was ignored. When they endorsed the 'Wisconsin Citizens Safe Wind Siting Guidelines' which includes science-based protections from low frequency noise, they were summarily dismissed. Brown County has now recognized this as a public health issue caused by the operation of Duke's Shirley Wind.

The State of Wisconsin has stripped the right of towns and counties to responsibly site wind turbines in their own communities and have created state-wide siting rules with little protection for families forced to live in wind projects. The State refuses to recognize the health impacts around its existing wind turbine installations and draft better protections for future projects. By ignoring these impacts, they are dooming more communities to the same fate as the Town of Glenmore.

Media Contact: Steve Deslauriers

###

PO Box 703
Denmark WI 54208

(920) 785-1837

info@BCCRWE.com
www.BCCRWE.com

Page 74 of 193



October 24, 2014

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

RECEIVED
WALWORTH COUNTY CLERK
2014 OCT 27 PM 12: 21

Subject: Enbridge Resolution

Dear Ms. Bushey:

Thank you for sharing a copy of the recent Walworth County Board resolution 26-09/14 regarding the permitting and review of the Enbridge capacity expansion of Line 61. I am responding to you on behalf of Secretary Stepp.

The resolution raised concerns about Enbridge expanding the capacity of the pipeline to pump petroleum products. The Department does not have authority to regulate the amount of material flowing in the pipeline. Capacity expansion, construction, inspection and maintenance for all liquid petroleum pipelines is regulated by the federal government through the Pipeline and Hazardous Materials Safety Administration (PHMSA), which is part of the US Department of Transportation (<http://www.phmsa.dot.gov/>).

In late 2013 and early 2014, Enbridge submitted application materials to the WDNR for an air permit, a wetland permit, and erosion control permits for work activities associated with the Line 61 Mainline Enhancement Project (61EP). The wetland permit and erosion control permits were for several pump station sites, and those permit authorizations were issued in April and May 2014. For the air construction permit for expanding storage tank capacity at the Superior terminal owned by Enbridge, the DNR approved the permit after considering more than 200 written comments that were submitted during the permit comment period. We also received approximately 3,400 additional emails from the public, most coming in after the comment period.

On June 12, 2014, the Department issued a decision to approve the subject air permit that included a determination of compliance with the Wisconsin Environmental Policy Act (WEPA) and Chapter NR150, Wis. Adm. Code.

Enbridge has installed pipelines in Wisconsin since the 1960's, including Lines 13 and 61, formerly known as "Southern Access." These 20-inch and 42-inch diameter pipelines were constructed in 2007-08, traversing approximately 320 miles through Wisconsin. The WDNR held three public informational hearings regarding the Southern Access project in September 2006 in Hayward, Marshfield, and Portage. Additionally, as part of the review for the installation of Line 61, the WDNR and US Army Corps of Engineers (ACOE) prepared an Environmental Assessment (EA) in the fall of 2006. The WDNR received and responded to several comments, issuing an amended EA, which was certified in November 2006. This EA (Enbridge Energy LP Southern Access Expansion Program Superior to Delavan Project) can be found on the WDNR's website: <http://dnr.wi.gov/topic/EIA/ArchiveTitle.html>.

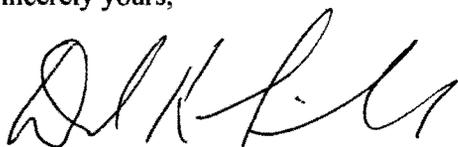
Enbridge has also constructed pipelines from the west entering Superior from Minnesota. Most recently the company constructed the "Alberta Clipper" project in 2012. DNR prepared an EA for that pipeline from Canada through Minnesota, using 13 miles of right-of-way in Douglas County. The US State Department prepared a federal EIS on the 2012 Alberta Clipper (now referred to as "Line 67") pipeline.

In May 2014, Enbridge submitted an application for wetland and waterway permits to construct a new pipeline in Douglas County as part of a longer project to the west called "Sandpiper". The Department intends to prepare an environmental impact statement (or EIS) for that project. We held a public meeting in Superior on August 25, and through the end of September we have had an open public comment process for determining the scope of analysis. The Department will maintain a web-page (<http://dnr.wi.gov/topic/eia/enbridge.html>) for this project so the public can follow the progress of the EIS and opportunities for comment.

Further, we are aware that Enbridge is considering additional pipeline projects in Wisconsin. In February 2014, the company sent letters to landowners along the lines from Superior to near Whitewater seeking permission to conduct engineering and environmental field surveys near the current right-of-way. To date, we have not seen any proposal for a new line. If Enbridge develops a proposal for a new pipeline through the state, the WDNR will conduct a detailed environmental analysis process and permitting review involving public involvement.

We will continue to follow our legal authorities for any projects that Enbridge proposes.

Sincerely yours,



David R. Siebert
Director, Bureau of Environmental Analysis and Sustainability

cc: Secretary Stepp

2014 OCT 28 AM 9:25



Before The
State Of Wisconsin
DIVISION OF HEARINGS AND APPEALS

In the Matter West Shore Ventures, LLC's
Application to Place a Pier on the Bed of Lake
Beulah in the Town of East Troy, Walworth
County

Case No. DNR-14-015

NOTICE OF PUBLIC HEARING
AND
ORDER FOR PUBLICATION

West Shore Ventures, LLC applied to the Department of Natural Resources (the Department) for a permit to place a pier/wharf on the bed of Lake Beulah, in the Town of East Troy, Walworth County. The proposed project is located in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 18, Township 4 North, Range 18 East.

The proposed project would be 80 feet long and 28 inches wide with one L that is 12 feet long by 28 inches wide with two boats moored. A boat lift is proposed to be constructed on the West side of the pier.

By letter dated January 12, 2014, the Department approved West Shore Ventures, LLC's application with limitations.

On March 12, 2014, the Department received a petition for a contested case hearing and request for a stay from Attorney Crystal H. Fieber, on behalf of the Lake Beulah Management District.

On April 11, 2014, the Department granted the case hearing request with respect to the following issues:

- Whether "the use of the pier [will be] detrimental to the public interest due to the adverse environmental effects that the pier will likely have on Lake Beulah and its environments." The Petition also raises the issue of whether granting the pier permit violates the Public Trust Doctrine (PTD). This issue coincides with the first issue raised because chapter 30 has codified the PTD utilizing the term of art "public interest."
- Whether the pier will materially obstruct navigation because of its location, which has not been clearly defined.

Further, the Department granted the stay of the permit pursuant to Wis. Stat. §§ 30.209 and 227.42. On September 9, 2014, the Division of Hearings and Appeals received the Request for Hearing from the Department.

NOTICE IS HEREBY GIVEN that the State of Wisconsin Division of Hearings and Appeals will hold a public hearing pursuant to Wis. Stat. §§ 30.12, 30.209 and 227.42 commencing at **10:30 a.m. on January 14, 2015**, in the Jury Assembly Room at the Judicial Center, 1800 Highway NN, Elkhorn, Wisconsin. The hearing will continue on **January 15, 2015**, at the same location.

The hearing will be a Class 1 contested case pursuant to Wis. Stat. § 227.01(3)(a) and the fair play provisions of Wis. Stat. ch. 227 will apply. The procedures relating to contested cases set forth in Wis. Admin. Code ch. NR 2 will be followed. The procedure that will be followed at the public hearing will closely resemble that normally followed at a court hearing. All parties are advised that they have the right to seek the aid and assistance of legal counsel and to be represented by legal counsel at the public hearing.

Pursuant to the Americans With Disabilities Act, reasonable accommodations will be made to any qualified individual upon request. Please call the Division of Hearings and Appeals at (608) 266-3865 with specific information on your request at least 10 days before the date of the scheduled hearing.

ORDER

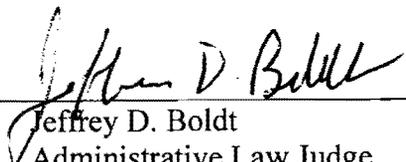
THE DIVISION, THEREFORE, ORDERS:

That the applicant, West Shore Ventures, LLC, shall cause a copy of the foregoing Notice to be published once at least one week before the date of hearing in the "East Troy Times" c/o Southern Lakes Newspapers, Business/Legal Department, 1102 Ann Street, Delavan, Wisconsin, 53115, Phone: (262) 728-3411. The applicant shall furnish proof of such publication to the Division of Hearings and Appeals by **Monday, January 12, 2015**.

Dated at Madison, Wisconsin on October 27, 2014.

STATE OF WISCONSIN
DIVISION OF HEARINGS AND APPEALS
5005 University Avenue, Suite 201
Madison, Wisconsin 53705
Telephone: (608) 266-7709
FAX: (608) 264-9885

By: _____


Jeffrey D. Boldt
Administrative Law Judge

SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

W239 N1812 ROCKWOOD DRIVE • PO BOX 1607 • WAUKESHA, WI 53187-1607 • TELEPHONE (262) 547-6721
FAX (262) 547-1103

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WAUKESHA



October 31, 2014

Chairman and Members of the Walworth County
Board of Supervisors
c/o Ms. Kimberly Bushey, Clerk
Walworth County
P.O. Box 1001
100 W. Walworth
Elkhorn, WI 53121

Dear Chairman and Members of the County Board:

Pursuant to Section 66.945(8)(b) of the Wisconsin Statutes, we are providing to you herewith a copy of the Commission's *2013 Annual Report*. This report describes the organization, objectives, and functions of the Commission; describes the Commission work programs in calendar year 2013; and presents in summary form the major findings and recommendations of that program.

Review of the report should provide interested public officials with a better understanding of the regional planning program and of development trends in the Region. If additional copies are needed for County officials, please notify the Commission offices.

Should your governing body or individual members of that body have any questions concerning the report, or should you desire a briefing on the work of the Commission or any particular aspect thereof, please do not hesitate to contact the Commission offices.

Sincerely,

A handwritten signature in black ink that reads "Kenneth R. Yunker".

Kenneth R. Yunker, P.E.
Executive Director

KRY/lgh
00072054.DOC

Enclosure

RECEIVED
WALWORTH COUNTY CLERK
2014 NOV -3 AM 9:56



November 12, 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

- There were none.

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

WHEREAS the following petitions have been filed with the County Clerk requesting that the County Zoning Ordinance and Shoreland Zoning Ordinance and County Land Use Plan 2035 be amended as specified:

REPORT OF PETITIONS REFERRED TO
WALWORTH COUNTY ZONING AGENCY

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

NAME	TOWN	CHANGE REQUESTED	DATE REFERRED
James Stowell	Spring Prairie Township Part of Tax Parcel O SP-27-2A	Rezone approx. 2.66 acres of A-4 Agricultural Related Manufacturing, Warehousing and Marketing District to A-5 Agricultural-Rural Residential District.	November 12, 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 Joe Schaefer

October 16, 2014

October 16, 2014 - expanded

Please include the following County Zoning Agency items on the November 12, 2014 County Board agenda:

2035 Comprehensive Plan Map Amendment:

1. **Mukwonago Baptist Church Inc., Rhon L. Roberts- Agent**, Section 2, East Troy Township. Requests to amend the 2035 Land Use Plan Map from approximately 20.12 acres of (RR) Rural Density Residential (at least 5 acres per dwelling) land use category to the (G) Governmental and Institutional land use category. Tax Parcel PA3068-2.

Approved 7 – 0 at the October 16, 2014 Zoning Agency public hearing.

Conformance with County Land Use Plan: The County 2035 Land Use Plan identifies this area as the Rural Density Residential land use category.

2. **Jodi Buckett Vanwormer – owner**, Section 21, LaFayette Township. Requests to amend the 2035 Land Use Plan Map from approximately 35 acres of (AP) Prime Agricultural land use category to the (AG1) Other Agricultural Rural Residential and Other Open Lands (5 to 34 acre per dwelling) land use category. Tax Parcel K LF-21-6.

Approved 5 – 2 at the October 16, 2014 Zoning Agency public hearing. (Rich Brandl and Richard Kunhke, Sr. voted in opposition)

Conformance with County Land Use Plan: The land use plan map amendment would not be in conformance with the Walworth County Land Use Plan 2035 on an individual parcel review basis as the property contains over 95% prime farm soils and has been historically farmed and does not have slopes prohibiting normal farming operations.

Rezones:

1. **Grand Geneva, LLC. - Mark McDonald – Applicant**, Section 29 and 32, Lyons Township. Rezone approximately 12 acres of A-2 Agricultural District and C-1 Lowland Resource Conservation District to B-5 Planned Commercial Recreational Business District, approximately 3.3 acres of A-2 District to C-4 and C-1 Districts (shoreland and non-shoreland wetlands) and approximately 9.25 acres of the B-5 District to C-4 District as per a digital survey. Parts of Tax Parcels N LY-29-5, 4 and N LY-32-3.

Approved 7 – 0 at the October 16, 2014 Zoning Agency public hearing.

Conformance with County Land Use Plan: The Walworth County 2035 Land Use Plan identifies this area as the Commercial/Recreational land use category on the upland portions of the property and Primary Environmental Corridor on the lowland (wetland) portions. The proposed use would be consistent with the Land Use Plan.

ORDINANCE NO. 893 – 11/14

**AMENDING SECTION 30-181 OF THE WALWORTH COUNTY CODE OF
ORDINANCES RELATING TO PUBLIC WORKS STATE PERFORMANCE BID
NET POSITION CARRYFORWARD**

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

1 **PART I: That Section 30-181 of the Walworth County Code of Ordinances is hereby**
2 **amended to read as follows:**

3
4 **“Sec. 30-181. Enterprise funds.**

5
6 An enterprise fund refers to a proprietary fund type used to report an activity for which a fee is
7 charged to external users for goods or services. The county has established the following
8 enterprise funds and guidelines governing these funds.

9
10 (2) A public works enterprise fund shall be established to account for financial
11 resources to be used for the county facilities and grounds, highway, and solid
12 waste management costs.

13
14 c. *Unrestricted net position-internal allowances.* The following internal
15 allowances shall be maintained within the county's public works fund.
16 These amounts do not appear on the financial statements, but exist for
17 internal purposes only.

18
19 9. Carryforward of up to \$50,000 of total yearend excess performance
20 bid operating earnings above operating expenses related to state
21 department of transportation projects. This carryforward will only
22 occur provided the fund finishes the year with excess net position
23 available over its minimum balance. This allowance for state
24 performance bid projects will reduce the amount available to be
25 transferred to the road construction contingency. Any losses
26 occurring due to performance bid shortfalls in future years could
27 utilize this allowance, if needed, with Public Works and Finance
28 Committee approval.”
29

30 **BE IT ORDAINED** by the Walworth County Board of Supervisors that all previous ordinances
31 and resolutions pertaining to Section 30-181 are hereby superseded.

32
33 **BE IT FURTHER ORDAINED** by the Walworth County Board of Supervisors that this
34 Ordinance shall become effective upon passage and publication.

35
36 **PASSED and ADOPTED** by the Walworth County Board of Supervisors this 12th day of
37 November, 2014.

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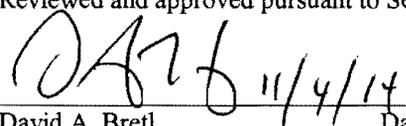
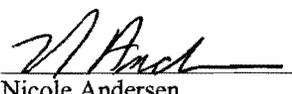
Nancy Russell
County Board Chair

Kimberly S. Bushey
Attest: County Clerk

County Board Meeting Date: November 12, 2014

Action Required: Majority Vote x Two-thirds Vote Other

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

 _____ David A. Bretl County Administrator/Corporation Counsel	<u>11/4/14</u> Date	 _____ Nicole Andersen Deputy County Administrator - Finance	<u>11/4/14</u> Date
--	------------------------	---	------------------------

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

ORDINANCE NO. 894-11/14

**AMENDING SECTION 30-286 OF THE WALWORTH COUNTY CODE OF
ORDINANCES RELATIVE TO FEES**

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

PART 1: THAT Sec. 30-286 of the Walworth County Code of Ordinances is hereby amended to read as follows

“Sec. 30-286. Consolidated Fee Schedule.

There is hereby imposed the fees set forth in the following county consolidated fee schedule.

Walworth County
Consolidated Fee Schedule

The fee schedule table is intended as guidance and does not replace the Wisconsin State Statutes, where applicable, as the source of authority.

Description	Fee	Effective Date	Authority
Children with Disabilities Education Board			
Lunch fees	\$2.00 EC/K; \$2.75 prim/elem/middle school; \$3.00 high school/adult program; \$3.50 staff/visitors; \$0.50 milk	Jul-14	USDA Regulations, 7CFR 210.14(e)
Student fee: activity fee	\$16.00	Aug-12	Wis. School Laws FOCUS 5/94
Student fee: snacks/milk	\$8.00	Aug-12	Wis. School Laws FOCUS 5/94
Student fee: summer school	\$30.00	May-12	Wis. Stats. § 118.04(4)
Student fee: swim fee	\$6.00	Aug-12	Wis. School Laws FOCUS 5/94
Student fee: transportation/community-based experiences	\$20.00	Aug-12	Wis. School Laws 121.54(7)
Clerk of Courts			
County fees			
Clerk of courts fees	Actual amount (100% county)	Jan-03	Ord. 231-11/02
Court appointed attorney	Actual amount at \$70.00/hr (100% county)	Sept-13	Ord. 813-11/13

Description	Fee	Effective Date	Authority
Credit or signature debit card convenience fee (via terminal)	Sliding scale of 2-3% of total fine/costs based on bank contract, minimum \$2.00 charge per transaction	Jun-10	Ord. 619-06/10
Criminal bail forfeiture	Actual amount (100% county)	Jan-03	Ord. 231-11/02
Guardian ad litem (GAL)	\$85.00/hr., \$700.00 up-front charge (100% county)	Jan-08	Ord. 584-11/09
Guardianship packet	\$10.00 (100% county)	Jul-11	Wis. Stats. § 814.66
Interest on judgment	Prime rate plus 1%	Dec-11	Wis. Stats. 807.01(4), 814.04(4), 815.05(8), Ord. 748-11/12
NSF fee per check	\$30.00 (100% county)	Jan-07	Ord. 393-11/06
Parenting after separation (PAS)	\$25.00 (100% county)	Jan-14	Ord. 813-11/13
Parenting after separation (PAS) - Instructor	\$25.00 (100% instructor)	Jan-14	Ord. 813-11/13
Payment plan	Fines/costs less than \$400.00 to be paid within 30 days of conviction; \$400.00 to \$1,200.00 to be paid at a rate of \$100.00/month; over \$1,200.00 to be based on adjusted net monthly income. All payment plans require down payment of 17% of total fines/costs plus \$15.00 processing fee per payment plan.	April 2, 2006	Ord. 344-03/06
Payment plan processing fee	\$15.00 per payment plan unless an affidavit of indigence or hardship is approved by the judge, based on ability to pay as measured by income.	April 2, 2006	Ord. 344-03/06
Probate certificate-certified copies includes attestation and comparison	\$4.00 + \$1.00/page to copy (100% county)	Jul-05	Wis. Stats. § 814.66
Probate copies	\$1.00/page (100% county)	Jul-05	Wis. Stats. § 814.66
Probate packet w/booklet	\$20.00 (100% county)	Jul-11	Wis. Stats. § 814.66
Small claims answer and counterclaim 3-part form	\$3.00	Jan-03	Ord. 465-11/07
Small claims writ of replevin 3-part form	\$3.00	Jan-03	Ord. 465-11/07
Small claims writ of restitution 3-part form	\$3.00	Jan-03	Ord. 465-11/07
Civil filing fees (CSS-court support services surcharge, JINFO-justice information surcharge, FCCS=family court counseling services fees):			

Description	Fee	Effective Date	Authority
Appeal - From administrative decision or from municipal court - new trial	\$144.50 (\$55.00 filing fee, \$68.00 CSS, \$21.50 JINFO)	Jul-09	Wis. Stats. § 814.61 (8)(am) 2
Appeal - From administrative decision or from Municipal Court - on the record or by certiorari	\$129.50 (\$40.00 filing fee, \$68.00 CSS, \$21.50 JINFO)	Jul-09	Wis. Stats. § 814.61(8) (am)1
Appeal - From circuit court to court of appeals - civil appeal - transmittal fee	\$15.00 plus postage (100% county)	Jul-05	Wis. Stats. § 814.61(9)
Appeal - From circuit court to court of appeals - filing fee	\$195.00 (no filing fee for state agencies) (100% state)	Jul-05	Wis. Stats. § 809.25(2)(a)1, 814.64
Arbitration - Appointment of arbitrator	\$0.00	Jul-05	Wis. Stats. § 788.04(2)(a)
Arbitration - Compel, confirm, modify, vacate arbitrators award	\$164.50 (\$75.00 filing fee, \$68.00 CSS, \$21.50 JINFO) (100% state)	Jul-09	Wis. Stats. § 814.61(1)
Arbitration - Re: purchase of real property	\$94.50 (\$22.00 filing fee, \$51.00 CSS, \$21.50 JINFO) (100% state)	Jul-09	Wis. Stats. § 799.01(1)(cm)
Certificates - Certified copies - includes attestation and comparison	\$5.00/certification + \$1.25/page to copy, (100% county)	Jul-05	Wis. Stats. § 814.61(5)(a), 814.61(10)(a), OAG 4-84
Certificates - Certifying and transmitting documents (includes appeals, changes of venue, foreign judgments)	\$15.00 + postage (100% county)	Jul-05	Wis. Stats. § 814.61(9)
Certificates - Issuing certificate, execution, commission, writ not commencing an action	\$5.00/certification (100% county)	Jul-05	Wis. Stats. § 814.61(5)(a)
Civil action - Jury fee	\$6.00 per juror requested (\$36.00 per 6-person jury or \$72.00 per 12-person jury)	Jul-09	Wis. Stats. § 814.61(4)
Civil action - Money judgment greater than \$10,000.00 (includes foreclosure)	\$265.50 total (\$30.00 county; \$235.50 state) (\$75.00 filing fee, \$169.00 CSS, \$21.50 JINFO)	Jul-11	Wis. Stats. § 814.61(1)(a); 808.02(1m)
Civil action - Crossclaim	\$0.00	Jul-11	Wis. Stats. § 814.61
Civil action - Motion costs	\$0.00 to \$300.00 discretion of the Court	Jul-09	Wis. Stats. § 814.07, OAG 1-00
Civil action - Motion to intervene	\$0.00	Jul-05	Wis. Stats. § 803.09

Description	Fee	Effective Date	Authority
Civil action - No money judgment (includes name change, declaratory judgment, <u>mandamus</u> , habeas corpus, minor settlements, vital statistics amendments after one year and delayed registrations)	\$164.50 total (\$30.00 county; \$134.50 state) (\$75.00 filing fee, \$68.00 CSS, \$21.50 JINFO)	Jul-11	Wis. Stats. § 814.61(1)(a)
Civil action - Personal injury or tort claim greater than \$5,000	\$265.50 (30.00 county; \$235.50 state) (\$75 filing fee, \$52 CSS, \$21.50 JINFO); or small claims fees	Jul-11	Wis. Stats. <u>799.01(1)(cr)</u> and §802.02(1m)
Civil action - Petition to require DNA sample	\$0.00	Jul-10	165.76(6), 814.61(1)(c)7
Civil Action - Petition for writ of certiorari	\$129.50	Jul-11	814.61 (8)(am)1, 801.02(5)
Civil action - Taxing authority; permissive use of civil procedures for claims \$10,000.00 or less	\$147.50 total (\$30.00 county; \$117.50 state) (\$75.00 filing fee, \$51.00 CSS, \$21.50 JINFO; or small claims fees)	Jul-11	Wis. Stats. § 799.01(2), 814.85(1)
Civil action - Third party complaint - no money judgment	\$134.50 (\$45.00 filing fee, \$68.00 CSS, \$21.50 JINFO) (100% state)	Jul-09	Wis. Stats. § 814.61
Civil action - Third party complaint - claim less than or equal to \$5,000.00	\$117.50 total (\$10.20 county; \$107.30 state) (\$45.00 filing fee, \$51.00 CSS, \$21.50 JINFO, one fee per action)	Jul-11	Wis. Stats. § 814.61(3), 799.01(1)(cr)
Civil action - Third party complaint - claim greater than \$5,000.00	\$235.50 total (\$20.00 county; \$215.50 state) (\$45.00 filing fee, \$169.00 CSS, \$21.50 JINFO, one fee per action)	Jul-11	Wis. Stats. § 814.61(3), 799.01(1)(cr)
Condemnation appeals - New trial	\$144.50 total (\$32.50 county; \$112.00 state) (\$55.00 filing fee, \$68.00 CSS, \$21.50 JINFO)	Jul-09	Wis. Stats. § 814.61 (8)(am)2
Condemnation appeals - On the record or by certiorari	\$129.50 total (\$17.50 county; \$112.00 state) (\$40.00 filing fee, \$68.00 CSS, \$21.50 JINFO; first class cities only)	Jul-09	Wis. Stats. § 814.61(8)(am), 32.61
Contempt proceedings - Disbursement surcharge per deposit (for deposits in contempt proceedings under ch. 785)	\$10.00 (100% county) (surcharge deducted from deposit)	Jul-05	Wis. Stats. § 814.61(12)(c), 818.12
Copies - Certified	\$5.00/certification + \$1.25/page to copy (100% county)	Jul-11	Wis. Stats. § 814.61(5)(a), 814.61(10)(a), OAG 4-84
Copies - for Dept. of Public Instruction	\$0.00 No fee for copy of complaint and judgment of conviction against a teacher	Jul-09	Wis. Stats. § 973.135
Copies - For public defender	Actual, necessary, and direct	Jul-05	Wis. Stats. § 814.61(10)(b)
Copies - For secretary of state, treasurer, attorney general/DOJ	\$0.00 No fee for these three state offices	Jul-05	Wis. Stats. § 19.25

Description	Fee	Effective Date	Authority
Copies - For U.S. immigration, certified copies of criminal records	\$0.00	Jul-05	42 USC 3753(a)(11)
Copies - Mandatory forms	\$0.00 (No fee for single copies of blank mandatory forms; may be a fee for forms packets with local instructions.)	Jul-05	Wis. Stats. § 814.61
Copies - Regarding veteran's benefits, any state or federal agency	\$0.00	Jul-11	Wis. Stats. § 59.535
Copies - Regular copies and reports	\$1.25/page (100% county)	Jul-05	Wis. Stats. § 814.61(10)(a)
Docketing - Docket judgment, transcript of judgment, lien, warrant, award, satisfaction, assignment	\$5.00 (100% county)	Jul-05	Wis. Stats. § 814.61(5)(b)
<u>Drug Court Program Fee</u>	<u>\$500.00</u>	<u>Nov-14</u>	<u>Ord. 894-11/14</u>
E-filing convenience fee (ECF)	\$5.00 Electronic filing available in civil cases in some counties	Jul-09	Wis. Stats. § 758.19(4m)
Family action - Acknowledgment of paternity	\$184.50	Jul-09	Wis. Stats. § 767.805
Family action - Commence action (divorce, annulment, legal separation, acknowledgement of paternity) with no request for support or maintenance	\$184.50 total (\$40.00 county; \$20.00 CFS; \$124.50 state) (\$75.00 filing fee, \$20.00 FCCS, \$68.00 CSS, \$21.50 JINFO)	Jul-11	Wis. Stats. § 814.61(1)(a) and (b), <u>767.405</u>
Family action - Commence action (divorce, annulment, legal separation, acknowledgement of paternity) with request for support or maintenance	\$194.50 total (\$40.00 county; \$20.00 CFS; \$134.50 state) (\$75.00 filing fee, \$20.00 FCCS, \$68.00 CSS, \$21.50 JINFO, \$10.00 fee for parties not receiving public assistance) pursuant to Wis. Stats. § 814.61(13)	Jul-11	Wis. Stats. § 814.61(1)(a) and (b), <u>767.405</u> , <u>814.61(13)</u>
Family action - Commence action by child support agency	\$194.50 Fee waived only for paternity cases and Chapter 769	Jul-11	Wis. Stats. § 814.61(1)(c)1
Family action - Commence action by state, Ch. Support agency, GAL	\$0.00	Jul-09	Wis. Stats. § 814.61(1)(c)
Family action - Custody - Updated study	\$100.00 (100% county)	Jan-03	Ord. 231-11/02
Family action - Enforce legal custody, physical placement or visitation order 767.471	\$0.00 (no fee for enforcement motions (contempt))	Jul-09	Wis. Stats. § 767.471(3)(e), 785.03 (contempt)
Family action - Grandparent visitation - In new or pending guardianship	\$60.00 total (\$30.00 county; \$30.00 state) (fee should be filed with register in probate)	Jul-09	Wis. Stats. § 54.56, 814.66(1m)
Family action - Grandparent visitation - in pending family action	\$0.00 (no fee for motion in pending family action)	Jul-05	Wis. Stats. § 767.43
Family action - Grandparent visitation - New action	\$184.50 (\$75.00 filing fee, \$20.00 FCCS, \$68.00 CSS, \$21.50 JINFO) (100% state)	Jul-09	Wis. Stats. ch 767

Description	Fee	Effective Date	Authority
Family action - Grandparent visitation - Post judgment motion	\$30.00 motion (100% county)	Jul-05	Wis. Stats. § 814.61(7)(a)
Family action - Mediation	\$200.00 or local fee (100% county) (first session free)	Jul-09	Wis. Stats. § 814.615(1)(a)1 and 2, 767.404(5)
Family action - Out-of-county orders - File out-of-county judgment	\$5.00 (\$10.00 to file transcript of judgment; regular fees apply to later motions; no fee for protective orders) (100% county)	Jul-09	Wis. Stats. § 767.281
Family action - Out-of-state custody judgment under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)	\$15.00 (regular fees apply to later motions)	Jul-09	Wis. Stats. § 814.61(6), ch 822
Family action - Out-of-state divorce judgment	\$15.00 (regular fees apply to later motions) (100% county)	Jul-09	Wis. Stats. § 814.61(6), 806.24
Family action - Out-of-state orders - Child support Uniform Interstate Family Support Act (UIFSA) action	\$0.00 (no fee to register and enforce out-of-state support orders)	Jul-05	Wis. Stats. § 814.61(1)(c)2, 769.313
Family action - Out-of-state protective order	\$0.00 (no fee for protective orders)	Jul-05	Wis. Stats. § 814.61(1)(c)(d)
Family action - Paternity - Commence action by private party	\$184.50 total (\$75.00 filing fee, \$20.00 FCCS, \$68.00 CSS, \$21.50 JINFO) (100% state)	Jul-09	Wis. Stats. § 814.61(1)(a)
Family action - Paternity - Commence action with request for support	\$194.50 total (\$75.00 filing fee, \$20.00 FCCS, \$68.00 CSS, \$21.50 JINFO, \$10.00 fee for parties not receiving public assistance) (100% state)	Jul-09	Wis. Stats. § 814.61(13)
Family action - Revision of judgment - By stipulation	\$0.00	Jul-05	Wis. Stats. § 814.61(7)(a)
Family action - Revision of judgment - Judgments other than custody or placement (includes revisions of child support under 767.59)	\$30.00 total (\$15.00 county; \$15.00 state)	Jul-09	Wis. Stats. § 814.61(7)(a)
Family action - Revision of judgment - Legal custody or physical placement pursuant to Wis. Stats. § 814.61(7)(b)	\$50.00 total (\$12.50 county; \$25.00 FCS; \$12.50 state)	Jul-09	Revisions under Wis. Stats. § 767.451, 767.481
Family action - Revision of judgment - Paternity	\$0.00 (no motion fee for child support agency, state, GAL, or court-appointed attorney under 767.407(1)(c)1 and 2) (100% county)	Jul-09	Wis. Stats. § 814.61(7)(c)
Family action - Revision of judgment - Support or maintenance	\$0.00 No fee if action is for support or maintenance w/o request for divorce or adjudication of paternity	Jul-10	Wis. Stats. § 767.501, 767.56, 767.57
Family action - Revision of judgment - Terminate parental rights	\$0.00	Jul-10	Wis. Stats. § 814.61(1)(c)4

Description	Fee	Effective Date	Authority
Family action - Study re legal custody and physical placement	\$300.00 (100% county)	Jul-05	Wis. Stats. § 814.615(1)(a)3
Foreclosure under ch. 846	\$265.50 (\$75.00 filing fee, \$169.00 CSS, \$21.50 JINFO) (100% state)	Jul-09	Wis. Stats. ch 846
Forfeiture of property - Action to seize vehicle, drugs, or other property used in crime under 973.075-077	\$0.00 (no filing fee)	Jul-05	Wis. Stats. § 814.61(1)(c)3, 973.075-077, 961.55-56
Forfeiture, complex - Action for environmental damage, consumer protection, or other significant violation of the public interest	\$0.00 (open as CX case with no fee; civil procedures apply; forfeiture schedule available)	Jul-05	Wis. Stats. - dependent on type of violation.
Garnishment (amount less than or equal to \$10,000.00)	\$92.50 total (\$7.50 county; \$85.00 state) (\$20.00 filing fee, \$51.00 CSS, \$21.50 JINFO per debtor)	Jul-11	Wis. Stats. § 814.62(1), ch. 812
Garnishment (amount greater than \$10,000.00)	\$210.50 total (\$7.50 county; \$203.00 state) (\$20.00 filing fee, \$169.00 CSS, \$21.50 JINFO per debtor)	Jul-11	Wis. Stats. § 814.62(1), ch. 812
Judgments and liens - Docket judgment, FJ, TJ, lien, warrant, satisfaction, writ, execution, assignment	\$5.00 (100% county) (No fee for protective orders, collect both FJ/TJ filing fee & docketing fee if applicable)	Jul-11	Wis. Stats. § 814.61(5)(b)
Judgments and liens - File foreign judgment FJ (from other states, countries, tribes, federal courts)	\$15.00 (100% county)	Jul-05	Wis. Stats. § 814.61(6), 806.24
Judgments and liens - File foreign protective order	\$0.00	Jul-05	Wis. Stats. § 814.61(1)(c), (d), 42 USC 3796gg
Judgments and liens - File transcript of judgment TJ (judgments from other Wisconsin counties)	\$5.00 (100% county)	Jul-09	Wis. Stats. § 814.61(5)(b), 806.12-806.17
Judgments and liens - Issue transcript from judgment and lien docket	\$5.00 (100% county)	Jul-05	Wis. Stats. § 814.61(5)(b)
Judgments and liens - Reopen default judgment in forfeiture action	\$0.00 - \$300.00 (amount set in discretion of court)	Jul-05	Wis. Stats. § 814.07, OAG 1-00
Juvenile recoupment - Attorney fee	\$250.00/\$400.00 (25% county; 75% state)	Jan-03	Wis. Stats. § 48.275 and 938.275
Minor settlements - Petition to approve	\$164.50 (\$75.00 filing fee, \$68.00 CSS, \$21.50 JINFO) (100% state)	Jul-09	Wis. Stats. § 807.10
Minor settlements - Receive, handle, or deposit funds	Greater of \$10.00 or 0.5% of funds deposited with clerk (100% county)	Jul-05	Wis. Stats. § 814.61(12)(a)1
Minor settlements - Withdraw funds, per transaction	\$10.00 (100% county)	Jul-05	Wis. Stats. § 814.61(12)(a)1

Description	Fee	Effective Date	Authority
Name change	\$164.50 (\$75.00 filing fee, \$68.00 CSS, \$21.50 JINFO) (100% state)	Jul-09	Wis. Stats. § 767.51(3m)
Name change - In paternity action, new	\$0.00 (name change may be part of paternity action)	Jul-05	Wis. Stats. § 767.51(3m)
Occupational drivers license petition - File petition	\$40.00 (100% state)	Jul-05	Wis. Stats. § 343.10(4), 351.07(1g), 814.61(14)
Probate - Probate/guardianship filing	2/10 of 1% of total inventory (1/3 to county; 2/3 to state)	Jan-06	Wis. Stats. § 814.66
Receiving and disbursing money - Contempt proceedings, deposits	\$10.00/transaction (100% county)	Jul-05	Wis. Stats. § 814.61(12)(a)
Receiving and disbursing money - Receive trust fund, handle or deposit money (includes general deposits, minor settlements, trust funds, small estates, conservator accounts)	\$10.00+ (greater of \$10.00 or 0.5% of funds deposited with clerk) (100% county)	Jul-09	Wis. Stats. § 757.25, 807.10(3), or 54.12(1)(a), 814.61(12)
Receiving and disbursing money - Withdraw funds	\$10.00/transaction (100% county)	Jul-05	Wis. Stats. § 814.61(12)(a)1
Search - Probate	\$4.00 (100% county)	Jan-03	Wis. Stats. § 814.66(1)(j)
Searches - Search file or record to locate any one action	\$5.00 (per action, when no case number is provided) (100% county)	Jul-05	Wis. Stats. § 814.61(11)
Small claims - Commence action (includes evictions, replevin, arbitration, forfeitures, actions \$10,000.00 or less; consolidated claim of multiple creditors - single action) - except tort/personal injury	\$94.50 (\$10.20 county; \$84.30 state) (\$22.00 filing fee, \$51.00 CSS, \$21.50 JINFO)	Jul-11	Wis. Stats. § 814.62(3)(a), 799.01
Small Claims - Commence action \$5000 or less - tort/personal injury	\$94.50 (\$22.00 filing fee, \$51.00 CSS, \$21.50 JINFO)	Jul-11	Wis. Stats. § 799.01(1)(cr)
Small claims - Cross claim or counterclaim over \$10,000.00	\$125.50 (\$25.80 county; \$99.70 state) (\$53.00 filing fee, \$51.00 CSS, \$21.50 JINFO)	Jul-11	Wis. Stats. § 814.62(3)(b)
Small claims - Demand for jury trial	\$89.00 total (\$53.00 jury demand plus jury fee of \$36.00) (100% county)	Jul-05	Wis. Stats. § 814.62(3)(e) and 814.61(4)
Small claims - Service by mail	\$2.00 /defendant + postage if sent by certified mail (100% county)	Jul-05	Wis. Stats. § 814.62(4)
Small claims - Third-party complaint \$5,000.00 or less	\$117.50 (\$45.00 filing fee, \$51.00 CSS, \$21.50 JINFO) (100% state)	Jul-11	Wis. Stats. § 814.61(3), 799.01(cr)
Subpoena - In-state subpoena	\$0.00	Jul-05	Wis. Stats. § 885.01(1)
Subpoena - Out-of-state subpoena to depose WI resident	\$0.00	Jul-05	Wis. Stats. § 887.24

Description	Fee	Effective Date	Authority
Temporary restraining orders and injunctions - combined actions - no fee, may collect from respondent if convicted of violating TRO	\$0.00	Jun-06	Wis. Stats. § 813.127, 814.61(1)(d)
Temporary restraining orders and injunctions - Domestic abuse, child abuse, vulnerable adult	\$0.00 No fee; may collect fee from respondent if convicted of violating TRO)	Jul-05	Wis. Stats. § 813.12, 812.122, 812.123, 814.61(1)(d)
Temporary restraining orders and injunctions - File foreign or out-of-county protective order	\$0.00	Jul-05	Wis. Stats. § 814.61
Temporary restraining orders and injunctions - harassment, if petition alleges stalking, sexual assault, physical violence, impaired phys. Condition, or threats; may collect fee from respondent if convicted of violating TRO	\$0.00 May collect fee from respondent if convicted of violating TRO	Jun-06	Wis. Stats. § 813.125, 814.61(1)(e)
Temporary restraining orders and injunctions - Other injunctions and restraining orders	\$164.50 (file as civil actions) (100% state)	Jul-09	Wis. Stats. § 814.61
Temporary restraining orders and injunctions - Without allegations above	\$164.50 (\$75.00 filing fee, \$68.00 CSS, \$21.50 JINFO) (100% state)	Jul-09	Wis. Stats. § 814.61(1)
Third party complaint - Claim less than or equal to \$5,000.00	\$117.50 (\$10.20 county; \$107.30 state) (\$45.00 filing fee, \$51.00 CSS, \$21.50 JINFO)	Jul-11	Wis. Stats. § 814.61(3), 799.01(1)(cr)
Third party complaint - Claim greater than \$5,000.00	\$235.50 (\$20.00 county; \$215.50 state) (\$45.00 filing fee, \$169.00 CSS, \$21.50 JINFO, one fee per action)	Jul-11	Wis. Stats. § 814.61(3), 799.01(1)(cr)
Third party complaint - No money judgment requested	\$134.50 (\$45.00 filing fee, \$68.00 CSS, \$21.50 JINFO) (100% state)	Jul-09	Wis. Stats. § 814.61(3)
Transcript from judgment docket - Issue or file transcript	\$5.00 (100% county) Collect both TJ fee and docketing fee if applicable	Jul-05	Wis. Stats. § 814.61(5)(a) and (b)
Transmit documents - Certify and transmit documents on appeal, writ, change of venue, real estate judgments, out-of-state judgments	\$15.00 + postage (100% county)	Jul-05	Wis. Stats. § 814.61(9)
Venue, change of - Civil, receiving court	\$75.00 total (\$30.00 county; \$45.00 state) (fee equal to original filing fee, payable by the party that necessitated the change of venue, no CSS or JINFO)	Jul-05	Wis. Stats. § 814.61(2)
Venue, change of - Civil, transmitting court	\$15.00 + postage, (100% county)	Jul-05	Wis. Stats. § 814.61(9)
Venue, change of - Discretionary	\$0.00	Jul-05	Wis. Stats. § 801.52, 814.61(2)

Description	Fee	Effective Date	Authority
Venue, change of - Family, receiving court	\$95.00 total (\$30.00 county; \$20.00 FCS; \$45.00 state) (\$75.00 filing fee, \$20.00 FCCS)	Jul-05	Wis. Stats. § 814.61(1)(b), (2)
Venue, change of - Family, receiving court, with request for support or maintenance	\$105.00 total (\$40.00 county; \$20.00 FCS; \$45.00 state) (\$75.00 filing fee, \$20.00 FCCS, \$10.00 under 814.61(13))	Jul-05	Wis. Stats. § 814.61(13)
Venue, change of - Small claims, receiving court	\$22.00 total (\$10.20 county; \$11.80 state)	Jul-05	Wis. Stats. § 814.61(2)
Vital statistics - Amendments after one year and delayed registration (name, sex change, birth record, death, marriage, surrogate mother)	\$164.50 (\$75.00 filing fee, \$68.00 CSS, \$21.50 JINFO) (100% state)	Jul-09	Wis. Stats. § 814.61
Wage claim action - DA claim against employer for unpaid wages	DA may choose to file as small claims, civil or criminal action. If small claims or civil, regular filing fee applies.	Jul-09	Wis. Stats. § 109.03(6), 109.11(2) and (3)
Wage earner action - Voluntary debt proceeding	\$31.50 (\$10.00 county; \$12.00 state) (\$10.00 filing fee, \$21.50 JINFO)	Jul-09	Wis. Stats. § 814.62(2), 128.21
Warrants - Failure to pay, failure to appear	\$0.00 (no clerk's fee; sheriff's fees provided under 814.70)	Jul-05	Wis. Stats. § 814.70
Warrants - Satisfaction, voidance or withdrawal	\$5.00 (100% county)	Jul-05	Wis. Stats. § 814.61(5)(b), 71.91(5)(g)
Warrants - Tax warrants, filing and docketing (warrants issued under ch. 70-77)	\$5.00 (100% county)	Jul-05	Wis. Stats. § 814.61(5)(b), 806.11
Fines, Forfeitures and Surcharges (CCAP = Consolidated Court Automation Program):			
Bisphenol A Enforcement Surcharge (BPAS)	50% of fine or forfeiture (100% to Dept. of Agriculture Trade & Consumer Protection)	Jun-15, 2010	Wis. Stats. § 100.335(7)
Blood withdrawal cost (BTCC, BTCM, BTST, BTDNR, BTUW)	Amount varies based on actual costs - any costs paid by law enforcement for withdrawal of defendant's blood shall be placed on defendant. 100% to the law enforcement agency paying for the withdrawal.	Jul-11	Wis. Stats §§ 973.06(1)(j), 814.63(3m)
Child pornography surcharge (CHPRN)	\$500.00 per image (100% to DOJ)	Jul-13	Wis. Stats. § 973.042
Clerk fee - Civil forfeiture (CCFP) (applies to most forfeitures; does not apply to smoking, safety belt use, disability ID, or failure to carry proof of insurance violations)	\$25.00 per count (\$5.00 CCAP, \$7.50 County, \$12.50 State)	Jul-10	Wis. Stats. § 814.63(1)(b), 814.63(1)(c)
Clerk fee - Criminal (CCFP) (applies to all criminal actions)	\$163.00 per count (6.13% County, 93.87% State) (paid when judgment is entered)	Jul-11	Wis. Stats. § 814.60(1)

Description	Fee	Effective Date	Authority
Commercial fish protection surcharge (CFISH)	Amount varies based on value of fish (100% DNR)	Jun-06	Wis. Stats. § 29.984
Consumer protection surcharge (CONPR) (applies to violations of ch. 98 (weights and measures), ch. 100 (marketing and trade practices), and related ordinances and administrative rules) (if the Court imposes a fine or forfeiture, the Court shall also impose this surcharge)	25% of fine or forfeiture (100% State)	Jul-05	Wis. Stats. § 100.261, 20.115(1)(jb)
Court support services surcharge (CSS) - Civil actions where amount claimed exceeds \$5,000.00; includes personal injury, property damage, foreclosure, even if amount claimed is not specified; includes garnishments and wage claims over \$5,000.00	\$169.00 (100% State)	Jul-05	Wis. Stats. § 814.85(1)(b), 808.02(1)(m)
Court support services surcharge (CSS) - Civil actions where no money judgment is sought, such as name change, declaratory judgment, habeas corpus, minor settlements	\$68.00 (100% State)	Jul-05	Wis. Stats. § 814.85(1)(a)
Court support services surcharge (CSS) - Small claims, garnishments, wage claims, and other actions where amount claimed is \$5,000.00 or less	\$51.00 (100% State)	Jul-05	Wis. Stats. § 814.85(1)(c)
Court support services surcharge (CSS) - State and County forfeitures, municipal ordinance violations, appeals from Municipal Court; does not apply to safety belt or disability ID Card violations or failure to carry proof of insurance	\$68.00 (100% State) (paid when judgment is entered)	Jul-11	Wis. Stats. § 814.85(1)(a)(b)
Crime lab and drug law enforcement surcharge (CLD) - Applies to State law and municipal or County ordinances; does not apply to smoking, non-moving traffic, safety belt violations, disability ID card, or failure to carry proof of insurance under 344.62(2)	\$13.00 per count (if the Court imposes a sentence, places a person on probation, or imposes a forfeiture, a separate surcharge shall be imposed for each offense or count) (100% State)	Jul-10	Wis. Stats. § 165.755

Description	Fee	Effective Date	Authority
DNA analysis surcharge (DNAAS)	\$200.00 misdemeanor and \$250.00 felony. If a Court imposes a sentence or places a person on probation, the Court shall impose a DNA surcharge, calculated as follows: (a) For each conviction for a felony, \$250.00 (b) For each conviction for a misdemeanor, \$200.00. (100% to State DOJ)	Jan-14	Wis. Stats. § 973.046(lr)
Domestic abuse surcharge (DOMAB)	\$100.00 per count (when the Court imposes a sentence on an adult person or places that person on probation, regardless of whether any fine is imposed, the Court shall impose this surcharge for each offense if: (1) the Court convicts the person of a violation of various crimes listed in 973.055; (2) the Court finds that the conduct involved an act by the defendant against a spouse or former spouse, against an adult with whom the defendant resides or formerly resided, or against an adult with whom the defendant has created a child; or (3) the Court convicts a person for violation of a temporary restraining order under 813.12(8)(a) or a conforming municipal ordinance) (100% State)	Apr-08	Wis. Stats. § 973.055, 813.12(8)(a)
Driver improvement program surcharge (DIS) (does not apply to failure to carry proof of insurance under 344.62(2))	\$435.00 (if the court imposes a fine or forfeiture for a violation of operating under influence of intoxicant or other drug under 346.63(1) or (5) or a local ordinance in conformity; or injury by intoxicated use of a vehicle under 346.63(2) or (6) or 940.25; or homicide by intoxicated use of a vehicle under 940.09, it shall impose a driver improvement surcharge.) (50.3% County, 49.7% State)	Jan-14	Wis. Stats. § 346.665
Drug abuse program improvement surcharge (DRG)	75% of fine and penalty surcharge (when a fine is imposed for most drug offenses, listed in 961.41, the Court shall also impose this surcharge on the amount of the fine and penalty surcharge imposed) (100% State)	Jul-05	Wis. Stats. § 961.41(5)(a)
Drug offender diversion surcharge (DRGOD) (applicable to offenses committed on or after 10/1/05)	\$10.00 per case (if the Court imposes a sentence or places a person on probation for property crimes under ch. 943, the Court shall impose this surcharge for each conviction) (100% State)	Jul-05	Wis. Stats. § 974.043

Description	Fee	Effective Date	Authority
E-Filing Convenience Fee (ECF)	\$5.00 per case - users of the electronic filing system under 801.17(7)(d) pay a convenience fee for filing the complaint or petition in the amount set by the Director of State Courts under 758.19(4)	Jul-11	Wis. Stats. § 758.19(4m), 801.17(7)(d)
Environmental surcharge (ENV)	20% of fine or forfeiture (if the Court imposes a fine or forfeiture for a violation of ch. 280 (pure drinking water), ch. 281 (water and sewage), ch. 283 (pollution discharge elimination), ch. 285 (air pollution), ch. 289 (solid waste facilities), ch. 291 (hazardous waste management), ch. 292 (remedial action), ch. 293 (metallic mining), ch. 295 (nonmetallic mines reclamation: oil and gas), or ch. 299 (general environmental), the Court shall impose this surcharge) (100% the State)	Jul-09	Wis. Stats. § 299.93, ch. 280, ch. 281, ch. 283, ch. 285, ch. 289, ch. 291, ch. 292, ch. 293, ch. 295, ch. 299
Fishing net removal surcharge (FNETC) (FNETS)	Cost of Removal + 75% (if the Court imposes a forfeiture under 29.931(2)(am) for failure to reimburse DNR for costs of removing a net, the Court shall impose a fishing net removal surcharge equal to the cost of removing the net plus 75% of the amount of the forfeiture) (100% DNR Conservation Fund)	Jun-06	Wis. Stats. § 29.991
Fishing shelter removal surcharge (FSH)	Varies (defendant to pay the cost of seizure, destruction or sale of the fishing shelter; in addition, the Court shall impose a fishing shelter removal surcharge equal to the costs that should have been reimbursed under 29.404(2); if defendant does not reimburse these costs within 20 days, Court may also impose forfeiture up to \$100.00 under 29.404(3)) (100% State)	Jul-05	Wis. Stats. § 29.985, 29.404(3)
Global Positioning System Tracking surcharge	\$200.00 per count - If the Court convicts a person for violation of a temporary restraining order or injunction under Wis. Stats. 813.12 or 813.125, the Court shall impose a GPS tracking surcharge for each offense. 100% DOC for GPS tracking devices.	Jul-13	Wis. Stats. § 973.057
Great Lakes resources surcharge (GLRES)	75% of fine or forfeiture (100% DNR)	Jun-06	Wis. Stats. § 29.9905
Ignition Interlock Device (IID) Surcharge	\$50.00 (100% County)	July 1, 2010	Wis. Stats. § 343.301 (5)

Description	Fee	Effective Date	Authority
Jail surcharge (JAIL) (does not apply to smoking, disability ID Card, non-moving traffic, or safety belt violations or failure to carry proof of insurance; does not apply to first offense prohibited alcohol concentration of at least 0.08% but less than 0.10%)	1% of fine or forfeiture or \$10.00, whichever is greater (if the court imposes a fine or forfeiture for a violation of state law or municipal or county ordinance, it shall impose a jail surcharge for each count) (100% county)	Jul-11	Wis. Stats. § 302.46(1)
Justice information surcharge (JINFO) (does not apply to safety belt violations, disability ID card violations or failure to carry proof of insurance)	\$21.50 (the clerk of circuit court shall collect \$21.50 from any person paying a fee for civil actions under 814.61(1)(a) or (3); administrative and municipal appeals under 814.61(8m); garnishment, wage earner, and small claims actions under 814.62; or forfeiture actions under 814.63(1) (100% state)	Jul-11	Wis. Stats. § 814.86(1)
Juvenile delinquency victim witness surcharge (JDVWA)	\$20.00 per case (for violations for which a juvenile is adjudicated delinquent, the court shall, in addition to any disposition imposed under 938.34, impose a delinquency victim and witness assistance surcharge of \$20.00) (100% state)	Jul-05	Wis. Stats. § 938.34(8d)
Municipal fee (does not apply to safety belt violations or failure to carry proof of insurance)	\$5.00 (upon disposition of a forfeiture action in circuit court for violation of a county, town, city, village, town sanitary district or public inland lake protection and rehabilitation district ordinance, the above government unit shall pay a nonrefundable \$5.00 fee) (100% county)	Jul-10	Wis. Stats. § 814.63(2)
Natural resources restitution surcharge (NREST)	Varies (equal to the amount of the fee of the license or stamp that should have been paid; if the court imposes a natural resources surcharge for violation of ch. 29, ch. 169, or a related order the court shall impose this surcharge also) (100% state)	Jul-05	Wis. Stats. § 29.989, 169.46(2)
Natural resources surcharge (NATR)	75% of fine or forfeiture (if the court imposes a fine or forfeiture for violation of ch. 29 (wild animals and plants) or ch. 169 (captive wildlife) or related order, the court shall impose this surcharge) (100% state)	Jul-05	Wis. Stats. § 29.987, 169.46(1)
Occupational license fee - for filing a petition for occupational license under 343.10(4) or 351.07	\$40.00 (100% to county; for habitual traffic offenders under 351.07, 50% to state, 50% to county)	Jul-05	Wis. Stats. § 814.61(14), 343.10(4), (6), 351.07(1g)

Description	Fee	Effective Date	Authority
Penalty surcharge (PEN) (does not apply to smoking, disability ID card, non-moving traffic, or safety belt violations or failure to carry proof of insurance)	26% of fine or forfeiture (if the court imposes a fine or forfeiture for a violation of state law or municipal or county ordinances, it shall impose a penalty surcharge) (100% state)	Jul-11	Wis. Stats. § 757.05
Railroad crossing improvement surcharge (RRCI)	50% of forfeiture (if the court imposes a forfeiture under 346.49(1g), (2m)(a), (am), or (b), for a violation of 346.44, 346.45, or 346.46(3), the court shall impose this surcharge (100% state)	Jul-11	Wis. Stats. § 346.495, 346.65(4r), 346.177
Restitution administrative surcharge (REST5)	5% of total fines, surcharges, costs, etc. (if defendant is not placed on probation or sentenced to prison, the court may order that restitution be paid to the clerk of circuit court for transfer to the appropriate person; if defendant is placed on probation, restitution paid to Dept. of Corrections for transfer to the appropriate person; surcharge equals 5% of the total amount of restitution, costs, attorney fees, fines and surcharges, including the 10% restitution surcharge; the complete name and address of the party to be paid should be provided) (100% state)	Jul-05	Wis. Stats. § 973.20(11)(a)
Restitution surcharge (RST10)	10% of any restitution ordered (if the court orders restitution under 973.20(1r), the court shall impose as a surcharge an amount equal to 10% of the restitution ordered) (100% county)	Jul-09	Wis. Stats. § 973.06(1)(g)
Sheriff's surcharge (WF)	Varies (the necessary disbursements and surcharges of officers allowed by law and incurred in connection with the arrest, preliminary examination and trial of the defendant; use amount on the bench warrant or order to produce; if none, don't assess) (100% county)	Jul-05	Wis. Stats. § 973.06(1)(a), 814.70
Snowmobile registration restitution payments (SNOW) (not treated as restitution for purposes of the restitution surcharge under 973.06(1)(g))	Varies (if court imposes a forfeiture for a violation of ch. 350 where payment of a snowmobile registration fee is required, the court shall impose a snowmobile registration restitution payment equal to the required fee that should have been paid; do not treat this as restitution for purposes of the restitution surcharge under Wis. Stats. § 973.06(1)(g))	Jul-11	Wis. Stats. § 350.115
Special prosecution clerks surcharge (MILWP)	\$3.50 Milwaukee only (applies whenever the Justice Information Surcharge is assessed; 100% to state to reimburse Milwaukee County DA)	Jul-09	Wis. Stats. § 814.86(1m)

Description	Fee	Effective Date	Authority
Supplemental food enforcement surcharge (formerly WIC) (FOOD)	50% of fine or forfeiture (if a court imposes a fine, forfeiture or recoupment for a violation of this subsection, the court shall impose this surcharge) (100% state)	Jul-05	Wis. Stats. § 253.06(4)(c)
Truck driver education surcharge (TRUCK)	\$8.00 per count (if the court imposes a fine or forfeiture for a violation of ch. 346-348 or a rule issued under ch. 346-48 and the violation involved a commercial motor vehicle, the court shall impose a truck driver education surcharge of \$8.00) (100% state)	Jul-10	Wis. Stats. § 349.04(1)
Uninsured employers surcharge (UNEMP)	75% of fine or forfeiture (when an employer fails to comply with ch. 102.16(3) or 102.28(2) (worker's compensation) and if the court imposes a fine or forfeiture, it shall impose this surcharge) (100% state)	Jul-05	Wis. Stats. § 102.85(4)(a)
Victim witness surcharge (VWA) (VWAB)	Misdemeanor \$67.00; felony \$92.00 (if the court imposes a sentence or places a person on probation, the court shall impose the crime victim and witness assistance surcharge for each offense or count; surcharge applies even if no fine or forfeiture is imposed; surcharge may not be waived, reduced or forgiven for any reason; surcharge also imposed if the complaint charged one or more crimes and, as a result of the complaint being amended, the defendant is found guilty of a forfeiture in lieu of one of those crimes. Either the felony or misdemeanor surcharge applies depending on the crime originally charged in the complaint. (100% state)	Jul-13	Wis. Stats. § 973.045(1)
Weapons surcharge (WEAP)	75% of fine or forfeiture (if the court imposes a fine or forfeiture for a violation of this section, the court shall impose a weapons surcharge) (100% state)	Jul-05	Wis. Stats. § 167.31(5)(a)
Wild animal protection surcharge (WLDAN)	Varies by animal (if the court imposes a fine or forfeiture under this chapter for unlawful killing, wounding, catching, taking, trapping or possession of a wild animal specified in par(b), the court may impose this surcharge; surcharge is imposed per animal-see Wis. Stats. § 29.983(b) for detail) (100% state)	Jul-05	Wis. Stats. § 29.983(1)(a)
Wildlife violator compact surcharge (WVCS)	\$5.00 per count (if the court imposes a fine or forfeiture for a violation of Ch. 29 or an order issued under it) (100% DNR Conservation Fund)	Apr-06	Wis. Stats. § 29.99

Description	Fee	Effective Date	Authority
Coroner			
Cremation permit	\$250.00	Jan-14	Wis. Stats. § 979.10
County Clerk			
Annual subscription - Co. board agenda	\$25.00	Jan-14	Ord. 813-11/13
Annual subscription - Co. board packet	\$300.00	Jan-14	Ord. 813-11/13
CD data disc	\$5.00	Jan-12	Ord. 695-11/11
County directory (person outside normal distribution or replacements) - Hand delivered	\$1.00	Jan-04	Ord. 246-10/03
County directory (person outside normal distribution or replacements) - Mailed	\$2.00	Jan-04	Ord. 246-10/03
County history book	\$12.00 per book if sold at counter	Jan-14	Ord. 813-11/13
County history book - mailed	\$18.00 per book if mailed	Jan-14	Ord. 813-11/13
Declaration of domestic partnership or termination of domestic partnership	\$80.00 total - \$55.00 County; \$25.00 state; \$10.00 waiver if applicable	Aug. 3, 2009	Wis. Act 28 Wis. Stats. § 770.17 and 770.07(1)(b)(2)
Declaration of domestic partnership or termination of domestic partnership	\$10.00 fee for duplication; emergency/after hours pick up; \$35.00; \$2.00 fee to mail the declaration	Aug. 14, 2009	Ord. 569-08/09
Marriage license	\$80.00 total - \$35.00 county; \$20.00 family court; \$25.00 state; \$10.00 waiver if applicable; \$10.00 fee for duplication; emergency/after hours pick up; \$35.00; \$2.00 fee to mail the license	Jan-09	Wis. Stats. § 765.05; Ord. 518-11/08
Photocopies	\$0.25	Jan-12	Ord. 695-11/11
District Attorney			
Copy of CD/DVD	\$10.00	Jan-09	Ord. 584-11/09
Photocopy charge	\$1.25 per page	Nov-04	Ord. 276-11/04
Finance			
Check reissuance fee	\$10.00	Jan-09	Ord. 518-11/08
Payroll garnishments (excluding fed/state tax debts)	\$15.00 initial fee; \$3.00 per pay period	Nov-04	Wis. Stats. § 812.42(2)(c); Ord. 518-11/08
Replacement of employee identification cards	\$6.00/replacement	Jan-14	Ord. 813-11/13
General			

Description	Fee	Effective Date	Authority
Annual dog license	\$9.00 neutered males or spayed females, over 5 months in age on January 1 of any year, or 5 months of age within the license year before the date the dog becomes 5 months of age; \$4.50 neutered males or spayed females which become 5 months of age after July 1 of the license year; \$15.00 \$24.00 unneutered males or unspayed females, over 5 months in age on January 1 of any year, or 5 months of age within the license year before the date the dog becomes 5 months of age; \$7.50 \$12.00 unneutered males or unspayed females which become 5 months of age after July 1 of the license year	For license years beginning 2013 2015	Wis. Stats. Ch 174; Ord. 712-02/12 Ord. 894-11/14
Credit or signature debit card convenience fee for all departments unless otherwise specifically stated by department (via terminals)	Sliding scale of 2-3% of total costs based on bank contract, minimum \$2.00 charge per transaction	Jun-10	Ord. 619-06/10
Credit or signature debit card convenience fee for all departments unless otherwise specifically stated by department (via online services)	2.49% of total costs, minimum \$2.00 charge per transaction	Jun-10	Ord. 619-06/10
PIN debit card convenience fee for all departments unless otherwise specifically stated by department (via terminal)	\$2.00/ transaction	Jan-12	Ord. 619-06/10
Photocopies (not listed separately for specific department)	\$0.10	Jan-04	Ord. 246-10/03
Health and Human Services			
AODA - Urinalysis	\$10.00/each	Jun-08	Wis. Stats. § 51.42, Wis. Stats. § 938.34
Birth to 3 Administration Cost Share	\$150.00/month	Jan-12	Wis. Stats. § Administrative Rule Chapter DHS 90
BSW/CSAC/SAC Assessment	\$119.00/hour	Jan-12	Wis. Stats. § 51.42
BSW/CSAC/SAC group therapy	\$54.00/group	Jan-12	Wis. Stats. § 51.42
BSW/CSAC/SAC individual therapy	\$119.00/hour	Jan-12	Wis. Stats. § 51.42
CATE Intake Assessment	\$125.00/hour	Jan-12	Wis. Stats. § 346.65
CATE Program Fee	\$95.00/per week	Jan-13	Wis. Stats. § 346.65

Description	Fee	Effective Date	Authority
Child s48.295 psychological exam	\$200.00/hour	Jan-14	Wis. Stats. § 48.295
Child s48.33 disposition exam	\$200.00/hour	Jan-07	Wis. Stats. § 48.295
Child - Behavior analysis	\$120.00 \$160.00/hour	Jan-12 Jan-15	Wis. Stats. § 938.39(2)
Child - In home care	\$70.00-\$110.00/hour	Jan-10	Wis. Stats. § 48.36(2)
Child - Parent education	\$40.00/hour	Jan-10	Wis. Stats. § 48.36(2)
Child - Urinalysis confirmation for youth or parent	\$19.00-\$31.20/test	Jan-10	Wis. Stats. § 48.361 (2)(c), Wis. Stats. § 938.361 (2)(c)
Civil commitment - Final commitment	\$200.00/hour	Jan-07	Wis. Stats. § 51.20(18)(a)
Civil commitment - Probable cause	\$200.00/hour	Jan-07	Wis. Stats. § 51.20(18)(a)
Civil commitment - Recommitment	\$200.00/hour	Jan-07	Wis. Stats. § 51.20(18)(a)
Conference Room Use Fees	\$15.00 set up fee	Jan-06	Ord. 393-11/06
Copy fees - attorney-SS	\$75.00 per mental impairment questionnaire	Jul-07	Wis. Stats. § 51.42
Copy fees - certified records	\$17.50 minimum charge (under 5 pages), \$22.50 minimum charge (over 5 pages), per page cost \$0.31 in addition to minimum charge, service fee \$18.00/hour, postage costs	Jan-12	Wis. Stats. § 146.83(3M) and 908.3(1M)(d) Chapter DHS 117
Copy fees - child support payment history	\$10.00 per year including current and partial years up to 6 years prior from date of request. (no charge for a 3 month print-out); \$20.00 per year for all records more than 6 years old	Jan-10	Wis. Stats. § 19.35(3)(a)
Copy fees - non-client requests (worker's comp, attorneys, mental health, alcohol and drug)	\$12.50 minimum charge (under 5 pages), \$15.00 minimum charge (over 5 pages) per page cost \$0.31 in addition to minimum charge, service fee \$18.00/hour, postage costs	Jan-12	Wis. Stats. § 146.83(3M) and 908.3(1M)(d) Chapter DHS 117
Copy fees - patient/client	Per page cost \$0.31, postage costs	Jan-12	Wis. Stats. § 146.83(3M) and 908.3(1M)(d) Chapter DHS 117
Copy fees - social security	\$26.00 per assessment	Jan-12	Wis. Stats. § 51.42
Court ordered AODA - Assessment	\$135.00/Individual Assessment	Jan-12	Wis. Stats. § 51.42

Description	Fee	Effective Date	Authority
Court ordered OWI - Assessment	\$225.00 \$250.00/assessment	Jan-12 Jan-15	Wis. Stats. § 51.42
Court ordered OWI - Assessment amendment	\$75.00/assessment	Jan-12	Wis. Stats. § 51.42
Court ordered OWI - Assessment (multiple assessment fee)	\$100.00/each additional assessment	Jan-12	Wis. Stats. § 51.42
Court ordered OWI - Failed appointment fee	\$40.00	Jan-10	Wis. Stats. § 51.42
CSP - Urinalysis	\$5.00/each	Jan-12	Wis. Stats. § 51.42, Wis. Stats. § 938.34
Custody study	\$300.00/hour	Jan-03	Wis. Stats. § 814.615(1)(a)2
Guardianship Study- Permanent	\$464.20/study (ave. time to complete 5 hours × \$92.84 (case management rate))	Jan-11	Wis. Stats. ch 54
Guardianship, successor, comprehensive eval.	\$206.00/study (3% increase)	Jan-12	Wis. Stats. ch 54
IOP Day treatment	\$32.00/hour	Jan-12	Wis. Stats. § 51.42
IOP Urinalysis	\$10.00/each	Jan-12	Wis. Stats. § 51.42
Juvenile s938.295 psychological exam	\$200.00/hour	Jan-14	Wis. Stats. § 938.295(1)
Juvenile s938.33 disposition exam	\$200.00/hour	Jan-07	Wis. Stats. § 938.295(1)
Juvenile - Behavior analysis	\$120.00 \$160.00/hour	Jan-12 Jan-15	Wis. Stats. § 51.42 or § 938.39(2)
Juvenile - In home care	\$70.00-\$110.00/hour	Jan-12	Wis. Stats. § 51.42 or § 938.39(2)
Juvenile delinquent - Electronic monitoring with GPS	\$19.00/day	Jan-12	Wis. Stats. § 938.36(2)
Juvenile delinquent - Mentoring	\$32.00-37.00/hour	Jan-12	Wis. Stats. § 938.36(2)
Masters Assessment	\$149.00/hour	Jan-12	Wis. Stats. § 51.42
Master's group therapy	\$84.00/hour	Jan-12	Wis. Stats. § 51.42
Master's individual therapy	\$149.00/hour	Jan-12	Wis. Stats. § 51.42
MD medication management	\$85.00/ 15 min	Jan-12	Wis. Stats. § 51.42

Description	Fee	Effective Date	Authority
MD psychiatrist assessment	\$209.00/hour	Jan-12	Wis. Stats. § 51.42
Nursing administration fee (set-up)	\$37.50/medication administration session	Jan-12	Wis. Stats. § 51.42
Nursing medication - Haloperidol	\$30.00/1 cc injection	Jan-12	Wis. Stats. § 51.42
Nursing medication - Prolixin Decanoate	\$30.00/1cc injection	Jan-14	Wis. Stats. § 51.42
Nursing office visit	\$30.00/visit	Jan-12	Wis. Stats. § 51.42
PhD assessment	\$179.00/hour	Jan-12	Wis. Stats. § 51.42
PhD - group therapy	\$114.00/hour	Jan-12	Wis. Stats. § 51.42
PhD - individual therapy	\$179.00/hour	Jan-12	Wis. Stats. § 51.42
PhD psychological testing	\$179.00/hour	Jan-12	Wis. Stats. § 51.42
PhD psychological testing performed by technician	\$108.00/hour	Jan-12Jan-15	Wis. Stats. § 51.42
Public Health – Nurse Visit	\$42.50/visit	Jan-12Jan-15	Wis. Stats. § 146 Adm. Code 252
Public Health - Pregnancy test	\$10.00-per-/test	Jan-14Jan-15	DHS 140.5
Public Health - Radon Test Kit (long term)	\$20.00	Jan-13	Wis. Stats. § 254.33
Public Health - Radon Test Kit (short term)	\$10.00	Jan-12	Wis. Stats. § 254.33
Public Health - TB skin test, adult and child	\$15.00/test	Jan-14	Wis. Stats. § 146, Adm. Code 252
Public Health - Vaccine administration, children through age 18 (State supplied)	\$5.00-per-/vaccine	Jan-14Jan-15	Wis. Stats. § 146, Adm. Code 252
Public Health - Vaccine administration, 19+ yrs (State supplied)	\$10.00-per-/vaccine	Jan-14Jan-15	Wis. Stats. § 146, Adm. Code 252
Public Health - Vaccine administration, family fee (State supplied)	\$40.00-per-/family	Jan-14Jan-15	Wis. Stats. § 146, Adm. Code 252
Public Health – Vaccine, child, Diphtheria-Tetanus-Acellular Pertussis (DTap)	\$23.00/dose	Jan-15	Wis. Stats. § 146, Adm. Code 252
Public Health – Vaccine, child, Diphtheria-Tetanus-Acellular Pertussis-Hep B-IPV (DTap/Polio/Hep B)	\$70.00/dose	Jan-15	Wis. Stats. § 146, Adm. Code 252

Description	Fee	Effective Date	Authority
Public Health – Vaccine, child, Diphtheria-Tetanus-Acellular Pertussis-IPV (DTap/Polio)	\$50.00/dose	Jan-15	Wis. Stats. § 146, Adm. Code 252
Public Health – Vaccine, Haemophilus Influenzae Type B (HIB)	\$28.00/dose	Jan-15	Wis. Stats. § 146, Adm. Code 252
Public Health - Vaccine, adult Hepatitis A	\$35.00 \$37.00/dose	Jan-13Jan-15	Wis. Stats. § 146, Adm. Code 252
Public Health – Vaccine, child Hepatitis A	\$25.00/dose	Jan-15	Wis. Stats. § 146, Adm. Code 252
Public Health - Vaccine, adult Hepatitis B	\$35.00 \$44.00/dose	Jan-13Jan-15	Wis. Stats. § 146, Adm. Code 252
Public Health – Vaccine, child Hepatitis B	\$19.00/dose	Jan-15	Wis. Stats. § 146, Adm. Code 252
Public Health - Vaccine, adult Hepatitis A & B	\$60.00 \$68.00/dose	Jan-14Jan-15	Wis. Stats. § 146, Adm. Code 252
Public Health - Vaccine, Human Papilloma Virus (HPV)	\$100.00\$146.00/dose	Jan-14Jan-15	Wis. Stats. § 146, Adm. Code 252
Public Health - Vaccine, adult, Influenza	\$30.00/shotdose	Jan-14Jan-15	Wis. Stats. § 146, Adm. Code 252
Public Health – Vaccine, adult, Influenza-High Dose	\$40.00/dose	Jan-15	Wis. Stats. § 146, Adm. Code 252
Public Health - Vaccine Meningococcal Conjugate	\$92.00 \$110.00/dose	Jan-14Jan-15	Wis. Stats. § 146, Adm. Code 252
Public Health - Vaccine, Measles, Mumps, Rubella (MMR)	\$30.00 \$67.00/dose	Jan-14Jan-15	Wis. Stats. § 146, Adm. Code 252
Public Health - Vaccine, adult, PneumoniaPneumococcal Polysaccharide	65.00/shot \$77.00/dose	Jan-14Jan-15	Wis. Stats. § 146, Adm. Code 252; Ord. 813-11/13
Public Health – Vaccine, Polio	\$23.00/dose	Jan-15	Wis. Stats. § 146, Adm. Code 252
Public Health – Vaccine, child, Rotavirus	\$110.00/dose	Jan-15	Wis. Stats. § 146, Adm. Code 252
Public Health - Vaccine, adult, Tetanus Diphtheria Toxoid (TDD)	\$20.00 \$30.00/dose	Jan-13Jan-15	Wis. Stats. § 146, Adm. Code 252
Public Health- Vaccine, adult, Tetanus, Toxoid, Diphtheria & Acellular Pertussis (Tdap)	\$35.00 \$42.00/dose	Jan-13Jan-15	Wis. Stats. § 146, Adm. Code 252
Public Health - Vaccine, adult, Varicella	\$85.00 \$104.00/dose	Jan-14Jan-15	Wis. Stats. § 146, Adm. Code 252
Public Health - Vaccine, adult, Zoster VaxShingles	\$175.00/shot \$184.00/dose	Jan-14Jan-15	Wis. Stats. § 146, Adm. Code 252
Public Health - Non-TNC Water Test, Bacteria (Private Wells)	\$24.00	Jan-14	Wis. Admin. Code NR809

Description	Fee	Effective Date	Authority
Public Health - Non-TNC Water, Nitrate	\$24.00	Jan-14	Wis. Admin. Code NR809
Public Health - Non-TNC Water, Bacteria, Nitrate Test (two or more at one time)	\$40.00 \$20.00/test	Jan-14 Jan-15	Wis. Admin. Code NR809
Public Health - TNC Water-Initial	\$37.00	Jan-14	Wis. Admin. Code NR809 and 812
Public Health - TNC Water test, Nitrate, Repeat	\$30.00	Jan-13 Jan-15	Wis. Admin. Code NR809 and 812
Public Health - TNC Water test, Nitrite	\$29.00	Jan-13	Wis. Admin. Code NR809 and 812
Public Health - Water test, Beach sample	\$30.00	Jan-14	Wis. Admin. Code NR809 and 812
Public Health - Private Beach	\$30.00	Jan-14	Wis. Stats § 254.46
Transportation - Lakeland Health Care Ctr.	\$20.00 for 10 miles; plus \$1.60 for each add'l mile	Jan-07	Wis. Stats. § 85.21(4)(e)1
Transportation - Medical (Beloit, Janesville, Harvard, Mukwonago, Burlington, Fort Atkinson)	\$15.00/one-way trip	Jan-08	Wis. Stats. § 85.21(4)(c)1
Transportation - Medical (Waukesha, Milwaukee, Madison, Kenosha, Racine, Rockford, Monroe, Johnson Creek)	\$25.00/one-way trip	Jan-08 Jan-15	Wis. Stats. § 85.21(4)(c)1
Transportation - Medical in Walworth County in residents community	\$4.00/one-way trip	Jan-08	Wis. Stats. § 85.21(4)(c)1
Transportation - Medical in Walworth County outside residents community	\$6.00/one-way trip	Jan-08	Wis. Stats. § 85.21(4)(c)1
Transportation - Shopping/nutrition	\$3.00/one-way trip	Jan-08	Wis. Stats. § 85.21(4)(c)1
<u>Human Resources</u>			
Replacement of employee identification cards	\$6.00/replacement	Jan-14	Ord. 813-11/13, Ord. 894-11/14
<u>Information Technology/Land Information</u>			
Address Assignment Administration	\$75.00	Jan-12	Ord. 748-11/12
Custom Map/Custom Data Requests	\$60.00/hr	Jan-11	Ord. 649-11/10
Data	\$200.00/data set	Nov-04	Ord. 276-11/04

Description	Fee	Effective Date	Authority
Reports:			
Municipality	\$20.00	Nov-04	Ord. 276-11/04
Subdivision	\$5.00	Nov-04	Ord. 276-11/04
Print Screens	\$1.00/page	Nov-04	Ord. 276-11/04
Labels:			
Municipality	\$30.00	Nov-04	Ord. 276-11/04
Subdivision	\$8.00	Nov-04	Ord. 276-11/04
System Access:			
Processing CPU	\$0.80 per unit	Jan-09	Ord. 518-11/08
Communication Connection	\$50.00 monthly per account	Jan-09	Ord. 518-11/08
Lakeland Health Care Center			
Beauty Shop Services - Color Tint	\$25.00	Jan-14	Ord. 813-11/13
Beauty Shop Services - Haircut Only	\$7.00	Jan-14	Ord. 813-11/13
Beauty Shop Services - Haircut & Set	\$15.00	Jan-14	Ord. 813-11/13
Beauty Shop Services - Regular Perm	\$30.00	Jan-14	Ord. 813-11/13
Beauty Shop Services - Set Only	\$7.00	Jan-14	Ord. 813-11/13
Beauty Shop Services - Shampoo	\$5.25	Jan-14	Ord. 813-11/13
Beauty Shop Services - Shampoo & Cut	\$12.00	Jan-14	Ord. 813-11/13
Beauty Shop Services - Shampoo & Set	\$13.00	Jan-14	Ord. 813-11/13
Beauty Shop Services - Shampoo, Cut & Set	\$18.00	Jan-14	Ord. 813-11/13
Fax	\$1.00/page	Nov-04	Ord. 276-11/04
Medical records	Paper copies: \$1.04 per page for the first 25 pages; \$0.77 per page for pages 26-50; \$0.52 per page for pages 51 to 100; and \$0.31 per page for pages 101 and above. A single retrieval fee of \$20.65 for all copies requested if the requester is not the resident or a person authorized by the resident.	Jan-14	Wis. Stats. § 146.83
Oxygen-Concentrator	\$10.00/day	July-14	Ord. 864-06/14
Oxygen-Portable	\$10.00/day	July-14	Ord. 864-06/14
Photocopies	\$0.10/page	Jan-09	Ord. 518-11/08
Private pay room rates - SNF Level-of-Care	\$263.00 per day	Jan-14	Ord. 813-11/13

Description	Fee	Effective Date	Authority
Transportation of a passenger accompanying an LHCC resident when a medical assistant is in attendance-Destination of 10 miles or less	\$15.00 \$15.30/passenger/round trip	May-14 Jan-15	Ord. 864-06/14 Ord. 894-11/14
Transportation of a passenger accompanying an LHCC resident when a medical assistant is in attendance-Destination of 11 miles or more	\$27.00 \$27.54/passenger/round trip	May-14 Jan-15	Ord. 864-06/14 Ord. 894-11/14
Land Use and Resource Management			
Animal - Livestock siting facility review	\$200.00	Jan-13	Wis. Stats §93.90; ATCP51
Animal waste storage ordinance - Nutrient mgmt. plan review/conditional use	\$125.00	Jan-03	Code ch. 6, art. IV
Animal waste storage ordinance - Permit storage facility	\$200.00	Jan-03	Code ch. 6, art. IV
Citation inspection fees	\$200.00/visit	Jan-11	Wis. Stats. § 59.69; Code ch. 26, Art. I, II, III ; Code Ch. 74
Concert and event license	\$2,000.00	Nov-04	Wis. Stats. § 59.56(12); Ord. 281-11/04
Double permit fee - may be charged if work is started before obtaining proper county permit(s)		Jan-07	Ord. 393-11/06
Erosion control - 1 and 2-family residences, and residential add. less than 1 acre of land disturbance	\$175.00	Jan-09	Code ch. 26, art. III
Erosion control - Permit renewal	1/2 of original fees not to exceed \$1,000.00	Jan-11	Code ch. 26, art. I, II, III
Erosion control - Decks/post holes only (open deck/fence)	\$50.00	Jan-09	Code ch. 26, art. II
Erosion control - Stormwater preliminary review	\$350.00	Jan-11	Code ch. 26, Art. II
Erosion control - Excavated/decks/patios and post hole additions with roof 10,000 or less sq. ft. of land disturbance	\$100.00	Jan-14	Code ch. 26, art. and II
Erosion control - Inground swimming pool greater than 10,000 sq. ft. of land disturbance	\$150.00 plus \$0.005/sq. ft. disturbed	Jan-09	Code ch. 26, art. II, Ord. 518-11/08

Description	Fee	Effective Date	Authority
Erosion control - Landscaping w/ structures, retaining walls or stairways greater than 10,000 sq. ft. of land disturbance	\$150.00 and \$0.005/sq. ft. disturbed	Jan-09	Code ch. 26, art. II, Ord. 518-11/08
Erosion control - Retaining walls or stairways 10,000 or less sq. ft. of land disturbance	\$150.00	Jan-09	Code ch. 26, art. II
Erosion control - Storage structures, garages, accessory structures, etc.	\$150.00	Jan-09	Code ch. 26, art. II
Erosion control - Stormwater preliminary review-Waterfront	\$400.00	Jan-11	Code ch. 26, art. I, Ord. 518-11/08
Erosion control - Swimming pool 10,000 or less sq. ft. of land disturbance	\$150.00	Jan-09	Code ch. 26, Art. II
Erosion control - Waterfront - Decks/post holes only (open deck/fence)	\$100.00	Jan-11	Code ch. 26, art. II, Ord. 518-11/08
Erosion control - Waterfront - Landscaping w/structures, retaining walls or stairways greater than 10,000 sq. ft. of land disturbance	\$300.00 and \$0.005/sq. ft. disturbed	Jan-09	Code ch. 26, art. I and II, Ord. 518-11/08
Erosion control - Waterfront - Retaining walls or stairways/shoreyard landscaping 10,000 or less sq. ft. of land disturbance	\$225.00	Jan-13	Code ch. 26, art. II, Ord. 518-11/08
Erosion control - Waterfront - Storage structures, garages, boathouses, accessory structures, etc.	\$225.00	Jan-13	Code ch. 26, art. II, Ord. 518-11/08
Erosion control - Waterfront - Swimming pool 10,000 or less sq. ft. of land disturbance	\$225.00	Jan-13	Code ch. 26, art. II, Ord. 518-11/08
Erosion control - Waterfront - Swimming pool greater than 10,000 sq. ft. of land disturbance	\$300.00 and \$0.005/sq. ft. disturbed	Jan-09	Code ch. 26, art. I and II, Ord. 518-11/08
Erosion control - Waterfront 1 and 2-family residences, residential add. less than 1 acre of land disturbance	\$300.00 and \$50.00 for each accessory building included with application	Jan-09	Code ch. 26, art. III, Ord. 518-11/08
Erosion control - Waterfront excavated/decks/patios 10,000 or less sq. ft. of land disturbance and/or post hole additions with roof	\$225.00	Jan-14	Code ch. 26, art. II, Ord. 813-11/13
Erosion control and stormwater - Multi-family residential greater than 2 units	\$100.00/unit plus \$0.005/sq. ft. disturbed	Jan-13	Code ch. 26, art. I and II
Erosion control and stormwater - Revisions	1/2 of original fees not to exceed \$1,000.00	Jan-13	Code ch. 26, art. I, II, III

Description	Fee	Effective Date	Authority
Erosion control and stormwater - Revisions - Waterfront	1/2 of original fees not to exceed \$1,000.00	Jan-13	Code ch. 26, art. I, II, and III, Ord. 518-11/08
Erosion control and stormwater - Waterfront - Multi-family residential greater than 2 units	\$225.00/unit and \$0.005/sq. ft. disturbed	Jan-13	Code ch. 26, art. I and II, Ord. 518-11/08
Erosion control with stormwater - greater than 1 acre of land disturbance for 1 and 2 family residential construction	\$300.00 plus \$0.005/sq. ft. disturbed	Jan-09	Code ch. 26, art. I, III
Erosion control with stormwater - greater than 1 acre of land disturbance 1 and 2 family residential construction - Waterfront	\$325.00 and \$0.005/sq. ft. disturbed	Jan-13	Code ch. 26, art. II, Ord. 518-11/08
Farmland Preservation Certificate	\$15.00	Nov-04	Ord. 276-11/04
Lake District Hearings	\$250.00 plus postage	Jan. 1, 2012	Wis. Stats ch. 33
Land disturbance activities - driveway construction up to 2,500 sq. ft.	\$50.00	Jan-09	Code ch. 26, art. II
Land disturbance activities - Grading, filling or excavating greater than 10,000 sq. ft.	\$150.00 plus \$0.005/square foot	Jan-09	Code ch. 26, art. I and II
Land disturbance activities - Grading, filling or excavating up to 10,000 sq. ft. no structures	\$150.00	Jan-09	Code ch. 26, art. II
Land disturbance activities - Nonmetallic mining erosion control and stormwater	\$150.00 plus \$0.005/square foot	Jan-09	Code ch. 26, art. II and IV
Land disturbance activities - Pond construction 10,000 sq. ft. or greater	\$150.00 plus \$0.005/square foot	Jan-09	Code ch. 26, art. II
Land disturbance activities - Pond construction less than 10,000 sq. ft.	\$150.00	Jan-13	Code ch. 26, art. II
Land disturbance activities - Road and driveway construction greater than 2,500 sq. ft.	\$150.00 plus \$0.005/square foot of disturbance	Jan-09	Code ch. 26, art. I and II
Land disturbance activities - Utilities greater than 300 linear feet without structure	\$150.00 plus \$0.075/linear foot	Jan-09	Code ch. 26, art. II
Land disturbance activities - Utilities - Waterfront directional boring only less than 2,500 sq. ft.	\$50.00	Jan-13	Code ch. 26, art. II
Land disturbance activities - Waterfront - Driveway construction up to 2,500 sq. ft.	\$200.00	Jan-09	Code ch. 26, art. II, Ord. 518-11/08

Description	Fee	Effective Date	Authority
Land disturbance activities - Waterfront - Grading, filling or excavating up to 10,000 sq. ft. no structures	\$225.00	Jan-13	Code ch. 26, art. II, Ord. 518-11/08
Land disturbance activities - Waterfront - Grading, filling or excavating greater than 10,000 sq. ft.	\$300.00 plus \$0.005/square foot	Jan-09	Code ch. 26, art. I and II, Ord. 518-11/08
Land disturbance activities - Waterfront - Nonmetallic mining erosion control and stormwater	\$400.00 plus \$0.005/square foot	Jan-13	Code ch. 26, art. I, II and IV, Ord. 518-11/08
Land disturbance activities - Waterfront - Pond construction 10,000 sq. ft. or greater	\$325.00 plus \$0.005/square foot	Jan-13	Code ch. 26, art. I and II, Ord. 518-11/08
Land disturbance activities - Waterfront - Pond construction less than 10,000 sq. ft.	\$250.00	Jan-13	Code ch. 26, art. II, Ord. 518-11/08
Land disturbance activities - Waterfront - Road and driveway construction greater than 2,500 sq. ft.	\$300.00 plus \$0.005/square foot of disturbance	Jan-09	Code ch. 26, art. I and II, Ord. 518-11/08
Land disturbance activities - Waterfront - Utilities greater than 300 linear feet without structure	\$300.00 plus \$0.075/linear foot	Jan-09	Code ch. 26, art. II, Ord. 518-11/08
Land disturbance activities - Utilities - less than 300 ft waterfront trenching	\$300.00	Jan-13	Ch. 26, art. II
Land disturbance activities - Waterfront for demolition only less than 10,000 sq. ft. total area	\$225.00	Jan-13	Code ch. 26, art. II, Ord. 518-11/08
Land disturbance and construction - 2,500 sq. ft. or greater including parking, commercial, institutional	\$200.00 plus \$0.005/square foot	Jan-11	Code ch. 26, art. I and II
Land disturbance and construction - Under 2,500 sq. ft. including parking, commercial, institutional	\$175.00	Jan-11	Code ch. 26, art. II
Land disturbance and construction - Waterfront - 2,500 sq. ft. or greater including parking/commercial	\$325.00 plus \$0.005/square foot	Jan-13	Code ch. 26, art. I and II, Ord. 518-11/08
Land disturbance and construction - Waterfront under 2,500 sq. ft. including parking, commercial, institutional	\$325.00	Jan-13	Code ch. 26, art. II, Ord. 518-11/08
Land disturbance for demolition only less than 10,000 sq. ft. total area	\$100.00	Jan-09	Code ch. 26, art. II, Ord. 518-11/08

Description	Fee	Effective Date	Authority
LURM copies - colored map copies	\$1.50	Jan-07	Wis. Stats. § 59.69; Code ch. 74; Ord. 312-09/05
LURM copies - Hearings on CD	\$5.00 each CD	Jan-08	Wis. Stats. § 59.69; Code ch. 74
LURM copies - Recorded or filed documents Additional page	\$2.00 first page \$1.00 each additional page	Jan-08	Wis. Stats. § 59.69; Code ch. 74; Ord. 465-11/07
LURM copies - Subdivision plat	\$10.00 per sheet	Jan-09	Wis. Stats. § 236.45; Code ch. 58 and 74; Ord. 518-11/08
LURM copies 8½ × 11 8½ × 14 11 × 17	\$0.50 \$0.75 \$1.00	Jan-08	Wis. Stats. § 59.69; Code ch. 74; Ord. 465-11/07
Maps - Cadastral	\$10.00, (regular) \$20.00 (glossy)	Nov-04	Ord. 276-11/04
Maps - Color Print Screen	\$1.50 per page	Jan-07	Ord. 393-11/06
Maps - Custom Format	\$10.00 (regular) \$20.00 (glossy)	Jan-13	Ord. 748-11/12
Maps - Orthophotography	\$10.00, (regular) \$20.00 (glossy)	Nov-04	Ord. 276-11/04
Maps - Supervisory Districts	\$10.00, (regular) \$20.00 (glossy)	Nov-04	Ord. 276-11/04
Maps - Topographic	\$10.00, (regular) \$20.00 (glossy)	Nov-04	Ord. 276-11/04
Maps - Zoning	\$10.00, (regular) \$20.00 (glossy)	Nov-04	Ord. 276-11/04
Nonmetallic reclamation ordinance - Expedited reclamation plan review	Add \$500.00	Nov-04	Ord. 276-11/04
Nonmetallic reclamation ordinance - For plan modification	\$550.00	Nov-04	Ord. 276-11/04
Nonmetallic reclamation ordinance - One-time plan review fee 1 to 25 acres	\$900.00	Nov-04	Ord. 276-11/04
Nonmetallic reclamation ordinance - One-time plan review fee 26 to 50 acres	\$1,200.00	Nov-04	Ord. 276-11/04
Nonmetallic reclamation ordinance - One-time plan review fee 51 acres or larger	\$1,500.00	Nov-04	Ord. 276-11/04
Nonmetallic reclamation ordinance - Unclaimed acres 1 to 5 acres	\$455.00 total (\$420.00 county; \$35.00 DNR)	Jan-13	Code ch. 26, art. VI
Nonmetallic reclamation ordinance - Unclaimed acres 11 to 15 acres	\$765.00 total (\$660.00 county; \$105.00 DNR)	Jan-13	Code ch. 26, art. VI

Description	Fee	Effective Date	Authority
Nonmetallic reclamation ordinance - Unclaimed acres 16 to 25 acres	\$1,020.00 total (\$880.00 county; \$140.00 DNR)	Jan-13	Code ch. 26, art. VI
Nonmetallic reclamation ordinance - Unclaimed acres 26 to 50 acres	\$1,120.00 total (\$960.00 county; \$160.00 DNR)	Jan-13	Code ch. 26, art. VI
Nonmetallic reclamation ordinance - Unclaimed acres 51 acres or larger	\$1,225.00 total (\$1,050.00 county; \$175.00 DNR)	Jan-13	Code ch. 26, art. VI
Nonmetallic reclamation ordinance - Unclaimed acres 6 to 10 acres	\$610.00 total (\$540.00 county; \$70.00 DNR)	Jan-13	Code ch. 26, art. VI
Nonmetallic mining reclamation permit transfer fee	\$550.00	Jan-13	Code ch. 26.299, art VI Ord.
Ordinance compliance - Site visit	\$100.00 per visit	Jan-08	Wis. Stats. § 59.69; Code Ch. 74; Art. I, II, III Ch. 26; Code ch. 70
Plat review fee: certified survey map - 1 lot or outlot plat	\$375.00	Jan-09	Wis. Stats. § 236.45; Code ch. 58
Plat review fee: Certified survey map - 2 lots and/or outlots	\$425.00	Jan-09	Wis. Stats. § 236.45; Code ch. 58
Plat review fee: certified survey map - 3 lots and/or outlots	\$475.00	Jan-09	Wis. Stats. § 236.45; Code ch. 58
Plat review fee: certified survey map - 4 lots and/or outlots	\$525.00	Jan-09	Wis. Stats. § 236.45; Code ch. 58
Plat review fee: final and preliminary condominium plat - Re- application fee	\$200.00	Jan-09	Wis. Stats. § 703.115(2); Code ch. 58
Plat review fee: final and preliminary subdivision plat - Re- application fee	\$200.00	Jan-09	Wis. Stats. § 236.45; Code ch. 58
Plat review fee: final condominium plat	\$500.00; plus unit fee of \$50.00/unit	Jan-09	Wis. Stats. § 703.115(2); Code ch. 58
Plat review fee: final subdivision plat	\$500.00; plus lot fee of \$50.00/lot and outlot fee of \$50.00/outlot	Jan-09	Wis. Stats. § 236.45; Code ch. 58
Plat review fee: preliminary condominium plat	\$500.00; plus unit fee of \$50.00/unit	Jan-03	Wis. Stats. § 703.115(2); Code ch. 58
Plat review fee: preliminary subdivision plat	\$500.00; plus lot fee of \$50.00/lot and outlot fee of \$50.00/outlot	Jan-08	Wis. Stats. § 236.45; Code ch. 58

Description	Fee	Effective Date	Authority
Plat review fee: restriction, removal/revision	\$200.00/\$300.00 if CZA hearing is required	Jan-09	Wis. Stats. § 236.45; Code ch. 58
Pre-application conference fee for subdivisions, condominium plats and campgrounds 5 or more units; rezones to A-4, B-1, B-2, B-3, B-4, B-5, M-1, M-2, M-3, M-4 w/10,000 sq. ft. or greater building size or upon applicant request; rezones to A-4, B-1, B-2, B-3, B-4, M-1, M-2, M-3, M-4 zoning districts on sites 2 acres or greater; cond. use for land restoration on sites 2 acres or greater.	\$1,000.00	Jan-12	Wis. Stats. § 236.45; Code ch. 58; Wis. Stats. §59.69; Code ch. 74
Public hearing fee - Board of adjustment - Postponement fee	\$100.00	Jan-06	Wis. Stats. § 59.696; Ord. 321-11/05, Code ch. 64
Public hearing fee - Board of adjustment hearings	\$450.00	Jan-10	Wis. Stats. § 59.696, Code ch. 74
Public hearing fee - Conditional use amendment	\$200.00	Jan-09	Code ch 74, Ord. 518-11/08
Public hearing fee - Conditional use hearing: agricultural	\$575.00; <u>plus \$200.00 per additional conditional use requested on a single parcel</u>	Jan-09 <u>Jan-15</u>	Wis. Stats. § 59.696; Code ch 74, Ord. 518-11/08 <u>Ord. 894-11/14</u>
Public hearing fee - Conditional use hearing: campground	\$575.00; additional \$50.00 per campsite, additional \$200.00 fee may apply if development includes residential use; <u>plus \$200.00 per additional conditional use requested on a single parcel</u>	Jan-11 <u>Jan-15</u>	Wis. Stats. § 59.696; Code ch. 74
Public hearing fee - Conditional use hearing: commercial and other industrial less than 5,000 sq. ft. gross floor area	\$575.00; additional \$200.00 fee may apply if development includes residential use; <u>plus \$200.00 per additional conditional use requested on a single parcel</u>	Jan-09 <u>Jan-15</u>	Wis. Stats. § 59.696; Code ch 74, Ord. 518-11/08 <u>Ord. 894-11/14</u>
Public hearing fee - Conditional use hearing: commercial and other industrial with 5,000 to 10,000 sq. ft. gross floor area	\$675.00; additional \$200.00 fee may apply if development includes residential use; <u>plus \$200.00 per additional conditional use requested on a single parcel</u>	Jan-09 <u>Jan-15</u>	Wis. Stats. § 59.696; Code ch 74, Ord. 518-11/08 <u>Ord. 894-11/14</u>
Public hearing fee - Conditional use hearing: Commercial and other industrial greater than 10,000 sq. ft. gross floor area	\$775.00; additional \$200.00 fee may apply if development includes residential use; <u>plus \$200.00 per additional conditional use requested on a single parcel</u>	Jan-09 <u>Jan-15</u>	Wis. Stats. § 59.696; Code ch 74, Ord. 518-11/08 <u>Ord. 894-11/14</u>

Description	Fee	Effective Date	Authority
Public hearing fee - Conditional use hearing: floodplains, wetland and park uses	\$575.00; <u>plus \$200.00 per additional conditional use requested on a single parcel</u>	Jan-09 Jan-15	Wis. Stats. § 59.696; Code ch 74, Ord. 518-11/08 Ord. 894-11/14
Public hearing fee - Conditional use hearing: mineral extraction (M-3)	\$775.00 + \$55.00/acre when applicable; <u>plus \$200.00 per additional conditional use requested on a single parcel</u>	Jan-09 Jan-15	Wis. Stats. § 59.696; Code ch 74, Ord. 518-11/08 Ord. 894-11/14
Public hearing fee - Conditional use hearing: recreational and related uses	\$575.00, additional \$200.00 fee may apply if development includes residential use; <u>plus \$200.00 per additional conditional use requested on a single parcel</u>	Jan-09 Jan-15	Wis. Stats. § 59.696; Code ch 74, Ord. 518-11/08 Ord. 894-11/14
Public hearing fee - Conditional use hearing: Renewable energy	\$575.00; <u>plus \$200.00 per additional conditional use requested on a single parcel</u>	Jan-10 Jan-15	Wis. Stats. § 59.696; Code ch 65, Ord. 584-11/09 Ord. 894-11/14
Public hearing fee - Conditional use hearing: residential	\$575.00 for 1 unit, plus \$200.00 per each additional unit when applicable; <u>plus \$200.00 per additional conditional use requested on a single parcel</u>	Jan-09 Jan-15	Wis. Stats. § 59.696; Code ch 74, Ord. 518-11/08 Ord. 894-11/14
Public hearing fee - Conditional use hearing: sanitary landfill (M-4)	\$1,275.00 + \$110.00/acre when applicable; <u>plus \$200.00 per additional conditional use requested on a single parcel</u>	Jan-08 Jan-15	Wis. Stats. § 59.696; Ord. 465-11/07 , Code ch 74, Ord. 894-11/14
Public hearing fee - Conditional Use Renewal, Extension and Appeal Fee	\$200.00	Jan-07	Wis. Stats. § 59.696; Ord. 321-11/05, Code ch 74
Public hearing fee - Re-notice hearing postponement, when requested by applicant	\$100.00	Jan-06	Wis. Stats. § 59.696; Ord. 321-11/05, Code ch 74
Public hearing fee - Rezone from standard A-1	\$575.00; <u>plus \$200.00 per additional rezone on adjacent parcel under same/separate ownership</u>	Jan-09 Jan-15	Wis. Stats. § 59.69 and 93; Code ch. 74, Ord. 518-11/08 Ord. 894-11/14
Public hearing fee - Rezone hearing: commercial and other industrial less than 5,000 sq. ft. gross floor area	\$575.00 plus \$200.00 per unit residential use fee when applicable; <u>plus \$200.00 per additional rezone on adjacent parcel under same/separate ownership</u>	Jan-09 Jan-15	Wis. Stats. § 59.696; Code ch 74, Ord. 518-11/08 Ord. 894-11/14

Description	Fee	Effective Date	Authority
Public hearing fee - Rezone hearing: commercial and other industrial, 5,000 to 10,000 sq. ft. gross floor area	\$675.00 plus \$200.00 per unit residential use fee when applicable; <u>plus \$200.00 per additional rezone on adjacent parcel under same/separate ownership</u>	Jan-09 Jan-15	Wis. Stats. § 59.696; Code ch 74, Ord. 518-11/08 Ord. 894-11/14
Public hearing fee - Rezone hearing: commercial and other industrial greater than 10,000 sq. ft. gross floor area	\$775.00 plus \$200.00 per unit residential use fee when applicable; <u>plus \$200.00 per additional rezone on adjacent parcel under same/separate ownership</u>	Jan-09 Jan-15	Wis. Stats. § 59.696; Code ch 74, Ord. 518-11/08 Ord. 894-11/14
Public hearing fee - Rezone hearing: floodplain, wetland and park districts	\$575.00; <u>plus \$200.00 per additional rezone on adjacent parcel under same/separate ownership</u>	Jan-09 Jan-15	Wis. Stats. § 59.696; Code ch 74, Ord. 518-11/08 Ord. 894-11/14
Public hearing fee - Rezone hearing: industrial developments - mineral extraction	\$775.00 plus \$55.00 per acre unless previously assessed; <u>plus \$200.00 per additional rezone on adjacent parcel under same/separate ownership</u>	Jan-09 Jan-15	Wis. Stats. § 59.696; Code ch 74, Ord. 518-11/08 Ord. 894-11/14
Public hearing fee - Rezone hearing: industrial developments - sanitary landfill	\$1,275.00 plus \$110.00 per acre unless previously assessed; <u>plus \$200.00 per additional rezone on adjacent parcel under same/separate ownership</u>	Jan-06 Jan-15	Wis. Stats. § 59.696; Code ch 74, Ord. 518-11/08 Ord. 894-11/14
Public hearing fee - Rezone hearing: residential	\$575.00 for 1 unit, plus \$200.00 per each additional unit; <u>plus \$200.00 per additional rezone on adjacent parcel under same/separate ownership</u>	Jan-09 Jan-15	Wis. Stats. § 59.696; Code ch 74, Ord. 518-11/08 Ord. 894-11/14
Public hearing fee— Comprehensive plan amendment	\$196.00 each	Jan-11	Wis. Stats. § 59.696; Res. No. 62-11/09
Sanitary ordinance appeal	\$260.00	Jan-06	Wis. Stats. ch. 145; Code ch. 70; Ord. 312-09/05
Sanitary permit: drip line	\$750.00	Jan-09	Wis. Stats. ch. 145; Code ch. 70; Ord. 312-09/05
Sanitary permit: experimental or alternate design system	\$625.00	Jan-09	Wis. Stats. ch. 145; Code ch. 70; Ord. 312-09/05
Sanitary permit: holding tank	\$725.00	Jan-09	Wis. Stats. ch. 145; Code ch. 70; Ord. 312-09/05
Sanitary permit: in-ground pressure distribution system and at-grade system	\$565.00	Jan-09	Wis. Stats. ch. 145; Code ch. 70; Ord. 312-09/05

Description	Fee	Effective Date	Authority
Sanitary permit: in-ground soil absorption system (gravity or dose to gravity)	\$460.00	Jan-09	Wis. Stats. ch. 145; Code ch. 70; Ord. 312-09/05
Sanitary permit: large scale systems 6,000 gallon daily flow	\$1,650.00	Jan-09	Wis. Stats. ch. 145; Code ch. 70; Ord. 312-09/05
Sanitary permit: large scale systems greater than 3,000 gallon daily flow	\$975.00	Jan-09	Wis. Stats. ch. 145; Code ch. 70; Ord. 312-09/05
Sanitary permit: minor repair (Building sewer, effluent pipe)	\$100.00	Jan-07	Wis. Stats. ch. 145; Code ch. 70; Ord. 312-09/05
Sanitary permit: mound system	\$685.00	Jan-09	Wis. Stats. ch. 145; Code ch. 70; Ord. 312-09/05
Sanitary permit: non-plumbing sanitary system	\$465.00	Jan-07	Wis. Stats. ch. 145; Code ch. 70; Ord. 312-09/05
Sanitary permit: re-connection to existing system, Private interceptor, Grease interceptor	\$285.00	Jan-09	Wis. Stats. ch. 145; Code ch. 70; Ord. 312-09/05
Sanitary permit: renewal, transfer, or revision	\$70.00	Jan-06	Wis. Stats. ch. 145; Code ch. 70; Ord. 312-09/05
Sanitary permit: sand filter (single-pass, re-circulating, split-bed)	\$750.00	Jan-09	Wis. Stats. ch. 145; Code ch. 70; Ord. 312-09/05
Sanitary permit: Treatment/dispersal component (add, replace, modify, alter)	\$285.00	Jan-09	Wis. Stats. ch. 145; Code ch. 70; Ord. 312-09/05
Sanitation - County private sewage system and sanitation ordinance Chapter 70 Walworth County Code/ Sanitation Ordinance	\$20.00	Jan-06	Wis. Stats. ch. 145; Code ch. 70; Ord. 312-09/05
Sanitation - Development plan amendment proposal	\$250.00	Nov-04	Ord. 276-11/04
Sanitation - Reinspection fee (sanitation)	\$100.00	Nov-04	Wis. Stats. ch. 145; Code ch. 70; Ord. 276-11/04
Sanitation - Soil investigation	\$100.00	Nov-04	Wis. Stats. ch. 145; Code ch. 70; Ord. 276-11/04
Sanitation - Wisconsin fund application	\$150.00	Jan-03	Wis. Administrative Code/Comm. 87; Ord. 231-11/02
Sanitation information requests	\$30.00	Nov-04	Ord. 276-11/04

Description	Fee	Effective Date	Authority
Sanitation monthly maintenance report	\$20.00	Nov-04	Ord. 276-11/04
Sanitation processing fee - Three-year maintenance and annual holding tank report	\$150.00	Jan-08	Code ch. 70
Site visit-conditional use or zoning - requested by owner	\$100.00 minimum charge with adjustments to cover additional costs	Jan-10	Wis. Stats. § 59.696; Code ch 74
Special sanitary permit	\$500.00	Nov-04	Code sec. 26-237; Ord. 281-11/04
Transcripts	\$20.00 per page	Jan-08	Wis. Stats. § 59.69; Code ch. 74
Waterfront zoning permit - Accessory structure 1,201 sq. ft. through 2,500 sq. ft.	\$150.00	Jan-09	Wis. Stats. § 59.69; Code ch. 74, Ord. 518-11/08
Waterfront zoning permit - Accessory structure 700 sq. ft. or less	\$100.00	Jan-09	Wis. Stats. § 59.69; Code ch. 74, Ord. 518-11/08
Waterfront zoning permit - Accessory structure 701 sq. ft. to 1,200 sq. ft.	\$125.00	Jan-09	Wis. Stats. § 59.69; Code ch. 74, Ord. 518-11/08
Waterfront zoning permit - Accessory structure greater than 2,500 sq. ft.	\$200.00	Jan-09	Wis. Stats. § 59.69; Code ch. 74, Ord. 518-11/08
Waterfront zoning permit - All other zoning permits	\$100.00	Jan-09	Wis. Stats. § 59.69; Code ch. 74, Ord. 518-11/08
Waterfront zoning permit - Animal waste - Storage structure	\$100.00	Jan-09	Wis. Stats. § 59.69 and 93; Code ch. 74, Ord. 518-11/08
Waterfront zoning permit - Boathouse	\$150.00	Jan-09	Wis. Stats § 59.69; Code ch. 74, Ord. 518-11/08
Waterfront zoning permit - Business, commercial and industrial uses	Minimum of \$200.00 or \$0.15/sq. ft. of base floor area	Jan-09	Wis. Stats. § 59.69; Code ch. 74, Ord. 518-11/08

Description	Fee	Effective Date	Authority
Waterfront zoning permit - Churches, schools, and other public facilities 0 to 1,000 sq. ft.	\$150.00	Jan-09	Wis. Stats § 59.69; Code ch. 74, Ord. 518-11/08
Waterfront zoning permit - Churches, schools, and other public facilities 1,001 sq. ft. or greater	\$300.00	Jan-09	Wis. Stats. § 59.69; Code ch. 74, Ord. 518-11/08
Waterfront zoning permit - Hotel, motel	\$800.00 base fee plus \$50.00/unit	Jan-09	Wis. Stats. § 59.69; Code ch. 74, Ord. 518-11/08
Waterfront/shoreland zoning permit - Livestock facilities building	\$335.00	Jan-12	Wis. Stats. § 59.69 and 93; Code ch. 74, Ord. 518-11/08
Waterfront zoning permit - Mobile home - Accessory structure/deck	\$75.00	Jan-09	Wis. Stats. § 59.69; Code ch. 74, Ord. 518-11/08
Waterfront zoning permit - Mobile home - Addition	\$100.00	Jan-09	Wis. Stats. § 59.69; Code ch. 74, Ord. 518-11/08
Waterfront zoning permit - Mobile home - New	\$150.00	Jan-09	Wis. Stats. § 59.69; Code ch. 74, Ord. 518-11/08
Waterfront zoning permit - Multiple structures	Highest Applicable Fee, plus \$50.00 per additional structure	Jan-09	Wis. Stats. § 59.69 and 93; Code ch. 74, Ord. 518-11/08
Waterfront zoning permit - New mobile support structure and facilities or substantial modification of facilities and support structures	\$1,100.00	Jan-14	Wis. Stats. § 59.69; Code ch. 64; Ord. 518-11-08
Waterfront zoning permit - Recreation vehicle - addition/enclosure (planned campground development)	\$100.00	Jan-09	Wis. Stats § 59.69; Code ch. 74, Ord. 518-11/08
Waterfront zoning permit - Recreation vehicle (planned campground development)	\$100.00	Jan-09	Wis. Stats. § 59.69; Code ch. 74, Ord. 518-11/08
Waterfront zoning permit - Recreational vehicle - accessory structure (planned campground development)	\$75.00	Jan-09	Wis. Stats § 59.69; Code ch. 74, Ord. 518-11/08

Description	Fee	Effective Date	Authority
Waterfront zoning permit - Recreational vehicle - deck (planned campground development)	\$75.00	Jan-09	Wis. Stats § 59.69; Code ch. 74, Ord. 518- 11/08
Waterfront zoning permit - Residential additions, alterations 500 sq. ft. and greater	\$250.00	Jan-09	Wis. Stats. § 59.69; Code ch. 74, Ord. 518- 11/08
Waterfront zoning permit - Residential additions, alterations less than 500 sq. ft.	\$200.00	Jan-09	Wis. Stats. § 59.69; Code ch. 74, Ord. 518- 11/08
Waterfront zoning permit - Residential decks and pools	\$100.00	Jan-09	Wis. Stats. § 59.69; Code ch. 74, Ord. 518- 11/08
Waterfront zoning permit - Residential/new single-family residence	\$400.00	Jan-09	Wis. Stats. § 59.69; Code ch. 74, Ord. 518- 11/08
Waterfront zoning permit - Residential/two-family and multiple-family residence	\$400.00/unit	Jan-09	Wis. Stats. § 59.69; Code ch. 74, Ord. 518- 11/08
Waterfront zoning permit - Revision fee	\$100.00	Jan-09	Wis. Stats. § 59.69; Code ch. 74, Ord. 518- 11/08
Waterfront zoning permit - Shoreyard stairway, retaining wall	\$150.00	Jan-09	Wis. Stats. § 59.69; Code ch. 74
Waterfront zoning permit - Class 2 colocation on mobile tower	\$300.00	Jan-14	Wis. Stats. § 59.69; Code ch. 74, Ord. 518- 11/08
Waterfront zoning permit - Utility cabinets	\$100.00	Jan-09	Wis. Stats. § 59.69; Code ch. 74, Ord. 518- 11/08
Waterfront zoning permit - Vegetation removal/shoreyard mitigation	\$150.00	Jan-12	Wis. Stats. § 59.69; Code ch. 74
Waterfront zoning permit - Vegetation removal/shoreyard prescribed burn	\$200.00	Jan-12	Wis. Stats § 59.69; Code ch. 74
Waterfront zoning permit - Vegetation removal/shoreland - removal and replacement of invasive species only	No fee (General Permit)	Jan-14	Wis. Stats § 59.69; Code ch. 74

Description	Fee	Effective Date	Authority
Zoning density review	\$75.00 base/\$50.00 per unit	Jan-08	Wis. Stats. § 59.69; Code ch. 74
Zoning permit - Accessory structure 1,201 sq. ft. through 2,500 sq. ft.	\$125.00	Jan-09	Wis. Stats. § 59.69; Code ch. 74
Zoning permit - Accessory structure 700 sq. ft. or less	\$85.00	Jan-09	Wis. Stats. § 59.69; Code ch. 74
Zoning permit - Accessory structure 701 sq. ft. to 1,200 sq. ft.	\$100.00	Jan-09	Wis. Stats. § 59.69; Code ch. 74
Zoning permit - Accessory structure greater than 2,500 sq. ft.	\$150.00	Jan-09	Wis. Stats. § 59.69; Code ch. 74
Zoning permit - All other zoning permits	\$80.00	Jan-03	Wis. Stats. § 59.69; Code ch. 74
Zoning permit - Animal waste - Storage structure	\$80.00	May-06	Wis. Stats. § 59.69 and 93; Code ch. 74
Zoning permit - Business, commercial and industrial uses	Minimum of \$100.00 or \$0.10/sq. ft. of base floor area	Jan-09	Wis. Stats. § 59.69; Code ch. 74
Zoning permit - Churches, schools, and other public facilities 0 to 1,000 sq. ft.	\$100.00	Jan-08	Wis. Stats. § 59.69; Code ch. 74
Zoning permit - Churches, schools, and other public facilities 1,001 sq. ft. or greater	\$245.00	Jan-08	Wis. Stats. § 59.69; Code ch. 74
Zoning permit - Farmland separations	\$75.00	Jan-09	Wis. Stats. § 59.69; Code ch. 74
Zoning permit - Hotel, motel	\$800.00 base fee + \$30.00/unit	Jan-09	Wis. Stats. § 59.69; Code ch. 74
Zoning permit - Livestock Facilities Building	\$225.00	Jan-12	Wis. Stats. § 59.69 and 93; Code ch. 74
Zoning permit - Lot line adjustments/parcel splits	\$60.00	Jan-07	Wis. Stats. § 59.69; Code ch. 74
Zoning permit - Mitigation Review (greater than 15%-30% impervious surface)	\$200.00	Jan-12	Wis. Stats. § 59.692; Code ch. 74 (NR115)

Description	Fee	Effective Date	Authority
Zoning permit - Mobile home-Accessory structure or deck.	\$65.00	Jan-09	Wis. Stats § 59.69; Code ch. 74, Ord. 518-11/08
Zoning permit - mobile home-addition	\$85.00	Jan-09	Wis. Stats. § 59.69; Code ch. 74, Ord. 518-11/08
Zoning permit - Mobile home-new	\$150.00	Jan-09	Wis. Stats § 59.69; Code ch. 74, Ord. 518-11/08
Zoning permit - Multiple structures	Highest fee plus \$50.00 per applicable structure	Jan-09	Wis. Stats § 59.69; Code ch. 74, Ord. 518-11/08
Zoning permit - New mobile support structure and facilities or substantial modification of facilities and support structures.	\$1,000.00	Jan-14	Wis. Stats. § 59.69; Code ch. 64; Ord. 518-11-08
Zoning permit - Pond permits	\$85.00	Jan-09	Wis. Stats. § 59.69; Code ch. 74
Zoning permit - Recreation vehicle addition/enclosures (planned campground development)	\$85.00	Jan-09	Wis. Stats § 59.69; Code ch. 74
Zoning permit - Recreation vehicle(planned campground development)	\$85.00	Jan-09	Wis. Stats. § 59.69; Code ch. 74
Zoning permit - Recreational vehicle -Accessory structure (planned campground development)	\$65.00	Jan-09	Wis. Stats § 59.69; Code ch. 74, Ord. 518-11/08
Zoning permit - Recreational vehicle/Deck (planned campground development)	\$65.00	Jan-09	Wis. Stats § 59.69; Code ch. 74, Ord. 518-11/08
Zoning permit - Residential additions, alterations 500 sq. ft. and greater	\$150.00	Jan-09	Wis. Stats. § 59.69; Code ch. 74, Ord. 518-11/08
Zoning permit - Residential additions, alterations less than 500 sq. ft.	\$100.00	Jan-09	Wis. Stats. § 59.69; Code ch. 74
Zoning permit - Residential decks and pools	\$75.00	Jan-09	Wis. Stats. § 59.69; Code ch. 74

Description	Fee	Effective Date	Authority
Zoning permit - Residential/new single-family residence	\$300.00	Jan-09	Wis. Stats. § 59.69; Code ch. 74
Zoning permit - Residential/two-family and multiple-family residence	\$300.00/unit	Jan-09	Wis. Stats. § 59.69; Code ch. 74
Zoning permit - Revision fee	\$80.00	Jan-03	Wis. Stats. § 59.69; Code ch. 74
Zoning permit - Sign permits	\$150.00	Jan-07	Wis. Stats. § 59.69; Code ch. 74
Zoning permit - Class 2 colocation on mobile tower	\$245.00	Jan-14	Wis. Stats. § 59.69; Code ch. 74; Ord. 518-11-08
Zoning permit - Temporary Residence	\$450.00	Jan-11	Wis. Stats. § 59.69; Code ch. 74
Zoning permit - Utility cabinets	\$85.00	Jan-07	Wis. Stats. § 59.69; Code ch. 74
Zoning permit - Vegetation removal - Restoration/compliance review fee	\$600.00	Jan-11	Code ch. 74; Ord. 465-11/07
Zoning permit - Vegetation removal - Tree cutting permits	\$150.00	Jan-11	Wis. Stats. § 59.69; Code ch. 74
Zoning permit - Zoning ordinance(s)	\$30.00	Jan-09	Wis. Stats. § 59.69; Code ch. 74
Zoning renewable energy - Large wind	\$245.00	Jan-10	Wis. Stats. § 59.696; Code ch 65
Zoning renewable energy - Small wind	\$50.00	Jan-10	Wis. Stats. § 59.696; Code ch 65
Zoning renewable energy - Solar zoning	\$85.00	Jan-11	Wis. Stats. § 59.696; Code ch 65
Zoning renewable energy—Solar array commercial	\$245.00	Jan-11	Wis. Stats. § 59.696; Code ch 65
Zoning Renewal - Campground	\$100.00	Nov-04	Code ch. 74, Ord. 276-11/04
Zoning Renewal - Salvage yard	\$100.00	Nov-04	Code ch. 74, Ord. 276-11/04

Description	Fee	Effective Date	Authority
Zoning requests	\$50.00 plus \$5.00 for each additional abutting parcel.	Jan-09	Wis. Stats. § 59.69; Code ch. 74
<u>Medical Examiner</u>			
<u>Cremation permit</u>	<u>\$250.00</u>	<u>Jan-14</u>	<u>Wis. Stats. § 979.10</u>
<u>Public Works</u>			
Driveway paving - Not completed within one year of original permit	\$175.00	Jan-11	Wis. Stats. § 86.07; 86.16(2)
Driveway permit	\$200.00	Jan-14	Wis. Stats. § 86.07; 86.16(2)
Natureland Park Log Cabin rental	\$80.00 fee inclusive of sales tax	Jan-13	Wis. Stats. § 27.075(1)59.07
Park Damage and Clean Up Deposit	\$100.00 deposit fee, for damage/cleanup, is required upon submission of Application and Reservation for Use of a Recreational Facility. Within 30 days subsequent to the rental, if there has been no damage and the area has been cleaned in satisfactory condition and litter is removed from the park, the deposit will be refunded.	Jan-13	Wis. Stats. 27.075(1)
Park Shelter rental	\$40.00	Jan-09	Wis. Stats. § 27.075(1)59.07
Trail pass - Daily	\$4.00; \$1.20 state, \$2.80 county	Nov-04	Wis. Stats. § 27.01(8)
Trail pass - Yearly	\$20.00; \$ 6.00 state, \$ 14.00 county	Jan-09	Wis. Stats. § 27.01(8)
Utility-boring permits	\$515.00	Jan-11	Wis. Stats. § 66.047; 182.0175
Utility-ROW permits	\$175.00	Jan-11	Wis. Stats. § 66.047; 182.0175
Wide load	\$40.00	Jan-07	Wis. Stats. § 348.05
<u>Register of Deeds</u>			
<u>CDs of images of daily recordings</u>	<u>\$550.00/month for daily CD</u> <u>\$500.00/month for weekly CD</u>	<u>Jan-13</u> <u>Jan-15</u>	<u>Wis. Stats. § 59.43(2)(c); Ord. 518-11/08</u> <u>Ord. 894-11/14</u>
Data	\$200.00/data set	Jan-14	Ord. 813-11/13
Internet convenience fee	\$3.00/transaction	Jan-07	Ord. 393-11/06
Online access to unlimited document images	\$650.00/month	Jan-12	Ord. 695-11/11

Description	Fee	Effective Date	Authority
Validate rental weatherization document	\$30.00	Jan-12	Ord. 695-11/11
VitalChek express carrier fee	\$17.50 <u>16.50 to \$19.00</u>	Oct. 1, 2010 <u>Sept 1, 2014</u>	Ord. 639-09/10 <u>Ord. 894-11/14</u>
VitalChek handling fee	\$10.00/order	Oct. 1, 2010	Ord. 639-09/10
Copies:			
Recorded or filed documents	\$2.00 for first page; \$1.00 each additional page; \$1.00 certification fee	Jan-03	Wis. Stats. § 59.43(2)(b)
Letter - 8½ × 11	\$0.50	Nov-04	Ord. 276-11/04
Legal - 8½ × 14	\$0.75	Nov-04	Ord. 276-11/04
Ledger - 11 × 17	\$1.00	Nov-04	Ord. 276-11/04
Plat book page	\$1.50	Nov-04	Ord. 276-11/04
18 × 18	\$1.75	Nov-04	Ord. 276-11/04
18 × 24	\$2.25	Nov-04	Ord. 276-11/04
24 × 36	\$4.50	Nov-04	Ord. 276-11/04
Print screen	\$1.00	Jan-03	Ord. 231-11/02
Subdivision plat copies - actual size	\$4.50/sheet	Jan-13	Wis. Stats. § 236.25(5); Ord. 231-11/02
Maps	\$10.00	Nov-04	Ord. 276-11/04
Census records	\$1.00	Jan-03	Ord. 231-11/02
Birth, death or marriage certificates; Declaration of domestic partnership or certificate of termination of domestic partnership	\$20.00 for first copy; \$3.00 each additional copy	Oct. 27, 2007; Aug. 3, 2009	Wis. Stats. § 69.22
Vital records expedite fee	\$20.00	Jan-08	Wis. Stats. § 69.22(1)(d)
Vital records verification	\$7.00	Aug-91	Wis. Stats. § 69.22
Recording/Filing fees:			
Federal Tax Lien	\$25.00 <u>30.00</u> /document	June 25, 2010 <u>Jan-15</u>	Wis. Stats. § 59.43(2)
Real estate documents-recording	\$25.00 <u>30.00</u> /document	June 25, 2010 <u>Jan-15</u>	Wis. Stats. § 59.43(2)(ag), 59.43(2)(e)

Description	Fee	Effective Date	Authority
Redaction	\$5.00/document	June 25, 2010 (Expires upon the earliest of the following: 1) completion by the Register of Deeds of redaction of social security numbers from certain electronic format records; 2) January 1, 2012, unless an extension of time is granted by DOA; or 3) January 1, 2015.)	Wis. Stats. § 59.43(2)(L)
Termination of Decedent's Property Interest form (HT-110)	\$25.00/30.00	Jan-03/Jan-15	Wis. Stats. § 59.43(2)(i)
Transfer on death to beneficiary (TOD-110)	\$25.00/30.00	Apr-06/Jan-15	Wis. Stats. § 59.43(2)(i)
Cemetery, condominium and subdivision plats	\$50.00	Jan-03	Wis. Stats. § 59.43(2)(h)
Transportation project plats	\$25.00	Jan-03	Wis. Stats. § 59.43(2)(k)
Real estate transfer tax	\$0.30/\$100.00 value	Sept-81	Wis. Stats. § 77.22(1)
Reports:			
Misc. TriMin reports	\$0.50/sheet	Jan-09	Ord. 518-11/08
Real estate index	\$10.00/month; \$0.25/sheet	Jan-03	Ord. 231-11/02
Municipality or sales	\$20.00	Jan-09	Ord. 584-11/09
Subdivision	\$5.00	Nov-04	Ord. 276-11/04
Sheriff's Office			
Accident report	\$3.00	Jan-12	Wis. Stats. § 19.35(3)(a)
Bond fee: charge for bond taken at LEC for other departments	\$25.00	Jan-06	Wis. Stats. § 814.705; Ord. 321-11/05
Copy: certificate reprints; report copies	\$0.50 per page	Jan-10	Wis. Stats. § 19.35(3)(a)
Eviction & property seizure proceedings, officer fees	Current Senior Process Deputy hourly payroll rate, including fringe benefit rate, for assigned staff. Overtime rate may be applicable.	Apr-10	Wis. Stats. § 814.705(3); Ord. 597-02/10

Description	Fee	Effective Date	Authority
False alarms (per calendar year)	\$10.00 1st response; \$20.00 2nd response; \$30.00 3rd response; \$40.00 4th response	Jan-03	Code Sec. 22-79
Huber Dorm without electronic monitoring; Huber Dorm with electronic monitoring	Without \$18.00 day; \$126.00/week; With \$17.00 day, \$119.00 week, fee inclusive of sales tax	May-14	Wis. Stats. § 303.08; Ord. 854-04/14
Jail booking fee	\$25.00/person	Jan-11	Ord. 649-11/10
Jail charge	\$15.00/day municipal prisoners; \$55.00/day out-of-county prisoners; \$62.00/day federal inmates	Jan-02	Wis. Stats. § 303.18; Ord. 231-11/02
Jail inmate deposit fee-applies to deposits to current inmate accounts with the exception of initial cash at booking and deposits collected by a third-party vendor	\$3.25/transaction		Ord. 695-11/11
Jail inmate deposit fee-all inmate deposits transacted via lobby kiosk	Third-party vendor fees: \$3.25/cash transaction, deposit limit \$500.00; \$4.95/credit/debit card transaction, deposit limit \$100.00	Jan-12	Ord. 695-11/11
Jail inmate deposit fee-all inmate deposits transacted via online services	Third-party vendor fees: 4.5% of total (minimum \$4.50)/internet transaction; 6.0% of total (minimum \$6.00) /phone transaction. \$25.00 minimum deposit per transaction, \$100.00 maximum deposit per transaction. \$200.00 combined maximum deposit per week. Maximum of 5 transactions per week.	Jan-12	Ord. 695-11/11
Photo reprints	35 mm \$10.00 8×10; \$5.00 5×7; \$3.00 4×6; Digital prints \$10.00 per CD	Jan-12	Wis. Stats. § 19.35(3)(a)
Police escorts; house moves; traffic control	\$76.00/hr per officer officer <u>uniformed deputy with squad car</u>	Jan-12 <u>Jan-15</u>	Ord. 695-11/11 <u>Ord. 894-11/14</u>
Range use	\$100.00/day or \$500.00 annually in county. \$200.00/day or \$1,000.00 annually out-of-county.	Jan-06	Ord. 748-11/12
Real Estate and Sheriff Sales	\$75.00 per sale posting; \$75.00 per scheduled sale	Apr-10	Wis. Stats § 814.705(2); Ord. 597-02/10
Service of process	\$80.00 per service, pre-pay only	Apr-10	Wis. Stats. § 814.705; Ord. 597-02/10
Storage	\$10.00/day outside; \$15.00/day inside	Jan-11	Ord. 649-11/10

Description	Fee	Effective Date	Authority
Writ of Restitution and Writ of Assistance Deposit	Sheriff removes tenants from property only - \$80.00/person to be served.	Mar-14	Wis. Stats. § 799.45(1); Ord. 857-05/14
	Sheriff removes tenants and landlord requests Sheriff to stand-by while landlord removes property - \$500.00 prepaid deposit. If actual costs are less, the landlord will be refunded the balance of the prepayment. If actual costs are greater, the landlord must pay the additional cost.		
	Sheriff removes tenants and moves and store tenant(s)' property - \$1,500.00 prepaid deposit. If actual costs are less, the landlord will be refunded the balance of the prepayment. If actual costs are greater, the landlord must pay the additional cost.		
Treasurer			
Certificates	\$1.00	Jan-03	Ord. 231-11/02
County map	\$7.95	Jan-06	Ord. 321-11/05
Copies	\$1.00	Jan-03	Ord. 231-11/02
Credit or signature debit card convenience fee (via <u>counter terminal or online services</u> for the payment of property taxes)	2.49% 2.39% of total costs, minimum \$2.00 \$1.50 charge per transaction	Jan-10 Jan-15	Ord. 619-06/10 Ord. 894-11/14
Delinquent report - entire county (electronically)	\$50.00	Jan-14	Ord. 813-11/13
Faxed copies	\$1.00	Jan-03	Ord. 231-11/02
Foreclosure Fees (letter reports, court filing, publication, postage, Register of Deeds recording and attorney fees)	Actual Cost	Jan-12	Wis. Stats. § 75.36
Nontaxable plat book	\$33.18	Apr-06	Ord. 393-11/06
PIN Debit card convenience fee (via terminal for the payment of property taxes)	\$2.00 per transaction	Nov-11	Ord. 695-11/11
Plat book	\$35.00	Apr-06	Ord. 393-11/06
Returned check fee	\$30.00	Jan-07	Ord. 393-11/06
Tax overpayment refund/handling fee	\$5.00	Jan-07	Ord. 393-11/06
Tax roll - entire county (electronically)	\$200.00	Nov-04	Ord. 813-11/13
Tax roll - municipality (electronically)	\$20.00/municipality	Jan-14	Ord. 813-11/13
Tax searches	\$1.00	Jan-08	Ord. 465-11/07

Description	Fee	Effective Date	Authority
UW-Extension			
4-H Cloverbud program fee	\$6.00/member (\$1.50 WI 4-H Foundation, \$2.00 insurance; \$2.50 county UWEX)	Oct-12	Ord. 748-11/12
4-H Cloverbud University	\$5.00 to \$12.00 per participant depending on materials and location	Jan-13	Ord. 748-11/12
4-H Cloverbud Workshops	\$5.00 to \$20.00 per participant depending on materials and location	Jan-15	Ord. 894-11/14
4-H Eggsploring Incubation (Classroom Embryology Project)	\$12.00 to \$30.00 per classroom depending on supplies and participants	Jan-13	Ord. 748-11/12
4-H Food Preservation Workshops	\$5.00—\$15.00 per person depending on supplies	Jan-14	Ord. 813-11/13
4-H incubator/turner rental (for non-classroom use)	\$10.00	Jul-12	Ord. 748-11/12
4-H Club Literature Costs	\$0.50 to \$15.00 per item depending on value	Jan-15	Ord. 894-11/14
4-H music & drama participation fees	\$20.00 to \$45.00/entry depending on location	Jan-13	Ord. 748-11/12
4-H member program fee	\$12.00/member \$3.00 Sr. Leaders, \$3.00 Jr. Leaders, \$1.50 WI 4-H Foundation, \$2.00 insurance, \$2.50 County UWEX)	Oct-12	Ord. 748-11/12
4-H Real Colors presentations	\$7.00 to \$15.00 per participant depending on materials and location	Jan-13	Ord. 748-11/12
4-H robotics kit rental (for non-class use)	\$10.00 per kit per two week period	Sept-11	Ord. 748-11/12
4-H Special Interest Academy	\$5.00 to \$75.00 per participant depending on materials and location	Jan-13	Ord. 748-11/12
4-H Wind Power Science Lab	\$10.00 to \$25.00 per participant depending on supplies	Jan-14	Ord. 813-11/13
4-H Science/Leadership Workshops	\$5.00 to \$100.00 per participant depending on materials and location; or \$5.00 to \$50.00 per class/group depending on materials	Jan-15	Ord. 894-11/14
Agriculture educational workshops	\$15.00 to \$50.00 per session depending on materials and location	Jan-12	Ord. 695-11/11
Barn Quilts	\$125.00 to \$175.00	Jan-13	Ord. 748-11/12
CNRED program educational workshops	\$5.00 to \$25.00 per participant, per session depending on materials and location	Jan-12	Ord. 695-11/11
Community garden plot	\$25.00 per 20 × 20 plot; \$35.00 per 20 × 30 plot; \$15.00 per 10 × 10 plot; \$5.00 per raised bed	Jan-12	Ord. 695-11/11
Compost bin sales	\$40.00 to \$70.00 per bin (depending on supplier)	Jan-14	Ord. 813-11/13

Description	Fee	Effective Date	Authority
Copies - color printer	\$0.50 per page	Jan-07	Ord. 393-11/06
Copies - black and white printer or photocopier	\$0.15 per page	Jan-09	Ord. 518-11/08
Earth Day Theme Presentation (Reduced to a Pulp, Who Dirtied the Water, Incredible Edible Landfill)	\$10.00 to \$15.00 per classroom depending on supplies	Jan-13	Ord. 748-11/12
Diversity Day at UWW	\$5.00 to \$50.00 per participant depending on expenses	Jan-15	Ord. 894-11/14
Family living program: child care workshops	\$5.00 to \$7.00/session depending on materials and location	Jan-07	Ord. 393-11/06
Family living program: library story times	\$5.00/child	Jan-06	Ord. 321-11/05
Family living program: nutrition educ. workshop	\$2.00 to \$40.00/session depending on materials and location	Jan-14	Ord. 813-11/13
Family living program: parenting educ. workshop	\$5.00 to \$25.00/session depending on materials and location	Jan-14	Ord. 813-11/13
Fight BAC Science Lab Experience	\$10.00 to \$15.00 per classroom depending on supplies	Jan-13	Ord. 748-11/12
Get Moving! Walworth County	\$5.00/Adult, \$1.00/Child	Jul-13	Ord. 813-11/13
Health Fair	\$5.00 to \$50.00 per participant depending on expenses	Jan-15	Ord. 894-11/14
Horticulture educational workshops	\$2.00 to \$25.00 per participant, depending on materials and location	Jan-14	Ord. 813-11/13
Hot Air Balloon Science Lab Experience	\$10.00 to \$25.00 per classroom depending on supplies or \$3.00 to \$12.00 per person, depending on supplies	Jan-14	Ord. 813-11/13
Insect diagnostic submission	Shipping and handling (Walworth County UWEX)	Jan-14	Ord. 813-11/13
Master gardener volunteer training	\$20.00 to \$200.00 per person depending on materials and location	Jan-09	Ord. 518-11/08
On the Technology Trail Science Lab Experience	\$20.00 to \$40.00 per classroom depending on supplies	Jan-13	Ord. 748-11/12
Pesticide applicators training and EPA fees	\$30.00 (\$15.00 for PTA-State, \$15.00 for EPA-County)	Nov-04	Ord. 276-11/04
Plant standard analysis (PDDC)	Clinic cost + shipping and handling (UWEX-Coop Ext)	Jan-14	Ord. 813-11/13
Prairie walk seminar	\$12.00 to \$20.00 per person	Jan-10	Ord. 584-11/09
Pruning workshop	\$5.00 per participant per session	Jan-11	Ord. 649-11/10
Rain barrel sales	\$60.00 to \$70.00 per barrel depending on supplier	Jan-14	Ord. 813-11/13
Ready Set Dough Science Lab Experience	\$2.00 to \$4.00 per participant depending on supplies	Jan-13	Ord. 748-11/12

Description	Fee	Effective Date	Authority
Sale of extension bulletins	Per UWEX Madison price list + tax and postage	Nov-04	Ord. 276-11/04
SE Wisconsin winter grazing seminar	\$15.00 to \$35.00 registration fee	Jan-12	Ord. 695-11/11
<u>Snack Prep for Club Meetings</u>	<u>\$1.00 to \$6.00 per youth per meeting, depending on supplies</u>	<u>Jan-15</u>	<u>Ord. 894-11/14</u>
Strong Women Program	\$25.00 new participant, \$20.00 continuing participant	Jan-12	Ord. 695-11/11
Tractor safety program participant fee	\$50.00/person	Jan-10	Ord. 584-11/09
<u>Tri-County Kids College</u>	<u>\$0.00 to \$50.00 per participant depending on expenses</u>	<u>Jan-15</u>	<u>Ord. 894-11/14</u>
<u>Tri-County Sport Tournament</u>	<u>\$5.00 to \$75.00 per team depending on expenses</u>	<u>Jan-15</u>	<u>Ord. 894-11/14</u>
<u>Urban/Rural Exchange</u>	<u>\$50.00 to \$100.00 per participant depending on expenses</u>	<u>Jan-15</u>	<u>Ord. 894-11/14</u>
Victim impact panel attendance	\$25.00	Jan-10	Ord. 584-11/09
Volunteer Recognition Lunch - Guest	\$15.00 to \$17.00	Jan-14	Ord. 813-11/13
Walworth County 4-H Ag Expo	\$2.00 to \$5.00 per participant depending on materials and location	Sept-11	Ord. 695-11/11
Walworth County 4-H SPIN Expo	\$2.00 to \$5.00 per participant depending on supplies	Jan-13	Ord. 748-11/12
Way to Grow: Microgreens Classroom Project Rental	\$15.00 to \$40.00 per classroom depending on supplies	Jan-13	Ord. 748-11/12
Way to Grow: Microgreens Science Lab Experience	\$10.00 to \$30.00 per classroom depending on supplies	Jan-13	Ord. 748-11/12

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PART 2: BE IT FURTHER ORDAINED THAT the effective date of this ordinance shall be January 1, 2015 unless otherwise noted.

PASSED and ADOPTED by the Board of Supervisors of Walworth County Wisconsin this 12th day of November, 2014.

County Board Meeting Date: November 12, 2014

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

Nancy Russell
County Board Chair

Kimberly S. Bushey
County Clerk

Policy and Fiscal Note is attached.

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

DA Bretl 11/4/14
Date

N Andersen 11/4/14
Date

David A. Bretl
County Administrator/Corporation Counsel

Nicole Andersen
Deputy County Administrator-Finance

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

**Policy and Fiscal Note
Ordinance No. 894-11/14**

- I. **Title:** Amending Section 30-286 of the Walworth County Code of Ordinances Relative to Fees.
- II. **Purpose and Policy Impact Statement:** In conjunction with compilation of the annual budget, departments have reviewed fees charged for services. Based upon that review departments have recommended implementation of new fees or revisions to existing fees. All fees have been detailed in the body of the revision to Section 30-286.
- III. **Is this a budgeted item and what is its fiscal impact?** The fiscal impact associated with passage of this ordinance has been incorporated into the preliminary 2015 budget.
- IV. **Referred to the following standing committees for consideration and date of referral:**

Committee: Finance Committee

Date: October 23, 2014

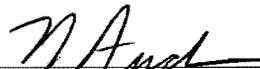
Vote: 5-0

County Board Meeting Date: November 12, 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


David A. Bretl
County Administrator/Corporation Counsel

11/4/14
Date


Nicole Andersen
Deputy County Administrator-Finance

11/4/14
Date

ORDINANCE NO. 895 – 11/14

AMENDING SECTIONS 62-104 AND 62-105 OF THE WALWORTH COUNTY CODE OF ORDINANCES RELATING TO TAX INCREMENTAL FINANCING DISTRICTS

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

PART I: That Sections 62-104 and 62-105 of the Walworth County Code of Ordinances are hereby amended to read as follows:

“Sec. 62-104. Considerations in approving TIDs or amendment thereto.

The county representative shall consider the following criteria before voting to create or amend any TID or to approve project costs for any area that is outside of a TID's boundaries. The county's representative is empowered to exercise discretion in voting on TID matters.

- (1) Does the TID effectuate the purposes set forth in state law, to wit:
 - a. Whether the development expected in the TID would occur without the use of tax incremental financing.
 - b. Whether the expected economic benefits of the TID, as measured by increased employment, business and personal income and property value, are insufficient to compensate for the cost of the improvements.
 - c. Whether the expected benefits of the proposal outweigh the anticipated tax increments to be paid by the owners of the property in the overlying taxing districts.
- (2) Has the entity creating or amending the TID kept the county and state apprised of activities of the current and proposed TID or TIDs?
 - a. Have all relevant reports and statements as well as an annual report in the format set forth in the state TIF Manual been provided to the county?
 - b. Have required audit reports, including the 30% audit report, been provided to the county?
 - c. Have current project and will future project updates be shared upon request of any joint review board member or overlying district representative throughout the life of the TID?
- (3) Does the TID project plan contain enough information to permit an informed decision to be made, and does the plan describe projects, costs, and timetables with sufficient specificity to allow the county to reasonably evaluate future implementation of the plan for consistency and conformity to the plan. The county's representative shall ensure he or she has been provided with the following information:

- a. The specific items that constitute the project costs: the total dollar amount, and the total amount of tax increments.
- b. The total value increment and the date to be terminated.
- c. The reasons why the project costs may not or should not be paid solely by the TID taxpayers.
- d. The share of projected tax increments from each overlying taxing district.
- e. The benefits that the overlying jurisdictions will receive.
- f. A copy of the plan commission and board/council TID resolutions.
- g. Copies of planning documents and public record.

(4) Does the project plan adhere to all of Wis. Stats. § 66.1105 related to appropriate use of TIDs?

~~(5) Does the project plan include a provision of assessing significant special assessments and:~~

- ~~a. Whether special assessments will be assessed prior to completion of said project or construction and do not contain a provision to collect contingent upon a later event or goal.~~
- ~~b. Whether the entities involved in receiving special assessments are financially capable and agreeable to project terms and special assessments prior to the start of the project.~~

(65) Does the TID project plan clearly state all projects and cost estimates that intend to be included as part of the TID expenditures at the time of creation or amendment?

(76) Has the county been provided with meeting notices in a manner timely enough to allow sufficient time, as that term is defined in 62-103(c)(4), to permit the county's representative to make an informed decision? Has the creating entity provided requested information in advance of JRB meetings? Is sufficient time available for the JRB to meet between the JRB organizational meeting and the Plan Commission meeting scheduled for approval of the project plan? The JRB should be provided with additional meeting opportunities to indicate any concerns they may want to have addressed in the project plan.

(87) Is the project plan, amended project plan or proposal to expand funds outside of the district boundaries limited in scope to specific projects and specific project costs, and does it provide for further amendment and reconvening of the joint review board in the event there is a significant change in projects or costs? Projects' estimated costs, including contingency, shall not be exceeded in total without additional approval of the Joint Review Board.

(98) Are administrative costs attributable to the TID reasonable? Are proposed administrative costs provided with sufficient detail and justification within the project plan rather than a lump sum amount? Overstating such costs has the effect

1 of requiring taxpayers outside of the TID to support general governmental
2 operations of the creating municipality.

3
4 (409) Does the TID depend upon the success of a single business?

5
6 (4110) Does the TID include projects that should properly be paid for by local taxpayers,
7 such as construction of a municipal building?

8
9 (4211) Have developer agreements been shared with all overlying districts? Have
10 ~~overlying districts specifically affected been given an opportunity for feedback~~
11 ~~prior to final approval?~~

12
13 (12) Does the project plan/amendment place a limit on spending costs which would
14 require the joint review board to approve spending over these limits? Restrictions
15 that spending would not:

16 (1) Exceed estimated project costs by greater than 15 percent on any one
17 project line;

18 (2) Exceed total estimated project costs.

19
20 (13) Does the project plan/amendment allow for projects that are not specifically
21 described in the project plan or the costs of which are not specifically described?

22
23 (13) ~~If special assessments or changes are contemplated, is there a lawful basis for~~
24 ~~them? Do special assessments and charges inequitably shift risks of the project to~~
25 ~~taxpayers outside of the TID?~~

26
27 **Sec. 62-105. Prohibited TID provisions.**

28
29 (a) ~~The county's appointee is empowered to exercise discretion in voting on TID matters.~~
30 ~~The county's appointee, however, may not approve any TID provision that would require~~
31 ~~the county to forfeit or delegate its oversight responsibility. Such provisions include, but~~
32 ~~are not limited to, delegating to the creating entity the following powers, absent~~
33 ~~additional approvals by the JRB:~~

34
35 (1) ~~Exceeding or allocating estimated project costs by greater than 15 percent on any~~
36 ~~one project line;~~

37 (2) ~~Exceeding total estimated project costs;~~

38 (3) ~~Undertaking projects that are not specifically described in the project plan or the~~
39 ~~costs of which are not specifically described.~~

40
41 (b) ~~Receiving accurate information and having the ability to vote on changes to the plan~~
42 ~~during the life of the TID is integral to the county's responsibility to its taxpayers. The~~
43 ~~county's appointee, therefore, may not approve any TID or amendment thereto that:~~

44
45 (1) ~~Fails to maintain the JRB as a standing board during the life of the TID;~~

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~~(2) — Does not explicitly require that an annual financial report be provided to JRB members describing detailed expenditures by individual project line item for the year ended and from the date of creation, including a comparison to the project plan's estimated cost."~~

BE IT ORDAINED by the Walworth County Board of Supervisors that all previous ordinances and resolutions pertaining to Sections 62-104 and 62-105 are hereby superseded.

BE IT FURTHER ORDAINED by the Walworth County Board of Supervisors that this Ordinance shall become effective upon passage and publication.

PASSED and ADOPTED by the Walworth County Board of Supervisors this 12th day of November, 2014.

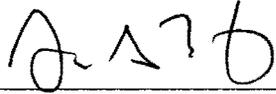
Nancy Russell
County Board Chair

Kimberly S. Bushey
Attest: County Clerk

County Board Meeting Date: November 12, 2014

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

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

	
11/4/14	11/4/14
Date	Date
David A. Bretl County Administrator/Corporation Counsel	Nicole Andersen Deputy County Administrator - Finance

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

Resolution No. 42-11/14

Authorizing the Sheriff's Office to Accept OWI Task Force Grant Funds in the Amount of \$40,000 to Monitor and Enforce OWI Traffic Laws and Authorizing Addition to the Previously Established Pre-approved Recurring Grants List

1 Moved/Sponsored by: Finance Committee
2

3 **WHEREAS**, the Walworth County Sheriff's Office has been awarded an OWI Task Force Grant in
4 the amount of \$40,000; and
5

6 **WHEREAS**, the Sheriff's Office is the fiscal agent for the program which is to be carried out by
7 Law Enforcement agencies within Walworth County; and
8

9 **WHEREAS**, this program will make it possible for the respective law enforcement departments to
10 have a larger presence on streets and highways, to monitor traffic and improve safety by reducing
11 the number of drunk drivers operating vehicles on the streets and highways.
12

13 **WHEREAS**, Section 30-313 of the Walworth County Code of Ordinances allows the
14 establishment, by resolution, of a list of authorized recurring grants; and
15

16 **WHEREAS**, Resolution 08-05/05 established a list of pre-approved, recurring grants; and
17

18 **WHEREAS**, the Sheriff's office desires to add the OWI Task Force grant to the aforementioned
19 list; and
20

21 **WHEREAS**, inclusion of a grant on the authorized list provides authority to the County
22 Administrator to approve the application and receipt of a grant so included until such time as a
23 material change in conditions of a grant occurs; and
24

25 **WHEREAS**, a material change in conditions of a grant includes, but is not limited to, capital
26 expenditures, capital acquisitions, increase in percent of county match or variation from the original
27 intent of the grant; and
28

29 **WHEREAS**, the authorized list, at a minimum, will be reviewed on an annual basis and revisions
30 proposed as necessary; and
31

32 **WHEREAS**, new grant opportunities for county departments may be added by authorization of the
33 County Board at a future date,
34

35 **NOW, THEREFORE, BE IT RESOLVED** that grants specifically requiring County Board
36 authorization shall continue to be submitted for action; and
37

38 **BE IT FURTHER RESOLVED** that "one-time" grants continue to require authorization as
39 specified in Chapter 30, Article VIII of the Walworth County Code of Ordinances; and,
40
41

1 **BE IT FURTHER RESOLVED** that the Walworth County Board of Supervisors hereby authorize
2 the Sheriff's Office to accept the grant funds of \$40,000 for the purpose of increasing the presence
3 of law enforcement officers on Walworth County roads.

4
5 **BE IT FURTHER RESOLVED** by the Walworth County Board of Supervisors that the following
6 recurring grant be and the same is hereby approved.
7

Program Title - Purpose	Contract Amount / County Share %
DEPARTMENT: Sheriff's Office OWI Task Force Grant	10% Match

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Nancy Russell
County Board Chair

Kimberly S. Bushey
County Clerk

County Board Meeting Date: November 12, 2014

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

Policy and Fiscal Note is attached.

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

David A. Bretl 11/4/14
Date
County Administrator/Corporation Counsel

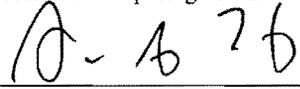
Nicole Andersen 11/4/14
Date
Deputy County Administrator - Finance

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

Policy and Fiscal Note
Resolution No. 42-11/14

- I. Title:** Authorize the Sheriff's Office to Accept OWI Task Force Grant Funds in the Amount of \$40,000 to Monitor and Enforce OWI Traffic Laws and Authorizing Addition to the Previously Established Pre-approved Recurring Grants List
- II. Purpose and Policy Impact Statement:** This program will make it possible for the respective law enforcement departments to have a larger presence on roads, to monitor traffic and improve safety by reducing the number of drunk drivers operating vehicles on the streets and highways.
- III. Budget and Fiscal Impact:** The Wisconsin Department of Transportation requires a 10% hard match. This will include time spent by Administration completing the appropriate monthly reports and reimbursing local departments that have officers participating in the OWI Task Force Grant. Passage of this resolution will have no fiscal impact on the 2014 budget. Future budgets will reflect updated dollar amounts for this recurring grant.
- IV. Referred to the following standing committees for consideration and date of referral:**
- Committee: Finance Meeting Date: October 23, 2014
- Vote: 5-0
- County Board Meeting Date: November 12, 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.

 11/4/14
David A. Bretl Date
County Administrator/Corporation Counsel

 11/4/14
Nicole Andersen Date
Deputy County Administrator - Finance

Resolution No. 43-11/14

Accepting the Donation of Twenty-Five (25) Apple iPads and Cases from The Geneva National Foundation for Use at Lakeland School

1 Moved/Sponsored by: Children with Disabilities Education Board (CDEB) & Finance
2 Committee
3

4 **WHEREAS**, the Geneva National Foundation, has donated twenty-five (25) Apple iPads and
5 cases valued at a total of \$12,000 to Walworth County to support educational programs for
6 students at the Lakeland School facility; and,
7

8 **WHEREAS**, the county acknowledges the generous spirit in which the donation has been
9 offered.
10

11 **NOW, THEREFORE, BE IT RESOLVED** that the Walworth County Board of Supervisors
12 does hereby accept the donation of twenty-five (25) Apple iPads and cases from the Geneva
13 National Foundation to support educational opportunities for students at the Lakeland School
14 facility.
15

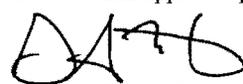
16 **BE IT FURTHER RESOLVED** that the Walworth County Board of Supervisors commends the
17 Geneva National Foundation for its generosity and commitment to special education in
18 Walworth County at Lakeland School.
19
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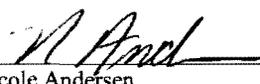
21 _____
22 Nancy Russell
23 County Board Chair
24

Kimberly S. Bushey
County Clerk

25
26 County Board Meeting Date: November 12, 2014
27

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

Policy and Fiscal Note is attached.
Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:
 11/4/14

David A. Bretl Date
County Administrator/Corporation Counsel
 11/4/14

Nicole Andersen Date
Deputy County Administrator - Finance
If unsigned, exceptions shall be so noted by the County Administrator.

Policy and Fiscal Note
Resolution No. 43-11/14

- I. Title:** Accepting the Donation of Twenty-Five (25) Apple iPads and Cases from the Geneva National Foundation for Use at Lakeland School
- II. Purpose and Policy Impact Statement:** The purpose of this resolution is to accept the donation of twenty-five (25) Apple iPads and cases valued at a total of \$12,000 from the Geneva National Foundation which will support educational programs for students at Lakeland School.
- III. Budget and Fiscal Impact:** This is a donation of items under our capital threshold and no cash is received. There is no budget impact.

The County indirectly receives a financial gain as it will not have to purchase these items in the future.

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

Committee: Children with Disabilities
Education Board (CDEB) Meeting Date: October 22, 2014

Vote: 5-0

Committee: Finance Meeting Date: October 23, 2014

Vote: 5-0

County Board Meeting Date: November 12, 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.

 11/4/14
David A. Bretl Date
County Administrator/Corporation Counsel

 11/4/14
Nicole Andersen Date
Deputy County Administrator - Finance

Resolution No. 44-11/14
Adopting the 2015 Appropriation of the Walworth County Budget and CIP Plan

1 Moved/Sponsored by: Walworth County Finance Committee

2
3 **WHEREAS**, the Walworth County Administrator met with all county departments to review and
4 recommend funding for county programming; and,

5
6 **WHEREAS**, the Walworth County Finance Committee met with the Administrator to review
7 funding for county programming and has prepared the "2015 Walworth County Preliminary
8 Budget"; and,

9
10 **WHEREAS**, the Finance Committee submitted the proposed budget to the Walworth County
11 Board of Supervisors for its review on October 14, 2014; and,

12
13 **WHEREAS**, the County Board has considered the merits of the proposed budget and
14 amendments thereto and is prepared to adopt the final 2015 Walworth County Budget.

15
16 **NOW, THEREFORE, BE IT RESOLVED** by the Walworth County Board of Supervisors that
17 the "2015 Walworth County Preliminary Budget," a copy of which is incorporated herein by
18 reference, and as amended by Exhibit A, attached hereto, is hereby approved and adopted as the
19 2015 Walworth County Budget.

20
21 **BE IT FURTHER RESOLVED** that the 2015 budget is adopted and approved at the
22 department level of detail as contained in the budget document.

23
24 **BE IT FURTHER RESOLVED** that the 5-year Capital Improvement Plan is adopted and
25 approved as presented in Exhibit B, with a funding commitment for year 2015 only, unless
26 authorized by previous County Board resolution.

27
28 **BE IT FURTHER RESOLVED** that the Deputy County Administrator-Finance is hereby
29 authorized to make technical corrections to the budget document, consistent with the actions of
30 this Board.

31
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33 _____
34 Nancy Russell
35 County Board Chair

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33 _____
34 Kimberly S. Bushey
35 County Clerk

36 County Board Meeting Date: November 12, 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:	
 _____ David A. Bretl County Administrator/Corporation Counsel	 _____ Nicole Andersen Deputy County Administrator-Finance
11/4/14 Date	11/4/14 Date
If unsigned, exceptions shall be so noted by the County Administrator.	

Walworth County
Amendments to the 2015 Preliminary Budget

Exhibit A

	<i>County</i>	<i>CDEB</i>	<i>Library</i>	
<i>2013 Equalized Values</i>	12,902,315,900	12,576,675,034	7,634,384,900	
<i>2014 Equalized Values</i>	12,988,251,000	12,648,658,436	=not yet available=	
<i>Change</i>	0.67%	0.57%		
				<i>Average Mill Rate</i>
2014 Adopted Levy	60,877,860	<i>Increase</i>		4.718367
2015 Preliminary Levy	61,153,471	0.453%		<i>Increase</i> 4.708368

	<i>2014</i>	<i>2015</i>	<i>Difference</i>	<i>% Change</i>	<i>Mill Rate</i>
Library	1,567,848	1,547,633	(20,215)	-1.29%	
Debt	2,000,198	1,620,988	(379,210)	-18.96%	0.124804
CDEB	7,460,976	7,344,873	(116,103)	-1.56%	0.580684
Operating	49,848,838	50,639,977	791,139	1.59%	3.898907
				<i>Average Mill Rate</i>	<i>4.708368</i>

<i>Proposed budget amendment</i>	<i>Levy Impact</i>	<i>Operating Impact</i>	<i>CDEB Impact</i>	<i>Debt Impact</i>	<i>Library Impact</i>	<i>Mill Rate Change</i>	<i>Mill Rate</i>
A	-	-	-	-	-	-	4.708368
B	-	-	-	-	-	-	4.708368
C	-	-	-	-	-	-	4.708368
D	-	-	-	-	-	-	4.708368
E	-	-	-	-	-	-	4.708368
F	-	-	-	-	-	-	4.708368
G	-	-	-	-	-	-	4.708368
H	-	-	-	-	-	-	4.708368
I	-	-	-	-	-	-	4.708368
J	-	-	-	-	-	-	4.708368
K	-	-	-	-	-	-	4.708368
<i>Total Amendments</i>	-	-	-	-	-	-	-

	<i>Levy</i>	<i>Chg frm LY</i>	<i>% Change</i>	<i>Mill Rate</i>	<i>Chg frm Prelim</i>
Library	1,547,633	(20,215)	-1.29%		-
Debt	1,620,988	(379,210)	-18.96%	0.124804	-
CDEB	7,344,873	(116,103)	-1.56%	0.580684	-
Operating	50,639,977	791,139	1.59%	3.898907	-
<i>Total Adopted Levy</i>	<u>61,153,471</u>	<u>275,611</u>	<u>0.4527%</u>		<u>-</u>
			<i>Average Mill Rate</i>	<i>4.708368</i>	

*Walworth County
Capital Improvement Funding Summary
Adopted Budget*

Exhibit B

Project	2015	2016	2017	2018	2019	Total
Road Construction	\$ 3,994,600	\$ 2,890,759	\$ 2,940,600	\$ 2,643,375	\$ 2,831,600	\$ 15,300,934
Unallocated Road Construction	-	900,000	300,000	400,000	300,000	1,900,000
Children with Dis Ed Bd Capital Projects	107,300	30,000	30,000	30,000	-	197,300
Government Center Capital Projects	255,000	30,000	30,000	30,000	30,000	375,000
Election Equipment	-	402,600	-	-	-	402,600
Park Projects	45,000	90,000	135,925	-	-	270,925
Health & Human Services Capital Projects	138,900	25,000	48,300	25,000	49,500	286,700
Health & Human Services Facility Renovation	-	-	-	638,000	8,171,500	8,809,500
Judicial Center Capital Projects	60,800	50,000	50,000	200,000	-	360,800
Information Technology County-wide Projects	353,700	165,350	165,350	95,350	20,000	799,750
Land Information Capital Projects	170,069	80,000	80,000	80,000	80,000	490,069
Lakeland Health Care Center Capital Projects	112,400	176,600	66,000	60,000	253,550	668,550
Public Works Capital Projects	953,750	1,877,300	919,800	923,300	510,100	5,184,250
Public Works Building Renovation/Expansion	485,200	7,465,000	135,000	2,675,000	-	10,760,200
Public Works Management System	400,000	-	-	-	-	400,000
Sheriff's Office Capital Projects	927,820	416,600	478,000	427,000	454,850	2,704,270
Sheriff's Office Lobby Renovation	15,000	250,000	-	-	-	265,000
All Other Capital Requests	42,000	61,165	62,879	64,687	66,600	297,331
TOTAL	\$ 8,061,539	\$ 14,910,374	\$ 5,441,854	\$ 8,291,712	\$ 12,767,700	\$ 49,473,179

Funding Source	2015	2016	2017	2018	2019	Total
Debt Proceeds	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Unallocated Road Construction Funds	1,000,000	-	-	-	-	1,000,000
General Funds - Use of Available Funds	485,200	7,465,000	135,000	2,675,000	-	10,760,200
General Funds - Use of Committed Funds	-	165,300	-	638,000	8,171,500	8,974,800
Land Information Funds	158,069	80,000	80,000	80,000	80,000	478,069
Public Works Funds	868,250	1,877,300	919,800	923,300	510,100	5,098,750
Jail Assessment Funds	288,870	46,000	30,000	63,000	56,850	484,720
Lakeland Health Care Center Funds	52,600	-	31,000	25,000	218,550	327,150
Proceeds from the Sale of Assets	148,530	-	-	-	-	148,530
Grant Funds	50,000	842,569	200,000	-	200,000	1,292,569
Donations/Fundraising	-	-	125,000	-	-	125,000
Tax Levy	5,010,020	-	-	-	-	5,010,020
To Be Determined	-	4,434,205	3,921,054	3,887,412	3,530,700	15,773,371
TOTAL	\$ 8,061,539	\$ 14,910,374	\$ 5,441,854	\$ 8,291,712	\$ 12,767,700	\$ 49,473,179

Resolution No. 45-11/14
Establishing the County Tax Levy to Support the 2015 Budget Appropriation

1 Moved/Sponsored by: Finance Committee

2
3 **WHEREAS**, the Walworth County Administrator met with all county departments to review and
4 recommend funding for county programming; and

5
6 **WHEREAS**, the Walworth County Finance Committee met with the Administrator to review
7 funding for county programming and has prepared the "Walworth County 2015 Preliminary
8 Budget"; and

9
10 **WHEREAS**, the Finance Committee submitted the proposed budget to the Walworth County
11 Board of Supervisors for its review on October 14, 2014, and the County Board has considered
12 the merits of the proposed budget, and amendments thereto, and is prepared to adopt the final
13 2015 Walworth County budget;

14
15 **NOW, THEREFORE BE IT RESOLVED** by the Walworth County Board of Supervisors in
16 annual session assembled, that there be and hereby is levied and assessed upon all of the taxable
17 property of Walworth County as state, county, and other taxes (excluding library and Children
18 with Disabilities Education Board taxes) for 2015, the sum of

19
20 \$ 52,260,965 and

21
22 **BE IT FURTHER RESOLVED**, that there be and is hereby levied and assessed upon the
23 taxable property of each non-exempt district the annual appropriation for Lakeshores Library
24 operating expenses in the amount of

25
26 \$ 1,547,633 and

27
28 **BE IT FURTHER RESOLVED** that there be and is hereby levied and assessed upon the
29 taxable property of each non-exempt property residing within the Children with Disabilities
30 Education Board district, the annual appropriation for Children with Disabilities Education
31 Board operations in the amount of

32
33 \$ 7,344,873 and

34
35 **BE IT FURTHER RESOLVED**, that the same to be apportioned by the County Clerk, as by
36 law provided and in accordance with the Report of the Finance Committee, subject to such
37 changes or additions as may be certified to the County Clerk by the Department of Taxation of
38 the State of Wisconsin, and the sum so raised is in the amount and for the purposes specified in
39 the Report of the Finance Committee on file and summarized as follows:
40
41

1	County Library Levy	\$ 1,547,633
2	Children with Disabilities Education Board Levy	7,344,873
3	County Debt Service Levy	1,620,988
4	County Operating Levy*	<u>50,639,977</u>
5	Total	<u>\$61,153,471</u>

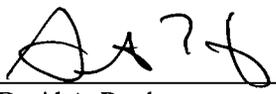
6
7 *Includes Charitable and Penal
8
9

10
11 _____
12 Nancy Russell
13 County Board Chair
14
15 _____
16 Kimberly S. Bushey
17 County Clerk

18 County Board Meeting Date: November 12, 2014

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

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

	<u>11/4/14</u>		<u>11/4/14</u>
David A. Bretl	Date	Nicole Andersen	Date
County Administrator/Corporation Counsel		Deputy County Administrator-Finance	

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

Resolution No. 48-11/14
**Approving a Negotiated Agreement by and between Walworth County
and the Internal Revenue Service**

1 Moved/Sponsored by: Finance and Human Resource Committees
2

3 **WHEREAS**, Walworth County was subject to an audit of its payroll and accounts payable
4 records by the Internal Revenue Service; and,
5

6 **WHEREAS**, no audit findings were discovered related to the county's accounts payable
7 transactions and their related tax processing; and,
8

9 **WHEREAS**, the Internal Revenue Service reviewed county ordinances initially authorized by
10 the county board in 1998 related to conversion of accumulated sick days to health credits for use
11 by retired staff as a non-taxable benefit ; and,
12

13 **WHEREAS**, the health credit benefit was eliminated for new hires in 2005; and,
14

15 **WHEREAS**, all grandfathered employees that qualified for this benefit have been treated
16 equally and equitably regarding the tax treatment of this benefit since 1998; and,
17

18 **WHEREAS**, the Internal Revenue Service takes the position that these credits are non-taxable
19 compensation for the vast majority of those individuals that qualify for this grandfathered
20 benefit, but taxable to a limited number of other employees due to their ability in 1998 to make a
21 one-time election to move to the new compensation method versus retaining the previously
22 existing sick leave compensation method; and,
23

24 **WHEREAS**, the Finance and Human Resource Committees recommend that all grandfathered
25 employees continue to be treated in an equal and equitable manner; and,
26

27 **WHEREAS**, the Internal Revenue Service has proposed a full and final settlement on 2012,
28 2013, 2014 and future health credit tax liabilities based upon the following formula:
29

30 Value of accumulated sick leave based on cash option at time of election
31

32 Divided by
33

34 Value of accumulated sick leave converted for retiree health insurance credits
35

36 Multiplied by
37

38 Value of health credits utilized in each of the associated tax years (2012, 2013, 2014 &
39 2014 with constructive receipt); and,
40

1 **WHEREAS**, the value of the calculated benefit will be taxed based upon the rates in effect for
2 each applicable year; and,
3
4 **WHEREAS**, the calculated 2012 and 2013 tax liabilities are \$18,760.72 and \$17,069.52
5 respectively based upon the value of the health credits utilized in each tax year; and,
6
7 **WHEREAS**, the 2014 tax liability for actual use of health credits in 2014 is projected to be
8 \$14,675.99 based upon current enrollees; and,
9
10 **WHEREAS**, the estimated 2014 tax liability for constructive receipt of health care credits
11 utilized in 2015 and thereafter is based upon the projected December 31, 2014 sick leave
12 balances for grandfathered employees eligible for health credits is \$193,175.34 ; and,
13
14 **WHEREAS**, the Internal Revenue Service had an additional finding related to uniform
15 /reimbursements for tax years 2012 and 2013 resulting in unpaid FICA/Medicare tax of
16 \$8,472.30 and \$4,895.08 respectively; and,
17
18 **WHEREAS**, the total projected tax liability is \$257,049; and
19
20 **WHEREAS**, these figures are strictly estimates and will be finalized based upon actual health
21 credit usage in 2014 and remaining qualified sick leave credits as of December 31, 2014, with
22 confirmation by the Internal Revenue Service; and,
23
24 **WHEREAS**, funds are available to finance the settlement agreement as a result of previously
25 accrued long term health liabilities;
26
27 **NOW, THEREFORE, BE IT RESOLVED** that the Walworth County Board of Supervisors
28 does hereby authorize a full and final settlement of all claims resulting from this Internal
29 Revenue Service audit in an amount not to exceed \$280,000; and
30
31 **BE IT FURTHER RESOLVED** that the final tax liability will be calculated based upon actual
32 2014 health credit premium activity and remaining December 31, 2014 sick leave balances on
33 affected employees; and
34
35 **BE IT FURTHER RESOLVED** that the final tax liability payment will be forwarded to the
36 Internal Revenue Service no later than March 15, 2015; and
37
38 **BE IT FURTHER RESOLVED** that the county will issue amended W-2s and related tax
39 documents as instructed by the Internal Revenue Service, and
40
41

1 **BE IT FURTHER RESOLVED** that the proper county officials be and the same hereby
2 authorized to execute all settlement documents and budget transfers as required to facilitate the
3 completion of this agreement.

4
5
6

7 _____
8 Nancy Russell
9 County Board Chair

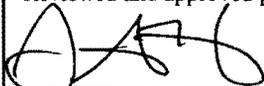
7 _____
8 Kimberly S. Bushey
9 County Clerk

10
11 County Board Meeting Date: November 12, 2014

12
13 Action Required: Majority Vote _____ Two-thirds Vote X Other _____

Policy and Fiscal Note is attached.

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

 11/4/14
David A. Bretl Date
County Administrator/Corporation Counsel

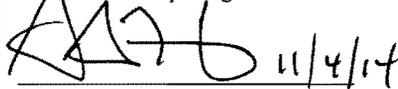
 11/3/14
Nicole Andersen Date
Deputy County Administrator - Finance

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

Policy and Fiscal Note
Resolution No. 48-11/14

- I. Title:** Approving a Negotiated Agreement by and between Walworth County and the Internal Revenue Service
- II. Purpose and Policy Impact Statement:** The purpose of this resolution is to approve a severance agreement by and between the Internal Revenue Service and Walworth County.
- III. Budget and Fiscal Impact:** The proposed settlement will be based upon actual December 31, 2014 data balances. The estimate included herein was based upon projections dated October 30, 2014 and will be amended following the year-end close. Currently, the total projected tax liability is \$257,049. This resolution authorizes a full and final settlement amount not to exceed \$280,000.
- IV. Referred to the following standing committees for consideration and date of referral:**
- | | |
|------------------------------|--------------------------------|
| Committee: Finance Committee | Meeting Date: November 3, 2014 |
| Vote: 3-0 | |
| Human Resources Committee | Meeting Date November 3, 2014 |
| Vote: 5-0 | |
- County Board Meeting Date: November 12, 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 Date
County Administrator/Corporation Counsel



Nicole Andersen Date
Deputy County Administrator - Finance

ORDINANCE NO. 896 – 11/14

AMENDING SECTION 15-187 OF THE WALWORTH COUNTY CODE OF ORDINANCES
RELATING TO RESIDENCY REQUIREMENTS FOR DEPUTIES

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

PART I: That section 15-187 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. 15-187. Minimum qualifications.

The minimum qualifications for a person to be eligible to participate in a competitive examination for, or to be appointed to, a deputy position are:

- (6) The applicant shall be twenty-one years of age or older on the last day of filing applications for an examination. Exceptions may be made by rules of the board.
- (7) The applicant shall ~~be a county resident~~ reside within the State of Wisconsin and within Walworth County, or the contiguous counties of Rock, Jefferson, Waukesha, Racine or Kenosha upon completion of their probationary period and must continue to maintain residence therein so long as employed.
- (8) The applicant must have fully completed the required county application form”

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

PASSED and ADOPTED by the Walworth County Board of Supervisors this 12th day of November 2014.

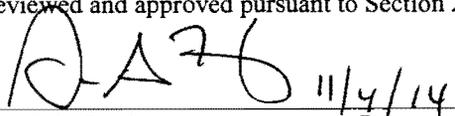
Nancy Russell
County Board Chair

Kimberly S. Bushey
Attest: County Clerk

County Board Meeting Date: November 12, 2014

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

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

	
11/4/14 Date	11/4/14 Date
David A. Bretl County Administrator/Corporation Counsel	Nicole Andersen Deputy County Administrator - Finance

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

ORDINANCE NO. 897 – 11/14

AMENDING SECTION 15-52 OF THE WALWORTH COUNTY CODE OF ORDINANCES
RELATING TO REQUESTS TO WAIVE RECRUITMENT

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

PART I: That section 15-52 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. 15-52. Recruitment.

Recruitment shall be conducted by the director in accordance with procedures adopted by the county administrator. Procedures shall meet the objectives of subsection 15-1(1).

- (1) *Job posting.* All position vacancies shall be posted, except as provided under subsection (3).
- (2) *Internal/external recruitment.* The county may, if desired, restrict initial recruitment to internal applicants and, if not filled from within, then shall conduct external open recruitment. The county may also recruit internally and externally at the same time.
- (3) *Request to waive recruitment.* A department head may request the director to waive job posting and recruitment and that a vacancy be filled with a specific person for the following reasons: filling a limited term, casual, or student (intern) position; reinstating a laid-off employee qualified to perform the duties of the vacant position; filling a position from an established eligibility list as allowed in 15-54(b); ~~or~~ securing an alternative job assignment for an employee unable to perform the essential duties of their current job; or to fill a position with a specific person from the current employee pool as approved by the director and the human resources committee as a result of a reorganization.”

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

PASSED and ADOPTED by the Walworth County Board of Supervisors this 14th day of October 2014.

Nancy Russell
County Board Chair

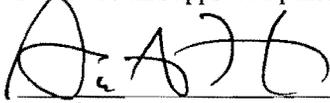
Kimberly S. Bushey
Attest: County Clerk

County Board Meeting Date: October 14, 2014

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

Policy and Fiscal Note is attached.

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

 11/4/14

David A. Bretl
County Administrator/Corporation Counsel

 11/4/14

Nicole Andersen
Deputy County Administrator - Finance

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

ORDINANCE NO. 898 – 11/14

AMENDING SECTION 15-17 OF THE WALWORTH COUNTY CODE OF
ORDINANCES RELATING TO AUTHORIZED POSITIONS
BY DEPARTMENT BASED ON THE 2015 BUDGET

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

3
4 PART I: That Section 15-17 in Division 2 of Article I of Chapter 15 of the Walworth
5 County Code of Ordinances is hereby amended to read as follows:

6
7 “Sec. 15-17. Authorized positions by department.

8
9 (a) County positions shall be classified and allocated to departments as listed in this section.

10
11 (b) *Administration*

12 CLASSIFICATION TITLE	FTE
13 Administrative Assistant	1.00
14 Assistant Corp Counsel II	3.00
15 County Administrator	1.00
16 Legal Secretary	2.00
17 Total Administration FTEs	7.00

18
19
20
21 (c) *Children with Disabilities Education Board*

22 CLASSIFICATION TITLE	FTE
23 Administrative Support Supervisor	1.00
24 Assistant Director – Special Education	2.00
25 Clerk III	0.91 1.00
26 Director – Special Education	1.00
27 Educational Programmer	1.00
28 IT Specialist	0.75 ²
29 Interpreter	4.00
30 Occupational Therapist	4.60
31 Physical Therapist	3.50
32 Receptionist/Clerk	0.81 0.90
33 School Business Office Supervisor	1.00
34 School Nurse	1.00
35 School Psychologist	1.00
36 Secretary – Confidential	1.00
37 Senior Accountant ¹	0.50

1	Special Education Aide	37.50	38.50
2	Speech Correctionist		4.00
3	Teacher	45.50	42.00
4	Total Children with Disabilities Education Board FTEs	409.32	107.75

5 ¹Reports to Finance
6 ²Reports to Information Technology

8 (d) Clerk of Courts

10	CLASSIFICATION TITLE	FTE	
12	Account Clerk III		1.00
13	Account Clerk IV		1.00
14	Calendar Clerk Court		5.00
15	Circuit Court Commissioner		0.75
16	Clerk II		4.00
17	Clerk IV		3.00
18	Clerk of Courts (elected)		1.00
19	Deputy Clerk Courts	8.00	9.00
20	Deputy Register in Probate		1.00
21	Family Court Commissioner		1.00
22	HS Specialist III		1.00 ¹
23	Jury Bailiff		1.93
24	Office Manager – Courts		1.00
25	Office Supervisor – Courts		1.00
26	Student Worker		0.68
27	Treatment Court Coordinator		1.00
28	Total Clerk of Courts FTEs	31.36	33.36

29 ¹Reports to Health & Human Services

31 (e) ~~Coroner~~

33	CLASSIFICATION TITLE	FTE	
35	Clerk II		0.27
36	Coroner (elected)		0.50
37	Total Coroner FTEs		0.77

39 (f) (e) County Board

41	CLASSIFICATION TITLE	FTE	
43	Administrative Clerk ¹		1.00
44	Total County Board FTEs		1.00

45 ¹Reports to Administration

46

1	(g) (f) <i>County Clerk</i>	
2		
3	CLASSIFICATION TITLE	FTE
4		
5	Account Clerk III	1.00
6	Administrative Clerk	2.00
7	County Clerk (elected)	1.00
8	Deputy County Clerk	1.00
9	Total County Clerk FTEs	5.00

10		
11	(h) (g) <i>District Attorney</i>	
12		
13	CLASSIFICATION TITLE	FTE
14		
15	Clerk III	1.50
16	Clerk IV	2.00
17	Law Clerk	1.00
18	Legal Secretary Lead Worker	1.00
19	Legal Stenographer	3.00
20	Office Manager DA	1.00
21	Victim/Witness Coordinator	1.00
22	Victim/Witness Service Provider	1.00
23	Total District Attorney FTEs	11.50

24		
25	(i) (h) <i>Finance</i>	
26		
27	CLASSIFICATION TITLE	FTE
28		
29	Accountant	1.00
30	Accounting Assistant	2.00
31	Administrative Assistant	1.00
32	Comptroller	1.00
33	Deputy Administrator – Finance	1.00
34	Finance Manager	2.00
35	Financial Systems Administrator	1.00
36	Payroll Systems Coordinator	2.00
37	Senior Accountant	1.50 1.00
38	Total Finance FTEs	12.50 12.00

39		
40	(j) (i) <i>Health & Human Services</i>	
41		
42	CLASSIFICATION TITLE	FTE
43		
44	Account Clerk II	1.00
45	Account Clerk III	2.00
46	Account Clerk IV	1.00 3.00

1	Administrative Secretary II	1.00	
2	Associate Nutrition Specialist	1.00	
3	Behavior Analyst	1.00	
4	Child Support Lead Worker	1.00	
5	Clerk I	1.00	
6	Clerk II	2.60 1.60	
7	Clerk III	1.00	
8	Clerk IV	14.00	
9	Deputy Director – Health & Human Services	1.75	
10	Director – Health & Human Services	1.00	
11	Economic Support Lead Worker	1.00 2.00	
12	Economic Support Specialist	16.00 17.00	
13	Economic Support Specialist (Project Position)	6.00 5.00	
14	Energy Assistance Coordinator	1.00	
15	Environmental Health Specialist	1.00	
16	HHS Site Worker	1.00	
17	HS Manager-Administrative Services	1.00	
18	HS Manager-Aging & Long Term Care Services & Resources Support		1.00
19	HS Manager- Behavioral Health Services	1.00	
20	HS Manager- Children’s Services	1.00	
21	HS Manager-Mental Health Recovery Services	1.00	
22	HS Manager-Public Health	1.00	
23	HS Specialist I	55.88 57.23	
24	HS Specialist I (AODA Grant)	2.00	
25	HS Specialist II	1.00	
26	HS Specialist III	10.00 9.00	
27	HS Specialist IV	1.00	
28	HS Supervisor-ADRC	1.00	
29	HS Supervisor-Behavioral Health	1.00	
30	HS Supervisor-Child Support	1.00	
31	HS Supervisor-Community Support Case Management	1.00	
32	HS Supervisor-Community Support Program	1.00	
33	HS Supervisor-Compliance & Medical Records	1.00	
34	HS Supervisor-Crisis Intervention	1.00	
35	HS Supervisor-Economic Support	2.00	
36	HS Supervisor-Fiscal Support	1.00	
37	HS Supervisor-Juvenile Court Intake/Child Abuse & Neglect	1.00	
38	HS Supervisor-Nutrition	1.00	
39	HS Supervisor-Ongoing Case Management	1.00	
40	HS Supervisor-Public Health	1.00	
41	HS Supervisor-Support Services	1.00	
42	HS Supervisor-Transportation	1.00	
43	HS Supervisor-WIC	1.00	
44	HS Worker IV	1.00	

1	Medicare Specialist	0.20
2	Nutrition Site Worker	1.87
3	Nutrition Specialist	1.00
4	Paternity Specialist	1.00
5	Physician Support Assistant	1.00
6	Program Assistant	1.00
7	Public Health Nurse BSN	4.00 3.50
8	<u>Public Health Specialist</u>	<u>0.50</u>
9	Receptionist/Clerk	4.04
10	Registered Occupational Therapist	1.00
11	RN (Mental Health)	2.00
12	Secretary – Confidential	1.00
13	Senior Accountant ¹	1.75
14	<u>Spanish Interpreter/Clerk</u>	<u>0.50</u>
15	Support Specialist	5.00
16	Teacher	1.00
17	Van Driver	3.40
18	Total Health & Human Services FTEs	177.49 174.94

¹Reports to Finance

(k) (j) *Human Resources*

24	CLASSIFICATION TITLE	FTE
26	Administrative Assistant	1.00
27	Benefits Specialist	2.00
28	Human Resources Assistant	2.00
29	Human Resources Director	1.00
30	Human Resources Generalist	1.00
31	Human Resources Manager	1.00
32	Risk/Benefits Manager	1.00
33	Total Human Resources FTEs	9.00

(k) (k) *Information Technology/Land Information*

37	CLASSIFICATION TITLE	FTE
39	Account Clerk IV	1.00
40	Business Analyst/Project Manager	2.00
41	Desktop Lead/Server Specialist	3.00
42	Director – IT	1.00
43	GIS Coordinator	1.00
44	Help Desk Analyst	1.00
45	<u>IT Project Coordinator</u>	<u>1.00</u>

1	IT Specialist	1.00 0.25
2	Manager of IT Operations	1.00
3	Senior IT Architect	1.00
4	Senior IT Support Specialist	1.00
5	Total Information Technology/Land Information FTEs	13.00 13.25

6
7 (m) (l) *Lakeland Health Care Center*

9	CLASSIFICATION TITLE	FTE
10		
11	Account Clerk I	1.56
12	Account Clerk III	4.00 3.00
13	<u>Administrative Secretary I</u>	1.00
14	Administrator – LHCC	1.00
15	Admissions Coordinator	1.00
16	Assistant Nurse Manager	2.00
17	Certified Medical Assistant	3.00
18	Certified Nursing Asst	71.96
19	Clerk IV	1.00
20	Clinical Dietician/Quality Operations Manager	1.00
21	Cook	3.00
22	Director of Nursing	1.00
23	Food Service Coordinator	1.00
24	Food Service Worker	5.70
25	Licensed Beautician	0.60
26	<u>LPN – Medical Records</u>	2.00
27	LPN - Unit Supervisor	9.80 8.80
28	MDS Coordinator	1.00
29	Maintenance Coordinator	1.00
30	Maintenance Technician	2.00
31	Nurse Manager	2.00
32	Receptionist	0.18
33	Recreation Therapy Coordinator	1.00
34	Recreation Therapy Leader	2.00
35	Recreational Therapist	1.00
36	<u>Relief Cook</u>	5.70
37	<u>Resident Liaison</u>	1.00
38	Restorative Therapy Aide/Clinic Asst	1.00
39	RN - Unit Supervisor	8.80
40	<u>Scheduling/Payroll Clerk</u>	2.00
41	Senior Accountant ¹	0.25
42	Social Worker	1.50
43	Staffing Coordinator	1.00
44	Support Services Supervisor	1.00
45	Total Lakeland Health Care Center FTEs	131.35 134.35

1	Highway Operations Manager	1.00
2	Maintenance Technician	7.00
3	Marking/Signing Lead Worker	1.00
4	Mechanic II	4.00
5	Patrolman/Woman	29.00 30.00
6	Road Lead Worker	1.00
7	<u>Senior Accountant</u>	<u>0.50¹</u>
8	Senior Buyer	2.00
9	Senior Maintenance Technician	4.00
10	Shop Lead Worker	1.00
11	Total Public Works FTEs	65.00 66.50
12	<u>¹Reports to Finance</u>	

13

14 (p) *Register of Deeds*

15

16	CLASSIFICATION TITLE	FTE
17		
18	Account Clerk III	1.00
19	Clerk IV	2.50
20	Deputy Register of Deeds	1.00
21	Property Lister	1.00
22	Register of Deeds (elected)	1.00
23	Total Register of Deeds FTEs	6.50

24

25 (q) *Sheriff*

26

27	CLASSIFICATION TITLE	FTE
28		
29	Account Clerk IV	2.00
30	Administrative Secretary	1.00
31	Administrative Secretary II	1.00
32	Business Office Supervisor	1.00
33	Captain	4.00
34	Clerk II	0.20
35	Clerk III	3.00 4.00
36	Clerk IV	2.00
37	Communications Officer	16.00
38	Communications Supervisor	3.00
39	Correctional Officer	67.00 68.00
40	Correctional Officer/Classification	2.00
41	Correctional Officer/Electronic Monitoring	6.00
42	Corrections Secretary	1.00
43	Corrections Sergeant	11.00
44	Deputy Sheriff	50.00
45	Deputy Sheriff/Court Officer	1.00

1	Deputy Sheriff/Court Security	4.00
2	Desktop Lead/Server Specialist	1.00
3	Detectives	9.00
4	Jail Administrator	1.00
5	Jail Superintendent	2.00
6	Law Enforcement Records Lead Worker	1.00
7	Law Enforcement Records Supervisor	1.00
8	Lieutenant	2.00
9	<u>Network Engineer</u>	<u>1.00</u>
10	Process Specialist	3.00
11	Sergeant	8.00
12	Sheriff (elected)	1.00
13	Student Worker	0.90
14	Undersheriff	1.00
15	Total Sheriff FTEs	206.10 <u>207.20</u>

16
17 (r) *Treasurer*

19	CLASSIFICATION TITLE	FTE
21	Account Clerk I	0.05
22	Account Clerk II	2.00 <u>1.00</u>
23	<u>Account Clerk III</u>	<u>1.00</u>
24	Account Clerk IV	1.00
25	Accountant	1.00
26	Clerk III¹	0.09
27	County Treasurer (elected)	1.00
28	<u>Printing Coordinator</u>	<u>1.00</u>
29	Receptionist/Clerk ¹	0.19 <u>0.10</u>
30	Total Treasurer FTEs	5.33 <u>6.15</u>

31 ¹Reports to Children with Disabilities Education Board

32
33 (s) *UW-Extension*

35	CLASSIFICATION TITLE	FTE
37	Clerk III	2.00
38	Volunteer Organizer	1.00
39	Total UW-Extension FTEs	3.00

40
41 (t) *Veteran's Services*

43	CLASSIFICATION TITLE	FTE
45	Administrative Secretary II	1.00
46	Veteran's Service Officer	1.00

1	Veteran's Service Specialist	0.50
2	Total Veteran's Services FTEs	2.50

3

4	(u) Grand Total - County FTEs	814.72 <u>819.00</u>
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5

6 **PART II: The changes to the Offices of Coroner and Medical Examiner (as detailed above)**
 7 **shall be effective as of January 5, 2015 per Ord. No. 851-03/14.**

8

9 **PART III: The following changes listed below shall be effective as of January 17, 2015:**

10

11 (j) *Health & Human Services*

12	CLASSIFICATION TITLE	FTE
13	Deputy Director – Health & Human Services	1.75 <u>0.75</u>
14	Total Health & Human Services FTEs	174.94 <u>173.94</u>

15

16	(u) Grand Total - County FTEs	819.00 <u>818.00</u>
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17

18

19 **PART IV: The following changes listed below shall be effective as of July 1, 2015:**

20

21 (j) *Health & Human Services*

22	CLASSIFICATION TITLE	FTE
23	Economic Support Specialist (Project Position)	5.00
24	Total Health & Human Services FTEs	173.94 <u>168.94</u>

25

26

27 (o) *Public Works*

28	CLASSIFICATION TITLE	FTE
29	Maintenance Technician	7.00 <u>8.00</u>
30	Total Public Works FTEs	66.50 <u>67.50</u>

31

32	(u) Grand Total - County FTEs	818.00 <u>814.00</u>
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33

34

35

36 **PART V: The following changes listed below shall be effective as of September 1, 2015:**

37

38 (c) *Children with Disabilities Education Board*

39	CLASSIFICATION TITLE	FTE
40	Physical Therapist	3.50 <u>3.80</u>
41	Total Children with Disabilities Education Board FTEs	107.75 <u>108.05</u>

42

43	(u) Grand Total - County FTEs	814.00 <u>814.30</u>
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44

45

1 **PART VI: The following changes listed below shall be effective as of October 1, 2015:**

2
3 (j) *Health & Human Services*

4 CLASSIFICATION TITLE	FTE
5 Energy Assistance Coordinator	1.00
6 Total Health & Human Services FTEs	168.94 <u>167.94</u>

7
8
9 (u) Grand Total - County FTEs 814.30 813.30

10
11 **PART VII: Except as otherwise noted, the balance of the position changes shall be effective**
12 **as of January 1, 2015.**

13
14 **PASSED and ADOPTED** by the Walworth County Board of Supervisors this 12th day of
15 November 2014.

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

24 _____
25 Kimberly S. Bushey
26 Attest: County Clerk

27 **County Board Meeting Date:** November 12, 2014

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

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

31 David A. Bretl 11/4/14
32 Date
33 County Administrator/Corporation Counsel

34 Nicole Andersen 11/4/14
35 Date
36 Deputy County Administrator-Finance

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

Ordinance No. 898-11/14
Fiscal Note and Policy Impact Statement

I. Title: Amending Section 15-17 of the Walworth County Code of Ordinances Relating to Authorized Positions by Department Based on the 2015 Budget

II. Purpose and Policy Impact Statement: The purpose of this ordinance amendment is to reflect position changes which are included in the 2015 budget.

As of January 5, 2015, the total number of FTEs will be 819.00. As of January 17, 2015, the total number of FTEs will be 818.00. As of July 1, 2015, the total number of FTEs will be 814.00. As of September 1, 2015, the total number of FTEs will be 814.30. As of October 1, 2015, the total number of FTEs will be 813.30.

III. Is this a budgeted item and what is its fiscal impact: Position changes, and their associated costs, are included in the 2015 budget.

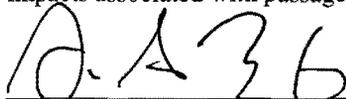
IV. Referred to the following standing committee(s) for consideration and date of referral:

Committee: Human Resources Committee Date: October 22, 2014

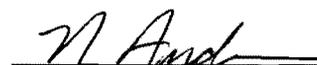
Vote: 5-0

County Board Meeting Date: November 12, 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.

 11/4/14

Date
David A. Bretl
County Administrator/Corporation Counsel

 11/4/14

Date
Nicole Andersen
Deputy County Administrator-Finance

ORDINANCE NO. 899 – 11/14

AMENDING CHAPTER 15 OF THE WALWORTH COUNTY CODE OF ORDINANCES
RELATING TO THE CREATION OF THE OFFICE OF MEDICAL EXAMINER

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

3
4 **PART I: That section 15-4 of the Walworth County Code of Ordinances is hereby**
5 **amended to read as follows (additions are underlined; deletions are shown in strike-**
6 **through text):**

7
8 **“Sec. 15-4. Definitions.**

9
10 *Elected officer* means the holder of the elective office of clerk of circuit court, county
11 clerk, district attorney, register of deeds, sheriff, ~~coroner~~ or treasurer.”

12
13 **PART II: That section 15-300 of the Walworth County Code of Ordinances is hereby**
14 **amended to read as follows (additions are underlined; deletions are shown in strike-**
15 **through text):**

16
17 **“Sec. 15-300. Policy.**

18
19 (a) It is the policy of the county to fix the compensation for elected officers on a
20 salary basis.

21
22 (b) The office of each elected officer is declared to be a full-time position, ~~except for~~
23 ~~the office of coroner which is declared to be part time.~~ In lieu of electing a surveyor, the county
24 shall designate any registered land surveyor to perform the statutory duties of an otherwise
25 elected county surveyor.”

26
27 **PART III: That section 15-359 of the Walworth County Code of Ordinances is hereby**
28 **amended to read as follows (additions are underlined; deletions are shown in strike-**
29 **through text):**

30
31 **“Sec. 15-359. Special pay premiums.**

32
33 (b) Any premium listed below is paid on productive hours only.

34

Type of Premium	How Much	Who	Special Notes
Deputy Coroner Medical Examiner Pay	\$120 per call	Deputy Coroners <u>Medical Examiners</u>	n/a

35

1
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PART IV: That this ordinance shall become effective as of January 5, 2015.

PASSED and ADOPTED by the Walworth County Board of Supervisors this 12th day of November 2014.

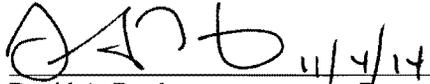
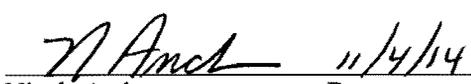
Nancy Russell
County Board Chair

Kimberly S. Bushey
Attest: County Clerk

County Board Meeting Date: November 12, 2014

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

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

 _____ David A. Bretl Date County Administrator/Corporation Counsel	 _____ Nicole Andersen Date Deputy County Administrator-Finance
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If unsigned, exceptions shall be so noted by the County Administrator.

Ordinance No. 899-11/14
Fiscal Note and Policy Impact Statement

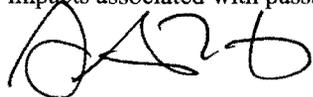
- I. Title:** Amending Chapter 15 of the Walworth County Code of Ordinances Relating to the Creation of the Office of Medical Examiner
- II. Purpose and Policy Impact Statement:** The purpose of this ordinance amendment is to update the Code with respect to the elimination of the office of the Coroner and the creation of the office of the Medical Examiner.
- 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: Human Resources Committee Date: October 22, 2014

Vote: 5-0

County Board Meeting Date: November 12, 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.

 11/4/14

Date
David A. Bretl
County Administrator/Corporation Counsel

 11/4/14

Date
Nicole Andersen
Deputy County Administrator-Finance

ORDINANCE NO. 900 – 11/14

AMENDING CHAPTER 15 OF THE WALWORTH COUNTY CODE OF ORDINANCES
RELATING TO UPDATES TO VARIOUS POSITION TITLES

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

3
4 PART I: That section 15-6 of the Walworth County Code of Ordinances is hereby
5 amended to read as follows (additions are underlined; deletions are shown in strike-
6 through text):

7
8 “Sec. 15-6. At-will employment.

9
10 (f) The county administrator shall ensure that employment contracts are prepared and
11 executed for any department head hired or promoted after January 8, 2002 (excluding an elected
12 official) and anyone hired through competitive means pursuant to 15-316 (b) and 15-335 (a) after
13 the date indicated into the positions identified below.
14

Position	Department	Effective Date:
Comptroller	Finance	December 11, 2007
Finance Manager	Finance	April 21, 2009
Financial Systems Administrator	Finance	February 11, 2014
Deputy Director	Health and Human Services	December 11, 2007
HS Manager – Aging/Long Term Care	Health and Human Services	April 21, 2009
HS Manager – Children’s Services	Health and Human Services	April 21, 2009
HS Manager – Behavioral Health Services	Health and Human Services	January 1, 2011
HS Manager - Mental Health Recovery Services	Health and Human Services	April 21, 2009
HS Manager - Public Health	Health and Human Services	April 21, 2009
HR Generalist	Human Resources	January 1, 2013
HR-Specialist <u>Manager</u>	Human Resources	December 11, 2007
Risk/Benefits Manager	Human Resources	February 11, 2014
Manager of IT Operations	Information Technology	December 11, 2007
Senior IT architect	Information Technology	January 1, 2014
Deputy Director	Land Use and Resource Management	December 11, 2007
Assistant DPW Superintendent - Roads	Public Works	April 21, 2009
Assistant DPW Superintendent - Shop	Public Works	April 21, 2009
Business Services Manager	Public Works	November 9, 2010
County Engineer	Public Works	October 8, 2013
Facilities Manager	Public Works	April 21, 2009
Highway Operations Manager	Public Works	November 9, 2010

15
16
17

1 **PART II: That section 15-339 of the Walworth County Code of Ordinances is hereby**
2 **amended to read as follows (additions are underlined; deletions are shown in strike-**
3 **through text):**
4

5 **“Sec. 15-339. Conversion of sick leave to health insurance credits.**
6

7 (a) This section shall apply to employees who are otherwise entitled to retiree health
8 insurance coverage pursuant to section 15-556 as set forth herein.
9

10 (b) This section shall become effective upon the death, disability or retirement of an
11 employee insured under the county group health insurance plan. Disability or retirement requires
12 that the employees receive an immediate annuity from WRS.
13

14 (c) Except as provided in this paragraph in the case of health insurance credits or in
15 paragraph (f), accrued sick leave shall have no severance value for any reason. Upon death,
16 disability or retirement of an employee otherwise entitled to retiree health insurance, the
17 employee's accumulated sick leave balance shall be converted to credits for payment of health
18 insurance premiums for continuing coverage under the county group health insurance plan. The
19 sick leave balance shall be converted at 60 percent of the employee's basic pay rate in effect
20 immediately prior to retirement or death. The monthly premium for any eligible employee who is
21 insured at the time of retirement, or for the surviving insured dependents of a deceased
22 employee, shall be deducted from the credits until the credits are exhausted. Health insurance
23 credits shall be held in an interest-bearing trust account and interest shall be credited to
24 individual accounts monthly. Upon the death of the retiree, and if there are no surviving insured
25 dependents, the credits shall revert back to the county.
26

27 (d) The employee or the employee's surviving insured dependents may elect to delay
28 initiation of deductions from these credits for up to ten years after the date of sick leave
29 conversion provided the employee or surviving insured dependents are covered by a comparable
30 health insurance plan. The comparable health insurance plan must have been in effect on the date
31 of conversion and must remain in effect until the date on which the employee or surviving
32 insured dependent(s) later elects to initiate deductions from those credits. A health insurance plan
33 or policy is considered comparable if it provides hospital and medical benefits that are
34 substantially equivalent to the county group health insurance plan.
35

36 (e) The option to elect a delay in using the insurance credits shall be a one-time
37 choice. A request to delay using insurance credits must be filed with the ~~benefits division~~ of the
38 finance human resources department no later than 30 days after the last date of health coverage.
39 Coverage under the county group health plan may be later activated by the former employee or
40 surviving insured dependents upon completing enrollment forms prior to the end of the ten-year
41 maximum delay period. Coverage shall be effective on the first day of the month following 30
42 days from the date that the department receives the signed enrollment forms. Late enrollment
43 provisions that require a health statement application and restrictions for pre-existing conditions
44 shall be waived for the employee and for eligible dependents who were named as insured under

1 the employee's health insurance plan at the time of retirement or death.

2
3 (f) Accrued sick leave shall be paid as a severance benefit for non-represented
4 employees hired prior to April 20, 1987, and represented employees hired before June 8, 1998,
5 unless those employees filed election on or before September 30, 1998, to convert accrued sick
6 leave to health insurance credits. Conversion shall be pursuant to resolution 14-04/87 in the case
7 of non-represented employees and at the rate set forth in the applicable bargaining agreements in
8 effect on June 8, 1998, in the case of represented employees.

9
10 **PART III: That section 15-502 of the Walworth County Code of Ordinances is hereby**
11 **amended to read as follows (additions are underlined; deletions are shown in strike-**
12 **through text):**

13
14 **“Sec. 15-502. Plan documents.**

15
16 (a) Each benefit provided by the county shall be described in a plan document kept
17 on file by the ~~deputy county administrator-finance~~ human resources director. These documents
18 shall be available for examination by any plan participant or beneficiary.

19
20 (b) The ~~deputy county administrator-finance~~ human resources director shall provide
21 summary plan descriptions or promotional information about benefit plans to employees or plan
22 beneficiaries upon request.

23
24 (c) If there is any conflict or inconsistency between the plan document and chapter 15
25 or any other written information concerning a benefit plan, the terms of the plan document shall
26 control.

27
28 (d) The ~~deputy county administrator-finance~~ human resources director and the county
29 administrator shall have the authority to sign and co-sign any addendum or amendment to a plan
30 document that is necessary to:

31
32 (1) Bring the document into compliance with any legal or regulatory requirements,
33 regardless of benefit changes.

34
35 (2) Adjust plan document language to provide clarification of an existing provision or
36 to conform the document to an approved ordinance.

37
38 All other plan document amendments shall be brought before the human
39 resources committee of the county board for review and forwarded with a
40 recommendation to the full county board for action.”

41
42 **PART IV: That section 15-503 of the Walworth County Code of Ordinances is hereby**
43 **amended to read as follows (additions are underlined; deletions are shown in strike-**
44 **through text):**

1 **“Sec. 15-503. Plan administrator.**

2
3 The ~~deputy county administrator—finance~~ human resources director shall be the plan
4 administrator for employee benefit plans. The plan administrator shall be responsible for
5 complying with federal and state regulations and shall have the discretionary authority to
6 determine eligibility for benefits and to interpret the plan's terms. The ~~deputy county~~
7 ~~administrator—finance’s~~ human resource director’s decision may be appealed, subject to the
8 appeal process under each benefit plan.”
9

10 **PART V:** That this ordinance shall become effective upon passage and publication.

11
12 **PASSED and ADOPTED** by the Walworth County Board of Supervisors this 12th day of
13 November 2014.
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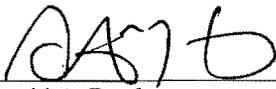
19 _____
20 Nancy Russell
21 County Board Chair

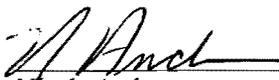
Kimberly S. Bushey
Attest: County Clerk

22
23 **County Board Meeting Date:** November 12, 2014
24

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

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

 11/4/14
David A. Breil Date
County Administrator/Corporation Counsel

 11/4/14
Nicole Andersen Date
Deputy County Administrator-Finance

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

Ordinance No. 900-11/14
Fiscal Note and Policy Impact Statement

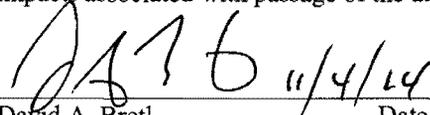
- I. Title:** Amending Chapter 15 of the Walworth County Code of Ordinances Relating to Updates to Various Position Titles
- II. Purpose and Policy Impact Statement:** The purpose of this ordinance amendment is to update the Code with respect to various references to certain positions.
- III. Is this 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: Human Resources Committee Date: October 22, 2014

Vote: 5-0

County Board Meeting Date: November 12, 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.



David A. Bretl Date
County Administrator/Corporation Counsel



Nicole Andersen Date
Deputy County Administrator-Finance

ORDINANCE NO. 901 – 11/14

AMENDING SECTION 15-810 OF THE WALWORTH COUNTY CODE OF ORDINANCES RELATING TO DRUG OR ALCOHOL TESTING

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

3
4 PART I: That section 15-810 of the Walworth County Code of Ordinances is hereby
5 amended to read as follows (additions are underlined; deletions are shown in strike-
6 through text):

7
8 “Sec. 15-810. Drug or alcohol testing.

9
10 (c) An employee ~~may~~ shall be required to complete drug and alcohol testing
11 immediately following an on-the-job accident or when the employee reports a work-related
12 injury that results in any one of the following:

13
14 (1) Property damage in an amount in excess of \$500;

15
16 (2) A fatality or personal injury requiring treatment by a medical practitioner or provider
17 ~~where the injury may result or actually results in lost time other than the day of injury;~~

18
19 (3) Two or more accidents in a twelve month period regardless of the amount of
20 property damage or extent of injury; or

21
22 (4) An accident which is preventable or otherwise attributed to the conduct of an
23 employee without regard to the amount of damage or extent of injury.

24
25 (d) An employee will be required to undergo a drug/alcohol test whenever the county
26 has reason to believe that the employee is using drugs or is under the influence or impaired by
27 alcohol. The substance abuse policy outlines the criteria/indicators that meet the threshold for a
28 reasonable cause test.”

29
30 PART II: That this ordinance shall become effective upon passage and publication.

31
32 PASSED and ADOPTED by the Walworth County Board of Supervisors this 12th day of
33 November 2014.

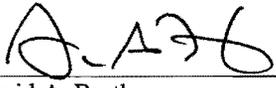
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38 _____
39 Nancy Russell
County Board Chair

Kimberly S. Bushey
Attest: County Clerk

County Board Meeting Date: November 12, 2014

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

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

 11/4/14
Date
David A. Bretl
County Administrator/Corporation Counsel

 11/4/14
Date
Nicole Andersen
Deputy County Administrator-Finance

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

Ordinance No. 901-11/14
Fiscal Note and Policy Impact Statement

I. Title: Amending Section 15-810 of the Walworth County Code of Ordinances Relating to Drug or Alcohol Testing

II. Purpose and Policy Impact Statement: The purpose of this ordinance amendment is to update the Code to reflect current practice with respect to post accident drug and alcohol testing. If an employee is involved in an on-the-job accident resulting in a fatality or personal injury requiring treatment by a medical practitioner or provider, the employee is subject to drug and alcohol testing regardless of whether or not the injury results in lost time.

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: Human Resources Committee Date: October 22, 2014

Vote: 5-0

County Board Meeting Date: November 12, 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.

 11/4/14

David A. Bretl Date
County Administrator/Corporation Counsel

 11/4/14

Nicole Andersen Date
Deputy County Administrator-Finance

ORDINANCE NO. 902 – 11/14

AMENDING SECTION 15-142 OF THE WALWORTH COUNTY CODE OF ORDINANCES RELATING TO TEMPORARY STAFFING AGENCIES

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

3
4 **PART I: That section 15-142 of the Walworth County Code of Ordinances is hereby**
5 **amended to read as follows (additions are underlined; deletions are shown in strike-**
6 **through text):**

7
8 **“Sec. 15-142. Temporary staffing agencies.**

9
10 (a) A department head may supplement the work force by purchasing services
11 through a temporary staffing agency. The worker selected through the staffing agency may not
12 be an employee of the county.

13
14 (b) All requests for temporary staff hired from a staffing agency must be approved by
15 the Human Resources Director.

16
17 ~~(b)~~ (c) It is the responsibility of the department head to execute a written contract with
18 the agency and to comply with county financial policies. The contract with the staffing agency
19 shall be subject to review by the corporation counsel and the contract shall require that the
20 staffing agency assume all employer liability for the worker and comply with county equal
21 employment opportunity and affirmation action policies.

22
23 ~~(e)~~ (d) The human resources department shall maintain a resource listing of temporary
24 staffing agencies and shall, upon request, assist department heads in securing temporary staffing
25 services.”

26
27 **PART II: That this ordinance shall become effective upon passage and publication.**

28
29 **PASSED and ADOPTED** by the Walworth County Board of Supervisors this 12th day of
30 November 2014.

31
32
33
34
35
36 _____
37 Nancy Russell
38 County Board Chair

36 _____
37 Kimberly S. Bushey
38 Attest: County Clerk

39 **County Board Meeting Date:** November 12, 2014

Ordinance No. 902-11/14
Fiscal Note and Policy Impact Statement

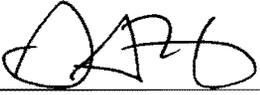
- I. Title:** Amending Section 15-142 of the Walworth County Code of Ordinances Relating to Temporary Staffing Agencies
- II. Purpose and Policy Impact Statement:** The purpose of this ordinance amendment is to require the approval of the Human Resources Director for the use of temporary staff.
- III. 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: Human Resources Committee Date: October 22, 2014

Vote: 5-0

County Board Meeting Date: November 12, 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.



David A. Bretl Date 11/4/14
County Administrator/Corporation Counsel



Nicole Andersen Date 11/4/14
Deputy County Administrator-Finance

ORDINANCE NO. 892 – 11/2014

AMENDING SECTION 26-301 OF THE
WALWORTH COUNTY CODE OF ORDINANCES RELATING TO
NONMETALLIC MINING RECLAMATION

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS
FOLLOWS:

1 PART I: That section 26-301 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 **“Section 26- 301. Review of Nonmetallic Mining Reclamation Permit Decision.**

5 Any permitting decision or action made by the county under this article may be reviewed as set forth
6 in this section. Notwithstanding Wis. Stats. § 68.001, 68.03(8) and (9), and 68.10(1) (b), any person
7 who meets the requirements of Wis. Stats. § 227.42(10), may request ~~obtain a contested case~~
8 ~~hearing~~ a hearing under Wis. Stats. §68.11, on the county’s decision to issue, deny, modify or take
9 action affecting a nonmetallic mining reclamation permit or compliance with the same using the
10 following procedures.
11

- 12 1. **Request for hearing on a permit decision.** The appellant or the person aggrieved by
13 the approval, modification or denial of a Nonmetallic Mining Reclamation Permit shall
14 submit a written request for an administrative hearing within 30 days of notice of the
15 permit determination to the Director of Walworth County Land Use and Resource
16 Management Department, (the “Department”). The appellant and/or the Department may
17 request the opinion of the Wisconsin Department of Natural Resources in this dispute
18 pursuant to NR 135.53(3).
19

20 (a) The request shall state the ground or grounds upon which the person aggrieved
21 contends the permit decision, or other action, such as suspension or revocation,
22 should be modified or reversed. The person aggrieved shall file written evidence or
23 argument in support of their position.
24

25 (b) The request shall include a hearing fee.
26

- 27 2. **Administrative Hearing on a Nonmetallic Mining Reclamation Permit Decision**
28

29 (a) If such a hearing is requested, the Director of the Walworth County Land Use and
30 Resource Management Department will notify the Walworth County Land
31 Conservation Committee of the request and their responsibilities for conducting an
32 administrative hearing of permit determination, if requested by the Appellant. The
33 Walworth County Land Conservation Committee, (the “Committee”) will determine
34 if the Committee will hear the appeal of the permit decision or designate an
35 impartial person, (the “ Designee”) to conduct the hearing. The Committee or its
36 Designee shall render a decision in consideration of the facts of the appeal

1 procedures inherit to the reclamation permit decision making process. Furthermore,
2 the Committee or its Designee may consider information concerning permit
3 enforcement actions, such as suspension or revocation as well as other enforcement
4 taken to ensure compliance with the reclamation permit process and the Walworth
5 County Nonmetallic Mining Reclamation Ordinance.

6
7 (b) Time of Hearing. The hearing shall be conducted within 15 days of the receipt of the
8 request for a hearing from the appellant. The time of the hearing may be extended by
9 agreement with appellant and the Director of the Walworth County Land Use and
10 Resource Management Department.

11
12 (c) Conduct and Record of the Hearing. The hearing shall be conducted pursuant to
13 68.11(2) of the Wis. Stat. The person or board conducting the hearing shall record
14 the hearing consistent with 68.11(3)

15
16 **3. Final Determination of a Nonmetallic Mining Reclamation Permit Decision.**

17 Within 20 days of completion of the hearing and the filing of any briefs, the decision maker
18 shall review the record of the hearing and mail or deliver to the appellant a written final
19 determination of a nonmetallic mining reclamation permit decision and reasons therefor.

20
21 **4. Judicial Review of a Final Determination of a Nonmetallic Mining Reclamation**
22 **Permit Decision.**

23 The Appellant may seek judicial review within 30 days of receipt of the final determination
24 of a nonmetallic mining reclamation permit. The Walworth County Circuit Court may affirm
25 or reverse the final determination of a permit decision or remand to the decision maker
26 further proceedings consistent with the court's decision.

27
28 **PART II:** That this ordinance shall become effective upon passage and publication.

29
30 **PASSED and ADOPTED** by the Walworth County Board of Supervisors this 12th day of
31 November 2014.

32
33
34 _____
35 Nancy Russell
36 County Board Chair

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

37 County Board Meeting Date: November 12, 2014

38 Action Required: Majority Vote 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:

DA70 11/4/14
David A. Bretl Date
County Administrator/Corporation Counsel

N Andersen 11/4/14
Nicole Andersen Date
Deputy County Administrator - Finance

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

Ordinance No. 892 - 11/2014
Fiscal Note and Policy Impact Statement

- I. **Title:** Amending Section 26-301 of the Walworth County Code of Ordinances relating to Nonmetallic Mining Reclamation.
- II. **Purpose and Policy Impact Statement:** The Land Conservation Committee submitted a request to amend the nonmetallic mining reclamation ordinance to clarify the administrative review process on a County decision to issue, modify or deny a nonmetallic mining reclamation permit.
- 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: Land Conservation Committee

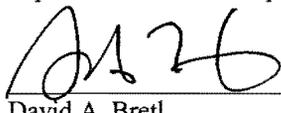
Date: October 20, 2014

Vote: 5 - 0

County Board Meeting Date: November 12, 2014

1

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.

 11/4/14
Date

David A. Bretl
County Administrator/Corporation Counsel

 11/4/14
Date

Nicole Andersen
Deputy County Administrator - Finance

Resolution No. 47-11/14

Rescinding Resolution No. 27-09/14 Which Accepted a Donation from the Kikkoman Corporation of an 11,000 Gallon Storage Tank for the Purpose of Applying Waste Salt Brine to County Roads.

1 Moved/Sponsored by: Public Works Committee
2

3 **WHEREAS**, Resolution No. 27-09/14 approved the acceptance of the donation of an 11,000
4 Gallon Storage Tank for Public Works Operations as part of a pilot project to reuse Kikkoman's
5 waste salt brine as a road deicing salt additive; and,
6

7 **WHEREAS**, subsequent to the passage of Resolution No. 27-09/14, the Walworth County
8 Public Works Committee met on October 20, 2014 and has recommended to the Walworth
9 County Board of Supervisors the rescinding of the acceptance of this donation primarily due to
10 concerns about the effect of the waste salt brine on the environment.
11

12 **NOW, THEREFORE, BE IT RESOLVED** by the Walworth County Board of Supervisors that
13 Resolution No. 27-09/14 be and hereby is rescinded.
14
15

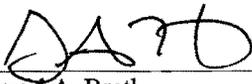
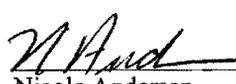
16 _____
17 Nancy Russell
18 County Board Chairperson
19

Kimberly S. Bushey
County Clerk
20

21 County Board Meeting Date: November 12, 2014
22

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

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

	<u>11/4/14</u>		<u>11/4/14</u>
David A. Bretl	Date	Nicole Andersen	Date
County Administrator/Corporation Counsel		Deputy County Administrator - Finance	

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

