



WALWORTH COUNTY BOARD OF SUPERVISORS MEETING

TUESDAY, DECEMBER 9, 2014 AT 2:00 P.M.

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

Board of Supervisors

Nancy Russell – Chair
Rick Stacey – Vice-Chair

A G E N D A – AMENDED DECEMBER 2, 2014

Call to Order

Pledge of Allegiance

Invocation

- Rick Stacey, Walworth County Board Supervisor, District #2

Roll Call

Withdrawals from Agenda, if any

Approval of the Agenda

Approval of the Minutes

Pgs. 1-6

- November 12, 2014 County Board Meeting

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

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

Special Order of Business

Pgs. 7-11

- Silver Water Star Community Award – Water Star Wisconsin – Andy Yench, Natural Resource Educator, University of Wisconsin Cooperative Education
- Recognizing certain retiring county employees for their service to Walworth County
 - Sheriff David Graves (Due to a conflict, Sheriff Graves will be recognized at the January 13, 2015 County Board meeting)
 - Linda Seemeyer, Director of Health and Human Services
 - Louise “Lou” Olson, Deputy Director of Land Use and Resource Management
 - Dr. David Thompson, Deputy Director of Health and Human Services (Subject to approval by the Executive Committee on December 9, 2014)
- Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting Award for Fiscal Year ended December 31, 2013

Appointments/Elections

Pgs. 12-15

1. Genoa City Public Library Board
 - Geraldine Wuttke
 - Karen Buchs(Recommended by the Executive Committee 5-0)

Pgs. 16-17

2. Delavan Aram Public Library Board
 - Gail Pachucki (Recommended by the Executive Committee 5-0)

Pgs. 18-19

3. Transportation Coordinating Committee
 - Ken Sathern (Recommended by the Executive Committee 5-0)

Pg. 20

4. East Troy Lions Public Library Board
 - Dr. Philip Taugher – Three-year term to begin upon confirmation and end on December 31, 2017 (Recommended by the Executive Committee 5-0)

Communications and Matters to Be Referred

2a-Pgs. 21-36

2b-Pgs. 37-39

2c-Pgs. 40-82

2d-Pgs. 83-108

1. Claims Received After Agenda Mailing
2. Claims: a) Intervenor's Notice of Motion and Motion to Permit Inspection and Testing of Potter Pit by Environmental Design International, Inc. – In re: B.R. Amon & Sons, Inc., Amon & Sons, Inc., Amon Land Company, LLC, Lake Mills Blacktop, Inc., Assignors; b) Notice of Receiver's Motions for Entry of an Order Approving Fifth Extension of Financing Agreement, Order Authorizing Receiver to Borrow Funds or Use Cash Collateral and to Grant Additional Liens and Security Interests, and Final Order Authorizing Receiver to Borrow Funds or Use Cash Collateral and to Grant Additional Liens and Security Interests, Order Extending Time for the Receiver to File the Settlement of Receiver's Accounts, and Order Approving the Sale of Certain Assets to Dmytro Petriv and Nadiya Babyak, With All Liens, Claims and Encumbrances Attaching to the Proceeds of Sale – In re: B.R. Amon & Sons, Inc., Amon & Sons, Inc., Amon Land Company, LLC, Lake Mills Blacktop, Inc., Assignors; c) Receiver Ronald M. Carlson, Esq., Forseti Consulting, LLC, and Southwind RAS, LLC's Response to Intervenor's Notice of Motion and Motion to Permit Inspecting and Testing of Potter Pit by Environmental Design International, Inc., In re: B.R. Amon & Sons, Inc., Amon & Sons, Inc., Amon Land Company, LLC, Lake Mills Blacktop, Inc., Assignors; d) Summons and Complaint - Geneva National Community Association, Inc. and Geneva National Condominium Master Association, Inc., Plaintiffs, vs. Daniel J. Church, Jr., Stephanie L. Church, County of Walworth, Citizens Bank of Mukwonago, State of Wisconsin Department of Workforce Development, State of Wisconsin Department of Revenue, and United States of America-Internal Revenue Service, Defendants (To be referred to the Executive Committee)

Pg. 109

3. Correspondence from the Town of Troy regarding the settlement of special assessments and charges with the municipalities (To be referred to the Finance Committee)

Pg. 110

4. Report of the County Clerk Regarding Communications Received by the Board and Recommended to be Placed on File
5. Report of the County Clerk Regarding Communications Received by the Board After the Agenda Mailing

Pg. 111

6. Report of the County Clerk Regarding Zoning Petitions (To be referred to the County Zoning Agency)

Unfinished Business

New Business

Reports of Standing Committees

County Zoning Agency Report of Proposed Zoning Amendments

Pgs. 112-115

1. Ord. No. 908-12/14 – Amending Section 74-131 of the Zoning Ordinance and Section 74-263 of the Shoreland Zoning Ordinance, Walworth County Code of Ordinances Relative to Lodging Facilities, Rent and Transient – *Vote Required: Majority* (Recommended by the County Zoning Agency 7-0)
Amendment to Section 74-131 of the Zoning Ordinance and Section 74-263 of the Shoreland Zoning Ordinance, Walworth County Code of Ordinances relative to lodging facilities, rent and transient – Approved: 7-0 (November 20, 2014 County Zoning Agency Hearing)

Pgs. 116-117

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 acres per dwelling) land use category – Approved: 6-1 (November 20, 2014 County Zoning Agency Hearing)
3. ML Group, LLC – Cindy Lycholat, Applicant, Section 13, Sugar Creek Township. Rezone approx. 10.78 acres of A-2 and B-2 to C-4 and C-1 in addition to a rezone approx. .26 acres of A-2 to B-2 – Approved: 7-0 (November 20, 2014 County Zoning Agency Public Hearing)
4. James Stowell – Owner/Applicant, Section 27, Spring Prairie Township. Rezone approx. 2.66 acres of A-4 to A-5 – Approved: 7-0 (November 20, 2014 County Zoning Agency Public Hearing)

Executive Committee

Pgs. 118-119

1. Ord. No. 903-12/14 – 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 Executive Committee 5-0 and the Health and Human Services Board 8-0)

Pgs. 120-122

2. Ord. No. 904-12/14 – Creating Section 2-456 of the Walworth County Code of Ordinances Relating to Records Retention and Legal Holds on Destruction of Records – *Vote Required: Two-thirds* (Recommended by the Executive Committee 5-0)

Pgs. 123-125

3. Ord. No. 905-12/14 – Amending Section 2-235 of the Walworth County Code of Ordinances Relating to a Transportation Coordinating Committee – *Vote Required: Two-thirds* (Recommended by the Health and Human Services Board 7-0 and the Executive Committee 5-0)

Pgs. 126-137

4. Res. No. 51-12/14 – Adopting the Walworth County Natural Hazards Mitigation Plan: 2014-2018 Five-Year Update – *Vote Required: Majority* (~~Recommended by the Executive Committee 5-0~~) To be referred to the Executive Committee
5. Res. No. 56-12/14 – Extending the Employment Contract of County Administrator David A. Bretl – *Vote Required: Majority* (Recommended by the Executive Committee 5-0)

Pgs. 138-140

6. Res. No. 57-12/14 – Extending the Employment Contract of Michael Cotter for Performing the Duties of Deputy Corporation Counsel – *Vote Required: Majority* (Recommended by the Executive Committee 5-0)

Finance Committee

- Pgs. 141-151** 1. Ord. No. 906-12/14 – Amending Chapter 17 of the Walworth County Code of Ordinances to Meet Procurement Standards for Federal Awards – *Vote Required: Majority* (Recommended by the Finance Committee 5-0)
- Pgs. 152-154** 2. Ord. No. 907-12/14 – Amending Sections 30-260 and 30-262 and Creating Section 30-265 of the Walworth County Code of Ordinances Relating to Asset Policy – *Vote Required: Majority* (Recommended by the Finance Committee 5-0)
- Pgs. 155-157** 3. Res. No. 52-12/14 – Authorizing Addition to the Previously Established Pre-Approved Recurring Grants List Relative to the Wisconsin Department of Veterans Affairs County Transportation Services Grant – *Vote Required: Majority* (Recommended by the Finance Committee 5-0)
- Pgs. 158-159** 4. Res. No. 54-12/14 – ~~Authorizing Use of Contingency Fund Balance to Raze House at White River County Park~~ Declaring the House Located at the White River County Park Surplus and Authorizing the Use of Contingency Fund Balance to Raze the Same – *Vote Required: Two-thirds* (Recommended by the Park Committee 5-0; the Finance Committee will consider this resolution at a special meeting prior to the December 9, 2014 County Board meeting)

Human Resources Committee

- Pgs. 160-172** 1. Res. No. 49-12/14 – Adopting 2015 Pay Ranges for Certain Non-Represented Hourly Employees and Salaried Exempt Employees – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
- Pgs. 173-175** 2. Res. No. 50-12/14 – Adopting 2015 Pay Ranges for Certain Casual Employees – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
3. Res. No. 58-12/14 – Granting a Leave of Absence for Kevin Williams to Serve as Undersheriff – *Vote Required: Majority* (The Human Resources Committee will consider this resolution at a special meeting prior to the December 9, 2014 County Board meeting)
4. Res. No. 59-12/14 – Granting a Leave of Absence for Kurt Picknell to Serve as Sheriff – *Vote Required: Majority* (The Human Resources Committee will consider this resolution at a special meeting prior to the December 9, 2014 County Board meeting)

Land Conservation Committee

- Pgs. 176-177** 1. Res. No. 53-12/14 – Supporting a Change to the “Authorized Representative” Signatory for the Administration of Grant Programs on behalf of the Walworth County Land Use and Resource Management Department – *Vote Required: Majority* (Recommended by the Land Conservation Committee 5-0)

Public Works Committee

- Pgs. 178-180** 1. Ord. No. 909-12/14 – Creating Section 66-200 of the Walworth County Code of Ordinances Establishing Gross Weight Limits on All County Highways in Walworth County for Vehicles Defined as Implements of Husbandry – *Vote Required: Majority* (The Public Works Committee will consider this ordinance at a special meeting prior to the December 9, 2014 County Board meeting)
- Pgs. 181-187** 2. Res. No. 55-12/14 – Approving the Intergovernmental Agreement with the City of Elkhorn regarding the CTH NN Improvements – *Vote Required: Majority* (Recommended by the Public Works Committee 5-0)

Reports of Special Committees

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

Chairperson's Report

Adjournment

Kimberly S. Bushey

Walworth County Clerk

*Supervisors and Committees: Please submit titles for the Tuesday, January 13, 2015 agenda on or before Monday, December 29, 2014.

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

**NOVEMBER 12, 2014
WALWORTH COUNTY BOARD OF SUPERVISORS
MEETING**

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

Roll call was conducted and the following Supervisors were present: Richard Brandl, 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.

Kathy Ingersoll, Walworth County Board Supervisor, District #6, delivered the invocation.

Amendments, Withdrawals, and Approval of Agenda

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

Approval of the Minutes

On motion by Supervisor Brandl, seconded by Supervisor Yvarra, the October 14, 2014 County Board Meeting minutes were approved by voice vote.

On motion by Supervisor Ingersoll, seconded Supervisor Weber, the October 30, 2014 Public Budget Hearing minutes were approved by voice vote.

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

Ted Peters, Director of the Geneva Lake Environmental Agency (GLEA) and resident of Town of Linn, addressed the board regarding the use of soy salt brine as an additive for de-icing roads. He stated he addressed the Public Works Committee expressing his concern regarding the use of this product and its impact on the lakes. He said the GLEA does not have a problem with the Kikkoman Corporation, and they were a strong supporter of Kikkoman pursuing their green tier designation. He encouraged the Board to deny the acceptance of the tank and use of the soy salt brine as an additive.

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 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)
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)
 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)
 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)
 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)
 7. Southeastern Wisconsin Regional Planning Commission’s 2013 Annual Report (To be placed on file)
 8. Report of the County Clerk Regarding Communications Received by the Board and Recommended to be Placed on File
 - There were none.
 9. Report of the County Clerk Regarding Communications Received by the Board After the Agenda Mailing
 - Correspondence from Maureen Duffy in regard to short-term rentals – To be referred to the County Zoning Agency
 - Milwaukee Co. Resolution No. 14-669 Requesting that the Wisconsin Department of Health Services (DHS) respond to the questions posed by the Milwaukee County Aging and Disability Resource Center Governing Board in the form of a presentation and in writing – To be referred to the Health and Human Services Board
 - *Walworth County Aging & Disability Resource Center News*, November 2014 – To be placed on file
 10. Report of the County Clerk Regarding Zoning Petitions (To be referred to the County Zoning Agency)
 - James Stowell, Spring Prairie Township. Rezone approx. 2.66 acres of A-4 Agricultural Related Manufacturing, Warehousing and Marketing District to A-5 Agricultural-Rural Residential District

Unfinished Business

New Business

Reports of Standing Committees

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)

On motion by Supervisor Schaefer, seconded by Supervisor Weber, Items 1 and 3 of the County Zoning Agency Report of Proposed Zoning Amendments were approved as recommended by the County Zoning Agency.

Supervisor Weber offered a motion, seconded by Vice-Chair Stacey, to approve Item 2 of the County Zoning Agency Report of the Proposed Zoning Amendments. Chair Russell relinquished the chair to Vice-Chair Stacey in order to address the board. Chair Russell referred to Page 82 of the meeting packet where it states "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". Chair Russell stated that she cannot see any reason why this property should be zoned for Other Agricultural Rural Residential and Other Open Lands. Chair Russell resumed the chair. Supervisor Kilkenny stated they spent several years on the plan and citizens had plenty of time to provide input, and there was language which provides flexibility in special cases. He said that this item does not appear to be a special case and he does not want to set a precedent. He recommended following Chair Russell's lead and voting no on this item. Vice-Chair Stacey stated to be fair since there was no one present from Land Use and Resource Management, he asked if this item could be referred back to committee or postponed. Supervisor Kilkenny offered a motion, seconded by Vice-Chair Stacey, to refer Item 2 back to the County Zoning Agency. Motion carried.

Executive Committee

1. Res. No. 46-11/14 – Honoring the Service of Bob and Lavonne Webster and the Support the Troops Committee – *Vote Required: Majority* (Recommended by the Executive Committee 5-0)

On motion by Supervisor Weber, seconded by Supervisor Schaefer, **Resolution No. 46-11/14** was approved by voice vote. Chair Russell stated a memorial dedication for the Iraq and Afghanistan troops will follow the last Support the Troops Rally on November 24, 2014. She encouraged everyone to attend.

Finance Committee

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)
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)
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)
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)
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)
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)
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)

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)

On motion by Supervisor Weber, seconded by Supervisor Monroe, Item 1, **Ordinance No. 893-11/14**; Item 2, **Ordinance No. 894-11/14**; Item 3, **Ordinance No. 895-11/14**; Item 4, **Resolution No. 42-11/14**; and Item 5, **Resolution No. 43-11/14**; were approved by voice vote.

Supervisor Schaefer offered a motion, seconded by Supervisor Weber, to approve Item 6, Resolution No. 44-11/14. The budget amendments were discussed at this time. Supervisors had previously received the proposed budget amendments (BA) from the Finance Department.

BA-A: Public Works – Supervisor Weber offered a motion, seconded by Supervisor Brandl, to approve Budget Amendment A, which is to eliminate the request for CTH NN Pedestrian/Bicycle Trail in 2016 of the Capital Improvement Plan (CIP). The county is responsible for the design costs of the project and for 20% of the construction costs. The project design costs have been included as part of the CTH NN road construction costs and the estimated 20% of construction costs are included in the current year CIP. Current budgets will be carried forward, as appropriate, to complete the Pedestrian/Bicycle Trail project. Budget Amendment A was approved by voice vote. Net levy impact: 0.

On motion by Supervisor Weber, seconded by Vice-Chair Stacey, Item 6, **Resolution No. 44-11/14 as amended with the approved budget amendment**, was approved by voice vote. Supervisor Kilkenny requested that his vote be recorded as “No”.

Administrator Bretl stated this is a resolution that would settle an audit for three tax years with the IRS. He said it would be his recommendation that this is a reasonable settlement of the claims going forward. Supervisor Weber offered a motion, seconded by Supervisor Ingersoll, to approve Item 7, Resolution No. 48-11/14. On motion by Supervisor Stacey, seconded by Supervisor Brandl, **Resolution No. 48-11/14** was approved by unanimous consent.

Human Resources Committee

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)
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)
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)
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)
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)
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)

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)

On motion by Supervisor Monroe, seconded by Supervisor Stacey, Item, **Ordinance No. 896-11/14**; Item, 2, **Ordinance No. 897-11/14**; Item 3, **Ordinance No. 898-11/14**; Item 4, **Ordinance No. 899-11/14**; Item 5, **Ordinance No. 900-11/14**; Item 6, **Ordinance No. 901-11/14**; and Item 7, **Ordinance No. 902-11/14** were approved by voice vote.

Land Conservation Committee

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)

On motion by Supervisor Weber, seconded by Supervisor Staples, **Ordinance No. 892-11/14** was approved by voice vote.

Public Works Committee

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)

Supervisor Stacey offered a motion, seconded by Supervisor Staples, to approve Resolution No. 47-11/14. Supervisor Weber stated he received the correspondence from Ted Peters of the GLEA. He questioned how much of an impact the waste salt brine will have on lakes, rivers, and streams, and if the Public Works department is capable of using the waste salt brine in a guarded manner such as in areas away from waterways. He suggested using the product on a trial basis and asked Mr. Peters to report the impact in a couple of years. Joe Kroll, County Engineer, stated from a Public Works standpoint, it would be difficult to use a product in one place and not in another. He expressed concern regarding the ability to measure the impact of the product as they would probably put more resources into it than would be beneficial. He said the Wisconsin Department of Natural Resources (DNR) approved a permit from the Kikkoman Corporation for low hazard waste for five years to recycle this product, and Kikkoman approached the county about the use of this product. Chair Russell stated to her recollection the cost savings of using this product would \$2,000-\$3,000 per year. Supervisor Staples stated when they toured WalCoMet, they were informed that it is difficult for them to get the phosphorous out of the water. Vice-Chair Stacey asked if this waste product was going to be added to the other chemicals used on the roads. Bretl said salt has to be added to the waste brine in order to prevent it from freezing. He said this proposal is based on a report from the DNR and their recommendation, and the county does not have to accept the recommendation.

A roll call vote was conducted. Total votes: 11. Ayes: 6 – Brellenthin, Kilkenny, Stacey, Staples, Yvarra, and Russell; Noes: 5 – Brandl, Ingersoll, Monroe, Schaefer, and Weber; Absent: 0. **Resolution No. 47-11/14** was approved by roll call vote.

Report of Special Committees

There were none.

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

There was none.

Chairperson’s Report

Chair Russell read a letter sent to Supervisor Staples from Ms. Jane Roberts of Delavan regarding the White River County Park and barn. Chair Russell also reminded Supervisors that the December 9, 2014 County Board Meeting will be held at 2:00 p.m.

Adjournment

On motion by Supervisor Weber, seconded by Supervisor Monroe, the meeting was adjourned at 6:44 p.m.

STATE OF WISCONSIN)
) SS
COUNTY OF WALWORTH)

I, Kimberly S. Bushey, County Clerk in and for the County aforesaid, do hereby certify that the foregoing is a true and correct copy of the proceedings of the County Board of Supervisors for the November 12, 2014 meeting.

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



MEMO

Date: November 7, 2014

To: Walworth County Land Conservation Committee
Michael Cotter, Director, LURM
Louise Olson, Deputy Director, LURM

From: Fay U. Amerson, Urban Programs Specialist
Walworth County Land Conservation Division

RE: **Wisconsin Water Star Program - Walworth County Earns A Silver Star!**

The Walworth County Land Conservation Division submitted an Application for consideration and designation as a Water Star Community. This program recognizes communities for their exemplary efforts to protect surface waters and ground water. A fact sheet on the Wisconsin Water Star Community Program is attached to this memo. The Wisconsin Water Star Community Program maintains a Website with additional information, (www.waterstarwisconsin.org)

The Wisconsin Water Star Community application process is lengthy and covers actions related to surface waters, ground water, recreation and education. Completion of the application required the input of the Walworth County Public Works Department, the Walworth County Public Health Department, the Walworth County University of Wisconsin Cooperative Extension Service, the Geneva Lakes Environmental Agency and the Mukwonago River Partnership. Documenting and recording the efforts, programs and actions conducted by each of these departments and organizations resulted in Walworth County earning the designation as a Silver Water Star Community.

I respectfully request the Walworth County Land Conservation Committee accept this award.

Water Star Sponsors

- ✓ Rock River Coalition
- ✓ Town and Country RC&D
- ✓ UW Cooperative Extension
- ✓ Dane County
- ✓ MSA Professional Services
- ✓ UW-Extension Environmental Resources Center
- ✓ Wisconsin Department of Natural Resources
- ✓ Natural Resources Consulting, Inc.
- ✓ Ruekert-Mielke
- ✓ Wisconsin Public Service Commission



Become a Sponsor

- Be a member of the Water Star Steering Committee in good standing, or
- Provide \$500 of in-kind or cash support.

Sponsors will be named in media releases, will be invited to assist with designation ceremonies and will be invited to all events, webinars, and programs. Additionally, the sponsor's name, logo and link will be posted on the Water Star Home Page.

Be a Water Star Endorser

Sign on as an endorser to the program on the Water Star Website. Your name will be added to the website's endorser list and may be used in publicity efforts.

Anyone can endorse whether an individual, municipality, organization or business.

For More Information

www.waterstarwisconsin.org

or call Suzanne Wade, UW-Extension
Rock River Basin Educator and
Water Star Coordinator at 920-674-8972 or
by email to waterstar@rockrivercoalition.org



*Guiding, inspiring
and recognizing
municipalities for
exemplary efforts in:*

- **Surface Water**
- **Groundwater**
- **Recreation**

Register your municipality
and find out if you are a:

- ★ **GOLD** Water Star Community
- ★ **SILVER** Water Star Community
- ★ **BRONZE** Water Star Community

www.waterstarwisconsin.org



The Water Star Community Program

Wisconsin is blessed with abundant waters. Our lakes, streams and wetlands play a key role in our residents' quality of life and the health of our economy, yet regulations to protect these resources often meet only minimum water quality standards. More must be done to ensure that future generations can continue to enjoy the state's water resources for drinking and as places to swim and fish.

Water Star is designed to honor municipalities who do outstanding work to provide their communities with safe and abundant groundwater; lakes and streams protected from polluted runoff; maintain and enhance desirable aquatic habitats; and provide appropriate recreational opportunities for their citizenry.



Starting on the 40th anniversary of Earth Day, Water Star will celebrate the work that top municipalities of all sizes do to protect and improve their water resources.

Meeting today's groundwater and surface water needs is a tremendous challenge. Many communities have engaged in thoughtful planning, have committed significant resources and have worked through tough decision-making processes to accomplish this.

Water Star believes municipalities who meet these challenges should be thanked and celebrated.



Why Become a Water Star Community?

First, to be publicly recognized for your good work through designation ceremonies and local and state-wide media releases.

Second, to promote your community as a responsible unit of government and a good place for people to live and businesses to locate and thrive.

Water Star Communities will receive:

- A certificate proclaiming them a Water Star Community.
- One entrance sign for their community with more available for a fee.
- Electronic files of the logo and other promotional materials for their website and for print materials.
- A listing as a Water Star Community on the Water Star website.
- Guidance on how to improve their ratings and move up the Water Star rankings.

Who Can Become a Water Star Community?

Water Star is designed for all types of municipalities including cities, villages, counties and towns.

We recognize that larger villages, cities and towns may have an easier time meeting the requirements to be designated a Water Star. The Water Star Steering Committee is interested in working with smaller and more rural municipalities to make this program work well for them.

Minimum Requirements

- The municipality cannot be in default of any permits, or have a history of being in default of its stormwater, wastewater or public water supply permits.
- It cannot have a history of land use decisions that conflict with its own groundwater or surface water protection goals.
- A Water Star Community must write at least one success story highlighting its accomplishments prior to recertification.

Water Star Certification must be renewed every three years.

Recognizing the Differences in Wisconsin Municipalities

Every municipality is different. Municipal groundwater might be abundant, scarce or have natural or human-generated contaminants. One municipality might have an abundance of surface water resources and another limited. Counties don't run wastewater treatment plants and some cities don't have public water utilities.

Water Star recognizes these differences. The online application form will allow each municipality to only answer questions that apply to its situation and the final score is based on a percentage of possible points.

If a municipality has a unique issue or has worked in an unusual way to protect its natural resources, it will be able to add this action and might qualify for a score adjustment.



The Importance to Wisconsin of Water Star

Many facets add up to make a community a Water Star. The three basic components of the Water Star Program and why they're important to Wisconsin are:



Surface Water

Quality: Many Wisconsin lakes, rivers and streams suffer from degraded water quality. Reducing polluted runoff is critical to halting the decline of water quality and in protecting high-quality waters. Additionally, keeping pollutants out of water is cheaper and better than trying to remove it later. Clean surface waters play a key role in human health, recreation and local economies;



making municipalities better places for people to live and businesses to succeed.

Quantity: Historically, only 4% of rain water ran off into lakes, streams and rivers. Now, in urban areas, more than 35-80% runs off with great speed and force greatly impacting our aquatic environments. Even in rural areas water runs off much quicker than it did in the past due to ditching and tiling.

Habitat: Drained wetlands, straightened streams, concrete drainage ways, sedimentation, dredging and the removal of shoreline vegetation and in-water woody debris have severely degraded fish and wildlife habitat throughout Wisconsin.



Groundwater

Quality: Human-generated and natural contaminants impact drinking water in many areas of Wisconsin. Actions can be taken to protect drinking water quality, and where the contamination is naturally occurring, to protect the consumers of that water.

Quantity: Wisconsin is a water-rich state, but in some areas there is a shortage of groundwater either due to excess pumping or due to naturally low water bearing rock. When shortages occurs, human use must be adjusted to safeguard streams, wetlands or springs.



Recreation

A healthy community provides recreational opportunities for its citizenry while protecting the natural resources that people enjoy and desire.

How to Apply

Starting April 22, 2010, a municipality can register and begin the application process.

Since the application covers all aspects of municipal government, we've set up the application so different people can fill in different parts of the survey. Thus the public works, planning or parks director can complete their portion of the application when it's convenient for them.

The application is expected to take about 2.5 hours to complete in total.

Once completed, the municipality will receive a preliminary computer-generated rating. The computer will notify the Water Star Coordinator who will ensure that the application meets the minimum requirements and will contact the municipality to inform them of the final results.

If the applicant meets Gold Water Star standards, a random audit of the actions will be performed to ensure that the application truly meets this standard.

A Water Star Designation Ceremony will be scheduled with a Water Star Sponsor presenting the Water Star Certificate and the aluminum entry sign to the new Water Star Community.

Actions Ranked and Prioritized

Water Star is composed of more than 130 actions, many with sub-actions, organized under municipal department headings such as public land management or drinking water utilities. Each action or sub-action is given a rating of Critical, Important or Enhancement depending on how directly it impacts the resource.

Each action is also given a point scale depending on the amount of time and resources required to implement the action.

The municipality will answer questions with a *yes*, *do not do* or *not applicable*. There is generally a sliding scale for *yes* answers allowing credit for moving toward full completion of the action.

Graphic design by Jeffrey J. Strobel, UW-Extension Environmental Resources Center.
Photos by Suzanne Wade, Jeffrey J. Strobel, Sarah Traaholt, Kris Stepenuck, Lisa Conley, Peggy Compton, Bob Korth and Roger Blarnerman.



Walworth County Earns a Silver Star

The Wisconsin Water Star Program recognizes Wisconsin municipalities and counties who do exemplary work in the protecting and managing ground water and surface waters. Communities that complete that application process are evaluated in 10 major program areas covering 130 actions that positively impacts surface waters, ground water and recreation. Walworth County completed the Wisconsin Star Community Program Application and was awarded a Silver Star.

Walworth County achieved a **Silver Star** for the undertaking the following actions:

- Presentations on Walworth County's lakes, streams, groundwater and wetlands to the adult community are delivered more than 3 times a year.
- Natural resource management plans are posted on the County website.
- Workshops are conducted annually on natural landscaping, invasive species, rain gardens and composting.
- Demonstration sites for rain garden, natural shorelines and other stormwater management practices are established.
- Information is distributed regularly to waterfront property owners on shore management and regulations
- The public is informed about aquatic invasive species at boat launches to promote the "Clean Boats, Clean Lakes and Water" effort.
- A County-wide program for collecting hazardous wastes, electronic wastes, prescription drugs, mercury-containing household products and motor oil is available.
- Volunteers are recruited to clean streambanks and roadsides.
- Curriculum and training is provided to teachers on an annual basis on water issues.
- Water-themed hands-on exercises and presentations are provided to schools.
- Residential and commercial development are prohibited in floodplains.
- Beaches are monitored for bacteria.
- Well testing and result education offered to residents.
- Large networks of environmental corridor have been protected.
- A County Park and Open Space Plan has been adopted and advanced.
- Technical assistance is provided to help developers and engineers design storm water management practices.
- Conservation design subdivision standards were adopted.
- Construction site erosion control and stormwater management ordinance are adopted and enforced.
- A street sweeper has been acquired and is used on a regular basis.
- Staff is sent to relevant technical training on storm water management.
- Staff is funded to educate farmers on conservation methods and nutrient management plan development.
- A septic tank inspection and maintenance program is sponsored by the County.
- Large blocks of agricultural land are protected.
- County staff partner with local non-profit conservation organizations to protect natural resources.
-

Contributors to the Water Star Community application included:

Peg Reedy, Agricultural Agent, Walworth County UW-Cooperative Extension

Chrissy Wen, Horticulture Educator, Walworth County UW-Cooperative Extension

Kevin Brunner, Director of Central Services, Walworth County Public Works Department

Erica Bergstrom, MPH, Environmental Health Specialist, Walworth County Public Health Department

Fay Amerson, Urban Conservation Specialist, Walworth County Land Use and Resource Mgt. Dept.

Geneva Lakes Environmental Agency, (Ted Peters)

Mukwonago River Partnership



Walworth County Earns a Silver Star

How Can Walworth County Earn a Gold?

Walworth County's current Water Star Community Application received a score of 57% and earned a Silver Star. **A score of 65% is required to earn a Gold Star.**

The Walworth County Land Conservation Committee requested a list of actions that will earn Walworth County a Gold Star for the Wisconsin Water Star Program. Adopting some of the following actions by Walworth County will help achieve a Gold Star.

- Adopting a formal policy requiring the use of environmentally friendly cleaning products or services where possible and remind staff about this policy.
- Providing easily accessible drinking water reports to elected officials and the general public.
- Sponsoring water resource tours for elected officials, local business leaders or the general public.
- Sponsoring an annual water-focused educational event, such as a lake faire, water forum or conference.
- Providing an incentive program encouraging homeowners to install water conservation practices.
- Sponsoring an award or appreciation program recognizing businesses, organizations, or residents who adopt water conservation, stormwater or habitat improvement practices.
- Sponsoring a program encouraging residents to reduce water use protect water resources through pledges, challenges or contests.
- Implementing spill pads with barriers and controls for mixing and handling chemicals.
- Provide training on ground water protection and storm water management to employees and contractors responsible for maintaining County parks and landscaping.
- Restoring County-owned stream corridors to native vegetation and natural hydrology.
- Implement an invasive species management plan on County-owned land that includes controlling aquatic invasive species.
- Identify culverts that obstruct fish migration and install fish friendly culverts.
- Sponsor/fund wetland restoration or rehabilitate projects.
- Study current and future groundwater with draws on nearby surface waters.
- Set a groundwater budget for each watershed in County,
- Have a program to permanently protect open space, farmland, groundwater recharge areas or wellhead protection areas.
- Reduce hurdles or provide permit streamlining or incentives for development on brownfields or grey fields.
- Provide businesses or industry with incentives for installing best management practices that exceed regulations.
- Have a program to promote water conservation among businesses and industries.
- Promote the Green Tier Program.
- Join the Ground Water Guardian Green Sites program or other similar programs.
- Conducting water conservation audits on County-owned facilities.
- Promote green infrastructure in new street design.
- Use a lake or river classification system as a basis for shoreland zoning requirements.
- Promote proper road salt use and storage workshops for property owners and personnel who plow or de-ice private properties.
- Promote events that encourage non-motorized water recreation.
- Establish an "adopt a lake, river or stormwater pond" program.
- Have a program to conduct storm water runoff audits for private property owners.
- Post signs on bridges identifying local rivers and creeks.
- Have a means to notify the public regarding manure or chemical spills, blue-green algae blooms and other discharges.

Nomination for Committee/Board/Commission Appointment

Committee: Genoa City Public Library

Nominee: Geraldine Wuttke

Address: N613 County Road B

Genoa City, WI 53128

Submitted by: David Bretl, County Administrator

Authority: Section 59.18, Wisconsin Statutes

Who will the nominee replace? _____

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

Was this vacancy advertised? _____

Comment Ms. Wuttke would be appointed to serve as an additional county representative,

fulfilling two of three positions the county is authorized to appoint pursuant to Wis. Stat.

Sec. 43.60.

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

For incumbents, committee attendance, if known:

WALWORTH COUNTY
NOTICE OF INTEREST TO SERVE AS A CITIZEN REPRESENTATIVE

Name: GERALDINE WUTKE

Date: 11-10-14

Mailing Address: 1613 CO. B

Phone: 262-279-3283

GENOA CITY
WI. 53128

I reside in: the Town of BLOOMFIELD

the Village of _____

the City of _____

Please consider me for appointment to: _____

GENOA CITY LIBRARY BOARD

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

I'd like to have the library
serve all its citizens

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

I have been a library board
member for Bloomfield since the 1970's

Check one of the following:

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

I am not a resident of Walworth County.

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

Geraldine Wutke 11-10-14
Signature of Applicant Date

Feel free to attach any additional documentation to this form.

Nomination for Committee/Board/Commission Appointment

Committee: Genoa City Public Library

Nominee: Karen Buchs

Address: W1582 Highway B

Genoa City, WI 53128

Submitted by: David Bretl, County Administrator

Authority: Section 59.18, Wisconsin Statutes

Who will the nominee replace? Nobody. There is a vacancy to fill.

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

Was this vacancy advertised? _____

Comment Ms. Buchs would serve on the library board as a county representative.

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

For incumbents, committee attendance, if known:

WALWORTH COUNTY
NOTICE OF INTEREST TO SERVE AS A CITIZEN REPRESENTATIVE

Name: Karen Buchs Date: 9-18-14

Mailing Address: W1582 Hwy B Phone: 279-5850
Genoa City, WI
53128

RECEIVED

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

SEP 22 2014

WALWORTH COUNTY ADMINISTRATION

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

Genoa City Public Library Board

I am interested in serving as a citizen representative because:

I use the public library frequently and value
what it has to offer. I am happy to volunteer my
time for this important resource.

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

I am a retired teacher, an avid reader and have a
strong interest in literary fiction and children's literature.

Check one of the following:

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

I am not a resident of Walworth County.

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

Karen Buchs 9-18-14
Signature of Applicant Date

Feel free to attach any additional documentation to this form.

Nomination for Committee/Board/Commission Appointment

Committee: Delavan Aram Public Library Board

Nominee: Gail Pachucki

Address: 5646 Parliament Ln.

Delavan, WI 53115

Submitted by: David Bretl, County Administrator

Authority: Section 59.18, Wisconsin Statutes

Who will the nominee replace? Jean Blashfield Black

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

Was this vacancy advertised? _____

Comment Ms. Pachucki will replace Ms. Blashfield Black and serve as a county
representative on the library board.

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

John Boland Jane Walkirch

Linda Zell

For incumbents, committee attendance, if known:

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

Name: GAIL PACHUCKI

Date: 8/19/14

Mailing Address: 5646 PARLIAMENT LN.
DELAVAN, WI 53115

Phone: 262-728-3711

RECEIVED

I reside in: the Town of DELAVAN

AUG 19 2014

the Village of _____

WALWORTH COUNTY ADMINISTRATION

the City of _____

Please consider me for appointment to: DELAVAN PUBLIC
LIBRARY BOARD

I am interested in serving as a citizen representative because: VERY
CONCERNED ABOUT MAINTAINING
LIBRARIES + LITERACY FOR THE
FUTURE.

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

DIRECTOR OF YOUTH SERVICES, 1977-1984 WATERFORD
LIBRARY, 1984-2002 LAKE GENEVA LIBRARY

Check one of the following:

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

I am not a resident of Walworth County.

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

Gail Pachucki
Signature of Applicant

8/19/14
Date

Feel free to attach any additional documentation to this form.

Nomination for Committee/Board/Commission Appointment

Committee: Transportation Coordinating Committee (TCC)

Nominee: Ken Sathern

Address: N2270 State Road 67, Apt. 4D/P.O. Box 948
Walworth, WI 53184

Submitted by: David Bretl, County Administrator

Authority: Section 59.18, Wisconsin Statutes

Who will the nominee replace? _____

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

Was this vacancy advertised? _____

Comment Appointment of Mr. Sathern would fill an additional position being created on the
TCC to serve as an advocate for elderly and disabled citizens.

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

For incumbents, committee attendance, if known:

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

Name: Ken Sathern

Date: July 14, 2014

Mailing Address: PO Box 948 Apt D
Walworth, WI 53184

Phone: 262-275-6510

I reside in: the Town of Walworth
 the Village of
 the City of

Please consider me for appointment to: Walworth County Transportation Coordinating Committee

I am interested in serving as a citizen representative because: I am very interested in transportation options for elders, persons with disabilities and other residents of Walworth County. As past chair of the Aging & Disability Resource Center of Walworth County Governing Board (6/2009 – 6/2014) and past chair/member of the Walworth County Long Term Support Planning Committee for 15+ years I advocated for programs and services. In addition, I served as the representative to the State Long Term Care regional committee. Currently, I serve as Walworth County's consumer member on the regional tri-county Family Care committee. As a consumer of transportation services I believe I will bring first-hand knowledge, experience and ideas to the committee.

Special skills, experience or qualifications I possess related to this appointment are: Involved in advocacy groups in Wisconsin and Illinois. Member of United Cerebral Palsy adult advisory committee and board of directors. I was born with cerebral palsy and my wife was disabled as well.

Check one of the following:

- I am a resident of Walworth County and reside in the appropriate jurisdiction to serve on the board or commission for which I am applying.
- I am not a resident of Walworth County.

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

Keneth Sathern

Signature of Applicant

July 14, 2014

Date

Feel free to attach any additional documentation to this form.

Nomination for Committee/Board/Commission Appointment

Committee: East Troy Lions Public Library

Nominee: Dr. Philip Taugher

Address: N9150 Humphrey Lane

East Troy, WI 53120

Submitted by: David Bretl, County Administrator

Authority: Section 59.18, Wisconsin Statutes

Who will the nominee replace? _____

When did/does the incumbent's current term expire? June 30, 2014 or until a successor is named.

Was this vacancy advertised? _____

Comment Reappointment of Dr. Taugher would be for a term of three years to begin upon County Board confirmation. The East Troy Library Board recommended he be re-appointed.

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

For incumbents, committee attendance, if known:

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: 30404

In re:

AMON LAND COMPANY, LLC,

Assignor.

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

In re:

LAKE MILLS BLACKTOP, INC.,

Assignor.

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

**INTERVENORS' NOTICE OF MOTION AND MOTION TO
PERMIT INSPECTION AND TESTING OF POTTER PIT BY
ENVIRONMENTAL DESIGN INTERNATIONAL, INC.**

TO: Attorneys Representing Parties and Creditors Filing Proof of Claims
(See Attached Service List)

Ronald M. Carlson, Esq., Forseti Consulting, LLC, and
and Southwind RAS, LLC
c/o John L. Maier, Jr., Esq., and Robert T. Van Scoyoc, Esq.
Sweet & Maier, S.C.
114 N. Church Street
P.O. Box 318
Elkhorn, WI 53121

RECEIVED
WALWORTH COUNTY CLERK
2014 NOV 17 AM 10:03

PLEASE TAKE NOTICE that on the 2nd day of December, 2014, at 9:30 a.m., or as soon thereafter as counsel may be heard, Intervenor¹, by their attorneys, Godfrey, Leibsle, Blackburn & Howarth, S.C., will appear before the Honorable Phillip A. Koss, Walworth County Circuit Court Judge, or whomever may then be sitting in his place, at the Walworth County Judicial Center, 1800 County Road NN, Elkhorn, Wisconsin, 53121, and will move the Court, pursuant to Wis. Stat. § 128.01, to permit inspection and testing of the Potter Pit property, which is now under the control of the receiver, by Environmental Design International, Inc. (“EDI”), at Intervenor’s sole cost, pursuant to the procedures and protocols outlined in an EDI proposal dated August 19, 2014. (Flentge Aff.² Ex. A.)

Intervenor is owner of real estate in the Town of LaFayette, Walworth County, Wisconsin, either adjacent to or near the Potter Pit. The Potter Pit is bordered by agricultural land and approximately 3,000 acres of “the best remaining woodlands, wetlands and wildlife habitat in the County,” according to Walworth County’s 2035 Land Use Plan. In recent years, the Potter Pit property has been used as a construction waste material dump site and as an asphalt shingle recycling facility. Large piles of construction waste material have been allowed to accumulate at the Potter Pit site. This construction waste likely includes roofing felt liner, which typically contains asbestos.

The July 17, 2014, conditional use permit issued to the receiver by the Walworth County Zoning Agency permits open air grinding and recycling of construction waste materials. Intervenor seeks to have the construction waste materials currently located at Potter Pit tested

¹Frank and Patricia Eames, Co-Trustees Under the Frank or Patricia Eames Revocable Trust, Polo Park, LLC, and Glenn and Lisa Terry (collectively, “Intervenor”).

²Affidavit of Gary P. Flentge (“Flentge Aff.”), filed herewith.

prior to the commencement of any grinding and recycling activities. Inspection and testing is essential to determine whether environmentally hazardous conditions exist, and the degree, if any, to which Potter Pit is a threat to the environment, and to Intervenors' health.

Permitting Intervenors to conduct testing at the Potter Pit consistent with the procedures outlined in the EDI proposal will not unduly delay or hinder the ability of the receiver to conduct the inspection and testing described in paragraphs 20 and 21 of his motion to allow environmental testing upon receivership property, filed October 22, 2014. EDI can mobilize and have a crew at the Potter Pit to begin the testing process with two to three days advance notice. (Flentge Aff. ¶ 6.) Once EDI has access to the Potter Pit, it can complete its inspection and sampling processes within seven to 10 days. (*Id.*) The remaining analysis of the collected samples will occur off site.

Intervenors request that EDI be permitted to conduct its testing prior to any testing performed by the receiver. The receiver's proposed testing will be conducted in conjunction with operation of an asphalt recycling business, which will include active disturbance of the existing construction waste piles, and the creation of airborne particles through the grinding process. These activities would interfere with the ability of EDI to conduct its testing.

There are significant differences between the receiver's proposed testing procedures and those developed by EDI. (Flentge Aff. ¶ 2.) For example, under the receiver's proposed testing procedures, two samples will be taken from every 250 tons of raw material currently located on the Potter Pit. Under Intervenors' proposed testing, sampling of surface deposits will be performed utilizing a pattern based on a nine-section grid applied to a sampling

area. EDI proposes to take at least five samples per sampling grid, as opposed to the two samples per 250 tons of material proposed by the receiver. (Flentge Aff. ¶ 4.) This will result in a more uniform and comprehensive sampling of the construction waste. (*Id.*)

The receiver's testing is to be "in compliance with current IEPA standards and procedures." (Receiver Mot.3 ¶ 20.a.) The EDI testing will be conducted in accordance with Wisconsin Department of Natural Resources ("WDNR") regulations. The construction waste material in question is located in Wisconsin. IEPA standards are irrelevant. (Flentge Aff. ¶ 3.) The WDNR standards are more strict with respect to what construction waste materials constitute "suspect material" requiring testing. (*Id.*)

Both EDI and the receiver propose to test samples for the presence of asbestos using polarized light microscopy ("PLM"). The EDI proposal, however, goes beyond PLM analysis by including gravimetric reduction protocols, which will enhance the ability to accurately quantify and qualify asbestos. (Flentge Aff. ¶ 5.)

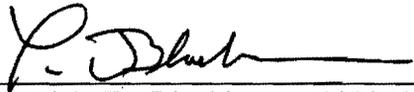
Intervenors have no objection to the receiver's proposal to conduct environmental testing, as long as the testing requested by Intervenors is permitted to be conducted before the commencement of recycling activities at the Potter Pit. (Flentge Aff. ¶ 7.)

WHEREFORE, Intervenors respectfully request that the Court enter an order, pursuant to Wis. Stat. § 128.01, permitting inspection and testing of construction waste material at the Potter Pit by EDI, to be completed before any recycling activities are commenced, at Intervenor's sole cost, and for such other and further relief as the Court may deem just and equitable.

3 Motion to Allow Environmental Testing Upon Receivership Property ("Receiver Mot."), filed October 22, 2014.

Dated this 14th day of November, 2014.

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

By: 

Lisle W. Blackbourn (1003897)

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

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STATE OF WISCONSIN:

CIRCUIT COURT:

WALWORTH COUNTY:

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: 30404

In re:

AMON LAND COMPANY, LLC,

Assignor.

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

In re:

LAKE MILLS BLACKTOP, INC.,

Assignor.

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

AFFIDAVIT OF GARY P. FLENTGE

STATE OF ILLINOIS)
) ss.
COUNTY OF COOK)

GARY P. FLENTGE, being first duly sworn, on oath, deposes and says:

1. I am employed by Environmental Design International, Inc. ("EDI") as Vice President, Industrial Hygiene. I am a licensed environmental health practitioner. I am also a licensed IDPH asbestos and lead professional. I hold additional asbestos and lead licensure in

Michigan, Ohio, and Wisconsin. I have a bachelor of science degree in environmental design from the University of Oklahoma. I have a master's degree in public health from the University of Illinois.

2. I prepared the August 19, 2014, EDI proposal for the sampling and testing of suspect asbestos-containing material at the Potter Pit site in Elkhorn, Wisconsin. A true and accurate copy of my August 19, 2014, proposal, redacted, is attached to my affidavit as Exhibit A.

3. I have reviewed the testing procedures outlined by the receiver in his Motion to Allow Environmental Testing Upon Receivership's Property, filed October 22, 2014. There are significant differences between the receiver's proposed testing procedures and the testing procedures proposed by EDI.

4. The EDI testing will be conducted in accordance with Wisconsin Department of Natural Resources ("WDNR") regulations, because the material to be tested is located in Wisconsin. The receiver proposes to test in compliance with standards adopted by Illinois, which are not relevant in this case. The WDNR regulations are more strict with respect to what types of construction waste constitute "suspect material," requiring testing.

5. Under the EDI testing procedures, sampling of surface deposits will be performed utilizing a grid pattern based on a nine-section grid applied to a sampling area. EDI will take at least five samples per sampling grid, as opposed to the two samples per 250 tons of material proposed by the receiver. This will result in a more comprehensive and uniform sampling of the construction waste.

6. The EDI proposal includes testing samples for the presence of asbestos using both polarized light microscopy and gravimetric reduction protocols, which further enhances the ability to accurately quantify and qualify asbestos.

7. EDI can access the Potter Pit site with as little as two to three days advance notice. Once at the site, EDI can complete its sampling protocols within seven to 10 days.

8. EDI's inspection and sampling should occur before any recycling or other disturbance of the current construction waste materials occur to ensure the ability to obtain representative samples before any potentially hazardous grinding activities commence.

Further affiant sayeth not.



Gary P. Flentge

Subscribed and Sworn to Before Me
this 14th day of November, 2014.



Notary Public, Cook County, IL
My Commission: 51518



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

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**Environmental Design
International inc.**

33 W. Monroe St., Suite 1825
Chicago, Illinois 60603
phone: 312.345.1400
fax: 312.345.0529
www.envdesignl.com

August 19, 2014

Mr. Lisle Blackburn
Attorney at Law
Godfrey, Leibsle, Blackburn & Howarth, S.C.
354 Seymour Court
Elkhorn, WI 53121

**Subject: Proposal for Professional Environmental Services
Potters Pit (Site)
Elkhorn, Wisconsin**

Dear Mr. Blackburn:

Environmental Design International inc. (EDI) is pleased to submit this Agreement for environmental professional services associated with the above-reference project.

Scope of Work

Based on our understanding of the project, the following scope of work is proposed:

Task 1 Site Reconnaissance and Limited Surface Sampling of SACM

EDI will conduct a visual site reconnaissance of the total site boundary, as defined in Exhibit A. EDI will document stockpiled SACM across the Site based on visual observation and photographic documentation. During this Task of the work, EDI will collect limited representative samples of surface deposits of SACM.

Based on the existing attached representative aerial image by Google Earth included as Exhibit A, EDI estimates no more than three hundred (300) bulk samples to be collected from the three identified stockpiles, with confirmatory analysis performed on no less than thirty (30) bulk samples. Additional samples may be required based on findings of the visual assessment of the total site boundary. Any additional samples determined necessary based on visual reconnaissance of the total site boundary, and above and beyond the total samples included in the estimated scope of work, will be collected and billed as additional cost at the unit rates provided herein upon approval provided by Client. The sample methodology is included below.

SACM Sampling Methodology

Samples will be collected using EPA approved methods. Samples will be collected utilizing randomly distributive methods. Samples will be placed in a pre-labeled re-sealable plastic bag. The sampling instrument will be decontaminated between sampling to prevent cross contamination of subsequent samples.

The following chart, as detailed by 40 CFR 763.86, is typically used (and in certain cases, required) for sampling surfacing materials that are spray-applied and troweled-on to walls and ceilings;

< 1000 s/f	3 samples
1000 – 5000 s/f	5 samples
>5000 s/f	7 samples

9 samples are recommended by the EPA for all samples

EDI proposes sampling following the above listed sampling protocol for the total number of samples to be collected, based on the presumption that surface deposits of SACM will be distributed across a surface area of the total site boundary. A sampling team of two (2) Wisconsin-licensed asbestos inspectors will perform all bulk sampling.

Representative and random sampling of surface deposits of SACM will be performed utilizing a random grid pattern based on a 9-section grid applied to a sampling area. For the three (3) identified stockpiles definable on Exhibit A, an approximate 4,500 square foot sampling grid will be applied to the surface area for each of the three identified stockpiles. The random sampling

grid pattern will be applied to each respective stockpile as shown on Exhibit A, and sampling grid points will be selected based on a random number generator.

As an example, considering the largest stockpile is approximately 400 feet by 400 feet in area, an approximate 4,500 square feet grid requires four 9-section sampling grids with 5-samples per sampling grid. The smaller stockpile areas appear to be approximately 200 feet by 200 feet in area requiring a single 9-sampling grid with 5-samples per sampling grid.

Any additional stockpiles identified during the visual site reconnaissance of the total site boundary will have the same random sampling grid methodology applied for any additional sample collection.

All samples collected will be identified on a signed and dated Chain-of-Custody document, which will accompany samples to the laboratory. We will request all samples to be held by the laboratory until released by the project. Laboratory sample holding periods are typically 30-90 days before sample disposal. Additional holding times increase sample analysis cost, which is included in the rates provided herein.

All sampling points will be photographed and marked on representative site plans based on field conditions.

Samples will be initially analyzed using polarized light microscopy (PLM). PLM results are reported as a percentage of the total sample. PLM utilizes a few protocols for the quantification process. These include visual estimation and point counting. Depending on the sample matrix, PLM analytical sensitivity can be a fraction of a percent. Gravimetric reduction protocols (ELAP 198.6, EPA 600 Sec. 2.3) further enhance this technique's ability to accurately quantify and qualify asbestos. The current method employed for these analyses is found in EPA 600/R-93/116. Other procedures are also utilized to supplement this method (ELAP 198.1). Because of the limitations listed above, further analysis of bulk building materials by TEM (ELAP 198.4) are recommended. The gravimetric reduction process usually employed on Non-Friable Organically Bound (NOB) building materials (ex: floor tiles, roofing materials, etc.) is particularly well suited for TEM confirmation of negative PLM samples. Please note; EPA requires that laboratory analysis be performed on 'layer-specific' analysis; i.e., a multi-layered bulk sample material will have multiple sample analysis report for a single bulk sample. Each layer consists of a separate analysis cost and will be billed accordingly.

EDI has estimate no fewer than 10% of all samples analyzed by PLM NOB will be further analyzed by TEM NOB analysis as a confirmatory process. An estimated 30 samples will be further analyzed by TEM NOB analysis based on the defined stockpiles shown on Exhibit A. Additional analysis by TEM NOB for samples collected beyond the estimated 30 included herein will be billed at the unit rates included herein.

All samples will be analyzed by International Asbestos Testing Laboratories of Mt. Laurel, New Jersey (IATL), an accredited and recognized asbestos laboratory. Laboratory Accreditation is primarily provided by the National Institute of Standards and Technology (NIST) through the

National Voluntary Laboratory Accreditation Program (NVLAP). Extensive Quality Assurance and Quality Control (QA/QC) regimens are performed as part of an ongoing laboratory program. Proficiency testing is primarily conducted through the Proficiency Analytical Testing Program (PAT) administered by NVLAP. On-site technical evaluations are also primarily conducted through NVLAP.

Task 2 Topographic Survey Scope of Work

EDI will provide Topographic Surveys and volume calculations for three existing stockpiles of SACM located on the Site, as shown on Exhibit A, as needed based on results of Task 1 findings.

Datum:

1. The horizontal datum will be Wisconsin State Plane South Zone (NAD83) [GPS derived using the Wisconsin Continuously Operating Reference Stations reference network (WISCORS)].
2. The vertical datum will be NAVD 88 [GPS derived using WISCORS].

Elevations:

1. Sufficient ground elevations will be surveyed to outline the stockpiles and to depict the height and shape of each pile.
2. Contours will be generated at one-foot intervals.

Planimetrics:

No other planimetric features within the survey area will be located.

Utilities:

Utilities are not included in the scope of work

Vegetation:

Vegetation is not included in the scope of work.

Deliverables:

1. Consultant will provide six (6) paper copies and an electronic copy of the Survey depicting the above detailed survey items in the following format:
 - a. Provided in AutoCAD format.
 - b. Consultant's standard border.
 - c. Consultant's CAD Standards.
 - d. Scale: 1" = 40' or as appropriate.
 - e. Sheet Size: 24" x 36" or as appropriate, and
 - f. One (1) foot contour intervals.
2. Cross sections, profiles or other details are not a part of this proposal.

Closing

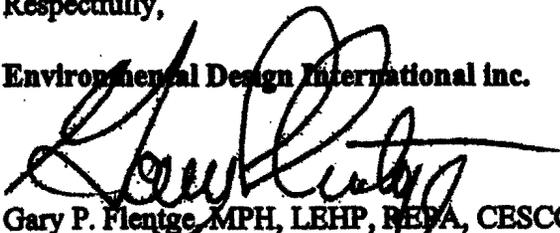
We hope this revised proposal meets with your approval. Please sign and fax a copy of this agreement as an indication of acceptance and notice to proceed. We appreciate this opportunity and look forward to working with you on this project.

Please feel free to call me at (312) 345-8679 for any assistance.

Thank you,

Respectfully,

Environmental Design International inc.



Gary P. Flentge MPH, LEHP, REPA, CESCO
Vice President, Industrial Hygiene

EXHIBIT A

RECEIVED
WALWORTH COUNTY CLERK

STATE OF WISCONSIN

CIRCUIT COURT

2014 NOV 24 AM 9:24

WALWORTH COUNTY

In re:

B. R. AMON & SONS, INC.,

Case No.: 13-CV-363

Case Code: 30304

Assignor.

FILED

NOV 21 2014

In re:

AMON & SONS, INC.,

Case No.: 13-CV-365

Case Code: 30304

Assignor.

CIRCUIT COURT
WALWORTH COUNTY
BRIDGET VAUGHN

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 RECEIVER'S MOTIONS FOR ENTRY OF AN ORDER APPROVING FIFTH EXTENSION OF FINANCING AGREEMENT, ORDER AUTHORIZING RECEIVER TO BORROW FUNDS OR USE CASH COLLATERAL AND TO GRANT ADDITIONAL LIENS AND SECURITY INTERESTS, AND FINAL ORDER AUTHORIZING RECEIVER TO BORROW FUNDS OR USE CASH COLLATERAL AND TO GRANT ADDITIONAL LIENS AND SECURITY INTERESTS, ORDER EXTENDING TIME FOR THE RECEIVER TO FILE THE SETTLEMENT OF RECEIVER'S ACCOUNTS, AND ORDER APPROVING THE SALE OF CERTAIN ASSETS TO DMYTRO PETRIV AND NADIYA BABYAK, WITH ALL LIENS, CLAIMS AND ENCUMBRANCES ATTACHING TO THE PROCEEDS OF SALE

TO: CREDITORS AND PARTIES-IN-INTEREST

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

- 1) RECEIVER'S MOTION FOR ENTRY OF AN ORDER APPROVING FIFTH EXTENSION OF FINANCING AGREEMENT, ORDER AUTHORIZING RECEIVER TO BORROW FUNDS

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

- 2) RECEIVER'S MOTION FOR ENTRY OF AN ORDER EXTENDING TIME FOR THE RECEIVER TO FILE THE SETTLEMENT OF RECEIVER'S ACCOUNTS
- 3) RECEIVER'S MOTION TO APPROVE THE SALE OF CERTAIN ASSETS TO DMYTRO PETRIV AND NADIYA BABYAK, WITH ALL LIENS, CLAIMS AND ENCUMBRANCES ATTACHING TO THE PROCEEDS OF SALE

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

HEARING ON MOTIONS

A hearing will be held on the Motions before the Honorable Phillip A. Koss at the address set forth below on December 2, 2014 at 9:30 a.m.

OBJECTIONS

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

- **File a written Objection on or before December 1, 2014 explaining the factual and legal basis for your position, at the following address:**

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

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

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 Motions will likely be approved by the Court.

Dated at Pewaukee, Wisconsin, this 21st day of November, 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:

2014 NOV 25 AM 9:04

B.R. AMON & SONS, INC.,

Case No. 13-CV-363

Case Code: 30304

Assignor.

In re:

AMON & SONS, INC.,

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, LLC's RESPONSE TO INTERVENORS' NOTICE OF MOTION AND
MOTION TO PERMIT INSPECTION AND TESTING OF POTTER PIT BY
ENVIRONMENTAL DESIGN INTERNATIONAL, INC.**

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

for their Response to Intervenor¹ Motion ("Motion") to Permit Inspection and Testing of Potter Pit by Environmental Design International, Inc., state as follows:

INTRODUCTION

Intervenor¹ Motion reveals they fear a future, hypothetical, speculative environmental danger that will never come to fruition, and therefore, this Court need not order *any* environmental sampling or testing to protect Intervenor¹ interests. Further, even assuming Intervenor¹ concerns have some basis in reality, Intervenor¹ fail to offer any meaningful distinction between their testing proposal and Respondent's testing proposal set forth in Respondent's Motion to Allow Environmental Testing Upon Receivership Property ("Respondent's Motion").

Therefore, Intervenor¹ have provided this Court, which acts primarily for the creditors' benefit, see Wis. Stat. § 128.03(b), no reason to further delay the Receiver's sale of the Pit Property to Southwind -- and the distribution of the sale proceeds to the creditors -- by ordering any additional sampling or testing beyond that required by Wisconsin and Illinois law, and the July 17, 2014 CUP.

FACTUAL BACKGROUND

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

Prior to becoming insolvent, Amon lawfully operated a business consisting of recycling asphalt shingles ("Shingles") at the Pit Property. Amon conducted its Shingle-recycling operation pursuant to all applicable governmental approvals, including two separate Conditional Use Permits issued by the

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.

Walworth County Zoning Agency (the "CZA") in 2008 and 2012, and, an Exemption (the "Amon Exemption"), issued by the Wisconsin Department of Natural Resources ("WDNR") on September 13, 2007.

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." In July, 2014, the Receiver and Reliable Materials Corporation of Illinois, an affiliate of Southwind (and therefore, sometimes hereinafter referred to in this Response, 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.

The Purchase Contract conditioned Southwind's obligation to purchase the Pit Property upon the CZA's grant of a Conditional Use Permit (the "CUP") allowing Southwind to conduct a Shingle recycling operation at the Pit Property. 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).

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) Southwind is an Illinois limited liability company (and, Reliable Materials Corporation of Illinois, Southwind's affiliate, is 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, must comply with all State of Illinois regulations, including Illinois Environmental Protection Agency ("IEPA") regulations, in connection with its use of the recycled Shingles.

Because Southwind will conduct its Shingle recycling operation in the State of Wisconsin, Southwind must also comply with all State of Wisconsin regulations, including Wisconsin Department of Natural Resources ("WDNR") regulations.

Prior to the CZA's issuance of the CUP, Southwind, anticipating the need to comply with all IEPA and WDNR regulations: i) applied, on February 18, 2014, to the WDNR for a Shingle processing

facility exemption under Wis. Adm. Code NR 502.08(2)(i) (the application referred to hereinafter as the "**WDNR Application**"); and, ii) applied, on April 4, 2014, to the IEPA for a beneficial use determination for the use of recycled Shingles as a raw ingredient in asphalt (the application referred to hereinafter as the "**IEPA Application**"). Both the WDNR Application and the IEPA Application included a document titled "Lafayette Facility Best Management Practices" (the "**BMP**," attached hereto as "**Exhibit B**," and incorporated herein).

The BMP sets forth Southwind's proposed procedure for conducting sampling of, and asbestos testing upon, Shingles arriving at the Pit Property, and, thereafter, arranging for the safe removal and disposal of Shingles, if necessitated by the results of the Shingle testing. The BMP states, in pertinent part:

"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.

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." (Ex. B, p. 1) (emphasis added)

The WDNR approved the WDNR Application, including the sampling and asbestos testing protocol outlined in the BMP, on April 3, 2014 (the approval referred to hereinafter as the "**WDNR Approval**," attached hereto as "**Exhibit C**," and incorporated herein).² The IEPA approved the IEPA Application, including the asbestos testing protocol outlined in the BMP, on October 3, 2014 (the approval referred to hereinafter as the "**IEPA Approval**," attached hereto as "**Exhibit D**," and incorporated herein).

The WDNR Approval states, in pertinent part:

² The WDNR Approval was issued to Northwind RAS, LLC ("Northwind"), an Illinois limited liability, a subsidiary of Southwind, because the owners of Southwind anticipated at the time of the WDNR Application that Northwind would operate the Pit Property. The owners of Southwind subsequently decided that Southwind, not Northwind, would operate the Pit Property.

"5. Processing and utilization of recycled asphalt shingles shall comply with the following:

c. **Asphalt shingles shall be sorted and cleaned to remove all non-shingle waste and contaminants prior to grinding**, and shall be performed by staff trained to identify potential asbestos containing material and other unacceptable non-shingle waste materials," (Ex. C, p. 6) (emphasis added);

and,

"2. Incoming Loads from Haulers/Contractors

b. **Visual screen loads for unacceptable non-shingle waste, such as: i. Flashing, ii. Insulation, tar paper, and roofing felt . . .**" (Ex. C, p. 9) (emphasis added).

Notably, the WDNR and IEPA approvals require Southwind to perform asbestos sampling and testing on all incoming loads of pre-processed Shingles, and all outgoing loads of post-processed Shingles, but do not require Southwind to perform pre-processing asbestos sampling and testing upon the Shingles already located at the Pit Property. Presumably, the WDNR and IEPA recognized that Amon previously conducted Shingle recycling operations at the Pit Property under the WDNR-issued Amon Exemption, and that Amon therefore already tested the existing Shingle piles, or, that the Shingle piles have otherwise already been deemed sufficiently asbestos-free to satisfy WDNR Regulations (See reference to the Amon Exemption in the WDNR Approval, Ex. C, p. 1).

On August 6, 2014, this Court approved the Receiver's prospective sale of the Pit Property to Southwind. However, the Receiver and Southwind have not yet closed on their respective sale and purchase of the Pit Property. The Intervenors, who own real property near the Pit Property, attempted to file a Complaint against the Receiver requesting that the court in a separate proceeding rescind the CUP; require the Receiver to abate the alleged nuisance and CUP violations at the Pit Property; and prevent certain activities, including Southwind's prospective Shingle recycling, from occurring at the Pit Property. With their Complaint, Intervenors issued a discovery request (the "**Discovery Request**") to the Receiver instructing the Receiver not to carry on any activity, or disturb any materials, at the Pit Property, until Intervenors had an opportunity to inspect and test the Pit Property and the Shingles. With the CUP, and

Southwind's ability to recycle Shingles at the Pit Property at risk, Southwind could not close its purchase of the Pit Property.³

Intervenors requested that this Court allow them to file their nuisance and CUP violation claims against the Receiver either in the separate proceedings, or as part of these receivership proceedings. Respondents urged the Court to deny Intervenors' request on the ground Intervenors could not properly assert their claims against the Receiver. Respondents further suggested to this Court that it possesses the authority, under Wis. Stat. 128, to enter an appropriate order, or fashion an appropriate remedy, that would address Intervenors' environmental concerns, and, offered the testing proposal set forth in Respondents' Motion as a means of addressing Intervenors' grievances.

In Respondents' Motion, Respondents proposed to sample and test the existing Shingle piles at the Pit Property at a ratio of two samples per every 250 tons of Shingles. The WDNR- and IEPA-approved BMP calls for the exact same sampling and testing ratio on *newly-arriving, inbound* Shingles, if inspectors do not detect asbestos in the initial 100 loads, or 1000 tons, of newly-arriving material. Although the WDNR and IEPA approvals do not require pre-processing sampling or testing of the existing Shingle piles, Respondents offered to sample and test the existing Shingle piles to placate Intervenors' environmental concerns. Respondents selected the two-per-250 ton sampling ratio, rather than the one-per-10 ton sampling ratio applicable to the first 100 loads or 1000 tons arriving on site, because Amon accepted the Shingles on site under the WDNR-issued Amon Exemption, and therefore, Amon already tested the Shingles, or, the WDNR has otherwise deemed the Shingles sufficiently asbestos-free to satisfy the Amon Exemption.

On October 27, 2014, this Court held the Intervenors could not file their proposed nuisance and conditional use permit violation claims against the Receiver, either in this Court, or in the separately-filed litigation. The Court based its ruling on the ground the Intervenors, in their Complaint, failed to

³ On August 15, 2014, Intervenors also filed, in Walworth County Circuit Court Case No. 14-cv-000677, a petition for writ of certiorari seeking to have the CUP rescinded. Walworth County Ordinance § 74-59 specifies a petition for writ of certiorari filed within 30 days of the CZA's grant of a CUP is the only appropriate avenue for challenging the CZA's decision. On November 10, 2014, Intervenors voluntarily dismissed their petition for writ of certiorari.

sufficiently identify the nuisance and CUP violations alleged to exist at the Pit Property, and failed to establish the Receiver would have a duty to remedy any nuisance or CUP violations even if they existed. In accordance with this Court's Order, the court in Walworth County Case No. 14-cv-000582 dismissed, with prejudice, Intervenors' nuisance and CUP violation claims on November 18, 2014.

This Court did, however, allow the Intervenors to intervene in these receivership proceedings, so the Intervenors could further articulate the nature of the environmental hazards believed by Intervenors to exist, and, demonstrate to the Court that Respondents' plan for sampling and testing the construction materials at the Pit Property will not adequately protect Intervenors' environmental interests.

Intervenors have now filed their Motion, in which they proffer the same inspection, sampling, and testing proposal attached to their Discovery Request, and ask that the Court allow them to conduct the inspection, sampling, and testing prior to Respondents conducting any sampling and testing.

ARGUMENT

The Court should reject Intervenors' proposal for the following reasons:

I. Intervenors' allegations do not support any testing at all because Southwind will not grind any roofing felt liner on the Property.

Intervenors do not claim to have actual knowledge of any hazardous environmental conditions on the Property. Instead, Intervenors request that the Court adopt Intervenors' testing proposal solely "to determine whether environmentally hazardous conditions exist." (Motion, p. 3)

Intervenors describe the hazardous condition they believe *might* exist as: "The construction waste likely includes roofing felt liner, which typically contains asbestos." Intervenors believe the hypothetical asbestos in the hypothetical roofing felt liner might become airborne, and pose a threat to Intervenors, because Southwind's asphalt recycling operations will cause "creation of airborne particles through the grinding process." (Motion, p. 3)

Initially, Respondents point out that *if* roofing felt liner exists at the Pit Property, that roofing felt liner could only contain asbestos if it arrived at the Pit Property as part of a deposit from a roof demolition involving asbestos shingles, and, the roofing industry has not utilized asbestos shingles since 1973 (See

WDNR Fact Sheet, attached hereto as "Exhibit E," and incorporated herein, stating that only "pre-1973 shingles" might contain asbestos).

More importantly, *Southwind will not, as part of its operations, grind any roofing felt liner.* (Affidavit of Brian Lansu, General Counsel of Southwind, ¶ 9) The WDNR and IEPA Approvals, and, therefore, the CUP which incorporates both Approvals, prohibit Southwind from grinding any non-shingle waste or contaminant prior to grinding. (Lansu Aff'd, ¶ 8) Therefore, Southwind must, and will, remove any and all felt, wood, aluminum, and other deleterious or non-shingle material from the Shingles prior to grinding. (Lansu Aff'd, ¶ 9)

Thus, even if the Shingle piles include asbestos-containing roofing felt liner, that asbestos will never become airborne or threaten Intervenors' health, because Southwind will never jeopardize its WDNR and IEPA Approvals, and the CUP, by grinding roofing felt liner.

Because the only specific environmental danger cited by Intervenors actually poses no danger at all, Respondents request that the Court allow the Receiver and Southwind to immediately close on their respective sale and purchase of the Pit Property, without any court-supervised sampling or testing. The Court should not allow Intervenors to delay the Receiver's disposition of receivership assets for the creditors' benefit, simply so Intervenors can search for materials that, even if found, will not constitute a hazard.

II. If the Court orders testing, the Court should adopt Respondents' proposal, because Intervenors' proposal will interfere with the Receiver's sale of the Pit Property to Southwind without benefiting any parties to the receivership.

Even if the Court orders that sampling and testing occur under the Court's supervision, it should reject Intervenors' proposal, and adopt Respondents' proposal, because Respondents' proposal will sufficiently detect the presence of asbestos in the Shingle piles, and further the interests of Amon's creditors by allowing the Pit Property sale to proceed. Although Intervenors cite several "significant differences" between the two proposals (Motion, p. 3), the "significant differences" either favor Respondents' proposal, or, are not "differences" at all.

First, Intervenors state Respondents' testing "will be conducted in conjunction with operation of an asphalt recycling business," while Intervenors will conduct their testing *prior* to on-site operations. (Motion, p. 3) Testing that allows the sale to Southwind to proceed immediately will best serve the creditors and other parties to this receivership proceeding. Respondents' proposal accomplishes that goal by calling for testing to occur simultaneously and in conjunction with Southwind's business operations. Intervenors' proposal, on the other hand, serves only Intervenors' interests, by granting Intervenors exclusive access to the Property so they can conduct wide-ranging tasks including topographic surveys, volume calculations, and possible additional, unnamed procedures listed in the four redacted pages of their proposal (see Proposal for Professional Environmental Services attached to Motion, pp. 4-8).

Second, Intervenors make the specious distinction that Intervenors' testing would comply with WDNR regulations, while Respondents' testing would only comply with IEPA regulations, but not WDNR regulations. Respondents' testing would comply with *both* WDNR and IEPA regulations. Southwind has already submitted Respondents' proposal to the WDNR and IEPA, and both agencies have approved the proposal pursuant to their approvals of Southwind's overall operations plan. (Lansu Aff'd, ¶ 4) Southwind, in fact, offers to go above and beyond WDNR and IEPA requirements by sampling and testing the existing Shingle piles before processing them. The WDNR and IEPA Approvals only require pre-processing sampling and testing on newly-arriving Shingles, and not on the existing Shingle piles.

Additionally, Amon already accepted the existing Shingles onto the Pit Property under the WDNR-issued Amon Exemption, and therefore, Amon already sampled and tested the Shingles, or, the WDNR otherwise deemed the Shingles sufficiently asbestos-free for acceptance onto the site. Southwind now proposes to sample and test the Shingles for a second time, using the WDNR- and IEPA-approved procedures for newly-arriving Shingles. The Court should reject Intervenors' request to subject the shingles to a *third* round of sampling and testing.

Finally, Intervenors argue their "nine-section grid" will produce a more uniform and comprehensive sampling of the Shingles than the two-samples-per-250-ton standard proposed by Respondents. (Motion, pp. 3-4) However, the non-redacted portions of Intervenors' proposal do not

verify this conclusion, or explain why the WDNR's, IEPA's, and CUP's testing standards will not suffice. Similarly, Intervenor's propose to utilize "gravimetric reduction protocols" in addition to polarized light microscopy (Motion, p. 4), without explaining why the WDNR- and IEPA-approved polarized light microscopy will not adequately detect asbestos in the Shingle samples.

Thus, even if the Court decides Intervenor's environmental interests justify Court-supervised sampling and testing, the Court should deny Intervenor's request to conduct an additional round of sampling and testing, beyond any screening already performed under the Amon Exemption, and the testing Southwind offers to perform. Intervenor's proposal will further delay the Receiver's sale of the Property to Southwind, to the detriment of the creditors, without providing any tangible benefit to Intervenor's.

CONCLUSION

The Court need not order any Court-supervised sampling and testing at all. Intervenor's only discernible worry is that roofing felt liner, if present on the site, might contain asbestos, and if Southwind grinds the roofing felt liner, the asbestos particles will become airborne and endanger Intervenor's health. Any roofing felt liner at the Pit Property likely does not contain any asbestos, and, more importantly, Southwind will not grind any roofing felt liner because the WDNR, IEPA, and CUP all require that roofing felt liner, and other non-Shingle items, be removed from the material placed in the grinder. Therefore, Intervenor's purported concerns are completely misplaced.

If the Court believes Intervenor's claims justify Court-supervised sampling and testing of the existing Shingle pile, Respondent's testing proposal, which comports with WDNR, IEPA, and the CUP's standards, will suffice to detect any hazardous levels of asbestos. Intervenor's proposal, which appears to be designed to hunt for evidence in support of their already-dismissed nuisance claim, will further delay disposition of receivership assets without providing any tangible benefit to Intervenor's, or any other parties to this receivership.

Finally, Respondent's note that the WDNR, IEPA, and Walworth County will have continuing enforcement power over Southwind's operations at the Pit Property. Thus, even after Southwind

completes its purchase of the Pit Property and begins recycling Shingles, if Intervenor believe Southwind's operations violate the WDNR Approval, the IEPA Approval, or the CUP, they can report any possible violations to the proper authorities, who will take appropriate action to ensure compliance. Southwind intends to fulfill all its legal responsibilities under the WDNR, IEPA, and CZA approvals, including the appropriate removal from the Pit Property of asbestos-containing materials revealed by Southwind's sampling and testing. However, Intervenor do not have to rely on Southwind's intentions, because the WDNR, IEPA, and CZA will retain oversight over Southwind's operations.

WHEREFORE, Respondents request that this Honorable Court enter an order: (i) allowing the Receiver and Southwind to immediately close upon their respective sale and purchase of the Pit Property; and either: (ii) confirming the Receiver's sale of the Pit Property to Southwind, without requiring any Court-supervised testing; or, alternatively, (iii) confirming the Receiver's sale of the Pit Property to Southwind, while also allowing Southwind to enter upon the Pit Property to conduct the asbestos sampling and testing described in Respondents' Motion, under the Receiver's supervision; and, (iv) 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 Property, in light of the aforementioned sampling and testing results, with all samples to be returned, after testing, to the Pit Property, or, to the Receiver.

Respectfully submitted,

Sweet & Maier, S.C.
Attorneys for Respondents

By: _____

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

By: _____

Attorney Robert T. VanScoyoc
State Bar No. 1094921

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

In re:

B.R. AMON & SONS, INC.,

Case No. 13-CV-363

Case Code: 30304

Assignor.

In re:

AMON & SONS, INC.,

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.

AFFIDAVIT OF BRIAN LANSU

STATE OF ILLINOIS)
) ss.
COUNTY OF DePue)

BRIAN LANSU, being first duly sworn, on oath, deposes and says:

1. I am the General Counsel for Southwind RAS, LLC, an Illinois limited liability company ("Southwind").
2. I submit this Affidavit in conjunction with, and in support of, Receiver Ronald M. Carlson, Esq., Forseti Consulting, LLC, and Southwind RAS, LLC's Response to Intervenor's Motion to

Permit Inspection and Testing of Potter Pit by Environmental Design International, Inc. ("Respondents' Motion") filed herein.

3. As the General Counsel for Southwind, I have personal knowledge regarding: i) the "WDNR Application," as defined on page 3 of Respondents' Motion, and the facts and circumstances surrounding Southwind's preparation and submission thereof; ii) the "IEPA Application," as defined on page 3 of Respondents' Motion, and the facts and circumstances surrounding Southwind's preparation and submission thereof; iii) the "BMP," as defined on page 4 of Respondents' Motion, and the facts and circumstances surrounding Southwind's preparation and submission thereof; iv) the "WDNR Approval," as defined on page 4 of Respondents' Motion, and the terms and conditions thereof; iv) the "IEPA Approval," as defined on page 4 of Respondents' Motion, and the terms and conditions thereof; vi) the practices and procedures followed by Southwind, and its affiliates, at various shingle recycling operation sites throughout the States of Wisconsin and Illinois, and, in particular, vii) the practices and procedures Southwind will follow as the future operator of the shingle recycling site located on the "Pit Property," as defined on Page 2 of Respondents' Motion; and, viii) the "CUP," as defined on page 3 of Respondents' Motion, and the facts and circumstances surrounding Southwind's and the Receiver's application therefor, and the terms and conditions thereof.

4. A true and accurate copy of the CUP is attached to Respondents' Motion as Exhibit "A." A true and accurate copy of the BMP is attached to Respondents' Motion as Exhibit "B." A true and accurate copy of the WDNR Approval, which was granted to Southwind based on Southwind's submission to the WDNR of the WDNR Application, including the BMP, is attached to Respondents' Motion as Exhibit "C." A true and accurate copy of the IEPA Approval, which was granted to Southwind based on Southwind's submission to the IEPA of the IEPA Application, including the BMP, is attached to Respondents' Motion as Exhibit "D."

5. The WDNR Approval provides that "[a]sphalt shingles shall be sorted and cleaned to remove all non-shingle waste and contaminants prior to grinding," (Ex. C, p. 6) and that "roofing felt" is

an "unacceptable non-shingle waste" (Ex. C, p. 9) which must be separated from shingles prior to grinding.

6. The IEPA Approval provides that "Any load with visible non-shingle material then must be rejected. As the clean load of shingles is unloaded into the Raw Shingles Storage Area any concealed non-shingle material detected during unloading must be removed immediately during the unloading process." (Ex. D, p. 3)

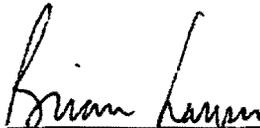
7. The CUP provides that "[t]he owner/operator must comply with all federal, state, county, and local regulations."

8. The WDNR and IEPA Approvals, and the CUP, which requires compliance with the WDNR and IEPA Approvals, therefore prohibit Southwind from grinding any non-shingle waste or contaminant.

9. In accord with the WDNR and IEPA Approvals, and the CUP, Southwind will remove any and all felt, wood, aluminum, and other deleterious or non-shingle material from the shingles at the Pit Property prior to grinding. Southwind will never send roofing felt liner through the shingle grinder or convert it into airborne particle at the Pit Property.

10. The practice of removing any and all non-shingle materials, including roofing felt liner, from shingles prior to grinding is consistent with the practices and procedures followed by Southwind and its affiliates at all of their shingle recycling operation sites in the States of Wisconsin and Illinois.

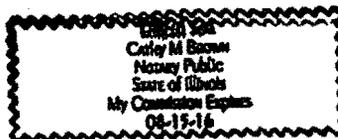
Further Affiant sayeth not.



Brian Lansu

Subscribed and Sworn to Before Me
this 20th day of November, 2014



Notary Public, Kane County, IL

My Commission: 8/15/16

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

WALWORTH COUNTY



WISCONSIN

Land Use and Resource
Management Department

NAME: Amon Land Company, Inc.
Forseti 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 Walworth Street
P.O. Box 1001
Room 222
Elkhorn, WI 53121

Planning/Zoning/Sanitation/
Conservation Divisions
262.741.4972 tel.
262.741.4974 fax
262.741.4973 fax

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.

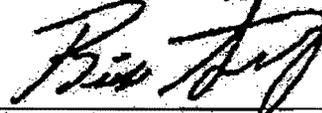
Specific Conditions:

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

"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") (415 ILCS 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.

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
2300 N. Dr. Martin Luther King, Jr. Drive
Milwaukee WI 53212-3128

Scott Walker, Governor
Cathy Stepp, Secretary
Telephone 608-268-2621
Toll Free 1-888-938-7463
TTY Access via relay - 711



April 3, 2014

Jacob Mrugacz
Northwind RAS - LLC
2250 Southwind Blvd.
Bartlett, IL 60103

FID: 265061390
Walworth County
SW / APP

COPY

Subject: Approval for Exemption from Solid Waste Processing and Storage Rules for Recycling of Asphalt Shingles in Hot Mix Asphalt

Dear Mr. Mrugacz,

We have completed our review of your application form dated February 18, 2014 for a processing facility exemption under s. NR 502.08(2)(i), Wis. Adm. Code and determined that it is consistent with Wisconsin's solid waste regulations. Therefore, the grinding of sorted recycled asphalt shingles to produce an additive for the manufacturing of hot mix asphalt and other uses is approved, subject to compliance with chs. NR 500 to 538, Wis. Adm. Code, your application form, and the conditions in the attached approval document.

We wish to encourage this use of recycled shingles from 1 to 4-family residential units which are a large part of the construction and demolition waste stream. Department data indicates sorted shingles do not pose a significant asbestos concern. Your request relies on sorting shingles prior to on site grinding into a product suitable for an additive to hot mix asphalt. Asphalt shingles from greater than 4-family residential units and other structures may be accepted if accompanied with asbestos test results from that tear off project.

Northwind will operate this facility at the previous BR Amon exempt shingle processing facility issued on September 13, 2007. The BR Amon operation filed bankruptcy and Northwind RAS has made application to resume shingle processing operations. Northwind has applied for applicable WDNR and Walworth County storm water permits for the 40 acre parcel where shingle processing will be performed. Condition # 3 in the attached approval requires submittal of the Walworth County approved grading plan prior to initiating processing activities.

This facility will be operated to provide processed shingles for both Wisconsin and Illinois hot mix asphalt plants. As such, the application contained elements addressing Illinois requirements for residential shingle recycling which do not conflict with Wisconsin requirements. Condition #9 requires worker asbestos exposure records maintained for IEAP also be made available to the WDNR upon request. Condition #8 requires WDNR asbestos sampling frequency of every 100 tons of finished ground shingle product produced.

This approval is limited to five years from the date of this approval but can be extended with justification prior to that date. Experience and data gathered during this time period will be used to justify an extension. This approval is specific to the processing and recycling of asphalt shingles at the locations identified in the approval.

You are reminded that approval by the Waste & Materials Management Program does not relieve you of obligations to meet all other applicable regulatory requirements. Individuals responsible for operating the site should be familiar with this approval and the associated conditions.

If you have any questions, please contact Kenneth Hein at 414-263-8714 or by email at kenneth.hein@wi.gov.

Sincerely,


Franklin C. Schultz
Waste and Materials Management Program Supervisor
Southeast Region

Attachment: - Projects Summary
 - Conditional Approval for an Exemption for the Processing of Waste Residential Recycled
 Asphalt Shingles
 - Asbestos Control and Sampling of Asphalt Shingles from Tear-Off Projects

cc: Southeast Region files
 Bob Grefe – WA/5 (e-copy)
 Bryan Hartsook, SER Storm Water (e-copy)
 Fay Amerson, Walworth County Land Conservation Division (e-copy)

PROJECT SUMMARY**Application Form Date:** February 18, 2014**Facility Contact Name / Phone:** Jacob Mrugacz / 630-233-5700 Cell: 630-746-8302**Facility Contact Email:** jacobm@grp7.com**Facility address or location:** W4186 Potter Rd. Lafayette Township, Walworth County**Total Acreage / Processing Operation Acres:** 40**Estimated Annual Tons of Shingles Accepted:** 10,000**Identified Outlets for Ground Shingles:**

1. Arrow Road Construction Company / John Healy / 847-783-6680
(Affidavit to accept processed shingles provided)
2. Rock Road Companies, Inc. / Ryan Spies / 608-752-8944
(Acknowledgement of acceptance will be provided prior to shipping materials)

Asbestos Testing Laboratory: In-house PLM lab with certified technician**Area / Dimensions (in Feet) / Surface Material**

Mixed Roofing Debris Storage / Material: 480 X 385 / Aggregate

Shingle Sorting Area / Material: 100 X 200 / Aggregate

Sorted Shingle Storage / Material: 150 X 150 / Aggregate

Shingle Grinding Area / Material: 100 X 200 / Asphalt

Ground Shingle Storage / Material: 200 X 400 / Asphalt

Northwind will operate this facility at the previous BR Amon exempt shingle processing facility issued on September 13, 2007. The BR Amon operation filed bankruptcy and Northwind RAS has made application to resume the shingle processing activity. The BR Amon hot mix plant was liquidated as part of the bankruptcy and is no longer located on the property. Northwind has identified other Illinois hot mix plant outlets for their ground shingles. A stockpile of unprocessed shingles from the BR Amon operation will be processed by Northwind under this exemption approval.

As part of the bankruptcy preceding the BR Amon parcel has been subdivided into multiple parcels. Northwind retained a 40 acres parcel where the BR Amon shingle activity was approved. To address this property adjustment Northwind has applied for applicable DNR storm water permits for the 40 acre parcel. The final configuration of the above designated material handling areas will be determined by a detailed site-specific and scaled grading plan showing all diversion swales, berms and sediment basins that needs to be submittal to Walworth County for their Construction Site Erosion Control and Storm Water Management Permit explained in an April 1, 2014 email from the County. No processing will be initiated until the county plan is approved and implemented.

This facility will be operated to provide processed shingles for both Wisconsin and Illinois hot mix asphalt plants. As such, their application contained elements addressing Illinois requirements for residential shingle recycling which do not conflict with Wisconsin requirements including;

- A facility start-up asbestos testing protocol for the first 100 loads or 1,000 tons accepted.
- Initial and annual worker asbestos exposure assessments with results maintained on-site and made available to IEPA Asbestos Unit Program Manager upon request.
- Accumulated stockpiles of shingle materials not to exceed 10,000 cubic yards and storage times not to exceed 18 months unless documentation can be provided that outlets exist for the materials. Wisconsin maximum storage is limited to delineated handling areas in Section 7 of the application form.
- IEPA requires affidavits from identified hot mix outlets. WDNR requires less from statements of intent to accept RAS that meets the hot mix plan specifications.
- IDOT gradation testing protocol for finished ground shingles. Wisconsin hot mix asphalt plants establish their individual specifications to meet WDOT requirements with the shingle processor.

BEFORE THE
STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

CONDITIONAL APPROVAL FOR
AN EXEMPTION FOR THE PROCESSING OF
WASTE RESIDENTIAL RECYCLED ASPHALT SHINGLES

FINDINGS OF FACT

The Department finds that:

1. Northwind RAS, LLC has proposed to perform asphalt shingle recycling at properties located at W4186 Potter Road, Lafayette Township, Walworth County, Wisconsin to provide ground asphalt shingles to be used at hot mix asphalt plants.
2. The information submitted in connection with the request includes:
 - a. A processing facility exemption application form dated February 18, 2014 and received by the Department on February 24, 2014 with attached; process flow diagram, and site scaled drawings in accordance with s. NR 502.08(2)(i), Wis. Adm. Code.
 - b. An email dated February 27, 2014 containing an electronic version of the application and a website address for the applicant. Further documentation of the identified outlets to accept ground shingles would be forwarded when they are signed.
 - c. An email dated March 21, 2014 containing an affidavit from Arrow Road Construction Co., Algonquin IL. Attesting to accepting processes shingles for hot mix asphalt mix.
 - d. An email dated April 1, 2014 containing a chain of emails containing the issued DNR WPDES Tier 1 general permit and response from Walworth County identifying remaining local permit items.
 - e. An email dated April 2, 2014 containing a revised site map showing original BR Amon Property boundaries (prior to bankruptcy proceedings).
3. The plan review fee of \$1,100 for this submittal has been waived to facilitate recycling of solid waste materials in accordance with Ch. NR 520, Table 2, Wis. Adm. Code.
4. Additional documents considered in review of the request include the following:
 - a. Information provided by USEPA and other States concerning asbestos content of residential asphalt shingles.
 - b. Information in annual reports by several companies that were issued approvals under s. NR 502.08(2)(i), Wis. Adm. Code, to reuse residential asphalt shingles as a ground feedstock in hot mix asphalt, including data from sampling ground product for asbestos.
 - c. Other department issued exemption approvals for the reuse of residential asphalt shingles in hot mix asphalt or sub-base structural fill for roadways
 - d. WDNR WPDES Tier 1 general permit and responses from Walworth County Land Conservation Division.
5. Additional facts relevant to the review of the request include the following:
 - a. The applicant will operate this facility at the previous BR Amon exempt shingle processing facility issued on September 13, 2007. The BR Amon ceased operation and filed bankruptcy. Northwind RAS submitted a new application for an exempt shingle processing operation at this location.
 - b. Northwind RAS also submitted separate application for applicable DNR storm water permits to address modifications to permits previously issued to BR Amon.
 - c. Asphalt shingles manufactured for residential housing construction contain asphalt cement, hard aggregate granules, mineral fillers and coatings, fiberglass or paper matting, and modified asphalt adhesives, all of which are compatible with hot mix asphalt used in asphalt pavement. Empirical

- experience and project quality control data indicate that properly selected and processed asphalt shingles can displace virgin asphalt and aggregates in hot mix asphalt concrete.
- d. Recycling of residential asphalt shingles into hot mix asphalt depends on creating a feedstock that is nearly exclusively asphalt shingles, grinding the shingles to meet hot mix plant specifications, and adding ground shingles at rates needed to meet asphalt concrete specifications. Hot mix asphalt concrete containing shingles can be generated using equipment readily available to the hot mix asphalt industry and can be used in paving applications without special equipment.
 - e. Companies and municipalities approved by the Department to reuse used residential asphalt shingles as ground feedstock for hot mix asphalt plants have provided data in annual reports since 2008 concerning asbestos content of ground feedstock. Test results have generally shown that ground shingles have asbestos contents of less than 1%. Some asbestos detects have been observed due to inclusion of other roofing products with the asphalt shingles that were subjected to grinding.
 - f. Observations of facilities approved to collect, stockpile, process, and reuse used residential asphalt shingles have shown few problems with windblown material, runoff, etc. Problems have generally been corrected by closer attention by managers and have not led to undesirable environmental situations.
 - g. Operators have demonstrated that they can integrate use of ground product from used residential asphalt shingles into production of hot mix asphalt that meet Wis. Department of Transportation specifications for recycled asphalt shingles in hot mix asphalt pavement mixes.
 - h. The Department has allowed residential asphalt shingles from structures with 5 or more residential units or other non-residential structures to be processed to produce ground asphalt feedstock. In these instances, the owners of the structures sampled the asphalt shingles prior to demolition and tested them for asbestos, to verify that the shingles did not contain asbestos.
6. The conditions set forth below are needed to ensure that exempted uses of residential shingles may be conducted in an expeditious manner while preserving the Department's ability to minimize environmental impacts. If the conditions are complied with, the proposed exemption will not inhibit compliance with the applicable provisions of ch. 30, 31, 160, and 280 to 299 and ss. 1.11, 23.40, 59.692, 59.693, 60.627, 61.351, 61.354, 62.231, 62.234, and 87.30, Stats.

CONCLUSIONS OF LAW

1. Based on the foregoing, the Department has the authority under subs. 289.43 (8), Stats., and ss. NR 500.08(5), and NR 502.08(2)(i) Wis. Adm. Code to approve recycling of solid waste in an asphalt structure if the approval would not inhibit compliance with the applicable provisions of ch. 30, 31, 160, and 280 to 299 and ss. 1.11, 23.40, 59.692, 59.693, 60.627, 61.351, 61.354, 62.231, 62.234, and 87.30, Stats.
2. The Department has authority to issue an approval with conditions if the conditions are needed to ensure compliance with the applicable provisions of ch. 30, 31, 160, and 280 to 299 and ss. 1.11, 23.40, 59.692, 59.693, 60.627, 61.351, 61.354, 62.231, 62.234, and 87.30, Stats.
3. The conditions set forth below are needed to ensure compliance with the applicable provisions of chs. 30, 31, 160, and 280 to 299 and ss. 1.11, 23.40, 59.692, 59.693, 60.627, 61.351, 61.354, 62.231, 62.234, and 87.30, Stats.
4. In accordance with the foregoing, the Department has the authority under sub. 289.43 (8), Stats. and s. NR 502.08(2)(i) Wis. Adm. Code to issue the following conditional approval.

**CONDITIONAL APPROVAL FOR USE OF SOLID WASTE
FOR CERTAIN RECYCLING PURPOSES**

The Department hereby issues an approval for use of recycled asphalt shingles by incorporation into a structural material, in support of an exemption under s. NR 502.08(2)(f), Wis. Adm. Code for grinding residential asphalt shingles as a feedstock for hot mix asphalt plants that produce hot mix asphalt for use as a surface course material for roads, parking lots, driveways, and access lanes, subject to the following conditions:

1. This approval shall be effective for five years from the date of this approval. This approval may be extended beyond that date and conditions may be modified if justified by experience and feedback from operation of the processing facility prior to that date.
2. All aspects of shingle processing shall be performed in accordance with the submitted exemption request referenced in the above Finding of Fact # 2, the requirements of s. NR 502.08, Wis. Adm. Code and these approval conditions. Processing of residential roofing tear off waste is covered by this exemption. Any significant changes to the processing operations or changes in accepted waste materials shall be submitted for review and approval by the Department prior to implementing.
3. Prior to initiating shingle processing at this location, required Walworth County storm water permits shall be obtained and implemented. Northwind RAS shall submit a copy of the county approved site specific site grading plan showing the location of the material handling areas delineated in their February 18, 2014 Application Form (form 4400-303) Section 7 and the associated Proposed: Concept Northwind RAS Operation, Plan Sheet 1 attached to that form.
4. Prior to sending processed shingles to the Rock Road Companies, identified as an Outlet in Section 7H of the application form, a written concurrence letter that they accept processed shingles shall be submitted to the WDNR.
5. Processing and utilization of recycled asphalt shingles shall comply with the following:
 - a. Recycling of asphalt shingles shall be limited to shingles manufactured for residential homes. Recycled asphalt shingles may include manufacturer's or retailer's reject or off-specification asphalt shingles, excess shingles from new home construction, and asphalt shingles removed from private residential homes as part of shingle or roof replacements. The private residential homes may be single family buildings to four unit buildings.
 - b. Used residential asphalt shingles from structures with 5 or more residential units or other non-residential structures may be accepted for processing into ground asphalt feedstock following the procedures in your exemption request. The owners of the structures shall provide data on test samples of the shingles for asbestos, including all layers of multilayer shingles, to verify that the shingles do not contain asbestos.
 - c. Asphalt shingles shall be sorted and cleaned to remove all non-shingle waste and contaminants prior to grinding, and shall be performed by staff trained to identify potential asbestos containing material and other unacceptable non-shingle waste materials.
 - d. All operators shall be trained on: the sources, quantities and acceptable specification of the shingles to be processed; sorting staging and grinding procedures; routine monitoring; cleanup procedures; routine equipment maintenance schedules; methods of controlling fires and explosions; use of appropriate safety equipment; methods of controlling access and windblown materials; and persons to contact concerning operational problems and emergencies.

- e. Written operating procedures containing the above and consistent with the attached "Asbestos Control and Sampling of Asphalt Shingles From Tear-Off Projects" shall be maintained at the facility. These procedures shall be available for the Department's review upon request.
6. Recycled asphalt shingles shall be stored in a manner to protect the shingles from becoming unusable for their intended purpose and from contamination. Operation of the facility shall include:
 - a. A sign posted at the entrance to the facility identifying the shingle recycling activity name, hours of operation, requirements needed to utilize the facility and a contact phone number.
 - b. Measures to contain and collect loose windblown material resulting from the processing and storage activities.
 - c. Storm water controls to minimize any environmental concerns arising out of run-on or run-off conditions from the waste materials.
 - d. Asphalt shingles (processed or un-processed) must be stored outside any floodplain or areas where storage may cause an adverse impact on wetlands, critical habitat areas, or surface waters.
 - e. Access shall be limited to those times when an attendant is on duty.
 - f. Operation under the supervision of responsible individuals who are thoroughly familiar with the requirements and operational procedures of the plant
 - g. Inspection of incoming loads for unacceptable wastes and materials.
 - h. Unloading of solid waste only in approved designated areas.
 7. Use of recycled residential asphalt shingles in other pavement applications besides hot mix asphalt may be conducted for trial purposes with prior written notification of the Department. Such uses for commercial purposes shall be conducted after Department concurrence and shall gather information on performance data and experiences derived from the trial uses.
 8. Each truckload of tear-off shingles shall be inspected on receipt for non-shingle waste materials using the "Asbestos Control and Sampling of Asphalt Shingles from Tear-Off Projects" attached to this approval. Ground recycled asphalt shingles (RAS) shall be sampled and tested at a frequency of every 100 tons of RAS accumulated for asbestos according to this attachment, unless the owner of a structure has provided data from a sampling program that the Department has concurred with to sample the asphalt shingles and test them for asbestos, to verify that the shingles did not contain asbestos. Copies of all laboratory results shall be maintained at the facility for three years for Department review.
 9. The initial and annual worker asbestos exposure assessment protocol (referenced in item 5 of the Illinois EPA Best Management Practices) and the results shall be maintained on-site and made available to WDNR upon request.
 10. An annual report shall be submitted to the Department by February 1st of each year documenting the previous year's activities. The report shall:
 - a. Monthly tabulated tonnage of; asphalt shingles accepted, sorted but not ground shingles shipped off-site (with name of outlet), and ground recycled asphalt shingle (RAS) product produced.
 - b. Annual, reporting period, tabulated tonnages of; RAS product provided to asphalt plants or other end users (with name of outlet).
 - c. End of the reporting period tabulated tonnages of stockpiled; mixed shingles, sorted shingles, and ground RAS product.
 - d. Describe the asbestos testing program and specific sampling and testing methods.
 - e. Discuss the RAS asbestos test results including the number of samples tested. Lab slips do not need to be attached unless requested by the Department.
 - f. Summarize total tonnages of recycled asphalt shingles used for purposes other than as an additive in hot mix asphalt and any performance data and experience with those uses.

g. Discuss the positive aspects of the program along with any difficulties encountered or complaints received during all aspects of collection, storage, processing and reuse of the materials and measures taken to address difficulties or complaints.

11. The annual report shall include the following information for all sources of shingles from structures with 5 or more residential units or other non-residential structures that include:
- a. Identification of the location address and the name of the owner of the structure.
 - b. Identification of the number of shingle layers on the structure.
 - c. Analytical test results for asbestos content of each layer of shingle identified.
 - d. Identification of the name and DNR license number for the hauler delivering the shingles.

This approval is based upon information available to the Department at the date of approval. If additional information, project changes, or other circumstances indicated a need to modify this approval, The Department may ask you to provided further information relating to this activity. Likewise, the Department accepts proposals to modify approvals, as provided in state statutes and administrative codes.

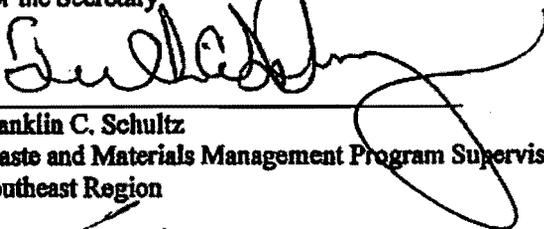
NOTICE OF APPEAL RIGHTS

If you believe you have a right to challenge this decision made by the Department, you should know that Wisconsin statutes and administrative codes establish time periods and requirements for reviewing Department decisions.

To seek judicial review of the Department's decision, sections 227.52 and 227.53, Stats., establish criteria for filing a petition for judicial review. You have 30 days after the decision is mailed or otherwise served by the Department to file your petition with the appropriate circuit court and serve the petition on the Department. The petition shall name the Department of Natural Resources as the respondent.

Dated: April 3, 2014

DEPARTMENT OF NATURAL RESOURCES
For the Secretary



Franklin C. Schultz
Waste and Materials Management Program Supervisor
Southeast Region



Kenneth Hein
Waste Management Specialist
Southeast Region

Asbestos Control and Sampling of Asphalt Shingles from Tear-Off Projects

The following protocols minimize the occurrence of asbestos in recycled asphalt shingles (RAS).

1. Sourcing

- a. Provide contractors/haulers with specifications and guidance to preclude contamination in incoming loads and training to sort recycled asphalt shingles from non-shingle waste materials.
- b. Advise contractors/haulers that incoming loads found to be contaminated with asbestos-containing material (ACM) will be rejected or disposed of. [The NESHAP (30 CFR 61 Subpart M) defines ACM as any material containing more than 1% asbestos as determined by using polarized light microscopy (PLM).]
- c. Limit sources to asphalt shingles to 1-4 unit residential buildings or require contractor/hauler to provide project location and asbestos test results for all shingle layers from tear-off projects for greater than 4-family units or other non-residential buildings.

2. Incoming Loads from Haulers/Contractors

- a. Weigh and record all pertinent information in a standardized log.
- b. Visual screen loads for unacceptable non-shingle waste, such as:
 - i. Flashing
 - ii. Insulation, tar paper, and roofing felt
 - iii. Paper, metal, plastic, wrapping, construction materials or containers
 - iv. Mastic or other adhesives
 - v. Other types of shingles (cementitious, shake, transite siding)
 - vi. Hazardous waste
- c. Reject and record all loads that do not meet acceptance specifications.

3. RAS Product

- a. Unload, store, sort, and grind shingles only within designated areas.
- b. Sort non-shingle waste from all delivered shingles prior to grinding.
- c. Sample the ground RAS product at an approved frequency as the RAS accumulates.
 - i. Use appropriate ASTM method to sample the waste pile
 - ii. Use an accredited laboratory to conduct PLM analysis
 - iii. Document and maintain records of analyses
- d. If sorted RAS product is found to contain $\geq 1\%$ ACM:
 - i. Initiate sampling and testing of every 25 tons of RAS product
 - ii. Retested materials that contain $\geq 1\%$ ACM shall be taken to a licensed landfill
 - iii. Notify shingle suppliers that unacceptable shingle material was detected
 - iv. Maintain sampling at every 25 tons until a minimum of 3 consecutive samples show test results of finished RAS product $<1\%$ ACM
- e. If sorted RAS product is found to contain $<1\%$ ACM:
 - i. Process material as usual
 - ii. Continue to visually monitor incoming loads

4. Document and maintain records of all; materials received, shingles processed, materials shipped off-site, and associated asbestos test results to meet state or local regulatory agency requirements.



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217)782-2829
PAT QUINN, GOVERNOR LISA BONNETT, DIRECTOR

217/524-3300

November 14, 2014

Certified Mail
7012 0470 0001 2976 2994

Southwind RAS, LLC
Attention: Jacob Mrugacz
2250 Southwind Blvd
Bartlett, IL 60103

Re: 0894125010 Walworth County, WI
Southwind RAS, LLC
Log No. BUD14-007
Permit File, Beneficial Use Determination
Permit Approval

Dear Mr. Mrugacz:

The final decision on your beneficial use determination dated October 3, 2014 has been revised to correct typographical errors in facility name, Id number, and county. Attached is the corrected copy beneficial use determination Log No. BUD14-007.

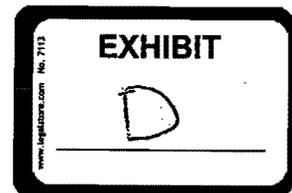
If you have any questions regarding this BUD Application, please contact Sunil Suthar at (217) 524-3293.

Sincerely,

Stephen F. Nightingale, P.E.
Manager, Permit Section
Bureau of Land

ND SFN:SIS: BUD14-007 -Correction-PS Correspondence BUD14-007

CC: Theresa Hartsfield, Winston Engineering, LLC.





ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217)782-2829

PAT QUINN, GOVERNOR

LISA BONNETT, DIRECTOR

217/524-3300

October 3, 2014

(Revised - November 14, 2014)

Southwind RAS, LLC
Attention: Jacob Mrugacz
2250 Southwind Blvd
Bartlett, IL 60103

Re: 0894125010 Walworth County, WI
Southwind RAS, LLC
Log No. BUD14-007
Expiration Date:
Permit File, Beneficial Use Determination
Permit Approval

Dear Mr. Jacob Mrugacz :

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed your application for a beneficial use determination (BUD) identified in the Illinois EPA records as Log BUD 14-007 received on May 1, 2013. Your BUD request for the use of recycled asphalt shingles (RAS) as a raw ingredient in hot-mix asphalt has been approved in accordance with 415 ILCS Section 22.54 of the Illinois Environmental Protection Act and the material processed at Southwind RAS, LLC in Lafayette, WI is not waste when received at Healy Asphalt Co. LLC located in Mt. Prospect, IL when generated, processed, and managed in accordance with the following conditions:

This BUD approves and authorizes Southwind RAS, LLC to produce an end product that meets the Illinois Department of Transportation (IDOT) specification for recycled asphalt shingles to be used as a raw material in new hot-mix asphalt (HMA) pavement.

1. Approval is only for the use of recycled asphalt shingles (RAS) generated by C and E Builders and processed by Southwind RAS, LLC as a raw ingredient in hot-mix asphalt at Healy Asphalt Co. LLC as specifically identified and described in your application Log No. BUD14-007.

Approval does not apply to circumstances where the source of material, method of generation, characteristics of the material, location or methods of use of the material vary from the information in the conditions of this letter or your approved application. If the information changes from that described in the application Log BUD14-007, the beneficial reuse activity shall cease until it has received a new beneficial use determination from the Illinois EPA or a written determination that a new BUD is not required. If changes occur which modify any of the information used in obtaining this authorization, the applicant of record shall notify the Illinois EPA. Such changes would include but not be limited to any changes in the names or addresses of both beneficial and legal title holders to the site where the material is used.

2. The RAS shall only be used in a manner that is protective of human health, safety and the environment and in compliance with applicable state and federal law. It should be noted that the issuance of this authorization does not relieve the Permittee of the responsibility of complying with the provisions of the State of Illinois Rules and Regulations, 35 Illinois Administrative Code (35 Ill. Adm. Code), Subtitle B, Air Pollution Control, Chapter 1.
3. This BUD authorizes the use of the processed recycled asphalt shingle (RAS) from Southwind RAS, LLC– located in Lafayette, WI that have been processed in accordance with the applicant log BUD14-007 and the conditions of this approval to be used by Healy Asphalt Co. LLC located in Mt. Prospect, IL in hot-mix asphalt. The Illinois HMA plants may use additional mix designs under this BUD if they document that the RAS will be used in a mix design that has been certified by an Illinois Registered Professional Engineer for use in hot-mix asphalt pavement. Additional HMA plants in Illinois may receive the RAS identified in this BUD if the HMA plant operates within the limitations and conditions of this authorization and keeps the required records. The generator of the shingles for processing is limited to C & E Builders– located in Janesville, WI. Before receiving shingles from a supplier, Southwind RAS, LLC. must document that the supplier has completed an affidavit attesting that they have completed the supplier training outlined in the application Log BUD14-007 and the affidavit must be included in the operating record of HMA plants in Illinois receiving the RAS (ie, the Healy Asphalt Co. LLC located in Mt. Prospect, IL or other HMA plants). The operating record must be made available to the Agency upon request.
4. A copy of any affidavit generated to comply with condition 3 above shall be kept with the operating record for the HMA plants located in Illinois (ie, Healy Asphalt Co. LLC located in Mt. Prospect, IL or other HMA plants as allowed by condition 3 above) and made available to the Agency personnel upon request.
5. The Agency has determined that the processed shingles (RAS) received at the Healy Asphalt Co. LLC located in Mt. Prospect, IL are not a waste provided the shingles have been processed in accordance with the application Log BUD14-007 and the conditions of this determination at the Southwind RAS, LLC – located in Lafayette, WI. Additional HMA plants located in Illinois may also receive this RAS from the Southwind RAS, LLC facility without a solid waste permit if the HMA plant complies with the conditions of this BUD. This approval specifies the condition under which the Southwind RAS, LLC must operate to produce RAS that is not a waste when shipped to a HMA plant in Illinois. It also specifies the conditions under which an Illinois HMA plant must operate to be exempt from permits when storing and using RAS produced by the Southwind RAS, LLC. The Agency has not made a determination regarding the regulatory status of any activities which occur in the State of WI.

6. A clean load is defined by a load containing any amount of non-shingle materials such as paper, plastic, flashing or wood. Any load with visible non-shingle material than must be rejected. As the clean load of shingles is unloaded into the Raw Shingles Storage Area any concealed non-shingle material detected during unloading must be removed immediately during the unloading process. Acceptance of waste is not permitted at the site Shingles shall be managed onsite in accordance with the applications and conditions of this approval. The clean material shall be stockpiled and tested in accordance with the Best Management Practices (BMPs) submitted and approved as described in your application Log No. BUD14-007. The RAS shall only be used in the quantities and time frames specified in the approved application.
7. No shingle material shall be received from a source other than C & E Builders– located in Janesville, WI. Except as allowed by condition 3.
8. Shingles shall be grounded to meet the Illinois Department of Transportation specification.
9. Southwind RAS, LLC shall develop and maintain a recordkeeping system that is adequate to demonstrate only source separated shingles from family home and apartments of less than 4 dwellings are used as raw material and that asbestos testing as specified by IDOT has been conducted on all source material used to make RAS for this BUD. These records shall be provided to Healy Asphalt Co. LLC or IEPA upon request.
10. This authorization shall terminate under operation of law if, due to a change in law, it conflicts with the law; however, the recipient of the determination may apply for a new beneficial use determination that is consistent with the law as amended within 30 days from the date the new law become effective.
11. This authorization does not allow use of material from hazardous waste, coal combustion waste, coal combustion by-product, and sludge applied to the land, potentially infectious medical waste, used oil or compost waste.
12. This authorization does not apply to material that is burned for energy recovery, that is used to produce a fuel, or that is otherwise contained in a fuel.
13. This authorization is issued with the expressed understanding that no process discharge to Waters of the State, stormwater runoff, or to a sanitary sewer will occur from these facilities, except as authorized by a permit from the Illinois EPA Bureau of Water (BOW).
14. This authorization is subject to review and modification by the Illinois EPA as deemed necessary to fulfill the intent and purpose of the Environmental Protection Act, and all applicable environmental rules and regulations.
15. Any application for renewal of this BUD shall include the beneficial use application form LPC-PA-27 and supporting documents with original signatures and seal and be filed with the Illinois EPA at least 180 days prior to the expiration date of this authorization.

16. The Southwind RAS, LLC in Lafayette, WI and Healy Asphalt Co. LLC shall retain copies of all operating records including any affidavits, records of retention times, training records, daily reports, inspection reports, incident reports, material profile identification sheets, re-certifications, certifications of representative samples, laboratory analyses, special analysis plans, and any waivers of requirements, at the office of the facility for five years after this authorization expires. These records shall be made available to the Illinois EPA upon request.
17. The IDOT specification for shingle recycling shall be conducted in accordance with IDOT's contract specifications for Reclaimed Asphalt Shingles (RAS) and Policy Memorandum – Reclaimed Asphalt Shingle (RAS) sources. Any deviation from these procedures or specifications, except to comply with IDOT updates for specifying Reclaimed Asphalt Shingles (RAS) and Policy Memorandum – Reclaimed Asphalt Shingle (RAS) Sources, is subject to the requirements of condition 1 above.
18. The operator shall follow the shingle control plan presented in the application for testing, and removal of material containing asbestos and use method EPA 600/R-93/116 to detect asbestos in the shingles.
19. Processed RAS shall be stored on a non-earthen pad that prevents the RAS from being contaminated during unloading, loading and storage.
20. Unprocessed shingles shall be stored on a non-earthen surface constructed of concrete, asphalt, gravel, or raw shingles, in such a manner that the shingles are not mixed with earth when moved for processing.
21. This authorization limits activities associated with RAS processing as proposed in this BUD application to the area as specified in the approved application in order to fulfill the intent and purpose of the Environmental Protection Act, and all applicable environmental rules and regulations.

Appeal Rights

The applicant may appeal this final decision to the Illinois Pollution Control Board pursuant to Section 40 of the Act by filing a petition for a hearing within 35 days after the date of issuance of the final decision. However, the 35-day period may be extended for a period of time not to exceed 90 days by written notice from the applicant and the Illinois EPA within the initial 35-day appeal period. If the owner or operator wishes to receive a 90-day extension, a written request that includes a statement of the date the final decision was received, along with a copy of this decision, must be sent to the Illinois EPA as soon as possible.

For information regarding the request for an extension, please contact:

Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276
217/782-5544

For information regarding the filing of an appeal, please contact:

Illinois Pollution Control Board, Clerk
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, IL 60601
312/814-3620

Work required by this authorization, your application or the regulations may also be subject to other laws governing professional services, such as the Illinois Professional Land Surveyor Act of 1989, the Professional Engineering Practice Act of 1989, the Professional Geologist Licensing Act, and the Structural Engineering Licensing Act of 1989. This authorization does not relieve anyone from compliance with these laws and the regulations adopted pursuant to these laws. All work that falls within the scope and definitions of these laws must be performed in compliance with them. The Illinois EPA may refer any discovered violation of these laws to the appropriate regulating authority.

If you have any questions regarding this BUD Application, please contact Sunil Suthar at (217) 524-3293.

Sincerely,


Stephen F. Nightingale, P.E.
Manager, Permit Section
Bureau of Land

^{TJ}
SFN:SIS: 0310000000-BUD-BUD14-007-Approval

CC: Theresa Hartsfield, Winston Engineering, LLC.

Wisconsin Department of Natural Resources

Recycling residential asphalt shingles in Wisconsin

The [REDACTED] because they occupy a large part of roofing tear-off waste and general construction and demolition (C&D) waste and are fairly easy to identify and separate. Of the top 10 C&D wastes by weight, asphalt shingles are second after wood waste, according to a recent study. An estimated 247,000 tons of asphalt shingles were landfilled in Wisconsin in 2009.

Benefits of shingle recycling

Recycling shingles has many benefits, especially when the price of oil and virgin asphalt is high. Highway engineers have investigated use of shingles that are recycled into an additive for hot mix asphalt to build or repair roads and have found good results when ground shingles are used correctly. [REDACTED] Asphalt shingles contain asphalt cement "binder" and mineral aggregate, which are useful for asphalt hot mix pavement applications if proportioned following Wisconsin Department of Transportation standard specifications.

Shingle recycling process overview

Contractors, waste haulers and shingle processors play a key role in providing sorted shingle scrap to asphalt plants with minimum contamination from other materials in roofing debris, such as:

- [REDACTED] flashing, fabrics, rolled roofing, mastic and [REDACTED] and
- wood, metal, cardboard, plastic packaging and shingle nails, which affect pavement acceptability.

Asphalt shingles must be ground to be useful to asphalt hot mix plants, and grinding asbestos-containing materials violates Clean Air Act restrictions. Other roofing wastes degrade hot mix pavement. Therefore, the DNR encourages contractors to source separate at job sites. Some of the other wastes can be recycled, such as wood, metals and cardboard, including the shingle nails, which can be removed from the ground shingles by magnets.

More information

- Shinglerecycling.org [exit DNR], a website hosted by the U.S. Environmental Protection Agency (EPA), the Federal Highway Administration and the Construction Materials Recycling Association that covers advantages and requirements for recycling asphalt shingles into hot mix asphalt and other end uses
- California Integrated Waste Management Board [introduction to shingle recycling](#) [exit DNR]
- California Integrated Waste Management Board [information about asphalt roofing shingles in aggregate base](#) [exit DNR]

Wisconsin licensing and plan approval requirements

Residential asphalt shingles are a solid waste under Wisconsin solid waste management rules found in the NR 500 series of Wisconsin's administrative codes. Under Wisconsin's solid waste rules, the level of regulation for handling residential asphalt shingles varies, depending on who does the grinding. Sorting of roofing waste by roofers or haulers is subject to fairly simple requirements. A hot mix plant that uses ground shingle from another source is essentially not regulated. [REDACTED] An approval is required under the exemption authority of s. NR 502.08(2)(i), Wis. Adm. Code.

The tabs below provide information about the licensing and plan review requirements for typical shingle-handling activities.

- [Source separation](#)

Demolition, construction & renovation

Find
waste haulers or disposal sites.

Related links

- 1. [Managing construction & demolition debris](#)
- 2. [Handling waste from demolished structures](#)
- 3. [Cleaning up storm debris](#)
- 4. [Open burning](#)
- 5. [Asbestos information](#)
- 6. [Is asbestos in your home? \[PDF\]](#)

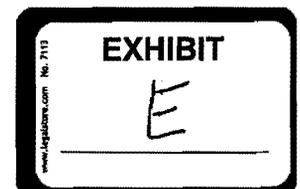
Additional resources

- 1. [DNR solid waste contacts](#)
- 2. [Solid waste administrative codes and statutes](#)
- 3. [WasteCap Resource Solutions](#) [exit DNR]
- 4. [WasteCapDIRECT C&D recycling/reuse directory](#) [exit DNR]

Contact information

For information on how to manage waste and debris, contact:

Jack Connelly
Waste & Materials Management
608-267-7574



- [Transportation](#)
- [Storage](#)
- [Transfer](#)
- [Processing](#)
- [Material recovery](#)

Source separation

Separating shingles does not require a DNR license or submitted plan

On-site source separation and containerized storage are not subject to licensing or plan approval requirements.

Roofing contractors or do-it-yourselfers are encouraged to separate asphalt shingles at the job site in separate lugger boxes (one box to collect clean asphalt shingles and other boxes to collect the rest of the project's wastes). Placing all roofing debris in a single on-site container requires further processing of those materials to extract the shingles from the other debris.

Haulers and contractors who separate roofing waste on their own property need to assure that all wastes are removed after sorting, whether for recycling or for landfill disposal. In those situations, haulers and contractors may be required to follow transfer facility rules under s. NR 502.07, Wis. Adm. Code.

The next handler of your shingles will require information from you assuring that the shingles came from residences with four or fewer units. If your project is a residence with more than four units or a commercial/institutional building, you will need to provide asbestos test data for each layer of shingles that were on that tear-off project.

Transportation

Transporting shingles requires a state DNR license

If you haul source-separated residential asphalt shingles and/or mixed roofing debris from job sites, you must have a Collection and Transportation (C&T) license under [s. NR 502.06, Wis. Adm. Code](#) ~~(exit DNR)~~.

One-time, do-it yourself haulers of roofing materials may qualify for an exemption from licensing under s. NR 502.06(2)(b) if they haul less than 20 tons per year of solid waste and comply with the specified operational requirements.

All haulers, whether licensed or exempt, must deliver their materials to recycling facilities licensed or approved by the DNR, or to recycling facilities which are exempt from regulation by the DNR.

The receiving facility should be able to document its license or approval status. The facility will require information from the hauler assuring that the shingles came from a residence with four or fewer units. If they came from a residence with four or more units or a commercial/institutional building, the hauler will need to provide asbestos test data furnished to them by the generator.

Bringing material back to a box-yard to accumulate sufficient amounts of materials, consolidate loads or sort out recyclable materials requires an additional license (see storage or transfer tabs for details).

- For more information on obtaining a C&T license, see [Waste facility and transporter licenses](#).
- [Licensed solid waste transporters by county with waste types \(PDF\)](#)

Storage

Storing shingles at a separate site may require a DNR license or approval

Storage means stockpiling residential asphalt shingles (sorted or mixed) at a property other than the job site, in order to accumulate sufficient quantities to economically haul the materials to the next facility. The storage facility

either must be licensed and approved under s. NR 502.05, Wis. Adm. Code [exit DNR], or qualify for an short-term storage exemption under s. NR 502.05(3)(j) if the specified performance, location and operational requirements are met.

Operations that handle less than 50 tons per day of shingles may qualify for an exemption from the plan approval requirements under s. NR 502.05(3)(k). These operations receive a license and annually self-certify that they operate in compliance with pertinent code requirements.

Those stockpiling shingles need to keep sufficient records on the origin of the shingles delivered to your facility to provide information to the next receiving facility assuring that the shingles came from residences with four or fewer units. If the shingles came from residence with more than four units or a commercial/institutional building, test data furnished by the generator will need to be provided.

Sorting materials at a storage facility to extract recyclables is not allowed (see transfer tab for details).

- To obtain a storage facility license, contact your [regional DNR environmental program associate](#).

Transfer

Combining loads of shingles to haul elsewhere requires a DNR license

Transfer means combining loads of residential asphalt shingles from smaller lugger boxes into larger boxes, at a property other than the job site, in order to haul the combined shingles to distant reuse operations more efficiently. The transfer facility must be licensed and approved under s. NR 502.07, Wis. Adm. Code [exit DNR].

Operations that handle less than 50 tons per day of shingles may qualify for an exemption from the plan approval requirements under s. NR 502.07(2r). These operations receive a license and annually self-certify that they operate in compliance with the pertinent code requirements.

Some sorting can be performed as part of the transferring operation to separate recyclable materials, provided you do not create nuisance conditions. This often includes manual sorting of shingles to produce a cleaner, sorted shingle load that is more economical to haul to the next recycler and typically receives a price similar to source-separated materials.

You need to keep sufficient records on the origin of the shingles delivered to your facility to provide information to the next receiving facility assuring that the shingles came from residences with four or fewer units. If the shingles came from residence with more than four units or a commercial/institutional building, you will need to provide asbestos test data furnished to you by the generator.

Multiple sorting activities, mechanically assisted operations or material grinding are not allowed at a transfer facility (see Processing tab).

- To obtain a transfer facility license, contact your [regional DNR environmental program associate](#).
- [Licensed solid waste transporters by county with waste types \[pdf\]](#)

Processing

Sorting and separating shingles from other roofing debris to remove nails and other foreign objects; and

Separating and resending to the appropriate recycling facility

- sorting or separating shingles from other roofing debris to remove nails and other foreign objects; and

- grinding shingles to produce a product meeting the specifications of the reuse/recycling operation

The processing facility must be licensed and approved under s. NR 502.08, Wis. Adm. Code (exit DNR)

Operations that handle only residential roofing shingles or properly tested 3-tab shingles from commercial/institutional projects for an approved reuse/recycling application may qualify for an exemption from plan review and licensing requirements under s. NR 502.08(2)(i). This exemption requires DNR approval of the facility's asbestos screening procedures as well as material handling procedures, including pre-sorting, storage, final sorting, grinding and final product storage activities.

Shingle processing under this exemption does not allow the acceptance of other C&D materials that are not residential 3-tab shingle materials (see Material recovery tab).

- To apply for the exemption, complete a [Residential Shingles Processing Exemption Application \(Form 4400-303\) PDF](#) and send it to the [regional DNR environmental program associate](#) for the county in which the processing will take place.

Material recovery

Construction and demolition materials recovery facilities

Construction and demolition material recovery operations handle a larger array of recyclable C&D materials and receive mixed C&D materials from projects sites more diversified than residential roofing tearoffs. These facilities are considered to be solid waste processing facilities and must be licensed and approved under [s. NR 502.08, Wis. Adm. Code \(exit DNR\)](#).

To encourage C&D material recovery facilities, the DNR waives plan review fees and licensing fees. To maintain the fee waiver for future relicensing and plan modification review fees, the operation is typically required to document that sufficient volumes of materials accepted at the facility have actually been sent to recycling markets.

Last revised: Thursday February 13 2014



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- Feedback



General Information 1-888-WDNRINFO | (1-888-936-7463) | Hours: 7 a.m. - 10 p.m.
101 S. Webster Street . PO Box 7921 . Madison, Wisconsin 53707-7921 . 608-266-2621

STATE OF WISCONSIN:

CIRCUIT COURT:

WALWORTH COUNTY:

GENEVA NATIONAL COMMUNITY
ASSOCIATION, INC.
N3510 County Road H
Lake Geneva, WI 53147,

File No. **14 CV 00901**

-and-

GENEVA NATIONAL CONDOMINIUM
MASTER ASSOCIATION, INC.
N3510 County Road H
Lake Geneva, WI 53147,

Case Classification Type:
Other Real Estate

Code No. 30405

Plaintiffs,

-vs-

DANIEL J. CHURCH, JR.
W224 S8435 Industrial Avenue
Big Bend, WI 53103,

FILED

NOV 17 2014

CIRCUIT COURT
WALWORTH COUNTY
DUSTIN POWERS

-and-

STEPHANIE L. CHURCH
W224 S8435 Industrial Avenue
Big Bend, WI 53103

-and-

COUNTY OF WALWORTH
ATTENTION: Kimberly S. Bushey, County Clerk
100 W. Walworth Street
Elkhorn, WI 53121

-and-

CITIZENS BANK OF MUKWONAGO
301 N. Rochester Street
Mukwonago, WI 53149

-and-

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WALWORTH COUNTY CLERK
2014 DEC -2 AM 8:40

STATE OF WISCONSIN, DEPARTMENT OF
WORKFORCE DEVELOPMENT
c/o Attorney General J.B. Van Hollen
114 East State Capitol
Madison, WI 53702-7857

-and-

STATE OF WISCONSIN, DEPARTMENT OF
REVENUE
c/o Attorney General J.B. Van Hollen
114 East State Capitol
Madison, WI 53702-7857

-and-

UNITED STATES OF AMERICA-INTERNAL
REVENUE SERVICE
c/o U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530 0001

Defendants.

SUMMONS

THE STATE OF WISCONSIN

To each person named above as a Defendants:

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

Defendants, Daniel J. Church, Jr., Stephanie L. Church, County of Walworth and Citizens Bank of Mukwonago: Pursuant to the terms of Wis. Stat.

§ 801.09(2)(c), within 20 days of personal service of this Summons, you must respond with a written answer, as that term is used in Wis. Stat. ch. 802, to the Complaint.

Defendants, State of Wisconsin, Department of Workforce Development, and State of Wisconsin, Department of Revenue. Within 45 days of receiving this Summons, you must respond with a written answer, as that term is used in Wis. Stat. ch. 802, to the Complaint.

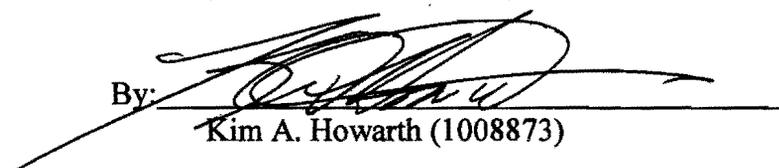
Defendant, United States of America-Internal Revenue Service. Within 60 days of receiving this Summons, you must respond with a written answer, as that term is used in Wis. Stat. ch. 802, to the Complaint.

ALL Defendants: The Court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the Court, whose address is the Walworth County Judicial Center, 1800 County Road NN, Elkhorn, Wisconsin 53121, and to Plaintiffs' attorneys, Godfrey, Leibsle, Blackburn & Howarth, S.C., Attn. Kim A. Howarth, whose address is 354 Seymour Court, Elkhorn, Wisconsin 53121. You may have an attorney help or represent you.

If you do not provide a proper answer within 20 days (45 days for Defendants, State of Wisconsin, Department of Workforce Development and State of Wisconsin, Department of Revenue) (60 days for Defendant, United States of America-Internal Revenue Service), the Court may grant judgment against you for the award of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Dated this 13 day of November, 2014.

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

By: 

Kim A. Howarth (1008873)

354 Seymour Court
Elkhorn, Wisconsin 53121
Telephone: (262) 723-3220
Facsimile: (262) 723-7538

STATE OF WISCONSIN:

CIRCUIT COURT:

WALWORTH COUNTY:

GENEVA NATIONAL COMMUNITY
ASSOCIATION, INC., and GENEVA
NATIONAL CONDOMINIUM MASTER
ASSOCIATION, INC.,

File No. **14 CV 00901**

Plaintiffs,

Case Classification Type:

-vs-

Other Real Estate
Code No. 30405

DANIEL J. CHURCH, JR., STEPHANIE L.
CHURCH, COUNTY OF WALWORTH,
CITIZENS BANK OF MUKWONAGO,
STATE OF WISCONSIN, DEPARTMENT
OF WORKFORCE DEVELOPMENT,
STATE OF WISCONSIN, DEPARTMENT
OF REVENUE and UNITED STATES OF
AMERICA-INTERNAL REVENUE
SERVICE,

FILED

NOV 17 2014

CIRCUIT COURT
WALWORTH COUNTY
DUSTIN POWERS

Defendants.

COMPLAINT

NOW COME the Plaintiffs, Geneva National Community Association, Inc. and Geneva National Condominium Master Association, Inc. (collectively, the "Associations"), by their attorneys Godfrey, Leibsle, Blackburn & Howarth, S.C., by Kim A. Howarth, and as and for a cause of action against the Defendants allege and show to the Court as follows:

1. Plaintiff, Geneva National Community Association, Inc. is a Wisconsin nonstock corporation, with its principal place of business located at N3510 County Road H, Lake Geneva, Wisconsin 53147.

2. Plaintiff, Geneva National Condominium Master Association, Inc. is a Wisconsin nonstock corporation, with its principal place of business located at N3510 County Road H, Lake Geneva, Wisconsin 53147.

3. Upon information and belief, Defendant, Daniel J. Church, Jr. (“Daniel”), is an adult resident of the State of Wisconsin, residing at 3085 Theatre Road, Delavan, WI 53115.

4. Upon information and belief, Defendant, Stephanie L. Church (“Stephanie”), is an adult resident of the State of Wisconsin, residing at 3085 Theatre Road, Delavan, WI 53115.

5. Defendant, County of Walworth (“Walworth County”), upon information and belief, is a municipal corporation organized under the laws of the State of Wisconsin, with offices located in the Walworth County Judicial Center, 100 W. Walworth Street, Elkhorn, Wisconsin 53121.

6. Upon information and belief, Defendant, Citizens Bank of Mukwonago (“Citizens Bank”), is a Wisconsin state banking corporation with its main office located at 301 N. Rochester Street, Mukwonago, WI 53149.

7. Upon information and belief, Defendant, State of Wisconsin, Workforce Development (“DWD”) is an agency of the State of Wisconsin, with its office located in care of the Attorney General at 114 East State Capitol, Madison, Wisconsin 53702.

8. Upon information and belief, Defendant, State of Wisconsin, Department of Revenue (“Department of Revenue”) is a body politic and a sovereign state of the United States of America, with its office located in care of the Attorney General at 114 East State Capitol, Madison, Wisconsin 53702.

9. Upon information belief, Defendant, United States of America, Internal Revenue Service (“IRS”), is an agency within the Department of the Treasury, a department within the government of the United States of America, a sovereign entity and body politic. The IRS is, upon information and belief, charged with the duty of collecting taxes owed to the United States and empowered to file tax liens for nonpayment of taxes owed. The United States Department of the Treasury has its main office located at 950 Pennsylvania Avenue NW, Washington, D.C. 20530.

10. Unit 17-02 (the “Unit”) in Geneva National Condominium No. 17 (the “Condominium”) is located at 1502 Geneva National Avenue East, Lake Geneva, Wisconsin 53147, and is more particularly described as follows:

Unit 17-02, together with said unit's undivided percentage interest in the common elements (and the exclusive use of the limited common elements appurtenant to said unit) all in Geneva National Condominium No. 17, a condominium declared and existing under and by virtue of the Condominium Ownership Act of the State of Wisconsin and recorded by a Declaration as such condominium in the Office of the Register of Deeds for Walworth County, Wisconsin, on May 29, 1990, in Vol. 487 of Records at pages 929 through 976, as Document No. 194775, and as amended, said condominium being located in the Town of Geneva, County of Walworth, State of Wisconsin on the real estate described in said Declaration and incorporated herein by this reference thereto.

Tax Key No. JGN 1700002

11. Upon information and belief, Daniel and Stephanie (collectively, the “Defendants”), are, and were at all relevant times, the owners of the Unit.

12. Pursuant to Wis. Stat. § 703.165, the Declaration of Covenants, Conditions, Restrictions and Easements for the Geneva National Community, the relevant portions of which is attached as Exhibit A and incorporated herein by reference, and the Declaration of Condominium Ownership and of Easements Restrictions, Conditions and

Covenants for the Condominium, the relevant portions of which is attached as Exhibit B and incorporated herein by reference, Defendants, Daniel and Stephanie as owners of the Unit, are liable to the Associations for Defendants' proportionate share of the Associations' assessments for the common expenses of the Condominium that become due and payable against the Unit, as well as for reasonable attorneys' fees, costs, and disbursements incurred in collecting the same and bringing, maintaining and concluding this action, together with interest on the past due balance thereof at the rate of 18% *per annum* (collectively, "Assessments").

13. As of November 1, 2014, there is justly due and owing to the Associations from Defendants the sum of \$4,403.45, representing the past due, unpaid balance of Assessments accrued against the Unit. Said sum was calculated as set forth in the attached Exhibit C, incorporated herein by reference.

14. Continuing notices of such unpaid Assessments and invoices evidencing Defendants' indebtedness to the Associations were sent by the Associations to the Defendants, on a monthly basis through the present, and the Defendants have not objected to any such notices or invoices.

15. On October 7, 2014, pursuant to Wis. Stat. § 703.165(8), the Associations filed in the Office of the Clerk of Circuit Court, Walworth County, Wisconsin, a Statement of Condominium Lien against the Defendants setting forth the amount of unpaid Assessments accrued against the Unit from January 1, 2014 to October 1, 2014 (the "Statement of Condominium Lien"). A true and accurate copy of the Statement of Condominium Lien is attached as Exhibit D and incorporated herein by reference.

16. On October 9, 2014, pursuant to Wis. Stat. § 703.165(7), the Associations mailed via registered mail, return receipt requested, a Notice of Intent to Foreclose Lien for the

Statement of Condominium Lien, with the Statement of Condominium Lien attached, to the Defendants (the "Notice of Intent to Foreclose Lien"). The Notice of Intent to Foreclose Lien was received by the Defendants on October 22, 2014, but to date, the Associations have received no objection or response to the Notice of Intent to Foreclose Lien from the Defendants. A true and accurate copy of the Notice of Intent to Foreclose Lien is attached as Exhibit E and incorporated herein by reference.

17. The Defendants have been duly informed of their indebtedness to the Associations, and have failed to pay such indebtedness in full.

18. The Associations did not file the current action until the expiration of 10 days following the mailing of the Notice of Intent to Foreclose Lien.

19. Three years have not elapsed since the date of filing the Statement of Condominium Lien and the Statement of Condominium Lien was filed within two years from the date on which all relevant Assessments against the Unit became due.

20. Assessments continue to accrue against the Unit and are not presently being paid to the Associations by the Defendants, or any other party.

21. Upon information and belief, the Unit consists of a vacant lot, and is not owner occupied, a farm, or owned by a church or a tax exempt, non-profit charitable organization, and is less than 20 acres in size and cannot be sold in part or parcels without material injury to the rights of the parties hereto.

22. The Associations hereby elect to hold a foreclosure sale of the Unit upon the expiration of three months from the entry of a judgment of foreclosure in this matter, and waive their right to the entry of a judgment against the Defendants, for any deficiency in the amounts due to the Associations after the application of the proceeds of sale of the Unit.

23. Walworth County may claim some interest or lien in and to the Unit by virtue of a judgment, in favor of the Walworth County Clerk of Circuit Court against Daniel J. Church, in the amount of \$659.41, and docketed on December 27, 2010, as Case No. 2010FO000126. The interest or lien of Walworth County is subsequent, subordinate, and junior to the Associations' interest.

24. Citizens Bank may claim some interest or lien in and to the Unit by virtue of a judgment, in favor of the Citizens Bank of Mukwonago against Daniel J. Church, Jr., in the amount of \$226,430.05, and docketed on February 4, 2013, as Case No. 2013TJ000009. The interest or lien of Citizens Bank is subsequent, subordinate, and junior to the Associations' interest.

25. DWD may claim some interest or lien in and to the Unit by virtue of a tax warrant, filed by the Wisconsin Department of Workforce Development against Daniel J. Church, Jr., in the amount of \$14,922.73, and docketed on March 14, 2013, as No. 201302086 (Case No. 2013UC000044). The interest or lien of Walworth County is subsequent, subordinate, and junior to the Associations' interest.

26. Department of Revenue may claim some interest or lien in and to the Unit by virtue of a tax warrant, filed by Wisconsin Department of Revenue against Daniel J. Church, Jr., in the amount of \$31,009.64, and docketed on April 24, 2014, as No. 64-11983498. The interest or lien of the Department of Revenue is subsequent, subordinate, and junior to the Associations' interest.

27. IRS may claim may claim some interest or lien in and to the Unit by virtue of a federal tax lien, under Internal Revenue Laws filed by the District Director of Internal Revenue at Milwaukee, Wisconsin, in the Office of the Register of Deeds against Dan and

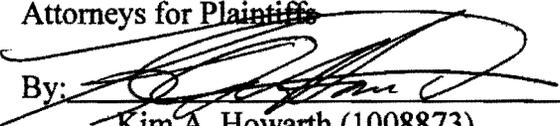
Stephanie Church Jr., in the amount of \$31,584.82, and docketed on January 2, 2013, as No. 854270. The interest or lien of the IRS is subsequent, subordinate, and junior to the Associations' interest.

WHEREFORE, the Associations demand judgment against the Defendants, as follows:

- a) For foreclosure and sale of the Unit as provided by law;
- b) For all amounts due for principal, interest, taxes, late charges, costs, disbursements, and attorney fees;
- c) Ordering that Defendants, and all persons claiming under Defendants, be barred and foreclosed of all right, claim, and equity of redemption in and to the Unit, except the right to redeem the same before sale, as provided by law;
- d) For sale of the Unit, upon the expiration of three- months pursuant to Wis. Stat. § 846.101, or such part thereof as may be sufficient to pay the amounts due, with interest to the time of such payment, together with late charges, costs, disbursements, and actual attorney fees incurred in prosecuting this action, and such additional amounts as the Associations may advance for payment of taxes, insurance, and other expenses upon said premises, with interest on the same as allowed by law, from the date of judgment, out of the proceeds of such sale so far as the monies arising out of such sale and proceeds applicable thereto will pay the same;
- e) Enjoining Defendants and any other Defendants from committing waste upon the Unit, or doing any other act which may impair the value of the Unit between the date of judgment and the date of sale of the Unit, and the date the sale of the Unit is confirmed by the Court;
- f) Ordering that in the event there is a sale of the Unit, Defendants, and all persons claiming under Defendants, be barred and foreclosed of all right, title, and equity of redemption in and to the Unit so sold; and
- g) For such other and further relief as the Court may deem just and equitable.

Dated this 13 day of November, 2014.

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

By: 

Kim A. Howarth (1008873)

354 Seymour Court
Elkhorn, Wisconsin 53121
Telephone: (262) 723-3220
Facsimile: (262) 723-7538

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DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS AND EASEMENTS
FOR THE GENEVA NATIONAL COMMUNITY

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Special Assessments shall be levied against all Units in the Property as provided in Section 6.05 of this Declaration.

6.08 Special Assessments for Capital Improvements. In addition to the Annual Assessments authorized by Section 6.03 hereof and the Special Assessments authorized by Section 6.07 hereof, the Board of Directors, may levy in any assessment year a Special Assessment for the purpose of defraying, in whole or in part, the cost of any construction or reconstruction of any capital improvements for which the Community Association is responsible, provided that any such Special Assessment made pursuant to this Section 6.08 must be approved by a majority of the Board of Directors at a meeting duly called for such purpose.

A Special Assessment made pursuant to this Section 6.08 shall be allocated against all Units in the Property as provided in Section 6.05 of this Declaration, except that no Class VI Member shall be obligated to pay any such Special Assessment.

6.09 Reserve and Contingency Fund. The Board of Directors shall establish and maintain such reasonable reserve and contingency funds, as the Board of Directors deems appropriate. Upon the conveyance by the Declarant of title to a parcel of land or Unit, the grantee thereof shall pay to the Community Association such sum as may be determined from time to time by the Board of Directors, which sum shall be deposited in the reserve and contingency fund.

6.10 Collection of Assessments and Other Charges. If any installment payment of the Annual Assessment, any Special Assessment or other sum owing to the Community Association is not paid on or before the date when due, which date is hereinafter referred to as the "Delinquency Date," then all such indebtedness shall be delinquent. Thereafter, on written demand by the Community Association to the Unit Owner, the entire unpaid balance of all Assessments and the entire unpaid balance of any other sum owing to the Community Association shall also become delinquent and thereupon shall be immediately due and payable in full. Delinquent Assessments and any other delinquent sums owing to the Community Association and charged against a Unit shall be a continuing lien on such Unit as an equitable charge running with the land and shall be binding upon the Unit Owner and the grantees, heirs, administrators, executors, legal representatives, successors and assigns of such Unit-Owner. The obligation to pay an Assessment against a Unit and to pay any other sum owing to the Community Association and charged against a Unit shall also be a personal obligation of the Unit Owner, but such obligation shall not pass as a personal obligation to successors-in-title of such Unit Owner unless expressly assumed by such successors-in-title. In the event more than one Person is the Record Owner of a Unit, then all such Persons shall be jointly and severally liable for all Assessments against such

Unit and for all other sums owing to the Community Association and charged against such Unit. The lien of any delinquent Assessment and any other delinquent sums owing to the Community Association shall attach to rents due and owing to a Unit Owner from tenants in possession of such a Unit, provided that such lien shall be subordinate to an assignment of rents held by a mortgagee of such Unit delivered in connection with a mortgage loan secured by such Unit.

If any Assessment and any other sum owing to the Community Association is not paid within thirty (30) days after the Delinquency Date, the Assessment and any such other sum shall bear interest from and after the Delinquency Date at the rate of twenty-one (21%) percent per annum or the maximum rate of interest per annum permitted by the usury laws of the State of Wisconsin, whichever is less, and the Community Association may (i) bring an action against the Unit Owner personally obligated to pay such Assessment and any other sum owing to the Community Association; (ii) bring an action to foreclose the lien against such Unit; and (iii) intervene as a third party in any action to foreclose any other lien against the Unit; or any one or more of (i), (ii) or (iii), and there shall be added to the amount of such Assessment all the costs of collecting the Assessment and any other sum owing to the Community Association, including, but not limited to, attorneys' fees and title report costs and other costs associated with preparing and filing a complaint and maintaining and concluding such action. In the event a personal judgment or decree of foreclosure is obtained, such judgment or decree shall include interest on the Assessment and any other sum owing to the Community Association, together with reasonable attorneys' fees to be fixed by the court and all costs of the action. The Community Association shall have the power to bid and acquire a Unit at any sale resulting from the foreclosure of any Assessment and any other sum owing to the Community Association or resulting from the foreclosure of any mortgage or other lien against any Unit. Persons in possession of the Unit shall be authorized to accept service of the summons as agents for the Record Owner of such Unit.

6.11. Obligation for Assessments. If the Board of Directors fails to notify the Unit Owners of (i) the amount of the Annual Assessment against each Unit by December 15 of any year or (ii) the amount of any interim Annual Assessment calculated as provided in Section 6.04 of this Declaration, such failure or delay shall not constitute a waiver or release in any manner of any Unit Owner's obligation to pay the Assessments herein described whenever the same shall be determined, and, in such event, each Unit Owner shall continue to pay the Assessment at the then-existing rate established for the previous period until notification of such new Annual Assessment or the amount of any interim Annual Assessment shall have been delivered to the Members by the Board of Directors.

Single-Family

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DECLARATION OF CONDOMINIUM OWNERSHIP AND OF
EASEMENTS, RESTRICTIONS, CONDITIONS AND COVENANTS FOR
GENEVA NATIONAL CONDOMINIUM NO. 17

EXHIBIT B

the Common Elements and any other expenses incurred. Such records and the vouchers authorizing the payments shall be available for inspection by any Unit Owner or any representative of a Unit Owner duly authorized in writing at such reasonable time or times during normal business hours of week days as may be required by the Unit Owner. Upon ten (10) days' notice to the Executive Committee and payment of a reasonable fee as fixed by the Executive Committee, any Unit Owner shall be furnished a statement of account stating the amount of any unpaid assessments or other charges due and owing from such Unit Owner. Any encumbrancer from time to time may request, in writing, a written statement from the Executive Committee setting forth the unpaid Common Expenses with respect to the Unit covered by such encumbrance, and, unless the request shall be complied with within thirty (30) days, all unpaid Common Expenses shall be subordinate to the lien of such encumbrance. Any encumbrancer holding a lien on a Unit may pay any unpaid Common Expenses payable with respect to such Unit, and upon such payment such encumbrancer shall have a lien on such Unit for the amounts paid at the same rank as the lien of such encumbrance.

7.06 Status of Collected Funds: All funds collected hereunder shall be held and expended for the purposes designated herein and (except for such special Assessments as may be levied hereunder against less than all the Unit Owners and for such adjustments as may be required to reflect delinquent or prepaid Assessments) shall be deemed to be held for the benefit, use and account of all the Unit Owners in accordance with their Percentage Interest.

7.07 Collection of Assessments and Other Charges. A Unit Owner shall be obligated to pay all Assessments which become due and payable against the respective Unit for the period commencing on such Unit Owner's Record Owner Date for such Unit and continuing until a successor-in-title becomes the Record Owner of such Unit. If any Assessment or installment thereof or other sum owing to the Condominium Master Association is not paid on or before the date when due, which date is hereinafter referred to as the "Delinquency Date," then all such indebtedness shall be delinquent. Thereafter, on written demand by the Condominium Master Association to the Unit Owner, the entire unpaid balance of all Assessments and the entire unpaid balance of any other sum owing to the Condominium Master Association shall also become delinquent and thereupon shall be immediately due and payable in full. Delinquent Assessments and any other delinquent sums owing to the Condominium Master Association and charged against a Unit shall be a continuing lien on such Unit as an equitable charge running with the land and shall be binding upon the Unit Owner and the grantees, heirs, administrators, personal representatives, executors, legal representatives, successors and

assigns of such Unit Owner; provided, however, said lien for delinquent Assessments shall be subject and subordinate to the lien of any institutional first mortgage lender recorded against said Unit. The obligation to pay an Assessment against a Unit and to pay any other sum owing to the Condominium Master Association and charged against a Unit shall also be a personal obligation of the Unit Owner, but such obligation shall not pass as a personal obligation to successors-in-title of such Unit Owner unless expressly assumed by such successors-in-title. In the event more than one Person is the Record Owner of a Unit, then all such Persons shall be jointly and severally liable for all Assessments against such Unit and for all other sums owing to the Condominium Master Association and charged against such Unit. The lien of any delinquent Assessment and any other delinquent sums owing to the Condominium Master Association shall attach to rents due and owing to a Unit Owner from tenants in possession of such a Unit, provided that such lien shall be subordinate to an assignment of rents held by an institutional first mortgagee of such Unit delivered in connection with such mortgage loan secured by such Unit.

If any Assessment and any other sum owing to the Condominium Master Association is not paid within thirty (30) days after the Delinquency Date, the Assessment and any such other sum shall bear interest from and after the Delinquency Date at the rate of twenty-one percent (21%) per annum or the maximum rate of interest per annum permitted by the usury laws of the State of Wisconsin, whichever is less, and the Condominium Master Association may (i) bring an action against the Unit Owner personally obligated to pay such Assessment and any other sum owing to the Condominium Master Association; (ii) bring an action to foreclose the lien against such Unit; and (iii) intervene as a third party in any action to foreclose any other lien against the Unit; or any one or more of (i), (ii) or (iii), and there shall be added to the amount of such Assessment all the costs of collecting the Assessment and any other sum owing to the Condominium Master Association, including, but not limited to, attorneys' fees and title report costs and other costs associated with preparing and filing a complaint and maintaining and concluding such action. In the event a personal judgment or decree of foreclosure is obtained, such judgment or decree shall include interest on the Assessment and any other sum owing to the Condominium Master Association, together with reasonable attorneys' fees to be fixed by the court and all costs of the action. The Condominium Master Association shall have the power to bid and acquire a Unit at any sale resulting from the foreclosure of any Assessment and any other sum owing to the Condominium Master Association or resulting from the foreclosure of any mortgage or other lien against any Unit. Persons in possession of the Unit shall be authorized to accept service of

the summons as agents for the Record Owner of such Unit. No Unit Owner is exempt from liability for payment of such Unit Owner's Assessment for Common Expenses by waiver of the use or enjoyment of any of the Common Elements or by abandonment of such Unit.

7.08 Foreclosure: In the event of the foreclosure of a lien for unpaid Common Expenses, the Unit Owner who is the defendant in such proceeding shall be required to pay a reasonable rental for such Unit during any such period after the entry of a judgment for foreclosure and prior to the eviction or vacation of the Unit by such Unit Owner.

ARTICLE VIII

RULES AND REGULATIONS

8.01 The Units, Single-Family Residence Grounds, Common Elements and Limited Common Elements shall be occupied and used in accordance with and subject to the following initial Condominium Master Association Rules and Regulations, which may be amended from time to time by the Executive Committee as hereinbefore provided:

(a) Use: No part of the Condominium Property shall be occupied or used for other than individual single-family residential purposes and for purposes accessory to such residential purposes;

(b) Improvements: A Unit Owner may place on the Single-Family Residence Grounds of such Unit only those Unit Owner Improvements which have been approved by the Architectural Review Committee as complying with the applicable Architectural Standards for all matters, including, but not limited to, the designation of an Approved Building Site, the identification of Building Setback Areas and the control of any Environmentally Significant Single-Family Residence Grounds; and a Unit Owner may change the exterior appearance of such Unit Owner Improvements and the appearance of such Single-Family Residence Grounds only with the approval of the Architectural Review Committee, as provided in the Declaration of Covenants; and all such approvals by the Architectural Review Committee shall be deemed to be the approval of the Executive Committee for purposes of the Act;

(c) Alterations of Common Elements: Nothing shall be altered or constructed in or upon, or removed from, the Common Elements, excluding Single-Family Residence Grounds, except upon the written permission of the Executive Committee.

17-02 Church
 Single Family
 1502 Geneva National Ave. East
 Mailing Address
 Daniel & Stephanie Church, Jr.
 c/o Good Day Construction
 PO Box 375
 Big Bend, WI 53103



GENEVA NATIONAL

Past Due Assessment as of 01/01/2014

Date of Charge	Description	Charge Amount	Date of Payment	Check Number	Payment Amount	Balance Due	Total Due
01/01/14	Monthly Assessment	\$298.92				\$298.92	\$298.92
02/01/14	Monthly Assessment	\$298.92				\$298.92	\$597.84
03/01/14	Monthly Assessment	\$298.92				\$298.92	\$896.76
03/31/14	Finance Charge	\$8.70				\$8.70	\$905.46
04/01/14	Monthly Assessment	\$298.92				\$298.92	\$1,204.38
04/30/14	Finance Charge	\$8.84				\$8.84	\$1,213.22
05/01/14	Monthly Assessment	\$298.92				\$298.92	\$1,512.14
05/31/14	Finance Charge	\$13.71				\$13.71	\$1,525.85
06/01/14	Monthly Assessment	\$298.92				\$298.92	\$1,824.77
06/27/14	Legal Charges	\$419.00				\$419.00	\$2,243.77
06/30/14	Finance Charge	\$17.68				\$17.68	\$2,261.45
07/01/14	Monthly Assessment	\$298.92				\$298.92	\$2,560.37
07/31/14	Legal Charges	\$437.50				\$437.50	\$2,997.87
08/01/14	Monthly Assessment	\$298.92				\$298.92	\$3,296.79
08/29/14	Finance Charge	\$3.97				\$3.97	\$3,300.76
08/29/14	Legal Charges	\$187.50				\$187.50	\$3,488.26
09/01/14	Monthly Assessment	\$298.92				\$298.92	\$3,787.18
09/30/14	Finance Charge	\$18.43				\$18.43	\$3,805.61
10/01/14	Monthly Assessment	\$298.92				\$298.92	\$4,104.53
11/01/14	Monthly Assessment	\$298.92				\$298.92	\$4,403.45
	Total Monthly Assessments	\$3,288.12					
	Total Special Assessment	\$0.00					
	Total Roof Assessments	\$0.00					
	Total Finance Charges	\$71.33					
	Total Legal Fees	\$1,044.00					
	Total Payments	\$0.00					
	Total Amount Due	\$4,403.45					

EXHIBIT C

10/28/2014

14C0143

STATEMENT OF CONDOMINIUM LIEN

GENEVA NATIONAL CONDOMINIUM MASTER ASSOCIATION, INC.

AND GENEVA NATIONAL COMMUNITY ASSOCIATION, INC.

This is to certify that Daniel J. Church, Jr. and Stephanie L. Church, owners, of Unit No. 17-02 in Geneva National Condominium, are indebted to Geneva National Condominium Master Association, Inc., and the Geneva National Community Association, Inc., in the amount of \$4,086.10, as of October 1, 2014, for their proportionate share of common expenses of the Condominium for the period from January 1, 2014, to October 1, 2014, plus interest thereon at the rate of 18%, costs of collection, and actual attorneys' fees.

Dated this 7 day of October, 2014.

GENEVA NATIONAL CONDOMINIUM MASTER ASSOCIATION, INC., AND GENEVA NATIONAL COMMUNITY ASSOCIATION, INC.

**FILED
CIRCUIT COURT
OCT 07 2014**

Clerk of Courts-Walworth Co.
By: SUSAN NESBITT, Deputy Clerk

By: _____

**Kim A. Howarth (1008873)
GODFREY, LEIBSLE, BLACKBOURN
& HOWARTH, S.C.
Attorneys for Geneva National Condominium
Master Association, Inc., and Geneva National
Community Association, Inc.**

I hereby affirm, under penalty of perjury, the information contained in the foregoing Statement of Condominium Lien is true and correct to the best of my knowledge, information, and belief.

Kim A. Howarth (1008873)

Subscribed and Sworn to Before Me
this 7th day of October, 2014.

ELINDA MORA

PUBLIC

Notary Public, Walworth County, WI
My Commission Expires: 8-21-16

DOCKETED 10-07-2014 @ 4:55P
Comp C + C en

**GODFREY, LEIBSLE, BLACKBOURN
& HOWARTH, S.C.
354 Seymour Court
Elkhorn, Wisconsin 53121
Telephone: (262) 723-3220
Facsimile: (262) 723-5091**

**THIS COMMUNICATION IS FROM A DEBT COLLECTOR.
THIS IS AN ATTEMPT TO COLLECT A DEBT.
ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**

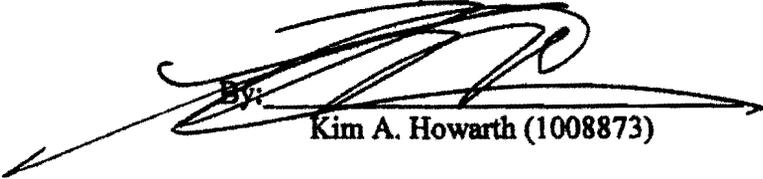
**NOTICE OF INTENT TO FORECLOSE LIEN
PURSUANT TO § 703.165(7)**

October 9, 2014

TO: Daniel and Stephanie Church Jr.
c/o Good Day Construction
P. O. Box 375
Big Bend, WI 53103

PLEASE TAKE NOTICE that after 10 days from mailing this Notice by registered mail, return receipt requested, an action will be brought in the Circuit Court of Walworth County, Wisconsin, to foreclose the attached lien on condominium unit no. 17-02 unless paid in full prior thereto. Please take further notice, that the undersigned may seek a deficiency judgment if any arises in that same proceeding as further permitted by law.

**GODFREY, LEIBSLE, BLACKBOURN
& HOWARTH, S.C.**

By: 

Kim A. Howarth (1008873)

**THIS COMMUNICATION IS FROM A DEBT COLLECTOR.
THIS IS AN ATTEMPT TO COLLECT A DEBT.
ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**

VIA REGISTERED MAIL/RETURN RECEIPT REQUESTED AND U.S. MAIL

14C0143

STATEMENT OF CONDOMINIUM LIEN

GENEVA NATIONAL CONDOMINIUM MASTER ASSOCIATION, INC.

AND GENEVA NATIONAL COMMUNITY ASSOCIATION, INC.

This is to certify that Daniel J. Church, Jr. and Stephanie L. Church, owners, of Unit No. 17-02 in Geneva National Condominium, are indebted to Geneva National Condominium Master Association, Inc., and the Geneva National Community Association, Inc., in the amount of \$4,086.10, as of October 1, 2014, for their proportionate share of common expenses of the Condominium for the period from January 1, 2014, to October 1, 2014, plus interest thereon at the rate of 18%, costs of collection, and actual attorneys' fees.

Dated this 7 day of October, 2014.

GENEVA NATIONAL CONDOMINIUM MASTER ASSOCIATION, INC., AND GENEVA NATIONAL COMMUNITY ASSOCIATION, INC.

**FILED
CIRCUIT COURT
OCT 07 2014**

Clerk of Courts-Walworth Co.
By: SUSAN NESBITT, Deputy Clerk

By: _____

**Kim A. Howarth (1008873)
GODFREY, LEIBSLE, BLACKBOURN
& HOWARTH, S.C.
Attorneys for Geneva National Condominium
Master Association, Inc., and Geneva National
Community Association, Inc.**

I hereby affirm, under penalty of perjury, the information contained in the foregoing Statement of Condominium Lien is true and correct to the best of my knowledge, information, and belief.

Kim A. Howarth (1008873)

Subscribed and Sworn to Before Me
this 7th day of October, 2014.

Notary Public, Walworth County, WI
My Commission Expires: 8-21-16

**GODFREY, LEIBSLE, BLACKBOURN
& HOWARTH, S.C.
354 Seymour Court
Elkhorn, Wisconsin 53121
Telephone: (262) 723-3220
Facsimile: (262) 723-5091**

**DOCKETED 10-07-2014 @ 4:55P
Comp C+C AN**

**THIS COMMUNICATION IS FROM A DEBT COLLECTOR.
THIS IS AN ATTEMPT TO COLLECT A DEBT.
ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**

Registered No. RB 490 508 165 US

Date Stamp

To Be Completed By Post Office

Reg. Fee	16.95
Handling Charge	
Postage	4.78
Received by	<i>[Signature]</i>



Customer Must Declare Full Value \$ Domestic Insurance up to \$5000 included based upon the declared value. International indemnity is limited. (See Reverse).

OFFICIAL USE

To Be Completed By Customer (Please Print) All Entries Must Be in Ballpoint or Typed

FROM	GODFREY, LEIBSLE, BLACKBORN & HOWARTH, S.C. 354 SEYMOUR COURT ELKHORN, WI 53121
TO	Daniel + Stephanie Church Jr. c/o Good Day Construction P.O. Box 375 Big Bend WI 53103

PS Form 3806, Receipt for Registered Mail Copy 1 - Customer (See information on Reverse) May 2, '77 (7530-02-000-8051) For domestic delivery information, visit our website at www.usps.com

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature x <i>[Signature]</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) Daniel J Church</p> <p>C. Date of Delivery 10/22/14</p> <p>D. Is delivery address different from item 1? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p>	
<p>1. Article Addressed to:</p> <p>Daniel + Stephanie Church Jr. c/o Good Day Construction P.O. Box 375 Big Bend, WI 53103</p>		<p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express®</p> <p><input checked="" type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p>	
<p>2. Article Number (Transfer from service label) RB 490 508 165 US</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
PS Form 3811, July 2013		Domestic Return Receipt	

SOUTHERN LAKES INVESTIGATIONS L.L.C.

DATE: 12/2/2014 TIME: 8:40 AM.

LOCATION: 100 W. WALWORTH ST.

ELKHORN, WI 53121

WHO SERVED: KIMBERLY BUSHEY, County Clerk

SERVED BY: Alexis Wisniewski



Dennis Wisniewski
262.215.6194

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

RECEIPT OF SERVICE

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


Signature *Waukesha County Clerk*

12/2/14 *8:40am*
Date/Time

SUMMONS and COMPLAINT
Type of Document(s)

Town of Troy
Walworth County
N8870 Briggs Street
East Troy, Wisconsin 53120

RECEIVED

NOV 21 2014

November 18, 2014

Walworth County Board of Supervisors
100 W. Walworth St.
P.O. Box 1001
Elkhorn, WI. 53121

WALWORTH COUNTY BOARD

Re. Future Settlement of Special Assessments and Charges

The Town of Troy Board of Supervisors at the Town's November 12, 2014 Board meeting directed me to contact you, to express our displeasure with Walworth County's decision to depart from past practices under Wisconsin Statutes Section 74.29(1). That statute allows the County to make municipalities whole for unpaid special charges and special assessments, so that the County would have the power to enforce the collection from the delinquent taxpayers. Special assessments and special charges must be paid prior to real property taxes, per Section 74.12(11), Wisconsin Statutes, so every time special assessments are delinquent, the County will have a claim for delinquent real property taxes.

The change to be initiated beginning with the 2014 tax year of authorizing the County Treasurer to settle Specials on an ongoing basis as collected will have a detrimental effect on the local municipality's finances/budgets, and uncertainty as to when to expect such settlements. The Town would like the County to reconsider its position and look at alternatives, and not penalize the municipalities that do not tie performance of developer's agreements to Specials.

John Kendall
Town Chairman

John Kendall

Michele Stute
Clerk/Treasurer

Michele Stute

cc: Town of Troy Board



December 9, 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
Allen C. and Nancy L. Lehman	Walworth Township Parts of Tax Parcel EA3609-2	Rezone approximately 2.47 acres of A-2 Agricultural District to A-1 Prime Agricultural, 2.13 acres of A-2 to C-1 Lowland Resource Conservation (Non-Shoreland Wetland) Districts and 3.93 acres of C-1 to A-2.	December 9, 2014
SS&B Investments, LLC, Jamie Stilling Stepp – Applicant	Sugar Creek Township Tax Parcel G SC-13-5E	Rezone an approximately 1.96 acres parcel of A-2 Agricultural zoned property to the B-2 General Business District for use by a concrete and excavation company.	December 9, 2014
Holt Brothers, Inc., William Holt- Vice President/ Applicant	Delavan Township Part of Tax Parcel F D- 4-1	Rezone approximately .27 acres of P-2 Institutional Park District zoned area approved for a pet crematory back to the original A-1 Prime Agricultural District as required by condition if the pet crematory ceased to exist.	December 9, 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 Richard Brandel
County Supervisor Tim Brellenthin
County Supervisor Charlene Staples

ORDINANCE NO. 908 – 12/14

AMENDING SECTION 74-131 OF THE ZONING ORDINANCE
AND SECTION 74-263 OF THE SHORELAND ZONING ORDINANCE,
WALWORTH COUNTY CODE OF ORDINANCES
RELATIVE TO LODGING FACILITIES, RENT AND TRANSIENT

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS
FOLLOWS:

1 **PART I: That section 74-131 of the Walworth County Code of Ordinances is hereby amended**
2 **to read as follows (additions are underlined; deletions are shown in strike-through text):**

3
4 **“Sec. 74-131. Definitions.**

5
6 For the purpose of this ordinance, the following definitions shall be used. Words used in the present
7 tense include the future; the singular number includes the plural number; and the plural number
8 includes the singular number. The word "shall" is mandatory and not discretionary.

9 ...

10 *Dwelling:* A structure or portion thereof that is designed or arranged for human habitation, but does
11 not include ~~boarding or lodging houses, motels, hotels or tents~~ lodging facilities or camping units.

12 ...

13 *Hotel:* A building where rooms, with or without meals, are supplied to the transient public, or to
14 anyone who may apply, for compensation.

15 ...

16 *Lodge:* A building or group of buildings under single management containing both rooms and
17 dwelling units available for ~~temporary~~ rental to transient individuals or families.

18
19 *LODGING FACILITY:* A structure or part thereof rented, used or advertised for stays by transients
20 including but not limited to hotel, motel, tourist court, cabin, lodge, rooming house, lodging house,
21 bed and breakfast . The use of any building or structure for transients deems the structure to be a
22 lodging facility.

23
24 *Lodging house:* A building other than a hotel, where lodging is provided for compensation, for five
25 or more persons not members of a family.

26 ...

27 *Motel:* a series of attached, semi-attached, or detached sleeping units for the accommodation of
28 transient guests, for compensation.

29 ...

30 *Recreational Camp:* an area containing one or more permanent buildings and cabins used
31 occasionally or periodically for the accommodation of members or guests of associations or groups
32 for recreational, educational, or religious purposes.

33 ...

34 *Rent:* Compensation, money, or other consideration, whether or not received, given in return for
35 occupancy, possession or use of property.

36 ...

37 *Rooming house:* See Same as “lodging house”.

38 ...

1 Transient: a person or enterprise who, at their own expense or at the expense of another, rents
2 sleeping quarters or a lodging facility for less than 30 consecutive days while traveling away from
3 their permanent place of residence for vacation, pleasure, recreation, culture, business or
4 employment.

5
6
7 **PART II: That section 74-263 of the Walworth County Code of Ordinances is hereby**
8 **amended to read as follows (additions are underlined; deletions are shown in strike-through**
9 **text):**

10
11 **“Sec. 74-263. Definitions.**

12
13 For the purpose of this ordinance, the following definitions shall be used. Words used in the present
14 tense include the future; the singular number includes the plural number; and the plural number
15 includes the singular number. The word "shall" is mandatory and not discretionary.

16 . . .

17 *Dwelling* means a structure or portion thereof that is designed or arranged for human habitation, but
18 does not include ~~boarding or lodging houses, motels, hotels or tents~~ lodging facilities or camping
19 units.

20 ...

21 *Hotel* means a building where rooms, with or without meals, are supplied to the transient public, or
22 to anyone who may apply, for compensation.

23 ...

24 *Lodge* means a building or group of buildings under single management containing both rooms and
25 dwelling units available for ~~temporary~~ rental to transient individuals or families.

26
27 LODGING FACILITY means a structure or part thereof rented, used or advertised for stays by
28 transients including but not limited to hotel, motel, tourist court, cabin, lodge, rooming house,
29 lodging house, bed and breakfast . The use of any building or structure for transients deems the
30 structure to be a lodging facility.

31
32 *Lodging house* means a building other than a hotel, where lodging is provided for compensation, for
33 five or more persons not members of a family.

34 ...

35 *Motel* means a series of attached, semi-attached, or detached sleeping units for the accommodation
36 of transient guests, for compensation.

37 ...

38 *Recreational Camp* means an area containing one or more permanent buildings and cabins used
39 occasionally or periodically for the accommodation of members or guests of associations or groups
40 for recreational, educational, or religious purposes.

41 ...

42 Rent means compensation, money, or other consideration, whether or not received, given in return
43 for occupancy, possession or use of property.

44 ...

45 *Rooming house* means same as “lodging house”.

46 ...

47 Transient means a person or enterprise who, at their own expense or at the expense of another, rents
48 sleeping quarters or a lodging facility for less than 30 consecutive days while traveling away from

Ordinance No. 908- 12/14
Fiscal Note and Policy Impact Statement

- I. **Title:** Amending Sections 74-131 of the Zoning Ordinance and Section 74-263 of the Shoreland Zoning Ordinance, Walworth County Code of Ordinances Relative to Lodging Facilities, Rent and Transient.
- II. **Purpose and Policy Impact Statement:** The purpose of this amendment is to better define terminology associated with transient individuals and temporary rental, given a recent court case decision.

The amendment includes the addition of definitions for Lodging Facility, Transient, and Rent. The Lodging Facility term was created since it is terminology that the State of Wisconsin Department of Health Services uses with regards to lodging. Lodging facility incorporates hotels, motels, tourist courts, cabins, lodge, rooming house, lodging house and bed and breakfast structures rented to transients. Lodging facility will also state that any building or structure used for transients deems the structure to be a lodging facility.

Transients will be defined as a person or enterprise who, at their own expense or at the expense of another, rents sleeping quarters or a lodging facility for less than 30 consecutive days while traveling away from their permanent place of residence for vacation, pleasure, recreation, culture, business or employment.

Rent will be defined as compensation, money, or other consideration, whether or not received, given in return for occupancy, possession or use of property.

The amendment also includes changes to the definitions for Dwelling, Lodge, Motel, Recreational Camp and Rooming house. Some of the changes are corrections to assure that definitions in the Zoning Ordinance match the Shoreland Zoning Ordinance. The change to Dwelling is to utilize the term Lodging Facility instead of listing every possible use and also allowing for changing times and new uses that may develop.

- III. **Is this a budgeted item and what is its fiscal impact:** Passage of this Ordinance will have no fiscal impact on the County Budget.
- IV. **Referred to the following standing committee(s) for consideration and date of referral:**

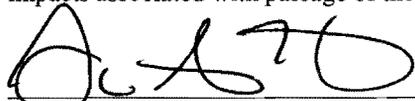
Committee: County Zoning Agency

Date: November 20, 2014

Vote: 7 - 0

County Board Meeting Date: December 9, 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.


Date 11/24/14

David A. Bretl
County Administrator/Corporation Counsel


Date 11/25/14

Nicole Andersen
Deputy County Administrator/Finance

November 20, 2014
November 20, 2014 - expanded

Please include the following County Zoning Agency items on the December 9, 2014 County Board agenda:

Ordinance Amendment:

1. Amendment to Section 74-131 of the Zoning Ordinance and Section 74-263 of the Shoreland Zoning Ordinance, Walworth County Code of Ordinances relative to lodging facilities, rent and transient.

Approved 7 – 0 at the November 20, 2014 Zoning Agency hearing.

Rezones:

1. **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 6 – 1 at the November 20, 2014 Zoning Agency hearing. (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.

CZA Findings: The County Zoning Agency found consistent with the Town of LaFayette in approving the map amendment. The property is adjacent to A-1 zoned land in the upland environmental corridor in conservancy practices in the County and Town's 2035 Land Use Plans. This parcel is surrounded by A-1, A-5 and A-2 lands also partially in conservancy. The parcel is not part of a large block of prime agricultural lands.

2. **ML Group, LLC – Cindy Lycholat, Applicant**, Section 13, Sugar Creek Township. Rezone approx. 10.78 acres of A-2 Agricultural and B-2 General Business Districts to C-4 and C-1 Lowland Resource Conservation Districts (shoreland and non-shoreland wetlands) for correction of the wetland boundaries to match field conditions in addition to a rezone of approx. .26 acres of A-2 Agricultural District to B-2 General Business District as per digital survey. Parts of Tax Parcel G SC-13-1.

Approved 7 – 0 at the November 20, 2014 Zoning Agency public hearing.

Conformance with County Land Use Plan: The County 2035 Land Use Plan identifies this area as the (PEC) Primary Environmental Corridor and (C) Commercial Land Use categories.

3. **James Stowell - Owner/Applicant**, Section 27, Spring Prairie Township. The property owner is requesting to rezone approx. 2.66 acres of A-4 Agricultural Related Manufacturing Warehousing and Marketing District to A-5 Agricultural-Rural Residential District for creation of a single family residential lot. The property of concern is located on the south side of Spring Prairie Road approximately 600 feet east of the intersection of Spring Prairie Road and Lyons Road and is identified as part of Tax Parcel O SP-27-2A.

Approved 7 – 0 at the November 20, 2014 Zoning Agency public hearing.

Conformance with County Land Use Plan: The Walworth County 2035 Land Use Plan identifies this area as the Agricultural Related Manufacturing, Warehousing and Marketing land use category.

ORDINANCE NO. 903-12/14

AMENDING CHAPTER 2 OF THE WALWORTH COUNTY CODE OF ORDINANCES
RELATING TO HEALTH AND HUMAN SERVICES BOARD MEMBERSHIP

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS
FOLLOWS:

1 PART I: That Section 135 of the Walworth County Code of Ordinances is hereby
2 amended to read as follows (additions shown by underline; deletions shown by strike-
3 through):
4

5 "Sec. 2-135. Health and Human Services Board.
6

7 (b) *Membership.* The Health and Human Services Board shall consist of nine members, five of
8 whom shall be County Board Supervisors. There shall be four citizen members. At least one
9 member shall be a person who receives or has received human services or is a family member of
10 such an individual. In appointing the members who are not elected officials or employees, a
11 good faith effort shall be made to appoint a registered nurse and a physician. Members of the
12 local board of health shall reflect the diversity of the community. All members shall reside in
13 Walworth County."
14

15 PART II: This Ordinance shall become effective upon passage.
16

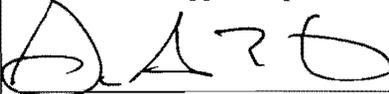
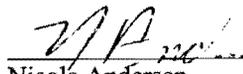
17 PASSED and ADOPTED by the Walworth County Board of Supervisors this 9th day of
18 December 2014.
19
20
21

22 _____
23 Nancy Russell
24 County Board Chair

Kimberly S. Bushey
Attest: County Clerk

25 County Board Meeting Date: December 9, 2014
26

27 Action Required: _____ Majority Vote X 2/3 Vote _____ Other

Policy and Fiscal Note is attached.
Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:
 11/20/14
David A. Bretl Date
County Administrator/Corporation Counsel
 11/20/14
Nicole Andersen Date
Deputy County Administrator - Finance
If unsigned, exceptions shall be so noted by the County Administrator.

Ordinance No. 903-12/14
Fiscal Note and Policy Impact Statement

- I. **Title:** Amending Chapter 2 of the Walworth County Code of Ordinances Relating to Health and Human Services Board Membership
- II. **Purpose and Policy Impact Statement:** The purpose of this ordinance is to reflect the county's actual practice, consistent with State of Wisconsin as outlined in State Statute 251.03(1) listed below:

251.03(1) (1) A local board of health shall consist of not more than 9 members. At least 3 of these members shall be persons who are not elected officials or employees of the governing body that establishes the local health department and who have a demonstrated interest or competence in the field of public health or community health. In appointing the members who are not elected officials or employees, a good faith effort shall be made to appoint a registered nurse and a physician. Members of the local board of health shall reflect the diversity of the community. A county human services board under s. 46.23 (4) may act as a county board of health if the membership of the county human services board meets the qualifications specified in this subsection and if the county human services board is authorized to act in that capacity by the county board of supervisors. If a county human services board acts in this capacity, it shall use the word "health" in its title.

- III. **Is this a budgeted item and what is its fiscal impact:** Passage of this ordinance will not have any fiscal impact on the County budget.

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

Committee: Health and Human Services Date: October 23, 2014

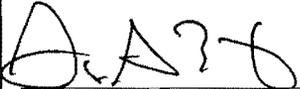
Vote: 8 - 0

Committee: Executive Date: November 17, 2014

Vote: 5 - 0

County Board Meeting Date: December 9, 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.

 11/20/14

Date
David A. Bretl
County Administrator/Corporation Counsel

 11/21/14

Date
Nicole Andersen
Deputy County Administrator - Finance

ORDINANCE NO. 904-12/14
CREATING SECTION 2-456 OF THE WALWORTH COUNTY CODE OF
ORDINANCES RELATING TO RECORDS RETENTION AND LEGAL HOLDS ON
DESTRUCTION OF RECORDS

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS
FOLLOWS:

1 **PART I: That section 2-456 of the Walworth County Code of Ordinances is hereby created**
2 **to read as follows:**

3
4 **“Sec. 2-456. Legal hold.**

5
6 a) *Purpose.* There are circumstances where the normal and routine destruction of records
7 must be suspended. Present and future records that are involved in litigation, or reasonably
8 anticipated to be involved in foreseeable legal action, must be preserved until the matter has been
9 concluded. Notwithstanding the schedule contained in Section 2-454, no record that is subject to
10 a legal hold shall be destroyed.

11
12 b) The Corporation Counsel shall be responsible for issuing or terminating a legal hold.

13
14 c) Upon notice of a legal hold, employees and officers must do the following:

- 15
16 1) Immediately suspend deletion, overriding, or any other destruction of electronic
17 records relevant to the legal hold that are under their control. This includes electronic
18 records wherever stored, including, but not limited to, hard drives of computers in
19 county facilities, at their home, on flash drives, CD-ROMs, memory sticks, tapes, zip
20 disks, diskettes, or PDAs. Electronic information must be preserved so that it can be
21 retrieved at a later time, and the information must be preserved in its original
22 electronic form.
23 2) Preserve any new electronic information that is generated after receipt of the legal
24 hold notice that is relevant to the subject of the notice.
25 3) Preserve hard copies of documents under their control. Steps should be taken to
26 identify all relevant paper files and to ensure the retention of such files.

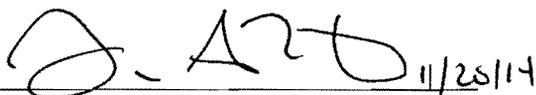
27
28 d) Any officer or employee who becomes aware of any litigation, threat of litigation, other
29 legal action or an investigation by any administrative, civil or criminal authority, through the
30 receipt of notification or other information identifying the possibility of legal action must
31 immediately notify the Corporation Counsel.”

32
33 **PART II: That this ordinance shall become effective upon passage and publication.**

34
35 **PASSED and ADOPTED** by the Walworth County Board of Supervisors this 9th day of
36 December 2014.

1 _____
2 Nancy Russell Kimberly S. Bushey
3 County Board Chair Attest: County Clerk
4
5 County Board Meeting Date: December 9, 2014
6 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:

	
David A. Bretl	Nicole Andersen
County Administrator/Corporation Counsel	Deputy County Administrator - Finance
Date 11/28/14	Date 11/21/14

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

ORDINANCE NO. 905-12/14

AMENDING SECTION 2-235 OF THE WALWORTH COUNTY CODE OF ORDINANCES
RELATING TO A TRANSPORTATION COORDINATING COMMITTEE

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

1 PART I: That Division 7 of Article III of chapter 2 of the Walworth County Code of
2 ordinances is hereby amended to read as follows (additions are underlined; deletions are
3 shown in strike-through text):
4

5 "DIVISION 7.
6

7 Sec. 2-235. Transportation coordinating committee.
8

- 9 (a) *Creation.* There is hereby created a transportation coordinating committee for the
10 advancement and coordination of the county's specialized transportation.
11
- 12 (b) *Membership.* The transportation coordinating committee members shall be
13 nominated by the county administrator and confirmed by the county board. Members
14 shall represent the following:
15
- 16 (1) County board chairperson and chairperson of the County Health and Human Services
17 Board. Terms of service of county board supervisors shall be contiguous with their elected terms.
18 All other members shall serve two-year terms.
19
- 20 (2) One member from the County Aging and Disability Resource Center Board.
21
- 22 (3) One member ~~from~~ who is a recipient of services of the Department of Health and
23 Human Services.
24
- 25 (4) Two members who represent transportation providers – public, proprietary and non-
26 profit.
27
- 28 (5) ~~One~~ Three advocates for elderly and disabled citizens.
29
- 30 (6) One advocate for consumers.
31
- 32 (7) Two members who represent health care providers in Walworth County.
33
- 34 (c) *Duties.* The duties of the transportation coordinating committee are as follows:
35
- 36 (1) Monitor the expenditures of county transportation funds ~~being expended on~~
37 ~~transportation services~~ for the elderly and disabled in the service area;
38
- 39 (2) Recommend, coordinate, communicate and review passenger transportation plans for
40 the service area;
41

- 1 (3) Review and comment on county aid applications under Wis. Stats. §85.21;
- 2
- 3 (4) Review and comment on capital assistance applications under Wis. Stats. § 85.22;
- 4
- 5 (5) Act as an informational resource for local transportation providers regarding the
- 6 requirements of the Americans with Disabilities Act of 1990, 42 USC 12101 et seq.; and,
- 7
- 8 (6) Act on requests by local public bodies to be designated as coordinators of
- 9 transportation services for elderly and disabled persons for the purpose of becoming eligible for
- 10 assistance under the federal sec. 5310 program.”

11
 12 **PART II:** That Section 2-166 of the Code of Ordinances be amended to reflect that Transportation
 13 Coordinating Committee members shall serve without county paid per diem or county mileage
 14 reimbursement (additions are shown in underline).
 15

Committee, Commission or Board	Mileage	Per Diem
<u>Transportation Coordinating Committee</u>	<u>No</u>	<u>No</u>

16
 17 **PART III:** That this ordinance shall become effective upon passage and publication.
 18

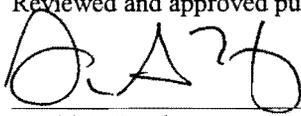
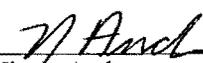
19 **PASSED and ADOPTED** by the Walworth County Board of Supervisors this 9th day of December
 20 2014.
 21

22
 23
 24 _____
 Nancy Russell
 County Board Chair
 25
 26 _____
 Kimberly S. Bushey
 Attest: County Clerk

27 County Board Meeting Date: December 9, 2014

28 Action Required: Majority Vote _____ Two-thirds X 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
11/20/14 Date	11/21/14 Date

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

Ordinance No. 905-12/14
Fiscal Note and Policy Impact Statement

- I. Title:** Amending Section 2-235 of the Walworth County Code of Ordinances Relating to Transportation Coordinating Committee Membership, Duties and Terms
- II. Purpose and Policy Impact Statement:** The purpose of this ordinance is to add two additional members to the Transportation Coordinating Committee (TCC) to serve as advocates for elderly and disabled citizens, to establish specific terms for all TCC members, and to clarify the duties of the committee.
- III. Is this a budgeted item and what is its fiscal impact:** Passage of this ordinance will not have any fiscal impact on the county budget as TCC members are not paid mileage or per diem.
- IV. Referred to the following standing committee(s) for consideration and date of referral:**

Committee: Health and Human Services Board Date: September 17, 2014

Vote: 7 - 0

Committee: Executive Committee Date: November 17, 2014

Vote: 5 - 0

County Board Meeting Date: December 9, 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.

 11/20/14

Date
David A. Bretl
County Administrator/Corporation Counsel

 11/21/14

Date
Nicole Andersen
Deputy County Administrator - Finance

Walworth County Natural Hazards Mitigation Plan: 2014-2018 5-Year Update

Executive Summary

1. GENERAL OVERVIEW

In an effort to curb rising costs associated with natural disasters, the federal government adopted the Disaster Mitigation Act of 2000 (DMA 2000). It amended the Robert T. Stafford Disaster Relief and Emergency Act, which is the primary law at the federal level dealing with disaster planning, mitigation, response, and recovery.

DMA 2000 reinforced the importance of hazard mitigation planning to proactively devise strategies intended to avoid and reduce the negative effects of natural disasters. If a community wants to apply for grant funding from the Pre-Disaster Mitigation (PDM) Program or the Hazard Mitigation Grant Program (HMGP), it must have an approved hazard mitigation plan. If a disaster strikes a community that does not have an approved plan, it can only receive funding if it agrees to prepare a plan within one year.

Walworth County and participating municipalities prepared a plan to meet this new requirement in 2009, and in so doing, helped its citizens mitigate the effects of natural disasters. Consistent with federal law, the county is undertaking a comprehensive five-year update of the 2009 plan. Although a plan must meet minimum requirements, this plan is an expression of local needs and priorities.

2. PLAN CONTENTS

The plan consists of six chapters, a map series, and a number of appendices. The first chapter provides an overview of the plan. The second chapter presents background information about Walworth County including its setting, demographic and economic characteristics, climate, natural resources, land use, and development trends. Chapter 3 presents background information related to special needs populations and groups in the county. Chapter 4 contains a complete inventory of critical facilities in the county. Natural hazards are reviewed in chapter 5 along with estimated losses to buildings, infrastructure, and critical facilities. In chapter 6, goals, objectives, and policies are identified that will help to craft appropriate solutions to the identified problems. A range of activities are also presented to help foster hazard mitigation efforts. Various funding sources are reviewed with an eye towards identifying options for funding identified projects. Most of the maps in the plan are included in the final section of the plan.

The plan focuses on 12 types of natural hazards:

- ◆ dam failure
- ◆ flooding
- ◆ ice shoves
- ◆ dense fog
- ◆ tornadoes and high winds
- ◆ hailstorms
- ◆ thunderstorms
- ◆ winter storms
- ◆ extreme heat
- ◆ extreme cold
- ◆ drought
- ◆ wildland fire

As part of the inventory phase, 679 critical facilities in the county were identified including:

- ◆ bridges
- ◆ dams
- ◆ public-use airports
- ◆ telecommunication towers
- ◆ telephone facilities
- ◆ electric facilities
- ◆ natural gas facilities
- ◆ petroleum pipeline facilities
- ◆ public water facilities
- ◆ wastewater facilities
- ◆ fire and police services
- ◆ National Guard facilities
- ◆ government facilities
- ◆ schools (public and private)
- ◆ special care facilities-residential
- ◆ special care facilities-nonresidential
- ◆ health care facilities
- ◆ vulnerable housing, such as manufactured/mobile home parks and campgrounds

3. GOALS, OBJECTIVES, POLICIES, AND ACTIVITIES

The most important part of the plan is Chapter 6, which presents a unified plan of action to mitigate the effects of hazards on property, people, and assets. It lists goals, objectives, and policies that should guide decision-makers and other officials. Goals are intended to describe an end state, usually in general terms. In contrast, objectives describe an end state in measurable and specific terms. Policies give clear direction on what will be done to help achieve a goal and objective.

Following the listing of goals, objectives, and policies, a chart lists specific action items along with estimated implementation costs. Responsible entities are listed for each so that implementation is well defined. The activity charts are a work in progress. As items are completed they should be deleted and as new opportunities or issues arise items will be added. Further, depending on available resources, including funding and staff time, priorities may change.

Activities are prioritized as low, medium, or high. Cost estimates are provided to help formulate funding priorities. When a project is to be undertaken, a more detailed budget should be prepared to assess a project's cost. At that time a benefit cost analysis should be completed to show how the benefits of the project compare to anticipated costs. Federal funding for mitigation activities can only be obtained when benefits clearly outweigh the costs.

Goal 1. Public Education

Provide the public with the education they need to adequately prepare for and respond to natural hazards including dam failure, flooding, ice shoves, dense fog, tornadoes, hailstorms, thunderstorms, winter storms, extreme temperature, drought, and wildland fire. **(2009 Plan)**

Objectives

1. Strengthen emergency service preparedness and response by enhancing public education throughout the county. **(2009 Plan)**
2. Increase the number of households that have prepared a family emergency plan. **(2009 Plan)**
3. Increase the number of public outreach materials in Spanish. **(2009 Plan)**

Policies

1. Work with non-governmental organizations such as youth, service, professional, religious organizations to promote mitigation education and awareness. **(2009 Plan)**
2. Look for multiple and varied opportunities to disseminate educational information to county residents. **(2009 Plan)**

Implementation Actions / Strategies	Cost Estimate (2013)	Priority	Schedule		Responsible Entity
			2014 to 2018	2019 to 2023	
1. Develop and implement education programs aimed at mitigating natural hazards and reducing the risk to citizens, public agencies, private property owners, businesses, and schools. (2009 Plan; 2013 status – no action)	\$5,000	Medium	X	X	Walworth County Emergency Management; American Red Cross; cities of Delavan, Elkhorn, Lake Geneva, and Whitewater; villages of Bloomfield, Darien, East Troy, Fontana-on-Geneva Lake, Genoa City, Mukwonago, Sharon, Walworth, and Williams Bay
2. Create displays for use at public events such as the county fair, wellness fairs (2009 Plan; 2013 status – no action)	Staff time and supplies	Medium	X		Walworth County Emergency Management; Walworth County Department of Health & Human Services; cities of Delavan, Elkhorn, Lake Geneva, and Whitewater; villages of Bloomfield, Darien, East Troy, Fontana-on-Geneva Lake, Genoa City, Mukwonago, Sharon, Walworth, and Williams Bay
3. Work with the representatives of the public and private schools within the county to promote hazard mitigation awareness (2009 Plan; 2013 status – no action)	Staff time	Medium	X	X	Walworth County Emergency Management; American Red Cross; Walworth County Department of Health & Human Services
4. Identify, improve, and sustain collaborative programs focusing on the real estate and insurance industries, public and private sector organizations, and individuals to avoid activity that increases risk to natural hazards. (2009 Plan; 2013 status – no action)	Staff time	Medium	X		Walworth County Emergency Management; American Red Cross; local jurisdictions, Walworth County Department of Land Use & Resource Management
5. Develop and maintain a geographic database for natural hazard events, including location, weather conditions, and resulting damage. (2009 Plan; 2013 status – no action)	Staff time	High	X		Walworth County Emergency Management; Walworth County Information Systems Department, Land Information Division
6. Provide more hazard-related information in Spanish. (2009 Plan; 2013 status – no action)	Staff time	Low	X		Walworth County Emergency Management; Walworth County Department of Health & Human Services, Workforce Development
7. Work with area business representatives and citizens through our Public/Private Partnership to promote hazard mitigation awareness (2013 Plan)	Staff time	Medium	X		City of Lake Geneva

Goal 2. Flooding

Protect the public health, safety, and welfare of county residents and public and private property during flood events. **(2009 Plan)**

Objectives

1. Minimize the impact of flooding on potentially affected structures. **(2009 Plan)**
2. Decrease the number of structures currently located in the 100-year floodplain that are not properly flood-proofed. **(2009 Plan)**
3. Minimize the amount of impervious surface in new development projects to allow more infiltration of storm water into the ground. **(2009 Plan)**
4. Increase public awareness of flooding. **(2009 Plan)**
5. Improve communication between the county and local units of government when floods occur or are likely to occur. **(2009 Plan)**

Policies

1. Continue to enforce floodplain regulations to ensure that future development in the 100-year floodplain meets established standards. **(2009 Plan)**
2. Support the identification and conservation of land with high flood mitigation value (e.g., wetlands, upland storage, and infiltration areas). **(2009 Plan)**
3. Support land acquisition and other management strategies to preserve open space for flood mitigation purposes. **(2009 Plan)**
4. Ensure that governmental officials and employees, county residents, and real estate agents are aware of floodplain regulations. **(2009 Plan)**
5. Ensure that people owning property in the 100-year floodplain, and their agents, notify buyers when selling their property. **(2009 Plan)**
6. Adopt standards to control the proportion of a site that can be covered with impervious surfaces. **(2009 Plan)**
7. Locate public infrastructure outside of the 100-year floodplain. When infrastructure has been located in the 100-year floodplain, it should be flood proofed or otherwise protected from flood water. **(2009 Plan)**
8. Design and properly size all new stream crossings to not create a significant upstream back-water effect. **(2009 Plan)**
9. Continue to enforce storm water management regulations. **(2009 Plan)**
10. Update flood insurance rate maps (FIRMs) when it can be shown that they are substantially inaccurate. **(2009 Plan)**
11. Ensure that all large dams in the county have emergency action plans and that they are up to date. **(2009 Plan)**
12. Undertake such activities as may be required to remain compliant with the requirements of the National Flood Insurance Program. **(2009 Plan)**

Implementation Actions / Strategies	Cost Estimate (2013)	Priority	Schedule		Responsible Entity
			2014 to 2018	2019 to 2023	
1. Identify and analyze feasible mitigation options for those properties which may be designated as a repetitive flood property. (2009 Plan; 2013 status – no action)	Staff time	Low	X	X	Walworth County Emergency Management; cities of Delavan, Elkhorn, Lake Geneva, and Whitewater; villages of Bloomfield, Darien, East Troy, Fontana-on-Geneva Lake, Genoa City, Mukwonago, Sharon, Walworth, and Williams Bay
2. Apply for funding through the federal Hazard Mitigation Grant program, Flood Mitigation Assistance Program, and the Pre-Disaster Mitigation Program as well as any other resources that may be available to help flood proof repetitive loss sites or remove them through acquisition followed by demolition or relocation. (2009 Plan; 2013 status – no action)	Staff time	Low	X	X	Walworth County Emergency Management; cities of Delavan, Elkhorn, Lake Geneva, and Whitewater; villages of Bloomfield, Darien, East Troy, Fontana-on-Geneva Lake, Genoa City, Mukwonago, Sharon, Walworth, and Williams Bay
3. Design and budget for stormwater management facilities consistent with adopted stormwater management plans than have been or will be prepared / amended. (2009 Plan; 2013 status – no action)	Staff time	Medium	X		Walworth County Emergency Management; local jurisdictions as appropriate [1]
4. Develop and maintain a digital inventory of bridges/culverts on a county or state road. (2009 Plan; 2013 status – no action)	Staff time	Medium	X		Walworth County Emergency Management; Walworth County Public Works Department, Walworth County Information Systems Department, Land Information Division

Implementation Actions / Strategies	Cost Estimate (2013)	Priority	Schedule		Responsible Entity
			2014 to 2018	2019 to 2023	
5. Identify those culverts and bridges that are undersized or are otherwise unable to handle expected flood flows. (2009 Plan; 2013 status – no action)	Staff time	Medium	X		Walworth County Emergency Management; Walworth County Public Works Department, cities of Delavan, Elkhorn, Lake Geneva, and Whitewater; villages of Bloomfield, Darien, East Troy, Fontana-on-Geneva Lake, Genoa City, Mukwonago, Sharon, Walworth, and Williams Bay
6. Develop and maintain a geographic database for public roadways that are susceptible to flooding. (2009 Plan; 2013 status – no action)	Staff time	Medium	X		Walworth County Emergency Management; Walworth County Public Works Department, Walworth County Information Systems Department, Land Information Division
7. Prepare a strategy to prioritize road improvements for public roadways that are susceptible to flooding. (2009 Plan; 2013 status – no action)	Staff time	Medium	X		Walworth County Public Works Department; cities of Delavan, Elkhorn, Lake Geneva, and Whitewater; villages of Bloomfield, Darien, East Troy, Fontana-on-Geneva Lake, Genoa City, Mukwonago, Sharon, Walworth, and Williams Bay
8. Identify undeveloped areas of the county, if any, that have flood mitigation value and develop appropriate strategies to protect them. (2009 Plan; 2013 status – no action)	Staff time	Medium	X		Walworth County Emergency Management; Walworth County Department of Land Use & Resource Management, cities of Delavan, Elkhorn, Lake Geneva, and Whitewater; villages of Bloomfield, Darien, East Troy, Fontana-on-Geneva Lake, Genoa City, Mukwonago, Sharon, Walworth, and Williams Bay
9. Establish a framework to compile and coordinate surface water management plans and data throughout the county. (2009 Plan; 2013 status – no action)	Staff time	Medium	X		Walworth County Emergency Management; Wisconsin Department of Natural Resources
10. Distribute National Flood Insurance Program information.* (2009 Plan; 2013 status – no action)	Staff time	Medium	X	X	Walworth County Emergency Management; Walworth County Department of Land Use & Resource Management; cities of Delavan, Elkhorn, Lake Geneva, and Whitewater; villages of Bloomfield, Darien, East Troy, Fontana-on-Geneva Lake, Genoa City, Mukwonago, Sharon, Walworth, and Williams Bay
11. Explore options for improving the ability of local units of government to report flooding, receive information, and request assistance as may be needed. (2009 Plan; 2013 status – no action)	Staff time	Medium	X		Walworth County Emergency Management
12. Develop and maintain a geographic database for natural hazard events, including location, weather conditions, and resulting damage. (2009 Plan; 2013 status – no action)	Staff time	High	X	X	Walworth County Emergency Management; Walworth County Information Systems Department, Land Information Division]

Implementation Actions / Strategies	Cost Estimate (2013)	Priority	Schedule		Responsible Entity
			2014 to 2018	2019 to 2023	
13. Evaluate the support for and the feasibility of becoming part of the Community Rating System (CRS) to lower flood insurance premiums for property owners.* (2009 Plan; 2013 status – no action)	Staff time d d d d d	High	X		Walworth County Emergency Management; cities of Delavan, Lake Geneva, and Whitewater; villages of Bloomfield, East Troy, Fontana-on-Geneva Lake, Genoa City, Mukwonago, Sharon, and Walworth (Note: City of Elkhorn and the villages of Darien and Williams Bay are not part of the program)
14. Work with the DNR to ensure that an emergency action plan is prepared for large dams and that they are periodically updated. (2009 Plan; 2013 status – some new EAPs have been prepared)	Staff time	Medium	X		Walworth County Emergency Management
15. Develop a prioritized list of areas of the county meriting detailed flood studies. (2009 Plan; 2013 status – no action)	Staff time	Low	X		Walworth County Emergency Management
16. Ensure that privately-owned large dams are inspected consistent with state law. (2009 Plan; 2013 status – no action)	Staff time	Medium	X		Walworth County Emergency Management; local jurisdictions as appropriate [1]
17. Ensure that publicly-owned large dams are inspected consistent with state law. (2009 Plan; 2013 status – no action)	Staff time	Medium	X		Local jurisdictions as appropriate [1], Wisconsin Department of Natural Resources
18. So as to continue compliance with state and federal requirements, revise existing floodplain regulations to ensure they comply with the most recent model floodplain regulations developed by the Wisconsin Department of Natural Resources.* (2009 Plan; 2013 status – no action)	Staff time	High	X		Walworth County Department of Land Use & Resource Management; cities of Delavan, Lake Geneva, and Whitewater; villages of Bloomfield, East Troy, Fontana-on-Geneva Lake, Genoa City, Mukwonago, Sharon, and Walworth (Note: City of Elkhorn and the villages of Darien and Williams Bay are not part of the program)
19. Undertake measures to address flooding within the Oak Knoll subdivision in the Village of Walworth. (2009 Plan; 2013 status – no action)	Unknown	High	X		Village of Walworth
20. Repair the Beulah Dam (County Highway J) (2009 Plan; 2013 status – no action)	Unknown	Medium	X		Walworth County Emergency Management; local jurisdictions [1]
21. Repair the Whitewater Lake Dam (2009 Plan; 2013 status – no action)	Unknown	High	X		Walworth County Emergency Management; local jurisdictions
22. Conduct a study to determine feasible and cost effective solutions to minimize flooding in those lake basins with a natural outlet such as Whitewater Lake and Turtle Lake and those without a natural outlet such as Lake Lorraine. (2009 Plan; 2013 status – no action)	Unknown	Medium	X		Walworth County Emergency Management; effected towns and local jurisdictions
23. Identify restrictions of water flow from Turtle Lake, Turtle Valley Wildlife Area, and Turtle Creek. Identify and analyze mitigation options for those properties and roadways affected. (2009 Plan; 2013 status – no action)	Unknown	High	X		Walworth County Emergency Management; Towns of Sugar Creek and Richmond and other effected towns and local jurisdictions
24. Address the reoccurring flooding of Chilson Road and prevent flood water from entering the sewer facility on Chilson Road. Remove trees from area by road and replace with geotextile material and rock. Also, put in a grassed waterway to help with the water flow. (2009 Plan; 2013 status – no action)	\$9,000 with potential for other funding	High	X		Town of Sharon; Walworth County Conservancy helped with the project design and will oversee the project

Implementation Actions / Strategies	Cost Estimate (2013)	Priority	Schedule		Responsible Entity
			2014 to 2018	2019 to 2023	
25. Conduct a study to determine feasible and cost effective solutions to minimize flooding in the Inlet Oaks subdivision and implement a long-term solution. (2009 Plan; 2013 status – no action)	Unknown	High	X		Town of Delavan; Delavan Lake Sanitary District
26. Conduct a study to determine why there is flooding on the north side of Lake Wandewega and implement a long-term solution. (2009 Plan; 2013 status – no action)	Unknown	High	X		Town of Sugar Creek
27. Address the flooding along Potter Road, Hodges Road (near bridge area), and Bray Road (by the cross culvert near Plank Road and W3873 driveway) (2009 Plan; 2013 status – no action)	Unknown	High	X		Town of La Fayette
28. Mitigate flood water at Nipersink through culvert placement and ditch improvements. (2009 Plan; 2013 status – no action)	\$35,000	High	X		Town of Bloomfield
29. Continue to evaluate flooding issues along Madison Street and Wisconsin Street by the Ponds subdivision (New in 2013)	Unknown	High	X		Village of Darien
30. Conduct a study to determine if the Mill Pond dam should be removed or updated (New in 2013)	Unknown	Medium	X		Village of East Troy
31. Continue with dam inspections for as long as dam is in place (New in 2013)	Staff time	Medium	X	X	Village of East Troy, DPW
32. Storm sewer work along George St. and Ballard St. and ditch work along Prairie St. to improve flows (New in 2013)	Unknown	Medium	X		Village of Sharon, DPW

Notes:

* Indicates policies or activities that are intended to ensure continued compliance with the National Flood Insurance Program (NFIP).

Goal 3. Tornadoes

Lessen the effects of a tornado to the extent feasible and speed recovery following an event. **(2009 Plan)**

Objectives

1. Increase public education and awareness of the potential severity of tornadoes. **(2009 Plan)**
2. Minimize the amount of time that businesses damaged by a tornado are not operational. **(2009 Plan)**
3. Minimize the amount of time it takes to rebuild or restore dwellings damaged by a tornado. **(2009 Plan)**
4. Prevent injuries and death from tornadoes. **(2009 Plan)**

Policies

1. Bury overhead power and utility lines where feasible as a way to reduce power outages during all types of storm events. **(2009 Plan)**
2. Require that mobile homes and manufactured housing are securely anchored in place. **(2009 Plan)**
3. Ensure that adequate tornado shelters are available to county residents especially those living in mobile home parks. **(2009 Plan)**
4. Include redevelopment objectives in smart growth comprehensive plans to support post-disaster development activities. **(2009 Plan)**
5. Continue to support the efforts of severe weather spotters. **(2009 Plan)**
6. Keep the current siren system functioning and in good repair. **(2009 Plan)**
7. Encourage residents to obtain NOAA weather radios especially in those areas of the county that are not covered by a siren. **(2009 Plan)**
8. Encourage home builders and others to incorporate wind-resistant features into new home construction (e.g., anchor straps). **(2009 Plan)**

Implementation Actions / Strategies	Cost Estimate (2013)	Priority	Schedule		Responsible Entity
			2014 to 2018	2019 to 2023	
1. Periodically assess whether there are enough shelters to house displaced persons. (2009 Plan; 2013 status – no action)	Staff time	Medium	X	X	Walworth County Emergency Management; American Red Cross
2. Apply for mitigation funding to purchase NOAA weather radios for county residents. (2009 Plan; 2013 status – no action)	Staff time	Low	X		Walworth County Emergency Management
3. Study the feasibility of and support for adopting a local regulation which would require new mobile home parks and future expansions of existing parks to provide for a tornado shelter. (2009 Plan; 2013 status – no action)	Staff time	Medium	X		Walworth County Emergency Management
4. Develop and implement strategies for debris management. (2009 Plan; 2013 status – no action)	Staff time	Medium	X		Walworth County Emergency Management; Walworth County Public Works Department; American Red Cross
5. Amend land development regulations to require a storm shelter in mobile home parks when the number of mobile homes exceeds a threshold as established by the jurisdiction. (2009 Plan; 2013 status – no action)	Staff time	Medium	X		Walworth County Land Use & Management Department, Walworth County Emergency Management; cities of Delavan, Elkhorn, Lake Geneva, and Whitewater; villages of Bloomfield, Darien, East Troy, Fontana-on-Geneva Lake, Genoa City, Sharon, Walworth, Williams Bay
6. Install storm shelters near or in existing mobile home parks and high occupancy campgrounds. (2009 Plan; 2013 status – no action)	Staff time	Medium	X		Mobile home park operators and campground operations with Walworth County Emergency Management
7. Develop and maintain a geographic database for natural hazard events, including location, weather conditions, and resulting damage. (2009 Plan; 2013 status – no action)	Staff time	High	X		Walworth County Emergency Management; Walworth County Information Systems Department, Land Information Division
8. Identify opportunities for developing a joint dispatch center (2009 Plan; 2013 status – Whitewater completed a study to determine options)	Staff time	High	X		Walworth County Emergency Management and other county departments
9. Install a backup generator in the Town of Troy Town Hall/Fire Hall (New in 2013)	\$30,000	High	X		Town of Troy

10. Upgrade the command and control for outdoor sirens, update existing sirens as necessary, add new sirens as needed (New in 2013)	Unknown	Medium	X		City of Delavan
11. Continue preventative maintenance of tornado sirens (New in 2013)	\$1,600 per year	High	X	X	Village of East Troy, DPW

Goal 4. Extreme Temperature

Protect the health of Walworth County residents from extreme temperature. (**2009 Plan**)

Objectives

1. Prevent deaths and injuries from extreme temperature. (**2009 Plan**)

Policies

1. Encourage volunteers to look after vulnerable individuals, especially the elderly, during times of extreme temperature. (**2009 Plan**)
2. Open county and other public facilities with air conditioning as appropriate for public access during periods of extreme heat. (**2009 Plan**)
3. Ensure that county residents are aware that there are different forms of assistance to help qualified individuals to help pay their winter heating costs. (**2009 Plan**)

Implementation Actions / Strategies	Cost Estimate (2013)	Priority	Schedule		Responsible Entity
			2014 to 2018	2019 to 2023	
1. Develop a directory of public buildings that would be open to the public during extended heat waves. (2009 Plan; 2013 status – no action)	Staff time	Medium	X	X	Walworth County Emergency Management; Walworth County Department of Health & Human Services
2. Call a meeting of public and nonprofit organizations that may be able to mobilize a volunteer corps of individuals willing to assist vulnerable people during periods of extreme temperature. (2009 Plan; 2013 status – no action)	Staff time	High	X		Walworth County Emergency Management; Walworth County Department of Health & Human Services
3. Investigate the possibility of establishing a database of individuals who are vulnerable to extreme temperature and who have voluntarily placed their name on the call list (2009 Plan; 2013 status – no action)	Staff time	Medium	X		Walworth County Emergency Management; Walworth County Department of Health & Human Services; American Red Cross
4. Publicise available programs that help low-income residents pay for their utility expenses. (2009 Plan; 2013 status – no action)	Staff time	Medium	X		Walworth County Emergency Management; Walworth County Department of Health & Human Services; cities of Delavan, Elkhorn, Lake Geneva, and Whitewater; villages of Bloomfield, Darien, East Troy, Fontana-on-Geneva Lake, Genoa City, Mukwonago, Sharon, Walworth, and Williams Bay
5. Develop and maintain a geographic database for natural hazard events, including location, weather conditions, and resulting damage. (2009 Plan; 2013 status – no action)	Staff time	High	X		Walworth County Emergency Management; Walworth County Information Systems Department, Land Information Division
6. Amend the county's emergency operations plan to address extreme temperatures. (2009 Plan; 2013 status – no action)	Staff time	Medium	X		Walworth County Emergency Management
7. Continue cooling center policy (New in 2013)	Staff time	High	X	X	Village of East Troy

Goal 5. Severe Thunderstorm Winds & Hail and Non-thunderstorm High WindsProtect and prepare Walworth County residents from the dangers of extreme weather. **(2009 Plan)****Objectives**

1. Increase public education and awareness of the potential dangers of thunderstorms, snow storms, hail, and windstorms. **(2009 Plan)**

Policies

1. Bury overhead power and utility lines where feasible as a way to reduce power outages during all types of storm events. **(2009 Plan)**
2. Provide citizens with early storm warnings. **(2009 Plan)**
3. Encourage the use of surge protectors on critical electronic equipment in governmental and critical facilities. **(2009 Plan)**
4. Work with utility companies to assess and to improve, when necessary, electric service reliability. **(2009 Plan)**
5. Work with public and private utility companies to ensure that trees are properly trimmed near utility lines. **(2009 Plan)**

Implementation Actions / Strategies	Cost Estimate (2013)	Priority	Schedule		Responsible Entity
			2014 to 2018	2019 to 2023	
1. Continue to update and/or monitor the County's public early warning system and network. (2009 Plan; 2013 status – no action)	Staff time	Medium	X	X	Walworth County Emergency Management; local jurisdictions
2. Review local building codes to determine if revisions are needed to improve the structure's ability to withstand greater wind velocities and encourage provision of safe rooms, especially in structures that do not have a basement. (2009 Plan; 2013 status – no action)	Staff time	Low	X		Walworth County Emergency Management; local jurisdictions
3. Produce and distribute emergency preparedness information related to thunderstorms, snow storms, hailstorms, and windstorm hazards. (2009 Plan; 2013 status – no action)	Staff time	Medium	X		Walworth County Emergency Management; American Red Cross; local jurisdictions
4. Identify and pursue funding opportunities to develop and implement local and county mitigation activities. (2009 Plan; 2013 status – no action)	Staff time	Medium	X		Walworth County Emergency Management; American Red Cross; local jurisdictions
5. Install lightning grade surge protection devices for critical electronic components used by government, public service, and public safety facilities, such as warning systems, control systems, communications, and computers. (2009 Plan; 2013 status – no action)	\$3,000	Medium	X		Walworth County Emergency Management; American Red Cross; local jurisdictions
6. Provide the public with information about proven lightning safety guidelines to reduce the risk of lightning hazards. (2009 Plan; 2013 status – no action)	Staff time	Medium	X		Walworth County Emergency Management; local jurisdictions
7. Develop and implement strategies for debris management. (2009 Plan; 2013 status – no action)	Staff time	Medium	X		Walworth County Emergency Management; Walworth County Public Works, local jurisdictions
8. Apply for mitigation funding to purchase NOAA weather radios for county residents. (2009 Plan; 2013 status – no action)	Staff time	Medium	X		Walworth County Emergency Management
9. Develop and maintain a geographic database for natural hazard events, including location, weather conditions, and resulting damage. (2009 Plan; 2013 status – no action)	Staff time	High	X		Walworth County Emergency Management; Walworth County Information Systems Department, Land Information Division
10. Evaluate the feasibility and effectiveness of adding additional storm sirens (New 2013)	Unknown	Medium	X		Village of Mukwonago
11. Maintain certification as a Weather Safe Community (NWS designation) (New 2013)	Staff time	Medium	X	X	City of Whitewater
12. Continue to replace outdated storm sirens (New 2013)	Unknown	Medium	X		Village of Williams Bay
13. Continue to promote and sponsor severe weather spotter courses	Staff time	Medium	X	X	City of Lake Geneva

14. Establish a storm shelter (New 2013)	Unknown	Medium	X	Village of East Troy
15. Airport weather and wind shear equipment upgrade	Unknown	Medium	X	Village of East Troy

Goal 6. Drought

Protect the public health, safety, and welfare of county residents during periods of drought. (**2009 Plan**)

Objectives

1. Decrease water consumption during periods of drought. (**2009 Plan**)
2. Minimize the economic impacts of drought on the local economy. (**2009 Plan**)

Policies

1. Encourage water conservation during periods of drought. (**2009 Plan**)
2. Impose watering restrictions during periods of extreme drought. (**2009 Plan**)
3. Work with appropriate agencies to conserve water, provide drought prediction, and provide stream and groundwater monitoring. (**2009 Plan**)
4. Work with agencies that can assist with and promote soil health, preserve soil moisture and help to minimize the loss of the crops and topsoil in the event of a drought. (**2009 Plan**)
5. Continue to monitor groundwater levels to identify the status of groundwater resources and trends. (**2009 Plan**)
6. Work with state agencies and other levels of government in developing appropriate regional strategies to address drought conditions. (**2009 Plan**)

Implementation Actions / Strategies	Cost Estimate (2013)	Priority	Schedule		Responsible Entity
			2014 to 2018	2019 to 2023	
1. Create an ordinance to prioritize or control water use during drought conditions. (2009 Plan; 2013 status – no action)	Staff time	Medium	X	X	Municipalities with public water systems
2. Develop a set of procedures for water distribution during drought to those in need. (2009 Plan; 2013 status – no action)	Staff time	Medium	X		Walworth County Emergency Management; cities of Delavan, Elkhorn, Lake Geneva, and Whitewater; villages of Bloomfield, Darien, East Troy, Fontana-on-Geneva Lake, Genoa City, Mukwonago, Sharon, Walworth, and Williams Bay
3. Develop and maintain a geographic database for natural hazard events, including location, weather conditions, and resulting damage. (2009 Plan; 2013 status – no action)	Staff time	High	X		Walworth County Emergency Management; Walworth County Information Systems Department, Land Information Division

Goal 7. Wildland Fire

Protect structures and people in Walworth County from uncontrolled wildfires. **(2009 Plan)**

Objectives

1. Decrease the number of wildland fires occurring in the county. **(2009 Plan)**
2. Decrease the number of acres burned from wildland fires. **(2009 Plan)**
3. Increase public education. **(2009 Plan)**

Policies

1. Support the use of controlled burns as a way of reducing the threat of dangerous wildland fires. **(2009 Plan)**
2. Enhance emergency services to increase the efficiency of wildfire response and recovery activities. **(2009 Plan)**
3. Keep track of wildfire events in the county to better document the extent and location of these events. **(2009 Plan)**

Implementation Actions / Strategies	Cost Estimate (2013)	Priority	Schedule		Responsible Entity
			2014 to 2018	2019 to 2023	
1. Apply for federal and state grants to enhance the capability of local fire departments. (2009 Plan; 2013 status – no action)	Staff time	Medium	X	X	Walworth County Emergency Management; local fire departments
2. Provide education to county and municipality personnel about federal cost-share and grant programs, fire protection agreements, and other related federal programs so the full array of assistance available to local agencies is understood. (2009 Plan; 2013 status – no action)	Staff time	Low	X		Walworth County Emergency Management; cities of Delavan, Elkhorn, Lake Geneva, and Whitewater; villages of Bloomfield, Darien, East Troy, Fontana-on-Geneva Lake, Genoa City, Mukwonago, Sharon, Walworth, and Williams Bay
3. Develop a digital database to keep track of wildfire events in the county. (2009 Plan; 2013 status – no action)	Staff time	Medium	X		Walworth County Emergency Management; local fire departments
4. Develop and maintain a geographic database for natural hazard events, including location, weather conditions, and resulting damage. (2009 Plan; 2013 status – no action)	Staff time	High	X		Walworth County Emergency Management; Walworth County Information Systems Department; Land Information Division
5. Investigate the establishment of a uniform way of providing information to the public regarding issuance of burning permits. (2009 Plan; 2013 status – no action)	Staff time	High	X		Walworth County Sheriff's Department; local fire departments

Resolution No. 57-12/14
Extending the Employment Contract of Michael Cotter for Performing the Duties of Deputy Corporation Counsel

1 Moved/Sponsored by: Executive Committee

2
3 **WHEREAS**, Michael P. Cotter (“Cotter”) is currently employed by Walworth County
4 (“County”) pursuant to the terms of an employment contract by and between the County and
5 Cotter dated May 13, 2003; and,
6

7 **WHEREAS**, on March 14, 2006, the duties of Deputy Corporation Counsel were assigned to
8 Cotter pursuant to Res. No. 98-03/06, which resolution provided additional compensation for the
9 added responsibilities; and,
10

11 **WHEREAS**, Mr. Cotter’s contract to perform Deputy Corporation Counsel duties was extended
12 on several occasions by virtue of county board resolutions; and,
13

14 **WHEREAS**, the assignment of those duties was dependent upon the County Administrator
15 serving as Corporation Counsel; and,
16

17 **WHEREAS**, pursuant to Res. No. 68-01/14, Cotter’s contract as Deputy Corporation Counsel
18 will expire on December 31, 2016; and,
19

20 **WHEREAS**, the Executive Committee recommends extending Cotter’s contract to December
21 31, 2017 to make the contract period consistent with the County Administrator’s contract
22 extension.
23

24 **NOW, THEREFORE, BE IT RESOLVED** that the Walworth County Board of Supervisors
25 does hereby authorize the proper County officials to execute an amendment to Cotter’s
26 employment contract in substantially the form attached hereto.
27

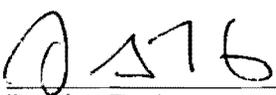
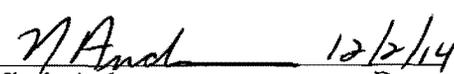
28 **BE IT FURTHER RESOLVED** that the contract amendment shall be in effect until December
29 31, 2017.
30
31

32 _____
33 Nancy Russell
34 County Board Chair

Kimberly S. Bushey
County Clerk

35
36 County Board Meeting Date: December 9, 2014
37

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

Policy and Fiscal Note is attached. Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:	
 _____ David A. Bretl County Administrator/Corporation Counsel	 _____ Nicole Andersen Deputy County Administrator – Finance
12/2/14 Date	12/2/14 Date

Policy and Fiscal Note
Resolution No. 57-12/14

- I. **Title:** Extending the Employment Contract of Michael Cotter for Performing the Duties of Deputy Corporation Counsel
- II. **Purpose and Policy Impact Statement:** The purpose of this resolution is to extend the agreement by and between the County and Cotter for performing duties as Deputy Corporation Counsel. Cotter's duties will continue to be primarily administrative within the Corporation Counsel office. This resolution extends Cotter's contract as Deputy Corporation Counsel to December 31, 2017. Mr. Cotter's last contract extension included the same terms as this amendment (application of pay for performance to the Deputy Corporation Counsel stipend).
- III. **Budget and Fiscal Impact:** Cotter currently receives \$19,668.74 for performing Deputy Corporation Counsel duties. This stipend shall be considered in the calculation of Cotter's pay-for-performance salary adjustments. Funding of that stipend shall be subject to normal County budgeting procedures.
- IV. **Referred to the following standing committees for consideration and date of referral:**

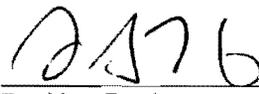
Committee: Executive

Meeting Date: November 17, 2014

Vote: 5 – 0

County Board Meeting Date: December 9, 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.

 12/2/14

Date
David A. Bretl
County Administrator/Corporation Counsel

 12/2/14

Date
Nicole Andersen
Deputy County Administrator – Finance

ORDINANCE NO. 906 – 12/14

**AMENDING CHAPTER 17 OF THE WALWORTH COUNTY CODE OF ORDINANCES
TO MEET PROCUREMENT STANDARDS FOR FEDERAL AWARDS**

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

**PART I: That Chapter 17 of the Walworth County Code of Ordinances is hereby amended
to read as follows:**

“Sec. 17-1. Manner of establishing policy; interpretation and enforcement.

(a) The purpose of this policy is to provide for full and open competition in the systematic procurement of goods, materials, services and equipment to:

- (1) Maximize the purchasing value of public funds, regardless of the sources.
- (2) Standardize county equipment among the various departments, where possible, to lower maintenance and inventory costs.
- (3) Obtain quality goods, materials, services and equipment adequate to permit the county to perform its missions.
- (4) Ensure the fair and equitable treatment of all persons involved in public purchasing.
- (5) Protect the county's interest by promoting the use of standard purchasing documents.

(b) Unless waived by two-thirds vote of the county board, amendments to this chapter shall not be effective until having first been considered by the finance committee, which committee shall be apprised in writing by the ~~deputy county administrator~~ director - central services and county administrator regarding the impact of the proposed amendment.

(c) Any department head aggrieved by an interpretation of the provisions of this chapter by the ~~deputy county administrator~~ director - central services may appeal such decision to the county administrator. Interpretations of the county administrator shall be subject to review by the finance committee.

(d) The county administrator may promulgate such administrative procedures as may be necessary to carry out the provisions of this chapter.

(e) In addition to any other remedies provided by law, violations of this chapter may subject the violator to discipline pursuant to the county personnel code.

Sec. 17-2. Definitions.

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

3
4 *Bid* means an offer to sell specific goods to a particular buyer at a specified price.

5
6 ~~*Deputy county administrator*~~ *Director*, for the purposes of this chapter, shall mean ~~deputy~~
7 ~~county administrator~~ director - central services.

8
9 *Immediate family* shall have the meaning set forth in Wis. Stats. § 19.42(7)(a) and
10 19.42(7)(b).

11
12 *Micro purchase* means a procurement without competition if the director-central services, or
13 designee, considers the price to be reasonable.

14
15 *Professional and personal services* means those services which are provided by lawyers,
16 doctors, architects, engineers, accountants, consultants and human services providers. It does not
17 include services for the repair and maintenance of equipment, for the repair and maintenance of
18 vehicles nor for the general maintenance of buildings and property.

19
20 *Proposal* means an offer by a vendor to provide the requested goods or services as he/she
21 understands and recommends it at a suggested price or unit cost. Both the specifications of the
22 proposed goods or services and the price are subject to negotiation. This method shall be used to
23 purchase goods and services where specifications cannot be developed so that they are
24 sufficiently precise to make a selection solely based on price.

25
26 *Public works projects* are restoration, construction, remodeling, or improvement of a
27 building, or other infrastructure projects financed by public funds for a government agency for
28 the benefit or use of the general public.

29
30 *Small purchase* means a simple and informal procurement method for securing goods and
31 services that do not cost more than the Simplified Acquisition Threshold. This method requires
32 price quotations from an adequate number of qualified sources.

33
34 *Simplified Acquisition Threshold* is a dollar level, set forth in Administrative Procedure, that
35 determines procurement process; written quotes or formal bid/proposal.

36
37 **Secs. 17-3—17-30. Reserved.**

38
39 **Sec. 17-31. General procurement policy.**

40
41 (a) It is declared to be the policy of the county to encourage, insofar as it is practicable and
42 advantageous to the county, procurement by a competitive process. Active participation by
43 small and disadvantaged businesses, women's business enterprises, and minority businesses
44 shall be encouraged in the county's procurement process.
45

1 (b) All public works projects shall be bid according to Wis. Stats. § 59.52(29). The public
2 works committee shall:

3
4 (1) Approve plans and specifications;

5
6 (2) Authorize advertisements for bids;

7
8 (3) Award bids;

9
10 (4) Approve change orders, except for those provided in a. and b. below which may be
11 authorized by the director of central services and which will be reported to the
12 committee at its earliest regular meeting:

13
14 a. Change orders of an emergency nature which, if not approved, would threaten
15 public health, damage property or increase project costs due to delay; or

16
17 b. Change orders which are within the overall project budget, do not exceed
18 \$5,000.00, and which do not result in a material change to the project.

19
20 (5) Authorize final payment as required by section 30-121

21
22 (c) Human services contracts covered by Wis. Stats. § 46.036 or any other services which are
23 governed and regulated by state or federal regulations shall not be subject to the provisions
24 of this ordinance.

25
26 (d) The county departments shall furnish such reports as the director of central services or
27 designee may require concerning usage, product and/or service costs, current and previous
28 suppliers, supplier performance ratings, specifications, needs, stock on hand and any other
29 information as is necessary or required.

30
31 (e) The director of central services or designee is authorized to form product or commodity user
32 groups. The user groups will consist of representatives from county departments that use
33 similar products. The department representatives will work together to avoid acquisition of
34 unnecessary or duplicative items and to standardize products that will universally fit the
35 needs of the group while providing economies of scale opportunity to the county.

36
37 (f) The county shall not be liable for contracts and purchase orders that are in violation of this
38 policy.

39
40 (g) Except for emergency procurements as allowed under section 17-34, the department head
41 shall ensure that no order for materials, supplies, equipment, or services shall be issued
42 unless the department's unencumbered appropriation balance in the appropriate account is
43 sufficient to defray the cost of such order.

44
45 (h) Except as provided herein, the finance committee shall award bids and proposals of
46 \$25,000.00 or more for the purchase of goods and services.

1
2 (i) The public works committee shall, with respect to purchases of road machinery, where the
3 estimated cost of each piece of equipment is anticipated to exceed \$50,000.00:

4
5 (1) Approve equipment specifications; and

6
7 (2) Award equipment bids/proposals.

8
9 (j) All copies of orders and contracts shall be retained in accordance with the county's records
10 retention policy.

11
12 (k) Each department head shall designate, to the director of central services or designee, one or
13 more individuals in his/her department to coordinate the department's purchasing activities.
14 The designated individual(s) may be assigned varying levels of authority which shall be
15 identified to the director of central services or designee, by department heads. The
16 designated individual(s) shall comply with the requirements of this chapter and all related
17 procedures established by the county administrator.

18
19 (l) Where applicable, county purchasing staff will investigate and encourage the use of federal
20 excess and surplus property in lieu of purchasing new equipment.

21
22 **Sec. 17-32. General procurement methods.**

23
24 (a) It is declared to be the policy of the county to utilize one of the following procurement
25 methods

26
27 (1) Micro-purchases

28
29 (2) Small purchases

30
31 (3) Sealed bids or Sealed proposals

32
33 (b) The dollar thresholds for the procurement methods will be established in the administrative
34 procedures promulgated by the county administrator.

35
36 **Sec. 17-33. General procedure for purchases.**

37
38 (a) Except as provided in (c), all bids shall be awarded to the lowest cost, responsible and
39 responsive supplier complying with specifications, county terms and conditions.

40
41 (b) All proposals will be first reviewed to determine if the proposer is responsive and
42 responsible. Responsive and responsible proposals will be further evaluated and ranked
43 against the criteria stated in the request for proposal and only that criteria. Department heads
44 determine evaluation criteria and weighting relative in relationship to the importance of the
45 procurement as a whole. Except as provided in (c), proposal awards shall be made to the

1 highest scoring responsible and responsive supplier complying with specifications, county
2 terms and conditions.

3
4 (c) The committee responsible for awarding the proposal may deviate from awarding a proposal
5 to the highest scoring responsible and responsive supplier when doing so is in the best
6 interest of the county. The committee responsible for awarding the bid may deviate from
7 awarding it to the lowest cost, responsible and responsive bidder when doing so is in the
8 best interest of the county. In determining the best interest of the county, the committee may
9 consider, but is not limited to, the following factors:

10
11 (1) An alternative method is proposed which is advantageous to the county.

12
13 (2) The evaluation process reveals material representations of the proposer which were not
14 supported.

15
16 (3) The higher cost of the proposal is justified based on additional value provided by the
17 proposal.

18
19 (4) Total overall costs, including, but not limited to, implementation and ongoing
20 operational costs, are lower than competing proposals.

21
22 (d) Federal and state laws, which specify the manner in which the county shall procure goods
23 and services, where appropriate and applicable, shall supersede the provisions of this
24 section.

25
26 (e) All purchases shall be made by contract or purchase order, except as may be provided by
27 administrative procedure.

28
29 **Sec. 17-34. General purchasing authority.**

30
31 Unless otherwise specified in this article, the ~~deputy county administrator~~ director -central
32 services or designee, under the supervision of the county administrator, is designated as the
33 purchasing agent pursuant to Wis. Stats. § 59.52(9). The ~~deputy county administrator~~ director -
34 central services or designee may delegate the duties provided herein. Specific authority includes,
35 but is not limited to, the following:

36
37 (1) Award contracts and issue purchase orders for the purchase of goods and services in
38 accordance with this chapter or by administrative procedure.

39 (2) Audit purchasing records.

40
41 (3) Establish and maintain a list of authorized vendors, including a review of debarred or
42 suspended vendors.

43
44 (4) Establish open purchase orders and contracts for routine goods, materials, supplies and
45 services for countywide utilization.

46

- 1 (5) Negotiate purchasing terms and conditions with vendors.
2
3 (6) Debar or suspend for cause a person or firm from consideration for award of contracts.
4 a. Debarred or suspended vendors may appeal such action to the finance committee in
5 accordance with procedures established by the county administrator.
6
7 (7) Deny payment for purchases made without a contract or purchase order. Payment denial
8 can be appealed to the appropriate committee specified in section 2-41(2)a.—d.
9
10 (8) Evaluate the competency of suppliers and sureties.
11
12 (9) Investigate additional competitive sources of supply as necessary to ensure the
13 competitive process.
14

15 **Sec. 17-35. Emergency procurements.**
16

- 17 (a) The term "emergency conditions" when used in this section means current or imminent
18 conditions adversely affecting the health, safety or welfare of any person or substantial
19 damage to property, or which would cause the cessation of any operation in whole or in part.
20
21 (b) If a purchase must be made because of the existence of an emergency condition, the
22 department head shall follow approved purchasing procedures if practicable.
23
24 (c) Emergency procurements made without utilizing approved purchasing procedures shall be
25 reported at the next finance committee meeting. Should the committee have any questions
26 regarding the purchase, the appropriate department head will be invited to attend the next
27 subsequent committee meeting.
28

29 **Sec. 17-36. Waiver of Bids and Sole source procurements.**
30

- 31 (a) A contract may be awarded or purchase order issued for any goods, materials, supplies or
32 maintenance services, except as limited by Wis. Stats. § 59.52(29) without competition, as a
33 sole source procurement, in accordance with procedures established by the county
34 administrator when it is determined that only one source is practically available for the
35 required goods or services.
36
37 (b) A contract may be awarded or purchase order issued for any goods, materials, supplies or
38 maintenance services, except as limited by Wis. Stats. § 59.52(29) without competition, as a
39 waiver of bid procurement, in accordance with procedures established by the county
40 administrator when it is in the best interests of the county. The following purchases are
41 permitted to be made as a waiver of bid procurement:
42
43 (1) ~~It is in the best interests of the county; or~~
44
45 (2) ~~Only one source is practically available for the required goods or services.~~
46

1 ~~(e) The following purchases are permitted to be made as sole source purchases without~~
2 ~~competition and without meeting the requirements of subsection (a) of this section:~~

- 3
4 (1) Utility purchases, such as gas, electric, sewer and water.
5
6 (2) Purchases of products and services between/from governmental agencies.
7
8 (3) Publications, books, manuals, dues, memberships, and advertisements.
9
10 (4) Seminars and conferences.
11
12 (5) Employee reimbursements for lodging, meals, mileage, and other miscellaneous travel
13 expenditures.
14
15 (6) Information systems software enhancements, software and hardware maintenance and
16 license renewals.
17
18 (7) Legal services, including court-ordered attorneys, guardian ad litem, and court
19 commissioners; insurance, except general liability insurance; re-insurance; and
20 engineering, and architectural, and environmental consulting services, where said
21 engineering, and architectural, and environmental consulting fees are not expected to
22 exceed \$20,000.00 for any one particular project.
23
24 (8) Materials for contractually obligated state road improvement, maintenance, and/or
25 repair jobs where, due to time constraints or lack of standard inventory, competitive
26 purchasing is impractical.
27
28 (9) Limited supply vaccine serum purchased from state approved vendors.
29
30 (10) Purchase/printing of election ballots.

31
32 (c) Each contract or purchase order authorizing procurement under this section shall plainly
33 state that it is a waiver of bid procurement or a procurement from a sole source vendor.
34

35 **Sec. 17-37. Open purchase orders.**

- 36
37 (a) Open purchase orders for the procurement of goods, materials, supplies or services may be
38 periodically issued by the ~~deputy county administrator~~ director -central services or designee
39 following competitive bidding or if authorized as a sole source procurement where the items
40 sought to be included are of a type frequently and routinely utilized by the county.
41
42 (b) All department heads shall be notified of existing open purchase orders and shall utilize such
43 open purchase orders when purchasing commodities included on said open purchase orders.
44

1 **Sec. 17-38. Group purchasing.**

2
3 (a) If the ~~deputy county administrator~~ director-central services or designee desires to join or
4 become affiliated with a purchasing group which is organized for the purpose of providing
5 volume purchases for a particular good or service, and if such group is operated in a manner
6 consistent with the provisions, spirit and intent of this division, said purchasing agent may
7 engage in group purchasing through the group. Except as provided in (b), contracts
8 negotiated and executed by purchasing groups or other governmental units may be
9 considered as competitively bid contracts.

10
11 (b) Notwithstanding (a), road machinery set forth in Section 17-31(i) shall not be procured,
12 except by competitive bid, unless group purchasing is specifically authorized by the public
13 works committee.
14

15 **Sec. 17-39. Standardization.**

16
17 The ~~deputy county administrator~~ director-central services or designee shall develop standard
18 specifications for frequently purchased commodities. Such standards may include guidelines
19 including specific brands, features, or maximum purchase prices to utilize when purchasing
20 specific commodities. Department heads shall be informed of purchasing standards and shall
21 adhere to said standards when procuring applicable items.
22

23 **Sec. 17-40. Re-issuance of purchase orders.**

24
25 Procurements of equipment, goods and services required to be accomplished by bid may, at
26 the discretion of the ~~deputy county administrator~~ director-central services or designee be
27 procured again without the need for bidding when the vendor is willing to supply the equipment,
28 goods or services upon the same terms or upon terms more favorable to the county than the
29 existing contract.
30

31 **Sec. 17-41. Intergovernmental cooperation.**

32
33 (a) Other units of government may purchase items from the county's contracts provided the
34 specifications included language offering the same terms and conditions to other units of
35 government; or the applicable vendor is agreeable and the other government unit
36 consummates the purchase directly with the vendor.
37

38 (b) If another government unit desires to utilize the county's purchasing department for
39 procurement of any good, material or supply such cooperation shall be permissible, but only
40 in conjunction with a cooperative purchasing program or pursuant to an intergovernmental
41 agreement executed pursuant to Wis. Stats § 66.0301.
42

43 **Sec. 17-42. Appeal procedure and modifications; bidding process.**

44
45 (a) *Modifications prior to bid opening.* Modifications or clarifications required to be made to
46 the specifications, bidding documents, or instructions to bidders, shall be made only by

1 written notice to all known bidders. If modifications or clarifications in the specifications
2 require an extension of the bid opening date, it may be so extended by the ~~deputy county~~
3 ~~administrator~~ director-central services or designee.
4

5 (b) *After bid opening; objections to process.* If a bidder feels there was an irregularity in the
6 sealed bid process, the bidder may protest in writing to the ~~deputy county administrator~~
7 director-central services within 72 hours after the time of the bid opening. The ~~deputy~~
8 ~~county administrator~~ director-central services will respond to the protest in accordance with
9 procedures established by the county administrator.
10

11 (c) *Correction of errors in bids.* If a vendor who submits a bid pursuant to this division claims a
12 mistake, omission or error in preparing the bid, the vendor shall, before the bid is opened,
13 make known the fact that the bid contains an error, mistake or omission, and the bid shall be
14 returned unopened, and the vendor shall be entitled to resubmit a valid bid if said bid is
15 received prior to the deadline. If a vendor shall make an error or omission, and discovers it
16 after the bids are open, the vendor shall immediately give written notice of the error or
17 omission, and also give clear, satisfactory evidence of such error or omission, and that it was
18 not caused by a negligent act or omission on the part of the vendor submitting the bid. The
19 vendor shall in no event be permitted to change or correct the bid. If the vendor was the low
20 bidder, the vendor shall have the option of proceeding with the contract upon the bid as
21 submitted or the vendor will forfeit the bid bond as liquidated damages. The vendor can
22 appeal the forfeiture to the appropriate committee specified in section 2-41(2)a.—d. for
23 return of the bid bond.
24

25 **Sec. 17-43. Small purchases.**
26

27 Purchases and contracts shall not be so divided into small increments in order to avoid or
28 circumvent the competitive procurement process requirements.
29

30 **Sec. 17-44. Financial and other interests in contracts and orders prohibited.**
31

32 All county employees who are engaged in the selection, award and administration of
33 contracts shall comply with the ethical standards of the county, as stated in Section 15-802 of the
34 Walworth County Code of Ordinances. Employees are prohibited from having a private interest
35 in a public contract(s) in accordance with Section 15-803 of the Walworth County Code of
36 Ordinances. No county employee, or member of their immediate family, shall be financially
37 interested or derive personal benefit, either directly or indirectly, in contracts or purchase of
38 supplies, materials, equipment, or contractual services purchased by the county. Nor shall an
39 employee accept or receive, directly or indirectly, from individuals, firms or corporations to
40 which contracts or purchase orders may be awarded, gifts commission, compensation, or
41 remuneration other than from the county in connection with the performance of their duties
42 hereunder.
43

1 **Sec. 17-45. Other miscellaneous provisions.**

2
3 The following items are exempt from the competitive bid process. Payment may be issued
4 upon department head authorization of purchase order.

- 5
- 6 (1) Transfers to other governmental units for fees collected on their behalf;
- 7
- 8 (2) Refunds; and
- 9
- 10 (3) Petty cash reimbursement subject to sections 30-150 and 30-155
- 11

12 **Secs. 17-46—17-120. Reserved.”**

13
14 **BE IT ORDAINED** by the Walworth County Board of Supervisors that all previous ordinances
15 and resolutions pertaining to Chapter 17 are hereby superseded.

16
17 **BE IT FURTHER ORDAINED** by the Walworth County Board of Supervisors that this
18 Ordinance shall become effective upon passage and publication.

19
20 **PASSED and ADOPTED** by the Walworth County Board of Supervisors this 9th day of
21 December, 2014.

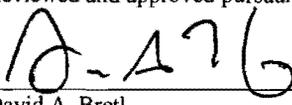
22
23
24
25
26 _____
27 Nancy Russell
28 County Board Chair

Kimberly S. Bushey
Attest: County Clerk

29 County Board Meeting Date: December 9, 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	 _____ Nicole Andersen Deputy County Administrator - Finance
11/21/14 Date	11/25/14 Date

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

ORDINANCE NO. 907 – 12/14

**AMENDING SECTIONS 30-260 AND 30-262 AND CREATING SECTION 30-265
OF THE WALWORTH COUNTY CODE OF ORDINANCES
RELATING TO ASSET POLICY**

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

1 **PART I: That Section 30-260 and 30-262 of the Walworth County Code of Ordinances are**
2 **hereby amended to read as follows:**

3
4 **“Sec. 30-260. Tagging; updating list.**

5
6 Each department shall tag or otherwise permanently mark all capital assets in its department,
7 and prepare a list of such assets and submit a copy of said list to the finance department. On a
8 monthly basis, each department shall update such list to reflect any additions or deletions to said
9 list. Each department shall also perform an annual physical inventory of all capital assets and file
10 a copy of said inventory with the Finance Department. Detailed asset information shall be
11 maintained in a centralized capital asset program including, when applicable, restrictions and/or
12 reporting requirements imposed due to grant or donor funding participation used to purchase the
13 asset.

14
15 **Sec. 30-262. Surplus property.**

16
17 (a) The purpose of this section is to:

- 18 (1) Provide for the timely disposition of surplus property;
19 (2) Maximize the County's return on its investment in surplus property consistent
20 with the cost of disposing of the property;
21 (3) Ensure public confidence in process used to dispose of surplus property.

22 (b) This article shall not apply to the following:

- 23 (1) Unclaimed funds and personal property for which different procedures are
24 specified by Wis. Stats. § 59.66.
25 (2) Real property obtained by the County through in rem tax procedures.
26 (3) Property, the disposition of which is governed by State or Federal requirements,
27 except where the county has been granted the authority to dispose of the property
28 in accordance with local procedures.
29 (4) Donated property required to be held by the County for a special purpose.”

30
31 **PART II: That Section 30-265 of the Walworth County Code of Ordinances is hereby**
32 **created to read as follows:**

33
34 **“Sec. 30-265. Safeguarding of property.**

35
36 Property and other assets will be insured against loss and properly maintained to keep the
37 property in good condition. Departments and officers will safeguard all property to prevent loss,

1 damage, or theft and report and update an inventory of all county-owned property to the Deputy
2 County Administrator-Finance. Any loss, damage, or theft shall be investigated by the
3 department.”

4
5 **BE IT ORDAINED** by the Walworth County Board of Supervisors that all previous ordinances
6 and resolutions pertaining to Sections 30-260 and 30-262 are hereby superseded, and that Section
7 30-265 is now created.

8
9 **BE IT FURTHER ORDAINED** by the Walworth County Board of Supervisors that this
10 Ordinance shall become effective upon passage and publication.

11
12 **PASSED and ADOPTED** by the Walworth County Board of Supervisors this 9th day of
13 December, 2014.

14
15
16
17
18 _____
19 Nancy Russell
20 County Board Chair

Kimberly S. Bushey
Attest: County Clerk

21
22 County Board Meeting Date: December 9, 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

Date

11/24/14



Nicole Andersen
Deputy County Administrator - Finance

Date

11/25/14

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

Ordinance No. 907 - 12/14
Fiscal Note and Policy Impact Statement

- I. **Title:** Amending Sections 30-260 and 30-262 and Creating Section 30-265 of the Walworth County Code of Ordinances Relating to Asset Policy
- II. **Purpose and Policy Impact Statement:** The purpose of this ordinance is to establish rules governing the acquisition of real property. This ordinance amendment adds language that is needed to meet the newest federal guidance for internal controls related to federal awards. It also ensures that the County has proper information to fully insure its assets.
- III. **Is this a budgeted item and what is its fiscal impact:** There is no fiscal impact related to this ordinance.
- IV. **Referred to the following standing committee(s) for consideration and date of referral:**

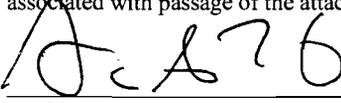
Committee: Finance

Date: November 20, 2014

Vote: 5-0

County Board Meeting Date: December 9, 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

11/21/14
Date



Nicole Andersen
Deputy County Administrator - Finance

11/25/14
Date

Resolution No. 52-12/14
**Authorizing Addition to Previously Established Pre-Approved Recurring Grants List
Relative to the Wisconsin Department of Veterans Affairs
County Transportation Services Grant**

1 Moved/Sponsored by: Finance Committee

2
3 **WHEREAS**, Section 30-313 of the Walworth County Code of Ordinances allows the establish-
4 ment, by resolution, of a list of authorized recurring grants; and

5
6 **WHEREAS**, Resolution 08-05/05 established a list of pre-approved, recurring grants; and

7
8 **WHEREAS**, the Veterans Service Office desires to add the grant noted below to the aforemen-
9 tioned list; and

10
11 **WHEREAS**, inclusion of a grant on the authorized list provides authority to the County Admin-
12 istrator to approve the application and receipt of a grant so included until such time as a material
13 change in conditions of a grant occurs; and

14
15 **WHEREAS**, a material change in conditions of a grant includes, but is not limited to, capital
16 expenditures, capital acquisitions, increase in percent of county match or variation from the orig-
17 inal intent of the grant; and

18
19 **WHEREAS**, the authorized list, at a minimum, will be reviewed on an annual basis and revi-
20 sions proposed as necessary; and

21
22 **WHEREAS**, new grant opportunities for county departments may be added by authorization of
23 the County Board at a future date,

24
25 **NOW, THEREFORE, BE IT RESOLVED** that grants specifically requiring County Board
26 authorization shall continue to be submitted for action; and

27
28 **BE IT FURTHER RESOLVED** that “one-time” grants continue to require authorization as
29 specified in Chapter 30, Article VIII of the Walworth County Code of Ordinances; and,
30
31

1 **BE IT FURTHER RESOLVED** by the Walworth County Board of Supervisors that the follow-
 2 ing recurring grant is and the same is hereby approved.
 3

Program Title - Purpose	Contract Amount / County Share %
DEPARTMENT: Veterans	
WI Dept. of Veterans Affairs County Transportation Services Grant	Based on number of County's applying / Unrecovered program costs

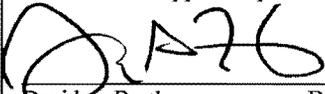
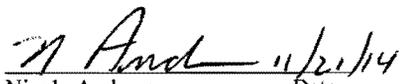
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 Nancy Russell
 County Board Chair

 Kimberly S. Bushey
 County Clerk

County Board Meeting Date: December 9, 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 11/21/14 County Administrator/Corporation Counsel	 _____ Nicole Andersen Date 11/21/14 Deputy County Administrator - Finance
If unsigned, exceptions shall be so noted by the County Administrator.	

Policy and Fiscal Note
Resolution No. 52-12/14

- I. **Title:** Authorizing Addition to Previously Established Pre-Approved Recurring Grants List Relative to the Wisconsin Department of Veterans Affairs County Transportation Services Grant
- II. **Purpose and Policy Impact Statement:** The purpose of this resolution is to authorize a list of recurring grants.
- III. **Budget and Fiscal Impact:** Passage of this resolution will have no fiscal impact on the 2014 budget. Future budgets will reflect updated dollar amounts for each particular recurring grant.
- IV. **Referred to the following standing committees for consideration and date of referral:**

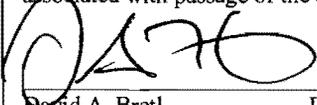
Committee: Finance

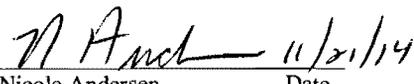
Meeting Date: November 20, 2014

Vote: 5-0

County Board Meeting Date: December 9, 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 11/21/14
County Administrator/Corporation Counsel


Nicole Andersen Date 11/21/14
Deputy County Administrator - Finance

Resolution No. 54-12/14

Declaring the House Located at White River County Park Surplus and Authorizing the Use of Contingency Fund Balance to Raze the Same

1 Moved/Sponsored by: Public Works Committee/Finance Committee
2

3 **WHEREAS**, the Parks Committee recommended the demolition of the house at White River
4 County Park, more particularly described as 6503 Sheridan Springs Road, Lake Geneva, Wis-
5 consin (“House”); and,
6

7 **WHEREAS**, the 2014 adopted budget did not include funding to raze the house; and,
8

9 **WHEREAS**, it is in the county’s best interest to declare the House surplus, raze it and restore
10 the site appropriate for a park setting.
11

12 **NOW, THEREFORE, BE IT RESOLVED** by the Walworth County Board of Supervisors that
13 the House be and the same is hereby declared surplus and shall be disposed of by demolition.
14

15 **BE IT FURTHER RESOLVED** that funds in the amount of \$42,000 be transferred from the
16 contingency fund to the appropriate project accounts to pay for demolition of the House.
17

18 **BE IT FURTHER RESOLVED** that the bid specifications for the demolition encourage recy-
19 cling of suitable components of the House.
20

21 **BE IT FURTHER RESOLVED** that any funds remaining will lapse to the General Fund upon
22 project completion.
23
24
25

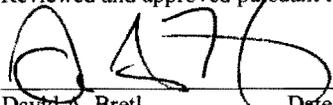
26 _____
27 Nancy Russell
28 County Board Chair

Kimberly S. Bushey
County Clerk

29 County Board Meeting Date: December 9, 2014
30

31 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:

 _____ David A. Bretl County Administrator/Corporation Counsel	 _____ Nicole Andersen Deputy County Administrator - Finance
--	---

Date 12/2/14 Date 12/2/14

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

Policy and Fiscal Note
Resolution No. 54-12/14

- I. **Title:** Declaring the House Located at White River County Park Surplus and Authorizing the Use of Contingency Fund Balance to Raze the Same
- II. **Purpose and Policy Impact Statement:** The purpose of this resolution is to declare as surplus the house located at 6503 Sheridan Springs Road, Lake Geneva, Wisconsin in the White River County Park and authorize the transfer of \$42,000 from the contingency fund to provide the funds necessary to raze the House at White River County Park.
- III. **Budget and Fiscal Impact:** The 2014 adopted budget did not include funding to raze the House at White River County Park. This resolution will transfer funds from the contingency fund to the appropriate park account to allow demolition of the House and to restore the site appropriate to a park setting. The current balance in the contingency fund is \$236,000.
- IV. **Referred to the following standing committees for consideration and date of referral:**

Committee: Public Works Meeting Date: December 9, 2014

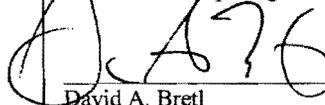
Vote:

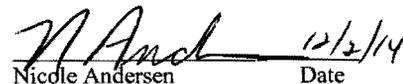
Committee: Finance Meeting Date: December 9, 2014

Vote:

County Board Meeting Date: December 9, 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.

 12/2/14
David A. Bretl Date
County Administrator/Corporation Counsel

 12/2/14
Nicole Andersen Date
Deputy County Administrator - Finance

Resolution No. 49 - 12/14
Adopting 2015 Pay Ranges For Certain Non-Represented Hourly Employees and Salaried Exempt Employees

1 Moved/Sponsored by: Human Resources Committee
2

3 **WHEREAS**, the Human Resources Committee (“Committee”) has considered the matter of pay
4 raises for certain non-represented hourly employees and salaried exempt employees
5 (“Employees”); and,
6

7 **WHEREAS**, the Committee recommends a 2% across-the-board increase for certain non-
8 represented hourly employees and salaried exempt employees.
9

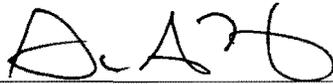
10 **NOW, THEREFORE, BE IT RESOLVED** by the Walworth County Board of Supervisors that
11 the attached pay plans for non-represented hourly employees and salaried exempt employees be
12 and the same are hereby approved effective January 1, 2015.
13
14
15
16
17

18 _____
19 Nancy Russell
20 County Board Chair

Kimberly S. Bushey
County Clerk

21
22
23 County Board Meeting Date: December 9, 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:	
 _____ David A. Bretl County Administrator/Corporation Counsel	 _____ Nicole Andersen Deputy County Administrator – Finance
11/20/14 Date	11/21/14 Date

NON-UNION HOURLY CLERICAL

<u>Job Class</u>	<u>New Tables</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	<u>Step 8</u>	<u>Step 9</u>
Clerk I Receptionist Clerk	H02-/H02+	12.87	13.20	13.52	13.84	14.14	14.48	14.81	15.13	15.45
Account Clerk I Clerk II	H03-/H03+	13.62	13.95	14.30	14.64	14.98	15.32	15.66	16.00	16.34
Account Clerk II Clerk III Spanish Interpreter/Clerk	H05-/H05+	14.90	15.28	15.65	16.02	16.40	16.77	17.15	17.51	17.89
Account Clerk III Administrative Secretary I Administrative Secretary I - DPW Clerk IV Program Assistant	H07-/H07+	16.27	16.68	17.09	17.49	17.90	18.31	18.72	19.13	19.53
Account Clerk IV Administrative Secretary II Property Lister	H09-/H09+	17.07	17.50	17.93	18.36	18.79	19.21	19.64	20.06	20.49
Deputy Clerk of Courts Deputy Register of Deeds Deputy Register in Probate Law Enforcement Records Lead Worker	H10-/H10+	17.85	18.30	18.75	19.19	19.64	20.08	20.53	20.97	21.42
Administrative Secretary Legal Stenographer Secretary - Confidential Secretary - Corrections Victim/Witness Service Provider	H13-/H13+	18.00	18.45	18.91	19.36	19.81	20.26	20.72	21.17	21.61

NON-UNION HOURLY CLERICAL

<u>Job Class</u>	<u>New Tables</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	<u>Step 8</u>	<u>Step 9</u>
Assistant Buyer	H14-/H14+	19.56	20.05	20.54	21.03	21.52	22.01	22.50	22.99	23.48
Calendar Clerk of Courts										
Deputy County Clerk										
Legal Secretary Lead Worker										
Victim/Witness Coordinator										
Accounting Assistant	H15-/H15+	20.22	20.73	21.23	21.74	22.25	22.75	23.26	23.76	24.27
Administrative Clerk										
Administrative Assistant	H16-/H16+	22.19	22.74	23.30	23.85	24.41	24.96	25.51	26.07	26.62
Human Resources Assistant										
Legal Secretary										
LURM Assistant										

DPW NON-CLERICAL HOURLY

<u>Job Class</u>	<u>New Tables</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	<u>Step 8</u>	<u>Step 9</u>
Maintenance Technician	H22-/H22+	18.67	19.14	19.60	20.06	20.53	21.00	21.47	21.93	22.40
Highway/Engineering Assistant	H23-/H23+	19.08	19.57	20.06	20.54	21.04	21.53	22.02	22.50	22.99
Patrolman/Woman	H24-/H24+	19.54	20.03	20.52	21.01	21.50	21.99	22.48	22.97	23.46
Mechanic II	H26-/H26+	21.25	21.78	22.31	22.84	23.38	23.91	24.44	24.97	25.50
Marking/Signage Lead Worker Road Lead Worker Shop Lead Worker	H28-/H28+	22.64	23.22	23.78	24.35	24.92	25.48	26.05	26.61	27.18
Senior Maintenance Technician	H29-/H29+	20.10	20.59	21.08	21.56	22.06	22.55	23.04	23.52	24.01

HEALTH HUMAN SERVICES NON-CLERICAL HOURLY

<u>Job Class</u>	<u>New Tables</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	<u>Step 8</u>	<u>Step 9</u>
Nutrition Site Worker	H40-/H40+	9.73	10.06	10.38	10.70	11.03	11.35	11.68	12.01	12.32
Energy Assistance Coordinator	H42-/H42+	14.77	15.26	15.75	16.24	16.73	17.22	17.71	18.20	18.69
Associate Nutrition Specialist	H43-/H43+	17.00	17.57	18.15	18.72	19.29	19.86	20.43	21.00	21.57
Economic Support Specialist Paternity Specialist Support Specialist	H44-/H44+	17.95	18.55	19.14	19.74	20.34	20.92	21.52	22.11	22.71
HS Worker IV	H46-/H46+	18.69	19.32	19.95	20.58	21.23	21.86	22.49	23.12	23.76
Child Support Lead Worker Economic Support Lead Worker	H47-/H47+	19.81	20.48	21.14	21.82	22.50	23.17	23.84	24.51	25.18
Physician Support Assistant	H48-/H48+	15.21	15.72	16.22	16.73	17.23	17.74	18.24	18.75	19.25
HHS Site Worker	H49-/H49+	10.37	10.63	10.87	11.14	11.38	11.64	11.89	12.15	12.39

LAKELAND HEALTH CARE CENTER NON-CLERICAL HOURLY

<u>Job Class</u>	<u>New Tables</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	<u>Step 8</u>	<u>Step 9</u>	<u>Step 10</u>	<u>Step 11</u>
Relief Cook	H60-/H60+	10.39	10.65	10.90	11.16	11.41	11.67	11.92	12.18	12.43	12.69	12.94
Cook Licensed Beautician	H62-/H62+	12.35	12.65	12.95	13.27	13.57	13.87	14.17	14.47	14.78	15.09	15.39
Certified Nursing Assistant Recreational Therapy Leader Resident Liaison	H64-/H64+	13.13	13.53	13.81	13.98	14.16	14.34	14.51	14.97	15.42	15.87	16.32
Certified Medication Assistant Restroative Therapy Aide/Clinic Assistant	H65-/H65+	13.95	14.30	14.64	14.98	15.32	15.67	16.01	16.35	16.70	17.03	17.38
Food Service Coordinator	H66-/H66+	14.59	14.94	15.30	15.66	16.01	16.38	16.74	17.10	17.45	17.81	18.17
Scheduling/Payroll Clerk	H67-/H67+	16.25	16.65	17.04	17.44	17.84	18.25	18.65	19.04	19.44	19.84	20.24
LPN-Medical Records LPN-Unit Supervisor	H68-/H68+	21.85	22.67	23.52	24.41	25.34	25.81	26.28	26.76	27.25		
RN-Unit Supervisor	H69-/H69+	26.99	27.85	28.72	29.58	30.44	31.29	32.16	33.02	33.87		
RN-Unit Supervisor (Charge)	H70-/H70+	28.39	29.25	30.12	30.98	31.84	32.69	33.56	34.42	35.27		
Maintenance Technician	H71-/H71+	18.67	19.14	19.60	20.06	20.53	21.00	21.47	21.93	22.4		
Maintenance Coordinator	H72-/H72+	20.53	21.04	21.56	22.07	22.59	23.10	23.61	24.13	24.64		
Social Worker	H73-/H73+	22.22	22.94	23.63	24.35	25.08	25.84	26.61	27.42	28.24		

LAKELAND SCHOOL MANAGEMENT STAFF

<u>Job Class</u>	<u>New Tables</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	<u>Step 8</u>	<u>Step 9</u>
School Nurse	Q01-/Q01+	25.5333	26.4908	27.4841	28.5147	29.5842	30.6935	31.8446	33.0386	34.2776
Occupational Therapist Physical Therapist	Q02-/Q02+	31.1100	32.4488	33.7875	35.1263	36.4650	37.8038	39.1425	40.4813	41.8200
Educational Programmer School Psychologist	Q03-/Q03+	33.2823	34.5306	35.8256	37.1688	38.5626	40.0088	41.5058	43.0589	

LAKELAND SCHOOL NON-CLERICAL HOURLY

<u>Job Class</u>	<u>New Tables</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	<u>Step 8</u>	<u>Step 9</u>
Special Education Aide	H80-/H80+	14.33	14.77	15.22	15.66	16.11	16.54	16.98	17.43	17.87
Interpreter	H81-/H81+	21.88	22.55	23.23	23.89	24.56	25.23	25.91	26.57	27.24

OTHER NON-CLERICAL HOURLY

<u>Job Class</u>	<u>New Tables</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	<u>Step 8</u>	<u>Step 9</u>
Printing Coordinator	H86-/H86+	16.27	16.68	17.09	17.49	17.90	18.31	18.72	19.13	19.53
IT Specialist	H88-/H88+	20.20	20.95	21.71	22.47	23.23	23.98	24.74	25.50	26.25

SHERIFF'S OFFICE NON-CLERICAL HOURLY

<u>Job Class</u>	<u>New Tables</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	<u>Step 8</u>	<u>Step 9</u>
Communications Officer	H91-/H91+	18.94	19.52	20.10	20.69	21.27	21.85	22.43	23.01	23.58
Communications Officer (Mon - Fri)										
Correctional Officer										
Correctional Officer (Electronic Monitoring)										
Correctional Officer (Classification)										

Walworth County Management and Professional Pay Plan

Dept Name	Position Title	Pay Grade	New Grade Minimum	New Grade Midpoint	New Grade Maximum
Co Admin	County Administrator	Do Not Grade			
Finance	Deputy Co Admin - Finance	N	105,451	121,267	137,085
Hlth/Human Srv	Director - Health & Human Services				
Info Technology	Director - Information Technology	M	100,145	115,167	130,189
Public Works	Director - Central Services	L	94,839	109,066	123,291
Human Resources	Human Resources Director				
Hlth/Human Srv	Deputy Dir - Health & Human Serv (PT)	K	89,533	102,963	116,394
WCCDEB	Director - Special Education				
WCCDEB	Asst Dir - Special Education (66.77 hrs/pp)	J	84,228	96,862	109,496
Hlth/Human Srv	Deputy Dir - Health & Human Serv (FT)				
Land Use/Res Mngt	Director - LURM/Deputy Corp Counsel				
Sheriff	Undersheriff				
Finance	Comptroller	JJ	81,575	93,812	106,047
LHCC	Administrator - LHCC				
Public Works	County Engineer	I	78,923	90,760	102,599
Info Technology	Manager of IT Operations				
Co Admin	Asst Corporation Counsel II	H	73,617	84,658	95,701
Land Use/Res Mngt	Deputy Director				
Clerk Courts	Family Court Commissioner				
Finance	Financial Systems Administrator				
Public Works	Highway Operations Manager				
Hlth/Human Srv	HS Mgr - Aging Srvcs & Resources Support				
Hlth/Human Srv	HS Mgr - Behavioral Health Services				
Hlth/Human Srv	HS Mgr - Children's Services				
Hlth/Human Srv	HS Mgr - Mental Health Recovery Services				
Hlth/Human Srv	HS Mgr - Public Health				
Sheriff	Jail Administrator				
Human Resources	Risk/Benefits Manager				
Sheriff	Captain	HH	70,694	81,609	92,252
LHCC	Director of Nursing				
Info Technology	Senior IT Architect				
Public Works	Business Services Manager	G	68,311	78,559	88,805
Human Resources	Human Resources Manager	GG	66,100	76,016	85,930
Sheriff	Lieutenant				
Clerk Courts	Circuit Court Commissioner (PT)	F	63,888	73,473	83,057
Finance	Finance Manager				
Info Technology	GIS Coordinator				
Hlth/Human Srv	HS Mgr - Administrative Services				
Sheriff	Jail Superintendent				
LHCC	Nurse Manager				
Public Works	Asst DPW - Road	E	60,352	69,405	78,458
Public Works	Asst DPW - Shop				
LHCC	Asst Nurse Manager				
Info Technology	Business Analyst/Project Manager				
Public Works	Facilities Manager				
Hlth/Human Srv	HS Sprv - Behavioral Health				
Hlth/Human Srv	HS Sprv - Crisis Intervention				
Hlth/Human Srv	HS Sprv - Community Support Case Mngt				
01/01/15					

Walworth County Management and Professional Pay Plan

<u>Dept Name</u>	<u>Position Title</u>	<u>Pay Grade</u>	<u>New Grade Minimum</u>	<u>New Grade Midpoint</u>	<u>New Grade Maximum</u>
Hlth/Human Srv	HS Sprv - Community Support Program	E	60,352	69,405	78,458
Hlth/Human Srv	HS Sprv - JCI/CAN				
Hlth/Human Srv	HS Sprv - On-Going Case Mgt				
LHCC	MDS Coordinator				
Sheriff	Network Engineer				
Sheriff	Corrections Sergeant	D	56,815	65,337	73,860
Hlth/Human Srv	HS Sprv - ADRC				
Hlth/Human Srv	HS Sprv - Public Health				
Hlth/Human Srv	HS Sprv - WIC				
Finance	Senior Accountant				
Land Use/Res Mngt	Senior Planner				
Sheriff	Business Office Sprv	C	53,278	61,269	69,261
LHCC	Clinical Dietician/Quality Operations Mgr				
Sheriff	Communications Supervisor				
Hlth/Human Srv	HS Sprv - Child Support				
Hlth/Human Srv	HS Sprv - Economic Support				
Medical Examiner	Lead Investigator/Deputy Medical Examiner				
Clerk Courts	Office Manager (Courts)				
WCCDEB	School Business Office Supervisor				
Public Works	Senior Buyer				
Land Use/Res Mngt	Senior Zoning Officer				
Veterans	Veterans Service Officer				
Co Treasurer	Accountant	B	49,741	57,201	64,662
Finance	Accountant				
LHCC	Admissions Coordinator				
Human Resources	Benefits Specialist				
Info Technology	Desktop Lead /Server Specialist				
Hlth/Human Srv	HS Sprv - Fiscal Support				
Hlth/Human Srv	HS Sprv - Compliance & Medical Records				
Human Resources	Human Resources Generalist				
District Attorney	Office Manager (DA)				
Clerk Courts	Office Supervisor (Courts)				
Finance	Payroll Systems Coordinator				
Land Use/Res Mngt	Planner				
LHCC	Recr Therapy Coord				
Land Use/Res Mngt	Senior Conservation Technician				
Clerk Courts	Treatment Court Coordinator				
Land Use/Res Mngt	Urban Conservation Specialist				
Land Use/Res Mngt	Code Enforcement Officer	BB	47,972	55,168	62,363
Land Use/Res Mngt	Conservation Technician				
Hlth/Human Srv	HS Sprv - Nutrition	A	46,203	53,134	60,064
District Attorney	Law Clerk				
Sheriff	Law Enf Records Sprv				
Info Technology	Senior IT Support Specialist				
LHCC	Support Services Supervisor				
Veterans	Veterans Service Specialist				
Public Works	Head Groundskeeper	AA	42,003	48,304	54,604
Info Technology	Help Desk Analyst				
Info Technology	IT Project Coordinator				
LHCC	Recreational Therapist				
UW-Extension	Volunteer Organizer				

Resolution No. 50- 12/14
Adopting 2015 pay ranges for Certain Casual Employees

1 Moved/Sponsored by: Human Resources Committee
2

3 **WHEREAS**, the Human Resources Committee (“Committee”) has considered the matter of pay
4 raises for certain casual employees (“Employees”); and,
5

6 **WHEREAS**, the Committee recommends adoption of the new pay tables for casual employees
7 (as attached) to more closely align the casual positions with their hourly counterpart positions
8 and to provide increases for other casual employees to maintain consistency.
9

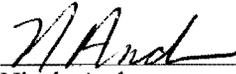
10 **NOW, THEREFORE, BE IT RESOLVED** by the Walworth County Board of Supervisors that
11 the attached pay plan for certain casual employees be and the same is hereby approved effective
12 January 1, 2015.
13
14
15
16
17

18 _____
19 Nancy Russell
20 County Board Chair
21

Kimberly S. Bushey
County Clerk

22
23 County Board Meeting Date: December 9, 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:	
 _____ David A. Bretl County Administrator/Corporation Counsel	 _____ Nicole Andersen Deputy County Administrator – Finance
11/20/14 Date	11/21/14 Date

CASUAL PAY TABLES

Job Class	Pay Table	Table Date	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9
CLERICAL											
RECEPTIONIST	MREC	01/01/15	12.22	13.17							
ACCOUNT CLERK I	MACI	01/01/15	13.62								
CLERK II POST 2012 HIRE	MC22	01/01/15	13.62	14.77							
LAKELAND SCHOOL											
STUDENT LEARNER	MSI	07/24/09	5.90	7.25							
SUBSTITUTE TEACHER	MST	01/01/14	90.00								
SUBSTITUTE SPEC EDUCATION AIDE											
LAKELAND HEALTH CARE CENTER											
IN-HOUSE POOL DISHWASHER	MPDW	01/01/15	10.00								
IN-HOUSE POOL COOK/FOOD SVC WKR	MPCF	01/01/15	13.26								
IN-HOUSE POOL CNA	MPLC	01/01/15	16.32								
IN-HOUSE POOL NURSE	MPLN	01/01/15	33.87								
RN-UNIT SUPERVISOR (LHCC)	MRN	01/01/15	26.99	30.04							
HEALTH & HUMAN SERVICES											
NUTRITION SITE WORKER	MNSW	01/01/15	9.73								
MEDICARE SPECIALIST	MDSP	01/01/15	20.33								
HS SPECIALIST I	MHS1	01/01/15	21.66	22.33	23.61	24.61	25.67	26.80			
SHERIFF'S OFFICE											
DEPUTY SHERIFF/MARINE OFCR	DSMO	05/01/13	17.00	17.50							
DEPUTY SHERIFF/MARINE MGR	DSMM	05/01/10	20.00								
PUBLIC WORKS											
PATROLMAN - LTE	MPTL	01/01/15	19.54								
FACILITIES & PARKS SEASONAL LABORER	MFPL	05/01/14	8.50	9.00	9.50	10.00					
CLERK OF COURTS											
STUDENT WORKER	MSW	07/24/09	7.25								
JURY BAILIFF	MJB	01/01/15	11.73								
SCANNING CLERK	MSCN	09/01/12	10.00								
CORONER/MEDICAL EXAMINER											
DEPUTY CORONER	MDC	01/01/14	120.00								

Policy and Fiscal Note
Resolution No. 53 - 12/14

I. Title: Supporting a change to the “Authorized Representative” signatory for the Administration of Grant Programs on behalf of the Walworth County Land Use and Resource Management Department.

II. Purpose and Policy Impact Statement: This Resolution authorizes the Land Use Resource Management Director, Deputy Director, or Land Conservation Committee Chairperson to act as the county representative for the administration of grant programs.

III. Budget and Fiscal Impact: No additional funds are needed for appointment of the authorized representative for grant processing. This shall have zero impact on the county tax levy.

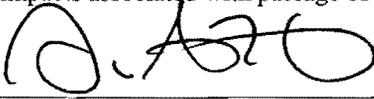
IV. Referred to the following standing committees for consideration and date of referral:

Committee: Land Conservation Committee Meeting Date: November 17, 2014

Vote: 5-0

County Board Meeting Date: December 9, 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 11/24/14
County Administrator/Corporation Counsel



Nicole Andersen Date 11/25/14
Deputy County Administrator - Finance

ORDINANCE NO. 909-12/14
CREATING SECTION 66-200 OF THE WALWORTH COUNTY CODE OF
ORDINANCES RELATING TO ESTABLISHING WEIGHT LIMITS ON ALL COUNTY
HIGHWAYS IN WALWORTH COUNTY FOR VEHICLES DEFINED AS
IMPLEMENTS OF ANIMAL HUSBANDRY

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS
FOLLOWS:

1 **PART I: That Section 66-200 of the Walworth County Code of Ordinances is hereby**
2 **created to read as follows:**

3
4 **“Sec. 66-200. Statutory Weight Limits for Implements of Husbandry**

5
6 a) Section 348.15(9)(f)1. Wis. Stats. provides that there is no weight limitation per
7 wheel, axle, or group of axles for Category B implements of husbandry as defined in Sec. 340.01
8 (24) (a) 1. B. Wis. Stats., but does apply gross vehicle as well as length limitations to these
9 vehicles.

10
11 b) Wis. Stat 348.15(9)(f)(1) authorizes a municipality or county to require compliance
12 with axle weight limitations established under Sec. 348.15(3)(g) for Category B implements of
13 husbandry as defined in Sec. 340.01(24)(a)1.b. on all highways within its jurisdiction.

14
15 c) Pursuant to Sec. 348.15(9) (f) Wis. Stats., all implements of husbandry in Walworth
16 County (including Category B implements of husbandry) may not exceed the statutory weight
17 and length limits on highways under the jurisdiction of Walworth County unless a permit for
18 such has been granted by the Department of Public Works under authority granted by Sec.
19 348.27 (19) Wis. Stats. No fee shall be charged for the permit application.

20
21 d) Pursuant to Sec. 348.27(19)(b)(4m)a., in the event an application for a no-fee permit
22 has been applied for a Category B implement of husbandry, the County is required to provide an
23 approved alternate route, which may include highways not under its jurisdiction if prior approval
24 has been given by the other jurisdiction over the alternate route not under the County’s
25 jurisdiction for operation of Category B implements of husbandry.

26
27 e) Permits issued under this section are subject to all other spring maximum weight
28 postings or posted maximum weight allowances on bridges.

29
30 f) Failure of the operator of an overweight vehicle to have a permit in his or her
31 possession shall constitute a violation of this section, unless the Department of Public Works has
32 failed to timely respond to a permit application as set forth in Sec. 348.27 (19)(b) Wis. Stats.

33
34 **PART II: That this ordinance shall become effective upon passage and publication.**

35
36 **PASSED and ADOPTED** by the Walworth County Board of Supervisors this 9th day of
37 December 2014.

1
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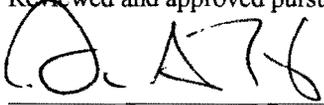
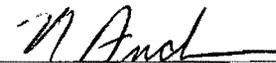
Nancy Russell
County Board Chair

Kimberly S. Bushey
Attest: County Clerk

County Board Meeting Date: December 9, 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	12/2/14 _____ Date	 _____ Nicole Andersen Deputy County Administrator - Finance	12/2/14 _____ Date
--	--------------------------	---	--------------------------

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

Resolution No. 55-12/14

**Approving the Intergovernmental Agreement with the City of Elkhorn
Regarding the CTH NN Improvements**

1 Moved/Sponsored by: Public Works Committee

2
3 **WHEREAS**, Walworth County will be reconstructing CTH NN from Bray Road through the
4 County Government Campus in 2015 and will construct a multi-use pedestrian/bicycle off road
5 trail along CTH NN from the City of Elkhorn to the White River State Trail in 2016; and,
6

7 **WHEREAS**, the reconstruction of CTH NN as well as the construction of the new multi-use trail
8 will require extensive coordination and cooperation between Walworth County and the City of
9 Elkhorn; and,
10

11 **WHEREAS**, Walworth County and the City of Elkhorn wish to formally recognize their
12 respective financial responsibilities for these two construction projects as well as their respective
13 operational responsibilities for future maintenance of the CTH NN Improvements as well as the
14 CTH NN Multi-Use Trail after construction is completed; and,
15

16 **NOW, THEREFORE, BE IT RESOLVED** that the Walworth County Board of Supervisors
17 formally accepts the Intergovernmental Agreement between The City of Elkhorn and Walworth
18 County regarding the CTH NN Improvements and hereby authorizes Kevin Brunner, Director of
19 Central Services/Public Works, to act on behalf of Walworth County to execute the required
20 agreement.
21

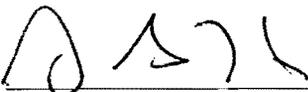
22
23 _____
24 Nancy Russell
25 County Board Chairperson
26

Kimberly S. Bushey
County Clerk

27
28 County Board Meeting Date: December 9, 2014
29

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

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

 12/2/14

David A. Bretl Date
County Administrator/Corporation Counsel

 12/2/14

Nicole Andersen Date
Deputy County Administrator - Finance

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

Policy and Fiscal Note
Resolution No. 55-12/14

I. Title: Approving the Intergovernmental Agreement with the City of Elkhorn Regarding the CTH NN Improvements.

II. Purpose and Policy Impact Statement: The purpose of the Intergovernmental Agreement is to delineate the respective financial and operational responsibilities of Walworth County and the City of Elkhorn for the 2015 CTH NN Highway Improvement Project and the 2016 CTH NN Multi-Use Trail Project.

III. Budget and Fiscal Impact: The County Capital Improvements Plan includes \$3,604,000 for the CTH NN Improvements in 2015 and \$269,959 for the CTH NN Multi-Use Trail in 2016.

There will be additional annual maintenance costs incurred by the County for the Multi-Use Trail beginning in 2017. These costs, which will primarily be for snow and ice removal, are estimated at between \$4,500 and \$ 6,000 annually.

The operating costs of the street lighting system to be constructed at the County's cost will be the responsibility of the City of Elkhorn after completion of the installation.

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

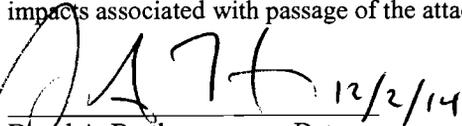
Committee: Public Works

Meeting Date: November 17, 2014

Vote: 5-0

County Board Meeting Date: December 9, 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.

 12/2/14

David A. Bretl Date
County Administrator/Corporation Counsel

 12/2/14

Nicole Andersen Date
Deputy County Administrator - Finance

**DRAFT INTERGOVERNMENTAL AGREEMENT BETWEEN
THE CITY OF ELKHORN AND WALWORTH COUNTY
REGARDING THE CTH NN IMPROVEMENTS / CONSTRUCTION OF A
PEDESTRIAN/BIKE TRAIL AND STREET LIGHTING ON CTH NN**

THIS AGREEMENT is made this ____ day of _____, A.D., 2014 by and between Walworth County, a quasi-municipal corporation with its offices located at 100 West Walworth Street, Elkhorn, Wisconsin 53121 (“County”) and the City of Elkhorn, a municipal corporation with its offices located at 9 South Broad Street, Elkhorn, Wisconsin 53121 (“City”) (collectively “the Parties.”)

WHEREAS, in 2015 and 2016, the County will be constructing various public improvements within the CTH NN right-of-way including the construction of a pedestrian/bicycle off- road trail and public street lighting ; and,

WHEREAS, the County and City desire to delineate their respective responsibilities regarding the construction of these improvements as well as their financing and future operations.

NOW, THEREFORE, in consideration of the mutual promises, agreements, understandings and undertakings hereinafter set forth, and good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

**ARTICLE I
DEFINITIONS**

For purposes of this agreement, the following terms shall have the meanings set forth below:

- 1.01 *City* means the City of Elkhorn, a municipal corporation existing under the laws of the State of Wisconsin, with its principal office located at 9 South Broad Street, Elkhorn, Wisconsin 53121.
- 1.02 *County* means Walworth County, a quasi-municipal corporation existing under the laws of the State of Wisconsin, with its principal office located at 100 West Walworth Street, Elkhorn, Wisconsin 53121.
- 1.03 *Pedestrian/Bicycle Multi-Use Trail* means the 10’ paved trail that will be constructed from Market Street in the City of Elkhorn to the White River Trail located south of the Walworth County Public Works facilities located at W4097 County Road NN, set forth in more detail in the diagram contained in Exhibit A.
- 1.04 *County Government Campus* means the complex of County buildings, located in both the City of Elkhorn (north of CTH NN) and the Town of Geneva (south of CTH NN) east of Bray Road. This includes the Aurora Hospital facilities, which are privately owned.
- 1.05 *WisDOT* means the Wisconsin Department of Transportation.

- 1.06 *Street Lighting System* means all components of the street lighting system including the Street Lighting Units (comprised of a concrete base, pole, mast arm and luminaire); Underground Street Lighting Cables; Street Lighting Control Cabinet; and all other incidental items necessary for a complete and operating system.

**ARTICLE II
CONSTRUCTION, OPERATION AND MAINTENANCE OF THE
BICYCLE/PEDESTRIAN MULTI-USE TRAIL**

- 2.01 Upon execution of this Agreement, the County will construct a bicycle/pedestrian multi-use trail along the north side of CTH NN from Bray Road to the County Government Campus and then south to connect to the White River Trail in 2016. WisDOT will connect this trail from Bray Road across the USH 12 Bridge that will be reconstructed also in 2016. The westerly terminus of the WisDOT portion of the bicycle/pedestrian multi-use trail will be at a point located just west of the I-43 underpass. The City will be responsible for constructing the section of the bicycle/pedestrian multi-use trail from the WisDOT westerly trail terminus to Market Street.
- 2.02 The County, WisDOT and City will be responsible for the engineering design and construction, as well as all related costs, of their respective sections of the bicycle/pedestrian multi-use trail. Construction of all sections will be completed by the end of 2016.
- 2.03 Upon completion of all sections of the bicycle/pedestrian multi-use trail, the County will be responsible for the operation and maintenance of the entire trail from Market Street to the White River Trail. Such operation and maintenance responsibilities shall include snow and ice removal on the section from Market Street to the County Government Campus.

**ARTICLE III
CONSTRUCTION, OPERATION AND MAINTENANCE OF THE CTH NN STREET
LIGHTING SYSTEM**

- 3.01 The plans for reconstruction of CTH NN from Bray Road through the County Government Campus include an urban cross section with curb and gutter and new sidewalk along the south side of the road. Along with these improvements, new street lighting is proposed for better night time visibility, safety and security through the area. This work is scheduled for construction in 2015.
- 3.02 The County will be responsible for all costs related to the engineering design and construction of the street lighting system meeting City standards.
- 3.03 Upon final installation of the CTH NN street lighting system, the City will become the owner of the street lighting system and will be responsible for all future operation and maintenance of this system.

**ARTICLE IV
NOTICES**

- 4.01 Any notice required or permitted to be given to either party under this Agreement shall be sufficient if hand delivered or in writing, and sent by registered or certified mail, return

receipt requested, postage prepaid, to the following addresses of the parties as indicated below:

(a) To County: County Clerk
Walworth County
P.O. Box 1001
Elkhorn, WI 53121

(b) To City: City Clerk
P.O. Box 920
Elkhorn, WI 53121

- 4.02 Either party may, upon prior notice to the other, may specify a different address for the giving of notice. Notices shall be deemed to have been given when received or delivery is refused.

ARTICLE V DEFAULT

- 5.01 If either party shall fail to perform any of the terms, conditions or covenants of this Agreement for more than 30 days after receipt of written notice by the non-defaulting party specifying in detail the nature of such failure, the non-defaulting party, besides any other rights or remedies it may have, shall have the right to terminate this Agreement forthwith and recover from the defaulting party all damages proximately caused by the defaulting party's default, including without limitation, court costs, reasonable expert's fees and reasonable attorney's fees. No action by the non-defaulting party pursuant to this section, however, shall be deemed to terminate this Agreement unless written notice of termination is given by the non-defaulting party to the defaulting party. Regardless of whether any party has elected to exercise its rights to terminate this Agreement, if any default shall occur, the defaulting party shall pay upon demand all of the non-defaulting party's costs, charges and expenses, including fees of counsel, agents and others retained by the non-defaulting party incurred in connection with the recovery of sums due under this Agreement or because of the breach of any covenant or agreement of non-defaulting party contained in this Agreement or for any other relief against the defaulting party.
- 5.02 A waiver by either party of a breach or default by the other under the terms and conditions of this Agreement shall not be construed to be a waiver of any subsequent breach or default nor of any other term or condition of this Agreement, and the failure of either party to assert any breach or to declare a default by the other shall not be construed to constitute a waiver thereof so long as such breach or default continues un-remedied.
- 5.03 In the event that any legal proceeding at law or in equity arises hereunder or in connection herewith (including any appellate proceedings or bankruptcy proceedings), the prevailing party shall be awarded reasonable expert witness fees, reasonable attorney's fees (including reasonable fees and charges for the services of paralegals or other personnel who operate for and under the supervision of such attorneys and whose time is customarily charged to clients), and any other expenses incurred in connection with such legal proceeding.

- 5.04 The parties will not be liable or be deemed to be in breach of this Agreement for any failure or any delay in rendering performance arising out of causes beyond its reasonable control or without its fault or negligence. Such causes may include, but are not limited to, acts of God or the public enemy, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and weather. In the event of the occurrence of an excusable delay as set forth above, a party desirous of an extension of time for performance shall notify the other in writing as soon as practicable and such notice shall state the length of the delay, if known. In such event, an extension date and time of performance shall be agreed upon by the parties in writing.

ARTICLE VI MISCELLANEOUS PROVISIONS

- 6.01 This Agreement shall be governed by, and construed in accordance with, the laws of the State of Wisconsin. If any provision of this Agreement or the application thereof to any person or circumstance shall, to any extent be invalid or unenforceable, the remainder of this Agreement shall not be affected thereby and each provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law. In the event a lawsuit is filed in this matter in the Circuit Court of Walworth County and the City brings a motion to move the proceedings to a circuit court of another Wisconsin county, the County will not object to said motion.
- 6.02 In the event of any action or proceeding brought by either party against the other under this Agreement, the prevailing party shall be entitled to recover all costs and expenses including reasonable attorney fees.
- 6.03 Unless otherwise specified herein, time is of the essence with respect to the obligations contained herein.
- 6.04 The parties agree to reasonably cooperate with each other in carrying out the intent of this Agreement.

ARTICLE VII CONSTRUCTION

- 7.01 The captions and article and section numbers appearing in this Agreement are inserted only as a matter of convenience and in no way define, limit, construe or describe the scope or extent of such article or section nor in any way affect this Agreement.
- 7.02 Whenever herein the singular number is used, the same shall include the plural and the masculine gender shall include the feminine and neuter genders and vice versa, as the context shall require.
- 7.03 This Agreement is the product of informed negotiations between the parties, who are acknowledged to have been represented by competent and informed counsel. If any part of this Agreement is deemed to be unclear or ambiguous, it shall be construed as if it were drafted jointly by all parties.

**ARTICLE VIII
ENTIRE AGREEMENT, AMENDMENTS, AUTHORITY**

- 8.01 This Agreement represents the full and complete agreement between these parties and supersedes all previous agreements between these parties on the subject of the construction of the pedestrian/bicycle trail and street lighting system on CTH NN and their future ownership, use and maintenance.
- 8.02 No amendment to this Agreement shall be effective unless first mutually agreed upon in writing and duly executed by both the City and the County.
- 8.03 The undersigned each certify that they have authority under their respective organizational structure and governing laws to execute this Agreement.

Signed and Sealed as of the date first written above:

COUNTY:

CITY:

Kimberly S. Bushey
Walworth County County Clerk

Attest:

Approved as to Form:

David A Bretl
Walworth County Corporation Counsel

Date