



**WALWORTH COUNTY BOARD OF SUPERVISORS
MEETING**

TUESDAY, JULY 14, 2015 AT 6:00 P.M.

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

Board of Supervisors

Nancy Russell – Chair
Rick Stacey – Vice-Chair

A G E N D A - AMENDED JULY 7, 2015

Call to Order

Pledge of Allegiance

Invocation

- Nancy Russell, Walworth County Board Supervisor, District #11

Roll Call

Withdrawals from Agenda, if any

Approval of the Agenda

Approval of the Minutes

Pgs. 1-6

- June 9, 2015 County Board Meeting

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

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

Special Order of Business

Pg. 7

- Fairest of the Fair – Emily Watson

Appointments/Elections

Pgs. 8-9

1. Community Action, Inc.
 - Mary Ann Kahl, Ed.D. – Two-year term to begin upon confirmation and end on July 31, 2017 (Recommended by the Executive Committee 4-0)

Communications and Matters to Be Referred

Pgs. 10-63

1. Claims Received After Agenda Mailing
2. Claims: a) Notice of Appearance and Claim for Surplus – LSCG Fund 17, LLC vs Mann Bros., Inc., et al.; b) Notice of Retainer and Request for Surplus and Schedule – LSCG Fund 17, LLC vs. Mann Bros., Inc., et al.; c) Answer of Defendant, American State Equipment Co., Inc. – LSCG Fund 17, LLC vs. Mann Bros., Inc., et al.; d) Answer to Complaint to Foreclose Mortgage, Claim for

Surplus, Motion for Admission Pro Hac Vice, Order Admitting Pro Hac Vice – LSCG Fund 17, LLC vs. Mann Bros., Inc., et al. (To be referred to the Executive Committee)

Pgs. 64-65

3. Racine County Resolution No. 2015-33 Resolution by the Government Services Committee Supporting the Funding of Pay Progression for Prosecutors and Creation and Funding of Additional Assistant District Attorney Positions (To be referred to the Executive Committee)

Pgs. 66-67

4. Communication from the State of Wisconsin Department of Emergency Management regarding a brief summary of work activities for Walworth County Emergency Management (To be referred to the Executive Committee)

Pg. 68

5. Correspondence from County Clerk Bushey regarding the future voting equipment replacement project (To be referred to the Executive Committee)

Pg. 69

6. Correspondence from State Senator Jon Erpenbach acknowledging receipt of Walworth County Resolution No. 14-05/15 Supporting the Provision of Adequate Resources to Support County Land Conservation and Cost-Sharing for Farmers and Other Land Users (To be placed on file)

Pg. 70

7. Correspondence from State Representative Andy Jorgensen acknowledging receipt of Walworth County Resolution No. 14-05/15 Supporting the Provision of Adequate Resources to Support County Land Conservation and Cost-Sharing for Farmers and Other Land Users (To be placed on file)

Pg. 71

8. Correspondence from State Representative Andy Jorgensen acknowledging receipt of Walworth County Resolution No. 15-05/15 Opposing the Proposed Changes to Wisconsin's Current Long-Term Care System – Family Care, IRIS Partnership, and Aging & Disability Resource Centers (To be placed on file)

Pg. 72

9. Correspondence from State Representative Andy Jorgensen acknowledging receipt of Walworth County Resolution No. 24-06/15 Urging the State Legislature to Wait Until Local Governments Provide Their Numbers, Wards and District Information Before Redistricting and to Use Local Boundaries to Create State Districts (To be placed on file)

Pgs. 73-75

10. Correspondence from St. Croix Community Development Committee – Resolution to Repeal Paragraph 23 of Motion Number 520 to the State of Wisconsin 2015-2017 Budget Bill (SB21 and AB21) Relative to Shoreland Zoning Standards (To be placed on file)

Pg. 76

11. Correspondence from Oconto County – Resolution #65-2015 RE: Communicable Disease Funding Support (To be placed on file)

Pg. 77

12. Correspondence from the Wisconsin Historical Society regarding Notice of Entry in the National Register and/or State Register of Historic Places – Wandawega Inn (To be placed on file)

Pgs. 78-79

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

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

Pgs. 80

15. 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. 81-112
1. Ord. No. 938-07/15 – Amending Section(s) 74-44, 74-49, 74-51, 74-61, 74-66, 74-71, 74-129, 74-131, 74-171, 74-176, 74-178, 74-188, 74-193, 74-261, and 74-263 of the Walworth County Code of Ordinances Relating to Farmland Preservation – *Vote Required: Majority* (Recommended by County Zoning Agency 7-0)
- Pgs. 113-129
2. Ord. No. 939-07/15 – Amending Chapter 58 of the Walworth County Code of Ordinances Relating to Subdivisions – *Vote Required: Majority* (Recommended by the County Zoning Agency 7-0)
- Pgs. 130-132
3. Res. No. 31-07/15 – Opposing Proposed Changes to Wisconsin Shoreland Zoning Standards as Outlined in the State of Wisconsin 2016 - 2017 Budget Bill – *Vote Required: Majority* (Recommended by the Land Conservation Committee 5-0 and the County Zoning Agency 7-0)
- Pg. 133
4. William Leek Living Trust – Owner, William and John Leek – Applicants, Section 6, Walworth Township. Rezone approximately .82 acres of A-1 to B-2 – Approved 7-0 (June 18, 2015 Zoning Agency Hearing)
- Pg. 133
5. Seth Hanson – Owner, Emily Krauklis – Applicant, Section 36, LaFayette Township. Rezone approximately .08 acres from A-1 to A-4 – Approved 7-0 (June 18, 2015 Zoning Agency Hearing)

Finance Committee

- Pgs. 134-136
1. Ord. No. 937-07/15 – Amending Chapter 62 of the Walworth County Code of Ordinances Relative to Tax-Deeded Lands – *Vote Required: Majority* (Recommended by the Finance Committee 5-0)
- Pgs. 137-138
2. Res. No. 28-07/15 – Authorizing a Donation of Flu Vaccines Not to Exceed \$2,000 to the Open Arms Free Clinic – *Vote Required: Majority* (Recommended by the Health and Human Services Board 7-0 and the Finance Committee 5-0)
- Pgs. 139-140
3. Res. No. 29-07/15 – Authorizing Department of Health and Human Services to be a Sponsor of the Out of the Darkness Walk Not to Exceed \$1,000 – *Vote Required: Majority* (Recommended by the Health and Human Services Board 7-0 and the Finance Committee 5-0)
- Pgs. 141-143
4. Res. No. 30-07/15 – Terminating Coverage with LGPIF and Electing Property Insurance Coverage from the New Municipal Property Insurance Company (MPIC) – *Vote Required: Majority* (Recommended by the Finance Committee 5-0)

Human Resources Committee

- Pgs. 144-145
1. Ord. No. 934-07/15 – Amending Section 15-359 of the Walworth County Code of Ordinances Relating to Pay for Substitute Aides and Substitute Teachers – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)

Pgs. 146-147

2. Ord. No. 935-07/15 – Amending Section 15-153 of the Walworth County Code of Ordinances Relating to Medical and Psychological Records – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)

Pgs. 148-149

3. Ord. No. 936-07/15 – Repealing Chapter 19 of the Walworth County Code of Ordinances Pertaining to Risk Management and Creating Article III of Chapter 13 of the Code Relating to Blanket Employee Dishonesty Bonds – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)

Pgs. 150-152

Land Conservation Committee

1. Res. No. 33-07/15 – Approving the Walworth County Farmland Preservation Plan Map Amendment - *Vote required: Majority* (Recommended by Land Conservation Committee 5 - 0)

Pgs. 153-155

Public Works Committee

1. Res. No. 32-07/15 – Approving Wisconsin Department of Transportation Local Bridge Program Grant Application for Peters Road Bridge Replacement – *Vote Required: Majority* (Recommended by the Public Works Committee 4-0)

Reports of Special Committees

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

Chairperson's Report

Adjournment

Kimberly S. Bushey

Walworth County Clerk

*Please note there is not a County Board meeting scheduled in August.

**Supervisors and Committees: Please submit titles for the Tuesday, September 8, 2015 agenda on or before Wednesday, August 26, 2015.

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

JUNE 9, 2015
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, Charlene Staples, David A. Weber, Paul Yvarra, and Chair Nancy Russell. Vice Chair Rick Stacey, was excused. A quorum was established.

Kenneth Monroe, Walworth County Board Supervisor, District #10, delivered the invocation.

Amendments, Withdrawals, and Approval of Agenda

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

Approval of the Minutes

On motion by Supervisor Weber, second by Supervisor Monroe, the Amended April 21, 2015 County Board Meeting minutes were approved by voice vote.

On motion by Supervisor Weber, second by Supervisor Kilkenny, the May 12, 2015 County Board Meeting minutes were approved by voice vote.

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

There was none.

Appointments/Elections

1. Aging & Disability Resource Center Governing Board (ADRC)
 - Judith Atkinson – Three-year term to begin upon confirmation and end on June 30, 2018 (Recommended by the Executive Committee 5 to 0)
2. Board of Adjustment (BOA)
 - John Roth – Three-year term to begin upon confirmation and end on June 30, 2018 (Recommended by the Executive Committee 5-0)
 - Joseph Pappa – Alternate Member – Term to begin upon confirmation and end on June 30, 2016 (Recommended by the Executive Committee 5-0)
3. Land Information Advisory Council (LIAC)
 - Captain Dana Nigbor – Four-year term to begin upon confirmation and end on June 30, 2019 (Recommended by the Executive Committee 5-0)
4. Walworth County Metropolitan Sewerage District Commission (WalCoMet)
 - Thomas S. Eck – Term to begin upon confirmation and end on February 28, 2018 (Recommended by the Executive Committee 5-0)
 - Dean Logterman – Term to begin upon confirmation and end on February 28, 2020 (Recommended by the Executive Committee 5-0)
 - Harold Shortenhaus – Term to begin upon confirmation and end on February 28, 2019 (Recommended by the Executive Committee 5-0)

On motion by Supervisor Schaefer, second by Supervisor Brandl, the appointments to Aging & Disability Resource Center Governing Board (ADRC), Board of Adjustment (BOA), Land Information Advisory Council (LIAC), and Walworth County Metropolitan Sewerage District Commission (WalCoMet) were approved by voice vote.

Communications and Matters to be Referred

Chair Russell announced that unless there was a request for an individual communication to be discussed, the Clerk would dispense with the reading of each title and the Chair would direct that all communications be referred or placed on file as indicated on the agenda.

1. Claims Received After Agenda Mailing
2. Claims: a) Summons & Complaint To Foreclose Mortgage – LSCG Fund 17, LLC vs Mann Bros., Inc., et al. (To be referred to the Executive Committee)
3. Correspondence from Supervisor David A. Weber, District 7, Walworth County Board of Supervisors, requesting an amendment to the Walworth County Zoning Ordinances relative to Special Event Campgrounds (To be referred to the County Zoning Agency)
4. Correspondence from Andy Schmidt, President of Sunset Hills Association, regarding short term rentals (To be referred to the County Zoning Agency)
5. Outagamie County Resolution 10-2015-16 opposing any attempt by the State Legislature to eliminate computer aid payments and personal property tax. (To be referred to the Executive Committee)
6. Correspondence received from Ed Yaeger of Lake Geneva regarding the closure of Lake Geneva TIF 4. (To be referred to the Finance Committee)
7. Outagamie County Resolution 3-2015-16 Requesting additional study of the provisions of Governor Walker's 2015-2017 Biennial Budget Bill regarding the elimination of the Family Support Program and creation of a new Children's Community Option Program and further requesting that these items be debated as a separate bill outside the budget process. (To be referred to the Health & Human Services Board)
8. Outagamie County Resolution 4-2015-16 supporting the Senior Care program as it is currently structured. (To be referred to the Health & Human Services Board)
9. Outagamie County Resolution 5-2015-16 supporting the allocation of adequate Affordable Care Act funding for Balance of State Income Maintenance agencies. (To be referred to the Health & Human Services Board)
10. Outagamie County Resolution 6-2015-16 asking the Joint Finance Committee to remove all budget provisions that change BadgerCare Plus for Childless Adults Medicaid Program. (To be referred to the Health & Human Services Board)
11. Outagamie County Resolution 7-2015-16 requesting that the State of Wisconsin maintain the existing mental health programs, maintain the funding to these programs, and further requesting no changes to these funding streams in the 2015-2017 State Budget. (To be referred to the Health & Human Services Board)
12. Correspondence from State Senator Janis Ringhand acknowledging receipt of Walworth County Resolution No. 07-04/15 regarding opposition to the County Wide Assessment Initiative Contained in the Proposed State Budget. (To be placed on file)
13. Correspondence from State Representative David Craig acknowledging receipt of Walworth County Resolution No. 07-04/15 regarding opposition to the County Wide Assessment Initiative Contained in the Proposed State Budget. (To be placed on file)
14. Correspondence from State Representative Andy Jorgensen acknowledging receipt of Walworth County Resolution No. 07-04/15 regarding opposition to the County Wide Assessment Initiative Contained in the Proposed State Budget. (To be placed on file)
15. Correspondence from State Representative Andy Jorgensen acknowledging receipt of Walworth County Resolution No. 13-05/15 regarding opposition to SB 21 and AB 21 as it Relates to Repealing Wisconsin Statutes 145.245, Wisconsin Fund Program. (To be placed on file)
16. Correspondence from State Representative Andy Jorgensen acknowledging receipt of Walworth County Resolution No. 14-05/15 regarding support of the Provision of Adequate Resources to Support County Land Conservation and Cost-Sharing for Farmers and Other Land Users. (To be placed on file)

17. Communication from Village of East Troy regarding Resolution PC2015-01 Recommending to the Village Board a Revision of the Village's Comprehensive Plan. (To be placed on file)
18. Report of the County Clerk Regarding Communications Received by the Board and Recommended to be Placed on File
 - Oconto County Resolution #60-2015 - Resolution in Opposition to Senate Bill 21 and Assembly Bill 21 Related to Elimination of the Wisconsin Fund Grant Program (Topic previously referred to the Land Conservation Committee)
19. Report of the County Clerk Regarding Communications Received by the Board After the Agenda Mailing
 - Ordinance No. 933-06/15 – Amending Section 30-156 of the Walworth County Code of Ordinances Relating to Acceptance of Donations to the Veterans Service Office – *Vote Required: Two-thirds* (The Finance Committee will consider this item and make a recommendation at a special meeting prior to the June 9, 2015 County Board meeting.)
 - Revised Ordinance No. 932-06/15 – Amending Sections 15-17, 15-324, 15-357, 15-359 and 15-360 of the Walworth County Code of Ordinances Relating to CDEB Changes – *Vote Required: Majority Vote* (The Human Resources Committee and the Children with Disabilities Education Board will consider this item and make a recommendation at a special joint meeting prior to the June 9, 2015 County Board meeting.)
 - Resolution No. 27-06/15 – Accepting a Donation of \$597.86 from Disabled American Veterans Auxiliary, State Department of Wisconsin, Child Welfare Program, for the Benefit of Veterans with Children – *Vote Required: Majority* (The Finance Committee will consider this item and make a recommendation at a special meeting prior to the June 9, 2015 County Board meeting.)
 - Claim – Notice of Retainer and Request for Surplus, Defendant, Zenith Tech, Inc.'s Answer and Affirmative Defenses – LSCG Fund 17, LLC v. Mann Bros., Inc., et al. (To be referred to the Executive Committee)
 - Claim – Notice of Appearance and Claim for Surplus – LSCG Fund 17, LLC v. Mann Bros., Inc., et al. (To be referred to the Executive Committee)
 - Claim – Notice of Retainer, Answer of Defendant, City of Elkhorn and Claim for Surplus – LSCG Fund 17, LLC v. Mann Bros., Inc., et al. (To be referred to the Executive Committee)
 - Resolution Confirming Brown County's Opposition to the Legalization of Marijuana in the State. (To be referred to the Executive Committee)
 - Brown County - Resolution Supporting The Protective Status of County Correction Officers for WRS Purposes. (To be referred to the Executive Committee)
 - Correspondence from Christina M. Green, Godfrey, Leible, Blackburn & Howarth, S.C. requesting the proposed special event campground ordinance amendment be postponed on the County Board agenda for another month. (To be placed on file)
 - Correspondence from State Representative Andy Jorgensen acknowledging receipt of Walworth County Resolution No. 14-05/15 – Supporting the Provision of Adequate Resources to Support County Land Conservation and Cost-Sharing for Farmers and Other Land Users. (To be placed on file)
 - Correspondence from State Representative Andy Jorgensen acknowledging receipt of Walworth County Resolution No. 15-05/15 – Opposing the Proposed Changes to Wisconsin's Current Long-Term Care System – Family Care, IRIS Partnership, and Aging & Disability Resource Centers. (To be placed on file)
 - Correspondence from Wisconsin Counties Association regarding Call for Applications/Nominations – Nominations for WCA Second Vice-President Presidential Appointments to the WCA Board of Directors WCA Steering Committee Nominations. (To be placed on file)
 - *Walworth County Aging & Disability Resource Center News*, June 2015 – To be placed on file
20. Report of the County Clerk Regarding Zoning Petitions (To be referred to the County Zoning Agency)
 - Walworth County Land Use and Resource Management Department, All Townships. Amendment to Section(s) 74-51, 74-52, 74-61, and 74-131 of the Zoning Ordinance and Section(s) 74-178, 74-179, 74-188, and 74-263 of the Shoreland Zoning Ordinance, Walworth County Code of Ordinances relative to Pet and Animal Regulations
 - Walworth County Land Use and Resource Management Department, All Townships. Amendment to Chapter 58 of the Walworth County Code of Ordinances relative to Subdivisions

- Timothy and Renee Richter, Spring Prairie Township. Rezone approx. .62 acres of A-1 Prime Agricultural to A-4 Agricultural Related Manufacturing, Warehousing and Marketing District and approx. .14 acres of P-1 Park to A-1 District
- William Leek Living Trust, William Lee/John Leek – Applicant, Walworth Township. Rezone approx. .82 acres of A-1 Prime Agricultural to B-2 General Business District
- Ron Carlson for B.R. Amon & Sons, Inc. – Ron Carlson Receiver, LaFayette Township. Rezone approx. 25.38 acres of mostly M-3 Mineral Extraction to M-2 Heavy Industrial District with lesser areas of A-5 Agricultural Rural Residential and P-2 Institutional Park to M-2

Supervisor Weber offered a motion, second by Supervisor Schaefer, to place Item #3, Correspondence from David A. Weber on file. Motion carried by voice vote.

Unfinished Business

New Business

Reports of Standing Committees

County Zoning Agency Report of Proposed Zoning Amendments

1. Zoning Ordinance for Town of Bloomfield. Town of Bloomfield proposed Ordinance change concerning rezone of portion of MA 39100001, Town of Bloomfield, per petition filed with the Town of Bloomfield by Roxann and Chris Migut (Recommended by the County Zoning Agency 6-0)(May 21, 2015 County Zoning Agency Public hearing)
2. Roen Farms LLC – Owner, Town of Lyons and Walworth County – Applicants, Section 33, Lyons Township. Rezone 83.6 acres of A-2 and 31.4 acres of P-1 to A-1 – Approved 6-0 (May 21, 2015 Zoning Agency hearing)
3. Wisconsin Power and Light Co. – Owner Rep. Thomas Erstad, American Transmission Company, LLC – Applicant Rep. Anita La Coursiere, Section 23, Geneva Township. Rezone .37 acres of C-4 to C-2 – Approved 6-0 (May 21, 2015 Zoning Agency hearing)
4. Duane Newman – Owner, Russell Newman – Applicant, Section 28, LaFayette Township. Rezone approximately .05 acres of A-1 to B-4 – Approved 6-0 (May 21, 2015 Zoning Agency hearing)
5. Richard and Mary Synek and Raymond and Marian Iverson – Property Owners, Patrick Hudec, Attorney – Applicant, Section 9, East Troy Township. Rezone portions of lots from B-3 to R-1 – Approved 6-0 (May 21, 2015 Zoning Agency hearing)

On motion by Supervisor Weber, second by Supervisor Brandl, Items #1 thru #5 of the County Zoning Agency Report of Proposed Zoning Amendments, were approved as recommended by the County Zoning Agency by voice vote.

Executive Committee

1. Res. No. 24-06/15 – Urging the State Legislature to Wait until Local Governments Provide Their Numbers, Wards and District Information Before Redistricting and to use Local Boundaries to Create State Districts – *Vote Required: Majority* (Recommended by the Executive Committee 4-0)
2. Res. No. 25-06/15 – Recognizing Chancellor Richard J. Telfer for his Years of Service to the University of Wisconsin-Whitewater and Walworth County – *Vote Required: Majority* (Recommended by the Executive Committee 5 to 0)
3. Res. No. 26-06/15 – Recognizing and Commending Paul D'Amico on his Achievement of the Rank of Eagle Scout – *Vote Required: Majority* (Recommended by the Executive Committee 5 to 0)

On motion by Supervisor Weber, second by Supervisor Staples, Item #1, **Res. No. 24-06/15**; Item #2, **Res. No. 25-06/15**; Item #3, **Res. No. 26-06/15** were approved by voice vote.

Finance Committee

1. Ord. No. 930-06/15 – Amending Section 30-286 of the Walworth County Code of Ordinances Relative to the Sheriff’s Office Jail Inmate Fees – *Vote Required: Majority* (Recommended by the Finance Committee 5-0)
2. Ord. No. 931-06/15 – Amending Section 30-182 of the Walworth County Code of Ordinances Relating to Net Position Reserves for Volunteers Medical Coverage – *Vote Required: Two-thirds* (Recommended by the Finance Committee 5-0)
3. Ordinance No. 933-06/15 – Amending Section 30-156 of the Walworth County Code of Ordinances Relating to Acceptance of Donations to the Veterans Service Office – *Vote Required: Two-thirds* (Recommended by the Finance Committee 5 to 0)
4. Res. No. 22-06/15 – Committing Children with Disabilities Education Board 2015 Fund Balances – *Vote Required: Two-thirds* (Recommended by the Children with Disabilities Education Board Committee 5-0 and the Finance Committee 5-0)
5. Resolution No. 27-06/15 – Accepting a Donation of \$597.86 from Disabled American Veterans Auxiliary, State Department of Wisconsin, Child Welfare Program, for the Benefit of Veterans with Children – *Vote Required: Majority* (Recommended by the Finance Committee 5 to 0)

On motion by Supervisor Weber, second by Supervisor Ingersoll, Item #1, **Ord. No. 930-06/15** was approved by voice vote.

Supervisor Brandl offered a motion, second by Supervisor Ingersoll, to approve, Item #2, Ord. No 931-06/15. On motion by Supervisor Brandl, second by Supervisor Monroe , **Ord. No. 931-06/15** was approved by unanimous consent.

Supervisor Schaefer offered a motion, second by Supervisor Ingersoll, to approve, Item #3, Ord. No. 933-06/15. On motion by Supervisor Brandl, second by Supervisor Weber, **Ord. No. 933-06/15** was approved by unanimous consent.

Supervisor Weber offered a motion, second by Supervisor Monroe, to approve, Item #4, Res. No. 22-06/15. On motion by Supervisor Brandl, second by Supervisor Weber, **Res. No. 22-06/15** was approved by unanimous consent.

On motion by Supervisor Weber, second by Supervisor Brandl, Item #5, **Res. No. 27-06/15** was approved by voice vote.

Human Resources Committee

1. Ord. No. 932-06/15 – Amending Sections 15-17, 15-324, 15-357, 15-359 and 15-360 of the Walworth County Code of Ordinances Relating to Children with Disabilities Education Board Changes – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0 and the Children with Disabilities Education Board 5-0)
2. Res. No. 23-06/15 – Approving an Affirmative Action Plan for Walworth County for Plan Year July 1, 2015 to June 30, 2017 – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)

County Clerk Bushey announced Item #1, Ord. No. 932-06/15 was revised and distributed in the Communications Received by the Board After the Agenda Mailing Packet and it is the revised version that the Board will be voting on.

On motion by Supervisor Monroe, second by Supervisor Brandl, Item #1, **Ord. No. 932-06/15**; Item #2, **Res. No. 23-06/15** were approved by voice vote.

Report of Special Committees

There was none.

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

There was none.

Chairperson's Report

There was none

Adjournment

On motion by Supervisor Weber, second by Supervisor Brandl, the meeting was adjourned at 6:14 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 June 9, 2015 meeting.

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



Request for July Meeting
Susan Pruessing to: psommers

06/15/2015 12:34 PM

History:

This message has been replied to.

Hello,

This is our formal request to be on the July County Fair board agenda. This is for a Fairest of the Fair meeting, and we would like to have it in July. If this is approved, please send an agenda for July!

Thanks! Have a great day

--

Susan Pruessing Walworth Co Fair Manager Marketing/Public Relations Sponsorship P.O. Box
286 411 E Court St Elkhorn, WI 53121
262 723 3228
262 949 1545 cell

Nomination for Committee/Board/Commission Appointment

Committee: Community Action, Inc. of Rock and Walworth Counties Board

Nominee: Mary Ann Kahl, Ed.D.

Address: 300 High Street

Walworth, WI 53184

Submitted by: David Bretl, County Administrator

Authority: Section 59.18, Wisconsin Statutes

Who will the nominee replace? Linda Seemeyer

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

Was this vacancy advertised? _____

Comment This appointment would be for a two-year term to begin upon confirmation and
end on July 31, 2017.

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

For incumbents, committee attendance, if known:

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

Name: Mary Ann Kahl, Ed.D.

Date: June 9, 2015

Mailing Address: 300 High Street

Phone: 262 275 5161 (home)
262 749 4408 (personal cell phone)

Walworth WI 53184

I reside in: **the Town of** _____

the Village of Walworth

the City of _____

Please consider me for appointment to: Community Action, Inc of Walworth and Rock County Board of Directors

I am interested in serving as a citizen representative because: I have both a personal and a

professional interest in serving on the CA Board of Directors. I have had personal and professional experiences with the adverse effects

that poverty can have on an individual and on a family. These experiences become deeply rooted in a person's psyche and

can alter their destination, unfortunately the outcome is usually not positive. I am action orientated and feel that the work of CA, Inc
has the real potential to support individuals and families in a way that leads to sustainable change.

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

I have executive administration experience in leading educational organizations. I have worked with groups of people that have

diverse backgrounds, skills, and interests and I have been successful in helping the group reach consensus.

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.



Signature of Applicant

June 9, 2015

Date

Feel free to attach any additional documentation to this form.

RECEIVED
WALWORTH COUNTY CLERK

Harrison, Williams & McDonell, LLP
ATTORNEYS AT LAW

2015 JUN 10 AM 9:33

MARTIN W. HARRISON
(Retired)

WALLACE K. MCDONELL

wkm@hwmattys.com

452 W. Main Street
P.O. Box 59
Whitewater, WI 53190
262-473-7900

FACSIMILE
262-473-7906

DAVID C. WILLIAMS

Offices also in:
Lake Geneva

June 8, 2015

VIA FACSIMILE & U.S. MAIL

FAX PH: 1-262-741-7047

Walworth County Clerk of Circuit Court
Walworth County Judicial Center
1800 County Road NN
P. O. Box 1001
Elkhorn, WI 53121

**Re: LSCG Fund 17, LLC v. Mann Bros., Inc., et al.
Case No. 15-CV-325**

Dear Clerk:

Please find enclosed herewith the original and a copy of a notice of Appearance and Claim for Surplus on behalf of the defendant, Frawley Oil Company, Inc., in the above matter. Would you please file the original and return a conformed copy to us in the enclosed self-addressed, stamped envelope.

Thank you.

Sincerely,

HARRISON, WILLIAMS & MCDONELL, LLP



Wallace K. McDonell
(State Bar No. 01008713)

WKM:slm

Enclosures

cc w/enc.:

BT Equipment, LLC, c/o Timothy Otterstatter
LSCG Fund 17, LLC, c/o Attorney Gregory M. Miller
Mann Bros., Inc.
Mann Ventures, LLC



| WISCONSIN LAWYERS.
STATE BAR OF | EXPERT ADVISERS.
WISCONSIN | SERVING YOU.

Walworth County Clerk of Circuit Court
June 8, 2015
Page 2

Cc w/enc.: (continued)

D&M Enterprises, LLC
Mann Development, Inc.
R. Mann Investments, LLC
State of Wisconsin, c/o Brad D. Schimel
Dodge Concrete, Inc., c/o Joseph F. Marx
Bore Master, Inc., c/o Daniel Olson
Fabco Equipment, Inc., c/o Kenton B. Oren
Gerda Ameristeel US, Inc., c/o Corporation Service Company
City of Elkhorn, Wisconsin, c/o Cairie L. Virrueta
Growmark, Inc., c/o Corporation Service Company
RFH Jr., Inc., c/o Robert F. Huml, Jr.
H. James & Sons, Inc., c/o Donna M. James
American State Equipment Co., c/o Attorney Michael P. Stupar
Wisconsin Department of Workforce Development;
Frawley Oil Company, Inc., c/o Michael J. Frawley
Vulcan Construction Materials, LP, c/o Attorney David S. Chartier
Zenith Tech, Inc., c/o Attorney Timothy J. Andringa
Wisconsin Bell, Inc., c/o CT Corporation Systems
Wingra Redi-Mix, Inc., c/o Robert M. Shea
Citizens Insurance Company of America, c/o CT Corporation Systems
Middlesex Insurance Company, c/o CT Corporation Systems
Hudson Insurance Company, c/o Corporation Trust Center
Central Pension Fund of the International Union of Operating Engineers,
c/o Michael Crabtree
Joint Labor Management Work Preservation Fund, c/o Rita Becker
Operating Engineers Local 139 Health Benefit Fund, c/o Rita Becker
Wisconsin Operating Engineers Skill Improvement and Apprenticeship
Fund, c/o Rita Becker
International Union of Operating Engineers Local 139, c/o Rita Becker
Central States, Southeast and Southwest Areas Pension Fund,
c/o Felice Patti
Central States, Southeast and Southwest Areas Health and Welfare
Fund, c/o Felice Patti
Walworth County, Wisconsin, c/o Kimberly S. Bushey
Mann Complex Condominium Owners Association, Inc.

LSCG Fund 17, LLC, a Delaware
limited liability company
13949 Ventura Blvd., Ste. 300
Sherman Oaks, CA 91423,

Plaintiff,

v.

NOTICE OF APPEARANCE
& CLAIM FOR SURPLUS

Mann Bros., Inc., a Wisconsin
corporation;

Case No. 15-CV-325

Mann Ventures, LLC, a Wisconsin
limited liability company;

Case Type: Mortgage Foreclosure
Case Code: 30404

D&M Enterprises, LLC, a Wisconsin
limited liability company;

Mann Development, Inc.,
a Wisconsin corporation;

R. Mann Investments, LLC, a
Wisconsin limited liability company;

State of Wisconsin;

Dodge Concrete, Inc., a Wisconsin
corporation;

Bore Master, Inc., a Wisconsin
corporation;

Fabco Equipment, Inc., a
Wisconsin corporation;

Gerdau Ameristeel US, Inc.,
a Florida corporation;

City of Elkhorn, Wisconsin;

Growmark, Inc., a Delaware
corporation;

RFH, Jr., Inc., a Wisconsin corporation;

H. James & Sons, Inc., a Wisconsin corporation;

American State Equipment Co., a Wisconsin corporation;

Wisconsin Department of Workforce Development;

Frawley Oil Company, Inc., a Wisconsin corporation;

Vulcan Construction Materials, LP, a Delaware limited partnership;

BT Equipment, LLC, a Wisconsin limited liability company;

Zenith Tech, Inc., a Wisconsin corporation;

Wisconsin Bell, Inc., a Wisconsin corporation;

Wingra Redi-Mix, Inc., a Wisconsin corporation;

Citizens Insurance Company of America;

Middlesex Insurance Company;

Hudson Insurance Company, a Delaware corporation;

Central Pension Fund of the International Union of Operating Engineers;

Joint Labor Management Work Preservation Fund;

Operating Engineers Local 139
Health Benefit Fund;

Wisconsin Operating Engineers Skill
Improvement and Apprenticeship Fund;

International Union of Operating
Engineers Local 139;

Central States, Southeast and
Southwest Areas Pension Fund;

Central States, Southeast and
Southwest Areas Health and Welfare
Fund;

Walworth County, Wisconsin;

Mann Complex Condominium Owners
Association, Inc.;

All successors and assigns of the
above-named Defendants; and

All other persons or parties unknown,
claiming any right, title, estate, lien or
interest in the real property described
in the Complaint;

Defendants.

NOTICE OF APPEARANCE

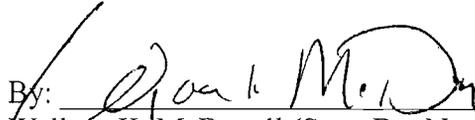
PLEASE TAKE NOTICE that the undersigned attorney appears for and will represent the defendant, Frawley Oil Company, Inc., in all matters in this action, and demands that all documents herein subsequent to the Summons and Complaint be served upon the undersigned attorney at his office located at 452 West Main Street, P. O. Box 59, Whitewater, Wisconsin, 53190.

CLAIM FOR SURPLUS

The defendant, Frawley Oil Company, Inc., by its attorneys, Harrison, Williams & McDonell, LLP, claims that portion of any surplus proceeds which may arise from the sale of the property which is the subject matter of this action, and requests that the Court determine the priorities of the defendants and award any surplus accordingly.

Dated this 8th day of June, 2015.

HARRISON, WILLIAMS & MCDONELL, LLP
Attorneys for Frawley Oil Company, Inc.

By: 

Wallace K. McDonell (State Bar No. 01008713)
452 West Main Street
P. O. Box 59
Whitewater, WI 53190
PH: 262-473-7900

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

STATE OF WISCONSIN

RECEIVED
WALWORTH COUNTY CLERK
CIVIL DIVISION

WALWORTH COUNTY

LSCG FUND 17, LLC,

2015 JUN 10 AM 9:33

Plaintiff,

v.

MANN BROS., INC., et al

Defendants

Case No. 15-CV-0325

Case Code: 30404

Classification: Foreclosure

Hon. Phillip A. Koss, Presiding

NOTICE OF RETAINER AND REQUEST FOR SURPLUS

TO: Clerk of Court
Walworth County Judicial Center
1800 County Road NN
Elkhorn, Wisconsin 53121

To All Parties of Record
See Schedule

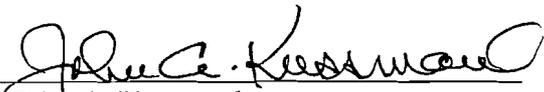
PLEASE TAKE NOTICE, that I have been retained by Defendant, H. James & Sons, Inc. in the above-captioned action, and I hereby demand that copies of all documentation subsequent to the filing of the Summons and Complaint be served upon me at my office at 151 West Maple Street, P.O. Box 528, Lancaster, Wisconsin 53813.

Pursuant to Wis. Stat § 846.162, please take notice that H. James & Sons, Inc. claims the right to receive any surplus money which may result following the foreclosure sale of the real property which is the subject matter of the above-captioned action.

COPY

Dated this 8th day of June, 2015.

Kinney, Urban & Kussmaul
John A. Kussmaul
Attorney for Defendant, H. James & Sons, Inc.

BY: 
John A. Kussmaul
(State Bar No. 1011078)
Kinney, Urban & Kussmaul
151 West Maple Street
P.O. Box 528
Lancaster, WI 53813
Phone: 608-723-7661
FAX: 608-723-7669
Email: jak@kuklaw.com

I certify that on 6/8/, 2015, I served the within paper on all parties or other counsel of record by mail, pursuant to Wis. Stat. § 801.14.

See attached Schedule



LSCG FUND 17, LLC,

Plaintiff,

v.

MANN BROS., INC., et al

Defendants

Case No. 15-CV-0325

Case Code: 30404

Classification: Foreclosure

Hon. Phillip A. Koss, Presiding

SCHEDULE

Plaintiff LSCG Fund 17, LLC Atty. Gregory M. Miller Siegel Brill PA 100 Washington Avenue S Ste 1300 Minneapolis, MN 55401-2110	Defendant MANN BROS., INC. 1950 North Wisconsin Street Elkhorn, Wisconsin 53121
Defendant MANN VENTURES, LLC 1950 North Wisconsin Street Elkhorn, Wisconsin 53121	Defendant D&M ENTERPRISES, LLC 1950 North Wisconsin Street Elkhorn, Wisconsin 53121
Defendant MANN DEVELOPMENT, INC. 1950 North Wisconsin Street Elkhorn, Wisconsin 53121	Defendant R. MANN INVESTMENTS, LLC 1950 North Wisconsin Street Suite 8C Elkhorn, Wisconsin 53121
Defendant STATE OF WISCONSIN C/O Brad Schimel 2 East Main Street Madison, WI 53703	Defendant DODGE CONCRETE, INC. C/O Joseph F. Marx W6911 Silver Creek Road Watertown, Wisconsin 53098
Defendant BORE MASTER, INC. C/O Daniel Olson N50 W23076 Betker Road Pewaukee, Wisconsin 53072	Defendant FABCO EQUIPMENT, INC. C/O Kenton B. Oren 11200 West Silver Spring Road Milwaukee, Wisconsin 53225

<p>Defendant GERDAU AMERISTEEL US, INC. C/O Corporation Service Company 8040 Excelsior Drive Suite 400 Madison, Wisconsin 53717</p>	<p>Defendant CITY OF ELKHORN, WISCONSIN C/O Cairie L. Virrueta 9 South Broad Street Elkhorn, Wisconsin 53121</p>
<p>Defendant GROWMARK, INC. C/O Corporation Service Company 8040 Excelsior Drive Suite 400 Madison, Wisconsin 53717</p>	<p>Defendant RFH JR., INC. C/O Robert F. Huml, Jr. 4220 North Newville Road Janesville, Wisconsin 53545</p>
<p>Defendant H. JAMES & SONS, INC. C/O Donna M. James 4624 Ideal Road Fennimore, Wisconsin 53809</p>	<p>Defendant AMERICAN STATE EQUIPMENT CO. Atty. Michael P. Stupar Stupar & Schuster SC 633 W. Wisconsin Avenue #1800 Milwaukee, Wisconsin 53203-1918</p>
<p>Defendant WISCONSIN DEPARTMENT OF WORKFORCE DEVELOPMENT 201 East Washington Avenue Madison, Wisconsin 53703</p>	<p>Defendant FRAWLEY COMPANY, INC. C/O Michael J. Frawley 600 East Milwaukee Street Whitewater, Wisconsin 53190</p>
<p>Defendant VULCAN CONSTRUCTION MATERIALS, LP C/O Corporation Service Company 8040 Excelsior Drive Suite 400 Madison, Wisconsin 53717</p>	<p>Defendant BT EQUIPMENT, LLC C/O Timothy Otterstatter N9220 Donald Lane Watertown, Wisconsin 53094</p>
<p>Defendant ZENITH TECH, INC. Atty. Timothy J. Andringa Cramer, Multhauf & Hammes, LLP 1601 East Racine Avenue Suite 200 Waukesha, Wisconsin 53187</p>	<p>Defendant WISCONSIN BELL, INC. C/O CT Corporation System 8020 Excelsior Drive Suite 200 Madison, Wisconsin 53717</p>
<p>Defendant WINGRA REDI-MIX, INC. C/O Robert M. Shea 2975 Kapec Road Madison, Wisconsin 53744</p>	<p>Defendant CITIZENS INSURANCE COMPANY OF AMERICA C/O CT Corporation Systems 8020 Excelsior Drive Suite 200 Madison, Wisconsin 53717</p>
<p>Defendant MIDDLESEX INSURANCE COMPANY C/O CT Corporation Systems 8020 Excelsior Drive Suite 200 Madison, Wisconsin 53717</p>	<p>Defendant HUDSON INSURANCE COMPANY C/O Corporation Trust Center 1209 Orange Street Wilmington, Delaware 19801</p>

<p>Defendant CENTRAL PENSION FUND OF THE INTERNATIONAL UNION OF OPERATING ENGINEERS C/O Michael Crabtree 4115 Chesapeake Street, N.W. Washington, D.C. 20016</p>	<p>Defendant JOINT LABOR MANAGEMENT WORK PRESERVATION FUND C/O Rita Becker N27 W23233 Roundy Drive Pewaukee, Wisconsin 53072</p>
<p>Defendant OPERATING ENGINEERS LOCAL 139 HEALTH BENEFIT FUND C/O Rita Becker N27 W23233 Roundy Drive Pewaukee, Wisconsin 53072</p>	<p>Defendant WISCONSIN OPERATING ENGINEERS SKILL IMPROVEMENT AND APPRENTICESHIP FUND C/O Rita Becker N27 W23233 Roundy Drive Pewaukee, Wisconsin 53072</p>
<p>Defendant INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL 139 C/O Rita Becker N24 W23233 Roundy Drive Pewaukee, Wisconsin 53072</p>	<p>Defendant CENTRAL STATES, SOUTHEAST AND SOUTHWEST AREAS PENSION FUND C/O Felice Patti 9377 West Higgins Road Rosemont, Illinois 60018</p>
<p>Defendant CENTRAL STATES, SOUTHEAST AND SOUTHWEST AREAS HEALTH AND WELFARE FUND C/O Felice Patti 9377 West Higgins Road Rosemont, Illinois 60018</p>	<p>Defendant WALWORTH COUNTY, WISCONSIN C/O Kimberly S. Bushey 100 West Walworth Street Elkhorn, Wisconsin 53121</p>
<p>Defendant MANN COMPLEX CONDOMINIUM OWNERS ASSOCIATION, INC. 1950 North Wisconsin Street Suite 8C Elkhorn, Wisconsin</p>	

STUPAR, SCHUSTER & BARTELL, S.C.

A Limited Liability Organization
Attorneys at Law
Suite 1800

633 West Wisconsin Avenue
Milwaukee, Wisconsin 53203-1918

George S. Stupar (1940-1975)

Michael P. Stupar
Jeffrey S. Schuster
Thomas M. Bartell, Jr.
June 15, 2015

414-271-8833
Fax: 414-271-2866
E-mail: ssc@ssclaw.com

Andrew R. Helminiak

RECEIVED
WALWORTH COUNTY CLERK
JUN 17 AM 9:01

Honorable Phillip A. Koss
Walworth County Judicial Center
1800 County Road NN
Elkhorn WI 53121

Re: LSCG Fund 17, LLC vs. Mann Bros., Inc., et al.
Case No. 15-CV-325

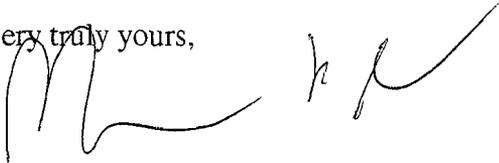
Dear Judge Koss:

Enclosed please find the Answer of Defendant, American State Equipment Co. Inc., together with our Affidavit of Mailing regarding the above matter. Kindly file same and return a "filed" stamped copy to the undersigned in the envelope provided.

By copy of this letter, a copy of same is herewith being served upon opposing counsel and the defendants via U.S. Mail today.

Should you have any questions or concerns, please feel free to contact me.

Very truly yours,



Michael P. Stupar

MPS/clt

Enclosures

cc: All Counsel and Defendants of Record
American State Equipment Co. Inc.

LSCG FUND 17, LLC,

Plaintiff,

vs.

Case No. 15-CV-325

MANN BROS, INC., AMERICAN
STATE EQUIPMENT CO., INC., et al.

ANSWER OF DEFENDANT, AMERICAN STATE EQUIPMENT CO., INC.

NOW COMES the defendant, American State Equipment Co., Inc., by its counsel, Stupar, Schuster & Bartell, S.C., and as and for an Answer to the Plaintiff's Complaint in the above-captioned action, alleges and shows to the Court as follows:

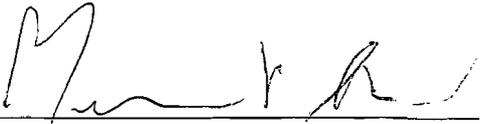
1. The Answering Defendant, American State Equipment Co., Inc., admits the allegations contained in paragraph 15 of the Plaintiff's Complaint and reserves the right to surplus in the event of sale, and further alleges that its judgment and its interest is superior to that Plaintiff's mortgage interest.

2. Regarding the remaining paragraphs of Plaintiff's Complaint, answering Defendant, American State Equipment Co., Inc., lack knowledge sufficient to form a belief as to the truthfulness or falseness of the allegations contained within said paragraph and therefore puts the Plaintiff to its strict proof.

WHEREFORE, Defendant, American State Equipment Co., Inc., respectfully requests that the above-entitled action be dismissed and/or the determination made that American State Equipment Co., Inc.'s judgment interest is superior to that of the Plaintiff's mortgage interest.

Dated this 15 June, 2015.

STUPAR, SCHUSTER & BARTELL, S.C.
Attorneys for Defendant, American State
Equipment Co., Inc.

By: 
Michael P. Stupar
State Bar No. 1010853

Post Office Address:

633 West Wisconsin Avenue
Suite 1800
Milwaukee, WI 53203
(414) 271-8833
(414) 271-2866 (facsimile)

Gregory M. Miller, Esq.
Siegel Brill PA
100 Washington Avenue S, Suite 1300
Minneapolis, MN 55401-2110

Mann Bros., Inc.
1950 North Wisconsin Street
Elkhorn, WI 53121

Mann Ventures, LLC
1950 North Wisconsin Street
Elkhorn, WI 53121

D&M Enterprises, LLC
1950 North Wisconsin Street
Elkhorn, WI 53121

R. Mann Investments, LLC
1950 North Wisconsin Street
Suite 8C
Elkhorn, WI 53121

Brad Schimel, Esq.
State of Wisconsin
2 East Main Street
Madison, WI 53703

Dodge Concrete, Inc.
c/o Joseph F. Marx
W6911 Silver Creek Road
Watertown, WI 53098

Bore Master, Inc.
c/o Daniel Olson
N50 W23076 Betker Road
Pewaukee, WI 53072

FABCO Equipment, Inc.
c/o Kenneth B. Oren
11200 West Silver Spring Road
Milwaukee, WI 53225

Gerdau Ameristeel US, Inc.
c/o Corporation Service Company
8040 Excelsior Drive, Suite 400
Madison, WI 53717

Ward D. Phillips, Esq.
P.O. Box 710
Elkhorn, WI 53121

Growmark, Inc.
c/o Corporation Service Company
8040 Excelsior Drive, Suite 400
Madison, WI 53717

RFH Jr., Inc.
c/o Robert F. Huml, Jr.
4220 North Newville Road
Janesville, WI 53545

John A. Kussmaul, Esq.
Kinney, Urban & Kussmaul
P.O. Box 528
Lancaster, WI 53813

Wisconsin Department of Workforce Development
201 East Washington Avenue
Madison, WI 53703

Wallace K. McDonnell, Esq.
Harrison, Williams & McDonnell, LLP
P.O. Box 59
Whitewater, WI 53190

Vulcan Construction Materials, LP
c/o Corporation Service Company
8040 Excelsior Drive, Suite 400
Madison, WI 53717

Anne E. Fellows, Esq.
Olm & Associates
P.O. Box 37
Whitewater, WI 53190

Timothy J. Andringa
Cramer, Multhauf & Hammes, LLP
P.O. Box 558
Waukesha, WI 53187-0558

Wisconsin Bell, Inc.
c/o CT Corporation System
8020 Excelsior Drive, Suite 200
Madison, WI 53717

Wingra Redi-Mix, Inc.
c/o Robert M. Shea
2975 Kapec Road
Madison, WI 53744

Citizens Insurance Company of America
c/o CT Corporation System
8020 Excelsior Drive, Suite 200
Madison, WI 53717

Middlesex Insurance Company
c/o CT Corporation System
8020 Excelsior Drive, Suite 200
Madison, WI 53717

Hudson Insurance Company
c/o Corporation Trust Center
1209 Orange Street
Wilmington, DE 19801

Central Pension Fund of the International Union
of Operating Engineers
c/o Michael Crabtree
4115 Chesapeake Street, N.W.
Washington, DC 20016

Cynthia L. Buchko, Esq.
Operating Engineers Local 139
Health Benefit Fund
4702 S. Biltmore Lane
Madison, WI 53718

Central States, Southeast and
Southwest Areas Pension Fund
c/o Felice Patti
9377 West Higgins Road
Rosemont, IL 60018

Central States, Southeast and Southwest
Areas Health and Welfare Fund
c/o Felice Patti
9377 West Higgins Road
Rosemont, IL 60018

Walworth County, Wisconsin
c/o Kimberly S. Bushey
100 West Walworth Street
Elkhorn, WI 53121

Mann Complex Condominium
Owners Association, Inc.
1950 North Wisconsin Street
Suite 8C
Elkhorn, WI 53121



2015 JUN 19 AM 9:05

June 15, 2015

BY MESSENGER:

Clerk of Court
Walworth County Circuit Court
Judicial Center
P.O. Box 1001, 1800 County Road NN
Elkhorn, WI 53121-1001

Re: LSCG Fund 17, LLC v. Mann Bros., Inc., et al.
Case No.: 15-cv-0325 (Walworth Cty. Cir. Ct., Judge Phillip A. Koss)

Dear Clerk:

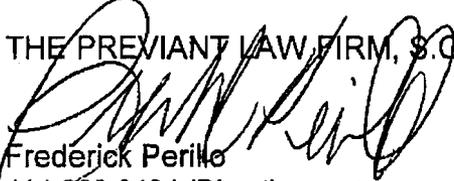
Enclosed for filing, on behalf of Defendants Central States, Southeast and Southwest Areas Health and Welfare Fund and Central States, Southeast and Southwest Areas Pension Fund, are the following:

1. Answer to Complaint to Foreclose Mortgage
2. Claim for Surplus
3. Motion for Admission Pro Hac Vice (w/ Exhs. A and B)

Please file-stamp the extra copies and return them to our messenger. If there is anything else needed to perfect this filing, please call the undersigned directly. Thank you.

Very truly yours,

THE PREVIANT LAW FIRM, S.C.


Frederick Perillo
414-223-0434 (Direct)
fp@previant.com

jb
enclosures

cc All other parties

s:\docs\fce003\87702\m0742096.doc

LSCG Fund 17, LLC, a Delaware limited liability company,
13949 Ventura Blvd.
Suite 300
Sherman Oaks, CA 91423

ANSWER TO COMPLAINT
File No. 15-cv-0325

Plaintiff,

Case Code: 30404
Amount claimed exceeds \$5000.00

vs.

Mann Bros., Inc., et al.

Defendants.

ANSWER TO COMPLAINT TO FORECLOSE MORTGAGE

Defendants, Central States, Southeast and Southwest Areas Pension Fund (“Pension Fund”) and Central States Southeast and Southwest Areas Health and Welfare Fund (“Health and Welfare Fund,” and collectively with the Pension Fund, the “Funds”) answer the Complaint as follows.

PARTIES

1. Plaintiff LSCG Fund 17, LLC (“Plaintiff”) is a Delaware limited liability with offices located at 13949 Ventura Blvd., Suite 300, Sherman Oaks, CA 91423. Plaintiff brings this action as assignee under the Mortgage, underlying note and renewals, and Security Agreement (each hereinafter described).

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 1 and therefore deny the same.

2. Defendant Mann Bros., Inc. (“Mortgagor”) is a Wisconsin corporation with a

principal office located at 1950 N. Wisconsin Street, Elkhorn, WI 53121. Mortgagor executed the Mortgage at issue in this action.

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 2 and therefore deny the same.

3. Defendant Mann Ventures, LLC is a Wisconsin limited liability company with principal offices located at 1950 N. Wisconsin Street, Elkhorn, WI 53121. The registered agent and address is Lisle W. Blackburne, Esq., Godfrey, Leibsle, Blackburn & Howarth, S.C., 354 Seymour Court, Elkhorn, WI 53121. Mann Ventures, LLC is a named borrower on a loan secured by the Mortgage at issue in this action.

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 3 and therefore deny the same.

4. Defendant D&M Enterprises, LLC is a Wisconsin limited liability company with principal offices located at 1950 N. Wisconsin Street, Elkhorn, WI 53121. The registered agent is Lisle W. Blackburne, Esq., Godfrey, Leibsle, Blackburn & Howarth, S.C., 354 Seymour Court, Elkhorn, WI 53121. D&M Enterprises, LLC is a named borrower on a loan secured by the Mortgage at issue in this action.

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 4 and therefore deny the same.

5. Defendant Mann Development, Inc. is a Wisconsin corporation with principal offices located at 1950 N. Wisconsin Street, Suite 8C, Elkhorn, WI 53121. The registered agent is Robert E. Mann. Mann Development, Inc. is a named borrower on a loan secured by the Mortgage at issue in this action.

ANSWER: The Funds have insufficient knowledge to either admit or deny the

allegations in Paragraph 5 and therefore deny the same.

6. Defendant R. Mann Investments, LLC is a Wisconsin limited liability company with a principal office located at 1950 N. Wisconsin Street, Suite 8C, Elkhorn, WI 53121. The registered agent is Robert E. Mann. R. Mann Investments, LLC is a named borrower on a loan secured by the Mortgage at issue in this action.

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 6 and therefore deny the same.

7. Defendant State of Wisconsin, in care of Brad D. Schimel, Attorney General, 2 East Main Street, Madison, WI 53703. The State of Wisconsin is the judgment lien creditor on a judgment against Mortgagor for an originally stated amount of \$75,000.00, dated November 4, 2008, and docketed on November 11, 2008 as case number 2008CX000002 (“Wisconsin Judgment”). Plaintiff does not contest that, as a result of the Wisconsin Judgment, the State of Wisconsin’s interest in the Property is superior to Plaintiff’s interest. Plaintiff does not seek to terminate the State of Wisconsin’s interest in the Property that arises out of the Wisconsin Judgment.

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 7 and therefore deny the same.

8. Defendant Dodge Concrete, Inc. is a Wisconsin corporation with a principal office and registered agent office located at W6911 Silver Creek Road, Watertown, WI 53098. The registered agent is Joseph F. Marx. Dodge Concrete, Inc. is the judgment creditor on a judgment against Mortgagor in the originally stated amount of \$5,179.50, dated March 8, 2012, and docketed March 8, 2012 as Case No. 2012SC000336. Dodge Concrete, Inc.’s interest in the Property at issue in this case is junior to Plaintiff’s interest.

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 8 and therefore deny the same.

9. Defendant Bore Master, Inc. is a Wisconsin corporation with a principal office and registered agent office located at N50W23076, Betker Road, Pewaukee, WI 53072. The registered agent is Daniel Olson. Bore Master, Inc. is the judgment creditor on a judgment against Mortgagor in the originally stated amount of \$18,172.00, dated July 3, 2012, and recorded July 3, 2012 as Case No. 2012CV000794. Bore Master, Inc.'s interest in the Property at issue in this case is junior to Plaintiff's interest.

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 9 and therefore deny the same.

10. Defendant Fabco Equipment, Inc. is a Wisconsin corporation with a principal office and registered agent office located at 11200 W. Silver Spring Road, Milwaukee, WI 53225. The registered agent is Kenton B. Oren. Fabco Equipment, Inc. is the judgment creditor on a judgment against Mortgagor in the originally stated amount of \$172,034.48, dated July 2, 2012, and docketed July 16, 2012 as Case No. 2012TJ000059. Fabco Equipment, Inc.'s interest in the Property at issue in this case is junior to Plaintiff's interest.

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 10 and therefore deny the same.

11. Defendant Gerdau Ameristeel US, Inc. is a Florida corporation that is registered in Wisconsin. The registered agent and office is Corporation Service Company, 8040 Excelsior Drive, Suite 400, Madison, WI 53717. The principal office is located at 4221 West Boy Scout Blvd., Suite 600, Tampa, FL 33607. Gerdau Ameristeel US, Inc. is the

judgment creditor on a judgment against Mortgagor in the originally stated amount of \$15,495.06, dated July 12, 2012, and docketed July 20, 2012 as Case No. 2012TJ000062. Gerdau Ameristeel US, Inc.'s interest in the Property at issue in this case is junior to Plaintiff's interest.

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 11 and therefore deny the same.

12. Defendant City of Elkhorn, Wisconsin, in care of Cairie L. Virrueta, City Clerk, 9 South Broad Street, Elkhorn, WI 53121. The City of Elkhorn is a judgment creditor on a judgment against Mortgagor in the originally stated amount of \$54,451.03, dated July 24, 2012, and docketed July 24, 2012 as Case No. 2012CV000734. The City of Elkhorn's interest in the Property at issue in this case is junior to Plaintiff's interest.

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 12 and therefore deny the same.

13. Defendant Growmark, Inc. is a Delaware corporation that is registered in Wisconsin. The registered agent and office is Corporation Service Company, 8040 Excelsior Drive, Suite 400, Madison, WI 53717. The principal office is located at 1701 Towanda Avenue, P.O. Box 2500, Bloomington, IL 61702-2500. Growmark, Inc. is the judgment creditor on a judgment against Mortgagor in the originally stated amount of \$39,499.57, dated July 30, 2012, and docketed August 15, 2012 as Case No. 2012TJ000070. Growmark, Inc.'s interest in the Property at issue in this case is junior to Plaintiff's interest.

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 13 and therefore deny the same.

14. Defendant RFH JR, Inc. is a Wisconsin corporation with a principal office and

registered agent office located at 4220 N. Newville, Rd., P.O. Box 1427, Janesville, WI 53545. The registered agent is Robert F. Huml, Jr. RFH JR, Inc. is the judgment creditor on a judgment against Mortgagor in the originally stated amount of \$108,056.30, dated February 26, 2013, and docketed February 26, 2013 as Case No. 2012CVOO1412. RFH JR, Inc.'s interest in the Property at issue in this case is junior to Plaintiff's interest.

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 14 and therefore deny the same.

15. Defendant H. James & Sons, Inc. is a Wisconsin corporation with a principal office and registered agent office located at 4642 Ideal Road, Fennimore, WI 53809. The registered agent is Donna M. James. H. James & Sons is the judgment creditor on a judgment against Mortgagor in the originally stated amount of \$13,692.28, dated February 12, 2013, and docketed February 13, 2013 as Case No. 2012CV000440. H. James & Sons, Inc.'s interest in the Property at issue in this case is junior to Plaintiff's interest.

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 15 and therefore deny the same.

16. Defendant American State Equipment Co., Inc. is a Wisconsin corporation with a principal office and registered agent office located at 2055 S. 108th Street, West Allis, WI 53227. The registered agent is Stephen D. Kraut. American State Equipment Co., Inc. is the judgment creditor on a judgment against Mortgagor in the originally stated amount of \$79,317.71, dated March 5, 2013, and docketed March 5, 2013 as Case No. 2012CV000356. American State Equipment Co., Inc.'s interest in the Property at issue in

this case is junior to Plaintiff's interest.

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 16 and therefore deny the same.

17. Wisconsin Department of Workforce Development, 201 E. Washington Avenue, Madison, WI 53703. The Wisconsin Department of Workforce Development filed a Delinquent Worker's Compensation Warrant in the Office of the Clerk of the Circuit Court of Walworth County in the originally stated amount of \$18,215.55 and docketed March 12, 2013 as No. 2013UC000039. The Wisconsin Department of Workforce Development's interest in the Property at issue in this case is junior to Plaintiff's interest.

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 17 and therefore deny the same.

18. Defendant Frawley Oil Company, Inc. is a Wisconsin corporation with a principal office and registered agent office located at 600 E. Milwaukee Street, P.O. Box. 630, Whitewater, WI 53190. The registered agent is Michael J. Frawley. Frawley Oil Company, Inc. is the judgment creditor on a judgment against Mortgagor in the originally stated amount of \$265,653.00, dated April 26, 2013, and docketed April 26, 2013 as Case No. 2012CV000530. Frawley Oil Company, Inc.'s interest in the Property at issue in this case is junior to Plaintiff's interest.

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 18 and therefore deny the same.

19. Defendant Vulcan Construction Materials, Limited Partnership is a Delaware limited partnership that is registered in Wisconsin. The registered agent and office is Corporation Service Company, 8040 Excelsior Drive, Suite 400, Madison, WI 53717. The

principal office address is 1200 Urban Center Drive, Birmingham, AL 35242. Vulcan Construction Materials, Limited Partnership is the judgment creditor on a judgment against Mortgagor in the originally stated amount of \$59,701.32, dated May 16, 2013, and docketed May 16, 2013 as Case No. 2012CV000999. Vulcan Construction Materials, Limited Partnership's interest in the Property at issue in this case is junior to Plaintiff's interest.

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 19 and therefore deny the same.

20. Defendant BT Equipment, LLC is a Wisconsin limited liability company with a principal office and registered agent office located at N9220 Donald Lane, Watertown, WI 53094. The registered agent is Timothy Otterstatter. BT Equipment, LLC is the judgment creditor on a judgment against Mortgagor in the originally stated amount of \$28,853.79, dated May 29, 2013, and docketed May 29, 2013 as Case No. 2012CV001006. BT Equipment, LLC's interest in the Property at issue in this case is junior to Plaintiff's interest.

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 20 and therefore deny the same.

21. Defendant Zenith Tech, Inc. is a Wisconsin corporation with a principal office and registered agent office located at N6 W23633 Bluemound Road, Waukesha, WI 53188. The registered agent is Mark E. Filmanowicz. Zenith Tech, Inc. is the judgment creditor on a judgment against Mortgagor in the originally stated amount of \$31,621.80, dated May 29, 2013, and docketed June 3, 2013 as Case No. 2012TJ000046. Zenith Tech, Inc.'s interest in the Property at issue in this case is junior to Plaintiff's interest.

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 21 and therefore deny the same.

22. Defendant Wisconsin Bell, Inc. is a Wisconsin corporation with a principal office located at 722 N. Broadway, Milwaukee, WI 53202 and a registered agent office located at 8020 Excelsior Dr., Suite 200, Madison, WI 53717. The registered agent is CT Corporation System. Wisconsin Bell, Inc. is the judgment creditor on a judgment against Mortgagor in the originally stated amount of \$1,447.80, dated June 20, 2013, and docketed June 27, 2013 as Case No. 2013SCOO1020. Wisconsin Bell, Inc.'s interest in the Property at issue in this case is junior to Plaintiff's interest.

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 22 and therefore deny the same.

23. Defendant Wingra Redi-Mix, Inc. is a Wisconsin corporation with a principal office and registered agent office located at 2975 Kapec Rd., P.O. Box 44284, Madison, WI 53719. The registered agent is Robert M. Shea. Wingra Redi-Mix, Inc. is the judgment creditor on a judgment against Mortgagor in the originally stated amount of \$110,330.48, dated August 6, 2013, and docketed August 12, 2013 as Case No. 2012CV000517. Wingra Redi-Mix, Inc.'s interest in the Property at issue in this case is junior to Plaintiff's interest.

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 23 and therefore deny the same.

24. Defendant Citizens Insurance Company of America, has a principal office located at 645 West Grand River Avenue, Howell, MI 48843, and a registered agent office located at 8020 Excelsior Drive, Suite 200, Madison, WI 53717. The registered agent is CT Corporation Systems. Citizens Insurance Company of America is the judgment creditor on a judgment against Mortgagor in the originally stated amount of \$162,973.18, dated

October 8, 2013, and docketed December 4, 2013 as Case No. 2013FJ000034. Citizens Insurance Company of America's interest in the Property at issue in this case is junior to Plaintiff's interest.

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 24 and therefore deny the same.

25. Defendant Middlesex Insurance Company, has a principal office located at 1800 North Point Drive, Stevens Point, WI 54481-1253, and a registered agent office located at 8020 Excelsior Drive, Suite 200, Madison, WI 53717. The registered agent is CT Corporation Systems. Middlesex Insurance Company is the judgment creditor on a judgment against Mortgagor in the originally stated amount of \$4,279.93, dated January 14, 2014, and docketed February 7, 2014 as Case No. 2014TJ000009. Middlesex Insurance Company's interest in the Property at issue in this case is junior to Plaintiff's interest.

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 25 and therefore deny the same.

26. Defendant Hudson Insurance Company is a Delaware corporation with a registered agent and office at Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801; Dina Daskalakis, 100 William Street, Fifth Floor, New York, NY 10038. Hudson Insurance Company is the judgment creditor on a judgment against Mortgagor in the originally stated amount of \$1,228,554.49, dated January 15, 2013, and docketed April 25, 2013 as Case No. 2013TJ000030. Hudson Insurance Company's interest in the Property at issue in this case is junior to Plaintiff's interest.

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 26 and therefore deny the same.

27. Defendant Central Pension Fund of the International Union of Operating Engineers, in care of Michael Crabtree, Fund Counsel, 4115 Chesapeake Street, North West, Washington, DC 20016. Central Pension Fund of the International Union of Operating Engineers is the judgment creditor on a judgment against Mortgagor in the originally stated amount of \$869,015.17, dated July 31, 2013, and docketed July 25, 2014 as Case No. 2014TJ000058. Central Pension Funds' interest in the Property at issue in this case is junior to Plaintiff's interest.

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 27 and therefore deny the same.

28. Defendant Joint Labor Management Work Preservation Fund, in care of Rita Becker, Fund Administrator, N27W23233 Roundy Drive, Pewaukee WI 53072-0160. Joint Labor Management Work Preservation Fund is the judgment creditor on a judgment against Mortgagor in the originally stated amount of \$869,015.17, dated July 31, 2013, and docketed July 25, 2014 as Case No. 2014TJ000058. Joint Labor Management Work Preservation Fund's interest in the Property at issue in this case is junior to Plaintiff's interest.

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 28 and therefore deny the same.

29. Defendant Operating Engineers Local 139 Health Benefit Fund, in care of Rita Becker, Fund Administrator, N27W23233 Roundy Drive, Pewaukee WI 53072-0160. Operating Engineers Local 139 Health Benefit Fund is the judgment creditor on a judgment against Mortgagor in the originally stated amount of \$869,015.17, dated July 31, 2013, and docketed July 25, 2014 as Case No. 2014TJ000058. Operating Engineers Local 139

Health Benefit Fund's interest in the Property at issue in this case is junior to Plaintiff's interest.

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 29 and therefore deny the same.

30. Defendant Wisconsin Operating Engineers Skill Improvement and Apprenticeship Fund, in care of Rita Becker, Fund Administrator, N27W23233 Roundy Drive, Pewaukee WI 53072-0160. Wisconsin Operating Engineers Skill Improvement and Apprenticeship Fund is the judgment creditor on a judgment against Mortgagor in the originally stated amount of \$869,015.17, dated July 31, 2013, and docketed July 25, 2014 as Case No. 2014TJ000058. Wisconsin Operating Engineers Skill Improvement and Apprenticeship Fund's interest in the Property at issue in this case is junior to Plaintiff's interest.

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 30 and therefore deny the same.

31. Defendant International Union of Operating Engineers Local 139, in care of Rita Becker, Fund Administrator, N27W23233 Roundy Drive, Pewaukee WI 53072-0160. International Union of Operating Engineers Local 139 is the judgment creditor on a judgment against Mortgagor in the originally stated amount of \$869,015.17, dated July 31, 2013, and docketed July 25, 2014 as Case No. 2014TJ000058. International Union of Operating Engineers Local 139's interest in the Property at issue in this case is junior to Plaintiff's interest.

ANSWER: The Funds have insufficient knowledge to either admit or deny the

allegations in Paragraph 31 and therefore deny the same.

32. Defendant Central States, Southeast and Southwest Areas Pension Fund, care of Felice Patti, 9377 West Higgins Road, Rosemont, Illinois 60018. Central States, Southeast and Southwest Areas Pension Fund is the judgment creditor on a judgment against Mortgagor in the originally stated amount of \$8,307,078.02, dated October 28, 2014, and docketed January 21, 2015 as Case No. 2015 FJ000001. Central States, Southeast and Southwest Areas Pension Fund's interest in the Property at issue in this case is junior to Plaintiff's interest.

ANSWER: The Funds admit that they have a lien on the Property at issue by virtue of a judgment entered in the United States District Court for the Northern District of Illinois (Case No. 14-cv-5977) in October 2014 and registered in the United States District Court for the Eastern District of Wisconsin. An exemplified copy of the judgment was recorded at the Clerk of Courts for Walworth County, Wisconsin on January 21, 2015. The Funds have insufficient knowledge to either admit or deny the remaining allegations of Paragraph 32, including the allegation that the Funds' interest is junior to Plaintiff's interest, and therefore the Funds deny the same.

33. Defendant Central States, Southeast and Southwest Areas Health and Welfare Fund, care of Felice Patti, 9377 West Higgins Road, Rosemont, Illinois 60018. Central States, Southeast and Southwest Areas Health and Welfare Fund is the judgment creditor on a judgment against Mortgagor in the originally stated amount of \$8,307,078.02, dated October 28, 2014, and docketed January 21, 2015 as Case No. 2015FJ000001. Central States, Southeast and Southwest Areas Health and Welfare Fund's interest in the Property at issue in this case is junior to Plaintiff's interest.

ANSWER: The Funds admit that they have a lien on the Property at issue by virtue of a judgment entered in the United States District Court for the Northern District of Illinois (Case No. 14-cv-5977) in October 2014 and registered in the United States District Court for the Eastern District of Wisconsin. An exemplified copy of the judgment was recorded at the Clerk of Courts for Walworth County, Wisconsin on January 21, 2015. The Funds have insufficient knowledge to either admit or deny the remaining allegations of Paragraph 33, including the allegation that the Funds' interest is junior to Plaintiff's interest, and therefore the Funds deny the same.

34. Defendant Walworth County, in care of Kimberly S. Bushey, Clerk of Walworth County, 100 West Walworth Street, Elkhorn, WI 53121. There are delinquent taxes for the years 2012, 2013, and 2014 in an amount of \$8,661.43, plus interest and penalties.

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 34 and therefore deny the same.

35. Defendant Mann Complex Condominium Owners Association, Inc. has a principal office located at 1950 N. Wisconsin Street, Suite 8C, Elkhorn, WI 53121.

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 35 and therefore deny the same.

36. All successors and assigns of the above-named Defendants.

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 36 and therefore deny the same.

37. All other persons or parties unknown, claiming any right, title, estate, lien, or interest in the real property described in the Complaint.

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 37 and therefore deny the same.

JURISDICTION AND VENUE

38. Walworth County, Wisconsin has appropriate jurisdiction and venue over this action because the property subject to the Mortgage is located in Walworth County.

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 38 and therefore deny the same.

FACTS

39. The Mortgage at issue in this action was granted by Mortgagor Mann Bros., Inc. and encumbers real property located in Walworth County, Wisconsin, with the address 1950 N. Wisconsin Street, Unit #6, Elkhorn, Wisconsin 53121 and the Parcel Identification Number "YMC 00006". The legal description of the property is:

Unit 6 in Mann Complex Condominium, together with said units undivided percentage interest in the common element, and the exclusive use of the limited common elements appurtenant to said unit all in Mann Complex Condominium, 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 August 31, 1994, as Document No. 571245, said condominium being located in the City of Elkhorn, County of Walworth, State of Wisconsin on the real estate described in said Declaration and incorporated herein by this reference thereto ("Property").

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 39 and therefore deny the same.

40. The Property is a commercial condominium that has not been abandoned and is not a homestead ("Property").

ANSWER: The Funds have insufficient knowledge to either admit or deny the

allegations in Paragraph 40 and therefore deny the same.

41. On or about January 13, 2006, Community Bank CBD (“Original Mortgagee”) granted a loan to Mann Ventures, LLC for \$534,742.00, a true and correct copy of which is attached as **Exhibit A** and is incorporated herein and made a part of this Complaint by reference (“2006 Note”). The 2006 Note is the underlying note that forms the basis for Plaintiffs foreclosure action. Pursuant to the terms of the 2006 Note, the unpaid principal and all accrued interest remaining was due on July 13, 2010.

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 41 and therefore deny the same.

42. On or about August 13, 2010, Original Mortgagee and Mann Ventures, LLC renewed the unpaid balance on the 2006 Note by execution of a renewal note for \$489,672.48, a true and correct copy of which is attached as **Exhibit B** and is incorporated herein and made a part of this Complaint by reference (“2010 Renewal of 2006 Note”). Pursuant to the terms of the 2010 Renewal of 2006 Note, the unpaid principal and all accrued interest remaining was due on August 13, 2013.

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 42 and therefore deny the same.

43. On or about April 2, 2012, Mortgagor executed a Mortgage on the Property in favor of Original Mortgagee, a true and correct copy of which is attached as **Exhibit C** and is incorporated herein and made a part of this Complaint by reference (“Mortgage”). The Mortgage was recorded on April 17, 2012, in the official records of the Walworth County Register of Deeds Office as Document Number 836377.

ANSWER: The Funds have insufficient knowledge to either admit or deny the

allegations in Paragraph 43 and therefore deny the same.

44. The Mortgage was issued to pledge the Property as additional collateral for \$162,000.00 of the unpaid balance of the 2010 Renewal of 2006 Note granted by Original Mortgagee. Defendants Mann Ventures, LLC, D&M Enterprises, LLC, Mann Development, Inc., and R. Mann Investments, LLC (collectively, "Third-Party Borrowers") are named as borrowers under the Mortgage.

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 44 and therefore deny the same.

45. Paragraph 5 of the Mortgage provides that the Mortgage secures "all other debts, obligations and liabilities arising out of credit previously granted, credit contemporaneously granted and credit granted in the future by [Original Mortgagee] *to any Mortgagor , to any Mortgagor and another or to another guaranteed or endorsed by any Mortgagor*" See Ex. C, at 5(b) (emphasis added).

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 45 and therefore deny the same.

46. Page I of the Mortgage states in bold and capitalized letters, "**SINCE THIS MORTGAGE SECURES ALL OBLIGATIONS DESCRIBED IN PARAGRAPH 5, IT IS ACKNOWLEDGED AND AGREED THAT THIS MORTGAGE MAY SECURE OBLIGATIONS FROM TIME TO TIME IN A DOLLAR AMOUNT GREATER THAN THE DOLLAR AMOUNT STATED ABOVE.**" See Ex. C, at I.

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 46 and therefore deny the same.

47. On or about April 12, 2012, Mortgagor, as Maker, executed a Real Estate

Security Agreement in favor of Original Mortgagee, as Lender, granting a continuing lien on the Property, a true and correct copy of which is attached as **Exhibit D** and is incorporated herein and made a part of this Complaint by reference (“Security Agreement”). The Security Agreement was recorded on April 17, 2012, in the official records of the Walworth County Register of Deeds Office as Document Number 836378.

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 47 and therefore deny the same.

48. Under Paragraph 2 of the Security Agreement, the continuing lien on the Property secures “all debts, obligations, and liabilities arising out of all credit previously granted, all credit contemporaneously granted and all credit granted in the future by [Original Mortgagee] *to any Customer, to any Customer of another, or to another guaranteed or endorsed by any Customer...*” (See Ex. D at p. 2 (emphasis added)).

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 48 and therefore deny the same.

49. On or about August 1, 2012, Original Mortgagee and Defendant Mann Ventures, LLC renewed the unpaid balance of the 2010 Renewal of 2006 Note (“2012 Renewal of 2006 Note”). See Ex. B.

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 49 and therefore deny the same.

50. On or about March 22, 2013, Original Mortgagee and Defendant Mann Ventures, LLC renewed the unpaid balance of the 2012 Renewal of 2006 Note by execution of a renewal note for \$482,254.82, a true and correct copy of which is attached as **Exhibit E** and is incorporated herein and made a part of this Complaint by reference (“2013 Renewal

of 2006 Note”). Pursuant to the terms of the 2013 Renewal of 2006 Note, the unpaid principal and all accrued remaining interest was due on August 1, 2013.

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 50 and therefore deny the same.

51. On or about July 24, 2013, Original Mortgagee endorsed the 2013 Renewal of 2006 Note to Plaintiff through an Allonge, a true and correct copy of which is attached as **Exhibit F** and is incorporated herein and made a part of this Complaint by reference (“Allonge”).

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 51 and therefore deny the same.

52. On or about July 24, 2013, Original Mortgagee assigned the Mortgage to Plaintiff through an Assignment of Mortgage, a true and correct copy of which is attached as **Exhibit G** and is incorporated herein and made a part of this Complaint by reference (“Assignment of Mortgage”). The Assignment of Mortgage was recorded on August 13, 2013 in the official records of the Walworth County Register of Deeds Office as Document Number 869204.

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 52 and therefore deny the same.

53. On or about July 24, 2013, Original Mortgagee assigned the Security Agreement to Plaintiff through an Assignment of Real Estate Security Agreement, a true and correct copy of which is attached as **Exhibit H** and is incorporated herein and made a part of this Complaint by reference. (“Assignment of Security Agreement”). The Assignment of Security Agreement was recorded on August 13, 2013, in the official records of the

Walworth County Register of Deeds Office as Document Number 869205.

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 53 and therefore deny the same.

54. Plaintiff brings this action as assignee of the Mortgage, Security Agreement, and as legal holder of the underlying 2006 Note and all renewals (collectively, "Loan Documents").

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 54 and therefore deny the same.

55. At the time of the filing of this Complaint, Mortgagor is the present owner of the Property.

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 55 and therefore deny the same.

56. The Mortgage constitutes a valid, prior, and paramount lien upon the Property, and the lien is prior and superior to the right, title, interest, claim, or lien of all parties whose interests in the Property are sought to be terminated.

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 56 and therefore deny the same.

57. Pursuant to Paragraph 6 of the 2013 Renewal of 2006 Note, if Mann Ventures, LLC defaults in its payment obligation to Plaintiff, it is an Event of Default whereby the unpaid balance automatically matures and becomes immediately payable without notice. *See* Ex. E, 6.

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 57 and therefore deny the same.

58. Defendant Mann Ventures, LLC is in default in its payment obligation to Plaintiff under the 2013 Renewal of 2006 Note by failing to pay the unpaid principal and remaining accrued interest by August 1, 2013.

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 58 and therefore deny the same.

59. Pursuant to Paragraph 11 of the Mortgage, if there is a default under any obligation secured by the Mortgage, the obligation can become immediately due and payable at Plaintiffs option. *See Ex. C, 11.*

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 59 and therefore deny the same.

60. Paragraph II of the Mortgage permits the acceleration of the unpaid principal and interest and authorizes Plaintiff to foreclose on the Property. *See Ex. C, 11.*

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 60 and therefore deny the same.

COUNT 1: FORECLOSURE OF MORTGAGE

61. Plaintiff restates and realleges all of the foregoing paragraphs above as though fully stated herein.

ANSWER: The Funds incorporate their answers to the foregoing paragraphs as though fully stated herein.

62. Defendant Mann Ventures, LLC breached the terms of the 2013 Renewal of 2006 Note by failing to pay the unpaid balance and all remaining accrued interest by August 1, 2013.

ANSWER: The Funds have insufficient knowledge to either admit or deny the

allegations in Paragraph 62 and therefore deny the same.

63. Mortgagor's breach of the 2013 Renewal of 2006 Note constitutes an Event of Default, and Plaintiff is entitled to foreclose on the Property pursuant to Paragraph 11 of the Mortgage.

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 63 and therefore deny the same.

64. Plaintiff has declared the 2013 Renewal of 2006 Note and obligations under the Mortgage immediately due and payable by reason of the Event of Default.

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 64 and therefore deny the same.

65. Accordingly, Plaintiff elects to proceed with a foreclosure pursuant to Wisconsin Statutes Section 846.103(1), with a six-month redemption period, and Plaintiff does not seek to waive any deficiency which may remain due after the sale.

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 65 and therefore deny the same.

66. Plaintiff has been compelled to advance various amounts of money as reasonable costs, expenses, and fees, including attorneys' fees, incurred in connection with the foreclosure and the protection and enforcement of Plaintiffs rights under the Mortgage.

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 66 and therefore deny the same.

67. Pursuant to Paragraph 17 of the Mortgage, Plaintiff is entitled to recover from Mortgagor its attorneys' fees, costs, and expenses, incurred in connection with the protection and enforcement of Plaintiffs rights under the Mortgage. *See Ex. C, 17.*

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 67 and therefore deny the same.

COUNT II: DECLARATORY JUDGMENT

68. Plaintiff restates and realleges all of the foregoing paragraphs above as though fully stated herein.

ANSWER: The Funds incorporate their answers to the foregoing paragraphs as though fully stated herein.

69. Plaintiff seeks a declaration from the Court that Plaintiffs Mortgage on the Property constitutes a valid, prior, and superior lien upon the Property, and the lien is prior and superior to any right, title, interest, claim, or lien of all parties, other than (1) the State of Wisconsin, as judgment lien creditor of the Wisconsin Judgment, and (2) Walworth County, in the amount of delinquent taxes, plus interest and penalties, due upon the date of the judgment of foreclosure.

ANSWER: The Funds have insufficient knowledge to either admit or deny the allegations in Paragraph 69 and therefore deny the same.

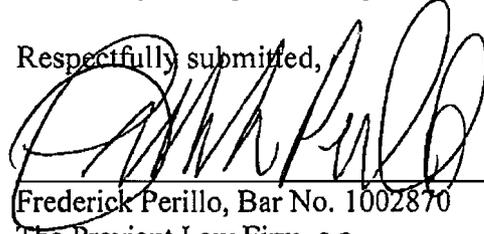
WHEREFORE, Central States, Southeast and Southwest Areas Pension Fund and Central States Southeast and Southwest Areas Health and Welfare Fund request judgment as follows:

A. In the event judgment of foreclosure and sale are granted as prayed for in Plaintiff's Complaint, that the Court determine the lien priorities of all the parties and the entitlement to the surplus of monies of the sale (if any) by relying on testimony and upon proper application and proper notice.

B. For such other or further relief as this Court may deem just and equitable.

Dated: June 15, 2015

Respectfully submitted,



Frederick Perillo, Bar No. 1002870

The Previant Law Firm, s.c.
1555 North Rivercenter Drive
Suite 202
Milwaukee, WI 53212
Phone: 414-271-4500
Fax: 414-271-6308

Andrew J. Herink (ARDC No. 6303510)
Central States Law Department
9377 W. Higgins Road, 10th Floor
Rosemont, Illinois 60018
Telephone: (847) 939-2458
E-mail: aherink@centralstatesfunds.org
PRO HAC VICE PENDING

LSCG Fund 17, LLC, a Delaware limited liability company,
13949 Ventura Blvd.
Suite 300
Sherman Oaks, CA 91423

CLAIM FOR SURPLUS
Case No. 15-cv-0325

Plaintiff,

Case Code: 30404
Amount claimed exceeds \$5000.00

vs.

Mann Bros., Inc., et al.

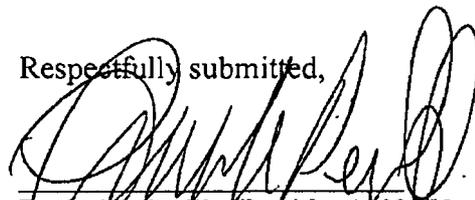
Defendants.

CLAIM FOR SURPLUS

Defendants, Central States, Southeast and Southwest Areas Pension Fund and Central States Southeast and Southwest Areas Health and Welfare Fund, by their attorney, Frederick Perillo, claim that portion of any surplus proceeds which may arise from the sale of the property which is the subject matter of this action and request that the Court determine the priorities of all defendants and award any surplus accordingly.

Dated: June 15, 2015

Respectfully submitted,



Frederick Perillo, Bar No. 1002870
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Andrew J. Herink (ARDC No. 6303510)
Central States Law Department
9377 W. Higgins Road, 10th Floor
Rosemont, Illinois 60018
Telephone: (847) 939-2458
E-mail: aherink@centralstatesfunds.org
PRO HAC VICE PENDING

STATE OF WISCONSIN

CIRCUIT COURT

WALWORTH COUNTY

LSCG Fund 17, LLC, a Delaware limited liability company,
13949 Ventura Blvd.
Suite 300
Sherman Oaks, CA 91423

ANSWER TO COMPLAINT
File No. 15-cv-0325

Plaintiff,

Case Code: 30404
Amount claimed exceeds \$5000.00

vs.

Mann Bros., Inc., et al.

Defendants.

MOTION FOR ADMISSION PRO HAC VICE

NOW COME Defendants Central States, Southeast and Southwest Areas Pension Fund and Central States, Southeast and Southwest Areas Health and Welfare Fund (collectively, "Central States"), by their attorney, and move for the admission of Andrew J. Herink to appear and practice before this Court *pro hac vice* in the above-captioned case. In support, Central States states as follows:

1. Andrew J. Herink is an attorney with the Law Department of Central States, and Central States, Southeast and Southwest Areas Pension Fund and Central States, Southeast and Southwest Areas Health and Welfare Fund have both been named as defendants in the above-captioned matter.

2. Mr. Herink is licensed to practice law by the Supreme Court of Illinois (bar no. 06303510), and has been admitted to practice before the U.S. District Court for the Northern District of Illinois.

3. Mr. Herink has filed an application for *pro hac vice* admission to appear before this Court and a \$100.00 fee with the Office of Lawyer Regulation, \$100.00 fee with the Wisconsin Trust Account Foundation, Inc. and a \$50.00 fee with the Wisconsin Access to Justice Commission. A copy of the filed application and proof of payment of the above fees is attached hereto as Exhibit A.

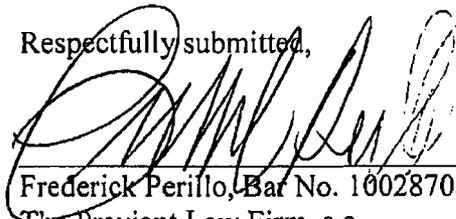
4. Mr. Herink has never been the subject of discipline by any court, bar, or attorney disciplinary agency.

5. As to matters relating to the above-captioned case, Mr. Herink subjects himself to the full disciplinary powers of this Court.

6. This motion is brought by Frederick Perillo (bar no. 1002870) of The Previant Law Firm, s.c., who appears of record in this cause and as local counsel.

WHEREFORE, Defendants Central States, Southeast and Southwest Areas Pension Fund and Central States, Southeast and Southwest Areas Health and Welfare Fund move for the admission of Andrew J. Herink to appear and practice before this Court *pro hac vice* in the above-captioned case, and for all other just and appropriate relief. A proposed order granting that admission is attached hereto as Exhibit B.

Respectfully submitted,



Frederick Perillo, Bar No. 1002870

The Previant Law Firm, s.c.

1555 North Rivercenter Drive

Suite 202

Milwaukee, WI 53212

Phone: 414-271-4500

Fax: 414-271-6308

Exhibit

A



CENTRAL STATES SOUTHEAST AND SOUTHWEST
AREAS HEALTH AND WELFARE AND PENSION FUNDS

LAW DEPARTMENT
P.O. BOX 5123
DES PLAINES, IL 60017-5123
TELEPHONE (847) 939-2471
FAX (847) 518-9797

DIRECT OVERNIGHT
MAIL TO:
9377 W. HIGGINS ROAD
ROSEMONT IL 60018-4938

Andrew J. Herink
Attorney

E-Mail:
aherink@centralstatesfunds.org

June 15, 2015

UPS NEXT DAY AIR

Office of Lawyer Regulation
110 East Main Street, Suite 315
Madison, WI 53703-3383
Attention: Pro hac vice application

Re: Application for Pro Hac Vice

To Whom it May Concern,

Please find enclosed an Application for Pro Hac Vice and Application Fee.

Very truly yours,

Andrew J. Herink
Attorney for Defendant

AJH/ls
Attachment

STATE OF WISCONSIN, CIRCUIT COURT, WALWORTH COUNTY

For Official Use

Case Caption: LSCG Fund 17, LLC v. Mann
Bros, Inc. et al.
ADMISSION Andrew J. Herink

**Application for
Pro Hac Vice**

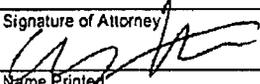
Case No. 15-cv-0325

I DECLARE UNDER PENALTY OF PERJURY:

1. That I seek to appear pro hac vice in order to represent Central States, Southeast and Southwest Areas Pension Fund and Central States, Southeast and Southwest Areas Health and Welfare Fund in the above-captioned matter;
2. That I am admitted to practice law in the highest court(s) of the state(s) or country(ies) of Illinois;
3. That there are no disciplinary complaints filed against me for violation of the rules of those courts (if so, please explain): _____;
4. That I am not suspended or disbarred from practice for disciplinary reasons or reason of medical incapacity in any jurisdiction (if yes, please explain): _____;
5. That I am associated with Attorney Frederick Perillo, State Bar No. 1002870, an active member of the State Bar of Wisconsin (name the member of the State Bar of Wisconsin and provide his/her Member Number);
6. That I do not practice or hold out to practice law in the State of Wisconsin;
7. That I acknowledge the jurisdiction of the courts of the State of Wisconsin over my professional conduct, and I agree to abide by the rules of the relevant division of the Circuit Court of the State of Wisconsin, the Wisconsin Court of Appeals, the Wisconsin Supreme Court, and the Rules of Professional Conduct for Attorneys, if I am admitted pro hac vice;
8. That I have complied fully with SCR Rule 10.03 (4);
9. That I am applying for admission pro hac vice for the following reasons:
I am an attorney within the Central States Law Department, and I am applying to represent Central States in a Foreclosure action in which Central States Pension Fund and Health and Welfare Fund are named defendants.

I have applied for admission pro hac vice in the courts of the State of Wisconsin 0 times previously in this calendar year.

I attach hereto evidence of my payment or prior payment of the pro hac vice fee to the Office of Lawyer Regulation.

Signature of Attorney 	Telephone Number 847-939-2458
Name Printed Andrew J. Herink	
Address of Principal Office CENTRAL STATES FUNDS Law Department 9377 W. Higgins Road, 10th Floor Rosemont, IL 60018-4938	

15091

8-26-430

DATE June 12, 2015

**CENTRAL STATES SOUTHEAST AND
SOUTHWEST AREAS
HEALTH AND WELFARE PENSION FUNDS**
LEGAL DISBURSEMENTS ACCOUNT
9377 W. HIGGINS RD.
ROSEMONT, IL 60018-4938

PAY TO THE ORDER OF Office of Lawyer Regulation \$ 100.00

One Hundred ----- DOLLARS

THE BANK OF NEW YORK MELLON
111 WALL ST. NEW YORK, NY 10038

Non-resident ~~attorney~~ application fee for
FOR Andrew J. Herink/LSCG Fund 17/(GOH/AJH)

CHECK VOID AFTER 90 DAYS
NOT VALID IN EXCESS OF \$750

Julie E. [Signature]

15090

8-26-430

DATE June 12, 2015

**CENTRAL STATES SOUTHEAST AND
SOUTHWEST AREAS
HEALTH AND WELFARE PENSION FUNDS**
LEGAL DISBURSEMENTS ACCOUNT
9377 W. HIGGINS RD.
ROSEMONT, IL 60018-4938

PAY TO THE ORDER OF Wisconsin Trust Account Foundation, Inc. \$ 100.00

One Hundred ----- DOLLARS

THE BANK OF NEW YORK MELLON
111 WALL ST. NEW YORK, NY 10038

Non-resident attorney application fee for
FOR Andrew J. Herink Pro Hac Vice/LSCG Fund 17
(GOH/AJH)

CHECK VOID AFTER 90 DAYS
NOT VALID IN EXCESS OF \$750

Julie E. [Signature]

15089

8-26-430

DATE June 12, 2015

**CENTRAL STATES SOUTHEAST AND
SOUTHWEST AREAS
HEALTH AND WELFARE PENSION FUNDS**
LEGAL DISBURSEMENTS ACCOUNT
9377 W. HIGGINS RD.
ROSEMONT, IL 60018-4938

PAY TO THE ORDER OF Wisconsin Access To Justice Commission \$ 50.00

Fifty ----- DOLLARS

THE BANK OF NEW YORK MELLON
111 WALL ST. NEW YORK, NY 10038

LSCG Fund 17/
FOR ~~Non-Resident attorney application fee~~
for Andrew J. Herink Pro Hac Vice/(GOH/AJH)

CHECK VOID AFTER 90 DAYS
NOT VALID IN EXCESS OF \$750

Julie E. [Signature]

Exhibit

B

STATE OF WISCONSIN

CIRCUIT COURT

WALWORTH COUNTY

LSCG Fund 17, LLC, a Delaware limited
liability company,
13949 Ventura Blvd.
Suite 300
Sherman Oaks, CA 91423

ANSWER TO COMPLAINT
File No. 15-cv-0325

Plaintiff,

Case Code: 30404
Amount claimed exceeds \$5000.00

vs.

Mann Bros., Inc., et al.

Defendants.

ORDER ADMITTING PRO HAC VICE

This matter was considered without hearing on the Motion for Admission Pro Hac Vice of Andrew J. Herink in this case. The Court having reviewed the motion and good cause appearing, it is

ORDERED that Andrew J. Herink may appear before the court *pro hac vice* as counsel for Central States, Southeast and Southwest Areas Health and Welfare Fund and Central States, Southeast and Southwest Areas Pension Fund in this case subject to the local rules of this Court.

Dated: _____

Prepared by:
Frederick Perillo, Bar No. 1002870
The Previant Law Firm, s.c.
1555 North Rivercenter Drive, Suite 202
Milwaukee, WI 53212
Phone: 414-271-4500
Fax: 414-271-6308

RESOLUTION NO. 2015-33

RESOLUTION BY THE GOVERNMENT SERVICES COMMITTEE SUPPORTING THE FUNDING OF PAY PROGRESSION FOR PROSECUTORS AND CREATION AND FUNDING OF ADDITIONAL ASSISTANT DISTRICT ATTORNEY POSITIONS

To the Honorable Members of the Racine County Board of Supervisors:

WHEREAS, the LaFollette School of Public Affairs published a report in 2011 outlining the significant turnover rate statewide of prosecutors due to low pay and no pay progression. The study showed many prosecutors leaving once experience is gained due to lack of incentive to stay; and

WHEREAS, in 2014, the Wisconsin Legislature addressed this issue by adopting a pay progression scale for Assistant District Attorneys, which is codified in Wis. Stat. §230.12. This pay scale progression must be funded biannually in the State budget in order to continue; and

WHEREAS, the Wisconsin District Attorneys Association and the Racine County District Attorney support funding from the state budget for additional prosecutors.

NOW, THEREFORE, BE IT RESOLVED that the undersigned members of the Government Services Committee recommend adoption of the following resolution.

BE IT FURTHER RESOLVED that the Racine County Board of Supervisors does support the funding of pay progression for prosecutors, as well as creation and funding of additional Assistant District Attorney positions.

BE IT FURTHER RESOLVED by the Racine County Board of Supervisors that the Racine County Clerk is directed to transmit a copy of this Resolution to the Governor of the State of Wisconsin, Racine County's state legislative delegation, all Wisconsin Counties, and the Wisconsin Counties Association.

Respectfully submitted,

Government Services Committee

1st Reading 6-9-15

2nd Reading 6-9-15

BOARD ACTION
Adopted yes
For
Against
Absent

Pamela Zenner-Richards, Chairman

Ronald Molnar, Vice-Chairman

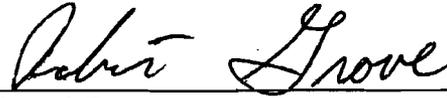
VOTE REQUIRED: Majority

John A. Wisch, Secretary

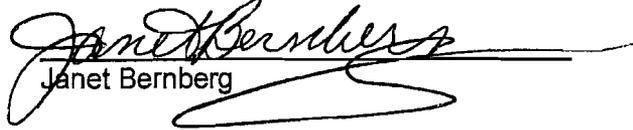
Prepared by:
Corporation Counsel

Kiana Harden-Johnson

Thomas Roanhouse



8 Robert Grove



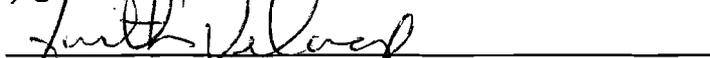
11 Janet Bernberg
12
13

14 The foregoing legislation adopted by the County Board of Supervisors of
15 Racine County, Wisconsin, is hereby:

16 Approved: X

17 Vetoed: _____

18
19 Date: 6/10/15



22 Jonathan Delagrave, County Executive
23
24
25
26
27



STATE OF WISCONSIN
DEPARTMENT OF MILITARY AFFAIRS
DIVISION OF EMERGENCY MANAGEMENT

Brian M. Satula
Administrator

Scott Walker
Governor

Bennett J. Schliesman
Southeast Regional Director

24 Hour Emergency Hotline 1-800-943-0003

June 8, 2015

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

RECEIVED

JUN 11 2015

2015 JUN 11 PM 3:24
RECEIVED
WALWORTH COUNTY BOARD

WALWORTH COUNTY BOARD

Dear Ms. Russell:

The Southeast Regional office of Wisconsin Emergency Management has received and reviewed the semiannual reports and required documentation submitted by the Southeast County Emergency Management offices for the first-half FFY2015 (October 1 2014 through March 31 2015). The following is a brief summary of work activities for Walworth County Emergency Management.

WALWORTH COUNTY

The Walworth County Emergency Management Director updated the EPCRA Strategic Plan, three EPCRA Off-site Facility Plans and developed three new EPCRA Off-site Facility Plans. County EM Director Lt. Ennis worked on two Outreach Campaigns: Tornado & Severe Weather and EPCRA and attended numerous training, meetings and conferences and sponsored training classes for first responders and the public. In addition, Lt. Ennis continues to work on a training program for Elected Officials to explain their roles during a major incident.

Lt. Ennis coordinated and participated in a Table-top Exercise at Lakeland Little Learners and a Functional Exercise at Inspiration Ministries, the latter of which will tie into a Full-Scale Exercise in the Fall of 2015. In any given month, Lt. Ennis will respond to numerous HazMat spills, most of which are minor. Lt. Ennis is working with the other SE County Emergency Managers on two region-wide collaboration projects: Recovery Support Functions which will be an attachment to the County's Comprehensive Emergency Management Plan (CEMP) and an Emergency Phone App being developed by UW-Parkside, for the dissemination of Emergency Warnings, Preparedness and Response information and for the submission of Damage Assessment

information to the County during disasters. County EM Director Lt. Ennis continues to pursue all avenues that will protect and benefit the citizens of Walworth County. **Payment of EMPG and EPCRA grants is recommended for the 2015 first-half reporting period.**

If you have any questions regarding your County's Emergency Management Plan of Work, or my comments in this report, please feel free to contact me at any time.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. Schliesman', with a long horizontal flourish extending to the right.

Bennett L. Schliesman
Southeast Region Director
Wisconsin Emergency Management

Cc: Walworth County EM Director
Regional office file



RECEIVED
WALWORTH COUNTY CLERK
2015 JUN 26 AM 11:07

Memorandum

To: David Weber
Chairman, Executive Committee

County Clerk

Executive Committee Members

Kimberly S. Bushey
County Clerk

From: Kimberly S. Bushey *KS*
Walworth County Clerk

Date: June 19, 2015

Re: Voting Equipment Replacement Project Update

The purpose of this communication is to provide an update regarding the future replacement of voting equipment in Walworth County.

In 2001, the Walworth County Board of Supervisors funded the purchase of election equipment that was provided to the municipalities for their polling places. This moved Walworth County from four incompatible voting systems and established one county wide system.

I am currently gathering information regarding the replacement of this system. Soon I will begin conducting meetings with Municipal Clerks to discuss this process, look at possible vendors and discuss equipment options.

As we prepare our budget for 2016, municipalities will also be preparing their budgets and I am sure I will receive questions regarding the purchase of election equipment from the Municipal Clerks who are our partners in the election process. It is for this reason that it is important that we also begin our dialogue on this topic.

I have included funding in the Capital Improvement Plan for this election equipment purchase in 2017 (based on some very preliminary cost estimates) and it will be my recommendation that Walworth County again purchase the voting equipment/software and provide the equipment to the municipalities in Walworth County.

I look forward to the opportunity to discuss this project at this very formative stage.

Cc: David A. Bretl, County Administrator



JON ERPENBACH

STATE SENATOR

RECEIVED

June 4, 2015

JUN - 8, 2015

WALWORTH COUNTY BOARD

Nancy Russell
Walworth County
100 W Walworth St
Elkhorn WI 53121-1769

Dear Nancy and County Supervisors,

Thank you for taking the time to contact my office regarding your support for land and water conservation and cost-sharing for farmers. I appreciate hearing from you.

My Democratic colleagues and I will continue to do all we can to change the budget for the better and vote against proposals that do not grow and invest in Wisconsin. Your opinion, thoughts and experiences are important to me and the Legislature. However, as a legislative courtesy we only reply to constituents from the 27th Senate District.

All Legislators must vote on the state budget and all fiscal matters so please take the time to contact your State Senator and State Representative. You can find your Legislator's contact information here: <http://legis.wisconsin.gov/>

Thank you again for taking the time to contact me. I will keep your thoughts in mind as we continue to deliberate.

Sincerely,


JON ERPENBACH
State Senator
27th District

**RECEIVED
WALWORTH COUNTY CLERK
2015 JUN 10 AM 9:27**

STATE REPRESENTATIVE
ANDY JORGENSEN

RECEIVED
WALWORTH COUNTY CLERK
2015 JUN 17 AM 9:01

43rd Assembly District — Assembly Democratic Caucus Chair

June 10, 2015

Walworth County Board of Supervisors
C/o Kimberly Bushey
100 W. Walworth St.
Elkhorn, WI 53121

Dear Kimberly,

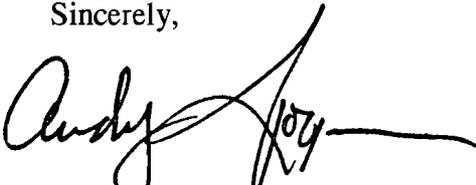
Thank you for providing my office with the Walworth County Board of Supervisor's resolution regarding the proposed cut in funding and return to the prior state level aid to the State's County Land Conservation departments. It is a privilege serving in the Wisconsin State Assembly and I appreciate hearing the board's thoughts on the matter.

Growing up on a dairy farm, I understand how important farmers are to our great state. A decrease of \$1.3 million in funding would hinder the progress that Farmers across the state have made. The State's County Land Conservation Departments have accomplished so much, and the cuts to these departments would halt further accomplishments from being achieved.

A return to the prior state aid level for county conservation staff would not only give federal and state resources to farmers, but would also benefit rural development and assist farms of all sizes. I look forward to working with you in the future on this issue. Please know I will keep your views in mind should this come up for debate in the Wisconsin State Assembly.

Thank you again for providing my office with this letter, Kimberly. I truly appreciate the time the Walworth County Board of Supervisors took to send me this resolution. Please know that I am always willing to have a conversation and listen to the board's concerns regarding this or any other matter of importance.

Sincerely,



ANDY JORGENSEN
State Representative
43rd Assembly District

RECEIVED
WALWORTH COUNTY CLERK
STATE REPRESENTATIVE
ANDY JORGENSEN JUN 17 AM 9:01

43rd Assembly District — Assembly Democratic Caucus Chair

June 10, 2015

Walworth County Board of Supervisors
c/o Kimberly Bushey
100 W. Walworth St.
Elkhorn, WI 53121

Dear Kimberly,

Thank you for contacting me with the Walworth County Board of Supervisors' resolution regarding Governor Scott Walker's proposed state budget. I appreciate hearing from you.

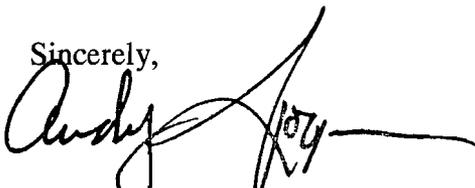
The passing of the state's biennial budget is always a top priority. Unfortunately, Governor Walker has not made retaining the ADRC a priority in his proposed budget. I oppose the current proposed cuts to the ADRC and similar programs because they would have a negative impact on programs that help thousands of elderly people and people with disabilities, as well as their families. Additionally Governor Walker's budget would allow for private companies to replace the ADRC and similar programs completely, which has many people rightfully concerned.

Governor Walker introduced his budget plan on February 3rd. The budget was then referred to the Joint Finance Committee (JFC). JFC is in the process of scheduling public hearings around the state on the budget. After those public hearings have been held, JFC will begin the process of going through the Governor's proposal on an item-by-item basis – approving some items while deleting or modifying others. Once the JFC work on the budget is completed, likely in late spring, the budget will move on to the Assembly and Senate for further consideration. Each house of the legislature can amend the budget – and I'm certain that my colleagues and I will have amendments, based on input from folks like you. Once both houses have passed identical versions of the budget, Governor Walker would have a final say, with the possibility of vetoes, and have the opportunity to sign the bill into law.

Throughout this process, I will be sure to keep your thoughts in mind.

Thank you again for taking the time to send this resolution, Kimberly. I truly appreciate the time the Walworth County Board of Supervisors took to adopt this resolution. Please know that I am always willing to have a conversation and listen to the board's concerns regarding this or any other matter of importance.

Sincerely,



ANDY JORGENSEN
State Representative, 43rd Assembly District
Assembly Democratic Caucus Chair

STATE REPRESENTATIVE
ANDY JORGENSEN

RECEIVED
WALWORTH COUNTY CLERK
15 JUN 29 AM 9:17

43rd Assembly District — Assembly Democratic Caucus Chair

June 25, 2015

Walworth County Board of Supervisors
c/o Kimberly Bushey
100 W. Walworth St.
Elkhorn, WI 53121

Dear Kimberly,

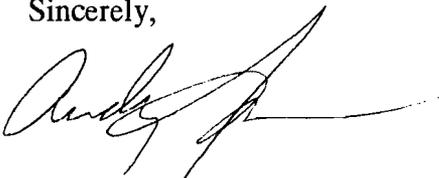
Thank you for sending me the Walworth County Board of Supervisors' resolution regarding redistricting reform. It is a privilege serving in the Wisconsin State Assembly and I appreciate hearing your thoughts on the matter.

As you may know, I have been a supporter of redistricting reform in the past. The current method is an expensive, partisan process that is meant to keep one party in office. In 2011, the process of drawing the new maps cost taxpayers nearly \$1.9 million. This is money that could be used to help our state. In Iowa, they have a system where an outside, nonpartisan company draws the maps. They have not only saved money but have districts that aren't distorted and confusing.

Redistricting reform should be a no brainer. We need to get politics out of the process and have fairly drawn districts. Saving taxpayer's money and reducing voter confusion should be a top priority when discussing redistricting. Sadly, it is not the way things are done today. Please know I plan on voting in favor of redistricting reform should it come up for debate on the Assembly Floor.

Thank you again for providing my office with this resolution, Kimberly. I truly appreciate the time the Walworth County Board of Supervisors took to adopt this resolution. Please know that I am always willing to have a conversation and listen to the board's concerns regarding this or any other matter of importance.

Sincerely,



ANDY JORGENSEN
State Representative
43rd Assembly District

1 **RESOLUTION TO REPEAL PARAGRAPH 23 OF MOTION NUMBER 520 TO THE**
2 **STATE OF WISCONSIN 2015-2017 BUDGET BILL (SB21 AND AB 21) RELATIVE TO**
3 **SHORELAND ZONING STANDARDS**
4

5 **WHEREAS**, county shoreland zoning was established in Wisconsin in 1968
6 (codified in Wisconsin State Administrative Code Natural Resources Chapter 115
7 (NR115) in order to protect water quality, near-shore wildlife habitats, natural scenic
8 beauty and more; and

9 **WHEREAS**, NR115 has, since 1968, set minimum standards for county
10 shoreland zoning, allowing counties to be more restrictive if they felt it appropriate and
11 necessary; and

12 **WHEREAS**, St. Croix County has adopted and administered the minimum or
13 greater shoreland zoning standards since 1968; and

14 **WHEREAS**, the Joint Finance Committee for the State's 2015-17 biennial budget
15 process has passed Paragraph 23 of Motion Number 520 (attached hereto); and

16 **WHEREAS**, Paragraph 23 represents significant policy shifts from county
17 shoreland zoning regulations which should be addressed collaboratively in the regular
18 legislative session rather than as part of the budget bill; and

19 **WHEREAS**, Paragraph 23 immediately takes away the control counties have had
20 since 1968 to adopt specific more restrictive standards that are appropriate in their
21 counties; and

22 **WHEREAS**, Paragraph 23 changes long-standing standards and policies
23 regarding nonconforming structures; and

24 **WHEREAS**, St. Croix County has a substantial number of nonconforming
25 structures existing in its Shoreland areas that no longer will be subject to limitations,
26 mitigation requirements, and general oversight which will cause development near
27 County waterways to be unchecked relative to compliance with other state and county
28 regulations, such as sanitary regulations, stormwater/erosion control, and
29 floodplain/wetland standards; and

30 **WHEREAS**, with little to no oversight, water bodies, neighboring property owners
31 and the general public may be negatively impacted, specifically as it relates to erosion &
32 runoff from the site, water quality, near shore wildlife habitat quality, scenic beauty,
33 property values, substandard sanitary impacts, increased flooding issues, and overall
34 enjoyment of the County's waterways; and

35 **WHEREAS**, Paragraph 23 also removes the ability of the DNR to appeal any
36 action of a County Board of Adjustment decision which diminishes state support for the
37 Shoreland program and its goals of protecting the waterways of the state; and

38 **WHEREAS**, State organizations including the Wisconsin Counties Association,
39 Wisconsin County Code Administrators, Wisconsin Land and Water Conservation
40 Association, and Wisconsin County Planning and Zoning Directors (attached hereto)
41 have gone on record supporting the repeal of Paragraph 23 of Motion Number 520 of
42 the 2015-17 budget bill, and request that these issues be addressed through the normal
43 legislative process to allow for important input from the general public regarding
44 managing development activity around our state waterways.

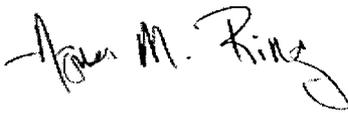
45 **THEREFORE be it resolved** by the St. Croix County Community Development
46 Committee that it specifically requests that Wisconsin Joint Committee on Finance
47 Motion #520, Paragraph 23 containing significant regulatory changes pertaining to
48 county shoreland zoning, be removed from the 2015-17 State Budget bill (SB 21 and
49 AB 21).

50 **FURTHER be it resolved** if it has been deemed necessary to further amend
51 shoreland zoning regulations beyond the measures adopted in 2010 and subsequent
52 Act 170, we respectfully request the matter instead be taken up in regular legislative
53 session. St. Croix County would welcome the opportunity to participate in collaborative
54 discussion and hearings to discuss shoreland zoning regulations and the manner in
55 which they could be improved.

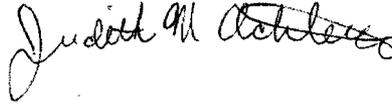
56 **FURTHER be it resolved** that copies of this resolution shall be sent to members
57 of the State's Joint Finance Committee, Governor of the State of Wisconsin, State
58 Senators and Representatives serving St. Croix County constituents, the Wisconsin
59 Counties Association, and each County in the State of Wisconsin.

60

RECOMMENDED AND APPROVED by St. Croix County Community
Development Committee on June 17, 2015.

X 

Agnes Ring
Supervisor District 2

X 

Judith Achterhof
Supervisor District 17

X *Shaela Leibfried*

Shaela Leibfried
Supervisor District 18

X ABSENT

Jill Barthen Berke
Supervisor District 9

X *Daniel Hansen*

Daniel Hansen
Supervisor District 12

RESOLUTION # 605 - 2015

TO: The Honorable Chairperson and Members of the Oconto County Board of Supervisors

RE: Communicable Disease Funding Support

WHEREAS, according to Trust For America's Health, Wisconsin ranks 46th in the nation for state public health funding for local health departments. The median nationally is \$27.49 per capita, but Wisconsin invests only \$13.10 per capita; and

WHEREAS, supporting a strong public health infrastructure is paramount with the continuing occurrences of natural disasters, terrorist attacks and infectious diseases, such as tuberculosis, pertussis (whooping cough), measles, H1N1 influenza and Ebola; and

WHEREAS, infectious disease control is one of the ten essential functions of public health, and with adequate funding, local health departments across Wisconsin will be equipped with the necessary resources and expertise to protect individuals, communities and the entire state from infectious diseases; and

WHEREAS, Wisconsin currently has no dedicated, stable funding source for communicable disease control and prevention; and as a result, local health departments are challenged to have sufficient resources, including adequate staff and expertise to support effective communicable disease efforts.

THEREFORE BE IT RESOLVED that the Oconto County Board of Supervisors supports an increase in communicable disease funding in the 2015-2017 state budget bill to assure a more robust public health infrastructure in Wisconsin and to help prevent the spread of communicable disease.

BE IT FURTHER RESOLVED that the County Clerk is directed to send a copy of this resolution to Governor Walker, the Joint Finance Committee of the Wisconsin Legislature, the legislators of Oconto County and all County Clerks in Wisconsin.

Submitted this 18th day of June, 2015

By: Health and Human Services Board

- Guy Gooding, Chairperson
- Diane Nichols
- Carolyn Barke
- Kathy Gohr
- Jim Lacourciere
- Mary Lemmen
- Loretta Shellman
- Al Sleeter
- Joyce Stoegbauer

Reviewed by Corporation Counsel:
CAM 05.08.15
 Initials of Date
 Corp. Counsel Reviewed

Adopted by Vote:
 Ayes: 28 Nays: 1 Absent: 2

14

STATE OF WISCONSIN }
 County Oconto I, Kim Pytleski
 do hereby certify
 that the above is a true and correct copy of the
 original now on file in the office of the County Clerk and
 that it was adopted by the Oconto County Board of
 Supervisors on this date.
 Date: 6/18/15 Kim Pytleski
 (Seal) County Clerk



WISCONSIN
HISTORICAL
SOCIETY

RECEIVED
WALWORTH COUNTY CLERK

2015 JUN 24 AM 9:45

NOTICE OF ENTRY IN THE NATIONAL REGISTER AND/OR STATE REGISTER OF HISTORIC PLACES

Name of property: Wandawega Inn

Location: W5453 Lake View Drive, Sugar Creek, Walworth County, Wisconsin

Date of Entry: June 8, 2015

Designation: State Register of Historic Places
 National Register of Historic Places

The property listed above has been entered in the National Register of Historic Places by the Secretary of the Interior, and listed in the State Register of Historic Places by the State Historic Preservation Office.

Accordingly, this property is entitled to the benefits and protections of the National Historic Preservation Act of 1966, as amended and under Chapter 44, Wisconsin Statutes. It will receive limited protection from encroachment by federal or state assisted or licensed projects or state facilities development projects, and may be eligible to apply for matching grants for research, restoration, acquisition, or stabilization. Certain tax incentives are available to depreciable properties listed in the State Register or National Register.

The State Register and National Register programs are administered by the Division of Historic Preservation-Public History of the Wisconsin Historical Society, Jim Draeger, State Historic Preservation Officer. Questions about the State Register and National Register programs in Wisconsin should be addressed to:

Division of Historic Preservation-Public History
Wisconsin Historical Society
816 State Street
Madison, WI 53706
Telephone: 608/264-6501

Collecting, Preserving and Sharing Stories Since 1846

816 State Street Madison, Wisconsin 53706

wisconsinhistory.org



July 14, 2015 – Walworth County Board Meeting

County Clerk

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

Kimberly S. Bushey
County Clerk

- Correspondence and electronic copy of application from the Public Service Commission of Wisconsin in regard to Application by American Transmission Company LLC to Build and Place in Service a New 138 kV Transmission Line Between the Spring Valley Substation, in Kenosha County and the North Lake Geneva Substation in Walworth County, to Build a New 138/69 kV Substation in Kenosha County and to Build or Rebuild Other Lines and Facilities in the Project Area – To be placed on file (The electronic format/disk can be viewed in the County Clerk’s Office.)(Was previously placed on file)



Public Service Commission of Wisconsin

Ellen Nowak, Chairperson
Phil Montgomery, Commissioner
Mike Huebsch, Commissioner

610 North Whitney Way
P.O. Box 7854
Madison, WI 53707-7854

June 4, 2015

Re: Application by American Transmission Company LLC to
Build and Place in Service a New 138 kV Transmission Line
Between the Spring Valley Substation, in Kenosha County and
the North Lake Geneva Substation in Walworth County, to
Build a New 138/69 kV Substation in Kenosha County and to
Build or Rebuild Other Lines and Facilities in the Project Area

137-CE-167

To the Person Addressed:

Enclosed is a copy of an application filed with the Public Service Commission (Commission) by American Transmission Company LLC (ATC). ATC seeks authority to construct and place into operation facilities referenced above. Following Wis. Stat. § 196.491(3)(a) and Wis. Admin. Code § PSC 111.51(4), the Commission has directed ATC to send an electronic copy of the above application to the clerk of each municipality, town, and county in which the facilities will be located and to the main public library and local libraries in the project area.

Please place this application, along with a copy of this letter, in an area where it will be available for public review until January 31, 2017. Also, please discard any CD or DVD copy of the initial application that may have been sent to you in the past. This enclosed copy replaces the previous copy in its entirety.

If received in electronic form, any clerk or main public library may request a printed copy of the application materials. Any such request should be addressed to the docket coordinator listed below.

In the future, additional correspondence will be mailed to you, other interested parties, and all landowners potentially affected by the project. These mailings will list your office as a location where the public may review the project application.

All documents relating to the project, including the application, may be viewed through the Electronic Regulatory Filing system at the Commission's website, <http://psc.wi.gov/>. The docket number listed above is required to access the documents.

If you have questions regarding this letter, please contact me at (608) 267-8967.

Sincerely,

Paul R. Rahn

Paul R. Rahn
Environmental Analyst
Gas and Energy Division

PRR:jlt:DL:00975791

Application Disk

RECEIVED
WALWORTH COUNTY CLERK
2015 JUN 11 AM 10:15

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
Bronson-Kuchan Joint Revocable Living Trust James Bronson, Margaret Kuchan	Whitewater Township Tax Parcel DA1934-2	Rezone approx. .65 acres of B-2 General Business District to R-1 Single Family Residential District.	July 14, 2015
Charles Moelter Trust & The Moelter Foundation, Joanne Gasperik V.P. - Applicant	Lyons Township Parts of Tax Parcels N LY33-2A1 and N LY32-4	Rezone approx. 6.2 acres of C-1 and C-4 Lowland Resource Conservation Districts (Non-shoreland and Shoreland) to C-2 Upland Resource Conservation District to match wetland boundaries to delineated field conditions.	July 14, 2015
Silver Stone Ranch LLC – Owner, William L. Applebaum – Applicant	LaFayette Township Tax Parcel K LF-21-4	Rezone of approx. 20 acres of A-1 Prime Agricultural District to the C-2 Upland Resource Conservation District to match zoning to the land use category stated in the 2035 Walworth County Comprehensive Land Use Plan.	July 14, 2015

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

Dated this _____ day of _____, 2015.

County Clerk

cc: Supervisor Tim Brellenthin
Supervisor Joe Schaefer

ORDINANCE NO. 938 – 07/15

AMENDING SECTION(S) 74-44, 74-49, 74-51, 74-61,
74-66, 74-71, 74-129, 74-131, 74-171, 74-176, 74-178,
74-188, 74-193, 74-261, AND 74-263 OF THE
WALWORTH COUNTY CODE OF ORDINANCES RELATING TO
FARMLAND PRESERVATION

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS
FOLLOWS:

1 **PART I: That section 74-44 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. 74-44. Pet and animal regulations.**

5
6 ...

7
8 (d) Chickens in the agricultural and C-2 district(s) may modify the requirements of (b) above
9 provided:

10 (1) A new structure to house up to 12 female chickens shall be permitted within the 100-foot
11 setback requirement provided the structure does not exceed 100 sq. ft. in size, shall be
12 movable, shall be at least ten feet from side and rear property lines, and shall be at least 20
13 feet from a residence, not including the residence on the subject parcel.

14 ...

15
16 **PART II: That section 74-49 of the Walworth County Code of Ordinances is hereby amended**
17 **to read as follows (additions are underlined; deletions are shown in strike-through text):**

18
19 **“Sec. 74-49. Establishment.**

20
21 For the purpose of this ordinance, the County of Walworth, State of Wisconsin, outside the limits of
22 incorporated villages, cities, and shorelands, is hereby divided into the following zoning districts,
23 namely:

24

A-1	Prime Agricultural Land District
A-2	Agricultural Land District
A-3	Agricultural -Land Holding District
A-4	Agricultural-Related Manufacturing, Warehousing, and Marketing District
A-5	Agricultural -Rural Residential District
C-1	Lowland Resource Conservation District

25 ...

26
27

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

4
5 **“Sec. 74-51. Agricultural districts.**

6
7 *A-1 Prime agricultural land district.* A Farmland Preservation District. The primary purpose of this
8 district is to maintain highly productive exclusive agricultural lands in food and fiber production by
9 effectively limiting encroachment of non-agricultural development and minimizing land use
10 conflicts among incompatible uses. Such lands are generally covered by Class I, II, and III soils as
11 rated by the U.S. Natural Resource Conservation Service and are identified in the county farmland
12 preservation plan as farmland preservation areas identified under Wis. Stats. Ch. 91.10(1)(d) in a
13 farmland preservation plan described in Wis. Stats. Ch. 91.12(2). As a matter of policy, it is hereby
14 determined that the highest and best use of these lands is agriculture. All structures and
15 improvements must be consistent with agricultural use. (Wis.Stats. Chp.91)

16
17 (1) *Principal uses.*

18
19 a. ~~Farm residence: means any one of the following that is located on a farm parcel with a~~
20 ~~minimum of 35 acres of A-1~~

21 ~~A single family dwelling that is the only dwelling on the farm and is occupied by any of the~~
22 ~~following:~~

23 ~~○ An owner or operator of the farm~~

24 ~~○ A parent of child of an owner or operator of the farm~~

25 ~~○ An individual who earns more than 50 percent of his or her gross income from the~~
26 ~~farm.~~

27 b. Dairying.

28
29 c. Floriculture (cultivation of ornamental flowering plants).

30
31 d. Grazing, subject to regulations in division 2.

32
33 e. Livestock raising, except commercial feed lots and livestock facility.

34
35 f. Orchards.

36
37 g. Paddocks.

38
39 h. Plant nurseries, Christmas tree production.

40
41 i. Poultry raising, except commercial egg production.

42
43 j. Crop or forage production.

44
45 k. Raising of tree fruits, nuts, and berries.

46
47 l. Sod farming.

48
49 m. Vegetable raising.

50
51 n. Viticulture (grape growing).

- 1
2 o. Equestrian trails for the farm family.
3
4 p. Forest and game management.
5
6 q. Nature trails and walks for the farm family.
7
8 r. Apiculture (beekeeping).
9
10 s. The separation of farm structures from farmland. ~~Farm dwelling or structures which~~
11 ~~existed prior to the adoption of this ordinance (July 9, 1998) may be separated from a~~
12 ~~larger farm parcel for the purposes of farm consolidation.~~ The separation of the farm
13 structures must conform with the regulations set forth in sections 74-39 and 74-40 of this
14 ordinance; the parcel shall not be less than 40,000 square feet in area, nor greater than the
15 larger of either five acres in area, or the acreage necessary to maintain the minimum yard
16 required in the A-1, A-2, or A-3 district; it shall not leave the balance of the land in a
17 substandard condition; and the property owner will be required to record deed restrictions
18 on both the farm separation parcel and on a parcel which meets the minimum required by
19 the applicable zoning district, which directly adjoins or abuts the majority of the farm
20 separation parcel, and which meets the intent of these provisions. A plat of survey for said
21 parcel shall be prepared by a registered land surveyor licensed in the State of Wisconsin.
22 Said deed restriction shall state that no structures may be placed on the adjoining acreage
23 without first obtaining a conditional use approval from the committee and that no land may
24 be deeded to the separation parcel which increases its size above that outlined above
25 without first obtaining proper approval which may include a rezone.
26
27 t. Enrolling land in a federal agricultural commodity payment program or a federal or state
28 agricultural land conservation payment program.
29
30 u. Aquaculture
31
32 v. Undeveloped natural resource and open space areas.

33
34 (2) *Accessory uses (permitted in accordance with 74-131).*
35

- 36 a. A building, structure, or improvement that is an integral part of and consistent with an
37 agricultural use (for example but not limited to: barn, stable, greenhouse).
38
39 b. Roadside stands not exceeding one per farm, limited to a structure having a ground area of
40 not more than 300 sq. ft., not permanently fixed to the ground, readily removable in its
41 entirety, not fully enclosed and to be used solely for the sale of farm products produced on
42 the premises (or adjoining premises) in conformance with Wis. Stats. Chp 91.01(1)).
43
44 c. Minor home occupation/professional home office in conformance with Wis. Stats. Chpt
45 91.01(1)),
46

47 (3) *Conditional uses. (See division 4 for additional requirements)*
48

- 49 a. ~~Nonfarm dwelling.~~ Additional farm residences. The approval for more than one farm
50 dwelling residence is limited to one per a minimum of 35 acres of A-1. If approval is
51 granted for more than one farm dwelling residence, the dwelling residence may be
52 separated from the farm parcel provided that any parcel so created conforms with all

1 regulations set forth in section 74-39 and 74-40 of this ordinance, except that no such
2 parcel shall be less than 40,000 square feet in area nor greater than the larger of either five
3 acres in area or the acreage necessary to maintain the minimum required setbacks and the
4 remnant acreage shall be deed restricted; it shall not leave the balance of the land in a
5 substandard condition; and the property owner will be required to record a deed restriction
6 on a remnant area which meets the minimum required by the applicable zoning district,
7 which directly adjoins or abuts the majority of the farm dwelling residence separation
8 parcel, and which meets the intent of these provisions. A plat of survey for said parcel shall
9 be prepared by a registered land surveyor licensed in the State of Wisconsin. Said deed
10 restriction shall state that no structures may be placed on the remnant acreage without first
11 obtaining a conditional use permit that meets all requirements of this ordinance, from the
12 committee and that no land may be deeded to the separation parcel which increases its size
13 above that outlined above without first obtaining proper approval which may include a
14 rezone.

- 15
- 16 b. A migrant labor camp (certified under s. 103.92)
- 17
- 18 c. Mobile homes for farm laborers. The approval for a mobile home is limited to one per 35
19 acres of A-1 zoned land.
- 20
- 21 d. Commercial feed lots.
- 22
- 23 e. Livestock Facility
- 24
- 25 f. Livestock sales facilities.
- 26
- 27 g. Veterinarian facility for livestock
- 28
- 29 h. Fur farms, Wild.
- 30
- 31 i. Commercial egg production (~~An animal confinement~~ A livestock facility used or designed
32 for the raising of poultry for egg production having a capacity of ~~200~~ 500 or more animal
33 units.).
- 34
- 35 j. Land restoration.
- 36
- 37 k. Business directory signs.
- 38
- 39 l. Sewage disposal plants if the committee determines that all of the following apply: The use
40 and its location in the farmland preservation zoning district are consistent with the purposes
41 of the farmland preservation zoning district; The use and its location in the farmland
42 preservation zoning district are reasonable and appropriate, considering alternative
43 locations, or are specifically approved under state or federal law; The use is reasonably
44 designed to minimize the conversion of land, at and around the site of the use, from
45 agricultural use or open space use; The use does not substantially impair or limit the
46 current or future agricultural use of surrounding parcels of land that are zoned for or legally
47 restricted to agricultural use; Construction damage to land remaining in agricultural use is
48 minimized and repaired, to the extent feasible.
- 49
- 50 m. Airports, airstrips, landing fields and heliports, which are related to agricultural activities.
51 (Wis. Stats. Chp 91.46(4))
- 52

- 1 n. Governmental and cultural uses, such as fire, and police stations, community centers,
2 libraries, public emergency shelters, parks, playgrounds, museums, and park and ride
3 facilities if the ...
- 4 o. Utilities, provided all principal structures and uses associated with the utility are not less
5 than 50 feet from all district lot lines except business, park and industrial if the committee
6 ...
- 7 p. Schools and churches if the committee determines that all of the following apply: The use
8 and its location in the farmland preservation zoning district are consistent with the purposes
9 of the ...
- 10
- 11 q. Yard waste Composting.
- 12
- 13 r. Home occupations that will not impair or limit future or current agricultural use of the farm
14 in conformance with Wis. Stats Chpt 91.01(1)(d).
- 15
- 16 s. Farm family business in the A-1, Prime Agricultural Land District is a use which is
17 accessory to an agricultural use consisting of uses listed in the A-4 district except the
18 production, packing, ...
- 19
- 20 t. Hunting and fishing club land without structures.
- 21
- 22 u. Slurry storage for industrial waste water of agricultural by products.
- 23
- 24 v. Placement of any structures on remnant parcels where the separation of farm structures has
25 been approved and separated. All structures and improvements must be an integral part of
26 or incidental to an agricultural use. (Wis. Stats Chpt 91)
- 27

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

29 ...

30

31 A-1NC Prime agricultural land holding district. The primary purpose of this holding district is to
32 provide a temporary zoning district category for lands that are rezoned into a prime agricultural land
33 district that are not currently designated as Farmland Preservation Areas in the Walworth County
34 Farmland Preservation Plan. This district designation is to be considered temporary in nature and
35 will be rezoned to the standard A-1 zoning district at such time as the Farmland Preservation Plan is
36 amended to include A-1 NC zoned land as a Farmland Preservation Area. Wis. Stats. Ch.
37 91.10(1)(d). Additionally, the purpose of this holding district is to maintain highly productive
38 exclusive agricultural lands in food and fiber production by effectively limiting encroachment of
39 non-agricultural development and minimizing land use conflicts among incompatible uses Such
40 lands are generally covered by Class I, II, and III soils as rated by the U.S. Natural Resource
41 Conservation Service and as a matter of policy, it is hereby determined that the highest and best use
42 of these lands is agricultural. All structures and improvements must be consistent with agricultural
43 use. (Wis. Stats. Chp.91) Lands zoned A-1NC may be included with A-1 zoned land for purposes of
44 meeting acreage requirements.

45

46 (1) Principal uses

47

48 a. Farm residence

49

- 1 **b. Dairying.**
2
3 **c. Floriculture (cultivation of ornamental flowering plants).**
4
5 **d. Grazing, subject to regulations in division 2.**
6
7 **e. Livestock raising, except commercial feed lots and livestock facility.**
8
9 **f. Orchards.**
10
11 **g. Paddocks.**
12
13 **h. Plant nurseries, Christmas tree production.**
14
15 **i. Poultry raising, except commercial egg production.**
16
17 **j. Crop or forage production.**
18
19 **k. Raising of tree fruits, nuts, and berries.**
20
21 **l. Sod farming.**
22
23 **m. Vegetable raising.**
24
25 **n. Viticulture (grape growing).**
26
27 **o. Equestrian trails for the farm family.**
28
29 **p. Forest and game management.**
30
31 **q. Nature trails and walks for the farm family.**
32
33 **r. Apiculture (beekeeping).**
34
35 **s. The separation of farm structures from farmland. The separation of the farm structures**
36 **must conform with the regulations set forth in sections 74-39 and 74-40 of this ordinance;**
37 **the parcel shall not be less than 40,000 square feet in area, nor greater than the larger of**
38 **either five acres in area, or the acreage necessary to maintain the minimum yard required in**
39 **the A-1, A-2, or A-3 district; it shall not leave the balance of the land in a substandard**
40 **condition; and the property owner will be required to record deed restrictions on both the**
41 **farm separation parcel and on a parcel which meets the minimum required by the**
42 **applicable zoning district, which directly adjoins or abuts the majority of the farm**
43 **separation parcel, and which meets the intent of these provisions. A plat of survey for said**
44 **parcel shall be prepared by a registered land surveyor licensed in the State of Wisconsin.**
45 **Said deed restriction shall state that no structures may be placed on the adjoining acreage**
46 **without first obtaining a conditional use approval from the committee and that no land may**
47 **be deeded to the separation parcel which increases its size above that outlined above**
48 **without first obtaining proper approval which may include a rezone.**
49 **t. Enrolling land in a federal agricultural commodity payment program or a federal or state**
50 **agricultural land conservation payment program.**
51

1 u Aquaculture

2
3 v. Undeveloped natural resource and open space areas.

4
5 (2) Accessory uses (permitted in accordance with 74-131).

6
7 a. A building, structure, or improvement that is an integral part of and consistent with an
8 agricultural use (for example but not limited to: barn, stable, greenhouse).

9
10 b. Roadside stands not exceeding one per farm, limited to a structure having a ground area of
11 not more than 300 sq. ft., not permanently fixed to the ground, readily removable in its
12 entirety, not fully enclosed and to be used solely for the sale of farm products produced on
13 the premises (or adjoining premises) in conformance with Wis. Stats. Chp 91.01(1)).

14
15 c. Minor home occupation/professional home office in conformance with Wis. Stats. Chpt
16 91.01(1)),

17
18 (3) Conditional uses. (See division 4 for additional requirements)

19
20 a. Additional farm residences. The approval for more than one farm residence is limited to
21 one per a minimum of 35 acres of A-1. If approval is granted for more than one farm
22 residence, the residence may be separated from the farm parcel provided that any parcel so
23 created conforms with all regulations set forth in section 74-39 and 74-40 of this ordinance,
24 except that no such parcel shall be less than 40,000 square feet in area nor greater than the
25 larger of either five acres in area or the acreage necessary to maintain the minimum
26 required; it shall not leave the balance of the land in a substandard condition; and the
27 property owner will be required to record a deed restriction on a remnant area which meets
28 the minimum required by the applicable zoning district, which directly adjoins or abuts the
29 majority of the farm residence separation parcel, and which meets the intent of these
30 provisions. A plat of survey for said parcel shall be prepared by a registered land surveyor
31 licensed in the State of Wisconsin. Said deed restriction shall state that no structures may
32 be placed on the remnant acreage without first obtaining a conditional use permit that
33 meets all requirements of this ordinance, from the committee and that no land may be
34 dedded to the separation parcel which increases its size above that outlined above without
35 first obtaining proper approval which may include a rezone.

36
37 b. A migrant labor camp (certified under s. 103.92)

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39 c. Mobile homes for farm laborers. The approval for a mobile home is limited to one per 35
40 acres of A-1 zoned land.

41
42 d. Commercial feed lots.

43
44 e. Livestock Facility

45
46 f. Livestock sales facilities.

47
48 g. Veterinarian facility for livestock

49
50 h. Fur farms, Wild.

51

- 1 i. Commercial egg production (A livestock facility used or designed for the raising of
2 poultry for egg production having a capacity of 500 or more animal units.).
3
- 4 j. Land restoration.
5
- 6 k. Business directory signs.
7
- 8 l. Sewage disposal plants if the committee determines that all of the following apply: The use
9 and its location in the farmland preservation zoning district are consistent with the purposes
10 of the farmland preservation zoning district; The use and its location in the farmland
11 preservation zoning district are reasonable and appropriate, considering alternative
12 locations, or are specifically approved under state or federal law; The use is reasonably
13 designed to minimize the conversion of land, at and around the site of the use, from
14 agricultural use or open space use; The use does not substantially impair or limit the
15 current or future agricultural use of surrounding parcels of land that are zoned for or legally
16 restricted to agricultural use; Construction damage to land remaining in agricultural use is
17 minimized and repaired, to the extent feasible.
18
- 19 m. Airports, airstrips, landing fields and heliports, which are related to agricultural activities.
20 (Wis. Stats. Chp 91.46(4))
21
- 22 n. Governmental and cultural uses, such as fire, and police stations, community centers,
23 libraries, public emergency shelters, parks, playgrounds, museums, and park and ride
24 facilities if the committee determines that all of the following apply: The use and its
25 location in the farmland preservation zoning district are consistent with the purposes of the
26 farmland preservation zoning district; The use and its location in the farmland preservation
27 zoning district are reasonable and appropriate, considering alternative locations, or are
28 specifically approved under state or federal law; The use is reasonably designed to
29 minimize the conversion of land, at and around the site of the use, from agricultural use or
30 open space use; The use does not substantially impair or limit the current or future
31 agricultural use of surrounding parcels of land that are zoned for or legally restricted to
32 agricultural use; Construction damage to land remaining in agricultural use is minimized
33 and repaired, to the extent feasible.
- 34 o. Utilities, provided all principal structures and uses associated with the utility are not less
35 than 50 feet from all district lot lines except business, park and industrial if the committee
36 determines that all of the following apply: The use and its location in the farmland
37 preservation zoning district are consistent with the purposes of the farmland preservation
38 zoning district; The use and its location in the farmland preservation zoning district are
39 reasonable and appropriate, considering alternative locations, or are specifically approved
40 under state or federal law; The use is reasonably designed to minimize the conversion of
41 land, at and around the site of the use, from agricultural use or open space use; The use
42 does not substantially impair or limit the current or future agricultural use of surrounding
43 parcels of land that are zoned for or legally restricted to agricultural use; Construction
44 damage to land remaining in agricultural use is minimized and repaired, to the extent
45 feasible.
- 46 p. Schools and churches if the committee determines that all of the following apply: The use
47 and its location in the farmland preservation zoning district are consistent with the purposes
48 of the farmland preservation zoning district; The use and its location in the farmland
49 preservation zoning district are reasonable and appropriate, considering alternative
50 locations, or are specifically approved under state or federal law; The use is reasonably

1 designed to minimize the conversion of land, at and around the site of the use, from
 2 agricultural use or open space use; The use does not substantially impair or limit the
 3 current or future agricultural use of surrounding parcels of land that are zoned for or legally
 4 restricted to agricultural use; Construction damage to land remaining in agricultural use is
 5 minimized and repaired, to the extent feasible.

6
 7 q. Yard waste Composting.

8
 9 r. Home occupations that will not impair or limit future or current agricultural use of the farm
 10 in conformance with Wis. Stats Chpt 91.01(1)(d)..

11
 12 s. Farm family business in the A-1, Prime Agricultural Land District is a use which is
 13 accessory to an agricultural use consisting of uses listed in the A-4 district except the
 14 production, packing, packaging, and light assembly of products from glass, metals,
 15 plaster, and plastics. A farm family business may be permitted as a conditional use for farm
 16 owners if limited to existing farm residence or farm structures not dedicated to agricultural
 17 uses. No more than two persons who are not members of the resident farm family may be
 18 employed in the farm family business and that does not impair or limit the current or future
 19 agricultural use of the farm or of other protected farmland.

20
 21 t. Hunting and fishing club land without structures.

22
 23 u. Slurry storage for industrial waste water of agricultural by products.

24
 25 v. Placement of any structures on remnant parcels where the separation of farm structures has
 26 been approved and separated. All structures and improvements must be *an integral part of*
 27 *or incidental* to an agricultural use. (Wis. Stats Chpt 91)
 28

29 (4) Area, height and yard requirements.

<u>Lot (farm size)</u>	<u>Area</u>	<u>Minimum 35 acres</u>
	<u>Width</u>	<u>Minimum 300 feet</u>
<u>Building</u>		
<u>Farm dwelling</u>	<u>Height</u>	<u>Maximum 45 feet</u>
<u>Agricultural structures</u>	<u>Height</u>	<u>Maximum two times their distance from the nearest lot lines (See division 9)</u>
<u>Yards</u>		
<u>Farm dwelling and agricultural structures</u>	<u>Rear</u>	<u>Minimum 100 feet</u>
	<u>Side</u>	<u>Minimum 20 feet except structures used for the housing of animals must be located at least 100 feet from side and rear lot lines and comply with 74-44</u>
	<u>Street:</u>	
	<u>Subdivision road</u>	<u>Minimum 25 feet</u>
	<u>Town road</u>	<u>Minimum 50 feet</u>
	<u>County road</u>	<u>Minimum 65 feet</u>

	<u>State and federal highway (not including freeways)</u>	<u>Minimum 85 feet</u>
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A-2 Agricultural land district. The primary purpose of this district is to maintain, preserve, and enhance agricultural lands historically utilized for crop production but which are not included within the A-1 prime agricultural land district and which are generally best suited for smaller farm units, including truck farming, horse farming, hobby farming, orchards, and other similar agricultural-related farming activity.

(1) *Principal uses.*

- a. All principal uses permitted in the A-1 prime agricultural land district.
- b. Single-family detached dwellings.
- c. Minor home occupation/professional home office.

(2) *Conditional uses.* (See division 4.)

- a. Housing for farm laborers.
- b. Housing for seasonal or migratory farm workers.
- c. Commercial feed lots or Livestock Facility
- d. Animal hospitals, shelters and kennels.
- ...
- x. Conservation development design (five or more dwelling units).
- y. Farm family business in the Agricultural Land District is a use which is accessory to an agricultural use consisting of uses listed in the A-4 district except the production, packing, packaging, and light assembly of products from glass, metals, plaster, and plastics. A farm family business may be permitted as a conditional use for farm owners if limited to existing farm residence or farm structures not dedicated to agricultural uses. No more than two persons who are not members of the resident farm family may be employed in the farm family business and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.

(3) *Conventional design.* ...

...

A-3 Agricultural Land holding district. The primary purpose of this district is to preserve for a limited time period in agricultural and related open-space land uses those lands generally located adjacent to existing incorporated urban centers within Walworth County where urban expansion is planned to take place on the adopted regional land use plan and adopted municipal land use plans that refine and detail the regional land use plan. It is the intent that urban development be deferred in such areas until the appropriate legislative bodies concerned determine that it is economically and financially feasible to provide public services and facilities for uses other than those permitted in the district. It is intended that the status of all areas in this district be reviewed by the appropriate planning bodies no less frequently than every five years in order to determine whether, in light of current land development trends, there should be a transfer of all or any part of such ...

...

1 ~~A-5 Agricultural-Rural residential district.~~ The primary purpose of this district is to permit the
2 utilization of relatively small quantities of land in predominantly agricultural areas for rural
3 residential use. As a matter of policy, it is intended that this district be applied solely to those rural
4 lands that have marginal utility for agricultural use for reasons related to soils, topography, or
5 severance from larger agricultural parcels. It is not intended that this district be utilized to
6 accommodate residential subdivisions as defined in the Walworth County ~~Land Division~~
7 Subdivision Ordinance.
8

9 (1) *Principal uses.*

10 a. Single-family dwellings.

11 b. ~~[Reserved.]~~

12 e b. Orchards.

13 d c. Vegetable raising.

14 E d. Plant nurseries.

15 ...

16
17 **PART IV: That section 74-61 of the Walworth County Code of Ordinances is hereby amended**
18 **to read as follows (additions are underlined; deletions are shown in strike-through text):**

19
20 **“Sec. 74-61. Agricultural and related uses.**

21
22 Except where specifically permitted as a principal use in division 3, the following agricultural
23 and related uses shall be conditional uses and may be permitted as specified. All conditional uses in
24 the A-1 district (farmland preservation district) are limited to those where the use and its location are
25 consistent with the
26

27 (1) *Single-family dwellings* exceeding one per farm parcel in A-2, and A-3 districts provided,
28 however, that such dwellings may only be permitted when consistent with an agricultural
29 use and that are occupied by an owner of the parcel, or a person who, or a family of which
30 at least one adult member earns the majority of his or her gross income from conducting the
31 farm operations on the parcel, or a parent or child of an owner who conducts the majority of
32 the farm operations on the parcel, or a parent or child of an owner who resides on the parcel
33 and who previously conducted the majority of the farm operations on the parcel and laborers
34 principally engaged in a principal or approved conditional use and only when the need for
35 such additional units to support and carry on the principal or approved conditional use has
36 been established. If conditional use approval is granted for one or more additional
37 dwellings, such dwellings may be separated from the farm lot provided however, that any
38 parcel so created conforms with all regulations set forth in sections 74-39 and 74-40 of this
39 ordinance, except that no such parcel shall be less than 40,000 square feet in area nor greater
40 than the larger of either five acres in area or the acreage necessary to maintain the minimum
41 required.
42

43 (2) ~~Nonfarm dwelling~~ Farm residence exceeding one per farm parcel in the A-1 district is
44 subject to the following requirements:

45 a. The location and size of the proposed ~~nonfarm dwelling parcel~~ additional farm
46 residence will not do any of the following:

47 i. Convert prime farmland from agricultural use or convert land previously
48 used as crop land, other than a woodlot, from agricultural use if on the farm

1 there is a reasonable alternative location or size for a nonfarm residential
2 parcel or a nonfarm residence.

- 3 ii. Significantly impair or limit the current or future agricultural use of other
4 protected farmland.
- 5 iii. The approval for more than one farm ~~dwelling~~ residence is limited to one per
6 35 acres of A-1 zoned land, for the owner or operator of the farm, a parent or
7 child of an owner or operator of the farm, an individual who earns more than
8 50 percent of his or her gross income from the farm. The remnant acreage
9 shall be deed restricted; it shall not leave the balance of the land in a
10 substandard condition; and the property owner will be required to record
11 deed restrictions on both the residence parcel and on a parcel which meets the
12 minimum required by the applicable zoning district, which directly adjoins or
13 abuts the majority of the farm residence separation parcel, and which meets
14 the intent of these provisions. A plat of survey for said parcel shall be
15 prepared by a registered land surveyor licensed in the State of Wisconsin.
16 Said deed restriction shall state that no structures may be placed on the
17 remnant acreage without first obtaining a conditional use permit from the
18 committee and that no land may be deeded to the separation parcel which
19 increases its size above that outlined above without first obtaining proper
20 approval which may include a rezone.

21 ...

- 22
- 23 (14) *Commercial egg production* in the A-1, A-2, ~~and~~ A-3 and A-4 districts. *Egg*
24 *production, commercial is defined as an animal confinement* a livestock facility used or
25 designed for the raising of poultry for egg production having a capacity of ~~200~~ 500 or more
26 animal units provided that permits are issued in accordance with the provisions of Wisc.
27 Statutes 93.90 and ATCP 51 of Wisconsin Administrative Code.

28 ...

- 29
- 30 (18) Placement of any structures in the A-1 prime agricultural land district, A-2 agricultural land
31 district and A-3 agricultural holding district on remnant parcels where the separation of
32 farm structures has been approved and separated.

- 33
- 34
- 35 (19) Farm family business in the A-1, Prime Agricultural Land District and the A-2,
36 Agricultural Land District is a use which is accessory to an agricultural use consisting of
37 uses listed in the A-4 district except the production, packing, ...

- 38
- 39 (20) ~~(18)~~ Signage ...

40

41 *(note to Codifier: correct remaining numbers)*

42 ...

43

44 **PART V: That section 74-66 of the Walworth County Code of Ordinances is hereby amended**
45 **to read as follows (additions are underlined; deletions are shown in strike-through text):**

46

47 **“Sec. 74-66. Public and semi-public uses.**

48

49 Except where specifically permitted as a principal use in division 3 the following public and
50 semi-public uses shall be conditional uses and may be permitted as specified. In approving or
51 disapproving the location of a conditional use, the committee shall view the proposed site or sites
52 and shall consider such evidence as may be presented at the public hearing bearing upon the general

1 purpose and intent of this ordinance set forth in sections 74-28 and 74-29 and upon the particular
2 land use problems related to development of the site or sites as proposed.

- 3
- 4 (1) Airports, airstrips, and landing fields, excluding heliports, in the A-2, A-3, A-4, A-5 districts
5 and the P-2 and B-5 districts, provided that the site area is not less than 20 acres.
6
- 7 (2) Heliports in the A-2, A-3, A-4, A-5 districts, and the P2, B-2 and B-5 districts, provided
8 that the principal structures and uses are not less than 100 feet from any residential district
9 boundary.
10
- 11 (3) Governmental and cultural uses such as fire and police stations, community centers,
12 libraries, public emergency shelters, parks, playgrounds, and museums in all districts
13 (except A-1). In the A-1 district see 74-61.
14
- 15 (4) Utilities in all districts (except A-1) provided all principal structures and uses associated
16 with the utility are not less than 50 feet from all district lot lines except business, park, and
17 industrial, which will require a ten-foot setback. Utilities required to obtain a certificate of
18 convenience and public necessity from the Wisconsin Public Service Commission or those
19 utilities required to obtain a Federal Energy Regulatory Commission certificate shall be
20 exempt from obtaining a conditional use permit. In the A-1 district see 74-61
21
- 22 (5) Public passenger transportation terminals such as bus, taxi and rail depots, except airports,
23 airstrips, and landing fields, are allowed in the B-2, B-3, and B-4 district, provided that all
24 principal structures and uses are not less than 100 feet from any residential district
25 boundary.
- 26 (6) Public, parochial, and private elementary and secondary schools in all residential, business,
27 agricultural (except A-1) and park districts, provided the lot area is not less than two acres
28 and all principal structures and uses are not less than 50 feet from any lot line. In the A-1
29 district see 74-61
- 30 (7) Churches in all residential, business, *agricultural* (except A-1) and P-1 districts, provided
31 the lot area is not less than two acres and all principal structures and uses are not less than
32 50 feet from any lot line. In the A-1 district see 74-61
33
- 34 (8) Sanitariums; religious, charitable, penal and correctional institutions, cemeteries, and
35 crematories in the P-2 and B-2 districts provided all principal structures and uses are not
36 less than 50 feet from any lot line.

37 ...

38

39 **PART VI: That section 74-71 of the Walworth County Code of Ordinances is hereby amended**
40 **to read as follows (additions are underlined; deletions are shown in strike-through text):**

41

42 **“Sec. 74-71. Nonconforming uses.**

43

44 When a principal nonconforming structure is damaged by fire, explosion, flood or other calamity to
45 the extent of more than 50 percent of its current assessed value, it shall not be restored except so as
46 to comply with the provisions of this ordinance, except that such principle nonconforming structure
47 may be restored, in all zoning districts, after obtaining conditional use approval from the committee.
48 Such ~~park and planning commission~~ committee shall not be allowed to give conditional use approval
49 if there is a code compliant location or if the restoration exceeds the overall area and height of the
50 damaged structure prior to said structure being damaged, unless a larger structure is necessary to

1 comply with applicable State or Federal requirements by granting the minimum relief necessary to
2 comply. Additionally, such conditional use approval shall require insofar as practical, that the
3 restored structure conform with the established building setback lines along arterial streets,
4 highways, and yards.

5
6
7 **PART VII: That section 74-129 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. 74-129. Text and map amendments to the A-1 District.**

12
13 The county may approve petitions for rezoning areas zoned for exclusive agricultural use only after
14 a public hearing and findings are made based upon consideration of the following:

- 15
16
17 1. The proposed rezone should be consistent with the Walworth County and Town
18 comprehensive plans and the Walworth County agricultural preservation plan. ~~Rezones shall~~
19 ~~be considered to be consistent with these plans if the following standards are met:~~
- 20
21 a. ~~Less than 50 percent of the parcel should be covered by soils in agricultural~~
22 ~~capability Classes I, II and III. Areas that are mapped as Class I, II or III soils but~~
23 ~~which are demonstrated to be unsuitable for agriculture due to erosion or other~~
24 ~~factors, should not be “counted” as Class I, II or III farmland. Such~~
25 ~~determinations should be made by a qualified soil mapping technician.~~
 - 26
27 b. ~~The proposed land use should be compatible with remaining prime agricultural~~
28 ~~land in the vicinity.~~

29 ...
30
31 **PART VIII: That section 74-131 of the Walworth County Code of Ordinances is hereby**
32 **amended to read as follows (additions are underlined; deletions are shown in strike-through**
33 **text):**

34
35 **“Sec. 74-131. Definitions.**

36
37 For the purpose of this ordinance, the following definitions shall be used. Words used in the present
38 tense include the future; the singular number includes the plural number; and the plural number
39 includes the singular number. The word "shall" is mandatory and not discretionary.

40 ...
41 *Egg production, commercial:* ~~An animal confinement~~ livestock facility used or designed for the
42 raising of poultry for egg production having a capacity of ~~200~~ 500 or more animal units.

43
44 ...
45
46 *Farm residence:* ~~means any of the following structures that is located on a farm parcel with a~~
47 ~~minimum of 35 acres of A-1: A single family dwelling or two-family dwelling that is the only~~
48 ~~residential structure on the farm and or is occupied by any of the following:~~

- 49 - An owner or operator of the farm
50 - A parent ~~of~~ or child of an owner or operator of the farm
51 - An individual who earns more than 50 percent of his or her gross income from the farm.

1 ...

2
3 Livestock: For the purpose of Livestock siting, Domestic animals traditionally used in this state in
4 the production of food, fiber or other animal products. Livestock includes animals such as cattle,
5 swine, poultry, sheep and goats. Livestock does not include animals such as equine animals, bison,
6 farm-raised deer, fish, captive game birds, ratites, camelids or mink. (ATCP 51)

7
8 Livestock: For the purpose of Wis. Stats. Chapter 91, Livestock means bovine animals, equine
9 animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites,
10 and farm-raised fish. (Wis. Stats. Chapter 91)

11
12 Livestock facility: A feedlot, dairy farm or other operation where livestock of 500 or more animal
13 units are or will be fed, confined, maintained or stabled for a total of 45 days or more in any 12-
14 month period. All applicable definitions of ATCP 51 that are not defined in the zoning ordinance,
15 are adopted by reference. A "livestock facility" includes all of the tax parcels on which the facility is
16 located, but does not include an entire tax parcel used only for pasture. Two or more livestock
17 facilities constitute a single livestock facility, for purposes of this chapter, if the same person owns
18 or manages all of the facilities and any of the following apply:

- 19
- 20 (1) The facilities are adjacent. Adjacent means livestock facilities that are located on adjacent
- 21 tax parcels, or on tax parcels that are separated only by a river, stream, or transportation or
- 22 utility right-of-way.
- 23
- 24 (2) Common livestock structures are used to collect or store manure or other waste from the
- 25 facilities.
- 26
- 27 (3) Manure or other waste from the facilities is applied to the same tax parcel of land, or under
- 28 the same nutrient management plan.

29 ...

30
31 ~~Nonfarm residence: A residence other than a farm residence that is located on a farm parcel with a~~
32 ~~minimum of 35 acres of A-1~~
33 ~~more than one dwelling on a farm~~
34 ~~A mobile home for a farm laborer.~~
35 ~~A migrant labor camp that is certified under s 103.92~~

36
37 ...

38
39 **PART IX: That section 74-171 of the Walworth County Code of Ordinances is hereby**
40 **amended to read as follows (additions are underlined; deletions are shown in strike-through**
41 **text):**

42
43 **“Sec. 74-171. Pet and animal regulations.**

44
45 ...

46
47 (d) Chickens in the agricultural and C-2 district(s) may modify the requirements of (b) above
48 provided:

- 49 (1) A new structure to house up to 12 female chickens shall be permitted within the 100-foot
- 50 setback requirement provided the structure does not exceed 100 sq. ft. in size, shall be

movable, shall be at least ten feet from side and rear property lines, and shall be at least 20 feet from a residence, not including the residence on the subject parcel.

PART X: That section 74-176 of the Walworth County Code of Ordinances is hereby amended to read as follows (additions are underlined; deletions are shown in strike-through text):

“Sec. 74-176. Establishment.

For the purpose of this ordinance, the County of Walworth, State of Wisconsin, outside the limits of incorporated villages, ~~and cities,~~ and shorelands, is hereby divided into the following zoning districts, namely:

A-1	Prime Agricultural Land District
A-2	Agricultural Land District
A-3	Agricultural Land Holding District
A-4	Agricultural-Related Manufacturing, Warehousing, and Marketing District
A-5	Agricultural -Rural Residential District
C-1	Lowland Resource Conservation District

PART XI: That section 74-178 of the Walworth County Code of Ordinances is hereby amended to read as follows (additions are underlined; deletions are shown in strike-through text):

“Sec. 74-178. Agricultural districts.

A-1 Prime agricultural land district. A Farmland Preservation District. The primary purpose of this district is to maintain highly productive exclusive agricultural lands in food and fiber production by effectively limiting encroachment of non-agricultural development and minimizing land use conflicts among incompatible uses. Such lands are generally covered by Class I, II, and III soils as rated by the U.S. Natural Resource Conservation Service and are identified in the county farmland preservation plan as farmland preservation areas identified under Wis. Stats. Ch. 91.10(1)(d) in a farmland preservation plan described in Wis. Stats. Ch. 91.12(2). As a matter of policy, it is hereby determined that the highest and best use of these lands is agriculture. All structures and improvements must be consistent with agricultural use. (Wis.Stats. Chp.91)

(1) Principal uses.

- a. Farm residence: ~~means any one of the following that is located on a farm parcel with a minimum of 35 acres of A-1~~
 - ~~A single family dwelling that is the only dwelling on the farm and is occupied by any of the following:~~
 - ~~○ An owner or operator of the farm~~
 - ~~○ A parent of child of an owner or operator of the farm~~

1 ~~o An individual who earns more than 50 percent of his or her gross income from the~~
2 ~~farm.~~

- 3 b. Dairying.
- 4
- 5 c. Floriculture (cultivation of ornamental flowering plants).
- 6
- 7 d. Grazing, subject to regulations in division 2.
- 8
- 9 e. Livestock raising, except commercial feed lots and livestock facility.
- 10
- 11 f. Orchards.
- 12
- 13 g. Paddocks.
- 14
- 15 h. Plant nurseries, Christmas tree production.
- 16
- 17 i. Poultry raising, except commercial egg production.
- 18
- 19 j. Crop or forage production.
- 20
- 21 k. Raising of tree fruits, nuts, and berries.
- 22
- 23 l. Sod farming.
- 24
- 25 m. Vegetable raising.
- 26
- 27 n. Viticulture (grape growing).
- 28
- 29 o. Equestrian trails for the farm family.
- 30
- 31 p. Forest and game management.
- 32
- 33 q. Nature trails and walks for the farm family.
- 34
- 35 r. Apiculture (beekeeping).
- 36
- 37 s. The separation of farm structures from farmland. ~~Farm dwelling or structures which~~
38 ~~existed prior to the adoption of this ordinance (July 9, 1998) may be separated from a~~
39 ~~larger farm parcel for the purposes of farm consolidation.~~ The separation of the farm
40 structures must conform with the regulations set forth in sections 74-39 and 74-40 of this
41 ordinance; the parcel shall not be less than 40,000 square feet in area, nor greater than the
42 larger of either five acres in area, or the acreage necessary to maintain the minimum yard
43 required in the A-1, A-2, or A-3 district; it shall not leave the balance of the land in a
44 substandard condition; and the property owner will be required to record deed restrictions
45 on both the farm separation parcel and on a parcel which meets the minimum required by
46 the applicable zoning district, which directly adjoins or abuts the majority of the farm
47 separation parcel, and which meets the intent of these provisions. A plat of survey for said
48 parcel shall be prepared by a registered land surveyor licensed in the State of Wisconsin.
49 Said deed restriction shall state that no structures may be placed on the adjoining acreage
50 without first obtaining a conditional use approval from the committee and that no land may
51 be deeded to the separation parcel which increases its size above that outlined above
52 without first obtaining proper approval which may include a rezone.

1
2 t. Enrolling land in a federal agricultural commodity payment program or a federal or state
3 agricultural land conservation payment program.

4
5 u. Aquaculture

6
7 v. Undeveloped natural resource and open space areas.

8
9 (2) *Accessory uses (permitted in accordance with 74-131).*

10
11 a. A building, structure, or improvement that is an integral part of and consistent with an
12 agricultural use (for example but not limited to: barn, stable, greenhouse).

13
14 b. Roadside stands not exceeding one per farm, limited to a structure having a ground area of
15 not more than 300 sq. ft., not permanently fixed to the ground, readily removable in its
16 entirety, not fully enclosed and to be used solely for the sale of farm products produced on
17 the premises (or adjoining premises) in conformance with Wis. Stats. Chp 91.01(1).

18
19 c. Minor home occupation/professional home office in conformance with Wis. Stats. Chpt
20 91.01(1)),

21
22 (3) *Conditional uses. (See division 4 for additional requirements)*

23
24 a. ~~Nonfarm dwelling.~~ Additional farm residences. The approval for more than one farm
25 ~~dwelling residence~~ residence is limited to one per a minimum of 35 acres of A-1. If approval is
26 granted for more than one farm ~~dwelling residence~~, the ~~dwelling residence~~ may be
27 separated from the farm parcel provided that any parcel so created conforms with all
28 regulations set forth in section 74-39 and 74-40 of this ordinance, except that no such
29 parcel shall be less than 40,000 square feet in area nor greater than the larger of either five
30 acres in area or the acreage necessary to maintain the minimum required ~~setbacks and the~~
31 ~~remnant acreage shall be deed restricted~~; it shall not leave the balance of the land in a
32 substandard condition; and the property owner will be required to record a deed restriction
33 on a remnant area which meets the minimum required by the applicable zoning district,
34 which directly adjoins or abuts the majority of the farm ~~dwelling residence~~ separation
35 parcel, and which meets the intent of these provisions. A plat of survey for said parcel shall
36 be prepared by a registered land surveyor licensed in the State of Wisconsin. Said deed
37 restriction shall state that no structures may be placed on the remnant acreage without first
38 obtaining a conditional use permit that meets all requirements of this ordinance, from the
39 committee and that no land may be deeded to the separation parcel which increases its size
40 above that outlined above without first obtaining proper approval which may include a
41 rezone.

42
43 b. A migrant labor camp (certified under s. 103.92)

44
45 c. Mobile homes for farm laborers. The approval for a mobile home is limited to one per 35
46 acres of A-1 zoned land.

47
48 d. Commercial feed lots.

49
50 e. Livestock Facility

- 1 f. Livestock sales facilities.
2
3 g. Veterinarian facility for livestock
4
5 h. Fur farms, Wild.
6
7 i. Commercial egg production (~~An animal confinement~~ A livestock facility used or designed
8 for the raising of poultry for egg production having a capacity of ~~200~~ 500 or more animal
9 units.).
10
11 j. Land restoration.
12
13 k. Business directory signs.
14
15 l. Sewage disposal plants if the committee determines that all of the following apply: The use
16 and its location in the farmland preservation zoning district are consistent with the purposes
17 of the farmland preservation zoning district; The use and its location in the farmland
18 preservation zoning district are reasonable and appropriate, considering alternative
19 locations, or are specifically approved under state or federal law; The use is reasonably
20 designed to minimize the conversion of land, at and around the site of the use, from
21 agricultural use or open space use; The use does not substantially impair or limit the
22 current or future agricultural use of surrounding parcels of land that are zoned for or legally
23 restricted to agricultural use; Construction damage to land remaining in agricultural use is
24 minimized and repaired, to the extent feasible.
25
26 m. Airports, airstrips, landing fields and heliports, which are related to agricultural activities.
27 (Wis. Stats. Chp 91.46(4))
28
29 n. Governmental and cultural uses, such as fire, and police stations, community centers,
30 libraries, public emergency shelters, parks, playgrounds, museums, and park and ride
31 facilities if the ...
32 o. Utilities, provided all principal structures and uses associated with the utility are not less
33 than 50 feet from all district lot lines except business, park and industrial if the committee
34 ...
35 p. Schools and churches if the committee determines that all of the following apply: The use
36 and its location in the farmland preservation zoning district are consistent with the purposes
37 of the ...
38
39 q. Yard waste Composting.
40
41 r. Home occupations that will not impair or limit future or current agricultural use of the farm
42 in conformance with Wis. Stats Chpt 91.01(1)(d)..
43
44 s. Farm family business in the A-1, Prime Agricultural Land District is a use which is
45 accessory to an agricultural use consisting of uses listed in the A-4 district except the
46 production, packing, ...
47
48 t. Hunting and fishing club land without structures.
49
50 u. Slurry storage for industrial waste water of agricultural by products.

- 1
2 v. Placement of any structures on remnant parcels where the separation of farm structures has
3 been approved and separated. All structures and improvements must be an integral part of
4 or incidental to an agricultural use. (Wis. Stats Chpt 91)
5

6 (4) *Area, height and yard requirements.*
7 ...
8

9 A-1NC Prime agricultural land holding district. The primary purpose of this holding district is to
10 provide a temporary zoning district category for lands that are rezoned into a prime agricultural land
11 district that are not currently designated as Farmland Preservation Areas in the Walworth County
12 Farmland Preservation Plan. This district designation is to be considered temporary in nature and
13 will be rezoned to the standard A-1 zoning district at such time as the Farmland Preservation Plan is
14 amended to include A-1 NC zoned land as a Farmland Preservation Area. Wis. Stats. Ch.
15 91.10(1)(d). Additionally, the purpose of this holding district is to maintain highly productive
16 exclusive agricultural lands in food and fiber production by effectively limiting encroachment of
17 non-agricultural development and minimizing land use conflicts among incompatible uses Such
18 lands are generally covered by Class I, II, and III soils as rated by the U.S. Natural Resource
19 Conservation Service and as a matter of policy, it is hereby determined that the highest and best use
20 of these lands is agricultural. All structures and improvements must be consistent with agricultural
21 use. (Wis. Stats. Chp.91) Lands zoned A-1NC may be included with A-1 zoned land for purposes of
22 meeting acreage requirements.

23
24 (1) Principal uses
25

- 26 a. Farm residence
27
28 b. Dairying.
29
30 c. Floriculture (cultivation of ornamental flowering plants).
31
32 d. Grazing, subject to regulations in division 2.
33
34 e. Livestock raising, except commercial feed lots and livestock facility.
35
36 f. Orchards.
37
38 g. Paddocks.
39
40 h. Plant nurseries, Christmas tree production.
41
42 i. Poultry raising, except commercial egg production.
43
44 j. Crop or forage production.
45
46 k. Raising of tree fruits, nuts, and berries.
47
48 l. Sod farming.
49
50 m. Vegetable raising.
51

1 n. Viticulture (grape growing).

2
3 o. Equestrian trails for the farm family.

4
5 p. Forest and game management.

6
7 q. Nature trails and walks for the farm family.

8
9 r. Apiculture (beekeeping).

10
11 s. The separation of farm structures from farmland. The separation of the farm structures
12 must conform with the regulations set forth in sections 74-39 and 74-40 of this ordinance;
13 the parcel shall not be less than 40,000 square feet in area, nor greater than the larger of
14 either five acres in area, or the acreage necessary to maintain the minimum yard required in
15 the A-1, A-2, or A-3 district; it shall not leave the balance of the land in a substandard
16 condition; and the property owner will be required to record deed restrictions on both the
17 farm separation parcel and on a parcel which meets the minimum required by the
18 applicable zoning district, which directly adjoins or abuts the majority of the farm
19 separation parcel, and which meets the intent of these provisions. A plat of survey for said
20 parcel shall be prepared by a registered land surveyor licensed in the State of Wisconsin.
21 Said deed restriction shall state that no structures may be placed on the adjoining acreage
22 without first obtaining a conditional use approval from the committee and that no land may
23 be deeded to the separation parcel which increases its size above that outlined above
24 without first obtaining proper approval which may include a rezone.

25 t. Enrolling land in a federal agricultural commodity payment program or a federal or state
26 agricultural land conservation payment program.

27
28 u. Aquaculture

29
30 v. Undeveloped natural resource and open space areas.

31
32 (2) Accessory uses (permitted in accordance with 74-131).

33
34 a. A building, structure, or improvement that is an integral part of and consistent with an
35 agricultural use (for example but not limited to: barn, stable, greenhouse).

36
37 b. Roadside stands not exceeding one per farm, limited to a structure having a ground area of
38 not more than 300 sq. ft., not permanently fixed to the ground, readily removable in its
39 entirety, not fully enclosed and to be used solely for the sale of farm products produced on
40 the premises (or adjoining premises) in conformance with Wis. Stats. Chp 91.01(1)).

41
42 c. Minor home occupation/professional home office in conformance with Wis. Stats. Chpt
43 91.01(1)),

44
45 (3) Conditional uses. (See division 4 for additional requirements)

46
47 a. Additional farm residences. The approval for more than one farm residence is limited to
48 one per a minimum of 35 acres of A-1. If approval is granted for more than one farm
49 residence, the residence may be separated from the farm parcel provided that any parcel so
50 created conforms with all regulations set forth in section 74-39 and 74-40 of this ordinance.

1 except that no such parcel shall be less than 40,000 square feet in area nor greater than the
2 larger of either five acres in area or the acreage necessary to maintain the minimum
3 required; it shall not leave the balance of the land in a substandard condition; and the
4 property owner will be required to record a deed restriction on a remnant area which meets
5 the minimum required by the applicable zoning district, which directly adjoins or abuts the
6 majority of the farm residence separation parcel, and which meets the intent of these
7 provisions. A plat of survey for said parcel shall be prepared by a registered land surveyor
8 licensed in the State of Wisconsin. Said deed restriction shall state that no structures may
9 be placed on the remnant acreage without first obtaining a conditional use permit that
10 meets all requirements of this ordinance, from the committee and that no land may be
11 deeded to the separation parcel which increases its size above that outlined above without
12 first obtaining proper approval which may include a rezone.

13
14 b. A migrant labor camp (certified under s. 103.92)

15
16 c. Mobile homes for farm laborers. The approval for a mobile home is limited to one per 35
17 acres of A-1 zoned land.

18
19 d. Commercial feed lots.

20
21 e. Livestock Facility

22
23 f. Livestock sales facilities.

24
25 g. Veterinarian facility for livestock

26
27 h. Fur farms, Wild.

28
29 i. Commercial egg production (A livestock facility used or designed for the raising of
30 poultry for egg production having a capacity of 500 or more animal units.).

31
32 j. Land restoration.

33
34 k. Business directory signs.

35
36 l. Sewage disposal plants if the committee determines that all of the following apply: The use
37 and its location in the farmland preservation zoning district are consistent with the purposes
38 of the farmland preservation zoning district; The use and its location in the farmland
39 preservation zoning district are reasonable and appropriate, considering alternative
40 locations, or are specifically approved under state or federal law; The use is reasonably
41 designed to minimize the conversion of land, at and around the site of the use, from
42 agricultural use or open space use; The use does not substantially impair or limit the
43 current or future agricultural use of surrounding parcels of land that are zoned for or legally
44 restricted to agricultural use; Construction damage to land remaining in agricultural use is
45 minimized and repaired, to the extent feasible.

46
47 m. Airports, airstrips, landing fields and heliports, which are related to agricultural activities.
48 (Wis. Stats. Chp 91.46(4))

49
50 n. Governmental and cultural uses, such as fire, and police stations, community centers,
51 libraries, public emergency shelters, parks, playgrounds, museums, and park and ride

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

11 o. Utilities, provided all principal structures and uses associated with the utility are not less
12 than 50 feet from all district lot lines except business, park and industrial if the committee
13 determines that all of the following apply: The use and its location in the farmland
14 preservation zoning district are consistent with the purposes of the farmland preservation
15 zoning district; The use and its location in the farmland preservation zoning district are
16 reasonable and appropriate, considering alternative locations, or are specifically approved
17 under state or federal law; The use is reasonably designed to minimize the conversion of
18 land, at and around the site of the use, from agricultural use or open space use; The use
19 does not substantially impair or limit the current or future agricultural use of surrounding
20 parcels of land that are zoned for or legally restricted to agricultural use; Construction
21 damage to land remaining in agricultural use is minimized and repaired, to the extent
22 feasible.

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

33
34 q. Yard waste Composting.

35
36 r. Home occupations that will not impair or limit future or current agricultural use of the farm
37 in conformance with Wis. Stats Chpt 91.01(1)(d)..

38
39 s. Farm family business in the A-1, Prime Agricultural Land District is a use which is
40 accessory to an agricultural use consisting of uses listed in the A-4 district except the
41 production, packing, packaging, and light assembly of products from glass, metals,
42 plaster, and plastics. A farm family business may be permitted as a conditional use for farm
43 owners if limited to existing farm residence or farm structures not dedicated to agricultural
44 uses. No more than two persons who are not members of the resident farm family may be
45 employed in the farm family business and that does not impair or limit the current or future
46 agricultural use of the farm or of other protected farmland.

47
48 t. Hunting and fishing club land without structures.

49
50 u. Slurry storage for industrial waste water of agricultural by products.

- v. Placement of any structures on remnant parcels where the separation of farm structures has been approved and separated. All structures and improvements must be *an integral part of or incidental* to an agricultural use. (Wis. Stats Chpt 91)

(4) Area, height and yard requirements.

<u>Lot (farm size)</u>	<u>Area</u>	<u>Minimum 35 acres</u>
	<u>Width</u>	<u>Minimum 300 feet</u>
<u>Building</u>		
<u>Farm dwelling</u>	<u>Height</u>	<u>Maximum 45 feet</u>
<u>Agricultural structures</u>	<u>Height</u>	<u>Maximum two times their distance from the nearest lot lines (See division 9)</u>
<u>Yards</u>		
<u>Farm dwelling and agricultural structures</u>	<u>Rear</u>	<u>Minimum 100 feet</u>
	<u>Side</u>	<u>Minimum 20 feet except structures used for the housing of animals must be located at least 100 feet from side and rear lot lines and comply with 74-44</u>
	<u>Street:</u>	
	<u>Subdivision road</u>	<u>Minimum 25 feet</u>
	<u>Town road</u>	<u>Minimum 50 feet</u>
	<u>County road</u>	<u>Minimum 65 feet</u>
	<u>State and federal highway (not including freeways)</u>	<u>Minimum 85 feet</u>

A-2 Agricultural land district. The primary purpose of this district is to maintain, preserve, and enhance agricultural lands historically utilized for crop production but which are not included within the A-1 prime agricultural land district and which are generally best suited for smaller farm units, including truck farming, horse farming, hobby farming, orchards, and other similar agricultural-related farming activity.

(1) *Principal uses.*

- a. All principal uses permitted in the A-1 prime agricultural land district.
- b. Single-family detached dwellings.
- c. Minor home occupation/professional home office.

(2) *Conditional uses.* (See division 4.)

- a. Housing for farm laborers.
- b. Housing for seasonal or migratory farm workers.
- c. Commercial feed lots or Livestock Facility
- d. Animal hospitals, shelters and kennels.

...

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

(3) *Conventional design.*

...

A-3 Agricultural Land holding district. The primary purpose of this district is to preserve for a limited time period in agricultural and related open-space land uses those lands generally located adjacent to existing incorporated urban centers within Walworth County where urban expansion is planned to take place on the adopted regional land use plan and adopted municipal land use plans that refine and detail the regional land use plan. It is the intent that urban development be deferred in such areas until the appropriate legislative bodies concerned determine that it is economically and financially feasible to provide public services and facilities for uses other than those permitted in the district. It is intended that the status of all areas in this district be reviewed by the appropriate planning bodies no less frequently than every five years in order to determine whether, in light of current land development trends, there should be a transfer of all or any part of such ...

...

A-5 Agricultural-Rural residential district. The primary purpose of this district is to permit the utilization of relatively small quantities of land in predominantly agricultural areas for rural residential use. As a matter of policy, it is intended that this district be applied solely to those rural lands that have marginal utility for agricultural use for reasons related to soils, topography, or severance from larger agricultural parcels. It is not intended that this district be utilized to accommodate residential subdivisions as defined in the Walworth County Subdivision Control Ordinance.

(1) *Principal uses.*

- a. Single-family dwellings.
- b. Orchards.
- c. Vegetable raising.
- d. Plant nurseries.

...

PART XII: That section 74-188 of the Walworth County Code of Ordinances is hereby amended to read as follows (additions are underlined; deletions are shown in strike-through text):

“Sec. 74-188. Agricultural and related uses.

Except where specifically permitted as a principal use in division 3, the following agricultural and related uses shall be conditional uses and may be permitted as specified. All conditional uses in

1 the A-1 district (farmland preservation district) are limited to those where the use and its location are
2 consistent with the

3
4 ...

5
6 (1) *Single-family dwellings* exceeding one per farm parcel in A-2, and A-3
7 districts provided, however, that such dwellings may only be permitted when
8 consistent with an agricultural use and that are occupied by an owner of the
9 parcel, or a person who, or a family of which at least one adult member earns
10 the majority of his or her gross income from conducting the farm operations
11 on the parcel, or a parent or child of an owner who conducts the majority of
12 the farm operations on the parcel, or a parent or child of an owner who resides
13 on the parcel and who previously conducted the majority of the farm
14 operations on the parcel and laborers principally engaged in a principal or
15 approved conditional use and only when the need for such additional units to
16 support and carry on the principal or approved conditional use has been
17 established. If conditional use approval is granted for one or more additional
18 dwellings, such dwellings may be separated from the farm lot provided
19 however, that any parcel so created conforms with all regulations set forth in
20 sections 74-39 and 74-40 of this ordinance, except that no such parcel shall be
21 less than 40,000 square feet in area nor greater than the larger of either five
22 acres in area or the acreage necessary to maintain the minimum required.

23
24 (2) ~~Nonfarm dwelling~~ Farm residence exceeding one per farm parcel in the A-1
25 district is subject to the following requirements:

26
27 a. The location and size of the proposed ~~nonfarm dwelling parcel~~
28 additional farm residence will not do any of the following:

- 29 i. Convert prime farmland from agricultural use or convert land previously
30 used as crop land, other than a woodlot, from agricultural use if on the farm
31 there is a reasonable alternative location or size for a nonfarm residential
32 parcel or a nonfarm residence.
- 33 ii. Significantly impair or limit the current or future agricultural use of other
34 protected farmland.
- 35 iii. The approval for more than one farm ~~dwelling residence~~ is limited to one per
36 35 acres of A-1 zoned land, for the owner or operator of the farm, a parent or
37 child of an owner or operator of the farm, an individual who earns more than
38 50 percent of his or her gross income from the farm. The remnant acreage
39 shall be deed restricted; it shall not leave the balance of the land in a
40 substandard condition; and the property owner will be required to record
41 deed restrictions on both the residence parcel and on a parcel which meets the
42 minimum required by the applicable zoning district, which directly adjoins or
43 abuts the majority of the farm residence separation parcel, and which meets
44 the intent of these provisions. A plat of survey for said parcel shall be
45 prepared by a registered land surveyor licensed in the State of Wisconsin.
46 Said deed restriction shall state that no structures may be placed on the
47 remnant acreage without first obtaining a conditional use permit from the
48 committee and that no land may be deeded to the separation parcel which
49 increases its size above that outlined above without first obtaining proper
50 approval which may include a rezone.

51 ...

52

1 (14) *Commercial egg production* in the A-1, A-2, ~~and~~ A-3 and A-4 districts. *Egg*
2 *production, commercial is defined as an animal confinement* a livestock facility used or
3 designed for the raising of poultry for egg production having a capacity of ~~200~~ 500 or more
4 animal units provided that permits are issued in accordance with the provisions of Wisc.
5 Statutes 93.90 and ATCP 51 of Wisconsin Administrative Code.

6
7 ...

8
9 (18) Placement of any structures in the A-1 prime agricultural land district, A-2 agricultural land
10 district and A-3 agricultural holding district on remnant parcels where the separation of
11 farm structures has been approved and separated.

12
13 (19) Farm family business in the A-1, Prime Agricultural Land District and the A-2,
14 Agricultural Land District is a use which is accessory to an agricultural use consisting of
15 uses listed in the A-4 district except the production, packing, ...

16
17 (20) (18) Signage ...

18
19 *(note to Codifier: correct remaining numbers)*

20 ...

21
22 **PART XIII: That section 74-193 of the Walworth County Code of Ordinances is hereby**
23 **amended to read as follows (additions are underlined; deletions are shown in strike-through**
24 **text):**

25
26 **“Sec. 74-193. Public and semi-public uses.**

27
28 Except where specifically permitted as a principal use in division 3 the following public and
29 semi-public uses shall be conditional uses and may be permitted as specified. In approving or
30 disapproving the location of a conditional use, the committee shall view the proposed site or sites
31 and shall consider such evidence as may be presented at the public hearing bearing upon the general
32 purpose and intent of this ordinance set forth in sections 74-28 and 74-29 and upon the particular
33 land use problems related to development of the site or sites as proposed.

34
35 (1) Airports, airstrips, and landing fields, excluding heliports, in the A-2, A-3, A-4, A-5 districts
36 and the P-2 and B-5 districts, provided that the site area is not less than 20 acres.

37
38 (2) Heliports in the A-2, A-3, A-4, A-5 districts, and the P2, B-2 and B-5 districts, provided
39 that the principal structures and uses are not less than 100 feet from any residential district
40 boundary.

41
42 (3) Governmental and cultural uses such as fire and police stations, community centers,
43 libraries, public emergency shelters, parks, playgrounds, and museums in all districts
44 (except A-1). In the A-1 district see 74-61.

45
46 (4) Utilities in all districts (except A-1) provided all principal structures and uses associated
47 with the utility are not less than 50 feet from all district lot lines except business, park, and
48 industrial, which will require a ten-foot setback. Utilities required to obtain a certificate of
49 convenience and public necessity from the Wisconsin Public Service Commission or those
50 utilities required to obtain a Federal Energy Regulatory Commission certificate shall be
51 exempt from obtaining a conditional use permit. In the A-1 district see 74-61

52

- 1 (5) Public passenger transportation terminals such as bus, taxi and rail depots, except airports,
2 airstrips, and landing fields, are allowed in the B-2, B-3, and B-4 district, provided that all
3 principal structures and uses are not less than 100 feet from any residential district
4 boundary.
- 5 (6) Public, parochial, and private elementary and secondary schools in all residential, business,
6 agricultural (except A-1) and park districts, provided the lot area is not less than two acres
7 and all principal structures and uses are not less than 50 feet from any lot line. In the A-1
8 district see 74-61
- 9 (7) Churches in all residential, business, *agricultural* (except A-1) and P-1 districts, provided
10 the lot area is not less than two acres and all principal structures and uses are not less than
11 50 feet from any lot line. In the A-1 district see 74-61
- 12
- 13 (8) Sanitariums; religious, charitable, penal and correctional institutions, cemeteries, and
14 crematories in the P-2 and B-2 districts provided all principal structures and uses are not
15 less than 50 feet from any lot line.

16 ...

17

18 **PART XIV: That section 74-261 of the Walworth County Code of Ordinances is hereby**
19 **amended to read as follows (additions are underlined; deletions are shown in strike-through**
20 **text):**

21

22 **“Sec. 74-261. Text and Map Amendments to the A-1 district.**

23

24 The county may approve petitions for rezoning areas zoned for exclusive agricultural use only after
25 a public hearing and findings are made based upon consideration of the following:

- 26
- 27
- 28 1. The proposed rezone should be consistent with the Walworth County and Town
29 comprehensive plans and the Walworth County agricultural preservation plan. Rezoning
30 shall be considered to be consistent with these plans if the following standards are met:
- 31
- 32 a. ~~Less than 50 percent of the parcel should be covered by soils in agricultural capability~~
33 ~~Classes I, II and III. Areas that are mapped as Class I, II or III soils but which are~~
34 ~~demonstrated to be unsuitable for agriculture due to erosion or other factors, should~~
35 ~~not be “counted” as Class I, II or III farmland. Such determinations should be made~~
36 ~~by a qualified soil mapping technician.~~
- 37
- 38 b. ~~The proposed land use should be compatible with remaining prime agricultural land~~
39 ~~in the vicinity.~~

40 ...

41

42 **PART XV: That section 74-263 of the Walworth County Code of Ordinances is hereby**
43 **amended to read as follows (additions are underlined; deletions are shown in strike-through**
44 **text):**

45

46 **“Sec. 74-263. Definitions.**

47

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

51 ...

1 ~~Egg production, commercial~~ means ~~an animal confinement~~ a livestock facility used or designed for
2 the raising of poultry for egg production having a capacity of ~~200~~ 500 or more animal units.

3
4 ...

5
6 ~~Farm residence~~ means ~~any of the following structures that is located on a farm parcel with a~~
7 ~~minimum of 35 acres of A-1:~~ A single family dwelling ~~or two-family dwelling~~ that is the only
8 residential structure on the farm ~~and~~ or is occupied by any of the following:

- 9 - An owner or operator of the farm
- 10 - A parent ~~of~~ or child of an owner or operator of the farm
- 11 - An individual who earns more than 50 percent of his or her gross income from the farm.

12 ...

13
14 Livestock: For the purpose of Livestock siting, Domestic animals traditionally used in this state in
15 the production of food, fiber or other animal products. Livestock includes animals such as cattle,
16 swine, poultry, sheep and goats. Livestock does not include animals such as equine animals, bison,
17 farm-raised deer, fish, captive game birds, ratites, camelids or mink. (ATCP 51)

18
19 Livestock: For the purpose of Wis. Stats. Chapter 91, Livestock means bovine animals, equine
20 animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites,
21 and farm-raised fish. (Wis. Stats. Chapter 91)

22
23 Livestock facility: A feedlot, dairy farm or other operation where livestock of 500 or more animal
24 units are or will be fed, confined, maintained or stabled for a total of 45 days or more in any 12-
25 month period. All applicable definitions of ATCP 51 that are not defined in the zoning ordinance,
26 are adopted by reference. A "livestock facility" includes all of the tax parcels on which the facility is
27 located, but does not include an entire tax parcel used only for pasture. Two or more livestock
28 facilities constitute a single livestock facility, for purposes of this chapter, if the same person owns
29 or manages all of the facilities and any of the following apply:

- 30
31 (1) The facilities are adjacent. Adjacent means livestock facilities that are located on adjacent
32 tax parcels, or on tax parcels that are separated only by a river, stream, or transportation or
33 utility right-of-way.
- 34
35 (2) Common livestock structures are used to collect or store manure or other waste from the
36 facilities.
- 37
38 (3) Manure or other waste from the facilities is applied to the same tax parcel of land, or under
39 the same nutrient management plan.

40 ...

41
42 ~~Nonfarm residence:~~ A residence ~~other than a farm residence that is located on a farm parcel with a~~
43 ~~minimum of 35 acres of A-1~~

- 44 ~~more than one dwelling on a farm~~
- 45 ~~A mobile home for a farm laborer.~~
- 46 ~~A migrant labor camp that is certified under s 103.92~~

47 ...

48
49 **PART XVI:** That this ordinance shall become effective, upon passage and publication.

50
51 **PASSED and ADOPTED** by the Walworth County Board of Supervisors this 14th day of July,
52 2015.

1
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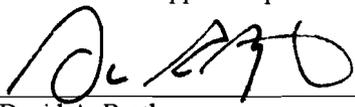
Nancy Russell
County Board Chair

Kimberly S. Bushey
Attest: County Clerk

County Board Meeting Date: July 14, 2015

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

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

	
_____ David A. Bretl County Administrator/Corporation Counsel	_____ Nicole Andersen Deputy County Administrator - Finance
<u>6/24/15</u> Date	<u>6/25/15</u> Date

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

Ordinance No. 938 – 07/15
Fiscal Note and Policy Impact Statement

I. Title: Amending Sections 74-44, 74-49, 74-51, 74-61, 74-66, 74-71, 74-129, 74-131, 74-171, 74-176, 74-178, 74-188, 74-193, 74-261, and 74-263 of the Walworth County Code of Ordinances Relating to Farmland Preservation

II. Purpose and Policy Impact Statement: A Zoning Ordinance and Shoreland Zoning Ordinance amendment was just approved by the County Board on September 4, 2014 implementing several farmland preservation requirements. After the adoption of the September, 2014 amendment, DATCP (Department of Agricultural, Trade and Consumer Protection) had requested additional changes. This proposed amendment is a second phase of recommendations by DATCP to comply with the Farmland Preservation law.

The development of the proposed zoning ordinance amendments started with the development of the County Comprehensive Land Use Plan which was adopted November 10, 2009. That planning effort continued with the preparation of the Farmland Preservation Plan and certification by the state on July 31, 2012. The Zoning Ordinance amendments were prepared by Walworth County Land Use and Resource Management Staff using the direction provided by the Comprehensive Land Use Plan, the recently certified Farmland Preservation Plan, state statutes and DATCP Program Rules.

There are only a few changes between the original ordinance and the one being requested for certification. The reason for this is that throughout the preparation of the County Farmland Preservation Plan and County Comprehensive Plan the current goals, objectives and implementation tools contained in the county zoning ordinance were reaffirmed and supported. In other words the vast majority of the public and elected officials liked the existing approach to farmland preservation in Walworth County. The proposed zoning ordinance amendments are consistent with that community developed directive gathered from numerous public meetings and a community planning survey. The following is a summary of some of the key elements of this zoning ordinance amendment:

- Ordinance text maintains the 35 acre minimum parcel size requirement for creating new parcels in the A-1 Zoning District
- Ordinance text continues to identify the A-1 zoning district as the counties Farmland Preservation Zoning District.
- Ordinance text includes the addition of a temporary A-1 district (A-1NC) to address DATCP's prohibition of rezoning lands into the A-1 district that are not shown as Farmland Preservation Areas in the Farmland Preservation Plan. The Farmland Preservation Plan can only be amended every 3-5 years. Therefore, lands normally rezoned into the A-1 district that are not shown as Farmland Preservation Area will be classified as A-1NC (not to receive farmland preservation credit) until such time as the Farmland Preservation Plan is amended and then those lands will transfer into the A-1 zoning district (eligible for farmland preservation credit).

The proposed Zoning Ordinance amendments are consistent with the recently certified Walworth County Farmland Preservation Plan and the Walworth County Comprehensive Land Use Plan.

III. Is this a budgeted item and what is its fiscal impact: Passage of this Ordinance will have no fiscal impact on the County Budget.

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

Committee: County Zoning Agency

Date: June 18, 2015

Vote: 7 - 0

County Board Meeting Date: July 14, 2015

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

	
_____ David A. Bretl	_____ Nicole Andersen
Date 6/24/15	Date 6/25/15
County Administrator/Corporation Counsel	Deputy County Administrator - Finance

ORDINANCE NO. 939 – 07/15

AMENDING CHAPTER 58 OF THE
WALWORTH COUNTY CODE OF ORDINANCES RELATING TO
SUBDIVISIONS

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS
FOLLOWS:

1 **PART I: That section 58-1 of the Walworth County Code of Ordinances is hereby amended to**
2 **read as follows (additions are underlined; deletions are shown in strike-through text):**

3
4 **“Sec. 58-1, 1.1 Definitions.**

5 ...

6 Ordinary high water mark. The point on the bank or shore up to which the presence and action of
7 surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or
8 prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized
9 characteristics. An ordinary high water mark shown on a plat, map or survey may be determined by
10 the Department of Natural Resources/pursuant to law or may be shown as “approximate” on the plat,
11 map or survey. If the ordinary high water mark is approximated – the location shall be a point on the
12 bank to which the presence and action of the water is so continuous as to leave a distinct mark. Such
13 approximate ordinary high water marks must be labeled “for reference only.” The county zoning
14 department may require a Department of Natural Resources ordinary high water mark determination
15 when needed to assure that minimum lot size is met.

16
17 ...

18
19 **PART II: That section 58-2 of the Walworth County Code of Ordinances is hereby amended**
20 **to read as follows (additions are underlined; deletions are shown in strike-through text):**

21
22 **“Sec. 58-2, 2.3. Purpose and policies.**

23
24 The purpose of this chapter is to regulate and control the division of land within the unincorporated
25 areas of the county in order to promote the public health, safety, prosperity, aesthetics and general
26 welfare of the county, and to protect the natural and agricultural resources, as identified and mapped
27 in the county comprehensive land use plan, the county farmland preservation plan, the regional
28 natural areas and critical species habitat protection and management plan for Southeastern
29 Wisconsin, the county park and open space plan, and/or on the county zoning map.

30 ...

31
32 **PART III: That section 58-3 of the Walworth County Code of Ordinances is hereby amended**
33 **to read as follows (additions are underlined; deletions are shown in strike-through text):**

34
35 **“Sec. 58-3, 3.1. Jurisdiction.**

36
37 Jurisdiction of these regulations shall include all unincorporated lands and waters within the
38 county. The provisions of this chapter as it applies to divisions of tracts of land into less than five
39 parcels shall not apply to:

40 (1) Transfers of interest in land by will or pursuant to court order.

1 (2) Leases for a term not to exceed ten years, mortgages or easements.

2 (3) Sale or exchange of parcels or portions thereof of land between owners of adjoining
3 property if additional lots are not thereby created and the lots resulting are not reduced below the
4 minimum sizes required by these regulations, the county zoning ordinances, or other applicable laws
5 or ordinances. Approval by the administrator or agents thereof is required after the proper review
6 procedure as outlined in the county zoning ordinances under section 74-39/74-164 as follows:

7 All land divisions which encompass divisions resulting in parcels of land over 15 acres but
8 less than 35 acres which are not otherwise controlled by the county subdivision control ordinance
9 shall be subject to a review process under this chapter. Application for such review shall include an
10 approval form and a plat of survey of the property in question prepared by a ~~registered~~ professional
11 land surveyor licensed in the state.

12 (4) Cemetery ~~subdivision~~ plats as defined in Wis. Stats. ch. 157 are exempted from the
13 provisions of this chapter.

14
15
16 **PART IV: That section 58-3 of the Walworth County Code of Ordinances is hereby amended**
17 **to read as follows (additions are underlined; deletions are shown in strike-through text):**

18
19 **“Sec. 58-3, 3.2. Compliance.**

20
21 No person, firm or corporation shall divide any land located within the jurisdictional limits of
22 these regulations which results in a subdivision, minor subdivision, condominium, or a replat as
23 defined herein, and no such subdivision, minor subdivision, condominium or replat shall be entitled
24 to record and no street shall be laid out or improvements made to land without being consistent with
25 the comprehensive land use plan and in compliance with all requirements of this chapter and the
26 following:

27 ...

28 (2) Land proposed to be subdivided that is not served by a public sewer and provisions for such
29 service have not been made require the following:

30 ...

31 d. All lots that do not require a minimum of three soil borings to delineate the private
32 sewage system area and all lots that do not have the soil test evaluation completed
33 and filed with the county shall have the following statement placed on the face of the
34 certified survey map or plat: "A complete soil and site evaluation may not have been
35 conducted on each lot or parcel. No structure shall be erected on any lot(s) or
36 parcel(s) unless the requirements of ~~COMM 83 and COMM 85~~ SPS 383, Wisconsin
37 Administrative Code, and the Walworth County Ordinances have been met. Holding
38 tank use is prohibited for new construction on any lot(s) or parcel(s)."

39 ...

40
41 **PART V: That section 58-3 of the Walworth County Code of Ordinances is hereby amended**
42 **to read as follows (additions are underlined; deletions are shown in strike-through text):**

43
44 **“Sec. 58-3, 3.3. Dedication and reservation of lands.**

45
46 Whenever a tract of land to be subdivided embraces all or any part of a street, highway, drainage
47 way, other public way, or public access to navigable lakes or streams which has been designated in

1 the adopted regional and county comprehensive plans or adopted plan components or on the
2 highway width map of the county, said public way shall be made a part of the plat and dedicated or
3 reserved by the subdivider in the locations and dimensions indicated on said plan or map as set forth
4 in section 58-11 of this chapter. All land that is dedicated to the public on a plat must be clearly
5 marked "Dedicated to the Public."

6 ...

7
8 **PART VI: That section 58-3 of the Walworth County Code of Ordinances is hereby amended**
9 **to read as follows (additions are underlined; deletions are shown in strike-through text):**

10
11 **"Sec. 58-3, 3.4. Improvements.**

12
13 (a) Before approval of any final plat located within the unincorporated areas of the county, the
14 subdivider may install street, utility and other public improvements as are hereinafter required
15 pursuant to sections 58-12.1, 58-12.2, 58-12.3, 58-12.4, 58-12.5, 58-12.6, 58-12.7, 58-12.8, 58-
16 12.9, 58-12.11, 58-12.12, 58-12.13, 58-12.14 of this chapter. If such improvements are not
17 installed as required at the time that the final plat is submitted for approval, the subdivider shall
18 before recording of the final plat establish a security for public improvements. The developer
19 decides if the security will be a performance bond or letter of credit. The amount of the security
20 shall not be more than 120 percent of the estimated total cost of the improvements. The security
21 may not be required for more than 14 months after the improvements are "substantially
22 completed". Thereafter, any withheld security may not be more than the cost to finish the
23 uncompleted improvements plus 10 percent of the total cost of the already completed
24 improvements. enter into a contract a bond meeting the approval of the attorney for the
25 contracting municipality or a certified check in an amount equal to the estimated cost of the
26 improvements, will be completed by the subdivider or his subcontractors not later than one year
27 from the date of recording of the plat and as a further guarantee that all obligations to
28 subcontractors for work on the development are satisfied.

29 ...

30 (d) Survey monuments. Before final approval of any plat the subdivider shall install survey
31 monuments placed in accordance with the requirements of Wis. Stats. § 236.46 15.

32 ...

33
34 **PART VII: That section 58-3 of the Walworth County Code of Ordinances is hereby amended**
35 **to read as follows (additions are underlined; deletions are shown in strike-through text):**

36
37 **"Sec. 58-3, 3.6. Land suitability.**

38
39 All provisions of ~~eh. Comm. 85~~ SPS 383 of the Wisconsin Administrative Code entitled
40 "Subdivisions Not Served By Public Sewers", are adopted by reference and are made a part hereof,
41 except all lots shall be a minimum of 150 feet in width at the building line and provide a minimum
42 lot area of 40,000 square feet, unless different dimensional standards are allowed in a conservation
43 development.

44 ...

45
46 **PART VIII: That section 58-4 of the Walworth County Code of Ordinances is hereby**
47 **amended to read as follows (additions are underlined; deletions are shown in strike-through**
48 **text):**

49
50 **"Sec. 58-4, 4.2. Preliminary plat review.**

1
2 (a) Before submitting a final plat for approval, the subdivider shall have a surveyor prepare a
3 preliminary plat and a letter of application. The county shall reject all plat and plat applications
4 submitted without the approvals and plat data listed in section 3.2 of this ordinance. The
5 preliminary plat shall be prepared in accordance with this chapter, and the subdivider shall file a
6 minimum of 20 an adequate number of copies of the plat and the plat review application with
7 the county clerk at least ~~25~~ 28 days, or by the submittal deadline date as published in the annual
8 County Zoning Agency meeting schedule, prior to the meeting of the county zoning agency at
9 which action is desired. Additionally the subdivider or subdivider's agent (surveyor) shall
10 submit an electronic copy of the preliminary plat, or a copy of the preliminary plat that is
11 capable of clearly legible reproduction, to the state of wisconsin department of administration,
12 which shall examine the plat for compliance with ss.236.15, 236.16, 236.20, and 236.21 (1) and
13 (2).

14 (b) The county clerk shall, within two days after filing, transmit ~~four~~ all copies to the ~~county zoning~~
15 ~~agency~~ County Land Use and Resource Management Department zoning agency; ~~two copies to~~
16 ~~the director of the planning function in the state department of administration~~; ~~additional copies~~
17 ~~to the director of the planning function~~ for retransmission of ~~two~~ copies of the plat each to the
18 State Department of a Administration, the s-State d-Department of t-Transportation if the
19 subdivision abuts or adjoins a state trunk highway or a connecting street; ~~the state department of~~
20 ~~commerce if the subdivision is not served by a public sewer and provision for such service has~~
21 ~~not been made~~; and the ~~s-State d-Department of n-Natural r-Resources~~ if shoreland jurisdiction is
22 contained within the proposed subdivision; two copies to the applicable town clerk; two copies
23 to the clerk of each adjoining city or village if the subdivision lies within the extraterritorial plat
24 approval jurisdiction of the city or village; two copies to the Southeastern Wisconsin Regional
25 Planning Commission (SEWRPC); and two copies to each affected public or private utility.

26 (c) The county zoning agency, the town wherein the plat is located and each adjoining city or
27 village in whose extraterritorial plat approval jurisdiction the subdivision lies are designated
28 approving agencies. The state department of administration, the state department of
29 transportation, the state department of ~~commerce~~ safety and professional services and the state
30 department of natural resources shall be hereinafter referred to as objecting agencies. The
31 Southeastern Wisconsin Regional Planning Commission is an advisory planning agency created
32 pursuant to Wis. Stats. § 66.0309 in part for the purpose of serving the county and its
33 commissions, town boards or commissions, and state agencies having jurisdiction under the
34 provisions of this chapter.

35 (d) The ~~county zoning agency~~ County Land Use and Resource Management Department shall
36 transmit a copy of the preliminary plat to all affected county commissions or departments for
37 their review and recommendations, and the recommendations of affected local utilities shall be
38 transmitted to the ~~county zoning agency~~ County Land Use and Resource Management
39 Department within 20 days from the date the plat is filed. The preliminary plat shall then be
40 reviewed by the County Land Use and Resource Management Department and the e-County z
41 Zoning a-Agency for conformance with this chapter and all other ordinances, rules, regulations,
42 adopted regional or county comprehensive plans or adopted plan components which affect it.

43 ...

44
45 **PART IX: That section 58-4 of the Walworth County Code of Ordinances is hereby amended**
46 **to read as follows (additions are underlined; deletions are shown in strike-through text):**

47
48 **“Sec. 48-4, 4.2. Preliminary plat approval.**
49

- 1 (a) The objecting and review agencies shall, within 20 days of the date of receiving their copies of
2 the preliminary plat, notify the County Land Use and Resource Management Department of any
3 objections, corrections or recommendations pertaining to the plat. ~~subdivider, surveyor, and all~~
4 ~~other approving and objecting agencies of any objections.~~ If there are no objections, they shall
5 ~~so certify on the face of the copy of the plat and shall return that copy to the county zoning~~
6 ~~agency.~~ If an objecting or review agency fails to act within 20 days, it shall be deemed to have
7 no objection to the plat. The SEWRPC shall, within 20 days of the date of receiving their copies
8 of the preliminary plat, notify the ~~subdivider, surveyor, and all other approving and objecting~~
9 agencies County Land Use and Resource Management Department of their findings and
10 recommendations with respect to conformance of the proposed subdivision with adopted
11 regional comprehensive plans or plan components and any other advisory recommendations as
12 may be deemed appropriate.
- 13 (b) The County Zoning Agency, within 90 days of the date of filing of a preliminary plat with the
14 county clerk, shall approve, approve conditionally, or reject such plat, unless the time is
15 extended by agreement with the subdivider or surveyor. One copy of the plat shall thereupon be
16 returned to the surveyor with the date and action endorsed thereon; and if approved
17 conditionally or rejected, a letter setting forth the conditions of approval or the reasons for
18 rejection shall accompany the plat. One copy each of the plat and letter shall be placed in the
19 county zoning agency permanent file.
- 20 (c) Failure of the County Zoning Agency to act within 90 days of the date of filing or within the
21 time as extended by agreement with the subdivider or surveyor, shall constitute an approval.
- 22 (d) Approval or conditional approval of a preliminary plat shall not constitute automatic approval of
23 the final plat, except that if the final plat is submitted within 36 months after the last required
24 approval of the preliminary plat approval and conforms substantially to the preliminary plat
25 layout as indicated in Wis. Stats. § 236.11(1)(b), the final plat shall be entitled to approval with
26 respect to such layout. The preliminary plat shall be deemed an expression of approval or
27 conditional approval of the layout submitted as a guide to the preparation of the final plat which
28 will be subject to further consideration by the county zoning agency at the time of its
29 submission.

30
31 **PART X: That section 58-4 of the Walworth County Code of Ordinances is hereby amended**
32 **to read as follows (additions are underlined; deletions are shown in strike-through text):**
33

34 **“Sec. 58-4, 4.4. Final plat review.**
35

- 36 (a) The subdivider shall have a surveyor prepare a final plat and a plat review application in
37 accordance with this chapter and shall file ~~an adequate number of 20~~ copies of the plat and the
38 plat review application with the county clerk at least 25 28 days, or by the submittal deadline
39 date as published in the annual County Zoning Agency meeting schedule, prior to the meeting
40 of the County Zoning Agency at which action is desired.
- 41 (b) The County Clerk shall, within two days after filing, transmit ~~four~~ all copies to the ~~county~~
42 ~~zoning agency~~ County Land Use and Resource Management Department ~~zoning agency;~~ two
43 ~~copies to the director of the planning function in the state department of administration;~~
44 ~~additional copies to the director of the planning function~~ for retransmission of ~~two~~ copies of the
45 plat each to the State Department of Administration, the State Department of Transportation if
46 the subdivision abuts or adjoins a state trunk highway or a connecting street; ~~the state~~
47 ~~department of commerce if the subdivision is not served by a public sewer and provision for~~
48 ~~such service has not been made;~~ and the State Department of Natural Resources if shoreland
49 jurisdiction is contained within the proposed subdivision; two copies to the applicable town
50 clerk; two copies to the clerk of each adjoining city or village if the subdivision lies within the

1 extraterritorial plat approval jurisdiction of the city or village; two copies to the Southeastern
2 Wisconsin Regional Planning Commission (SEWRPC); and two copies to each affected public
3 or private utility. Additionally the subdivider or subdivider's agent (surveyor) shall submit an
4 electronic copy of the preliminary plat, or a copy of the preliminary plat that is capable of
5 clearly legible reproduction, to the State of Wisconsin Department of Administration, which
6 shall examine the plat for compliance with ss.236.15, 236.16, 236.20, and 236.21 (1) and (2).

7 (c) The County Zoning Agency, the town wherein the plat is located and each adjoining city or
8 village in whose extraterritorial plat approval jurisdiction the subdivision lies are designated
9 approving agencies. The State Department of Administration, the State Department of
10 Transportation, the State Department of Safety and Professional Services and Department of
11 Natural Resources shall be hereinafter referred to as an objecting agency. The Southeastern
12 Wisconsin Regional Planning Commission is an advisory planning agency created pursuant to
13 Wis. Stats. § 66.0309 in part for the purpose of serving the county and its commissions, town
14 boards or commissions, and state agencies having jurisdiction under the provisions of this
15 chapter.

16 (d) Partial platting. The final plat may constitute only that portion of the approved preliminary plat
17 which the subdivider proposed to record at that time. Approval of a final plat for only a portion
18 of the preliminary plat shall extend approval for the remaining portion of the preliminary plat
19 for one year from the date of such final plat approval.

20
21 **PART XI: That section 58-4 of the Walworth County Code of Ordinances is hereby amended**
22 **to read as follows (additions are underlined; deletions are shown in strike-through text):**

23
24 **“Sec. 58-4, 4.5. Final plat approval.**

25
26 (a) The objecting and review agencies shall, within 20 days of the date of receiving their copies of
27 the final plat, notify the County Land Use and Resource Management Department of any
28 objections, corrections or recommendations pertaining to the plat. ~~subdivider and all other~~
29 ~~approving and objecting agencies of any objections. If there are no objections, they shall so~~
30 ~~certify on the face of the copy of the plat and shall return that copy to the county zoning agency.~~
31 If an objecting or review agency fails to act within 20 days, it shall be deemed to have no
32 objection to the plat.

33 (b) Submission. If the final plat is not submitted within 36 months of the last required approval of
34 the preliminary plat, the county zoning agency may refuse to approve the final plat.

35 (c) The County Zoning Agency shall, within 60 days of the date of filing the original final plat with
36 the County Clerk, approve or reject such plat unless the time is extended by agreement with the
37 subdivider or surveyor. If the plat is rejected, the reasons shall be stated in the minutes of the
38 meeting and a written statement of the reasons forwarded to the subdivider and surveyor.

39 (d) Failure of the County Zoning Agency to act within 60 days, the time having not been extended
40 and no unsatisfied objections having been filed, the plat shall be deemed approved.

41 (e) Process for determining if a final plat conforms substantially to the preliminary plat. A
42 professional engineer, planner or other person designated to review plats for the County Zoning
43 Agency shall determine if a final plat "substantially conforms" to the preliminary plat. This
44 determination shall be given to the County Zoning Agency along with a recommendation for
45 approval/denial of the final plat. The conclusion and recommendation are not required to be in
46 writing but must be made part of the public record at the proceeding which the final plat is
47 being considered.

- 1 (f) Copies. The subdivider shall file a true copy of the final plat as a public record with the clerk of
2 the municipality or town in which the subdivision is located.
- 3 (g) The final plat shall only be recorded with the County Register of Deeds after the certificates of
4 the County Zoning Agency, town board and the surveyor are placed on the face of the final plat.
5 No approving authority may inscribe its final approval on a plat before the affixing of the
6 certificate of no objection by the State of Wisconsin Department of Administration under s.
7 236.12 (3). The final plat shall be recorded at the County Register of Deeds Office within 12
8 months after the date of the last approval and within 36 months after the date of the first
9 approval. County Zoning Agency approval for any plat not recorded within these time limits
10 shall be automatically withdrawn.

11
12 **PART XII: That section 58-4 of the Walworth County Code of Ordinances is hereby amended**
13 **to read as follows (additions are underlined; deletions are shown in strike-through text):**

14
15 **“Sec. 58-4, 4.6. Plats within the extraterritorial plat approval jurisdiction.**

- 16
17 (a) When the land to be subdivided lies within 1½ miles of the corporate limits of a village or city,
18 the subdivider or surveyor shall proceed as specified in sections 58-4.1 through 58-4.5 except:
- 19 ~~(b) Transmittal responsibility lies with the village or city clerk, town clerk or county clerk to~~
20 ~~whomever the plat is first submitted; and the subdivider shall indicate which one in his plat~~
21 ~~review application.~~
- 22 ~~(e)~~(b) Approval agencies include the village plan commission or village board or city plan
23 commission or common council, town board and the county zoning agency and the subdivider
24 shall comply with the land division ordinances of these agencies.
- 25 ~~(d)~~(c) All improvement requirements, specified by the county or town or both, in matters over
26 which they have jurisdiction, shall be met before signing of the final plat.

27
28 **PART XIII: That section 58-4 of the Walworth County Code of Ordinances is hereby**
29 **amended to read as follows (additions are underlined; deletions are shown in strike-through**
30 **text):**

31
32 **“Sec. 58-4, 4.7. Replat.**

- 33
34 (a) When it is proposed to replat a recorded subdivision, or part thereof, so as to change the
35 boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat
36 shall vacate or alter the recorded plat as provided in Wis. Stats. §§ 236.40 through 236.44. The
37 subdivider, or person wishing to replat, shall then proceed as specified in sections 58-4.1
38 through 58-4.6.
- 39 (b) The county ~~clerk~~ Land Use and Resource Management Department shall schedule a public
40 hearing before the County Zoning Agency when a preliminary plat of a replat of lands within
41 the county's jurisdiction is filed, and shall cause a Class 2 notice of the public hearing to be
42 published and mailed to the owners of all properties within the limits of the exterior boundaries
43 of the proposed replat and to the owners of all properties within 200 feet of the exterior
44 boundaries of the proposed replat.

45
46 **PART XIV: That section 58-4 of the Walworth County Code of Ordinances is hereby**
47 **amended to read as follows (additions are underlined; deletions are shown in strike-through**
48 **text):**

1
2 **“Sec. 58-4, 4.8. Certified survey map review (minor subdivision).**
3

- 4 (a) When it is proposed to divide land into not more than four parcels or building sites, any one of
5 which is 15 acres or less in size, or when it is proposed to divide a block, lot or outlot within a
6 recorded subdivision plat into not more than four parcels or building sites without changing the
7 boundaries of said block, lot or outlot, the subdivider shall subdivide by use of the certified
8 survey map (C.S.M.). The certified survey map shall include all parcels of land 15 acres or less
9 in size and may at the owner's direction include any other parcels containing more than 15 acres.
10 Certified survey maps shall be prepared in accordance with section 58-7 of this chapter.
- 11 (b) The subdivider shall file the original and six copies of a certified survey map and a plat review
12 application with the county clerk along with soil tests specified in ~~COMM-85 SPS 383~~, and an
13 approved letter from the highway jurisdiction controlling the street or driveway access to the
14 proposed divisions. Prior to submitting a final certified survey map for approval, the subdivider
15 may submit a preliminary certified survey map. It shall be clearly marked "preliminary certified
16 survey map" and shall be in sufficient detail to determine whether the final certified survey map
17 will meet layout requirements.
- 18 (c) The County Clerk shall within two days after filing, transmit the original CSM and four six
19 copies of the C.S.M. and letter of a completed plat review application form to the ~~staff county~~
20 ~~zoning agency~~ Walworth County Land Use and Resource Management Department. Two copies
21 of the certified survey map shall be transmitted to the applicable town clerk when such C.S.M.
22 proposes to dedicate land for street or other public areas. The recommendations of the town
23 board shall be transmitted to the county zoning agency office within ~~30~~ 10 days from the date
24 the C.S.M. is transmitted by the ~~county clerk~~ County Land Use and Resource Management
25 Department.
- 26 (d) The ~~County zoning agency office~~ Land Use and Resource Management Department shall
27 transmit a copy of the C.S.M. to all affected county commissions or departments for their
28 review and recommendations concerning matters within their jurisdiction. Their
29 recommendation shall be transmitted to the county zoning agency office within 10 days.
- 30 (e) The C.S.M. shall be reviewed by the ~~county zoning agency~~ County Land Use and Resource
31 Management Department staff for conformance with this chapter and all ordinances, rules,
32 regulations, adopted regional and county comprehensive plans or adopted plan components
33 which affect it.

34
35 **PART XV: That section 58-4 of the Walworth County Code of Ordinances is hereby amended**
36 **to read as follows (additions are underlined; deletions are shown in strike-through text):**
37

38 **“Sec. 58-4, 4.9. Certified survey map approval (minor subdivision)**
39

- 40 (a) The ~~county zoning agency~~ Land Use and Resource Management staff shall approve, approve
41 conditionally or reject such C.S.M. within 60 days from the date of filing of the C.S.M. unless
42 the time is extended by agreement with the subdivider or surveyor. If the C.S.M. is rejected, the
43 reasons shall be stated in ~~the minutes of the meeting and~~ a written statement forwarded to the
44 subdivider and surveyor. If the C.S.M. is approved, the ~~county zoning agency staff~~ County
45 Zoning Agency Chairman shall so certify on the face of the original C.S.M. ~~and return the~~
46 ~~C.S.M. to the surveyor.~~ CSM's that require a modification of standards contained in the
47 Subdivision Ordinance will require a public hearing and approval by the County Zoning
48 Agency Committee.

1 (b) The town board of supervisors shall approve, approve conditionally, or reject the dedication of
2 streets or other public areas over which the town shall have jurisdiction when such streets or
3 other public areas are included on the certified survey map within 60 days from the date of
4 filing of the C.S.M. unless the time is extended by agreement with the subdivider. If the
5 dedication of streets or other public areas is rejected by the town, the reasons shall be stated in
6 the minutes of the meeting and a written statement forwarded to the subdivider and surveyor. If
7 the dedication of streets and other public areas is approved, the town board shall cause the town
8 clerk to so certify on the face of the original C.S.M. and return the C.S.M. to the surveyor.
9 Failure of the county zoning agency staff to act within 60 days and the county board of
10 supervisors or the town board to approve the dedication of streets or other public areas within
11 60 days, the time having not been extended, the C.S.M. and dedication of streets or other public
12 areas shall be deemed approved.

13 (c) If a certified survey map is approved or approved conditionally in preliminary form by the
14 county zoning agency staff, and the dedication of streets or other public areas is approved or
15 approved conditionally in preliminary form by the town board and the final C.S.M. conforms
16 substantially to the layout shown thereon, including any conditions of that approval, and if the
17 final certified survey map conforms with all other ordinance requirements of the ~~county zoning
18 agency staff~~ County Zoning Agency Chairman, the town clerk and or Town Chairman shall
19 certify the approval of the town board on the face of the original C.S.M.

20 (d) The certified survey map shall only be recorded with the county register of deeds after the
21 certificates of the county land management committee County Zoning Agency, town board, an
22 applicable city or village extraterritorial plat review jurisdiction and the surveyor are placed on
23 the face of the C.S.M. The C.S.M. shall be recorded at the county register of deeds office within
24 six 12 months after the date of the last approval and within 24 36 months after the date of the
25 first approval. County Zoning Agency approval for any plat not recorded within these time
26 limits shall be automatically withdrawn. Any C.S.M. that has not been offered for record within
27 30 months of its county approval or conditional approval shall be considered automatically
28 withdrawn by staff. unless time is extended by mutual agreement.
29

30 **PART XVI: That section 58-4 of the Walworth County Code of Ordinances is hereby**
31 **amended to read as follows (additions are underlined; deletions are shown in strike-through**
32 **text):**

33
34 **“Sec. 58-4, 4.10. Condominium projects.**

35
36 ...

37
38 The final condominium plat shall only be recorded with the county register of deeds after the
39 certificates of the county zoning agency, town board and the surveyor are placed on the face of the
40 final condominium plat. The final condominium plat shall be recorded at the county register of deeds
41 office within 12 months after the date of the last approval and within 36 months after the date of the
42 first approval. County Zoning Agency approval for any plat not recorded within these time limits
43 shall be automatically withdrawn
44

45 **PART XVII: That section 58-5 of the Walworth County Code of Ordinances is hereby**
46 **amended to read as follows (additions are underlined; deletions are shown in strike-through**
47 **text):**

48
49 **“Sec. 58-5, 5.1. General**
50

1 A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a
2 ~~registered professional~~ land surveyor and the plat prepared on tracing cloth or paper of good quality
3 at a scale of not more than 100 feet to the inch and shall show correctly on its face the following
4 information:

5 ...

6
7 **PART XVIII: That section 58-5 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. 58-5, 5.2. Plat data.**

12
13 All preliminary plats shall show the following:

14 (1) Exact length and bearing of the exterior boundaries of the proposed subdivision referenced
15 to two corners established in U.S. public land survey and the total acreage encompassed
16 thereby.

17 ...

18
19 (10) High-water elevation of all ponds, streams, lakes, and flowages within the exterior
20 boundaries of the plat or located within 100 feet therefrom referenced to mean sea level
21 datum.

22 (11) Ordinary high water mark shown on a plat, map or survey may be determined by the
23 Department of Natural Resources/pursuant to law or may be shown as “approximate” on
24 the plat, map or survey. If the ordinary high water mark is approximated – the location shall
25 be a point on the bank to which the presence and action of the water is so continuous as to
26 leave a distinct mark. Such approximate ordinary high water marks must be labeled “for
27 reference only.” The county zoning department may require a Department of Natural
28 Resources ordinary high water mark determination when needed to assure that minimum lot
29 size is met. The following statement must be added to all plats of subdivision that include
30 or are bounded by navigable waters: “Any land below the ordinary high water mark of a
31 lake or a navigable stream is subject to the public trust in navigable waters that is
32 established under article IX, section 1, of the state constitution.”

33 ~~(11)~~(12) Water elevations of all streams, ponds, lakes, flowages and wetlands within the
34 exterior boundaries of the plat or located within 100 feet therefrom, at the date of the
35 survey based on mean sea level datum. The following statement must be added to all plats
36 of subdivision that include or are bounded by navigable waters: “Any land below the
37 ordinary high water mark of a lake or a navigable stream is subject to the public trust in
38 navigable waters that is established under article IX, section 1, of the state constitution.”

39 ~~(12)~~(13) Floodplain, floodplain contour line and shoreland boundaries and the contour line lying
40 a vertical distance of two feet above the elevation of the 100-year recurrence interval flood
41 or, where such data is not available, five feet above the elevation of the maximum flood of
42 record within the exterior boundaries of the plat or within 100 feet therefrom.

43 ~~(13)~~(14) Wetland boundaries as shown on the County Zoning map. In addition, unmapped
44 wetland boundaries that are an acre or greater shall be staked in the field and drawn on the
45 preliminary plat map. A wetland delineation report and letter of concurrence from the
46 Southeastern Wisconsin Regional Planning Commission (S.E.W.R.P.C.), Army Corp of
47 Engineers, or state department of natural resources for all unmapped wetlands that are an

1 acre or greater shall be submitted to the land use and resource management department with
2 the preliminary plat and the plat review application. Wetland delineations prepared by a
3 professionally assured wetland delineator are not required to be accompanied by a letter of
4 concurrence. The following notes shall be added to the face of a plat that includes a wetland
5 delineation:

- 6 a. The name of the wetland delineator;
- 7 b. The date the wetland delineation was conducted;
- 8 c. A note stating, "Activities within wetlands are limited and subject to Federal, State and
9 County regulations. Filling, excavation, removal of vegetation or the placement of any
10 structures within delineated and symbolized wetlands on this plat are prohibited unless
11 authorized by a permit and plan approval from the WDNR, ACOE, and Walworth
12 County."

13 Plats with hydric soils, hydrophytic vegetation and/or wetland hydrology covering an
14 unmapped potential wetland area of less than an acre but greater than ¼ acre shall be
15 assessed for the presence of wetlands. If a wetland of less than an acre but greater than ¼
16 acre is determined to be present and a wetland delineation is not submitted, a wetland
17 symbol shall be placed on the plat in the location of the wetland. The county shall reserve
18 the right to require a wetland symbol to be placed on the final plat for any wetland based on
19 exceptional resource inventory and field conditions.

20 ~~(14)~~(15) Soil types and their boundaries, as shown on the operational soil survey maps prepared
21 by the U.S. Department of Agriculture's Natural Resource Conservation Service for the
22 Southeastern Wisconsin Regional Planning Commission.

23 ~~(15)~~(16) Land proposed to be subdivided that is not served by a public sewer and provisions for
24 such service have not been made require the following:

- 25 a. All lots, except for outlots, being 1½ acres in size or less, shall have a minimum of
26 three soil borings which delineate the private sewage system area and soil test
27 evaluation completed and submitted to the county sanitation office for review and
28 approval. Soil boring locations shall be located on the plat.
- 29 b. All lots, except for outlots, being 1½ to 15 acres in size, require a minimum of one soil
30 boring and a soil test evaluation completed and submitted to the county sanitation
31 office for review and approval. Soil boring locations shall be located on the plat.
- 32 c. All lots greater than 15 acres in size do not require soil borings or soil test at the time
33 of division/platting.
- 34 d. All lots that do not require a minimum of three soil borings to delineate the private
35 sewage system area and all lots that do not have the soil test evaluation completed and
36 filed with the county shall have the following statement placed on the face of the plat;
37 "A complete soil and site evaluation may not have been conducted on each lot or
38 parcel. No structure shall be erected on any lot(s) or parcel(s) unless the requirements
39 of ~~COMM 83 and COMM 85~~ SPS 383, Wisconsin Administrative Code, and the
40 Walworth County Ordinances have been met. Holding tank use is prohibited for new
41 construction on any lot(s) or parcel(s)."

42 ...

43 (Note to ordinance codifiers please make the appropriate number sequence changes in this section)

1 **PART XIX: That section 58-5 of the Walworth County Code of Ordinances is hereby**
2 **amended to read as follows (additions are underlined; deletions are shown in strike-through**
3 **text):**

4
5 **“Sec. 58-5, 5.3. Soil and water conservation.**

6
7 ...

8 (d) Earth movements, such as grading, topsoil removal, mineral extraction, road cutting, waterway
9 construction or enlargement, removal of stream or lake bed materials, excavation, channel
10 clearing, ditching, drain tile laying, dredging, and ~~lagooning~~ pond construction, shall be so
11 conducted as to prevent erosion and sedimentation and to least disturb the natural fauna, flora,
12 watercourse, water regimen, and topography by meeting the standards of the county land
13 disturbance erosion control and stormwater management ordinance and state department of
14 natural resource requirements.

15 ...

16
17 **PART XX: That section 58-5-A of the Walworth County Code of Ordinances is hereby**
18 **amended to read as follows (additions are underlined; deletions are shown in strike-through**
19 **text):**

20
21 **“Sec. 58-5-A, 5-A.2. Existing resources and site analysis map.**

22
23 For all development (except those in which all proposed lots are to be ten or more acres in
24 area), an existing resources and site analysis map shall be prepared to provide the subdivider and the
25 county with a comprehensive analysis of existing conditions, on the proposed development site.

26 The county shall review the map to assess its accuracy, conformance with local ordinances,
27 and likely impact upon the natural and cultural resources on the property. Unless otherwise specified
28 by the county land use and resource management department, such plans shall generally be prepared
29 at the scale of one inch equals 100 feet or one inch equals 200 feet, whichever would fit best on a
30 single standard size sheet (24" × 36"). This map shall be based on the plat of survey. The following
31 information shall be included in this map:

- 32 (1) A vertical aerial photograph enlarged to the map scale, with the site boundaries clearly
33 marked.
- 34 (2) Topography, the contour lines of which shall generally be at two-foot intervals, determined
35 by photogrammetry (although ten-foot intervals are permissible beyond the parcel
36 boundaries, interpolated from S.E.W.R.P.C. or U.S.G.S. published maps). The
37 determination of appropriate contour intervals shall be made by the county land use and
38 resource management department, which may specify greater or lesser intervals on
39 exceptionally steep or flat sites. Slopes that are 12 percent or greater and wooded and
40 slopes exceeding 20 percent shall be clearly indicated. Topography for major development
41 shall be prepared by a state ~~registered~~ professional land surveyor or professional engineer
42 from an actual field survey of the site or from stereoscopic aerial photography and shall be
43 referenced to national geodetic vertical datum (NGVD) of 1929.
- 44 (3) The location and delineation of ponds, streams, ditches, drains, and natural drainage swales,
45 as well as ~~the 100-year~~ floodplains, wetlands, and navigable waterways. Additional areas of
46 wetlands on the proposed development parcel, specifically including vernal pools (which

1 are only seasonally wet), shall also be indicated, as evident from testing, visual inspection,
2 or from the presence of wetland vegetation.

3 ...

4
5
6 **PART XXI: That section 58-5-A of the Walworth County Code of Ordinances is hereby**
7 **amended to read as follows (additions are underlined; deletions are shown in strike-through**
8 **text):**

9
10 **“Sec. 58-5-A, 5-A.3. Sketch plan overlay sheet.**

11 ...

12 ...
13
14 (c) To facilitate review, enabling officials to see clearly and quickly how well (or not) the sketch
15 plan succeeds in designing around critical site features and potential conservation linkages, the
16 diagrammatic sketch plan shall be prepared as an overlay sheet placed on top of the existing
17 resources and site analysis map. Both of these drawings shall be produced at the same scale.
18 The sketch plan overlay sheet shall show the following information:

19 ...

20 (7) ~~100-year~~ Floodplain limits, and approximate location of wetlands, if any;

21 ...

22
23 **PART XXII: That section 58-6 of the Walworth County Code of Ordinances is hereby**
24 **amended to read as follows (additions are underlined; deletions are shown in strike-through**
25 **text):**

26
27 **“Sec. 58-6, 6.1. General.**

28
29 A final plat prepared by a ~~registered~~ Professional Land Surveyor shall be required for
30 all subdivisions. It shall comply in all respects with the requirements of Wis. Stats. § 236.20.

31
32 **PART XXIII: That section 58-6 of the Walworth County Code of Ordinances is hereby**
33 **amended to read as follows (additions are underlined; deletions are shown in strike-through**
34 **text):**

35
36 **“Sec. 58-6, 6.2. Additional information.**

37
38 The plat shall show correctly on its face, in addition to the information required by Wis.
39 Stats. § 236.20, the following:

40 ...

41 (4) Floodland and shoreland boundaries. ~~and the contour line lying a vertical distance of two~~
42 ~~feet above the elevation of the 100-year recurrence interval flood or, where such data is not~~
43 ~~available, a vertical distance of five feet above the elevation of the maximum flood of~~
44 ~~record.~~

45 ...

1 (8) Land proposed to be subdivided that is not served by a public sewer and provisions for such
2 service have not been made require the following:

3 ...

4 d. All lots that do not require a minimum of three soil borings to delineate the private
5 sewage system area and all lots that do not have the soil test evaluation completed and
6 filed with the county shall have the following statement placed on the face of the plat;
7 "A complete soil and site evaluation may not have been conducted on each lot or
8 parcel. No structure shall be erected on any lot(s) or parcel(s) unless the requirements
9 of ~~COMM 83 and COMM 85~~ SPS 383, Wisconsin Administrative Code, and the
10 Walworth County Ordinances have been met. Holding tank use is prohibited for new
11 construction on any lot(s) or parcel(s)."

12 ...

13
14 **PART XXIV: That section 58-7 of the Walworth County Code of Ordinances is hereby**
15 **amended to read as follows (additions are underlined; deletions are shown in strike-through**
16 **text):**

17
18 **"Sec. 58-7, 7.1. General.**

19
20 A certified survey map prepared by a professional land surveyor registered in the state shall
21 be required for all minor subdivisions. It shall comply in all respects with the requirements of Wis.
22 Stats. § 236.34. The minor subdivision shall comply with the design standards set forth in section
23 58-11 and the improvement requirements set forth in section 58-12 of this chapter.

24 A preliminary certified survey map and plat review application form shall be submitted to the
25 zoning agency staff for all tracts of land proposed to be divided that contain floodlands or
26 shorelands county clerk. The CSM is then delivered by the subdivider or clerks office to the County
27 Land Use and Resource Management Department for review. The CSM and shall show all the data
28 required by section 58-5.2 of this chapter. The county shall reject all CSM applications submitted
29 without the approvals and plat data listed in section 3.2 of this ordinance.

30
31 **PART XXV: That section 58-7 of the Walworth County Code of Ordinances is hereby**
32 **amended to read as follows (additions are underlined; deletions are shown in strike-through**
33 **text):**

34
35 **"Sec. 58-7, 7.2. Additional information.**

36
37 The C.S.M. shall show correctly on its face, in addition to the information required by Wis.
38 Stats. § 236.34, the following:

39 ...

40 (9) Land proposed to be subdivided that is not served by a public sewer and provisions for such
41 service have not been made require the following:

42 ...

43 d. All lots that do not require a minimum of three soil borings to delineate the private
44 sewage system area and all lots that do not have the soil test evaluation completed and
45 filed with the county shall have the following statement placed on the face of the

1 certified survey map; "A complete soil and site evaluation may not have been
2 conducted on each lot or parcel. No structure shall be erected on any lot(s) or parcel(s)
3 unless the requirements of ~~COMM 83 and COMM 85~~ SPS 383, Wisconsin
4 Administrative Code, and the Walworth County Ordinances have been met. Holding
5 tank use is prohibited for new construction on any lot(s) or parcel(s)."

6 ...

7 (10) Floodland and shoreland boundaries, ~~and the contour line lying at a vertical distance of two~~
8 ~~feet above the elevation of the 100-year recurrence interval flood or, where such data is not~~
9 ~~available, at a vertical distance of five feet above the elevation of the maximum flood of~~
10 ~~record.~~

11 ...

12 (14) Where the ~~county zoning agency~~ County Land Use and Resource Management Department
13 staff finds that it requires additional information relative to a particular problem presented
14 by a proposed development to review the certified survey map, it shall have the authority to
15 request in writing, such information from the subdivider.

16 (15) The ~~county zoning agency~~ County Land Use and Resource Management Department staff
17 may also require the owner to place restrictive covenants limiting the use of private road
18 access on the C.S.M., in which event the owner shall execute thereon a certificate in
19 substantially the following form:

20 ...

21
22
23 **PART XXVI: That section 58-7 of the Walworth County Code of Ordinances is hereby**
24 **amended to read as follows (additions are underlined; deletions are shown in strike-through**
25 **text):**

26
27 **“Sec. 58-7, 7.4. Certificates.**
28

29 The surveyor shall certify on the face of the C.S.M. that he has fully complied with all
30 provisions of this chapter. The County Zoning Agency staff Chairman, after a recommendation by
31 other reviewing agencies and County Land Use and Resource Management Department staff shall
32 certify on behalf of the county zoning agency its approval on the face of the C.S.M.

33 Dedication of streets, ~~and~~ other public areas and granting easements shall require in addition,
34 the owner's certificate, mortgagee's certificate and certification of approval by the town board in
35 substantially the same form as required by Wis. Stats. § 236.21(2)(a) and 236.34 (1m) (e)

36
37 **PART XXVII: That section 58-11 of the Walworth County Code of Ordinances is hereby**
38 **amended to read as follows (additions are underlined; deletions are shown in strike-through**
39 **text):**

40
41 **“Sec. 58-11, 11.6. Lots.**
42

43 The size, shape, and orientation of lots shall be appropriate for the location of the subdivision
44 and for the type of development and use contemplated. The lots should be designed to provide an
45 aesthetically pleasing building site and a proper architectural setting for the buildings contemplated.

1 (1) Side lot lines shall generally be at right angles to straight street lines or radial to curved
2 street lines on which the lots face. Lot lines shall follow municipal boundary lines rather
3 than cross them unless approved by the County Zoning Agency.

4 ~~(2) Double frontage and reverse frontage lots shall be prohibited except where necessary to~~
5 ~~provide separation of residential development from through traffic or to overcome specific~~
6 ~~disadvantages of topography and orientation.~~

7 ~~(3)~~(2) Access. Every lot shall front or abut for a distance of at least 50 feet on a public street or
8 other officially approved way.

9 ...

10 (Note to ordinance codifiers please make the appropriate number sequence changes in this
11 section)

12
13 ~~(9)~~(8) Width of lots shall conform to the requirements of the county zoning ordinances. ;
14 and in no case shall a lot be less than 75 feet in width at the building setback line.

15 ~~(10) Corner lots when located in a zoning district which permits a lot width of 75 feet or less~~
16 ~~shall be designed and platted with at least ten feet of extra width over and above the~~
17 ~~minimum required for the zoning district.~~

18
19 **PART XXVIII:** That this ordinance shall become effective, upon passage and publication.

20
21 **PASSED and ADOPTED** by the Walworth County Board of Supervisors this 14th day of July,
22 2015.

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

26 _____
27 Kimberly S. Bushey
28 Attest: County Clerk

29 County Board Meeting Date: July 14, 2015

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:

D. Bretl 6/24/15
David A. Bretl Date
County Administrator/Corporation Counsel

N Andersen 6/25/15
Nicole Andersen Date
Deputy County Administrator - Finance

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

Resolution No. 31 - 07/15

**Opposing Proposed Changes to Wisconsin Shoreland Zoning Standards as Outlined in the
State of Wisconsin 2016 – 2017 Budget Bill**

1 Moved/Sponsored by: Land Conservation Committee /County Zoning Agency
2

3 **WHEREAS**, the Walworth County Land Conservation Committee and Walworth County
4 Zoning Agency have been advised that the Joint Committee on Finance passed Motion #520 as part
5 of its discussion and deliberation on the State of Wisconsin 2016 – 2017 Budget Bill; and
6

7 **WHEREAS**, paragraph 23 of motion #520 changes the standards for the regulation of
8 existing structures in the shoreland area contrary to adopted standards in NR 115 and to the
9 detriment of environmental quality and the orderly development of Walworth County; and
10

11 **WHEREAS**, paragraph 23 of motion #520 changes the fair and equal application of
12 shoreland requirements to give nonconforming structures (substandard structures in Walworth
13 County) preference of development and reconstruction without permits; and
14

15 **WHEREAS**, the State of Wisconsin and Wisconsin Department of Natural Resources has
16 adopted NR 115 and updated it periodically after public input and review; and
17

18 **WHEREAS**, Walworth County has been enforcing the minimum standards of NR 115 since
19 approximately 1971 and has accumulated considerable experience while working with the various
20 incarnations of NR 115; and
21

22 **WHEREAS**, Walworth County has 44 named lakes including Geneva Lake which is 5,262
23 acres in size, Delavan Lake which is 2,072 acres in size, and 165.4 miles of streams and rivers,
24 including 3 outstanding resource waters of the state; and
25

26 **WHEREAS**, Walworth County has protected and balanced landowners rights, property
27 values, and the environment when following the current minimum standards of NR 115; and
28

29 **WHEREAS**, Walworth County has provided some additional protections for our waters by
30 having a regulatory structure tailored to our unique resource that is slightly more restrictive than the
31 minimums in NR 115 and feels strongly that counties should be able to enforce more than the
32 minimum standards to protect their unique resources; and
33

34 **WHEREAS**, Walworth County feels that the minimum standards should not be changed
35 without due consideration by the entire legislature, the Natural Resource Board and the public; and
36

37 **WHEREAS**, Walworth County strongly objects to paragraph 23 of Motion #520 amending
38 the 2016-2015 State of Wisconsin Budget (SB 21 and AB 21) because it weakens regulations for
39 existing structures that do not meet setback requirements and does not provide adequate protection
40 of our valuable water resources; and
41

42 **WHEREAS**, the amendment as written will prevent the local governmental units, charged
43 by the State of Wisconsin with overseeing development within its shorelands, from protecting the
44 rights of the property owner, the citizens of the area, and the environment in a fair and equitable
45 manner; and

1
2 **WHEREAS**, paragraph #23 of motion #520 as written will result in unchecked development
3 along our shorelines which will cause irreparable harm to the water quality of our county; result in a
4 greater burden on the taxpayer to pay for enforcement; result in a drop in property values which in
5 turn will damage the economy of our county; and promote harm to the environment by contributing
6 to the degradation of our surface waters and ultimately the ground water of our county and the state.
7

8 **NOW, THEREFORE, BE IT RESOLVED** by the Walworth County Board of Supervisors
9 that Walworth County hereby opposes paragraph 23 of motion #520 to the State of Wisconsin 2016-
10 2017 Budget Bill (SB 21 and AB 21); and
11

12 **BE IT FURTHER RESOLVED** by the Walworth County Board of Supervisors that
13 Walworth County alternatively proposes that paragraph 23 of motion #520 to the 2016-2017 Budget
14 Bill (SB 21 and AB 21) be removed from the 2016 – 2017 Budget Bill and be debated separately;
15 and
16

17 **BE IT FURTHER RESOLVED** by the Walworth County Board of Supervisors that the
18 Walworth County Clerk send a copy of this resolution to the Governor and all Wisconsin
19 Legislators representing the citizens of Walworth County.
20
21

22 _____
23 Nancy Russell
24 County Board Chair
25

Kimberly S. Bushey
County Clerk

26 County Board Meeting Date: July 14, 2015
27

28 Action Required: Majority Vote X Two-thirds Vote _____ Other _____
29

Policy and Fiscal Note is attached.

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

David A. Bretl 6/25/15
David A. Bretl Date
County Administrator/Corporation Counsel

Nicole Andersen 6/26/15
Nicole Andersen Date
Deputy County Administrator - Finance

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

June 18, 2015
June 18, 2015 - expanded

Please include the following County Zoning Agency items on the July 14, 2015 County Board agenda:

Ordinance Amendment:

1. Amendment To section(s) 74-44, 74-49, 74-51, 74-61, 74-66, 74-71, 74-129, 74-131, 74-171, 74-176, 74-178, 74-188, 74-193, 74-261, and 74-263 of the Walworth County Code of Ordinances Relating to Farmland Preservation.

Approved 7 – 0 at the June 18, 2015 Zoning Agency hearing.

2. Amendment to Chapter 58 of the Walworth County Code of Ordinances Relating to Subdivisions.

Approved 7 – 0 at the June 18, 2015 Zoning Agency hearing.

Rezones:

1. **William Leek Living Trust – Owner, William and John Leek – Applicants**, Section 6, Walworth Township. Rezone approximately .82 acres of A-1 Prime Agricultural land to B-2 General Business District. Part of Tax Parcel E W-6-3.

Approved 7 – 0 at the June 18, 2015 Zoning Agency hearing.

Conformance with County Land Use Plan: The Walworth County 2035 Land Use Plan identifies this area as the Urban Density Residential Land Use Category.

2. **Seth Hanson – Owner, Emily Krauklis – Applicant**, Section 36, LaFayette Township. Rezone approximately .08 acres from A-1 Prime Agricultural District to A-4 Agricultural Related Manufacturing, Warehousing and Marketing District. Parts of Tax Parcel KA2811-1.

Approved 7 – 0 at the June 18, 2015 Zoning Agency hearing.

Conformance with County Land Use Plan: The County 2035 Land Use Plan identifies this area as the AP Prime Agricultural Land Use Category.

ORDINANCE NO. 937 – 07/15

**AMENDING CHAPTER 62 OF THE WALWORTH COUNTY CODE OF
ORDINANCES RELATIVE TO TAX-DEEDED LANDS**

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

1 **PART I: That Section 62-1 of the Walworth County Code of Ordinances is hereby**
2 **amended to read as follows:**

3
4 **“Sec. 62-1. Purpose and interpretation.**

- 5
6 (a) The purpose of this chapter is to set forth county policy concerning taxation and to assign
7 responsibility and establish uniform procedures relative to taxation issues.
8 (b) Nothing herein shall be interpreted as to diminish the duties and responsibility of the
9 county treasurer as set forth in the Wisconsin Statutes.
10 (c) With respect to section 62-43:
11 (1) Any person aggrieved by an interpretation of the above-stated section, by the
12 ~~director—central services~~county treasurer, may appeal such decision to the county
13 administrator. Interpretations of the county administrator shall be subject to
14 review by the finance committee.
15 (2) The county administrator may promulgate such administrative procedures as may
16 be necessary to carry out the intent of this chapter. “

17
18 **PART II: That Section 62-43 of the Walworth County Code of Ordinances is hereby**
19 **amended to read as follows:**

20
21 **“Sec. 62-43. Sale of tax-deeded lands.**

- 22
23 (a) The county will sell tax deed lands pursuant to Wis. Stats. ch. 75.
24
25 (b) The county board of supervisors delegates authority to carry out the sale provisions of
26 Wis. Stats. § 75.35 and § 75.69 to the ~~director—central services~~county treasurer or his or
27 her designee.
28
29 (c) The county recognizes that in some cases, it may be undesirable to take title to some
30 properties due to issues including, but not limited to, liability, environmental
31 contamination or the presence of certain structures. The treasurer shall present to the
32 finance committee, in April of each year, a listing of such undesirable properties. The
33 finance committee will determine whether the county shall remove these parcels from the
34 final judgment. If a property is so removed, the county treasurer shall contact the
35 appropriate assessor and request that the assessed value of the property be reduced.
36
37 (d) Pursuant to Wis. Stats. § 75.69, the ~~director—central services~~county treasurer or his or
38 her designee shall:

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- (1) Advertise tax delinquent properties for sale.
- (2) Sell tax deed lands by sealed bid or by online auction. With respect to online auctions:
 - a. The committee will determine minimum acceptable bids prior to the parcel being listed.
 - b. The sale of the parcel will be awarded to the highest qualified bidder.
 - c. Payment terms and conditions will be in accordance with the terms and conditions of the online auction company.
 - d. The ~~director—central services~~ county treasurer will present a bid award report to the finance committee.
 - e. Upon receipt of final payment from the online auction company, the parcel will be conveyed to the prevailing bidder by quit claim deed.
 - f. Aggrieved bidders may appeal the online sale process in writing to the ~~director—central services~~ county treasurer within 12 hours after the time of the auction closing. The ~~director—central services~~ county treasurer will consider the appeal, and the process set forth in 62-1(c)(1) shall apply. “

BE IT ORDAINED by the Walworth County Board of Supervisors that all previous ordinances and resolutions pertaining to Sections 62-1 and 62-43 are hereby superseded.

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

PASSED and ADOPTED by the Walworth County Board of Supervisors this 14th day of July, 2015.

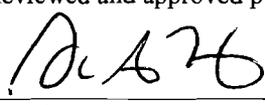
Nancy Russell
County Board Chair

Kimberly S. Bushey
Attest: County Clerk

County Board Meeting Date: July 14, 2015

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

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

	
6/23/15	6/23/15
Date	Date
David A. Bretl County Administrator/Corporation Counsel	Nicole Andersen Deputy County Administrator - Finance

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

Resolution No. 28-07/15

Authorizing a Donation of Flu Vaccines Not to Exceed \$2,000 to the Open Arms Free Clinic

1 Moved/Sponsored by: Health and Human Services Board and Finance Committee

2
3 **WHEREAS**, access to a free medical clinic was identified as one of four strategic priorities in
4 the Walworth County Community Health Improvement Plan and Process, and,

5
6 **WHEREAS**, the Open Arms Free Clinic has been providing free medical care to low income
7 residents of Walworth County for the past twenty months, and,

8
9 **WHEREAS**, the Open Arms Free Clinic has 1,100 patients enrolled, has over 1,700 patient
10 visits and 200 volunteers that have donated over 6,500 hours, and,

11
12 **WHEREAS**, the Open Arms Free Clinic serves a medically vulnerable population that could be
13 seriously compromised by the flu virus, and,

14
15 **WHEREAS**, the flu vaccine has proven to provide effective prevention, and,

16
17 **WHEREAS**, patients of the Open Arms Free Clinic are at 200% of the Federal Poverty Level
18 and are unable to afford the flu vaccine, and,

19
20 **WHEREAS**, the Walworth County Department of Health & Human Services (DHHS) is
21 committed to forming and fostering community partnerships, and,

22
23 **WHEREAS**, the Walworth County Board of Supervisors has directed DHHS as a matter of
24 policy to include prevention programming when establishing department priorities, and,

25
26 **WHEREAS**, DHHS has funds available in its 2015 operating budget.

27
28 **NOW, THEREFORE, BE IT RESOLVED** that the Walworth County Health & Human
29 Services Board recommends that DHHS supply the Open Arms Free Clinic with flu vaccine in
30 an amount not to exceed \$2,000.

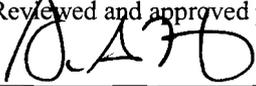
31
32 _____
33 Nancy Russell
34 County Board Chair

Kimberly S. Bushey
County Clerk

35
36 Action Required: Majority X Two-thirds _____ Other _____

37
38 County Board Meeting Date: July 14, 2015

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

	<u>6/23/15</u>		<u>6/23/15</u>
David A. Bretl	Date	Nicole Andersen	Date
County Administrator/Corporation Counsel		Deputy County Administrator - Finance	

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

Policy and Fiscal Note
Resolution No. 28-07/15

- I. Title:** Authorizing a Donation of Flu Vaccines Not to Exceed \$2,000 to the Open Arms Free Clinic
- II. Purpose and Policy Impact Statement:** The purpose of this resolution is to authorize the donation of flu vaccines to the Open Arms Free Clinic. The value of said donation shall not exceed \$2,000.
- III. Is this a budgeted item and what is its fiscal impact:** The donation to the Open Arms Free Clinic is not a budgeted item. Sufficient funds exist within the Health and Human Services budget to cover the cost of this donation.
- IV. Referred to the following standing committees for consideration and date of referral:**

Committee: Health and Human Services Board Meeting Date: June 17, 2015

Vote: 7-0

Committee: Finance Committee Meeting Date: June 18, 2015

Vote: 5-0

County Board Meeting Date: July 14, 2015

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

 6/23/15

Date
David A. Bretl
County Administrator/Corporation Counsel

 6/23/15

Date
Nicole Andersen
Deputy County Administrator - Finance

Policy and Fiscal Note
Resolution No. 29-07/15

- I. Title:** Authorizing Department of Health and Human Services to be a Sponsor of the Out of the Darkness Walk Not to Exceed \$1,000
- II. Purpose and Policy Impact Statement:** The purpose of this resolution is to authorize the sponsorship of Out of the Darkness Walk. The value of said sponsorship shall not exceed \$1,000.
- III. Is this a budgeted item and what is its fiscal impact:** The sponsorship of the Out of the Darkness Walk is not a budgeted item. Sufficient funds exist within the Health and Human Services budget cover the cost of this donation.
- IV. Referred to the following standing committees for consideration and date of referral:**

Committee: Health and Human Services Board Meeting Date: June 17, 2015

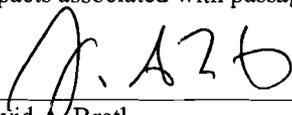
Vote: 7-0

Committee: Finance Committee Meeting Date: June 18, 2015

Vote: 5-0

County Board Meeting Date: July 14, 2015

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

 6/23/15

Date
David A. Bretl
County Administrator/Corporation Counsel

 6/23/15

Date
Nicole Andersen
Deputy County Administrator - Finance

Resolution No. 30-07/15
**TERMINATING COVERAGE WITH LGPIF AND ELECTING
PROPERTY INSURANCE COVERAGE FROM THE
NEW MUNICIPAL PROPERTY INSURANCE COMPANY (MPIC)**

1 Moved/Sponsored by: Finance Committee

2
3 **WHEREAS**, in 1987, the Wisconsin Municipal Mutual Insurance Company was created to
4 help local municipalities effectively handle the costs of general liability insurance. For the past
5 28 years, WMMIC has helped control costs for its members and provided general liability
6 coverage and claims administration (including cyber liability, auto liability and public officials
7 errors and omissions liability). In its most recent rating, AM Best gave WMMIC an (A-)
8 (excellent) credit rating; and

9
10 **WHEREAS**, as the latest state budget proposed to eliminate the Local Government Property
11 Insurance Fund, which has ultimately indicated that it would continue until July of 2019, with
12 skyrocketing premiums of up to 100% current rates. Local municipalities are scrambling to
13 find positive alternatives to the Local Government Property Insurance Fund; and

14
15 **WHEREAS**, WMMIC has again looked to provide a viable option for local municipalities by
16 partnering with Cities and Villages Mutual Insurance Corporations (CVMIC) and the League of
17 Wisconsin Municipalities Mutual Insurance Corporation (LWMMI) to create a new stock
18 insurance company, Municipal Property Insurance Company (MPIC); and

19
20 **WHEREAS**, the three mutual entities have each provided a start up fund of three million
21 dollars. They will hire an executive director and are eligible to issue insurance policies on
22 October 1, 2015; and

23
24 **WHEREAS**, with more than 400 municipalities of these three entities currently insured with
25 LGPIF, MPIC expects to have a new insurance pool of more members that cannot be equaled in
26 the State of Wisconsin; and

27
28 **WHEREAS**, all information from LGPIF can be transferred to MPIC, so no application is
29 necessary; and

30
31 **WHEREAS**, after doing our due diligence in checking market comparable alternatives, it is
32 evident that MPIC is the best alternative for the County of Walworth to have administer the
33 County's property insurance fund; and

34
35 **WHEREAS**, pursuant to the requirements of section 605.21(3), Wis. Stats., to withdraw from
36 the Local Government Insurance Fund, the local municipality must provide certified notice to
37 LGPIF by majority vote that they have elected to withdraw from the fund. (Withdrawal cannot
38 be prior to the date action was taken.)

1 **NOW, THEREFORE, BE IT RESOLVED**, by the Walworth County Board of Supervisors in
2 session this 14th day of July, 2015, that pursuant to section 605.21(3) of the Wisconsin Statutes,
3 that they elect to withdraw from the Local Government Property Insurance Fund on December
4 31, 2015; and

5
6 **BE IT FURTHER RESOLVED** that a certified notice of this resolution be sent to the Local
7 Government Property Insurance Fund and the appropriate forms be completed; and

8
9 **BE IT FURTHER RESOLVED** that the County of Walworth hereby elects to become part
10 of the Municipal Property Insurance Company (MPIC) effective on January 1, 2016.
11
12
13

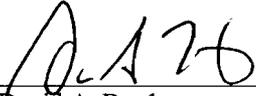
14 _____
15 Nancy Russell
16 County Board Chair

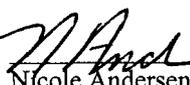
Kimberly S. Bushey
County Clerk

17
18
19 County Board Meeting Date:

20 Action Required: Majority Vote X Two-thirds Vote Other
21

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

 6/23/15
David A. Bretl Date
County Administrator/Corporation Counsel

 6/23/15
Nicole Andersen Date
Deputy County Administrator - Finance

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

Policy and Fiscal Note
Resolution No. 30-07/15

- I. Title:** Terminating Coverage with LGPIF and Electing Property Insurance Coverage from the New Municipal Property Insurance Company (MPIC)
- II. Purpose and Policy Impact Statement:** This resolution authorizes the County to elect property insurance coverage with the newly created Municipal Property Insurance Company (MPIC) and to discontinue coverage with the Local Government Property Insurance Fund (LGPIF).
- III. Budget and Fiscal Impact:** The MPIC is the most reasonable source of property insurance since the LGPIF is being discontinued. The actual cost will be dependent on new rates established by the new company.
- IV. Referred to the following standing committees for consideration and date of referral:**

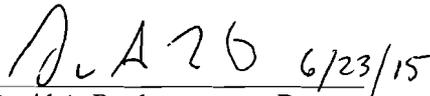
Committee: Finance

Meeting Date: June 18, 2015

Vote: 5-0

County Board Meeting Date: July 14, 2015

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



David A. Bretl Date
County Administrator/Corporation Counsel



Nicole Andersen Date
Deputy County Administrator - Finance

ORDINANCE NO. 934 – 07/15

AMENDING SECTION 15-359 OF THE WALWORTH COUNTY CODE OF ORDINANCES RELATING TO PAY FOR SUBSTITUTE AIDES AND SUBSTITUTE TEACHERS

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

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

“Sec. 15-359. Special pay premiums.

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

Table with 4 columns: Type of Premium, How Much, Who, Special Notes. Rows include Substitute Aide Pay and Substitute Teacher Pay.

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

PASSED and ADOPTED by the Walworth County Board of Supervisors this 14th day of July 2015.

Nancy Russell
County Board Chair

Kimberly S. Bushey
Attest: County Clerk

County Board Meeting Date: July 14, 2015

Action Required: Majority Vote [X] Two-thirds Vote [] Other []

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

ORDINANCE NO. 935 – 07/15

AMENDING SECTION 15-153 OF THE WALWORTH COUNTY CODE OF ORDINANCES RELATING TO MEDICAL AND PSYCHOLOGICAL RECORDS

1 THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS
2 FOLLOWS:
3

4 PART I: That Section 15-153 of the Walworth County Code of Ordinances is hereby
5 amended to read as follows (additions shown by underline; deletions shown by strike-
6 through):
7

8 “Sec. 15-153. Medical and psychological records.
9

10 All applicant or employee medical and/or psychological records are confidential and shall
11 be filed separate from the individual's personnel file. The medical ~~and/or psychological~~ records
12 of the individual shall be made available to the individual upon written request. The
13 psychological records of the individual shall not be subject to an open records request unless
14 required by court order. Protected medical and/or psychological information shall not be
15 disclosed to other persons without a valid authorization, except as otherwise permitted by law. A
16 record of any disclosure shall be maintained.”
17

18 PART II: This ordinance shall become effective upon passage and publication.
19

20 PASSED and ADOPTED by the Walworth County Board of Supervisors this 14th day of July
21 2015.
22
23
24

25 _____
26 Nancy Russell
27 County Board Chair

Kimberly S. Bushey
Attest: County Clerk

28 County Board Meeting Date: July 14, 2015
29

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

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

David A. Bretl 6/19/15 Date
County Administrator/Corporation Counsel

Nicole Andersen 6/23/15 Date
Deputy County Administrator-Finance

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

Ordinance No. 935-07/15
Fiscal Note and Policy Impact Statement

- I. Title:** Amending Section 15-153 of the Walworth County Code of Ordinances Relating to Medical and Psychological Records
- II. Purpose and Policy Impact Statement:** The purpose of this ordinance amendment is to prevent an individual's psychological records from being released without a court order.
- III. Is this a budgeted item and what is its fiscal impact:** Passage of this ordinance will have no fiscal impact on the County budget.
- IV. Referred to the following standing committee(s) for consideration and date of referral:**

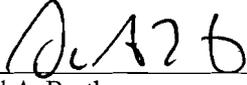
Committee: Human Resources Committee

Date: June 17, 2015

Vote: 5-0

County Board Meeting Date: July 14, 2015

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

 6/19/15

Date
David A. Bretl
County Administrator/Corporation Counsel

 6/23/15

Date
Nicole Andersen
Deputy County Administrator-Finance

ORDINANCE NO. 936 – 07/15

REPEALING CHAPTER 19 OF THE WALWORTH COUNTY CODE OF ORDINANCES PERTAINING TO RISK MANAGEMENT AND CREATING ARTICLE III OF CHAPTER 13 OF THE CODE RELATING TO BLANKET EMPLOYEE DISHONESTY BONDS

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

PART I: That Chapter 19 of the Walworth County Code of Ordinances entitled "Risk Management" is hereby repealed in its entirety.

PART II: That Article III under Chapter 13 is hereby created to read as follows:

"ARTICLE III.

INSURANCE

Sec. 13-41. Blanket employee dishonesty bonds.

As permitted by Wis. Stats. § 59.21, the county will maintain a blanket employee dishonesty bond in the amount of \$1,000,000.00. Said bond will include coverage for all county employees and elected officials, excluding county board supervisors. County veterans service commissioners, if any, shall also be included under said bond."

PART III: Sections 13-22 through 13-40 under Article II of Chapter 13 are hereby reserved.

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

PASSED and ADOPTED by the Walworth County Board of Supervisors this 14th day of July 2015.

Nancy Russell
County Board Chair

Kimberly S. Bushey
Attest: County Clerk

County Board Meeting Date: July 14, 2015

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

Policy and Fiscal Note is attached. Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:
David A. Bretl 6/19/15
Nicole Andersen 6/23/15
County Administrator/Corporation Counsel Deputy County Administrator - Finance
If unsigned, exceptions shall be so noted by the County Administrator.

Resolution No. 33 - 07/15
Approving the Walworth County Farmland Preservation Plan Map Amendment

1 Moved/Sponsored by: Land Conservation Committee
2

3 **WHEREAS**, The Walworth County Farmland Preservation Plan Update (“Plan”) was adopted
4 by the Walworth County Board of Supervisors on July 10, 2012; and
5

6 **WHEREAS**, the Plan was certified by the State of Wisconsin Department of Agriculture, Trade
7 and Consumer Protection (DATCP) on July 21, 2012; and
8

9 **WHEREAS**, the county is currently seeking certification from DATCP for the County’s
10 Farmland Preservation Zoning Ordinance; and
11

12 **WHEREAS**, DATCP no longer allows units of government that are participating in the farmland
13 preservation program to rezone lands into the farmland preservation zoning district (A-1) unless
14 it is designated as a farmland preservation area on the farmland preservation plan map; and,
15

16 **WHEREAS**, DATCP is requiring the county to amend the farmland preservation plan map to
17 designate, as farmland preservation areas, the areas rezoned into the A-1 zoning district during
18 the interim period between the plan adoption and the certification of the farmland preservation
19 zoning ordinance into the farmland preservation plan map; and,
20

21 **WHEREAS**, there are 16 rezones, located in 7 towns that are included in this plan map
22 amendment; and
23

24 **WHEREAS**, these rezones were approved by Town Boards and County Board after being found
25 to be consistent with the goals and objectives of the comprehensive land use plan and farmland
26 preservation plan; and
27

28 **WHEREAS**, the Walworth County Land Conservation Committee conducted a public hearing
29 on June 15, 2015 at 2:00 p.m., in Elkhorn, Wisconsin, and the Committee unanimously approved
30 the amendments to the Walworth County Farmland Preservation Plan Map at the close of the
31 public hearing;
32

33 **NOW, THEREFORE, BE IT RESOLVED** that the Walworth County Board of Supervisors
34 hereby approves the amendments to the farmland preservation plan map pursuant to Section
35 91.10(1), 91.16 and 91.18(2) of the Wisconsin Statutes; and
36

37 **BE IT FURTHER RESOLVED**, the Walworth County Board of Supervisors enacts a
38 resolution adopting the map amendments to the Farmland Preservation Plan.
39
40
41

42 _____
43 Nancy Russell
44 County Board Chair

Kimberly S. Bushey
County Clerk

Policy and Fiscal Note
Resolution No. 33 - 07/15

- I. **Title:** Approving the Walworth County Farmland Preservation Plan Map Amendment

- II. **Purpose and Policy Impact Statement:** The purpose of this resolution is approve the amendments to the Walworth County Farmland Preservation Plan Map to designate a farmland preservation areas the areas rezoned into the A-1 zoning district during the interim period between the plan adoption and the certification of the farmland preservation zoning ordinance.

- III. **Budget and Fiscal Impact:** Passage of this Resolution will have no fiscal impact on the county budget.

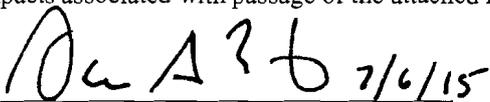
- IV. **Referred to the following standing committees for consideration and date of referral:**

Committee: Land Conservation Committee Meeting Date: June 15, 2015

Vote: 5 - 0

County Board Meeting Date: July 14, 2015

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



David A. Bretl Date
County Administrator/Corporation Counsel



Nicole Andersen Date
Deputy County Administrator – Finance

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

Resolution No. 32-07/15

**Approving Wisconsin Department of Transportation Local Bridge Program Grant
Application for Peters Road Bridge Replacement**

1 Moved/Sponsored by: Public Works Committee

2
3 **WHEREAS**, the Peters Road Bridge (Bridge P-64-0069) located in the Town of Sharon is
4 owned by the State of Wisconsin (Wisconsin River Rail Transit Commission) and maintained by
5 the Wisconsin Southern Railroad (WSOR) and,
6

7 **WHEREAS**, this bridge was permanently closed in July, 2014 due to unsafe railing conditions
8 and is functionally obsolete as defined in the federal highway administration's federal policy
9 guide and,
10

11 **WHEREAS**, the Peters Road bridge has a 2014 sufficiency rating of 43.1 which makes it
12 eligible for replacement under the Wisconsin Department of Transportation (WisDOT) Local
13 Bridge Program and,
14

15 **WHEREAS**, since the Peters Road Bridge is State owned and the WisDOT Local Bridge
16 Program requires a local government applicant and,
17

18 **WHEREAS**, Walworth County and the Town of Sharon have executed a Memorandum of
19 Understanding (MOU) stipulating that all costs associated with applying for Local Bridge
20 Program funding will be borne by the Town of Sharon as well as the future ownership transfer of
21 the Peters Road Bridge to the Town and,
22

23 **WHEREAS**, the WisDOT Local Bridge program currently pays for 80% of the eligible bridge
24 replacement costs with a 20% local match required;
25

26 **NOW, THEREFORE, BE IT RESOLVED** that the Walworth County Board of Supervisors
27 formally authorizes Kevin Brunner, Director of Central Services/Public Works, to act on behalf
28 of Walworth County to apply for available WisDOT Local Bridge Program funding, due July 31,
29 2015, for the replacement of the Peters Road Bridge and to execute and submit all necessary
30 grant-related documents to the Department to receive such funding.
31

32
33
34 _____
35 Nancy Russell
36 County Board Chairperson

37 _____
38 Kimberly S. Bushey
County Clerk

County Board Meeting Date: June 9, 2015

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

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

	<u>6/30/15</u>		<u>6/30/15</u>
David A. Bretl	Date	Nicole Andersen	Date
County Administrator/Corporation Counsel		Deputy County Administrator - Finance	

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

