

**MAY 12, 2015 COUNTY BOARD MEETING  
COMMITTEE MINUTES PACKET**

**DRAFT**

**Walworth County Board of Supervisors  
April 30, 2015 Finance Committee Meeting Minutes  
Walworth County Government Center, County Board Room 114  
100 W. Walworth Street, Elkhorn, Wisconsin**

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The meeting was called to order by Chair Nancy Russell at 9:30 a.m.

Roll call was conducted. Members present included Chair Nancy Russell, Vice Chair Dan Kilkenny, Supervisors Kathy Ingersoll, Joe Schaefer and Paul Yvarra. A quorum was declared.

**Others in Attendance**

County staff: Deputy County Administrator-Finance Nicki Andersen; County Administrator David Bretl; County Treasurer Valerie Etzel; Lt. Jamie Green, Sheriff's Office; Sheriff's Office Business Manager Amanda Lagle; Comptroller Jessica Conley; Kevin Brunner, Director of Central Services/Public Works; Lakeland Health Care Administrator Bernadette Janiszewski; Human Resources Director Dale Wilson

Members of the public: Ed Yaeger, 421 Water Street, Lake Geneva, Wisconsin

**On motion by Supervisor Schaefer, seconded by Vice Chair Kilkenny, the agenda was approved by voice vote. 5-0**

**On motion by Supervisor Ingersoll, seconded by Supervisor Schaefer, the April 21, 2015 special meeting minutes were approved by voice vote.**

**Public Comment** – Mr. Ed Yaeger distributed information to the committee regarding the Special Lake Geneva City Council TIF Workshop held Tuesday, April 28. Mr. Yaeger expressed his frustration with the lack of progress on closing TIF District #4 in the City, which the County Board recommended closing by May 15, 2015. Further, the City is proposing amendments to the Project Plan to add other projects which were not included in the original Project Plan. Yaeger said the City is considering extending the TIF district until 2017. He also expressed his concern that TIF district regulations have not been followed. He thanked the Board for their action in recommending that the District be closed and their consideration for county taxpayers.

**Unfinished Business** – There was none.

**Consent items**

Chair Russell asked that items 8. B. 2) and items 8. C. 1) and 2) be considered separately.

**Supervisor Schaefer made a motion, seconded by Vice Chair Kilkenny, to approve the remainder of the consent items below:**

**8A, Budget amendments**

- **Public Works**  
PW003 - Sheriff's Indoor Range Facility Project

**8B, Bids/Contracts**

- Report of online sales of tax foreclosure property  
County Treasurer Val Etzel noted that the report has been updated to note non-payment.

- Recommendation on Clinical Dietician Services –  
By motion approving the consent items, the award was made to Linda Roberts & Associates, Inc.

### **8C, Reports**

- Quarterly property loss report – 1<sup>st</sup> quarter 2015
- Out-of-state travel  
**Human Resources** - Dale Wilson, National Public Employee Labor Relations Association (NPELRA) Conference, Savannah, GA

**The motion carried 5-0.**

### **8B, Bids/Contracts**

- Discussion and possible action regarding establishment of minimum bids for unsold tax foreclosure properties.

County Treasurer Val Etzel distributed updated information on the proposed minimum bids for future sale of the unsold properties. Etzel and Central Services/Public Works Director Kevin Brunner discussed those properties that had no offers, and recommended that those properties be offered to the adjacent owner by Quit Claim Deed. Brunner said the property owner would be required to pay the \$30.00 filing fee, as has been done in the past. **Supervisor Ingersoll made a motion, seconded by Vice Chair Kilkenny, to approve the Treasurer's recommendation to offer a Quit Claim Deed to the adjacent owners of parcels #MB 170004C and MPL 01246MIR 00174 (Village of Bloomfield), and parcel #ZBL 00027A without charge except the payment of the filing fee for the Deed; and to approve the remainder of the Treasurer's recommendations for minimum bids. The motion carried 5-0.**

### **8C, Reports**

- Quarterly delinquent tax – 1<sup>st</sup> quarter 2015

Chair Russell expressed concern about the significant decrease in the total tax roll. Treasurer Val Etzel said she investigated the decrease, and said it is principally due to the state funding shift for Gateway Technical College.

- Update on tax incremental financing (TIF) districts

Deputy County Administrator-Finance Nicki Andersen distributed an update on TIF legislative action. The Wisconsin Counties Association (WCA) expects that most of the legislation will pass as presented. Senate Bill 51 would extend the reporting deadline to July 1, with the ability to request an extension through the Department of Revenue; however, those reporting late without an approved extension will be fined \$100 per day. Senate Bill 51 also requires the Joint Review Board to convene annually to review the annual report and the Board will remain standing for the life of the TIF district.

### **New Business**

- Resolution \*\*-05/15 Accepting the Donation of a Precor Adaptive Motion Trainer from the Geneva National Foundation for Use at Lakeland School

**Supervisor Schaefer made a motion, seconded by Vice Chair Kilkenny, to recommend approval of the donation of a Precor Adaptive Motion Trainer from Geneva National Foundation for Lakeland School. The motion carried 5-0.**

- Resolution \*\*-05/15 Authorizing Write Off of 2012 Personal Property Taxes Uncollectible in 2013  
**Vice Chair Kilkenny offered a motion, seconded by Supervisor Ingersoll, to recommend authorizing the write off of 2012 personal property taxes uncollectible in 2013. The motion carried 5-0.**
- Discussion and possible action regarding Medical Examiner fees  
County Administrator David Bretl distributed information concerning Walworth County's Medical Examiner fees. Currently, the County only charges for a cremation permit, which is \$250. This includes not only the permit, but covers viewing the body and taking fingerprints for identification, etc. The proposed state budget includes an amendment exempting funeral homes, cemeteries and crematories from county coroner fees, death certificate fees, etc., for indigent individuals. Walworth County does not currently charge for other coroner services; however, if the budget is enacted, county Medical Examiner fees will be frozen for two years after adoption. After that, counties can only increase fees based on the Consumer Price Index. Bretl asked the committee to consider if they wished to add fees, raise fees, or remain as is, as now is the time to act because of the pending legislation. Bretl said Waukesha County is doing a fee study, and if they develop a strong recommendation based on their findings, he could bring it to the committee for consideration at a special meeting before the County Board meeting on May 12. Discussion ensued on the current fee structure, and the fact that the County has instituted a new system with the Medical Examiner position, and the timing of introducing new or higher fees now. **Supervisor Schaefer made a motion, seconded by Supervisor Ingersoll, to leave the \$250 for the cremation permit as is, unless County Administrator Bretl receives information that would impact the fee structure, in which case a special committee meeting would be scheduled before the May 12, 2015 County Board meeting. The motion carried 5-0.**
- Discussion and possible action regarding 2014 donations and fundraisers  
Andersen reviewed the statistics from fundraisers and donations in 2014. Donations in 2014 assisted staff in making purchases of \$130,692, with \$557,515 for future use. Fund raisers for special programs and purchases brought in \$56,815, an increase of over \$10,000 from 2013. Andersen commended citizens and staff for their generosity in donating funds and time. **Vice Chair Kilkenny made a motion, seconded by Supervisor Schaefer, to accept the report. The motion carried 5-0.**
- Resolution \*\*-05/15 Closing Fiscal Year 2014  
Andersen reported that 2014 was a good year, and 2014 surplus funds will be used during the 2016 budget preparation. **Supervisor Schaefer made a motion, seconded by Supervisor Ingersoll, to recommend approval of the resolution to close fiscal year 2014. The motion carried 5-0.**
- Resolution \*\*-05/15 Committing Fund Balances as of December 31, 2014  
**Vice Chair Kilkenny made a motion, seconded by Supervisor Schaefer, to recommend approval of the resolution committing fund balances as of December 31, 2014. The motion carried 5-0.**
- Florence County Resolution #2015-14 – Requesting the Wisconsin Legislature to Not Allow the 2015-2017 Executive Budget to Terminate the Local Government Property Insurance Fund  
Bretl said the State's proposal is to terminate the Local Government Property Insurance Fund (LGPIF). Andersen said LGPIF had given counties a premium holiday three or so years ago; subsequently they had three of their worst claims, which drastically reduced their reserves. Wisconsin Municipal Mutual Insurance Company (WMMIC) has met with two other agencies, and the consortium will have policies ready and available to renew by early fall, in order to have it in place for fiscal year 2016. Andersen said

they have pledged that rates will be reasonable. Each participating agency will contribute \$4 million to establish initial reserves. The insurer will be the owner of the property insurance fund; the County will only pay the premiums. **Vice Chair Kilkenny made a motion, seconded by Supervisor Yvarra, to place Florence County Resolution #2015-14 on file. The motion carried 5-0.**

**Correspondence** - There was none.

**Confirmation of next meeting date and time.** The next meeting date was confirmed for Thursday, May 21, 2015 at 9:30 a.m.

Supervisor Yvarra asked why the Committee didn't discuss the TIF issue, given the concerns expressed by Mr. Yaeger. He asked if the County had any recourse. Bretl said the City of Lake Geneva does not have to follow the County's recommendation. The County has a seat on the Joint Review Board and has a vote on any projects which the City proposes. **Staff was directed to place this item on the next regular committee meeting agenda.**

### **Adjournment**

**On motion by Vice Chair Kilkenny, seconded by Supervisor Yvarra, Chair Russell adjourned the meeting at 10:35 a.m.**

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Submitted by Becky Bechtel, Administrative Clerk. Meeting minutes are not considered final until approved by the committee at the next regularly scheduled meeting.

## DRAFT

**Walworth County Board of Supervisors  
April 27, 2015 Public Works Committee Meeting Minutes  
Walworth County Government Center, County Board Room 114  
100 W. Walworth Street, Elkhorn, Wisconsin**

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The meeting was called to order by Chair Rick Stacey at 3:30 p.m.

Roll call was conducted. Members present included Chair Rick Stacey, Vice Chair Nancy Russell, Supervisors Ken Monroe, Joe Schaefer and Paul Yvarra. A quorum was declared.

### **Others in Attendance**

County Board Supervisors: Tim Brellenthin, Kathy Ingersoll and Charlene Staples

County staff: County Administrator David Bretl; Director of Central Services/Public Works Kevin Brunner; County Engineer Joe Kroll; Jail Superintendent Howard Sawyers; Human Resources Director Dale Wilson; Deputy County Administrator-Finance Nicki Andersen; Facilities Manager John Miller; Lt. Jamie Green; Public Works Finance Manager Joeann Evans

Members of the public: Kyle Kuecher; Robert Arnold; and Mike Johnson-Graphic House, Wausau, Wisconsin

**Public comment** – There was none.

**On motion by Supervisor Schaefer, seconded by Vice Chair Russell, the agenda was approved with no withdrawals by voice vote.**

**On motion by Supervisor Monroe, seconded by Supervisor Schaefer, the March 16, 2015 meeting minutes were approved by voice vote.**

**Public Comment** – There was none.

### **Regular Business**

- Review and approval of the building monument signage design

County Administrator Bretl said the 2015 budget includes funds for new signage at the county campus. Bretl said over the past few years, the County has invested a great deal in our buildings and our signs need replacing. The roadwork on NN is underway, and now is the time to install the new signs. He encouraged the committee to make suggestions and recommendations. Director of Central Services/Public Works Kevin Brunner said his department has been working with Graphic House from Wausau, who were selected through an RFP process to design the signs. Mike Johnson of Graphic House and County Engineer Joe Kroll distributed color copies of the proposed signs to the committee. Mr. Johnson met with Engineer Joe Kroll to find out what the signage needs were and did a physical survey of the campus. Johnson said there are two options, or variations of the two options, for consideration. He asked the committee if they wanted a “welcome” sign with the listing of all the facilities at the campus. There will also be individual building signs and way finding signs. The county logo will be put on the signs, with the exception of the Sheriff’s Office, which will have their current logo. Smaller directional signs will be put at building entrances to show driveway entrances. Brunner said the total sign budget is \$60,000. **Vice Chair Russell made a motion, seconded by Supervisor Yvarra, to approve option A for the sign design; to put the listing of the buildings in the order of approach; and to eliminate the word, “Government,” from the sign to have it read “Walworth County Campus.” The motion carried 5-0.**

- Review White River County Park bridge construction project – donation from Lake Geneva Conservancy

Brunner said three family foundations have donated funds for the bridge. The Lake Geneva Conservancy will take the donations, as they qualify for charitable contributions, and will construct and install the bridge. Peter Scherrer, of the Scherrer Group, is expediting the project on behalf of the donors and the Geneva Lake Conservancy. He presented two alternative designs for the bridge and asked the committee to select their preferred design, or a variation thereof. Construction will probably commence in early fall. **Supervisor Schaefer made a motion, seconded by Vice Chair Russell, to approve the Timber-Stringer style bridge, and to approve the placing a plaque recognizing the donors on the bridge. The motion carried 5-0.**

- Review and approval of Local Bridge Program grant application for CTH DD over Sugar Creek  
Brunner said this project will be funded 80% by the State of Wisconsin, and 20% by the County. Subject to updated estimates, the county's share of the cost is budgeted at \$672,000. **Supervisor Schaefer made a motion, seconded by Supervisor Monroe, to approve the submission of the Local Bridge Program grant application for the replacement of the bridge over CTH DD. The motion carried 5-0.**

- Review and approval of change of scope of Sheriff's Office DVR/camera system upgrade  
Jail Superintendent Howard Sawyers said the Sheriff's Office is updating all of the cameras to digital, which will include replacing the old TV monitors with computers. The Sheriff's Office is requesting approval to update the workstation in Master Control to accommodate the technology upgrades and provide a safe, ergonomic work area. **Supervisor Schaefer made a motion, seconded by Supervisor Monroe, to approve the change in scope of the Sheriff's Office DVR/camera system upgrade. The motion carried 5-0.**

- Award of Sheriff's indoor Range facility construction contract  
Brunner said four competitive bids were received, and Magill Construction was the low bid at \$979,792. The two bid alternates included range equipment and installation, and HVAC equipment and installation. Selecting Alternate #1 would put the project significantly over budget. Brunner recommended accepting the base bid and Alternate #2 for the HVAC system, which would be under budget. A 10% project contingency could be transferred from the outdoor range funds.

Bretl noted, in the future, equipment will need to be purchased and the outdoor range considered. Vice Chair Russell agreed; however, she is unwilling to bond for the project, and there are other capital projects which are a priority at this time. Lt. Jamie Green said the noise problem will be resolved by installing noise abatement equipment at the top of the hill by Hodges Road. The ordinance escape problem has been resolved. **Vice Chair Russell made a motion, seconded by Supervisor Yvarra, to award the base bid and Alternate #2 to Magill Construction in the amount of \$979,792, plus Alternate #2 in the amount of contingent upon approval by the Finance Committee of a budget amendment to transfer funds for the project contingency. The motion carried 5-0.** Chair Stacey asked about the maintenance of the new facility, to ensure routine inspections and regular cleaning is done. Facilities Manager John Miller said Public Works would work with the Sheriff's Office to develop a preliminary budget for Facilities maintenance and cleaning through our contracted service.

- Award of flat bed truck purchase

Brunner said two bids were received, and staff recommendation is to award the flat bed truck bid to Lakeside International Trucks. The message board for the truck has already been purchased. **Supervisor Schaefer made a motion, seconded by Supervisor Monroe, to award the bid for the flat bed truck to Lakeside International Trucks, LLC, in the amount of \$80,211.77. The motion carried 5-0.**

- Award of Lakeland Health Care Center (LHCC) memory care door replacement contract

Brunner said only one bid was received, and LHCC staff recommends award to Glen Fern Construction. Miller clarified the bid recommendation – the locked doors in the Memory Care Secured unit will be relocated to meet state fire code and one pair of doors will need to be replaced. LHCC staff has submitted a budget amendment request to the Finance Committee for additional funds to complete the project. **Supervisor Schaefer made a motion, seconded by Vice Chair Russell, to approve the award of the memory care door replacement contract to Glen Fern Construction, LLC, in the amount of \$37,669, contingent upon approval of a budget amendment by the Finance Committee. The motion carried 5-0.**

- Presentation by winter intern Kyle Kuecher

Brunner introduced Kyle Kuecher, a civil engineering student from Gateway, who did a 150-hour internship with the Public Works department this winter. Kuecher gave a brief presentation on what he accomplished at Public Works. He helped supervise cutting down trees at Veterans Park; he helped with clean up at Natureland Park and sat in on park master planning meetings with members of the Kettle Moraine Land Trust and Southeastern Wisconsin Regional Planning Commission (SEWRPC). Kuecher studied the sanitary system plan for the Highway complex to assist with planning hook ups for the new maintenance facility. He did an inventory of the department's Material Safety Data Sheets (MSDS) and updated the list and Excel spreadsheets. Kuecher worked on some items concerning Implements of Husbandry (IoH) for Brunner, and calculated all of the acreage currently mowed by county staff. He sat in on bid openings for the Lake Beulah dam project and the new Highway facility, and sorted drawers full of maps of roads and facilities. Kuecher said his favorite assignment was riding in one of the snowplow trucks during a storm event. He thanked the County for the opportunity to work hands-on in his field of study. Brunner thanked him for his contributions during his internship.

- Approval of change in scope for lawn mower replacement project

Brunner said the 2015 CIP includes \$36,000 for replacement of a 2005 Kubota. With the added acreage of the new park, etc., staff believes it would better serve operations to purchase two zero turn mowers without attachments, for approximately \$26,000. They hope to utilize a cooperative purchasing agreement with the State of Minnesota to purchase the mowers. **Supervisor Schaefer made a motion, seconded by Vice Chair Russell, to approve the change in scope for the lawn mower replacement project. The motion carried 5-0.**

- Review and approval of 2014 County Highway Annual Report

A copy of the Annual Report was included with the agenda packet. Brunner introduced Joeann Evans, the Finance Manager for Public Works, who started work with the County two weeks ago. Ms. Evans said her background is in health care and she worked in a school system for seven years. She will complete her master's degree at the end of this year. She is looking forward to the opportunity and challenge at Public Works.

Brunner noted that the Highway Division's net operating position for 2014 was more than \$2 million from the previous year, because of the addition of new equipment and the delivery of seven new plow trucks in the fiscal year. He said the department will continue to work toward achieving an 8 – 10 year replacement schedule for its large trucks.

- Update on 2015 major capital projects

Lake Beulah dam project - The project is under construction, and CTH J was closed on April 14.

Residents have asked to keep Marsh Road, north of the spillway, open to local traffic, but Brunner said it is being used for equipment staging and materials, and part of it for de-watering the dam. It isn't possible to reopen the road. Chair Stacey commended Brunner and his staff for fielding and resolving complaints quickly. Brunner said he is sending weekly email updates on the project to affected citizens and officials. Vice Chair Russell suggested putting Frequently Asked Questions on the website – i.e., the project will not lower the water level of the lake.

Judicial Center elevator replacement - The elevator is installed and inspection is scheduled for April 28.

Health and Human Services HVAC – The air conditioning portion of the project is being worked on. Brunner commended John Miller and Joe Kroll for their efforts in correcting problems that have been ongoing for years.

White River County Park – The house has been razed and the site filled in. The barn roof will be replaced soon. Brunner announced that May 16, 2015 has been designated by the Friends Group as Founders' Day, and there will be activities at the Park, including kayak demonstrations.

**Confirmation of Next Meeting** – The next meeting was confirmed for Monday, May 18, 2015 at 3:30 p.m.

### **Adjournment**

**A motion to adjourn was made by Supervisor Monroe, seconded by Vice Chair Russell. The motion carried 5-0 and Chair Stacey adjourned the meeting at 4:41 p.m.**

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Submitted by Becky Bechtel, Administrative Clerk. Meeting minutes are not considered final until approved by the committee at the next regularly scheduled meeting.

**DRAFT**

**Walworth County Board of Supervisors  
Executive Committee Meeting Minutes  
Monday, April 27, 2015  
Walworth County Government Center, County Board Room 114  
100 West Walworth Street, Elkhorn, Wisconsin**

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The meeting was called to order by Chair Weber at 10:00 a.m.

Roll call was conducted. Members present included Chair Dave Weber, Vice Chair Daniel Kilkenny, Supervisor Rich Brandl, Supervisor Nancy Russell and Supervisor Charlene Staples. A quorum was declared.

**Others in Attendance**

County Board members: Kathy Ingersoll

County staff: County Administrator David Bretl; Deputy County Administrator-Finance Nicki Andersen

Members of the public: William Duncan, 341 Pierce Drive, Williams Bay, Wisconsin; Karen Burns, 526 Brentwood Drive, Marshall, Wisconsin

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

**On motion by Supervisor Brandl, seconded by Supervisor Russell, the March 16, 2015 and April 21, 2015 Executive Committee meeting minutes were approved by voice vote.**

**Public Comment** – There was none.

**Appointments**

Recommendations regarding County Administrator's nominations

- Local Emergency Planning Committee – appointment of Daniel Majorowicz

**Supervisor Russell made a motion, seconded by Vice Chair Kilkenny, to recommend the appointment of Daniel Majorowicz to the Local Emergency Planning Committee. The motion carried 5-0.**

- Workforce Development Board – appointment of Karen Burns

**Vice Chair Kilkenny made a motion, seconded by Supervisor Russell, to recommend the appointment of Karen Burns to the Workforce Development Board. The motion carried 5-0.**

County Administrator David Bretl introduced Karen Burns. Ms. Burns grew up in Michigan, recently relocated to Wisconsin from Texas and has been involved in workforce development since 1992. She said her appointment to the Workforce Development Board will be a great opportunity for her and she thanked the committee.

- Delavan Aram Public Library Board – appointment of Linda Zell

**Vice Chair Kilkenny made a motion, seconded by Supervisor Staples, to recommend the appointment of Linda Zell to the Delavan Aram Public Library Board. The motion carried 5-0.**

- Wisconsin River Rail Transit Commission – reappointment of Allan Polyock

**Vice Chair Kilkenny offered a motion, seconded by Supervisor Brandl, to recommend the reappointment of Allan Polyock to the Wisconsin River Rail Transit Commission. The motion carried 5-0.**

- Walworth County Metropolitan Sewerage District (WalCoMet) – appointment of William Duncan; application of Douglas Snyder for appointment and consideration of reappointment of Thomas Eck, Dean Logterman and Harold Shortenhaus

Supervisor Russell asked to consider the appointments separately. Chair Weber introduced William Duncan and asked him a series of interview questions concerning service on the commission. Mr. Duncan is a resident of Williams Bay and has resided in the district since 1970. Duncan was Senior Vice President of Aurora University, where he worked for 41 years, and has extensive experience with overseeing large budgets and involvement with management of the campus sewer system. He is currently a member of the Williams Bay Village Board. Duncan said he feels it is important to protect our environment/water resources, but also important to maintain reasonable rates for our citizens. Mr. Duncan said he has no conflicts of interest which would prohibit him from serving on the WalCoMet Commission. **Supervisor Russell made a motion, seconded by Vice Chair Kilkenny, to recommend the appointment of William Duncan to serve on the Walworth County Metropolitan Sewerage District. The motion carried 5-0.**

Bretl distributed a list of committee memberships, explaining the expiration of terms of those currently serving on the WalCoMet Commission. Dean Logterman's term expired in February 2015, Thomas Eck's in February 2013 and Harold Shortenhaus' term expired in February 2014. James Hensch resigned from the Commission and Ron Henriott's term is current to February 2016. Bretl met with the Administrator of WalCoMet and talked about the future of the Commission and refilling positions. The recommendation is to reappoint the three members with expired terms. Bretl reported that subsequent to his meeting, he received an application after the deadline from Douglas Snyder, a professional engineer in the community. He included Mr. Snyder's application in the packet and said although the deadline had passed when it was received, that should not be a barrier to recruiting the most qualified candidates. If the committee reappoints the three members whose terms have expired, the next available slot would be February 2016. Discussion ensued and consensus was to direct Mr. Bretl to contact the three current members to ensure they want to commit to another term and to ask Mr. Snyder if he would be willing to reapply in February 2016. **Supervisor Brandl made a motion, seconded by Vice Kilkenny, to table consideration of this item to the May committee meeting. The motion carried 5-0.**

- Veterans Service Commission – appointment of William L. Sigmund  
**Vice Chair Kilkenny made a motion, seconded by Supervisor Staples to recommend the appointment of William L. Sigmund to the Veterans Service Commission. The motion carried 5-0.**

- East Troy Lions Library Board – appointment of Santa Consiglio  
Bretl said Randy Timm, East Troy Village president, recommended Ms. Consiglio; however, her application has not been received by the County. **Supervisor Brandl made a motion, seconded by Supervisor Russell, to recommend the appointment of Santa Consiglio to the East Troy Lions Library Board, contingent upon receipt of her application. Motion carried 5-0.**

- County Surveyor – reappointment of Dr. Kurt Bauer  
**Chair Weber offered a motion, seconded by Supervisor Russell, to approve the reappointment of Dr. Kurt Bauer as County Surveyor. The motion carried 5-0.**

#### **Consent items**

Expense reimbursement claims submitted by:

- Nancy Russell, County Board Chair, in the amount of \$47.32  
**Supervisor Brandl made a motion, seconded by Supervisor Staples, to approve County Board Chair**

**Russell's expense reimbursement claim. The motion carried 4-0. Supervisor Russell abstained.**

- Rick Stacey, County Board Vice Chair, in the amount of \$19.55
- Richard Kuhnke, county representative on WRRTC, in the amount of \$124.75.

**Supervisor Brandl made a motion, seconded by Vice Chair Kilkenny, to approve the expense reimbursement claims of Vice Chair Stacey and Richard Kuhnke. The motion carried 5-0.**

#### **New Business**

- Discussion and possible action regarding proposed synthetic marijuana ordinance as requested by the District Attorney

Bretl said he included District Attorney Necci's draft, which contains expanded language in defining synthetic marijuana, and the proposed amendment to Chapter 38 of the Code for review and approval. The amendment is in conformity with applicable state statute. The Sheriff requested the District Attorney's proposed imprisonment for non-payment of forfeitures be removed from the ordinance.

**Supervisor Russell made a motion, seconded by Supervisor Brandl, to recommend approval of the ordinance amending Chapter 38 of the Walworth County Code of Ordinances creating Section 38-35 thereof relating to synthetic marijuana and related substances. The motion carried 5-0.**

- Resolution commending the Badger High School Culinary Team for their second place finish at the 2015 ProStart Invitational Culinary Competition at the Wisconsin Restaurant Expo

**Supervisor Russell offered a motion, seconded by Supervisor Staples, to recommend the resolution commending the Badger High School Culinary Team. The motion carried 5-0.** County Administrator Bretl was directed to invite the team and their instructors to give a presentation at the May County Board meeting.

- Wisconsin Counties Association (WCA) consideration of Walworth County advisory resolutions at the annual WCA business meeting

Bretl said the summary of the advisory resolutions was included in the agenda packet. **Supervisor Russell made a motion, seconded by Vice Chair Kilkenny, to include the recommended advisory resolutions and to stipulate that any future resolutions approved by the Executive Committee and County Board be included in the submission to the WCA. The motion carried 5-0.**

**Reports/announcements by Chairperson.** The Chair had no reports or announcements.

**Set/confirm next meeting date and time** – The next meeting was confirmed for Monday, May 18, 2015 at 10:00 a.m.

#### **Claims and Litigation**

The committee convened in closed session at 10:46 a.m. on motion and second by Vice Chair Kilkenny and Supervisor Staples pursuant to the exemption contained in Section 19.85(1)(g) of the Wisconsin Statutes, "conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved," relative to the items listed below. A roll call vote was conducted and all members voted "aye." Remaining in closed session were County Administrator David Bretl and Deputy County Administrator-Finance Nicki Andersen.

- a) Order Approving Stipulation for Substitution of Counsel – Michael P. Scholl and Christine L. Scholl vs. Walworth County and ONE9OH9OH, LLC

- b) Claim for Lost Property Received from Thomas S. Barbour
- c) Report of Accident or Injury of Ruth Powell
- d) Summons and Complaint – Harrison, Williams and McDonell, LLP vs. Craig A. Pope, Cathleen Fossler Pope, First Community Federal Credit Union, Leonard Noll, County of Walworth and Wisconsin Gas, LLC
- e) Notice of Receiver’s Motions for Entry of an Order Approving Sixth Extension of Financing Agreement . . . , In re: B.R. Amon & Sons, Inc., Amon & Sons, Inc., Amon Land Company, LLC, Lake Mills Blacktop, Inc.

**The committee reconvened in open session at approximately 11:10 a.m. on motion/second by Vice Chair Kilkenny and Supervisor Brandl.**

**Supervisor Brandl made a motion, seconded by Vice Chair Kilkenny, to take no action on item a); to deny item c); and to proceed as discussed in closed sessions on items d) and e). The motion carried 5-0.**

**Vice Chair Kilkenny made a motion, seconded by Supervisor Russell, to allow the claim for lost property from Thomas S. Barbour (item b), in the amount of \$51.24. The motion carried 5-0.**

#### **Adjournment**

**On motion by Supervisor Staples, seconded by Supervisor Brandl, Chair Weber adjourned the meeting at 11:12 p.m.**

# HONEY LAKE PROTECTION AND REHABILITATION DISTRICT

## BOARD OF COMMISSIONERS

JOHN LUTZ: CHAIRMAN; (re-elected for 3-year term, 8/25/13)  
JUDITH CORRELL: SECRETARY; (re-elected for 3-year term, 8/24/14)  
JOE KOLOSSO: TREASURER; (appointed 1/1/14 for bal. of 3-year term, expires 2015)  
MICHAEL WEINKAUF: ROCHESTER VILLAGE TRUSTEE REPRESENTATIVE  
DONALD TRIMBERGER: SPRING PRAIRIE TOWN SUPERVISOR AS OF APRIL 2011  
ROBERT E. McINDOE: REP. OF WALWORTH COUNTY CONSERVATION THRU 5/1/16.

## APRIL 21, 2015, MONTHLY MEETING



Present: Lutz, McIndoe, Kolosso, Correll, Weinkauf  
Absent: Trimberger

Also present: Susie Conley; Racine Deputy Sheriff (present for discussion on Kempken issue only.)

Meeting was called to order at 7:05 p.m. by Chairman Lutz.

Secretary Correll read the minutes of the March 17, 2015 meeting which were subsequently approved. Treasurer Kolosso read the March, 2015 Treasurer's Report which was subsequently approved. (Copies of minutes and Treasurer's report attached.)

Meeting began with a discussion on an incident which Chairman Lutz had with an on-going "problem" resident, Mr. Kempken. He was recently seen by Chairman Lutz driving a tractor along the dike, having gone past the signs indicating "No Motorized Vehicles Allowed". Judging by his "body language" and past incidents, Chairman Lutz got the distinct impression that it was being done to irritate the Chairman. Chairman Lutz did get a photo of the incident, but it was taken too far away to include the sign and the facial expression of Mr. Kempken. Mr. Kempken has long been a "thorn" in the Board's attempts to keep all properties in accordance with local zoning provisions. For several years, Mr. Kempken has had a shed/barn on his property which is supposed to be used for storage and maintenance of vehicles and equipment for his business. He is not supposed to have any vehicles (with business markings) on his property outside of the shed/barn for longer than two hours. To cite him for violations, it is then necessary for the Deputy to first observe the vehicle parked on the property, then return after at least 2 hours to observe that it was still there, and then write the citation....very time-consuming. Mr. Kempken has been cited MANY times, and has been taken to Court at least once, but has continued to pay the fines. He has been advised by the Village of Rochester authorities that he is required to have a "conditional use permit" for his home-run business and the shed/barn....but he has never made such an application, just continuing to run his business and park his vehicles illegally. Deputy Conley spoke of the numerous times which she, Deputy Cindy Milam, and others have spent checking on the property and vehicles, writing the citations, and the frustrations involved. Comm McIndoe advised Comm. Weinkauf, (Rep. of the Village of Rochester) that the Village Planning Comm. should no longer allow Mr Kempken to continue his practices, nor should he now be permitted to obtain a "Conditional Use Permit" after the fact....getting Racine County involved, if necessary. Before ending this discussion, Deputy Conley shared this with the Board. Mr. Kempken's mother operates the "Mini-Mart" on Hwy "W" in Rochester. She has advised the Racine County Sheriff's Dept. that its Deputies and other personnel will no longer be permitted to come into the "Mini-Mart" as customers!....("persona non grata").

**Old Business:**

Previously documented meeting with the Board members and the asphalt contractors on County Line Blvd to determine repairs required is still to be scheduled, weather permitting.

Chairman Lutz advised the Board that Charles Koudelka, the Honey Lake resident hired to be the new maintenance individual was recently hospitalized, received a large blood transfusion, and had testing to possibly determine what was wrong. Only negative results. Some more testing still needs to be done. Job being temporarily held open for him, but a "Job Opening" notice has been prepared by Chairman Lutz, just in case.

Comm. Weinkauff indicated that the Village of Rochester is close to finalizing an agreement with a company for crack filling on roadways. He will have the Village personnel contact Chairman Lutz before finalizing the contract to see if the requirements of Honey Lake can be included in the same contract.

Chairman Lutz indicated that a recent conversation with engineering personnel has determined that the recently documented "membrane" to be used to stop leakage on the drawdown device will NOT work! He showed on drawings of the device just where the ice damages have occurred. Plan now is to sink a "buffer" around the drawdown device area, pump out the water inside of that buffered area, and then make the necessary repairs to the device. Doing this with the lake at its current level will permit using a 6' tall buffer, and doing so before drawing the lake down will allow the work to be done without getting DNR approval. The Board made a motion giving Chairman Lutz the permission to proceed with this work ASAP without waiting for next month's meeting.

**New Business:**

Randy & Connie Robinson, N 6292 E. Lakeshore Dr. want to erect a garage on their property, and had a print of the area presented by Chairman Lutz to the Board to determine if there would be any objections to having a driveway off of County Line Blvd. No objections. Since the property is in Spring Prairie all requirements, permits, etc. will be required by its Planning Comm., Building Inspector, and Walworth County.

Treasurer Kolosso read the bills ready for payment, with a payment motion made/seconded.

With no further items to address, a motion was made & seconded to adjourn at 8:05 p.m.

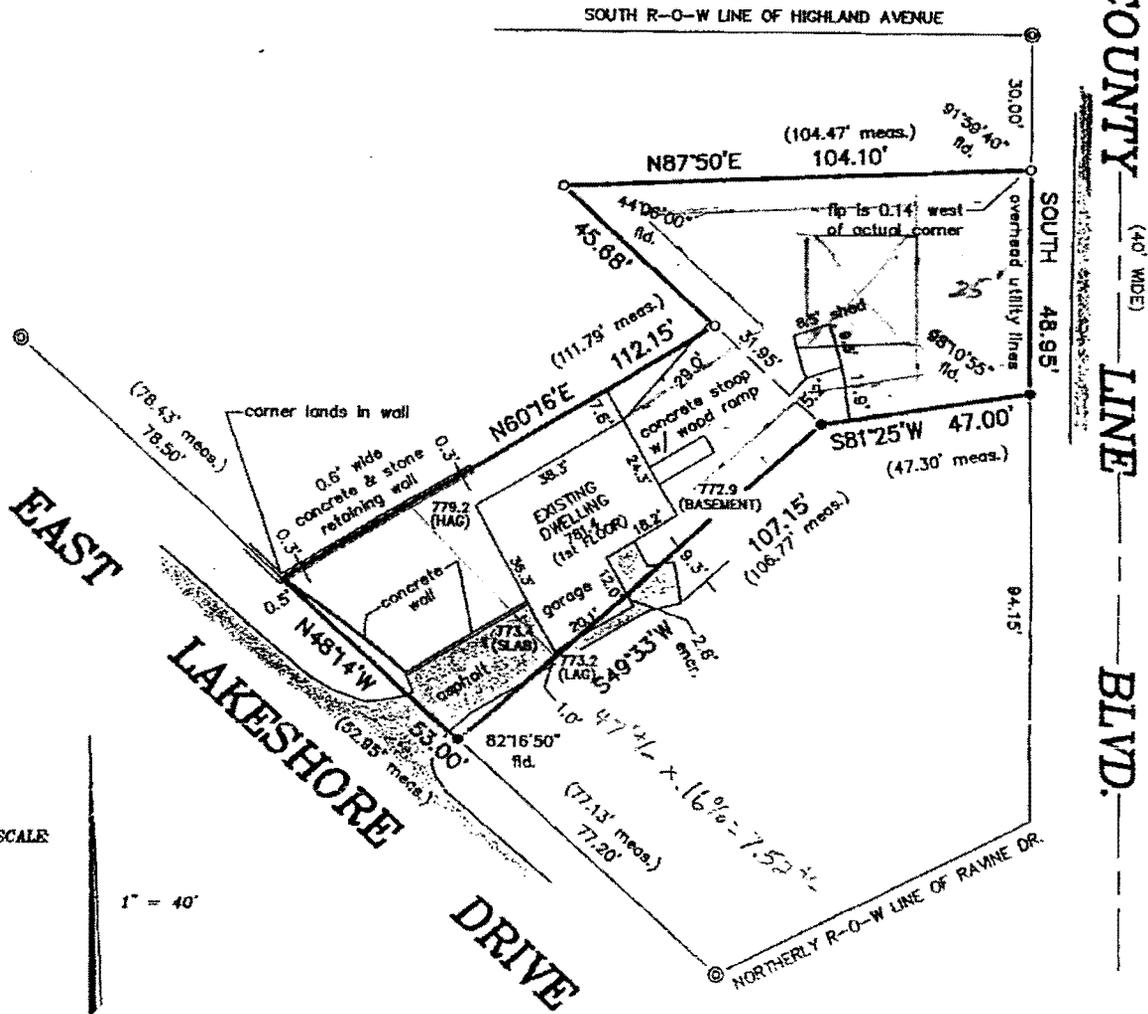
Respectfully submitted,



Robert E. McIndoe 4/22/15

Randy & Connie Robinson  
534-9534

APR 27 2015



SCALE

1" = 40'

**LEGEND**

- ⊙ FOUND CONCRETE MONUMENT
- FOUND IRON PIPE
- SET IRON PIPE

"I hereby certify that I have surveyed the above described property and that the above map is a correct representation thereof and shows the size and location of the property, its exterior boundaries, the location of all visible structures and dimensions of all principal buildings thereon, boundary fences, apparent easements, roadways and encroachments, if any."

"This survey is made for the use of the present owners of the property, and those who purchase, mortgage, or guarantee the title thereto within one year from date hereof."



THIS IS NOT AN ORIGINAL PRINT UNLESS THIS SEAL IS RED.



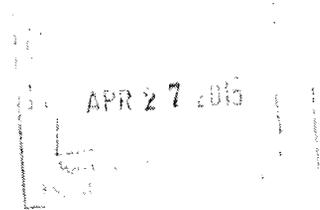
D.W. SURVEYING, INC.

# ***HONEY LAKE***

Protection and  
Rehabilitation District

P.O. Box 565

Burlington, WI 53105



COMMISSIONER'S MEETING  
ROCHESTER VILLAGE HALL  
300 W.SPRING ST.  
April 21, 2015 @ 7:00 P.M.

## **AGENDA**

Call the Meeting to Order

Secretary's Report: March 17, 2015

Treasurer's Report: March 2015

## **OLD BUSINESS**

1. Reports
2. Lake Project

## **NEW BUSINESS**

1. Robinson Driveway off County Line Blvd.
2. Kempken Business
3. Monthly Bills

## **ADJOURN**

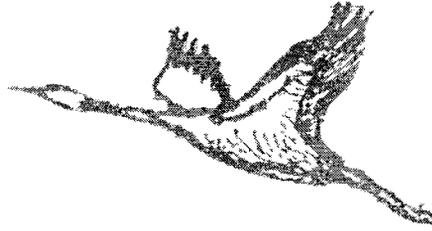
# ***HONEY LAKE***

**Protection and  
Rehabilitation District**

**P.O. Box 565**

**Burlington, WI 53105**

Commissioner's Meeting  
March 17, 2015



Chairman Lutz called the meeting to order at 7:01 P. M. at the Rochester Village Hall.  
Commissioners present were John Lutz, Joseph Kolosso, Robert McIndoe, Donald Trimberger and Michael Weinkauf

The minutes of the February 17, 2015 meeting were read. A motion to approve the minutes was made by Michael Weinkauf, seconded by Donald Trimberger and carried

The treasurer's report was read. copy attached. There was a bank error on a check from last month that had been paid for \$2,000.00 more than it was written for. It has been corrected. A motion to approve the report with the correction of the bank error was made by Robert McIndoe, seconded by Michael Weinkauf and carried.

## **OLD BUSINESS**

The Horton Group increased the insurance for the workman's compensation has been approved and updated by the insurance company and has been paid.

The snow plowing has been going fine. The one street at the end of the district off Kearney Road now needs plowing because the home is now owned by someone else who needs it plowed. The old owners plowed it themselves.

The two gentlemen interested in purchasing the roadway by Kenmore will wait until the property dries up so that it can be walked and looked at.

March 17, 2015 Page 2

Jeff Johnson will put the boards in the bridge as soon as the weather permits. He also contacted someone about the membrane fabric, which is about ¼" thick, to use on the drawdown device. When the boards need to be replaced we will need to look at putting in a cofferdam. It might also be a good idea to look at putting in a bigger pipe. The pipe that was used when we originally drew the lake down for the dredging was a 60" pipe. The DNR said that a 36" pipe would be sufficient to handle the flowage on a normal basis. The one time we did have to draw the lake down we got a heavy rain and the water was back up in one day.

Chairman Lutz has talked with Kurt regarding having some crack filling done on the roads in Spring Prairie Township, mainly East Lakeshore and West Lakeshore Drives.

Also we need to have some brush cleanup work done. Will contact Bienemann Tree Service. The parks were never finished last fall as far as the sand replaced and some of the cleanup.

Ken Mosher is still doing the upkeep of our equipment.

We need to hire a new maintenance person. The man who lives a couple of doors down from Chairman Lutz would like the job. A motion to hire Charles Koudelka was made by Michael Weinkauff, seconded by Donald Trimberger and carried.

The part of County Line Blvd. that we had paved last fall will need to be redone. The asphalt company that we had do the work has agreed that the road was not done properly. The plans called for the road to be pitched from west to east to keep puddles from forming in front of the homes on the west side of the road. The road was installed with a crown so the water runs off both sides and will cause the puddles to form on the west side.

NEW BUSINESS

There are some stop signs that need replacing because they have been vandalized with paint

There is some crack filling that needs to be done on other roads in the district. The Village of Rochester has a company that does the roads. Maybe we could look at having that company give us an estimate to do the Honey Lake Roads at the same time

Commissioner Kolosso and his wife were walking in the park and he tried picking up one of the blocks in the retaining wall and was surprised to find that the blocks were loose. Chairman Lutz will contact the company that put the blocks in because they were supposed to be glued down so no one could move them.

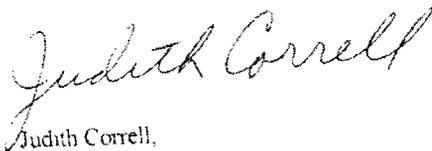
BILLS SUBMITTED AS FOLLOWS:

Comm. Comp	John Lutz	\$200.00
" "	Judith Correll	\$175.00
" "	Joseph Kolosso	\$175.00
" "	Donald Trumberger	\$ 25.00
" "	Michael Weinkauff	\$ 25.00
Town Web Design	District Web Page	\$315.00

A motion to approve the bills was made by Robert McIndoe, seconded by Michael Weinkauff and carried

A motion to adjourn, subject to recall, was made by Robert McIndoe, seconded by Michael Weinkauff and carried at 7:50 P. M.

Respectfully submitted,



Judith Correll,  
Secretary HLP RD

APR 27 2015

# **Honey Lake Protection & Rehabilitation District**

## **Treasurers Report**

**March 2015**

Joseph Kolosso

Treasurer

**Honey Lake Protection and Rehabilitation District**  
**Regular Checking-March 2015-For Fiscal Year 2014-2015**

<u>Date</u>	<u>Number</u>	<u>Transaction</u>	<u>Category</u>	<u>Payment</u>	<u>Deposit</u>	<u>Balance</u>
3/1/2015			Starting Balance			\$29,973.80
3/1/2015	4274	Snow Solutions LLC Snow Plowing Contract 11 of 18	Roads	\$3,200.00		\$26,773.80
3/4/2015	4275	The Horton Group Inc	Annual Liability & Workers Comp. Insurance	\$5,018.00		\$21,755.80
3/4/2015	4276	Wisconsin Lakes Partnership	Conference Registration for John Lutz & Joe Kolosso	\$415.00		\$21,340.80
3/16/2015	Refund	Refund of the \$2000.00 overpayment of check # 4266 for Cutting Edge.			\$2,000.00	\$23,340.80
3/17/2015	4277	John Lutz	Commissioners Compensation	\$200.00		\$23,140.80
3/17/2015	4278	Judith Correll	Commissioners Compensation	\$175.00		\$22,965.80
3/17/2015	4279	Joseph Kolosso	Commissioners Compensation	\$175.00		\$22,790.80
3/17/2015	4280	Donald Trimberger	Commissioners Compensation	\$25.00		\$22,765.80
3/17/2015	4281	Mike Weinkauf	Commissioners Compensation	\$25.00		\$22,740.80
3/17/2015	4282	Town Web Design LLC	Misc.-Annual Web Maintenance	\$315.00		\$22,425.80
3/31/2015		Chase Bank	Office Supplies-Check Order(300)	\$65.00		\$22,360.80
3/31/2015	Deposit	Chase Bank-Interest	Interest		\$0.23	\$22,361.03
3/31/2015			Ending Balance			<u>\$22,361.03</u>

## Honey Lake Protection and Rehabilitation District

### Payroll Checking-March 2015-For Fiscal Year 2014-2015

<u>Date</u>	<u>Number</u>	<u>Transaction</u>	<u>Payment</u>	<u>Deposit</u>	<u>Balance</u>
3/1/2015		Starting Balance			\$9,973.21
3/31/2015	Deposit	Chase Bank-Interest		\$0.09	\$9,973.30
3/31/2015		Ending Balance			<u>\$9,973.30</u>

## Honey Lake Protection and Rehabilitation District

### Non-Lapsing Fund-March 2015-For Fiscal Year 2014-2015

<u>Date</u>	<u>Number</u>	<u>Transaction</u>	<u>Payment</u>	<u>Deposit</u>	<u>Balance</u>
3/1/2015		Starting Balance			\$75,007.76
3/31/2015	Deposit	Chase Bank-Interest		\$0.65	\$75,008.41
3/31/2015		Ending Balance			<u>\$75,008.41</u>

DRAFT

**Walworth County Board of Supervisors  
Executive Committee Special Meeting Minutes  
Tuesday, April 21, 2015  
Walworth County Government Center, County Board Room 114  
100 West Walworth Street, Elkhorn, Wisconsin**

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The meeting was called to order by Supervisor Russell at 5:33 p.m.

Roll call was conducted. Members present included Supervisor Rich Brandl, Supervisor Nancy Russell and Supervisor Charlene Staples. Chair David Weber was excused. A quorum was declared.

**Others in Attendance**

County Board members: Tim Brellenthin, Kathy Ingersoll, Ken Monroe, Joe Schaefer, Rick Stacey and Paul Yvarra

County staff: County Administrator David Bretl; Health and Human Services Director Elizabeth Aldred; Central Services/Public Works Director Kevin Brunner; Human Resources Director Dale Wilson; CDEB Director of Special Education Tracy Moate; Lakeland Health Care Center Administrator Bernie Janiszewski; Deputy County Administrator-Finance Nicki Andersen; County Clerk Kim Bushey; Deputy Corporation Counsel/Director of Land Use and Resource Management Michael Cotter; Administrative Clerk Patricia Sommers, County Clerk's Office

Members of the public: Elizabeth Sukala

**On motion by Supervisor Brandl, seconded by Supervisor Staples, the agenda was approved by voice vote with no withdrawals. The motion carried 3-0.**

**Public Comment** – There was none.

**Vice Chair Kilkenny arrived at 5:35 p.m.**

**Appointments**

- Recommendations regarding County Administrator's nominees: Walworth County Board of Adjustment – appointment of Elizabeth Sukala

County Administrator David Bretl said Mrs. Sukala applied to replace Gregory Guidry as a full-time member of the Board of Adjustment after Mr. Guidry submitted his resignation. Vice Chair Kilkenny asked Mrs. Sukala a series of questions concerning her qualifications and motivation to serve. Mrs. Sukala lives in LaGrange Township. She serves as an alternate on the Board of Adjustment and served full-time during the months of January, February and March. Sukala is the former Clerk/Treasurer of the Town of LaGrange, and currently serves on the LaGrange Planning and Zoning Committee. Mrs. Sukala asked if her service on the LaGrange Planning and Zoning Committee would conflict with her service on the Board of Adjustment. Deputy Corporation Counsel/Director of LURM Michael Cotter said she could recuse herself from discussion/action on items from LaGrange; however, the best practice would be to terminate her service on the Town Planning and Zoning Committee. He stated the Board has the ultimate decision. Cotter added if Sukala removed herself from the Town committee it would protect her from becoming involved in a potential dispute at the township level. **Supervisor Russell made a motion, seconded by Supervisor Staples, to recommend the nomination of Elizabeth Sukala to serve on the County Board of Adjustment, contingent upon Mrs. Sukala resigning her position on the Town of LaGrange Planning and Zoning Committee. The motion carried 4-0.**

**Reports/announcements by Chairperson** – There were no reports or announcements.

**Set/confirm next meeting date and time** – The next meeting was confirmed for April 27, 2015 at 10:00 a.m.

**Adjournment**

**On motion by Supervisor Brandl, seconded by Supervisor Staples, Vice Chair Kilkenny adjourned the meeting at 5:44 p.m.**

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Submitted by Becky Bechtel, Administrative Clerk. Meeting minutes are not considered final until approved at the next regularly scheduled committee meeting.

**DRAFT**

**Walworth County Board of Supervisors  
Human Resources Committee Special Meeting Minutes  
Tuesday, April 21, 2015  
Walworth County Government Center, County Board Room 114  
100 West Walworth Street, Elkhorn, Wisconsin**

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The meeting was called to order at 4:30 p.m. by Chair Rich Brandl.

Roll call was conducted with the following members present: Chair Rich Brandl, Vice Chair Tim Brellenthin, Supervisors Kathy Ingersoll, Ken Monroe and Rick Stacey. A quorum was declared.

**Others in Attendance:**

County Board Supervisors: Nancy Russell, Joe Schaefer, Charlene Staples and Paul Yvarra  
County staff: County Administrator David Bretl; Deputy County Administrator-Finance Nicki Andersen; Human Resources Director Dale Wilson; Director of Central Services/Public Works Kevin Brunner; Director of CDEB Tracy Moate; Clerk of Courts Sheila Reiff, Donna McIntyre-Human Resources Manager; Lisa Henke-Risk/Benefits Manager; Undersheriff Kevin Williams; Director of Health and Human Services Elizabeth Aldred

**On motion by Vice Chair Brellenthin, seconded by Supervisor Monroe, the agenda was approved by voice vote with no withdrawals.**

**Approval of February 18, and March 2, 2015 meeting minutes**

**On motion by Supervisor Stacey, seconded by Supervisor Monroe, the February 18, and March 2, 2015 meeting minutes were approved by voice vote.**

**Public comment** – There was none.

**New Business**

- Ordinance No. 922-04/15 Amending Section 15-17 of the Walworth County Code of Ordinances relating to the Economic Support Specialist Project Positions in the Health and Human Services Department

Human Resources Director Dale Wilson said in 2012 six limited term Economic Support positions were approved to assist with the implementation of the Affordable Care Act. Health and Human Services filled five of the six positions, which are slated to end on June 30, 2015. Four of the five people in those positions have resigned, taken new positions or transferred to another position. The workload continues to increase and staff is requesting to extend the remaining position until December 31, 2015. Funds are available for the position through 2015. Director of Health and Human Services Elizabeth Aldred said the Governor's proposed budget includes funding through 2015. In 2016 the proposal is to cut the funding in half, and then cut half of the remaining funding in 2017. Aldred said even if the funds were cut as proposed, her department would have sufficient funds for two positions. Wilson said the purpose of the ordinance amendment is to reinstate the five Economic Support Project positions that were to be eliminated this year. Current State funding will cover the cost of the one employee remaining for the remainder of 2015. The four vacant positions will only be refilled in the State funding is received in 2016. **Supervisor Monroe made a motion, seconded by Supervisor Stacey, to approve Ordinance No. 922-04/15. The motion carried 5-0.**

- Ordinance No. 923-04/15 Amending Section 15-722 of the Walworth County Code of Ordinances Relating to Leaves of Absence

Wilson said the current ordinance prohibits casual employees from being eligible for leaves of absence. The county has expanded the number of casual positions because of need, and some have asked about their ability to apply for leaves of absence. State and federal statutes require that the county would have to offer it based upon certain criteria. Human Resources Manager Donna McIntyre said there is a “look back” period, which starts when the employee asks for leave, and eligibility is determined by the number of hours they have worked and for how long. The state requires a minimum of 1,000 hours, and federal 1,250. The employee must have worked for 52 consecutive weeks, which doesn’t have to occur immediately before the leave starts, but can range from a period of two to seven years previously. Wilson said the intent of the ordinance amendment is to clarify that leaves must be offered if the employee meets state or federal requirements. **Supervisor Stacey made a motion, seconded by Vice Chair Brellenthin, to approve Ordinance No. 923-04/15 Amending Section 15-722 of the Code Relating to Leaves of Absence. The motion carried 5-0.**

- Ordinance No. 924-04/15 Amending Section 15-324 of the Walworth County Code of Ordinances Relating to Performance Based Compensation for Certain Employees

Under the current management pay plan, high level performers must complete a minimum of three goals during the year to merit salary increases. The Circuit Court Commissioner and Family Court Commissioner are in the management pay plan; however, they are evaluated by the judges. Because of the nature of their positions and the criteria the judges use to evaluate these positions, the employees are not assigned specific goals. Chair Brandl asked what other equivalent tools could be used. Clerk of Circuit Court Sheila Reiff said she has an evaluation form from Racine County which she provided to our judges to review. The Racine County program uses areas of evaluation such as judgment, teamwork, job duties, knowledge, demeanor in difficult situations, etc. Wilson said he would evaluate the Racine County program with Ms. Reiff and get input from the judges in an attempt to remain consistent with other management employee evaluation forms. **Vice Chair Brellenthin made a motion, seconded by Supervisor Monroe, to recommend approval of Ordinance No. 924-04/15.**

- Discussion and possible action regarding Section 15-531(c) of the Walworth County Code of Ordinances pertaining to dental insurance for Lakeland School employees

Wilson said employees at the School negotiated a separate dental plan through Wisconsin Education Association (WEA), and they were allowed to continue with WEA after Act 10 was enacted. WEA has transferred the insurance to Delta Dental, who has guaranteed the same rates through next year. Wilson said he would investigate the economic advantages and benefits of the Delta plan. He wants to discuss options with School employees, do some research on the insurance plan and will bring an action plan back to the committee.

- Approving a Contract Settlement Agreement by and between Walworth County and the Deputy Sheriffs Association for the Period of January 1, 2015 to December 31, 2015

Wilson said the Sheriffs Association has agreed to the terms discussed with this committee and nothing radical has changed from prior committee discussions except some verbiage/terminology in the proposed contract changes. **Supervisor Monroe made a motion, seconded by Supervisor Stacey to recommend the contract agreement between Walworth County and the Deputy Sheriffs Association. The motion carried 5-0.**

**Reports/announcements by Chairperson – There were none.**

**Confirmation of next meeting.** The next meeting was confirmed for Wednesday, April 29, 2015 at 3:30 p.m.

### **Adjournment**

**On motion by Supervisor Stacey and Vice Chair Brellenthin, Chair Brandl adjourned the meeting at 4:55 p.m.**

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Submitted by Becky Bechtel, Administrative Clerk. Meeting minutes are not considered final until approved by the committee at the next regularly scheduled committee meeting.

**DRAFT**

**Walworth County Board of Supervisors  
April 21, 2015 Special Finance Committee Meeting Minutes  
Walworth County Government Center, County Board Room 114  
100 W. Walworth Street, Elkhorn, Wisconsin**

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The meeting was called to order by Chair Nancy Russell at 4:00 p.m.

Roll call was conducted. Members present included Chair Nancy Russell, Vice Chair Dan Kilkenny, Supervisors Kathy Ingersoll, Joe Schaefer and Paul Yvarra. A quorum was declared.

**Others in Attendance**

County Board Supervisors: Rich Brandl, Tim Brellenthin, Ken Monroe, Rick Stacey and Charlene Staples

County staff: Deputy County Administrator-Finance Nicki Andersen; County Administrator David Bretl; Director of Central Services/Public Works Kevin Brunner; Director of Health and Human Services Elizabeth Aldred; Director of Human Resources Dale Wilson

**On motion by Supervisor Schaefer, seconded by Supervisor Ingersoll, the agenda was approved by voice vote with no withdrawals.**

**Supervisor Schaefer made a motion, seconded by Vice Chair Kilkenny, to amend the March 19, 2015 meeting minutes to reflect that chair Russell was excused from the meeting due to medical reasons, and to approve the minutes as amended. The motion carried 5-0.**

**Public Comment** – There was none.

**Unfinished Business**

**New Business**

- Resolution 04-04/15 Approving the Submission of a Grant Application for Outdoor Recreation Aids (Snowmobile Trails)

Director of Central Services/Public Works Kevin Brunner said the Department of Natural Resources (DNR) grant is for development and maintenance of county snowmobile trails in cooperation with the Walworth County Snowmobile Alliance. The grant funding is \$60,400. **Vice Chair Kilkenny made a motion, seconded by Supervisor Ingersoll, to approve Resolution 04-04/15 for submission of the application. The motion carried 5-0.**

- Resolution 05-04/15 Accepting \$70,000 in Private Donations Relating to State of Wisconsin Stewardship Grant Funding for the White River County Park Improvements

**Supervisor Schaefer made a motion, seconded by Vice Chair Kilkenny, to approve the resolution accepting \$70,000 in private donations relating to State of Wisconsin Stewardship grant funding for the White River County Park improvements.** Brunner said three foundations from the Burlington area have offered to donate funds for the new bridge. The money will be funneled through the Geneva Lake Conservancy, who will build the bridge and donate it to the County after installation. The private funds will be used to make up the local match required for the stewardship grant. The County will have control over the design of the bridge and issue the required permits. **The motion carried 5-0.**

- Resolution 06-04/15 Approving a Wisconsin Stewardship Grant Application for the White River County Park Improvements

**Supervisor Schaefer offered a motion, seconded by Supervisor Ingersoll, to approve the grant application for the White River County Park improvements.** Brunner said the Stewardship Grant is for \$90,500, which requires an equivalent local match. The matching funds will consist of \$70,000 in private donations toward the bridge and \$20,500 of in-force labor, equipment and materials. The access road will be constructed off of Sheridan Springs Road and will run along the fence line east of the barn to the pond and then to the new bridge. The remaining funds would be used for the first phase of the prairie restoration; construction of a picnic shelter; a canoe launch and access road (a circular driveway to the river); and asphalt paving for the existing parking lot. Brunner noted that these improvements were included in the master plan for the Park. The grant applications are due May 1, 2015, and Brunner said he would be notified by mid-August if the County is awarded the grant. The bridge will be constructed this year, but the other improvements are contingent upon receipt of the grant. **The motion carried 5-0.**

**Correspondence** – There was none.

**Confirmation of next meeting date and time.** The next meeting date was confirmed for Thursday, April 30 at 9:30 a.m.

#### **Adjournment**

**On motion by Supervisors Ingersoll and Schaefer, Chair Russell adjourned the meeting at 4:19 p.m.**

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Submitted by Becky Bechtel, Administrative Clerk. Meeting minutes are not considered final until approved by the committee at the next regularly scheduled meeting.

**DRAFT**

**Walworth County Criminal Justice Coordinating Committee  
April 10, 2015 Meeting Minutes  
Walworth County Judicial Center, Jury Assembly Room  
1800 County Road NN, Elkhorn, Wisconsin**

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The meeting was called to order by Chair Judge David Reddy at 11:30 a.m.

Roll call was conducted. Members present included Chair Judge David Reddy, Judge Kristine Drettwan, Judge Phillip Koss, Professor John Kozlowicz, Sheriff Kurt Picknell, Carlo Nevicosi-Health and Human Services, Randall Gasser-Department of Corrections, Clerk of Courts Sheila Reiff, County Board Chair Nancy Russell and County Administrator David Bretl. A quorum was established.

**Others in Attendance:**

County staff: Katie Behl, Treatment Court Coordinator; Kristy Secord-Court Office Manager; Nicole Heinrich-Health and Human Services Behavioral Health Supervisor; John Delaney-Jail Administrator; Evan Wynn-Clerk of Courts; Becky Bechtel, Recording Secretary and Patricia Sommers-County Clerk's Office

Members of the public: Sara Nichols-Open Arms Free Clinic; Barbara Hanson-Department of Corrections; D. Glishop and K. Skomski- Credence Counseling and Therapy Associates; Julie Bonogofsky-Southeastern Monitoring; Andrea Andersen-*Janesville Gazette*; Rob Ireland-*Lake Geneva Regional News*

**On motion by County Board Chair Russell, seconded by Professor Kozlowicz, the agenda was approved with no withdrawals.**

**On motion by Sheriff Picknell, seconded by Judge Koss, the February 13, 2015 meeting minutes were approved by voice vote.**

**Public Comment – None**

**Unfinished Business**

- OWI Court Report – Judge Reddy

Chair Reddy reported that the Treatment Court team attended the Wisconsin Association of Treatment Court Professionals training in Milwaukee, and Treatment Court Coordinator Katie Behl attended specialized training regarding peer support groups for treatment courts. He reported the *Janesville Gazette* recently did an article on one of Walworth County's graduates, who had a lengthy incarceration in Boscobel, and upon release got another OWI. He graduated from OWI Court and has undergone such a transformation that he now wants to provide peer support for those currently enrolled. Behl said that the peer groups would provide a support for graduates as they transition back into the community.

Chair Reddy said subsequent to discussion on the lack of law enforcement participation in OWI Court, Judge Drettwan addressed the issue Chiefs' Association meeting. Three Chiefs so far have agreed to participate on a rotating basis, and Sheriff Picknell said his office would help out if there are gaps in the rotation.

There are currently 38 individuals enrolled in OWI Court. The 55<sup>th</sup> participant will graduate next week. Overall, there is an 85% completion rate, with an average monthly enrollment of two persons. Chair Reddy said now that the Court has been in operation for three years, Dr. Gregory has agreed to evaluate the program. Behl said interviews of team members will occur in late May, followed by data collection and analysis throughout the summer. The report should be completed in early fall.

- Drug Court Report – Judge Reddy

Chair Reddy reported that the Drug Court team attended the retreat discussed at the last meeting. The County received a favorable preliminary report from the Drug Court consultants. Behl reported that currently there are 16 participants in the program – nine males and seven females.

- 1) Housing

District Attorney Necci has taken the lead in researching funding and options for transitional housing. As Mr. Necci was not in attendance, the report was postponed until the next meeting.

County Administrator Bretl said he got some feedback from the public expressing concern about providing “too many” benefits to offenders. Bretl met with Director of Health and Human Services Elizabeth Aldred and Ms. Aldred noted because of the multiple issues facing recovering addicts, transitional housing is rarely short term. Chair Reddy said perception needs to be changed by disseminating information to the public showing that providing this type of support saves money and benefits the community in the long run.

- 2) Transportation

Chair Reddy spoke to Cynthia Simonsen of VIP Services concerning the potential of providing transportation for Treatment Court participants to appointments for court appearances and probation appointments. Ms. Simonsen talked to her board about the proposition and they are willing to discuss options. Chair Reddy noted VIP’s current fee structure would be prohibitive without some type of mileage reimbursement.

- Evidence Based Decision Making (EBDM) – Judge Koss

Judge Koss and Katie Behl are currently focused on pretrial bond situations and are waiting for information from the Laura and John Arnold foundation. Judge Koss said that they are leaning toward using Virginia’s bond matrix, which will involve collecting data from jail personnel.

- Juvenile Corrections – Judge Koss

Judge Koss met with Health and Human Services (HHS) staff, the District Attorney’s office and State Public Defender. Koss said HHS has wraparound services for diversion, which they can use early because of their intake and meeting before the District Attorney’s office becomes involved. Carlo Nevicosi, HHS Behavioral Health/Crisis Intervention Manager, said they have created a sub group to identify risk assessment needs, and they determined a new assessment tool directed solely towards juveniles should be developed. In addition, Nevicosi said they discovered there are gaps in services; the District Attorney’s office needs to be made aware of the range of services HHS can provide to at risk juveniles. Judge Koss said he is open to increasing the judicial presence in some of the cases – i.e., conduct progress hearings and provide status reports. He cautioned that once the juvenile files are closed, because of confidentiality they cannot conduct dispositional hearings with other juveniles present. The East Troy and Elkhorn courts have adopted programs and the judges are strongly in favor; however, they are not able to see enough juveniles. Judge Koss said it would be beneficial to involve other municipalities within the County.

### **New Business**

- **Open Arms Free Clinic: Presentation and transportation need**

Chair Reddy introduced Sara Nichols, the Executive Director of the Open Arms Free Clinic in Elkhorn. Ms. Nichols said the private, non-profit clinic opened in 2012 to provide medical services for those without health insurance. In Walworth County, approximately 25% of the population has no health insurance, and their clinic has a large waiting list for services. The clinic is run completely by volunteers and funded through donations; Nichols is the only paid staff. To date, there are 1,100 county patients enrolled at the clinic. The clinic's goal is to maintain their patients' health, many of whom have chronic diseases. Nichols said the clinic now has a dentist. On April 1, Open Arms moved into new facilities at 205 E. Commerce Court, the former Aurora Clinic. They have 1,200 square feet of space, which includes four medical exam rooms, two dental suites and space for mental health services. There are plans to expand to include eye care. The building also houses Elkhorn Food Pantry, which serves all of Walworth County. The clinic currently has 200 volunteers with multiple areas of expertise. There will be an open house at the Open Arms Free Clinic on Monday, April 20, 2015 from 4:00 to 7:00 p.m.

Nichols said one of the problems patients face is lack of public transportation, particularly because the clinic only dispenses medication two days a week. They have volunteer drivers, but when the volunteer doctors have emergencies elsewhere, it is difficult to reschedule rides from volunteers. Chair Reddy said that transportation for Huber residents would be a good pilot program. Jail Administrator John Delaney said there are approximately five individuals per month who need transport to medical appointments. Clerk of Courts Sheila Reiff noted there is legislation being introduced in Wisconsin which would provide transportation similar to taxi services to these populations for no fee. Committee consensus was that this pilot program would fit within the committee's mission. Nichols added one of the problems with utilizing volunteer drivers is that they can refuse service to anyone if they don't feel comfortable.

Bretl said that the Transportation Coordinating Committee (TCC) is considering future expansion of its services to include more segments of the population, which he realizes would not meet immediate needs but might provide a long term solution. He asked if the Sheriff's Office might consider using a van for prisoner transport to medical appointments. Sheriff Picknell said he would consider it in the interim, but would prefer an outside service as a permanent solution. Chair Reddy estimated a taxi from the Sheriff's Office to the clinic would be a three mile ride and cost less than \$20. Delaney agreed there is an immediate need for transportation services for inmates, and this would enable the Sheriff's Office to closely monitor where jail occupants go and ensure they are not making unauthorized stops. Barbara Hanson from the Department of Corrections said that if an individual needing transportation is on probation and the purpose of the ride is for health care, Corrections could possibly provide some funds to help cover costs. Bretl suggested coming back to the next meeting with some options and quotes from different providers. Chair Reddy agreed to meet with Mr. Delaney and Ms. Nichols and provide information for the next meeting.

**Confirmation of Next Meeting** – The next meeting was confirmed for Friday, June 12, 2015 at 11:30 a.m.

### **Adjournment**

**On motion by Sheriff Picknell, seconded by Judge Koss, the meeting was adjourned at 12:16 p.m.**

## Walworth County Board of Adjustment

### MINUTES

April 8, 2015 - Hearing – 8:30 AM

April 9, 2015 – Meeting – 8:30 AM

County Board Room

Government Center – Elkhorn, Wisconsin

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A hearing and decision meeting of the Walworth County Board of Adjustment was held on April 8 & 9, 2015, in the County Board Room of the Government Center in Elkhorn, Wisconsin. Those present on April 8, 2015, were Vice-Chair Gregory E. Guidry, Secretary Ann Seaver, 1<sup>st</sup> Alternate Elizabeth Sukala and 2<sup>nd</sup> Alternate Franklin B. Jones. Deb Grube, Senior Zoning Officer and Wendy Boettcher, recording secretary were in attendance. Those present on April 9, 2015, were Vice-Chair Gregory E. Guidry, Secretary Ann Seaver, 1<sup>st</sup> Alternate Elizabeth Sukala and 2<sup>nd</sup> Alternate Franklin B. Jones. Deb Grube, Senior Zoning Officer, Maegan Sankey, Urban Watershed Technician and Wendy Boettcher, recording secretary were in attendance. “Sign-in” sheets listing attendees on April 8, 2015, and April 9, 2015, are kept on file as a matter of record.

The April 8, 2015, hearing was called to order by Acting Chair Gregory E. Guidry at 8:30 A.M. Wendy Boettcher conducted roll call and verified that there was a quorum. Those present were same as listed above. **Elizabeth Sukala motioned to approve the agenda as amended to move hearing #5. August D. Fesi & Lisa Marie Bursich / Delavan Township to hearing #1. Seconded by Ann Seaver. Motion carried. 3-favor, 0-oppose. Ann Seaver motioned to approve the March 11 & 12, 2015, Minutes and dispense with the reading. Seconded by Gregory E. Guidry. Motion carried. 2-favor, 0-oppose.** Elizabeth Sukala abstained from voting as she was not present at the March 11 & 12, 2015, meetings. Gregory E. Guidry stepped down for the remainder of the hearing after item #7.A.1. concluded and Franklin Jones sat in for the remainder of the hearing. Ann Seaver took over as Acting Chair for the remainder of the hearing after Gregory E. Guidry stepped down. **After testimony of all cases, Elizabeth Sukala motioned to recess until 8:30 A.M. on Thursday, April 9, 2015. Seconded by Franklin Jones. Motion carried. 3-favor, 0-oppose.** The April 8, 2015, hearing went into recess at approximately 12:03 P.M.

On April 9, 2015, at 8:30 A.M., Acting Chair Gregory E. Guidry called the decision meeting to order. Wendy Boettcher conducted roll call and verified that there was a quorum. Those present were same as listed above. **Ann Seaver motioned to approve the agenda as amended to move hearing #5. August D. Fesi & Lisa Marie Bursich / Delavan Township to hearing #1. Seconded by Elizabeth Sukala. Motion carried. 3-favor, 0-oppose.** Gregory E. Guidry stepped down for the remainder of the meeting after item #5.A.1. concluded and Franklin Jones sat in for the remainder of the hearing. Ann Seaver took over as Acting Chair for the remainder of the meeting after Gregory E. Guidry stepped down. **After the decisions were completed, Elizabeth Sukala motioned to adjourn until the May 13, 2015, hearing at 8:30 A.M. Seconded by Ann Seaver. Motion carried. 3-favor, 0-oppose.** The April 9, 2015, decision meeting adjourned at approximately 9:22 A.M.

Nine variance hearings were scheduled and details of the April 8, 2015, hearings and the April 9, 2015, decisions are digitally recorded and available to the public upon request / video to view on our website: [www.co.walworth.wi.us](http://www.co.walworth.wi.us).

## Old Business

Thursday, April 9, 2015

Count #8:31:00 – 8:40:55

Douglas B. & Amanda W. Rowe, owners – Section(s) 17 - East Troy Township

Applicants are requesting a variance from Section(s) 74-167 of Walworth County's Code of Ordinances – Shoreland Zoning to install a tram in the shore yard.

**REQUIRED BY ORDINANCE:** The Ordinance permits one access to the shoreline with 149' of shore frontage and requires access to be located within a 40' view / access corridor and permits existing two walkways to remain.

**VARIANCE REQUEST:** The applicants are requesting to add a third access (tram) to the shore with a 105' view / access corridor. The request is a variance from Section(s) 74-167 of Walworth County's Code of Ordinances – Shoreland Zoning to install a tram in the shore yard.

**BOARD OF ADJUSTMENT DECISION:** The Walworth County Board of Adjustment, during the meeting of April 9, 2015, for the petition of Douglas B. & Amanda W. Rowe, owners, voted to **APPROVE** the request to add a third access (tram) to the shore with a 105' view / access corridor.

**A motion was made by Ann Seaver to approve the variance request with a 25 square foot maximum platform at the bottom of the tram in the shore yard. Seconded by Gregory E. Guidry for discussion. Motion carried. 3-favor 0-oppose**

**BOARD OF ADJUSTMENT FINDINGS:** The Board found the existing second walkway was located and determined to be abandoned. The Board found to require removal of the second walkway would cause unnecessary hardship. The Board found to require removal of the second walkway on a steep slope would cause land disturbance that would be detrimental to the shore yard. The Board found to approve the tram to the shore with a 105' view / access corridor would cause no harm to public interests. The Board found to permit a platform no more than the 25 square foot maximum allowed by the Ordinance to be built at the bottom of the tram in the shore yard would allow safe ingress / egress for the tram. The Board found to approve the variance request would not harm the public's interest in navigable waters. There were letters of support from the Town of East Troy and a neighboring property owner. There was a letter of opposition from the Wisconsin Department of Natural Resources. There was a letter of comment from the Walworth County Land Conservation Division.

## New Business – Variance Petitions

Hearing – Count #9:09:13 – 9:14:38 / Decision – Count #8:48:50 – 8:53:59

The First Hearing was Melvin G. & Constance P. Glatz-Helms, owners – Section(s) 23 – La Grange Township

Applicants are requesting a variance from Section(s) 74-51 of Walworth County's Code of Ordinances – Zoning to permit the location of a garage addition.

**REQUIRED BY ORDINANCE:** The Ordinance requires a 15' setback (east).

**VARIANCE REQUEST:** The applicants are requesting a 14.5' setback (east). The request is a variance from Section(s) 74-51 of Walworth County's Code of Ordinances – Zoning to permit the location of a garage addition.

**BOARD OF ADJUSTMENT DECISION:** The Walworth County Board of Adjustment, during the meeting of April 8 & 9, 2015, for the petition of Melvin G. & Constance P. Glatz-Helms, owners, voted to **APPROVE** the request for a 14.5' setback (east).

**A motion was made by Elizabeth Sukala to approve the variance request. Seconded by Franklin Jones. Motion carried. 3-favor 0-oppose**

**BOARD OF ADJUSTMENT FINDINGS:** The Board found the small lot size to be a unique property limitation. The Board found the garage addition was constructed by a previous owner. The Board found the setback violation was not discovered until the property was surveyed after purchase by the current owner. The Board found to require removal of the structure would cause unnecessary hardship. The Board found to approve the variance request would cause no harm to public interests. The Board found the variance request to be a small increment of relief. There was no support. There was no opposition.

Hearing – Count #9:14:45 – 9:24:49 / Decision – Count #8:54:00 – 8:57:19

The Second Hearing was Helen M. Person, owner – Section(s) 9 – Richmond Township

Applicant is requesting a variance from Section(s) 74-163 / 74-181 / 74-221 of Walworth County's Code of Ordinances – Shoreland Zoning to construct a 24' x 24' accessory structure (garage).

**REQUIRED BY ORDINANCE:** The Ordinance permits a 25.3' street yard setback (house) and a 15' side yard setback.

**VARIANCE REQUEST:** The applicant is requesting a 10.5' street yard setback and a 3.5' side yard setback. The request is a variance from Section(s) 74-163 / 74-181 / 74-221 of Walworth County's Code of Ordinances – Shoreland Zoning to construct a 24' x 24' accessory structure (garage).

**BOARD OF ADJUSTMENT DECISION:** The Walworth County Board of Adjustment, during the meeting of April 8 & 9, 2015, for the petition of Helen M. Person, owner, voted to **APPROVE** the request for a 10.5' street yard setback and a 3.5' side yard setback.

**A motion was made by Franklin Jones to approve the variance request as requested. Seconded by Elizabeth Sukala. Motion carried. 3-favor 0-oppose**

**BOARD OF ADJUSTMENT FINDINGS:** The Board found to approve the variance request would allow removal of the temporary storage structure on the property. The Board found the topography and steep slope of the parcel as well as the location of the dry well and septic system limited options for placement of the proposed accessory structure. The Board found to approve

the variance request would cause no harm to public interests. The Board found to approve the variance request will not harm the public's interests in navigable waters. There was one letter of support from the Town of Richmond and a petition of support. There was one letter of opposition from a neighboring property owner.

Hearing – Count #9:25:10 – 9:43:19 / Decision – Count #8:57:20 – 9:02:20

The Third Hearing was Dominic M. & Joann M. Sergi Trust, owner / Prairie Tree Landscaping, Craig Olsen, applicant – Section(s) 26 – La Grange Township

Applicants are requesting a variance from Section(s) 74-167 / 74-181 of Walworth County's Code of Ordinances – Shoreland Zoning to construct a walkway / stairway in the shore yard with grade changes and retaining walls.

**REQUIRED BY ORDINANCE:** The Ordinance permits a view access / corridor not to exceed 40' in width and permits retaining walls where necessary for erosion control and minimal grade changes.

**VARIANCE REQUEST:** The applicants are requesting a view / access corridor 50' in width, retaining walls and grade changes to install the walkway / stairway. The request is a variance from Section(s) 74-167 / 74-181 of Walworth County's Code of Ordinances – Shoreland Zoning to construct a walkway / stairway in the shore yard with grade changes and retaining walls.

**BOARD OF ADJUSTMENT DECISION:** The Walworth County Board of Adjustment, during the meeting of April 8 & 9, 2015, for the petition of Dominic M. & Joann M. Sergi Trust, owner / Prairie Tree Landscaping, Craig Olsen, applicant, voted to **APPROVE** the request for a view / access corridor 50' in width, retaining walls and grade changes to install the walkway /stairway.

**A motion was made by Elizabeth Sukala to approve the variance request. Seconded by Franklin Jones. Motion carried. 3-favor 0-oppose**

**BOARD OF ADJUSTMENT FINDINGS:** The Board found the steep slope to be a unique property limitation. The Board the owner had worked with the County to develop a plan to eliminate a number of retaining walls between the upper and lower levels. The Board found to approve the variance request would improve safe access to the waterfront. The Board found to approve the variance request would cause no harm to public interests. The Board found the owner has made an effort to select plantings that improve water flow. The Board found to approve the variance request would allow the riser height of the stairway to meet building codes. A contractor spoke in support. There was a letter of comment from the Walworth County Land Conservation Division. There was no opposition.

Hearing – Count #9:43:20 – 9:55:43 / Decision – Count #9:02:21 – 9:05:50

The Fourth Hearing was Gale & Dawn M. Shelbourn, owners / Gale & Dawn Shelbourn, applicants – Section(s) 34 – Whitewater Township

Applicants are requesting a variance from Section(s) 74-167 / 74-181 / 74-221 of Walworth County's Code of Ordinances – Shoreland Zoning to permit and construct additions and roof alteration to a single-family residence.

**REQUIRED BY ORDINANCE:** The Ordinance requires a 57.17' shore yard setback (average) and a 15' side yard setback.

**VARIANCE REQUEST:** The applicants are requesting a 33.2' shore yard setback for a conservatory, a 42.6' shore yard setback and an 8.7' side yard setback. The request is a variance from Section(s) 74-167 / 74-181 / 74-221 of Walworth County's Code of Ordinances – Shoreland Zoning to permit and construct additions and roof alteration to a single-family residence.

**BOARD OF ADJUSTMENT DECISION:** The Walworth County Board of Adjustment, during the meeting of April 8 & 9, 2015, for the petition of Gale & Dawn M. Shelbourn, owners / Gale & Dawn Shelbourn, applicants, voted to **APPROVE** the request for a 33.2' shore yard setback for a conservatory, a 42.6' shore yard setback and an 8.7' side yard setback.

**A motion was made by Ann Seaver to approve the variance request. Seconded by Elizabeth Sukala. Motion carried. 3-favor 0-oppose**

**BOARD OF ADJUSTMENT FINDINGS:** The Board found additions to the existing residence done over a number of years following the building codes at the time resulted in an 18' difference in floor height between the residence and the additions. The Board found to deny the variance request causing the owner to tear down and rebuild would be an unnecessary hardship. The Board found to approve the variance request will allow the owner to raise the floor and roof to make a level and more safe living area. The Board found to approve the variance request would cause no harm to public interests. The Board found to approve the variance request will not obstruct the lake view of neighboring property owners. The Board found to approve the variance request will not harm the public's interest in navigable waters. There was a letter of support from the Town of Whitewater and five letters of support from neighboring property owners. There was no opposition

Hearing – Count #8:33:45 – 9:08:08 / Decision – Count #8:40:56 – 8:48:49

The Fifth Hearing was August D. Fesi & Lisa Marie Bursich, owners / Thelen Total Construction, applicant – Section(s) 32 – Delavan Township

Applicants are requesting a variance from Section(s) 74-167 / 74-181 / 74-221 of Walworth County's Code of Ordinances – Shoreland Zoning to construct a single-family residence and deck.

**REQUIRED BY ORDINANCE:** The Ordinance requires a 75' shore yard setback.

**VARIANCE REQUEST:** The applicants are requesting a 51.4' shore yard setback for a deck and a 63.53' shore yard setback for a residence. The request is a variance from Section(s) 74-167 / 74-181 / 74-221 of Walworth County's Code of Ordinances – Shoreland Zoning to construct a single-family residence and deck.

**BOARD OF ADJUSTMENT DECISION:** The Walworth County Board of Adjustment, during the meeting of April 8 & 9, 2015, for the petition of August D. Fesi & Lisa Marie Bursich, owners / Thelen Total Construction, applicant, voted to **MODIFY and APPROVE** the request for a 51.4' shore yard setback for a deck TO BE A PATIO and a 63.53' shore yard

setback for a residence WITH STEPS TO THE PATIO.

**A motion was made by Ann Seaver to approve the variance request for the home with proper egress per code and with a patio instead of a deck. Seconded by Elizabeth Sukala. Motion carried. 3-favor 0-oppose**

**BOARD OF ADJUSTMENT FINDINGS:** The Board found the large vacant lot to the east did not allow for shore yard averaging. The Board found the proposed setbacks are comparable to those on adjacent properties. The Board found to deny the variance request would cause unnecessary hardship as the existing home is in need of extensive repairs. The Board found to modify the request for a deck and approve a pervious patio would not obstruct neighbors. The Board found to approve the variance request would cause no harm to public interests. The Board found to approve the variance request will not harm the public's interest in navigable waters. There was one letter of support from the Town of Delavan. There was one letter of opposition from the Wisconsin Department of Natural Resources.

Hearing – Count #9:55:52 – 10:14:30 / Decision – Count #9:05:51 – 9:09:37

The Sixth Hearing was T M Properties & Management LLC, owner / Hanson's Landscaping, applicant – Section(s) 17 – East Troy Township

Applicants are requesting a variance from Section(s) 74-167 of Walworth County's Code of Ordinances – Shoreland Zoning to replace a stairway in the shore yard.

**REQUIRED BY ORDINANCE:** The Ordinance requires a second access to the shore to be replaced in the footprint and envelope and limits a view / access corridor to 22.5' in width.

**VARIANCE REQUEST:** The applicants are requesting to replace a second access to the shore outside the footprint and envelope and a 60' view / access corridor. The request is a variance from Section(s) 74-167 of Walworth County's Code of Ordinances – Shoreland Zoning to replace a stairway in the shore yard.

**BOARD OF ADJUSTMENT DECISION:** The Walworth County Board of Adjustment, during the meeting of April 8 & 9, 2015, for the petition of T M Properties & Management LLC, owner / Hanson's Landscaping, applicant, voted to **APPROVE** the request to replace a second access to the shore outside the footprint and envelope and a 60' view / access corridor.

**A motion was made by Elizabeth Sukala to approve the variance request. Seconded by Franklin Jones. Motion carried. 3-favor 0-oppose**

**BOARD OF ADJUSTMENT FINDINGS:** The Board found the existing stairs have existed for some time and are in poor condition. The Board found to approve the variance request would improve the safety of lake access on the steep slope. The Board found the owner is restoring rather than replacing the stairway keeping land disturbance to a minimum. The Board found the work will be done using hand tools rather than machinery that would cause greater land disturbance. The Board found to approve the variance request would provide alternate shore yard access should the tram be rendered unusable. The Board found the stairway riser requirements dictated the configuration of the stairway. The Board found the variance request would cause no harm to public interests. There was one letter of support from the Town of East

Troy. There was one letter of opposition from the Wisconsin Department of Natural Resources.

Hearing – Count #10:14:37 – 11:02:37 / Decision – Count #9:09:38 – 9:14:47

The Seventh Hearing was Douglas & Tracy Marconnet, owners – Section(s) 24 – La Grange Township

Applicants are requesting a variance from Section(s) 74-167 / 74-181 / 74-221 of Walworth County's Code of Ordinances – Shoreland Zoning to construct a new single-family residence.

**REQUIRED BY ORDINANCE:** The Ordinance requires a 59.6' shore yard setback (average) and a 15' side yard setback.

**VARIANCE REQUEST:** The applicants are requesting a 49.1' shore yard setback and an 8' side yard setback. The request is a variance from Section(s) 74-167 / 74-181 / 74-221 of Walworth County's Code of Ordinances – Shoreland Zoning to construct a new single-family residence.

**BOARD OF ADJUSTMENT DECISION:** The Walworth County Board of Adjustment, during the meeting of April 8 & 9, 2015, for the petition of Douglas & Tracy Marconnet, owners, voted to **APPROVE** the request for a 49.1' shore yard setback and an 8' side yard setback.

**A motion was made by Elizabeth Sukala to approve the variance request as presented. Seconded by Franklin Jones. Motion carried. 3-favor 0-oppose**

**BOARD OF ADJUSTMENT FINDINGS:** The Board found a unique property limitation in water touching two sides of the narrow parcel. The Board found to approve the variance request would allow improvement of the property. The Board found to approve the variance request would cause no harm to public interests. The Board found to deny the variance request would cause unnecessary hardship. The Board found the owner put effort into designing a residence to fit the contours of a lot that is unique in size and shape. The Board found the location of the well and septic will limit the availability of buildable land. The Board found the proposed residence will be set back further from the lake than the existing. A neighboring property owner spoke in support. There were letters of support from the Town of La Grange and the Pleasant Lake Protection and Rehabilitation District and eight letters of support from neighboring property owners. A neighboring property owner spoke in opposition. There was a letter of opposition from the Wisconsin Department of Natural Resources.

Hearing – Count #11:02:45 – 11:57:34 / Decision – Count #9:14:48 – 9:19:04

The Eighth Hearing was Michael & Margaret Paddock, owners / William & Roxanne Hamilton, c/o John L. Maier, Jr., Sweet & Maier, S.C., applicants – Section(s) 25 & 36 – La Grange Township

Applicants are requesting a variance from Section(s) 74-167 / 74-181 / 74-221 of Walworth County's Code of Ordinances – Shoreland Zoning to construct a single-family residence.

**REQUIRED BY ORDINANCE:** The Ordinance requires a 25' street yard setback, a 10.56' side yard setback (16% lot width) and a 71.75' shore yard setback (average).

**VARIANCE REQUEST:** The applicants are requesting a 13’ street yard setback, an 8’ side yard setback and a 59’ shore yard setback. The request is a variance from Section(s) 74-167 / 74-181 / 74-221 of Walworth County’s Code of Ordinances – Shoreland Zoning to construct a single-family residence.

**BOARD OF ADJUSTMENT DECISION:** The Walworth County Board of Adjustment, during the meeting of April 8 & 9, 2015, for the petition of Michael & Margaret Paddock, owners / William & Roxanne Hamilton, c/o John L. Maier, Jr., Sweet & Maier, S.C., applicants, voted to **DENY** the request for a 13’ street yard setback, an 8’ side yard setback and a 59’ shore yard setback.

**A motion was made by Franklin Jones to deny the variance request. Seconded by Elizabeth Sukala. Motion carried. 3-favor 0-oppose**

**BOARD OF ADJUSTMENT FINDINGS:** The Board found the applicant has the ability to meet the zoning ordinance as proven by the County zoning permit issued December 13, 2013, for a single-family residence. The Board found to deny the variance request would cause no unnecessary hardship. The Board found any hardship is self-imposed as the owner has an approved zoning permit for a single-family residence that is in compliance with the Zoning Ordinance. The Board found compliance with the strict requirements of the zoning ordinance would not unreasonably prevent the owner from using the property for a permitted purpose. The Board found the variance request was personal and did not meet the criteria necessary for approval. There was no support. Attorney Russell Devitt and a neighboring property owner spoke in opposition. There was a letter of opposition from the Town of La Grange, four letters of opposition from neighboring property owners and a letter of opposition from the Wisconsin Department of Natural Resources.

Hearing – Count #11:57:40 – 12:00:19 / Decision – Count #9:19:05 – 9:21:55

The Ninth Hearing was George A. Leedle Corp, owner / Tom Leedle, applicant – Section(s) 36 – Linn Township

Applicants are requesting a variance from Section(s) 74-44 / 74-51 of Walworth County’s Code of Ordinances – Zoning to construct a livestock structure (hay & stray storage).

**REQUIRED BY ORDINANCE:** The Ordinance requires a 100’ setback for livestock structures.

**VARIANCE REQUEST:** The applicants are requesting a 64.6’ setback (east). The request is a variance from Section(s) 74-44 / 74-51 of Walworth County’s Code of Ordinances – Zoning to construct a livestock structure (hay & straw storage).

**BOARD OF ADJUSTMENT DECISION:** The Walworth County Board of Adjustment, during the meeting of April 8 & 9, 2015, for the petition of George A. Leedle Corp, owner / Tom Leedle, applicant, voted to **APPROVE** the request for a 64.6’ setback (east).

**A motion was made by Elizabeth Sukala to approve the variance request. Seconded by Franklin Jones. Motion carried. 3-favor 0-oppose**

**BOARD OF ADJUSTMENT FINDINGS:** The Board found the variance request to be a small increment of relief. The Board found to approve the variance request would cause no harm to public interests as the property abuts farmland. The Board found to approve the variance request would allow the structure to be located out of the drainage path on the parcel. The Board found to approve the variance request would help keep the food supply clean and dry for the farm operation. The Board found to approve the variance request would keep the structure in close proximity to the existing accessory structures making for a more efficient livestock operation. There was one letter of support from a neighboring property owner. There was no opposition.

**Other**

- A. Discussion / possible action on Township correspondence – none

**Staff Reports**

- A. Court cases update - none
- B. Distribution of reports, handouts and correspondence - none

**Proposed discussion for next agenda**

The following items were requested to be put on the May 2015 agenda, if applicable:

- A. Discussion / possible action on Township correspondence
- B. Court cases update
- C. Distribution of reports, handouts and correspondence

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ANN SEAVER  
WALWORTH COUNTY BOARD OF ADJUSTMENT

These minutes are not final until approved by the Board of Adjustment at the next scheduled hearing date.



BOARD OF ADJUSTMENT DECISION

Thursday, April 9, 2015

PLEASE SIGN IN

NAME (Please Print)	ADDRESS (Please Print)	TOWNSHIP & PHONE NUMBER (Please Print)
Mary Galvin	W5229 Stewart Dr Elkhor	262-325-7580
Craig O/S	12247 12 Elkhor wt	(414) 550-7710
Bill & Roxanne Hamilton	1005 Ashley Dr	815-519-3238
Randy Thorne	1497 N. Wier St - Elkhor	262-727-3588

**WRRTC EXECUTIVE COMMITTEE ADOPTED MARCH 2015 MEETING MINUTES**

**Wisconsin River Rail Transit Commission  
Executive Committee Meeting - Friday, March 6<sup>th</sup>, 2015 @ 10am  
Dane County Hwy Garage, 2302 Fish Hatchery Rd, Madison, WI**

1. 10:03 AM **Call to Order** – Alan Sweeney, Chair

2. Roll Call. **Establishment of Quorum** – Mary Penn

Crawford	Tom Cornford, (2nd Vice Chair XComm)	X-Present	Rock	Ben Coopman, Alternate	Not attending
	Rocky Rocksford	X-Attending		Wayne Gustina	X-Attending
				Alan Sweeney, Chair	X-Present
				Terry Thomas	X-Attending
Dane	Gene Gray, (Treasurer X-Comm)	X-Present	Sauk	Marty Krueger, Alternate	Not attending
	Jim Haefs-Fleming	Not attending		George Johnson	Not attending
	Chris James, Vice Secretary (XComm)	excused		John Miller, Vice Treasurer (XComm)	X-Present
				Dave Riek	X-Attending
Grant	Gary Ranum	X-attending	Walworth	Richard Kuhnke, 2 <sup>nd</sup> Vice Treasurer (XComm)	excused
	Vern Lewison	Not attending		Kevin Brunner	
	Robert Scallon, 1 <sup>st</sup> Vice Chair (XComm)	X-Present		Allan Polyock	Not attending
Iowa	Charles Anderson, Secretary (XComm)	excused	Waukesha	Karl Nilson, 4 <sup>th</sup> Vice Chair (XComm)	X-Present
	William G Ladewig	Not attending		Dick Mace	Attending
	Jack Demby	Not attending		Carl Pettis	
Jefferson	John David	Not attending			
	Laura Payne	Not attending			
	Augie Tietz (3 <sup>rd</sup> Vice Chair XComm)	X-Present			

Commission met quorum.

**Others present for all or some of the meeting:**

<ul style="list-style-type: none"> <li>Mary Penn, WRRTC Administrator</li> <li>Ken Lucht, WSOR</li> <li>Kim Tollers, WDOT</li> </ul>	<ul style="list-style-type: none"> <li>Alan Anderson, Pink Lady RTC</li> <li>Jim Matzinger</li> </ul>
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3. Action Item. **Certification of Meeting's Public Notice** – Noticed by Penn  
Motion to approve posting of meeting – Nilson/Cornford, Passed Unanimously

4. Action Item. **Approval of Agenda** – Prepared by Penn  
Motion to approve agenda – Gray/Gustina, Passed Unanimously

5. Action Item. **Approval of February Minutes**– Prepared by Penn  
Motion to approve February minutes with corrections – Nilson/Tietz, Passed Unanimously

6. Updates. **Public Comment** – Time for public comment may be limited by the Chair

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There were no public comments.

**7. Updates. Correspondence & Communications – Discussion may be limited by the Chair**  
Penn listed the correspondence and communications she had addressed in the past month.

**8. Updates. Announcements by Commissioners – No Discussion Permitted**  
John Miller said that a “pro passenger rail” group was meeting the next day at the Sequoia Library Branch “pro rail”. He said they were looking for rail access in Madison and seemed to be interested in the CN branch.

### REPORTS & COMMISSION BUSINESS

**9. WRRTC Financial Report – Jim Matzinger, Dane County CPA / WRRTC Accountant**  
Motion to approve the Treasurer’s Report – Gustina/Mace, Passed Unanimously  
Motion to approve check 1281 – Scallon/Thomas, Passed Unanimously

Jim Matzinger gave his report to the Commission, noting that the Evansville surplus had been added into the general fund. He said the income statement for December showed the dollars spent on the new line with \$11,900.00 remaining which would now show up as income going into the future. He said those dollars could be designated by the Commission as needed. He also said that the December statement some time to organize as an end-of-the-year activity. He noted some out-of budget item revenue which included county contributions of \$7,000.00. This was money paid by Crawford County to catch up on their bad debt. Matzinger noted that the Commission had expended more money than budgeted on legal expenses but was corrected by being over budget on permits. He added that 2014 projects would be carried forward and they had not been closed out yet. He reported they were \$15,000.00 better than budgeted.

Karl Nilson said they should budget more money for corp counsel for the upcoming years. Matzinger asked if the Commission wanted to amend the 2015 budget at the May meeting or if the dollars could be kept in reserve for legal expenses.

Gene Gray asked if the numbers for 2014 were a “blip or a trend” in terms of legal expenses. Nilson recounted the amount of work that Eileen Brownlee had needed to do. Ken Lucht said she worked a lot of hours on documentation preparation, particularly acquisition. Alan Sweeney said even doubling the legal budget would not be out of line. Nilson said she was a good bargain. Sweeney said he would be agreeable to adding amending the budget to the May agenda, to reflect the projected legal costs.

Robert Scallon asked if the Evansville money could be used for other lines. Matzinger said it was not segregated and could be used for anything. Gray suggested identifying it so it would not get lost: if the Commission wanted to reserve it, they could do that. Gary Ranum asked about Brownlee’s legal fees and whether they were out of the Evansville line or the legal fund. Nilson said the legal fees came out of the WRRTC’s budget and there needed to be something in there. he said it did not hurt “to have a little slush” for emergencies.

Matzinger then listed the single check for Dane County Hwy for approval.

Tom Cornford asked about the bad debt. Matzinger said the amount went down when the county paid extra so the \$7,000.00 he had reported would bring it down some. He said the advantage of setting it up this way was when the County sent its money, it was revenue.

**10. Wisconsin & Southern Railroad’s Report on Operations – Ken Lucht, WSOR**

Ken Lucht introduced a clarification to the December 5, 2014 meeting minutes, saying that under Item 10, Operations Report, the last sentence to the Commission should have read “the city had not invited them to”.

Ken Lucht then reported on maintenance, including projects in Rock County and between Milton and Janesville. He updated the Commission on the Nippersink River bridge work on Fox Lake Sub, saying that WSOR would move ahead at a maintenance level and replace a couple of piers. They would be working along the waterline and remanufacturing the piers. A second phase would be decking and railing. Lucht said it was a very substantial structure which connected WSOR to the Chicago market. He said the first bid will be in the millions of dollars and WSOR did not expect any other hang-ups: they would develop a phase II next year. He added that the work fully funded by WSOR. Nilson asked about the nature of the piers and what WSOR would be doing. Ranum asked if this was the bridge that had had clearance issues. Lucht said all he could say was that WSOR was moving ahead by doing maintenance.

Lucht next announced the financial presentation to WDOT (given annually in March). He said WSOR was trying to see if the meeting would be the week of March 23<sup>rd</sup> and said he would let the Chair know who to invite to the meeting.

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Lucht said Creek Road in the Town of Bradford, Rock County, WSOR was “pretty close” to completing a bridge replacement agreement between WSOR, WDOT, Rock County and the Town. He asked if the Commission wanted to review that agreement in April or May and Sweeney said it would be a good idea as long as it did not delay the project. Sweeney then asked if there was federal bridge aid in that project and Lucht said there would be. Nilson asked if the Town would own it after it was replaced and Lucht confirmed that the Town would take over ownership and maintenance after completion. Ranum asked about the bridge construction and Lucht said it would be concrete. Sweeney commented that it would need to meet federal bridge standards.

Dave Riek asked about last year’s acquisition agreements being complete and Lucht said everything was completed.

Lucht then distributed a report on tie installation. He explained that the report showed how many ties were or would be installed by sub system wide from 2011 thru 2018. He said there was a lot of spot tie maintenance, noting that numbers in red were capital projects funded by the state and the RTC’s and it testified that WSOR was putting a lot of money back into the system. He said fluctuations were due to big tie replacements done one year and not another and highlighted 2015 as a banner year. On the Prairie Sub he noted that every year maintenance ties had been put in and was hopeful that a state application would come thru for a capital replacement.

On rail inventory by sub, the report showed what type ties were on the system. Lucht noted that there was 200 miles left of 90 lb. rail and the Prairie sub had 60 miles of it and even 80 lb. rail. Lucht showed examples of 100+ year old rail segments compared to the new CWR, saying these examples illustrated why WSOR was continuously working on rail replacement.

Lucht said numerous rail defects had been reported on the system and said the frequency of testing had gone up, noting that the Prairie sub was 100 miles and a lot of defects noted. He said many defects could be repaired via maintenance but that was only a “band-aid approach” for the most part.

Augie Tietz asked about the location of the Prairie sub and on tie installation, he said he did not see tie installation in Watertown. Lucht said in Watertown, phase 1 was crossing and bridge work and 2016 was tie replacements via capital funding. Dick Mace asked if most of the defects were in the old rail or were they even in the continuous welded rail (CWR). Lucht said welded rail installed in 2005 did not show one defect. He said the Madison sub done a year ago did not show a single defect. There was discussion about the amount of defects and their numbers over 100 years and the nature of welded rail. Lucht said most of the defects were on 90 and 85 lb. rail.

Dave Riek asked if the Sauk sub was running from Mazomanie up through Badger. Lucht said it went up to Getty Road on the Reedsburg sub, about a mile. Riek asked if Getty Road would be an underpass as suggested at the last meeting.

Alan Anderson asked when the ties were replaced and also about the Reedsburg line and its 54 miles of 100 lb. rail. He noted the wear on the old rails and asked about its aging. Lucht said WSOR did apply for a capital tie project on the Reedsburg sub to address the rail but at this time it was not a priority because it was 100 lb., not 90 lb. rail. Nilson said the 90 lb. rail would probably, if sectioned, would really be 80 lb. rail.

Lucht distributed a diagram showing the different types of rail in cross section. Four different test sites on the Prairie sub were included and found that some of the rail was 76 lb. or 77 lb. rail: it was 74.5 lb. rail in Lone Rock, showing that all the Prairie sub rail was worn and exceeded its useful life. Lucht noted he had shared this information before, saying it justified and directed WSOR’s projects and hoped the Commission would support their efforts to work on these old rails. He also asked the Commission if there was information they would like to have that the Commission did not currently get and listed a number of maps WSOR had that showed various conditions and locations of various categories related to the track. He also showed a map that showed the location of bridge projects. He said currently WSOR had 100 applications for bridge work dating back to 2013. He explained what WSOR did to work with the State and invited the Commission to give him their WSOR information requests, adding that he was looking to hear what the Commission wanted as well as on what sort of basis (annual or quarterly). Sweeney said having copies of the maps would be helpful and even perhaps stored at the meeting location.

Ranum asked Lucht for the completion date on the CWR work on the Prairie sub. Lucht said it was in WSOR’s 5 yr. plan which would start in 2016 for the first 14 miles. If funding remained where it had been for the past 5 years, the project could be completed: WSOR would do the work 14 miles at a time. Mace asked about funding and what would happen if funding were cut. Lucht said it would backlog projects.

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Sweeney asked about the tie installation on the newly acquired Reedsburg line. Lucht said when Union Pacific (UP) owned the line, they would give WSOR an allowance for new ties to accommodate UP's ballast train. Lucht said that about each year WSOR would install about 10,000 ties in 2011, 2012, 2013 as basic maintenance. In 2014 the tie work was for the Oregon spur.

Sweeney asked about "surface entire". Lucht said the Madison sub work was surface entire (ties, ballast, rail, etc.). In 2017 the entire sub would be replaced with CWR and there would be just normal maintenance. John Miller asked if Penn could send the maps as attachments to the Commission. The Commission requested the usage charts and bridge work charts.

Nilson noted that funding for biofuels in Madison was being cut and asked Lucht if there would be any impact. Lucht said the biofuels work "was dead". In terms of land acquisition there was supposed to be a switch and crossing removed but the University (of Wisconsin) would not agree to that. He said the potential for moving biofuels into the plant was a non-issue. Anderson commented on the rail defect detector and commented it detected less than 1 per mile on the Reedsburg line. He said it was more meaningful to show defects per mile and suggested WSOR include them.

### **11. WDOT Report—Kim Tollers, WDOT**

Kim Tollers reported that \$20M of FRRPP program dollars for 2014 projects had been approved. Pending projects were now free to move ahead and she believed the agreements were ready. Sweeney asked Lucht for a list of those projects be brought to the Commission.

Tollers said that \$43M has been itemized for freight rail in the state budget and that bonding authority had been moved from passenger rail to FRRPP authority. She noted that the budget was in flux.

On property management, she said that Lucht, herself, and Brownlee were working on a temporary access permit in Waukesha and Tollers was just about ready to send out the permit. Lucht said he had spoken to Jeff Francis yesterday and there might be a delay and Tollers should delay sending out a draft permit.

She said she had received another proposed permit for the WRRTC's concurrence for a sidewalk permit in the City of Madison. She said WDOT would be working through the permit process. Tollers explained about the situation in relation to an easement and said WDOT preferred permits to easements as WDOT was not able to write easements on property that the State only had a ROW easement on. In very rare cases WDOT would write a permit that included all the long-term issues. Tollers said WDOT would ask the WRRTC for concurrence. Lucht said the OCR had not made a ruling on this yet and WSOR was waiting for the rule as WSOR concerns related to trespassing in the area.

Tollers reported that The Great Sauk Trail Planning Team met 2 weeks ago and would meet today to continue discussions on the trail. They were working on how to move the project ahead. Also, Tollers said that historic status had been declared for the Devils Lake State park and they would have to determine what that would mean in regard to trespass in the Park. She said WDOT would be looking into that more deeply since trespass was a big issue for the Park.

Robert Scallon asked Tollers how much money was requested in the Budget. Tollers said WDOT asked for \$60 M for 2 years and the State said \$43 M. She said the last budget cycle included money for the Reedsburg which was why it was so much higher in the last biennium.

Riek went back to the trespass issue at Devil's Lake saying that anyone who had been there could see the potential dangers. Tollers said the State would convene a committee to bring all the parties together and at a bare minimum, acknowledge the situation. To date there had not been a discussion since it was not owned by the State.

### **12. WRRTC Administrator's Report – Mary Penn, WRRTC Admin.**

Mary Penn reported on her administrative duties. She had forwarded a question regarding the appropriateness of the Executive Committee approving Full Commission minutes to Eileen Brownlee from whom she had not received a response to date. Penn told the Committee they had approved the 2013 audit at the January meeting, confirming that e-copies of the audit had been forwarded to member county clerks. She shared a copy of an original crossing agreement (dated 1900) for bridge A-446, Milepost 57.5 on the Fox Lake Sub as a result of a request for same from a Mr. Pete Schierloh who was a project engineer on a replacement span. Lastly, Penn told the Committee she would be on vacation March 16th thru March 20th.

### **13. Discussion and Possible Action on Support for FRPP Funding for 2015/2017 State Biennial Budget – Ken Lucht, WSOR**

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### Motion to authorize a letter of support for FRRPP Funding for the 2015/2017 State Biennial Budget – Nilson/Tietz, Passed Unanimously

Lucht distributed a handout and discussed the funding of the FRRPP program. He noted there were three items requested that the Governor chose not to carry forward. Lucht said it was obvious that the transportation budget was very controversial at this time and said long-term bonding was not very popular these days. He said WSOR's position was that long-term bonding should continue and noted there was a 20% match of private funds for FRRPP projects. These were investments with a 100 year window and vastly outlasted bonding for highways. He noted this program leveraged maintenance on the part of the operator, drawing a comparison between highways and freeways. Under the new budget with a decrease from \$60 M to \$43 M, it was not very popular for Watco to support going back to the higher level. Lucht emphasized that this was not new bonding. He said \$43 M in passenger bonding authority had been moved over to freight which would carry for another couple years.

He said that last month WSOR had submitted about \$60 M for projects and other projects submitted for a total for \$70 M applied this February 1<sup>st</sup> so there was about \$150 M in backlogged rail projects. Lucht said WSOR supported the \$43 M as it related to the funding of the FRRPP and also asked staff and chair to send out a letter of support to various legislators and the Governor.

There was discussion about the nature of the motion. Anderson said Pink Lady was dealing with this too and said WDOT was wrestling with it and agreed with Lucht's argument: he said the big difference with railroad and highways was you could not detour rail easily and there were jobs that would go away if the rail went away. Dick Mace asked if the \$43 M included the funding talked about at other meetings for highway bridge replacement. Tollers said no. Nilson said this was simply for capital improvement. Mace asked for more clarification and was told there were bridge local and federal programs available for bridge work.

Ranum said the term bonding needed to be kept out if it was funded with something other than bonds. Gray said WRRTC was supporting the rail part of the budget.

Alan Anderson asked about a tax revenue portion of the budget to pay for rail. Lucht said there was about \$32 M collected a year and talked about the difficulties of taxing railroads, adding that those dollars were put into the general fund, not reserved for railroads.

Lucht proceeded to go through the WI Items of Interest in his handout, giving background and justification on the items for their inclusion in the proposed budget. He also highlighted WDOT requests not included in the budget and gave background on those items, noting that the transportation budget needed to be sustainable over the long term. He said if state statute locked railroads in at \$10/car, there would be repercussions down the road. He said the possibility of generating revenue per car was not over and he hoped that it would not become a target. He said the big concern were the operating agreements which all had a \$10/car language. He noted the disparities of hauling fees and said those fees could be taxed away from railroads and diverted to highways. As discussion continued on the issue, Lucht noted there needed to be open dialogue, rather than via mandate.

Another item addressed competitive bidding but this item was not included in the budget. Lucht said any state funded project over \$25K could be bid out without having to rebid the whole project and just bid out just certain parts.

Lucht again encouraged the Committee have this on their agenda if they wanted to talk about the issue more. He said joint-finance would have the budget until May so he suggested WRRTC discuss in it April. Nilson commented if he were the highway department, he would be concerned with requiring stopping for all crossings.

### **14. Discussion and Possible Action to Approve the Proposed Intercity Passenger Rail Agreement between WRRTC and WSOR, with any expenses or financial obligation or liability remaining with the operator – Ken Lucht, WSOR**

#### Motion to approve the Proposed Intercity Passenger Rail Agreement between WRRTC and WSOR, with any expenses or financial obligation or liability remaining with the operator contingent on WDOT and Corp Counsel Review – Nilson/Gray, Passed Unanimously

Lucht said that this had been discussed last month and confirmed everyone had gotten a copy. Penn said she had sent it with their packets. Lucht gave background of the issue, noting that there were some "pockets" of the system where passenger rail might return so WSOR wanted to maintain the document. He said the agreement had been updated and included all segments in the Commission's territory and included the new liability and indemnification language that came out of the Reedsburg/Oregon acquisitions. He said Positive Train Control (PTC) language had been included as discussed at the last meeting and he read the amended language that had been included. Lucht said he had looked at rent in terms of revenue and said those provisions had been carried forward, adding that it had been reviewed by Corp Counsel. Lucht said the only change recommended to date was to change the WDOT signatory to David Simon.

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There was discussion of the WDOT's final review and signing. Lucht said he did not know if any major changes would come from WDOT's review. Mace said he had had some questions about "interim city rail". Lucht didn't know where that language was in the document and Sweeney asked if the Commission wanted to wait until Dave Simon came back with his final review. Lucht said WSOR would like an agreement in place.

John Miller asked if they needed Full Commission approval. Nilson said the Committee could approve the concept of the agreement and move forward with the final details.

Ranum said according to the past minutes of the different classes of rail, passenger needed class 3 or 4. Tollers said high speed rail needed class 3 or 4.

### **15. Discussion and Possible Action on Approval of Co-Sponsoring a TIGER VII Application to be Prepared by WisDOT and WSOR – Ken Lucht, WSOR**

Motion to approve Co-Sponsoring a TIGER VII Application to be prepared by WisDOT and WSOR – Gustina/Miller, Passed Unanimously

Lucht said Watco had decided to move forward on applying for the TIGER VII program and that Watco had expressed their support for WSOR moving forward. He said he was asking the Commission to support their efforts and the efforts of Iowa County and submit the same project (Madison to Spring Green, new ties, new rails, new crossings) as last year. Wisconsin and Southern would update the application to show new savings and benefits and that WDOT would be helping. He did not know if the total dollars available was known at this time but once it was, WSOR would "hit the ground running" to get the application in.

Nilson asked if having done the application in the past would help WSOR to get this approved. Sweeney asked if communicating with federal and state representatives would be of help to get their support. Lucht also recommended reaching out to WDOT and local legislators. Sweeney asked Lucht to draft a letter that could be sent out to representatives. Lucht said there was usually an executive summary that could be sent out.

### **16. Discussion and Possible Action on Acceptance of Transfer of Deed of Property to WRRTC from the City of Waukesha – Dick Mace, Waukesha County Commissioner**

Motion to accept Transfer of Deed of Property to WRRTC from the City of Waukesha – Nilson/Thomas  
Motion to postpone item until April Ex. Committee meeting – Thomas/Sweeney, Passed Unanimously

Mace said at the last meeting Penn had reported on two parcels of City Waukesha land that the City believed should be owned by the WRRTC. He referred to his large map and oriented the Commission to the parcels. He pointed out the various railroads, operators, and ROW's and how the line connected to the CN line. He showed the switch location and gave the history on the parcels in question, saying the parcels that were acquired by the City. Mace said the issue was where the deed was that the City gave to the Commission in 1988. No one knew where the original was although the City believed it was sent to the WRRTC. He noted the City had voted on this and would do so again a second time, to transfer the parcels to the Commission (who owned the ROW). The State owned the land past the WRRTC's ownership. Mace said, and Tollers agreed, that it was appropriate the Commission owned these parcels. Mace asked Lucht if the Commission needed to do a title search because it was intended to be a quit claim deed which was what the deed was when acquired from Chicago Northwest Railroad. Mace said Tollers had told him it was not necessary to do a title search: it was the Commission's choice to accept the deed without a title search.

Lucht said their records showed CN owned the rail through the crossing and up to the switch. Tollers agreed but said if the parcels were as defined in the original deed, the City believed they had title. The land was granted from Chicago Northwestern to the City. Mace said the parcels were conveyed directly to the Commission. He said the City bought the land probably at the request of the Wisconsin Calumet RR. Now the City was asking to transfer the land to the Commission. He said the transfer occurred from Grand Avenue West. Mace said the City was not involved in other documents other than when the connection was made to form CN. Tollers said WDOT records did not show exactly what was going on. She said it was very difficult to piece together intent from the records they had.

Mace and Tollers discussed who sent what documents and to whom those letter/documents were sent. The conclusion of the discussion was that CN had transferred it (from Grant Avenue West) to the City, the City transferred it to the Commission and WDOT did not know how it was conveyed. East of Grand Avenue Tollers did not think WDOT owned it.

Sweeney asked if Tollers recommended the Commission accept the transfer if the City wanted to grant it to the Commission and the Commission should own it as WSOR was running on the property. It was confirmed this was a transfer of real estate. Mace pointed out on the map the areas owned by the State, owned by the Commission, and owned by the City. Tollers said she did not know why this was not added to the State owned Waukesha line. Ranum asked within the Commission's jurisdiction, why did the State not own

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the real estate throughout the WRRTC's jurisdiction. Sweeney said the Commission owned other pieces (such as Fitchburg). Tollers said the State decided it had not been integral to the State. Scallon asked if it were used and therefore should the Commission own it. Lucht said the difference here was the West parcel was definitely a logical extension to the Commission's holdings. On the East side, the track was owned by CN. If the WRRTC took over ownership, the east parcel would not be covered by WSOR's operating agreement as WSOR only had trackage rights on the east parcel. Mace said the tracks went across the east piece to the CN track. Lucht said WRRTC's property ended at the end of the West parcel. Tollers said in that case, the Commission would not want to acquire the eastern piece. Lucht suggested the east parcel be conveyed to CN and said WSOR did not have records showing anything east of Grand Avenue.

Nilson said he would withdraw his motion. Terry Thomas said he thought the issue should be tabled. There was clarification on tabling and then Thomas made a motion to postpone.

Mace asked if he should mention this to the City and the question of whether the City would have any objection in transferring the east parcel to CN. Sweeney said yes.

### **17. Action Item. Adjournment**

*Motion to adjourn at 12:05 PM – Gustina/Cornford, Passed Unanimously*