

SEPTEMBER 17, 2015
WALWORTH COUNTY BOARD OF SUPERVISORS
SPECIAL COUNTY BOARD MEETING

The Walworth County Board of Supervisors meeting was called to order by Chair Russell at 4:00 p.m. in the County Board Room at the Walworth County Government Center, 100 W. Walworth Street, Elkhorn, Wisconsin.

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

Amendments, Withdrawals, and Approval of Agenda

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

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

There was none.

New Business

Public Works

1. Res. No. 37-09/15 – Approving an Encroachment Agreement by and between Walworth County and KINOVE, LLC Relating to CTH ES Right-of-Way– *Vote Required: Majority* (Recommended by the Public Works Committee 5-0)

Dave Bretl, County Administrator gave a brief overview of the Agreement. He said the County still maintains the property relating to County Trunk Highway ES (CTH ES) Right-of-Way on the square in East Troy and KINOVE, LLC wishes to perform some reconstruction of the building. Bretl stated the building does have some encroachments within the right-of-way. He said this agreement would allow the replacement structure to occupy space within the right-of-way and he believes the Public Works Department is in agreement and acknowledges that the encroachment has existed several years without any harm. Bretl stated that he is comfortable with the Board recommending the Agreement for approval. He stated the special meeting tonight was to move the project along.

Kevin Brunner, Director of Central Services gave a brief report relative to an issue that arose at the Public Works Committee relative to the future jurisdiction of this particular section of ES and that there will be a meeting with the Village next week regarding a potential jurisdictional transfer. He stated the possible transfer will not be conditional upon this action, but if the transfer were to happen, this would no longer be an issue for the County in the future. Supervisor Monroe asked if the Encroachment Agreement would stay with the property if it were to be sold or transferred. Bretl referred to Paragraph 3 and stated that the Agreement stays with the property, but in the event the...“building is itself raised, replaced or damaged beyond repair and thus required to be removed, or otherwise required to be removed for any reason by any court of competent jurisdiction, then any further reconstruction or replacement of said building in the right-of-way owned by County or overhanging the right-of-way of County shall not take place without the prior written agreement of County.” He said if this particular building were sold three or four times the Agreement would stay with the property and future owners would have that right, but if it were to burn down or in need of replacement, then the owners would have to return to the County Board and seek permission for another encroachment.

On motion by Supervisor Stacey, second by Supervisor Weber, **Res. No. 37-09/15** was approved by voice vote.

Supervisor Stacy thanked all of the County Board members for coming in for the special meeting.

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

There was none.

Chairperson's Report

There was none.

Adjournment

On motion by Supervisor Brandl, second by Supervisor Monroe, the meeting was adjourned at 4:08 p.m.

STATE OF WISCONSIN)
) SS
COUNTY OF WALWORTH)

I, Kimberly S. Bushey, County Clerk in and for the County aforesaid, do hereby certify that the foregoing is a true and correct copy of the proceedings of the County Board of Supervisors for the September 17, 2015 meeting.