

**Walworth County Board of Supervisors**  
**January 19, 2015 Joint Land Conservation and 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 Public Works Committee Chair Rick Stacey at 3:01 p.m.

Roll call was conducted.

Land Conservation Committee members present included Chair Nancy Russell, Vice Chair Charlene Staples, Supervisor Dan Kilkenny and Citizen Member Rosemary Badame. FSA representative William Leedle was absent. A quorum was declared.

Public Works Committee members present included Chair Rick Stacey, Vice Chair Nancy Russell and Supervisor Ken Monroe. Supervisor Paul Yvarra arrived later in the meeting. Supervisor Joe Schaefer was absent and excused. A quorum was declared.

**Others in Attendance:**

County Staff: Director of Land Use and Resource Management (LURM)/Deputy Corporation Counsel Michael Cotter; Fay Amerson, Urban Manager; Director of Public Works/Central Services Kevin Brunner; County Engineer Joe Kroll; County Administrator David Bretl  
Members of the public: Bryan Hartsook, WDNR storm water staff (appeared remotely)

**On motion by Supervisor Monroe, seconded by Supervisor Kilkenny, the agenda was approved with no withdrawals. The motion carried 6-0**

**Public Comment** – There was none.

**New Business**

- Discussion/Possible Action – Stormwater Discharge Permit Notice of Intent – MS4 Permit  
Director of Land Use and Resource Management/Deputy Corporation Cotter said a summary of the Municipal Separate Stormwater Discharge Permit (MS4) is enclosed in the agenda packet, along with a memo from Fay Amerson, a letter from the Wisconsin Department of Natural Resources (WDNR) and some fact sheets concerning the designation and waivers of regulated MS4s. Cotter requested the Committee make a decision concerning obtaining the permit or filing a request for exemption from the permit. Municipalities with a population of at least 10,000 and municipalities located within an “urbanized area” are required to obtain the WDNR Permit. Based on the 2010 US Census, the City of Elkhorn and Walworth County, along with the Villages of Genoa City and Bloomfield, are municipalities that own facilities within the Census-defined “urban area,” which is the Round Lake Beach urbanized area.

Bryan Hartsook, WDNR Stormwater staff, appeared remotely via Skype. Hartsook is based out of the Waukesha WDNR office and regulates stormwater discharges from construction sites, industrial activities and municipal storm sewer systems. This is the first time Walworth County is eligible for the phase 2 MS4 permit because of the 2010 Census and subsequent review for applicability by WDNR. The permit requires development and implementation of stormwater pollution prevention programs and measures to produce reductions in the discharge of pollutants to county streams, lakes and wetlands. Program criteria includes public education and outreach, public participation and involvement, illicit discharge detection and elimination, construction site runoff control, post-construction runoff control, and pollution

prevention and reduction from municipal facilities and operations. In addition, ordinances governing stormwater management need to be developed. A municipal storm sewer map and modeling must be completed. Within this region, the City of Whitewater, the University of Wisconsin-Whitewater, the Village of Mukwonago and a small portion of Burlington are already permit holders. The permits are for a five-year term. Fay Amerson, Urban Manager, has prepared the Notice of Intent to Apply for Coverage, which is due January 26. If the County elects to request an exemption, it must also be submitted by January 26. Sections NR 216.023 and NR 216.024 of the Wisconsin Administrative Code contain the criteria for exemption from the permit. Hartsook entertained questions from the Committee. Supervisor Russell stated that Walworth County is predominantly rural, and she is concerned about the degree of regulation the permit would require. Hartsook said the WDNR would focus on the urbanized areas and isn't as concerned about the areas outside of the designated urban sector. Russell stated she is concerned that the specifics aren't in writing; with changes in personnel and interpretation at WDNR, the regulations could change. In addition, Russell said the program would be costly to implement and Land Conservation doesn't have adequate staff to take on this added responsibility, nor do the smaller municipalities in the County. The County's LURM department has already implemented stormwater management plans and is doing a good job overseeing the programs. Russell said she serves on the Southeastern Wisconsin Regional Planning Commission (SEWRPC) and she would like to consult with them before making a decision. County Administrator David Bretl asked if it weren't for the Round Lake Beach urbanized area, would the County have been requested to apply for the permit? Hartsook said there are Walworth County roads and storm systems located within the area. An extensive GIS survey exercise is performed in determining an "urbanized area," using a series of "hops" and "jumps," and from that survey WDNR gets a list of the designated areas, performs a desktop analysis of the information and then makes a determination as to permit eligibility. Other factors considered are whether a storm sewer system drains to an outstanding resource water, cold water stream or wetland area. Generally, if counties are designated, the political boundaries are used as the permit area. The WDNR modeling portion focuses on the urban areas and parts intersecting with other MS4s. The other areas do not need to be part of the pollutant loading analysis, Hartsook said. Hartsook provided his contact information to the Committee: (262) 212-0263, [Bryan.Hartsook@Wisconsin.gov](mailto:Bryan.Hartsook@Wisconsin.gov). Chair Russell thanked Mr. Hartsook and he disconnected. Discussion ensued concerning exemption provisions and consulting with SEWRPC. **Chair Russell made a motion, seconded by Supervisor Monroe, to approve submission of the Stormwater Discharge Permit Notice of Intent (MS4) based upon consultation with and a recommendation from SEWRPC; if SEWRPC recommends applying for exemption from the permit, staff is directed to request the exemption. The motion carried 6-0.**

- Discussion/Possible Action – Intergovernmental Agreements for Walworth County Stormwater Pollution Program – City of Elkhorn, Village of Genoa City and Village of Bloomfield  
Amerson said this is part of the MS4 stormwater permit process requiring documentation on cooperative efforts in the community. The City of Elkhorn and Villages of Genoa City and Bloomfield are requesting a response to this cooperative effort by January 26. She said regardless of whether or not the County pursues the permit, staff will work with the municipalities on distributing public information, providing outreach and education, and assisting with the necessary ordinance preparation. **Chair Russell moved to approve the Intergovernmental Cooperative Agreement with the City of Elkhorn for the establishment of a Stormwater Workgroup, seconded by Supervisor Staples. The motion carried 6-0.**

**Confirmation of next meetings** – The next Land Conservation Committee meeting was confirmed for Monday, February 16, 2015 at 2:00 p.m. The next Public Works Committee meeting was confirmed for Monday, February 16, 2015 at 3:30 p.m.

**Adjournment**

**On motion by Supervisor Monroe, seconded by Supervisor Kilkenny, the joint meeting adjourned at 3:58 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.