



**Walworth County
Land Conservation Committee Meeting
Monday, November 16, 2015 at 2:00 p.m.**

**Walworth County Government Center
County Board Room 114
Elkhorn, WI 53121**

Land Use and Resource
Management Department

***Nancy Russell – Chair Charlene Staples - Vice Chair Daniel Kilkenny - Supervisor
Matthew Polyock – USDA/FSA Representative Rosemary Badame – Citizen Member***

(Posted in Compliance with Sec. 19.84 Wis. Stats.)

It is possible that a quorum of the County Board or a committee of the County Board could be in attendance.

AGENDA

1. Call to order
2. Roll call
3. Approval of the Agenda Pg. 1
4. Approval of Minutes from October 19, 2015 LCC Meeting Pg. 2-4
5. Public Comment
6. Discussion/Possible Action – County Board appointment to Pabst Lake District Board of Commissioners:
Dave Bourenske – Michael Cotter Pg. 5-6
7. Discussion/Possible Action – B.R. Amon and Sons Receivership Progress – Fay Amerson Pg. 7-8
8. Discussion/Possible Action – Walworth County Land and Water Resource Management Plan - 5 Year
Extension Approval – Michael Cotter Pg. 9-12
9. Next meeting date: Monday, December 14, 2015, 2:00 p.m.
10. Adjournment

Submitted by: Michael P. Cotter, Director, Land Use and Resource Management Department

Posted: November 11, 2015

DRAFT

**Walworth County Board of Supervisors
Land Conservation Committee Meeting Minutes
Monday, October 19, 2015 at 2:00 p.m.
Walworth County Government Center
County Board Room 114
100 W. Walworth Street, Elkhorn, Wisconsin**

The meeting was called to order by Chair Nancy Russell at 2:03 p.m.

Roll call was conducted. Members present included Chair Nancy Russell, Vice Chair Charlene Staples, Supervisor Dan Kilkenny, and Citizen Member Rosemary Badame. USDA/FSA Representative Matthew Polyock was excused. A quorum was declared.

Others in Attendance:

County Board Supervisors: County Board Chair Nancy Russell

County staff: David Bretl, County Administrator; Michael Cotter, Director of Land Use and Resource Management (LURM)/Deputy Corporation Counsel; Shannon Haydin, LURM Deputy Director

Members of the public: Joyce Ketchpaw-Reed of Potters Lake District; Laurie Koeck of USDA-APHIS-Wildlife Services

On motion by Supervisor Kilkenny, second by Vice Chair Staples, the agenda was approved by voice vote with no withdrawals.

On motion by Supervisor Kilkenny, second by Vice Chair Staples, the September 14, 2015 Land Conservation Committee meeting minutes were approved by voice vote.

Public Comment – There was none.

New Business

- Discussion/Possible Action – Correspondence received from Joyce Ketchpaw regarding lake district officer salaries – Michael Cotter

Michael Cotter, Director of Land Use and Resource Management (LURM)/Deputy Corporation Counsel, introduced Joyce Ketchpaw-Reed who serves on the Potters Lake District and is requesting that LURM send out a questionnaire to lake districts regarding lake district compensation. He said they have learned from past requests of a similar nature that some lake districts are sensitive to questions related to finances and compensation and wanted to bring this to the Committee for discussion. Discussion then focused on the County appointees' compensation and County Board Supervisors who serve on lake districts compensation.

Reed stated the Potters Lake District Board typically meets twice a year and receive \$200 per year. She said there have been discussions relative to raising salaries for the Potters Lake District Board members to as much as \$5,000 per year. Reed said she needs additional data regarding compensation. She distributed a document labeled "Lakes Evaluation" to the Committee, which included survey questions that may be included.

Reed also requested that the County commit to conducting a training regarding Parliamentary Procedure/Robert's Rules of Order and possible guidelines for County appointees to the lake districts. Cotter said he felt a training session was a good idea, but added that the creation of guidelines for County appointees to lake districts would need to be established by this Committee.

Cotter said there are three questions before the Committee: Do you want LURM to send out the survey? Do you want a training to be conducted? Do you want to establish guidelines?

David Bretl, County Administrator, stated the County does provide a \$50 per diem for those who are appointed by the County Board to lake districts and expressed concern if these appointees are also receiving compensation from the lake districts. He said if this situation exists, it may require resolution. Bretl discussed optional training sessions he had previously conducted and said he was willing to work with Cotter on setting up a training session. Bretl stated it is reasonable to inquire as to what lake district members are being paid. Chair Russell stated the County should share the acquired information with all participants as an incentive.

Supervisor Kilkenny made a motion, second by Citizen Member Badame, to distribute a questionnaire on the Lake Evaluation to the respective lake committees within the County. Motion carried 4-0

Supervisor Staples made a motion, second by Supervisor Kilkenny, to approve training by Administrator Bretl for County appointees and others interested in learning Robert's Rules of Order and other pertinent topics. Cotter expressed concern with timing of the training, as new members will be appointed in June of next year and appointments take place every two years. **Motion carried 4-0**

- Discussion/Possible Action – Town of Troy request for County Board appointment to Pabst Lake District Board of Commissioners – Michael Cotter

Cotter distributed at the meeting correspondence received from Russell Butler and stated Mr. Butler is the spouse to the Chair of Pabst Lake District Board of Commissioners. He said there is a small pool of people to choose from since there are approximately nine lots on this particular lake and little interest has been seen within the township to serve. Cotter stated the district was created to solve issues related to the dam. Chair Russell expressed concern about having two individuals that are related on a small board.

Citizen Member Badame made a motion, second by Supervisor Kilkenny, to turn down the appointee request and search for an alternative appointee. Motion carried 4-0

- Discussion/Possible Action – Wildlife Abatement Contractual Agreement for 2016 FY (no crop prices needed – no crop claims) – Michael Cotter

Cotter referred to Pages 5 and 6 of the agenda packet and introduced Laurie Koeck from the USDA-APHIS-Wildlife Services Office in Waupun. Koeck gave a brief description and review of the Wisconsin Wildlife Damage Abatement and Claims Program and referred to the 2016 Proposed Budget that was distributed at the meeting.

Supervisor Kilkenny made a motion, second by Citizen Member Badame, to approve the Wildlife Abatement Contractual Agreement for 2016 FY. Motion carried 4-0

Koeck obtained Chair Russell's signatures on both Budget documents and informed the Committee that copies of the fully executed documents will be returned for their records. Koeck distributed and gave a brief description of the USDA-APHIS-Wildlife Services Wisconsin Wildlife Damage Abatement and Claims Program – 2014 Summary Report for the Committee's review.

- Discussion/Possible Action – Introduction of new LURM Deputy Director Shannon Haydin – Michael Cotter

Cotter introduced Shannon Haydin as the new Deputy Director. Haydin stated she was employed with Sheboygan County as the Planning Director for five years and also worked with the City of Denver. She said she is excited to serve the taxpayers and residents within the County.

Confirmation of next meeting – The next meeting was confirmed for Monday, November 16, 2015 at 2:00 p.m. Cotter informed the Committee that there may not be a meeting in November as there is currently nothing on the Agenda, but that he would keep the members informed.

Adjournment

On motion by Supervisor Kilkenny, second by Citizen Member Badame, the meeting adjourned at 2:55 p.m. Motion carried 4-0.

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

RE: Pabst Lake 
Michael P Cotter to: Bourenske, David
Cc: Sheril Oldenburg

10/26/2015 08:34 AM

Thank you again for your interest. I will forward this to the committee and I will be back in touch after the meeting.

Michael P. Cotter
Deputy Corporation Counsel/Director
Land Use and Resource Management Department
Post Office Box 1001
100 West Walworth
Elkhorn, Wisconsin 53121
tel. 262.741.7915
fax.262.741.4974

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"Bourenske, David" Mr. Cotter, I would be pleased to serve as... 10/26/2015 08:05:45 AM

From: "Bourenske, David" <david.bourenske@milwaukeeetool.com>
To: "mcotter@co.walworth.wi.us" <mcotter@co.walworth.wi.us>
Date: 10/26/2015 08:05 AM
Subject: RE: Pabst Lake

Mr. Cotter,

I would be pleased to serve as a Walworth county representative for this district. I am an avid hunter, fisherman, and all around outdoorsman and would enjoy doing what I could to help with future matters in this area concerning land conservation.

Best Regards,

Dave Bourenske
414-416-4461
david.bourenske@milwaukeeetool.com

From: mcotter@co.walworth.wi.us [mailto:mcotter@co.walworth.wi.us]

Sent: Wednesday, October 21, 2015 2:45 PM
To: Bourenske, David; rm71496@aol.com
Subject: Pabst Lake

Mr. Bourenske,

Mary Butler informed me of your interest to serve as a county representative on the Pabst Lake district. Thank you for your interest. I really appreciate it. I am copying Ms. Butler on this e-mail.

Our next Land Conservation Committee meeting is not until November 16th with a County Board meeting date of December 8th. The Land Conservation Committee nominates the prospective representative to the County Board.

Could you send me a brief e-mail explaining why you are interested? I will then forward that e-mail to the committee for their review. Hopefully this will all go smoothly and you will be appointed on December 8th.

If you have any questions, please give me a call or send an e-mail. Thank you again for your interest.

Michael P. Cotter
Deputy Corporation Counsel/Director
Land Use and Resource Management Department
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Land Use and Resource
Management Department

MEMORANDUM

To: Walworth County Land Conservation Committee
From: Shannon K. Haydin, Deputy Director, Land Use and Resource Management
Date: November 10, 2015
Re: Former Amon gravel pits reclamation update

Walworth County has been working diligently with the court appointed receiver of the eight B.R. Amon non-metallic mining sites placed into receivership by the bankruptcy court. The County received \$684,400 from surety bonds executed at the issuance of the non-metallic mining permits for the Amon sites.

By the end of 2015, the County will issue reclamation certificates on all of the sites with outstanding bonds. Fay Amerson, Urban Conservation Specialist for the Land Use and Resource Management Department, will provide you with an update at your meeting on Monday, November 16th.

100 West Walworth Street
P.O. Box 1001
Room 222
Elkhorn, WI 53121

Planning/Zoning/Sanitation
Conservation Divisions
262.741.4972 tel
262.741.4974 fax

Mining Site Common Name	Location	Mining Site Acreage		Owned or Leased By Amon	Area Subject to Reclamation Order	Cost Estimate for Reclamation Subject to Order	Hanover Bond Amount	Hanover Settlement Amount	Current Bond/LOC \$ (Operator)
		Approved Acres for Mining	Active/Not Reclaimed Year 2013						
Whelan	Sharon	58 ac.	34.6 ac.	<i>Leased</i>	12.3 ac.	\$213,182.	\$200,000.	\$200,000.	\$200,000. (Reesman)
Richmond	Richmond	90 ac.	19 ac.	<i>Owned</i>	6 ac.	\$69,400.	\$68,000.	\$68,000.	\$118,300. (Payne&Dolan)
Williams Bay	Delavan	113 ac.	62.9 ac.	<i>Owned</i>	10.3 ac. SW Basin Modification	\$252,060.	\$120,000.	\$120,000.	\$405,000. (CCI)
Potters West	Lafayette	58.75 ac	39.75 ac.	<i>Owned</i>	No order Parcel sold to Reliable	New operator will reclaim	\$200,000.	No settlement	\$405,000. (Southwind RAS)
Potters East		44.42 ac.	19.1 ac.		19.1 ac.	\$99,000.		\$99,000.	Permit Terminated
Friemoth	Lafayette	80 ac.	43 ac.	<i>Leased</i>	22.8 ac.	\$202,375.	\$197,400.	\$197,400.	\$139,829. (Johnson)
Junker	Sugar Creek	40 ac.	31.9 ac.	<i>Leased</i>	No Order Lease Transferred	New operator will reclaim	\$70,000.	No Settlement	\$175,000 (Super Mix)
Wilson	Spring Prairie	58 ac.	22.5 ac.	<i>Leased</i>	No Order On-hold	Owner to reclaim	\$54,175.	No Settlement (Hanover ex. 6/16)	\$55,000. (Wilson LOC) \$54,175
Whitewater Limestone	Whitewater	27 ac.	20.4 ac.	<i>Co- owned</i>	No Order ½ interest sold to Co-owner	New operator will reclaim	\$14,000.	No Settlement	\$14,000. (Mann)

Total Reclamation Ordered: 70.5 ac. Total Bond Settlement with Hanover: \$684,400.



State of Wisconsin
Governor Scott Walker

Department of Agriculture, Trade and Consumer Protection
Ben Brancel, Secretary

TO: Shannon Haydin, County Conservationist, Walworth County LURMD-CD

FROM: Lisa Trumble, LWRM plan coordinator *Lisa Trumble*

DATE: November 2, 2015

RE: Extension of the Walworth County land and water resource management (LWRM) plan through December 31, 2020.

I am pleased to provide you with an order to extend the approval of the Walworth County land and water resource management (LWRM) plan through December 31, 2020. This approval maintains your county's eligibility for funding from the department to continue to implement your LWRM plan. You will need to update your county work plan (if changes are made) and file an annual report to remain eligible for department funds.

Please share this notice and copy of the order extending your plan with Nancy Russell, chair of your LCC. Our agency looks forward to assisting your county with the plan's implementation.

Thank you.

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LCC November 16, 2015

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STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION
2811 Agriculture Drive, P.O. Box 8911
Madison, WI 53708-8911

IN THE MATTER OF THE COUNTY
LAND AND WATER RESOURCE
MANAGEMENT PLAN FOR
WALWORTH COUNTY

LWCB DOCKET NO. 127-00000-L-15-E-
0815 ORDER EXTENDING THE
APPROVAL OF THE REVISED PLAN
THROUGH DECEMBER 31, 2020

INTRODUCTION

The State of Wisconsin Department of Agriculture, Trade and Consumer Protection ("department"), having consulted the State of Wisconsin Land and Water Conservation Board ("LWCB"), makes the following findings of fact and conclusions of law and enters the following order under s. 92.10(4), Wis. Stats.

FINDINGS OF FACT

- (1) Paragraphs (1) through (6) from the "Findings of Fact" in the May 17, 2010 Order approving the revised plan through December 31, 2015, *In the Matter of the County Land and Water Resource Management Plan for Walworth County*, LWCB Docket No. 10-07-64-000-L-1, are incorporated by reference as if fully set forth herein. A copy of the Order is on file at the Land and Water Resource Bureau of the Wisconsin Department of Agriculture, Trade and Consumer Protection at 2811 Agriculture Drive, Madison, WI 53708-8911.
- (2) On May 17, 2010, the department approved the Walworth County land and water resource management (LWRM) plan until December 31, 2015, as more fully described in Docket No. 10-07-64-000-L-1.
- (3) On May 17, 2010, when the department approved the LWRM Plan, it was authorized under s. ATCP 50.12(5), Wis. Admin. Code, to approve the plan for a period not to exceed five years.
- (4) On August 1, 2011, s. ATCP 50.12(5), Wis. Admin. Code, was revised to allow the department to approve a LWRM plan for a specific time, not to exceed ten years.

- (5) The LWCB has developed criteria and procedures that apply to any county seeking extension of its plan approval for four to five years. The LWCB criteria and procedures were initially set forth in its February 27, 2012 guidance, which was modified by the Board in subsequent meetings. (The modified guidance is available at, <http://datcp.wi.gov/uploads/Environment/pdf/ProceduresForPlanReschedule.pdf>).
- (6) On July 7, 2015, Walworth County requested a five year extension of its plan approval expiration date, based on authorization from its designated Land Conservation Committee (LCC), and submitted (a) a summary of the county's progress in meeting planned goals and activities; (b) a completed guidance checklist establishing that the county's approved LWRM plan includes measureable benchmarks for key activities, an effective priority farm strategy, and sufficient elements to reflect a ten year planning horizon; and (c) an updated work plan that covers planned activities during the requested extension period.
- (7) On August 4, 2015, the LWCB reviewed Walworth County's implementation of its LWRM plan over the past five years, found that Walworth County met the criteria for a four to five year extension of its plan approval, and recommended approval of the extension of the Walworth County LWRM plan through December 31, 2020.

CONCLUSIONS OF LAW

- (1) The department, working in consultation with the LWCB, is authorized by s. ATCP 50.12(5) Wis. Admin. Code, to approve a LWRM plan for a period not to exceed 10 years, including any extension of the LWRM plan.
- (2) Walworth County has met the criteria for requesting an extension of its plan approval, as established by the LWCB, by providing the required documentation and completing a five year review of its LWRM plan implementation.

- (3) Based on Findings of Fact (1) through (7) above, the department should issue an order extending the approval of the Walworth County LWRM plan for a term ending December 31, 2020.

ORDER

NOW, THEREFORE, IT IS ORDERED that:

- (1) Pursuant to s. 92.10, Wis. Stats., the approval of the Walworth County LWRM plan, as more fully described in Findings of Fact (1) and (2), is extended through December 31, 2020.
- (2) As a condition of this extension, Walworth County must have on file with the department a work plan that describes planned activities during the period of this plan extension and includes annual benchmarks for key activities as provided in the February 27, 2012 guidance. Walworth County may remain in compliance with this requirement by updating its work plan by no later than April 15th of each year during the period of the plan extension approved by this Order.

Dated this 26th day of Oct, 2015

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By Ben Brancel
Ben Brancel, Secretary