

THE APRIL 17, 2001 SESSION  
OF THE  
WALWORTH COUNTY BOARD OF SUPERVISORS

The Walworth County Board of Supervisors was called to order by Chairman Morrison at 9:00 a.m. at the Walworth County Courthouse, 100 W. Walworth St., Elkhorn, Wisconsin. Roll call was read with all Supervisors present except Supervisors J. Grant, Maynard, Parker and Price who had been excused. (Supervisor Arnold arrived late.) A quorum was established.

Reverend Dave Adams from the Mt. Zion Christian Temple, Lake Geneva, presented the invocation.

On motion by Supervisor Tilton, seconded by Supervisor Scharine, the day's agenda was approved as presented.

On motion by Supervisor Gigante, seconded by Supervisor Mikrut, the minutes of the March 8, 2001 session were approved as published.

On motion by Supervisor Schaefer, seconded by Supervisor Van Dyke, the minutes of the March 13, 2001 session were approved as published.

Chairman Morrison requested public comment. None was received.

A Special Order of Business was presented by Gary Rehfeldt, Assistant Corporation Counsel, Laura Kleber, Assistant Director for Health & Human Services and Circuit Court Judge John Race. The Board was updated regarding the Adoption and Safe Families Act and introduced as to how it would affect Walworth County.

Supervisor Tilton, Chair of the Land Management Committee, introduced Neal Frauenfelder, Walworth County Land Management Department and Phil Evenson, Southeastern Wisconsin Regional Planning Commission, who presented a Special Order of Business regarding the Proposed Land Use Plan for Walworth County, Wisconsin: 2020. The Supervisors were informed that the proposed 2020 Land Use Plan takes into account town land use plans and seeks to preserve and maintain what are perceived to be the best attributes of the County while accommodating growth and development. A question and answer period followed the presentation, and Neal Frauenfelder thanked the staff and citizens who worked on this project.

A Special Order of Business was held regarding the possibility of refinancing some of Walworth County's debts. Supervisor Lothian introduced Dave DeYoung, Walworth County Financial Advisor, of Hutchinson, Shockey, Erley & Co. Mr. DeYoung informed the Supervisors that because of the recent drop in interest rates, he was able to identify \$7,170,000 of current county debt that would be suitable for refunding. These are bonds that have an average interest rate of 5.16%. The current interest rates would allow a refunding at an average interest rate of approximately 4.10%, with an expected

\$200,000 of debt service savings. The Federal Tax Code allows the county to use tax refunding only once; it cannot be used again. If interest rates can be improved by at least 1%, a resolution will be presented next month that fixes that rate.

On motion by Supervisor Gigante, seconded by Supervisor Scharine, and by roll call vote, the Board convened into closed session per State Statute Sec. 19.85(1)(e) for the purpose of “deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session” – review and establish items for City of Elkhorn negotiations. Total vote: 30; Ayes: 30 - Burwell, Felten, Fischer, Gigante, C. Grant, Kret, Kuhnke, Lightfield, Logterman, Lohrmann, Lothian, Mikrut, Miles, Muzatko, Norem, Palzkill, Pearce, Polyock, Schaefer, Scharine, R. Shepstone, S. Shepstone, Shroble, Smith, Tilton, Troemel, Van Dreser, Van Dyke, Wenglowsky, Morrison; Noes: 0; Absent: 5 – Arnold, J. Grant, Maynard, Parker, Price. On motion by Supervisor Tilton, seconded by Supervisor Gigante, the Board reconvened into open session to continue with regularly scheduled agenda items.

A five-minute recess was declared by the Chairman.

On motion by Supervisor Kret, seconded by Supervisor Logterman, the Child Support claim of Gregory Stockholm was denied. The Supervisors were informed of a Notice of Injury Claim regarding a child in Foster Care. No action regarding this claim is required at this time, as a dollar amount has not been specified.

Lee Huempfer, Assistant Corporation Counsel, presented a report and informed the Supervisors that several workers compensation claims have been settled in the amount of \$61,502.02. A report has been received from Wisconsin County Mutual stating that during the first quarter of this year, \$488.30 has been paid out in claims.

Chairman Morrison presented an Administrative Coordinator and County Board Chairman’s Report and informed the Supervisors of the following: County Board group pictures are available for pick-up. The annual County Board Dinner will be held Wednesday, May 2<sup>nd</sup> at the Monte Carlo Room, Elkhorn. Tickets must be purchased for this event by April 25<sup>th</sup>. The Chairman attended the Gateway Board Appointment Committee meeting last evening. Three vacancies were filled for the Gateway Board.

The following Reports of Zoning Gone into Effect were read and placed on file.

Otto Jacobs Company LLC, Town Bloomfield  
Land Management Committee, Text Amendment to Subdivision Control Ordinance, Walworth County, Wisconsin, Section 10.9 and creating Section 10.10  
Pauline Griskey, Town East Troy  
Phyllis Brook, Town Lyons  
Harold Hartshorne, Jr., Town Geneva  
John Z. Mitchell (Scott Watson, Appl.), Town East Troy

The following Report of Petitions Referred was read and referred to the Land Management Committee.

REPORT OF PETITIONS REFERRED TO  
WALWORTH COUNTY LAND MANAGEMENT COMMITTEE

TO: THE COUNTY BOARD OF WALWORTH COUNTY

The undersigned County Clerk hereby reports that the following petitions for rezone of lands in Walworth County were referred to the Land Management Committee for public hearing:

NAME	TOWN	CHANGE REQUESTED	DATE REFERRED
Thomas and Linda Digangi	Geneva	B-3 to R-1	March 13, 2001
Larry H. Burton	Sharon	A-1 to A-5	March 13, 2001
Robert O. and Christine L. Jones, Trust	Linn	C-2 to A-5	March 13, 2001
Joe Peabody	Linn	C-4 to C-2	March 13, 2001
Beverly A. Turzy	Bloomfield	R-1 to R-2	March 13, 2001
Daniel Finke (William C. Peterson, Appl.)	Spring Prairie	C-2 to A-4	March 13, 2001
LEEP I, LLC	East Troy	R-1, B-3 and C-4 to R-1	March 13, 2001
Theodore Junker	Sugar Creek	A-1 and C-2 to P-2	March 13, 2001
Richard C. Grass and Jackie L. Bartylla	Richmond	C-4 to R-1	March 13, 2001
Non-Metallic Mining Reclamation Ordinance for Walworth County			March 13, 2001

Dated this 30th day of March, 2001.

Kimberly S. Bushey  
County Clerk

On motion by Supervisor Van Dreser, seconded by Supervisor Tilton, the following petitions to rezone were approved as presented.

**REPORT OF LAND MANAGEMENT COMMITTEE  
TO COUNTY BOARD ON HEARING ON PETITION  
TO AMEND THE WALWORTH COUNTY ZONING ORDINANCE**

**TO THE COUNTY BOARD OF WALWORTH COUNTY:**

The Land Management Committee, having considered the petitions to amend the Walworth County Zoning Ordinance and Shoreland Zoning Ordinance; and having held public hearings thereon, pursuant to Section 59.97(5)(e) Wisconsin Statutes, notice thereof having been given as provided by law, and being duly informed of the facts pertinent to the changes proposed and duly advised of the wishes of the people in the area affected, hereby recommends as follows:

1. R & J Partnership (Applicant: Charles Murray), Town LaGrange – filed a petition on the 20<sup>th</sup> day of September, 2000 to rezone from R-1 Single Family Residence District (Unsewered) to B-4, Highway Business District.

Recommendation: Said petition be approved.

2. Mark V. and Theresa L. Pankow, Town East Troy – filed a petition on the 7<sup>th</sup> day of November, 2000 to rezone from A-1, Prime Agricultural Land District to A-2, Agricultural Land District.

Recommendation: Said petition be approved.

Said rezone was approved after the appropriate findings were made as required by State Farmland Preservation Program s91.77(1) Wis. Stats.

**ORDINANCE AMENDING  
WALWORTH COUNTY ZONING ORDINANCE**

WHEREAS, the Walworth County Board of Supervisors has heretofore been petitioned to amend the Walworth County Zoning Ordinance; and

WHEREAS, the petitions have been referred to the Walworth County Land Management Committee for public hearing; and

WHEREAS, the Walworth County Land Management Committee on due notice conducted public hearings on the proposed amendments and filed their recommendations with the board; and

WHEREAS, the proposed amendments have been given due consideration by the Board in open session.

NOW, THEREFORE, the County Board of Supervisors of the County of Walworth do ordain as follows:

The Zoning Ordinance of Walworth County and Shoreland Zoning Ordinance (and accompanying Zoning Map) is amended in the following respects:

1. . R & J Partnership (Applicant: Charles Murray), Town LaGrange – to amend said zoning maps from R-1 Single Family Residence District (Unsewered) to B-4, Highway Business District on the following described lands:

Tax Parcel #H LG3600014B

Commencing at the center of Section 36, T4N, R16E; thence North along the North-South ¼ section line 130130 feet to a concrete monument; thence North 89D 30' West 441.52 feet to the Easterly R.O.W. line of U.S. Highway 12; thence South 1D 37' East along said R.O.W. line 122.00 feet to the place of beginning of the lands hereinafter described to-wit: thence North 87D 33' East 168.00 feet to an iron pipe; thence south 2D 27' East 185.60 feet to an iron pipe; thence South 87D 33' West 152.00 feet to an iron pipe in said Easterly R.O.W. line; thence North 11D 14' West along said Easterly R.O.W. line 107.10 feet to a R.O.W marker post; thence north 1D 37D west along the Easterly R.O.W. line 80.00 feet to the place of beginning (End of Legal Description)

2. Mark V and Theresa L. Pankow, Town East Troy – to amend said zoning maps from A-1, Prime Agricultural Land District to A-2, Agricultural Land District on the following described lands:

Said rezone was approved after the appropriate findings were made as required by State Farmland preservation Program s91.77(1) Wis. Stats.

Tax Parcel #P ET3100011A

Part of the Northwest ¼ of the South East ¼ of Section 31, Town 4 North, Range 18 East, Walworth County, Wisconsin more particularly described as follows to-wit; commencing at the South ¼ corner of said section 31; thence N00D-23'-53"W on the North-South ¼ section line 1611.33' feet to the place of beginning of the lands hereon description thence continue N00D-23'-53" W on said North-South ¼ section line 1027.72' feet to the center of said section 3 thence N59D-09'-33"E along the East West ¼ line 76.56' feet thence S00D-23'-53"E and parallel to the North South ¼ section line 1312.53' feet to the centerline of Swoboda Road; thence S86D-38'-11"W along the centerline of Swoboda Road 316.44' feet; thence North 0D-34'E 294.94' feet; thence S89D-02-11"W 294.34' feet thence S01D-01'03"E 5.20' feet; thence S88D-38'11" W 149.49' to the place of beginning and containing 20.00 acres more or less.

ATTEST this 17th day of April, 2001.

Allen L. Morrison  
County Board Chairman



Disabilities Education Board. This means everyone will be working together to seek more financing for Lakeland School.

Supervisor Lothian, Chair of the Finance Committee, informed the Supervisors that he has attended two public hearings regarding the proposed State Budget. He said there are several critical issues that will affect Walworth County. One issue is the Court System. The proposed budget would remove 5% from the judicial portion of the State Budget for public defenders and translators. This cost will come back to Walworth County.

Supervisor Lohrmann, Chair of the Administrative Committee, thanked the Corporation Counsel's Office, Human Resources Department and the County Clerk's Office for their assistance during the hiring process for the Administrative Coordinator.

Supervisor Miles, Chair of the Health and Human Services Board, informed the Board that Mike Kohl has been selected as the Director of the Department of Health and Human Services Department.

Supervisor Tilton, Chair of the Land Management Committee, informed the Supervisors of upcoming committee meeting dates.

Resolution No. 80-03/01, a Resolution to Form a Special Committee to Formulate Rules and Structure Committees for the County Board Elected in April 2002, under unfinished business, was moved for adoption on motion by Supervisor Van Dreser, seconded by Supervisor Kuhnke. A motion to amend the resolution was offered by Supervisor Lohrmann, seconded by Supervisor Gigante, to amend the third paragraph by having it read "Now, Therefore, be it Resolved that the Walworth County Board of Supervisors agrees that the review and formulation of rules and structure for the County Board and committees of the County Board elected in 2002 remain the function of the Administrative Committee with the assistance of the Administrative Coordinator with final approval by the County Board". Following the Corporation Counsel's ruling that the proposed amendment created too much of a change to the resolution as written, Supervisor Lohrmann and Supervisor Gigante withdrew their motion to amend. A motion was offered by Supervisor Lohrmann, seconded by Supervisor Gigante, to send the resolution back to the Administrative Committee to bring forth a new resolution. Discussion continued from the floor regarding the proposed amendment. The question was called on motion by Supervisor Palzkill, seconded by Supervisor Lothian. A roll call vote on the proposed amendment was requested. Total vote: 31; Ayes: 18 – Arnold, Felten, Gigante C. Grant, Kret, Lightfield, Lohrmann, Mikrut, Norem, Pearce, Polyock, R. Shepstone, Smith, Tilton, Troemel, Van Dyke, Wenglowsky, Morrison; Noes: 13 – Burwell, Fischer, Kuhnke, Logterman, Lothian, Miles, Muzatko, Palzkill, Schaefer, Scharine, S. Shepstone, Shroble, Van Dreser; Absent: 4 – J. Grant, Maynard, Parker, Price. The amendment to refer Resolution No. 80-03/01 to the Administrative Committee was approved.

**REFERRED TO ADMINISTRATIVE COMMITTEE**

RESOLUTION NO. 80-03/01

**RESOLUTION TO FORM A SPECIAL COMMITTEE  
TO FORMULATE RULES AND STRUCTURE COMMITTEES  
FOR THE COUNTY BOARD ELECTED IN APRIL 2002**

Moved by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

**WHEREAS**, the Walworth County Board of Supervisors has voted to reduce the size of the County Board as elected in April 2002 from 35 members to 25 members; and

**WHEREAS**, there will need to be some restructuring of committees and rules which govern the County Board's activities.

**NOW, THEREFORE, BE IT RESOLVED**, by the Walworth County Board of Supervisors that the following special committee is established to formulate rules and structure for the committees of the County Board elected in April 2002:

Administrative Coordinator, Chairperson  
Dorothy Burwell  
James Fischer  
Donald Kret  
Ann Lohrmann  
Thomas Lothian  
Allen Morrison  
William Norem

**ADOPTED** this \_\_\_\_\_ day of March, 2001.

\_\_\_\_\_  
Allen L. Morrison  
Walworth County Board Chairman

\_\_\_\_\_  
Kimberly S. Bushey  
Walworth County Clerk

Policy and Fiscal Note is attached.

Sponsored by: Allen Morrison, County Board Chairman.

County Board Meeting Date: March 13, 2001

Approved as to form:

Dennis D. Costello Corporation Counsel	3/1/01 Date
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Interim Admin. Coordinator	Date
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Nicki Andersen (pw) Finance Director	3/5/01 Date
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Action Required: Majority Vote.

**Resolution No. 80-03/01**

Policy and Fiscal Note

- I. **Title:** Resolution to Form a Special Committee to Formulate Rules and Structure Committees for the County Board Elected in April 2002.
- II. **Purpose and Policy Impact Statement:** The purpose of this resolution is to establish a special committee to formulate rules and structure for the committees of the Walworth County Board of Supervisors elected April 2002.
- III. **Is this a budgeted item and what is its fiscal impact?** Funds for per diem reimbursement for the special committee is included in the County Board 2001 budget.
- IV. **Committee Consideration:**
- V. **Approved as to Form:**

Administrative Coordinator	Date
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Gary Rehfeldt Corporation Counsel	3/5/01 Date
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Nicki Andersen (pw) Finance Director	3/5/01 Date
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A motion was offered by Supervisor Muzatko, seconded by Supervisor Mikrut, to approve the Draft Walworth County Board of Supervisors 2001 – 2002 Meeting

Schedule as presented. On motion by Supervisor Kret, seconded by Supervisor Norem, and by roll call vote, the proposed meeting schedule was amended to change the time listed for County Board meetings from 9:00 a.m. to 6:00 p.m. Total vote: 31; Ayes: 17 – Arnold, Burwell, Felten, Fischer, Gigante, Kret, Lightfield, Lohrmann, Mikrut, Norem, Pearce, Polyock, R. Shepstone, S. Shepstone, Van Dreser, Van Dyke, Wenglowksy; Noes: 14 – C. Grant, Kuhnke, Logterman, Lothian, Miles, Muzatko, Palzkill, Schaefer, Scharine, Shroble, Smith, Tilton, Troemel, Morrison; Absent: 4 – J. Grant, Maynard, Parker, Price. A motion offered by Supervisor Tilton, to amend the schedule by changing County Board meeting times to 7:00 p.m., did not receive a second. The County Board Meeting Schedule was adopted as amended.

## WALWORTH COUNTY BOARD OF SUPERVISORS 2001-2002 MEETING SCHEDULE

(As Amended at April 17<sup>th</sup> County Board Meeting)

9:00 a.m., Tuesday, April 17, 2001  
~~9:00 a.m.6:00 p.m.~~, Tuesday, May 8, 2001  
~~9:00 a.m.6:00 p.m.~~, Thursday, June 7, 2001  
**Annual Summer Highway Conference-June 11-14-WI Dells**  
~~9:00 a.m.6:00 p.m.~~, Tuesday, July 10, 2001  
NACO-July 13-17<sup>th</sup>  
~~9:00 a.m.6:00 p.m.~~, Tuesday, August 14, 2001  
~~9:00 a.m.6:00 p.m.~~, Thursday, September 13, 2001  
WCA Convention-September 9-12, 2001  
~~9:00 a.m.6:00 p.m.~~, Tuesday, October 9, 2001  
\*6:00 p.m., Thursday, October 25, 2001  
\*Finance Proposed Date for Public Budget Hearing  
\*~~9:00 a.m.6:00 p.m.~~, Thursday, November 8, 2001  
\*Finance Proposed Date  
~~9:00 a.m.6:00 p.m.~~, Tuesday, December 11, 2001  
~~9:00 a.m.6:00 p.m.~~, Tuesday, January 8, 2002  
Winter Highway Conference-January 21-24, 2002-Marathon County  
WCA County Board Chair Forum and Policy Exchange-February 5-6, 2002  
~~9:00 a.m.6:00 p.m.~~, Tuesday, February 12, 2002  
Tuesday, February 19, 2002 SPRING PRIMARY ELECTION  
~~9:30 a.m.6:00 p.m.~~, Tuesday, March 12, 2002- (Student Government Day)  
Tuesday, April 2, 2002 SPRING ELECTION  
~~9:00 a.m.6:00 p.m.~~, Tuesday, April 16, 2002  
~~9:00 a.m.6:00 p.m.~~, Thursday, April 18, 2002

Amendment: Additions underlined, deletions crossed off

On motion by Supervisor Lothian, seconded by Supervisor Scharine, the proposed Budget Calendar for 2002 Budget Process was approved as presented.

On motion by Supervisor Muzatko, seconded by Supervisor Van Dreser, Resolution No. 01-04/01, the adoption of A Land Use Plan for Walworth County, Wisconsin: 2020, was adopted.

**Resolution No. 01-04/01**

**Resolution Title: Adoption of A Land Use Plan for Walworth County, Wisconsin: 2020**

Whereas, In accordance with Section 59.69(3) of the Wisconsin Statutes the Walworth County Land Management Committee in conjunction with a technical advisory committee and the assistance of the Southeastern Wisconsin Regional Planning Commission has prepared a land use plan for Walworth County to the year 2020, and

Whereas, the purpose of this planning effort was to update and extend ten years into the future the existing 2010 county Plan adopted by the Walworth County Board of Supervisors in 1993, and

Whereas, The planning effort was intended to refine the year 2020 regional land use plan as it pertains to Walworth County and to integrate adopted town-level land use plans into the County plan, and

Whereas, the basic principles and concepts of the new plan are essentially the same as the previous plan, with the exception of efforts to encourage conservation subdivision designs, and

Whereas, the County land use plan seeks to preserve and maintain what are perceived to be the best attributes of the County while accommodating significant growth and development, and

Whereas, the new year 2020 land use plan, like the previous year 2010 County plan, is intended to serve as a guide to future land use decision making in matters regarding land development and open space preservation within the County, and

Whereas, it is anticipated that, operationally, zoning and other land use regulations will be administered as they have been under the year 2010 plan, and

Whereas, it is the duty and function of the County Land Management Committee, pursuant to Section 59.69(3) of the Wisconsin Statutes, to prepare and recommend to the County Board a county development plan.

Now, therefore, be it resolved that, pursuant to Section 59.69(3) of the Wisconsin Statutes, the Walworth County Board of Supervisors hereby adopts as the Walworth



**II. PURPOSE AND POLICY IMPACT STATEMENT:**

To update and extend ten years the existing 2010 County Land Use Plan adopted by the Walworth County Board of Supervisors in 1993. The proposed 2020 County Land Use Plan integrates adopted town level land use plans into the County Plan and is intended to serve as a guide to future land use decision making. With the exception of the plan recommendations for conservation subdivisions it is anticipated that, operationally, zoning and other land use regulations will be administered as they have been under the year 2010 plan.

**III. FISCAL IMPACT:**

The 2020 Land Use Plan was prepared with funds approved by the County Board in the 1999 budget. Consulting Funds, of \$10,000 approved in the 2001 Planning Department Budget, could be used to develop conservation subdivision standards and prepare zoning and subdivision ordinance amendments to facilitate them.

**IV. ADDITIONAL KEY INFORMATION:**

A technical advisory committee was appointed by the Land Management Committee to assist in the preparation of the plan. Additional public comment was obtained through a public opinion survey the findings of which are detailed in the plan, two public comment periods at each plan review/development meeting and a public hearing following class 2 public hearing requirements.

**V. COMMITTEE CONSIDERATION:**

Land Management Committee **DATE:** March 7, 2001 **VOTE:** Approved Unanimously

**VI. APPROVED AS TO FORM:**

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Administrative Coordinator	Date
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Dennis D. Costello	4/9/01
Corporation Counsel	Date

Nicki Andersen (pw)  
Finance Director

4/2/01  
Date

On motion by Supervisor Palzkill, seconded by Supervisor Norem, Resolution No. 02-04/01, Authorizing the Submittal of State Grant Applications for "Clean Sweep" Household Hazardous Waste and Agricultural Hazardous Waste Collection Programs for Walworth County, was adopted.

Resolution No. 02-04/01

**RESOLUTION AUTHORIZING THE SUBMITTAL OF STATE GRANT APPLICATIONS FOR "CLEAN SWEEP" HOUSEHOLD HAZARDOUS WASTE AND AGRICULTURAL HAZARDOUS WASTE COLLECTION PROGRAMS FOR WALWORTH COUNTY**

WHEREAS, Walworth County recognizes that some household and agricultural products contain hazardous chemicals, are difficult to dispose of, and may endanger public health and the environment if disposed of improperly; and

WHEREAS, "Clean Sweep" programs are intended to offer a designated day for the collection and disposal of hazardous household and agricultural products, and

WHEREAS, Walworth County recognizes the benefits of this type of program and is committed to conducting annual Clean Sweep programs subject to public response and the appropriation of funding; and

WHEREAS, the Department of Natural Resources provides grant funds of up to \$15,000 for Household Hazardous Waste Clean Sweep programs, and the Department of Agriculture, Trade, and Consumer Protection (DATCP) provides grant funds of up to \$22,000 for Agricultural Waste Clean Sweep programs; and

WHEREAS, the Solid Waste Division of the Facilities Management Department is planning to conduct a joint Household and Agricultural Clean Sweep program in 2002, and is proposing to budget \$64,000 for hazardous waste contractor services and \$16,000 for other program costs; and

WHEREAS, the total net cost to the Solid Waste Division 2002 budget for both programs would be approximately \$22,000, because of the \$15,000 Department of Natural Resources state grant, \$21,500 DATCP state grant, \$14,500 Troy Area Landfill Fund revenue, and \$7,000 from the City of Whitewater, which will serve as a satellite collection site.

NOW THEREFORE, BE IT RESOLVED, that the Walworth County Board of Supervisors authorizes the Solid Waste Division to submit applications for a Household Hazardous Waste Clean Sweep Grant and an Agricultural Clean Sweep Grant and include the expected revenue and expenses in the Solid Waste Division 2002 budget with the intent of conducting a joint Household and Agricultural Clean Sweep program for Walworth County in 2002; and

BE IT FURTHER RESOLVED, that the Solid Waste Division will carry out all activities described in the state grant applications, will allow employees from the DNR and DATCP to inspect the Clean Sweep program site, will maintain records documenting all expenditures made and revenue received during the program, and will submit a final report to the DNR and DATCP describing all program activities, achievements, and problems.

Dated this 17<sup>th</sup> day of April, 2001.

Allen L. Morrison,  
County Board Chair

Attest: Kimberly S. Bushey  
County Clerk

Administrative Coordinator	Date
Dennis D. Costello Corporation Counsel	4/9/01 Date
Nicki Andersen (pw) Finance Director	4/4/01 Date

Circle Action Required:    Majority Vote        Two-Thirds Vote        Other (Specify)

Committee Consideration: Solid Waste Management Board  
Date 03/19/01  
Vote: Approved upon vote of 6-0

Committee Consideration: Public Property Committee  
Date 03/19/01  
Vote: Approved upon vote of 6-0

Resolution Introduced by the Walworth County Solid Waste Management Board

## **Policy and Fiscal Note**

### **TITLE:**

Resolution No. 02-04/01 Authorizing the submittal of state grant applications for "Clean Sweep" Household Hazardous Waste and Agricultural Hazardous Waste collection programs for Walworth County.

### **PURPOSE AND POLICY IMPACT STATEMENT:**

The purpose of the resolution is to obtain approval to submit state grant applications for Household Hazardous Waste and Agricultural Hazardous Waste Clean Sweep grant funding, and authorize the Solid Waste Division to include expected revenue and expenses in its 2002 budget with the intent of conducting a joint Household and Agricultural Clean Sweep program in 2002.

The resolution is being presented now because the state Household Hazardous Waste Clean Sweep grant program requires that an approved resolution be included with the grant application. The Household Clean Sweep grant application is due on July 2, 2001.

### **FISCAL IMPACT:**

The resolution would authorize including \$64,000 for hazardous waste contract costs and \$16,000 for other program costs in the 2002 Solid Waste Division budget. Total expenses for the Household and Agricultural Clean Sweep programs are projected to be \$80,000.

Household Clean Sweep program grant funding would provide \$15,000 of revenue. Agricultural Clean Sweep program grant funding would provide \$21,500 of revenue. Other revenue sources include \$14,500 from the Troy Area Landfill Fund, and \$7,000 from the City of Whitewater, which will serve as a satellite collection for the household program. Total revenue for the Household and Agricultural Clean Sweep programs is projected to be \$58,000.

Revenue and expense amounts for the Agricultural Clean Sweep program would be included in the 2002 Solid Waste Division budget that were not present in the 2001 budget. The Agricultural Clean Sweep is a program that has been conducted on a periodic basis, every 3-5 years. Agricultural Clean Sweep programs were previously conducted in 1993 and 1997.

Revenue and expense amounts for the Household Clean Sweep program have been included in the Solid Waste Division budget on a yearly basis from 1997 through 2001. The Solid Waste Division would like to increase the expense accounts for the hazardous waste contractor and other program costs in 2002 to accommodate increased participation that is expected. However, an increase of \$7,000 in revenue is projected in the 2002 budget, because the City of Whitewater has indicated that it intends to serve as a satellite site for the household program in 2002 and will contribute \$7,000 revenue.

Complete revenue and expense account comparisons for budget years 2001 and 2002 are as follows:

	Budget Year 2001	Budget Year 2002
Revenue:	As Approved:	As Proposed:
Household State Grant (111-7807-2009)	\$15,000	\$15,000
City of Whitewater (111-7807-3149)	\$-0-	\$7,000
Landfill Tipping Fees – Troy (111-7807-3532)	\$14,500	\$14,500
Agricultural State Grant (111-7808-2009)	\$-0-	\$21,500
Total Revenue:	\$29,500	\$58,000
Expenses:		
Haz Waste Contractor (111-7807-6199)	\$36,593	\$43,000
Haz Waste Contractor (111-7808-6199)	\$-0-	\$21,000
Other Prog Costs (111-7807-6409, 7000 & 8000's)	\$11,337	\$12,000
Other Prog Costs (111-7808-6409, 7000's & 8000's)	\$-0-	\$4,000
Total Expenses	\$47,930	\$80,000
<b>Net Cost of Program</b>	<b>\$18,430</b>	<b>\$22,000</b>
<b>Increase from budget year 2001 to 2002</b>		<b>\$3,570</b>

## **ADDITIONAL KEY INFORMATION:**

The Solid Waste Division conducts Clean Sweep programs to ensure that household and agricultural hazardous waste products are disposed of properly. Many types of household hazardous waste and most agricultural hazardous waste products cannot be thrown away in the regular trash and Walworth County residents have no disposal option available other than a Clean Sweep program.

The Walworth County Solid Waste Management Plan recommends that the "County Solid Waste Management Department continue a program for the collection of household hazardous wastes."

The Walworth County Solid Waste Management Board discussed conducting a Household Clean Sweep program in 2001 at their August 10, 2000 meeting and approved a motion upon vote of 7-1 that "the Solid Waste Department be prepared to complete and submit a grant application for the second grant cycle, if funds are available then." The Board agreed at that time that if a second grant cycle was not available for funding a program in 2001, a grant application for 2002 should be prepared and submitted during the first grant cycle.

The Public Property Committee approved a motion at their December 18, 2000 meeting upon vote of 5-2 "to apply for a grant to perform the Clean Sweep program annually provided grant funds are available."

The Solid Waste Division has conducted Household Hazardous Waste Clean Sweep programs in 1992, 1995, 1997, 1998, 1999, and 2000.

Walworth County's previous programs have been very successful. On average, 76% of those who have attend Walworth County programs, have been first-time participants. The household program has collected a total of 105,717 pounds of hazardous waste from Walworth County residents, which is an average of 17,620 pounds per program. The 2000 Clean Sweep program collected 23,342 pounds of hazardous waste.

Surveys by the State show that at least 25 counties have conducted three or more Household Clean Sweep programs and continue to collect large amounts of waste chemicals. Eight Wisconsin counties have established permanent household hazardous waste collection programs.

The Solid Waste Division conducted Agricultural Clean Sweep programs in 1993 and 1997. The agricultural program has collected a total of 18,293 pounds of hazardous

waste from Walworth County farmers, which is an average of 9,147 pounds per program.

Thirty-eight Wisconsin counties sponsored Agricultural Clean Sweeps in the year 2000. That was the largest number ever to participate. DATCP has significant funding available for Agricultural Clean Sweep programs in Wisconsin. DATCP's grant funding program covers 86% of the cost for county Ag Clean Sweep programs. We estimate that costs for the 2002 Walworth County Agricultural Clean Sweep program will be \$25,000. This means that DATCP would provide \$21,500 toward the cost of the program. Walworth County's share for the program would be \$3,500.

Conducting an Agricultural Clean Sweep collection at the same time as the Household collection in 2002 is cost effective. The same hazardous waste vendor can be used for both programs, and hours of operation would not need to be increased significantly with the addition of the agricultural collection.

Additional Household and Agricultural Clean Sweep programs are needed because Walworth County residents generate household and agricultural hazardous waste on a continual basis, and alternative disposal options are not available.

**COMMITTEE CONSIDERATION:**

March 19, 2001 Solid Waste Management Board

Approved: Upon vote of 6-0

March 19, 2001 Public Property Committee:

Approved: Upon vote of 6-0

**APPROVED AS TO FORM:**

Administrative Coordinator	Date
Dennis D. Costello Corporation Counsel	4/9/01 Date
Nicki Andersen (pw) Finance Director	4/4/01 Date

Resolution No. 03-04/01, adopting an "Acceptable Use Policy: Computer, Internal Network, Electronic Mail and Internet", was adopted on motion by Supervisor Kret, seconded by Supervisor Felten.

RESOLUTION NO. 03-04/01

**RESOLUTION TO ADOPT  
"ACCEPTABLE USE POLICY: COMPUTER,  
INTERNAL NETWORK, ELECTRONIC MAIL AND INTERNET"**

**WHEREAS**, the Human Resources Committee has reviewed staff recommendations for a new policy on the acceptable use of the computer, internal network, electronic mail, and Internet, and recommends adoption of the policy.

**NOW, THEREFORE, BE IT RESOLVED**, by the WALWORTH COUNTY BOARD OF SUPERVISORS that the policy titled "*Acceptable Use Policy: Computer, Internal Network, Electronic Mail and Internet*" attached hereto and made a part hereof is adopted by the Walworth County Board of Supervisors; and

**BE IT FURTHER RESOLVED**, that this policy shall be incorporated into the Walworth County Personnel Code; and

**BE IT FURTHER RESOLVED**, that any and all other previous Walworth County Board action or committee action related hereto or practices heretofore undertaken, are hereby rescinded and are of no further force and effect.

**ADOPTED** this 17th day of April, 2001.

Allen L. Morrison  
Walworth County Board Chairman

Kimberly S. Bushey  
Walworth County Clerk

Policy and Fiscal Note is attached.

Sponsored by the Human Resources Committee.

County Board Meeting Date: April 17, 2001

Approved as to form:

Dennis D. Costello  
Corporation Counsel

April 9, 2001  
Date

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Interim Admin. Coordinator

Date

Nicki Andersen (pw)  
Finance Director

4/10/01  
Date

Action Required: Majority Vote.

**POLICY AND FISCAL NOTE**

**I. Title: RESOLUTION No. 03-04/01**

**RESOLUTION TO ADOPT "ACCEPTABLE USE POLICY: COMPUTER, INTERNAL NETWORK, ELECTRONIC MAIL AND INTERNET"**

**II. Purpose and Policy Impact Statement:**

The purpose of this resolution is to enact personnel policies that establish standards for the acceptable use of all County computer-related resources. The policy as recommended by Information Systems Director, Human Resources Director and Corporation Counsel, has been reviewed and recommended for adoption by the Finance Committee and Human Resources Committee. Prior to submission to the County Board, the policy has been distributed to all department heads for their review and comment. The policy, as constructed, meets legal standards.

**III. Budget and Fiscal Impact:**

Not applicable.

**IV. Referred to the Following Standing Committees for Consideration:**

< Human Resources Committee. **Date:** March 21, 2001. **Vote:** 6-0  
< Finance Committee. **Date:** March 22, 2001. **Vote:** 6-0

**V. Approved as to Form:**

<u>Admin. Coordinator</u>	<u>Date</u>
Dennis D. Costello	4/9/01
Corporation Counsel	Date
Nicki Andersen (pw)	4/10/01
Finance Director	Date

**Chapter 806**  
**ACCEPTABLE USE POLICY: COMPUTER,**  
**INTERNAL NETWORK, ELECTRONIC MAIL AND INTERNET**

## Sections

- 806.01 Policy
- 806.02 Management, administration, monitoring and privacy
- 806.03 Systems management, data integrity and security
- 806.04 Hardware and software integrity
- 806.05 User ID's and passwords
- 806.06 Electronic mail
- 806.07 World wide web publishing and use
- 806.08 Resource considerations
- 806.09 Enforcement

## Appendix

### History

Res. 25-06/92

### Cross-references

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#### **806.01 Policy.**

Walworth County provides employees and other users access to the County's internal network and to the Internet for the purpose of furthering the goals and objectives of the County and the professional development of its employees. As further used herein, the term "user" shall include employees, elected officials and any other persons who have been authorized to use the county's computers, internal network, e-mail and Intranet.

Walworth County computers and network resources may be provided for instructional, development and management purposes for use by users, subject to the policies set forth herein. County computers and networks may not be used to disrupt management functions, and hardware and/or software shall not be destroyed, modified, copied, transferred, decompiled, disassembled, disabled or otherwise abused in any manner. Users shall not seek information on other users on the

County's network, including but not limited to their passwords, files, data, electronic mail or other data that may be stored and accessible through said computers and networks.

Walworth County officials will apply the same criterion of suitability used for other resources when providing access to software and Internet information resources. All use of these resources shall be directly related to the work being performed by the user, the professional development of the user, or the management of these resources by staff and administrators of Walworth County.

Because the Internet is a fluid environment that may include materials of questionable value, and because it provides access to many, constantly changing resources throughout the world, it is impossible for county officials to review and pre-select materials that are appropriate for the use of our users. Therefore, Walworth County has adopted practices regarding access to

and use of Walworth County electronic resources and networks, especially the Internet.

Walworth County firmly believes that the valuable information, interaction, collaboration and peer contact available on the Internet all outweigh the possibility that users may access materials that are not consistent with the professional development goals of Walworth County. Ultimately, users are relied upon to use good judgement in selecting resources for their own use.

Extensive systems and security mechanisms are in place to ensure the security, integrity and appropriateness of the data on County networks. However, recognizing that the state of computing is constantly evolving, and further acknowledging that no mechanism can be fully and constantly capable of screening the ever-changing body of inappropriate Internet content from users, users are expected to use good judgment, consistent with this policy, in deciding whether to access the Internet.

All users of County computers, internal networks, electronic mail, and Internet shall comply with this policy. Use of the County's computer-related resources is a privilege and not a right.

Walworth County will provide a copy of this policy to all current and new users upon its adoption.

**806.02 Management, administration, monitoring and privacy.**

(A) Walworth County reserves the right to implement software and systems that monitor and record all Internet usage. Walworth County wants users to

be aware that security systems are capable of recording, for each and every user, each World Wide Web site visit, the amount of time spent actively using the World Wide Web, each chat, newsgroup access, email message and every file transfer into and out of County internal networks to the Internet. The County reserves the right to record such usage at any time, without advance notice or warning to the user. No Walworth County user should have any expectation of privacy as to his or her Internet usage, or the privacy of any electronic mail message, file, download, note or other data stored on or transmitted or received through a Walworth County computing facility. Walworth County will review computing activity and analyze usage patterns, and may choose to publicize this data to assure that Walworth County's computing resources are devoted to maintaining the highest standards of employee productivity.

(B) Walworth County, through appropriate management personnel, reserves the right to inspect any and all data stored in public or private areas of networked and individual storage systems of any kind, without notice or warning, and at any time or for any purpose.

Walworth County uses independently supplied facilities to identify and block Internet content that is inconsistent with the professional development goals of Walworth County. Access to such sites that will be blocked from within County networks. To be clear, these facilities endeavor to block use of the network to create, view, send, receive, store, display or print text or graphics which may reasonably be

construed to be obscene, disruptive or harmful to the educational or working environment, but we acknowledge that no blocking or filtering mechanism is capable of blocking all inappropriate content all of the time. Offensive, disruptive or harmful data include, but are not limited to any messages or files, or data which contain the following:

- pornographic or erotic images,
- sexual implications,
- racial slurs,
- derogatory gender-specific comments,
- information or instructions designed to cause physical harm to another person, orientation, religious beliefs, political beliefs, national origin or disability,
- any comment which in any way defames, slanders or libels another person,
- any comment intended to frighten, intimidate, threaten, abuse, annoy or harass another person,
- those data or activities which invade the privacy of another person

If a user finds that he/she is connected to a site that contains any of the above material, he/she must disconnect from that site immediately, regardless of whether that site has been previously deemed acceptable by any screening or rating program, and inform a supervisor of the incident. Similarly, a user must inform his/her supervisor if he/she becomes aware that a fellow employee is accessing or has accessed material prohibited above. Walworth County's goal in creating the above standards and reporting requirement is not to create an environment of fear and apprehensiveness for users accessing the Internet and internal networks, but to

affirmatively set forth content standards for users to be mindful when accessing these resources on their own.

(c) Walworth County will fully cooperate with requests from law enforcement and regulatory agencies for logs, diaries, data and archives on individuals' computing activities.

(D) As part of a proper and official investigation it may be necessary for specific users to have access to Internet sites that are normally restricted. A department head may submit a written request for an exception to access standards and shall document the official necessity for the exception. Any exception shall be subject to authorization of the Information Systems Director.

#### **806.03 Systems management, data integrity and security.**

(A) Users may only download data files that are applicable to their position in Walworth County, and the size of the file(s) downloaded during one session should not exceed 3MB without permission of Walworth County Information Systems management personnel. The use of Walworth County's Internet facilities to transfer data outside of these limits can create congestion that may adversely affect everyone's ability to access Internet resources of all kinds.

(B) No user may download software or demo's without the express advance approval of Walworth County Information Systems management personnel. No user may use Walworth County computing facilities to download or distribute software or data that is pirated, or in a manner inconsistent with its license agreement or applicable

copyright law and Walworth County copyright policy. Any software or files transferred in any manner into or via Walworth County's computing facilities become the property of Walworth County, subject to the restrictions of any existing licensing agreement or applicable copyright law or policy. In any event, such downloaded files, regardless of license or license ownership, may only be used in a manner consistent with their license or copyrights, applicable Walworth County policy or other controlling authority.

(C) Users must understand that the unauthorized use or independent installation of non-standard data may cause computers and networks to function erratically, improperly or cause data loss and should take that into consideration when installing software not directly related to or approved through an existing curriculum. Users must request the assistance of Walworth County Information Systems management personnel in using non-standard software and data, and must never install software to networked storage devices without the assistance and approval of Information Systems management personnel.

(D) The Walworth County Information Systems Department shall maintain a list of authorized software that users may be authorized to download. A user is required to obtain advance authorization from the Help Desk prior to executing a download.

(E) No user may use Walworth County's computing facility to propagate any virus, worm, Trojan horse, trap-door program code or any form of destructive or malicious computer instruction.

Further, employees may not propagate any virus "warnings" via electronic mail except to alert appropriate Walworth County Information Systems management personnel.

(F) No user may use Walworth County's computing facilities to disable or overload any computer system or network, or to circumvent any system intended to protect the privacy or security of another user or the users data.

(G) All data that is transferred into Walworth County's computing facilities must be checked for viruses before it is run or otherwise accessed. On computers where virus scanning takes place automatically, the virus scanning software must not be disabled, modified, uninstalled or otherwise inactive. If you are uncertain as to whether the workstation you are using is capable of detecting viruses automatically, or you are unsure whether the data has been adequately checked for viruses, you should contact appropriate Walworth County Information Systems management personnel.

(H) No user may use Walworth County computing facilities to access or attempt to access stored materials or data that are not appropriate for their position, or are outside the scope of their employment duties.

#### **806.04 Hardware and software integrity.**

(A) The Information Systems Department is responsible for establishing a standard PC configuration for all desktop computers that are connected to the County's electronic resources and networks. Any alteration to the desktop configuration is subject to

authorization of Information Systems management personnel.

(B) Any installation of software or hardware (including a dial-up modem) on a computer-related device that is part of the County's electronic resources and networks is subject to authorization of Information Systems management personnel. All software and hardware purchase requisitions are subject to review and approval of Walworth County Information Systems management personnel.

(C) No user may disable or otherwise bypass security devices, anti-virus software, or other related system integrity mechanisms.

#### **806.05 User IDs and passwords.**

(A) Every employee and user accessing Walworth County computing resources will be assigned a User ID and password that functions as your method of access to our computing facilities. You should guard this information just as you would guard any other identifying material like your home phone number, address or bank account numbers. Users will be held fully accountable for activity that occurs on any Walworth County computing facility under your User ID and password, regardless of whether the person assigned to the User ID and password is the actual user. Therefore, great care should be taken not to share or otherwise disclose this information to another person.

(B) User IDs and passwords should never be written in a conspicuous place, written down together or shared with **any** third party. If you lose or forget your password (or User ID and

password together), you must immediately inform appropriate Walworth County Information Systems management personnel so your account can be temporarily deactivated and a new password assigned.

(C) Walworth County has security facilities in place to detect an intruder who may be attempting to use or guess another's User ID and password to gain access to resources they are not authorized to use. If you find that your account has become disabled because of an intruder's attempt to access our computing facilities, you should contact appropriate Information Systems management personnel for assistance.

#### **806.06 Electronic mail.**

(A) Electronic mail should primarily be used for internal Walworth County business, instructional purposes, collaboration with peers and other activities directly related to a user's employment. Although a certain amount of personal use occurs with any communications medium, users are strongly discouraged from using County computing resources for personal communication, and use of computing resources is expressly prohibited for commercial use or for personal enrichment, profit, union and/or political advocacy. Any personal use may only occur during non-work and unpaid times (i.e., before or after work, or during an unpaid meal period) and is subject to the all other provisions of Chapter 806.

(B) Though electronic mail is a fast and relatively easy mode of communication, nothing should be included in an electronic mail message that the user would not want read by a third party. Although it is rare, the interconnected nature of the Internet

and its components disparate computing networks makes it possible for a third-party interceptor to store, view, read, print and disseminate the contents of any electronic mail message to anyone else. Walworth County has security facilities in place to prevent unauthorized access to our internal networks and electronic mail stored there, but be aware that messages transmitted outside our networks may be equally protected, less protected or not protected at all. The likelihood of such an interception is extremely low, but still possible, so you should therefore take great care when transmitting sensitive or confidential information.

(C) Electronic mail may fall within the definition of a "public record" under subchapter II of Chapter 19 of Wisconsin Statutes (see §19.21 through 19.39) and would be subject to legal requirements relating to for retention, storage and destruction. The legal custodian of records in each department shall be accountable for establishing standards within the department for retention and storage of electronic records. Electronic mail that clearly does not meet the definition of a public record should be stored only as long as needed, and not archived or otherwise stored beyond the time that it may reasonably need to be referred to.

(D) Employees may not use Walworth County electronic mail to propagate chain letters, advertising, jokes, personal files, images or any other materials not directly related to their employment.

(E) Employees should keep in mind that electronic mail is a written form of

communication, just like a paper letter. Though electronic mail is relatively spontaneous compared with regular mail, all users should take care to use the same level of discretion and forethought before sending a message, and additionally check it for completeness, accuracy and grammar just any written correspondence would be checked.

#### **806.07 World wide web publishing and use.**

(A) Employees should read information on the World Wide Web with an evaluative and critical attitude, verifying the sources, authenticity and accuracy of information to the best of their ability. To that end, employees should endeavor to preview and use only those Web materials that are of the highest quality.

(B) Employees may bookmark Web sites so they may be referred to quickly and easily, without the sometimes-tedious process of discovering the resource on one's own. These bookmarks may be saved on an individual workstation or a networked storage device, and should be reviewed regularly by the user for relevance, correctness and appropriateness to the employment environment.

(C) Materials published to the World Wide Web using Walworth County computing facilities are considered Official County materials, and will be created by appropriate employees. The purpose of Web pages published by Walworth County shall be to communicate information about Walworth County internally and to the public, and are reviewed in advance by appropriate County employees.

(D) Creation and publishing of Web pages is subject to the following guidelines:

- Pages and the data contained thereon belong to Walworth County, and should reflect quality work and accurate information.
- Contents must adhere to this Acceptable Use Policy, applicable privacy policies and laws, applicable copyright policies and laws and other established County policies.
- All pages should be created to facilitate easy loading and viewing of graphics and audiovisual materials by the user of the page, whether internal or outside the County, and subject to the restrictions contained in this Acceptable Use Policy.
- Links to commercial or personal Web pages shall not be made from any County web page, except where such linking would serve a legitimate purpose, and the content on the entire linked site would not violate any provision of this Acceptable Use Policy.

(E) County web pages should be updated regularly on a schedule determined by appropriate Walworth County Information Systems management personnel. Links to outside pages must be reviewed and checked regularly for accuracy.

(F) Each employee using the Web and other Internet facilities of Walworth County shall identify himself or herself honestly, accurately and completely when participating in chats, discussions

or newsgroups. No employee may purport to represent Walworth County or its views, policies or opinions without the advance approval of the County department head, and must refrain from political advocacy, endorsement of products, services or educational methods or communication with any media outlet or public forum without such advance approval.

#### **806.08 Resource considerations.**

(A) Employees with Internet access should endeavor not to use County computing facilities to transfer images, video or sound materials unless there is an explicit purpose for such a transfer. The regular and widespread transfer of such large amounts of data creates a significant burden on any computing facility. Rather than transferring large files via the public Internet users should ideally download a large amount of data once, then distribute it to others using Walworth County's faster internal networks.

(B) Whenever possible, employees should schedule communication-intensive operations such as large file transfers, video downloads, mass emailing or the use of streaming audiovisual technology for time when other users are not likely to be performing the same activity.

(C) Employees will be granted a limited amount of space on the County's networks to store electronic mail, field and other data. Users may not exceed this quota without the advance approval and assistance of appropriate systems management personnel, and users at their storage limit may find that their access to some resources will be automatically restricted or disabled to

ensure that the resource will be equally available for everyone to use at all times.

(D) Walworth County may, at any time and without warning, move or delete data stored on networked systems to efficiently allocate computing resources to all users. While every reasonable attempt will be made to inform users of such modifications or deletions, users should preserve important or sensitive data on a disk or other removable storage medium, and particularly recognize that there may be circumstances when such a notification will not be possible, such as at the end of a fiscal year or during a vacation period.

#### **806.09 Enforcement.**

(A) Any user identified as a security risk or having a history of problems with computing systems may be denied access to Walworth County's computing facilities, with or without advance notice, warning or opportunity to cure a defect that may result in such a revocation of privileges.

(B) Walworth County will report all violations or suspected violations of County, local, State or Federal laws and policies to the appropriate administrator, agency or law enforcement authority, and will cooperate fully in the investigation of any activity which may violate established law or doctrine.

(C) Violations of the Acceptable Use Policy will be investigated by appropriate County personnel. Where appropriate, disciplinary action will be taken against employees violating any provision of the Policy, up to and including termination.

On motion by Supervisor Norem, seconded by Supervisor Arnold, Resolution No. 04-04/01, authorizing Walworth County to enter into a right of first refusal agreement with Mann Brothers, Inc. for the property adjacent to the County shooting range, was adopted.

RESOLUTION NO. 04-04/01

**RIGHT OF FIRST REFUSAL  
FOR PROPERTY ADJACENT TO THE COUNTY RANGE**

**WHEREAS**, Mann Brothers, Inc. owns property Tax Key KLF 700003, which is adjacent to the County shooting range; and

**WHEREAS**, the Walworth County Sheriff's Department may be interested in this property; and

**WHEREAS**, Mann Brothers, Inc. has agreed to provide Walworth County with the right of first refusal with Walworth County having the right to exercise or waive this right of first refusal with forty-five (45) days of written notice from Mann Brothers, Inc. of a bona fide offer to purchase the property from a third party.

**NOW, THEREFORE, BE IT RESOLVED**, by the WALWORTH COUNTY BOARD OF SUPERVISORS that Walworth County enter into a right of first refusal agreement with Mann Brothers, Inc. for the property adjacent to the County shooting range.

**ADOPTED** this 17th day of April, 2001.

Allen L. Morrison  
Walworth County Board Chairman

Kimberly S. Bushey  
Attest: Walworth County Clerk

Policy and Fiscal Note is attached.

Sponsored by: Public Protection Committee, March 20, 2001.

County Board Meeting Date: April 17, 2001

Approved as to form:

Dennis D. Costello  
Corporation Counsel

4/10/01  
Date

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Administrative Coordinator

Date

Nicki Andersen (pw)  
Finance Director

4/10/01  
Date

Action Required: Majority Vote.

### **POLICY AND FISCAL NOTE**

**I. Title: RESOLUTION No. 04-04/01**

RESOLUTION AUTHORIZING THE RIGHT OF FIRST REFUSAL BETWEEN MANN BROTHERS, INC. AND WALWORTH COUNTY.

**II. Purpose and Policy Impact Statement:**

Walworth County has the opportunity to enter into an agreement with Mann Brothers, Inc. for the right of first refusal for Property Tax Key KLF 700003, which is adjacent to the County shooting range. The County shooting range may require additional property to the shooting range.

**III. Budget and Fiscal Impact:**

The \$25 fee will come out of the Sheriff's Department Range account 001-1550-6402.

**IV. Referred to the Following Standing Committees for Consideration and Date:**

Public Protection Committee, March 20, 2001.

**V. Committee Consideration:**

Public Protection Committee approved entering into a right of first refusal on March 20, 2001. Finance Committee approved, March 22, 2001.

**VI. Approved as to Form:**

<u>Admin. Coordinator</u>	<u>Date</u>
Dennis D. Costello	4/10/01
Corporation Counsel	Date
Nicki Andersen	4/10/01
Finance Director	Date

Resolution No. 05-04/01, authorizing additional staff for the Walworth County Children with Disabilities Education Board for the 2001-2002 school year, was moved for adoption on motion by Supervisor Wenglowsky, seconded by Supervisor Van Dyke. The resolution was adopted by unanimous consent on motion by Supervisor Van Dreser, seconded by Supervisor Burwell.

**RESOLUTION NO. 05-04/01**

**RESOLUTION AUTHORIZING ADDITIONAL STAFF FOR  
THE WALWORTH COUNTY CHILDREN WITH DISABILITIES EDUCATION BOARD  
FOR THE 2000-2001 SCHOOL YEAR**

WHEREAS, the WCHCEB, administration, and the advisory committee have completed a needs assessment for the 2001-2002 school year and

WHEREAS, The needs assessment indicate the need for additional staff for the 2001-2002 school year due to increased number of students needing special education services

NOW THEREFORE, BE IT RESOLVED, that the following positions be hired for the 2001-2002 school year:

TEACHERS	2.50 FTE
PARAPROFESSIONAL/AIDE	1.50 FTE
SUPPORT STAFF	1.00 FTE
<b>TOTAL</b>	<b>5.00 FTE</b>

CC – Cross Categorical  
CD – Cognitive Disabilities  
LD – Learning Disabilities  
ED – Emotional Disabilities  
EC – Early Childhood

BE IT FURTHER RESOLVED, that no appropriation from the contingency fund will be needed for 2001 and 2002 budget.

DATED this day 2001

Allen L. Morrison  
County Board Chair

Kimberly S. Bushey  
Attest: County Clerk

Policy and Fiscal Note Attached      X Yes      \_\_\_\_\_ No

Approved as to Form:

_____	_____
Administrative Coordinator	Date
Dennis D. Costello	4/9/01
Corporation Counsel	Date
Nicki Andersen	4/9/01
Finance Director	Date

Action Required:      Majority Vote      Two-thirds Vote  
Other \_\_\_\_\_

County Board Meeting Date: April 17, 2001

**POLICY AND FISCAL NOTE**

Additional WCCDEB Staff Salaries & Fringe Benefits

### Purpose & Policy Impact

It is anticipated that the additional positions requested for the 2001-02 school year will have the following impact on salaries and fringe benefits: \$331,902 (2.5 teachers, 1.5 aides, and 1.00 support staff)

#### III. Budget & Fiscal Impact

The following is a break-down of funds needed in order to implement the proposed staff increases: From Aug, 2001 through Dec, 2002 which includes 17 months of employment.

##### 2001 Budget

Salary & Fringe Benefits*	\$ 97,618.00
IDEA Federal Aid	-6,536.00
General State Aid	<u>-91,082.00</u>
Net Appropriation	000.00

\*Amounts may increase depending at what level new staff is hired and new negotiated contract.

##### 2002 Budget

Salary & Fringe Benefits	\$234,284.00
Statewide Discretionary Grant	-60,000.00
IDEA Federal Aid	<u>-174,284.00</u>
Net Appropriation	000.00

#### V. Considered by the following standing committees prior to County Board consideration:

##### WCCDEB

Personnel Committee  
Finance Committee

#### VI. Approved as to Form

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Administrative Coordinator	Date
Dennis D. Costello	4/9/01
Corporation Counsel	Date
Nicki Andersen (pw)	4/3/01
Finance Director	Date

Resolution No. 06-04/01, using Contingency Funds to pay additional sales tax liability for the period of January 1, 1996 – December 31, 1999, was moved for adoption on motion by Supervisor Lothian, seconded by Supervisor Scharine. The resolution was adopted by unanimous consent on motion by Supervisor Scharine, seconded by Supervisor Kret.

RESOLUTION NO. 06-04/01

USE OF CONTINGENCY FUND TO PAY ADDITIONAL SALES TAX LIABILITY  
FOR JANUARY 1, 1996 – DECEMBER 31, 1999

WHEREAS, Walworth County was selected by the Wisconsin Department of Revenue for a Wisconsin Sales and Use Tax audit for the period January 1, 1996 – December 31, 1999 and

WHEREAS, the Wisconsin Department of Revenue has determined that Walworth County owes additional sales tax in the amount of \$4,120.64 and interest of \$1,433.39 for that period,

NOW, THEREFORE BE IT RESOLVED by the WALWORTH COUNTY BOARD OF SUPERVISORS that the additional sales tax liability and interest amount assessed for the period January 1, 1996 through December 31, 1999 by the Wisconsin Department of revenue be accepted of behalf of Walworth County.

BE IT FURTHER RESOLVED, that the additional sales tax liability and interest amount assessed by the Wisconsin Department of Revenue totaling \$5,554.03 be funded by the Contingency fund.

Dated the 13th day of March, 2001.

Allen L. Morrison  
County Board Chair

Kimberly S. Bushey  
Attest: County Clerk

Policy and Fiscal Note Attached: YES

Approved as to Form:

Administrative Coordinator	Date
Dennis D. Costello	4/9/01
Corporation Counsel	Date
Nicki Andersen (pw)	4/3/01
Finance Department Director	Date

Action Required: Two-thirds Vote

Committee Consideration: Finance Committee Date: March 22, 2001 Vote:  
Approved unanimously

County Board Meeting Date: April 17, 2001.

Resolution No. 06-04/01

Policy and Fiscal Note

- I. **Title:** USE OF CONTINGENCY FUND TO PAY ADDITIONAL SALES TAX LIABILITY FOR JANUARY 1, 1996 – DECEMBER 31, 1999.
- II. **Purpose and Policy Impact Statement:** The purpose of this resolution is to accept the results of the Wisconsin Department of Revenue Sales and Use Tax audit for the period January 1, 1996 through December 31, 1999 and to appropriate monies to pay for the additional liability incurred.
- IV. **Is this a budgeted item and what is its fiscal impact?** This item was unforeseen and not included in the 2001 Operating Budget. The fiscal impact of this item is a total cost of \$5,554.03 to Walworth County, to be paid from the Contingency Fund.
- V. **Committee Consideration:** Finance Committee Date: March 22, 2001  
Vote: Approved unanimously
- V. **Approved as to Form:**

<hr/>	
Administrative Coordinator	Date
Dennis D. Costello	4/9/01
Corporation Counsel	Date
Nicki Andersen (pw)	4/3/01
Finance Director	Date

On motion by Supervisor Troemel, seconded by Supervisor R. Shepstone, Resolution No. 07-04/01, increasing the service fees of Process and Sheriff's Sale, was adopted. Supervisor Gigante recorded a "no" vote.

RESOLUTION NO. 07-04/01

Increasing Fees for Service of Process and Sheriff's Sale

WHEREAS, Wisconsin State Statute Sec 814.705(1)(a) and Wisconsin State Statute Sec 814.705(2) allows the County Board to establish higher fees for collection by the sheriff and for the sale of real estate; and

NOW, THEREFORE, BE IT RESOLVED THAT the Walworth County Board of Supervisors increase the service fee used by the Civil Process Division from \$12.00 to \$20.00 and that the Sheriff's Sale fee be raised from \$50.00 to \$150.00

DATED THIS 17th DAY OF April, 2001.

Allen L. Morrison  
County Board Chair

Kimberly S. Bushey  
Attest: County Clerk

Policy and Fiscal Note Attached: YES

Approved as to Form:

<u>Administrative Coordinator</u>	<u>Date</u>
Dennis d. Costello	4/9/01
Corporation Counsel	Date
Nicki Andersen	4/3/01
Finance Department Director	Date

Action Required: Majority Two-thirds Vote Other \_\_\_\_\_

Approved by the Public Protection Committee on March 20, 2001

Robert Shepstone Public Protection Committee Chairman

### **Policy and Fiscal Note**

**I.** **Title:** Resolution authorizing the increase of fees for Service of Process and Sheriff's Sale.

**II.** **Purpose and Policy Impact Statement:**

Walworth County has not raised fees for Civil Process fees and Sheriff Sales since 1988.

**III.** **Is this a budgeted item and what is its fiscal impact:**

This would generate a revenue increase for remainder of year 2001 of approximately \$20,000.00 to the Civil Process Service Account 001-1482-3055.

**IV. Referred to the following standing committees for consideration and date of referral:**

Public Protection Committee approved 3/20/2001

**V. Committee Consideration:**

**VI. Approved as to Form:**

Dennis D. Costello                      4/9/01  
Corporation Counsel                      Date

Nicki Andersen (pw)                      4/3/01  
Finance Director                              Date

Administrative Coordinator              Date

Resolution No. 08-04/01, declaring agriculture in the state of Wisconsin to be in a state of crisis, was moved for adoption on motion by Supervisor Norem, seconded by Supervisor Fischer. On motion by Supervisor Lothian, seconded by Supervisor Scharine, the resolution was amended to add "that a copy of this resolution be forwarded to Governor Scott McCallum, Senators and Representatives representing all or a portion of Walworth County, and the Wisconsin Counties Association". Resolution No. 08-04/01 was adopted as amended. Supervisors Kuhnke, Logterman and Smith recorded "no" votes.

Resolution No. 08-04/01

**"AMENDED"**

**CRISIS IN AGRICULTURE**

**WHEREAS**, the total number of farms in Wisconsin has declined from 93,000 to 78,000 between 1980 and 1999; and

**WHEREAS**, the number of dairy farms in Wisconsin has declined from 45,000 to 22,000 between 1980 and 1999; and

**WHEREAS**, the acreage of farmland in Wisconsin has declined from 18.6 million acres in 1980 to 16.3 million acres in 1999, a 12.4% decline; and

**WHEREAS**, 56,000 acres of farmland are lost in Wisconsin every year; and

**WHEREAS**, prices received by Wisconsin's farmers for products such as corn and soybeans has declined or remained stagnant for several years; and

**WHEREAS**, prices received by Wisconsin's dairy farmers are lower than the national average and are kept artificially low by the Northeast Dairy Compact; and

**WHEREAS**, the value of livestock and their products, poultry and their products, and dairy products sold in Wisconsin declined by 5% between 1992 and 1995; and

**WHEREAS**, young people from rural areas are moving off of farms in increasing numbers; and

**WHEREAS**, the Federal and State Governments have not taken proactive steps to resolve these problems;

**NOW, THEREFORE, BE IT RESOLVED**, that because of the decreasing percentage of the consumer dollar received by the farmer, we ask that a special committee of the State of Wisconsin and the Federal Government should be formed to investigate as to why our farmers are receiving less than ten percent of the consumer's dollar for farm products; and

**NOW, THEREFORE, BE IT RESOLVED**, that Walworth County is declaring agriculture to be in a state of crisis in the state of Wisconsin. A copy of this resolution be forwarded to Governor Scott McCallum, Senators and Representatives representing all or a portion of Walworth County, and the Wisconsin Counties Association.

Dated this 17<sup>th</sup> day of April, 2001.

Allen L. Morrison  
County Board Chair

Kimberly S. Bushey  
Attest: County Clerk

Policy and Fiscal Note Attached:       X       Yes                    No

Approved as to Form:

<u>Administrative Coordinator</u>	<u>Date</u>
Dennis D. Costello	4/9/01
Corporation Counsel	Date
Nicki Andersen (pw)	4/4/01
Finance Director	Date

Action Required: Majority Vote      Two-thirds Vote      Other                   

Previously considered/voted on by:      Administrative Committee voted 7- 0 in support on March 22, 2001.

County Board Meeting Date: April 17, 2001

**Resolution No. 08-04/01**

Policy and Fiscal Note

- I. **Title:** Crisis in Agriculture.
- II. **Purpose and Policy Impact Statement:** The purpose of this resolution is to ask the State of Wisconsin and the Federal Government to form a special committee to investigate why our farmers are receiving less than ten percent of the consumer's dollar for farm products. Additionally, Walworth County is declaring agriculture to be in a state of crisis in the State of Wisconsin.
- VI. **Is this a budgeted item and what is its fiscal impact?** This resolution has no fiscal impact. Funds to cover the cost of mailing an adopted resolution to the state are included in the current County Board Budget.
- VII. **Committee Consideration:**

Committee: Administrative Approved 7 - 0      Date: March 22, 2001

**V. Approved as to Form:**

<u>Administrative Coordinator</u>	<u>Date</u>
Dennis D. Costello	4/9/01
Corporation Counsel	Date
Nicki Andersen (pw)	4/4/01
Finance Director	Date

Resolution No. 09-04/01, urging the legislative delegation to support model state legislation simplifying the sales tax that has been proposed by the Streamlined Sales Tax Project, was moved for adoption on motion by Supervisor Fischer, seconded by Supervisor Kret. On motion by Supervisor Troemel, seconded by Supervisor Lohrmann, the question was called to end debate. A roll call vote was requested. Total vote: 31; Ayes: 21 – Burwell, Felten, Fischer, C. Grant, Kret, Lightfield, Logterman, Lothian, Mikrut, Miles, Muzatko, Schaefer, Scharine, R. Shepstone, S. Shepstone, Shroble, Smith, Tilton, Troemel, Wenglowksy, Morrison; Noes: 10 – Arnold, Gigante, Kuhnke, Lohrmann, Norem, Palzkill, Pearce, Polyock, Van Dreser, Van Dyke; Absent: 4 – J. Grant, Maynard, Parker, Price.

Resolution No. 09-04/01

In Support of Streamlining the Sales Tax

**WHEREAS**, the sales tax provides \$200 million in property tax relief to 54 of Wisconsin's 72 counties and in Walworth County relieves property taxes by \$5,700,000 in the current fiscal year; and

**WHEREAS**, the state portion of the sales tax helps finance shared revenues to counties, municipalities, and schools; and

**WHEREAS**, the future viability of the sales tax is threatened by remote sales, including mail order and Internet, where the burden of compliance with tax law is imposed on the customer rather than the retailer; and

**WHEREAS**, a consortium of 30 states called the Streamlined Sales Tax Project has proposed model state legislation setting forth uniform definitions of certain taxable products; and

**WHEREAS**, such legislation would simplify administration of the sales tax across the nation, thereby removing obstacles that currently make it difficult for remote retailers to collect the tax;



**VIII. Is this a budgeted item and what is its fiscal impact?** Support of Streamlining the Sales Tax has no fiscal impact. Funds to cover the cost of mailing an adopted resolution to the state are included in the current County Board Budget.

**IX. Committee Consideration:**

Committee: Finance Approved 7 - 0                      Date: March 22, 2001

Committee: Administrative                                      Date: March 22, 2001

**V. Approved as to Form:**

Administrative Coordinator	Date
Dennis D. Cosello	4/9/01
Corporation Counsel	Date
Nicki Andersen (pw)	4/4/01
Finance Director	Date

On motion by Supervisor Kret, seconded by Supervisor Gigante, the Board adjourned at 11:50 a.m. The next regularly scheduled meeting of the Walworth County Board of Supervisors is Tuesday, May 8, 2001 – 6:00 p.m.

Kimberly S. Bushey  
County Clerk

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 April 17, 2001 meeting.

THE MAY 8, 2001 SESSION  
OF THE  
WALWORTH COUNTY BOARD OF SUPERVISORS

The Walworth County Board of Supervisors was called to order by Chairman Morrison at 6:00 p.m. at the Walworth County Courthouse, 100 W. Walworth St., Elkhorn, Wisconsin. Roll call was read with all Supervisors present except Supervisors Burwell, Schaefer and Tilton who had been excused. A quorum was established.

Reverend Shelli Sisk from the Country Bible Church, Elkhorn, presented the invocation.

A motion was offered by Supervisor Scharine, seconded by Supervisor Price, to approve the day's agenda. On motion by Supervisor Miles, seconded by Supervisor Lohrmann, the agenda was amended to remove the Special Order of Business entitled County Emergency Operations Plan from the day's agenda. On motion by Supervisor Lohrmann, seconded by Supervisor Gigante, the agenda was amended to move Substitute Resolution 80-03/01 prior to Resolution 80-03/01 for action. The agenda was approved as amended.

On motion by Supervisor Kuhnke, seconded by Supervisor Van Dreser, the minutes of the April 5, 2001 session were approved as published.

On motion by Supervisor Gigante, seconded by Supervisor Mikrut, the minutes of the April 17, 2001 session were approved as published.

Chairman Morrison requested public comment. None was received.

Two Employee of the Quarter Awards were presented. Lakeland Health Care Center Administrator Phyllis Williams presented the Employee of the Quarter Award for the final quarter of the year 2000 to Penny Terpstra-Vogel. Lakeland School Principal Greg Kostechka presented the Employee of the Quarter Award for the first quarter of 2001 to Dianne Matteson. Both Terpstra-Vogel and Matteson were commended and their efforts celebrated.

On motion by Supervisor Lothian, seconded by Supervisor Logterman, a claim of the family of a juvenile girl who alleges sexual assault while placed in foster care was denied.

Corporation Counsel Dennis Costello reported that a subrogation claim was settled for a car accident and the health insurance and workers comp accounts were reimbursed. The county received two checks, one for \$25,000 and one for \$5,000 and in addition, the county received a credit of approximately \$37,000 against future claims of workers compensation from these parties. He

also reported that to date the county has only paid out \$488.30 in claims with the County's insurance company.

Administrative Coordinator David Bretl reported that he would be scheduling meetings with department heads to tour the departments and to learn more about the individual department functions.

County Board Chairman Morrison reported that he, Phyllis Williams and Supervisor Lothian have plans to attend a meeting regarding the IGT funding. Morrison said a Special Board Meeting and Public Hearing is being called for May 29 to discuss and adopt the tentative redistricting plan.

Chairman Morrison asked if any Committee Chairpersons had reports to present.

Supervisor Muzatko introduced Neal Frauenfelder, Planning Manager, who presented an overview of the Annual Report 2000 for the Land Management Department.

The following Reports of Zoning Gone into Effect were read and placed on file.

Russell E. Price, Town Bloomfield  
Mark V. and Theresa L. Pankow, Town East Troy  
R & J Partnership (Applicant: Charles Murray), Town La Grange

The following Report of Petitions Referred was read and referred to the Land Management Committee.

REPORT OF PETITIONS REFERRED TO  
WALWORTH COUNTY LAND MANAGEMENT COMMITTEE

TO: THE COUNTY BOARD OF WALWORTH COUNTY

The undersigned County Clerk hereby reports that the following petitions for rezone of lands in Walworth County were referred to the Land Management Committee for public hearing:

REPORT OF PETITIONS REFERRED TO  
WALWORTH COUNTY LAND MANAGEMENT COMMITTEE

TO: THE COUNTY BOARD OF WALWORTH COUNTY

The undersigned County Clerk hereby reports that the following petitions for rezone of lands in Walworth County were referred to the Land Management Committee for public hearing:

NAME	TOWN	CHANGE REQUESTED	DATE REFERRED
James E. and Sharon L. Walker	Sugar Creek	M-3 to R-1	4/10/01
Chester Sokolowski	Spring Prairie	A-1 & C-2 to A-5	4/10/01

Dated this 10th day of April, 2001.

Kimberly S. Bushey  
County Clerk

On motion by Supervisor Van Dreser, seconded by Supervisor Muzatko, the following petitions to rezone were approved as presented.

**REPORT OF LAND MANAGEMENT COMMITTEE  
TO COUNTY BOARD ON HEARING ON PETITION  
TO AMEND THE WALWORTH COUNTY ZONING ORDINANCE**

**TO THE COUNTY BOARD OF WALWORTH COUNTY:**

The Land Management Committee, having considered the petitions to amend the Walworth County Zoning Ordinance and Shoreland Zoning Ordinance; and having held public hearings thereon, pursuant to Section 59.97(5)(e) Wisconsin Statutes, notice thereof having been given as provided by law, and being duly informed of the facts pertinent to the changes proposed and duly advised of the wishes of the people in the area affected, hereby recommends as follows:

1. Thomas Fitzpatrick, Town Whitewater – filed a petition on the 31<sup>st</sup> day of January, 2001 to rezone from R-1, Single Family Residence District (Unsewered) to A-5, Agricultural-Rural Residential District.

Recommendation: Said petition be approved.

2. Joyce Lawton (Applicant: Eric Lawton), Town LaGrange - filed a petition on the 31<sup>st</sup> day of January, 2001 to rezone from A-1, Prime Agricultural Land District to C-2, Upland Resource Conservation District.

Recommendation: Said petition be approved.

3. Michel Pokel, Town Darien – filed a petition on the 30<sup>th</sup> day of January, 2001 to rezone from A-1, Prime Agricultural Land District to C-2, Upland Resource Conservation District.

Recommendation: Said petition be approved.

The rezone was approved after the appropriate findings were made as required by State Farmland Preservation Program s91.77(1) Wis. Stats. 80% of the soils are non-prime soils.

4. John Boumenot & Marilyn Walsh (Applicant: Ed Thompson-Clair Law offices), Town Delavan – filed a petition on the 18<sup>th</sup> day of January, 2001 to rezone from B-3, Waterfront Business District to R-2, Single Family Residence District (Sewered).

Recommendation: Said petition be approved.

5. Helen Wyman Estate (Applicant: Jensen & Olson Land Surveying, LLC), Town Spring Prairie – filed a petition on the 12<sup>th</sup> day of February, 2001 to rezone from A-1, Prime Agricultural Land District to C-2, Upland Resource Conservation District.

Recommendation: Said petition be approved.

The rezone was approved after the appropriate findings were made as required by State Farmland Preservation Program s91.77(1) Wis. Stats.

1. The A-1 portion of the property is already being used as rural-residential open space.
2. The farm from which the parcels were separated has been sold to a new owner.
3. The property in question is separated from the larger portion of the farm by a drainage ditch.

#### ORDINANCE AMENDING WALWORTH COUNTY ZONING ORDINANCE

WHEREAS, the Walworth County Board of Supervisors has heretofore been petitioned to amend the Walworth County Zoning Ordinance; and

WHEREAS, the petitions have been referred to the Walworth County Land Management Committee for public hearing; and

WHEREAS, the Walworth County Land Management Committee on due notice conducted public hearings on the proposed amendments and filed their recommendations with the board; and

WHEREAS, the proposed amendments have been given due consideration by the Board in open session.

NOW, THEREFORE, the County Board of Supervisors of the County of Walworth do ordain as follows:

The Zoning Ordinance of Walworth County and Shoreland Zoning Ordinance (and accompanying Zoning Map) is amended in the following respects:

1. Thomas Fitzpatrick, Town Whitewater – to amend said zoning maps from R-1, Single Family Residence District (Unsewered) to A-5, Agricultural-Rural Residential District on the following described lands:

Tax Parcel # DA137300001.

Certified Survey Map Number DA137300001 Located in the NW1/4 of the NW1/4 of Section 25, T4N, R15E, Town of Whitewater, Walworth County, Wisconsin.

2. Joyce Lawton (Applicant: Eric Lawton), Town LaGrange - to amend said zoning maps A-1, Prime Agricultural Land District to C-2, Upland Resource Conservation District on the following described lands:

The rezone was approved after the appropriate findings were made as required by State Farmland Preservation Program s91.77(1) Wis. Stats. The rezone site does not meet the definition of prime agricultural soils.

Part of Tax Parcel # H LG2100006.

PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 21, TOWNSHIP 4 NORTH, RANGE 16 EAST OF THE FOURTH PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF LAGRANGE, WALWORTH COUNTY, WISCONSIN, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 21; THENCE NORTH ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 SECTION 1321.09 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 SECTION, THENCE WEST ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 SECTION 639 FEET MORE OR LESS TO THE PLACE OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH PARALLEL TO THE EAST LINE OF SAID SOUTHEAST 1/4 SECTION 550.00 FEET; THENCE WEST PARALLEL TO THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 SECTION 425.00 FEET; THENCE NORTH PARALLEL TO THE EAST LINE OF SAID SOUTHEAST 1/4 SECTION 550.00 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION; THENCE EAST ALONG SAID NORTH LINE 425.00 FEET TO THE PLACE OF BEGINNING. CONTAINING 5.37 ACRES OF LAND MORE OR LESS.

3. Michel Pokel, Town Darien – to amend said zoning maps from A-1, Prime Agricultural Land District to C-2, Upland Resource Conservation District on the following described lands:

The rezone was approved after the appropriate findings were made as required by State Farmland Preservation Program s91.77(1) Wis. Stats. 80% of the soils are non-prime soils.

Part of Tax Parcel # B D 1800001.

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 18, TOWN 2 NORTH, RANGE 15 EAST, TOWN OF DARIEN, WALWORTH COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 18; THENCE SOUTH 89 DEGREES 04 MINUTES 43 SECONDS WEST, ALONG THE NORTH LINE OF SAID NORTHEAST 1/4 AND THE CENTERLINE OF CHRISTIE ROAD, 1316 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 1 DEGREES 12 MINUTES EAST 617 FEET; THENCE SOUTH 69 DEGREES 04 MINUTES EAST 305 FEET; THENCE SOUTH 0 DEGREES 55 MINUTES EAST, ALONG AN EXISTING A-1/C-2 ZONING LINE, 350 FEET; THENCE NORTH 70 DEGREES 38 MINUTES WEST, ALONG AN EXISTING A-1/C-2/C-4 ZONING LINE, 634 FEET; THENCE NORTH 8 DEGREES 03 MINUTES WEST, ALONG AN EXISTING A-1/C-4 ZONING LINE, 282 FEET; THENCE NORTH 28 DEGREES 16 MINUTES WEST, ALONG AN EXISTING A-1/C-4 ZONING LINE; 653 FEET TO THE NORTH LINE OF SAID NORTHEAST 1/4 OF THE CENTERLINE OF SAID CHRISTIE ROAD; THENCE NORTH 89 DEGREES 04 MINUTES 43 SECONDS EAST, ALONG SAID NORTH LINE AND CENTERLINE, 644 FEET TO THE POINT OF BEGINNING.

INTENDING TO REZONE APPROXIMATELY 11.4 ACRES OF LAND, MORE OR LESS, FROM A-1 TO C-2.

4. John Boumenot & Marilyn Walsh (Applicant: Ed Thompson-Clair Law offices), Town Delavan – to amend said zoning maps from B-3, Waterfront Business District to R-2, Single Family Residence District (Sewered) on the following described lands:

Tax Parcel # FIN 00003.

A REDIVISION OF LOTS 5, 6, 7 OF BLOCK 1 INLET OAKS LOCATED IN THE NEW 1/4 AND SE 1/4 OF THE NEW 1/4 SEC 22, TOWN 2 NORTH, RANGE 16 EAST TOWN OF DELAVAN, WALWORTH COUNTY, WISCONSIN.

5. Helen Wyman Estate (Applicant: Jensen & Olson Land Surveying, LLC), Town Spring Prairie – to amend said zoning maps from A-1, Prime Agricultural Land District to C-2, Upland Resource Conservation District on the following described lands:

The rezone was approved after the appropriate findings were made as required by State Farmland Preservation Program s91.77(1) Wis. Stats.

1. The A-1 portion of the property is already being used as rural-residential open space.
2. The farm from which the parcels were separated has been sold to a new owner.
3. The property in question is separated from the larger portion of the farm by a drainage ditch.

Part of Tax Parcel #OA326500002.

BEING PART OF LOT 2 OF CERTIFIED SURVEY MAP NO. 3265, LOCATED IN THE SOUTHWEST 1/4 OF SECTION 19, TOWN 3 NORTH, RANGE 18 EAST, TOWN OF SPRING PRAIRIE, WALWORTH COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 19; THENCE N 89 DEGREES 59 MINUTES 15 SECONDS E, ALONG THE SOUTH LINE OF SAID SECTION 19, 949.77 FEET TO THE POINT OF BEGINNING; THENCE NORTH 1 DEGREE 13 MINUTES WEST 350 FEET; THENCE NORTH 85 DEGREES 48 MINUTES EAST 200 FEET; THENCE SOUTH 2 DEGREES 46 MINUTES EAST 365 FEET; THENCE SOUTH 89 DEGREES 59 MINUTES 15 SECONDS WEST, ALONG SAID SOUTH LINE OF SECTION 19, 210 FEET TO THE POINT OF BEGINNING. INTENDING TO REZONE 1.69 ACRES OF LAND, MORE OR LESS, FROM A-1 TO C-2.

ALSO

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 19; THENCE NORTH 1 DEGREE 13 MINUTES 19 SECONDS WEST ALONG THE WEST LINE OF SAID SECTION 19, 972.11 FEET; THENCE NORTH 88 DEGREES 47 MINUTES 06 SECONDS EAST, ALONG THE NORTH LINE OF SAID LOT 2, 949.53 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 88 DEGREES 47 MINUTES 06 SECONDS EAST, ALONG SAID NORTH LINE OF LOT 2, 469.65 FEET; THENCE SOUTH 0 DEGREES 08 MINUTES 42 SECONDS EAST, ALONG THE EAST LINE OF SAID LOT 2, 130 FEET; THENCE SOUTH 52 DEGREES 59 MINUTES WEST 42 FEET; THENCE SOUTH 2 DEGREES 59 MINUTES WEST 107 FEET; THENCE SOUTH 26 DEGREES 14 MINUTES WEST 95 FEET; THENCE SOUTH 88 DEGREES 02 MINUTES WEST 116 FEET; THENCE NORTH 57 DEGREES 01 MINUTES WEST 89 FEET; THENCE SOUTH 2 DEGREES 46 MINUTES EAST 30 FEET; THENCE NORTH 69 DEGREES 57 MINUTES WEST 206 FEET; THENCE NORTH 1 DEGREES 13 MINUTES WEST 252 FEET TO THE POINT OF BEGINNING. INTENDING TO REZONE 3.21 ACRES OF LAND, MORE OR LESS, FROM A-1 TO C-2.

ATTEST this 5<sup>th</sup> day of May, 2001.  
Allen L. Morrison

County Board Chairman

ATTEST this 5<sup>th</sup> day of May, 2001.

Kimberly S. Bushey  
County Clerk

Substitute Resolution No. 80-03/01, a Resolution to Form a Special Committee to Formulate Rules and Structure Committees for the County Board Elected in April 2002, was adopted on motion by Supervisor Felten, seconded by Supervisor Lohrmann.

(Resolution No. 80-03/01, a Resolution to Form a Special Committee to Formulate Rules and Structure Committees for the County Board Elected in April 2002 was not acted upon since the Substitute was adopted).

SUBSTITUTE RESOLUTION NO. 80-03/01

**SUBSTITUTE RESOLUTION  
TO FORM A SPECIAL COMMITTEE  
TO FORMULATE RULES AND STRUCTURE COMMITTEES  
FOR THE COUNTY BOARD ELECTED IN APRIL 2002**

**WHEREAS**, the Walworth County Board of Supervisors has voted to reduce the size of the County Board as elected in April, 2002 from 35 members to 25 members; and

**WHEREAS**, there will need to be some restructuring of committees and rules which govern the County Board's activities.

**NOW, THEREFORE, BE IT RESOLVED**, by the Walworth County Board of Supervisors that the Administrative Committee, with the assistance of the Administrative Coordinator, formulate rules and structure for the committees of the County Board elected in April, 2002.

**ADOPTED** this 8th day of May, 2001.

Allen L. Morrison  
Walworth County Board Chairman

Kimberly S. Bushey  
Walworth County Clerk

Policy and Fiscal Note is attached.

Sponsored by: Administrative Committee.

County Board Meeting Date: May 8, 2001

Approved as to form: Lee D. Huempfer 4/26/01

Corporation Counsel                      Date

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Administrative Coordinator                      Date

Nicki Andersen (pw) 4/30/01  
Finance Director                      Date

Action Required:    Majority Vote.

**POLICY AND FISCAL NOTE**

**I.     Title:                      SUBSTITUTE RESOLUTION No. 80- 03/01**

**SUBSTITUTE RESOLUTION TO FORM A SPECIAL COMMITTEE  
TO FORMULATE RULES AND STRUCTURE COMMITTEES FOR  
THE COUNTY BOARD ELECTED IN APRIL, 2002**

**II.    Purpose and Policy Impact Statement:**

The purpose of this resolution is to appoint the Administrative Committee to formulate rules and structure for the committees of the Walworth County Board of Supervisors elected in April, 2002.

**III.   Budget and Fiscal Impact?**

Funds for per diem reimbursement for the committee are included in the County Board 2001 budget.

**IV.   Committee Consideration:**

The Administrative Committee recommended 6 ayes, 0 noes on April 26, 2001, to refer the substitute resolution to the County Board of Supervisors.

**V.    Approved as to Form:**

Lee D. Huempfer    4/26/01  
Corporation Counsel    Date

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Administrative Coordinator    Date

Nicki Andersen (pw)    4/30/01

Finance Director

Date

Ordinance No. 210-05/01-Ordinance Prohibiting Parking on County Highway Rights-of-Way was adopted on motion by Supervisor Gigante, seconded by Supervisor Maynard. The resolution was adopted by unanimous consent on motion by Supervisor Scharine, seconded by Supervisor Kret.

**ORDINANCE NO. 210- 05/01**

**ORDINANCE PROHIBITING PARKING  
ON COUNTY HIGHWAY RIGHTS-OF-WAY**

**THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WALWORTH,  
STATE OF WISCONSIN, DOES ORDAIN AS FOLLOWS:**

**WHEREAS**, vehicles have been parking on County highway rights-of-way along with boat and snowmobile trailers; and

**WHEREAS**, the vehicles and trailers have caused traffic congestion and have increased the risk of accidents.

**NOW, THEREFORE, BE IT ORDAINED**, that vehicle and trailer parking on County Highway L and the highway right-of-way, between Stone School Road and a point 2800 feet west of Stone School Road is prohibited, except in emergencies; and

**BE IT FURTHER ORDAINED**, that a forfeiture of \$100 plus costs and assessments be imposed for each violation of this ordinance; and

**BE IT FURTHER ORDAINED**, that this ordinance may be enforced by the Walworth County Sheriff or the Highway Commissioner; and

**BE IT FURTHER ORDAINED** by the **COUNTY BOARD OF SUPERVISORS** of the County of Walworth, that this ordinance will take effect on the date of publication.

**PASSED and ADOPTED** by the Board of Supervisors of Walworth County, Wisconsin this 8th day of May, 2001.

ALLEN L. MORRISON  
County Board Chairman

KIMBERLY S. BUSHEY  
ATTEST: County Clerk

Committee Action: Transportation and Parks Committee, 3-19-01, Vote: 7 - 0

Policy and Fiscal Note attached.

County Board Meeting Date: May 8, 2001

Approved as to Form:

Administrative Coordinator	Date
Dennis D. Costello Corporation Counsel	4/26/01 Date
Nicki Andersen (pw) Finance Director	4/30/01 Date

Action Required: 2/3 Vote.

Published this 24<sup>th</sup> day of May, 2001.

**POLICY AND FISCAL NOTE**

**I. Title: ORDINANCE No. 210-05/01**

**ORDINANCE PROHIBITING PARKING ON COUNTY  
HIGHWAY RIGHTS-OF-WAY**

**II. Purpose and Policy Impact Statement:**

Vehicles with trailers have been parking on the shoulder of County Highway L, causing a traffic hazard.

**III. Budget and Fiscal Impact:**

There will be a cost of signage along County Highway L between Stone School Road and a point 2800 feet west of Stone School Road. No parking signs will be installed. The cost will be covered by the Highway Department budget. A total of ten (10) signs will be placed at a cost of \$800, including materials and installation.

**IV. Referred to the Following Standing Committees for Consideration and Date of Referral:**

Transportation and Parks Committee, March 19, 2001, Vote:  
7=Aye, 0=Noe.

**V. Committee Consideration:**

Transportation and Parks Committee.

**VI. Approved as to Form:**

Administrative Coordinator	Date
Dennis D. Costello	4/26/01
Corporation Counsel	Date
Nicki Andersen (pw)	4/30/01
Finance Director	Date

Ordinance No. 211-05/01- Non-Metallic Mining Reclamation Ordinance for Walworth was adopted on motion by Supervisor Gigante, seconded by Supervisor Van Dyke. The resolution was adopted by unanimous consent on motion by Supervisor Van Dreser, seconded by Supervisor Logterman.

**ORDINANCE NO. 211 - 05/01**

**NON-METALLIC MINING RECLAMATION ORDINANCE  
FOR WALWORTH COUNTY**

WHEREAS, Walworth County is mandated to adopt and implement a Non-Metallic Mining Reclamation Ordinance ( per attach ordinance) pursuant to Sec.295.13 Wis.Stats. and NR 135.32 Wis. Admin. Code by June 1, 2001; and

WHEREAS, the goal of this ordinance is to establish a Walworth County program to insure the effective reclamation of non-metallic mining sites on which non-metallic mining takes place; and

WHEREAS, the purpose of this ordinance is to adopt and implement uniform statewide standards for non-metallic mining required by Sec.295.12 (1)a; Stats. contained in Chapter NR135, Admin. Code; and

WHEREAS, the requirements contained in this ordinance shall apply to all operators of non-metallic mining sites within Walworth County, operating on or commencing to operate after August 1, 2001; and

WHEREAS, a Public Hearing was held on April 19, 2001; and

NOW THEREFORE BE IT RESOLVED, that the Walworth County Board of Supervisors adopts this Non-metallic Mining Reclamation Ordinance for Walworth County; and

BE IT FURTHER RESOLVED, the Walworth County Board of Supervisors designates the Land Conservation Department to be the regulatory authority to administer, assess fees, issue reclamation permits, approve reclamation plans and enforce the Non-Metallic Mining Reclamation Ordinance

ADOPTED this 8<sup>th</sup> day of May, 2001.

Allen L. Morrison  
Walworth County Board Chairman

Kimberly S. Bushey  
Walworth County Clerk

Policy and Fiscal Note Attached:  Yes  No

Sponsored by: ACE- Land Conservation Committee  
Land Management Committee

Published this 24<sup>th</sup> day of May, 2001.

Approved as to Form:

<u>Administrative Coordinator</u>	<u>Date</u>
Dennis D. Costello	4/30/01
Corporation counsel	Date
Nicki Andersen (pw)	4/27/01
Finance Director	Date

Action Required: Majority Vote Two-thirds Vote Other \_\_\_\_\_

County Board Meeting Date: May 8, 2001.

### Ordinance No. 211-05/01

#### Policy and Fiscal Note

- I. **Title:** Ordinance Adopting Non-Metallic Mining Reclamation Ordinance for Walworth County pursuant to NR 135.32 Wisconsin Administrative Code and Wis. State Statutes 295.13.
- II. **Purpose and Policy Impact Statement:** The purpose of this ordinance to adopt an ordinance requiring reclamation of non-metallic mining sites promulgated pursuant to ch.295, subch. I, Stats.
- III. **Is this a budgeted item and what is its fiscal impact?** The fees adopted in this ordinance will offset expenses incurred to implement and enforce this ordinance. Estimated annual income is \$60,000 with equal annual expenditures.

**IV. Committee Consideration:**

Land Conservation Committee: Vote: 5 – 0 Date: April 18, 2001  
Land Management Committee: Vote: 6 – 0 Date: April 20, 2001  
Finance Committee: Vote: \_\_\_\_\_ Date: April 26, 2001

**V. Approved as to Form:**

<u>Administrative</u>	<u>Date</u>
Dennis D. Costello	4/30/01
Corporation Counsel	Date
Nicki Andersen (pw)	4/27/01
Finance Director	Date

**NON-METALLIC MINING RECLAMATION ORDINANCE**

For WALWORTH COUNTY

4/20/01

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**NON-METALLIC MINING RECLAMATION ORDINANCE**  
**For**  
**WALWORTH COUNTY**  
**PART I - GENERAL**

**SECTION 1**

**1.00 Title.** Nonmetallic mining reclamation ordinance for Walworth County.

**SECTION 2**

**2.00 Purpose.** The purpose of this chapter is to establish a local program to ensure the effective reclamation of nonmetallic mining sites on which nonmetallic mining takes place in Walworth County after the effective date of this chapter, in compliance with Chapter NR 135, Wisconsin Administrative Code and Subchapter I of Chapter 295, Wisconsin Statutes.

**SECTION 3**

**3.00 Statutory Authority.** This chapter is adopted under authority of Section 295.13(1), Wisconsin Statutes, Section NR 135.32, Wisconsin Administrative Code, and Section 59.51, Wisconsin Statutes.

**SECTION 4**

**4.00 Restrictions Adopted Under Other Authority.** The purpose of this chapter is to adopt and implement the uniform statewide standards for nonmetallic mining required by Section 295.12(1)(a), Stats. and contained in Chapter NR 135, Wisconsin Administrative Code. It is not intended that this chapter repeal, abrogate, annul, impair or interfere with any existing rules, regulation, ordinances or permits not concerning nonmetallic mining reclamation previously adopted pursuant to other Wisconsin law.

**SECTION 5**

**5.00 Interpretation.** In their interpretation and application, the provisions of this chapter shall be held to be the applicable requirements for nonmetallic mining reclamation and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes outside the reclamation requirements for nonmetallic mining sites required by subchapter I of Chapter 295, Wisconsin Statutes and Chapter NR 135, Wisconsin Administrative Code. Where any terms or requirements of this chapter may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this chapter is required by Wisconsin Statutes, or by a standard in Chapter NR 135, Wisconsin Administrative Code, and where the provision is unclear, the provision shall be interpreted to be consistent with the Wisconsin Statutes and the provisions of Chapter NR 135, Wisconsin Administrative Code.

**SECTION 6**

**6.00 Severability.** Should any portion of this chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected.

**SECTION 7**

**7.00 Applicability.**

**7.10 Overall Applicability.** The requirements of this chapter apply to all operators of nonmetallic mining sites within Walworth County operating on or commencing to operate after **August 1<sup>st</sup>, 2001** except as exempted in **sub. 7.20** and for nonmetallic mining sites located in a city, village or town within Walworth County that has adopted an ordinance pursuant to Section 295.14, Wisconsin Statutes, and Section NR 135.32(2), Wisconsin Administrative Code. **This Chapter does not apply to nonmetallic mining sites where nonmetallic mining permanently ceases before August 1, 2001.** This chapter applies to nonmetallic mining conducted by or on behalf of the State of Wisconsin, by or on behalf of a municipality or for the benefit or

use of the state or any state agency, board, commission or department, except for the waiver of financial assurance in **sub. 14.40**.

**7.20 Exemptions.** This chapter does not apply to the following activities:

- (1) Nonmetallic mining at a site or that portion of a site that is subject to permit and reclamation requirements of the Wisconsin Department of Natural Resources under secs. 30.19, 30.195 or 30.20, Stats., and complies with Chapter NR 340, Wisconsin Administrative Code.
- (2) Excavations subject to the permit and reclamation requirements of secs. 30.30 or 30.31, Stats.
- (3) **Excavations or grading by a person solely for domestic or farm use at that person's residence or farm.**
- (4) **Excavations or grading conducted for the construction, reconstruction, maintenance or repair of a highway, railroad, airport facility, or any other transportation facility where the excavation or grading is entirely within the property boundaries of the transportation facility.**
- (5) Grading conducted for preparing a construction site or restoring land following a flood or natural disaster.
- (6) **Excavations for building construction purposes conducted on the building site.**
- (7) **Nonmetallic mining at nonmetallic mining sites that affects less than one acre of total area over the life of the mine.**
- (8) Any mining operation, the reclamation of which is required in a permit obtained under ch. 293, Stats.
- (9) Any activities required to prepare, operate or close a solid waste disposal facility under ch. 289, Stats., or a hazardous waste disposal facility under ch. 291, Stats., that are conducted on the property where the facility is located, but an applicable nonmetallic mining reclamation ordinance and the standards established in this chapter apply to activities related to solid waste or hazardous waste disposal that are conducted at a nonmetallic mining site that is not on the property where the solid waste or hazardous waste disposal facility is located, such as activities to obtain nonmetallic minerals to be used for lining, capping, covering or constructing berms, dikes or roads.
- (10)(a) Nonmetallic mining conducted to obtain stone, soil, sand or gravel for construction, reconstruction, maintenance or repair of a highway, railroad, airport, or any other transportation facility or part thereof, if the nonmetallic mining is subject to the requirements of the Wisconsin Department of Transportation concerning the restoration of the nonmetallic mining site.
- (b) This exemption only applies to a nonmetallic mining operation with limited purpose and duration where the Wisconsin Department of Transportation actively imposes reclamation requirements and the operator reclaims the nonmetallic mining site in accordance with these requirements. The duration of the exemption shall be specific to the length of the Wisconsin Department of Transportation contract for construction of a specific transportation project.
- (c) If a nonmetallic mining site covered under **pars. (a) and (b)** is used to concurrently supply materials for projects unrelated to the Wisconsin Department of Transportation project, the exemption in this paragraph still applies, provided that the site is fully reclaimed under Wisconsin Department of Transportation contract and supervision.
- (11) **Dredging for navigational purposes, to construct or maintain farm drainage ditches and for the remediation of environmental contamination and the disposal of spoils from these activities.**

SECTION 8

**8.00 Administration.** The provisions of this chapter shall be administered by Walworth County Land Conservation Department and the Walworth County Land Management Department.

SECTION 9

**9.00 Effective Date.** The provisions of this chapter shall take effect on **June 1, 2001.**

SECTION 10

**10.00 Definitions.** In this chapter:

(1) "**Alternative requirement**" means an alternative to the reclamation standards of this chapter provided through a written authorization granted by **Walworth County**, pursuant to s. 18.

(2) "**Applicable reclamation ordinance**" means a nonmetallic mining reclamation ordinance, including this chapter, that applies to a particular nonmetallic mining site and complies with the requirements of this Chapter NR 135, Wisconsin Administrative Code and subchapter I of ch. 295, Stats., unless the Wisconsin Department of Natural Resources is the regulatory authority as defined in sub. (20) (b) 3. If the Wisconsin Department of Natural Resources is the regulatory authority, "applicable reclamation ordinance" means the relevant and applicable provisions of Chapter NR 135, Wisconsin Administrative Code.

(2m) "**Borrow site**" means an area outside of a transportation project site from which stone, soil, sand or gravel is excavated for use at the project site, except the term does not include commercial sources.

(3) "**Contemporaneous reclamation**" means the sequential or progressive reclamation of portions of the nonmetallic mining site affected by mining operations that is performed in advance of final site reclamation, but which may or may not be final reclamation, performed to minimize the area exposed to erosion, at any one time, by nonmetallic mining activities.

(4) "**Department**" means the Wisconsin Department of Natural Resources.

(6) "**Environmental pollution**" has the meaning in s. 295.11(2), Stats.

(7) "**Existing Mine,**" means a nonmetallic mine where nonmetallic mining takes place before August 1, 2001.

(8) "**Financial assurance**" means a commitment of funds or resources by an operator to a regulatory authority that satisfies the requirements in s. 14 and is sufficient to pay for reclamation activities required by this chapter.

(9) "**Landowner**" means the person who has title to land in fee simple or who holds a land contract for the land. A landowner is not a person who owns nonmetallic mineral rights to land, if a different person possesses title to that land in fee simple or holds a land contract for that land.

(10) "**Municipality**" means any city, town or village.

(11) "**Nonmetallic mineral**" means a product, commodity or material consisting principally of naturally occurring, organic or inorganic, nonmetallic, nonrenewable material. Nonmetallic minerals include, but are not limited to, stone, sand, gravel, asbestos, beryl, diamond, clay, coal, feldspar, peat, talc and topsoil.

(12) "**Nonmetallic mining**" or "**mining**" means all of following:

(a) Operations or activities at a nonmetallic mining site for the extraction from the earth of mineral aggregates or nonmetallic minerals for sale or use by the operator. Nonmetallic mining includes use of mining equipment or techniques to remove materials from the in-place nonmetallic mineral deposit, including drilling and blasting, as well as associated activities

such as excavation, grading and dredging. **Nonmetallic mining does not include removal from the earth of products or commodities that contain only minor or incidental amounts of nonmetallic minerals, such as commercial sod, agricultural crops, ornamental or garden plants, forest products, Christmas trees or plant nursery stock.**

(b) Processes carried out at nonmetallic mining sites that are related to the preparation or processing of the mineral aggregates or nonmetallic minerals obtained from the nonmetallic mining site. These processes include, but are not limited to stockpiling of materials, blending mineral aggregates or nonmetallic minerals with other mineral aggregates or nonmetallic minerals, blasting, grading, crushing, screening, scalping and dewatering.

(13) **"Nonmetallic mining reclamation" or "reclamation"** means the rehabilitation of a nonmetallic mining site to achieve a land use specified in a nonmetallic mining reclamation plan approved under this chapter, including removal or reuse of nonmetallic mining refuse, grading of the nonmetallic mining site, removal, storage and replacement of topsoil, stabilization of soil conditions, reestablishment of vegetative cover, control of surface water and groundwater, prevention of environmental pollution and if practicable the restoration of plant, fish and wildlife habitat.

(14) **"Nonmetallic mining refuse"** means waste soil, rock and mineral, as well as other natural site material resulting from nonmetallic mining. Nonmetallic mining refuse does not include marketable by-products resulting directly from or displaced by the nonmetallic mining that are scheduled to be removed from the nonmetallic mining site within a reasonable period of time after extraction.

(15) **"Nonmetallic mining site" or "site"** means all contiguous areas of present or proposed mining described in **par. (a)**, subject to the qualifications in **par. (b)**.

(a) Nonmetallic mining site means the following:

1. The location where nonmetallic mining is proposed or conducted.
2. Storage and processing areas that are in or contiguous to areas excavated for nonmetallic mining.
3. Areas where nonmetallic mining refuse is deposited.
4. Areas affected by activities such as the construction or improvement of private roads or haulage ways for nonmetallic mining.
5. Areas where grading or regrading is necessary.
6. Areas where nonmetallic mining reclamation activities are carried out or structures needed for nonmetallic mining reclamation, such as topsoil stockpile areas, revegetation test plots, or channels for surface water diversion, are located.

(b) **"Nonmetallic mine site"** does not include any of the following areas:

1. Those portions of sites listed in **par. (a)** not used for nonmetallic mining or purposes related to nonmetallic mining after August 1, 2001.
2. Separate, previously mined areas that are not used for nonmetallic mineral extraction after August 1, 2001 and are not contiguous to mine sites, including separate areas that are connected to active mine sites by public or private roads.
3. Areas previously mined but used after August 1, 2001 for a non-mining activity, such as stockpiles of materials used for an industrial process unrelated to nonmetallic mining.

(16) **"Operator"** means any person who is engaged in, or who has applied for a permit to engage in, nonmetallic mining, whether individually, jointly or through subsidiaries, agents, employees, contractors or subcontractors.

(17) **"Registered geologist"** means a person who is registered as a professional geologist pursuant to ss. 443.037 and 443.09, Stats.

(18) **"Registered professional engineer"** means a person who is registered as a professional engineer pursuant to ss. 443.04 and 443.09, Stats.

(19) **"Regulatory authority"** means the following:

(a) **Walworth County** for nonmetallic mine sites located within its jurisdiction, or

(b) 1. A municipality in which the nonmetallic mining site is located and which has adopted an applicable reclamation ordinance,

2. The county in which the nonmetallic mining site is located, if no reclamation municipal ordinance exists pursuant to **subd. 1.**, provided the county has an applicable reclamation ordinance, or

3. The Wisconsin Department of Natural Resources, but only if there is no applicable reclamation ordinance enacted by the municipality or the county in which the nonmetallic mining site is located.

(20) **"Replacement of topsoil"** means the replacement or redistribution of topsoil or topsoil substitute material to all areas where topsoil was actually removed or affected by nonmetallic for the purposes of providing adequate vegetative cover and stabilization of soil conditions needed to achieve the approved post-mining land use and as required by the reclamation plan approved pursuant to this chapter.

(21) **"Solid waste"** means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded or salvageable materials, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solids or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under ch. 283, Stats., or source material, special nuclear material or by-product material, as defined in s. 254.31 (1), Stats.

(22) **"Topsoil"** means the surface layer of soil which is generally more fertile than the underlying soil layers, which is the natural medium for plant growth and which can provide the plant growth, soil stability and other attributes necessary to meet the success standards approved in the reclamation plan.

(23) **"Topsoil substitute material"** means soil or other unconsolidated material either used alone or mixed with other beneficial materials and which can provide the plant growth, site stability and other attributes necessary to meet the success standards approved in the reclamation plan.

(24) (a) **"Unreclaimed acre" or "unreclaimed acres"** means those unreclaimed areas in which nonmetallic mining has occurred after August 1, 2001 and areas where nonmetallic mining reclamation has been completed but is not yet certified as reclaimed under **sub. 29.30**. However the term does not include any areas described in **par. (b)**.

(b) **"Unreclaimed acre" or "unreclaimed acres"** does not include:

1. Those areas where reclamation has been completed and certified as reclaimed under **sub. 29.30**.

2. Those areas previously affected by nonmetallic mining but which are not used for nonmetallic mining after August 1, 2001.

3. Those portions of nonmetallic mining sites, which are included in a nonmetallic mining reclamation plan, approved pursuant to this chapter but are not yet affected by nonmetallic mining.

4. Areas previously mined but used after August 1, 2001 for a non-mining activity, such as stockpiling of materials used for an industrial activity such as an asphalt plant, concrete batch plant, block and tile operation or other industry that uses products produced from nonmetallic mining.

5. For purposes of fees under s. 27, those areas within a nonmetallic mining site, which Walworth County has determined to be successfully reclaimed on an interim basis in accordance with, sub. 28.30.

## **PART II – STANDARDS**

### **SECTION 11**

**11.00 Standards.** All nonmetallic mining sites subject to this chapter shall be reclaimed in conformance with the standards contained below.

(1) **GENERAL STANDARDS.** (a) **REFUSE AND OTHER SOLID WASTES.** Nonmetallic mining refuse shall be reused in accordance with a reclamation plan. Other solid wastes shall be disposed of in accordance with applicable rules of the Wisconsin Department of Natural Resources adopted pursuant to chs. 289 and 291, Stats.

(b) **AREA DISTURBED AND CONTEMPORANEOUS RECLAMATION.** Nonmetallic mining reclamation shall be conducted, to the extent practicable, to minimize the area disturbed by nonmetallic mining and to provide for nonmetallic mining reclamation of portions of the nonmetallic mining site while nonmetallic mining continues on other portions of the nonmetallic mining site.

(c) **PUBLIC HEALTH, SAFETY AND WELFARE.** All nonmetallic mining sites shall be reclaimed in a manner so as to comply with federal, state and local regulations governing public health, safety and welfare.

(d) **HABITAT RESTORATION.** When the land use required by the reclamation plan approved pursuant to this chapter requires plant, fish or wildlife habitat, it shall be restored, to the extent practicable, to a condition at least as suitable as that which existed before the lands were affected by nonmetallic mining operations.

(e) **COMPLIANCE WITH ENVIRONMENTAL REGULATIONS.** Reclamation of nonmetallic mining sites shall comply with any other applicable federal, state and local laws including those related to environmental protection, zoning and land use control.

(2) **SURFACE WATER AND WETLANDS PROTECTION.** Nonmetallic mining reclamation shall be conducted and completed in a manner that assures compliance with the Wisconsin Department of Natural Resources' water quality standards for surface waters and wetlands contained in Chapters NR 102 to NR 105, Wisconsin Administrative Code. Before disturbing the surface of a nonmetallic mining site and removing topsoil, all necessary measures for diversion and drainage of runoff from the site to prevent pollution of waters of the state shall be installed in accordance with the reclamation plans approved pursuant to this chapter. Diverted or channelized runoff resulting from reclamation may not adversely affect neighboring properties.

(3) **GROUNDWATER PROTECTION.** (a) **GROUNDWATER QUANTITY.** A nonmetallic mining site shall be reclaimed in a manner that does not cause a permanent lowering of the water table those results in adverse effects on surface waters or a significant reduction in the quantity of groundwater reasonably available for future users of groundwater.

(b) **GROUNDWATER QUALITY.** Nonmetallic mining reclamation shall be conducted in a manner which does not cause groundwater quality standards in Chapter NR 140, Wisconsin Administrative Code to be exceeded at a point of standards application defined in that chapter.

(4) TOPSOIL MANAGEMENT. (a) REMOVAL. Topsoil and topsoil substitute material shall be removed, protected and redistributed to support reclamation and site stabilization. Topsoil shall be managed as specified in the reclamation plan approved pursuant to this chapter in order to achieve reclamation to the approved post-mining land use. Topsoil and topsoil substitute material removal shall be performed, as required by the reclamation plan, prior to any mining activity associated with any specific phase of the mining operation.

(b) VOLUME. The operator shall obtain the volume of soil required to perform final reclamation by removal of on-site topsoil or topsoil substitute material or by obtaining topsoil or substitute material as needed to make up the volume of topsoil as specified in the reclamation plan approved pursuant to this chapter.

(c) STORAGE. Once removed, topsoil or topsoil substitute material shall, as required by the reclamation plan approved pursuant to this chapter, either be used in contemporaneous reclamation or stored in an environmentally acceptable manner. The location of stockpiled topsoil or topsoil substitute material shall be chosen to protect the material from erosion or further disturbance or contamination. Runoff water shall be diverted around all locations in which topsoil or topsoil substitute material is stockpiled.

(5) FINAL GRADING AND SLOPES. (a) All areas affected by mining shall be graded in accordance with the reclamation plan approved pursuant to this chapter to achieve a stable and safe condition consistent with the post mining land use. The reclamation plan may designate areas such as stable slopes and rock faces, which do not require final grading.

(b) Final reclaimed slopes covered by topsoil or topsoil substitute material may not be steeper than a 3:1 horizontal to vertical incline, unless alternative requirements are approved under §. 18, and stable slopes can be demonstrated based on site-specific engineering analysis. The engineering analysis shall show that a minimum acceptable slope stability factor is attainable at a steeper slope and that the post-mining land use specified in the reclamation plan is not adversely affected. When the slope occurs at the edge of a body of water, this approved slope shall extend vertically 6 feet below the lowest seasonal water level. A slope no steeper than 3:1 shall be created at a designated location or locations, depending on the size of the water body to allow for a safe exit.

(c) All areas in the nonmetallic mine site where topsoil or topsoil substitute material is to be reapplied shall be graded or otherwise prepared prior to topsoil or topsoil substitute material redistribution to provide the optimum adherence between the topsoil or topsoil substitute material and the underlying material.

(6) TOPSOIL REDISTRIBUTION FOR RECLAMATION. Topsoil or topsoil substitute material shall be redistributed in accordance with the reclamation plan approved pursuant to this chapter in a manner, which minimizes compaction and prevents erosion. Topsoil or topsoil substitute material shall be uniformly redistributed except where uniform redistribution is undesirable or impractical. Topsoil or topsoil substitute material redistribution may not be performed during or immediately after a precipitation event until the soils have sufficiently dried.

(7) REVEGETATION AND SITE STABILIZATION. Except for permanent roads or similar surfaces identified in the reclamation plan approved pursuant to this chapter, all surfaces affected by nonmetallic mining shall be reclaimed and stabilized by revegetation or other means. Revegetation and site stabilization shall be in accordance with the approved reclamation plan and shall be performed as soon as practicable after mining activity has permanently ceased in any part of the mine site.

(8) ASSESSING COMPLETION OF SUCCESSFUL RECLAMATION. (a) The criteria for assessing when reclamation is complete and, therefore, when the financial assurance may be released shall be specified in the reclamation plan approved

pursuant to this chapter. Criteria to evaluate reclamation success shall be quantifiable.

(b) Compliance with the revegetation success standards in the approved reclamation plan shall be determined by:

1. On-site inspections by Walworth County or its agent;
2. Reports presenting results obtained during reclamation evaluations including summarized data on revegetation, photodocumentation or other evidence that the criteria approved in the reclamation plan to ascertain success have been met; or
3. A combination of inspections and reports.

(c) In those cases where the post mining land use specified in the reclamation plan requires a return of the mining site to a pre-mining condition, the operator shall obtain baseline data on the existing plant community for use in the evaluation of reclamation success pursuant to this section.

(d) Revegetation success may be determined by:

1. Comparison to an appropriate reference area;
2. Comparison to baseline data acquired at the mining site prior to its being affected by mining; or
3. Comparison to an approved alternate technical standard.

(e) Revegetation using a variety of plants indigenous to the area is favored.

(9) **INTERMITTENT MINING.** Intermittent mining may be conducted provided that the possibility of intermittent cessation of operations is addressed in an operator's reclamation permit, no environmental pollution or erosion of sediments is occurring, and financial assurance for reclamation pursuant to **s. 14** is maintained covering all remaining portions of the site that have been affected by nonmetallic mining and that have not been reclaimed.

(10) **MAINTENANCE.** During the period of the site reclamation, after the operator has stated that reclamation is complete but prior to release of financial assurance, the operator shall perform any maintenance necessary to prevent erosion, sedimentation or environmental pollution, comply with the standards of this subchapter, or to meet the goals specified in the reclamation plan approved pursuant to this chapter.

### **PART III - PERMITTING**

#### **SECTION 12**

##### **12.00 Nonmetallic Mining Reclamation Permit Application.**

**12.10 Required Submittal.** All operators of nonmetallic mining sites that operate on or after August 1, 2001 shall apply for reclamation permit from Walworth County. All applications for reclamation permits under this section shall be accompanied by the following information:

- (1) A brief description of the general location and nature of the nonmetallic mine.
- (2) A legal description of the property on which the nonmetallic mine is located or proposed, including the parcel identification number.
- (3) The names, addresses and telephone numbers of all persons or organizations who are owners or lessors of the property on which the nonmetallic mining site is located.

(4) The name, address and telephone number of the person or organization who is the operator.

(5) A certification by the operator of his or her intent to comply with the statewide nonmetallic mining reclamation standards established by **Part II**.

**12.20 Existing Mines.** The operator of any existing nonmetallic mining site in operation on August 1, 2001 may apply for an automatic reclamation permit from Walworth County by providing the information set forth below no later than on **August 1, 2001** to Walworth County Land Conservation Department.

(1) The information required by **sub. 12.10**.

(2) The first year's annual fee, as required by **s. 27**.

(3) A certification signed by the operator that he or she will provide Walworth County with a complete reclamation plan required by **s. 13** and financial assurance required by **s. 14** no later than the times established pursuant to this chapter.

**12.30 New Mines.** The operator of any nonmetallic mine site that engages in or plans to engage in nonmetallic mining that will begin operations after August 1<sup>st</sup>, 2001 or which has not applied for an automatic reclamation permit pursuant to **sub. 12.20** shall submit an application that meets the requirements specified below to Walworth County Land Conservation Department prior to beginning operations. This application shall be accompanied by a plan review fee as specified in **s. 26**.

(1) The information required by **sub. 12.10**.

(2) The plan review and annual fees required by **secs. 26** and **27**.

(3) A reclamation plan conforming to **s. 13**.

(4) A certification that the operator will provide, as a condition of the reclamation permit, provide financial assurance as required by **s. 14** upon granting of the reclamation permit and before mining begins.

(5) To avoid duplication, the permit application and submittals required under this subsection may, by reference, incorporate existing plans or materials that meet the requirements of this chapter.

## SECTION 13

### **13.00 Reclamation Plan.**

**13.10 Reclamation Plan Requirements.** All operators of nonmetallic mining sites subject to this chapter shall prepare and submit a reclamation plan that meets the following requirements.

(1) **PLAN REQUIRED.** An operator who conducts or plans to conduct nonmetallic mining on or after August 1<sup>st</sup>, 2001 shall submit to Walworth County a reclamation plan that meets the requirements of this section and complies with the standards of **Part II**. To avoid duplication, the reclamation plan may, by reference, incorporate existing plans or materials that meet the requirements of this chapter.

(2) **SITE INFORMATION.** The reclamation plan shall include information sufficient to describe the existing natural and physical conditions of the site, including, but not limited to:

(a) Maps of the nonmetallic mining site including the general location, property boundaries, the aerial extent, geologic composition and depth of the nonmetallic mineral deposit, the distribution, thickness and type of topsoil, the approximate elevation of ground water, the location of surface waters and the existing drainage patterns.

(b) Information available to the mine operator on biological resources, plant communities, and wildlife use at and adjacent to the proposed or operating mine site.

(c) Existing topography as shown on contour maps of the site at **2 foot contour interval**

(d) Location of manmade features on or near the site.

(e) For existing mines, a plan view drawing showing the location and extent of land previously affected by nonmetallic mining, including the location of stockpiles, wash ponds and sediment basins.

(3) POST-MINING LAND USE. (a) The reclamation plan shall specify a proposed post-mining land use for the nonmetallic mine site. The proposed post-mining land use shall be consistent with local land use plans and local zoning at the time the plan is submitted, unless a change to the land use plan or zoning is proposed. The proposed post-mining land use shall also be consistent with all-applicable local, state, or federal laws in effect at the time the plan is submitted.

(b) Land used for nonmetallic mineral extraction in areas zoned under an exclusive agricultural use ordinance pursuant to s. 91.75, Stats., shall be restored to agricultural use.

(4) RECLAMATION MEASURES. The reclamation plan shall include a description of the proposed reclamation, including methods and procedures to be used and a proposed schedule and sequence for the completion of reclamation activities for various stages of reclamation of the nonmetallic mining site. The following shall be included:

(a) A description of the proposed earthwork and reclamation, including final slope angles, high wall reduction, benching, terracing and other structural slope stabilization measures.

(b) The methods of topsoil or topsoil substitute material removal, storage, stabilization and conservation that will be used during reclamation.

(c) A plan or map which shows anticipated topography of the reclaimed site and any water impoundments or artificial lakes needed to support the anticipated future land use of the site.

(d) A plan or map which shows surface structures, roads and related facilities after the cessation of mining.

(e) The estimated cost of reclamation for each stage of the project or the entire site if reclamation staging is not planned.

(f) A revegetation plan which shall include timing and methods of seed bed preparation, rates and kinds of soil amendments, seed application timing, methods and rates, mulching, netting and any other techniques needed to accomplish soil and slope stabilization.

(g) Quantifiable standards for revegetation adequate to show that a sustainable stand of vegetation has been established which will support the approved post-mining land use. Standards for revegetation may be based on the percent vegetative cover, productivity, plant density, diversity or other applicable measures.

(h) A plan and, if necessary, a narrative showing erosion control measures to be employed during reclamation activities. These shall address how reclamation activities will be conducted to minimize erosion and pollution of surface and groundwater.

(i) A description of any areas that will be reclaimed on an interim basis sufficient to qualify for the waiver of fees pursuant to **subs. 29.20 and 29.40** and which will be subsequently disturbed prior to final reclamation. Descriptions shall include an identification of the proposed areas involved, methods of reclamation to comply with the standards in **Part II** and timing of interim and final reclamation.

(5) The reclamation plan shall contain criteria for assuring successful reclamation in accordance

**s. 11 (8).**

(6) **CERTIFICATION OF RECLAMATION PLAN.** (a) The operator shall provide a signed certification that reclamation will be carried out in accordance with the reclamation plan. The landowner and lessee, if different from the operator, shall also provide signed certification that they concur with the reclamation plan and will allow its implementation, except as provided in **par. (b).**

(b) For the following situations, the landowner and lessee, if different from the mine operator, are not required to submit a written certification in accordance with **par. (a).** The operator shall provide written evidence that the landowner and lessee, if different from the operator, have been provided with a written copy of the reclamation plan, and that:

1. The mine operator has submitted a reclamation plan for an existing mine in accordance with **sub. 12.20**, or

2. The operator has submitted a reclamation plan for a new or reopened mine in accordance **sub. 12.30** which is located on land for which a lease agreement or memorandum of lease between the landowner and applicant was recorded prior August 1<sup>st</sup>, 2001.

(7) **APPROVAL.** The operator shall keep a copy of the reclamation plan required by this section, once approved by **Walworth County** under this chapter, at the mine site or, if not practicable, at the operator's nearest office or place of business.

**13.20 Existing Mines.** The operator of any nonmetallic mining site that submits an automatic permit application in conformance with **sub. 12.20** shall submit the reclamation plan required by **sub. 13.10** by **August 1, 2003.**

**13.30 New Mines.** The operator of any nonmetallic mining site not in operation that applies for a permit in conformance with **sub. 12.30** shall submit the reclamation plan required by **sub. 13.10** with its application for a reclamation permit.

**13.40 Existing Plans and Approvals.** To avoid duplication of effort, the reclamation plan required by **sub. 13.10** may, by reference, incorporate existing plans or materials that meet the requirements of this chapter. Previous approvals for nonmetallic mining sites in operation on August 1<sup>st</sup>, 2001 shall satisfy the requirements of **sub. 13.10** if they meet the following requirements:

(1) The document has been approved by a county or municipality; and

(2) **Walworth County** finds that the document designates a post-mining land use and describes reclamation measures that meet the reclamation standards of this chapter.

**13.50 Approval of Reclamation Plan.** **Walworth County** shall approve, conditionally approve or deny the reclamation plan submitted under this section in writing in accordance with **sub. 16.30(3)** for existing mines and **sub. 16.40** for mines that apply for a reclamation permit in conformance with **sub. 12.30**. Conditional approvals of reclamation plans shall be made according to **sub. 16.70** and denials of reclamation plans shall be made pursuant to **s. 17**. The operator shall keep a copy of the reclamation plan approved under this subsection at the mine site or, if not practicable, at the operator's nearest place of business.

SECTION 14

**14.00 Financial Assurance.**

**14.10 Financial Assurance Requirements.** All operators of nonmetallic mining sites in Walworth County shall prepare and submit a proof of financial assurance that meets the following requirements:

- (1) NOTIFICATION. The regulatory authority shall provide written notification to the operator of the amount of financial assurance required under sub. (3).
- (2) FILING. Following approval of the nonmetallic mining reclamation permit, and as a condition of the permit, the operator shall file a financial assurance with Walworth County. The financial assurance shall provide that the operator shall faithfully perform all requirements in this chapter, an applicable reclamation ordinance and the reclamation plan. Financial assurance shall be payable exclusively to Walworth County. In cases where one or more other regulatory authorities regulate a nonmetallic mining site, all financial assurance shall be made payable to Walworth County only if it currently has primary regulatory responsibility.
- (3) AMOUNT AND DURATION OF FINANCIAL ASSURANCE. The amount of financial assurance shall equal as closely as possible the cost to Walworth County of hiring a contractor to complete either final reclamation or progressive reclamation according to the approved reclamation plan. The amount of financial assurance shall be reviewed periodically by Walworth County to assure it equals outstanding reclamation costs. Any financial assurance filed with Walworth County shall be in an amount equal to the estimated cost for reclaiming all sites the operator has under project permits. Walworth County may accept a lesser initial amount of financial assurance provided that the permittee initiates a process to continuously increase the amount of financial assurance until it is adequate to effect reclamation. An escrow account may be established that is based on production gross sales and serves to provide regular payments to an account that is designed to grow to the amount necessary to guarantee performance of reclamation by the expected time of final reclamation. The period of the financial assurance is dictated by the period of time required to establish the post mining land use declared and approved of in the reclamation plan. This may extend beyond the permit if required to accomplish successful and complete implementation of the reclamation plan.
- (4) FORM AND MANAGEMENT. Financial assurance shall be provided by the operator and shall be by a bond or an alternate financial assurance. Financial assurance shall be payable to Walworth County and released upon successful completion of the reclamation measures specified in the reclamation plan. Alternate financial assurances may include, but are not limited to cash, certificates of deposits, irrevocable letters of credit, irrevocable trusts, established escrow accounts, demonstration of financial responsibility by meeting net worth requirements, or government securities. Any interest from the financial assurance shall be paid to the operator. Certificates of deposit shall be automatically renewable or other assurances shall be provided before the maturity date. Financial assurance arrangements may include, at the discretion of Walworth County, a blend of different options for financial assurance including a lien on the property on which the nonmetallic mining site occurs or a combination of financial assurance methods.
- (5) MULTIPLE PROJECTS. Any operator who obtains a permit from Walworth County for 2 or more nonmetallic mining sites may elect, at the time the second or subsequent site is approved, to post a single financial assurance in lieu of separate financial assurance instruments for each nonmetallic mining site. When an operator elects to post a single financial assurance in lieu of separate financial assurances for each mining site, no financial assurances previously posted on individual mining sites shall be released until the new financial assurance has been accepted by Walworth County.

(6) MULTIPLE JURISDICTIONS. In cases where more than one regulatory authority has jurisdiction, a cooperative financial security arrangement may be developed and implemented by the regulatory authorities to avoid requiring the permittee to prove financial assurance with more than one regulatory authority for the same nonmetallic mining site. Financial assurance is required for each site and two or more sites of less than one acre by the same operator, except that governmental units are not required to obtain financial assurance.

(7) CERTIFICATION OF COMPLETION AND RELEASE. (a) The operator shall notify the regulatory authority, by filing a notice of completion, at the time that he or she determines that reclamation of any portion of the mining site or the entire site is complete. Walworth County shall inspect the mine site or portion thereof that was the subject of the notice of completion to determine if reclamation has been carried out in accordance with the approved reclamation plan. Walworth County may partially release the financial assurance if it determines that compliance with a portion of the reclamation plan has been achieved and requires no waiting period. After determining that reclamation is complete Walworth County shall issue a certificate of completion and shall release the financial assurance or appropriately reduce the financial assurance in the case of reclamation of a portion of the mining site.

(b) Walworth County shall make a determination of whether or not the certification in par. (a) can be made within 60 days that the request is received.

(c) Walworth County may make a determination under this subsection that:

1. Reclamation is not yet complete;
2. It is not possible to assess whether reclamation is complete due to weather conditions, snow cover or other relevant factors;
3. Reclamation is complete in a part of the mine; or
4. Reclamation is fully complete.

(8) FORFEITURE. Financial assurance shall be forfeited if any of the following occur.

(a) A permit is revoked under s. 24 and the appeals process has been completed.

(b) An operator ceases mining operations and fails to reclaim the site in accordance with the reclamation plan.

(9) CANCELLATION. Financial assurance shall provide that it may not be cancelled by the surety or other holder or issuer except after not less than a 90 day notice to Walworth County in writing by registered or certified mail. Not less than 30 days prior to the expiration of the 90-day notice of cancellation, the operator shall deliver to Walworth County a replacement proof of financial assurance. In the absence of this replacement financial assurance, all mining shall cease until the time it is delivered and in effect.

(10) CHANGING METHODS OF FINANCIAL ASSURANCE. The operator of a nonmetallic mining site may change from one method of financial assurance to another. This may not be done more than once a year unless required by an adjustment imposed pursuant to sub. (12). The operator shall give Walworth County at least 60 days notice prior to changing methods of financial assurance and may not actually change methods without the written approval of Walworth County.

(11) BANKRUPTCY NOTIFICATION. The operator of a nonmetallic mining site shall notify the regulatory authority by certified mail of the commencement of voluntary or involuntary proceeding under bankruptcy code, 11 USC, et seq., naming the operator as debtor, within 10 days of commencement of the proceeding.

(12) **ADJUSTMENT OF FINANCIAL ASSURANCE.** Financial assurance may be adjusted when required by Walworth County. Walworth County may notify the operator in writing that adjustment is necessary and the reasons for it. Walworth County may adjust financial assurance based upon prevailing or projected interest or inflation rates, or the latest cost estimates for reclamation.

(13) **NET WORTH TEST.** (a) Only an operator that meets the definition of "company" in s. 289.41 (1) (b), Stats., may use the net worth method of providing financial assurance.

(b) The operator shall submit information to the regulatory authority in satisfaction of the net worth test requirements of s. 289.41 (4), Stats. The criteria in secs. 289.41 (6) (b), (d), (e), (f), (g), (h) and (i), Stats., shall apply.

(c) An operator using the net worth test to provide financial assurance for more than one mine shall use the total cost of compliance for all mines in determining the net worth to reclamation cost ratio in accordance with s. 289.41 (6), Stats.

(d) Determinations under the net worth test shall be done in accordance with s. 289.41 (5), Stats.

(e) In addition, the operator shall submit a legally binding commitment to faithfully perform all compliance and reclamation work at the mine site that is required under this chapter.

**14.20 Existing Mines.** The operator of any nonmetallic mining site that applies for an automatic reclamation permit in conformance with **sub. 12.20** shall submit the proof of financial assurance required by **sub. 14.10** no later than **August 1, 2003**.

**14.30 New Mines.** The operator of any nonmetallic mining site that applies for a reclamation permit in conformance with **s. 12.30** shall submit the proof of financial assurance required by **sub. 14.10** as specified in the reclamation permit issued to it under this chapter.

**14.40 Public Nonmetallic Mining.** The financial assurance requirements of this section do not apply to nonmetallic mining conducted by the State of Wisconsin, a state agency, board, commission or department, or a municipality.

## SECTION 15

### 15.00 Public Notice and Right of Hearing.

**15.10 New Mines.** Walworth County shall, except as provided in **sub 15.20**, provide public notice and the opportunity for a public informational hearing as set forth in **Section 985.07 of the Wisconsin State Statutes for any nonmetallic mining site for which a complete reclamation permit application that satisfies sub. 12.30**.

Walworth County shall provide the opportunity at this hearing to present testimony on reclamation- opportunity shall fulfill the requirement for public hearing for a nonmetallic mining reclamation permit required by this section. Walworth County shall consider the reclamation-related testimony in the zoning-related hearing in deciding on a permit application pursuant to this chapter.

**15.20 Existing Mines** (1) No public notice or informational hearing is required for a nonmetallic mining reclamation permit issued pursuant to **sub. 16.20** for an existing mine, except as provided in **sub. (3)**.

(2) If the regulatory authority accepts a previously approved reclamation plan for that mine as provided in **sub. 16.30(2)(a)**, no further public notice or informational hearing is required.

(3) If **Walworth County** requires the submittal of a new reclamation plan, public notice and the opportunity for public informational hearing shall be provided following the receipt of the reclamation plan in accordance **sub. 15.10**. In this case, the subject matter and testimony at that hearing, if held, shall be limited to the new reclamation plan.

**15.30 Local Transportation-Related Mines.** No public notice or informational hearing is required for a nonmetallic mining reclamation permit issued to a local transportation-related mine pursuant to **sub. 16.50**.

## SECTION 16

### **16.00 Issuance of a Nonmetallic Mining Reclamation Permit.**

**16.10 Permit Required.** Every operator of a nonmetallic mining site in **Walworth County** who engages in or plans to engage in nonmetallic mining after **September 1<sup>st</sup>, 2001** shall obtain a reclamation permit issued under this section, except for nonmetallic mining sites that are exempt from this chapter under **sub. 7.20**. No person may engage in nonmetallic mining or nonmetallic mining reclamation after **September 1<sup>st</sup>, 2001** without a reclamation permit issued pursuant to this chapter.

**16.20 Automatic Permit for Existing Mines.** **Walworth County** shall issue an automatic reclamation permit to the operator of a nonmetallic mining site that submits an application meeting the requirements of **sub. 12.20**, according to the following provisions:

- (1) The permit shall be issued within 30 days of such application..
- (2) Existing mines that are granted a reclamation permit pursuant to this subsection shall, within **August 1, 2002**, submit to **Walworth County** the following:
  - (a) A reclamation plan that meets the requirements of **s. 13**; and
  - (b) Financial assurance required pursuant to **s. 14**.
- (3) **Walworth County** may grant a reasonable extension to the deadline in **sub. (2)** when it finds extenuating circumstances exist.

**16.30 Evaluation of Follow-Up Submittals for Existing Mines.** Mines covered by automatic permits issued under **sub. 16.20** shall submit a reclamation plan in accordance with **sub. 13.20** and proof of financial assurance in accordance with **sub. 14.20 August 1, 2002**. Reasonable extensions to these deadlines may be granted in writing by **Walworth County** where extenuating circumstances exist. These follow-up submittals shall be evaluated as set forth below:

(1) The reclamation plan and financial assurance shall meet the requirements of **sub. 16.20(2)**.

(2) (a) **Walworth County** shall accept, as satisfaction of the requirement for submittal of a reclamation plan pursuant to **sub. 16.20(2)(a)**., submittal of a previously completed document that includes plans for reclamation so long as:

1. The document has been approved by a county or municipality; and
2. **Walworth County** finds that the document designates a post-mining land use and describes reclamation measures that meet the reclamation standards of this chapter.

(b) If **Walworth County** determines that a document with reclamation plans previously approved meets some, but not all of, the requirements of this chapter, it shall request the supplemental information needed to satisfy the reclamation plan requirements of this section. In that case, **Walworth County** shall determine whether or not to provide public notice and opportunity for public hearing pursuant to **sub. 15.20(3)**, depending on the nature and extent of the supplemental information.

(3) Within 30 days of receipt of the reclamation plan and evidence of financial assurance as required under **sub. 16.20(2)**, **Walworth County** shall affirm in writing its decision whether to approve these submittals and continue the nonmetallic mining reclamation permit issued pursuant to **sub. 16.20**. A reclamation permit with this written affirmation shall satisfy the requirements of this chapter without further action, submittal or approval.

**16.40 Permit Issuance for New Mines.** Applications for reclamation permits for nonmetallic mining sites not in operation on **August 1<sup>st</sup>, 2001** that satisfy **s. 12.30** shall be issued a reclamation permit or otherwise acted on as provided below.

(1) Unless denied pursuant to **s. 17**, **Walworth County** shall approve in writing a request that satisfies the requirements of **sub. 12.30** to issue a nonmetallic mining reclamation permit for a nonmetallic mine where mining has not yet taken place on or after **August 1<sup>st</sup>, 2001** or an existing nonmetallic mine where mining is not taking place on or after **August 1, 2001**.

(2) **Walworth County** may not issue an approval without prior or concurrent approval of the reclamation plan that meets the requirements of **s. 13**. The regulatory authority may issue a reclamation permit subject to conditions in **sub. 16.70** if appropriate. The permit decision shall be made no sooner than 30 days nor later than 90 days following receipt of the complete reclamation permit application and reclamation plan pursuant to this subchapter, unless a public hearing is held pursuant to **s. 15**. If a public hearing is held, the regulatory authority shall issue the reclamation permit, subject to conditions pursuant to **sub. 16.70** if appropriate, or shall deny the permit as provided in **s. 17**, no later than 60 days after completing the public hearing.

(3) Permits issued pursuant to this subsection shall require compliance with a reclamation plan that has been approved and satisfies the requirements of **s. 13** and provision by the applicant of financial assurance required under **s. 14** and payable to **Walworth County** prior to beginning mining.

#### **16.50 Automatic Permit for Local Transportation-Related Mines**

(1) **Walworth County** shall automatically issue an expedited permit under this subsection to any borrow site that:

(a) Will be opened and reclaimed under contract with a municipality within a period not exceeding 36 months;

(b) Is a nonmetallic mine which is intended to provide stone, soil, sand or gravel for the construction, reconstruction, maintenance or repair of a highway, railroad, airport facility or other transportation facility under contract with the municipality;

(c) Is regulated and will be reclaimed under contract with the municipality in accordance with the requirements of the Wisconsin Department of Transportation concerning the restoration of nonmetallic mining sites;

(d) Is not a commercial source;

(e) Will be constructed, operated and reclaimed in accordance with applicable zoning requirements, if any and;

(f) Is not otherwise exempt from the requirements of this chapter under **sub. 7.20(10)**.

(2) In this subsection, "municipality" has the meaning defined in **s. 299.01(8)**, Stats.

(3) Automatic permits shall be issued under this subsection in accordance with the following provisions:

- (a) The applicant shall notify **Walworth County** of the terms and conditions of the contract with respect to reclamation of the proposed borrow site.
- (b) The applicant shall provide evidence to **Walworth County** to show that the borrow site and its reclamation will comply with applicable zoning requirements, if any.
- (c) **Walworth County** shall accept the contractual provisions incorporating requirements of the Wisconsin Department of Transportation in lieu of a reclamation plan under **s. 13**.
- (d) **Walworth County** shall accept the contractual provisions in lieu of the financial assurance requirements in **s. 14**.
- (e) The public notice and hearing provisions of **s. 15** do not apply to nonmetallic mining sites that are issued automatic permits under this subsection.

**Note: Local public notice and hearing requirements, if any, regarding zoning decisions still apply.**

- (f) Mines permitted under this subsection shall pay an annual fee to **Walworth County** as provided in **s. 27**, but shall not be subject to the plan review fee provided in **s. 26**.

**Note: Fees may not be assessed for local transportation-related mines permitted under this subsection under s. 27 that is greater than allowed by s. NR 135.23(1)(f), Wis. Adm. Code. See the note following sub. 27.30 for details of this fee limitation.**

- (g) **Walworth County** shall issue the automatic permit within 7 days of the receipt of a complete application.
- (h) If the borrow site is used to concurrently supply materials for other than the local transportation project, the automatic permitting in this subsection still applies provided the site will be reclaimed under a contractual obligation with the municipality in accordance with the Wisconsin Department of Transportation requirements.
- (i) Notwithstanding **s. 25**, the operator of a borrow site under this subsection is required to submit only the information in an annual report necessary to identify the borrow site and to determine the applicable annual fee.

**Note: A reclamation permit is not required under this chapter for nonmetallic mining sites that are operated to provide materials for construction, maintenance and repair of transportation facilities that are subject to the Wisconsin Department of Transportation concerning restoration of the nonmetallic mining site, as provided by s. 295.16(1)(c), Stats.**

**16.60 Expedited Review.** Any operator of a nonmetallic mining site may request expedited review of a reclamation permit application under **sub. (1)** or **sub. (2)** as follows:

- (1) The operator may submit a request for expedited permit review with payment of the expedited review fee specified in **s. 26.20**. This request shall state the need for such expedited review and the date by which such expedited review is requested.
- (2) The operator may submit a request for expedited review under this subsection if the applicant requires a reclamation permit to perform services under contract with a municipality. This request for expedited review shall state the need for expedited review and shall include a copy of the applicable sections of the contract and the date by which the expedited review is requested.
- (3) Following receipt of a request under this subsection, **Walworth County** shall inform the applicant of the estimated date for decision on issuance of the permit. If

the applicant then elects not to proceed with the expedited review, the fee paid under **sub. (1)** shall be returned.

(4) Expedited review under this subsection shall not waive, shorten or otherwise affect the public notice and right of hearing pursuant to **s. 15**. This subsection does not impose an obligation upon the regulatory authority to act upon a permit application under this subsection by a specific date.

**16.70 Permit Conditions.** Any decision under this section may include conditions as provided below:

(1) **Walworth County** may issue a reclamation permit or approve a reclamation plan subject to general or site-specific conditions if needed to assure compliance with the nonmetallic mining reclamation requirements of this chapter.

(2) One required condition of the issued permit shall be that the new mine obtain financial assurance pursuant to **s. 14** prior to beginning mining.

#### SECTION 17

**17.00 Permit Denial.** An application for a nonmetallic mining reclamation permit shall be denied as set forth below:

(1) An application to issue a nonmetallic mining reclamation permit shall be denied, within the time frame for permit issuance specified in **s. 16**, if **Walworth County** finds any of the following:

(a) The applicant has, after being given an opportunity to make corrections, failed to provide to **Walworth County** an adequate permit application, reclamation plan, financial assurance or any other submittal required by Chapter NR 135, Wisconsin Administrative Code or this chapter.

(b) The proposed nonmetallic mining site cannot be reclaimed in compliance with the reclamation standards contained in this chapter, Chapter NR 135, Wisconsin Administrative Code or subch. I. of ch. 295, Stats.

(c) 1. The applicant, or its agent, principal or predecessor has, during the course of nonmetallic mining in Wisconsin within 10 years of the permit application or modification request being considered shown a pattern of serious violations of this chapter or of federal, state or local environmental laws related to nonmetallic mining reclamation.

2. The following may be considered in making this determination of a pattern of serious violations:

a. Results of judicial or administrative proceedings involving the operator or its agent, principal or predecessor.

b. Suspensions or revocations of nonmetallic mining reclamation permits pursuant to this chapter, other reclamation ordinances or Chapter NR 135, Wisconsin Administrative Code.

c. Forfeitures of financial assurance.

(d) A denial under this subsection shall be in writing and shall contain documentation of reasons for denial.

(2) A decision to deny an application to issue a reclamation permit may be reviewed under **s. 22**.

#### SECTION 18

**18.00 Alternative Requirements.**

**18.10 Scope of Alternative Requirements Approvable.** An operator of a nonmetallic mining site may request an alternative requirement to the reclamation standard established in **s. 11.00**. Walworth County may approve an alternative requirement to the reclamation standards established in this chapter if the operator demonstrates and Walworth County finds that all of the following criteria are met:

- (1) The nonmetallic mining site, the surrounding property or the mining plan or reclamation plan has a unique characteristic, which requires an alternative requirement.
- (2) Unnecessary hardship, which is peculiar to the nonmetallic mining site or plan, will result unless the alternative requirement is approved.
- (3) Reclamation in accordance with the proposed alternative requirement will achieve the planned post-mining land use and long term site stability in a manner that will not cause environmental pollution or threaten public health, safety or welfare.

**18.20 Procedures.** (1) The operator of a nonmetallic mining site requesting an alternate requirement in **sub. 18.10** shall demonstrate all the criteria in **sub. 18.10**. This shall be submitted in writing to the Walworth County Land Management Committee, Courthouse Annex, W3929 Hwy NN, Elkhorn, WI 53121.

(2) A request for an alternative requirement may be incorporated as part of an application to issue or modify a nonmetallic mining reclamation permit.

**18.30 Transmittal of Decision on Request for Alternative Requirement.** The decision on a request for alternate reclamation requirements shall be in writing to the applicant and shall include documentation of why the alternate requirement was or was not approved.

**18.40 Notice to Wisconsin Department of Natural Resources.** Walworth County shall provide notice to the Wisconsin Department of Natural Resources as set forth in this subsection. Written notice shall be given to the Wisconsin Department of Natural Resources at least 10 days prior to any public hearing held under **sub. 18.20** on a request for an alternate requirement under this section. A copy of any written decision on alternative requirements shall be submitted to the Wisconsin Department of Natural Resources within 10 days of issuance.

#### SECTION 19

**19.00 Permit Duration.** (1) A nonmetallic mining reclamation permit issued under this chapter shall last through operation and reclamation of the nonmetallic mining site, unless suspended or revoked pursuant to **sub. 31.20**.

(2) If the mine operator is not the landowner, the reclamation permit duration shall not exceed the duration of the mine lease unless the lease is renewed or the permit is transferred to a subsequent lessee pursuant to **s. 20**.

#### SECTION 20

**20.00 Permit Transfer.** A nonmetallic mining reclamation permit issued under this chapter shall be transferred to a new owner or operator upon satisfaction of the following conditions:

(1) A nonmetallic mining reclamation permit may be transferred to a new operator upon submittal to Walworth County of proof of financial assurance and a certification in writing by the new permit holder that all conditions of the permit will be complied with.

(2) The transfer is not valid until financial assurance has been submitted by the new operator and accepted by Walworth County and Walworth County makes a written finding that all conditions of the permit will be complied with. The previous operator shall maintain financial assurance until the new operator has received approval and provided the financial assurance under this section.

#### SECTION 21

**21.00 Previously Permitted Sites.** For any nonmetallic mining site which had a reclamation permit previously issued by another regulatory authority pursuant to Chapter NR 135, Wisconsin Administrative Code that becomes subject to reclamation permitting authority of Walworth County the terms and conditions of the previously-issued municipal reclamation permit shall remain in force until modified by Walworth County, pursuant to **sub. 23.10**.

#### SECTION 22

**22.00 Review.** Any permitting decision or action made by Walworth County under this chapter may be reviewed as set forth in this section. Notwithstanding ss. 68.001, 68.03 (8) and (9), 68.06 and 68.10 (1) (b), Stats., any person who meets the requirements of s. 227.42 (1), Stats., may obtain a contested case hearing under s. 68.11, Stats., on Walworth County's decision to issue, deny or modify a nonmetallic mining reclamation permit.

### PART IV - ADMINISTRATION

#### SECTION 23

##### **23.00 Permit Modification.**

**23.10 By Walworth County.** A nonmetallic mining reclamation permit issued under this chapter may be modified by Walworth County if it finds that, due to changing conditions, the nonmetallic mining site is no longer in compliance with Chapter NR 135, Wisconsin Administrative Code or this chapter. Such modification shall be by an order modifying the permit in accordance with **s. 32**. This modifying order may require the operator to amend or submit new application information, reclamation plan, proof of financial assurance or other information needed to ensure compliance with Chapter NR 135, Wisconsin Administrative Code or this chapter.

**23.20 At the Operator's Option.** If operator of any nonmetallic mine that holds a reclamation permit issued under this chapter desires to modify such permit or reclamation plan approved under this chapter, it may request such modification by submitting a written application for such modification to the Walworth County Land Conservation Department. The application for permit or plan modification shall be acted on using the standards and procedures of this chapter.

**23.30 Required by the Operator.** The operator of any nonmetallic mine that holds a reclamation permit issued under this chapter shall request a modification of such permit if changes occur to the area to be mined, the nature of the planned reclamation, or other aspects of mining required by the reclamation plan approved pursuant to this chapter. Such application for permit modification shall be acted on using the standards and procedures of this chapter.

**23.40 Review.** All actions by Walworth County on permit modifications requested or initiated under this section are subject to review under **s. 22**.

#### SECTION 24

##### **24.00 Permit Suspension and Revocation**

**24.10 Grounds.** Walworth County may suspend or revoke a nonmetallic mining reclamation permit issued pursuant to this chapter if it finds the operator has done any of the following:

- (1) Failed to submit a satisfactory reclamation plan within the time frames specified in this chapter.
- (2) Failed to submit or maintain financial assurance as required by this chapter.

(c) Failed on a repetitive and significant basis to follow the approved reclamation plan.

**24.20 Procedures.** If Walworth County finds grounds for suspending or revoking a nonmetallic mining reclamation permit set forth in **sub. 24.10**, it may issue a special order suspending or revoking such permit as set forth in **sub. 32.20**.

**24.30 Consequences.** (1) If Walworth County makes any of the findings in **sub. 24.10**, it may suspend a nonmetallic mining reclamation permit for up to 30 days. During the time of suspension, the operator may not conduct nonmetallic mining at the site, except for reclamation or measures to protect human health and the environment as ordered by the regulatory authority pursuant to **s. 32**.

(2) If Walworth County makes any of the findings in **sub. 24.10**, it may revoke a nonmetallic mining reclamation permit. Upon permit revocation, the operator shall forfeit the financial assurance it has provided pursuant to this chapter to Walworth County. Walworth County may use forfeited financial assurance to reclaim the site to the extent needed to comply with this chapter and the applicable reclamation ordinance.

#### SECTION 25

##### **25.00 Annual Operator Reporting.**

**25.10 Contents and Deadline.** Annual reports that satisfy the requirements of this section shall be submitted by the operators of nonmetallic mining sites.

(1) CONTENTS. The annual report required by this section shall include all of the following:

(a) The name and mailing address of the operator.

(b) The location of the nonmetallic mining site, including legal description, tax key number or parcel identification number if available.

(c) The identification number of the applicable nonmetallic mining permits, if assigned by Walworth County.

(d) The acreage currently affected by nonmetallic mining extraction and not yet reclaimed.

(e) The amount of acreage that has been reclaimed to date, on a permanent basis and the amount reclaimed on an interim basis.

(f) A plan, map or diagram accurately showing the acreage described in pars. (e) and (f).

(g) The following certification, signed by the operator:

"I certify that this information is true and accurate, and that the nonmetallic mining site described herein complies with all conditions of the applicable nonmetallic mining reclamation permit and Chapter NR 135, Wisconsin Administrative Code."

(2) DEADLINE. The annual report shall cover activities for a calendar year and be submitted within 60 days following the end of the year.

(3) **WHEN REPORTING MAY END.** Annual reports shall be submitted by an operator for all active and intermittent mining sites to Walworth County for each calendar year until nonmetallic mining reclamation at the site is certified as complete pursuant to **sub. 29.30** or at the time of release of financial assurance pursuant to **sub. 14.10(7)**.

**25.20 Inspection in Lieu of Report.** Walworth County may, at its discretion, obtain the information required in **sub. 25.10** for a calendar year by written documentation of an inspection it completes during a calendar year, as set forth in this subsection. If Walworth County obtains and documents the required information, the operator need not submit the annual report. If Walworth County determines that the operator need not submit an annual report pursuant to this subsection, it shall advise the operator in writing at least 30 days before the end of the applicable calendar year. In that case, Walworth County shall require the operator to submit the certification required in **sub. 25.10(1)(g)**.

**25.30 Retention of Annual Reports.** Annual reports submitted under **sub. 25.10** or inspection records that replaces them under **sub. 25.20** shall be retained by Walworth County at the Walworth County Land Conservation Department for at least 10 years after the calendar year to which they apply. These records, or complete and accurate copies of them, shall be made available to the Wisconsin Department of Natural Resources upon written request or during its inspection or audit activities carried out pursuant to Chapter NR 135, Wisconsin Administrative Code.

## SECTION 26

### 26.00 Plan Review Fees.

**26.10 Amount and Applicability.** A person who intends to operate a nonmetallic mining site for which a permit application has been submitted under **sub. 12.30** shall submit a non-refundable plan review fee **based on a fee schedule established by the Walworth County Land Conservation Committee**. No plan review fee may be assessed under this section for any existing nonmetallic mine site for which an application for an automatic reclamation permit is submitted that meets the requirements of **sub. 12.20** or for any local transportation-related mining receiving an automatic permit under **sub. 16.50**. A separate plan review fee shall be paid under this section for any modification to an existing reclamation plan submitted pursuant to **s. 23**.

*Note: The prohibition on plan review fees for existing and local transportation-related mines is required under ss. NR 135.23(1)(g) and NR 135.39(5)(a), Wis. Adm. Code.*

**26.20 Expedited Plan Review Fee.** A person who intends to operate a nonmetallic mining site for which a permit application has been submitted under **sub. 12.30** may obtain expedited reclamation plan review by paying a fee **based on a fee schedule established by the Walworth County Land Conservation Committee**. Such fee shall be in addition to that required in **sub. 26.10**

**26.30 Relation to Annual Fee.** Any reclamation plan review fee or expedited reclamation plan review fee collected under this section shall be added to and collected as part of the first annual fee collected under **s. 27**.

*Note: Plan review fees collected under this section are required under s. 295.12(3)(e)1.a., Stats., to equal as closely as possible the cost of examination and approval of such plans. Section 295.15, Stats. requires the regulatory authority to use its fees only for the administration of its reclamation ordinance.*

## SECTION 27

### 27.00 Annual Fees.

**27.10 Areas Subject to Fees, Procedures and Deadline.** (1) Operators of all nonmetallic mining sites subject to reclamation permits issued under this chapter shall pay annual fees to Walworth County. Fees paid under this section shall include both a share for the Wisconsin Department of Natural Resources under **sub. 27.20** and a share for Walworth County under **sub. 27.30** that equals as closely as possible the costs of examination and approval of nonmetallic mining reclamation plans and the inspection of nonmetallic mining sites.

(2) Fees paid under this section shall be calculated based on the unreclaimed acres of a nonmetallic mining site, as defined below:

(a) "Unreclaimed acre" or "unreclaimed acres" means those unreclaimed areas in which nonmetallic mining has occurred after August 1<sup>st</sup>, 2001 and areas where nonmetallic mining reclamation has been completed but is not yet certified as reclaimed under **sub. 14.10(7)**. However the term does not include any areas described in par. (b).

**Note: the following definition is the same as that for "unreclaimed area" set forth in s. 10(25) of this model ordinance. It has been repeated to provide clarification but is not legally necessary.**

(b) "Unreclaimed acre" or "unreclaimed acres" does not include:

1. Those areas where reclamation has been completed and certified as reclaimed under **sub. 14.10(7)**.

2. Those areas previously affected by nonmetallic mining but which are not used for nonmetallic mining after August 1<sup>st</sup>, 2001.

3. Those portions of nonmetallic mining sites, which are included in an approved nonmetallic mining reclamation plan but are not yet, affected by nonmetallic mining.

4. Areas previously mined but used after August 1<sup>st</sup>, 2001 for a non-mining activity, such as stockpiling of materials used for an industrial activity such as an asphalt plant, concrete batch plant, block and tile operation or other industry that uses products produced from nonmetallic mining.

5. Those areas within a nonmetallic mining site, which the regulatory authority has determined to be successfully, reclaimed on an interim basis in accordance with **subs. 29.20 and 29.30**.

6. Those areas defined as not included in a nonmetallic mining site under **sub. 10(16)(b)**.

(3) Fees assessed pursuant to this section shall be based on unreclaimed acres at the end of the year. Such fees apply to a calendar year or any part of a year in which nonmetallic mining takes place, until final reclamation is certified as complete under **s. 29**. Fees shall be paid no later than December 31 for the subsequent year .

(4) For new or reopened mines that submit a reclamation permit application under **sub. 12.30**, the first year's annual fee shall be based upon the unreclaimed acres, which are anticipated at the end of that calendar year.

(5) If reclamation has already occurred on portions of a nonmetallic mining site, the fees for such portions may be submitted with a request that they be held by Walworth County pending certification of completed reclamation pursuant to **sub. 14.10(7)**. Upon such certification Walworth County shall refund that portion of the annual fee that applies to the reclaimed areas. If Walworth County fails to make a determination under **sub. 14.10(7)** within 60 days of the request, it shall refund that portion of the annual fee that applies to the reclaimed areas.

**27.20 Wisconsin Department of Natural Resources Share of Fee.** (1) Fees paid under this section shall, except where provided in sub. (2), include a share for the Wisconsin Department of Natural Resources equal to the amount specified in Table 1. For sites on which no nonmetallic mining has taken place during a calendar year, fees to be paid under this section for the following year shall be **\$15.00**.

**TABLE 1: Wisconsin Department of Natural Resources' Share of Annual Fees Collected by**

**Walworth County**

Mine Size in Unreclaimed Acres, Rounded to the Nearest Whole Acre	Annual Fee
1 to 5 acres [does not include mines < 1 acre]	\$ 30
6 to 10 acres	\$ 60
11 to 15 acres	\$ 90
16 to 25 acres	\$ 120
26 to 50 acres	\$ 140
51 acres or larger	\$ 150

(2) For nonmetallic mining sites at which no nonmetallic mining has taken place during a calendar year, the share for the Wisconsin Department of Natural Resources shall be \$15.

(3) Walworth County shall forward fees collected under this subsection to the Wisconsin Department of Natural Resources by March 31<sup>st</sup> of the year for which they were collected.

*Note: This is required by s. NR 135.39(2)(c).*

**27.30 Walworth County's Share of Fee.** Fees paid under this section shall also include an annual fee due to Walworth County, which shall be **based on a fee schedule approved by the Walworth County Land Conservation Committee.**

**27.50. Documentation of Walworth County's Share of Fee.** Walworth County shall document in writing, estimated program costs and the need for fee established in sub. 27.30 on or before June 1<sup>st</sup>, 2001. This documentation shall be available for public inspection at Walworth County Land Conservation Department

**SECTION 28**

**28.00 Regulatory Reporting and Documentation.**

**28.10 Reporting.** Walworth County shall send an annual report to the Wisconsin Department of Natural Resources by March 31<sup>st</sup> of each calendar year. The reports shall include the following information for the previous year's nonmetallic mining reclamation program:

- (1) The total number of nonmetallic mining reclamation permits in effect.
- (2) The number of new permits issued within the jurisdiction of Walworth County.
- (3) The number of acres approved for nonmetallic mining and the number of acres newly approved in the previous year.

- (4) The number of acres being mined.
- (5) The number of acres that have been reclaimed and have had financial assurance released pursuant to **sub. 14.10(7)**.
- (6) The number of acres that are reclaimed and awaiting release from the financial assurance requirements of this subchapter pursuant to **subs. 29.10 and 29.20**.
- (7) The number and nature of alternative requirements granted, permit modifications, violations, public hearings, enforcement actions, penalties that have been assessed and bond or financial assurance forfeitures.

**28.20 Documentation.** Walworth County shall, to the best of its ability, maintain the information set forth below, and make it available to the Wisconsin Department of Natural Resources for that agency's audit of Walworth County's reclamation program pursuant to Chapter NR 135, Wisconsin Administrative Code:

- (1) Documentation of compliance with Chapter NR 135, Wisconsin Administrative Code and this chapter.
- (2) The procedures employed by Walworth County regarding reclamation plan review, and the issuance and modification of permits.
- (3) The methods for review of annual reports received from operators.
- (4) The method and effectiveness of fee collection.
- (5) Procedures to accurately forward the Wisconsin Department of Natural Resources' portion of collected fees in a timely fashion.
- (6) Methods for conducting on-site compliance inspections and attendant reports, records and enforcement actions.
- (7) Responses to citizen complaints.
- (8) The method of and accuracy in determining the amount of the financial assurance obtained from the operator to guarantee reclamation performance.
- (9) The maintenance and availability of records.
- (10) The number and type of approvals for alternative requirements issued pursuant to **s. 18**.
- (11) The method of determining the success of reclamation in meeting the criteria contained in the reclamation plan and subsequently releasing the financial assurance pursuant to **sub. 14.10(7)**.
- (12) Any changes in local regulations, ordinances, funding and staffing mechanisms or any other factor which might affect the ability of Walworth County to implement its nonmetallic mining reclamation program under this chapter.
- (13) The amount of fees collected in comparison to the amount of money actually expended for nonmetallic mining reclamation program administration.
- (14) Any other performance criterion necessary to ascertain compliance with Chapter NR 135, Wisconsin Administrative Code.

## SECTION 29

### 29.00 Completed Reclamation - Reporting, Certification and Effect

**29.10 Reporting.** The operator of a nonmetallic mining site may certify completion of reclamation for a portion or all of the nonmetallic mining site pursuant to a

reclamation plan prepared and approved pursuant to this chapter and Chapter NR 135, Wisconsin Administrative Code.

**29.20 Reporting of Interim Reclamation.** The operator of a nonmetallic mining site may report completion of interim reclamation as specified in the reclamation plan for the site prepared and approved pursuant to this chapter and Chapter NR 135, Wisconsin Administrative Code. Reporting of interim reclamation shall be done according to the procedures in **sub. 29.10**.

**29.30 Certification of Completed Reclamation.** Walworth County shall inspect a nonmetallic mining site for which reporting of reclamation or interim reclamation has been submitted pursuant to this subsection within 60 days of receipt, and make a determination in writing in accordance with **sub. 14.10(7)(c)**. If it is determined that interim or final reclamation is complete, including revegetation as specified in a reclamation plan that conforms with **s. 13**, Walworth County shall issue the mine operator a written certificate of completion.

**29.40 Effect of Completed Reclamation.** If reclamation is certified by Walworth County as complete under **sub. 29.30** for part or all of a nonmetallic mining site, then:

- (1) No fee shall be assessed under **s. 27** for the area so certified.
- (2) The financial assurance required by **s. 14** shall be released or appropriately reduced in the case of completion of reclamation for a portion of the mining site.

**29.50 Effect of Inaction Following Report of Completed Reclamation.** If no written response as required by **sub. 29.30** for an area of the mine site reported as reclaimed or interim reclaimed is given within 60 days of receiving such request, any annual fee paid to Walworth County for it under **s. 27** shall be refunded.

#### SECTION 30

**30.00 Permit Termination.** When all final reclamation required by a reclamation plan conforming to **s. 13** and required by this chapter is certified as complete pursuant to **subs. 14.10(7) and 29.30**, Walworth County shall issue a written statement to the operator of the nonmetallic mining site, thereby terminating the reclamation permit.

### PART V - ENFORCEMENT

#### SECTION 31

**31.00 Right of Entry and Inspection.** For the purpose of ascertaining compliance with the provisions of Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, or this chapter, any authorized officer, agent, employee or representative of Walworth County may inspect any nonmetallic mining site subject to this chapter as provided below:

- (1) No person may refuse entry or access onto a nonmetallic mining site of a duly authorized officer, employee or agent of Walworth County or the Wisconsin Department of Natural Resources who presents appropriate credentials to inspect the site for compliance with the nonmetallic mining reclamation permit, this chapter, Chapter NR 135, Wisconsin Administrative Code or subchapter I of ch. 295, Stats.
- (2) Any person who enters the site under this right of inspection shall obtain training and provide their own safety equipment needed to comply with any federal, state or local laws or regulations controlling persons on the nonmetallic mining site.

#### SECTION 32

##### **32.00 Orders and Citations.**

**32.10 Enforcement Orders.** Walworth County may issue orders as set forth in Section 295.19(1)(a), Stats., to enforce Subchapter I of Chapter 295, Wisconsin

Statutes, Chapter NR 135, Wisconsin Administrative Code, this chapter, a permit issued pursuant to this chapter or a reclamation plan required by s. 13 and a permit issued under this chapter. A violation of this chapter, an order or permit issued pursuant to this chapter or a reclamation plan required by s. 13 and a permit issued under this chapter shall be considered a violation of Subchapter I of Chapter 295, Wisconsin Statutes and Chapter NR 135, Wisconsin Administrative Code.

**32.20 Special Orders.** Walworth County may issue a special order as set forth in Sections 295.19(1)(b) and (c), Wisconsin Statutes suspending or revoking a nonmetallic mining reclamation permit pursuant to s. 24, or directing an operator to immediately cease an activity regulated under Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code or this chapter until the necessary plan approval is obtained.

**32.30 Review of Orders.** A person holding a reclamation permit who is subject to an order pursuant this section shall have the right to review the order in a contested case hearing under s. 68.11, Stats., notwithstanding the provisions of ss. 68.001, 68.03 (8) and (9), 68.06 and 68.10 (1) (b), Stats.

**32.40 Citations.** Walworth County may issue a citation under s. 66.119, Stats. and the Walworth County Citation Ordinance, Section 14-5 (b) 4 of the Walworth County Code of Ordinances, to collect forfeitures to enforce Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, this chapter, a permit issued pursuant to this chapter or a reclamation plan required by s. 13 and a permit issued under this chapter. The issuance of a citation under this subsection shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this subsection.

**32.50 Enforcement.** Walworth County may submit any order issued under s. 32 to abate violations of this chapter to a district attorney, corporation counsel, municipal attorney or the attorney general for enforcement. The district attorney, corporation counsel, municipal attorney or the attorney general may enforce those orders.

**SECTION 33**

**33.00 Penalties.** Any violation of Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, this chapter, a permit issued pursuant to this chapter or a reclamation plan required by s. 13 and a permit issued under this chapter may result in forfeitures as provided in Section 295.19(3), Wisconsin Statutes and the Walworth County Citation Ordinance, Section 14-5\

**(b) 4 of the Walworth County Code of Ordinances.**

**Walworth County Non-metallic Mining Reclamation Program**

**Wisconsin Department of Natural Resources  
Share of Annual Fees**

The Following Annual Permit fee must be collected and transferred to the WDNR by the March 31.

<u>Mine Size in Un-reclaimed Acres</u>	<u>Annual Fee</u>
1 to 5 acres	\$30.00
6 to 10 acres	\$60.00
11 to 15 acres	\$90.00
16 to 25 acres	\$120.00

26 to 50 acres	\$140.00
51 acres or larger	\$150.00

**Walworth County Non-metallic Mining Program  
Program Fees  
Reclamation Plan -- Plan Review Fees**

<u>Proposed Mine Site Size</u>	<u>One-time Plan Review Fee</u>
1 to 25 acres	\$900.00
26 to 50 acres	\$1200.00
51 or more acres	\$1500.00
Expedited Reclamation plan review fee	Add \$500.00

**Walworth County Non-metallic Mining Reclamation Permit  
Annual Fees**

<b>Un-claimed Mine Acres</b>	<b>WDNR Share*</b>	<b>County Fee</b>	<b>Total Annual Fee</b>
1 to 5 acres	\$30.00	\$420.00	\$450.00
6 to 10 acres	\$60.00	\$540.00	\$600.00
11 to 15 acres	\$90.00	\$660.00	\$750.00
16 to 25 acres	\$120.00	\$880.00	\$1000.00
26 to 50 acres	\$140.00	\$960.00	\$1100.00
51 acres or larger	\$150.00	\$1050.00	\$1200.00

\* The WDNR share of the Annual Permit Fee must be collected and transferred by 3/31.

Resolution No. 10-05/01- Substitute Resolution Authorizing the Issuance of \$7,050,000 General Obligation Refunding Bonds was moved for adoption on motion by Supervisor Troemel, seconded by Supervisor Van Dreser. Supervisor Lothian reported that David DeYoung, the county's financial consultant, had left the building and would return shortly. On motion by Supervisor Lothian, seconded by Supervisor Scharine, action on the resolution was tabled until Mr. DeYoung returned. On motion by Supervisor Lothian, seconded by Supervisor Scharine, approval was given to take this resolution off the table. Mr. DeYoung explained that shortly after he appeared at last month's County Board meeting, interest rates were cut, however, in our market the County's rates actually increased. DeYoung indicated that currently we are not back to our savings targets of \$200,000 or 2% of present value but that it is anticipated that we will arrive at these targets in the future. He said that Finance is asking for authority to proceed once the targets are met. The resolution was adopted by unanimous consent on motion by Supervisor Palzkill, seconded by Van Dreser.

RESOLUTION NO. 10-05/01

**RESOLUTION AUTHORIZING THE ISSUANCE OF \$7,050,000  
GENERAL OBLIGATION REFUNDING BONDS**

**WHEREAS**, Walworth County, Wisconsin (the "County") is in need of an amount not to exceed \$7,050,000 to refund obligations of the County, including interest on them; and

**WHEREAS**, it is desirable to authorize the issuance of general obligation refunding bonds for such purpose pursuant to Section 67.04, Wis. Stats.

**NOW, THEREFORE, BE IT RESOLVED**, by the WALWORTH COUNTY BOARD OF SUPERVISORS that the County borrow an amount not to exceed \$7,050,000 by issuing general obligation bonds for the public purpose of refunding obligations of the County, including interest on them; and,

**BE IT FURTHER RESOLVED**, that the sale of the bonds shall be negotiated with Hutchinson, Shockey, Erley & Co., subject to the realization by the County of net debt service savings equal to or greater than (1) \$200,000 or (2) 2 percent (2%) of outstanding debt service on the obligations to be refunded. The terms of the bonds, including the dating, interest rates, maturity schedule and other details with respect to the bonds, shall be subject to approval by subsequent resolution of the County Board of Supervisors of Walworth County.

**ADOPTED** this 8th day of May, 2001.

Allen L. Morrison  
Walworth County Board Chairman

Kimberly S. Bushey  
Walworth County Clerk

Policy and Fiscal Note attached.

Sponsored by: Finance Committee.

County Board Meeting Date: May 8, 2001

Approved as to form:

David A. Bretl  
Administrative Coordinator                      Date

Dennis D. Costello                                      5/4/01

Corporation Counsel	Date
Nicki Andesen (pw)	5/4/01
Finance Director	Date

Action Required: Majority Vote.

**POLICY AND FISCAL NOTE**

I. Title: RESOLUTION No. 10- 05/01

**RESOLUTION AUTHORIZING THE ISSUANCE OF  
\$7,050,000 GENERAL OBLIGATION REFUNDING  
BONDS**

II. Purpose and Policy Impact Statement:

The County is proposing to refund the February 1993 and a portion of the May 1995 bond issues to reap the benefits of a lower interest rate environment. The sale of the bonds would take place when market conditions yield a savings of \$200,000 or a present value savings of 2 percent (2%). Average interest rates under these conditions would be 4.1 percent (4.1%).

III. Budget and Fiscal Impact:

Current year principal and interest payments for existing bond issues are included in the current year budget. Estimated payments for a refunded issue is less than existing bond payments. Savings would be placed in escrow and actual savings would be realized in year 2004.

IV. Committee Consideration:

Finance Committee approved. Vote: 6-0 Date: April 26, 2001

V. Approved as to Form:

David A. Betl	Date
Administrative Coordinator	

Dennis D. Costello	5/4/01
Corporation Counsel	Date

Nicki Andersen (pw)  
Finance Director

5//01  
Date

Resolution No. 11-05/01- Court Ordered Clean-up of Zoning Violation – Land Management was moved for adoption on motion by Supervisor Muzatko, seconded by Supervisor Van Dyke. Assistant Corporation Counsel Michael Cotter and Highway Commissioner Brian DuPont explained that the resolution requested \$50,000 from the contingency fund to clean up the property and presented a visual presentation for the Board to illustrate the problem. They indicated that this was a joint effort with the Town of East Troy and that they hope to receive reimbursement back from the Town. The Highway Department has offered to provide the labor and equipment to accomplish this task. Supervisor Polyock expressed concern regarding the use of Highway Department resources to accomplish the task, and felt that the task should be bid out. Cotter explained that the municipality had attempted to bid out this project, with no success. On motion by Supervisor Van Dreser, seconded by Supervisor Gigante, the question was called. A motion for unanimous consent by Supervisor Lothian, seconded by Gigante, failed. The resolution was adopted by roll call vote. Total vote: 32; Ayes: 31 – Arnold, Felten, Fischer, Gigante, C. Grant, J. Grant, Kret, Kuhnke, Lightfield, Logterman, Lohrmann, Lothian, Maynard, Mikrut, Miles, Muzatko, Norem, Palzkill, Parker, Pearce, Price, Scharine, R. Shepstone, S. Shepstone, Shroble, Smith, Troemel, Van Dreser, Van Dyke, Wenglowsky, Morrison; Noes: 1 – Polyock; Absent: 3 – Burwell, Schaefer, Tilton.

#### **RESOLUTION NO. 11-05/01**

##### **Resolution Title: Court Ordered Clean-up of Zoning Violation**

Whereas, In accordance with Section 59.69 of the Wisconsin State Statutes, the Shoreland Zoning Ordinance, Walworth County, Wisconsin, the Walworth County Circuit Court and the Walworth County Land Management Committee it has been ordered to bring the property of Thomas Kasun, Town of East Troy, in compliance with the Shoreland Zoning Ordinance, and

Whereas, the purpose and intent of the Shoreland Zoning Ordinance is to promote the comfort, health, safety, prosperity, aesthetics, and general welfare of Walworth County and its communities, and

Whereas, the Zoning Administrator of Walworth County is required to enforce the provisions of the Shoreland Zoning Ordinance, and

Whereas, the Shoreland Zoning Ordinance requires compliance with regards to the location and height of structures, and

Whereas, the Shoreland Zoning Ordinance requires zoning permits to be approved prior to the location of structures, and

Whereas, the zoning department has worked with Mr. Kasun to bring his property into compliance with the Shoreland Zoning Ordinance, Walworth County, and

Whereas, Mr. Thomas Kasun has been found in contempt by the Walworth County Circuit Court for non-compliance with the Shoreland Zoning Ordinance, and

Whereas, it is the order of the Walworth County Circuit Court that the Zoning Department bring the property into compliance with the Shoreland Zoning Ordinance, and

Whereas, it is the order of the Walworth County Circuit Court that any costs incurred by Walworth County to bring the Thomas Kasun properties into compliance will be added to the judgement in this case.

Now, therefore, be it resolved that, pursuant to Section 59.69 of the Wisconsin Statutes, the Walworth County Land Management Committee and the Walworth County Board of Supervisors hereby authorizes the expenditure of an amount not exceed \$50,000 from the Contingency Fund to bring the Thomas Kasun property, Town of East Troy, into compliance with the Shoreland Zoning Ordinance, Walworth County, Wisconsin as ordered by the Walworth County Circuit Court.

Be It Further Resolved, that all costs recovered through the judgement or from the Town of East Troy, be returned to the general fund.

Dated this 8th day of May, 2001.

Allen L. Morrison  
County Board Chair

Kimberly S. Bushey  
County Clerk

Policy and Fiscal Note Attached:  Yes  No

\_\_\_\_\_  
Administrative Coordinator                      Date

Approved as to Form:

Dennis D. Costello  
Corporation Counsel

4/27/01  
Date

Reviewed

Budget/Fiscal impact:

Nicki Andersen (pw)  
Finance Director

4/30/01  
Date

Circle

Action Required:   Majority Vote   Two-Thirds Vote   Other(Please Specify)

Committee

Consideration: Land Management Committee   Date: April 20, 2001   Vote: 7-0

Resolution Introduction By: Land Management Committee

### POLICY AND FISCAL NOTE

**I.    TITLE:**

Resolution No. 11-05/01  
Court Ordered Clean-up of Zoning Violation

**II.   PURPOSE AND POLICY IMPACT STATEMENT:**

To preserve the purpose and intent of the Shoreland Zoning Ordinance by enforcing the locational, height and permitting requirements of the Ordinance by removing structures that were constructed without permit approval and in violation of the setback and height requirements of the Shoreland Zoning Ordinance. This clean-up was by order the Walworth County Circuit Court.

**III.   FISCAL IMPACT:**

The Court ordered clean-up is expected to cost up to, but not exceed, \$50,000. It is the order of the Walworth County Circuit Court that any costs incurred by Walworth County to bring the Thomas Kasun properties into compliance will be added to the judgement of this Court Case. In the meantime, monies from the Contingency Fund are requested to accomplish the clean-up.

**IV.   ADDITIONAL KEY INFORMATION:**

The Land Management Department Staff has worked many years with Mr. Kasun to remedy any zoning violations. Mr. Kasun was found in contempt by the Walworth County Circuit Court for failing to comply with the orders of the Court and Walworth County Zoning.

**V.    COMMITTEE CONSIDERATION:**

**VI.    APPROVED AS TO FORM:**

<u>Administrative Coordinator</u>	<u>Date</u>
Dennis D. Costello	4/30/01
Corporation Counsel	Date
Nicki Andersen (pw)	4/30/01
Finance Director	Date

Resolution No. 12-05/01- Official Proclamation – Disability Awareness Week was adopted on motion by Supervisor Troemel, seconded by Supervisor J. Grant.

**RESOLUTION No. 12 - 05/01**

**OFFICIAL PROCLAMATION  
DISABILITY AWARENESS WEEK**

Moved/Sponsored by: Allen L. Morrison, County Board Chairman

**Whereas**, Walworth County strives to involve all of its citizens in its employment, educational, social, recreational, and enrichment opportunities; and

**Whereas**, Walworth County views all people with disabilities as full and free citizens of this County, equal to all others and entitled to access to all public programs, services, and buildings; and

**Whereas**, Society's Assets, Inc. has worked to ensure the rights of all persons with disabilities for nearly twenty-seven years and continues to offer a wide range of services promoting independent living; and

**Whereas**, it is necessary for society to value the individual and provide discerning dialogue and prompt action for the removal of barriers;

**Now, therefore, be it resolved** that the Walworth County Board of Supervisors does hereby proclaim the week of May 13 – 19, 2001 as

**“Disability Awareness Week”**

in Walworth County and calls upon all citizens to recognize and utilize the abilities of people with disabilities to contribute to the growth and character of Walworth County.

Allen L. Morrison  
County Board Chair

Kimberly S. Bushey  
Attest: County Clerk

Policy and Fiscal Note Attached: \_\_\_\_\_ Yes      X   No

Approved as to Form:

Administrative Coordinator                      Date

Dennis D. Costello                                  4/30/01  
Corporation Counsel                              Date

Nicki Andersen (pw)                                4/27/01  
Finance Director                                    Date

Action Required:    Majority Vote            Two-thirds Vote            Other \_\_\_\_\_

County Board Meeting Date:    May 8, 2001

Resolution No. 12-05/01

Policy and Fiscal Note

- I. Title: Official Proclamation Disability Awareness Week
- II. Purpose and Policy Impact Statement: The purpose of this resolution is proclaim the week of May 13 – 19, 2001 as Disability Awareness Week in Walworth County. This resolution also urges all citizens to recognize and utilize the abilities of people with disabilities to contribute to the growth and character of Walworth County.
- III. Is this a budgeted item and what is its fiscal impact? This resolution is a proclamation and has no fiscal impact.
- IV. Committee Consideration:

V. Approved as to Form:

<u>Administrative Coordinator</u>	<u>Date</u>
Dennis D. Costello Corporation Counsel	4/30/01 Date
Nicki Andersen (pw) Finance Director	4/27/01 Date

Resolution No. 13-05/01- Supporting Clean Water and Conservation Farming Practices – Land Conservation was adopted on motion by Supervisor Lightfield, seconded by Supervisor Gigante.

**RESOLUTION NO. 13 - 05/01**

**SUPPORTING CLEAN WATER AND CONSERVATION FARMING PRACTICES**

**WHEREAS**, the Land Conservation Committee is in support of Congress reauthorization of the Farm Bill to help family farmers, clean water and save taxpayers money; and

**WHEREAS**, NACo urges Congress to fund and expand backlogged farm conservation programs such as the Conservation and Wetlands Reserve, Buffer, and Farmland Protection Programs; and

**WHEREAS**, NACo also supports conservation payments such as the Conservation Security Act, proposed by Senators Tom Harkin and Gordon Smith; and

**WHEREAS**, Flexibility should be allowed in the Conservation Reserve Enhancement Program to permanently protect locally identified critical habitat areas, and the Natural Resources Conservation Service (NRCS) should be the sole federal agency with jurisdictional authority over agricultural wetland areas; and

**WHEREAS**, Funding for these programs could help family farmers conserve the land and provide them much needed support, while protecting and restoring clean water, drinking water, and critical habitat, reduce tax costs for water treatment, crop insurance, commodity payments, flooding; and

**NOW THEREFORE BE IT RESOLVED**, by the Walworth County Board of Supervisors, that there is widespread agreement that changes are needed in current farm policy, and these changes will protect rural communities, clean water and our quality of life; and

**BE IT FURTHER RESOLVED**, that the Walworth County Board of Supervisors request Congress to redirect existing budget funds toward family farmers, raise crop prices, improve water quality, reduce flooding, and increase quality of life.

**ADOPTED** this 8<sup>th</sup> day of May 2001.

Allen L. Morrison  
Walworth County Board Chairman

Kimberly S. Bushey  
Walworth County Clerk

Policy and Fiscal Note Attached:       X    Yes           No

Sponsored by: ACE- Land Conservation Committee

Approved as to Form:

<u>Administrative Coordinator</u>	<u>Date</u>
Dennis D. Costello	4/30/01
<u>Corporation Counsel</u>	<u>Date</u>
Nicki Andersen (pw)	4/27/01
<u>Finance Director</u>	<u>Date</u>

Action Required:    Majority Vote    Two-thirds Vote    Other                   

County Board Meeting Date: May 8, 2001.

***POLICY AND FISCAL NOTE***  
***Resolution No. 13 - 05-01***

**I.**    **Title:** Supporting Clean Water and Conservation Farming Practices

**II.**    **Purpose and Policy Impact Statement:** The purpose of this resolution is to urge Congress to fund and expand backlogged farm conservation programs such as the Conservation and Wetlands Reserve, Buffer, and Farmland Protection Program.

**III.**    **Budget and Fiscal Impact:** This is not a fiscal impact to Walworth County, if passed by Congress it would redirect existing budget to reduce cost of water treatment, flooding, reduce sprawl development, and redirect funds toward family farmers, raise crop prices, improve water quality , and increase quality of life.

**IV.**    **Referred to the Following Standing Committees for Consideration and Date of Referral:**    ACE – Committee/  
Land Conservation Committee – April 18, 2001    Approved    Concept 5-0

V. ***Approved as to Form:***

<u>Administrative Coordinator</u>	<u>Date</u>
Dennis D. Costello	4/30/01
Corporation Counsel	Date
Nicki Andersen (pw)	4/27/01
Finance Director	Date

Resolution No. 14-05/01- Increase State Funding for Developmental Disabilities – Health & Human Services was adopted on motion by Supervisor Miles, second by Supervisor S. Shepstone.

RESOLUTION NO. 14-05/01

INCREASE STATE FUNDING FOR DEVELOPMENTAL DISABILITIES

WHEREAS, across the State of Wisconsin people with disabilities and family members are struggling because they receive inadequate or no services to assist them to live and work in the community; and

WHEREAS, at times people are forced to needlessly enter institutional care or struggle to remain living in the community by relying on the support of family and friends or may be at home without any support services; and

WHEREAS, groups are forming across the state to address the issue of waiting lists and work force crises and to bring these matters to the attention of elected officials by identifying the problems as follows:

1. Average waiting period of four years for critical services for approximately 5,000 adults with developmental disabilities needing either places to live and/or support to get a job or participate in their community;
2. Nearly 2,200 people with physical disabilities are waiting for support to live in the community through Community Options Program (COP);
3. Approximately 2,400 families are waiting for family support services with an additional 550 families being undeserved and another estimated 3,000 families being eligible but have not applied;
4. Birth to Three services are guaranteed in Wisconsin but underfunded with the last two state budgets having no increase and counties being

forced to shift funds causing longer waiting lists for other support services; and

5. Chronic underfunding of personal care, Community Integration Program (CIP) and COP has created a crisis in the current support system for people with disabilities, i.e., lack of people to provide support as a result of inadequate wages and benefits, 106 personal care agencies stopped providing MA funded personal care over the past 3 years, and many individuals are currently receiving inadequate services, which at times puts them in serious jeopardy. and;

WHEREAS, preliminary analysis suggests a possible solution would be to increase state funding by \$55 million on an annual basis to eliminate the known disability waiting list and to begin to address the workforce and labor market issues with the dollars being allocated as follows:

1. \$40 million in state funds for developmental disabilities (DD) waivers will generate a total of \$100 million when matched with federal funds to eliminate the adult DD waiting list and increase wages and benefits to support workers;
2. \$8 million in state funds for COP will generate a total of \$20 million with federal match to address the physical disabilities waiting list and increase wages to support workers;
3. \$5 million is needed to fund the family support program waiting lists; and
4. \$2 million is needed for the Birth to Three program for increased costs. and;

WHEREAS, twenty states have already enacted initiatives to increase state funding for developmental disability services;

NOW, THEREFORE, BE IT RESOLVED that the Walworth County Board of Supervisors does hereby enthusiastically support a coalition of advocates for people with disabilities in urging Wisconsin State Legislators to add \$55 million to the 2001-2003 biennial budget as a match to obtain available federal funds in order to eliminate the developmental disabilities waiting list and to begin to address the workforce and labor market issues; and

BE IT FURTHER RESOLVED that the Division of Intergovernmental Relations is hereby authorized and directed to communicate to members of the Wisconsin Legislature, the Governor and the Wisconsin Association of Counties (WCA) the position established by this resolution.

Dated this 8th day of May, 2001.

ALLEN L . MORRISON  
County Board Chairman

KIM BUSHEY  
ATTEST: County Clerk

Policy and Fiscal Note Attached: \_\_\_\_Yes  X No

FISCAL NOTE: Adoption of this resolution will not require an additional expenditure Of tax levy funds.

Approved as to Form:

<u>Administratve Coordinator</u>	<u>Date</u>
Dennis D. Costello	4/30/01
Corporation Counsel	Date
Nicki Andersen (pw)	4/27/01
Finance Director	Date

Action Required: Majority Vote Two-thirds Vote Other:\_\_\_\_\_

Resolution No. 14-05/01

Policy & Fiscal Note

I. Title: Increase State Funding for Developmental Disabilities

II. Purpose & Policy Impact Statement:

To support advocates and communicate to members of the Wisconsin Legislature to increase funding for the Developmental Disabled.

III. Is This a Budgeted Item?

No

IV. Fiscal Impact:

None

V. Referred to the following standing committee for consideration:

Health & Human Services Board

Administrative Committee

VI. Reviewed as to Form:

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Allen L. Morrison	Date
Interim Administrative Coordinator	

Dennis D. Costello	Date
Corporation Counsel	4/30/01

Nicki Andersen	Date
Director of Finance	4/27/01

Resolution No. 15-05/01 – Transferring of Contingency Funds for Walworth –Fox Lake Corridor Commuter Service Feasibility Study, SEWRPC Community Assistance Planning Report #250 – Highway Department was moved for adoption on motion by Supervisor Lothian, seconded by Supervisor Parker. The resolution was adopted by unanimous consent on motion by Supervisor Scharine, seconded by Supervisor Troemel.

Resolution No. 15 - 05/01

**TRANSFERRING OF CONTINGENCY FUNDS FOR WALWORTH-FOX LAKE  
CORRIDOR COMMUTER SERVICE FEASIBILITY STUDY, SEWRPC  
COMMUNITY ASSISTANCE PLANNING REPORT #250**

WHEREAS, Walworth County entered into a contract with the Southeastern Wisconsin Regional Planning Commission on May 31, 1996, to conduct a commuter rail passenger train service feasibility service in the Walworth-Fox Lake corridor, and

WHEREAS, the study has been accepted by the Advisory Committee at their meeting of February 28, 2001, and will be published within the next several months, and

WHEREAS, the contract called for the county to fund 20% of the cost of the study, which is \$7,600, and

WHEREAS, the Geneva Lake Area Joint Transit Commission has agreed to pay \$3,800 of the County's portion of the cost of the study, and

WHEREAS, \$7,600 was budgeted in 1998 to pay for the cost of this study but was not carried forward to the current fiscal year.

NOW THEREFORE BE IT RESOLVED, that the Walworth County Board of Supervisors transfers \$3,800 from the contingency fund to pay for the County's portion of the study.

BE IT FURTHER RESOLVED, that the Highway Commissioner will work with the representatives of the Geneva Lake Joint Transit Commission to insure that their portion of the County's share of this agreement be paid to the Southeastern Wisconsin Regional Planning Commission.

Dated this 8<sup>th</sup> day of May 2001.

Allen L. Morrison  
County Board Chair

Kimberly S. Bushey  
Attest: County Clerk

Approved as to Form:

Administrative Coordinator	Date
Dennis D. Costello	4/30/01
Corporation Counsel	Date
Nicki Andersen (pw)	4/26/01
Finance Dept. Director	Date

Vote Required: 2/3

**Policy and Fiscal Note**

I. **Title:** Resolution No. 15-05/01 Transferring of Contingency Funds for Walworth-Fox Lake Corridor Commuter Service Feasibility Study, SEWRPC Community Assistance Planning Report #250.

II. **Purpose and Policy Impact Statement:**

This resolution transfers funds to pay for the County's portion of the referenced study.

III. **Is this a budgeted item and what is its fiscal impact:**

This item was originally funded in fiscal year 1998 but was not carried forward to fiscal year 2001. This is a one-time payment of \$3,800 to complete the County's responsibilities for the study. This will be paid from the contingency fund.

**IV. Referred to the following standing committees for consideration and date of referral:**

Transportation and Parks	April 23, 2001
Finance	April 26, 2001

**V. Committee Consideration:**

Transportation and Parks		4/23/01
Committee	Vote	Date
Finance	6-0	4/26/01
Committee	Vote	Date

**VI. Approved as to Form:**

Administrative Coordinator	Date
Dennis D. Costello	4/30/01
Corporation Counsel	Date
Nicki Andersen (pw)	4/26/01
Finance Dept. Director	Date

**Fiscal Statement:**

County Funding	7,600	
Geneva Lake Joint Area Transit Commission	<u>- 3,800</u>	
Net county cost (001-1931-6114)		\$3,800

Resolution No. 16-05/01 – Resolution Authorizing Additional Staff for the Walworth County Children With Disabilities Education Board for the 2001-02 School Year was moved for adoption on motion by Supervisor Wenglow sky, seconded by Supervisor Fischer. The resolution was adopted by unanimous consent on motion by Supervisor Mikrut, seconded by Supervisor Kret.

**RESOLUTION NO. 16-05/01**

**RESOLUTION AUTHORIZING ADDITIONAL STAFF FOR THE  
WALWORTH COUNTY CHILDREN WITH DISABILITIES EDUCATION  
BOARD FOR THE 2001-02 SCHOOL YEAR**

WHEREAS, the WCCDEB, administration, and the advisory committee have completed a needs assessment for the 2001-2002 school year and

WHEREAS, the needs assessment indicate the need for additional staff for the 2001-2002 school year due to increased number of students needing special education services

NOW THEREFORE, BE IT RESOLVED, that the following position be hired for the 2001-2002 school year:

SUPPORT STAFF/INTERPRETER	.56 FTE
<b>TOTAL</b>	<b>.56 FTE</b>

2001 Budget	\$	8,770.50
2002 Budget		<u>21,048.50</u>
<b>Total</b>	<b>\$</b>	<b>29,819.00 *</b>

\*Position to be covered by IDEA federal aid.

BE IT FURTHER RESOLVED, that no appropriation from the contingency fund will be needed for 2001 and 2002 budgets.

DATED this 8<sup>th</sup> day May, 2001

Allen L. Morrison  
County Board Chair

Kimberly S. Bushey  
Attest: County Clerk

Policy and Fiscal Note Attached                       Yes     No

Approved as to Form:

\_\_\_\_\_ Date  
Administrative Coordinator

Dennis D. Costello  
Corporation Counsel

4/26/01  
Date

Nicki Andersen (pw)  
Finance Director

4/26/01  
Date

Action Required:   Majority Vote           Two-thirds Vote           Other \_\_\_\_\_

County Board Meeting Date: \_\_\_\_\_

**Resolution No. 16-05/01**

**Policy and Fiscal Note**

- I. **Title:** Resolution Authorizing Additional Staff for the Walworth County Children with Disabilities Education Board for the 2001-02 School Year.
- II. **Purpose and Policy Impact Statement:** It is anticipated that the additional position requested for the 2001-02 school year will have the following impact on salaries and fringe benefits: \$29,819. (.56 support staff – Interpreter)
- III. **Is this a budgeted item and what is its fiscal impact?** The following is a break-down of funds needed in order to implement the proposed staff increase: From Aug, 2001 through Dec, 2002 which includes 17 months of employment.

**2001 Budget**

Salary & Fringe Benefits*	\$ 8,770.50
IDEA Federal Aid	- <u>8,770.50</u>
	-0-

\*Amounts may increase depending at what level new staff is hired and new negotiated contract.

**2002 Budget**

Salary & Fringe Benefits*	\$ 21,048.50
IDEA Federal Aid	- <u>21,048.50</u>
	-0-

**IV. Committee Consideration:**

WCCDEB:	Vote: _____	Date: _____
Finance Committee:	Vote: <u>6-0</u>	Date: April 26, 2001
Human Resources Committee:	Vote: _____	Date: April 25, 2001

**V. Approved as to Form:**

<u>Administrative Coordinator</u>	<u>Date</u>
Dennis D. Costello Corporation Counsel	4/26/01 Date
Nicki Andersen (pw) Finance Director	4/26/01 Date

Resolution No. 17-05/01– Resolution Dedicating the Plat of Survey for the Walworth County Farm Cemetery was adopted by voice vote on motion by Supervisor R. Shepstone, seconded by Supervisor Maynard.

**RESOLUTION NO. 17-05/01**

**RESOLUTION DEDICATING THE PLAT OF SURVEY  
FOR THE WALWORTH COUNTY FARM CEMETERY**

**WHEREAS**, on August 8, 2000, the Walworth County Board dedicated the County farm cemetery; and

**WHEREAS**, an actual cemetery plat has never been recorded in the Register of Deeds office; and

**WHEREAS**, on April 10, 2001, the Walworth County Surveyor, Leland H. Kreblin, completed the plat of survey for the Walworth County farm cemetery; and

**WHEREAS**, before the cemetery plat can be recorded with the Register of Deeds office, the plat must be approved by the Walworth County Board.

**NOW, THEREFORE, BE IT RESOLVED**, by the WALWORTH COUNTY BOARD OF SUPERVISORS that the plat of the Walworth County farm cemetery prepared by County Surveyor, Leland H. Kreblin on April 10, 2001, is approved as the cemetery plat dedicated by the Walworth County Board.

**ADOPTED** this 8th day of May, 2001.

Allen L. Morrison  
Walworth County Board Chairman

Kimberly S. Bushey  
Walworth County Clerk

Policy and Fiscal Note is attached.

Sponsored by: Allen L. Morrison. No committee action.

County Board Meeting Date: May 8, 2001

Approved as to form:

Dennis D. Costello	4/26/01
Corporation Counsel	Date

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Administrative Coordinator	Date
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Nicki Andersen (pw)	4/27/01
Finance Director	Date

Action Required: Majority Vote.

**POLICY AND FISCAL NOTE**

**I. Title: RESOLUTION No. 17-05/01**

**RESOLUTION DEDICATING THE PLAT OF  
SURVEY FOR THE WALWORTH COUNTY FARM  
CEMETERY**

**II. Purpose and Policy Impact Statement:**

The purpose is to record the cemetery plat for the Walworth County farm cemetery.

**III. Budget and Fiscal Impact:**

There will be a recording fee that will be paid for out of the Corporation Counsel's budget.

**IV. Referred to the Following Standing Committees for Consideration and Date of Referral:**

This resolution is sponsored by County Board Supervisor, Allen L. Morrison.

**V. Committee Consideration:**

None.

**VI. Approved as to Form:**

<u>Administrative Coordinator</u>	<u>Date</u>
Dennis D. Costello	4/26/01
Corporation Counsel	Date
Nicki Andersen (pw)	4/27/01
Finance Andersen	Date

Resolution No. 18-05/01 – Resolution to Rescind the Action Taken by the County Board on April 17, 2001 to Hold All County Board Meetings at 6:00 P.M. was moved for adoption on motion by Supervisor J. Grant, seconded by Supervisor Palzkill. Discussion ensued regarding employee overtime and the question of whether or not there really would be more interest for people to run for County Board and citizens to attend meetings if they were held at night. It was also suggested that, if one of the reasons for night meetings was to gain more interest for citizens to run for County Board office that committee meetings should also be held in the evening. On motion by Supervisor Gigante, seconded by Supervisor Polyock, the question was called. The resolution failed by roll call vote. Total vote: 32; Ayes: 10 – J. Grant, Kuhnke, Logterman, Lothian, Muzatko, Palzkill, Shroble, Smith, Troemel, Morrison; Noes: 22 - Arnold, Felten, Fischer, Gigante, C. Grant, Kret, Lightfield, Lohrmann, Maynard, Mikrut, Miles, Norem, Parker, Pearce, Polyock, Price, Scharine, R. Shepstone, S. Shepstone, Van Dreser, Van Dyke, Wenglowsky; Absent: 3 – Burwell, Schaefer, Tilton.

RESOLUTION NO. 18 -05/01

**“DEFEATED”**

**RESOLUTION TO RESCIND THE ACTION  
TAKEN BY THE COUNTY BOARD ON APRIL 17, 2001  
TO HOLD ALL COUNTY BOARD MEETINGS AT 6:00 P.M.**

**WHEREAS**, the Walworth County Board voted, on April 17, 2001, to change the monthly meeting times of the Walworth County Board from 9:00 a.m. to 6:00 p.m.; and

**WHEREAS**, there will be an additional cost of having County non-exempt staff attend evening meetings as they would be paid time and one-half.

**NOW, THEREFORE, BE IT RESOLVED**, by the WALWORTH COUNTY BOARD OF SUPERVISORS that the action taken by the Walworth County Board on April 17, 2001, be rescinded and the old schedule be reinstated which set the meetings at 9:00 a.m., except for the October 25, 2001 meeting which will be held at 6:00 p.m. and the March 12, 2002 meeting which will be held at 9:30 a.m.

ADOPTED this 8th day of May, 2001.

\_\_\_\_\_  
Allen L. Morrison  
Walworth County Board Chairman

\_\_\_\_\_  
Kimberly S. Bushey  
Walworth County Clerk

Policy and Fiscal Note is attached.

Sponsored by: Jerome Palzkill. No committee action.

County Board Meeting Date: May 8, 2001

Approved as to form:

Dennis D. Costello                      4/20/01  
Corporation Counsel                      Date

\_\_\_\_\_  
Administrative Coordinator              Date

Nicki Andersen (pw)                      4/27/01  
Finance Director                              Date

Action Required: 2/3's

**POLICY AND FISCAL NOTE**

I. Title: RESOLUTION No. 18-5/01

**RESOLUTION TO RESCIND THE ACTION TAKEN  
BY THE COUNTY BOARD ON APRIL 17, 2001 TO  
HOLD ALL COUNTY BOARD MEETINGS AT 6:00  
P.M.**

II. Purpose and Policy Impact Statement:

The purpose is to rescind the action of the Walworth County Board on April 17, 2001 to hold all County Board meetings in the evening.

**III. Budget and Fiscal Impact:**

There will be additional financial impact if the meetings are held at night since non-exempt staff which may be required to attend some meetings will be paid time and one-half.

**IV. Referred to the Following Standing Committees for Consideration and Date of Referral:**

No committee action. This resolution is sponsored by Jerome Palzkill.

**V. Committee Consideration:**

None.

**VI. Approved as to Form:**

<u>Administrative Coordinator</u>	<u>Date</u>
Dennis D. Costello	4/26/01
Corporation Counsel	Date
Nicki Andersen (pw)	4/27/01
Finance Director	Date

Resolution No. 19-05/01 – Reimbursement From the Federal Emergency Management Agency for Snow and Ice Removal Activities From Various County Facilities in December 2000 was moved for adoption by Supervisor Lothian, seconded by Supervisor Logterman. The resolution was adopted by unanimous consent on motion by Supervisor Kret, seconded by Supervisor J. Grant.

Resolution 19-05/01

**REIMBURSEMENT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR SNOW AND ICE REMOVAL ACTIVITIES ON THE COUNTY HIGHWAY SYSTEM AND FROM VARIOUS COUNTY FACILITIES IN DECEMBER 2000**

**WHEREAS**, The Walworth County Highway Department is charged with maintaining the County's Highway system, including the removal of snow and ice on said highways, and

**WHEREAS,** The Walworth County Facilities Management Department is responsible for the maintenance of various County owned facilities, including the removal of ice and snow from walkways, parking lots and internal roadways, and

**WHEREAS,** Walworth County experienced record levels of snowfall on December 11 and 12, 2000, and

**WHEREAS,** The Walworth County Highway Department and The Walworth County Facilities Management took necessary actions to protect public health, safety, and county facilities, and

**WHEREAS,** The Walworth County Highway Department and The Facilities Management Department incurred additional costs for labor, material, and equipment to remove the snow and ice as part of this event, and

**WHEREAS,** Walworth County was declared a disaster as part of FEMA Emergency Declaration No. 3163, and reimbursement funds were made available through FEMA P.L. 93-288 as amended by P.L. 100-707, and

**WHEREAS,** The Highway Commissioner and The Facilities Management Director have applied for reimbursement of costs above and beyond their normal operations which are allowed by FEMA, and

**WHEREAS,** FEMA has approved the Highway reimbursement payment of \$33,753.93 (Thirty Three Thousand Seven Hundred Fifty Three Dollars and Ninety Three Cents), of which the State of Wisconsin is contributing \$4,662.15 (Four Thousand Six Hundred Sixty Two Dollars and Fifteen Cents), and

**WHEREAS,** FEMA has approved the Facilities reimbursement payment of \$4259.50 (Four Thousand Two Hundred Fifty Nine Dollars and Fifty Cents), of which the State of Wisconsin is contributing \$588.33 (Five Hundred Eighty Eight Dollars and Thirty Three Cents), and

**WHEREAS,** the County Highway Department used approximately 75% of its salt on hand for the 2000-2001 winter season during December 2000, and

**WHEREAS,** the County needed to purchase additional salt in January 2001 to replace excessive amount of salt that was used to maintain the roads in December 2000, and

**WHEREAS,** The Walworth County Facilities Management Department expended additional overtime in January 2001 to relocate snow that had accumulated from the snow storms, and

**NOW THEREFORE BE IT RESOLVED,** that the Walworth County Board of Supervisors accepts the Highway reimbursement of \$33,753.93 (Thirty Three

Thousand Seven Hundred Fifty Three Dollars and Ninety Three Cents), and the Facilities reimbursement of \$4,259.50 (Four Thousand Two Hundred Fifty Nine Dollars and Fifty Cents) from FEMA and The State of Wisconsin and authorizes the funds to be used in the year 2001 to offset the Highway Department cost of purchasing salt and the Walworth County Facilities Management overtime budget of January 2001, respectively.

Dated this 8<sup>th</sup> of May 2001

Allen L. Morrison  
County Board Chair

Kimberly S. Bushey  
ATTEST: County Clerk

Policy and Fiscal Note Attached Yes

Approved as to Form:

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Administrative Coordinator	Date
Dennis D. Costello	4/30/01
Corporation Counsel	Date
Nicki Andersen (pw)	4/26/01
Finance Director	Date

Action Required: 2/3's      County Board Meeting May 8, 2001

**Resolution No. 19-05/01**

Policy and Fiscal Note

- I. **Title:** Resolution Accepting Reimbursement From the Federal Emergency Management Agency for Snow and Ice Removal Activities in December 2000.
- II. **Purpose and Policy Impact Statement:** The purpose of this resolution is to accept the reimbursement of Highway Department and Facilities Management disaster related costs through the Federal Emergency Management Agency (FEMA) Emergency Declaration No. 3163.

**III. Is this a budgeted item and what is its fiscal impact?** The Walworth County Highway Department was granted disaster reimbursement in the amount of \$33,753.92. The reimbursement revenue was not budgeted and will offset salt expenditures. The Walworth County Facilities Department was granted disaster reimbursement in the amount of \$4,259.50. The reimbursement revenue was not budgeted and will offset overtime expenditures.

**IV. Committee Consideration:**

Transportation & Parks Committee: Vote: \_\_\_\_\_ Date: April 23, 2001  
Public Property Committee: Vote: \_\_\_\_\_ Date: April 23, 2001  
Finance Committee: Vote: 6 – 0 Date: April 26, 2001

**V. Approved as to Form:**

<u>Administrative Coordinator</u>	<u>Date</u>
Dennis D. Costello	4/30/01
Corporation Counsel	Date
Nicki Andersen (pw)	4/26/01
Finance Director	Date

Resolution No. 20-05/01 – To Replace Sidewalk Broken During Construction of the Tower Cabling Project on the West Side of Courthouse Square was moved for adoption by Supervisor Norem, seconded by Supervisor Lothian. The resolution was adopted by unanimous consent on motion by Supervisor Muzatko, seconded by Supervisor J. Grant.

**RESOLUTION NO. 20-05/01**

To Replace Sidewalk Broken During Construction of the Tower Cabling Project on the West Side of Courthouse Square

**Whereas,** During the construction of the underground cable between the courthouse and the communication tower located in the old jail parking lot, the contractor broke approximately 83% of a 121 foot long section of internal sidewalk, and

**Whereas,** The responsible contractor has agreed to reimburse the county for damages in the amount of \$2,711.00 (Two thousand Seven Hundred Eleven Dollars) towards the replacement of the damaged sidewalk, and

**Whereas,** Eight foot wide sidewalks in the Courthouse Square can best serve pedestrian traffic, and

**Whereas,** Additional funding in the amount of \$1,645.00 (One Thousand Six Hundred Forty Five Dollars) from the contingency fund would be required to complete the repair and replacement of the sidewalk,

**NOW THEREFOR BE IT RESOLVED,** that the Walworth County Board of Supervisors authorize \$1,645.00 (One Thousand Six Hundred Forty Five Dollars) from the contingency fund to complete the repair of sidewalks damaged during the cabling project construction.

Date this 8<sup>th</sup> day of May 2001.

Allen L. Morrison  
County Board Chair

Kimberly S. Bushey  
ATTEST: County Clerk

Policy and Fiscal Note Attached Yes

Approved as to Form:

<u>Administrative Coordinator</u>	<u>Date</u>
Dennis D. Costello Corporation Counsel	4/30/01 Date
Nicki Andersen (pw) Finance Director	Date

Action Required: 2/3's

County Board Meeting May 8, 2001

**Resolution No. 20-05/01**

Policy and Fiscal Note

- I. **Title:** To replace sidewalk broken during construction of the Tower Cabling Project on the West Side of Courthouse Square
- II. **Purpose and Policy Impact Statement:** The purpose of this resolution is for the County to fund the additional moneys to replace internal broken sidewalk.

III. **Is this a budgeted item and what is the fiscal impact?** This request is not a budgeted item and \$1,645.00 (One Thousand Six Hundred Forty Five Dollars) would need to come from the contingency fund to complete the project.

IV. **Committee Consideration:**

Public Property Committee Vote: \_\_\_\_\_ Date: April 23, 2001  
Finance Committee Vote: 6-0 Date: April 26, 2001

V. **Approved as to Form:**

<u>Administrative Coordinator</u>	<u>Date</u>
Dennis D. Costello	4/30/01
Corporation Counsel	Date
Nicki Andersen (pw)	4/27/01
Finance Director	Date

Resolution No. 21-05/01 – To Replace 75 Linear Feet of 5-Foot Wide Internal Sidewalk at the Old Sheriff's Entrance on Southwest Side of the Courthouse With 8-Foot Wide Walkway was moved for adoption by Supervisor Lothian, seconded by Supervisor Van Dyke. The resolution was adopted by unanimous consent on motion by Supervisor Scharine, seconded by Supervisor Lothian.

RESOLUTION NO. 21-05/01

To Replace 75 Linear Feet of 5 Foot Wide Internal Sidewalk at the Old Sheriff's Entrance on the Southwest Side of the Courthouse with 8 Foot Wide Walkway

**Whereas**, During the construction of the underground cable between the courthouse and the communication tower located in the old jail parking lot, the contractor broke approximately 83% of a 121 foot long section of internal sidewalk, and

**Whereas**, If the connecting 161 linear foot section of 5 foot wide walk is replaced at the same time with 8 foot wide walk, and

**Whereas**, A small section of 75 linear feet of 5 foot wide walk would be left at the old Sheriff's entrance, with a replacement cost of \$2,750.00 (Two Thousand Seven Hundred Fifty Dollars), and

**Whereas**, Eight foot wide sidewalks in the Courthouse Square can best serve pedestrian traffic, and

**NOW THEREFOR BE IT RESOLVED**, that the Walworth County Board of Supervisors authorize \$2,750.00 (Two Thousand Seven Hundred Fifty Dollars) from the contingency fund the 75 linear foot connecting sidewalk from the old Sheriff's entrance of the Courthouse.

Date this 8<sup>th</sup> day of May 2001.

Allen L. Morrison  
County Board Chair

Kimberly S. Bushey  
ATTEST: County Clerk

Policy and Fiscal Note Attached Yes

Approved as to Form:

<u>Administrative Coordinator</u>	<u>Date</u>
Dennis D. Costello Corporation Counsel	4/30/01 Date
Nicki Andersen (pw) Finance Director	 Date

County Board Meeting May 8, 2001

**Resolution No. 21-05/01**

Policy and Fiscal Note

- I. **Title:** To replace 75 linear feet of 5 foot wide internal sidewalk at the old Sheriff's entrance the southwest side of the Courthouse with 8 foot wide walkway
- II. **Purpose and Policy Impact Statement:** The purpose of this resolution is for the County to fund the additional moneys to replace internal connecting sidewalk.
- III. **Is this a budgeted item and what is the fiscal impact?** This request is not a budgeted item and \$2,750.00 (Two Thousand Seven Hundred Fifty Dollars) would need to come from the contingency fund to complete the project.
- IV. **Committee Consideration:**  
Public Property Committee Vote: \_\_\_\_\_ Date: April 23,2001  
Finance Committee Vote: 6-0 Date: April 26,2001
- V. **Approved as to Form:**

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Administrative Coordinator	Date
Dennis D. Costello	4/30/01
Corporation Counsel	Date
Nicki Andersen (pw)	4/27/01
Finance Director	Date

Resolution No. 22-05/01 – To Replace Sidewalk 161 Linear Feet of 5-Foot Wide Internal Sidewalk on the Southwest Side of the Courthouse with 8-Foot Wide Walkway was moved for adoption by Supervisor Troemel, seconded by Supervisor Maynard. The resolution was adopted by unanimous consent on motion by Supervisor Troemel, seconded by Supervisor J. Grant.

RESOLUTION NO. 22-05/01

To Replace Sidewalk 161 Linear Feet of 5 Foot Wide Internal Sidewalk on the Southwest Side of the Courthouse with 8 Foot Wide Walkway

**Whereas**, During the construction of the underground cable between the courthouse and the communication tower located in the old jail parking lot, the contractor broke approximately 83% of a 121 foot long section of internal sidewalk, and

**Whereas**, The connecting 161 linear foot section of 5 foot wide walk should be replaced at the same time with 8 foot wide walk for \$4,896.00 (Four Thousand Eight Hundred Ninety Six Dollars) from the contingency fund, and

**Whereas**, Eight foot wide sidewalks in the Courthouse Square can best serve pedestrian traffic, and

**NOW THEREFOR BE IT RESOLVED**, that the Walworth County Board of Supervisors authorize \$4,896.00 (Four Thousand Eight Hundred Ninety Six Dollars) from the contingency fund the 161 linear foot connecting sidewalk.

Date this 8<sup>th</sup> day of May, 2001.

Allen L. Morrison  
County Board Chair

Kimberly S. Bushey  
ATTEST: County Clerk

Policy and Fiscal Note Attached Yes

Approved as to Form:

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Administrative Coordinator	Date
Dennis D. Costello	4/30/01
Corporation Counsel	Date
Nicki Andersen (pw)	
Finance Director	Date

Action Required: 2/3's

County Board Meeting May 8, 2001

**Resolution No. 22-05/01**

Policy and Fiscal Note

**I. Title:** To replace sidewalk 161 linear feet of 5 foot wide internal sidewalk on the southwest side of the Courthouse with 8 foot wide walkway

**II. Purpose and Policy Impact Statement:** The purpose of this resolution is for the County to fund the additional moneys to replace internal connecting sidewalk.

**III. Is this a budgeted item and what is the fiscal impact?** This request is not a budgeted item and \$4,896.00 (Four Thousand Eight Hundred Ninety Six Dollars) would need to come from the contingency fund to complete the project.

**IV. Committee Consideration:**  
 Public Property Committee Vote: \_\_\_\_\_ Date: April 23,2001  
 Finance Committee Vote: 6-0 Date: April 26,2001

**V. Approved as to Form:**

<hr/>	
Administrative Coordinator	Date
Dennis D. Costello	4/30/01
Corporation Counsel	Date
Nicki Andersen (pw)	4/27/01
Finance Director	Date

Resolution No. 23-05/01 – Participation in the City of Elkhorn Street Scape Project on the West and North Side of Courthouse Square was moved for adoption by Supervisor Van Dyke, seconded by Supervisor S. Shepstone.

Discussion followed regarding the reasons and necessity of this project, with Facilities Manager Gary Payson answering questions and contributing to the discussion. The question was called on motion by Supervisor Gigante, seconded by Supervisor Mikrut. The resolution failed by roll call vote. Total vote: 32; Ayes: 7 – Fischer, Kret, Lightfield, Lothian, Miles, Van Dyke, Morrison; Noes: 25 – Arnold, Felten, Gigante, C. Grant, J. Grant, Kuhnke, Logterman, Lohrmann, Maynard, Mikrut, Muzatko, Norem, Palzkill, Parker, Pearce, Polyock, Price, Scharine, R. Shepstone, S. Shepstone, Shroble, Smith, Troemel, Van Dreser, Wenglowsky; Absent: 3 – Burwell, Schaefer, Tilton.

Resolution No. 23-05/01

**DEFEATED**

Participation in the City of Elkhorn Street Scape Project on the West and North Side of Courthouse Square

**Whereas**, The City of Elkhorn is in the process of rebuilding their downtown, which included new sidewalks on the east and south sides of Courthouse Square at the City's expense, and

**Whereas**, The City of Elkhorn has asked the County to participate in the completion of their plan by installing new eight foot wide sidewalks on the west and north sides of Courthouse Square at the County's expense at a cost of \$61,000.00 (sixty one thousand dollars), and

**Whereas**, The City of Elkhorn will install new street lights on the west and north sides of the Courthouse at the City's expense, and

**Whereas**, The County can enter into an intergovernmental agreement to have the City's contractors do the project since they are currently on site, and

**Whereas**, The City of Elkhorn has offered to the County a payment plan of one half the balance due in 2002 budget year and the remaining balance in budget year 2003, and

**Whereas**, The Public Property and Finance Committees recommend a no-interest agreement for the sidewalk funding, and

**NOW THEREFOR BE IT RESOLVED**, that the Walworth County Board of Supervisors authorize an intergovernmental agreement for \$61,000.00 (Sixty One Thousand Dollars) to be repaid interest free, half in budget year 2002 and half from budget year 2003 to participate in the City of Elkhorn's downtown sidewalk project on the west and north sides of Courthouse Square, with the City of Elkhorn installing new street lights on the west and north sides of the Courthouse at their expense.

Date this \_\_\_\_ day of May 2001

\_\_\_\_\_  
County Board Chair

\_\_\_\_\_  
ATTEST: County Clerk

Policy and Fiscal Note Attached Yes

Approved as to Form:

\_\_\_\_\_  
Administrative Coordinator

Dennis D. Costello            4/30/01  
Corporation Counsel        Date

Nicki Andesen (pw)         4/30/01  
Finance Director             Date

Action Required: 2/3's

County Board Meeting May 8, 2001

**DEFEATED**

**Resolution No. 23-05/01**

Policy and Fiscal Note

**I. Title:** Resolution to participate in the City of Elkhorn's Downtown Street Scape project with 8 foot wide sidewalks on the west and north sides of Courthouse Square at the County's expense.

**II. Purpose and Policy Impact Statement:** The purpose of this resolution is for the County to participate in the City of Elkhorn's Downtown Street Scape Project at the County's expense.

**III. Is this a budgeted item and what is the fiscal impact?** This request is not a budgeted item and half of \$61,000.00 (Sixty One Thousand Dollars) would need to be repaid in budget year 2002 and 2003 interest free to participate in the project.

**IV. Committee Consideration:**  
Public Property Committee Vote: \_\_\_\_\_ Date: April 23,2001  
Finance Committee            Vote: \_\_\_\_\_ Date: April 26,2001

**V. Approved as to Form:**

Administrative Coordinator	Date
Dennis D. Costello Corporation Counsel	4/30/01 Date
Nicki Andersen (pw) Finance Director	4/20/01 Date

Resolution No. 24-05/01 – Amending Year 2001-2005 Capital Improvement Plan Regarding Huber Dorm Addition was moved for adoption by Supervisor Norem, seconded by Supervisor R. Shepstone. Supervisor Norem presented an explanation of this resolution, with discussion from various Board members following. On motion by Supervisor Palzkill, seconded by Supervisor Troemel, the question was called. A motion for unanimous consent by Supervisor Palzkill, seconded by Supervisor R. Shepstone, failed. The resolution was adopted by roll call vote. Total vote: 32; Ayes: 28 – Arnold, Felten, Fischer, J. Grant, Kret, Kuhnke, Lightfield, Logterman, Lothian, Maynard, Mikrut, Miles, Muzatko, Norem, Palzkill, Parker, Pearce, Polyock, Price, Scharine, R. Shepstone, S. Shepstone, Shroble, Troemel, Van Dreser, Van Dyke, Wenglowsky, Morrison; Noes: 4 – Gigante, C. Grant, Lohrmann, Smith; Absent: 3 – Burwell, Schaefer, Tilton.

#### **Resolution No. 24-05/01**

#### **AMENDING YEAR 2001-2005 CAPITAL IMPROVEMENT PLAN REGARDING HUBER DORM ADDITION**

**WHEREAS**, The program budget of \$3,594,800 (Three Million Five Hundred Ninety Four Thousand Eight Hundred Dollars) plus planning funds of \$255,200 (Two Hundred Fifty Five Thousand Two Hundred Dollars) for the Huber Dorm expansion was established early in the 1999 calendar year, and

**WHEREAS**, The planning for the project did not begin in early year 2000, and

**WHEREAS**, The construction industry has experienced inflationary pressures over the last two years, and

**WHEREAS**, The planning architect, Kimmie & Associates, has stated that the original program statement cannot be met without increasing the budget by \$500,000 (Five Hundred Thousand Dollars), and

**WHEREAS**, The Walworth County Public Property and Public Protection Committees have recognized and support the need for additional funding for the Huber Dorm Expansion Project.

**NOW THEREFORE BE IT RESOLVED**, that the Walworth County Board of Supervisors approve the amendment to the year 2001-2005 Capital Improvement Plan relating to the Huber Dorm Expansion Project cost from \$3,850,000 (Three Million Eight Hundred Fifty Thousand Dollars) to \$4,350,000 (Four Million Three Hundred Fifty Thousand Dollars).

**BE IT FURTHER RESOLVED**, that the funding source for the additional \$500,000 (Five Hundred Thousand Dollars) shall be included in the issuance of the 2002 bonds.

Allen L. Morrison  
County Board Chair    Date

Kimberly S. Bushey  
Attest: County Clerk    Date

Policy and Fiscal Note Attached

Approved as to Form:

\_\_\_\_\_  
Administrative Coordinator                      Date

Action Required

Majority \_\_\_\_\_                      Two-Thirds   X                        Other \_\_\_\_\_

County Board Meeting Date May 8, 2001

**RESOLUTION NO. 24-05/01 AMENDING YEAR 2001-2005 CAPITAL IMPROVEMENT PLAN REGARDING THE HUBER DORM EXPANSION**

- I. **TITLE:** Amending the year 2001-2005 Capital Improvement Plan regarding the Huber Dorm Expansion Project.
- II. **PURPOSE AND POLICY IMPACT STATEMENT:** The purpose of this resolution is to amend the Capital Improvement Program adopted by the Walworth County Board of Supervisors in 2000 to reflect and amend the updated costs of the project from \$3,850,000 (Three Million Eight Hundred Fifty Thousand Dollars) to \$4,350,000 (Four Million Three Hundred Fifty Thousand Dollars).
- III. **IS THIS A BUDGETED ITEM AND WHAT IS THE FISCAL IMPACT:** Walworth County's Capital Improvement Plan adopted November 2, 2000 included \$3,594,800 for the Huber Dorm Expansion, plus the carry forward of the \$255,200 planning funds. The current estimate for this project has increased by \$500,000. The amended project budget would be

\$4,350,000. Funding for the Huber Dorm Expansion currently includes \$655,200 from Jail Assessment Fees and \$3,194,800 from Bond Issuance. Proposed funding for the additional \$500,000 is from Bond Issuance.

**See Attached Walworth County Capital Improvement Summary**

- IV. **COMMITTEE CONSIDERATION:**  
Public Property      April 23,2001  
Public Protection    April 24,2001  
Finance                May 8, 2001

V. **APPROVED AS TO FORM:**

<u>Administrative Coordinator</u>	<u>Date</u>
Dennis D. Costello	4/30/01
Corporation Counsel	Date
Nicki Andersen (pw)	4/30/01
Finance Director	Date

On motion by Supervisor Scharine, seconded by Supervisor R. Shepstone, the Board adjourned at 8:05 p.m. The next regularly scheduled meeting of the Walworth County Board of Supervisors is Thursday, June 7, 2001 – 6:00 p.m.

Kimberly S. Bushey  
County Clerk

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 May 8, 2001 meeting.

WALWORTH COUNTY BOARD OF SUPERVISORS  
PUBLIC HEARING  
MAY 29, 2001

2001 RE-DISTRICTING PLAN  
FOR WALWORTH COUNTY

The Public Hearing on the Tentative 2001 Walworth County Re-districting Plan was called to order at 6:00 p.m. by County Board Chairman Allen L. Morrison in the County Board Room of the Walworth County Courthouse, 100 W. Walworth St., Elkhorn, Wisconsin. Elected officials, department heads, members of the press, local municipal officials and public were in attendance.

Viewing of the Tentative 2001 Walworth County Re-districting Plan was allowed at this time and continued until 6:30 p.m.

Upon completion of the viewing period, Michael Cotter, Assistant Corporation Counsel, and Randy Thompson, GIS Manager, gave a presentation regarding the tentative plan and provided information regarding the population number and how this number was divided to arrive at 25 equally represented supervisory districts. It was noted that a reallocation of population back to the County of Jefferson was necessary due to an error in the University area in the City of Whitewater. This resulted in an adjusted population of 91,996 for Walworth County, resulting in an average of 3,680 people per supervisory district. Information was also provided regarding the criteria used for delineation of the districts as recommended by the County Board and the degree of input provided from the local municipalities. The timeline for the re-districting project was outlined and it was noted that by June 1<sup>st</sup> a copy of the plan must be transmitted to all municipal clerks. A question and answer period followed the presentation.

The Public Hearing was open for public comment at this time. Diane Boyd, Sugar Creek Town Clerk, thanked Mr. Cotter and Mr. Thompson for taking into consideration all of the input she gave them. She stated that for previous County Supervisory elections she had nine to eleven different ballots, now she will only have four different ballots. Ms. Boyd stated that consideration was given to school boundaries and supervisory districts.

No further comments were received from the public.

Michael Cotter thanked Randy Thompson for his hard work and effort put into this project. A thank you was also extended to Kim Lien of the Surveyors Office for her help in producing the maps.

Supervisor Arnold felt that the public did not have appropriate time to view the plan and proposed maps, and he felt that the Public Hearing should continued to Thursday, May 31<sup>st</sup> or Thursday, June 7<sup>th</sup>.

This portion of the Public Hearing was closed.

THE MAY 29, 2001 SPECIAL SESSION  
OF THE  
WALWORTH COUNTY BOARD OF SUPERVISORS

The Walworth County Board of Supervisors was called to order by Chairman Morrison at 7:20 p.m. at the Walworth County Courthouse, 100 W. Walworth St., Elkhorn, Wisconsin. Roll call was read with all Supervisors present except Supervisors Burwell, Fischer, Lothian, Palzkill, Polyock, S. Shepstone, and Tilton. A quorum was established.

On motion by Supervisor Scharine, seconded by Supervisor R. Shepstone, the day's agenda was approved.

A motion was offered by Supervisor Wenglowky, seconded by Supervisor Felten, to adopt Resolution No. 25-05/01, a resolution setting forth a Tentative Supervisory District Plan for Walworth County. A motion was offered by Supervisor Arnold, seconded by Supervisor Maynard, to table until May 31<sup>st</sup> at 6:00 p.m. A friendly amendment was offered by Supervisor Maynard, seconded by Supervisor Arnold, to table until June 7<sup>th</sup>. The friendly amendment was accepted. Administrative Coordinator David Bretl commented on extending the date beyond the June 1<sup>st</sup> date. He informed the Board of their duty to uphold the law in terms of their oath that is taken to uphold the statutes, and in terms of the expectation they have when a law is passed for the public to follow the law that is passed. Supervisor Maynard and Supervisor Arnold withdrew the friendly amendment. On motion by Supervisor Kret, seconded by Supervisor Wenglowky, the question was called and debate ended on the motion to table until May 31<sup>st</sup> at 6:00 p.m. A roll call vote was requested. Total vote: 28; Ayes: 9 – Arnold, Gigante, Kret, Lightfield, Lohrmann, Maynard, Mikrut, Norem, Schaefer; Noes: 19 – Felten, C. Grant, J. Grant, Kuhnke, Logterman, Miles, Muzatko, Parker, Pearce, Price, Scharine, R. Shepstone, Shroble, Smith, Troemel, Van Dreser, Van Dyke, Wenglowky, Morrison; Absent: 7 – Burwell, Fischer, Lothian, Palzkill, Polyock, S. Shepstone, Tilton. The motion was defeated. A motion was offered by Supervisor Lohrmann, seconded by Supervisor Maynard, to postpone action on Resolution No. 25-05/01 and the Public Hearing until Thursday, June 7, 2001. The question was called on motion by Supervisor Wenglowky, seconded by Supervisor Logterman. Supervisors Arnold, Lohrmann and Maynard recorded "no" votes. A roll call vote was requested. Total vote: 28; Ayes: 7 - Arnold, Gigante, Lohrmann, Maynard,

Mikrut, Norem, Schaefer; Noes: 21 – Felten, C. Grant, J. Grant, Kret, Kuhnke, Lightfield, Logterman, Miles, Muzatko, Parker, Pearce, Price, Scharine, R. Shepstone, Shroble, Smith, Troemel, Van Dreser, Van Dyke, Wenglowky, Morrison; Absent: 7 - Burwell, Fischer, Lothian, Palzkill, Polyock, S. Shepstone, Tilton. The motion to postpone until June 7<sup>th</sup> was defeated. On motion by Supervisor Van Dreser, seconded by Supervisor Troemel, debate on Resolution No. 25-05/01 was closed. A roll call vote on the resolution was requested. Total vote: 28; Ayes: 23 – Felten, C. Grant, J. Grant, Kret, Kuhnke, Lightfield, Logterman, Mikrut, Miles, Muzatko, Parker, Pearce, Price, Schaefer, Scharine, R. Shepstone, Shroble, Smith, Troemel, Van Dreser, Van Dyke, Wenglowky, Morrison; Noes: 5 – Arnold, Gigante, Lohrmann, Maynard, Norem; Absent: 7 - Burwell, Fischer, Lothian, Palzkill, Polyock, S. Shepstone, Tilton. Resolution No. 25-05/01, a resolution setting forth a Tentative Supervisory District Plan for Walworth County, was adopted as presented.

Resolution No. 25-05/01

Resolution Setting Forth a Tentative Supervisory District Plan for  
Walworth County

WHEREAS, Section 59.10(3)(b), Wis. Stats., requires County Boards to establish tentative county supervisory district plans and hold a public hearing within 60 days after receipt of the decennial federal census. and

WHEREAS, the aforementioned census data and maps showing the location and numbering of census blocks were delivered to Walworth County on April 2<sup>nd</sup>, 2001. and

WHEREAS, on January 9<sup>th</sup>, 2001 the Walworth County Board of Supervisors adopted Resolution No. 63-01/01 resolving that the size of the Walworth County Board membership be reduced to twenty-five (25) County Board Supervisors. and

WHEREAS, on February 13<sup>th</sup>, 2001 the Walworth County Board of Supervisors directed county staff from the Corporation Counsel's Office and Land Management Department to develop a tentative redistricting plan pursuant to Section 59.10, Wis. Stats. and

WHEREAS, on February 13<sup>th</sup>, 2001 the Walworth County Board of Supervisors further directed that the tentative plan be developed in accordance with criteria set forth in the document entitled "*Walworth County Redistricting Policy, 2001*". and

WHEREAS, a public hearing has been held with regards to the tentative supervisory district plan.





THE JUNE 7, 2001 SESSION  
OF THE  
WALWORTH COUNTY BOARD OF SUPERVISORS

The Walworth County Board of Supervisors was called to order by Chairman Morrison at 6:00 p.m. at the Walworth County Courthouse, 100 W. Walworth St., Elkhorn, Wisconsin. Roll call was read with all Supervisors present except Supervisors Gigante, Kuhnke, Lohrmann, Palzkill, Parker, and S. Shepstone, who had been excused. A quorum was established.

Reverend James Coehoorn from the Church of Christ, Elkhorn, presented the invocation.

On motion by Supervisor Muzatko, seconded by Supervisor Mikrut, the day's agenda was approved as presented.

On motion by Supervisor Tilton, seconded by Supervisor Scharine, the minutes of the May 8, 2001 session were approved as published.

Chairman Morrison requested public comment. None was received.

Corporation Counsel Dennis Costello presented a report and informed the Supervisors of the following: The Wisconsin County Mutual has awarded Walworth County \$7,168. in return premium. Because of the County's safety efforts, the County has been awarded the maximum credit available. The County filed the latest In Rem, a foreclosure action on 118 properties that are delinquent for taxes, and the County will be taking judgment in September.

Administrative Coordinator David Bretl presented a report and informed the Supervisors of the following: Phyllis Williams, Lakeland Health Care Center Administrator, underwent unanticipated heart bypass surgery on Saturday, June 2, 2001 at St. Mary's Hospital in Milwaukee. The surgery went well and she is expected to be home soon. The Committee on Joint Finance in Madison made a recommendation concerning the State's biannual budget and these recommendations may be reflected in Walworth County's Budget, particularly in the reduction of Nursing Home payments and the court system and in other ways. A communication has been placed on each Supervisor's desk regarding the Burlington to Elkhorn White River Recreational Trail public information meeting on June 13, 2001.

Chairman Morrison presented a County Board Chair's Report and informed the Board of the following: The Seven County meeting will be held June 13, 2001 and reservations should be made and paid for in advance. The Wisconsin Counties Association annual conference will be held September 9 – 12, 2001 in Oshkosh. On motion by Supervisor Miles, seconded by Supervisor Troemel, a one-time deduction of \$5.00 from each Supervisor's payroll check for

the flower fund was approved. Supervisor Parker's husband passed away on Wednesday, June 6, 2001, and condolences were extended to Supervisor Parker and her family.

The following Reports of Zoning Gone into Effect were read and placed on file.

Thomas Fitzpatrick, Town Whitewater  
Joyce Lawton (Applicant: Eric Lawton) Town of LaGrange  
Helen Wyman Estate (Applicant: Jensen & Olson Land Surveying LLC),  
Town Spring Prairie  
John Boumenot & Marilyn Walsh (Applicant: Ed Thompson-Clair Law  
Offices), Town Delavan  
Michael Pokel, Town Darien

The following Report of Petitions Referred was read and referred to the Land Management Committee.

Report of Petitions Referred to Land Management Committee

To: The County Board of Walworth County

The undersigned County Clerk hereby reports that the following petitions for rezone of lands in Walworth County were referred to the Land Management Committee for public hearing:

John and Kathleen Consolin, Town LaFayette, rezone A-1 to C-2.  
Michael and Caryl Foley, Town East Troy, rezone A-1 to C-2.  
Sophia Peyer, Town LaGrange, rezone A-2 to A-5.  
Donna M. Brillhart, Thomas D. Vance, Gerald E. Vance, Town Darien,  
rezone A-1 to A-2.  
Mieczystaw and Marianna Kaczmarek, Town Bloomfield, rezone from P-2  
to B-2.  
Robert A Stilling, Town Bloomfield, rezone R-1 to B-2.  
Art Pierce (Dave Pierce, App.), Town Bloomfield, rezone B-5 to R-1.  
Thomas and Linda Digangi, Town Geneva, rezone C-4 to R-1.

Above petitions referred May 16, 2001.

Dated this 16<sup>th</sup> day of May, 2001.  
Kimberly S. Bushey  
County Clerk

On motion by Supervisor Tilton, seconded by Supervisor Van Dreser, the following petitions to rezone were approved as presented.

REPORT OF LAND MANAGEMENT COMMITTEE  
TO COUNTY BOARD ON HEARING ON PETITION  
TO AMEND THE WALWORTH COUNTY ZONING ORDINANCE

TO THE COUNTY BOARD OF WALWORTH COUNTY:

The Land Management Committee, having considered the petitions to amend the Walworth County Zoning Ordinance and Shoreland Zoning Ordinance; and having held public hearings thereon, pursuant to Section 59.97(5)(e) Wisconsin Statutes, notice thereof having been given as provided by law, and being duly informed of the facts pertinent to the changes proposed and duly advised of the wishes of the people in the area affected, hereby recommends as follows:

1. Thomas and Linda Digangi, Town Geneva – filed a petition on the 6<sup>th</sup> day of March, 2001, to rezone from B-3 Waterfront Business District to R-1 Single Family Residence District (Unsewered).

Recommendation: Said petition be approved.

2. Larry H. Burton, Town Sharon – filed a petition on the 7<sup>th</sup> day of March, 2001, to rezone from A-1 Prime Agricultural Land District to A-5 Agricultural-Rural Residential District.

Recommendation: After the appropriate findings were made as required by State Farmland Preservation Program s91.77(1), said petition was approved. One half of the area rezoned has not been historically farmed and is covered with trees.

3. Robert O. and Christine L. Jones Trust, Town Linn – filed a petition on the 23<sup>rd</sup> day of February, 2001, to rezone from C-2 Upland Resource Conservation District to A-5 Agricultural-Rural Residential District.

Recommendation: Said petition be approved.

4. Richard C. Grass & Jackie L. Bartylla, Town Richmond – filed a petition on the 9<sup>th</sup> day of March, 2001, to rezone from C-4 Lowland Resource Conservation District (Shoreland) to R-1 Single Family Residence District (Unsewered).

Recommendation: Said petition be approved.

ORDINANCE AMENDING  
WALWORTH COUNTY ZONING ORDINANCE

WHEREAS, the Walworth County Board of Supervisors has heretofore been petitioned to amend the Walworth County Zoning Ordinance; and

WHEREAS, the petitions have been referred to the Walworth County Land Management Committee for public hearing; and

WHEREAS, the Walworth County Land Management Committee on due notice conducted public hearings on the proposed amendments and filed their recommendations with the board; and

WHEREAS, the proposed amendments have been given due consideration by the Board in open session.

NOW, THEREFORE, the County Board of Supervisors of the County of Walworth do ordain as follows:

The Zoning Ordinance of Walworth County and Shoreland Zoning Ordinance (and accompanying Zoning Map) is amended in the following respects:

1. Thomas and Linda Digangi, Town Geneva – to amend said zoning maps from B-3 Waterfront Business District to R-1 Single Family Residence District (Unsewered) on the following described lands:

Tax Parcel #JA152100002

PARCEL 1

Lot 2 and Outlot 2 of Certified Survey Map No. 1521 dated August 1, 1986 recorded August 6, 1986 in Volume 7 of Certified Survey Maps on page 132, Document No. 133919, Walworth County Records.

PARCEL 2

A parcel of land located in the Southeast Quarter of Section 28, Township 2 North, Range 17 East, Walworth County, Wisconsin, being part of a 20 foot wide roadway shown on the recorded Plat of Lackey Johnson Subdivision, and described as follows: Beginning at the Southeast corner of Lot 2 of Certified Survey Map No. 1521; thence South 15 Degrees 04 Minutes 01 Seconds East, 20.00 feet to the Northeast corner of Outlot 2 of said Certified Survey Map; thence along the arc of a curve to the left, 50.44 feet, the radius being 11509.16 feet and the chord bearing South 74 Degrees 48 Minutes 27 Seconds West, 50.44 feet to the Northwest corner of Outlot 2 of said Certified Survey Map; thence North 15 Degrees 19 Minutes 05 Seconds West, 20.00 feet to the Southwest corner of Lot 2 of said Certified Survey Map; thence along the arc of a curve to the right, 50.52 feet, the radius being 11529.16 feet and the chord bearing North 74 Degrees 48 Minutes 27 Seconds East, 50.52 feet to the Place of Beginning.

Lot 2 only. Not Outlot 2. Located on the north side of Como Drive.

2. Larry H. Burton, Town Sharon – to amend said zoning maps from A-1 Prime Agricultural Land District to A-5 Agricultural-Rural Residential District on the following described lands.

Part of Tax Parcel #A S 2300006

A parcel of land zoned A-1 to be rezoned A-5 located in the SW1/4 of the SW1/4 of Section 23, Town 1 North, Range 15 East, Town of Sharon, Walworth County, Wisconsin, described as follows: Beginning at the Northwest corner of the Southwest ¼ of the Southwest ¼ of said Section 23 (T1N, R15E); thence N 87DEG 24MIN 55SEC E, 290.00 feet along the north line of the SW1/4 of the SW1/4 of said Section 23; thence S 01DEG 16MIN 32SEC E, 275.00 feet; thence S 87DEG 24MIN 55SEC W, 290.00 feet to the west line of the Southwest ¼ of said Section 23; thence N 01DEG 16MIN 32SEC W, 275.00 to the Point of Beginning. Containing 1.83 acres of land more or less.

Said parcel approved to be rezoned after the appropriate findings were made as required by State Farmland Preservation Program s91.77(1). One half of the area rezoned has not been historically farmed and is covered with trees

3. Robert O. and Christine L. Jones Trust, Town Linn – to amend said zoning maps from C-2 Upland Resource Conservation District to A-5 Agricultural-Rural Residential District on the following described lands.

Part of Tax Parcel #I L 1600012A

A proposed rezone of a parcel of land, located in the Northeast ¼ of the Southeast ¼ of Section 16, Town 1 North, Range 17 East, Walworth County, Wisconsin and described as follows: Commencing at the East ¼ corner of said Section; thence West along the North line of said Southeast ¼ 605.75 feet to the Northwest corner of Certified Survey Map Number 1719, said point being the Point of Beginning; thence S 1°43'33" W 359.33 feet along the West line of said Certified Survey Map; thence N88°58'28" W 228.71 feet; thence N0°08'12" E 355.07 feet to the North line of said Southeast ¼; thence East along said North line 238.65 feet to the Point of Beginning.

4. Richard C. Grass & Jackie L. Bartylla, Town Richmond – to amend said zoning maps from C-4 Lowland Resource Conservation District (Shoreland) to R-1 Single Family Residence District (Unsewered).

Part of Tax Parcel #C R 1300008

A parcel of land being a part of the Northwest ¼ of Section 13, Town 3 North, Range 15 East, Walworth County, Wisconsin, described as follows: Beginning at







WHEREAS, \$20,000 was budgeted for outside legal services for the year 2001, and \$19,588.45 has been paid in legal expenses by the end of April 2001; and

WHEREAS, the sum of \$10,000 is requested from the contingency fund to cover additional legal expenses.

NOW, THEREFORE, BE IT RESOLVED, that the WALWORTH COUNTY BOARD OF SUPERVISORS, transfers \$10,000 from the contingency fund to the Corporation Counsel for outside legal services.

ADOPTED this 7th day of June, 2001.

Allen L. Morrison  
Walworth County Board Chairman

Kimberly S. Bushey  
Walworth County Clerk

Policy and Fiscal Note is attached.

Sponsored by: Administrative Committee, April 26, 2001, 6-0.

County Board Meeting Date: June 7, 2001

Approved as to form:

Dennis D. Costello 5/22/01  
Corporation Counsel

David A. Bretl 5/22/01  
Administrative Coordinator

Nicki Andersen (pw) 5/22/01  
Finance Director Date

Action Required: 2/3 of Membership.

POLICY AND FISCAL NOTE

I. Title: RESOLUTION No. 26-06/01.

RESOLUTION TO TRANSFER CONTINGENCY  
FUNDS FOR OUTSIDE LEGAL SERVICES

II. Purpose and Policy Impact Statement:

This resolution transfers funds to pay for Walworth County's outside legal services.

III. Budget and Financial Impact:

There was \$20,000 budgeted for outside legal services for the year 2001, and \$19,588.45 was paid out in legal expenses by the end of April, 2001.

IV. Referred to the Following Standing Committees for Consideration and Date of Referral:

Administrative Committee.  
Finance Committee.

V. Committee Consideration:

Administrative Committee, April 26, 2001, Vote: 6-0.  
Finance Committee, May 16, 2001, Vote: 7-0.

VI. Approved as to Form:

Dennis D. Costello Corporation Counsel	5/22/01
David A. Bretl Administrative Coordinator	5/22/01
Nicki Andersen (pw) Finance Director	5/22/01 Date

On motion by Supervisor Muzatko, seconded by Supervisor J. Grant, Resolution No. 27-06/01, a resolution updating financial depositories for County funds and investment of County funds, was adopted.

RESOLUTION NO. 27-6/01

Resolution updating financial depositories for County funds and investment of County funds.

WHEREAS, Section 59.61 (2), Wisconsin Statutes, requires that the County Board designate one or more credit unions, banks, savings banks, savings and loan associations, or trust companies organized and doing business under the laws of this state or federal law, located in this state, as county depositories. In addition to the depositories specified above the local

government pooled-investment fund may be designated as a depository for investment purposes.

WHEREAS, Section 66.0603 (2), Wisconsin Statutes, allows the investment of County funds not immediately needed in certain institutions and/or securities.

NOW THEREFORE BE IT RESOLVED, by the Walworth County Board of Supervisors that the following financial institutions:

Amcore Bank, Clinton-Darien  
Anchor Bank, S.S.B.  
Associated Bank of Milwaukee  
Bank One, Wisconsin  
Citizens Bank of Mukwonago  
Commercial Bank  
Community Bank of Delavan  
F & M Bank - Wisconsin, Elkhorn  
First Banking Center  
First Citizens State Bank  
Firststar  
M & I Bank South - Delavan  
M & I Marshall and Isley Bank  
Mid America Bank  
North Shore Bank  
People's Bank of Elkhorn  
St. Francis Bank  
State Financial Bank - Waterford  
Walworth State Bank

and

Local Government Pooled Investment Fund  
Edward D. Jones

qualified as public depositories under Chapter 34 of the Wisconsin Statutes, shall be and are hereby designated until further action, as public depositories for all public monies

coming into the hands of the Treasurer and/or the Clerk of Circuit Court of the County of Walworth, State of Wisconsin.

BE IT FURTHER RESOLVED THAT, the County Treasurer and the Clerk of Circuit Court are authorized to invest funds pursuant to the Walworth County Investment Policy in securities authorized by that policy utilizing brokers approved by the County Board.

BE IT FURTHER RESOLVED, that withdrawal or disbursements from any one of the above-named depositories shall be through the use of money transfer techniques, including electronic funds transfers and automated clearinghouse methods.

BE IT FURTHER RESOLVED, that in accordance therewith, all checks shall be signed by the following persons:

Allen L. Morrison, Chairman  
Kathleen M. Du Bois, Treasurer  
Kimberly S. Bushey, Clerk

or their successors in office.

BE IT FURTHER RESOLVED, that in lieu of their personal signatures, the following facsimile signatures, which have been adopted by them as below shown:

(facsimile signatures)

may be affixed on such order check(s); that any one of the above-named depositories shall be fully warranted and protected in making payments on any order checks bearing such facsimile(s) notwithstanding that the same may have been placed thereon without the authority of the designated person or persons.

BE IT FURTHER RESOLVED, that for those funds invested and/or deposited by the Clerk of Circuit Court, pursuant to s. 59.40, Wis. Stats., that said funds may be withdrawn on order, check or wire transfer upon the signature of the Clerk of Circuit Court, or in lieu of her personal signature, upon the facsimile signature of the Clerk of Circuit Court:

BE IT FURTHER RESOLVED, that the following persons are authorized as signatories for the accounts specified:

ACCOUNT DESCRIPTION	AUTHORIZING SIGNATURE(S)
Treasurer:	
Depository	County Board Chair, County Clerk, County Treasurer (facsimile)
Accounts Payable	County Board Chair, County Clerk, County Treasurer (facsimile)
Payroll	County Board Chair, County Clerk, County Treasurer (facsimile)
Clerk of Courts:	
Depository	Clerk of Circuit Court, Courts Office Manager,

General Register in Probate  
Clerk of Circuit Court, Courts Office Manager,  
Register in Probate

Sheriff:

Sheriff Trust Sheriff, Undersheriff, Account Clerk (2)  
Civil Process Sheriff, Undersheriff, Account Clerk (2)  
Huber Trust Sheriff, Undersheriff, Account Clerk (2)  
Inmate Trust Sheriff, Undersheriff, Account Clerk (2), Shift  
Commander (5), Correctional Supervisor (10)

Lakeland Nursing Home:

Resident Fund LNH Director of Finance, Business Office Manager  
Donated Funds LNH Director of Finance, Business Office Manager

Lakeland School

Student Council Student Council Advisor, Administrator, School  
Bookkeeper

Health and Human Services Dept.

Supportive Home Care David L. Scrima, S.C.  
Money Market Ckg. HHSD Director, Protective Payee, Records  
Supervisor  
Nutrition Sites (4) County Board Chair, County Clerk, County Treasurer  
(facsimile)

BE IT FURTHER RESOLVED, that the aforementioned shall be and are hereby designated as public depositories for all county departments handling public monies.

BE IT FURTHER RESOLVED, that the County Board Chairman, County Clerk, Administrative Coordinator, County Treasurer and Clerk of Circuit Court are hereby authorized and directed to sign the appropriate contract and necessary ancillary agreements on behalf of Walworth County.

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be delivered to each of the above-named depositories, and said depositories may rely on this resolution until changed by lawful resolution, and a certified copy of such resolution has been given to the secretary of their respective above-named depositories.

BE IT FURTHER RESOLVED, that all previous resolutions relating to authorized depositories are hereby repealed and are no longer in force or effect.

Allen L. Morrison

Kimberly S. Bushey

County Board Chair

Attest: County Clerk

Policy and Fiscal Note Attached:  X  Yes \_\_\_\_\_ No - No Fiscal Impact

Approved as to Form:	David A. Bretl Administrative Coordinator	5/24/01 Date
	Dennis D. Costello Corporation Counsel	5/24/01 Date
	Nicki Andersen (pw) Finance Director	5/22/01 Date

Committee Consideration:

Finance Committee	<u> 7 - 0 </u> (Vote)	<u> 5/17/01 </u> (Date)
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Action Required:  Majority Vote  Two-thirds Vote Other \_\_\_\_\_

County Board Meeting Date: July 10, 2001

Policy and Fiscal Note

I. Title: Resolution No. 27-6/01 "updating financial depositories for County funds and investment of County funds".

II. Purpose and Policy Impact Statement: This resolution updates resolutions 67-01/96, 61-02/97, 76-12/97, 80-12/97, 09-4/98, 11-5/99 and 22-07/00 as to list of authorized financial depositories. The authorized financial institutions are subject to ongoing review with criteria established by the County's auditing firm, Virchow Krause.

Financial institution changes:

- Citizens Bank of Mukwonago - add
- First Federal - delete
- M & I Marshall and Isley Bank - add
- People's Bank of Elkhorn - add

Change in Page 1, Paragraph 2:

Statute number change from 66.04(2) to 66.0603(2) in accordance with 1999-2000 Wisconsin Statute books .

III. Is this a budgeted item and what is its fiscal impact: Adoption of this resolution will help provide internal controls related to cash and cash handling activities. There is no budget impact.

IV. Referred to the following standing committees for consideration and date of referral:

Finance Committee - May 17, 2001

<u>V. Committee Consideration:</u>	<u>Finance</u>	<u>7 - 0</u>	<u>5/17/01</u>
Date	Committee	Vote	

VI. Approved as to Form:

David A. Bretl Administrative Coordinator	5/24/01 Date
Dennis D. Costello Corporation Counsel	5/24/01 Date
Nicki Andersen (pw) Finance Director	5/22/01 Date

Resolution No. 28-06/01, a resolution to write off 1998 personal property taxes uncollectible in 1999, was moved for adoption on motion by Supervisor Price, seconded by Supervisor Schaefer. On motion by Supervisor Scharine, seconded by Supervisor Van Dreser, the resolution was adopted by unanimous consent.

RESOLUTION NO. 28-6/01

Resolution to write off 1998 personal property taxes uncollectible in 1999.

WHEREAS, the County Treasurer appears before the finance committee and obtains annual approval to write off uncollectible personal property taxes; and

WHEREAS, Section 74.55 (1), Wisconsin Statutes, addresses recovery of delinquent personal property taxes by a taxing jurisdiction; and

WHEREAS, the County will continue to pursue collection of the County and State's share;

NOW THEREFORE BE IT RESOLVED, that the Walworth County Board of Supervisors authorize the write-off of uncollectible personal property taxes for the 1998 tax year as listed in Attachment A.

BE IT FURTHER RESOLVED, that this write-off in the amount of \$2,540.45 will be offset by the Profit (Loss) of Sales of Tax Deed properties which currently exceeds the 2001 budget; and

BE IT FURTHER RESOLVED, that this resolution is to be effective upon adoption.

Allen L. Morrison  
County Board Chair

Kimberly S. Bushey  
Attest: County Clerk

Policy and Fiscal Note Attached:  Yes  No - No Fiscal Impact

Approved as to Form:	David A. Bretl Administrative Coordinator	5/24/01 Date
	Dennis D. Costello Corporation Counsel	5/24/01 Date
	Nicki Andersen (pw) Finance Director	5/23/01 Date

Committee Consideration:

Finance Committee	<u>7 - 0</u> (Vote)	<u>5/17/01</u> (Date)
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Action Required: Two-thirds Vote Other \_\_\_\_\_

County Board Meeting Date: June 7, 2001

Policy and Fiscal Note

- I. Title: Resolution No. 28-6/01 "Write Off 1998 Personal Property Taxes Uncollectible in 1999".
- II. Purpose and Policy Impact Statement: Historically, the County has not attempted collection of delinquent property taxes.

The County will continue to pursue collection of the County and State share if in excess of \$200.00 through correspondence to the taxpayers from the Corporation Counsel.

The County Treasurer has contacted the local districts regarding repeat offenders and verified whether the business is still in operation; and if not, whether the business has been removed from the personal property tax roll.

III. Is this a budgeted Item and what is its fiscal impact: This item was not included in the 2001 budget and will be offset by the Profit (Loss) on Sales of Tax Deeds, account number 001-1043-4106, which currently exceeds budget and credited to account number 001-1900-1111, General Property Taxes, per the acting Finance Director.

IV. Referred to the following standing committees for consideration and date of referral:

Finance Committee - May 17, 2001

V. <u>Committee Consideration:</u>	<u>Finance</u>	<u>7 - 0</u>	<u>5/17/01</u>
	Committee	Vote	Date

VI. Approved as to Form:

David A. Bretl	
5/24/01	
Administrative Coordinator	Date

Dennis D. Costello	5/24/01
Corporation Counsel	Date

Nicki Andersen (pw)	5/23/01
Finance Director	Date

On motion by Supervisor Lothian, seconded by Supervisor Van Dyke, Resolution No. 29-06/01, a resolution urging the Wisconsin legislative delegation to support the expenditure of the Intergovernmental Transfer Program funds as proposed in the Governor's budget and agreed to by counties and the nursing home industry, was adopted.

Resolution No. 29-06/01  
Intergovernmental Transfer Program

WHEREAS, county nursing homes in Wisconsin have traditionally served the hardest to care for and most needy residents in the community and;

WHEREAS, in the early 1990's, county nursing homes, along with the Wisconsin Counties Association (WCA), initiated, developed and persuaded the state to implement a method to certify county Title XIX losses to obtain federal matching funds which has been called the Intergovernmental Transfer Program and;

WHEREAS, the state of Wisconsin adopted this type of Intergovernmental Transfer Program only to, over time, keep nearly seventy percent of the federal revenues earned by county nursing homes Title XIX costs while returning approximately 30 percent of those revenues to county homes and;

WHEREAS, in 2000 the state kept approximately 80 million of the approximately 120 million dollars of federal funds generated by county nursing homes and;

WHEREAS, the result of this practice by the state is that many county nursing homes are on the verge of going out of business and;

WHEREAS, many counties do not have alternative placements for the individuals in their facilities with very serious needs and;

WHEREAS, beginning in 2000, the WCA, the Wisconsin Association of Homes and Services for the Aging (WAHSA) and the Wisconsin Health Care Association (WHCA) entered into discussions with consultants from Pennsylvania who offered a different way for county homes in Wisconsin to again capture additional federal funding and;

WHEREAS, the WCA, in a cooperative effort with WAHSA and WHCA hired these consultants to develop a different type of Intergovernmental Transfer Program for Wisconsin in order to capture additional federal funding and;

WHEREAS, the aforementioned groups convinced the Administration (initially Thompson Administration now McCallum Administration) to work with these consultants to revise Wisconsin's Medicaid Plan to implement this new type of Intergovernmental Transfer Program and;

WHEREAS, the McCallum Administration submitted this proposal to the federal government and;

WHEREAS, the proposal calls for Rock, Walworth and Sheboygan counties to transfer funds to the state of Wisconsin and;

WHEREAS, the McCallum Administration entered into a written agreement with the WCA and the nursing home associations on how the new revenues should be spent and;

WHEREAS, Governor McCallum's proposed budget includes expending the anticipated revenues under the new Intergovernmental Transfer Program according to the written agreement with the WCA and the nursing home associations.

NOW, THEREFORE, BE IT RESOLVED, that Walworth County strongly urges our legislative delegation to support the expenditure of the Intergovernmental Transfer Program funds as proposed in the Governor's budget and agreed to by counties and the nursing home industry.

BE IT FURTHER RESOLVED, that Walworth County also strongly urges our legislative delegation not to vote for any final version of the biennial budget that does not spend the Intergovernmental Transfer Program funds according to the written agreement with the counties, nursing home associations and the McCallum Administration.

BE IF FURTHER RESOLVED, that a copy of this Resolution be forwarded to Governor McCallum, Department of Administration Secretary George Lightbourn, Department of Health and Family Services Secretary Phyllis Dube, Walworth county's legislative delegation and the WCA.

Dated this 7th day of June, 2001.

Allen L. Morrison  
County Board Chair

Kimberly S. Bushey  
County Clerk

Policy and Fiscal Note Attached:  Yes  No

David A. Bretl  
Administrative Coordinator  
5/22/01  
Date

Approved as to Form: Dennis D. Costello  
Corporation Counsel  
5/22/01  
Date

Reviewed  
Budget/Fiscal Impact: Nicki Andersen (pw)  
Finance Director  
5/22/01  
Date

Circle  
Action Required: Majority Vote Two-thirds Vote Other (Please Specify)

Committee: Board of Trustees  
Consideration: Date: April 11, 2001 Vote: 7-0

Resolution Introduced by: Lakeland Health Care Center Board of Trustees

Policy and Fiscal Note

I. TITLE:

Resolution No. 29-06/01 Intergovernmental Transfer Program

II. PURPOSE AND POLICY IMPACT STATEMENT:

The purpose of this resolution is to request our legislative delegation to support the expenditure of the Intergovernmental Transfer Program funds as proposed in the Governor's budget and not to vote for any final version of the biennial budget that does not spend the Intergovernmental Transfer Program funds according to the written agreement with the counties, nursing home associations and the McCallum Administration.

III. FISCAL IMPACT:

There is no fiscal impact associated with this resolution. However, should the legislature fail to support the expenditure of the Intergovernmental Transfer Program funds proposed in the Governor's budget and agreed to by counties and the nursing home industry, a fiscal impact will result in the future.

IV. ADDITIONAL KEY INFORMATION:

The resolution was drafted by the Wisconsin Counties Association (WCA) and County Boards are encouraged to adopt the resolution.

V. COMMITTEE CONSIDERATION:

April 11, 2001      Board of Trustees      Approved 7-0

VI. APPROVED AS TO FORM:

David A. Bretl      5/22/01  
Administrative Coordinator      Date

Dennis D. Costello      5/22/01  
Corporation Counsel      Date

Nicki Andersen (pw)      5/22/01  
Finance Director      Date

On motion by Supervisor Miles, seconded by Supervisor Tilton, Resolution No. 30-06/01, supporting a youth aids proposal developed by the Wisconsin County Human Service Association, was adopted.

## RESOLUTION NO. 30-06/01

### YOUTH AIDS PROPOSAL RESOLUTION

WHEREAS, Youth Aids was created in 1982 to provide each county with an annual allocation of state funds from which a county would pay for juvenile justice related costs; and

WHEREAS, in 2000, counties received approximately \$86.5 million in Youth Aids funding, while total county juvenile justice costs exceed \$207 million annually; and

WHEREAS, the Legislative Audit Bureau's 1999 Youth Aids Audit highlighted the dramatic increase in out-of-home placement and juvenile justice costs; and

WHEREAS, according to the Legislative Audit Bureau, from 1992 to 1997 county costs for juvenile justice out-of-home placement dispositions increased from \$89 million to \$129.5 million or by 45.5%; and

WHEREAS, in Walworth County, juvenile justice costs for calendar year 1999 were \$4,919,782 and out-of-home placement costs were \$3,488,558 while the Youth Aids allocation was \$916,586; and

WHEREAS, rising costs associated with out-of-home placement expenditures and inadequate state funding means that limited dollars are available for earlier community based intervention services; and

WHEREAS, research has shown that community-based programs, compared to institutional care, more effectively:

- Provide long term community safety through the reduction of recidivism by engaging juveniles in constructive and meaningful community-based activities;
- Ensure that juvenile offenders are held accountable through active participation in activities to restore the harm caused by crime and to pay back the community;
- Enhance the skills of youthful offenders to engage in sustaining employment;
- Re-engage the offender with appropriate peers and adults to provide long term reinforcement for involvement in responsible activities; and
- Build upon the strengths of community members and reinforce the community's key role in crime prevention; and

WHEREAS, counties have long argued that community-based program funding is needed to stop the tide of juveniles graduating to the adult criminal justice system.

NOW, THEREFORE, BE IT RESOLVED that the Walworth County Board of Supervisors supports the following proposal developed by the Wisconsin County Human Service Association:

- that the State fund 20% of a county's annual out-of-home placement costs out of GPR;
- that the county reinvest that 20% into community-based juvenile justice programs; and
- that the county evaluate and document the success or failure of those programs; and

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to all area Legislators, Governor Scott McCallum, DOA Secretary George Lightborn, DOC Secretary John Litscher, the Wisconsin County Human Service Association, and the Wisconsin Counties Association.

Dated this 7th day of June, 2001.

ALLEN L. MORRISON  
County Board Chairman

KIM BUSHEY  
ATTEST: County Clerk

Policy and Fiscal Note Attached:  Yes  No

FISCAL NOTE: Adoption of this resolution will not require an additional expenditure of tax levy funds.

Approved as to Form:	David A. Bretl	5/25/01
	Administrative Coordinator	Date
	Dennis D. Costello	5/25/01
	Corporation Counsel	Date
	Nicki Andersen	5/25/01
	Finance Director	Date

Action Required: Majority Vote Two-thirds Vote Other: \_\_\_\_\_

Resolution  
Policy & Fiscal Note

I. Title: Increase Funding for Youth Aids



Authorizing the Administrative Coordinator and the Chairman of Public Property Committee to Enter into Negotiations with the City of Elkhorn Concerning the Location of Court Facilities to be Conducted in Accordance with Previous Guidance of the County Board and Subject to the Board's Final Approval

Moved/Sponsored by: County Board Public Property Committee

WHEREAS, on March 13, 2001 the Walworth County Board, in closed session, established negotiating points to be pursued with the City of Elkhorn concerning ~~relocation~~ location of court facilities; and

WHEREAS, the Common Council of the City of Elkhorn, through its city administrator, Samuel E. Tapson, Jr., expressed a willingness to engage in discussions with the County concerning a settlement of the Courthouse expansion issue; and

WHEREAS, the County Board of Supervisors wishes to pursue said negotiations and clarify responsibilities and authority attendant thereto; and

WHEREAS, it is the recommendation of the Public Property Committee that the Administrative Coordinator and the Public Property Committee chairman be responsible for conducting said negotiations in accordance with the previously approved negotiating points and that any proposed resolution of this matter be subject to final approval by the Walworth County Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED that the Walworth County Board authorizes and directs Administrative Coordinator David A. Bretl and Public Property Committee Chair William M. Norem to negotiate on behalf of the County Board with the City of Elkhorn concerning location of new courts facilities in accordance with negotiating points established by the Board of Supervisors during its March 13, 2001 meeting.

BE IT FURTHER RESOLVED that any resolution developed in said negotiations be subject to the final approval of the Walworth County Board of Supervisors.

County Board Chair

Allen L. Morrison

Attest: County Clerk  
Kimberly S. Bushey

Policy and Fiscal Note Attached:           X           Yes  
No

Approved as to Form:

David A. Bretl

05/03/01

Administrative Coordinator	Date
Gary Rehfeldt	5/31/01
Corporation Counsel	Date
Nicki Andersen (pw)	5/31/01
Finance Director	Date

Action Required:    Majority Vote            Two-thirds Vote            Other \_\_\_\_\_

County Board Meeting Date:            June 7, 2001

*Walworth County, Wisconsin*  
County Board of Supervisors

Policy and Fiscal Note  
Resolution No. 31-06/01

- I. Title: Authorizing the Administrative Coordinator and the Public Property Committee Chair to Enter into Negotiations with the City of Elkhorn concerning the Location of Court Facilities to be Conducted in Accordance with Previous Guidance of the County Board and Subject to the Board's Final Approval
- II. Purpose and Policy Impact Statement: At its March 13, 2001 meeting, the County Board of Supervisors, in closed session, established negotiating points with the City of Elkhorn concerning relocating court facilities. In a response to an invitation from the City of Elkhorn to engage in negotiations, the Public Property Committee recommends designating Public Property Committee Chair William A. Norem and Administrative Coordinator David A. Bretl to be responsible for negotiating with the City of Elkhorn utilizing the previously approved negotiating points and that any agreement be subject to the final approval of the Walworth County Board of Supervisors.
- III. Is this a budgeted item and what is its fiscal impact: Until such time as negotiations have ended and terms have been finally approved by the County Board, there is no known policy or fiscal impact associated with this resolution.

