

THE JULY 8, 2003 SESSION
OF THE
WALWORTH COUNTY BOARD OF SUPERVISORS
SPECIAL MEETING 5:30 – 5:45 PM

The Walworth County Board of Supervisors was called to order by Chairman Norem at 5:30 p.m. at the Walworth County Courthouse, 100 W. Walworth St., Elkhorn, Wisconsin.

Roll Call of Members

Roll call was read with all Supervisors present except Supervisors Ketchpaw and Wenglowsky who had been excused. Supervisor Palzkill was also absent. A quorum was established. Supervisors Lohrmann and Lothian arrived immediately following roll call and Supervisor Shroble arrived at 5:45 p.m.

Special Order of Business

David Bretl, County Administrator, presented an overview of his visit to Landkreis Waldeck-Frankenberg, Germany.

Bretl said that he went to Germany to sign the Sister County partnership agreement between Landkreis Waldeck-Frankenberg and Walworth County. The actual "twinning ceremony" (as they called it in Germany) took place in Bad Arolsen, a city in Waldeck-Frankenburg. To highlight their relationship with Walworth County the Germans wanted to sign the agreement in connection with the Hessentag. Hessentag is a festival, similar to a state fair, that travels from county to county within the State of Hesse. To host the Hessentag is a great honor. Bretl showed slides of pictures of the June 14, 2003 signing ceremony. Bretl gave the Supervisors the history of the region as he showed the slides. Bretl said that everything was first class including a specially arranged edition of the Star Spangled Banner for Baroque Quartet. Bretl said that the Germans were not ashamed to use the resources to do a job that needed to be done. Bretl said that he received outstanding treatment in Germany and learned a great deal about our Sister County.

To give some background as to how this relationship developed Bretl said that Supervisor Lothian had been involved in sponsoring this partnership in early 2002. In April 2002, a delegation of twelve people came here from Germany. Bretl said that they discussed the W-2 welfare program and a little about Walworth County issues; they were also interested in municipal issues. In October 2002 the Walworth County Board passed a resolution with an agreement to join into a sister relationship. Bretl said that he saw many of the twelve again at the signing ceremony.

Waldeck-Frankenberg is a consolidation of two formerly independent counties in the State of Hesse. Bretl said that it makes one think that perhaps some things could be

consolidated here in Walworth County. Bretl said that he would recommend that we become more familiar with the relationship and Supervisors should be interested in going to Germany. He said that they are very interested in the Supervisors visiting Waldeck-Frankenberg to promote their county. Bretl encouraged the Supervisors to travel to Germany and said that the Supervisors could be good promoters of themselves, of Walworth County, and of our interests. The school relationship is a valued one and would be a tangible worthwhile way to strengthen our relationship.

Bretl said that the region he visited is northeast of Frankfurt. Tourism and agriculture are the number one and two industries in the area. The Germans have a lot of enthusiasm about the relationship with Walworth County. Bretl said that he stayed with a family in Germany to get exposure that was not strictly from Government people.

Bretl presented a sixteenth century hand-drawn map of the Waldeck-Frankenberg region to the Supervisors. The map was presented to Bretl at the ceremony in Germany. Bretl said that he is looking for a way to display the map while keeping it safe. The map is 400 years old and Bretl said that he was very touched by the gift.

Adjournment

On motion by Supervisor Grant, seconded by Supervisor Shepstone, the Special Meeting was adjourned at 5:50 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 July 8, 2003, 5:30 p.m. Special Meeting.

THE JULY 8, 2003 SESSION
OF THE
WALWORTH COUNTY BOARD OF SUPERVISORS

AMENDED, Pages 4 and 7-Amended Additions Underlined, Deletions Struckthrough
The Walworth County Board of Supervisors was called to order by Chairman Norem at 6:00 p.m. at the Walworth County Courthouse, 100 W. Walworth St., Elkhorn, Wisconsin.

Invocation

Supervisor Allen Morrison gave the invocation.

Roll Call of Members

Roll call was read with all Supervisors present except Supervisors Ketchpaw and Wenglowsky who had been excused. A quorum was established.

Withdrawals From Agenda, if any

There were no withdrawals from the agenda.

Approval of the Agenda

On motion by Supervisor Scharine, seconded by Supervisor Gigante, the agenda was approved.

Approval of the Minutes

On motion by Supervisor Grant, seconded by Supervisor Morrison, the minutes of the June 10, 2003 County Board Meeting were approved.

Comment Period by Members of the Public

Chairman Norem requested comments from the public.

Betty Landreth, 11815 – 60th Street, Kenosha, spoke to the Supervisors. Landreth said that she is also known as the Kenosha Goat Lady. Landreth said that she was present at the meeting to let everyone know that she is not happy about Sinette being found guilty at the trial. Landreth said that the auction was held and the horses were sold for a "pittance." Landreth said that she would be here next month to keep this item fresh in the minds of the Supervisors.

2. Racine County Res. No. 2003-44S-Supporting Legalization of Video Lottery Machines In Restaurants and Taverns Licensed to Sell Alcoholic Beverages on Premises was referred to the Executive Committee.
3. Communications from the State of Wisconsin denying Walworth County's Res. No. 02-04/03 Requesting a Waiver from Certain Statutes Requiring Publication in a Newspaper of Certain Notices were placed on file.
4. Communications from the Lakeshores Library System and the Waukesha County Federated Library System were placed on file.
5. Also placed on file was a notice from Deputy Don Crowley regarding the DARE Camp Cookout which will be held on Friday, August 8, 2003.
6. The Report of the County Clerk Concerning Communications Received by the Board and Recommended to be Placed on File was placed on file.

The following items of correspondence received in the Clerk's Office after the agenda mailing were distributed to the Supervisors this evening:

- The Legislative Review
- Correspondence from the State of Wisconsin, Department of Health and Family Services and Department of Revenue denying Walworth County's Res. No. 02-04/03 – Requesting a Waiver from Certain Statutes Requiring Publication in a Newspaper of Certain Notices.
- 2003-2004 Official Directory of Walworth County
- Also distributed this evening was a corrected copy of Ordinance No. 242-07/03 – Creating Sections 15-130 to 15-299 of the Walworth County Code of Ordinances Relating to Outside Employment, Temporary Staffing, Medical Standards, and Civil Service. The sections were not numbered properly in the copy that was filed with the Clerk's office. The text has not changed.

The Clerk noted that a memo from Supervisor Nancy Russell with amended changes to Ord. No. 242-07/03 and a memo from Dave Bretl regarding amendments to the Johnson Controls Contract were also distributed to the Supervisors this evening.

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

- Frederic K. Lake, Town of Troy
- Jerome E. Brennan and John C. Brennan, Jr., Town of Walworth
- William C. Grunow, Jr. (William C. Grunow III & Jennifer L. Grunow, App.), Town of Linn
- Kenneth H. Monroe, Town of Bloomfield
- Todd and Denise Fink, Town of Lafayette
- Theodor Junker, (B. R. Amon & Sons, Inc., App.) Town of Sugar Creek

Report of Petitions Referred to County Zoning Agency

TO: The County Board of Walworth County

The undersigned County Clerk hereby reports that the following petitions for rezone of land in Walworth County were referred to the County Zoning Agency for public hearing:

1. Accolade Enterprises, LLP, Town of Bloomfield, B-1 to R-2
2. Paul E. Joseph, Town of Richmond, A-2 to C-2
3. William H. and Mary E. Lehner, Town of Lafayette, A-1 to C-2 and C-1 and A-1 to A-2
4. Evergreen Holdings, LLC (Gary P. Welsh, App.), Town of Lafayette, R-1 to B-4
5. Cliff's View, LLC, Town of Richmond, A-1 & A-3 to A-2 & C-2

Reports of Standing Committees

County Zoning Agency

Report of Proposed Zoning Amendments

A motion was offered by Supervisor Lothian to approve Items #1 through #5 of the Report of Proposed Zoning Amendments, seconded by Supervisor Kuhnke. Supervisor Polyock asked to pull out Item #4, Robert T. Stewart, Town of Walworth, Rezone 2 acres of A-1 to A-5 – denied 3-2, and send it back to the committee, seconded by Supervisor Morrison. Discussion ensued. The question was called by Supervisor Gigante, seconded by Supervisor Shepstone. Motion to refer Item #4 of the zoning amendments back to committee was approved with Supervisors Kuhnke, Burwell, Lightfield, and Peterson requesting to be recorded as “No” votes.

REPORT OF COUNTY ZONING AGENCY TO COUNTY BOARD ON HEARING ON PETITION TO AMEND THE WALWORTH COUNTY ZONING ORDINANCE

TO THE COUNTY BOARD OF WALWORTH COUNTY:

The County Zoning Agency, having considered the petitions to amend the Walworth County Zoning Ordinance and Shoreland Zoning Ordinance; and having held public hearings thereon, pursuant to Section 59.69(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. The Land Conservation Committee – filed a petition on the 15th day of April, 2003, to amend the text of the Walworth County Code of Ordinances – Private Sewage Systems – all Sections as follows: General Code of Ordinances for Walworth County Private Sewage Systems.

Recommendation: Said petition be approved.

2. Douglas and Deana Grall, Town of Whitewater – filed a petition on the 2nd day of April, 2003, to amend said zoning maps from A-1 Prime Agricultural Land District to C-2 Upland Resource Conservation District.

Recommendation: Said petition be approved after the appropriate findings were made as required by State Farmland Preservation Program S91.77(1) Wis. Stats.

Forty-six percent of the property proposed to be rezoned have non-prime farm soils. Also, one fifth of the area has a pond and is substantially wooded.

3. Town of Lyons (Scherrer Construction Co., Inc., App.) – filed a petition on the 2nd day of April, 2003, to amend said zoning maps from A-1 Prime Agricultural Land District & to P-2 Institutional Park District.

Recommendation: Said petition be approved after the appropriate findings were made as required by State Farmland Preservation Program S91.77(1) Wis. Stats.

A town hall is an allowed use on A-1 as a conditional use. Also, the parcel is substandard.

4. Robert T. Stewart, Town of Walworth – filed a petition on the 2nd day of April, 2003, to amend said zoning maps from A-1 Prime Agricultural Land District to A-5 Agricultural-Rural Residential District the following described lands:

Part of Tax Parcel #E W 1800007, describing 2.00 acres

A parcel of land zoned A-1 to be rezoned as A-5, located in part of the Northwest ¼ of Section 18, Town 1 North, Range 16 East, Town of Walworth, Walworth County, Wisconsin, described as follows:

Commencing at the West ¼ Corner of said Section 18; thence N 88DEG 28MIN 55SEC E, 360.03 feet along the South line of the Northwest ¼ of said Section 18 to the Point of Beginning; thence N 00DEG 43MIN 20SEC W, 438.00 feet; thence N 88DEG 28MIN 55SEC E, 198.60 feet to the East line of the West 17 acres of the Southwest ¼ of the Northwest ¼ of said Section 18; thence S 00DEG 43MIN 20SEC E, 438.00 feet to the South line of the Northwest ¼; thence S 88DEG 28MIN 55Sec W, 198.60 feet to the Point of Beginning. Containing 2.00 acres of land more or less.

Applicant's modified description of part of Tax Parcel #E W 1800007, describing 1.83 acres:

A parcel of land zoned A-1 to be rezoned as A-5, located in part of the Northwest 1/4 of Section 18, Town 1 North, Range 16 East, Town of Walworth, Walworth County, Wisconsin, described as follows:

Commencing at the West ¼ Corner of said Section 18; thence N 88DEG 28MIN 55SEC E, 405.03 feet along the South line of the Northwest 1/4 of said Section 18 to the Point of Beginning; thence N 00DEG 43MIN 20SEC W, 161.06 feet; thence S 89DEG 16MIN

40SEC W, 45.00 feet; thence N 00DEG 43MIN 20SEC W, 276.32 feet; thence N 88DEG 28MIN 55SEC E, 198.60 feet to the East line of the West 17 acres of the Southwest ¼ of the Northwest ¼ of said Section 18; thence S 00DEG 43MIN 20SEC E, 438.00 feet to the South line of the Northwest ¼; thence S 88DEG 28MIN 55SEC W, 153.60 feet to the Point of Beginning. Containing 1.83 acres of land more or less. Said petition be denied based on the facts that the parcel is Prime Agricultural Property and is properly zoned as is.

5. Michael Palenske, Town of Delavan – filed a petition on the 6th day of March, 2003, to amend said zoning maps from A-1 Prime Agricultural Land District to A-5 Agricultural-Rural Residential District.

Recommendation: Said petition be approved after the appropriate findings were made as required by State Farmland Preservation Program S91.77(1) Wis. Stats.

The parcel is not prime farmland and contains 70 percent poor soils in the area of the rezone.

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 Zoning Agency for public hearing; and

WHEREAS, the Walworth County Zoning Agency 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. The Land Conservation Committee – to amend the text of the Walworth County Code of Ordinances – Private Sewage Systems – all Sections as follows:

The Walworth County Code of Ordinances – Private Sewage Systems is amended in the following respects:

General Code of Ordinances for Walworth County Private Sewage Systems

PRIVATE SEWAGE SYSTEMS

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INTRODUCTION

Sec. 70.1 AUTHORITY

This chapter is enacted pursuant to the authority granted in Wis. Stats. §
 §59.70(1), 59.70(5), ~~97.30, 140.09, 140.45, 145.20~~ , Wis. Stats Chapter 145
 and provisions of the Wisconsin Administrative Code adopted pursuant
 thereto.

Sec. 70.2 JURISDICTION

The provisions of this chapter shall apply to all lands and waters within
 Walworth County except as otherwise provided by Wisconsin Statutes.

Sec. 70.3 PURPOSE

This ordinance is adopted to promote and protect public health and safety by
 assuring the proper siting, design, installation, inspection and management of
 private sewage systems and non-plumbing sanitation systems.

Sec. 70.4 REPEAL AND EFFECTIVE DATE

After public hearing, adoption by the County Board and publishing or posting as required by law, this ordinance shall be effective on the effective date any revisions to Comm 81-91 thereafter, Wisconsin Administrative Code, and Wisconsin Revisor of Statutes. The existing sanitary provisions for the County shall be repealed effective on the date of the enactment of this ordinance and follow any changes of the administrative code to be in compliance of administrative code changes.

Sec. 70.5 SEVERABILITY AND LIABILITY

Should any section, clause, provision or portion of this ordinance be adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby. This ordinance shall not create a liability on the part of or a cause of action against the County or any employee thereof for any private sewage system or non-plumbing sanitation system which may not function as designed. There shall be no liability or warranty for any site which is approved or denied. The issuance of a sanitary permit and the final inspection of such a system does not warrant the system's function, nor is there a guarantee that the system is free of defects or that all aspects of the system comply to Wisconsin Statute or Administrative Code requirements.

Sec. 70.6 INTERPRETATIONS

The provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes and related administrative codes.

Sec. 70.7 DEFINITIONS

The following terms shall have the meanings indicated in this section.

Buildings. See Structure.

Conventional Private Sewage System. A private sewage system consisting of a septic tank and an in-ground soil absorption component with gravity distribution of effluent.

Department. Land Use and Resource Management Department/Sanitation.

Domestic Wastewater. The type of wastewater, not including stormwater, normally discharged from or similar to that discharged from plumbing fixtures, appliances and devices including, but not limited to sanitary, bath, laundry, dishwashing, garbage disposal and cleaning wastewaters.

Failing Non-plumbing Sanitation System. A non-plumbing sanitation system is one which causes or results in the discharge of human wastes or excrement:

- a. into surface water or groundwater;
- b. into zones of bedrock; or
- c. to the surface of the ground.

Failing Private Sewage System. "Failing private sewage system" has the meaning specified under §145.245(4), Wisconsin Statutes. A private sewage system which discharges sewage to the ground surface, including intentional discharges and discharges caused by neglect, shall be considered a failing private sewage system.

Human Habitation. The act of occupying a structure as a dwelling or sleeping place, whether intermittently or as a principal residence.

Modification in Wastewater Flow or Contaminant Load. A modification in wastewater flow or contaminant load shall be considered to occur:

In public buildings, facilities or places of employment, when there is a proposed change in occupancy of the structure; or the proposed modification affects either the type or number of plumbing appliances, fixtures or devices discharging to the system; and

In dwellings, when there is an increase or decrease in the number of bedrooms.

Non-plumbing Sanitation System. Sanitation systems and devices within the scope of Comm 91, Wisconsin Administrative Code, which are alternatives to water carried waste plumbing fixtures and drain systems; including, but not limited to, incinerating toilets, composting toilets and privies.

Occupancy. Pertains to and is the purpose for which a building is used or intended to be used. A change of occupancy is not intended to include a change of tenants or proprietors.

Plumber. A person licensed by the State as a Master Plumber or Master Plumber-Restricted Services.

Portable Restroom. A self-contained portable unit that includes fixtures, incorporating holding tank facilities, designed to contain human excrement.

Private Interceptor Main Service. A privately owned sewer serving 2 or more buildings not directly controlled by a public authority.

Private Sewage System. Also referred to as a “Private On-Site Wastewater Treatment System” or “POWTS”, has the meaning given under s. 145.01(12), Wis. Stats.

Privy. An enclosed nonportable toilet into which nonwater-carried human wastes are deposited.

Privy-Pit. A privy with a subsurface storage chamber which is not watertight.

Privy-Vault. A privy with a subsurface storage chamber that is watertight.

Rebuilt. The construction which takes place after a structure is demolished or damaged to the extent of fifty percent (50%) of its current equalized assessed value.

Reconnection Permit-County. A permit is required for the construction of a structure to be connected to the existing POWTS.

Sanitarian. Sanitarian shall mean a county employee operating under the jurisdiction and supervision of the board, registered and duly licensed by the State of Wisconsin and responsible for the enforcement of this chapter.

Sanitary Permit - County. A permit issued by the Sanitation Division for the reconnection, grease interceptor, effluent lines, or modification of a private sewage system pursuant to §59.70 and 145.04, Wisconsin Statutes.

Sanitary Permit - State. A permit issued by the Sanitation Division for the installation or modification of a private sewage system, pursuant to §145.135 and 145.19, Wisconsin Statutes.

Septic Tank. An anaerobic treatment tank.

State. The Wisconsin Department of Commerce.

Structure. Anything constructed or erected, the use of which requires a location in or on the premises, or any other attachment to something having a permanent location on the ground, which includes, but is not limited to, objects such as buildings, factories, sheds and cabins, mobile homes, gas or liquid storage tanks, bridges, culverts, decks, satellite dishes or swimming pools. Also included are items of personal property that may have been designed as transportable or as a vehicle, but stand in a seasonal or permanent location for storage or intermittent human habitation. Such incidental structures may include (but are not limited to) truck campers, travel trailers, park or model units, buses, and motor homes.

Wisconsin Fund. Under Comm 87, establish rules under Sec. 145.245, Stats, for the implementation and administration of a financial assistance program to replace or rehabilitate failing private sewage system.

GENERAL REQUIREMENTS

Sec. 70-8 COMPLIANCE.

- (1) All structures or premises in the County that are permanently or intermittently intended for human habitation or occupancy, which are not serviced by a public sewer, shall have a system for holding or treatment and dispersal of sewage and wastewater which complies with the provisions of this ordinance.
- (2) The private sewage system or non-plumbing sanitation system for newly constructed structures or structures requiring a Reconnection Permit shall be installed, inspected, and approved before the structure may be occupied.
- (3) No person shall install, move, reconstruct, extend, enlarge, convert, substantially alter, or change the use of any private sewage system or any part thereof without a sanitary permit and with full compliance with all provisions of all applicable county and state regulations. Milk houses without lavatories or stools shall not require a sanitary permit.
 - (4) Emergency repairs or the removal of stoppages may be performed without a sanitary permit, provided such work is reported to the county sanitarian as soon as possible for a determination as to whether a sanitary permit is required.

Sec. 70.9 INCORPORATION OF PROVISIONS BY REFERENCE.

This ordinance incorporates by reference the following rules, regulations, and laws, as set forth in the Wisconsin Statutes and the Wisconsin Administrative Code governing the location, construction, and use of private sewage systems: §59.70(5), Chs. 145, 254.59, 281.48 and 968.10, Wisconsin Statutes; Chs. Comm 81, Comm 82, Comm 83, Comm 84, Comm 85, Comm 87, Comm 91, NR 113 and NR 116 Wisconsin Administrative Code. These rules, regulations, and laws shall apply until amended or renumbered and then shall apply as amended or renumbered.

Sec. 70.10 APPLICABILITY.

The requirements of this ordinance shall apply to all geographic areas within the County.

Sec. 70.11 LIMITATIONS.

- (1) All domestic wastewater shall enter a private sewage system unless otherwise exempted by the State or this ordinance.
- (2) A non-plumbing sanitation system may be permitted only when the structure or premises served by the non-plumbing sanitation system is not provided with an indoor plumbing system. If plumbing is installed in the structure or running water is supplied to the structure, an acceptable method of sewage disposal other than, or in addition to, a non-plumbing sanitation system must be provided.
- (3) Portable restrooms may be utilized for temporary purposes only. For the purpose of this section, temporary shall mean the following: For temporary gatherings, festivals and similar activities, a period of 30 consecutive days or less. For use at any construction site, the duration of the construction plus two (2) weeks. A sanitary permit is not required for a portable restroom.
- (4) Any private sewage system, or portion(s) thereof, installed within a floodplain shall comply with all applicable requirements of NR 116, Wisconsin Administrative Code, and the Walworth County Zoning Code, Chapter 74 of the General Code of Ordinances for Walworth County.
- (5) Newly created lots after August 13, 1974 are prohibited from having a holding tank as a primary system.
- (6) Installation of a holding tank is prohibited if any other type of private sewage systems permitted by Comm 83, Wisconsin Administrative Code, may be utilized.

A sanitary permit for the installation, modification, or replacement of a holding tank, or which designates a holding tank as a replacement system, shall not be issued unless a Soil and Site Evaluation determines that the property is unsuitable for any other type of system permitted by Comm 83.61(1)-(4), Wisconsin Administrative Code, except as provided in (a) (b) or (c) below.

- (a) A temporary holding tank may be installed if a public sewer, approved by the Department of Natural Resources, will be installed to serve the property within 2 years of the date of sanitary permit issuance. In addition to items required in sec. 70.15, an application for a sanitary permit to install a temporary holding tank shall include written statements from:

1. The municipality or sanitary district, verifying the date that public sewer will be installed and available to serve the property;
2. The Department of Natural Resources, verifying approval of the public sewer; and
3. The property owner, agreeing to connect to public sewer when it becomes available and to abandon the temporary holding tank.

If public sewer does not become available within 2 years of the date of sanitary permit issuance, the holding tank shall be replaced with another type of system recognized by Comm 83, Wisconsin Administrative Code.

- (b) A holding tank may be installed per department approval to serve a use other than a dwelling or commercial building with a Design Wastewater Flow of less than 150 gallons per day. In addition to items required in sec. 70.15, an application for a sanitary permit to install a holding tank to serve a use with less than 150 gallons per day shall include a copy of a recorded affidavit from:
 1. The property owner, agreeing to install another type of system if any change of occupancy or use occurs which results in a Design Wastewater Flow which equals or exceeds 150 gallons per day.
- (c) Lots platted prior to August 13, 1974, the effective date of the Shoreland Zoning Ordinance, may have a holding tank if no option for any other type of private sewage system as permitted under Comm 83.61(1)-(4) remains.

(7) Failing systems.

- (a) When a failing private sewage system or non-plumbing sanitation system is identified, it shall be brought into compliance with current code requirements, replaced with a code compliant system or its use discontinued within that period of time required by Department order.
 - (b) Unlawfully modified private sewage systems, a private sewage system that has sewage bypassed or a holding tank which is discharging untreated or partially treated sewage to the ground, ground surface or surface waters may be ordered by the Department to be corrected or replaced with a code compliant system.
- (8) Building sewers for new construction shall exit the building such that a minimum of 18 inches of soil cover above the sewer can be provided without placing soil within 8

inches of unapproved building materials. (Note: if untreated lumber is used for framing and sheeting, the top of the building sewer must exit at least 26 inches below the top of the foundation.)

Section 70.12 ABANDONMENT OF PRIVATE SEWAGE SYSTEMS

- (1) When public sewers approved by the Department of Natural Resources become available to the structure or premises served, the private sewage system shall be disconnected within one year and a connection made to the public sewer. Determination of whether sewer is available shall be made by the utility having jurisdiction. Abandonment of the disconnected private sewage system shall be done in accordance with the provisions of Comm 83, Wisconsin Administrative Code.
- (2) The components of an existing private sewage system that are not part of the approved design of a replacement system shall be abandoned at the time of the installation of the replacement system by the plumber installing the system. The abandonment shall comply with Comm 83, Wisconsin Administrative Code.

PERMITS AND APPLICATIONS

Section 70.13 SOIL AND SITE EVALUATION.

- (1) Soil and site evaluations shall be done prior to the issuance of permits as specified in Comm 83, Comm 85 and Comm 91, Wisconsin Administrative Code.
- (2) Soil test pits shall be constructed which allow adequate visual observation of the soil profile in place. This is best accomplished by the excavation of backhoe pits.
- (3) Original soil test must be filed at county by owner or requester.
- (4) Department verification of a Soil and Site Evaluation Report is necessary to determine the suitability of a lot for a private sewage system. This verification will be made at the discretion of the County Sanitarian and will be made prior to the issuance of the sanitary permit. This verification shall result in one of the following:
 - (a) Issuance of the permit, provided all information on the application is correct and complete.
 - (b) Establishment of a file indicating site suitability.

- (c) Holding the application pending clarification of information or new information by the owner, the plumber, or the certified soil tester.
 - (d) Denial of the permit if the site does not meet all the provisions of this ordinance and appropriate Wisconsin Statutes and Administrative Codes. If the permit application is denied, the fees will be returned to the submitting party, except as provided in sec. 70.25(3)2.
- (5) A certified soil tester must request Department verification of a Soil and Site Evaluation Report before a complete sanitary permit application is submitted. Verification of soils will be made at the discretion of the County Sanitarian. Application for this verification shall include all information required in sec. 70.15(1)(a - f) on forms provided by the Department, the original copy of the Soil and Site Evaluation Report and as many copies as are required by the Department.
- (a) There shall be a county site evaluation fee.
 - (1) Site evaluation fee not required for holding tank only lots.
 - (b) A reinspection fee may be assessed if excavation of soil test pits is not complete before the appointed time for Department verification.
 - (c) Soil evaluations shall be conducted as per Comm. 85.20(4)
- (6) Interpretive Determinations
- (a) Department soil verification is required for all interpretive determinations.
 - (b) A complete Soil and Site Evaluation report must be filed prior to Department soil verification.
 - (c) Department verification shall be conducted when the site is not snow covered or frozen.
 - (d) Soil pits shall be excavated to a depth of 3 feet below the limiting factor, to bedrock, or observed water table, whichever is shallower. The bottom of the soil pit shall be at least 2 feet by 3 feet.
 - (e) The proposed system area shall be staked on the contour, prior to Department verification, using steel, wood, plastic or other durable material, be of a color which contrasts the dominant vegetation and of sufficient height to remain visible.

Sec. 70.14 SANITARY PERMITS.

- (1) Every private sewage system shall require a separate application and state sanitary permit.
- (2) A state sanitary permit shall be obtained by the property owner, his agent or contractor, in the name of the property owner, prior to the installation, establishment or construction of any structure which requires a private sewage system or non-plumbing sanitation system. Any property owner, his agent or contractor, who starts construction prior to obtaining a sanitary permit is in violation and may be subject to the penalties provided in this ordinance.
- (3) A state or county sanitary permit shall be obtained by the property owner, his agent or contractor, before any private sewage system or part thereof may be installed, replaced, reconnected or modified. A sanitary permit is not required for the addition of manhole risers or for the replacement of manhole covers, manhole risers, baffles or pumps.
- (4) A County Sanitary Permit shall be obtained prior to constructing or installing a non-plumbing sanitation system.
- (5) If any part of a private sewage system has failed or requires replacement or modification only the component being replaced has to meet current code. This shall include a soil and site evaluation for those components that utilize in situ soil for treatment or dispersal, unless a valid report is already on file with the Department. If any part of the system is found to be defective or not in conformance with the applicable provisions of this ordinance, the sanitary permit application shall include specifications for the repair, renovation, replacement or removal of that part.
- (6) Any sanitary permit provisions, stipulations or conditions of approval shall have the same authority as any provision of this ordinance.

Sec. 70.15 APPLICATION REQUIREMENTS.

- (1) A sanitary permit application shall include the following information which shall be furnished by the applicant on forms required by the State and/or the Department along with all applicable fees:
 - (a) Names and addresses of the applicant (owner of the site) and the plumber employed (when applicable).

- (b) Legal description of the subject site and the parcel identification or parcel number.
 - (c) All lot dimensions.
 - (d) Driving directions to the site.
 - (e) Building use (single family, duplex, etc.).
 - (f) Soil and Site Evaluation report.
 - (g) System plans (sec. 70.16)
 - (h) Appropriate agreements and contracts for system management and maintenance.
 - (i) Verification that any existing private sewage systems on the same parcel of land are not failing private sewage systems.
 - (j) Copies of any documents required in sec. 70.15(4) and verification that they have been recorded.
 - (k) Any other information required by the Department, including verification of compliance with sec. 70.39(11) of this ordinance.
 - (l) Plans must meet erosion control standards as per Wisconsin Construction Site Best Management Practice Handbook.
- (2) When any official State action is required prior to the issuance of a sanitary permit, an original copy of the official action shall accompany the application.
- (3) Pit privy permit applications shall be accompanied by soil data provided by a Certified Soil Tester to determine compliance with Comm 91, Wisconsin Administrative Code.
- (4) The following documents must be recorded with the Walworth County Register of Deeds prior to sanitary permit issuance:
- (a) Maintenance agreements or contracts, if recording is required by Comm 83, Wisconsin Administrative Code, or sec.70.37 of this ordinance.

- (b) If a private sewage system, or parts thereof, are located on a different parcel than the structure served, an appropriate easement or combined parcel affidavit must be recorded.
 - (c) If a private sewage system serves more than one structure under different ownership, a document identifying all parties that have ownership rights and are responsible for the operation and maintenance must be recorded.
 - (d) If a private sewage system is owned by a party other than the owner of the parcel on which it is installed, a document identifying the owner of the system, the structures to be served by the system, and the party responsible for operation and maintenance must be recorded.
 - (e) If the design wastewater flow of a private sewage system for a dwelling is not based upon the number of bedrooms within the dwelling, a deed restriction limiting occupancy to that used in the design must be recorded.
 - (f) If a holding tank is installed in lieu of another type of private sewage system for a use with a design wastewater flow of less than 150 gallons per day, an affidavit as specified in sec. 70.11(4) of this ordinance.
 - (g) Flow and loads affidavit.
 - (h) Privy installation agreement.
- (5) The Department reserves the right to require Floodplain and/or Wetland delineation for a building site or proposed private sewage system area prior to sanitary permit issuance. The Department may require elevations on plans to be tied to floodplain elevation datum by a Registered Land Surveyor.
- (6) The Department reserves the right to refuse incomplete or incorrect permit applications or to delay permit issuance until corrected or completed applications are received.

Sec. 70.16 PLANS.

System plans shall be submitted for approval to the Department or to the State in accordance with Comm 83, Wisconsin Administrative Code. Plans shall comply with the requirements of Comm 83, Wisconsin Administrative Code, and this ordinance.

- (1) Plans submitted to the Department shall include the original and as many copies as are required by the Department.
- (2) If plans are reviewed and approved by the State, at least one set of the plans submitted to the Department shall bear an original State approval stamp or seal.
- (3) Plans submitted shall be clear, legible and permanent copies.
- (4) Plans submitted shall comply with Comm 83, Wisconsin Administrative Code, and include the following:
 - (a) The name of the property owner and the legal description of the site;
 - (b) Estimated daily wastewater flow and design wastewater flow.
 - (c) A detailed plot plan (site plan), dimensioned or drawn to scale, on paper no smaller than 8½ inches by 11 inches in size. The plot plan shall delineate the lot size and the location of all existing and proposed: private sewage system components; building sewers; private interceptor main sewers; wells; water mains or water services; buildings; lot lines; swimming pools; navigable waters; and the benchmark established on the Soil and Site Evaluation Report. Adjoining properties shall be checked to insure that the horizontal setback parameters in Comm 83.43, Wisconsin Administrative Code, are complied with. All separating distances and dimensions shall be clearly shown on the plot plan.
 - (d) Details and configuration layouts depicting how the system is to be constructed.
 - (e) A management plan for the proposed system.
 - (f) A description of a contingency plan in the event the proposed private sewage system fails and cannot be repaired. (see sec. 70.11(4)).
 - (g) Sufficient supporting information to determine whether the proposed design, installation and management of the proposed private sewage system or modification to an existing system complies with this ordinance.
- (5) Plans shall be signed or sealed as specified in Comm 83, Wisconsin Administrative Code.

- (6) A copy of the approved plans shall be maintained at the construction site until the private sewage system installation is completed, inspected and accepted. The plans shall be made available to the Department or the State upon request.
- (7) Revisions to a private sewage system plan that has been previously approved shall be submitted to and approved by the department under Comm. 83. Revisions to private sewage system designs requiring state approval before being submitted to the department prior to system installation.
 - (a) A fee will be assessed 30 days after written notification, see Sec. 70.25(2)(a).
 - (b) Department reserves the right to require submittal of other information and/or documentation needed to ensure compliance with this ordinance and Comm. 83 before any additional permits will be issued.

Sec. 70.17 PERMIT CARDS.

- (1) The permit card issued by the County Sanitarian to the property owner or his agent shall serve as the sanitary permit.
- (2) The permit card shall contain all the information required by §145.135, Wisconsin Statutes.
- (3) The permit card shall be displayed at the site in such a manner that it will be visible from a road abutting the lot during all construction phases.
- (4) The permit card may not be removed until the private sewage system has been installed, inspected, and approved by the department.
- (5) Failure to display the permit card shall be considered a violation of this section and may subject the property owner, his agent or contractor, to penalty provisions of this ordinance.

Sec. 70.18 PERMIT EXPIRATION AND RENEWAL.

- (1) A sanitary permit for a private sewage system or non-plumbing sanitation system which has not been installed, modified or reconnected and approved shall expire two years after the date of issuance. Permits may be renewed following written application to the

Department by the property owner, his agent or contractor, prior to the expiration date of the original permit.

- (2) There shall be a fee for the renewal of a sanitary permit if renewal is sought more than one year after issuance.
- (3) The renewal shall be based on ordinance requirements in force at the time of renewal.
- (4) Changed ordinance requirements may impede the renewal.
- (5) The property owner, his agent or contractor, shall return the original permit card and receive a new card when the permit is renewed.
- (6) All sanitary permits issued prior to the effective date of this ordinance shall expire two years from the date of issuance unless renewed.
- (7) A new sanitary permit shall be obtained by the owner or his agent prior to beginning construction if a sanitary permit has expired.

Sec. 70.19 TRANSFER OF OWNERSHIP.

Transfer of ownership of a property for which a valid sanitary permit exists shall be subject to the following:

- (1) The applicable county transfer form shall be submitted to the Department.
- (2) There shall be a fee for transfer of ownership for a parcel.
- (3) The sanitary permit card shall be returned to the Department so that a new permit card may be issued.
- (4) Transfer of ownership shall not affect the expiration date or renewal requirements.

Sec. 70.20 CHANGE OF PLUMBERS.

- (1) When an owner wishes to change plumbers, it will be necessary for him to furnish the Department with the applicable transfer form signed by the new plumber.
- (2) There shall be a fee for change of plumbers/or revisions.

- (3) The transfer of sanitary permits shall take place prior to the installation of the private sewage system.
- (4) Sanitary permits for systems requiring State plan approval shall not be transferred to a different plumber unless the plan bears the stamp of an architect or engineer, plumbing designer, or a State level approval is obtained by the new plumber.
- (5) State Sanitary Permit belongs to the property owner and cannot be transferred between plumbers.

Sec. 70.21 PERMIT DENIAL.

When applicable provisions of Wisconsin Statutes, Wisconsin Administrative Code or this Ordinance have not been complied with when applying for a sanitary permit, the permit shall be denied. Reasons for the denial shall be forwarded to the plumber, landowner and when appropriate State representative(s) and Corporation Counsel.

Sec. 70.22 RECONNECTION.

- (1) A County reconnection permit shall be obtained prior to:
 - (a) Construction of a structure to be connected to an existing private sewage system;
 - (b) Disconnection of a structure from an existing private sewage system and connection of another structure to the system, except as permitted in sec. 70.22(4); or
 - (c) Rebuilding a structure that is connected to a private sewage system.
 - (d) Rebuilding or adding a structure over existing building sewer line.
- (2) Prior to issuing a reconnection permit, the existing private sewage system shall be examined to:
 - (a) Determine if it is a failing system.
 - (b) Determine if it will be capable of handling the proposed wastewater flow and contaminant load from the building to be served.
 - (c) Determine that all minimum setback requirements of Comm 83, Wisconsin Administrative Code, will be maintained.

- (3) Application for a County reconnection permit shall include the following:
- (a) All items in sec. 70.15(1)(a - e) and sec. 70.15(1)(i-k);
 - (b) For all systems that utilize in situ soil for treatment or disposal, a Soil and Site Evaluation report verifying that the vertical separation distance between the infiltrative surface of the existing treatment or dispersal component and estimated high groundwater elevation and/or bedrock complies with Comm 83, Wisconsin Administrative Code, unless a valid report meeting these criteria is on file with the department;
 - (c) A report provided by a licensed plumber, certified septage servicing operator or a private sewage system inspector relative to the condition, capacities, baffles and manhole covers for any existing treatment or holding tanks;
 - (d) A report provided by a licensed plumber or private sewage system inspector relative to the condition and capacities of all other system components and verifying that the system is not a failing system;
 - (e) A plot plan prepared by a plumber including information specified in sec. 70.16(4)(c); and
 - (f) Reconnection to existing holding tanks may require a new servicing contract and an updated holding tank agreement which meets the requirements of this ordinance.
 - (g) Reconnection to an existing system other than a holding tank may require a new maintenance agreement or contract.
- (4) Replacing a structure with a new or different structure within two years of the date of permit issuance will only require a statement that the system has not been altered, a statement that a modification in wastewater flow or contaminant load will not occur, a plot plan that documents all setbacks between the structure and system components, and a reinspection fee.
- (5) When reconnection to an existing system is permitted by Comm 83 and 84, Wisconsin Administrative Code.; flows and loads affidavit must be recorded, if applicable.
- (6) All systems shall be inspected at the time of reconnection to the building sewer, prior to backfilling, to insure that proper materials and methods are being used.

Sec. 70.23 CONSTRUCTION AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD.

Prior to commencing the construction of an addition to or modification of a structure which will affect the wastewater flow and/or contaminant load to an existing private sewage system, the owner(s) of the property shall:

- (1) Possess a sanitary permit to construct a new private sewage system or modify an existing private sewage system to accommodate the modification in wastewater flow or contaminant load; or
- (2) Provide the following to the Department:
 - (a) Documentation that a Private Sewage System of adequate capability and capacity to accommodate the wastewater flow and contaminant load already exists to serve the structure, as specified in Comm 83, Wisconsin Administrative Code;
 - (b) Documentation showing that the location of the proposed structure conforms to the applicable setback distances to all of the existing private sewage system components; and
 - (c) Documentation specified in sec. 70.22(3)(b, c & d) and sec. 70.14(4).
- (3) Any installation, addition or modification of a system must be completed and accepted before the addition or modified area of the structure may be occupied.

Sec. 70.24 CONSTRUCTION NOT AFFECTING WASTEWATER FLOW OR CONTAMINANT LOAD.

Prior to commencing construction of any structure or addition to a structure on a site where there exists a private sewage system the owner or his agent shall determine that the proposed structure conforms with applicable setback limitations of Comm 83, Wisconsin Administrative Code. Documentation shall be submitted as required in Comm 83, Wisconsin Administrative Code.

ADMINISTRATION

Sec. 70.25 ADMINISTRATION FEES

- (1) Licenses Required

All persons performing any work on any private sewage system shall obtain the required licenses from the state department of commerce or state department of natural resources prior to commencing such work. Plumbing licenses are issued by the department of commerce, and Wis. Stats § 145.06(2) states licenses shall be issued only to an individual and no license shall be issued to or in the name of any firm or corporation.

(2) Fees

WALWORTH COUNTY LAND USE & RESOURCE MANAGEMENT
SANITATION DIVISION – FEE SCHEDULE
EFFECTIVE – JANUARY 1, 2003

(a) STATE SANITARY PERMITS FOR:

| | |
|--|------------|
| In-ground Soil Absorption System (conventional) | \$335.00 |
| In-ground Pressure Distribution System | \$440.00 |
| Mound System | \$560.00 |
| At-grade System | \$440.00 |
| Holding Tank | \$600.00 |
| Experimental or Alternative Design System | \$500.00 |
| Large Scale Systems (mound, IGP, experimental, etc.) | |
| Greater than 3,000 gal/day | \$750.00 |
| Greater than 5,000 gal/day | \$1,125.00 |
| Greater than 8,000 gal/day | \$1,500.00 |
| Treatment Component (additional or replacement) | \$260.00 |
| Renewal, Transfer, or Revision | \$70.00 |

(b) COUNTY SANITARY PERMITS FOR:

| | |
|---|----------|
| Reconnection to Existing System or Private Interceptor | \$260.00 |
| Minor Repair | |
| Building sewer, effluent line, etc. | \$100.00 |
| Sanitary Privy | \$365.00 |

(c) MISCELLANEOUS:

| | |
|---|----------|
| Soil Evaluation Fee | \$100.00 |
| Septic Tank Maintenance User Fee | \$10.00 |
| Sanitary Ordinance Appeal | \$260.00 |
| Wisconsin Fund Application | \$150.00 |
| Chapter 70 Walworth County Code (Sanitation Ordinance) | \$7.50 |

(d) Revision fees may be required.

INSPECTIONS

Sec. 70.26 INSPECTIONS: GENERAL.

- (1) Notice for inspection shall be given to the Department for all private sewage systems installed, modified or reconnected.
- (2) These private sewage systems shall be inspected by the Department for compliance with Comm 82, Comm 83 and Comm 84, Wisconsin Administrative Code, other appropriate Wisconsin Statutes and Administrative Codes and this ordinance.
- (3) Notification for inspection shall be given in accordance with the requirements of Comm 83 Wisconsin Administrative Code.
- (4) The entire system shall be left completely open until it has been inspected and accepted, unless the requirements of Comm 83, Wisconsin Administrative Code, are not met by the Department.
- (5) When a private sewage system is ready for inspection, the plumber in charge shall make arrangements to enable the inspector to inspect all parts of the system. The plumber shall provide the proper apparatus, equipment and necessary assistance to make a proper inspection.
- (6) Private sewage systems may be inspected periodically, after the initial installation inspection(s) and/or after the system is operative, as deemed necessary by the County Sanitarian.

Sec. 70.27 INSPECTIONS: SITE CONSTRUCTED HOLDING TANKS.

- (1) All site constructed holding tanks shall be inspected after the floor is poured and the keyway and water stop are installed or after the forms

for the tank walls have been set but in all instances before any concrete for the walls has been poured.

- (2) Concrete walls may be poured only after it has been determined that the tank, as formed, complies with the approved plans.
- (3) This inspection shall not eliminate the need for an inspection after the installation has been completed.

Sec. 70.28 INSPECTIONS: NON-PLUMBING SANITARY SYSTEMS.

- (1) All non-plumbing sanitary systems installed shall be inspected for compliance with Comm 91, Wisconsin Administrative Code, or as amended, and this ordinance.

Note: Comm 52.63, Wisconsin Administrative Code, may apply to non-plumbing sanitary systems serving uses other than one and two family dwellings.

- (2) The property owner shall notify the Department for inspection immediately after the non-plumbing sanitary system has been constructed or installed.

Sec. 70.29 INSPECTIONS: MOUND SYSTEMS.

- (1) The plumber installing the mound shall notify the Department the working day prior to the installation, excluding Saturdays, Sundays and holidays.
- (2) Mound systems shall be inspected before the ground surface is plowed.
- (3) Mound systems shall be inspected at the time the distribution piping installation has been completed.
- (4) Mound systems shall be inspected after all work has been completed.

Sec. 70.30 INSPECTIONS: AT-GRADE SYSTEMS.

- (1) The plumber installing the at-grade shall notify the Department the working day prior to the installation, excluding Saturdays, Sundays and holidays.
- (2) At-grade systems shall be inspected before the ground surface is plowed.

- (3) At-grade systems shall be inspected at the time the distribution piping installation has been completed.
- (4) At-grade systems shall be inspected after all work has been completed.

Sec. 70.31 INSPECTIONS: SAND FILTERS.

- (1) The plumber installing the sand filter shall notify the Department the working day prior to the installation, excluding Saturdays, Sundays and holidays.
- (2) Sand filters shall be inspected at the time the liner or tank and underdrain are in place and before placement of any treatment media.
- (3) Sand filters shall be inspected at the time the distribution piping installation has been completed
- (4) Sand filters shall be inspected after all work has been completed.

Sec. 70.32 EXPERIMENTAL SYSTEMS AND SYSTEMS NOT RECOGNIZED BY COMM 83.61.

- (1) The plumber installing the system shall coordinate any required preconstruction meeting(s).
- (2) The plumber installing the system shall notify the Department at least two (2) workdays prior to beginning the installation of the system to schedule the inspection(s) and shall notify the State as may be required by the approved plans.
- (3) Inspections shall be performed pursuant to the approved plan requirements and as deemed necessary by the Department to assure compliance with appropriate codes and the plan approval.

Sec. 70.33 REINSPECTION.

A reinspection fee may be assessed when a reinspection of a private sewage system is required because the initial inspection disclosed that the installation is incomplete at the scheduled inspection time or does not comply with applicable Wisconsin Statutes, administrative Codes, the approved plans or this ordinance

Sec. 70.34 TESTING.

- (1) If testing of new systems or new system components is required by Comm 82, 83 or 84, Wisconsin Administrative Code, or as a condition of plan approval, notice shall be given to the Department as specified in sec. 70.27(3), so that the Department may make an inspection during the test.
- (2) The Department shall verify that required testing has been completed, by:
 - (a) Performing an inspection during the test,
 - (b) Requiring written verification from the responsible person, or
 - (c) Both a and b.

SYSTEM MANAGEMENT AND MAINTENANCE

Sec. 70.35 MAINTENANCE AND MANAGEMENT.

- (1) All private sewage systems and non-plumbing systems shall be managed and maintained in accordance with Comm 83, 84, and 91 Wisconsin Administrative Code, and this ordinance.
- (2) The property owner shall report to the Department each inspection, maintenance or servicing event, in accordance with Comm 83, Wisconsin Administrative Code, and this ordinance.
- (3) The property owner shall submit a copy of an appropriate maintenance agreement and/or servicing contract to the Department prior to sanitary permit issuance.
- (4) The property owner shall submit a new or revised maintenance agreement and/or servicing contract to the Department whenever there is a change to such document(s).
- (5) The property owner shall submit a new maintenance agreement and/or servicing contract to the Department prior to expiration of any existing maintenance agreement and/or servicing contract.
- (6) The property owner shall demonstrate compliance with this section by returning the certification form along with the required fee.

Sec. 70.36 SEPTIC TANK MAINTENANCE PROGRAM.

- (1) All septic tanks permitted and installed on or after December 11, 1984 shall be visually inspected and pumped within three years of the date

of installation and at least once every three years thereafter, unless upon inspection the tank is found to have less than 1/3 of the volume occupied by sludge and scum.

- (2) Pumping of a septic tank shall be done by a certified septage servicing operator in accordance with NR 113, Wisconsin Administrative Code.
- (3) Visual inspection of a private sewage system may be conducted by a plumber, a person licensed under 281.48, Wisconsin Statutes, or by an authorized County or State employee to determine the condition of the tank and whether wastewater or effluent from the private sewage system is ponding on the ground surface.
- (4) The owner of such septic tank shall furnish the Department with a copy of the inspection report verifying the condition of the tank, whether wastewater or effluent from the private sewage system is discharging to or ponding on the ground surface and the date of pumping within 10 days of the date of inspection and pumping. Reports shall include all information required in Comm 83.55, Wisconsin Administrative Code, and be signed by the person(s) inspecting and pumping the private sewage system. Other maintenance or management reports required by Comm 83 or 84, Wisconsin Administrative Code, should be included with this report.
- (5) A user fee will be assessed.

Sec. 70.37 HOLDING TANK MAINTENANCE AGREEMENT.

- (1) The owner of each holding tank shall enter into a Maintenance Agreement with the appropriate city, village or town guaranteeing that the local governmental unit which signed the agreement will service the holding tank, if the owner fails to have the holding tank properly serviced in response to orders issued by the Department. The Maintenance Agreement shall be binding upon the owner, the heirs of the owner and assignees of the owner. The Maintenance Agreement shall be filed with the register of deeds and shall be recorded in a manner which will permit the existence of the agreement to be determined by reference to the property where the holding tank is installed.
- (2) The owner or agent shall submit a copy of the holding tank Maintenance Agreement when plans are submitted to the Department for review.

ADMINISTRATION AND ENFORCEMENT

Sec. 70.38 ADMINISTRATION.

The County Sanitarian shall be responsible for the administration of this ordinance. The County Sanitarian may delegate his responsibilities to personnel employed by the Land Use Department and in the case of issuing abatement orders, to the County Health Department.

Sec. 70.39 POWERS AND DUTIES.

In the administration of this ordinance, the County Sanitarian shall have the following powers and duties:

- (1) Delegate duties to and supervise clerical staff and other employees to assure full and complete compliance with this ordinance and related Wisconsin Statutes and the Administrative Code.
- (2) Advise applicants concerning the provisions of this ordinance and assist them in preparing permit applications.
- (3) Review and approve plans for private sewage systems for one and two family residences or as approved through agent status by the State.
- (4) Issue sanitary permits and inspect properties for compliance with this ordinance and related Wisconsin Statutes and the Administrative Code.
- (5) Keep records of all sanitary permits issued, inspections made, work approved, and other official actions.
- (6) Report violations of this ordinance to the Corporation Counsel.
- (7) Have access to any premises for the purpose of performing official duties between 7 a.m. and 8 p.m. or at other times set by mutual agreement between the property owner or his agent and the Land Use Administrator or upon issuance of a special inspection warrant in accordance with ~~§66.122~~, §66.0119 Wisconsin Statutes. Application for a sanitary permit is considered for the purposes of this ordinance as the owner's consent to enter the premises.
- (8) The corporation counsel shall prosecute all violations of this chapter at the request of the department or of the board. The corporation counsel may seek an injunction in any case it deems appropriate, in addition to an action to collect a forfeiture.

- (9) Issue and enforce orders to plumbers, pumpers, property owners, their agents or contractors or the responsible party, to assure proper compliance with all provisions of this ordinance or delegate this authority to the County Health Department.
- (10) Apply for and distribute grants obtained through the Wisconsin Fund Grant Program.
- (11) Withhold permit(s) or approval(s) pursuant to this ordinance where the applicant, owner or licensed contractor is in violation of this or any ordinance administered by the Department and for any parcel(s) of land which have an outstanding violation until the violation(s) have been corrected. A request for waiver of these provisions may be made, to grant or deny a permit or approval on the merits of the application, to the Corporation Counsel and the Land Use Committee.
- (12) Consider and approve or deny requests for a waiver to sec. 70.10(4) of this ordinance (holding tanks). Approval of such requests shall be based upon conditions or circumstances unique to the parcel of land or structure served. In granting such a waiver, the Land Use Administrator may require recording of affidavits, the identification and preservation of a replacement system area or other conditions as deemed necessary.
- (13) Consider and approve or deny requests to install sewage holding components (tanks) prior to sanitary permit issuance when a health or safety emergency exists. Such a request may be approved only if the owner of the property has submitted an affidavit acknowledging the emergency and agreeing to obtain the required sanitary permit by a specified date.
- (14) Perform other duties regarding private sewage systems as considered appropriate by the County or the State.

Sec. 70.40 BOARD OF ADJUSTMENT.

Any person who alleges that there is an error in any order, requirement or decision made in the enforcement of this ordinance may appeal to the Board of Adjustment as provided in the General Code. Any appeal shall be made on forms furnished by the Land Use Department within 30 days of the date of that administrative action. Other substantiating evidence will be accepted.

Sec. 70.41 VIOLATIONS AND PENALTIES.

- (1) Any person who fails to comply with the provisions of this ordinance, or any order of the Department issued in accordance with this ordinance, or resists enforcement, shall be subject to a penalty as provided in Chapter 14 of the Walworth County Code of Ordinance.
- (2) Any construction which is in violation of this ordinance shall cease upon written orders from the Land Use Administrator or the placement of a notification of violation at the site.
- (3) All construction shall remain stopped until the order is released by the County Sanitarian.
- (4) Violations of this ordinance shall be prosecuted by the Corporation Counsel.

APPENDIX A

CITATION ORDINANCE

Sec. 70.42 PENALTY PROVISIONS

(1) General Penalty

Except as otherwise provided, any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty pursuant to Walworth County Code of Ordinances, Chapter 14, which shall be as follows:

- (a) First Offense. Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than \$50 nor more than \$297, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding 90 days.
- (b) Second Offense. Any person found guilty of violating any ordinance or part of an ordinance of this Code, who has previously been convicted of a violation of the same ordinance within one year, shall, upon conviction thereof, forfeit not less than \$50 nor more than \$297 for each such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding 6 months.

(2) Continued Violations

Each violation, and each day a violation continues or occurs, shall constitute a separate offense. Nothing in this Code shall preclude the County from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

(3) Execution Against Defendant's Property

Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any court for violation of any ordinance of the County, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

2. Douglas and Deana Grall, Town of Whitewater – to amend said zoning maps from A-1 Prime Agricultural Land District to C-2 Upland Resource Conservation District on the following described lands:

Part of Tax Parcel #D W 3100003

A tract of land, being a part of the Southwest $\frac{1}{4}$ and Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 31, Town 4 North, Range 15 East, in the Town of Whitewater, Walworth County, Wisconsin, bounded and described as follows:

Commencing at the Northwest corner of the Northwest $\frac{1}{4}$ of Section 31; thence South $00^{\circ}12'55''$ West along the West line of said $\frac{1}{4}$ Section 893.09 feet to a point; thence North $88^{\circ}06'32''$ East 1816.46 feet to a point; thence South $02^{\circ}28'47''$ West 429.96 feet to a point on the North line of the South $\frac{1}{2}$ of said $\frac{1}{4}$ Section; thence South $88^{\circ}06'32''$ West along said North line 490.00 feet to the Point of Beginning of said lands to be described; thence South $07^{\circ}08'00''$ East 335.00 feet to a point; thence South $85^{\circ}26'00''$ East 500.00 feet to a point; thence South $00^{\circ}13'00''$ West 309.75 feet to a point on the Northerly line of Lot 1 of Certified Survey Map No. 1583; thence South $67^{\circ}21'57''$ West along said Northerly line 43.03 feet to a point; thence South $36^{\circ}40'17''$ West along said Northerly line 210.74 feet to a point; thence South $88^{\circ}06'29''$ West along said Northerly line 254.04 feet to a point; thence South $80^{\circ}06'50''$ West along the North line of Lot 1 of Certified Survey Map No. 1665 for a distance of 247.51 feet to a point; thence North $07^{\circ}43'06''$ East 926.83 feet to the point of beginning. Said description contains 7.5073 acres.

ALSO:

A tract of land, being a part of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 31, Town 4 North, Range 15 East, in the Town of Whitewater, Walworth County, Wisconsin, bounded and described as follows:

Commencing at the Northwest corner of the Northwest $\frac{1}{4}$ of Section 31; thence South $00^{\circ}12'55''$ West along the West line of said $\frac{1}{4}$ Section 893.09 feet to a point; thence North $88^{\circ}06'32''$ East 1816.46 feet to a point; thence South $02^{\circ}28'47''$ West 429.96 feet to a point on the North line of the South $\frac{1}{2}$ of said $\frac{1}{4}$ Section; thence North $88^{\circ}06'32''$

East along said North line 90.00 feet to a point; thence South 28°58'48" East 597.53 feet to the Point of Beginning; thence North 88°06'32" East 411.29 feet to a point on the East line of said ¼ Section; thence South 00°20'19" West along said East line 230.69 feet to a point; thence South 82°10'07" West 271.50 feet to a point; thence North 28°58'48" West 290.48 feet to the point of beginning. Said description contains 1.9325 acres.

Forty-six percent of the property proposed to be rezoned have non-prime farm soils. Also, one fifth of the area has a pond and is substantially wooded.

3. Town of Lyons (Scherrer Construction Co., Inc., App.), Town of Lyons – to amend said zoning maps from A-1 Prime Agricultural Land District to P-2 Institutional Park District on the following described lands:

Part of Tax Parcel #N LY 900001

Being a part of the Northwest ¼ and the Southwest ¼ of the Northeast ¼ of Section 9, Township 2 North, Range 18 East of the 4th Principal Meridian, Township of Lyons, Walworth County, Wisconsin and being more particularly described as follows: Commence at the North ¼ corner of said Section 9; thence North 89°17'29" East along the North line of said Northeast ¼ Section 893.50 feet to the Place of Beginning of this description; thence continue North 89°17'29" East along said North line 360.00 feet; thence South 00°42'31" East 395.74 feet to a point on the West right of way line of State Trunk Highway "36", thence Southwesterly 84.29 feet along said West line being the arc of a curve to the left, having a radius of 868.51 feet, a central angle of 05°33'39" and whose long chord bears South 25°53'02" West 84.26 feet; thence South 66°53'48" East (Recorded as South 66°53'34" East) along said West line 17.00 feet; thence Southwesterly 299.40 feet along said West line, being the arc of a curve to the left, having a radius of 851.51 feet, a central angle of 20°08'46" and whose long chord bears south 13°01'49" West (Recorded as South 13°02'03" West) 297.86 feet; thence South 02°57'26" West (Recorded as South 02°57'40" West) along said West line 95.38 feet; thence North 87°02'34" West (Recorded as North 87°02'20" West) along said West line 32.00 feet; thence South 02°57'26" West (Recorded as South 02°57'40" West) along said West line 400.00 feet; thence South 16°59'37" West (Recorded as South 16°59'51" West) along said West line 103.08 feet; thence South 02°57'26" West (Recorded as South 02°57'40" West) along said West line 352.75 feet to a point on the North right of way line of the abandoned Chicago, Milwaukee, St. Paul and Pacific Railroad; thence South 77°15'23" West along said North line 146.72 feet; thence North 00°54'33" West 1740.44 feet to the Place of Beginning. Containing 10.06 acres of land more or less. Dedicating the North 33.00 feet thereof for public road purposes (Hospital Road).

A town hall is an allowed use on A-1 as a conditional use. Also, the parcel is substandard.

4. Michael Palenske, Town of Delavan – 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 #F D 600007A

A proposed rezone of a parcel of land located in the Southwest ¼ of the Southeast ¼ of Section 6, T2N, R16E, Walworth County, Wisconsin and described as follows:

Commencing at the South ¼ of said Section 6; thence N 1°39'05" W along the West line of said Southeast ¼, 1005.04 feet to the Place of Beginning; thence continue N 1°39'05" W 150.00 feet to the South line of the North 10 acres of the South ½ of said Southeast ¼; thence N 88°38'04"E along said South line, 341.25 feet; thence S 1°39'05" E 150.00 feet; thence S 88°38'04" W 341.25 feet to the West line of said Southeast ¼ and the Place of Beginning, containing 1.18 acres of land more or less including road R-O-W.

The parcel is not prime farmland and contains 70 percent poor soils in the area of the rezone.

ATTEST this 8th day of July, 2003.
William M. Norem
County Board Chairman

ATTEST this 8th day of July, 2003.
Kimberly S. Bushey
County Clerk

Executive Committee

On motion by Supervisor Gigante, seconded by Supervisor Morrison, Resolution No. 37 – Supporting the Adoption of a Human Cloning Bank Ban in Wisconsin was approved.

Resolution No. 37- 07/03
Supporting the Adoption of a Human Cloning Ban in Wisconsin

Moved/Sponsored by: Executive Committee

WHEREAS, in November, 2001, Advanced Cell Technologies, Inc. claimed to have cloned the first human embryo in order to harvest its cells for research experimentation, thus destroying the human embryo; and,

WHEREAS, in December, 2002, a company called Clonaid, linked to a religious sect known as the Rallians, who believe aliens created life on earth, claim to have cloned the first born human being; and,

WHEREAS, experts say that cloning efforts fail 97% of the time. Dr. Ian Wilmut, who cloned the first sheep, said it took 276 tries to get it right; and,

WHEREAS, cloning attempts have ended in numerous malformed animals. Cloning a human being is much more complex than cloning an animal. According to University of Chicago researcher, Leon Kass, human cloning would involve “massive risks of producing unhealthy, abnormal, and malformed children”; and,

WHEREAS, there have been no reported successful uses from human embryonic stem cell research, while there has been remarkable progress using adult stem cells. Senator Sam Brownback has stated, “adult stem cells have already been used successfully to treat numerous human diseases, including cancer, system lupus, rheumatoid arthritis, cartilage defects, and to grow new corneas to restore sight to blind patients”, and,

WHEREAS, in Congressional Hearings convened on January 29, 2003, Rep. Dave Weldon (physician from Florida) testified that dozens of peer-reviewed medical studies show numerous benefits of treatments derived from adult stem cells and umbilical cord cells, and not one patient is currently being treated with stem cells from destroyed human embryos; and,

WHEREAS, the U.S. Declaration of Independence recognizes that all men are created equal and endowed by their Creator with the unalienable right to life, and to secure such a right, governments are instituted; and,

WHEREAS, President Bush has said in his State of the Union Address, “We must not overlook the weakest among us...And because no human life should be started or ended as an object of an experiment, I ask you to set a high standard for humanity and pass a law against all human cloning”; and,

WHEREAS, bills have been introduced into the Wisconsin State Legislature (AB 104, Steve Kestell and S45, Joseph Leibham) to ban all forms of human cloning, both “reproductive” (to clone humans for birth) and “therapeutic” (to clone human embryos to be experimented upon and killed); and,

WHEREAS, all human cloning violates Article 5 of the Nuremberg Code, that body of universally accepted ethical norms used to judge human rights violations after WWII. It states that there is to be no experimentation on a human subject when it is known a priori that death or disabling injury will result.

NOW, THEREFORE, BE IT RESOLVED that the Walworth County Board of Supervisors urges our State Legislators and Governor to adopt a comprehensive ban on all human cloning in Wisconsin.

BE IT FURTHER RESOLVED that copies of this resolution be transmitted to the Governor, Legislators representing Walworth County, and the Wisconsin Counties Association.

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|-----------------------|---------|--------------------|------|
| William M. Norem | 7/14/03 | Kimberly S. Bushey | |
| County Board Chairman | Date | County Clerk | Date |

Policy and Fiscal Note is attached.

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|----------------------|--|---------|
| Approved as to Form: | David A. Bretl | 6/20/03 |
| | County Administrator/ Corporation Counsel | Date |

| | |
|---------------------|---------|
| Nicki Andersen (pw) | 6/24/03 |
| Finance Director | Date |

Action Required: Majority Vote

County Board Meeting Date: July 8, 2003

Policy and Fiscal Note
Resolution No. 37- 07/03

- I. Title: Supporting the Adoption of a Human Cloning Ban in Wisconsin
- II. Purpose and Policy Impact Statement: The purpose of this resolution is to support federal legislation to ban human cloning in Wisconsin.
- III. Is this a budgeted item and what is its fiscal impact: This is an advisory resolution. No county budget impact would occur by approval of this resolution.
- IV. Referred to the following standing committees for consideration and date of referral:

Committee: Executive Committee Meeting Date: June 19, 2003

Vote: 6 - 0

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| V. Approved as to form: | David A. Bretl | 6/20/03 |
| | County Administrator/ Corporation Counsel | Date |

| | |
|---------------------|---------|
| Nicki Andersen (pw) | 6/24/03 |
| Finance Director | Date |

County Board Meeting Date: July 8, 2003

Finance Committee

On motion by Supervisor Lohrmann, seconded by Supervisor Gigante, Item #1, Resolution No. 38-07/03 – Resolution to Cancel Uncollectible 1990 Real Estate Taxes and Item #2, Resolution No. 41-07/03 – Opposing Assembly Bill 133 and Senate Bill 127 Regarding Late Payments of Property Tax Installments were approved.

Resolution No. 38-07/03
Resolution to Cancel Uncollectible 1990 Real Estate Taxes

WHEREAS, the County Treasurer appeared before the finance committee to obtain approval to cancel uncollectible real estate taxes; and

WHEREAS, Section 75.20(1), Wisconsin Statutes, references the time frame in which a tax certificate shall be voided; and

WHEREAS, taxes, as well as interest and penalties, are considered as revenue for Walworth County's accounting purposes; and

NOW THEREFORE BE IT RESOLVED that the Walworth County Board of Supervisors authorize the cancellation of \$507.25 tax certificate for delinquent 1990 real estate taxes.

BE IT FURTHER RESOLVED, that this resolution is to be effective upon adoption.

ADOPTED this 8th day of July, 2003.

William M. Norem
County Board Chair

Kimberly S. Bushey
Attest: County Clerk Date

Policy and Fiscal Note is attached.

Approved as to Form:

David A. Bretl 6/28/03
County Administrator/ Date
Corporation Counsel

Nicki Andersen (pw) 6/30/03
Finance Director Date

Action Required: Majority Vote

County Board Meeting Date: July 8, 2003

Policy and Fiscal Note
Resolution No. 38-07/03

- I. Title: Resolution to Cancel Uncollectible 1990 Real Estate Taxes
- II. Purpose and Policy Impact Statement: The purpose of the resolution is to cancel the uncollectible real estate property taxes deemed uncollectible in accordance with s.75.20(1), Wisconsin Statutes.

The taxes to be cancelled are for an abandoned bulk fuel farm described as YEK 00031 located at 213 Frank Street, City of Elkhorn. An investigation of the property revealed a recognized environmental condition.

- III. Is this a budgeted item and what is its fiscal impact: The \$507.25 cost of the write off is to be offset by the Stewardship Lands (PILT) tax, account number 001-1053-1117 which currently exceeds budget and credited to account number 001-0000-0141, Delinquent Real Estate Taxes.
- IV. Referred to the following committee for consideration and date of referral:

Committee: Finance
Vote: 6 - 0

Date: June 19, 2003

- V. Approved as to form:
 - David A. Bretl 6/28/03
County Administrator/Corporation Counsel Date
 - Nicki Andersen (pw) 6/30/03
Finance Director Date

County Board Meeting Date: July 8, 2003

Resolution No. 41-07/03
Opposing Assembly Bill 133 and Senate Bill 127
Regarding Late Payments of Property Tax Installments

Moved/Sponsored by: Finance Committee

WHEREAS, Walworth County has continually opposed various amendments to Chapter 74 of the Wisconsin State Statute pertaining to the payment of taxes and grace period proposals; and,

WHEREAS, 2003 Assembly Bill 133, and subsequent amendments, proposes major modifications to the calculation of interest and penalties relating to delinquent payments of property tax installments; and,

WHEREAS, 2003 Senate Bill 127, proposes the implementation of a five-day grace period for unpaid delinquent property taxes and removal of penalties; and,

WHEREAS, the proposed modifications to the calculation of interest and penalties relating to delinquent payments of property tax installments, implementation of a five-day grace period and the removal of penalties will result in a substantial decline in county revenue; and,

WHEREAS, the additional staff and programming costs required to implement the 2003 Assembly Bill 133 and 2003 Senate Bill 127 are significant; and,

WHEREAS, the State of Wisconsin grants no grace periods, of any length, for any tax payments owed to them; and,

WHEREAS, the Walworth County Treasurer would like to maintain uniformity in tax collections; and,

WHEREAS, the majority of taxpayers pay their property taxes in a timely manner; and,

WHEREAS, the Walworth County Treasurer makes every effort to inform the taxpayers, through various mediums, regarding payment deadlines; and,

WHEREAS, passage of Assembly Bill 133, as well as, Senate Bill 127, and proposed amendments serves only a few and penalizes numerous taxpayers.

NOW, THEREFORE, BE IT RESOLVED that the Walworth County Board of Supervisors strongly opposes 2003 Assembly Bill 133, and subsequent amendments, containing major modifications to the calculation of interest and penalties relating to delinquent payments of property tax installments, as well as, the proposed five-day grace period and removal of penalties contained in 2003 Senate Bill 127; and

BE IT FURTHER RESOLVED that the County Clerk shall forward a copy of this resolution to Governor James Doyle, Walworth County's Legislative Representatives, and to the Wisconsin Counties Association.

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| William M. Norem | 7/14/03 | Kimberly S. Bushey | |
| County Board Chairman | Date | County Clerk | Date |

Policy and Fiscal Note is attached.

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| Approved as to Form: | David A. Bretl | 6/26/03 |
| | County Administrator/ Corporation Counsel | Date |

Nicki Andersen (pw)
Finance Director

6/25/03
Date

Action Required: Majority Vote

County Board Meeting Date: July 8, 2003

Policy and Fiscal Note
Resolution No. 41-07/03

- I. Title: Opposing Assembly Bill 133 and Senate Bill 127 Regarding Late Payments of Property Tax Installments
- II. Purpose and Policy Impact Statement: The purpose of this resolution is to oppose state legislation proposing implementation of a grace period for payment of delinquent property taxes, the removal of penalties during the grace period, and modification to the calculation of interest and penalties related to said delinquent payments.
- III. Is this a budgeted item and what is its fiscal impact: If the Legislature adopts the requested changes, a five-day grace period will be implemented for payment of unpaid delinquent personal property taxes. No penalty will accrue during said grace period, and modifications to the calculation of interest and penalties will be necessary. Adoption of the legislation will result in a loss of county revenue.
- IV. Referred to the following standing committees for consideration and date of referral:

Committee: Finance

Meeting Date: June 19, 2003

Vote: 6-0

V. Approved as to form:

David A. Bretl
County Administrator/
Corporation Counsel

6/26/03
Date

Nicki Andersen (pw)
Finance Director

6/25/03
Date

County Board Meeting Date: July 8, 2003

Supervisor Lohrmann offered a motion to approve Resolution No. 43-07/03 – Approving a Contract By and Between Johnson Controls and Walworth County to Provide Management Services for County Facilities Operations, seconded by Supervisor Gigante. Discussed ensued.

Bretl stated the Public Property and Highway Committees met prior to the County Board meeting and unanimously approved the contract with amendments. The amendments were distributed to the Supervisors at the meeting. Bretl explained the reasons behind the contract with Johnson Controls. Bretl said that the contract is not budget neutral and it will initially cost more than our present operation. In future years, however, Bretl thinks that in the long run it will bring Walworth County a cost savings. Bretl said that this proposal would use the department heads in other positions and would provide a higher level of service. Supervisor Polyock said that both the Public Property and Highway Committees concurred on the approval of this item.

Supervisor Lohrmann amended her motion to approve the following changes to the contract as recommended by the Public Property Committee, seconded by Supervisor Gigante:

- A. Page 4 – “Term Renewal” is amended so as to read: “Manager will provide Owner with notice of any adjustments in a renewal proposal 210 days prior to the end of this agreement.”
- B. Page 8 – “Indemnification, a) General, paragraphs i and ii are amended so as to include the word “intentional” in addition to negligent acts or omissions.
- C. Page 8 – “Waiver of Subrogation” add sentence that all subcontracts shall be in the name of the Owner unless written permission is given by Owner.
- D. Page 15 – “The last sentence of the second paragraph is amended to read: “In the event this agreement is terminated, for whatever reason and by whatever means, Owner and Manager shall cooperate to provide Owner with a copy of the data input by Manager during the term of this Agreement.”
- E. Section 1.10 – Plumbing – Shall be amended to include “Sanitary and Storm Sewer”.
- F. Page 30 – Section 1.12 – Communications Systems be amended so as to include “High Voltage Systems” as a system to be managed by the Manager and maintained by the Owner.
- G. Page 31 – Section 1.13 – Reporting and Correcting OSHA violations shall be listed as a responsibility of Manager and Owner.
- H. Attachment B is amended to include “Webster House”, Annex Building”, and “Range” on the list of facilities.
- I. Manager shall ensure that a sufficient number of licensed boiler operators are maintained during the course of the contract.

Supervisor Peterson said that she has had phone calls from constituents saying that this contract approval has been moved very quickly and they did not like that. Supervisor Peterson said that she was concerned about hiring more people in a time when we are cutting the budget. Bretl said that for the remainder of 2003 this contract would be budget neutral with the other changes that have been made. Chairman Norem said that one of the reasons for accelerating the process is that the new Judicial Center is in progress, Johnson Controls has the contract for that project, and thus it is another set of professional eyes watching the process.

Steve Rhode from Johnson Controls answered questions from the Supervisors. Rhode explained some of the duties that certain positions would be performing. The Controls Technician would go to facilities to adjust the controls for heating and cooling to constantly tune the controls in these buildings to keep the temperatures comfortable. The Customer Service Rep is an administrative person who works with the entire team to help establish the appropriate documentation and tracking of work orders and energy all within a maintenance management system. Reports will be developed for the Director of Public Works to track utilization of funds in reference to maintenance of facilities, equipment, and assets within the County.

Supervisor Guido said that he felt this contract would result in a duplication of services. Supervisor Guido asked why we hired people that are capable but now hire someone else to do the same thing. Bretl said that this is not replacing the people but giving them the software and expertise to do their jobs better. Supervisors Scharine, Gigante, Lohrmann, Russell, Lothian, and Norem spoke in favor of the contract. Supervisor Peterson asked if this is a temporary situation. Bretl said that it is a managerial contract with a duration of 3 ½ years through 2007. Bretl said that at that time we would have the option to bid it out again.

Resolution No. 43-07/03 – Approving a Contract By and Between Johnson Controls and Walworth County to Provide Management Services for County Facilities Operations was approved as amended by voice vote.

Resolution No. 43-07/03
Approving a Contract By and Between Johnson Controls and Walworth County to
Provide Management Services for County Facilities Operations
Amended

Moved/Sponsored by: Finance Committee

WHEREAS, as part of the 2004 budget planning process the county administrator proposed outsourcing management of facilities operations; and,

WHEREAS, Johnson Controls, Incorporated (“JCI”), has submitted a proposal to manage county facility operations by providing three management personnel and facilities management computer automation; and,

WHEREAS, JCI has previously completed work for the county, including the installation of control systems and energy-efficiency projects; and,

WHEREAS, JCI is familiar with county facility operations and capable of performing the work proposed; and,

WHEREAS, implementation of the contract can improve the efficiency of county facilities and lead to recommendations for future cost savings; and,

WHEREAS, approval of the proposal during the 2003 budget year would permit the JCI management representative to have input in oversight of construction of the new judicial center;

NOW, THEREFORE, BE IT RESOLVED by the Walworth County Board of Supervisors that the attached amended agreement by and between Walworth County and JCI for management of facilities operations be and the same is hereby approved.

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| William M. Norem | 7/14/03 | Kimberly S. Bushey | |
| County Board Chairman | Date | County Clerk | Date |

Policy and Fiscal Note is attached.

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| Approved as to Form: | David A. Bretl | 6/30/03 |
| | County Administrator/ Corporation Counsel | Date |
| | Nicki Andersen (pw) | 6/30/03 |
| | Finance Director | Date |

Action Required: Majority Vote

County Board Meeting Date: July 8, 2003

Policy and Fiscal Note
Resolution No. 43-07/03

- I. Title: Approving a Contract By and Between Johnson Controls and Walworth County to Provide Management Services for County Facilities Operations
- II. Purpose and Policy Impact Statement: The purpose of the resolution is to privatize management of county facility operations.
- III. Is this a budgeted item and what is its fiscal impact: The fiscal impact for the 2003 budget year is \$110,000. The finance committee previously approved a budget amendment to permit implementation of the contract in 2003. The amendment primarily utilized salary savings from vacant positions in public works, including the director position which has been vacant for over six months. The contract will cost \$285,000 in the budget year 2004. This cost includes a facilities manager, control technician, and customer service representative. The cost of this contract was included in the \$1.75 million in spending reductions outlined in the county administrator's memo to the finance committee dated May 21, 2003.

The attached document summarizes the scope of services, reporting structure and financial breakdown of the proposal.

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

Committee: Finance Meeting Date: June 19, 2003

Vote: 6 - 0

V. Approved as to form: David A. Bretl 6/30/03
County Administrator/ Date
Corporation Counsel

Nicki Andersen (pw) 6/30/03
Finance Director Date

County Board Meeting Date: July 8, 2003

Human Resources Committee

Supervisor Morrison offered a motion to approve Items # 3, # 4, & # 5 from the Human Resources Committee and to hold Item # 1 and Item # 2 for debate, seconded by Supervisor Shepstone. Item # 3, Resolution No. 40-07/03 – Transferring Positions in the GIS Division of Land Use & Resource Management to Information Systems; Item # 4, Resolution No. 42-07/03 – Approving an Employment Agreement By and Between Walworth County and Gail Swaine as Director of Public Works; and, Item # 5, Resolution No. 44-07/03 – Accepting the Resignation of Brian DuPont from the Position of Walworth County Highway Commissioner/Highway Manager were approved by voice vote.

Resolution No. 40-07/03

Transferring Positions in the GIS Division of Land Use and Resource Management to Information Systems

Moved/Sponsored by: Finance and Human Resources Committee

WHEREAS, the county administrator has proposed, as part of the 2004 budget process, transferring certain GIS assets from supervision of the land use and resource management director to the information systems director; and,

WHEREAS, the transfer would improve operations by broadening the focus of the GIS program and by providing greater support of the GIS function; and,

WHEREAS, the finance and human resources committees met separately and determined there is merit in implementing this change during the 2003 budget year;

NOW, THEREFORE, BE IT RESOLVED by the Walworth County Board of Supervisors that the following positions be and the same are hereby transferred from the land use

and resource management department to the information systems department pursuant to the provisions of section 15-12 of the Walworth County Code of Ordinances:

| <u>Position</u> | <u>Number</u> |
|----------------------|---------------|
| Land Info Technician | 26039 |
| GIS Manager | 26040 |
| GIS Analyst | 26042 |
| Clerk IV | 26038 |
| Planning Technician | 26026 |

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| William M. Norem | 7/14/03 | Kimberly S. Bushey | |
| County Board Chairman | Date | County Clerk | Date |

Policy and Fiscal Note is attached.

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| Approved as to Form: | David A. Bretl | 6/29/03 |
| | County Administrator/ Corporation Counsel | Date |
| | Nicki Andersen (pw) | 6/30/03 |
| | Finance Director | Date |

Action Required: Majority Vote

Policy and Fiscal Note
Resolution No. 40-07/03

- I. Title: Transferring Positions in the GIS Division of Land Use and Resource Management to Information Systems
- II. Purpose and Policy Impact Statement: The purpose of this resolution is to transfer supervision of certain GIS assets from the land use and resource management department to the information systems department. Transferring this operation to information systems will broaden the scope of GIS utilization from land management applications to a variety of county departments, in the same manner as information systems supports other county departments. Additionally, the information systems department can provide greater resources and technical expertise to support GIS activities. This move is also consistent with planned personnel reductions in the land use and resource management department. No new positions are being created. Section 15-12 of the Walworth County Code of Ordinances provides that the county board determines the number of employees in each department.
- III. Is this a budgeted item and what is its fiscal impact: Supervision of activities and GIS personnel are being transferred. This action is budget neutral.

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

Committee: Human Resources Meeting Date: July 8, 2003

Vote: 6-0

V. Approved as to form: David A. Bretl 6/29/03
County Administrator/ Date
Corporation Counsel

Nicki Andersen (pw) 6/30/03
Finance Director Date

County Board Meeting Date: July 8, 2003

Resolution No. 42 - 07/03

Approving an Employment Agreement By and Between Walworth County and Gail Swaine as Director of Public Works

Moved/Sponsored by: Human Resources Committee

WHEREAS, The Walworth County Administrator has nominated Gail Swaine to serve in the position of Public Works Director; and

WHEREAS, the Public Property and Highway Committees met jointly to consider the nomination and recommend confirmation of Ms. Swaine; and

WHEREAS, the Human Resources Committee has reviewed an employment agreement by and between Walworth County and Ms. Swaine;

NOW, THEREFORE, BE IT RESOLVED by the Walworth County Board of Supervisors that the nomination of Gail Swaine to serve in position of Public Works Director be and the same is hereby approved pursuant to the terms of the attached employment agreement, which contract is hereby approved.

William M. Norem
County Board Chair

Kimberly S. Bushey
Attest: County Clerk Date

Policy and Fiscal Note is attached.

Approved as to Form: David A. Bretl 6/26/03
County Administrator/ Date
Corporation Counsel

Nicki Andersen (pw)
Finance Director

6/30/03
Date

Action Required: Majority Vote

County Board Meeting Date: July 8, 2003

Policy and Fiscal Note
Resolution No. 42-07/03

- I. Title: Approving an Employment Agreement By and Between Walworth County and Gail Swaine as Director of Public Works.
- II. Purpose and Policy Impact Statement: The purpose of this resolution is to confirm the appointment of Gail Swaine as Public Works Director and approve an employment contract with Ms. Swaine.
- III. Is this a budgeted item and what is its fiscal impact: Pursuant to the employment contract:
 - Ms. Swaine would be paid \$80,330 per year, effective July 14, 2003, plus County benefits, to serve as Public Works Director. She would be eligible to receive step increases and across-the-board raises that the County Board might approve from time-to-time, in the same manner as other department heads.
 - In general, Ms. Swaine would receive the same benefits as other department heads including health insurance, vacation and holidays.
 - Ms. Swaine would be eligible for transitional living expenses incurred in Walworth County and moving expenses to Walworth County, provided the move is for the purpose of establishing residency in Walworth County. The maximum amount of this reimbursement would be \$4,000.
 - Ms. Swaine's employment would be "at will" meaning she can be terminated by the County Administrator for any reason. This is a departure from incumbent department heads who enjoy "for cause" job protection. As a result, a one-hundred-twenty-day notice or severance provision is included in the contract. If Ms. Swaine is not provided with one-hundred-twenty day's notice of termination, severance would need to be provided.
 - Sufficient funds were included within the 2003 budget for this position. No budget amendment is necessary to implement this contract.
- IV. Referred to the following standing committees for consideration and date of referral:

Committee: Human Resources

Date: July 8, 2003

Vote: 6-0

V. Approved as to form: David A. Bretl 6/20/03
County Administrator/ Date
Corporation Counsel

Nicki Andersen (pw) 6/30/03
Finance Director Date

County Board Meeting Date: July 8, 2003

Resolution No. 44-07/03
Accepting the Resignation of Brian DuPont from the Position of Walworth County
Highway Commissioner/Highway Manager

Moved/Sponsored by: Human Resources Committee

WHEREAS, the position of highway manager is proposed to be eliminated in the 2004 budget; and,

WHEREAS, the position of highway commissioner is to be consolidated with the position of public works director, effective January 6, 2004; and,

WHEREAS, early implementation of this budget reduction is to the financial advantage of the county; and,

WHEREAS, Brian DuPont has submitted his resignation from the positions of highway commissioner/highway manager for Walworth County pursuant to the terms of a severance agreement, which agreement is attached hereto; and,

WHEREAS, the human resources committee recommends acceptance of said resignation;

NOW, THEREFORE, BE IT RESOLVED that the Walworth County Board of Supervisors does hereby accept the resignation of Brian DuPont from the position of highway commissioner/highway manager pursuant to the terms of the attached severance agreement, which agreement is hereby approved.

William M. Norem 7/14/03 Kimberly S. Bushey
County Board Chairman Date County Clerk Date

Policy and Fiscal Note is attached.

Approved as to Form: David A. Bretl (no date)
Couny Administrator/ Date
Corporation Counsel

Nicki Andersen (pw) 6/30/03
Finance Director Date

Action Required: Majority Vote

County Board Meeting Date: July 8, 2003

Policy and Fiscal Note
Resolution No. 44-07/03

- I. Title: Accepting the Resignation of Brian DuPont from the Position of Walworth County Highway Commissioner/Highway Manager
- II. Purpose and Policy Impact Statement: The purpose of this resolution is to approve the resignation of Mr. DuPont as highway commissioner/highway manager.
- III. Is this a budgeted item and what is its fiscal impact: Approval of said resignation will reduce the county's salary costs for the 2003 budget year. In the absence of a voluntary agreement, the incumbent would be entitled to serve out the balance of his term of office, which expires in January of 2004. Terms of the severance agreement are set forth in the attached document.

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

| | |
|----------------------------|----------------------------|
| Committee: Human Resources | Meeting Date: July 8, 2003 |
| Vote: 6-0 | |

| | |
|-------------------------|--|
| V. Approved as to form: | David A. Bretl (no date) |
| | County Administrator/ Date Corporation Counsel |
| | Nicki Andersen (pw) 6/30/03 Finance Director Date |

County Board Meeting Date: July 8, 2003

Supervisor Morrison offered a motion seconded by Supervisor Gigante, to adopt Item # 1, Ordinance No. 242-07/03 and Item # 2, Resolution No. 39-07/03 from the Human Resources Committee. Supervisor Russell asked to separate the items.

Supervisor Russell distributed a memorandum to the Supervisors with proposed amendments to Ordinance No. 242-07/03 – Creating Sections 15-130 to 15-299 of the Walworth County Code of Ordinances Relating to Outside Employment, Temporary Staffing, Medical Standards, and Civil Service. Supervisor Russell asked that Amendment C reflect the section numbers in the revised ordinance which was distributed to the supervisors this evening. Page 2, Section 15-140 should read Section

15-142. On motion by Supervisor Russell, seconded by Supervisor Hilbelink, Ordinance No. 242-07/03 was amended with the changes suggested in Supervisor Russell's memorandum and Supervisor Lothian's suggestion to change the word "work" to "word" in Amendment E, Page 4, line 18. Following is a list of the amendments:

- A. Page 1, line 22, Strike the sentence beginning "Any employee who fails to disclose the other employment..."
- B. Page 2, line 5, After the word "interfere" insert the phrase "or conflict"
- C. Page 2, section 15-140 2, Change all instances of "outside employment agency" to "temporary staffing agency"
- D. Page 3, line 20, Strike the word "work" and insert the phrase "perform the job described in paragraph sub. (a)" (The word "paragraph" was replaced with "sub." to coincide with the wording in the ordinance.)
- E. Page 4, line 18, After the word d "individual" insert the phrase "upon written request"
- F. Page 6, line 3, After the word "available" insert the phrase "and appropriate"

Ordinance No. 242-07/03

Amended July 9, 2003 – Pgs 1, 2, 3, 4, & 6

Creating Sections 15-130 to 15-299 of the Walworth County Code of Ordinances
Relating to Outside Employment, Temporary Staffing, Medical Standards,
and Civil Service

NOW THEREFORE, THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES
ORDAIN AS FOLLOWS:

PART 1: THAT sections 15-130 to 15-139 in Division 9 of Article II of Chapter 15 of the
Walworth County Code of Ordinances are hereby created to read as follows:

"DIVISION 9. OUTSIDE EMPLOYMENT

Sec. 15-130. Policy.

It is the policy of the county to permit its employees to engage in outside employment or hold other jobs, provided the employee does not engage in practices or occupations that are detrimental or prejudicial to the interests of the county. Employees are required to disclose outside employment for the purpose of protecting the employee from personal legal risk as well as protecting county interests. "Outside employment" as used in sec. 15-130 to sec. 15-139 includes self-employment.

Sec. 15-131. Restrictions on outside employment.

a) An employee's outside employment activities and related conduct away from the job shall not compete or conflict with or compromise the county's interests, or adversely affect the employee's job performance and his/her ability to fulfill all job responsibilities of the county position. This prohibition shall also extend to the

unauthorized use of any county tools or equipment and the unauthorized use or application of any confidential information or techniques.

b) Employees are prohibited from soliciting or conducting any outside business during paid working time.

c) All employees are required to disclose any outside employment or other work activity. ~~Any employee who fails to disclose the other employment or when the other employment creates conflict with county interests shall be subject to discipline up to and including termination.~~

d) An employee's outside employment shall not be an acceptable excuse for an employee's poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or work different hours.

Sec. 15-132. Employee absences.

a) Employees who work in outside employment shall not be eligible for paid sick leave or other leave of absence from the county if the employee works in the other employment during the period of absence from the county or is disabled from work due to an accident or injury arising out of the other employment.

b) Employees on an approved leave of absence from the county are not permitted to engage in outside employment unless the outside employment was approved in advance as a condition of the leave. Non-compliance shall result in disciplinary action.

Sec. 15-133. Restrictions on attorneys.

The private legal practice of an attorney employed by the County may in no way interfere or conflict with County interests. The attorney may not engage in private practice on County premises, may not make use of County resources, may not make or receive phone calls related to the private practice while at work for the County, and may not interfere with the scheduling needs of the County.

Sec. 15-134. to sec. 15-139. Reserved."

PART 2: THAT sections 15-140 to 15-149 in Division 10 of Article II of Chapter 15 of the Walworth County Code of Ordinances are hereby created to read as follows:

"DIVISION 10. TEMPORARY STAFFING

Sec. 15-140. Policy.

It is the policy of the County to hire limited term employees or to contract with outside employment agencies when it becomes necessary to supplement the regular work force, subject to the availability of funds in the requesting department's budget.

Sec. 15-141. Limited-term employees.

a) County recruitment and selection policies, sec. 15-51 to sec. 15-62, shall apply to the employment of all employees hired for a limited-term, not to exceed one year. The department shall submit a personnel requisition for a limited term employee to the director. The department head shall be responsible for following financial policies of the county to secure funding for the request.

b) The director may authorize the hiring of a limited term employee who does not meet all minimum requirements, and may adjust the pay to a commensurate level in order to meet the department's temporary staffing need. Any waiver of an applicant's qualifications for a limited term appointment shall not reduce job standards and essential job qualifications for appointment to a regular position with the county.

Sec. 15-142. Temporary staffing agencies.

a) A department head may supplement the work force by purchasing services through ~~an outside employment~~ a temporary staffing agency. The worker selected through the ~~employment~~ staffing agency may not be an employee of the county.

b) It is the responsibility of the department head to execute a written contract with the agency and to comply with county financial policies. The contract with the ~~employment~~ staffing agency, shall be subject to review by the corporation counsel and the contract shall require that the ~~employment~~ staffing agency assume all employer liability for the worker.

c) The department shall maintain a resource listing of ~~employment~~ temporary staffing agencies and shall, upon request, assist department heads in securing ~~outside employment~~ temporary staffing services.

Sec. 15-143. to sec. 15-149. Reserved.”

PART 3: THAT sections 15-150 to 15-169 in Division 11 of Article II of Chapter 15 of the Walworth County Code of Ordinances are hereby created to read as follows:

“DIVISION 11. MEDICAL STANDARDS

Sec. 15-150 Policy.

It is the policy of the county to provide equal employment opportunity to all qualified persons including those with disabilities or other non-disabling medical conditions. This shall be accomplished by:

a) Accurately documenting the essential functions of each job, including the physical standards essential for performing the job in a safe and efficient way, without unreasonable risk to self or others;

b) Requiring applicants or employees to undergo medical examinations (which may include psychological examinations) for the purpose of evaluating the ability of the applicant or employee to perform all essential functions of the job in a safe and efficient way, without unreasonable risk to self or others;

c) Providing reasonable accommodations to allow qualified employees with disabilities to ~~work~~ perform the job described in sub. (a);

d) Requiring an employee with medical restrictions to return to work as early as possible when work is available within those restrictions and without unreasonable risk to the employee or others;

e) Allowing employees with infectious, long-term, life-threatening, or other serious diseases (including, but are not limited to, cancer, heart disease, multiple sclerosis, hepatitis, tuberculosis, human immunodeficiency virus ("HIV"), and acquired immune deficiency syndrome ("AIDS")), to work as long as they are qualified to perform the essential functions of their job without undue risk to self or others; and

f) Conforming with the requirements of any federal and state employment laws, to the extent that those laws may apply to a specific person.

Sec. 15-151. Administration. The director shall administer this division in conformance with administrative procedures approved by the county administrator, including rules for medical documentation, incident reporting, and employee work rules.

Sec. 15-152. Required medical examinations.

a) In general. The director shall select an outside medical provider to conduct medical examinations required by the county. The county shall pay the cost of the medical examination. All medical certifications shall be completed on forms furnished by the county. An alternative form shall be accepted if the content is substantively the same as the county form.

b) Applicant medical examinations. Final candidates for employment, transfer or promotion may be required as a condition of employment to pass a medical examination to establish their qualification for the job.

c) Fitness-for-duty medical examinations. An employee may be required to undergo a medical examination to determine the employee's ability to remain at work, to return to work, to evaluate the employee's request for accommodation, or to evaluate the employee's occupational exposure to toxic or unhealthful conditions.

d) Medical second opinions. An employee may be required to furnish medical certification from a provider of the employee's choice for the need for absence from work, modified work, or other accommodation. The County may require a second medical opinion to evaluate the appropriateness of the medical information provided by the employee or the employee's medical provider. Additional medical opinions may be

required by the county when a conflict in opinion exists between two or more medical providers. Medical certification may be required no more frequently than every 30 days.

Sec. 15-153. Medical records.

All applicant or employee medical records are confidential and shall be filed separate from the individual's personnel file. The medical records of the individual shall be made available to the individual upon written request. Protected medical information shall not be disclosed to other persons without a valid authorization, except as otherwise permitted by law. A record of any disclosure shall be maintained.

Sec. 15-154. Safety considerations.

The director or designee, in consultation with a department head, shall determine methods of operation to be in compliance with all applicable occupational safety regulations. Universal precautions, engineering and work practice controls, and personal protective equipment shall be used where appropriate to provide a safe workplace.

Sec. 15-155. Infectious diseases.

The director shall establish workplace protocols to ensure the safety of employees who may be required to work with or provide services to persons with infectious diseases. Employees shall be trained in safe practices. After receiving safety training and discussing concerns with the supervisor, any employees who refuses to work with or perform services for a person known or suspected to have a serious disease shall be subject to discipline, up to and including termination.

Sec. 15-156. Reasonable accommodation.

The applicant or employee is required to submit his or her written request for accommodation to the director. The director shall meet with the applicant or employee and the department head to evaluate the reasonableness of the person's request, prior to issuing a written determination. The county may offer any reasonable accommodation to provide an opportunity for a qualified person to work, even though the accommodation may not be the one preferred by the employee.

Sec. 15-157. Return to work.

a) Return-to-duty medical certification. Any employee returning from a medical or disability leave of absence shall provide a doctor's certification to the director, at the employee's expense, certifying the employee's ability to perform the essential duties of their regular position without risk to themselves or their fellow employees. The medical certification shall be provided in a form required by the county.

b) Return with medical restrictions. The director or designee, in consultation with the department head, shall determine if an employee is permitted or required to

return to work with medical restrictions. Each situation shall be evaluated on a case-by-case basis. Restricted work may include modified hours or modified work duties for a limited time during a temporary healing period. Restricted work provisions shall not apply on a permanent basis.

c) Restricted work available. If the employee refuses an offer of restricted work, the employee shall be ineligible for paid sick leave or disability benefits. Other available paid leave (vacation, holiday, compensatory time, personal days) may be scheduled subject to departmental policies and scheduling practices.

d) Restricted work not available. If restricted work is not available, county absence and leave policies shall apply to all hours the employee is absent from his or her normal work schedule.

e) Restricted work related to workers compensation. The County may assign an employee on worker's compensation leave to restricted work ("light duty"), subject to the following:

- (1) The employee may be required to perform any work in any department for which the employee is qualified.
- (2) Temporary disability payments and sick leave pay shall be suspended for an employee on workers compensation leave who refuses modified work. The employee may request to use other accrued benefits (vacation, holiday, or compensatory time) available to the employee, subject to departmental policies and scheduling practices.

f) Restricted duties pending medical examination. The county may place an employee on restricted duties, pending completion of a fitness-for-duty examination and receipt of the medical report. If the county has cause to believe that the employee's on-duty work status poses a risk to self or others, the employee may be placed on a non-voluntary medical leave by the county. The employee may use sick leave or other accrued benefits for the medical leave.

Sec. 15-158. Violation of medical restrictions.

The employee and the employee's supervisor shall be responsible for complying with all medical restrictions placed on an employee. Any employee found to have engaged in work activities in excess of the medical restrictions, and any supervisor found to have ordered an employee to perform work in excess of the medical restrictions, shall be subject to discipline.

Sec. 15-159. Permanent medical restrictions.

The county shall, prior to termination or lay-off, consider reasonable accommodations or offer a vacant position, if available and appropriate, to an employee with permanent medical restrictions and who is no longer qualified to perform the essential functions of

their job. If a position for which the employee is qualified is not available in county employment, the employee shall be subject to termination of employment with reinstatement rights.

Sec. 15-160 to sec. 169. Reserved.”

PART 4: THAT Division 12 in Article II of Chapter 15 of the Walworth County Code of Ordinances is created to read as “Division 12. Civil Service” and sections 2-476 to 2-537 in Article VI of Chapter 2 of the Walworth County Code of Ordinances are renumbered as follows:

“DIVISION 12. CIVIL SERVICE

| Title | Old Section | Renumbered |
|---|---------------|-----------------|
| Authority. | 2-476 | 15-170 |
| Definitions. | 2-477 | 15-171 |
| Reserved. | 2-478 – 2-500 | 15-172 – 15-175 |
| Civil Service Board in general. | 2-501 | 15-176 |
| Duties. | 2-502 | 15-177 |
| Reserved. | 2-503 – 2-525 | 15-178 – 15-183 |
| Duties of the human resource committee. | 2-526 | 15-184 |
| Duties of the director. | 2-527 | 15-185 |
| Applicability. | 2-528 | 15-186 |
| Minimum qualifications. | 2-529 | 15-187 |
| Initial appointment. | 2-530 | 15-188 |
| Veteran’s preference. | 2-531 | 15-189 |
| Promotions. | 2-532 | 15-190 |
| Leave of absence to serve as sheriff or undersheriff. | 2-533 | 15-191 |
| Tenure in office. | 2-534 | 15-192 |
| Disciplinary actions and appeal. | 2-535 | 15-193 |
| Grievance procedure for a deputy. | 2-536 | 15-194 |
| Honorary deputies. | 2-537 | 15-195 |

PART 5: THAT sections 15-196 to 15-299 are reserved for future use.

PART 6: BE IT FURTHER ORDAINED THAT the effective date of this ordinance shall be upon passage and publication.

PASSED and ADOPTED by the Board of Supervisors of Walworth County Wisconsin this 8th day of July, 2003.

County Board Meeting Date: July 8, 2003

Policy and Fiscal Note Res. No. 39 – 07/03

- I. Title: Repealing Sections of the Personnel Code and Replacing them with a Human Resources Ordinance Relating to Outside Employment, Temporary Staffing, Medical Standards, and Civil Service.
- II. Purpose and Policy Impact Statement:
The purpose of this resolution is to repeal those chapters of the Personnel Code that have been replaced by the County Board in ordinance form pursuant to Ordinance 242 07/03.
- III. Is this a budgeted item and what is its fiscal impact:
Passage of this resolution has no fiscal impact.
- IV. Referred to the following standing committees for consideration and date of referral:

Committee: Human Resources
Vote: 6-0

Date: June 18, 2003

- V. Approved as to form:

| | |
|--|---------|
| David A. Bretl | 6/26/03 |
| County Administrator/ Corporation Counsel | Date |
| | |
| Nicki Andersen (pw) | 6/26/03 |
| Finance Director | Date |

County Board Meeting Date: July 8, 2003

Gail Swaine was introduced to the Board. Swaine spoke to the Supervisors and said she is anxious to get started as Public Works Director. The Board welcomed Swaine with a standing ovation.

Chairman Norem said that on behalf of the Board he wanted to wish the best of luck to ~~Brian~~ Brian DuPont in the future. DuPont said that he has enjoyed working with the staff and enjoyed his time in Walworth County.

There were no Reports of Special Committees.

Chairman Norem read a thank you note from Jean Logterman and family.

On motion by Supervisor Gigante, seconded by Supervisor Scharine, the meeting of the Walworth County Board adjourned at 7:00 p.m.

The next regularly scheduled meeting of the Walworth County Board will be held on Tuesday, August 12, 2003, at 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 July 8, 2003 meeting.

THE AUGUST 12, 2003 SESSION
OF THE
WALWORTH COUNTY BOARD OF SUPERVISORS
AMENDED

The Walworth County Board of Supervisors was called to order by Chairman Norem at 6:00 p.m. at the Walworth County Courthouse, 100 W. Walworth St., Elkhorn, Wisconsin.

Invocation

Supervisor Nancy Russell gave the invocation.

Roll Call of Members

Roll call was read with all Supervisors present except Supervisor Lothian who had been excused. A quorum was established.

Withdrawals From Agenda, if any

On motion by Supervisor Miles, seconded by Supervisor Schaefer, the agenda was amended by moving all nursing home items to the first item after New Business to be taken in the following order: Supervisor Burwell's communication, the Finance Committee's recommendation, and Resolution No. 52-08/03.

Supervisor Lightfield announced that it should be noted that the Special Order of Business scheduled for 5:45 p.m. this evening was postponed until another time, not cancelled. No date has been set.

Approval of the Agenda

On motion by Supervisor Miles, seconded by Supervisor Schaefer, the evening's agenda was approved as amended.

Approval of the Minutes

Supervisor Morrison offered a motion to approve the minutes of the July 8, 2003 County Board Meeting, seconded by Supervisor Gigante. Supervisor Morrison requested an amendment on Page 4 under Executive Committee to change the last word in the title of Resolution 37-07/03 from "Bank" to Ban as was originally intended. Supervisor Burwell requested an amendment on Page 7 to change "Brain" DuPont to Brian DuPont.

Comment Period by Members of the Public

Jennifer Orchard, 2002 Fairest of the Fair, addressed the Board. Ms. Orchard gave an overview of the 154th Walworth County Fair, to take place August 27 through September

Care Center Board of Trustees. Said term to expire January 2, 2006 or until a successor is elected or named.

Dated this 12th day of August, 2003.

William M. Norem, Chairman
Walworth County Board of Supervisors

Communications and Matters to Be Referred

The Clerk read the following communications and referrals:

1. The claim of Mary Anne and Donald Amon v Allstate Insurance Company was received after the agenda mailing. Portions of the claim were distributed to the Supervisors before the meeting. The complete claim was referred to the Executive Committee.
2. Senate Bill 176-Proposed Property Insurance Legislation was referred to the Executive Committee.
3. A letter from Leece & Phillips, Attorneys for the Village of Sharon, regarding the purchase of County property was referred to the Finance Committee.
4. A letter from the Wisconsin & Southern Railroad Co. was referred to the Highway Committee.
5. WDSI, Inc. Notice of Claim on Payment Bond for Public Project-Kraemer Brothers-Huber Dorm Facility and Dispute of Claim for Public Improvement Lien-Kraemer Brothers was referred to the Public Property Committee.
6. A communication from Captain Scott McClory regarding Assembly Bill 90 and Senate Bill 37 was referred to the Executive Committee.
7. The following was moved to New Business to be discussed with the other Lakeland Health Care Center items: Communication from Supervisor Dorothy Burwell regarding Feasibility Study of Lakeland School/Lakeland Health Care Center combination (To be referred to the Finance Committee) Note: Supervisor Burwell will be requesting action on this item at this evening's Board meeting.
8. The Report of County Clerk Concerning Communications Received by the Board and Recommended to be Placed on File was mailed with the Supervisors' packets and was placed on file.

The following items of correspondence were received in the Clerk's Office after the agenda mailing and were placed on file:

- Distributed to the Supervisors this evening: Mukwonago Village Resolution No. 2003-23 – A Resolution to Certify that the Village Shall Provide For and Allow the Library to Expend No Less Than the County Rate in the Prior Year
- On file in the Clerk's Office: 2003 Resolutions of the Wisconsin Counties Association to be presented at the WCA Business meeting on Tuesday, September 16, 2003 at the Radisson Hotel La Crosse.

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

- Land Conservation Committee, Text Amendment to General Code of Ordinances for Walworth County Private Sewage Systems – all Sections
- Michael Palenske, Town of Delavan
- Town of Lyons (Scherrer Construction Co., Inc., App.), Town of Lyons
- Douglas and Deana Grall, Town of Whitewater

Report of Petitions Referred to County Zoning Agency

TO: The County Board of Walworth County

The undersigned County Clerk hereby reports that the following petitions for rezone of land in Walworth County were referred to the County Zoning Agency for public hearing:
Reports of Standing Committees

1. Text Amendment to Walworth County Code of Ordinances, Chapter 74 (74-92 & 74-221), Existing Substandard Lots
2. Text Amendment to Walworth County Code of Ordinances, Chapter 74, Division 6, Signs
3. James D. Geister, Town of Linn, A-3 & C-4 to R-1, C-1 & C-4
4. Big Toy Storage (Bob Nolan), Town of Bloomfield, C-1 to B-4
5. Robert E. and Debra A. Collins, Town of Spring Prairie, A-1 to A-5
6. Regency Hills Devel. Corp., Town of Lafayette, A-1 to R-5
7. Lester Horlacher (Colin Horlacher, App.), Town of East Troy, A-1 to C-2
8. Arnold and Marie Sweno (Kevin L. Williams, App.), Town of LaGrange, A-1 to A-2 & C-2
9. Lester and Charlotte West (Gerald J. and Jane D. West, App.), Town of LaGrange, A-1 to C-2
10. Marietta Voss, Town of LaGrange, A-1 to C-2
11. Rose Jacobsen Life Estate, Joyce Reiter & Kenneth Jacobsen (Mann Bros., Inc., App.), Town of Sugar Creek, M-3 to A-2
12. John and Sarah Giomo, Town of Sugar Creek, A-1 to A-5
13. Town of Delavan, Town of Delavan, A-1 to C-4

Unfinished Business

New Business

On motion by Supervisor Grant, seconded by Supervisor Morrison, the Board voted to take \$5.00 from each Supervisor's September payroll check to replenish the Sunshine Fund.

A motion was offered by Supervisor Burwell to approve Resolution 53-08/03 – Authorizing a Feasibility Study of Building a Combined Special School and Nursing Home, seconded by Supervisor Ketchpaw. Discussion ensued.

County Administrator Bretl gave an overview of the nursing home items on the agenda. Bretl said that he recommended that the nursing home issue go before the County Board in August to provide direction in preparing the 2004 Budget and Capital Plan. Schenk's study recommended four options for the Lakeland Health Care Center. The first option was to maintain status quo. Bretl said that maintaining the status quo is undesirable because the Lakeland Health Care Center will become increasingly expensive to operate by 2006. Bretl also said that there is uncertainty regarding future programs, which causes anxiety for family members and employees. Bretl said that the Schenck study recommended three other options as well: building a new facility, remodeling the existing facility, and closing the facility. Building a 200-bed facility was endorsed by the Lakeland Health Care Center Board of Trustees. Remodeling the existing facility was the least desirable under the parameters set by the Schenck study. Bretl said that we have recently received information from a private vendor, Carriage Healthcare Companies. The Carriage Healthcare proposal could be pursued alone or supplemented by a County-run facility.

A motion was offered by Supervisor Gigante, seconded by Supervisor Guido, to send Resolution No. 53-08/03 back to committee for more study. Discussion ensued.

Phyllis Williams, Lakeland Health Care Center Administrator, addressed the Board. Williams said that we need to proceed aggressively if we are to remodel or build a new facility. Enough equity has been budgeted to keep the Lakeland Health Care Center in operation until 2006. Williams requested direction from the Board. Williams said she could then enter into a downsizing agreement and put a hold on admissions. She said we cannot continue with the present situation and it is obvious that a smaller facility is needed. Williams said that we would like to downsize by attrition when people are discharged or expire. Williams continued saying that she did a survey last week and there was one empty bed in Walworth County.

Supervisor Burwell said that this issue needs to be decided on fact and not emotion and believes that the timeline can still be met if a study is done to combine the school and the nursing home as the combination can be done by building in phases. Regarding Supervisor Burwell's resolution to combine the nursing home and the school, Williams said she spoke with the State engineer for the nursing home. The engineer said that the combination is feasible but the two would have to be completely separated except for some activities and dietary could provide the meals for the school. The students would always have to be supervised and could not be in the nursing home without supervision. A common entrance would not be available because of certain rules within the nursing home. Supervisor Russell said that the Finance Committee discussed Supervisor Burwell's resolution. Russell said that if the two units were combined it would seriously limit our options in the future, it will impede our options of returning the

school to the district some day, and there are the nursing home state regulations to consider. Chairman Norem expressed concern that this has been in discussion for over a year and the IGT funding is going to run out. Supervisor Gigante commented that when the IGT money runs out the taxes will go up.

Bill Holzheimer, Lyons Township, addressed the Board. Mr. Holzheimer said that this might be the most important decision the Board will make. Mr. Holzheimer inquired if the two facilities are built together, where would it be sited? Will we demolish the present nursing home and build on that location or find a new location? Mr. Holzheimer recommended that the current nursing home facility be sold. Mr. Holzheimer posed the following question: if the Aurora Hospital is combined with the Burlington hospital, leaving that building empty, would it be capable of housing the nursing home?

A roll call vote was taken to send Resolution 53-08/03 back to the Finance Committee. Total vote: 24; Ayes: 4 – Burwell, Gigante, Guido, Ketchpaw; Noes: 20 – Arnold, Felten, Grant, Hilbelink, Kuhnke, Lightfield, Lohrmann, Miles, Morrison, Palzkill, Parker, Peterson, Polyock, Russell, Schaefer, Scharine, Shepstone, Shroble, Wenglowky, Norem; Absent: 1 - Lothian. The roll call vote failed.

A motion offered by Supervisor Gigante, seconded by Supervisor Guido, to send Resolution 53-08/03 to the Property Committee failed by voice vote.

Discussion ensued regarding Supervisor Burwell's motion to approve Resolution No. 53-08/03 – Authorizing a Feasibility Study of Building a Combined Special School and Nursing Home. The motion to approve Resolution No. 53-08/03 failed by voice vote.

Resolution No. 53-08/03

DEFEATED

Authorizing a Feasibility Study of Building a Combined Special School
and Nursing Home

WHEREAS, the Lakeland Health Care Center building is in need of remodeling, repair or replacement; and,

WHEREAS, the Lakeland School building is in need of remodeling, repair or replacement; and,

WHEREAS, Schenck & Associates have prepared a study with options regarding the future of the Lakeland Health Care Center and are in the process of completing a study with options regarding the future of the Lakeland School; and,

WHEREAS, a proposal has been brought forth to erect one building to house both the Lakeland Health Care Center and the Lakeland School to realize savings in construction and operational costs; and,

WHEREAS, Schenck & Associates have indicated a study can be prepared for the above-mentioned proposal at a cost not to exceed \$10,000.

NOW, THEREFORE, BE IT RESOLVED by the Walworth County Board of Supervisors that Schenck & Associates be retained to prepare a study for said proposal at a cost not to exceed \$10,000.

BE IT FURTHER RESOLVED that the source of funding be the contingency fund.

| | | | |
|--|------|---|------|
| _____ William M. Norem County Board Chairman | Date | _____ Kimberly S. Bushey County Clerk | Date |
|--|------|---|------|

County Board Meeting Date: August 12, 2003

Action Required: Majority Vote _____ Two-thirds Vote XX Other _____

Policy and Fiscal Note is attached.
Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

| | | | |
|--|----------------|---------------------------------|----------------|
| David A. Bretl County Administrator/ Corporation Counsel | 8/5/03 Date | N. Andersen Finance Director | 8/5/03 Date |
|--|----------------|---------------------------------|----------------|

If unsigned, exceptions shall be so noted by the County Administrator.

Policy and Fiscal Note
Resolution No. 53-08/03

- I. Title: Authorizing a Feasibility Study of Building a Combined Special School and Nursing Home
- II. Purpose and Policy Impact Statement: The purpose of this resolution is to authorize Schenck & Associates to conduct a feasibility study of building a combined special school and nursing home. Both the Lakeland School and Lakeland Health Care Center are in need of major repairs and upgrades. The study will determine whether or not it would be practical and financially beneficial to build a combined facility, housing both operations.
- III. Budget and Fiscal Impact: The estimated cost of the study is \$10,000.
- IV. Referred to the following standing committees for consideration and date of referral:

Committee: Meeting Date:
204

Vote:

County Board Meeting Date: August 12, 2003

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

| | | | |
|--|--------|------------------|--------|
| David A. Bretl | 8/5/03 | N. Andersen | 8/5/03 |
| County Administrator/ Corporation Counsel | Date | Finance Director | Date |

A motion was offered by Supervisor Ketchpaw, seconded by Supervisor Guido, to approve Resolution No. 52-08/03 – Endorsing Inclusion of a 200-Bed Skilled Nursing Facility in the 2004 County Budget. Discussion ensued.

Chairman Norem asked for comments from the public on only the nursing home issue at this time.

Chairman Norem indicated that there were special forms to be filled out if speaking about the nursing home issue. Bretl said that the form could be filled out in lieu of speaking and it will become a part of the record.

Mary Price, 209 W. 2nd Avenue, Elkhorn, spoke in favor of keeping the nursing home open. Ms. Price said that she is President of AFSME Local 1925A, which represents employees at the Lakeland Health Care Center. Ms. Price gave an overview of the duties of the members at the nursing home. She said that as employees they are of course concerned about their jobs but they are also concerned about the welfare of the nursing home residents. LHCC employees are also homeowners and taxpayers in the County. Ms. Price asked if the nursing home were downsized, would the residents be sent to other counties? Or would seniors move to other counties so that they could go to a nursing home in another county? Ms. Price said that it is cruel to eliminate over 100 long-term care beds when there is already a waiting list.

Linda Noltze, also an employee of the LHCC, gave her three minutes of time to Mary Price. Ms. Price continued on saying some of the Supervisors think that the answer lies in the private sector. If the private sector would be willing to offer the same service with the same standards at the same cost, Walworth County would not have had a use for Lakeland Health Care Center.

Bret Strong, N9159 Maple Street, East Troy, addressed the Board. Mr. Strong said that he has absolutely nothing against the quality of care offered by Lakeland Health Care Center; however, he does have a problem with Walworth County building a new nursing home. Mr. Strong said his biggest concern is that because we receive Federal funds it is not just the citizens in Walworth County that may be residents of this nursing home. Mr. Strong said that there are residents there from other states and counties; and after

paying taxes in Walworth County all their lives, residents do not have preferred status. Mr. Strong feels that Walworth County taxes are excessive and the Board does not show fiscal responsibility. Mr. Strong said that the new courthouse should not have been built and that if a nursing home were built taxes would be raised again. Mr. Strong said that he does not feel that he receives enough services for his taxes and he is in favor of someone else taking over this responsibility. Mr. Strong said that if there are private entities that can handle the responsibility of the nursing home then let them. He finished by saying the Walworth County taxpayers can no longer afford the taxes to maintain the nursing home.

Arlene Torrenga, 355 Estate Lane, Delavan, spoke to the Board. Ms. Torrenga said that she is very upset that the Board wants to cut the beds down to 100 at the nursing home. Ms. Torrenga said that Walworth County has always taken care of its people and now suddenly the County cannot afford to take care of its citizens. Ms. Torrenga said that her taxes have doubled on her house over the years but she does not mind paying taxes if it will help take care of Walworth County citizens. She said that, even though her property taxes have doubled in the last twenty years, she would be willing to pay ½ percent more tax to keep the nursing home. Ms. Torrenga said she would like a nursing home available when it is needed for herself and her husband after paying taxes all these years.

Terry Johnson, N9144 Ash Street, East Troy, addressed the Supervisors. Mr. Johnson said he does not feel that anyone has a problem with the care at the Lakeland Health Care Center but thinks the nursing home should be run by a private concern – not the County. Mr. Johnson said that his mother needed a lot of care and was put into a private nursing home and it was a wonderful place. Mr. Johnson said that he would hope that if the employees of the Lakeland Health Care Center were good workers, then a private concern would hire them, also.

Joyce Tueting, 418 Circle Drive, Williams Bay, spoke to the Board. Ms. Tueting asked the Supervisors if her taxes would be reduced if Lakeland Health Care Center is downsized or sold. She said that she suspects that would not be the case.

Gary Bebler, 5171 Rudabusch Road, Burlington, also addressed the Board. Mr. Bebler said that he has worked at the Lakeland Health Care Center for 10 years as the Food Service Manager. Prior to working for Walworth County, Mr. Bebler said that he worked in private sector nursing homes and he said that he could not wait to get out. Mr. Bebler said that he took a \$14,000 cut to come to Walworth County to work. Mr. Bebler also said that he has been in long-term care since 1979 and he has enjoyed working at the Lakeland Health Care Center. He also said that he has worked in other facilities that were not nearly as nice as Lakeland Health Care Center. Mr. Bebler said that he is glad to be a resident of Walworth County and does not care if the taxes go up a little. He said that if he had built his house in Racine County his taxes would be \$2,000 to \$2,500 higher per year. Mr. Bebler asked that the Board not go too small and to consider the future years in the planning process.

Sue Schirott addressed the Board and spoke in favor of building a 200-bed facility. Ms. Schirott said that a 200-bed facility would assure the residents of Walworth County that 200 beds would be available in the future and the building would be more marketable if sold at some time.

In lieu of speaking, the following comments were included in the record:

Jo Hart, Elkhorn, is an employee of Gateway Technical College as a Nursing Assistant Instructor. Ms. Hart said that Walworth County should be proud of the LHCC workers and the care they provide. She said that this kind of care is NOT provided at all facilities. Ms. Hart also expressed concern about finding a clinical site for the number of students that are being trained for employment in long-term care facilities. She also said that the Lakeland Health Care Center has always been a facility that has accepted and cared for clients that all other facilities in the county could not handle. Ms. Hart asked if the facility is sold to a private sector concern, what will happen to these people? She liked the idea of remodeling the 1978 building, tearing down the old part, and rebuilding on that site.

Kenneth Baumeister, Burlington, submitted the following comments: He thinks the County Board should contact their U.S. Senators, Congressmen, and State representatives to voice their concern about the inequities of Medicaid and Medicare payments for patients. Mr. Baumeister asked where the savings would be if a profit-making private concern took over and the County would have to subsidize each patient?

Supervisor Felten made a motion to amend Resolution No. 52-08/03, seconded by Supervisor Scharine. Felten's amendment was to remodel the current facility to accommodate 100 beds and add a 50-bed addition to the facility, and that a sum of \$12,000 be used for a sole source study on the feasibility of the above with the money to be transferred from the contingency fund. Felten distributed copies of Resolution No. 52-08/03 amended as stated above. Felten then addressed the Board stating her concerns on building a new facility and her proposal to remodel the 1978 building. Discussion ensued.

Supervisor Lohrmann thinks it would be very expensive to remodel a building of that age. Lohrmann asked Bretl about the impact to Walworth County if the override of the Governor's veto did not take place today. Bretl said that the impact of the override would be a three-year freeze on the tax levy and Walworth County would then have to cut \$1.8 million more from the 2004 budget. Bretl said that the freeze would apply to debt service and operating budget. Bretl also said at this time we have planned on removing \$1.7 million. A decision should be made tonight so that we know how to proceed.

Supervisor Russell said her concern is the cost of operating the facility, not the building of a facility. Russell said that we will receive an estimated \$110.75 per day from Medicaid next year for each resident at the nursing home. Each resident's cost (or

private pay) will be \$202.00 per day. That means it will cost the County \$33,306.00 per day year for each and every Medicaid resident in the nursing home. 82% of the residents are on Medicaid. Currently we have 46 residents or 20% of the residents of the nursing home that are not Walworth County citizens. If things continue the way they are Walworth County taxpayers will be spending \$1,256,000 on non-County Medicaid residents next year. There are an estimated 95,000 people in Walworth County at this time. Of that, 12,000 people are over the age of 65. No matter how large a facility we build we cannot accommodate all of the residents of Walworth County. Traditional nursing homes are going by the wayside. Russell thinks the public should talk to the State and Federal legislators, as that is where the programs are being cut. The County can cut only non-mandated programs. We have to be fiscally prudent and it is a different economy today than years ago when decisions were made. Russell said she thinks that a 200-bed facility is not feasible.

Supervisor Burwell asked about the timeline of Supervisor Felten's study. Bretl said that this would add about 6 weeks to the timeline.

Chairman Norem offered a motion, seconded by Supervisor Ketchpaw, to amend Supervisor Felten's amendment of Resolution No. 52-08/03 to add the phrase "continue to study the private sector option of 50 beds." A roll call vote was held. Total vote: 24; Ayes: 20 – Arnold, Felten, Gigante, Grant, Guido, Hilbelink, Ketchpaw, Kuhnke, Lightfield, Lohrmann, Miles, Morrison, Palzkill, Parker, Peterson, Russell, Scharine, Shepstone, Shroble, Norem; Noes: 4 – Burwell, Polyock, Schaefer, Wenglowsky; Absent: 1 – Lothian. The amendment to Resolution No. 52-08/03 to continue the private sector option of 50 beds was approved.

The motion to approve the amended amendment presented by Supervisor Felten was approved by voice vote. Discussion ensued.

Supervisor Grant asked how thorough the Schenck study was. Bretl said that he had two problems with the study: 1) cost of closing the facility is not accurate; and 2) remodeling was the worst option in terms of ongoing operating costs, but the remodeling option was not explored as thoroughly as it could have been. Bretl said we should keep in mind that Schenck's remodeling option was premised upon a previous study done by Architecture 2000, a study for remodeling the nursing home which was not done in relation to how we could save money.

Chairman Norem stated that there was breaking news that the Senate failed to override the Governor's veto by one vote.

The question was called by Supervisor Scharine, seconded by Supervisor Palzkill, and a roll call vote was taken on Resolution No. 52-08/03, as amended, including Supervisor Felten's approved amendment for a study of a 150-bed facility as distributed to the Board and Chairman Norem's approved amendment to also continue the option of a study for private sector options for 50 beds. Total vote: 24; Ayes: 14 – Arnold, Burwell,

Felten, Grant, Guido, Miles, Morrison, Palzkill, Parker, Peterson, Scharine, Shepstone, Shroble, Norem; Noes: 10 – Gigante, Hilbelink, Ketchpaw, Kuhnke, Lightfield, Lohrmann, Polyock, Russell, Schaefer, Wenglowisky; Absent: 1 - Lothian. Roll call vote failed, as it required a 2/3 vote.

On motion by Supervisor Schaefer, seconded by Supervisor Guido, amended Resolution 52-08/03 was brought back for reconsideration.

Supervisor Ketchpaw offered a motion, seconded by Supervisor Polyock, to build a 125-bed nursing home and continue to study the private sector for the additional beds and include the funding for this in the 2004 Budget. Discussion ensued.

Bretl said that if we privatized and the private sector business closed the facility, we would get some of our money back but there is no guarantee that the facility will not be closed.

Supervisor Lohrmann offered a motion to amend Supervisor Ketchpaw's amendment from 125 beds to a range of 90 to 125 beds, seconded by Supervisor Hilbelink. Discussion ensued.

Supervisor Wenglowisky asked how the private sector option would be pursued. Chairman Norem said that we have had one proposal.

Supervisor Burwell said that she has a list of 64 employees that are long-term employees, which means that there has continued to be quality care. Burwell suggested that some group form a foundation as was once done with the hospital.

Phyllis Williams said we are currently in compliance with code at this time but because of the age of the building, if we make changes to the structure, major changes would need to be made to remain compliant.

Supervisor Lohrmann's amendment to Resolution 52-08/03, seconded by Supervisor Hilbelink, to change the previous amendment to add the range of 90 to 125 beds was approved by roll call vote. Total vote: 24; Ayes: 13 – Arnold, Grant, Hilbelink, Ketchpaw, Kuhnke, Lightfield, Lohrmann, Miles, Palzkill, Peterson, Polyock, Russell, Norem; Noes: 11 – Burwell, Felten, Gigante, Guido, Morrison, Parker, Schaefer, Scharine, Shepstone, Shroble, Wenglowisky; Absent: 1 - Lothian.

A roll call vote was held on Supervisor Ketchpaw's amendment to amended Resolution 52-08/03, seconded by Supervisor Polyock, to include a 90 to 125-bed range in a new facility and including looking at the private sector for additional beds, with this being included in the 2004 budget. Discussion ensued. Mr. Bretl said that other committees have to consider this for the budget approval. It will be put in the 2004 Budget to include a new nursing home of 90 to 125 beds. This is advisory only. The capital budget would have to be approved and also bonding. The question was called on

motion by Supervisor Gigante, seconded by Supervisor Polyock. Total vote: 24; Ayes: 14 – Arnold, Grant, Hilbelink, Ketchpaw, Kuhnke, Lightfield, Lohrmann, Miles, Palzkill, Peterson, Polyock, Russell, Shepstone, Norem; Noes: 10 – Burwell, Felten, Gigante, Guido, Morrison, Parker, Schaefer, Scharine, Shroble, Wenglowsky. Absent: 1 – Lothian. The amendment to amended Resolution 52-08/03 carried.

A roll call vote was held on the amended Resolution 52-08/03, to build a smaller nursing home of 90 to 125 beds and the inclusion of the private sector option in the 2004 budget. Supervisor Ketchpaw wanted to make it clear that we could still end up with 150 beds if added to the private sector. A roll call vote was held. Total vote: 24; Ayes: 19 – Arnold, Grant, Hilbelink, Ketchpaw, Kuhnke, Lohrmann, Miles, Morrison, Palzkill, Parker, Peterson, Polyock, Russell, Schaefer, Scharine, Shepstone, Shroble, Wenglowsky, Norem; Noes: 5 – Burwell, Felten, Gigante, Guido, Lightfield. Absent: 1 – Lothian. The resolution as amended was approved.

Resolution No. 52-08/03

Endorsing Inclusion of a 200-Bed Skilled Nursing Facility in the 2004 County Budget

AMENDED

Moved/Sponsored by: ~~Lakeland Health Care Center Board of Trustees~~

WHEREAS, the county is currently studying options concerning the long-term future of its skilled nursing facility known as the Lakeland Health Care Center ("LHCC") in light of the loss of Intergovernmental Transfer revenue; and,

WHEREAS, the county board commissioned a study to assist it in making this determination ("Schenck study"); and,

WHEREAS, the LHCC Board of Trustees ("Trustees") has carefully studied the options contained in the Schenck study and recommends construction of a new 200-bed facility; and,

WHEREAS, the county board has rejected a new 200-bed facility as being beyond the means of the county to reasonably afford.

NOW, THEREFORE, BE IT RESOLVED that the Walworth County Board of Supervisors endorses inclusion of a new 200 bed skilled nursing facility in the 2004 budget and 2004-2008 Capital Improvement Plan and directs staff to proceed with planning for said facility, all subject to further action of the county board and its committees with respect to budget, borrowing and planning issues associated with the facility. a study of the feasibility of remodeling the current facility by renovating the 1978 building to accommodate 100 beds and adding a 50 bed addition to the facility be approved and that the sum of \$12,000 be and the same is hereby transferred from the contingency fund to the appropriate operating account and that the county administrator be directed to proceed with the study as a solo source procurement as seen as

possible. inclusion of a new county-operated 90 to 125 bed skilled nursing facility and continued exploration of the option of partnering with a private sector nursing home operator in the 2004 budget.

William M. Norem 8/12/03 Kimberly S. Bushey
County Board Chairman Date County Clerk Date

County Board Meeting Date: August 12, 2003

Action Required: Majority Vote XX Two-thirds Vote XX Other _____

Policy and Fiscal Note is attached.
Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

David A. Bretl Date Nicole Andersen Date
County Administrator/Corporation Counsel Finance Director

If unsigned, exceptions shall be so noted by the County Administrator.

Policy and Fiscal Note
Resolution No. 52-08/03

- I. Title: Endorsing Inclusion of a 200-Bed Skilled Nursing Facility in the 2004 County Budget
- II. Purpose and Policy Impact Statement: Passage of this resolution endorses inclusion of a 200-bed skilled nursing facility in the 2004 budget and in the 2004-2008 Capital Improvement Plan. A report of the nursing home trustees is attached. This resolution is advisory and requires majority vote of the county board for passage. If this resolution is passed staff will begin planning efforts for a 200-bed facility subject to further board and committee authorizations that may be required. A minimum of three additional county board votes would be required to implement this plan: passage of the 2004 budget; borrowing authorization and approval of a construction contract. In order to issue bonds for the project, three-fourths approval of the county board would be required.
- III. Budgeted and Fiscal Impact: The attached memorandum from the County Administrator detail the fiscal impact of building a new 200-bed skilled nursing facility.
- IV. Referred to the following standing committees for consideration and date of referral:

Committee: LHCC Board of Trustees Meeting Date: July 9, 2003

Vote: 3 - 2

County Board Meeting Date: August 12, 2003

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

| | | | |
|--|--------|------------------|--------|
| David A. Bretl | 8/4/03 | N. Andersen | 8/5/03 |
| County Administrator/ Corporation Counsel | Date | Finance Director | Date |

Chairman Norem announced that there would be a 5-minute break.

Reports of Standing Committees

County Zoning Agency

Report of Proposed Zoning Amendments

A motion by Supervisor Kuhnke, seconded by Supervisor Morrison, to concur with the recommendation of the County Zoning Agency on the Report of Proposed Zoning Amendments was approved by voice vote.

REPORT OF COUNTY ZONING AGENCY
TO COUNTY BOARD ON HEARING ON PETITION
TO AMEND THE WALWORTH COUNTY ZONING ORDINANCE

TO THE COUNTY BOARD OF WALWORTH COUNTY:

The County Zoning Agency, having considered the petitions to amend the Walworth County Zoning Ordinance and Shoreland Zoning Ordinance; and having held public hearings thereon, pursuant to Section 59.69(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. Cornerstone Ministries of Burlington, Inc., Town of Lyons – filed a petition on the 3rd day of March, 2003 to amend said zoning maps from R-2 Single Family Residence District (Sewered) to P-2 Institutional Park District.

Recommendation: Said petition be approved.

2. All residences within the Pell Lake Sanitary District Boundaries, Town of Bloomfield – filed a petition on the 28th day of April, 2003, to amend said zoning maps from R-1 Single-Family Residence District (Unsewered) to R-2 Single-Family Residence District (Sewered).

Recommendation: Said petition be approved.

3. Scott Dahlberg, Town of Spring Prairie – filed a petition on the 7th day of May, 2003, to amend said zoning maps from C-2 Upland Resource Conservation District to R-1 Single-Family Residence District (Unsewered).

Recommendation: Said petition be approved.

4. David and Patricia Rieck, Town of Lafayette – filed a petition on the 7th day of May, 2003, to amend said zoning maps from A-1 Prime Agricultural Land District to A-5 Agricultural-Rural Residential District.

Recommendation: Said petition be approved after the appropriate findings were made as required by State Farmland Preservation Program S91.77(1) Wis. Stats.

There would not be a new lot created.

5. Robert T. Stewart, Town of Walworth – filed a petition on the 2nd day of April, 2003, to amend said zoning maps from A-1 Prime Agricultural Land District to A-5 Agricultural-Rural Residential District.

Recommendation: Said petition be modified down to 1.83 acres in size and approved after the appropriate findings were made as required by State Farmland Preservation Program S91.77(1) Wis. Stats.

1. The front portion of the parcel is lawn and trees and was not historically farmed.
2. The parcel is in the corner of the field, which is difficult to farm because of the size of the area.

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 Zoning Agency for public hearing; and

WHEREAS, the Walworth County Zoning Agency 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. Cornerstone Ministries of Burlington, Inc., Town of Lyons – to amend said zoning maps from R-2 Single Family Residence District (Sewered) to P-2 Institutional Park District on the following described lands:

Tax Parcel #N LY1000038 and NLA 00071

2. All residences within the Pell Lake Sanitary District Boundaries, Town of Bloomfield – to amend said zoning maps from R-1 Single-Family Residence District (Unsewered) to R-2 Single-Family Residence District (Sewered) on the following described lands:

Part of Sections 14, 15, 16, 21, 22, and 23, all in Township 1 North, Range 18 East of the Fourth Principal Meridian, Township of Bloomfield, County of Walworth, State of Wisconsin, described as follows:

Commencing at the North $\frac{1}{4}$ corner of Section 15, run thence Easterly along the north line of said section to the Northwest corner of Pell Lake Subdivision Section 4 and the point of beginning of the following described parcel; thence Easterly along the North line of Pell Lake Subdivision Section 4 and along the North line of Section 15 to the point on the Southwesterly right-of-way line of United States Highway 12; thence Southeasterly along said highway right-of-way to a point on the South line of Section 14; thence Westerly along said line to a point on the East line of Pell Lake Addition; thence Southerly along the East line of Pell Lake Addition, to the Southeast corner of said subdivision; thence Westerly along the South line of said addition to the West right-of-way line of Daisy Drive; thence Northerly along the West right-of-way line of Daisy Drive to the North line of Section 22; thence Westerly along said North line to the west line of the East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 22; thence Southerly along said west line to 100 feet Southerly of the Southerly right-of-way line of Evergreen Road in Pell Lake Subdivision Section 2; thence Westerly parallel with said Southerly right-of-way line, 358.50 feet; thence Southerly 467.92 feet to the Southeast corner of Lot 2070, Block 42, Pell Lake Subdivision Section 2, and the North line of the Southeast $\frac{1}{4}$ of Section 22; thence West along said North line to the Northeast corner of Certified Survey Map No. 1069; thence Southwesterly along the Easterly lines of said Certified Survey Map to the Southeast corner of said Certified Survey Map; thence West along the Southerly line of said Certified Survey Map to the North-South $\frac{1}{4}$ line of said Section 22; thence North along said line to the South line of Pell Lake Subdivision Section 5; thence Westerly along the South line of Pell Lake Subdivision Section 5 to the Southwest corner of Lot 7972 in Block 154 of Pell Lake Subdivision Section 5; thence Southerly along the east line of Block 154, 170, 171 to the most easterly corner of Lot 8033, Block 171 of said Section 5; thence Southwesterly along the Southeasterly line of Block 171 to the

centerline of County Trunk Highway H; thence Northwesterly along the centerline of said County Highway to the northerly extension of the east right-of-way line of East End Drive; thence Southerly along said line to the southwesterly line of Block 216 of Pell Lake Subdivision Section 7; thence Northwesterly along the Southwesterly line of Block 126 to the most Westerly corner of Lot 9853, Block 216; thence Northeasterly along Northwesterly line of said lot to the most Northerly corner thereof, said corner being on the Southwesterly line of Wisconsin Road; thence Northwesterly along said Southwesterly line 40 feet, more or less, to the Northwesterly line of Harvard Place; thence Northeasterly along the Northwesterly line of said Harvard Place to the most Southerly corner of Block 214 of Pell Lake Subdivision Section 7; thence Northwesterly along the Southwesterly line of said Block 214 and 213 to the West line of West End Drive; thence Northerly along the West line of said drive and the North-South $\frac{1}{4}$ section line of Section 21, to the North $\frac{1}{4}$ corner of said section; thence Easterly along the North line of the Northeast $\frac{1}{4}$ of said section to a point on the Northwesterly line of Peach Road; thence Northeasterly along said Northwesterly line and the extension thereof to a point on the Southwesterly right-of-way line of the Chicago and Northwestern Railroad; thence Northwesterly along said right-of-way line to a point on the East-West $\frac{1}{4}$ line of Section 16; thence Easterly along the East-West line of the East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 16; thence Northerly along said line, 463 feet; thence Easterly parallel with said East-West $\frac{1}{4}$ line, 715 feet, more or less; thence North 250 feet; thence Easterly parallel with said East-West $\frac{1}{4}$ line, 590 feet to the East line of Section 16;; thence Southerly 713 feet to the East $\frac{1}{4}$ corner of said section; thence Easterly along the North line of Sitterle's Subdivision and the extension of said North line to the Northeast corner of the St. Mary's Chapel Club Congregation property; thence Southerly along the Easterly side of said property to the Northerly line of Sitterle's Subdivision Addition; thence Easterly along said Northerly line to the Northerly line of Pell Lake Subdivision Section 4; thence Easterly along said Northerly line to the Northerly line of Block 108 Pell Lake Subdivision Section 3; thence Easterly and Northerly along said Block 108 to the Westerly line of Block 144 of Pell Lake Subdivision Section 4; thence follow around the Westerly side of said subdivision and H Polkinghor property to the Northwest corner of Pell Lake Subdivision Section 4, and the point of beginning.

3. Scott Dahlberg, Town of Spring Prairie – to amend said zoning maps from C-2 Upland Resource Conservation District to R-1 Single-Family Residence District (Unsewered) on the following described lands:

Part of Tax Parcel #OA201500001

Parcel 1

Being a redivision of Lot 1 of Certified Survey Map No. 2015, as recorded on March 6, 1991 in Volume 9 Page 311 of Certified Maps, Document No. 207780 at the Office of the Register of Deeds for Walworth County. Being part of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 22, Township 3 North, Range 18 East of the Fourth Principal Meridian in the Town of Spring Prairie, Walworth County, Wisconsin and being more particularly described as follows: Commence at the Northeast corner of the Northeast

1/4 of said Section 22; thence North 88°12'00" West along the North line of Certified Survey Map No. 1457, 339.26 feet; thence North 89°02'00" West along said North line, 160.28 feet; thence North 88°17'00" West along said North line, 534.76 feet; thence North 88°28'00" West along said North line 247.14 feet to a point on the East line of Lyons Road; thence South 11°24'00" West along said East line 37.13 feet; thence South 15°29'00" West along said East line, 34.90 feet to the Place of Beginning of this description; thence South 74°07'30" East, 310.41 feet; thence due South 234.00 feet; thence due West 271.48 feet; thence North 00°28'00" East, 249.08 feet; thence North 89°32'00" West, 48.32 feet to the East line of Lyons Road; thence North 15°29'00" East along said East line, 72.02 feet to the Place of Beginning. Containing 1.75 acres of land more or less.

4. David and Patricia Rieck, Town of Lafayette – 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 #K LF 800008A

Being a parcel of land located in the SE1/4 and NE1/4 of Section 8, Town 3 North, Range 17 East, and in the SW1/4 of Section 9, Town 3 North, Range 17 East, Town of Lafayette, Walworth County, Wisconsin, described as follows:

Beginning at the E ¼ corner of Section 8 Town 3 North, Range 17 East; thence N02°19'11"W, a distance of 21.89' to a point; thence N86°23'49"W, a distance of 140.25' to a point; thence N 01°00'24"W, a distance of 310.60' to a point on the centerline of Scotch Bush Road; thence along said centerline N88°00'35"W, a distance of 82.00' to a point; thence leaving said centerline S01°09'49"E, a distance of 397.45' to a point; thence S88°55'45"E, a distance of 221.84' to a point; thence N01°36'30"W, a distance of 57.45' to the Point of Beginning. Said parcel contains 1.01 acres more or less.

5. Robert T. Stewart, Town of Walworth – to amend said zoning maps from A-1 Prime Agricultural Land District to A-5 Agricultural-Rural Residential District on the following described lands:

Applicant's modified description of part of Tax Parcel #E W 1800007, describing 1.83 acres:

A parcel of land zoned A-1 to be rezoned as A-5, located in part of the Northwest1/4 of Section 18, Town 1 North, Range 16 East, Town of Walworth, Walworth County, Wisconsin, described as follows:

Commencing at the West ¼ Corner of said Section 18; thence N 88DEG 28MIN 55SEC E, 405.03 feet along the South line of the Northwest 1/4 of said Section 18 to the Point of Beginning; thence N 00DEG 43MIN 20SEC W, 161.06 feet; thence S 89DEG 16MIN 40SEC W, 45.00 feet; thence N 00DEG 43MIN 20SEC W, 276.32 feet; thence N

88DEG 28MIN 55SEC E, 198.60 feet to the East line of the West 17 acres of the Southwest ¼ of the Northwest ¼ of said Section 18; thence S 00DEG 43MIN 20SEC E, 438.00 feet to the South line of the Northwest ¼; thence S 88DEG 28MIN 55SEC W, 153.60 feet to the Point of Beginning. Containing 1.83 acres of land more or less.

ATTEST this 12th day of August, 2003.
William M. Norem
County Board Chairman

ATTEST this 12th day of August, 2003.
Kimberly S. Bushey
County Clerk

Executive Committee

Supervisor Grant offered a motion, seconded by Supervisor Wenglowksy, to approve Resolution No. 47-08/03 – Supporting Legalization of Video Lottery Machines in Restaurants and Taverns Licensed to Sell Alcoholic Beverages on Premises. Discussion ensued. Sheriff Graves said that video poker could not be enforced by local law enforcement unless there is an ordinance against it in the County. Graves reported that the District Attorney could prosecute if a case is brought by the Department of Revenue. The question was called on motion by Supervisor Ketchpaw and seconded by Supervisor Scharine. A roll call vote was held. Total vote: 24; Ayes: 9 – Gigante, Grant, Lohrmann, Miles, Parker, Shepstone, Shroble, Wenglowksy, Norem; Noes: 15 – Arnold, Burwell, Felten, Guido, Hilbelink, Ketchpaw, Kuhnke, Lightfield, Morrison, Palzkill, Peterson, Polyock, Russell, Schaefer, Scharine; Absent: 1 – Lothian. The roll call vote failed.

Resolution No. 47- 08/03

DEFEATED

Supporting Legalization of Video Lottery Machines in Restaurants and Taverns
Licensed to Sell Alcoholic Beverages on Premises

Moved/Sponsored by: Executive Committee

WHEREAS, Wisconsin Statutes Chapter 945 prohibits local restaurants and taverns that hold alcohol beverage licenses for on-premises consumption in an age-restricted environment from using gambling devices, including video gambling machines, within their places of business; and,

WHEREAS, the State of Wisconsin legalized gaming for Indian Tribes, bingo, raffles and certain lottery games; and,

County Board Meeting Date: August 12, 2003

Action Required: Majority Vote XX Two-thirds Vote _____ Other _____

Policy and Fiscal Note is attached.

Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

| | | | |
|--|---------|------------------|---------|
| David A. Bretl | 7/23/03 | N. Andersen | 7/23/03 |
| County Administrator/ Corporation Counsel | Date | Finance Director | Date |

If unsigned, exceptions shall be so noted by the County Administrator.

Policy and Fiscal Note
Resolution No. 47- 08/03

- I. Title: Supporting Legalization of Video Lottery Machines in Restaurants and Taverns Licensed to Sell Alcoholic Beverages on Premises
- II. Purpose and Policy Impact Statement: The purpose of this resolution is to support creation of a licensing process for legalization of video lottery machines in local restaurants and taverns that hold alcohol beverage licenses for on-premises consumption in an age-restricted environment.
- III. Is this a budgeted item and what is its fiscal impact: This is an advisory resolution and would have no fiscal impact on the County's budget for the current year.
- IV. Referred to the following standing committees for consideration and date of referral:

Committee: Executive Meeting Date: July 17, 2003

Vote: 4 - 1

County Board Meeting Date: August 12, 2003

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

| | | | |
|--|---------|------------------|---------|
| David A. Bretl | 7/23/03 | N. Andersen | 7/23/03 |
| County Administrator/ Corporation Counsel | Date | Finance Director | Date |

Finance Committee

A motion was offered by Supervisor Lohrmann, seconded by Supervisor Arnold, to approve Resolution No. 46-08/03 – To Write Off 2000 Personal Property Taxes Uncollectible in 2001. Discussion ensued. The question was called on motion by Supervisor Gigante, seconded by Supervisor Kuhnke, and the resolution was approved. Supervisor Polyock requested to be recorded as a “No” vote.

Resolution No. 46 - 08/03
To Write Off 2000 Personal Property Taxes Uncollectible In 2001

WHEREAS, the County Treasurer appears before the finance committee annually to obtain approval to write off uncollectible personal property taxes; and,

WHEREAS, Section 74.55(1), Wisconsin Statutes, addresses recovery of delinquent personal property taxes by the towns, villages and cities; 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 authorizes the write-off of uncollectible personal property taxes for the 2000 tax year as listed in Attachment A.

BE IT FURTHER RESOLVED, that this write-off in the amount of \$5,187.66 will be offset by Stewardship Lands (PILT) revenue, which revenues are in excess of the amounts budgeted for 2003.

BE IT FURTHER RESOLVED, that this resolution is to be effective upon adoption.

| | | | |
|-----------------------|---------|--------------------|------|
| William M. Norem | 8/12/03 | Kimberly S. Bushey | |
| County Board Chairman | Date | County Clerk | Date |

County Board Meeting Date: August 12, 2003

Action Required: Majority Vote XX Two-thirds Vote _____ Other _____

Policy and Fiscal Note is attached.
Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

| | | | |
|--|---------|------------------|---------|
| David A. Bretl | 7/21/03 | N. Andersen | 7/24/03 |
| County Administrator/ Corporation Counsel | Date | Finance Director | Date |

If unsigned, exceptions shall be so noted by the County Administrator.

Resolution No. 46 - 08/03

- I. Title: To Write Off 2000 Personal Property Taxes Uncollectible In 2001
- II. Purpose and Policy Impact Statement: The purpose of the resolution is to write off the uncollectible personal property taxes deemed uncollectible by the local municipality. The Towns, Villages and Cities are responsible for the collection of personal property taxes in accordance with Wisconsin Statutes.

The County will continue to pursue collection of the County and State's share according to county policy.

- III. Is this a budgeted item and what is its fiscal impact: The \$5,187.66 cost of the write off is to be offset by the Stewardship Lands (PILT) tax, account number 001-1053-1117 which currently exceeds budget and credited to account number 001-0000-0161, Delinquent Personal Property Taxes receivable
- IV. Referred to the following standing committees for consideration and date of referral:

Committee: Finance

Meeting Date: July 17, 2003

Vote: 6 - 0

County Board Meeting Date: August 12, 2003

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

David A. Bretl
County Administrator/
Corporation Counsel

7/21/03
Date

N. Andersen
Finance Director

7/24/03
Date

Health & Human Services Board

On motion by Supervisor Miles, seconded by Supervisor Parker, Resolution No. 45-08/03 – Calling on the State of Wisconsin to Support the Continuation of the Women, Infants, and Children (WIC) Program in Walworth County was approved.

Resolution No. 45-08/03

Calling on the State of Wisconsin to Support the Continuation of the Women, Infants, and Children (WIC) Program in Walworth County

Moved/Sponsored by: Health and Human Services

WHEREAS, the WIC Program has had an extraordinary 29-year record of preventing children's health problems and improving children's health, growth and development; and,

WHEREAS, 40% of all pregnant women and nearly 40% of all infants in Wisconsin participate in the Wisconsin WIC Program and in Walworth County, 41% of all pregnant women and 26% of all children in the county participate in the Walworth County WIC Program; and,

WHEREAS, every dollar spent on pregnant women enrolled in the WIC Program produces \$1.92 to \$4.21 in Medicaid savings for newborns and their mothers; and,

WHEREAS, participation in the WIC Program during a woman's pregnancy reduces her risk of giving birth to a very low birth weight baby by 44%, thus reducing Medicaid costs on the average between \$12,000 and \$15,000 per infant for every very low birth weight birth prevented; and,

WHEREAS, in Walworth County, WIC participation played a role in reducing low birth weight by 10% among women who participated in the program for 7-9 months of their pregnancies; and,

WHEREAS, children who participate in the WIC Program are more apt to enter school ready to learn. Four- and five-year-old children whose mothers participated in the WIC Program during their pregnancies score better on standardized tests than children whose mothers have not received WIC services; and,

WHEREAS, Wisconsin utilizes state supplemental funding to enroll and serve nearly 8,000 women, infants and children of the 106,000 served monthly; and,

WHEREAS, Walworth County uses the \$13,000 in state supplemental funding to: 1) promote breastfeeding for a longer duration and help support moms so that they can breastfeed when they return to work and 2) provide nutrition education to families and children in an effort to prevent childhood obesity.

NOW, THEREFORE, BE IT RESOLVED that the Walworth County Board of Health does hereby urge the Legislature to continue state funding in the amount of \$1 million during each year of the 2004-2005 biennium for the Wisconsin WIC Program to improve the health of Wisconsin's most vulnerable citizens.

BE IT FURTHER RESOLVED that the Walworth County Board of Supervisors goes on record in support of the recommendations herein; and,

BE IT FINALLY RESOLVED that copies of this resolution be sent to the Governor, legislators representing Walworth County, and the Wisconsin Counties Association.

William M. Norem 8/12/03 Kimberly S. Bushey
County Board Chairman Date County Clerk Date

County Board Meeting Date: August 12, 2003

Action Required: Majority Vote XX Two-thirds Vote Other

Policy and Fiscal Note is attached.
Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

David A. Bretl 7/23/03 N. Andersen 7/23/03
County Administrator/ Date Finance Director Date
Corporation Counsel

If unsigned, exceptions shall be so noted by the County Administrator.

Policy and Fiscal Note
Resolution No. 45 - 08/03

- I. Title: Calling on the State of Wisconsin to Support the Continuation of the Women, Infants, and Children (WIC) Program in Walworth County
- II. Purpose and Policy Impact Statement: This is an advisory resolution requesting action by the Governor, State of Wisconsin legislators and the Wisconsin Counties Associations.
- III. Is this a budgeted item and what is its fiscal impact: Passage of this resolution will not impact the Walworth County budget for 2004. Decreased funding in this program by the state could negatively affect the Walworth County budget, however.
- IV. Referred to the following standing committees for consideration and date of referral:

Committee: Health and Human Services Meeting Date: July 15, 2003

Vote: 6 - 0

County Board Meeting Date: August 12, 2003

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

David A. Bretl
County Administrator/
Corporation Counsel

7/23/03
Date

N. Andersen
Finance Director

7/23/03
Date

Human Resources Committee

1. Ordinance No. 243-08/03 – Amendment to Ord. No. 242-07/03 – Amending Sections 15-157 and 15-159 of the Walworth County Code of Ordinances Relating to Medical Standards
2. Resolution No. 50-08/03 – Transferring Positions from Lakeland School to the Sheriff's Department

Supervisor Morrison offered a motion to approve both Items #1 and #2, seconded by Supervisor Felten. Supervisor Gigante asked to separate the items for the vote.

Supervisor Gigante recommended that this ordinance be denied. Gigante said that he does not think the Director should decide whether the person should be on light duty or not and that someone from the medical field should decide about light duty. Supervisor Felten said that the intent was that the Director along with the department head would decide what form the light duty will take. Felten said that the recommendation of "light duty" will come from the medical field. Gigante said that the statement should be clarified in the Ordinance. Ordinance No. 243-08/03 was approved by voice vote with Supervisor Gigante requesting to be recorded as a "No" vote.

Ordinance No. 243-08/03

Amendment to Ordinance No. 242-07/03 - Amending Sections 15-157 and 15-159 of the Walworth County Code of Ordinances Relating to Medical Standards

NOW THEREFORE, THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

PART 1: THAT sec. 15-157, sub. (e) and (f), and sec. 15-159 of the Walworth County Code of Ordinances are amended to replace in every instance the phrase "the county" with "the director, in consultation with the department head".

PART 2: BE IT FURTHER ORDAINED THAT the effective date of this ordinance shall be upon passage and publication.

PASSED and ADOPTED by the Board of Supervisors of Walworth County Wisconsin this 12th day of August, 2003.

County Board Meeting Date: August 12, 2003

Action Required: Majority Vote XX Two-thirds Vote _____ Other _____

William M. Norem
County Board Chairman

Kimberly S. Bushey
County Clerk

Policy and Fiscal Note is attached.

Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

David A. Bretl
County Administrator/
Corporation Counsel

8/4/03
Date

N. Andersen
Finance Director

8/5/03
Date

If unsigned, exceptions shall be so noted by the County Administrator.

Policy and Fiscal Note
Ordinance No. 243 – 08/03

I. Title: Amendment to Ordinance No. 242-07/03 - Amending sec. 15-157 and sec. 15-159 of the Walworth County Code of Ordinances Relating to Medical Standards

II. Purpose and Policy Impact Statement:

On June 18, 2003 the Human Resources Committee intended to make changes to a proposed ordinance codifying portions of the Human Resource Code.

Unfortunately, these changes were inadvertently not included in the version of the ordinance presented to the County Board on July 8, 2003. This ordinance amends the current ordinance to include the committee's recommendations. The purpose of the changes is to assign responsibility and accountability to the Human Resource Director and department head, in lieu of the county generally. The new text would appear as follows:

Sec. 15-157. Return to Work.

e) Restricted work related to workers compensation. The County director, in consultation with the department head, may assign an employee on worker's compensation leave to restricted work ("light duty"), subject to the following:

(1) The employee may be required to perform any work in any department for which the employee is qualified.

(2) Temporary disability payments and sick leave pay shall be suspended for an employee on workers compensation leave who refuses modified work. The employee may request to use other accrued benefits (vacation,

holiday, or compensatory time) available to the employee, subject to departmental policies and scheduling practices.

- f) Restricted duties pending medical examination. The ~~county~~ director, in consultation with the department head, may place an employee on restricted duties, pending completion of a fitness-for-duty examination and receipt of the medical report. If the county has cause to believe that the employee's on-duty work status poses a risk to self or others, the employee may be placed on a non-voluntary medical leave by the county. The employee may use sick leave or other accrued benefits for the medical leave.

Sec. 15-159. Permanent Medical Restrictions.

The ~~county~~ director, in consultation with the department head, shall, prior to termination or lay-off, consider reasonable accommodations or offervacant position, if available and appropriate, to an employee with permanent medical restrictions and who is no longer qualified to perform the essential functions of their job. If a position for which the employee is qualified is not available in county employment, the employee shall be subject to termination of employment with reinstatement rights.

III. Is this a budgeted item and what is its fiscal impact:
Passage of this resolution has no fiscal impact.

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

Committee: Human Resources
Vote: 6 – 0 to adopt

Date: June 18, 2003

County Board Meeting Date: August 12, 2003

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

David A. Bretl
County Administrator/
Corporation Counsel

8/4/03
Date

N. Andersen
Finance Director

8/5/03
Date

Discussion ensued on Resolution No. 50-08/03 – Transferring Positions from Lakeland School to the Sheriff's Department. Bretl explained that this was part of one of his cuts for the 2004 budget; it will cost more to get the contract however it is levy neutral as there are Federal reimbursements, which will cover the difference. Resolution No. 50-08/03 was approved by voice vote.

Resolution No. 50 - 08/03
Transferring Positions from Lakeland School
to the Sheriff's Department

Moved/Sponsored by: Human Resources and Finance Committees

WHEREAS, the county administrator has proposed, as part of the 2004 budget that two Janitor II positions currently assigned to the Lakeland School be transferred to the Sheriff's office; and

WHEREAS, janitorial needs at the Sheriff's office are currently served by an outside contract; and,

WHEREAS, this transfer would permit the Sheriff's office to cancel said contract; and,

WHEREAS, contracted janitorial services are more appropriate at the Lakeland School, given cleaning needs at the school, because a purchase of services agreement will guarantee coverage at the school at all times when classes are in session, whereas the current arrangement does not; and,

WHEREAS, the finance and human resource committees met separately and determined there is merit in implementing this change during the 2003 budget year.

NOW, THEREFORE, BE IT RESOLVED by the Walworth County Board of Supervisors that two full-time Janitor II positions be and the same are hereby transferred from Lakeland School to the sheriff's department pursuant to the provisions of section 15-12 of the Walworth County Code of Ordinances.

| | | | |
|-----------------------|---------|--------------------|------|
| William M. Norem | 8/17/03 | Kimberly S. Bushey | |
| County Board Chairman | Date | County Clerk | Date |

County Board Meeting Date: August 12, 2003

Action Required: Majority Vote XX Two-thirds Vote _____ Other _____

Policy and Fiscal Note is attached.
Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

| | | | |
|--|--------|------------------|--------|
| David A. Bretl | 8/4/03 | N. Andersen | 8/5/03 |
| County Administrator/ Corporation Counsel | Date | Finance Director | Date |

If unsigned, exceptions shall be so noted by the County Administrator.

Policy and Fiscal Note

Resolution 50-08/03

- I. Title Transferring Positions from Lakeland School to the Sheriff's Department.
- II. Purpose and Policy Impact Statement: The purpose of this resolution is to transfer the two Janitor II positions at Lakeland School to the Sheriff's Department. The current cleaning services contract at the Sheriff's Department would be terminated and a new cleaning services contract would be implemented for Lakeland School. Direct supervision for the two Janitor positions is presently available at the Sheriff's Department. It is hoped that the purchase of services agreement will provide better coverage at the Lakeland School.
- III. Budget and Fiscal Impact: Although an agreement with an outside vendor for the school has not been finalized, it is anticipated that the cost of that purchased service will exceed the current cleaning contract in effect at the Law Enforcement Center by \$19,128 per year. The added cost has been factored into the 2004 budget plan and is anticipated to be offset by additional federal aid due to projected increases in enrollment. The finance committee will need to make a budget transfer to implement the plan for the balance of the 2003 calendar year. The source of funding for 2003 is anticipated to be funds remaining in the Sheriff's purchased services account attributable to their janitorial contract. Assuming an implementation date of October 1, 2003, the additional \$4,800 of funding required this year will be funded from tax levy savings associated with the receipt of unanticipated federal aid for staffing costs.
- IV. Referred to the following standing committees for consideration and date of referral:

Committee: Human Resources Date: July 16, 2003 Vote: 5-0 to adopt.
County Board Meeting: August 12, 2003

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

| | | | |
|-----------------------|--------|------------------|--------|
| David A. Bretl | 8/5/03 | N. Andersen | 8/5/03 |
| County Administrator/ | Date | Finance Director | Date |

Land Conservation Committee

Supervisor Morrison offered a motion, seconded by Supervisor Schaefer, to approve Resolution No. 51-08/03 – Approving a Memorandum of Understanding Regarding a Cluster Economic Development Initiative with Racine and Kenosha Counties and Authorizing Budget Transfer for the Same. Discussion ensued. Supervisor Gigante said that he is against this resolution because we would have to budget for this in 2004 and feels the other counties in the cluster are too far removed from ours. Supervisor

Gigante also said that because of the distance, Walworth County would not benefit from the cluster.

James Stowell, Chairman of the Tri-County Workforce Development Board, addressed the Supervisors regarding the Cluster Economic Development Initiative. Mr. Stowell said that he has worked with Supervisor Ketchpaw in this effort. Mr. Stowell said that he understands the issue about the geography but the initiative will be a facilitating of ideas and facilitating options for existing businesses. Mr. Stowell said that Walworth County's Cluster would be in the industrial and recreational areas. Mr. Stowell said that he highly recommends the Development Initiative. Gateway Technical College will be the fiscal agent or administrator of the agreement. Discussion ensued. Supervisor Arnold said that he does not like to be in the position to lay off people and at the same time think about going into something like this. Arnold said that he would hope that Workforce Development could do more in this area. Supervisor Burwell believes that Walworth County should take the lead in bringing people together to form a vision of the future for all of Walworth County.

Supervisor Guido requested that Joseph B. Cardiff be allowed to address the Board. Mr. Cardiff is the Executive Director of the Lake Geneva Business Park. Mr. Cardiff said that he has been a resident of Walworth County for 30 years and he has been involved in economic development for over 25 years. Mr. Cardiff said that the Cluster Economic Development Initiative is the best thing that has happened in over 10 years in business development. Workforce Development is another activity that is already combined in the three-county area. Mr. Cardiff said that two businesses that are in a cluster together could serve a customer better if they work together. He said that he also thinks that Walworth County should be a leader in this effort.

Supervisor Ketchpaw requested that Judy McFarland, Gateway Board Representative of Walworth County, be allowed to address the Board. Ms. McFarland said that she lives in the Town of East Troy and is a life-long resident of the County. Ms. McFarland explained the benefits of Cluster Economic Development and encouraged the Supervisors to enter into the Cluster Economic Initiative.

Chairman Norem relinquished the Chair to Vice Chairman Grant so that he could address the Board. Chairman Norem said that he has a background in industry and industry is very private. Industry does not come in and talk to committees. Industry is very secretive and they know what they want. Norem said that Elkhorn has a group now which he helped form. Norem said that the group is not a development company but it is a group of like industries in the Industrial Park that talk to each other and they do not share who they ship with or sell to or buy from and are very quiet about who they employ. Norem said having meetings does not necessarily spell success. Norem said that the City of Sarasota, Florida has a very logical approach and he would hope that we could look into that but it is not a cluster development. Norem expressed concern that when a plant comes in and it is tied with Kenosha or Racine, it will not come to this County. If it does come to Walworth County, to which city would the County send it?

Norem said that he is very much against sharing industry with someone else. Walworth County is working on this concept but we are going slowly. Norem said that we have lost industry in the past and we do not have enough.

Supervisor Ketchpaw said that the goal of economic development is to strengthen what we have and enable people to work together in that direction. Ketchpaw said that the competition is not with the other machine companies but with China and Mexico. People are being laid off and this will continue as we lose companies. Ketchpaw said that this is the first effort she has seen where we can keep companies, strengthen companies, and through that bring in more companies.

Supervisor Gigante stated that we have to keep in mind that we are not losing industry to China and to Mexico due to the lack of economic development; we're losing it because of our state tax structure.

Chairman Norem said that he heard while in the City of Sarasota, that the first thing to do in attracting industry was to have a highly efficient zoning office. Norem said he was told by a State official that there are two counties in the State of Wisconsin that are difficult to get zoning through – one is Dane County and the other is Walworth County. A memorandum was distributed to the Supervisors regarding Three County Cluster Development Structure and Funding Recommendations.

Supervisor Ketchpaw requested that Paul Schumacher address the Board. Paul Schumacher will be the Facilitator. Mr. Schumacher gave two examples of what the Cluster can do. He said the idea is to get the companies into whatever kind of cluster you can. Walworth County has industry that companies in Racine and Kenosha County are not aware of and if the three counties were aware, they could share job opportunities and equipment and keep industry in the cluster area. Mr. Schumacher said that he did forward a document to Mr. Bretl stating that, given 90 days notice, Walworth County can opt out of the agreement with no financial penalty. Mr. Schumacher gave an overview of his past business experience. On motion by Supervisor Gigante, seconded by Supervisor Scharine, the question was called. A roll call vote was held. Total vote: 24; Ayes: 12 – Burwell, Felten, Grant, Guido, Hilbelink, Ketchpaw, Lightfield, Miles, Morrison, Peterson, Schaefer, Shroble; Noes: 12 – Arnold, Gigante, Kuhnke, Lohrmann, Palzkill, Parker, Polyock, Russell, Scharine, Shepstone, Wenglowksy, Norem; Absent: 1 – Lothian. The roll call vote failed as it required a 2/3 vote.

Resolution No. 51-08/03

DEFEATED

Approving a Memorandum of Understanding Regarding a Cluster Economic Development Initiative with Racine and Kenosha Counties and Authorizing a Budget Transfer for the Same

Policy and Fiscal Note is attached.

Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

| | | | |
|--|--------|------------------|--------|
| David A. Bretl | 8/4/03 | N. Andersen | 8/5/03 |
| County Administrator/ Corporation Counsel | Date | Finance Director | Date |

If unsigned, exceptions shall be so noted by the County Administrator.

Policy and Fiscal Note
Resolution No. 51-08/03

- I. Title: Approving a Memorandum of Understanding Regarding a Cluster Economic Development Initiative with Racine and Kenosha Counties and Authorizing a Budget Transfer for the Same
- II. Purpose and Policy Impact Statement: Approval of this resolution will authorize the proper county officials to execute a memorandum of understanding establishing a tri-county cluster economic development initiative. Walworth County's share in the cost of the initiative for 2003 is \$1,850.
- III. Budget and Fiscal Impact: Approval of this resolution will authorize a budget transfer of \$1,850 from salary savings in the land use and resource management department, due to the departure of the sanitarian, to the appropriate operating account to fund the initiative. Since this is a contractual arrangement, funding for the 2004 commitment would need to be contained in next year's budget. Should the county board approve the expense, the finance committee has expressed its intention of reducing county board travel by one national conference next year (\$1,500), with the balance of \$9,940 being taken from the county appropriation for the Walworth County Visitor's Bureau. That recommendation is subject to county board approval during the budget process.
- IV. Referred to the following standing committees for consideration and date of referral:

Committee: Land Conservation Meeting Date: June 10, 2003

Vote: 4 - 0

County Board Meeting Date: August 12, 2003

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

David A. Bretl
County Administrator/
Corporation Counsel

8/4/03
Date

N. Andersen
Finance Director

8/5/03
Date

Public Property Committee

1. Resolution No. 48-08/03 – Declaring Certain Buildings at the Lakeland Agricultural Complex Surplus and Authorizing Their Demolition
2. Resolution No. 49-08/03 – Declaring the County Farmhouse Surplus and Authorizing Its Demolition

A motion was offered by Supervisor Polyock, seconded by Supervisor Hilbelink to approve both resolutions. Supervisor Gigante made a motion seconded by Supervisor Ketchpaw, to refer Resolution 48-08/03 and Resolution 49-08/03 back to the Public Property Committee. Motion failed to send back to the committee.

Supervisor Burwell asked that the resolutions be voted on separately.

Supervisor Polyock said that after making some phone calls, he has determined that the cost would be substantially less than the figures mentioned in Resolution No. 48-08/03. Bretl said that one of the bids was not a complete bid to demolish the farm buildings, which included asbestos removal, etc., and one bid was over budget. Bretl said that he has had calls saying that they would remove the lumber but the Public Property Committee discussed this and was concerned about the liability and the completeness of the removal. Polyock said that the Public Property Committee has looked at selling the concrete and that was cost prohibitive; they also looked at selling the lumber and there were no viable options. The question was called on motion by Supervisor Grant, seconded by Supervisor Polyock. Resolution No. 48-08/03 was approved by roll call vote. Total vote: 24; Ayes: 18 – Arnold, Grant, Hilbelink, Ketchpaw, Kuhnke, Lohrmann, Miles, Palzkill, Parker, Peterson, Polyock, Russell, Schaefer, Scharine, Shepstone, Shroble, Wenglowsky, Norem; Noes: 6 – Burwell, Felten, Gigante, Guido, Lightfield, Morrison; Absent: 1 - Lothian.

Resolution No. 48-08/03
Declaring Certain Buildings at the Lakeland Agricultural Complex Surplus and
Authorizing Their Demolition

Moved/Sponsored by: Public Property Committee

BE IT RESOLVED by the Walworth County Board of Supervisors that pursuant to Section. 30-262 of the Walworth County Code of Ordinances, the board hereby determines that certain county farm buildings more particularly described as the red barn, calf barn and corn crib ("Farm Buildings") and three silos located on County Road NN, Elkhorn, are no longer useful to the county and are hereby declared to be surplus property.

BE IT FURTHER RESOLVED that appropriate county staff be and the same are hereby directed to dispose of the Farm Buildings and that the method of disposal shall be by means of a practice burn conducted by the Elkhorn Fire Department and that the method of disposal of the silos be by implosion.

| | | | |
|-----------------------|---------|--------------------|------|
| William M. Norem | 8/12/03 | Kimberly S. Bushey | |
| County Board Chairman | Date | County Clerk | Date |

County Board Meeting Date: August 12, 2003

Action Required: Majority Vote XX Two-thirds Vote _____ Other _____

Policy and Fiscal Note is attached.
 Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

| | | | |
|--|--------|------------------|--------|
| David A. Bretl | 8/4/03 | N. Andersen | 8/4/03 |
| County Administrator/ Corporation Counsel | Date | Finance Director | Date |

If unsigned, exceptions shall be so noted by the County Administrator.

Policy and Fiscal Note
 Resolution No. 48-08/03

- I. Title: Declaring Certain Buildings at the Lakeland Agricultural Complex Surplus and Authorizing Their Demolition
- II. Purpose and Policy Impact Statement: The purpose of this resolution is to declare certain county farm buildings surplus and authorize their demolition. This resolution, if approved, will direct staff to work with the Elkhorn Fire Department to burn down the buildings and implode the silos. Asbestos abatement and utility work would be accomplished by outside vendors prior to the burn.
- III. Is this a budgeted item and what is its fiscal impact: The cost for the demolition is estimated to be \$26,100, broken down as follows:

| | |
|----------|---|
| \$ 4,800 | Removal and reinstallation of the high voltage electrical system by Elkhorn Light & Water |
| \$11,000 | Asbestos removal allowance from the big red barn and calf barn |
| \$ 300 | Service donation to the Elkhorn Area Fire Department |
| \$ 1,500 | Imploding three silos |
| \$ 500 | Disconnecting the WE Energies gas service |
| \$ 8,000 | Disposal of waste concrete and ash |

The cost of demolition can be paid without use of contingency funds, as a result of receiving more revenue than was originally budgeted for farm rental income. A budget transfer to fund the demolition has already been approved by the finance committee.

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

Committee: Public Property Meeting Date: July 15, 2003

Vote: 5 – 0

County Board Meeting Date: August 12, 2003

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

| | | | |
|--|--------|------------------|--------|
| David A. Bretl | 8/4/03 | N. Andersen | 8/4/03 |
| County Administrator/ Corporation Counsel | Date | Finance Director | Date |

Supervisor Grant made a motion for unanimous consent to approve Resolution No. 49-08/03, seconded by Supervisor Polyock. Supervisors Guido and Wenglowisky requested that their "No" votes be recorded.

Resolution No. 49-08/03
Declaring the County Farmhouse Surplus and Authorizing Its Demolition

Moved/Sponsored by: Public Property Committee

BE IT RESOLVED by the Walworth County Board of Supervisors that pursuant to section 30-262 of the Walworth County Code of Ordinances the board hereby determines that the former Herdsman's House, located on the Lakeland Complex grounds at W4054 County Road NN, Elkhorn ("Farm House"), is no longer useful to the county and is hereby declared to be surplus property.

BE IT FURTHER RESOLVED that appropriate county staff be and the same are hereby directed to dispose of the Farm House and that the method of disposal shall be by means of a practice burn conducted by the Elkhorn Fire Department.

| | | | |
|-----------------------|---------|--------------------|------|
| William M. Norem | 8/12/03 | Kimberly S. Bushey | |
| County Board Chairman | Date | County Clerk | Date |

County Board Meeting Date: August 12, 2003

Action Required: Majority Vote XX Two-thirds Vote _____ Other _____

Policy and Fiscal Note is attached.

Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

| | | | |
|--|--------|------------------|--------|
| David A. Bretl | 8/4/03 | N. Andersen | 8/4/03 |
| County Administrator/ Corporation Counsel | Date | Finance Director | Date |

If unsigned, exceptions shall be so noted by the County Administrator.

Policy and Fiscal Note
Resolution No. 49-08/03

- I. Title: Declaring the County Farmhouse Surplus and Authorizing Its Demolition
- II. Purpose and Policy Impact Statement: The purpose of this resolution is to declare the county farmhouse surplus and authorize its demolition. This resolution, if approved, will direct staff to work with the Elkhorn Fire Department to burn down the house. Asbestos abatement and utility work would be accomplished by outside vendors prior to the burn.
- III. Is this a budgeted item and what is its fiscal impact: The cost for the demolition is estimated to be \$8,000. The cost of demolition can be paid without use of contingency funds as a result of receiving more revenue than was originally budgeted for farm rental income. A budget transfer to facilitate the demolition has already been approved by the finance committee.
- IV. Referred to the following standing committees for consideration and date of referral:
Committee: Public Property Meeting Date: July 15, 2003

Vote: 5 - 0

County Board Meeting Date: August 12, 2003

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

| | | | |
|--|--------|------------------|--------|
| David A. Bretl | 8/4/03 | N. Andersen | 8/4/03 |
| County Administrator/ Corporation Counsel | Date | Finance Director | Date |

There were no Reports of Special Committees.

Supervisor Kuhnke announced that the County Zoning Public Hearing, scheduled for Thursday, August 21 would begin at 5:00 p.m. instead of 6:00 p.m. because of the long agenda.

On motion by Supervisor Polyock, seconded by Supervisor Gigante, the meeting of the Walworth County Board adjourned at 10:00 p.m.

The next regularly scheduled meeting of the Walworth County Board will be held on Tuesday, September 9, 2003, at 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 August 12, 2003 meeting.

THE SEPTEMBER 9, 2003 SESSION
OF THE
WALWORTH COUNTY BOARD OF SUPERVISORS

The Walworth County Board of Supervisors was called to order by Chairman Norem at 6:00 p.m. at the Walworth County Courthouse, 100 W. Walworth St., Elkhorn, Wisconsin.

Chairman Norem read a thank you note received from Mrs. Robert Shepstone and requested a Moment of Silence honoring Robert H. Shepstone.

Supervisor Dorothy Burwell gave the invocation.

Roll call was read with all Supervisors present except Supervisors Felten, Lohrmann, and Morrison, who had been excused. A quorum was established.

On motion by Supervisor Grant, seconded by Supervisor Gigante, the agenda was approved and amended by removing and referring back to the Executive Committee item #1, Ordinance No. 244-09/03 – Amending Chapter 2 of the Walworth County Code of Ordinances So As To Combine the Highway and Public Property Committees Into a Public Works Committee and to Change Certain Other Committee Membership Requirements; and, item #5, Ordinance No. 245-09/03 – Amending Section 2-101 of Chapter 2 of the Walworth County Code of Ordinances, Eliminating Public Comment at County Board Meetings Regarding Non-Agendized Items and Directing the Executive Committee to Develop Procedures in Connection with Public Comment.

ORDINANCE NO. 244 – 09/03

REMOVED AND REFERRED BACK TO EXECUTIVE COMMITTEE

AMENDING CHAPTER 2 OF THE WALWORTH COUNTY CODE OF ORDINANCES
SO AS TO COMBINE THE HIGHWAY AND PUBLIC PROPERTY COMMITTEES INTO
A PUBLIC WORKS COMMITTEE AND TO CHANGE CERTAIN OTHER COMMITTEE
MEMBERSHIP REQUIREMENTS

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS
FOLLOWS:

PART I: That Section 2-41 of Chapter 2 of the Walworth County Code of Ordinances is hereby amended to read as follows (deleted language is shown by strike-out; new language is shown by underline):

“SUPERVISOR ASSIGNMENTS AND COMPENSATION

Sec. 2-41. Committee assignments.

Standing committees of the board shall consist of the committee of the whole and those committees, boards and commissions set forth in section 2-121. Each standing committee shall be chaired by a supervisor. Supervisors shall be elected or assigned to the standing committees as follows:

- (1) Elected board membership. The board shall elect supervisors to the following boards and committees as the terms expire or vacancies occur:
 - a. Children with disabilities education board;
 - b. Lakeland Health Care Center board of trustees;
 - c. Such members of the nominating committee as may be required pursuant to section 2-131(b).

- (2) Appointed membership. The board shall appoint members of the following committees, boards and commissions:
 - a. Executive committee;
 - b. Finance committee;
 - c. Human resources committee;
 - d. Public ~~property~~ works committee;
 - e. Agriculture and extension education committee;
 - f. Health and human services board;
 - ~~g. Highway committee;~~
 - ~~h. g.~~ Land conservation committee; and
 - ~~i. h.~~ County zoning agency.

- (3) Committee leadership. Except in the case of the committee of the whole where the board chairperson shall serve as chairperson, each standing committee shall elect a committee chairperson and vice-chairperson from its membership. Members of the county board shall not chair more than one committee concurrently.

- (4) Six-year limit on service. No supervisor may serve more than six consecutive years on the same standing committee. April 20, 2000 shall be considered the starting date for purposes of calculating time of service under this section.

- (5) Assignments
 - a. Except as provided in b., each supervisor shall serve on two of the standing committees enumerated in paragraphs (1)a. and b. and (2), one of which shall be a committee listed in (2)a through d.

b. Notwithstanding paragraph a., the county board chairperson shall serve on the ~~executive finance, CDEB~~ and nominating committees and one other committee set forth in sec. 2-121, enumerated in 2-41(1)b or 2.e. through h. Those three supervisors appointed to the agriculture and extension education committee shall also serve on the land conservation committee.

(6) Committee of the whole. Notwithstanding paragraph (5), each supervisor shall serve on the committee of the whole.”

PART II: That Section 2-121 of Chapter 2 of the Walworth County Code of Ordinances is hereby amended to read as follows (deleted language is shown by strike-out; new language is shown by underline):

“Sec. 2-121. Creation.

The following committees, boards, and commissions of the county board are hereby created:

- (1) Executive committee;
- (2) Agriculture and extension education committee;
- (3) Committee of the whole;
- (4) Land conservation committee
- (5) Finance committee
- (6) Children with disabilities education board;
- (7) Health and human services board;
- ~~(8) Highway committee;~~
- ~~(9)~~ (8) Human resources committee;
- ~~(10)~~ (9) Lakeland Health Care Center board of trustees;
- ~~(11)~~ (10) Nominating committee;
- ~~(12)~~ (11) County zoning agency; and
- ~~(13)~~ (12) Public ~~property works~~ committee.”

PART III: That Section 2-139 of Chapter 2 of the Walworth County Code of Ordinances is hereby amended to read as follows (deleted language is shown by strike-out; new language is shown by underline):

“Sec. 2-139. County zoning agency.

- (a) Purpose. The county zoning agency shall exercise those powers relative to planning and zoning as set forth in Wis. Stats § 59.69.
- (b) Membership. Unless otherwise designated by the board, the county zoning agency shall consist of ~~five~~ seven members including ~~three~~ four county board supervisors and ~~two~~ three community representatives.”

PART IV: That Section 2-140 of Chapter 2 of the Walworth County Code of Ordinances is hereby amended to read as follows (deleted language is shown by strike-out; new language is shown by underline):

"Sec. 2-140. Public ~~property~~ works committee.

(a) Purpose. In addition to any other duty presented by this Code, the public ~~property~~ works committee shall have the following duties:

(1) Advise the county board with respect to all resolutions and ordinances concerning the use, construction and maintenance of county-owned facilities and public works projects, ~~except~~ including county highways.

(2) With respect to all highway and non-highway construction projects contained in the annual budget:

- a. Approve plans and specifications;
- b. Authorize advertisements for bids;
- c. Award bids;
- d. Approve change orders and partial payments; and
- e. Authorize final payment.

(2) Serve as the county highway committee pursuant to section 83.015 of the Wisconsin Statutes and in such capacity:

- a. Serve as a policy-making body relative to county highways and transportation issues.
- b. Determine broad outlines and principles governing administration of county highways.

(b) Membership. The public ~~property~~ works committee shall consist of ~~five~~ seven members of the county board. Four additional community members shall be appointed by the board and serve only at those times when the committee sits as the solid waste management board pursuant to Wis. Stats § 59.70(2).

(c) Terms of office. The terms of office for the solid waste management shall be three years, but of the members first appointed, at least one-third shall be appointed for one year; at least one-third for two years; and the remainder for three years."

PART V: That Section 2-142 of Chapter 2 of the Walworth County Code of Ordinances is hereby amended to read as follows (deleted language is shown by strike-out; new language is shown by underline):

~~"Sec. 2-142. Highway committee.~~

~~(a) Purpose. The highway committee shall have the following duties:~~

~~(1) Serve as a policy-making body relative to county highways and transportation issues.~~

~~(2) Determine broad outlines and principles governing administration of county highways.~~

~~(b) Membership. The highway committee shall consist of five members of the county board.~~

PART VI: BE IT FURTHER ORDAINED by the Walworth County Board of Supervisors that this Ordinance shall become effective upon passage and publication.

PASSED and ADOPTED by the Walworth County Board of Supervisors this 9th day of September, 2003.

William M. Norem
County Board Chairman

Date

Kimberly S. Bushey
County Clerk

Date

County Board Meeting Date: September 9, 2003

Action Required: Majority Vote _____ Two-thirds Vote XX Other _____

Policy and Fiscal Note is attached.

Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

David A. Bretl
County Administrator/
Corporation Counsel

8/29/03
Date

N. Andersen
Finance Director

8/29/03
Date

If unsigned, exceptions shall be so noted by the County Administrator.

Ordinance No. 244-09/03
Fiscal Note and Policy Impact Statement

- I. Title Ordinance No. 244 – 09/03 Amending Chapter 2 Of The Walworth County Code of Ordinances So As To Combine The Highway And Public Property Committees Into A Public Works Committee And To Change Certain Other Committee Membership Requirements.
- II. Purpose and Policy Impact Statement: The purpose of this ordinance amendment is to make certain changes to the county’s board’s rules, including consolidation of the public property and highway committees into one public

works committee, amending Chapter 2 of the Code of Ordinances. This ordinance amendment to the board's rules will accomplish those changes and permit consolidation of the two committees.

With respect to the ordinance amendment, the following policy changes are noted:

Part 1 - The name of the public property committee is changed to the public works committee. All references to the highway committee are deleted. The requirement of the county board chairman to serve on the children with disabilities board and executive committee is removed.

Part 2 – Create a public works committee and delete the highway committee.

Part 3 – Membership on the county zoning agency is increased from five to seven members consisting of five county board supervisors and two community members.

Part 4 – Amended sec. 2-140 to rename the combined public property and highway committees “public works committee” and increased membership from five to eight members.

Part 5 – Sec. 2-142.

III. Budget and Fiscal Impact: Passage of this ordinance will increase the per diem paid to citizen members by approximately \$600.

IV. Referred to the following standing committee(s) for consideration and date of referral:

Committee: Executive

Vote: 6 – 0

Date: August 28, 2003

County Board Meeting Date: September 9, 2003

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

David A. Bretl
County Administrator/
Corporation Counsel

8/29/03
Date

N. Andersen
Finance Director

8/29/03
Date

ORDINANCE NO. 245 – 09/03

REMOVED AND REFERRED BACK TO EXECUTIVE COMMITTEE
NOT PUT ON OCTOBER AGENDA; NUMBER NOT USED
SEE ORD. 247-11/03 FOR CURRENT APPROVED ORDINANCE

AMENDING SECTION 2-101 OF CHAPTER 2 OF THE WALWORTH COUNTY CODE
OF ORDINANCES, ELIMINATING PUBLIC COMMENT AT COUNTY BOARD
MEETINGS REGARDING NON-AGENDIZED ITEMS AND DIRECTING THE
EXECUTIVE COMMITTEE TO DEVELOP PROCEDURES IN CONNECTION WITH
PUBLIC COMMENT

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS
FOLLOWS:

PART I: That Sec. 2-101 is amended to read as follows (deleted language is shown by
strike-out; new language is shown by underline):

"DIVISION 6.

ORDER OF BUSINESS

Sec. 2-101. Agenda order of business

The order of business for county board meetings shall be as follows:

- (1) Call to order.
- (2) Pledge of Allegiance.
- (3) Invocation.
- (4) Roll call of members
- (5) Withdrawals from agenda, if any.
- (6) Approval of the agenda.
- (7) Approval of past meeting minutes.
- ~~(8) Comment period by members of the public.~~
- (8) Special order of business (at time specific).
- (9) Communications and matters to be referred.
- (10) Unfinished business.

(11) New business:

a. Reports of standing committees.

b. Reports of special committees.

(12) Review and approval of emergency decisions made on an interim basis by the executive committee.

(13) Adjournment.”

“PART II. That the executive committee is hereby directed to develop procedures to establish and regulate public participation at county board meetings and report its recommendations to the county board as soon as possible.”

PART III. The effective date of this ordinance shall be upon passage and publication.

PASSED and ADOPTED by the Walworth County Board of Supervisors this 9th day of September 2003.

| | | | |
|-----------------------|------|--------------------|------|
| _____ | Date | _____ | Date |
| William M. Norem | | Kimberly S. Bushey | |
| County Board Chairman | | County Clerk | |

County Board Meeting Date: September 9, 2003

Action Required: Majority Vote _____ Two-thirds Vote X Other _____

Policy and Fiscal Note is attached.
Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

| | | | |
|--|---------|------------------|---------|
| David A. Bretl | 8/29/03 | N. Andersen | 8/29/03 |
| County Administrator/ Corporation Counsel | Date | Finance Director | Date |

If unsigned, exceptions shall be so noted by the County Administrator.

Ordinance No. 245 - 09/03
Fiscal Note and Policy Impact Statement

- I. Title: Ordinance No. 245 Amending Section 2-101 of Chapter 2 of the Walworth County Code of Ordinances, Eliminating Public Comment at Count Board Meetings Regarding Non-Agendized Items and Directing the Executive Committee To Develop Procedures in Connection with Public Comment

Which Proposes to Change the Name of the "Swamp or Waste" Classification of Real Property to "Undeveloped Land" for Purposes of Property Taxation under Communications and Matters to Be Referred. The items will be placed on file.

Approval of the Minutes

Supervisor Russell asked that the minutes of the August 12, 2003 County Board meeting be amended on page 8, paragraph 4, fourth sentence, as follows: "...it will cost the County \$33,306.00 per day year for each and every Medicaid resident in the nursing home."

A motion was offered by Supervisor Gigante, seconded by Supervisor Grant, to approve the minutes of the August 12, 2003 County Board meeting as amended.

Comment Period by Members of the Public

Betty Landreth, 11816 – 60th Street, Kenosha, addressed the Supervisors. Ms. Landreth said that she was back again to talk about the unfair treatment Ms. Sinette has received from the Humane Agent and the courts. Ms. Landreth also commented that she thought the Humane Agent had not taken care of the animals properly once they were taken from Ms. Sinette.

James Kieselburg, W9420 Clinton Street, Darien, addressed the Supervisors. Mr. Kieselburg referred to an article in the *Chicago Tribune* about a young man with severe cerebral palsy who is attending Harvard University. Mr. Kieselburg said that Joe Ford benefited from Inclusion, which is the inclusion of disabled children into a public school atmosphere so that they can be educated with their non-disabled peers. Mr. Kieselburg invited the Supervisors to an open forum regarding Inclusion. The forum will be held in Lake Geneva, at 6:00 p.m., Monday, September 22, at Badger High School. Joe Ford's brother wrote the article in the *Tribune* and said that Joe was fortunate that he was included in a regular classroom and that he graduated from high school in Denver, Colorado, with honors. Mr. Kieselburg encouraged the Supervisors to attend the meeting in Lake Geneva, which will be held in the Commons Area at Badger High School. He said that as long as the issue of Lakeland School and what we are going to do with the school is current, he thinks it is important to educate our youth but it is also important that we educate ourselves.

Bill Holzheimer, Lyons Township, addressed the Supervisors in regard to the Lakeland Health Care Center and the money spent on remodeling the entrance. Mr. Holzheimer said that the actual cost was approximately \$220,000. He said he would hate to see the building destroyed in a few years after spending this money for repairs. He feels that the nursing home has a real purpose in this community and Walworth County has always been known for taking care of its people.

Larry Klawes, W2085 Hwy 11, Spring Prairie Township, addressed the Board. Mr. Klawes said he came to inform the Supervisors of the problem in Spring Prairie with the speed limit on Highway 11. He would like it to be lower. Mr. Klawes said that he has talked to people from the Department of Transportation and they said that if the speed limit was reduced 55 to 45 miles per hour, they would still be writing tickets for 15 miles an hour over as they are now for 60 to 65 miles per hour. He said there are children and school buses in the area, traffic runs the stop sign, and it is very dangerous. Mr. Klawes said that he has spoken to a lot of people and nothing has been done. He would like the speed limit reduced before someone gets killed.

Barb McComb, W9230 Hwy 59, Town of Whitewater, addressed the Board to speak in favor of Lakeland School. Ms. McComb said she is a parent of a 16-year old student at Lakeland School and she is very worried about the school's future. She feels the school serves a purpose, is a very good provider, and the students are not left unsupervised. Ms. McComb said that if her child were mentally and physically intact and able to socially interact in a positive manner he would be at Whitewater Unified School District and not at Lakeland School. Ms. McComb explained why she feels that Lakeland School is the best option for her son. Ms. McComb said she is not asking to discount Inclusion but is asking that the County keep all options open that are appropriate for individual children.

Jeri Polson, W2024 State Hwy 11, Spring Prairie, addressed the Board because she is also concerned with the speed problems in Spring Prairie. Ms. Polson said that even though there is a sign saying "speed zone ahead" there is no sign to bring the speed limit down. She said that there are children out there and it is a very heavily traveled area. Ms. Polson said that there is no warning to tell them there is a stop sign ahead. She asked for help to get the speed reduced for the school buses and for those trying to turn into their driveways.

Appointments/Elections

On motion by Supervisor Gigante, seconded by Supervisor Wenglowksy, the following appointments were approved with one vote:

1. Village of Fontana Tax Increment Financing District No. 1
 - Tracy Schulze, Finance Department
2. Community Action Board of Rock and Walworth Counties
 - Supervisor Betty Felten
 - Supervisor Joyce Ketchpaw
3. Walworth County Housing Authority Board of Commissioners
 - Richard A. Kuchenbecker – Term to expire June 30, 2008

VILLAGE OF FONTANA-ON-GENEVA LAKE
TAX INCREMENTAL DISTRICT NO. 1

STATE OF WISCONSIN)
)SS
COUNTY OF WALWORTH)

I, the undersigned Chairman of the Walworth County Board of Supervisors, do hereby appoint Tracy Schulze of the Walworth County Finance Department, as a member of the Joint Review Board of the Village of Fontana-on-Geneva Lake for Tax Incremental District No. 1.

Dated this 9th day of September, 2003.

William M. Norem, Chairman
Walworth County Board of Supervisors

COMMUNITY ACTION BOARD OF ROCK AND WALWORTH COUNTIES

STATE OF WISCONSIN)
)SS
COUNTY OF WALWORTH)

I, the undersigned Chairman of the Walworth County Board of Supervisors do hereby appoint Supervisor Betty Felten and Supervisor Joyce Ketchpaw as County Board Representatives to the Community Action Board of Rock and Walworth Counties. Said terms to expire upon completion of term as County Board Supervisor, or until a successor is named.

Dated this 9th day of September 2003.

William M. Norem, Chairman
Walworth County Board of Supervisors

WALWORTH COUNTY HOUSING AUTHORITY BOARD

STATE OF WISCONSIN)
)SS
COUNTY OF WALWORTH)

I, the undersigned Chairman of the Walworth County Board of Supervisors, do hereby appoint Richard Kuchenbecker to the Walworth County Housing Authority Board. Said term to expire June 30, 2008, or until a successor is named.

Dated this 9th day of September, 2003.

William M. Norem, Chairman
Walworth County Board of Supervisors

Communications and Matters to be Referred

The Clerk read the following Communications and Matters to be Referred.

1. The claim of Mermal v. Walworth County was referred to the Executive Committee.
2. A letter from East Troy Community School District regarding Lakeland School will be placed on file.
3. A memorandum from Wisconsin County Mutual Insurance Corporation regarding Representative Assembly to be held at WCA Convention will be placed on file.
4. A letter from American Transmission Company with Overview of Delavan-Darien Reliability Project will be placed on file.
5. Correspondence from Rep. Samantha Kerkman regarding Walworth County advisory resolutions forwarded to her office will be placed on file.
6. An electronic letter from Carol Spencer regarding Lakeland Health Care Center will be placed on file.
7. Racine County Resolution No. 2003-67 Opposing Section 1632mb of 2003 Senate Bill 44 Which Proposes to Authorize Counties to Sell Tax Certificates on Tax Delinquent Real Estate Properties to Third Parties was withdrawn from the agenda and will be placed on file.
8. Racine County Resolution No. 2003-68 Opposing Section 1632e of 2003 Senate Bill 44 Which Proposes to Change the Name of the "Swamp or Waste" Classification of Real Property to "Undeveloped Land" for Purposes of Property Taxation was withdrawn from the agenda and will be placed on file.
9. The Report of the County Clerk concerning communications received by the Board and recommended to be placed on file was placed on file.

The Clerk noted that the following correspondence was received after the agenda deadline and was distributed to the Supervisors this evening:

- St. Croix County Res. No. 35 (2003) – Opposing Modification to Property Tax Payment System – The St. Croix resolution will be placed on file since the Walworth County Board adopted Res. No. 38-09/01 – Walworth County's Opposition to Any Legislation Allowing A Grace Period for Real Estate Property Taxes on September 13, 2001.
- Manitowoc County Ord. No. 2003/2004-53 Ordinance Prohibiting Feeding Deer – Copies of the resolution were distributed to the Supervisors at the September 9, 2003 County Board meeting and will be referred to the Executive Committee.
- A letter from Bob Miller, Committee Chairman, Frank Kresen Post 24, regarding the Annual POW/MIA Silent March, was distributed to the Supervisors. The Clerk read the letter and it will be placed on file. The march will be held on Saturday, September 20, 2003 in Lake Geneva.
- Also distributed to the Supervisors this evening was Resolution No. 59-09/03 – Authorizing Appropriate Officials to Execute a Downsizing Agreement With the State of Wisconsin Relative to Lakeland Health Care Center. The Lakeland Health Care

Center Board of Trustees reviewed the resolution prior to this meeting and recommended approval 3-1.

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

- Cornerstone Ministries of Burlington, Inc., Town of Lyons
- All residences within the Pell Lake Sanitary District boundaries (Town of Bloomfield, App.), Town of Bloomfield
- Scott Dahlberg, Town of Spring Prairie
- David and Patricia Rieck, Town of Lafayette
- Robert T. Stewart, Town of Walworth

11. Report of Zoning Petitions Referred to the County Zoning Agency:

TO: The County Board of Walworth County

The undersigned County Clerk hereby reports that the following petitions for rezone of land in Walworth County were referred to the County Zoning Agency for public hearing:

- Sylvester and Eileen Cribben (Wisconsin Power and Light, App.), Town of Darien, A-1 to P-1
- Mary E. Rodriguez, Town of Richmond, C-2 to A-1
- Charles D. Pearce, Town of Delavan, A-1 to C-2
- Tom and Cheryl Berg (Pat Nelson, App.), Town of East Troy, A-3 to R-1
- Curt and Lisa Ziegler (Carl Ziegler, App.), Town of Lyons, C-1 to C-2

Unfinished Business

New Business

Reports of Standing Committees

County Zoning Agency

Report of Proposed Zoning Amendments

A motion was offered by Supervisor Kuhnke, seconded by Supervisor Gigante, to concur with the recommendation of the County Zoning Agency on the Report of Proposed Zoning Amendments.

Supervisor Grant requested that item #4 of the Report, Paul E. Joseph, Town of Richmond, Rezone 55.3 acres of A-2 to C-2 – denied 5-0, be voted on separately.

Supervisor Lightfield had a comment and questions on item #3 of the Report, Patrick B. Blair, Town of East Troy, Rezone 1.85 acres of C-4 to C-2 – approved 5-0, and it was voted on separately.

The motion was approved to concur with the County Zoning Agency's recommendation for items #1 and #2 of the Report.

Discussion ensued on item #3, Patrick B. Blair. Item #3 was approved as presented by the County Zoning Agency with Supervisor Lightfield requesting that his vote be recorded as a "No."

A motion was offered by Supervisor Grant and seconded by Supervisor Ketchpaw to send item #4, Paul E. Joseph, of the Report back to the Committee. Discussion ensued. A roll call vote was held. Total vote: 21; Ayes: 3 – Grant, Guido, Norem; Noes: 18 – Arnold, Burwell, Gigante, Hilbelink, Ketchpaw, Kuhnke, Lightfield, Lothian, Miles, Palzkill, Parker, Peterson, Polyock, Russell, Schaefer, Scharine, Shroble, Wenglowsky; Absent: 3 – Felten, Lohrmann, Morrison; Vacant: 1. The roll call vote failed to send item #4 back to the Committee.

The motion was approved to concur with the recommendation of the County Zoning Agency to deny the rezone request for item #4, Paul E. Joseph, Town of Richmond, Rezone 55.3 acres of A-2 to C-2.

REPORT OF COUNTY ZONING AGENCY
TO COUNTY BOARD ON HEARING ON PETITION
TO AMEND THE WALWORTH COUNTY ZONING ORDINANCE

TO THE COUNTY BOARD OF WALWORTH COUNTY:

The County Zoning Agency, having considered the petitions to amend the Walworth County Zoning Ordinance and Shoreland Zoning Ordinance; and having held public hearings thereon, pursuant to Section 59.69(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. Southern Lakes Evangelical Free Church, Town of Lafayette – filed a petition on the 2nd day of April, 2003 to amend said zoning maps from A-1 Prime Agricultural Land District to P-2 Institutional Park District.

Recommendation: Said petition be approved after the following findings were made as required by State Farmland Preservation Program S91.77(1) Wis. Stats.

Churches are an allowed use in the A-1 zone district.

2. New Life Community Church (Jay Campbell, App.), Town of East Troy – filed a petition on the 4th day of February, 2003, to amend said zoning maps from P-2 Institutional Park District to A-2 Agricultural Land District.

Recommendation: Said petition be approved.

3. Patrick B. Blair, Town of East Troy – filed a petition on the 6th day of May, 2003, to amend said zoning maps from C-4 Lowland Resource Conservation District (Shoreland) to C-2 Upland Resource Conservation District.

Recommendation: Said petition be approved

4. Paul E. Joseph, Town of Richmond – filed a petition on the 3rd day of June, 2003, to amend said zoning maps from A-2 Agricultural Land District to C-2 Upland Resource Conservation District on the following described lands:

Part of Tax Parcel #C R 1100005

A parcel of land located in part of the West ½ of Section 11, Town 3 North, Range 15 East, Walworth County, Wisconsin, more particularly described as follows:

Beginning at an iron rebar stake found marking the Northeast corner of the Southeast ¼ of the Northwest ¼ of said Section 11 (T3N, R15E); thence S 00DEG 46MIN 20SEC W, 1669.56 feet to the Northerly right of way line of County Trunk Highway "A"; thence along said highway, s 67DEG 05MIN 20SEC W, 1159.11 feet; thence continue along said highway, S 72DEG 47MIN 58SEC W, 100.50 feet; thence continue along said highway, S 67DEG 05MIN 20SEC W, 186.58 feet; thence N 12DEG 30MIN 52SEC W, 274.98 feet; thence N 11DEG 55MIN 03SEC E, 645.69 feet; thence N 00DEG 38MIN 23SEC E, 840.75 feet; thence N 66DEG 31MIN 01SEC E, 290.33 feet; thence N 01DEG 08MIN 51SEC E, 371.25 feet; thence S 89DEG 43MIN 36SEC E, 1001.19 feet to the Point of Beginning. Containing 55.29 acres of land, more or less.

Recommendation: Said petition be denied based on the following reasons:

1. The parcel is properly zoned as is.
2. There are still nine potential homesites remaining on the property.

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 Zoning Agency for public hearing; and

WHEREAS, the Walworth County Zoning Agency 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. Southern Lakes Evangelical Free Church, Town of Lafayette – filed a petition on the 2nd day of April, 2003 to amend said zoning maps from A-1 Prime Agricultural Land District to P-2 Institutional Park District on the following described lands:

Part of Tax Parcel #'s KA175800001 and K LF 700004A

Part of Lot 1 of Certified Survey Map No. 1758 and lands located in the Southwest ¼ of Section 7, Town 3 North, Range 17 East, Town of Lafayette, Walworth County, Wisconsin, described as follows: Commence at the West ¼ corner of said Section 7; thence South, along the West line of said Southwest ¼, 420.00 feet to the Point of Beginning; thence East 434.00 feet; thence South 1068.00 feet; thence West 372.32 feet to the East line of United States Highway 12 and State Trunk Highway 67; thence North 0°27'59" West, along said East line, 4.82 feet; thence Northerly along the arc of a curve to the left (central angle=15°25'39", radius=1697.30 feet, whose chord bears North 7°46'34" West 455.64 feet) 457.02 feet to the West line of said Southwest ¼ of Section 7; thence North, along said West line, 611.73 feet to the Point of Beginning. Said parcel contains 10.207 acres (444.631 sq. ft.) of land, more or less.

Churches are an allowed use in the A-1 zone district.

2. New Life Community Church (Jay Campbell, App.), Town of East Troy – filed a petition on the 4th day of February, 2003, to amend said zoning maps from P-2 Institutional Park District to A-2 Agricultural Land District on the following described lands:

Part of Tax Parcel #P ET 300002A

Being part of the Southeast ¼ of the Northeast ¼ of Section 3, Town 4 North, Range 18 East, Town of East Troy, Walworth County, Wisconsin.

Commencing at the East ¼ corner of Section 3, T4N, R18E; thence along the East line of the Northeast ¼ N00°00'00"E, 821.31 feet to a point; thence N52°30'32"W, 251.80 feet to the Point of Beginning. Thence N36°46'18"E, 115.00 feet to a point; thence S52°24'34"E, 25.60 feet to a point; thence S34°13'04"W, 115.00 feet to a point; thence N52°30'32"W, 30.73 feet to the Point of Beginning.

3. Patrick B. Blair, Town of East Troy – filed a petition on the 6th day of May, 2003, to amend said zoning maps from C-4 Lowland Resource Conservation District (Shoreland) to C-2 Upland Resource Conservation District on the following described lands:

Part of Tax Parcel #PLBW 00005

That part of Lot 5, Lake Beulah Woodlands, being a replat of a part of Lake Beulah Country Club Subdivision and a replat of a part of Lake Beulah Country Park Subdivision, all lying within the Northeast ¼ and Northwest ¼ of the Northeast ¼ of Section 18, Town 4 North, Range 18 East, Town of East Troy, Walworth County, Wisconsin, described as follows: Beginning at the Northern most point of said Lot 5; thence South 41°46'41" East along the Northeasterly line of said Lot 5, 406.59 feet to the line labeled as wetlands/C-4 zoning per the recorded plat; thence South 25°26'43" West along said line, 158.81 feet; thence South 17°17'57" West along said line, 113.20 feet; thence South 31°03'01" East along said line, 152.26 feet; thence South 27°37'25" East along said line, 88.32 feet; thence South 00°25'11" East along said line, 30.25 feet; thence South 00°06'01" West along said line, 45.90 feet; thence South 01°34'23" East along said line, 77.34 feet; thence South 79°07'22" West along said line, 73.10 feet; thence South 51°48'30" West along said line, 61.53 feet; thence South 37°47'57" West along said line, 101.04 feet; thence South 49°45'41" West along said line, 31.34 feet; thence South 77°04'14" West along said line, 31.16 feet; thence South 87°48'15" West along said line, 20.30 feet; thence North 61°45'25" West along said line, 21.32 feet; thence North 72°28'20" West along said line, 37.29 feet to the Westerly line of said Lot 5; thence North 00°41'22" East along said line, 343.17 feet; thence North 14°32'27" East along said line, 71.78 feet; thence North 00°10'12" West along said line, 642.58 feet to the Place of Beginning. Described area contains 218,075 sq. ft. (5.0063 acres). Excluding that portion of the parcel currently zoned C-2.

ATTEST this 9th day of September, 2003.
William M. Norem
County Board Chairman

ATTEST this 9th day of September, 2003.
Kimberly S. Bushey
County Clerk

Executive Committee

A motion was offered by Supervisor Gigante and seconded by Supervisor Hilbelink to deny Resolution No. 57-09/03 – Supporting Assembly Bill 90 and Senate Bill 37 Which Would Allow Police Officers to Stop a Vehicle Solely for Seat Belt Compliance. Discussion ensued. The question was called, a vote was conducted, and a division of the house declared. A roll call vote was conducted. Total vote: 21; Ayes: 15 – Gigante, Guido, Hilbelink, Kuhnke, Miles, Palzkill, Parker, Peterson, Polyock, Russell, Schaefer, Scharine, Shroble, Wenglowksy, Norem; Noes: 6 – Arnold, Burwell, Grant, Ketchpaw,

Lightfield, Lothian; Absent: 3 – Felten, Lohrmann, Morrison; Vacant: 1. The resolution was denied.

Resolution No. 57 - 09/03
Supporting Assembly Bill 90 and Senate Bill 37
Which Would Allow Police Officers To Stop a Vehicle
Solely for Seat Belt Compliance

DEFEATED

Sponsored/Referred by: Executive Committee

WHEREAS, currently Wisconsin law requires the use of safety belts in certain motor vehicles, and with specific exceptions, no person may drive a motor vehicle unless he or she is properly restrained by a safety belt and believes that each passenger between the ages of four and fifteen years old is also properly restrained; and

WHEREAS, current law prohibits a law enforcement officer from stopping or inspecting a motor vehicle solely to determine compliance with safety belt use requirements; and

WHEREAS, under current law, law enforcement officers may issue citations for a violation observed in the course of a stop or inspection made for other purposes, however, may not take into physical custody a person solely for a violation of safety belt use requirements; and

WHEREAS, proposed Senate Bill 37 and Assembly Bill 90 ("Bills"), if adopted, would authorize a law enforcement officer to stop or inspect a vehicle solely to determine compliance with safety belt use requirements, if the officer has probable cause to believe that a violation has occurred; and,

WHEREAS, said Bills would increase the forfeiture for a violation of the seatbelt law; and

WHEREAS, Walworth County's highway safety committee voted to support the proposed legislation and forward the proposal to the executive committee for consideration; and

WHEREAS, the executive committee considered the matter and voted to forward this resolution without recommendation to the County Board for consideration.

NOW, THEREFORE, BE IT RESOLVED that the Walworth County Board of Supervisors hereby endorses 2003 Senate Bill 37 and 2003 Assembly Bill 90 and urges passage.

BE IT FURTHER RESOLVED the County Clerk mail a notice of the County Board's decision regarding this proposed legislation to those state legislators representing Walworth County, Governor Doyle and the Wisconsin Counties Association.

| | | | |
|--|-------------|---|-------------|
| <u>William M. Norem</u> County Board Chairman | <u>Date</u> | <u>Kimberly S. Bushey</u> County Clerk | <u>Date</u> |
|--|-------------|---|-------------|

County Board Meeting Date: September 9, 2003

Action Required: Majority Vote X Two-thirds Vote _____ Other _____

Policy and Fiscal Note is attached.
Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

| | | | |
|--|-----------------|---------------------------------|-----------------|
| David A. Bretl County Administrator/ Corporation Counsel | 8/29/03 Date | N. Andersen Finance Director | 8/29/03 Date |
|--|-----------------|---------------------------------|-----------------|

If unsigned, exceptions shall be so noted by the County Administrator.

Policy and Fiscal Note
Supporting Assembly Bill 90 and Senate Bill 37
Which Would Allow Police Officers To Stop a Vehicle
Solely for Seat Belt Compliance

- I. Title: Supporting Assembly Bill 90 and Senate Bill 37 Which Would Allow Police Officers To Stop a Vehicle Solely for Seat Belt Compliance
- II. Purpose and Policy Impact Statement: The purpose of the resolution is to indicate county support of proposed legislation which would permit law enforcement officers to stop vehicles solely to determine seat belt compliance.
- III. Budget and Fiscal Impact: Passage of this resolution will have no fiscal impact on the 2003 budget. Increasing the forfeiture could raise additional revenue for the county in future years, depending upon the number of citations issued.
- IV. Referred to the following standing committees for consideration and date of referral:

Committee: Executive Meeting Date: August 28, 2003

Vote: 6 – 0 to forward to the County Board without recommendation

County Board Meeting Date: September 9, 2003

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

| | | | |
|--|---------|------------------|---------|
| David A. Bretl | 8/29/03 | N. Andersen | 8/29/03 |
| County Administrator/ Corporation Counsel | Date | Finance Director | Date |

Resolution No. 58-09/03 – Denying the Claim of Daniel Knox, was approved on motion by Supervisor Grant; seconded by Supervisor Gigante.

Resolution No. 58- 09/03
Denying the Claim of Daniel Knox

Moved/Sponsored by: Executive Committee

BE IT RESOLVED by the Walworth County Board of Supervisors that the claim of Daniel Knox of N7265 Colbo Road, Burlington, WI 53105, be and the same is hereby denied.

BE IT FURTHER RESOLVED THAT the County Clerk send a notice of disallowance to the claimant.

| | | | |
|-----------------------|--------|--------------------|------|
| William M. Norem | 9/9/03 | Kimberly S. Bushey | |
| County Board Chairman | Date | County Clerk | Date |

Action Required: X Majority Vote Two-thirds Vote Other

County Board Meeting Date: September 9, 2003

Policy and Fiscal Note is attached.
Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

| | | | |
|--|---------|------------------|---------|
| David A. Bretl | 8/29/03 | N. Andersen | 8/29/03 |
| County Administrator/ Corporation Counsel | Date | Finance Director | Date |

If unsigned, exceptions shall be so noted by the County Administrator.

Policy and Fiscal Impact Statement
Resolution No. 58 - 09/03

Title: Denying Claim of Daniel Knox

- II. Purpose and Policy Impact Statement: The purpose of this resolution is to deny the claim made by Daniel Knox of N7265 Colbo Road, Burlington, WI 53105.

III. Is this a budgeted item and what is its fiscal impact: Passage of this resolution will have no fiscal impact on the 2003 County budget.

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

Committee: Executive

Date: August 28, 2003

Vote: 6 – 0

County Board Meeting Date: September 9, 2003

Policy and Fiscal Note is attached.

Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

David A. Bretl
County Administrator/
Corporation Counsel

8/29/03
Date

N. Andersen
Finance Director

8/29/03
Date

If unsigned, exceptions shall be so noted by the County Administrator.

Finance Committee

Supervisor Polyock offered a motion, seconded by Supervisor Russell, to approve Resolution No. 54-09/03 – Initial Resolution Authorizing Not to Exceed \$2,760,000 General Obligation Promissory Notes for Highway Projects. Discussion ensued. Approval of the resolution required a $\frac{3}{4}$ vote of the members and a roll call vote was conducted. Total vote: 21; Ayes: 20 – Arnold, Burwell, Grant, Guido, Hilbelink, Ketchpaw, Kuhnke, Lightfield, Lothian, Miles, Palzkill, Parker, Peterson, Polyock, Russell, Schaefer, Scharine, Shroble, Wenglowisky, Norem; Noes: 1 – Gigante; Absent: 3 – Felten, Lohrmann, Morrison; Vacant: 1. The resolution was approved.

Resolution No. 54-09/03

Initial Resolution Authorizing Not to Exceed \$2,760,000 General Obligation Promissory Notes for Highway Projects

Moved/Sponsored by: Finance Committee

WHEREAS, Walworth County, Wisconsin (the "County") is in need of an amount not to exceed \$2,760,000 for the public purpose of financing the construction and improvement of highways; and

WHEREAS, it is desirable to authorize the issuance of general obligation promissory notes for such purpose pursuant to Chapter 67 of the Wisconsin Statutes;

NOW, THEREFORE, BE IT RESOLVED, by the Walworth County Board of Supervisors that the County borrow an amount not to exceed \$2,760,000 by issuing its general obligation promissory notes for the public purpose of financing the construction and improvement of highways. There be and there hereby is levied on all the taxable property in the County a direct, annual tax in such years and in such amounts as are sufficient to pay when due the principal and interest on such notes.

Adopted this 9th day of September, 2003.

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|-----------------------|--------|--------------------|------|
| William M. Norem | 9/9/03 | Kimberly S. Bushey | |
| County Board Chairman | Date | County Clerk | Date |

County Board Meeting Date: September 9, 2003.

Action Required: Majority Vote Two-thirds Vote Other 3/4 vote

Policy and Fiscal Note is attached.

Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

| | | | |
|--|---------|------------------|---------|
| David A. Bretl | 8/29/03 | N. Andersen | 8/29/03 |
| County Administrator/ Corporation Counsel | Date | Finance Director | Date |

If unsigned, exceptions shall be so noted by the County Administrator.

Policy and Fiscal Note
Resolution No. 54-09/03

- I. Title: Initial Resolution Not to Exceed \$2,760,000 General Obligation Promissory Notes for Highway Projects

Purpose and Policy Impact Statement: The 2003 Walworth County budget, adopted November 4, 2002, authorized road construction in the amount of \$2,650,000. Long-term borrowing was identified as the source of funding.

At their July 17, 2003 meeting, the Walworth County Finance Committee approved the submission of a resolution to the Walworth County Board of Supervisors that would authorize the issuance of sufficient long-term debt to fund the aforementioned projects plus issuance costs. State statutes stipulate that the authorization of long-term debt requires a vote of 3/4 of the members elected to the County Board of Supervisors to allow its exclusion from the 1992 mill rate freeze. Upon authorization, the Finance Committee, in conjunction with the County's financial advisor, will submit a final resolution to the County Board authorizing the sale of notes in an amount not to exceed \$2,760,000. The sale of actual notes will require a majority vote of the County Board.

III. Is this a budgeted item and what is its fiscal impact? The highway projects mentioned above, adopted during the 2003 budget process by the Walworth County Board of Supervisors, are funded in whole or in part with the issuance of long-term debt. The debt will be repaid over a period not to exceed ten years.

NOTE: The initial resolution for the judicial center project (Res. # 88-02/02), also funded in part with long-term debt, was passed by the County Board of Supervisors on March 12, 2002 and will be combined with the highway projects into a single issuance. The total 2003 debt issuance will be \$9,510,000.

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

Committee: Finance

Meeting Date: July 17, 2003

Vote: Passed 7-0

County Board Meeting Date September 9, 2003

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

David A. Bretl
County Administrator/
Corporation Counsel

8/29/03
Date

N. Andersen
Finance Director

8/29/03
Date

The Finance Committee met at a special meeting before the County Board meeting to consider Resolution No. 55-09/03 and recommended that an amount not to exceed \$71,147 be transferred from the Contingency Fund. The vote was 5-1 to forward the resolution to the Board.

A motion was offered by Supervisor Gigante, seconded by Supervisor Guido, to concur with the recommendation of the Finance Committee to approve Resolution No. 55-09/03 – Transferring Funds from the 2003 Contingency Fund for the Purpose of Paying Costs Associated with Lakeland Animal Welfare Shelter Services in an amount not to exceed \$71,147. Discussion ensued. On motion by Supervisor Gigante, seconded by Supervisor Wenglowisky, the question was called. A roll call vote was held and the resolution was approved. Total vote: 21; Ayes: 19 – Burwell, Gigante, Grant, Guido, Hilbelink, Ketchpaw, Kuhnke, Lightfield, Lothian, Miles, Palzkill, Parker, Polyock, Russell, Schaefer, Scharine, Shroble, Wenglowisky, Norem; Noes: 2 – Arnold, Peterson; Absent: 3 – Felten, Lohrmann, Morrison; Vacant: 1.

Resolution No. 55 - 09/03
Transferring Funds from the 2003 Contingency Fund
for the Purpose of Paying Costs Associated with

Lakeland Animal Welfare Shelter Services.

AMENDED

Moved/Sponsored by: Finance Committee

WHEREAS, the Walworth County Sheriff's Office executed a warrant pursuant to allegations of inhumane treatment of animals at a farm in Spring Prairie; and

WHEREAS, the animals were removed from the farm and being held by the Lakeland Animal Welfare Shelter ("LAWS"); and

WHEREAS, pursuant to an agreement by and between Walworth County and LAWS, said LAWS will care for animals held in such actions, however, the County has certain financial responsibility for the cost of the care; and

WHEREAS, the finance committee has reviewed invoices submitted by LAWS and has determined that the sum of **** is owed to LAWS;

NOW, THEREFORE, BE IT RESOLVED by the Walworth County Board of Supervisors that an amount not to exceed \$71,147 ~~the sum of \$*****~~ be and the same is hereby transferred from the 2003 contingency fund to the appropriate operating budget account for the purpose of paying costs associated with animals held by LAWS, and that the Finance Director be authorized to make payment to the terms of that agreement.

| | | | |
|-----------------------|--------|--------------------|------|
| William M. Norem | 9/9/03 | Kimberly S. Bushey | |
| County Board Chairman | Date | County Clerk | Date |

County Board Meeting Date: September 9, 2003

Action Required: Majority Vote _____ Two-thirds Vote X Other _____

Policy and Fiscal Note is attached.
Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

| | | | |
|--|-------|------------------|-------|
| _____ | _____ | _____ | _____ |
| David A. Bretl | Date | N. Andersen | Date |
| County Administrator/ Corporation Counsel | | Finance Director | |

If unsigned, exceptions shall be so noted by the County Administrator.

The finance committee will be making a recommendation to the Board regarding payment to LAWS at its meeting immediately preceding the County Board meeting on September 9, 2003. The resolution and policy and fiscal note will be reviewed and signed following the committee's action.

Policy and Fiscal Note
Resolution No. 55 – 09/03

- I. Title: Transferring Funds from the 2003 Contingency Fund for the Purpose of Paying Costs Associated with Lakeland Animal Welfare Shelter Services.
- II. Purpose and Policy Impact Statement: The purpose of this request is to provide funds in the amount of \$***** 71,147 to Lakeland Animal Welfare Shelter Services to pay costs incurred in providing shelter for animals seized pursuant to warrant by the Walworth County Sheriff's Office.
- III. Is this a budgeted item and what is its fiscal impact: This request is not a budgeted item and \$***** 71,147 would need to be transferred from the contingency fund to cover the costs incurred by Lakeland Animal Welfare Shelter.
- IV. Referred to the following standing committees for consideration and date of referral:

Committee: Finance

Date: September 9, 2003

Vote:

County Board Meeting Date: September 9, 2003

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

David A. Bretl Date
County Administrator/
Corporation Counsel

N. Andersen Date
Finance Director

If unsigned, exceptions shall be so noted by the County Administrator.

The finance committee will be making a recommendation to the Board regarding payment to LAWS at its meeting immediately preceding the County Board meeting on September 9, 2003. The resolution and policy and fiscal note will be reviewed and signed following the committee's action.

Lakeland Health Care Center Board

A motion was offered by Supervisor Lothian, seconded by Supervisor Ketchpaw to approve Resolution No. 59-09/03 and the downsizing agreement referred by the Lakeland Health Care Center Board. Discussion ensued. Bretl explained the agreement to the Supervisors. On motion by Supervisor Grant, seconded by Supervisor Polyock, the question was called and Resolution No. 59-09/03 – Authorizing

Appropriate Officials to Execute a Downsizing Agreement With the State of Wisconsin Relative to Lakeland Health Care Center, was approved by voice vote.

Resolution No. 59-09/03

Authorizing Appropriate Officials to Execute a Downsizing Agreement With the State of Wisconsin Relative to Lakeland Health Care Center

Moved/Sponsored by: Lakeland Health Care Center Board of Trustees

WHEREAS, pursuant to Res. No. 52-08/03 the county board recommended construction of a new nursing home with between 90 and 125 beds to replace the current Lakeland Health Care Center; and,

WHEREAS, the current Lakeland Health Care Center is licensed for 235 beds; and,

WHEREAS, the 2004 administrative budget contains a proposal for a new 120-bed facility; and,

WHEREAS, assuming the county decides to construct a 120-bed nursing home, the number of licensed beds would have to be reduced by 115; and,

WHEREAS, during the downsizing period the county would experience significantly larger operating losses; and,

WHEREAS, the State of Wisconsin, as an inducement to reduce the number of nursing home beds, has offered to enter into an agreement with Walworth County to mitigate the county's losses associated with downsizing.

NOW, THEREFORE, BE IT RESOLVED by the Walworth County Board of Supervisors that the appropriate county staff be and the same are hereby authorized to execute a downsizing agreement between Walworth County and the State of Wisconsin.

| | | | |
|-----------------------|--------|--------------------|------|
| William M. Norem | 9/9/03 | Kimberly S. Bushey | |
| County Board Chairman | Date | County Clerk | Date |

County Board Meeting Date: September 9, 2003

Action Required: Majority Vote XX Two-thirds Vote _____ Other _____

Policy and Fiscal Note is attached.
Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

| | | | |
|--|--------|------------------|--------|
| David A. Bretl | 9/3/03 | N. Andersen | 9/4/03 |
| County Administrator/ Corporation Counsel | Date | Finance Director | Date |

If unsigned, exceptions shall be so noted by the County Administrator.

Policy and Fiscal Note
Resolution No. 59-09/03

- I. Title: Authorizing Appropriate Officials to Execute a Downsizing Agreement With the State of Wisconsin Relative to Lakeland Health Care Center
- II. Purpose and Policy Impact Statement: Passage of this resolution approves execution of a downsizing agreement with the State of Wisconsin relative to construction of a new 120-bed facility. Passage of this resolution would commit the County to downsize its nursing home.
- III. Budget and Fiscal Impact: Approval of the downsizing agreement will ensure that the county can downsize from 235 to 120 beds in an orderly and fiscally prudent manner. Based upon our projections at this time the agreement will allow us to maintain a relatively static tax levy of \$3.3M until a new 120-bed facility is operational. Without the downsizing agreement we will experience significantly larger operating losses during the downsizing process. It is difficult to predict the magnitude of those losses; however, downsizing without an agreement would require a much larger county subsidy, potentially in excess of \$1M or more over the downsizing period.
- IV. Referred to the following standing committees for consideration and date of referral:

Committee: LHCC Board of Trustees Meeting Date: September 9, 2003

Vote: 3-1

County Board Meeting Date: September 9, 2003

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

| | | | |
|--|--------|------------------|--------|
| David A. Bretl | 9/4/03 | N. Andersen | 9/4/03 |
| County Administrator/ Corporation Counsel | Date | Finance Director | Date |

Reports of Special Committees

Chairman Norem announced that the Budget Workshop will be held at 9:00 a.m. on September 18, 2003 in the Health & Human Services Auditorium and he encouraged the Supervisors to attend. Chairman Norem also announced that the Finance Committee Budget Appeal Hearing will be on September 25 and the Public Budget Hearing will be held on October 30, 2003 at 6:00 p.m.

On motion by Supervisor Gigante, seconded by Supervisor Miles, the meeting of the Walworth County Board adjourned at 7:30 p.m.

The next regularly scheduled meeting of the Walworth County Board will be held on Tuesday, October 14, 2003, at 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 September 9, 2003 meeting.