

NOTICE OF MEETING

SHEBOYGAN COUNTY BOARD OF SUPERVISORS

Sheboygan County Courthouse
615 North 6th Street, 5th Floor
Sheboygan WI

TUESDAY, October 18, 2016 at 6:00 P.M.

In compliance with Rule V under the Rules of Order of the Sheboygan County Board of Supervisors, as County Clerk of Sheboygan County, I herewith submit the following AGENDA.

AGENDA

CALL TO ORDER – Chairperson Thomas G. Wegner

CERTIFICATION OF COMPLIANCE WITH OPEN MEETING LAW

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF SEPTEMBER 20, 2016 JOURNAL

PRESENTATIONS – NONE

PUBLIC ADDRESSES

As of the preparation of this Agenda no one has requested to speak. County Board rules allow interested persons to register to speak until 5:00 pm on the Monday before the County Board Meeting.

LETTERS, COMMUNICATIONS AND ANNOUNCEMENTS

Items introduced under this heading are either referred to a Committee for action, or received for information. No action is taken at this meeting.

COUNTY ADMINISTRATOR'S REPORT

The County Administrator's Report is a monthly report by the Administrator in which noteworthy activities of County government are highlighted. In addition, the Administrator's Report presents the Administrator's perspective on the Resolutions and Ordinances being considered or introduced at this meeting. The Administrator's Report is not an action item, and no debate or deliberation arises from the Report.

POSTED
10.14.16
4:00 PM

CONSIDERATION OF COMMITTEE REPORTS - EXECUTIVE COMMITTEE

- Resolution No. 21 (2016/17)** Re: Approving Revisions to Farmland Preservation Plan
Committee Recommendation: Adopt
Signed in Opposition: None
- Resolution No. 23 (2016/17)** Re: Authorizing Relocation of Highway Offices and Facilities
Committee Recommendation: Adopt
Signed in Opposition: None
- Resolution No. 24 (2016/17)** Re: Supporting "Just Fix It" for Statewide Road Maintenance
Committee Recommendation: Adopt
Signed in Opposition: None

CONSIDERATION OF COMMITTEE REPORTS - FINANCE COMMITTEE

- Resolution No. 18 (2016/17)** Re: Authorizing County to Lend Bay-Lake Regional Planning Commission \$72,608.63 to Refinance Pension Liability
Committee Recommendation: Adopt
Signed in Opposition: None
- Resolution No. 19 (2016/17)** Re: Approving Standard Intergovernmental Agreement for County Sales Tax Revenue-Sharing
Committee Recommendation: Adopt
Signed in Opposition: None
- Resolution No. 20 (2016/17)** Re: Acceptance of Dedicated Donation for Amsterdam Dunes
Committee Recommendation: Adopt
Signed in Opposition: None
- Resolution No. 22 (2016/17)** Re: Authorizing Sheboygan County Planning and Conservation Department to Apply for County Conservation Aids
Committee Recommendation: Adopt
Signed in Opposition: None
- Resolution No. 25 (2016/17)** Re: Authorizing County Aid for Bridge/Culvert Construction in the Town of Wilson
Committee Recommendation: Adopt
Signed in Opposition: None

CONSIDERATION OF COMMITTEE REPORTS – HUMAN RESOURCES COMMITTEE

Committee Report

Re: Annual Report on Health Insurance

In lieu of report, please see attached correspondence

RESOLUTIONS INTRODUCED

Items introduced under this heading are referred to a Committee for recommendation. No formal action is taken at this meeting unless noted.

Resolution No. 26 (2016/17) (From Planning, Resources, Agriculture and Extension Committee)

Re: Approving Revisions to Farmland Preservation Plan

ORDINANCES INTRODUCED

Items introduced under this heading are referred to a Committee for recommendation. No formal action is taken at this meeting unless noted.

Ordinance No. 07 (2016/17) (From Planning, Resources, Agriculture and Extension Committee)

Re: Creating Property Assessed Clean Energy Financing (PACE) Ordinance

ADJOURNMENT

Respectfully submitted this 14th day of October, 2016.



JON DOLSON, COUNTY CLERK

NOTES:

Reminder: Expense sheets for the period ending October 15, 2016 are due in the County Clerk's Office no later than Tuesday, October 18, 2016.

The Legislative Breakfast will be held on November 14, 2016 at 8:00 A.M. at the Fountain Park Family Restaurant.

The Legislative Breakfast is a monthly informational question and answer session between Sheboygan County's federal and state legislative delegation and Sheboygan County Supervisors and department heads. Because a majority of the Board or a Committee may attend, it is a meeting open to the public under the Open Meeting law even though there is no formal agenda, no action will be taken, and no minutes are being kept.

Persons with disabilities needing assistance to attend or participate are asked to notify the County Clerk's Office at 920.459.3003 prior to the meeting so that accommodations may be arranged.

**JOURNAL OF THE MEETING OF THE
SHEBOYGAN COUNTY BOARD OF SUPERVISORS**

September 20, 2016

Pursuant to Wis. Stat. § 59.11, the September 20, 2016 session of the Sheboygan County Board was called to order by Chairperson Thomas Wegner at 6:00 p.m. Chairperson Wegner noted that the notice of meeting was posted on September 16, 2016 at 2:00 p.m. in compliance with the open meeting law. The meeting opened with the Pledge of Allegiance by all present.

The roll call was taken and recorded with 23 Supervisors present; Absent: 2, Supervisors Hilbelink, and Ogea.

Supervisor Winkel moved for approval of the August 16, 2016 Journal, which was distributed to all supervisors prior to the meeting. The motion was seconded by Supervisor Epping and carried on unanimous roll call vote of the board.

APPOINTMENTS

The Chairperson announced that the next order of business was the consideration of the appointments by the Chairperson of **Richard Bemis and Jack VanDixhorn (Re-appointment)** to the Airport Advisory Committee.

Supervisor Winkel moved to concur with the appointments. The motion was seconded by Supervisor Te Stroete and carried on unanimous roll call vote of the board.

The Chairperson announced that the next order of business was the consideration of the re-appointment by the County Administrator of **Steven Bauer** to the Airport Advisory Committee.

Supervisor Uraynar moved to concur with the re-appointment from the County Administrator. The motion was seconded by Supervisor Glavan and carried on unanimous roll call vote of the board.

PRESENTATION

Ryan O'Rourke, Court Commissioner presented an overview of the Court Commissioner Department.

PUBLIC ADDRESS

Allen Nohl, N7666 Bittersweet Road, Plymouth – Update on Veterans Memorial.

LETTERS AND COMMUNICATIONS

The Clerk presented a copy of a letter from Ron Ertel regarding road construction concerns. By Chairperson received for information.

The Clerk presented a request from the Wisconsin Healthy Workplace Advocates regarding Freedom from Workplace Bullies Week. By Chairperson referred to the Health & Human Services Committee.

The Clerk presented a resolution from the Richland County Board of Supervisors opposing the UW-Extension reorganization plan. By Chairperson received for information.

COUNTY ADMINISTRATOR'S REPORT

County Administrator Adam Payne recognized Allen Nohl for his leadership and thanked him for the ongoing improvements to Veterans Memorial. Mr. Payne also thanked and acknowledged Court Commissioner Ryan O'Rourke, District Attorney Joe DeCecco, Health and Human Services Director Tom Eggebrecht, Planning and Conservation Director Aaron Brault, and Finance Director Wendy Channon for key initiatives they are involved with. Mr. Payne reviewed the status of the 2017 budget development process, the Pennsylvania Avenue house acquisition economic Development opportunity, and the new drug treatment court. Mr. Payne also reviewed the Five-year capital plan and status of the new transportation complex that will consolidate three facilities into one. Mr. Payne encouraged supervisors to attend the state-wide Just Fix-It Transportation Forum that Sheboygan County is hosting on September 29, 2016 at 7:00 pm at the Health and Human Services Department.

COMMITTEE REPORTS

The Clerk read the report of the Executive Committee regarding Resolution No. 15 (2016/17) 2017 Five-Year Capital Plan recommending amending the resolution by including the County Clerk's request for \$500,000 for voting equipment in 2017 and as so amended, recommend the resolution be adopted.

Supervisor Weggeman moved to adopt the resolution as amended per the committee report. The motion was seconded by Supervisor Goehring.

Supervisor Uraynar moved to postpone approving the resolution until the October 18, 2016 meeting. The motion was seconded by Supervisor Baumgart. After discussion, without objection, Supervisor Uraynar was given leave to withdraw her motion.

Resolution No. 15 was adopted as amended on roll call vote of the board of Ayes: 20; Noes: 3, Supervisors Baumgart, Marthenze, and Uraynar; Absent: 2, Supervisors Hilbelink, and Ogea.

The Clerk read the report of the Executive Committee regarding Resolution No. 16 (2016/17) Supporting Drug Treatment Court for Sheboygan County recommending adoption.

Supervisor Goehring moved to adopt the resolution. Supervisor Uraynar seconded the motion which carried on unanimous roll call vote of the board.

The Clerk read the report of the Executive Committee regarding Ordinance No. 05 (2016/17) Updating Portion of Peace and Good Order Ordinance (Marijuana/Synthetic Cannabinoid Possession) recommending enactment.

Supervisor Goehring moved to enact the ordinance. The motion was seconded by Supervisor Uraynar and carried on unanimous roll call vote of the board.

The Clerk read the report of the Executive Committee regarding Ordinance No. 06 (2016/17) Repealing and Re-creating Chapter 72, Shoreland Ordinance recommending amending the ordinance by deleting Section 72.29 as written and replacing with the following: Pursuant to Wis. Stat. §59.692(1t), no enforcement action shall be commenced against a person who owns a building or structure that is in violation of a Shoreland zoning standard or this Ordinance if the building or structure has been in place for more than ten (10) years and as so amended recommend enactment.

Supervisor Damp moved to enact the ordinance as amended per the committee report. Supervisor Goehring seconded the motion which carried on roll call vote of the board of Ayes: 19; Noes: 4, Supervisors Baumgart, Hoffmann, Procek, and Weggeman; Absent: 2, Supervisors Hilbelink, and Ogea.

The Clerk read the report of the Finance Committee regarding Resolution No. 17 (2016/17) Approving Land Swap at Amsterdam Dunes recommending adoption.

Supervisor Weggeman moved to adopt the resolution. The motion was seconded by Supervisor Te Stroete and carried on unanimous roll call vote of the board.

(Vice-Chairperson Marthenze presiding)

Pursuant to Rule IV of the Rules of Order, the following resolutions were introduced by the Clerk and referred by the Vice-Chairperson as indicated:

Resolution No. 18 (2016/17) Re: Authorizing County to Lend Bay-Lake Regional Planning Commission \$72,608.63 to Refinance Pension Liability referred to the Finance Committee.

Resolution No. 19 (2016/17) Re: Approving Standard Intergovernmental Agreement for County Sales Tax Revenue-Sharing referred to the Finance Committee.

Resolution No. 20 (2016/17) Re: Acceptance of Dedicated Donation for Amsterdam Dunes referred to the Finance Committee.

Resolution No. 21 (2016/17) Re: Approving Revisions to Farmland Preservation Plan referred to the Executive Committee.

Resolution No. 22 (2016/17) Re: Authorizing Sheboygan County Planning and Conservation Department to Apply for County Conservation Aids referred to the Finance Committee.

Resolution No. 23 (2016/17) Re: Authorizing Relocation of Highway Offices and Facilities referred to the Executive Committee.

Resolution No. 24 (2016/17) Re: Supporting "Just Fix It" for Statewide Road Maintenance referred to the Executive Committee.

Resolution No. 25 (2016/17) Re: Authorizing County Aid for Bridge/Culvert Construction in the Town of Wilson referred to the Finance Committee.

ADJOURNMENT

Supervisor Bemis moved to adjourn. Supervisor Winkel seconded the motion which carried on unanimous roll call vote of the board. The meeting was adjourned at 7:08 p.m. The next scheduled meeting is Tuesday, October 18, 2016 at 6:00 p.m.

1 SHEBOYGAN COUNTY RESOLUTION NO. 21 (2016/17)

2
3 Re: Approving Revisions to Farmland Preservation Plan

4
5
6 WHEREAS, a County Farmland Preservation Agreement is a component part of the County's
7 development plan under Wis. Stat. § 59.69(3), and

8
9 WHEREAS, one of the requirements necessary to enable farmland owners to enter into farmland
10 preservation agreements is that the County adopt a Farmland Preservation Plan which is certified by the
11 State as being compliant with Chapter 91 of the Wisconsin Statutes, and

12
13 WHEREAS, the Sheboygan County Planning & Conservation Department has developed a
14 Farmland Preservation Plan for Sheboygan County which was adopted by the Sheboygan County Board
15 of Supervisors on November 1, 2005, as Resolution No. 25 (2005/06) and was revised by Resolutions
16 No. 23 (2013/14), No. 19 (2014/15), and No. 15 (2015/16), which Plan and its revisions was certified by
17 the Wisconsin Department of Agriculture, and


18
19 WHEREAS, the Planning, Resources, Agriculture, and Extension Committee (PRAECom) has
20 determined that the Plan requires revision of certain provisions in light of changes that were made to the
21 Towns of Holland, Lima, and Mosel Zoning Ordinances in order to remain consistent with the County's
22 development plan and remain eligible for state certification;

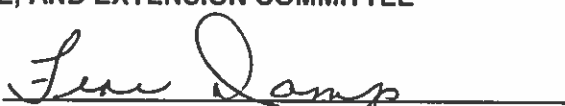
23
24 NOW, THEREFORE, BE IT RESOLVED that the Sheboygan County Board hereby approves the
25 revisions to the Sheboygan County Farmland Preservation Plan, in the manner reflected in the copy on
26 file in the County Clerk's Office and made a part hereof by reference hereto and makes it a part of
27 Sheboygan County's Development Plan.

28
29 BE IT FURTHER RESOLVED that the Planning & Conservation Director and Corporation
30 Counsel be directed to undertake such further action as necessary to confirm the certification of the Plan.

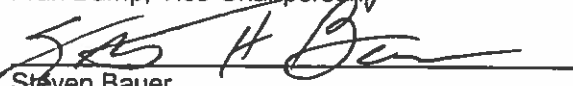
31
32
33 Respectfully submitted this 20th day of September, 2016.

34
35
36 PLANNING, RESOURCES, AGRICULTURE, AND EXTENSION COMMITTEE*

37
38 
39 _____
40 Keith Abler, Chairperson

41
42 
43 _____
44 Fran Damp, Vice-Chairperson

45
46
47 _____
48 Libby Ogea, Secretary

49
50 
51 _____
52 Steven Bauer

53
54 
55 _____
56 James Baumgart

Opposed to Introduction:

57 *County Board members signing only

FISCAL NOTE
September 2016

Resolution No. 20 (2016/17) Re: Authorize Acceptance of Dedicated Donation for Amsterdam Dunes

Resolution No. 21 (2016/17) Re: Approving Revisions to Farmland Preservation Plan

Resolution No. 24 (2016/17) Re: Supporting "Just Fix It" for Statewide Road Maintenance

Funding:

No additional funding is required.

Respectfully Submitted,



Wendy A. Charnon, Finance Director
September 16, 2016

1 SHEBOYGAN COUNTY RESOLUTION NO. 23 (2016/17)

2
3 Re: Authorizing Relocation of Highway Offices and Facilities

4
5 WHEREAS, through the adoption of Resolution No. 6 (2015/16) the County Board authorized the
6 purchase of vacant land in the Town of Plymouth for the development of a comprehensive highway facility
7 and the consolidation of the Plymouth shed and the Elkhart Lake shed, and

8
9 WHEREAS, the Transportation Director and Transportation Committee have hired an
10 architectural consultant for the purpose of developing plans for a new facility, and

11
12 WHEREAS, the development of the comprehensive highway facility would not only be prudent
13 from the perspective of replacement and consolidation of the Plymouth and Elkhart Lake sheds but would
14 also serve as an appropriate location for a centralized Department headquarters in place of the
15 headquarters currently located at North 23rd Street in the City of Sheboygan;

16
17 NOW, THEREFORE, BE IT RESOLVED that the County Board approves the construction and
18 development of a comprehensive highway facility in the Town of Plymouth to serve as the headquarters
19 of the Transportation Department and to serve as the shed for highway operations currently being
20 administered out of the Plymouth, Elkhart Lake, and North 23rd Street facilities, to be financed out of the
21 sale of the existing sites and as otherwise provided in the Five-year Capital Plan and including use of the
22 Fund Balance.

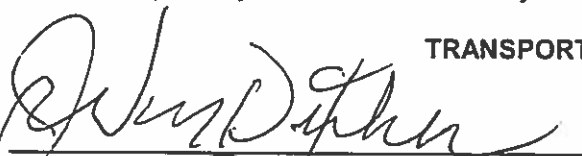
23
24 BE IT FURTHER RESOLVED that the County Administrator and the Transportation Director shall
25 continue to take such steps as may be necessary to dispose of the current shed sites, including the North
26 23rd Street site, subject to approval of the Board.

27
28 BE IT FURTHER RESOLVED that the County Administrator and the Transportation Director shall
29 coordinate the relocation of the current Highway operations from the Elkhart Lake, Plymouth, and North
30 23rd Street facilities into the new facilities when they are completed.

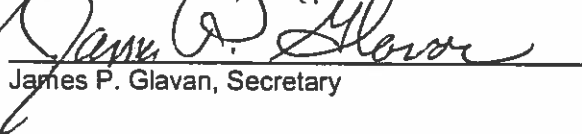
31
32 BE IT FURTHER RESOLVED that in the design of the new facility, it is expected that the County
33 Administrator, the Transportation Director, and the Transportation Committee shall incorporate such
34 environmentally-friendly and energy-efficient materials and systems as is practical.

35
36 Respectfully submitted this 20th day of September, 2016.

37
38 TRANSPORTATION COMMITTEE

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40 

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42 Jacob Van Dixhorn, Chairperson

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44 

45
46 James P. Glavan, Secretary

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48 

49
50 Roger Te Stroete, Vice-Chairperson

51
52 

53
54 Richard C. Bemis



Al Bosman

Opposed to Introduction:

FISCAL NOTE
September 2016

Resolution No. 23 (2016/17) Re: Authorizing Relocation of Highway Offices and Facilities

This resolution is to authorize the relocation of Highway Department offices and facilities and construction of a comprehensive highway facility in the Town of Plymouth to serve as headquarters for the Transportation Department. The land in the Town of Plymouth was purchased through adoption of Resolution No. 6 (2015/16) which also provided the authority to begin the process of disposing the property in preparation of the consolidation of the Elkhart Lake Shed with the Plymouth Shed Facility. This resolution also authorizes sale and disposal of the property on North 23rd Street and requires the new facility incorporate such environmentally-friendly and energy-efficient material and systems as practical.

Funding:

If approved the anticipated funding for the new comprehensive highway facility will be \$15,000,000 in borrowing, sale proceeds of the Elkhart Lake Shed appraised at \$500,000, the Plymouth Shed appraised at \$570,000, the North Street Facility appraised at \$1,100,000 and use of \$5,350,000 Fund Balance, as well as, State of WI reimbursement of \$560,000, and \$1,800,000 of borrowed funds taken in 2016; all spread over the project timeline which from inception to completion is projected to last approximately two and one half years.

Respectfully Submitted,



Wendy A. Charnon, Finance Director
September 16, 2016

1 SHEBOYGAN COUNTY RESOLUTION NO. 24 (2016/17)

2
3 Re: Supporting "Just Fix It" for Statewide Road Maintenance

4
5
6 **WHEREAS**, local governments in Wisconsin are responsible for about 90% of the road
7 miles in the state, and

8
9 **WHEREAS**, Wisconsin's diverse economy is dependent upon county and town roads as
10 well as city and village streets and transit systems across the state, and

11
12 **WHEREAS**, according to *Filling Potholes: A New Look at Funding Local Transportation*
13 *in Wisconsin* commissioned by the Local Government Institute of Wisconsin (LGI), the condition
14 of Wisconsin's highways now ranks in the bottom third of the country, and

15
16 **WHEREAS**, the failure of state funding for local roads in Wisconsin to keep up with costs
17 over the past several decades has adversely affected local transportation finances, and,
18 according to *Filling Potholes*, municipal transportation spending has declined from \$275 per
19 capita in 2000 to \$227 in 2012, and

20
21 **WHEREAS**, Wisconsin's over-reliance on borrowing eats away at the state's segregated
22 funding sources – the state gas tax and vehicle registration fees – which increasingly pay debt
23 service rather than fund transportation needs, and

24
25 **WHEREAS**, although safety is a primary concern and responsibility of local governments
26 across Wisconsin, according to TRIP, a national non-profit transportation research group,
27 Wisconsin had 347 non-interstate, rural road fatalities in 2013, and

28
29 **WHEREAS**, although our state highway and interstate system is the backbone of our
30 surface transportation system and plays a vital role in the economy of Wisconsin, both local *and*
31 state roads need to be properly maintained in order for our economy to grow, and

32
33 **WHEREAS**, from a competitive standpoint, Wisconsin motorists pay significantly less
34 than any of our neighbors when the annual cost of the state gas tax and vehicle registration fees
35 are combined, and

36
37 **WHEREAS**, the Transportation, Finance, and Policy Commission appointed by the
38 Governor and Legislature found that if Wisconsin does not adjust its user fees, the condition of
39 both our state and local roads will deteriorate significantly over the next decade, and

40
41 **WHEREAS**, the Sheboygan County Board has made the hard choice to implement a
42 County sales tax to support local transportation, and now it is time for the State of Wisconsin to
43 make similar hard choices;

44
45 **NOW, THEREFORE, BE IT RESOLVED** that the Sheboygan County Board of
46 Supervisors urges the Governor and Legislature to "Just Fix It" and to agree upon a sustainable
47 solution – one that includes a responsible level of bonding and adjusts our user fees to
48 adequately and sustainably fund all of Wisconsin's transportation systems including a targeted
49 fund increase for local units of government.

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BE IT FURTHER RESOLVED that the County Clerk is directed to forward copies of this Resolution to the Governor, Sheboygan County legislative delegation, the Wisconsin Counties Association, and such other public officials as the Chairperson of the Transportation Committee may deem appropriate.

Respectfully submitted this 20th day of September, 2016.

TRANSPORTATION COMMITTEE



Jacob Van Dixhorn, Chairperson



Roger Fe Stroete, Vice-Chairperson



James P. Glavan, Secretary



Richard C. Bemis



Al Bosman

Opposed to Introduction:

FISCAL NOTE
September 2016

Resolution No. 20 (2016/17) Re: Authorize Acceptance of Dedicated Donation for Amsterdam Dunes

Resolution No. 21 (2016/17) Re: Approving Revisions to Farmland Preservation Plan

Resolution No. 24 (2016/17) Re: Supporting “Just Fix It” for Statewide Road Maintenance

Funding:

No additional funding is required.

Respectfully Submitted,

A handwritten signature in black ink, reading "Wendy A. Charnon". The signature is written in a cursive style with a long horizontal line extending to the right.

Wendy A. Charnon, Finance Director
September 16, 2016

SHEBOYGAN COUNTY RESOLUTION NO. 18 (2016/17)

Re: Authorizing County to Lend Bay-Lake Regional Planning Commission
\$72,608.63 to Refinance Pension Liability

WHEREAS, Sheboygan County receives valuable benefits through its participation and membership in the Bay-Lake Regional Planning Commission, and

WHEREAS, Sheboygan County probably benefits more from the Bay-Lake Regional Planning Commission than any of the other seven counties in the region since the Bay-Lake Regional Planning Commission also serves as the Sheboygan Metropolitan Planning Organization, and

WHEREAS, as have other local units of government, the Bay-Lake Regional Planning Commission faces challenges arising out of the unfunded actuarial accrual liability to the Wisconsin Retirement System, and

WHEREAS, the current liability as of June 27, 2016, is \$72,608.63 and is currently subject to interest at the state rate of 7.20%, and

WHEREAS, unlike Sheboygan County, which refinanced its similarly unfunded liability, the Bay-Lake Regional Planning Commission is unable to refinance its liability to get at a more manageable rate, and


WHEREAS, it is in the best interests of Sheboygan County and the Bay-Lake Regional Planning Commission for Sheboygan County to lend the Bay-Lake Regional Planning Commission an amount not to exceed \$72,608.63 and to take back a promissory note from the Bay-Lake Regional Planning Commission under the terms of three percent (3%) interest over a term of ten (10) years as is authorized by Wis. Stat. § 66.009(13);

NOW, THEREFORE, BE IT RESOLVED that the County, through the County Administrator, is authorized to lend to Bay-Lake Regional Planning Commission an amount not to exceed \$72,608.63 based on the terms and conditions as set forth above so that the Bay-Lake Regional Planning Commission can pay off its unfunded pension liability to the Wisconsin Retirement System.


Respectfully submitted this 20th day of September, 2016.

EXECUTIVE COMMITTEE


Thomas Wegner, Chairperson


William C. Goehring, Secretary


George Marthenze, Vice Chairperson


Vernon Koch


Edward J. Procek

Opposed to Introduction:

FISCAL NOTE
September 2016

Resolution No. 18 (2016/17) Re: Authorizing County to Lend Bay-Lake Regional Planning Commission \$72,608.63 to Refinance Pension Liability

This resolution is to provide authority to lend Bay-Lake Regional Planning Commission moneys not to exceed \$72,608.63 at 3.0% for 10 years to refinance their pension liability. The loan and promissory note are authorized by Wis. Stat. 66.009(13).

Funding:

If approved, it is possible for the County to receive an estimated \$11,746 of interest income over the term of the loan.

Respectfully Submitted,

A handwritten signature in black ink that reads "Wendy A. Charnon" with a horizontal line extending to the right from the end of the name.

Wendy A. Charnon, Finance Director
September 16, 2016

1 SHEBOYGAN COUNTY RESOLUTION NO. 19 (2016/17)

2
3 Re: Approving Standard Intergovernmental Agreement for County Sales Tax
4 Revenue-Sharing
5

6 WHEREAS, when Sheboygan County enacted Ordinance No. 2 (2016/17), *Enacting One-half*
7 *Percent County Sales Tax to Maintain Sheboygan County's Transportation Infrastructure*, a unique
8 feature of the Ordinance was that it provided that a portion of the revenue received from the Ordinance
9 would be made available to local units of government within Sheboygan County to assist those
10 municipalities in addressing their own transportation needs, and
11

12 WHEREAS, Section 7.07 of the Sales Tax Ordinance provided that the distribution to local units
13 of government would be premised upon the municipalities agreeing to be bound by the terms of a
14 standard intergovernmental cooperative agreement, and
15

16 WHEREAS, Section 7.07(1) of the Code provided that the terms of the intergovernmental
17 agreement were to be reviewed and approved annually by the County Board, and
18

19 WHEREAS, the proposed Sheboygan County Sales Tax Revenue-Sharing for Transportation
20 Infrastructure Maintenance 2017 Intergovernmental Cooperative Agreement, a copy of which is on file
21 with the County Clerk contains terms and provisions consistent with goals of the County Sales Tax
22 Ordinance;
23

24 NOW, THEREFORE, BE IT RESOLVED that the Sheboygan County Board approves the form of
25 the *Sheboygan County Sales Tax Revenue-Sharing for Transportation Infrastructure Maintenance 2017*
26 *Intergovernmental Cooperative Agreement*, a copy of which is on file with the County Clerk and
27 acknowledges and directs the County Administrator and County Board Chairperson to execute such
28 agreements with each Sheboygan County municipality willing to be bound by the terms of the Agreement.
29

30 BE IT FURTHER RESOLVED that the County Administrator and County Board Chairperson are
31 empowered to agree to any minor modifications to the Standard Agreement that may be requested by a
32 particular municipality that may be necessary to accommodate the municipality's individual
33 circumstances, provided the modifications do not, in the opinion of the County Administrator and County
34 Board Chairperson, contain terms and provisions that are inconsistent with the goals of County Ordinance
35 No. 2 (2016/17), *Enacting One-half Percent County Sales Tax to Maintain Sheboygan County's*
36 *Transportation Infrastructure*.
37

38 Respectfully submitted this 20th day of September, 2016.
39

40 EXECUTIVE COMMITTEE

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44 Thomas Wegner, Chairperson

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48 George Marthenze, Vice Chairperson

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52 William C. Goehring, Secretary

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56 Vernon Koch

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59 
60 Edward J. Procek

61 Opposed to Introduction:
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**SHEBOYGAN COUNTY SALES TAX REVENUE-SHARING
FOR TRANSPORTATION INFRASTRUCTURE MAINTENANCE
2017 INTERGOVERNMENTAL COOPERATIVE AGREEMENT**

1. **PARTIES.** The parties to the Agreement are the _____
_____ (Municipality), a municipal corporation with offices at _____
_____, Wisconsin _____, and
SHEBOYGAN COUNTY (County), a Wisconsin governmental body corporate, organized
pursuant to Wis. Stat. § 59.01, having its principal offices at 508 New York Avenue,
Sheboygan, Wisconsin 53081.

2. **PURPOSE.** Sheboygan County enacted Ordinance No. 2 (2016/17) establishing a one-half percent (.5%) County sales tax for the purpose of raising revenues to address the challenges of maintaining Sheboygan County's roads and bridges. In enacting the Ordinance, the County Board recognized that the municipalities within Sheboygan County have similar financing challenges for the transportation infrastructures within those municipalities. The Ordinance requires that \$1.5 Million of anticipated revenues (adjusted annually) from the sales tax be distributed to municipalities within County based on a equalized value formula provided that the municipalities agree to be bound by the terms of an Intergovernmental Cooperative Agreement as approved by the County Board. This Agreement, having been approved by the County Board, and agreed to by Municipality, assures that the revenue being distributed herein will be spent to maintain Municipality's road and bridge infrastructure.

3. **EFFECTIVE DATE; TERM; TERMINATION.**

A. **Effective Date.** This Agreement shall become effective on the last date of the required signatures at the end of this document.

B. **Initial Term; Renewals.** The initial term of this Agreement is for calendar year 2017 and is subject to renewal.

C. **Termination – By County.** During the term, this Agreement may be terminated by County, if County determines that Municipality is not honoring the terms and conditions of this Agreement and County shall have no further obligations to make any payments or perform any other requirements herein.

D. **Termination – By Municipality.** During the term, this Agreement may be terminated by Municipality if Municipality determines that it no longer wishes to be bound by the terms and conditions of this Agreement and County shall be relieved of any further obligations to make any payments or perform any other requirements herein.

4. **AUTHORITY.** This Agreement is entered into between the parties pursuant to Wis. Stat. § 66.0301, authorizing intergovernmental cooperation and by Wis. Stat. § 77.76(3) which allows counties to distribute sales tax proceeds to municipalities within Sheboygan County. Both parties represent that their respective governing bodies have authorized entry into this Agreement.

5. RESPONSIBILITIES OF COUNTY.

A. County shall, over the course of calendar year 2017, pay to Municipality as a distribution of sales tax revenue, the sum of \$_____.

B. County shall determine at its option whether the payment will be distributed in one lump sum or whether it will be in periodic payments. County shall determine at its option the timing and method of the payments.

C. County shall provide reasonable advance notice to Municipality as to its payment distribution method so that Municipality may budget accordingly.

6. RESPONSIBILITIES OF MUNICIPALITY.

A. Municipality agrees to use the payment for road and bridge maintenance purposes.

B. Municipality agrees not to reduce its road and bridge maintenance budget as a result of receiving the payment. It is the intent that the payment shall enhance Municipality's ability to address its road and bridge maintenance needs over the amount that Municipality would otherwise be budgeting for this purpose.

C. Municipality may, as part of its budgeting and planning process, hold over spending all or part of the payment into a different calendar year or otherwise bundle the payment in a manner that is acceptable in advance with the County provided the County is satisfied that Municipality's spending of the payment is consistent with the intent that the payment shall enhance Municipality's ability to address its road and bridge maintenance needs over the amount that Municipality would otherwise be budgeting for this purpose

D. Municipality agrees to cooperate with County's Finance Department to allow County to review Municipality's budget, resulting financial reports and supporting detail to assure County that Municipality is complying as provided herein.

E. Municipality must provide a Resolution supporting the County Sales Tax Revenue-Sharing Cooperative Agreement.

7. RESOLUTION OF DISPUTES. County, through its County Administrator, shall determine as to whether Municipality has fulfilled its responsibilities under this Agreement. This Agreement will be renewed annually upon similar terms.

8. HOLD HARMLESS; INDEMNIFICATION. Each party shall defend, hold harmless, and indemnify the other against any and all claims, liabilities, damages, judgments, causes of action, costs, loss, and expense including reasonable attorneys' fees imposed upon or incurred by the other party arising from or related to the negligent or intentionally tortuous acts or omissions of the indemnifying party's officers, employees, or agents in performing the services pursuant to the Agreement. Each party shall promptly notify the other of any claim arising under this provision, and each party

shall fully cooperate with the other in the investigation, resolution, and defense of such claim. This Agreement does not waive any governmental or sovereign immunity. Both parties retain all applicable governmental immunities, defenses, and statutory limitations available, including Wis. Stat. § 893.80, 895.52, and 345.05.

9. SEVERABILITY. If any provision in this Agreement is determined to be void and unenforceable for any reason, the remaining provisions shall remain in full force and effect unless the removal of the severed provision would substantially impair the ability of either party to perform the essential purpose of this Agreement.

10. ENTIRE AGREEMENT. This Agreement constitutes the entire understanding between the parties relating to their relationship and supersedes all prior understandings, oral agreements, negotiations, representations, and agreements relating to the same subject matter.

Approved by the parties by the following authorized representatives:

[Municipality]

By: _____
Authorized Representative

Date Signed

By: _____
Authorized Representative

Date Signed

SHEBOYGAN COUNTY

By: _____
Adam N. Payne
Sheboygan County Administrator

Date Signed

By: _____
Thomas Wegner
County Board Chair

Date Signed

FISCAL NOTE
September 2016

**Resolution No. 19 (2016/17) Re: Approving Standard Intergovernmental Agreement
for County Sales Tax Revenue Sharing**

This resolution is to provide authority to enter into County Sales Tax Revenue-Sharing Agreements with the local units of government and authorizes the County Administrator and County Chairperson to make minor modifications to the Standard Agreement in order to accommodate individual municipality circumstances.

Funding:

For 2017, \$1,500,000 of the County Sales Tax Revenue is earmarked for intergovernmental sharing with Sheboygan County Municipalities for infrastructure maintenance. Each participating municipality will receive a proportionate share of this money based on their equalized value as authorized in Ordinance No.02 (2016/17).

Respectfully Submitted,



Wendy A. Charnon, Finance Director
September 16, 2016

1 SHEBOYGAN COUNTY RESOLUTION NO. 20 (2016/17)

2
3 Re: Acceptance of Dedicated Donation for Amsterdam Dunes
4
5

6 WHEREAS, Paul F. and Anne M. Koeppel ("the Koeppes") are property owners adjacent
7 to the Amsterdam Dunes Preservation and Wetland Mitigation Area ("Amsterdam Dunes"), and
8

9 WHEREAS, the Koeppes are interested in seeing Amsterdam Dunes succeed in
10 becoming an educational and environmental benefit to Sheboygan County, and
11

12 WHEREAS, the Koeppes have offered to make a charitable donation to Sheboygan
13 County to be used for the development and enhancement of Amsterdam Dunes;
14

15 NOW, THEREFORE, BE IT RESOLVED that the Sheboygan County Board gratefully
16 accepts the Koeppel's donation of Twelve Thousand Eight Hundred Dollars (\$12,800.00) and
17 directs that it be placed in a non-lapsing segregated fund established under Section 24.11 of the
18 County Code to be used exclusively to develop and enhance Amsterdam Dunes.
19

20
21 Respectfully submitted this 20th day of September, 2016.
22

23
24 PLANNING, RESOURCES, AGRICULTURE, AND EXTENSION COMMITTEE*

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26 
27
28 Keith Abler, Chairperson

29
30 
31 Fran Damp, Vice-Chairperson

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49
Libby Ogea, Secretary

Steyen Bauer


James Baumgart

Opposed to Introduction:

*County Board members signing only

FISCAL NOTE
September 2016

Resolution No. 20 (2016/17) Re: Authorize Acceptance of Dedicated Donation for Amsterdam Dunes

Resolution No. 21 (2016/17) Re: Approving Revisions to Farmland Preservation Plan

Resolution No. 24 (2016/17) Re: Supporting “Just Fix It” for Statewide Road Maintenance

Funding:

No additional funding is required.

Respectfully Submitted,

A handwritten signature in black ink, reading "Wendy A. Charnon". The signature is written in a cursive style and is positioned above a horizontal line.

Wendy A. Charnon, Finance Director
September 16, 2016

SHEBOYGAN COUNTY RESOLUTION NO. 22 (2016/17)

Re: **Authorizing Sheboygan County Planning and Conservation Department to Apply for County Conservation Aids**

WHEREAS, the State legislature has provided, pursuant to Wis. Stat. § 23.09(12), for counties to apply for and receive county conservation aids for county-sponsored fish and wildlife habitat projects, and

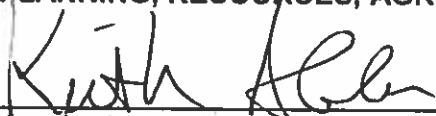
WHEREAS, it would be desirable for the Planning Department to submit an application to the Wisconsin Department of Natural Resources under the County Conservation Aids program to obtain financial support for Sheboygan County's fish and habitat project for aquatic invasive species education in the manner set forth in the draft application, a copy of which is on file in the Office of the Sheboygan County Clerk;

NOW, THEREFORE, BE IT RESOLVED that the Planning & Conservation Director be authorized to act on behalf of Sheboygan County to submit an application to the State of Wisconsin Department of Natural Resources County Conservation Aids for any financial aid that may be available; sign documents as required; and take necessary action to undertake, direct, and complete the approved project.

BE IT FURTHER RESOLVED that Sheboygan County will comply with state or federal rules for the program and will meet any financial obligations required under the grant.

Respectfully submitted this 20th day of September, 2016.

PLANNING, RESOURCES, AGRICULTURE, AND EXTENSION COMMITTEE*

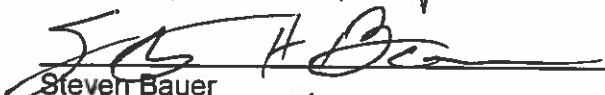


Keith Abler, Chairperson



Fran Damp, Vice-Chairperson

Libby Ogea, Secretary



Steven Bauer



James Baumgart

Opposed to Introduction:

*County Board members signing only

FISCAL NOTE
September 2016

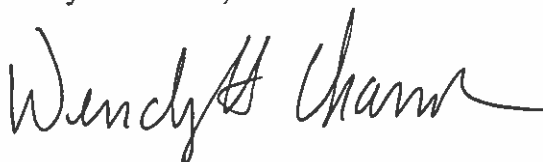
Resolution No. 22 (2016/17) Re: Authorizing Sheboygan County Planning and Conservation Department to Apply for County Conservation Aids

This resolution is to provide authority for Planning & Conservation Director to apply for a 50/50 matching grant from the State of Wisconsin Department of Natural Resources County Conservation Aids. This resolution also provides authority to the Planning and Conservation Director to sign documents as required, and take necessary action to complete approved projects.

Funding:

If approved the County share will be \$800, half the estimated project cost of \$1,600 for which the aid is requested. Funding will be part of the 2017 Budget proposal.

Respectfully Submitted,

A handwritten signature in black ink that reads "Wendy A. Charnon". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Wendy A. Charnon, Finance Director
September 16, 2016

1 SHEBOYGAN COUNTY RESOLUTION NO. 25 (2016/17)

2
3 Re: Authorizing County Aid for Bridge/Culvert Construction in the Town of
4 Wilson
5

6
7 WHEREAS, state law requires that when Town Boards petition the County Board for bridge or
8 culvert construction aid, the County is required to provide County aid in the amount provided by the
9 statutes [Wis. Stat. § 82.08, Stats.], and
10

11 WHEREAS, the following Towns have filed petitions for aid in the construction of bridges:
12

Town	Culvert or Bridge	Funds Provided by Town	County Aid Required
Wilson	Wilson/Lima Road	\$33,314.00	\$33,314.00
TOTAL COUNTY AID REQUIRED			\$33,314.00

13
14 NOW, THEREFORE, BE IT RESOLVED, that the Sheboygan County Board does hereby
15 appropriate the sum of \$33,314.00 to defray Sheboygan County's share of the above projects.
16

17 BE IT FURTHER RESOLVED that a tax be levied as part of the 2017 County tax levy, but only
18 upon such property in the County as authorized by law.
19

20
21 Respectfully submitted this 20th day of September, 2016.
22


23
24 TRANSPORTATION COMMITTEE

25
26 
27 _____
28 Jacob Van Dixhorn, Chairperson

29 
30 _____
31 Roger Te Stroete, Vice-Chairperson

32
33 
34 _____
35 James P. Glavan, Secretary

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37 
38 _____
39 Richard C. Bemis

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41 
42 _____
43 Al Bosman

44
Opposed to Introduction:

FISCAL NOTE
September 2016

**Resolution No. 25 (2016/17) RE: Authorizing County Aid for Bridge/Culvert
Construction in the Town of Wilson**

This resolution is authorizing appropriation of aid for bridge or culvert construction required by Wis. Stat. §82.08 for Towns filing such petitions. In this instance the Town of Wilson requested aid for Wilson Lima Road and is providing half the cost (\$33,314) for the project totaling \$66,628.

Funding:

When approved the County Aid match requested is \$33,314 and will be added to the 2017 County tax levy, as required by Wis. Stat. §82.08.

Respectfully Submitted,



Wendy A. Charnon, Finance Director
September 16, 2016



Sheboygan County Human Resources Department

508 New York Avenue, Room 335
Sheboygan WI 53081-4126

October 13, 2016

Members of the County Board:

Section 2.12(5) of the County Code requires the Human Resources Committee to prepare an annual report in advance of each October County Board meeting summarizing the actual cost of employee health insurance claims, imputing the claim experience into a monthly rate for various category groups, and recommending rates into the future for single and family groups.

This report and the recommendations were required as part of the necessary administration of the County's self-insurance program. Through the adoption of Resolution No. 21 (2015/16), the County Board determined that it was in the County's best interests to pool its self-insurance program with other counties through the Wisconsin Counties Association Group Health Trust. As a result, Group Health Trust now assumes responsibility to assist the County with establishing the annual cost of health insurance. Therefore, this correspondence shall fulfill the Human Resources Committee Annual Report of Health Insurance obligation.

Sheboygan County is nearing its first full year of participation in the Group Health Trust. To date, the Group Health Trust has proven to be a positive partnership with the Human Resources Department, in addition to providing excellent services to all employees. As a result of the County Board decision to work Group Health Trust, Sheboygan County saved approximately \$1,000,000 in 2016 in maintaining our health insurance reserves. The Group Health Trust renewal increase for 2017 is 4%, which is below the industry standard. However, the proposed 2017 budget includes a 5% increase, which based on our recent claim history is prudent and allows Sheboygan County to maintain healthy insurance reserves. This increase will also allow Sheboygan County to continue our focus on wellness initiatives going forward.

Respectfully submitted this 18th day of October, 2016.

Ed Procek, Human Resources Committee Chair

Jean M. Gallimore, Human Resources Director

ADDENDUM A

Recommended monthly premium rates for calendar year 2017 are as follows:

Medical and Dental Monthly Premium Rates

		<u>2016</u>	<u>2017</u>	<u>Dollar</u> <u>Increase/Month</u>	<u>%</u> <u>Increase</u>
Employee Health	Family	\$1,600.00	\$1,680.00	\$80.00	5.00%
	Single	\$645.00	\$677.25	\$32.25	5.00%
Employee Dental	Family	\$111.02	\$123.12	\$11.92	10.90%
	Single	\$44.33	\$49.16	\$ 4.83	10.90%
COBRA Health	Family	\$1,632.00	\$1,713.60	\$81.60	5.00%
	Single	\$657.90	\$690.80	\$32.90	5.00%
COBRA/Retiree Dental	Family	\$113.24	\$125.58	\$0.00	10.90%
	Single	\$45.22	\$50.14	\$0.00	10.90%

1 SHEBOYGAN COUNTY RESOLUTION NO. 26 (2016/17)

2
3 Re: Approving Revisions to Farmland Preservation Plan
4
5

6 WHEREAS, a County Farmland Preservation Agreement is a component part of the County's
7 development plan under Wis. Stat. § 59.69(3), and
8

9 WHEREAS, one of the requirements necessary to enable farmland owners to enter into farmland
10 preservation agreements is that the County adopt a Farmland Preservation Plan which is certified by the
11 State as being compliant with Chapter 91 of the Wisconsin Statutes, and
12

13 WHEREAS, the Sheboygan County Planning & Conservation Department has developed a
14 Farmland Preservation Plan for Sheboygan County which was adopted by the Sheboygan County Board
15 of Supervisors on November 1, 2005, as Resolution No. 25 (2005/06) and was revised by Resolutions
16 No. 23 (2013/14), No. 19 (2014/15), No. 15 (2015/16), and No. 21 (2016/17) which Plan and its revisions
17 was certified by the Wisconsin Department of Agriculture, and
18

19 WHEREAS, the Planning, Resources, Agriculture, and Extension Committee (PRAECom) has
20 determined that the Plan requires revision of certain provisions in light of changes that were made to the
21 Smart Growth Plan of the Town of Russell in order to remain consistent with the County's development
22 plan and remain eligible for state certification;
23

24 NOW, THEREFORE, BE IT RESOLVED that the Sheboygan County Board hereby approves the
25 revisions to the Sheboygan County Farmland Preservation Plan, in the manner reflected in the copy on
26 file in the County Clerk's Office and made a part hereof by reference hereto and makes it a part of
27 Sheboygan County's Development Plan.
28

29 BE IT FURTHER RESOLVED that the Planning & Conservation Director and Corporation
30 Counsel be directed to undertake such further action as necessary to confirm the certification of the Plan.
31
32

33 Respectfully submitted this 18th day of October, 2016.
34
35

36 PLANNING, RESOURCES, AGRICULTURE, AND EXTENSION COMMITTEE*
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38
39

40 _____
Keith Abler, Chairperson

41 _____
Fran Damp, Vice-Chairperson

42 _____
43 Libby Ogea, Secretary

44 _____
Steven Bauer

45 _____
46 James Baumgart
47

48 Opposed to Introduction:
49
50 _____
51 _____

52 *County Board members signing only
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FISCAL NOTES
October 2016

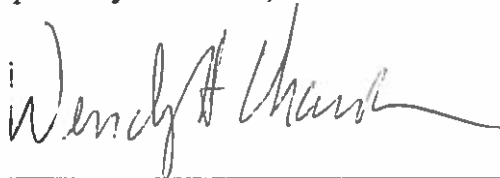
Resolution No. 26 (2016/17) Re: Approving Revisions to Farmland Preservation Plan

Ordinance No. 07 (2016/17) Re: Creating Property Assessed Clean Energy Financing (PACE) Ordinance

Funding:

No additional funding is required.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Wendy A. Charnon", written in black ink. The signature is positioned above a horizontal line.

Wendy A. Charnon, Finance Director
October 14, 2016

1 SHEBOYGAN COUNTY ORDINANCE NO. 07 (2016/17)

2
3 Re: **Creating Property Assessed Clean Energy Financing (PACE) Ordinance**

4
5
6 **WHEREAS**, the County Board adopted Resolution No. 13 (2016/17) on August 16, 2016,
7 which authorized Sheboygan County to become a member of a Property Assessed Clean Energy
8 (PACE) Commission in order to provide real property owners, lessees, lenders, and other financial
9 parties in Sheboygan County with access to a uniformly-administered program to provide PACE
10 financing as authorized by Wis. Stat. § 60.0627(8), and

11
12 **WHEREAS**, in order to implement the authority provided in Resolution No. 13 (2016/17), it is
13 necessary for Sheboygan County to enact an enabling Ordinance;

14
15 **NOW, THEREFORE**, the County Board of Supervisors of the County of Sheboygan does
16 ordain as follows:

17
18 Section 1. **Creating PACE Ordinance.** Chapter 8 of the Sheboygan County
19 Code of Ordinances is hereby created as follows:

20
21 Chapter 8
22 PROPERTY ASSESSED CLEAN ENERGY (PACE) FINANCING

23
24 8.01 **PURPOSE.** Sheboygan County finds that renovations or additions to premises
25 located in the County made to improve energy efficiency, improve water efficiency,
26 and/or use renewable resource applications, increase property values, stimulate local
27 economic activity, provide local and global environmental benefits, and promote the
28 general welfare of County residents. The purpose of this Ordinance is to facilitate
29 loans arranged by property owners or lessees to make such improvements by
30 treating loan principal and interest, fees, and other charges as special charges
31 eligible for inclusion on the tax roll for these properties.

32
33 8.02 **DEFINITIONS.** In this Chapter:

- 34
35 (1) **Annual installment** means the portion of the PACE loan that is due and
36 payable for a particular year under the supplemental agreement.
37
38 (2) **Borrower** means the property owner or lessee of the subject property that
39 borrows the proceeds on a PACE loan.
40
41 (3) **Default loan balance** means the outstanding balance, whether or not due, of
42 a PACE loan at the time that the County receives foreclosure proceeds.
43
44 (4) **Foreclosure proceeds** mean the proceeds received by the County from the
45 disposition of a subject property through an *in rem* property tax foreclosure.
46
47 (5) **Loan amount** means the principal, interest, administrative fees (including the
48 Program Administrator's fees) and other loan charges to be paid by the
49 borrower under the PACE loan.
50
51 (6) **PACE** means Property Assessed Clean Energy.

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- (7) **PACE default provisions** means:
 - (a) The delinquent annual installment(s) due when the County initiates the *in rem* property tax foreclosure on the subject property;
 - (b) Any additional annual installment(s) that become due between the time that the County initiates *in rem* property tax foreclosure on the subject property and the date the County receives the foreclosure proceeds.
 - (c) Any default interest charges applied to unpaid annual installments referenced in Subsections (a) and (b), above, as provided in the supplemental agreement; and
 - (d) Any default loan balance.
- (8) **PACE lender** means any person that makes a PACE loan and which may include an affiliate of the borrower.
- (9) **PACE loan** means a loan made by a PACE lender to a borrower under this Section for energy efficiency improvements, water efficiency improvements, or renewable resource applications made to or installed on a subject property.
- (10) **Person** means any individual, association, firm, corporation, partnership, limited liability company, trust, joint venture, or other legal entity or a political subdivision as defined in Wis. Stat. § 66.0627.
- (11) **Program Administrator** means the person retained by the Wisconsin PACE Commission as provided in Section 8.05(2).
- (12) **Subject property** means any premises located in the County on which an energy efficiency improvements, water efficiency improvements, or renewable resource applications are being or have been made and financed through an outstanding PACE loan.
- (13) **Supplemental agreement** means a written agreement among a borrower, a PACE lender, and the County as provided for in Section 8.07.
- (14) **Wisconsin PACE Commission** means the Wisconsin PACE Commission formed under Wis. Stat. § 66.0301, as may be amended, by the County and one or more other political subdivisions as defined in Wis. Stat. § 66.0627 pursuant to a Joint Exercise of Powers Agreement relating to the Wisconsin PACE Commission as provided hereafter.

8.03 **STATUTORY AUTHORITY.** This Section is enacted pursuant to Wis. Stat. § 66.0627 as may be amended which authorizes a county to make a loan or enter into an agreement regarding loan repayments to a third party for owner-arranged or lessee-arranged financing to an owner or a lessee of a premises located in the

102 county for making or installing an energy efficiency improvement, a water efficiency
103 improvement, or a renewable resource application to a premises..
104

105 8.04 PACE LOANS AS SPECIAL CHARGES; DELINQUENT AMOUNTS AS LIENS. Any
106 PACE loan made and secured pursuant to this Chapter shall be considered a special
107 charge on the subject property. Any installment or portion of a PACE loan made and
108 secured pursuant to this Chapter that becomes delinquent according to the terms of
109 the PACE loan shall be a lien against the subject property and placed on the tax roll
110 as permitted pursuant to Wis. Stat. § 66.0627 as may be amended.
111

112 8.05 WISCONSIN PACE COMMISSION.

113
114 (1) In the event a Wisconsin PACE Commission is formed and Sheboygan
115 County becomes originator of such PACE Commission and any Joint
116 Exercise of Powers Agreement thereunder, any of the powers and duties of
117 the County under this Chapter, except for those under Section 8.09, may (but
118 are not required to) be delegated to the Wisconsin PACE Commission.
119

120 (2) The Wisconsin PACE Commission shall further be authorized to retain a
121 Program Administrator to act as its agent and administer the PACE program,
122 subject to adherence with PACE program requirements consistent with this
123 Chapter and Wis. Stat. § 66.0627 as may be amended.
124

125 8.06 LOAN APPROVAL.

126
127 (1) A prospective borrower applying for a PACE loan shall comply with the loan
128 application process set forth in the program manual approved by the County.
129

130 (2) The County shall approve the financing arrangements between a borrower
131 and PACE lender.
132

133 8.07 SUPPLEMENTAL AGREEMENT.

134
135 (1) The County, the borrower, and the PACE lender shall execute the
136 supplemental agreement which, without limitation:
137

138 (a) Shall inform the participants that the PACE loan amount shall, if
139 requested by the Program Administrator, be imposed as and
140 considered a special charge, and any year's annual installment, if
141 delinquent, may be included on the property tax roll of the subject
142 property as a special charge and an annual installment that is
143 delinquent shall be a lien against the subject property pursuant to
144 Wis. Stat. § 66.027 as may be amended;
145

146 (b) Shall recite the amount and the term of the PACE loan;
147

148 (c) Shall provide for the amount or a method for determining the amount
149 of the annual installment due each year;
150

151 (d) Shall provide whether default interest shall be applied to unpaid
152 annual installments;

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- (e) Shall require the PACE lender and the borrower to comply with all federal, state, and local lending and disclosure requirements;
 - (f) Shall provide for any fees payable to the County and/or Program Administrator;
 - (g) Shall recite that the supplemental agreement is a covenant that runs with the land;
 - (h) May provide for prepayments of annual installments by the borrower with a resulting reduction in the special charge for the prepayment, subject to any prepayment premium charged by the PACE lender, if any; and
 - (i) May allow for amendment by the parties.
- (2) Prior to executing the supplemental agreement, the owner of the subject property, if different from the borrower, and any existing mortgage holder(s) on the subject property must have executed a separate writing acknowledging the borrower's use of PACE financing for the subject property and the special charge that will be imposed under this Chapter and its consequences, including the remedies for collecting the special charge.
 - (3) Each PACE loan shall be amortized over the term of the PACE loan as provided in the supplemental agreement.
 - (4) The annual payments of a PACE loan may be payable in installments as authorized by Wis. Stat. § 66.0627 as may be amended.
- 8.08 ANNUAL INSTALLMENTS ADDED TO TAX ROLLS. Upon the request of the Program Administrator, the County shall place any year's annual installment, if delinquent, on the tax roll for the subject property as permitted pursuant to Wis. Stat. § 66.0627 as may be amended.
- 8.09 REMITTANCE OF SPECIAL CHARGES. The County shall promptly remit to the Wisconsin PACE Commission any payment(s) it receives with respect to any special charge imposed under this Section including penalties and charges thereon it may receive from any taxing district or the County Treasurer pursuant to Wis. Stat. Ch. 74, as amended, subject to the County retaining any agreed-upon portion thereof for its own costs and expenses attributable to administering the PACE loan and its collection.
- 8.10 PROPERTY TAX FORECLOSURE PROCEDURES.
- (1) If a subject property owner fails to pay any special charges imposed on the subject property under this Section as required, the county may proceed in collecting the special charge pursuant to Chapter 91 of this Code.
 - (2) The County shall begin an *in rem* property tax foreclosure proceeding on the subject property at the earliest time allowed under the Wisconsin Statutes

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unless the County determines that that subject property is a "brownfield" (as defined in Wis. Stat. § 75.106 as may be amended) or that *in rem* property tax foreclosure is not in the best interests of the County due to the condition of the property or other reasons.

- (3) If the County has determined that it will not commence an *in rem* property tax foreclosure proceeding, then the PACE lender may request that the County, pursuant to Wis. Stat. § 75.106, as may be amended, assign the County's right to take judgment against the subject property, provided that the PACE lender and the County fully comply with all provisions of Wis. Stat. § 75.106, as may be amended, concerning the subject property, and the PACE lender agrees to pay the amounts required by Wis. Stat. § 75.36(3)(a)1 and 1m, as may be amended.

Section 2. Effective Date. The herein Ordinance shall take effect upon enactment.

Respectfully submitted this 18th day of October, 2016

PLANNING, RESOURCES, AGRICULTURE, AND EXTENSION COMMITTEE*

Keith Abler, Chairperson

Fran Damp, Vice-Chairperson

Libby Ogea, Secretary

Steven Bauer

James Baumgart

Opposed to Introduction:

*County Board members signing only

Countersigned by:

Thomas Wegner, Chairperson

FISCAL NOTES
October 2016

Resolution No. 26 (2016/17) Re: Approving Revisions to Farmland Preservation Plan

Ordinance No. 07 (2016/17) Re: Creating Property Assessed Clean Energy Financing (PACE) Ordinance

Funding:

No additional funding is required.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Wendy A. Charon", written in black ink. The signature is fluid and extends to the right with a long horizontal stroke.

Wendy A. Charon, Finance Director
October 14, 2016