

THE FEBRUARY 8, 2005 SESSION  
OF THE  
WALWORTH COUNTY BOARD OF SUPERVISORS

The Walworth County Board of Supervisors meeting was called to order by Chairperson Lohrmann at 6:00 p.m. in the County Board Room at the Walworth County Courthouse, 100 W. Walworth Street, Elkhorn, Wisconsin.

Pastor Mark Moller-Gunderson, Immanuel Evangelical Lutheran Church, Lake Geneva, delivered the invocation.

All Supervisors were present except Supervisors Lein and Wagie-Troemel. A quorum was established.

**Amendments, Withdrawals, and Approval of Agenda**

On motion by Supervisor Waelti, seconded by Supervisor Russell, the agenda was approved.

**Approval of the Minutes**

On motion by Supervisor Morrison, seconded by Supervisor Weber, the minutes of the January 11, 2005 Committee of the Whole, January 11, 2005 Walworth County Board of Supervisors meeting, and the January 17, 2005 Committee of the Whole, were approved.

**Comment Period by Members of the Public**

Dell Gigante, N7791 Bell School Road, Town of East Troy, addressed the Board. Mr. Gigante said that he was addressing the Board about their priorities. Mr. Gigante said he is not in favor of spending money on parks when the County is in debt. He said the County's priority should be to become solvent. Mr. Gigante said we have 17 parks in the County and parks should not be a priority. Mr. Gigante said he thinks the 77 acres of land, which was not used for a new courthouse as originally planned, should be sold so that the land is put back on the tax rolls.

**Appointments/Elections**

1. Community Partner Advisory Group
  - Jacqueline Buleje
2. Lake Geneva Library Board of Trustees
  - Fritz Oppenlander – Term commencing upon appointment and ending June 30, 2008
3. Wisconsin River Rail Transit Commission
  - County Board Supervisor Richard Kuhnke – Term commencing upon appointment and ending April 30, 2005
4. Community Action Board
  - Royce DeBow
5. City of Whitewater Tax Incremental Financing District No. 4
  - County Comptroller
6. Health and Human Services Director
  - Diane "Dani" L. Maculan

On motion by Supervisor Ketchpaw, seconded by Supervisor Muzatko, the following appointments were approved: 1. Jacqueline Buleje-Community Partner Advisory Group; 2. Fritz Oppenlander-Lake Geneva Library Board of Trustees; 3. County Board Supervisor Richard Kuhnke-Wisconsin River Rail Transit Commission; 4. Royce DeBow-Community Action Board; 5. County Comptroller-City of Whitewater Tax Incremental Financing District No. 4.

Dave Bretl, County Administrator, introduced Dani Maculan as his recommendation for Director of Health and Human Services. Bretl explained the search and interview process that was conducted to find a Director. Bretl said that Ms. Maculan received the endorsement of the Health and Human Services Board earlier today.

On motion by Supervisor Weber, seconded by Supervisor Felten, the appointment of Diane “Dani” Maculan as Director of Health and Human Services, was approved unanimously by voice vote.

### **Communications and Matters to Be Referred**

1. Claims Received After Agenda Mailing – There were no claims received after the agenda mailing.
2. Claims – There were no claims presented.
3. Communication from Scott Barrett, President, Board of Education, Burlington Area School District, regarding special education services and provisions for funding such services was referred to the Children with Disabilities Education Board.
4. Correspondence from Ehlers & Associates, Inc. regarding City of Whitewater proposal to amend Tax Incremental District No. 4 was referred to the Finance Committee.
5. Communication from Susan Kitzman, Delavan City Clerk, and City of Delavan resolution rejecting any effort by the ATC to place transmission lines through the heart of the City of Delavan was referred to the Land Conservation Committee.
6. Correspondence regarding Amendment to the Regional Water Quality Management Plan – City of Lake Geneva Sanitary Sewer Service Area was referred to the Land Conservation Committee.
7. Correspondence regarding Amendment to the Regional Water Quality Management Plan – Walworth County Metropolitan Sewerage District, Delavan/Delavan Lake Sanitary Sewer Service Area was referred to the Land Conservation Committee.
8. Correspondence regarding Village of Paddock Lake resolution regarding a cooperative agreement with the Town of Bristol was referred to the Land Conservation Committee.
9. Communication from Supervisor Nancy Russell regarding a new larger facility for County Board meetings on the first floor of the Courthouse was referred to the Public Works Committee.
10. DOT correspondence regarding the availability of CMAQ funding in 2005 was referred to the Public Works Committee.
11. Communication from Anthony Martin regarding use of the Incoming A Block of the courthouse jail for an escape demonstration was referred to the Public Works Committee.
12. Letter from Supervisor Art Lein expressing thanks for the planter he received while at Fort Atkinson Hospital was placed on file.
13. Communication from William Kutsunis, Whyte, Hirschboeck, Dudek, S.C., legal counsel for ANR Pipeline Company, requesting withdrawal of its petition for rezone (Item 2 of the County Zoning Agency Report of Proposed Zoning Amendments on this evening’s agenda)
14. Winnebago County Resolution 133-12005, requesting an amendment to section 59.13(2) of the Wisconsin Statutes was referred to the Executive Committee.

15. Communication from Timothy J. Voeller, General Counsel, Bielinski Homes, requesting that the County deny Lake Beulah Management District's request for an attachment hearing was referred to the Land Conservation Committee.
16. Resolution Received from the Booth Lake Management District concerning attachment of property to the district. (It is anticipated that there will be a motion to consider this item at this evening's meeting. The board may take action on Res. No. 90-02/05 appointing a committee to conduct a public hearing and to prepare a report regarding this issue.)
17. Resolution received from Lake Beulah Management District concerning attachment of property to the district. (It is anticipated that there will be a motion to consider this item at this evening's meeting. The board may take action on Res. No. 91-02/05 appointing a committee to conduct a public hearing and to prepare a report regarding this issue.)
18. Report of the County Clerk Concerning Communications Received by the Board and Recommended to be Placed on File was included with the agenda packet.
19. Report of the County Clerk Regarding Communications Received After the Agenda Mailing  
The following items were placed on the Supervisors' desks:
  - Douglas County Resolution #9-05 – Wisconsin Land Information Program Sunset Removal was referred to the Executive Committee.
  - Ozaukee County Resolution No. 04-63 – Oppose Downsizing of Intermediate Care Facilities for the Mentally Retarded (ICF-MR) was placed on file as it had previously been referred to committee)
20. Report of County Clerk Concerning Zoning Gone Into Effect
  - County Zoning Agency – Text Amendment to Walworth County Code of Ordinances, Walworth County, Wisconsin, Chapter 58, Sec. 58-1, Definitions – Outlot
  - County Zoning Agency – Text Amendment to Walworth County Code of Ordinances, Zoning and Shoreland, Chapter 74, Division 4 – Conditional Uses, Sec. 74-61/74-188, 74-64/74-191, 74-65/74-192, and Division 6 – Signs, Secs. 74-83/74-212
  - County Zoning Agency – Text Amendment to Walworth County Code of Ordinances, Zoning and Shoreland, Chapter 74, Division 4 – Conditional Uses, Secs. 74-58/74-185, 74-59/74-186, and Division 12 – Changes and Amendments, 74-126/74-258
  - David J. and Janis M. Laurine, Town of Bloomfield
  - Daniel C. Gifford and Alexander R. Gifford, Town of Bloomfield
  - Allen and LaVonne Dorr, Town of Richmond
  - Eugene J. and Donna M. Frodl, Town of Whitewater
21. Report of County Clerk Concerning Zoning Petitions was referred to the County Zoning Agency.
  - Olga Boor (Joe and Christine Raboine, App.), Town of East Troy, A-2 to B-4
  - Jackie Johnston (Atty. Robert C. Leibsle, App.), Town of LaGrange, C-4 to R-1
  - Text Amendment to Walworth County Code of Ordinances (Zoning) Sec. 74-38, 74-39, 74-131, and (Shoreland) Sec. 74-163, 74-167, 74-203, and 74-263

A motion was offered by Supervisor Grant, seconded by Supervisor Russell, to consider item 16, Resolution No. 90-02/05 and item 17, Resolution No. 91-02/05, of Communications and Matters to be Referred. Supervisor Arnold stated that since he is on the Lake Beulah Management District Board he may have a conflict with Resolution No. 91-02/05 and abstained from voting.

Item 16, Resolution No. 90-02/05 and item 17, Resolution No. 91-02/05 were voted on separately. Supervisor Muzatko offered a motion, seconded by Supervisor Ketchpaw to approve Resolution 90-02/05 and Resolution No. 91-02/05. **Resolution No. 90-02/05** was approved by voice vote. **Resolution No. 91-02/05** was approved by voice vote. Supervisor Arnold abstained.

### **Unfinished Business**

Discussion/Possible Action with regard to options proposed in “Response to Resolution No. 63-10/04 – Directing the Director of Land Use and Resource Management Department to Propose a Plan to Allow Towns to Withdraw from Countywide General Zoning”

On motion by Supervisor Ketchpaw, seconded by Supervisor Waelti, the discussion with regard to options proposed in the Response to Resolution No. 63-10/04 was tabled until the March County Board meeting to gather additional information regarding the Smart Growth Grant.

### **New Business**

### **Reports of Standing Committees**

#### **County Zoning Agency Report of Proposed Zoning Amendments**

1. Estate of Jack Ehrhardt (Justin Ehrhardt), Town of Delavan, Rezone .93 acres of R-2 to B-2, approved 5-0 (11-18-04 public hearing)
2. Peterson Farm Partnership, LLP (ANR Pipeline Company, App.), Town of Walworth, Rezone .22 acres of A-1 to P-1, approved 5-0 (12-16-04 public hearing)
3. Wayne Vogt, Town of Lafayette, Rezone 2 acres of A-1 to A-5 – modified and approved to rezone 1.8 acres instead, approved 5-0 (12-16-04 public hearing)
4. Kristi L. Collins and Jamie W. Opper, Town of Lafayette, Rezone 4.16 acres of A-2 to A-5, approved 5-0 (12-16-04 public hearing)
5. Pamela Jensen (Wm. J. Host, App.), Town of Bloomfield, Rezone 5.09 acres of C-1 to A-5, approved 5-0 (12-16-04 public hearing)
6. Wisconsin Department of Natural Resources State mandate for amendments to shoreland areas and wetland designations in Walworth County, various sections in Darien, Delavan, East Troy, Geneva, Lafayette, Sharon, Spring Prairie, Walworth, and Whitewater Townships. The Wisconsin Department of Natural Resources has provided documentation of changes to various navigable water bodies within Walworth County which requires amendment to the State mandated shoreland area and shoreland wetland designation on various streams. All approved except Doc #51, located in Section 13, Town of Geneva, 5-0 (12-16-04 public hearing)

On motion by Supervisor Kuhnke, seconded by Supervisor Polyock, item 2, Peterson Farm Partnership, LLP, Town of Walworth, was removed from consideration and item 3, Wayne Vogt, Town of Lafayette, was tabled until next month because of a modification. Discussion ensued. Michael Cotter, Director of Land Use & Resource Management, said that the attorneys for ANR Pipeline Company, item 2, asked that the item be withdrawn because they do not have an agreement for purchasing the land at this time.

A motion offered by Supervisor Ketchpaw, seconded by Supervisor Russell, to concur with the Report of the County Zoning Agency on items 1, 4, 5, and 6 was approved by voice vote.

## Executive Committee

1. Resolution No. 88-02/05 – Establishing Advisory Referenda Questions for the April 2005 Election (Recommended by the Executive Committee 5-0)

On motion by Supervisor Muzatko, seconded by Supervisor Weber, **Resolution No. 88-02/05** was approved by voice vote.

## Finance Committee

1. Ordinance No. 287-02/05 – Amending Section 30-286 of the Walworth County Code of Ordinances Relative to Fees (Recommended by the Finance Committee 6-0)
2. Ordinance No. 288-02/05 – Amending Section 30-67 of the Walworth County Code of Ordinances and Creating Article VIII Thereof Relating to Grants (Recommended by the Finance Committee 6-0)
3. Ordinance No. 289-02/05 – Amending Section 30-262(c), (d), (e) and (f) of the Walworth County Code of Ordinances Relating to the Declaration and Sale of Surplus Property (Recommended by the Finance Committee 6-0)
4. Ordinance No. 290-02/05 – Amending Sections 30-34 and 30-152 of the Walworth County Code of Ordinances to Reflect Technical Corrections (Recommended by the Finance Committee 6-0)
5. Resolution No. 84-02/05 – Authorizing the Transfer of \$7,765 from the 2005 Contingency Fund to the Lakeshores Library System Account to Provide Reimbursement of Waterford Public Library Circulation Services for 2005 (Recommended by the Finance Committee 6-0)
6. Resolution No. 85-02/05 – Funding the Southeastern Wisconsin Regional Planning Commission's Regional Water Supply Study in Accordance with Resolution Number 29-06/03 (Recommended by the Finance Committee 6-0)
7. Resolution No. 86-02/05 – Naming Official County Newspaper 2005-2006 (Recommended by the Finance Committee 6-0)
8. Resolution No. 87-02/05 – Accepting a \$500 Donation for Walworth County Parks Acquisition from the Walworth/Jefferson County Chapter of the Ice Age Park and Trail Foundation (Recommended by the Finance Committee 6-0)

On motion by Supervisor Ketchpaw, seconded by Supervisor Grant, items 1 through 4, **Ordinance No. 287-02/05**, **Ordinance No. 288-02/05**, **Ordinance No. 289-02/05**, and **Ordinance No. 290-02/05** were approved by voice vote. Supervisor Waelti offered a motion, seconded by Supervisor Van Dreser, to approve item 5, Resolution No. 84-02/05. The resolution required a 2/3 vote. On motion by Supervisor Van Dreser, seconded by Supervisor Waelti, **Resolution No. 84-02/05** was approved by unanimous consent.

Supervisor Morrison offered a motion, seconded by Supervisor Russell, to approve item 6, Resolution 85-02/05 – Funding the Southeastern Wisconsin Regional Planning Commission's Regional Water Supply Study in Accordance with Resolution Number 29-06/03. Discussion ensued. County Administrator Bretl said that from a legal standpoint, it was specifically stated in the original resolution that the Board would vote on funding so if there are problems the Board could vote no tonight. Michael Cotter said that Resolution No. 29-06/03 stated that Walworth County would agree to fund the Study once all seven SEWRPC member counties agreed to participate in funding the Study.

On motion by Supervisor Hilbelink, seconded by Supervisor Burwell, the question was called. A roll call vote was taken to call the question on Resolution 85-02/05. Total vote: 25; Ayes: 19 – Arnold, Burwell, Downing, Felten, Grant, Guido, Hawkins, Hilbelink, Kuhnke, Lightfield, Morrison, Parker, Polyock, Russell, Schaefer, Stacey, Van Dreser, Waelti, Weber; Noes: 3 – Ketchpaw, Muzatko, Lohrmann; Absent: 2 – Lein, Wagie-Troemel; Vacant: 1.

A roll call was taken to approve item 6, Resolution 85-02/05. Total vote: Ayes – 20: Arnold, Burwell, Downing, Felten, Grant, Guido, Hawkins, Hilbelink, Ketchpaw, Kuhnke, Lightfield, Morrison, Parker, Russell, Schaefer, Stacey, Van Dreser, Waelti, Weber, Lohrmann; Noes: 2 – Muzatko, Polyock; Absent: 2 – Lein, Wagie-Troemel; Vacant: 1. **Resolution No. 85-02/05** was approved.

On motion by Supervisor Grant, seconded by Supervisor Waelti, item 7, **Resolution No. 86-02/05** – Naming Official County Newspaper 2005-2006, was approved by voice vote. Supervisor Hawkins abstained from voting as he had a conflict of interest.

Supervisor Russell offered a motion, seconded by Supervisor Hilbelink, to approve item 8, Resolution No. 87-02/05 – Accepting a \$500 Donation for Walworth County Parks Acquisition from the Walworth/Jefferson County Chapter of the Ice Age Park and Trail Foundation. Discussion ensued.

Supervisor Russell introduced Barbara Converse and Jerry Emmerich both from the Ice Age Park & Trail Foundation.

Supervisor Guido asked why these donations for the Parks have come before the County Board but many other donations do not.

Bretl said that Section 30-156 (a) of the Walworth County Code of Ordinances states that any donation restricted to a particular use or contingent upon some action by the county and all non-cash donations with a market value of greater than \$5,000 may be accepted only by resolution of the County Board. A department head is authorized to accept all donations not specified in paragraph (a) of the ordinance. **Resolution No. 87-02/05** was approved by voice vote.

## **Human Resources**

1. Resolution No. 92-02/05 – Approving an Employment Agreement By and Between Walworth County and Diane Maculan as Director of Health and Human Services (The Human Resources Committee met prior to the County Board meeting and recommended approval of this resolution.)

On motion by Supervisor Weber, seconded by Supervisor Parker, **Resolution No. 92-02/05** was approved by voice vote.

## **Public Works Committee**

1. Ordinance No. 291-02/05 – Amending Section 2-140(2) of the Walworth County Code of Ordinances Relative to Approval of Construction Payments and Creating Chapter 30, Article III, Division 3 Related to Payments (Recommended by the Public Works Committee 6-0.)

A motion was offered by Supervisor Polyock, seconded by Supervisor Hilbelink, to approve Ordinance No. 291-02/05. On motion by Supervisor Russell, seconded by Supervisor Ketchpaw, the ordinance was amended as follows on page 2, line 12: insert a period after the word “contract” and delete the phrase “as specified in Sec. 30-123.” **Ordinance No. 291-02/05 was approved as amended** by voice vote.

### **Solid Waste Management Board**

1. Resolution No. 89-02/05 – Recommending Approval of the Mallard Ridge Landfill Southern Expansion Negotiated Agreement (The Solid Waste Management Board recommended approval at their February 2, 2005 meeting.)

Supervisor Polyock offered a motion, seconded by Supervisor Van Dreser, to approve Resolution No. 89-02/05. Discussion ensued. Supervisor Arnold asked to be excused as he has a conflict. Supervisor Polyock said there was another agreement received earlier today. Mari Nahn distributed a new Exhibit D, which is the cost sharing agreement between the County and the Town with respect to revenue that the Town and the County historically have received from Mallard Ridge.

Mari Nahn explained the changes in the new Exhibit D. She said this exhibit takes the County’s share, which is 12% of the 75% that comes from Mallard Ridge, and instead of that automatically being paid to the County on a quarterly basis this would require the County to submit a budget to the Town of Darien, and the Town must approve that budget in order to receive its share of the money.

Supervisor Felten asked if there would be a problem approving the agreement as the Public Works Committee and Solid Waste Committee approved it, and then consider the new agreement at a later date. Nahn said that would not be a problem.

The attorney for Mallard Ridge Landfill said they had received the new draft but it is not signed and it is up to the siting committee to decide what this cost sharing between the Town and the County is all about.

Nahn said that this agreement could be approved without the County’s approval. Supervisor Polyock said he was disappointed because of the late amendment after all the different proposals which have been made. Supervisor Van Dreser spoke in favor of the original motion. He said we have no choice but to abide with the standing committee. Supervisor Waelti said that he would vote yes for the motion that is on the floor.

Supervisor Hilbelink said he thinks we should vote yes on the original motion to show Darien Township that we are supporting the original contract they put forth earlier, which was negotiated by two County representatives; and it would show that we are not happy with this new proposal, which was received by Mari Nahn at 2:30 this afternoon.

Supervisor Kuhnke said he fully supports Mallard Ridge Landfill but he does not agree with the two offsite clay borrow areas that were added without having to go through a conditional use or zoning process.

Supervisor Polyock said that Walworth County receives approximately \$120,000 a year as our share of the landfill revenue and if we don’t receive that money we may have to cut some

programs such as Clean Sweep, and if we keep the program, we may have to dip into the general fund or raise taxes. He thinks since the County received the money in the past, we should be able to get it now.

**Resolution No. 89-02/05** – Recommending approval of the Mallard Ridge Landfill Southern Extension Negotiated Agreement was approved, as originally presented, by voice vote. Supervisor Kuhnke requested that his vote be recorded as “No.” Supervisor Arnold abstained.

**Reports of Special Committees**

There were no Reports of Special Committees.

**Chairperson’s Report**

The next regularly scheduled County Board meeting will be held on March 8, 2005 at 6:00 p.m.

**Adjournment**

On motion by Supervisor Ketchpaw, seconded by Supervisor Muzatko, the meeting of the County Board of Supervisors was adjourned at 7:15 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 February 8, 2005 meeting.

(These minutes are not final until approved by the County Board at the next regularly scheduled County Board meeting.)