

THE JULY 13, 2004 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.

Supervisor Margaret Downing delivered the invocation.

All Supervisors were present except Supervisors Arnold, Hilbelink, Morrison, and Van Dreser. A quorum was established.

Amendments, Withdrawals, and Approval of Agenda

On motion by Supervisor Ketchpaw, seconded by Supervisor Grant, the agenda was approved.

Approval of the Minutes

On motion by Supervisor Muzatko, seconded by Supervisor Russell, the minutes of the June 8, 2004 meeting of the Walworth County Board were approved.

Comment Period by Members of the Public

Odell Gigante, N7791 Bell School Road, Burlington, addressed the Board regarding conflict of interest and ethical conduct. Gigante said that if a person is receiving any services from the County, then that person or those people should not be voting on the issues that deal with that particular service. He said that the County Board Supervisors should remember not to get involved with labor relations and should not discuss problems with the employees that are involved. Gigante said that if a Supervisor votes no at a committee meeting, then he asked that the Supervisor vote no at the Board meeting. He said the Supervisors are voting for the taxpayers, not the committee.

Bret Strong, N9159 Maple Street, East Troy, addressed the Board regarding the Taxpayers Bill of Rights or TABOR. Strong said that he feels voting down the TABOR bill shows that this County does not care about reducing taxes. Strong said that asking the taxpayers is the right thing to do regarding increasing taxes. Strong stated a number of things that have happened over the years that have increased the taxes in Walworth County. Strong said he feels that employee benefits are lavish. He said the taxpayers should be in charge, not the unions. Strong said that he hopes better decisions are made in the future to the betterment of each taxpayer in this County.

Special Order of Business

Chairperson Lohrmann said that she was pleased to present Service Awards to three employees who have served the County for a very long time. Lohrmann said that it is important in an

organization to have a variety of tenured employees and, although it is good to have new ideas with new employees, we should not forget that the people who have been here a long time can help us in a lot of ways, such as remembering the way things were done and, remembering that something being suggested as new really isn't so new and did not work in the past.

Chairperson Lohrmann presented Employee Service awards to Christine Jordan, Walworth County Veteran's Service Officer, for 20 years of public service, Kathy DuBois, Walworth County Treasurer, for 25 years of public service, and Connie Woolever, Walworth County Register of Deeds, for 30 years of public service.

Appointments/Elections

1. County Zoning Agency
 - G. Stewart Mathison – Term: June 30, 2004 to June 30, 2006
 - Jeffrey Schramm – Term: June 30, 2003 to June 30, 2005
2. Local Emergency Planning Committee
 - Shane Crawford, Public Works Director
3. Walworth County Housing Authority Board of Commissioners
 - June Yantis – To fill term vacated by Reverend Jorge Mayorga which will end June 30, 2006
 - John D. Kachel – Reappointment to a five-year term – Term to expire June 30, 2006

Supervisor Goebel asked that the above appointments be considered separately.

Supervisor Goebel offered a motion, seconded by Supervisor Kuhnke, to refer the nomination of G. Stewart Mathison back to the Executive Committee for further consideration because of outstanding issues. Discussion ensued. The motion to send the nomination of G. Stewart Mathison back to the Executive Committee for further consideration was approved by voice vote. Supervisor Grant requested that his vote be recorded as "No."

On motion by Supervisor Goebel, seconded by Supervisor Waelti, the recommendation of Jeffrey Schramm to fill the unexpired term of Rulo Clark was approved by voice vote.

On motion by Supervisor Kuhnke, seconded by Supervisor Polyock, Shane Crawford was appointed to the Local Emergency Planning Committee.

On motion by Supervisor Downing, seconded by Supervisor Goebel, June Yantis – term to expire June 30, 2006, and Jon D. Kachel – term to expire June 30, 2009, were appointed to the Walworth County Housing Authority.

Communications and Matters to Be Referred

1. Claims
2. Notice of Claim
 - John E. Grennan vs Walworth County Department of Land Management and Walworth County Board of Adjustment was referred to the Executive Committee.
 - Roberta J. Christensen vs County of Walworth was referred to the Executive Committee.

3. Jefferson County Resolution No. 2004-24 – Approving participation in an Ozone Action Day, “best methods” program to reduce ozone precursor emissions was referred to the Land Conservation Committee.
4. Village of East Troy Resolution 1004-09 – Opposing Attachment of Land in the Village to the Lake Beulah Management District was referred to the Land Conservation Committee.
5. Correspondence addressed to County Board Supervisors submitted by Supervisor Rick Stacey regarding County of Walworth vs Randal L. Williams (reviewed by Executive Committee in closed session at the June 17, 2004 meeting with no recommendation) was placed on file.
6. Correspondence from Supervisor Joe Guido regarding name change of the Lakeland School was referred to the Children with Disabilities Education Board.
7. Correspondence from Supervisor Joe Guido regarding draft ordinance for donations was referred to the Finance Committee.
8. Correspondence from Supervisor Jerry Waelti regarding citizen appointments was referred to the Executive Committee.
9. Correspondence from Supervisor Richard Kuhnke regarding citizen appointments to the County Zoning Agency was referred to the County Zoning Agency and the Executive Committee.
10. Correspondence from Town of Whitewater Chairman Ron Fero regarding citizen appointments to the Walworth County Zoning Board was referred to the Executive Committee.
11. Report of the County Clerk Concerning Communications Received by the Board and Recommended to be Placed on File, mailed with the agenda, was placed on file.

Report of the County Clerk Regarding Communications Received After the Agenda Mailing

The following items were received in the County Clerk’s office after the agenda deadline and were placed on the Supervisors’ desks:

- Correspondence from Edward Sikora in response to remarks regarding Camp Dewan attributed to Mr. Dowling during the Public Comment period at the April 22, 2004 Walworth County Board Meeting. Mr. Sikora wrote “(1) the fire was at my home and not at the campground and (2) the fire trucks got stuck in my yard and driveway and not in the entry road.” Mr. Sikora asked that his remarks be made part of the recorded minutes and published Public Notice.
- Correspondence from Supervisor Rick Stacey requesting a change to the County Zoning Agency Code to require that “same-day” decisions be made by the County Zoning Agency was referred to the County Zoning Agency.
- Correspondence from Southeastern Wisconsin Regional Planning Commission with certification of the property tax levy required in partial support of regional planning in Southeastern Wisconsin in calendar year 2005 was referred to the Finance Committee.
- Correspondence from Southeastern Wisconsin Regional Planning Commission with an Amendment to the Regional Water Quality Management Plan, Walworth County Metropolitan Sewerage District-Lake Como Sanitary Sewer Service Area was referred to the Land Conservation Committee.

- Correspondence from Supervisor Joe Guido regarding the County's policies in regard to those county employees serving in the armed forces was referred to the Human Resources Committee.
- Thank you note from Supervisor Al Morrison for a plant, which was sent to him after his recent accident, was placed on file.
- Correspondence presented by Supervisor Roy Lightfield regarding a letter from the Wisconsin Department of Agriculture, Trade and Consumer Protection in appreciation for the leadership and commitment of the county conservation staff, especially Louise Olson, in regard to the county's land and water resource management plan was placed on file.

12. Report of County Clerk Concerning Zoning Gone Into Effect

- Carl S. Michalski et al (Regency Hills Development Corp., App.), Town of Bloomfield
- Michael P. Johnston, Town of Delavan
- Donald Woelky (Atty. David W. Schiltz, App.), Town of Geneva
- Michael J. Nigbor, Town of Lafayette
- Terry and Peggy Lilley, Town of Lyons
- Surrey Ridge Investment, LLC, Town of Troy
- County Zoning Agency, Text Amendment to Walworth County Code of Ordinances, Subdivisions, Chapter 58, and 58-4.5, 58-4.9, 58-4.10, 58-7.5, 58-7.6, & 58-7.7

13. Report of County Clerk Concerning Zoning Petitions Referred to the County Zoning Agency:

- Delavan Lake Animal Park, LLC (Dana Montana, Man. Mbr.), Town of Delavan, A-2 & C-2 to B-5
- Thomas C. Yakes (Town of Delavan, App.), Town of Delavan, B-2 to P-2
- Concetta Gerambia and Daniel Hurzeler, Town of Bloomfield, R-2 to B-4
- Town of Richmond, R-1 & C-4 to P-1 and A-4 to P-2
- WPW Broadcasting, Inc. (Douglas G. Olson, App.), Town of Richmond, A-1 & B-2 to A-5
- Abell's Woods, LLC (Cindy Balestrieri, Member), Town of Sugar Creek, A-2 to B-2
- Larry Bray, Cheryl Kosarek, Melany Christenson (Larry A. Bray, App.), Town of Lafayette, A-1 to C-2, C-1 & C-4
- Allan Polyock (Terry and LuAnn Smith, App.), Town of Linn, C-4 to A-1
- Text Amendment to Walworth County Code of Ordinances, Chapter 70 Utilities, Sec. 70-11, Limitations; 70-25 Administration fees; and 70-36 Septic tank maintenance program
- Amendment to Walworth County Code of Ordinances, Chapter 26 Farmland Preservation, Sec. 26-211, 26-212, 26-213, 26-214, and 26-217
- Amendment to Walworth County Code of Ordinances, Chapter 6 Animals, Article IV Animal Waste Storage, Sec. 6-131, 6-132, 6-133, 6-134, 6-136, 6-137, 6-138, 6-161, 6-162, 6-163, 6-164, 6-165, 6-166, 6-190, 6-192, 6-193, 6-194, 6-195, 6-196, 6-197, 6-198, 6-199, and 6-200

Unfinished Business

There was no unfinished business.

New Business

1. Discussion/Possible Action Regarding Replenishment of the Sunshine Fund

A motion offered by Supervisor Ketchpaw, seconded by Supervisor Guido, to donate \$10 per Supervisor to the County Board's Sunshine Fund, was approved by voice vote. Supervisor Polyock requested that his vote be recorded as "No."

Reports of Standing Committees

County Zoning Agency Report of Proposed Zoning Amendments

1. Text Amendment to Walworth County Code of Ordinances, Chapter 74 (Zoning), Walworth County, Wisconsin, Sections 74-28, 74-29, 74-49, 74-50, 74-51, 74-52, 74-54, 74-58, 74-59, 74-63, 74-131 (5-20-04 public hearing) modified and approved 6-0.
2. Text Amendment to Walworth County Code of Ordinances, Chapter 74 (Shoreland Zoning), Walworth County, Wisconsin, Sections 74-153, 74-154, 74-176, 74-177, 74-178, 74-179, 74-181, 74-185, 74-186, 74-190, 74-263 (5-20-04 public hearing) modified and approved 6-0.
3. Text Amendment to Walworth County Code of Ordinances, Chapter 58 (Subdivisions), Walworth County, Wisconsin, Sections 58-1.1, 58-2.3, 58-2.4, 58-4.1, 58-4.11, 58-5-A, 58-5-A.1, 58-5-A.2, 58-5-A.3, 58-5-A.4, 58-5.2, 58-5.3, 58-11.9-A, 58-11.9-B, 58-12.8, and 58-12.15 (5-20-04 public hearing) modified and approved 6-0.
4. Timothy A. Fink, Town of Lafayette, Rezone 3.24 acres of A-1 to B-2, C-1, & C-4 (3-18-04 public hearing) approved 6-0.
5. Charles Malsch, Town of Bloomfield, Rezone .85 acres of R-2 to B-2 (5-20-04 public hearing) approved 6-0.
6. Thomas Jacobs and Jesse Jacobs (Weber Builders, Inc. Chris Weber, App.), Town of Bloomfield, Rezone 3.65 acres of M-3 to B-2 (5-20-04 public hearing) approved 6-0.
7. Brent Rouse, Town of Geneva, Rezone 5.28 acres of R-1 to C-2 (5-20-04 public hearing) approved 6-0.
8. Ronald D. and Kathryn M. Mompier, Town of East Troy, Rezone 1.4 acres of B-1 to A-2 (5-20-04 public hearing) approved 6-0.
9. Mike Good (Jeff Auberger, App.), Town of Troy, Rezone .6 acres of A-2 to C-2 (5-20-04 public hearing) approved 6-0.

Supervisor Kuhnke offered a motion, seconded by Supervisor Russell to approve items #1 through #9 of the County Zoning Agency Report. Supervisor Polyock asked that items #1 through #3 be voted on separately. Items #4 through #9 were approved by voice vote.

Supervisor Guido made a motion, seconded by Supervisor Polyock, to table the vote on the text amendments until next month. Dave Bretl explained that the entire text had been sent in the agenda packet. Supervisors Guido and Polyock withdrew the motion. Michael Cotter, Director of Land Use and Resource Management, explained that a memo from the Land Use and Resource Management Department, summarizing the proposed zoning and subdivision ordinance amendments, was also included in the packet. On motion by Supervisor Ketchpaw, seconded by

Supervisor Burwell, the question was called. Items #1, #2, and #3 of the County Zoning Agency Report were approved by voice vote.

Executive Committee

1. Resolution No. 18-07/04 – Designating Walworth County Sheriff’s Department as Walworth County Wireless 9-1-1 Answering Point

On motion by Supervisor Goebel, seconded by Supervisor Ketchpaw, **Resolution No. 18-07/04** was approved.

Finance Committee

1. Ordinance No. 267-07/04 – Creating Section 30-171 in Article IV Chapter 30 of the Walworth County Code of Ordinance Relating to Risk Management Internal Service Fund
2. Ordinance No. 269-07/04 – Amending Sections 30-170, 30-31 and 30-34 of the Walworth County Code of Ordinances Relating to Budget
3. Resolution No. 17-07/04 – To Write Off 2001 Personal Property Taxes Uncollectible in 2002
4. Resolution No. 19-07/04 – Amending 2004 Budget of the Children with Disabilities Education Board to Approve Staff Increases
5. Resolution No. 25-07/04 – Approving the Transfer of Funds from the 2004 Contingency Fund for the Purpose of Replacing the Chiller at the County Courthouse
6. Resolution No. 26-07/04 – Accepting a \$10,000 Donation to the Walworth County Sheriff from Richmond Cemetery Association

On motion by Supervisor Ketchpaw, seconded by Supervisor Russell, items #1, **Ordinance No. 267-07/04**, #2, **Ordinance No. 269-07/04**, #4, **Resolution No. 19-07/04**, and #6, **Resolution No. 26-07/04** were approved by voice vote.

Supervisor Felten offered a motion, seconded by Supervisor Schaefer, to approve Resolution No. 17-07/04. Discussion ensued. Supervisor Russell said even though we are required by law to write these taxes off at a certain point in time, we do try to collect them after they are written off. Supervisor Burwell said that she would like to see a report on what we do collect after they are written off. Treasurer DuBois said that a few years ago the Finance Committee directed the corporation counsel to write letters to try to collect the taxes if the amount exceeded \$200. This year DuBois said she sent letters if the amount exceeded \$100 and she has written eight letters. DuBois said she has collected from one business this year. Supervisor Grant offered a motion for unanimous consent, seconded by Supervisor Russell. Resolution No. 17-07/04 was approved. Supervisor Polyock requested that his vote be recorded as “No.”

Supervisor Waelti offered a motion, seconded by Supervisor Ketchpaw, to approve item #5, Resolution 25-07/04. Dave Bretl gave an overview of the problem with the courthouse chiller. He said that the amount of the transfer from the contingency fund would be \$32,000. On motion by Supervisor Burwell, seconded by Supervisor Ketchpaw, **Resolution No. 25-07/04** was approved by unanimous consent.

Supervisor Guido made a motion to reconsider item #4. The motion failed for lack of a second.

Human Resources Committee

1. Resolution No. 20-07/04 – Approving a Plan of Reorganization of the Human Resources Function, Approving Budget Amendments and Employment Contracts Necessary to Implement that Plan

A motion was offered by Supervisor Burwell, seconded by Supervisor Downing, to approve Resolution No. 20-07/04. Supervisor Burwell offered a motion, seconded by Supervisor Felten, that the Plan be amended to increase purchased services for outside counsel by \$30,000 rather than \$40,000 and the finance department purchased services be increased by only \$10,000 rather than \$20,000 as originally contained in the Plan.

Bretl explained the changes that were recommended to the plan for the reorganization of the Human Resources Department. The Human Resources payroll function would be moved from the Human Resources Department to the Finance Department. The balance of the Human Resources function would be performed by an Employee Relations Department headed by Mari Nahn, the Deputy Corporation Counsel. Supervisor Burwell's amendment to make reductions in purchased services and effect a cost savings of about \$9,000 in 2005 versus the 2004 budget was endorsed by the Human Resources Committee and the Finance Committee. The approval of the reorganization plan requires a 2/3 vote and the amendments require a majority vote. Amendment No. 1 to Resolution 20-07/04 was approved by voice vote.

Supervisor Burwell offered a motion, seconded by Supervisor Downing, to approve Amendment No. 2 to Resolution 20-07/04 as follows: That page 2, lines 23 and 24 of the resolution be amended to eliminate the references to "deputy administrator" and designate Nahn as "deputy corporation counsel/department head of Employee Relations;" and, that page 2, lines 27 – 30 be deleted and instead read as follows: "Be it Further Resolved that sufficient funds be reserved in accordance with the Plan, and that the Human Resources Committee study the appropriate classification of the finance director and make a recommendation to the full board as to whether to pursue designating the finance director as a deputy administrator/finance and the deputy corporation counsel as deputy administrator/employee relations and recommend appropriate compensation for the positions." Discussion ensued.

Bretl distributed a copy of a report from Marianne Oyaas, Oyaas & Associates, and excerpts from the 2004 Non-Union Management & Professional Pay Plan to the Supervisors. Bretl said under the Plan as originally written and proposed to the Human Resources Committee, the positions of Deputy Corporation and the Finance Director would be upgraded; that would be Mari Nahn, Deputy Corporation Counsel and Nicki Andersen, Finance Director. The proposed pay plan was to create both of those positions at an M25 level. Mari Nahn currently serves in the M18 pay range and Nicki Andersen in the M21 pay range. Bretl said that he thought both of those positions should fall within the M25 pay range, both would sign employment contracts, with Mari Nahn at a step C of M25 and Nicki Andersen at a step E of M25, be eligible for a step increase on January 1, and thereafter be under the pay plan. Bretl said that he had requested the report from Marianne Oyaas who is a consultant familiar with pay plans like Walworth

County's. Ms. Oyaas looked at the new duties that would be given to both Nahn and Andersen and concluded that under our pay plan the Finance Director/Deputy Administrator would fall in M23 range and that the Deputy Administrator/Employee Relations position would fall in the M25 range. Bretl said that the Human Resources Committee's Amendment No. 2 to Resolution No. 20-07/04 would eliminate the references to Deputy Administrator and designate Nahn as Deputy Corporation Counsel/Department Head of Employee Relations and would hold off doing anything with the Nicki Andersen situation but would reserve a sufficient amount of money if upgrades were warranted, after a study by the Human Resources Committee. The Finance Committee voted to proceed with the first plan with both in the M25 category. Bretl said he feels comfortable with the original plan as proposed.

Supervisor Polyock asked what the net savings would be in 2005. Bretl said that there would be a savings of \$9,000 in the 2005 budget over 2004 if Amendment No.1 and No. 3 were approved.

Bretl explained that if having both employees under an employment contract is important to the Supervisors, then the Board would vote no to Amendment No. 2 and keep both people under the contracts. Supervisors Burwell and Downing withdrew the motion to approve Amendment No. 2.

On motion by Supervisor Burwell, seconded by Supervisor Russell, Amendment No. 3 to Resolution No. 20-07/04 was approved.

Supervisor Burwell offered a motion for unanimous consent, seconded by Supervisor Grant. Supervisor Polyock vote no and a roll call vote was conducted. Total vote: 25; Ayes: 20 – Burwell, Downing, Felten, Goebel, Grant, Guido, Hawkins, Ketchpaw, Kuhnke, Lein, Lightfield, Muzatko, Parker, Russell, Schaefer, Stacey, Waelti, Wagie-Troemel, Weber, Lohrmann; Noes: - 1- Polyock; Absent: 4 – Arnold, Hilbelink, Morrison, Van Dreser. **Resolution No. 20-07/04 as amended by Amendment No. 1 and Amendment No. 3** was approved.

Closed Session

On motion by Supervisor Guido, seconded by Supervisor Polyock, the Board convened in closed session pursuant to Wis. Stats. § 19.85 (1) (g) for the purpose of conferring with legal counsel for the governing body who is rendering oral advice concerning strategy to be adopted with respect to litigation which it is or is likely to become involved. A roll call vote was conducted. Total vote: 25; Ayes: 21 – Burwell, Downing, Felten, Goebel, Grant, Guido, Hawkins, Ketchpaw, Kuhnke, Lein, Lightfield, Muzatko, Parker, Polyock, Russell, Schaefer, Stacey, Waelti, Wagie-Troemel, Weber, Lohrmann; Noes: - 0; Absent: 4 – Arnold, Hilbelink, Morrison, Van Dreser.

6. Resolution No. 23-07/04 – Approving a Settlement By and Between Walworth County and Andrea Lazzeroni

On motion by Supervisor Grant, seconded by Supervisor Ketchpaw, the Board reconvened in open session to take action on Resolution No. 23-07/04.

Supervisor Ketchpaw offered a motion, seconded by Supervisor Muzatko, to approve Resolution No. 23-07/04. Supervisor Grant offered a motion for unanimous consent, seconded by Supervisor Ketchpaw. Supervisor Polyock voted “No.” A roll vote was conducted. Total vote: 25; Ayes: 19 – Burwell, Downing, Felten, Goebel, Grant, Guido, Hawkins, Ketchpaw, Kuhnke, Lightfield, Muzatko, Parker, Russell, Schaefer, Stacey, Waelti, Wagie-Troemel, Weber, Lohrmann; Noes: - 1- Polyock; Absent: 4 – Arnold, Hilbelink, Morrison, Van Dreser; Temporarily absent: 1 - Lein. Supervisor Lein returned right after the vote and his vote was recorded as “Aye.” Total Ayes: 20. **Resolution No. 23-07/04** was approved by roll call vote.

Land Conservation Committee

1. Ordinance No. 268-07/04 – Repealing and Recreating Section 42-1 of the Walworth County Code of Ordinances and Creating Sections 42-2, 42-3, and 42-4 Thereof Relative to County Parks and Trails
2. Resolution No. 21-07/04 – Supporting the Amendment to the Regional Water Quality Management Plan for the Sanitary Sewer Service Area for the Walworth County Metropolitan Sewerage District
3. Resolution No. 22-07/04 – Thanking Pat’s Sanitary Service for the White River Trail Development Donation

Supervisor Lightfield offered a motion, seconded by Supervisor Ketchpaw to approve item #1, Ordinance No. 268-07/04. Supervisor Lightfield recognized Bill Jacques. Bill Jacques, N6009 Bowers Road, Elkhorn, addressed the Board. Mr. Jacques said he would like to amend the ordinance by changing the park hours so that the parks are open during day light hours only.

Ordinance No. 268-07/04 was approved by voice vote.

On motion by Supervisor Lightfield, seconded by Supervisor Weber, item #2, **Resolution No. 21-07/04** and items #3, **Resolution No. 22-07/04** were approved by voice vote.

Public Works

1. Resolution No. 24-07/04 – Approving the Acquisition of Certain Land for a Salt Storage Shed

Supervisor Polyock offered a motion, seconded by Supervisor Weber, to approve Resolution No. 24-07/04. Discussion ensued. **Resolution No. 24-07/04** was approved by voice vote. Supervisors Kuhnke and Ketchpaw requested that their votes be recorded as “NO.”

Reports of Special Committees

There were no Reports of Special Committees.

Chairperson’s Report

There was no Chairperson’s Report.

Adjournment

On motion by Supervisor Ketchpaw, seconded by Supervisor Schaefer, the meeting was adjourned at 7:45 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 13, 2004 meeting.

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