

THE AUGUST 10, 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.

Pastor Gerald Petersen, Sugar Creek Lutheran Church, Elkhorn, delivered the invocation.

All Supervisors were present except Supervisor Hilbelink. A quorum was established.

Amendments, Withdrawals, and Approval of Agenda

On motion by Supervisor Goebel, seconded by Supervisor Ketchpaw, the agenda was amended by moving Executive Committee item #1, Ordinance 271-08/04, to immediately preceding the appointment to the County Zoning Agency.

On motion by Supervisor Schaefer, seconded by Supervisor Ketchpaw, the agenda was approved as amended.

Approval of the Minutes

On motion by Supervisor Muzatko, seconded by Supervisor Waelti, the minutes of the July 13, 2004 Committee of the Whole were approved. On motion by Supervisor Kuhnke, seconded by Supervisor Ketchpaw, the minutes of the July 13, 2004 meeting of the Walworth County Board of Supervisors were approved.

Comment Period by Members of the Public

Thomas Berger, P. O. Box 044635, Racine, WI, AFSCME Representative, addressed the Board to discuss the approaching labor negotiations. Mr. Berger said that he met with the Highway Department and the leadership of Walworth County a few weeks ago because of a challenge that has since been resolved, thanks to the members of 1925A, B, & C. Mr. Berger said that he hopes both sides can agree during the upcoming negotiations and come to a resolution of labor agreements that everyone can live with.

Karen Schinke, 7440 Fish Hatchery Road, Springfield, WI, addressed the supervisors to give them an update on the White River Trail. Ms. Schinke said that she has sold \$3089 in trail passes at her store, the Pedal & Cup, and she said that trail passes sold at Jeannie's Little Store were approximately \$1,000. Ms. Schinke said that the trail is being used; however, more signage is needed indicating that White River is a state trail and that a pass is required. She said signage should be placed along the trail and on the highways coming out of Burlington, Lake Geneva, and Elkhorn to let motorists know that a trail is here and that there are places to park. Ms. Schinke also said that Walworth County should contact the State of Wisconsin to verify that the trail appears on all of the Wisconsin tourism Internet sites.

Gail Kopp addressed the supervisors to discuss special education. Ms. Kopp said she has a child with a rare genetic disorder and multiple disabilities. Ms. Kopp said that 1½ years ago she came to address the Board to speak about school choice. She said she had spoken at the CDEB meeting to ask that her child be schooled in her home area. She said she was told that her child would be best served at Lakeland School as she is too disabled to go to a regular school and if her daughter went to a school close to her home, she would have to pay for it herself. Ms. Kopp said that through her attorney and other parents, she has since found that information was not true. Ms. Kopp said her child is now in her neighborhood school, she is learning, she is learning how to deal with normal students, and they are learning that her daughter is different. She said she is very proud of the compassionate, understanding children in her school district. Ms. Kopp said she is asking that the school districts do their part in providing special education for the children who need it.

Special Order of Business

Kyle Adams, Fairest of the Fair, addressed the supervisors. Mr. Adams thanked the Board for the funding given to the Fair. He said that the funds go to the 4-H kids and they appreciate it very much. Mr. Adams gave an outline of the schedule of events at the Fair, which will be held September 1 through September 6. Mr. Adams again thanked everyone for the County's support of the Walworth County Fair.

Appointments/Elections

1. Board of Adjustment-Mary Ellen Oeding
2. Economic Development Advisory Committee
 - William Acuff representing the Town of Lafayette
 - Dr. Robert Spitzer as local business representative
3. SEWRPC Regional Transportation System Plan Advisory Committee
Shane Crawford, Public Works Director

On motion by Supervisor Grant, seconded by Supervisor Arnold, the above appointments were approved.

4. Ordinance No. 271-08/04 - Amending Chapter 2-131 of the Walworth County Code of Ordinances Pertaining to Appointment of Citizen Members to County Board Committees, Boards and Commissions

A motion was offered by Supervisor Waelti, seconded by Supervisor Goebel, to approve Ordinance No. 271-08/04. On motion by Supervisor Van Dreser, seconded by Supervisor Grant, **Ordinance No. 271-08/04** was approved by unanimous consent.

5. County Zoning Agency –Citizen member appointment to County Zoning Agency. The Executive Committee has recommended G. Stewart Mathison to a term ending June 30, 2006 by a vote of 7-0. It is anticipated, however, that the board may nominate one or more other candidates from among those who applied for the position.

Supervisor Kuhnke offered a motion, seconded by Supervisor Guido, to nominate Greg Holden for the citizen appointment on the County Zoning Agency. On behalf of the Executive Committee, Supervisor Goebel nominated G. Stewart Mathison for the citizen appointment, seconded by Supervisor Grant. On motion by Supervisor Waelti, seconded by Supervisor Goebel, nominations were closed. Discussion ensued.

On motion by Supervisor Van Dreser, seconded by Supervisor Polyock, the question was called.

A roll call vote was conducted by alphabetically calling the roll of the Walworth County Board. Total vote: 25; Greg Holden received 14 votes – Arnold, Burwell, Felten, Guido, Hawkins, Kuhnke, Lightfield, Morrison, Polyock, Russell, Schaefer, Stacey, Van Dreser, Waelti; G. Stewart Mathison received 10 votes: – Downing, Goebel, Grant, Ketchpaw, Lein, Muzatko, Parker, Wagie-Troemel, Weber, Lohrmann; Absent: 1 – Hilbelink. Greg Holden was appointed citizen member of the County Zoning agency, term ending June 30, 2006 or until a successor is named.

Communications and Matters to Be Referred

1. Claims Received After the Agenda Mailing – Owen Duetsch, Bonnie Deutsch, and Bonnie Brae Condominiums, LLC vs Donald C. Filipp vs Walworth County was referred to the Executive Committee.
2. Claims
 - Amended Complaint by Bonnie Brae Condominiums was referred to the Executive Committee.
 - Lonnie Bowen was referred to the Executive Committee.
3. Dunn County Resolution No. 82-Supporting the Computer TakeBack Campaign Platform was referred to the Public Works and Solid Waste Committees.
4. Communication from County Supervisor Hawkins supporting Supervisor Stacey's request for the County Zoning Agency to establish same-day decisions was referred to the County Zoning Agency.
5. Communication from County Supervisor Hawkins in opposition to the proposed ordinance relating to donations was previously referred to the Finance Committee and the Finance Committee recommended that this communication be placed on file.
6. Washington County 2004 Resolution 12 regarding TABOR was placed on file.
7. Washington County 2004 Resolution 29 in Support of Assembly Substitute Amendment to 2003 AB 616 was placed on file.
8. Communication from Stephen M. Magnuson, Grand Geneva Resort and Spa, regarding concerns about the county sign ordinance was referred to the County Zoning Agency.
9. Town of Delavan letter and resolution requesting the county to revise its County Zoning Agency membership was referred to the County Zoning Agency and the Executive Committee.
10. Town of Richmond letter requesting reconsideration of citizen representatives on County Zoning Agency was referred to the Executive Committee.

11. Correspondence and resolution regarding Kiwanis Colonial project in the Village of East Troy and issuance of bonds by the Walworth County Housing Authority was referred to the Finance Committee.
12. Sauk County Res. No. 106-04 Recommending Consideration of Broadening the State Sales Tax to Fund the K-12 Educational System was referred to the Executive Committee.
13. 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:

- The claim of Owen Deutsch, Bonnie Deutsch, and Bonnie Brae Condominiums, LLC vs Donald C. Filipp and Judy Filipp vs Walworth County was referred to the Executive Committee.
- Correspondence from Southeastern Wisconsin Regional Planning Commission submitting the Commission's 2003 Annual Report. The report is on file in the County Clerk's office.

14. Report of County Clerk Concerning Zoning Gone Into Effect

- Timothy A. Fink, Town of Lafayette
- Charles Malsch, Town of Bloomfield
- Thomas Jacobs and Jesse Jacobs (Weber Builders, Inc. (Chris Weber), App.), Town of Bloomfield
- Brent Rouse, Town of Geneva
- Mike Good (Jeff Auberger, App.), Town of Troy
- Ronald D. and Kathryn M. Mompier, Town of East Troy

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

- Michael and Crystal Porter, Town of Troy, R-1 to A-4
- Concetta Gerambia and Daniel Hurzeler, Town of Bloomfield, R-2 to B-4
- Dennis Unbehaun, Town of Bloomfield, A-1 to C-2
- Randall S. and Rebecca A. Martin, Town of Geneva, A-2 to C-2
- Matt Shinkus (Eric Shinkus, App.), Town of Sharon, A-1 & C-4 to A-5; and C-4 to A-1
- Paul Joseph, Town of Richmond, C-2 to A-2
- Navigability Determinations, Town of Geneva, Linn, & Walworth

Unfinished Business

There was no unfinished business.

New Business

Reports of Standing Committees

County Zoning Agency Report of Proposed Zoning Amendments

1. Text Amendment to Walworth County Code of Ordinances (Shoreland), Section 74-179 and 74-190 to create a C-5 Conservancy Lakefront Estate District, Amendment #1, Richard H. Driehaus, Owner, Towns of Linn and Delavan, Co-sponsors –Denied 6-0. (4/27/04 public hearing)
2. Text Amendment to Walworth County Code of Ordinances (Shoreland), Section 74-179 and 74-190 to create a C-5 Conservancy Lakefront Estate District Amendment #2 Richard H. Driehaus, Owner, Towns of Linn and Delavan, Co-sponsors – Denied 6-0. (4/27/04 public hearing)
3. Thomas C. Yakes (Town of Delavan, App.), Town of Delavan, Rezone .6129 acres of B-2 to P-2 – Approved 6-0. (7/15/04 public hearing)
4. Kevin A. Hellenbrand (RSV Engineering, App.), Town of East Troy, Rezone 1.8 acres of A-1 to B-2 –Approved 6-0. (6/17/04 public hearing)
5. Richard E. and Joan L. Osborne (Joan L. Osborne, App.), Town of LaGrange, Rezone 14.76 acres of A-1 to C-2 –Denied 4-2. (6/17/04 public hearing)
6. Jozef Gorga, Town of Bloomfield, Rezone .93 acres of A-2 to R-2 –Approved 6-0. (6/17/04 public hearing)
7. S. Terry Woods, Town of Linn, Rezone 7.68 acres of A-1 & A-2 to A-5 – Approved 6-0. (6/17/04 public hearing)

A motion offered by Supervisor Schaefer, seconded by Supervisor Kuhnke, to concur with the Report of the County Zoning Agency on items #1 through #7 above, was approved by voice vote.

Executive Committee

1. Ordinance No. 271-08/04 – Amending Chapter 2-131 of the Walworth County Code of Ordinances Pertaining to Appointment of Citizen Members to County Board Committees, Boards and Commissions. Ordinance No. 271-08/04 was considered earlier in the meeting and approved.
2. Resolution No. 29-08/04 – Supporting the Continued Presence of the 440th Airlift Wing and the 128th Air Refueling Wing As An Integral and Welcome Part of the Southeast Wisconsin Community
3. Resolution No. 30-08/04 – Approving a Contract By and Between Racine County Economic Development Corporation and Walworth County for the Purpose of SBA 504 Loans
4. Resolution No. 31-08/04 – Approving an Intergovernmental Agreement with the City of Delavan to Provide Public Service Answering Point Back-up to the Walworth County Sheriff's Department
5. Resolution No. 32-08/04 – Approving Fiscal Year 2004 Homeland Security Grant
6. Resolution No. 33-08/04 – Accepting a Wisconsin Office of Justice Assistance “Violence Against Women” Grant Award
7. Resolution No. 34-08/04 – Approving a Settlement Agreement By and Between Walworth County and Randal L. Williams

Supervisor Goebel offered a motion, seconded by Supervisor Morrison, to approve Items #2, #3, #4, and #6. Discussion ensued. Item #2, **Resolution No. 29-08/04**, item #3, **Resolution No. 30-08/04**, item #4, **Resolution No. 31-08/04**, and item#6, **Resolution No. 33-08/04** were approved by voice vote.

Supervisor Felten offered a motion, seconded by Supervisor Burwell, to approve item #5. Dave Bretl explained that a draft copy of Resolution No. 32-08/04 and an amendment to lines 31 through 34 was sent with the courier packet. Another amendment to lines 31 through 34 was distributed to the Supervisors this evening. Supervisor Waelti offered a motion, seconded by Supervisor Schaefer, to amend Resolution No. 32-08/04 as follows: “Lines 31-34 to Resolution No. 32-08/04 be deleted and replaced by the following text: Upgrade the fire paging and 9-1-1 service for Delavan Police Department - \$76,000; Assist the cities of Lake Geneva and Whitewater with the purchase of fire paging and fire frequency radio equipment in the amount of \$11,000 for each municipality.” Discussion ensued.

Supervisor Felten requested that Rod Smith, Fire Chief of City of Elkhorn, be recognized to speak to the Board. Rod Smith said that he represents the Walworth County Fire Chiefs and sits on the Homeland Security Ad Hoc Committee. Mr. Smith said that he was present at the meeting to ask the Board to recognize the Homeland Security Ad Hoc Committee as a committee and he is asking that the ad hoc committee be allowed to designate how the money will be used from future grants. Mr. Smith said the money is appropriated from the Federal government to Wisconsin Emergency Management, which then turns the money back over to County Emergency Management and the County Board to disperse. He said that the ad hoc committee decides where the money should be best used and they feel frustrated when they come to the Board to have the funds released and then they are held up because of politics. Mr. Smith said that this money is appropriated for public safety and the decisions of how and where it is spent should not include politics. Mr. Smith said he wants the Board to recognize the committee in this regard and allow them to have some say in the disbursement of the funds. Mr. Smith said that Kevin Williams does a good job as Local Emergency Planning Coordinator. He asked for the Board’s support of the Homeland Security Ad Hoc Committee on future Homeland Security Grants.

Item #5, **Resolution No. 32-08/04**, was approved as amended.

Closed Session

The board may convene in closed session pursuant to the exemption contained in section 19.85 (1)(g) of the Wisconsin Statutes for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved and reconvene in open session to take action on Res. No. 34-08/04.

The Board did not convene in closed session.

A motion offered by Supervisor Waelti, seconded by Supervisor Weber to approve item #7, **Resolution No. 34-08/04**, was approved unanimously.

Finance Committee

1. Resolution No. 27-08/04 - Authorizing the Sale of \$6,070,000 General Obligation Promissory Notes
2. Resolution No. 28-08/04 – Approving the Transfer of Funds From the 2004 Contingency Fund for the Purpose of Publication of Legal Notices

A motion to approve item #1, Resolution No. 27-08/04, was offered by Supervisor Russell and seconded by Supervisor Schaefer. Supervisor Russell introduced Claire Peterchak from Robert W. Baird & Co. to discuss the competitive bids and final pricing summary of the notes. Ms. Claire said that J. P. Morgan Securities, Inc. won the competitive bid with a true interest rate of 3.1942%. Ms. Claire explained a report, which was distributed to the Supervisors. Ms. Claire said that Moody's Investors Service again affirmed the Walworth County's Aa2 rating.

Resolution No. 27-08/04 was approved by voice vote.

A motion was offered by Supervisor Guido, seconded by Supervisor Ketchpaw, to approve Resolution No. 28-08/04. On motion by Supervisor Van Dreser, seconded by Supervisor Burwell, **Resolution No. 28-08/04** was approved by unanimous consent.

Human Resources Committee

Closed Session

The committee may convene in closed session pursuant to the exemption contained in Wis. Stats., §19.85(1) (e), "Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session," to formulate collective bargaining strategy and reconvene in open session to take action on Resolution No. 36-08/04 and Resolution No. 37-08/04.

1. Resolution No. 36-08/04 – Approving a Memorandum of Understanding by and among Walworth County, Walworth County Courthouse Union Employees Local 1925B, and Walworth County Highway Employees Local 1925
2. Resolution No. 37-08/04 – Approving an Early Retirement Incentive for Highway and Facilities Employees Represented By Local 1925 and Local 1925B

The Board did not convene in closed session.

David Bretl explained that draft copies of Resolution No. 36-08/04 and Resolution No. 37-08/04 were delivered to the Supervisors via courier and that copies of the final resolutions were distributed to the Board this evening. Bretl said that there was one change included in the final copy of Resolution No. 36-08/04, which approves the Memorandum of Understanding, and that change occurs on lines 28 and 29. Lines 28 and 29 include language that upon passage of the resolution and Memorandum of Understanding it will be forwarded to the appropriate unions and that they will have 10 days to consider this option. Bretl explained the change in regard to

Resolution No. 37-08/04, from what was distributed with the packet. Page 2 of the resolution, Policy and Fiscal Note, Budget and Fiscal Impact, states that assuming every employee eligible to receive the benefit elects to do so, the county's liability would be \$150,876. This would be fully funded in the 2004 budget by existing funds in the public works payroll budget from vacant positions, most prominently an engineer position, which were not filled. The resolution contains a clause for savings of the same amount in 2005.

A motion was offered by Supervisor Van Dreser, seconded by Supervisor Burwell, to approve Resolution No. 36-08/04. On motion by Supervisor Van Dreser, seconded by Supervisor Burwell, **Resolution No. 36-08/04** was approved by unanimous consent.

A motion was offered by Supervisor Guido, seconded by Supervisor Muzatko, to approve Resolution No. 37-08/04. On motion by Supervisor Van Dreser, seconded by Supervisor Burwell, **Resolution No. 37-8/04** was approved by unanimous consent.

Land Conservation Committee

1. Resolution No. 35-08/04 –Supporting the Amendment to the Regional Water Quality Management Plan for the Sanitary Sewer Service Area for the Walworth County Metropolitan Sewerage District –Lake Como Sanitary Sewer Service Area

On motion by Supervisor Lightfield, seconded by Supervisor Ketchpaw, **Resolution No. 35-08/04** was approved by voice vote.

Public Works

1. Ordinance No. 270-08/04 – Creating Section 2-3 of the Walworth County Code of Ordinances Relating to the Use of Skateboards, Roller-Skates, In-Line Skates and Bicycles on Certain County Property

A motion was offered by Supervisor Polyock, seconded by Supervisor Ketchpaw, to approve Ordinance No. 270-08/04. Supervisor Waelti offered a motion, seconded by Supervisor Stacey, to amend the resolution to include a definition of grounds as grassy areas and sidewalks but not paved or unpaved parking lots. This would allow employees to ride their bicycles to work. The amendment was approved by voice vote. **Ordinance No. 270-08/04** was approved as amended by voice vote.

Reports of Special Committees

There were no Reports of Special Committees.

Chairperson's Report

Chairperson Lohrmann announced that the next Board meeting would be held on Thursday, September 9, 2004 at 6:00 p.m.

