

THE DECEMBER 14, 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.

County Board Chairperson Lohrmann delivered the invocation. Lohrmann shared some quotes on "life" from renowned individuals such as Helen Keller and Abraham Lincoln, and expressed wishes for a Merry Christmas and Happy New Year.

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

Amendments, Withdrawals, and Approval of Agenda

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

Approval of the Minutes

On motion by Supervisor Waelti, seconded by Supervisor Hilbelink, the minutes of the October 28, 2004 Public Budget Hearing were approved. On motion by Supervisor Ketchpaw, seconded by Supervisor Schaefer, the minutes of the November 9, 2004 Walworth County Board of Supervisors' meeting were approved.

Special Order of Business

4-H Members, Sarah Harper, President of Walworth County Junior Leaders, and Courtney Nelson, Vice President, addressed the Board. Ms. Harper and Ms. Nelson gave an update on the status of 4-H in Walworth County. Ms. Harper said that 4-H is part of the U. W. Extension office and 4-H exists in every county in Wisconsin, across the nation, and in more than 80 countries around the world. She said that 4-H can be described as a community of young people who are willing to learn citizenship, leadership, and life skills. Ms. Harper said that in Walworth County there are 988 members in 18 clubs led by 343 adult volunteers. Ms. Harper and Ms. Nelson continued with an overview of the 4-H program in Walworth County and finished by thanking the Board for their support of the Walworth County 4-H program and the Walworth County Fair.

Comment Period by Members of the Public

Bill Jacques, N6009 Bowers Road, Elkhorn, addressed the Board. Mr. Jacques said he was denied the right to speak on a zoning issue at the September 9, 2004 County Board meeting. He said that the Town Board had not had a hearing on the issue and they should have the opportunity to discuss the zoning issues before the County Board votes. Mr. Jacques said he would like the 77 acres of land, purchased with the land for the Judicial Center, put back on the tax rolls, as it is not being used for the Judicial Center. In regard to a navigability rezoning, Mr. Jacques said he thinks the Board is taking away too many private landowner rights.

Dell Gigante, Town of East Troy, addressed the Board. Mr. Gigante said that a few members of the County Board are partial to parks in this County and it is good that they have donated for that purpose. Mr. Gigante said that the Board should focus on the areas in the County that tourists frequent, and this would be Lake Geneva. He said the Board should be focusing on getting the land back on the tax rolls and also focus on County debt, not parks. Mr. Gigante said that the Board should tighten its belt in regard to health insurance for County employees and focus on where it will do the taxpayer the most good.

Appointments/Elections

1. Lakeland Health Care Center Board of Trustees
 - Supervisor Joseph Schaefer
2. Community Partner Advisory Group
 - Nina Ruskey
3. Wisconsin County Mutual Insurance Corporation Technical Advisory Committee Nominations
 - Supervisor Allen Morrison
 - Supervisor Stanley Muzatko

A motion was offered by Supervisor Russell, seconded by Supervisor Waelti, to nominate Joseph Schaefer to the Lakeland Health Care Center Board of Trustees. Supervisor Burwell made a motion, seconded by Supervisor Goebel, to close nominations. On motion by Supervisor Arnold, seconded by Supervisor Morrison, Supervisor Joseph Schaefer was elected to the Lakeland Health Care Center Board of Trustees by unanimous consent.

On motion by Supervisor Muzatko, seconded by Supervisor Burwell, Nina Ruskey was appointed to the U. W. Extension Community Partner Advisory Group.

On motion by Supervisor Kuhnke, seconded by Supervisor Felten, Allen Morrison and Stanley Muzatko were recommended for nomination to the Wisconsin County Mutual Insurance Corporation Technical Advisory committees.

Communications and Matters to Be Referred

1. Claims Received After Agenda Mailing – There were no claims.
2. Claims – There were no claims.
3. Correspondence from David Cole, General Manager of WGTD Radio, Gateway Technical College, regarding tower space for new Elkhorn translator station was referred to the Public Works Committee.
4. Communication from the Department of Natural Resources regarding approval of dam failure analysis and setting the hazard rating for the Lake Beulah Dam was referred to the Land Conservation Committee. The “Failure Analysis Lake Beulah Dam Walworth County Wisconsin” report is on file in the County Clerk’s office.
5. Communication from County Board Supervisor David Weber requesting that the Public Works Committee engage in long-term planning with regard to the present County campus on Highway NN and the former County farm was referred to the Public Works Committee.
6. Communication from County Board Supervisor Robert Arnold regarding the establishment of a program to permit all County employees, including County Board Supervisors and elected officials, to donate by payroll deduction to the newly created non-lapsing fund created for park land acquisitions, was referred to the Human Resources Committee.

7. Communication from County Board Supervisor Dorothy Burwell regarding recognition award for Louise Olson, Deputy Director, Land Use & Resource Management, from the Southeast Area Land & Water Conservation Association was placed on file.
8. Report of the County Clerk Concerning Communications Received by the Board and Recommended to be Placed on File was included with the agenda packet.

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

The following item was received in the County Clerk's office after the agenda deadline and was placed on the Supervisors' desks:

- 2005 Pocket Calendar

The Response to Resolution No. 63-10/04 Directing the Director of the Land Use and Resource Management Department to Propose a Plan to Allow Towns to Withdraw from Countywide General Zoning was distributed to Supervisors via courier and a copy is on file in the Walworth County Clerk's office.

Also placed on the Supervisors' desk was a communication from Shane Crawford, Public Works Director, regarding Resolution 81-12/04, which is on this evening's agenda.

9. Report of County Clerk Concerning Zoning Gone Into Effect

- Kenneth Held, Town of Lyons
- Matt Shinkus (Eric Shinkus, App.), Town of Sharon
- Dave and Mary Ennis, Town of Darien
- Deborah Blackwell, Town of Delavan
- Beverly A. Turzy, Town of Bloomfield
- Randall S. and Rebecca A. Martin, Town of Geneva
- County Zoning Agency, Text Amendment to Walworth County Code of Ordinances, Walworth County, Wisconsin, Chapter 58 (Subdivisions), Section 58-3.3, Dedication and reservation of lands

10. Report of County Clerk Concerning Zoning Petitions (To be referred to the County Zoning Agency)

- James J. and Cindy L. Skarda, Town of Linn, A-2 & C-1 to R-1, C-1, & C-4
- Chicago Club of Lake Geneva Condominium (Daryl J. Riley, Owner) (Lawrence E. Yopp, Jr., App.), Town of Linn, C-1 to R-1 & C-4
- Peterson Farm Partnership, LLP (ANR Pipeline Company, App.), Town of Walworth, A-1 to P-1
- Dover Court LLC (Robert C. Leibsle, Atty/Agent), Town of Delavan, B-2 to R-5
- Wayne Vogt, Town of Lafayette, A-1 to A-5
- Kristi L. Collins & Jamie W. Opper, Town of Lafayette, A-2 to A-5
- Mann Bros., Inc. (Richard & Robert Atkinson, may be owners as of 11-12-04), Spring Prairie, M-3, C-2, & A-1 to A-2
- Regency Hills Development Corp. (Kari Kittermaster, App.), Town of Lyons, R-2, A-1, B-2, R-1, & A-1 to C-4 & R-2
- Pamela Jensen (Wm. J. Host, App.), Town of Bloomfield, C-1 to A-5

- Navigability Determinations, Towns of Darien, Delavan, East Troy, Geneva, Lafayette, Sharon, Spring Prairie, Walworth, and Whitewater

Unfinished Business

Michael Cotter, Director of Land Use & Resource Management

- Report to the Board pursuant 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

Chairperson Lohrmann asked that Michael Cotter address the Board and that he respond to questions from Supervisors. Lohrmann indicated that after discussion a motion to table this until the next meeting would be appropriate.

Michael Cotter, Director of Land Use & Resource Management, addressed the Board. Cotter said that all Supervisors should have reports, which were distributed by courier on Saturday. Cotter distributed copies of the report to the representatives of the townships present at the meeting. He said that the document would be mailed to the remaining townships for their review. Cotter said that he has also summarized the plan in a two-page handout.

Cotter said that the question is to determine how to accomplish the task of allowing townships to withdraw from Countywide zoning. There are no provisions that allow Towns out on an ad hoc basis in the Wisconsin statutes.

Cotter listed six options in regard to the future of countywide zoning in Walworth County and explained each option:

1. Retain the existing Walworth County Zoning Ordinance.
2. Repeal existing Walworth County Zoning Ordinance. This option would require all 16 townships to be responsible for zoning their own townships.
3. Comprehensive revision of the Walworth County Zoning Ordinance prior to Smart Growth. The Board could establish a date for the revision to be completed and the establishment of a new ordinance would give townships the opportunity to conduct their own zoning.
4. Comprehensive revision through the Smart Growth process. The County Board has the ability to require a comprehensive revision of the Walworth County Zoning Ordinance through the smart growth effort. At the end of the smart growth effort, townships would be able to stay with countywide zoning or the townships could conduct their own zoning operations.
5. Repeal and re-enact the existing zoning ordinance. This option may be challenged as ‘side-stepping’ the Wisconsin Statutes.
6. Town of Linn approach. The Town of Linn proposes to allow townships to conduct zoning in shoreland and non-shoreland areas. The Department of Natural Resources would need to approve this approach, it could have statewide impact, and could face legal challenges.

Regarding the length of time to do a comprehensive revision of the Walworth County Zoning Ordinances, option 3, Cotter said that two years would be his best guess.

Cotter said that the disadvantage, if option 4 were chosen, would be the amount of time. If and when we get the grant, we have four years to complete it. Cotter said that would not be soon enough for the Towns that want out of County zoning.

Supervisor Van Dreser offered a motion, seconded by Supervisor Goebel, to table the decision until the February 8, 2005 County Board meeting to allow more time to talk to the townships.

Supervisor Goebel offered a motion, seconded by Supervisor Guido, to amend Supervisor Van Dreser's motion. Supervisor Goebel's motion was as follows: that Director Cotter's report and recommendations be the subject of a special meeting of this Board as a Committee of the Whole, to include participation by the Towns of Walworth County, on Monday, January 17, 2005. Chair Lohrmann said that the Committee of the Whole would meet here in this room. The amendment was approved by voice vote. The original motion to table the decision on Michael Cotter's options, including the amendment, was approved by voice vote.

New Business

Reports of Standing Committees

County Zoning Agency Report of Proposed Zoning Amendments

1. Kevin M. Kynell, Town of Walworth, Rezone 2.27 acres of A-1 to A-4, approved 5-1 (10-21-04 public hearing)
2. Linda A Connick, Town of Bloomfield, Rezone .46 acres of C-1 & C-2 to R-2 & C-1, approved 6-0 (10-21-04 public hearing)
3. Susan C. Mustari, Town of Geneva, Rezone .16 acres of C-1 to R-1, approved 6-0 (10-21-04 public hearing)
4. Eugene R. Pawlak, Town of East Troy, Rezone 1.76 acres of A-1 to A-5, approved 6-0 (10-21-04 public hearing)

A motion offered by Supervisor Kuhnke, seconded by Supervisor Stacey, to concur with the Report of the County Zoning Agency on items 1 through 4 above, was approved by voice vote.

Executive Committee

1. Ordinance No. 286-12/04 – Amending Section 2-143 of the Walworth County Code of Ordinances Relating to Lake Management Districts
2. Resolution No. 72-12/04 – Denying the Claim of Gregory Vitaioli
3. Resolution No. 79-12/04 – Approving an Agreement Regarding Grant Funded Vehicle

A motion was offered by Supervisor Muzatko, seconded by Supervisor Downing, to approve item 1, Ordinance No. 286-12/04. On motion by Supervisor Van Dreser, seconded by Supervisor Morrison, **Ordinance No. 286-12/04** was approved by unanimous consent. This ordinance comes into effect April 30, 2006.

On motion by Supervisor Downing, seconded by Supervisor Hilbelink, item 2, **Resolution No. 72-12/04** was approved by voice vote.

Supervisor Ketchpaw offered a motion, seconded by Supervisor Hilbelink to approve item 3, Resolution No. 79-12/04. Chair Lohrmann asked Vice-Chair Hilbelink to take the Chair so that she could offer public comment.

Chair Lohrmann addressed the Board. Lohrmann said she thinks it is important that Resolution No. 79-12/04 is approved today, although she and other Supervisors have a number of concerns about this grant. Lohrmann stated the various concerns about the grant and the process involved in spending the funds. She cited her concerns about accepting the grant but she said is going to vote for approval of the grant. Lohrmann returned to the Chair. Discussion ensued.

Supervisor Goebel offered a motion, seconded by Supervisor Guido, to amend Resolution No. 79-12/04 as follows: Insert the following after line 13: “Whereas, the Walworth County Board of Supervisors believes the Crime Scene Vehicle should be utilized to its fullest potential, including being made available to law enforcement and fire agencies in neighboring counties; and,” insert the following after line 18: “Be it further resolved that the Walworth County Sheriff is hereby directed, working with law enforcement and fire agencies in neighboring counties, to devise a program and procedures to make the Crime Scene Vehicle available, on fully cost reimbursable basis, to assist them in the investigation of arson, serious accidents and serious crimes.”

Pat O’Connor, Southeast Region Director for Wisconsin Emergency Management, addressed the Board. Mr. O’Connor said that the vehicle can be used anywhere in the State and the County would be reimbursed for the personnel to operate it.

Supervisor Goebel’s amendment to Resolution No. 79-12/04 was approved by voice vote.

Discussion ensued on Resolution No. 79-12/04 as amended.

On motion by Supervisor Hilbelink, seconded by Supervisor Arnold, the question was called. A roll call vote was held to approve Resolution No. 79-12/04 as amended. Total vote: 25; Ayes: 23 – Arnold, Burwell, Downing, Felten, Goebel, Guido, Hawkins, Hilbelink, Ketchpaw, Kuhnke, Lein, Lightfield, Morrison, Muzatko, Parker, Russell, Schaefer, Stacey, Van Dreser, Waelti, Wagie-Troemel, Weber, Lohrmann; Noes: 1 – Polyock; Absent: 1 - Grant. **Resolution 79-12/04** was approved as amended.

Finance Committee

1. Resolution No. 76-12/04 – Accepting a \$500 Donation for Walworth County Parks Acquisition from Nancy Russell
2. Resolution No. 77-12/04 – Accepting a \$500 Donation for Walworth County Parks Acquisition from Robert Arnold
3. Resolution No. 78-12/04 – Resolution Authorizing an Intergovernmental Transfer Agreement with the State of Wisconsin and Taxable Revenue Anticipation Borrowing in Amount Not to Exceed \$87,300,000 Pursuant to Section 67.12(1), Wis. Stats. In Connection with Intergovernmental Transfer Program
4. Resolution No. 80-12/04 – Authorizing List of Financial Depositories and Investment Firms for County Funds
5. Resolution No. 81-12/04 – Authorizing the Transfer of \$95,285 from the Contingency Fund to the Appropriate Project Fund for the Purpose of Upgrading Electrical Systems at the County Annex Complex

Supervisors Russell and Arnold left the County Board room for the vote on items 1 and 2. Supervisor Hilbelink offered a motion, seconded by Supervisor Goebel, to approve items 1 and 2. On motion by Supervisor Goebel, seconded by Supervisor Hilbelink, **Resolution No. 76-12/04** and **Resolution No. 77-12/04** were approved by unanimous consent. The Board greeted Supervisor Russell and Supervisor Arnold with applause for their donations.

The Board took a short break.

Supervisor Schaefer offered a motion, seconded by Supervisor Muzatko, to approve item 3, Resolution No. 78-12/04. A roll call vote was held. Total vote: 25; Ayes: 23 – Arnold, Burwell, Downing, Felten, Goebel, Guido, Hawkins, Hilbelink, Ketchpaw, Kuhnke, Lein, Lightfield, Morrison, Muzatko, Parker, Russell, Schaefer, Stacey, Van Dreser, Waelti, Wagie-Troemel, Weber, Lohrmann; Noes: 1 – Polyock; Absent: 1 – Grant. **Resolution No. 78-12/04** was approved.

On motion by Supervisor Kuhnke, seconded by Supervisor Morrison, item 4, **Resolution 80-12/04**, was approved by voice vote.

Supervisor Hilbelink offered a motion, seconded by Supervisor Arnold, to approve Resolution No. 81-12/04. County Administrator Bretl gave an overview of this resolution. Bretl said that the electrical system at the County Annex complex is aging and there are a number of advantages to a new loop system, which is being proposed tonight. Bretl listed advantages of the new system: safety, reliability, expandability, legality of separate metering for legal purposes, and the cost factor of owning an infrastructure which would be shifted over to the utility at the end of its useful life.

Shane Crawford, Director of Public Works, said that he distributed a packet to the Supervisors with additional information regarding the resolution. Crawford introduced Curt Krupp, Muermann Engineering, subcontractor for Plunkett Raysich, and Art Schmitz, Electric Utility Director, City of Elkhorn. Mr. Krupp showed a diagram of the plan and explained the plan. Crawford said this system would also meter each building to show how much electricity is used in each building. Art Schmitz addressed the Board and explained the advantages of the loop. Mr. Schmitz said it is important that the loop be in place before the new nursing home facility is completed. This system would complete the loop around the complex and would upgrade the buildings. Crawford said he was uncomfortable with the use of the Contingency Fund and the approval would put the money in a budget for use for this project and then later the Public Works committee would approve the plan.

On motion by Supervisor Van Dreser, seconded by Supervisor Morrison, **Resolution No. 81-12/04** was approved by unanimous consent.

Land Conservation Committee

1. Resolution No. 73-12/04 – Supporting the Application for the Control of Invasive Species Grant
2. Resolution No. 74-12/04 – Supporting the Amendment to the Regional Water Quality Management Plan for the Sanitary Sewer Service Area for the Walworth County Metropolitan Sewerage District-Delavan/Delavan Lake Sanitary Sewer Service Area
3. Resolution No. 75-12/04 – Opposing the Amendment to the Sanitary Sewer Service Area for the City of Lake Geneva and Environs

Supervisor Burwell requested that item 3 be considered separately.

On motion by Supervisor Van Dreser, seconded by Supervisor Burwell, item 1, **Resolution No. 73-12/04** and item 2, **Resolution No. 74-12/04**, were approved by voice vote.

Supervisor Polyock offered a motion, seconded by Supervisor Russell, to approve item 3, Resolution No. 75-12/04. Discussion ensued. Michael Cotter addressed the Board. Cotter said that the Land Conservation Committee raised concerns about the proposed amendment extending into the primary environmental corridor, the permitted density allowable in that area, and the steep slopes in the primary environmental corridor. Cotter said that he received a letter from SEWRPC, which addresses the concerns of the Land Conservation Committee. Cotter said that all three concerns have been met and that SEWRPC has requested that the County approve the resolution. Supervisor Burwell offered a motion, seconded by Supervisor Lightfield, to amend Resolution No. 75-12/04, page two, line two, (page 96, line 2 of the agenda packet), by changing the word “opposes” to approves, and that the title be changed from “Opposing” to Approving the Amendment to the Sanitary Sewer Service Area for the City of Lake Geneva and Environs. The amendment was approved by voice vote. **Resolution No. 75-12/04** was approved as amended by voice vote.

Chairperson’s Report

Chairperson Lohrmann informed the Supervisors that Supervisor Jerry Grant is recuperating at Meritor Hospital and is accepting visitors. Lohrmann said that the Board wishes him well.

Chairperson Lohrmann announced that this would be Supervisor Chris Goebel’s last County Board meeting. She said that it has been a great privilege to work with him and that the Board wishes him well. Supervisor Goebel thanked the Board, and said that he would miss everyone.

Chairperson Lohrmann announced that Michael Kohl, Director of Health & Human Services, is retiring. Lohrmann acknowledged the hard work and dedication of Kohl in his work as Director of Health & Human Services and she said that the Board also wishes him well.

The next County Board meeting will be held on January 11, 2005 with an Orientation at 5:00 p.m. and the regular meeting at 6:00 p.m.

Chairperson’s Report

There were no Reports of Special Committees.

Adjournment

On motion by Supervisor Downing, seconded by Supervisor Morrison, the meeting of the County Board of Supervisors was adjourned at 8:15 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 December 14, 2004 meeting.

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