

THE MAY 11, 2004 SESSION
OF THE
WALWORTH COUNTY BOARD OF SUPERVISORS
AMENDED

The Walworth County Board of Supervisors 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.

Reverend Lyle Heinitz, Millard Community Church, Elkhorn, delivered the invocation.

All Supervisors were present except Supervisor Schaefer and a quorum was established.

Amendments, Withdrawals, and Approval of Agenda

On motion by Supervisor Kuhnke, seconded by Supervisor Russell, the agenda was amended by correcting item #1 on the Report of the County Zoning Agency, Hidden Valley Properties, LLC (James P. Howe, Godfrey Law Offices, App.), Town of Lafayette, Rezone 26.58 acres of A-1, B-5, C-2, & C-4 to R-1, C-2, C-4, & C-1, approved 4-0 (3-18-04 public hearing). The amount of the acres to be rezoned should read 256.58 not 26.58.

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

Approval of the Minutes

On motion by Supervisor Morrison, seconded by Supervisor Muzatko, the April 13, 2004 minutes of the Orientation Session of the Walworth County Board were approved. On motion by Supervisor Van Dreser, seconded by Supervisor Waelti, the minutes of the April 20, 2004 Walworth County Board of Supervisors' Organizational meeting were approved. On motion by Supervisor Felten, seconded by Supervisor Russell, the minutes of the April 22, 2004 meeting of the Walworth County Board of Supervisors were approved.

Comment Period by Members of the Public

The County Clerk read a letter from Reverend Keith R. Eytcheson, Sr., W3463 State Highway 50, Lake Geneva. Reverend Eytcheson had a prior church commitment and requested that his letter be read into the record. Reverend Eytcheson urged the Supervisors to continue funding for Lakeland School so that Walworth County can continue to care for those less fortunate than ourselves. The letter is on file in the County Clerk's office.

Dan Fischer, W363 Highway D, Genoa City, addressed the Board in support of Lakeland School. Mr. Fischer said he does not think it is in the best interest of the students attending Lakeland School to be put into public schools.

Carol A. Loveland, 836 Maxwell Street, Lake Geneva, addressed the Board. Ms. Loveland said that she is a retired teacher and she previously taught in a school where there was mainstreaming.

Ms. Loveland does not think that it would be the best environment for the children from Lakeland School. Ms. Loveland said that if the children are mainstreamed the County would have to provide one on one teaching for each of those children. Lakeland School has the equipment and the teachers are trained to work with and help these children. Ms. Loveland said she was at the Board meeting to ask the Supervisors to keep Lakeland School open.

Pauline Malsch, W2802 Krueger Road, Lake Geneva, addressed the Board. Ms. Malsch said she was representing the Lake Geneva Lioness. Ms. Malsch informed the Supervisors that she submitted ~~a packet of~~ petitions with approximately 850 ~~petitions~~ signatures to the County Clerk's office. The petitions were in support of Lakeland School. Ms. Malsch said that if Lakeland School closed it would be a terrible disappointment to so many people. Ms. Malsch said that the public schools are not equipped to handle this type of student and the cost would be prohibitive.

Becky Kligora, 413 Phoenix Street, Delavan, addressed the Board. Ms. Kligora said she was there on behalf of the Friends of Lakeland School which is a non-profit group that is dedicated to enhancing the education of children above and beyond what is already given them at Lakeland School. Ms. Kligora said that the Friends of Lakeland School would be holding their annual meeting on Wednesday, May 19, 2004, at Lakeland School. She said that the past, present, and future of Lakeland School would be represented at the meeting. Ms. Kligora said that in attendance will be individuals who were involved when the school started in 1950: Ruth (Curran) Patterson, the first teacher; Barb Morrissey, the first speech teacher; and Shirley Shine, a family member of Sheridan Ellsworth, who was the 1949 Superintendent and founder of Lakeland School. Confirmed to speak at the meeting are: State Senator Neal Kedzie, State Assemblyman Tom Lothian, Katie Crawley from U.S. Senator Russ Feingold's office, and Walworth County's Director of Special Education Tracy Moate. Invited to speak at the annual meeting are: U.S. Senator Herb Kohl and Congressman Paul Ryan. Ms. Kligora also reminded the Supervisors about Lakeland School Fest, which would be held on May 15, 2004, starting at 9:00 a.m.

Appointments/Elections

The Clerk read the following names of the Economic Advisory Committee members recommended by the Executive Committee: Robert McIndoe, Supervisor – Town of Spring Prairie; Ann Lohrmann, Supervisor – Town of LaGrange; Paul Mayer – Town of Lyons; Bruce Kepner, Manager, Economic Development – Alliant Energy; and Representing higher education: Dr. Sam Borden, President – Gateway Technical College; Jack Miller, Chancellor – UW-Whitewater; and Dr. William Duncan, Vice President – Aurora University.

On motion by Supervisor Goebel, seconded by Supervisor Morrison, the nominees listed above, were appointed to the Economic Advisory Committee.

On motion by Supervisor Hilbelink, seconded by Supervisor Ketchpaw, Supervisor Jerry Grant was nominated and elected to the Children with Disabilities Education Board. Supervisor Grant submitted his resignation to the Health and Human Services Board. On motion by Supervisor Ketchpaw, seconded by Supervisor Waelti, Supervisor Joe Guido was nominated and elected to the Health and Human Services Board.

Communications and Matters to Be Referred

1. Notice of Claim – David J. Bole vs Walworth County Highway Department was referred to the Executive Committee.
2. Correspondence from Supervisors Ketchpaw, Felten, Russell, and Goebel regarding Agri-Business Direct Marketing was referred to the Executive Committee.
3. Letter from Supervisor Chris Goebel resigning from the Walworth County Parks Advisory Board was referred to Land Conservation Committee.
4. Report of the County Clerk Concerning Communications Received by the Board and Recommended to be Placed on File

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

- Correspondence from Supervisor Margaret Downing regarding a potential name change for Lakeland School was referred to the Children with Disabilities Education Board.
- A memo and a release regarding County Board Supervisors' telephone numbers was distributed to the Supervisors. The release should be returned to the County Clerk.
- A list of appointments to the Economic Development Advisory Committee as recommended unanimously by the Executive Committee at the April 29, 2004 meeting: Robert McIndoe-Town of Spring Prairie, Ann Lohrmann-Town of LaGrange, Paul Mayer-Town of Lyons, Bruce Kepner-Alliant Energy; and Representing higher education: Dr. Sam Borden-Gateway Technical College, Jack Miller-UW-Whitewater, Dr. William Duncan-Aurora University.
- Correspondence from Beatrice Dale, Lake Geneva Lioness, and Petitions with approximately 850 signatures in support of Lakeland School was referred to the Children with Disabilities Education Board.
- A letter from Whitewater Town Chairperson Ron Fero was referred to the County Zoning Agency.
- A letter signed by Supervisors Arnold, Felten, Goebel, Ketchpaw, and Russell regarding Agri-Business Direct Marketing was referred to the Executive Committee.
- Correspondence from Wisconsin Counties Association concerning deadline for resolutions to be considered at the 2004 WCA Annual Conference was referred to the Executive Committee.
- Walworth County Sheriff's Department 2003 Annual Report was referred to the Executive Committee.
- A letter from Christina Boskovic regarding a notice from the April 14, 2004 *Shopper Advertiser* was referred to the Health & Human Services Board.

The following items were received in the County Clerk's office, distributed to the Supervisors this evening, and will be placed on file:

- Correspondence received via e-mail from Thomas Pullen
- Correspondence from the Wisconsin Department of Transportation thanking the County for its transmittal of Resolution No. 116-03/04 – Encouraging the Wisconsin Department of Transportation to Maintain Abandoned Highway Rest Areas

- A letter from State Senator Mary Lazich thanking the County for transmitting resolutions adopted by the Board at their March 9, 2004 meeting
 - April 23, 2004 edition of *The Legislative Review*
5. The following Report of County Clerk Concerning Zoning Gone into Effect was read and placed on file:
- County Zoning Agency, Text Amendment to Walworth County Code of Ordinances, Chapter 74 (Zoning), Sections 74-34, 74-48, and Chapter 74 (Shoreland Zoning), Sections 74-159, 74-167, 74-175 and 74-260
 - Cornue Corp, Town of Linn
 - David L. and Sally E. Bitter (David L. Bitter, App.), Town of East Toy
 - Lorraine Lanser (Lana Lanser, App.), Town of Sugar Creek
6. Report of County Clerk Concerning Zoning Petitions Referred to the County Zoning Agency:
- Charles Malsh, Town of Bloomfield, R-2 to B-2
 - Thomas Jacobs and Jesse Jacobs (Weber Builders, Inc. (Chris Weber), App.), Town of Bloomfield, M-3 to B-2
 - Brent Rouse, Town of Geneva, R-1 to C-2
 - Ronald D. and Kathryn M. Mompier, Town of East Troy, B-1 to A-2
 - Mike Good (Jeff Auberger, App.), Town of Troy, A-2 to C-2
 - McHa, LLC (Thomas McClellan, Town of Richmond, A-1 to A-2
 - Text Amendment to Walworth County Code of Ordinances, Chapter 74 (Zoning), Sections 74-28, 74-29, 74-49, 74-50, 74-51, 74-52, 74-54, 74-58, 74-59, 74-63, 74-131
 - Text Amendment to Walworth County Code of Ordinances, Chapter 74 (Shoreland Zoning), Sections 74-153, 74-154, 74-176, 74-177, 74-178, 74-179, 74-181, 74-185, 74-186, 74-190, 74-263
 - Text Amendment to Walworth County Code of Ordinances, Chapter 58 (Subdivisions), 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, 58-11.9B, 58-12.8, and 58-12.15

New Business

Reports of Standing Committees

County Zoning Agency Report of Proposed Zoning Amendments

1. Hidden Valley Properties, LLC (James P. Howe, Godfrey Law Offices, App.), Town of Lafayette, Rezone ~~26.58~~ 256.58 acres of A-1, B-5, C-2, & C-4 to R-1, C-2, C-4, & C-1, approved 4-0 (3-18-04 public hearing)
2. Stanley and Maria Odling (Maria Odling, App.), Town of Delavan, Rezone 26.51 acres of A-1 to C-2 & A-2, approved 3-1 (3-18-04 public hearing)
3. David Ahler, Town of Lafayette, Rezone 5 acres of A-2 to R-1, approved 4-0 (3-18-04 public hearing)

4. Dr. William Basil (Roger and Janis Drissel, App.), Town of Lyons, Rezone .17 acres of C-1 to C-2, approved 4-0 (3-18-04 public hearing)

As stated earlier, item #1, Hidden Valley Properties, LLC (James P. Howe, Godfrey Law Offices, App.), Town of Lafayette, should be 256.58 acres and not 26.58.

A motion was offered by Supervisor Kuhnke, seconded by Supervisor Russell, to separate item #1 and to concur with items #2, #3, and #4 of the Report of the County Zoning Agency.

Supervisor Ketchpaw asked to separate item #2, Stanley and Maria Odling (Maria Odling, App.), Town of Delavan, Rezone 26.51 acres of A-1 to C-2 & A-2, approved 3-1 (3-18-04 public hearing), from the motion and vote on this item separately.

Items #3 and #4 of the Report of the County Zoning Agency were approved by voice vote.

Supervisor Goebel declared that he had a conflict of interest and abstained from the discussion, consideration, and vote regarding item #1. Supervisor Goebel said that he is in negotiations and may possibly be retained by one of the parties involved in this matter. On motion by Supervisor Kuhnke, seconded by Supervisor Jim Van Dreser, item #1 was approved by voice vote.

A motion was offered by Supervisor Van Dreser, seconded by Supervisor Grant, to approve item #2. Discussion ensued. Matt Weidensee, Land Use & Resource Management, addressed the Board and explained that the Zoning Agency looks at soil type, surrounding land uses, and comprehensive land use plan when considering a rezone. Supervisor Kuhnke said he voted no at the committee because there had been one A-2 separation already and he is seeing a trend that if a landowner cannot get A-1 rezoned to C-2, they are breaking up parcels into 20 acres instead of 35 acre parcels and getting the rezones passed. Item #2, Stanley and Maria Odling (Maria Odling, App.), Town of Delavan, Rezone 26.51 acres of A-1 to C-2 & A-2, was approved by voice vote. Supervisors Kuhnke and Lohrmann requested that their votes be recorded as No.

Executive Committee

1. Resolution No. 12-05/04 – Requesting that the Governor and the State Legislature Reform the State’s Taxation System by Examining the Current and All Alternative Methods of Providing Funding for State and Local Governments

On motion by Supervisor Goebel, seconded by Supervisor Ketchpaw, **Resolution No. 12-05/04** was approved by voice vote.

Finance Committee

1. Ordinance No. 263-05/04 – Creating Section 62-42 of the Walworth County Code of Ordinances Relating to Delinquent Property Tax Penalties
2. Ordinance No. 264-05/04 – Amending Chapter 1, Section 1-2 and Chapter 30, Article VI of the Walworth County Code of Ordinances Relating to Capitalization of Assets

3. Resolution No. 11-05/04 – Transferring the Sum of \$5,000.00 from the Contingency Fund to the Appropriate Public Works Account for Materials to Repair Equipment Shed Roof at Lakeland Agricultural Complex

A motion offered by Supervisor Russell, seconded by Supervisor Waelti, to approve item #1, **Ordinance No. 263-05/04** and item #2, **Ordinance No. 264-05/04**, was approved by voice vote.

A motion was offered by Supervisor Polyock, seconded by Supervisor Russell, to approve item #3, Resolution No. 11-05/04. This resolution required a 2/3 vote. Discussion ensued.

Resolution No. 11-05/04 was approved by unanimous consent on motion by Supervisor Van Dreser, seconded by Supervisor Morrison.

Reports of Special Committees

Chairperson's Report

Chairperson Lohrmann announced that a form to release phone numbers was distributed earlier this evening. She asked the Supervisors to sign and return the form to the County Clerk so that staff could release phone numbers to the public.

Chairperson Lohrmann said that a letter regarding the County Board annual dinner was placed on the Supervisors' desks. The event is tentatively scheduled for June 23, 2004.

Chairperson Lohrmann announced that Supervisor Al Morrison was elected to fill the two-year term of Larry Scharine on the Wisconsin County Mutual Insurance Corporation Board.

Adjournment

On motion by Supervisor Ketchpaw, seconded by Supervisor Downing, the meeting of the Walworth County Board of Supervisors adjourned at 6:33 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 May 11, 2004 meeting.

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