

THE MAY 10, 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.

Invocation

Ricky Ackatz, Student from Lakeland School, delivered the invocation.

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

Amendments, Withdrawals, and Approval of Agenda

On motion by Supervisor Ketchpaw, seconded by Supervisor Morrison, the agenda was approved by voice vote.

Approval of the Minutes

On motion by Supervisor Kuhnke, seconded by Supervisor Russell, the minutes of the April 19, 2005 Committee of the Whole meeting and the April 19, 2005 Walworth County Board of Supervisors meeting were approved.

Comment Period by Members of the Public

Barb McComb, Secretary, Friends of Lakeland School, addressed the Supervisors. Ms. McComb invited the Supervisors to the annual meeting of the Friends of Lakeland School, which was scheduled for May 24, 2005 at 6:00 p.m. Ms. McComb said that Friends of Lakeland School would be three years old in two weeks. She said that in those three years, the organization has raised well over \$80,000 for Lakeland School. Ms. McComb also announced that the annual festival at Lakeland School would be Saturday, May 14, beginning at 9:00 a.m.

Special Order of Business

- GFOA Certificate of Achievement for Excellence in Financial Reporting
Presentation of Award by Robert W. Scott, President, Wisconsin Government Finance Officers Association (WGFOA)

David Bretl, County Administrator, introduced Robert W. Scott, WGFOA. Bretl said that this award is to recognize our County for excellence in financial reporting, in particular for the preparation of the annual financial report.

Robert Scott explained that this award is a premiere indicator of excellence in government and financial reporting. Mr. Scott presented the Certificate of Achievement for Excellence in Financial Reporting for its 2003 Comprehensive Annual Report to Nicki Andersen, Deputy

Administrator-Finance. Andersen acknowledged the finance staff for their assistance in preparing the Report. She introduced Comptroller Tracy Schulze and Accountants Jessica Lanser and Andy Lamping.

Appointments/Elections

1. Children with Disabilities Education Board
 - Re-election of Supervisors Jerry Grant and David Weber
(Recommended by the Executive Committee 7-0)
2. Village of East Troy Tax Incremental District No. 3
 - Tracy Schulze, County Comptroller
(Recommended by the Executive Committee 7-0)
3. Lakeshores Library Board – 3 appointments, as recommended by the Library Board
 - Randall TeWinkle – Term ending December 31, 2007
 - Lowell Wilson – Term ending December 31, 2007
 - Royce DeBow – Term ending December 31, 2005 (to fill the unexpired term of the position vacated by Shirley O’Neil)
4. Wisconsin River Rail Transit Commission
 - Reappointment of Supervisor Richard Kuhnke – Term ending April 30, 2008
(Recommended by the Executive Committee 7-0)

Supervisor Lightfield offered a motion, seconded by Supervisor Morrison, to nominate David Weber for re-election to the Children with Disabilities Education Board. Supervisor Schaefer offered a motion, seconded by Supervisor Weber, to nominate Jerry Grant for re-election to the Children with Disabilities Education Board. Hearing no other nominations, on motion by Supervisor Morrison, seconded by Supervisor Russell, nominations were closed and a unanimous ballot was cast.

A motion was offered by Supervisor Grant, seconded by Supervisor Arnold, to approve items #2, #3, and #4 under Appointments/Elections. Supervisor Guido requested separate consideration for item #3. A vote was conducted on items #2 and #4. Tracy Schulze, County Comptroller, was appointed to the Village of East Troy Tax Incremental District No. 3 and Supervisor Richard Kuhnke was reappointed to the Wisconsin River Rail Transit Commission.

The Lakeshores Library Board appointments were each voted on separately. Randall TeWinkle, term ending December 31, 2007, was appointed by voice vote. Lowell Wilson, term ending December 31, 2007, was appointed by voice vote. Royce DeBow, term ending December 31, 2005, was appointed by voice vote. Supervisor Guido requested that his vote be recorded as No for Royce DeBow.

Communications and Matters to Be Referred

1. Claims Received After Agenda Mailing – There were no claims received after the agenda mailing.

2. Claims:
 - a. Notice of Claim – Alden C. Morris Stewart, et al vs Sharon Municipal Village, Sharon School JT Dist 11#, and Walworth County Child Protected Services (Not enclosed with agenda packet-see amended notice of claim below.)
 - b. Amended Notice of Claim – Alden C. Morris Stewart, et al vs Sharon Municipal Village, Sharon School JT Dist 11#, and Walworth County Child Protected Services was referred to the Executive Committee.
3. Communication from Jackson County – Resolution No. 19-4-05-Opposing 2005 Senate Bill 144 regarding protective status for county jailers was referred to the Human Resources Committee.
4. Communication from Wisconsin Bear Hunters’ Association regarding relocation of wolves in Wisconsin was referred to the Land Conservation Committee.
5. Communications from Town of Darien, Town of Spring Prairie, and Wisconsin Department of Natural Resources regarding the issue of county-wide zoning, which will be discussed under Unfinished Business on this agenda, was placed on file.
6. Communication from the Walworth County Zoning Agency with a recommendation regarding the future of countywide zoning, which will be discussed under Unfinished Business on this agenda, was placed on file.
7. Communications in support of the Lakeshores Grant, Land Conservation Committee item # 2, Resolution No. 07-05/05 – Supporting the Application for the Walworth County Lakes Protection and Shoreline Habitat Restoration Program Grant, from Delavan Lake Sanitary District, Village of Williams Bay, Lake Beulah Management District, Town of Bloomfield, Geneva Lake Environmental Agency, Turtle Lake Protective and Improvement Association, Delavan Lake Improvement Association, Walworth County Lakes Association, East Troy Lake Association, Town of Delavan Lake Committee, and The Mud hens was placed on file.
8. Communication from WCA regarding 2005 WCA Conference Resolutions was referred to the Executive Committee.
9. Report of the County Clerk Concerning Communications Received by the Board and Recommended to be Placed on File was included with the agenda packet.
10. Report of the County Clerk Regarding Communications Received After the Agenda Mailing

The following items were placed on the Supervisors’ desks:

 - Communication from Thomas Saniat regarding vacating of premises was referred to the County Zoning Agency.
 - Communication from David L. Brueggemann supporting the creation of a Walworth County Park Commission - Ordinance No. 298-05/05 relating to a Walworth County Park Commission was considered at this evening’s meeting. The communication was placed on file.

Also placed on Supervisors’ desks and placed on file:

 - Invitation to the Lakeland Health Care Center Ground Breaking Ceremony. County Clerk Bushey read the invitation to the Supervisors. The ceremony will be on Wednesday, June 8, 2005 at 3:00 p.m., W3930 County Road NN, Elkhorn, WI.
 - Walworth County Judicial Center Fact Sheet

The following items of communications were sent via courier:

 - Correspondence from Quarles & Brady regarding proposed attachment of territory to Lake Beulah Management District/Recusal of Supervisor Robert W. Arnold
 - Items of correspondence supporting Ordinance No. 298-05/05 Creating a Park Commission from Lauderdale Lakes Conservancy President Gerald Petersen, Virginia H.

Coburn, Gary Gagnon, Acting President of Land Trust of Walworth County, and Margaret and Paul Jones

11. Report of County Clerk Concerning Zoning Gone Into Effect

- James J. and Cindy L. Skarda, Town of Linn
- Dover Court, LLC (Robert C. Leibsle, Atty./Agent), Town of Delavan
- James O. Jacobson, Town of Richmond
- Lakeland Animal Welfare Society, Inc. (Bryan Olson, App.), Town of Delavan
- Mary Ellen Baack (Rick Porter, App.), Town of East Troy
- Richard and JoAnn Kerr Revocable Trust, Town of Whitewater
- Larry and Phylis Gunnink, Town of Darien
- Greg and Denise Cook, Town of Delavan

12. Report of County Clerk Concerning Zoning Petitions referred to the County Zoning Agency.

- Beulah Beach, Inc. – Karl Sawyer, Rep. (Peter S. Gordon, App.), Town of East Troy, C-2 & A-1 to A-4 & C-4
- Gregory T. and Deborah L. Hunt, Town of Lafayette, A-1 to C-2
- Clifford J. and Theresa J. Simpson, Town of Darien, C-3 to C-2

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” (Tabled at the March 8, 2005 County Board meeting until the May County Board meeting.)

Supervisor Ketchpaw offered a motion, seconded by Supervisor Waelti, to adopt Option #4 of the Report of the Director of Land Use & Resource Management Department, which is a Comprehensive Revision of the Walworth County Zoning Ordinance via Smart Growth, assuming Smart Growth is implemented by September 2007; and, if the Plan is not in place by September 2007, then to adopt Option #5, Repeal and re-enact the existing Walworth County Zoning Ordinance. Discussion ensued.

Bretl explained the options to the Supervisors. Michael Cotter, Director, Land Use & Resource Management, addressed the Supervisors and said that he had not heard of this proposal until tonight and he would have to consult with SEWRPC to see what they think of the proposal. When asked about the timing of the process, Cotter said that the Conservation Subdivision process would take two years and that is just one part of the process.

Supervisor Arnold offered a motion, seconded by Supervisor Grant, to table the decision until the next meeting to receive a full report of pros and cons. Discussion ensued. The motion to table the issue of countywide zoning failed.

Cotter outlined the differences between Option #3 and Option #4 stating that Option #3 could be finished faster but utilizing Option #4 would be more streamlined with everything done at the same time. Discussion ensued.

Chairperson Lohrmann asked Vice Chair Hilbelink to take the Chair so that she could address the Supervisors. Lohrmann said that at the time she was elected to the Board there was unrest about the County's zoning ordinance and many towns are still frustrated about zoning. Lohrmann said she is concerned about waiting until 2009. She said that it is important to move on this issue now. Chairperson Lohrmann returned to the Chair and discussion ensued.

Supervisor Morrison offered a motion, seconded by Supervisor Kuhnke, to amend the motion to adopt Option #4, removing the deadline of 2007, substituting 2009, and removing the reference to Option #5 from the motion. Discussion ensued on the amendment. On motion by Supervisor Grant, seconded by Supervisor Van Dreser, the question was called. A roll call vote was held on the amendment. Total vote: 25; Ayes: 18 – Arnold, Burwell, Felten, Grant, Hawkins, Hilbelink, Ketchpaw, Kuhnke, Kupsik, Lein, Lightfield, Morrison, Muzatko, Parker, Russell, Schaefer, Van Dreser, Wagie-Troemel; Noes: 6 – Guido, Polyock, Stacey, Waelti, Weber, Lohrmann; Absent: 1 – Downing. Amendment approved.

Discussion ensued on the original motion as amended.

On motion by Supervisor Van Dreser, seconded by Supervisor Hilbelink, the question was called. A roll call vote was held on the motion, as amended, to adopt Option #4, Comprehensive Revision of the Walworth County Zoning Ordinance via Smart Growth, contingent upon implementation of the Smart Growth Plan by 2009. Total vote: 25; Ayes: 22 – Arnold, Burwell, Felten, Grant, Hawkins, Hilbelink, Ketchpaw, Kuhnke, Kupsik, Lein, Lightfield, Morrison, Muzatko, Parker, Russell, Schaefer, Stacey, Van Dreser, Waelti, Wagie-Troemel, Weber, Lohrmann; Noes: 2 – Guido, Polyock; Absent: 1 – Downing. Option #4, as amended, was approved.

New Business

Reports of Standing Committees

County Zoning Agency Report of Proposed Zoning Amendments

1. Text Amendment to Walworth County Code of Ordinances, Section 74-39, 74-40, 74-47, 74-55, 74-63, 74-64, 74-65 (Zoning) and Section 74-164, 74-165, 74-174, 74-182, 74-190, 74-191, 74-192 (Shoreland Zoning), approved 7-0 (3-17-05 public hearing)
2. Text Amendment to Walworth County Code of Ordinances (Zoning and Shoreland), Section 74-51, 74-52, 74-61, 74-178, 74-188, approved 7-0 (3-17-05 public hearing)
3. Ann O'Hara Barnard, Town of Delavan, Rezone .12 acres of P-1 to R-2, approved 6-1 (4-21-05 public hearing)
4. Richard and Robert Atkinson, Town of Spring Prairie, Rezone 95.236 acres of M-3, C-2, & A-1 to A-2 & A-1, approved 7-0 (4-21-05 public hearing)
5. Eugene R. Pawlak, Town of East Troy, Rezone 1.76 acres of A-1 to A-5, approved 7-0 (10-21-04) This item is before the County Board for approval of the corrected legal description previously considered at the December 14, 2004 meeting.

A motion offered by Supervisor Van Dreser, seconded by Supervisor Russell, to concur with the Report of the County Zoning Agency on items 1, 2, 3, 4, & 5 of the County Zoning Agency Report, was approved by voice vote.

Executive Committee

1. Resolution No. 10-05/05 – Accepting a Grant From the Wisconsin Department of Commerce as Awarded to the Southeast Wisconsin Industry Alliance (Recommended by the Executive Committee 7-0)

On motion by Supervisor Weber, seconded by Supervisor Kupsik, Resolution No. 10-05/05 was approved by voice vote.

Finance Committee

1. Ordinance No. 302-05/05 – Amending Section 62-101 of the Walworth County Code of Ordinances Relating to Tax Incremental Financing Districts (Recommended by the Finance Committee 7-0)
2. Ordinance No. 303-05/05 – Amending Section 30-286 of the Walworth County Code of Ordinances Relating to Fees (Recommended by the Ag and Extension Education Committee 7-0, the Executive Committee 7-0, and the Finance Committee 7-0)
3. Resolution No. 08-05/05 – Establishing a Pre-approved Recurring Grants List (Recommended by the Finance Committee 7-0)
4. Resolution No. 09-05/05 – Accepting a \$100 Donation for Walworth County Parks Acquisition from George and Margaret Downing (Recommended by the Finance Committee 7-0)

Supervisor Muzatko offered a motion, seconded by Supervisor Russell, to approve items #1, #2, #3, and #4 of the Finance Committee. Supervisor Arnold requested that item #2, Ordinance No. 303-05/05 be acted on separately. Item #1, **Ordinance No. 302-05/05**, item #3, **Resolution No. 08-05/05**, and item #4, **Resolution No. 09-05/05** were approved by voice vote.

Discussion ensued on item #2, Ordinance No. 303-05/05. A roll call vote was held. Total vote: 25; Ayes: 19 – Burwell, Felten, Grant, Hawkins, Ketchpaw, Kuhnke, Kupsik, Lein, Lightfield, Morrison, Muzatko, Parker, Russell, Stacey, Van Dreser, Waelti, Wagie-Troemel, Weber, Lohrmann; Noes: 5 – Arnold, Guido, Hilbelink, Polyock, Schaefer; Absent: 1 – Downing. **Ordinance No. 303-05/05** was approved.

Human Resources Committee

1. Ordinance No. 299-05/05 – Amending Section 15-17 of the Walworth County Code of Ordinances Relating to Classifications and Full Time Authorized Positions in the Finance Department and Lakeland Health Care Center (Recommended by the Human Resources Committee 3-0)
2. Ordinance No. 300-05/05 – Amending Section 15-912 and Creating Section 15-324 of the Walworth County Code of Ordinances Relating to Pay Ranges and Performance Based Pay Plan for Management Employees (Recommended by the Human Resources Committee 3-0)

Supervisor Weber offered a motion, seconded by Supervisor Burwell, to approve item #1. On motion by Supervisor Grant, seconded by Supervisor Van Dreser, **Ordinance No. 299-05/05** was approved by unanimous consent.

On motion by Supervisor Morrison, seconded by Supervisor Kupsik, item #2, **Ordinance No. 300-05/05** was approved by voice vote.

Land Conservation Committee

1. Resolution No. 11-05/05 – Adopting a Report of the Land Conservation Committee Approving the Petition for Attachment to the Booth Lake Management District Boundaries (Recommended by the Land Conservation Committee 7-0)
2. Resolution No. 12-05/05 – Adopting a Report of the Land Conservation Committee Recommending Denial of the Petition for Attachment to the Lake Beulah Management District Boundaries (Recommended by the Land Conservation Committee 7-0)
3. Ordinance No. 298-05/05 – Amending Sections 2-41, 2-121, 2-143 and 2-166 and Creating Section 2-142 of the Walworth County Code of Ordinances Relating to Walworth County Park Commission (Recommended by the Land Conservation Committee 7-0)
4. Resolution No. 07-05/05 – Supporting the Application for the Walworth County Lakes Protection and Shoreline Habitat Restoration Program Grant (Recommended by the Land Conservation Committee 7-0)

Supervisor Arnold recused himself from the vote on item #1 and item #2 due to a potential conflict of interest. Supervisor Burwell offered a motion, seconded by Supervisor Russell, to approve all four items under the Land Conservation Committee. Item #1, **Resolution 11-05/05** was approved by voice vote.

Discussion ensued on item #2. Supervisor Muzatko stated that there was an error in the committee vote on the Policy and Fiscal Note for Resolution No. 12-05/05. The vote of the Land Conservation Committee should be 6-1 not 7-0. Discussion ensued. Supervisor Muzatko offered a motion, seconded by Supervisor Guido, to table the resolution for two months until we can get a report from SEWRPC studying the effects of a high capacity well on this property and the quality of the lake. On motion by Supervisor Van Dreser, seconded by Supervisor Polyock, the question was called. The motion to table Resolution No. 12-05/05 failed.

Discussion ensued on the original motion to approve Resolution No. 12-05/05. **Resolution No. 12-05/05** was approved by voice vote. Supervisor Guido requested that his vote be recorded as No.

Supervisor Muzatko asked that the following people be recognized to speak in support of Ordinance No. 298-05/05 – Amending Sections 2-41, 2-121, 2-143 and 2-166 and Creating Section 2-142 of the Walworth County Code of Ordinances Relating to Walworth County Park Commission:

Debra Kilkenny, N3616 Elm Ridge Rd, Town of Darien
Dave Nowak, N9053 Swift Lake Drive, East Troy
Michael Hurlburt, N7759 Laura Lane, LaGrange Township
Wayne Rhode, W6488 Beloit Road, Walworth
Gus Olson, Geneva Township
Mariette Nowak, N9053 Swift Lake Drive, East Troy

Gerald Emmerich, N8466 Pickerel Lake Road, East Troy, also addressed the Supervisors. Mr. Emmerich said he is a long time member of the Walworth County Parks Advisory Committee and he commented on the frustrations and inefficiencies of the Parks Advisory Committee. Mr. Emmerich said that Walworth County needs a subcommittee of this Board, that is a Park Commission, to represent our natural and recreational resources. Mr. Emmerich also submitted his remarks in written form with the signatures of James Cusack and Marianne Hurlburt.

Supervisor Russell asked that Jerry Petersen be recognized to address the Board.

Jerry Petersen, President, Lauderdale Lakes Conservancy, N7622 Pleasant Point Circle, addressed the Supervisors and spoke in favor of a Park Commission.

The Board took a 5-minute break.

The Supervisors continued the discussion on Ordinance 298-05/05.

Supervisor Burwell offered a motion, seconded by Supervisor Ketchpaw, to amend the ordinance on page 3, line 31, by removing the words "including eminent domain." Bretl explained that the words eminent domain are regulated by State statutes and gives a Commission that right. He went on to explain that although the statutes give a Commission the right of eminent domain, the County Board would have to approve any budget for purchase of land. If money were available, however, the Commission would have the right to exercise the right of eminent domain to obtain land. Supervisor Burwell said that she understands that even if this Commission wanted to exercise the power of eminent domain, the County Board would still have a say in obtaining land for parks and she withdrew the motion to amend the ordinance.

Bretl explained that if the Commission is established, a general manager would be appointed. Support would have to be provided by the County. Bretl said that since there has been no money appropriated for this purpose, this leads to the conclusion that existing staff members would be utilized and that would require some reorganization.

Supervisor Grant said that under the rules of the County Board, it is the Executive Committee's responsibility to look at new committees, try to control the numbers and look at the ramifications for the future of the County with the use of these committees, look at the division of the assignments of County Board members on the committees, and look at the overall scheme of how the committees fit into the County. Supervisor Grant offered a motion, seconded by Supervisor Hawkins, to refer Ordinance No. 298-05/05 to the Executive Committee for consideration.

Bretl read sections of the Walworth County Code of Ordinances, Section 2-131 sub. 2, Executive Committee duties. Discussion ensued. Bretl said that if the Board took the time to pass the ordinance, the ordinance should be followed. Supervisor Grant amended his motion to add that the Executive Committee would consider this issue at their next meeting on May 18, 2005 and forward it to the full Board for consideration at the June 14, 2005 County Board meeting. Ordinance No. 298-05/05 was referred to the Executive Committee by voice vote.

On motion by Supervisor Van Dreser, seconded by Supervisor Lightfield, item #4, **Resolution No. 07-05/05** was approved by unanimous consent.

