

THE AUGUST 9, 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

Reverend Wayne Joose, Little Prairie United Methodist Church, delivered the invocation.

Roll Call

All Supervisors were present except Supervisors Hawkins, Hilbelink and Kuhnke. A quorum was established.

Amendments, Withdrawals, and Approval of Agenda

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

Approval of the Minutes

Supervisor Morrison offered a motion, seconded by Supervisor Waelti, to approve the minutes of the July 12, 2005 Committee of the Whole.

Supervisor Burwell asked that the minutes of the Committee of the Whole be amended to correct the spelling of Mary Knipper's name. The name should be spelled Knipper not "Nipper." The minutes of the Committee of the Whole were approved as amended by voice vote.

On motion by Supervisor Muzatko, seconded by Supervisor Stacey, the minutes of the July 12, 2005 Walworth County Board of Supervisors meeting were approved.

Comment Period by Members of the Public

Ken Micheloni, N8457 Hwy 12, Elkhorn, said that he has lived at the intersection of Highways 12, 20, and 67 for over 45 years. Mr. Micheloni said he would like help in getting the State of Wisconsin to put up a sign at the turn to show the direction to Milwaukee. He said he gets lots of people turning around in his driveway. Mr. Micheloni also asked for help from Ann Lohrmann in getting a grant for a zoning problem.

Franklin Stoneburner, 119 S. 5th Street, Delavan, spoke regarding the preservation of the cupola. Mr. Stoneburner cited reasons for saving the cupola and said that it has come to symbolize Walworth County. He said the cupola on County letterhead and signs is used to identify Walworth County. It honors the County Supervisors, elected officials, and employees for their

dedicated service. Mr. Stoneburner said, if saved, the cupola would be a beautiful and meaningful structure on the grounds of the new nursing home.

Ginny Hall, 830 S. 2nd Street, #6, Delavan, thanked the Board for looking into the possibility of saving the cupola on the building that is going to be razed. Ms. Hall said that it is an important symbol we have used over the years in Walworth County. She gave a history of the County buildings. Ms. Hall said that the cupola has great connections to the nursing home and asked that the Board find a way to preserve it so that it remains visible for County residents.

Special Order of Business

- Fairest of the Fair-Stacey Adams

Stacey Adams thanked the Supervisors for their continued support of the youth in Walworth County in the form of youth premiums. Ms. Adams said that the Fair will run from August 31 through September 5, 2005 and she listed the entertainment on the grandstand. Ms. Adams said that this year will be the 40th anniversary of the Fairest of the Fair and there will be a special reunion of the Fairest of the Fair winners. Ms. Adams asked that anyone interested in advertising the Fair at their business or in the form of a bumper sticker to please contact the Fair office at 723-3228 or on the website: walworthcountyfair.com.

Appointments/Elections

1. Civil Service Commission
 - Tom DuVal – To fill the unexpired term of John Negley – Term commencing upon appointment and ending December 31, 2007
(Recommended by the Executive Committee 6-0)
2. East Troy Lions Library Board
 - Alice Blue
 - Jean Holloway
 - Kim Reid

(The Executive Committee will make a recommendation pending an interview with applicant Kim Reid at a special meeting on August 9, 2005 prior to the County Board meeting.)
3. Wisconsin River Rail Transit Commission
 - William Chesen
 - Gregory Heier
 - Timothy Buchheit – To fill unexpired term of William Sills – Term commencing upon appointment and ending March 31, 2007
(Executive Committee recommended Timothy Buchheit 6-0)

On motion by Supervisor Grant, seconded by Supervisor Parker, Tom DuVal was appointed to the Civil Service Commission, term commencing upon appointment and ending December 31, 2007.

Supervisor Grant offered a motion, seconded by Supervisor Downing, to appoint Kim Reid to the East Troy Lions Library Board. Supervisor Grant said that the Executive Committee recommended Kim Reid at a special meeting before the Board meeting. The vote was 4 to 2 in favor of Ms. Reid. One Supervisor was absent. Chair Lohrmann asked if there were any other

nominations. On motion by Supervisor Downing, seconded by Supervisor Polyock, nominations were closed. A vote was taken and Kim Reid was appointed to the East Troy Lions Library Board, term to commence upon appointment and end June 30, 2008.

Supervisor Parker offered a motion, seconded by Supervisor Lightfield, to appoint Timothy Buchheit to the Wisconsin River Rail Commission. Chair Lohrmann asked if there were any other nominations. Hearing none, on motion by Supervisor Felten, seconded by Supervisor Downing, nominations were closed. Timothy Buchheit was appointed to the Wisconsin River Rail Commission, term commencing upon appointment and ending March 31, 2007.

Communications and Matters to Be Referred

1. Claims Received After Agenda Mailing: There were none.
2. Claims: There were none.
3. Communication from Sauk County – Res. No. 97-05 – Expressing Concern Over the Help America Vote Act was referred to the Executive Committee.
4. Communication from Marshall Stack and Department of Natural Resources regarding Lake Beulah Dam was referred to the Public Works Committee and the County Zoning Agency.
5. Communications from Steven T. and Kathryn A. Poast, Myrtle Penne Kessel, Carolyn Hlavachek, Dick and Jean Hermann, and Doug Behrens, Pleasant Lake Unified Group, regarding restaurant on Pleasant Lake Road were referred to the County Zoning Agency.
6. Communication from American Transmission Company regarding Delavan-Darien Project was placed on file.
7. Report of the County Clerk Concerning Communications Received by the Board and Recommended to be Placed on File was sent with packet.
8. Report of the County Clerk Concerning Communications Received by the Board After the Agenda Mailing

The following items were placed on the Supervisors' desks:

- Wisconsin Counties Association memorandum requesting support for State Assembly Bill 268 relating to mandatory and permissive subjects of collective bargaining under the Municipal Employment Relations Act was referred to the Human Resources Committee.
- Communication from William Sturtevant, Assistant State Dam Safety Engineer, Department of Natural Resources, regarding Cam Failure Analysis Approval and Hazard Rating Assignment, Droster Dam, Located on a Trib to Sugar Creek was referred to the Land Conservation Committee.
- Communication from Short Elliott Hendrickson Inc. regarding Access Control project on US Hwy 14 was referred to the Public Works Committee.

The following communications were placed on Supervisors' desks and were placed on file:

- Photos of Walworth County's historic cupola submitted by Supervisor Guido
- Communication from Lake Beulah Management District: Notice of open house regarding the proposed Village of East Troy well
- Wisconsin Counties Association's July 25, 2005 and August 3, 2005 editions of the *The Legislative Review*
- WCMIC's Summer 2005 *The Mutual Effort*

9. Report of County Clerk Concerning Zoning Gone Into Effect

- Elsie Kostka and Betty A. Vecchi (Wolff Real Estate, LLC, App., James P. Howe), Town of Geneva
- Christian League for the Handicapped dba Inspiration Ministries, Town of Walworth
- Peter and Elizabeth Hiemstra, Town of Darien
- Roger and Virginia Bottlemy (Bryan and Tammy Haase, App.), Town of Bloomfield
- County Zoning Agency, Text Amendment to Walworth County Code of Ordinances, Chapter 70 Utilities, All Sections

On motion by Supervisor Russell, seconded by Supervisor Guido, item #4, Communications and Matters to be Referred, was referred to the County Zoning Agency as well as the Public Works Committee.

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

- James E. Ney, Town of Richmond, A-3 to R-5
- SMILES (James Bendtsen, App.), Town of Darien, A-1 to A-2
- Robert P. Joost (C & D Landscaping and Design, Inc., App.), A-1 to A-4
- Larry W. and Ivy Lynn Chapman (Tax parcel #LA200500001), Town of Troy, C-3 to A-1
- Larry W. and Ivy Lynn Chapman (Tax parcel #L T 1000005), Town of Troy, A-1 to A-5
- Fred Leppin (Gene Kovacs, RSV Engineering, App.), Town of East Troy, A-2 to C-2
- Lauderdale Farm, Inc. (Richard Lauderdale, App.), Town of Lafayette, A-1 to A-5
- Kenneth and Bonny Amon, Town of Lafayette, M-3 to A-5
- Rick and Denise Jansen, Town of Geneva, B-3 to R-1
- Mark L. Borst, Town of Lyons, B-2 to B-4
- Cornue Corp., Richard W. and Bonnie J. Cornue, Town of Linn, A-1 to A-5
- Text Amendment to Walworth County Code of Ordinances Chapter 30-Finance, Section 30-286
- Text Amendment to Walworth County Code of Ordinances Chapter 58-Subdivisions, Section 58-14 Fees
- Text Amendment to Walworth County Code of Ordinances Chapter 70-Utilities, Section 70.25 Administrative Fees

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, Zoning and Shoreland Zoning, Section 74-186 (4) and (5) Review and approval of conditional uses, approved 7-0 (11-18-04 public hearing)
2. Text Amendment to Walworth County Code of Ordinances, Subdivisions, Section 58-3, approved 7-0 (6-16-05 public hearing)

3. Text Amendment to Walworth County Code of Ordinances, 74-44, 74-51, 74-61, Division 13 (Zoning), and 74-171, 74-178, 74-188, Division 13 (Shoreland Zoning), approved 7-0 (6-16-05 public hearing)
4. Delavan Lake Animal Park, LLC (Dana Montana), Town of Delavan, Rezone 24.44 acres of A-2 to 22.18 acres of P-1 and 2.26 acres of B-4, approved 6-0 (3-17-05 public hearing) (This item corrects the acreage that was acted on at the June 14, 2005 County Board meeting.)
5. Daniel L. Moritz (Larry W. LaForest, App.), Town of Walworth, Rezone 1.48 acres of A-1 to A-4, denied (7-21-05 public hearing)
6. Ruth J. Campshure, Town of Delavan, Rezone ¼ acre of M-1 to R-1, approved 6-1 (7-21-05 public hearing)
7. Eugene R. Pawlak, Town of East Troy, Rezone .14 acres of A-5 & A-1 to A-1 & A-5, approved 7-0 (7-21-05 public hearing)
8. Jay and Kari Homb, Town of Richmond, Rezone 20.176 acres of A-2 to C-2, approved 6-1 (7-21-05 public hearing)
9. Glen Feltham, Town of Walworth, Rezone 25 acres of A-2 to C-2, approved 4-3 (7-21-05 public hearing)
10. James P. Darling (Jeffrey R. Darling, Pers. Rep., App.), Town of Bloomfield, Rezone 1.73 acres of A-3 to A-5, approved 7-0 (7-21-05 public hearing)

Supervisor Van Dreser offered a motion, seconded by Supervisor Kupsik, to concur with the recommendation of the County Zoning Agency on items #1 through #10 of the Report of the County Zoning Agency. Supervisor Russell requested that items #6 and #9 be considered separately. Supervisor Muzatko requested that item #7 be considered separately. Items #1, #2, #3, #4, #5, #8, and #10 were approved by voice vote.

Discussion ensued on item #6, Ruth J. Campshure, Town of Delavan, Rezone ¼ acre of M-1 to R-1. Michael Cotter, Director of Land Use and Resource Management, explained the zoning surrounding the area. Cotter said that the property is surrounded by M-1 and M-2, which is industrial, however, there is R-1 zoning to the Northwest of the property. Item #6 was approved by voice vote. Supervisors Russell and Lohrmann requested that their votes be recorded as “No.”

Discussion ensued on item #7, Eugene R. Pawlak, Town of East Troy, Rezone .14 acres of A-5 & A-1 to A-1 & A-5. Cotter said that the surveyor made an error and this was brought back to correct that error. Item #7 was approved by voice vote.

Discussion ensued on item #9, Glen Feltham, Town of Walworth, Rezone 25 acres of A-2 to C-2. Cotter stated the types of zoning in the surrounding area. Item #9 was approved by voice vote. Supervisor Russell requested that her vote be recorded as “No.”

Executive Committee

1. Resolution No. 35-08/05 – Recognizing Former County Board Supervisor William R. Miles for His Service on the Wisconsin River Rail Transit Commission (Recommended by the Executive Committee 6-0)

On motion by Supervisor Morrison, seconded by Supervisor Felten, **Resolution No. 35-08/05** was approved by voice vote.

Finance Committee

1. Resolution No. 37-08/05 – Authorizing a Transfer of \$74,890 from the 2005 Contingency Fund to the Inmate Medical Expense Account (Recommended by the Finance Committee 6-0)

Supervisor Waelti offered a motion, seconded by Supervisor Schaefer, to approve Resolution No. 37-08/05. On motion by Supervisor Grant, seconded by Supervisor Arnold, **Resolution No. 37-08/05** was approved by unanimous consent.

Human Resources Committee

1. Ordinance No. 310-08/05 – Amending Chapter 15 of the Walworth County Code of Ordinances Transferring Two Positions from the Information Systems/Land Information Department to the Register of Deeds Department, Eliminating One .5 FTE from the Register of Deeds Department, and Eliminating the Risk Management Specialist Position and Adding a Receptionist in the Employee Relations Department (Recommended by the Human Resources Committee 5-0)
2. Ordinance No. 311-08/05 – Amending Chapter 15 of the Walworth County Code of Ordinances to Include Certain Children with Disabilities Education Board (CDEB) Management/Teaching Positions in the Performance Based Pay Plan (Recommended by the Human Resources Committee 5-0)

On motion by Supervisor Downing, seconded by Supervisor Burwell, **Ordinance No. 310-08/05** and **Ordinance No. 311-08/05** were approved by voice vote.

Land Conservation Committee

1. Resolution No. 34-08/05 – Supporting American Transmission Company's Proposed Electrical Transmission Corridor Route for Phase II of the Delavan/Darien Reliability Project (Land Conservation Committee will consider at a special meeting on August 9, 2005 prior to the County Board Meeting)

The Clerk reported that the Land Conservation Committee met prior to the Board meeting and the committee recommended approval of Resolution No. 34-08/05 with a vote of 6-0. On motion by Supervisor Muzatko, seconded by Supervisor Waelti, **Resolution No. 34-08/05** was approved by voice vote. Supervisor Guido requested that a copy of the resolution be forwarded to the Public Service Commission. Line 35 of the resolution states that the County Clerk is directed to send a copy of this resolution to the Wisconsin Public Service Commission and the American Transmission Company.

Public Works Committee

1. Resolution No. 36-08/05 – Approving a Revised Contract Agreement Between Johnson Controls and Walworth County to Provide Facility Management Services (Recommended by the Public Works Committee 6-0)
2. Resolution No. 38-08/05 – Approving an Agreement by and between the City of Elkhorn and Walworth County to Provide for the Relocation of Certain County Operations, the Lease of

Land to the City, the Construction by the City of a Municipal Well and the Construction of a New Nursing Home by the County

On motion by Supervisor Polyock, seconded by Supervisor Schaefer, Resolution No. 36-08/05 – Approving a Revised Contract Agreement Between Johnson Controls and Walworth County to Provide Facility Management Services, was sent back to the Public Works Committee.

Closed Session

A motion was offered by Supervisor Downing, seconded by Supervisor Grant, to convene in closed session pursuant to the exemption contained in section 19.85 (1) (e) of the Wisconsin Statutes, for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified business whenever competitive or bargaining reasons require a closed session.

A roll call vote was held to convene in closed session to discuss the agreement by and between the City of Elkhorn and Walworth County. Total vote: 25; Ayes: 22 – Arnold, Burwell, Downing, Felten, Grant, Guido, Ketchpaw, Kupsik, Lein, Lightfield, Morrison, Muzatko, Parker, Polyock, Russell, Schaefer, Stacey, Van Dreser, Waelti, Wagie-Troemel, Weber, Lohrmann; Noes: 0; Absent: 3 – Hawkins, Hilbelink, Kuhnke.

On motion by Supervisor Van Dreser, seconded by Supervisor Downing, the Board reconvened in open session. Supervisor Arnold requested that his vote be recorded as “No.”

On motion by Supervisor Russell, seconded by Supervisor Van Dreser, **Resolution 38-08/05** – Approving an Agreement by and between the City of Elkhorn and Walworth County to Provide for the Relocation of Certain County Operations, the Lease of Land to the City, the Construction by the City of a Municipal Well and the Construction of a New Nursing Home by the County, as discussed in closed session, with the agreement and resolution to be prepared by County Administrator Bretl, was approved by voice vote.

Reports of Special Committees

There were no Reports of Special Committees.

Chairperson’s Report

Chair Lohrmann announced that the County Board picture was available for purchase at \$20 for an 8” x 10” and \$5.00 for a 4” x 6”. She said if the supervisors would like to order a picture, they should contact Jill Logterman by Friday, August 12.

Supervisor Russell announced that a symposium would be held on Saturday, September 10, 2005 at Camp Juniper Knoll on Pleasant Lake. The title of the symposium is “Achieving Conservation Goals through Smart Growth.” A registration form with an agenda and directions to Camp Juniper Knoll was distributed to the Supervisors.

The next regularly scheduled County Board meeting will be held on Thursday, September 8, 2005 at 6:00 p.m.

Adjournment

On motion by Supervisor Downing, seconded by Supervisor Morrison, the meeting of the County Board of Supervisors was adjourned at 7:15 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 August 9, 2005 meeting.

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