

THE DECEMBER 13, 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 Government Center, 100 W. Walworth Street, Elkhorn, Wisconsin.

Reverend Laura McLeod, Congregational United Church of Christ – Delavan, delivered the invocation.

All Supervisors were present. A quorum was established.

Amendments, Withdrawals, and Approval of Agenda

Supervisor Morrison offered a motion, seconded by Supervisor Downing, to approve the agenda. Supervisor Kuhnke requested Res. 62-12/05 be moved to follow the public comment period and item #6 of County Zoning Agency Report of Proposed Zoning Amendments 6. Allen and Katherine Kittelson, Town of East Troy Rezone 2.34 acres of A-3 to A-5 be referred back to the County Zoning Agency, seconded by Supervisor Burwell. The motion carried, and the agenda was approved as amended.

Approval of the Minutes

On motion by Supervisor Waelti, seconded by Supervisor Kupsik, the minutes of the October 27, 2005 Special Meeting of the County Board of Supervisors were approved. On motion by Supervisor Kuhnke, seconded by Supervisor Felten, the minutes of the October 27, 2005 Public Budget Hearing were approved. On motion by Supervisor Muzatko, seconded by Supervisor Van Dreser, the minutes of the November 8, 2005 County Board of Supervisors Meeting were approved.

Comment Period by Members of the Public

There were none.

Resolution No. 62-12/05 – Recognizing Former Retired Senior Volunteer Person (RSVP) Anita J. Schalk For Her Service with Walworth County/Conservation Division (Recommended by the Land Conservation Committee 7-0)

Chairperson Lohrmann read the resolution and offered congratulations to Anita J. Schalk for years of service. On motion by Supervisor Burwell, seconded by Supervisor Kuhnke,

Resolution No. 62-12/05 was unanimously approved.

Special Order of Business

Recognition UW-Whitewater Women's Volleyball Team – Division III National Champions

1. Resolution No. 69-12/05 – Congratulating the University of Wisconsin-Whitewater Women's Volleyball Team on the Occasion of Their Division III National Championship

On motion by Supervisor Guido, seconded by Supervisor Waelti, the rules were suspended to allow immediate action on Resolution No. 69-12/05. On motion by Supervisor Van Dreser, seconded by Supervisor Russell, **Resolution No. 69-12/05** was approved by voice vote. The Clerk noted that Juniata College is located in Huntingdon, PA and not in Salem, Virginia as indicated on the resolution. The UW-Whitewater Women's Volleyball Team won the national championship game at Salem, Virginia. The scrivener's error was corrected on the resolution presented to the representatives of the UW-Whitewater Women's Volleyball Team.

Supervisor Lein introduced the members of the team present at the meeting and also UW-Whitewater Athletic Director Paul Plinski. Supervisor Lein congratulated the team on their Division III National Championship. Representatives of the volleyball coaches and team came forward to receive their award, including Stacy Boudreau, Head Coach, Vanessa Walby, Assistant Coach, and three team players. Athletic Director Paul Plinski was also introduced and addressed the Board. Supervisors Lein, Grant, Wagie-Troemel and Chairperson Lohrmann came forward to acknowledge the accomplishment, make the presentation, and the resolution was read.

Appointments/Elections

1. Health and Human Services Board

- Carol Prchal, M.D.
- Paula Ynocencio –Reappointment to a three year term ending April 30, 2008
- Mary Lynn Primozich –To fill the unexpired term of Franklin Stoneburner – term ending April 30, 2008

(The Executive Committee recommended the appointment of Paula Ynocencio 5-1 and the appointment of Mary Lynn Primozich 6-0)

2. Veterans Service Commission

- Jerry Peters – Reappoint to a three year term commencing on January 1, 2006 and ending on December 31, 2008 (Recommended by the Executive Committee 5-1)

On motion by Supervisor Ketchpaw, seconded by Supervisor Felten, Paula Ynocencio and Mary Lynn Primozich were appointed to the Health and Human Services Board, and Jerry Peters was reappointed to the Veterans Service Commission.

Communications and Matters to Be Referred

1. Claims Received After Agenda Mailing

2. Claims:

- a) Notice of Claim – B.R. Amon & Sons vs Walworth County, Adair Sewer & Water, J.P. Cullen & Sons was referred to the Executive Committee.
- b) Acuity Insurance Claim – James Thuemmler was referred to the Executive Committee.
- c) Third Party Summons-State of Wisconsin, Plaintiff v R.W. Miller & Sons, Inc., Defendant and Third Party Plaintiff v Walworth County, Third Party Defendant was referred to the Executive Committee.

3. Communication from Supervisor Dorothy Burwell regarding public hearing testimony in favor of AB 790 was referred to the Executive Committee.

4. Communication from Graef, Anhalt and Schloemer and Associates regarding a Public Informational Meeting regarding proposed improvements to Richmond Road was referred to the Public Works Committee.

5. Communication from the Wisconsin Department of Transportation regarding County Trunk Highway System Changes – jurisdictional transfer segments of CTH S was referred to the Public Works Committee.

6. Communication from the Town of Delavan requesting a change to the County Zoning Ordinance was referred to the County Zoning Agency.
7. Resolutions from Columbia, Grant, Marathon, Polk and Racine Counties in support of 2005 AB 802 and LRB3832 which would require that the State of Wisconsin More Equitably Share Federal IGT Funds with local Governments that Operate Nursing Homes. On motion by Supervisor Russell, seconded by Supervisor Guido, this item was referred to the Finance Committee and not Lakeland Health Care Center Board of Trustees.
8. Racine County Resolution No. 2005-106 Opposing Assembly Bill 756 and Any Other Legislation that Would Shift Sheriff's Department Patrol and Investigative Costs to Small Municipalities was referred to the Executive Committee.
9. Communication from WCA Legislative Director Craig Thompson regarding the State Court System and Health and Human Services Funding was referred to the Health and Human Services Board.
10. Report of the County Clerk Concerning Communications Received by the Board and Recommended to be Placed on File was mailed with the agenda packet.
11. Report of County Clerk Concerning Communications Received by the Board After the Agenda Mailing – The following items were placed on the Supervisors' desks:
 - Third Party Summons-State of Wisconsin, Plaintiff v R.W. Miller & Sons, Inc., Defendant and Third Party Plaintiff v Walworth County, Third Party Defendant was referred to the Executive Committee.
 - Communication from Don Nellessen – Letter to WCA requesting an end to the support of Senate Bill 215 and any future bills that will result in the weakening of the Wisconsin Unfair Sales Act was referred to the Executive Committee.
 - Ozaukee County Resolution No. 05-70 – Intergovernmental Transfer Program (IGT) Supporting AB 802 and any similar legislation that would require that the State of Wisconsin more equitably share Federal IGT funds with local governments that operate nursing homes was previously sent to Committee and was placed on file
 - Ozaukee County Resolution No. 05-68 – Wisconsin Counties' Sales Tax System Audit Act, requesting that the Wisconsin Counties Association join in the call for independent audits of the past sales tax calculations and the examination of the current sales tax system was previously sent to Committee and was placed on file

Also placed on Supervisors' desks were the following:

- Fall 2005 Wisconsin County Mutual Insurance Corporation publication – *The Mutual Effort*
 - 2006 Pocket Calendar
12. Report of County Clerk Concerning Zoning Petitions (To be referred to the County Zoning Agency) The list was mailed with the agenda packet and follows.
 - Estate of Warren S. Bentley, Atty. Edward F. Thompson, App., Town of Delavan, R-2 to C-2
 - Manfred and Lisa Koenig, Jr., Town of Lafayette, A-1 to A-4
 - John Hackbarth, Town of East Troy, C-4 to A-1
 - Jerry W. and Patricia Brockwell (Richmond Cemetery Assn., App.), Town of Richmond, A-1 to P-2
 - Mary Ellen Garber, Town of Darien, A-1 to A-5
 - Manfred and Michaelene Woller, Town of Lafayette, A-2, B-6 & P-2 to C-2
 - Roger H. and Elizabeth H. Wolff (Atty. Anthony A. Coletti, App.) Town of Linn, R-1 to C-2

- Daniel J. Walsh, Trustee of the Daniel J. Walsh Trust (Atty Randy I. Kratz, App.), Town of Linn, C-4 to R-1
- Gary L. and Patricia A. Lang, Town of Lyons, A-2 to C-2

Unfinished Business

New Business

Reports of Standing Committees

County Zoning Agency Report of Proposed Zoning Amendments

1. James E. Ney, Town of Richmond, Rezone 41.16 acres of A-3 to R-5 – approved 6 – 0 (8-18-05 public hearing)
2. Anvan Companies (Atty. John L. Maier, Jr., App.), Town of Geneva, Rezone 21.84 acres of B-5 to B-4 – approved 6 – 0 (9-15-05 public hearing)
3. Eugene and Elizabeth Baas, Town of Lafayette, Rezone .085 acres of A-5 to B-4 – approved 6 – 0 (11-17-05 public hearing)
4. Art Pierce (Kapur Assoc.), Town of Bloomfield, Rezone 4.18 acres of A-3 to R-2 – approved 6 – 0 (11-17-05 public hearing)
5. Keith and Beth Mulhollon, Town of Lyons, Rezone 11.25 acres of A-1 to C-2 – approved 6 – 0 (11-17-05 public hearing)
6. Allen and Katherine Kittelson, Town of East Troy, Rezone 2.34 acres of A-3 to A-5 – approved 6 – 0 (11-17-05 public hearing) Referred back to the County Zoning Agency

A motion offered by Supervisor Kuhnke, seconded by Supervisor Kupsik, to concur with the Report of the County Zoning Agency, for items #1 through #5, was approved by voice vote.

Executive Committee

1. Res. No. 67-12/05 – Recommending Changes to Certain Board of Adjustment Duties (Recommended by the Executive Committee 5-1)
2. Res. No. 68-12/05 – Recommending Payment to SBC in the Amount of \$441.42 (Recommended by the Executive Committee 6-0)

A motion was offered by Supervisor Waelti, seconded by Ketchpaw, to approve item #1, Resolution No. 67-12/05. On motion by Supervisor Van Dreser, seconded by Supervisor Troemel, the word “alterations” on line 21 was corrected to alternatives. **Resolution No. 67-12/05** was approved as amended by voice vote.

The Board delayed action on this item until Public Works Director Shane Crawford could offer input. On motion by Supervisor Grant, seconded by Supervisor Kupsik, item #2, **Resolution No. 68-12/05**, was approved by voice vote.

Finance Committee

1. Ord. No. 327-12/05 – Amending Section 26-237(A)(4) Of The Walworth County Code Of Ordinances Relating To Assemblies And Mass Gatherings (Recommended by the Finance Committee 7-0)

On motion by Supervisor Russell, seconded by Supervisor Waelti, **Ord. No. 327-12/05** was approved by voice vote.

Human Resources Committee

1. Ord. No. 326-12/05 – Amending Chapter 15-302 of the Walworth County Code of Ordinances Relating to Retiree Health Insurance (Recommended by the Human Resources Committee 5-0)
2. Ord. No. 328-12/05 – Amending Section 15-17 of Chapter 15 of the Walworth County Code of Ordinances relating to Authorized Positions by Department (Recommended by the Human Resources Committee 5-0)
3. Ord. No. 329-12/05 – Amending Section 15-339 of the Walworth County Code of Ordinances Relating to Vacation, Holiday and Compensatory Conversion Pay Upon Employee Termination (Recommended by the Human Resources Committee 5-0)
4. Ord. No. 330-12/05 – Ordinance Amending Section 15-322 of the Walworth County Code of Ordinances Pertaining to Accrual of Compensatory Time (Recommended by the Human Resources Committee 5-0)
5. Res. No. 64-12/05 – Opposing Passage of Assembly Bill 575 Classifying Social Workers as Protective Occupations Participants in the Wisconsin Retirement System (Recommended by the Human Resources Committee 5-0)
6. Res. No. 65-12/05 – Implementing Changes in Wages and Benefits for Non-Represented Employees (Recommended by the Human Resources Committee 5-0)
7. Res. No. 66-12/05 – Approving Severance Agreements for Certain Health and Human Services Employees (Recommended by the Human Resources Committee 5-0)

Supervisor Guido requested that items #3, 4 and 6 be acted upon separately. On motion by Supervisor Grant, seconded by Supervisor Hilbelink items #1, **Ord. No. 326-12/05**, # 2, **Ord. No. 328-12/05**, #5, **Res. No. 64-12/05** and #7, **Res. No. 66-12/05** were approved by voice vote.

On motion by Supervisor Burwell, seconded by Supervisor Downing, item #3, **Ord. No. 329-12/05** was approved by voice vote.

On motion by Supervisor Felten, seconded by Supervisor Downing, item #4, **Ord. No. 330-12/05**, was approved by voice vote.

A motion was offered by Supervisor Downing, seconded by Supervisor Grant, to approve item #6. On motion by Supervisor Van Dreser, seconded by Supervisor Felten, item #6, **Res. No. 65-12/05**, was approved by unanimous consent.

Public Works Committee

1. Res. No. 63-12/05 – Approving a Resolution for a Steam Plant Lease and Operating Agreement Between Walworth County and Aurora Health Care Southern Lakes, Inc. (Recommended by the Public Works Committee 7-0)

A motion was offered by Supervisor Polyock, seconded by Supervisor Weber, to approve Res. No. 63-12/05.

Administrator Bretl added one item with regard to the lease contract. Staff recommended that an amendment be made to the contract pertaining to the tax exempt nature of Aurora. Bretl requested that the resolution be amended to include language requiring that staff obtain assurance from Aurora that these terms and conditions would apply so long as Aurora remains a tax exempt entity. Bretl explained that the reason for this amendment is that we do not want to get into the situation where we would have to pay property taxes.

