

THE JANUARY 9, 2007 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.

Kathy Ingersoll, County Board Supervisor, District # 10, delivered the invocation.

All Supervisors were present. A quorum was established.

**Amendments, Withdrawals, and Approval of Agenda**

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

**Approval of the Minutes**

Supervisor Schaefer offered a motion, seconded by Supervisor Morrison, to approve the minutes of the December 12, 2006 County Board of Supervisors Meeting.

On motion by Supervisor Burwell, seconded by Supervisor Grant, the minutes of the December 12, 2006 meeting were amended to correct page 1, Comment Period by Members of the Public, paragraph 1, the statement "Jerry Grant, Chair of the Children with Disabilities Education Board" should be changed to Secretary of the Children with Disabilities Education Board. Supervisor Burwell is Chair of that committee. The minutes were approved as amended.

**Comment Period by Members of the Public**

There were none.

**Special Order of Business**

Government Finance Officers' Association – Certificate of Achievement for Excellence in Financial Reporting for the County's Comprehensive Annual Financial Report for the period ending December 31, 2005

Chair Lohrmann asked Nicki Andersen to come forward. Lohrmann said that for the fourth year in a row, Walworth County has received the Government Finance Officers' Association Certificate of Achievement for Excellence in Financial Report for the County's Comprehensive Annual Financial Report. Chair Lohrmann and Supervisor Nancy Russell, Chair of the Finance Committee, congratulated Nicki Andersen, Deputy Administrator-Finance, and presented her with the Certificate of Achievement plaque. Andersen recognized Tracy Schulze, Jessica Lanser, and Andy Lamping for helping to achieve this reward. Andersen said this is a great team of people and she is proud of their efforts on behalf of the County. She thanked the departments for providing the information that is needed to prepare this document. She also thanked the County Board for their support and for providing the tools necessary to do their jobs

successfully. Finally, Andersen thanked the County Administrator for his support and leadership.

### **Appointments/Elections**

1. Lakeland Health Care Center Board of Trustees
  - Joseph Guido – Re-election to a three-year term ending January 4, 2010  
(Recommended by the Executive Committee 5-0)

On motion by Supervisor Schaefer, seconded by Supervisor Kuhnke, Supervisor Joseph Guido, was re-elected to the Lakeland Health Care Center Board of Trustees, term ending January 4, 2010.

### **Communications and Matters to Be Referred**

1. Claims Received After Agenda Mailing – There were none.
2. Claims: There were none.
3. Communication from Supervisors Grant, Lein, and Wagie-Troemel to correct information and/or facts that have been reported in the past in regard to the Walworth County Board of Supervisors was referred to the Executive Committee.
4. Correspondence from Jim Simons, Town of Spring Prairie, regarding questions concerning the construction of a new Lakeland School was referred to the Executive Committee.
5. Jackson County Resolution No. 65-12-06-Amending 2005 Wisconsin Act 100 which allows Board Supervisors or electors of the county to decrease the number of County Board Supervisors one time only between board enactments of decennial supervisory district plans was referred to the Executive Committee.
6. Communication from Thomas Jooss, Fifth Grade Teacher, Star Center School, Pell Lake, and letters from fifth grade students in support of the DARE Program in Walworth County was referred to the Executive Committee.
7. Communication from Supervisor Ketchpaw regarding Patient Safety Week and the Walworth County Patient Safety Council. Additional communication from Supervisor Ketchpaw regarding the Patient Safety Council was referred to the Health and Human Services Board.
8. Communication from Supervisor Rick Stacey regarding an amendment permitting a conditional use to construct a garage at the front of a residence on a property that is five acres or less was referred to the County Zoning Agency.
9. Communications regarding the proposed boundary expansion annexation by the Whitewater/Rice Lake Management District. Additional communications regarding the proposed boundary expansion annexation by the Whitewater/Rice Lake Management District were delivered with the courier packet were referred to the Land Conservation Committee.
10. Communication from Olm & Associates Regarding Whitewater/Rice Lakes Management District Petition for Attachment was referred to the Land Conservation Committee.
11. Communication from District Attorney Phil Koss – Approving Bonds for Walworth County Elected Officials pursuant to Sec. 19.01(4)(m), Wis. Stats. was placed on file. (The letter from District Attorney Koss was attached to the amended agenda and delivered by courier.)
12. Report of the County Clerk Concerning Communications Received by the Board and Recommended to be Placed on File was mailed with the agenda packet.
13. Report of County Clerk Concerning Communications Received by the Board After the Agenda Mailing – The following items were placed on the Supervisors' desks:
  - 2007 Walworth County Budget in Brief and a Finance Department form to order a full budget book and supplemental book if desired – to be returned to the Finance Department

- Related Party Questionnaire for 2006 from Tracy Schulze, Comptroller, Finance Department – to be returned to the Finance Department
- Communications from Pat Richter, Emeritus Director of Athletics, University of Wisconsin, Mayor John Giese, City of Elkhorn, Chairperson Ann Lohrmann, and Derek D’Auria, Board President of Walworth County Visitors Bureau, in support of Intersport Inc.’s proposal of the Champions Village baseball project – was referred to the Public Works Committee
- Communications from residents in opposition to the expansion of the Whitewater/Rice Lakes Management District boundary – was referred to the Land Conservation Committee
- Wisconsin County Mutual Insurance Corporation’s Fall 2006 *The Mutual Effort* – was placed on file
- *Walworth County Senior Review*, January 2007 – was placed on file

Also placed on Supervisors’ desks was correspondence to Chair Ann Lohrmann regarding public comment time to be referred to the Executive Committee.

14. Report of County Clerk Concerning Zoning Petitions was referred to the County Zoning Agency. The list was mailed with the agenda packet and follows.

- Richmond Cemetery Association, Town of Richmond, A-1 to P-2
- AIK Softball Holdings, LLC (Nathaniel M. Turner, App.), Town of Richmond, A-1 to C-2
- Ordinance Amendment to Walworth County Code of Ordinances, Section 74.58 (A)/74-185A and 74-125/74-257, 74-125 (2)/74-257 (2)
- Ordinance Amendment to Walworth County Code of Ordinances, Subdivisions, 58-4, 4.10
- Ordinance Amendment to Walworth County Code of Ordinances, Subdivisions, 58-4, 4.1

## **Unfinished Business**

### **New Business**

### **Reports of Standing Committees**

#### **County Zoning Agency Report of Proposed Zoning Amendments**

1. **Ordinance No. 407-01/07** - Amending Sections 74-103 and 74-232 of the Walworth County Code of Ordinances Relating to Yards (Recommended by the County Zoning Agency 7 - 0)
2. Dean Chudy (Warren E. Hansen, App.), Town of Bloomfield, Rezone .8 acres of R-1 & M-1 to M-1 & C-1 – approved 7-0 (12-21-06 public hearing)
3. Rita M. Yadon Trust (Rita M. Yadon, App.), Town of Delavan, Rezone 13.02 acres of A-1 & C-4 to C-2 – approved 7-0 (12-21-06 public hearing)
4. God’s Country, Ltd. (Allan Church, App.), Town of Lafayette, Rezone 6.18 acres of A-1 to C-2 – approved 7-0 (12-21-06)
5. Burnell Hays, Town of Lafayette, Rezone 5.18 acres of A-1 to A-5 – approved 7-0 (12-21-06 public hearing)
6. Gary V. Soukup, Town of Spring Prairie, Rezone 1.38 acres of R-1 to B-1, .58 acres of A-1 to B-1, .15 acres of R-1 to A-1 – approved 7-0 and B-2, A-1 & R-1 to B-1 on Tax Parcel #OA 323 – denied 7-0 (12-21-06 public hearing)
7. Michael and Mary Pautz, Town of Troy, Rezone 31.89 acres of A-2 to C-2 – approved 6-1 (12-21-06 public hearing)

A motion offered by Supervisor Kupsik, seconded by Supervisor Stacey, to concur with the items of the Report of the County Zoning Agency, was approved by voice vote.

## **County Zoning Agency**

1. Resolution No. 47-01/07 – Plat of Hill View Cemetery Number Two (Recommended by the County Zoning Agency 6-0)

On motion by Supervisor Kuhnke, seconded by Supervisor Morrison, **Resolution No. 47-01/07** was approved.

## **Executive Committee**

1. Ordinance No. 404-01/07 – Amending Chapter 2 of the Walworth County Code of Ordinances Relating to Rules and Duties of Members (Recommended by the Executive Committee 5-0)

2. Ordinance No. 406-01/07 – Amending Section 30-156 of the Walworth County Code of Ordinances Regarding Donations and Naming Rights (Recommended by the Executive Committee 5-0)

On motion by Supervisor Weber, seconded by Supervisor Parker, **Ordinance No. 404-01/07** and **Ordinance No. 406-01/07** were approved by voice vote.

## **Health & Human Services**

1. Resolution No. 49-01/07 – Authorizing 2007 Contract Agreement for the Transient Non-community Program (Recommended by the Health & Human Services Board 7-1)

On motion by Supervisor Ketchpaw, seconded by Supervisor Parker, **Resolution No. 49-01/07** was approved by voice vote. Supervisor Polyock requested that his vote be recorded as “No.”

## **Human Resources**

1. Ordinance No. 402-01/07 – Amending Chapter 15 of the Walworth County Code of Ordinances Relative to Temporary Assignments Within Pay Plan (Recommended by the Human Resources Committee 4-0)

2. Ordinance No. 403-01/07 – Amending Section 15-17 of the Walworth County Code of Ordinances Relating to Psychiatric Nurse Positions and the Reclassification of a Clerk II Position in Health & Human Services (Recommended by the Human Resources Committee 4-0)

3. Ordinance No. 405-01/07 – Amending Section 15-17 of the Walworth County Code of Ordinances Relating to the Reclassification of a Dietary Clerk Position at Lakeland Health Care Center (Recommended by the Human Resources Committee 4-0)

4. Ordinance No. 408-01/07 – Amending Section 15-17 of Chapter 15 of the Walworth County Code of Ordinances Relating to the Creation of Positions for Certified Crisis Intervention Services (The Human Resources Committee will consider at a special meeting prior to the January 9, 2007 County Board meeting.)

5. Ordinance No. 409-01/07 – Amending Section 15-17 of Chapter 15 of the Walworth County Code of Ordinances Relating to the Reclassification of the Economic Support Lead Worker Position in Health & Human Services (The Human Resources Committee will consider at a special meeting prior to the January 9, 2007 County Board meeting.)

6. Ordinance No. 410-01/07 – Amending Section 15-17 of the Walworth County Code of Ordinances Relating to a Correction to the Number of Patrolman/woman Positions and the Reclassification of a Welder Position to a Mechanic II Position (The Human Resources

Committee will consider at a special meeting prior to the January 9, 2007 County Board meeting.)

7. Resolution No. 46-01/07 – Implementing Changes in Wages and Benefits for Non-Represented Employees (Recommended by the Human Resources Committee 4-0)

On motion by Supervisor Ketchpaw, seconded by Supervisor Weber, item 1, **Ordinance No. 402-01/07**, item 2, **Ordinance No. 403-01/07**, item 3, **Ordinance No. 405-01/07**, item 4, **Ordinance No. 408-01/07**, item 5, **Ordinance No. 409-01/07** and item 7, **Resolution No. 46-01/07** were approved by voice vote. Chair Lohrmann stated that the Human Resources Committee met prior to the County Board meeting and items 4, 5, and 6 were unanimously approved.

On motion by Supervisor Muzatko, seconded by Supervisor Polyock, item 6, **Ordinance No. 410-01/07** was approved by voice vote.

### **Public Works Committee**

1. Resolution No. 48-01/07 – Approving an Agreement in Concept by and between Walworth County and Intersport Regarding a Lease and Sale of County Land. (The Public Works Committee will consider at a special meeting prior to the January 9, 2007 County Board meeting.)

Supervisor Polyock offered a motion, seconded by Supervisor Hilbelink, to approve Resolution No. 48-01/07.

### **Closed Session**

It is anticipated the Board may convene in closed session pursuant to the exemption in Wis. Stats. Sec. 19.85 (1)(e), "Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session."

- Motion and roll call to convene in closed session to discuss Resolution No. 48-01/07 – Approving an Agreement in Concept by and between Walworth County and Intersport Regarding a Lease and Sale of County Land

- Reconvene in open session and take possible action on Resolution No. 48-01/07

On motion by Supervisor Polyock, seconded by Supervisor Schaefer, the Board convened in closed session to discuss Resolution No. 48-01/07. A roll call vote was taken to convene in closed session. Total vote: 25; Ayes: 24 – Arnold, Burwell, Downing, Grant, Guido, Hawkins, Hilbelink, Ingersoll, Ketchpaw, Kilkenny, Kuhnke, Kupsik, Lein, Morrison, Muzatko, Parker, Polyock, Russell, Schaefer, Stacey, Van Dreser, Wagie-Troemel, Weber, Lohrmann; Noes: 1 – Lightfield; Absent – 0.

The Board convened in open session on motion by Supervisor Polyock, seconded by Supervisor Van Dreser, to take possible action on Resolution No. 48-01/07.

Supervisor Arnold offered a motion, seconded by Supervisor Van Dreser, to amend Resolution No. 48-01/07 as follows:

The following be added to Line 23 of the resolution to read as follows:

“BE IT FURTHER RESOLVED that the final contract documents require that Intersport pay to the County a \$5 surcharge for each child attending a camp at the youth sports complex and that said surcharge shall be perpetual in term; and

BE IT FURTHER RESOLVED that with regard to the right of Intersport to purchase county land, respecting either phase of the development, Intersport first demonstrate to the satisfaction of the County that its operation of the youth sports complex has, during the previous twelve (12) months of operation, generated the following minimal economic impacts:

- Phase I: \$6.3 million based on Wisconsin Department of Tourism methodology
- Phase II: An aggregate economic impact including Phase I to be negotiated prior to final contract approval

BE IT FURTHER RESOLVED THAT execution of final contract documents be subject to documentation to be presented by Intersport demonstrating the financial ability to perform the terms of the Agreement.”

Supervisor Van Dreser offered a friendly amendment, seconded by Supervisor Arnold, to add the following in parenthesis after the word “methodology”: (This would include a 1.5 economic multiplication factor.)

Discussion ensued. Supervisors Kuhnke and Morrison expressed their constituents’ concerns regarding support of the Resolution. On motion by Supervisor Van Dreser, seconded by Supervisor Hilbelink, the question was called. A roll call vote was taken on Supervisor Arnold’s amendment to Resolution No. 48-01/07 as amended by Supervisor Van Dreser. Total vote: 25; Ayes: 19 – Arnold, Burwell, Downing, Grant, Hawkins, Hilbelink, Ingersoll, Ketchpaw, Kupsik, Lein, Parker, Polyock, Russell, Schaefer, Stacey, Van Dreser, Wagie-Troemel, Weber, Lohrmann; Noes: 6 – Guido, Kilkenny, Kuhnke, Lightfield, Morrison, Muzatko; Absent: 0. The amended amendment to Resolution No. 48-01/07 was approved.

Supervisor Kilkenny expressed concern about the level of detail in the resolution and asked that more be heard from the public before approval. Supervisor Kilkenny offered a motion, seconded by Supervisor Guido, to refer Resolution No. 48-01/07 to the Finance Committee for further review. Administrator Bretl said he is concerned that the Public Works Committee has been considering this since July and he thinks sending it to another committee may confuse the issue. On motion by Supervisor Polyock, seconded by Supervisor Hilbelink, the question was called.

A vote was taken to refer Resolution 48-01/07 to the Finance Committee. Motion failed. Ayes: 5 – Guido, Kilkenny, Kuhnke, Morrison, Muzatko; Noes: 20 – Arnold, Burwell, Downing, Grant, Hawkins, Hilbelink, Ingersoll, Ketchpaw, Kupsik, Lein, Lightfield, Parker, Polyock, Russell, Schaefer, Stacey, Van Dreser, Wagie-Troemel, Weber, Lohrmann; Absent – 0.

Chair Lohrmann asked for public comment regarding Resolution 48-01/07 at this time.

Lis Friemoth, N6224 Hargraves Road, Burlington, said she is a small business owner, a life-long resident of Walworth County, and is on the Planning Commission in her township. She said she is not in favor of the location chosen for the Intersport Complex. Ms. Friemoth said she thinks

this is a good concept but not for public land. She said that although she does recognize there are benefits, she listed the following three areas where the County should be concerned:

1) The Smart Growth and Land Use Planning report shows no indication regarding an expansion area for transportation, the site for the proposed Intersport Complex is not in an area of urban service and a seasonal activity is not planned for. There is nothing planned for increased fire and police protection or improved roads. Ms. Friemoth said there would be 250 acres fully developed for the Complex. She said that our main concern in this area is to maintain farmland. There are many other sites where the farmland will not be damaged. There will be outgrowth from urban areas, and businesses will be put where they do not belong; 2) There will be an environmental impact from runoff, increased traffic, light pollution, and noise pollution; 3) Regarding the financial impact, there will be 40 or 45 low-wage seasonal employees with no benefits, there will be no property taxes to support this land because the County owns the land, and the price per acre is too low. Ms. Friemoth said that she thinks we are selling this farmland at a price that is way too low and she asked that the Board carefully consider not selling the County's land.

Resolution No. 48-01/07, as amended, was approved by roll call vote. Total vote: 25; Ayes: 14 - Arnold, Burwell, Downing, Grant, Hawkins, Hilbelink, Ingersoll, Lein, Polyock, Schaefer, Stacey, Van Dreser, Wagie-Troemel, Lohrmann; Noes: 11 - Guido, Ketchpaw, Kilkenny, Kuhnke, Kupsik, Lightfield, Morrison, Muzatko, Parker, Russell, Weber; Absent: 0.

### **Reports of Special Committees**

There were no Reports of Special Committees.

### **Chairperson's Report**

There was none.

### **Adjournment**

On motion by Supervisor Polyock, seconded by Supervisor Morrison, the meeting was adjourned at 8:03 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 January 9, 2007 meeting.

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