

THE FEBRUARY 13, 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.

Pastor Marty Coons, Little Prairie United Methodist Church, delivered the invocation.

All Supervisors were present except Supervisors Hawkins and Ingersoll. A quorum was established.

Amendments, Withdrawals, and Approval of Agenda

On motion by Supervisor Lightfield, seconded by Supervisor Morrison, Resolution No. 50-02/07, under the Land Conservation Committee, was moved to be considered first under New Business. On motion by Supervisor Ketchpaw, seconded by Supervisor Parker, Resolution No. 51-02/07 – Proclaiming the Week of March 4-7, 2007 as “Patient Safety Week” and Recognizing the Walworth County Patient Safety Council for its Accomplishments, was moved to immediately precede the Special Order of Business. The agenda was approved as amended by voice vote.

Approval of the Minutes

On motion by Supervisor Muzatko, seconded by Supervisor Stacey, the minutes of the January 9, 2007 Committee of the Whole Meeting and the January 9, 2007 Walworth County Board of Supervisors Meeting were approved.

On motion by Supervisor Burwell, seconded by Supervisor Wagie-Troemel, the minutes of the January 9, 2007 Walworth County Board Special Meeting were amended as follows: the last line on the bottom of page 13, the number of aides should read 5 full-time equivalents.

On motion by Supervisor Russell, seconded by Supervisor Kupsik, the minutes of the January 9, 2007 Walworth County Board Special Meeting were amended as follows: page 15, at the top of the page, “a reduction of 22% overall” should be a reduction of 105 FTEs.

The minutes were approved as amended by voice vote.

Comment Period by Members of the Public

Gary Wallem, P. O. Box 775, Elkhorn, spoke in favor of the proposed Intersport complex. He said that the economic impact from the Complex could be immense. Mr. Wallem said he would like to see something like this come into our area that will not fill our school system. He said that he thinks it would be great for the people in the nursing home to look out of the windows and watch a baseball game. Mr. Wallem concluded by saying that he hopes the Board will give Intersport a chance to try and make it work.

Kathleen Tober, W2620 Hwy J, East Troy, said she is Vice-President of the Farm Bureau for Walworth County and said that the Bureau is not in favor of the sports complex. Ms. Tober said that the Bureau wants to know how it will benefit the taxpayers of Walworth County. She said they feel that in the long run it will cost the taxpayers more money. Ms. Tober said that the impact of sewer, water, and the cost of EMTs should be considered as well as the prime agricultural land that will be lost.

Kathleen Seeberg, Executive Director of the Walworth County Visitors Bureau, 235 E. Laurie Street, Lake Geneva, spoke in favor of the proposed Intersport development. She cited the proposed \$6.3 million dollar per year economic impact as a positive factor. She said the property will be reassessed and the land will be put back on the property tax rolls. Ms. Seeberg said that this would be a family oriented project and a green space for the County. She said the surrounding communities would benefit from this facility. Ms. Seeberg said there have been a lot of comparisons between Elkhorn and Cooperstown. She said she thinks all the facts should be considered before making comparisons and then an informed decision should be made.

Bruce Bradshaw, W4780 Potter Road, Elkhorn, a resident and a business owner in Walworth County, said that we should look at the larger picture for the benefit of the County and all its residents rather than the immediate sale of this land regardless of the price.

Graham Olson, N4078 County H, said he would like the Board to reconsider this proposition. He said there has not been enough time to consider all the alternatives. Mr. Olson said that the land is more valuable than what is being proposed and there are other facilities available in the County such as the dog track facility in Delavan that could be used for the Complex.

Fred J. Stoppie, N4051 Petrie Road, Elkhorn, said he is 71 years old and has lived all his life in Walworth County. He asked the Board to reconsider the Intersport proposal. Mr. Stoppie said that the Board is setting precedent for the value of land around the County complex and \$3,000 per acre is not a good price. He wants the Board to reconsider the Complex and reevaluate the price of the land.

Bill Jacques, N6009 Bowers Road, Elkhorn, said he was there to talk about County property. Mr. Jacques quoted sections from the County's surplus property ordinance. He said he does not think the resolution passed last month fits this ordinance. Mr. Jacques had the following questions regarding the Intersport project: would the devaluation of this property affect other land and borrowing of the County; was the proposed sports complex in the right location – adjacent to the jail, the courts, the nursing home, the Highway department, Human Services, and the new Lakeland School; and would hospital activities be impeded with all the activity. He said this land is zoned A-1 and the County stands for the preservation of A-1 land. Mr. Jacques said that this land should be kept for future expansion or park space for the County.

Ralph Williams, Quinney Road, Elkhorn, said that he thinks Intersport is a bad deal for Walworth County. He said that employment will be impacted but they will be temporary, minimum wage jobs. He said that Intersport said they would have pristine parks but pristine parks would require lots of watering. He expressed concern about the effect the noise would have on the nursing home and if the County would be land-locked because of this development. Mr. Williams urged the Supervisors to reconsider their vote.

Patricia Eames, W4028 Potter Road, asked the Board to reconsider the Intersport proposal and asked that they look at it more closely. She said she is asking that the Board have a good solid plan and know what the impact will be and the potential spin-offs.

Bill Norem, N6422 Cobb Road, Elkhorn, said that with all the recent activity no one is thinking about the future of the hospital. He said a few years ago Aurora sent out information that there will be a new hospital built and Lakeland and Burlington hospitals would be closed. Mr. Norem said that he and the County Administrator met with the Administrator of the hospital. The hospital administrator said he could not tell them where the new hospital would be built but it would not be in Elkhorn. He said we should be considering where a new hospital would be placed. Mr. Norem said it would take years of planning and negotiating to bring in a new hospital. He said he believes if you bring in this sports complex you will not see a new hospital in Elkhorn. Mr. Norem explained the concept of an anchor. He said that when you develop a major project you bring in the brightest and best paying jobs you can which will attract others. He said that a new hospital would make a great anchor.

Stephanie Lueptow, 203 E. Davenport, Elkhorn, spoke in favor of the Intersport proposal citing benefits to economic growth and retail businesses. She said that Elkhorn and Walworth County are growing so fast and this would be a positive family thing.

Paula McGowen, W5064 Middle Lake, Elkhorn, spoke to the Supervisors regarding downsizing of the County Board. She said that this fall when the County budget was being considered many Supervisors did not attend the Finance Committee budget meetings and expressed concern about the priorities of these Supervisors. Ms. McGowen said continuing the past practices of large county boards should be eliminated. She said that it has been shown that 10 or 12 Supervisors can run a county. Ms. McGowen also said that the recent Lakeland School issue should have been decided by referendum.

Laura Triebold, N7618 Engel Road, Whitewater, submitted a public comment card to speak regarding the Whitewater/Rice Lake District expansion. Ms. Triebold was not allowed to speak because a public hearing had previously been held on that topic. The public comment card was placed on file.

Health & Human Services

1. Resolution No. 51-02/07 – Proclaiming the Week of March 4-7, 2007 as “Patient Safety Week” and Recognizing the Walworth County Patient Safety Council for its Accomplishments (Recommended by the Health & Human Services Board 8-0)

On motion by Supervisor Wagie-Troemel, seconded by Supervisor Ketchpaw, **Resolution No. 51-02/07** – Proclaiming the Week of March 4-7, 2007 as “Patient Safety Week” and Recognizing the Walworth County Patient Safety Council for its Accomplishments was approved by voice vote.

Special Order of Business

- Presentation of Certificate of Recognition to the Walworth County Patient Safety Council for Its Accomplishments – Dr. Britton Kolar, M.D. and Patti Pagel, R.N. on behalf of the Patient Safety Council

Chair Lohrmann introduced Patti Pagel, Dr. Britton Kolar, and Supervisor Parker, Chair of the Health and Human Services Board. Chair Lohrmann thanked Ms. Pagel and Dr. Kolar for their efforts in regard to the Patient Safety Council and presented them with a Certificate of Recognition. Dr. Kolar thanked the Board for the Certificate of Recognition and acknowledged the participation of Supervisor Joyce Ketchpaw and Dr. Hank Mol for significantly contributing to the Patient Safety Council.

Appointments/Elections

1. Lakeshores Library System Board
 - Jay Karow – Term to end December 31, 2008
 - Royce DeBow – Term to end December 31, 2008(Recommended by the Executive Committee 5-0)
2. Health and Human Services Director
 - Linda Seemeyer, Director of Health and Human Services(Recommended by the Health and Human Services Board 7-0 and the Human Resources Committee 4-0)

On motion by Supervisor Morrison, seconded by Supervisor Lightfield, Jay Karow and Royce DeBow were re-appointed to the Lakeshores Library System Board, terms ending December 31, 2008.

On motion by Supervisor Wagie-Troemel, seconded by Supervisor Parker, Linda Seemeyer was appointed as Director of the Health and Human Services Board.

Communications and Matters to Be Referred

1. Claims Received After Agenda Mailing – Summons and Complaint for Plaintiff Betsy M. Ruffing. This claim was included on the Report of the County Clerk Concerning Communications Received by the Board After the Agenda Mailing and was referred to the Executive Committee.
2. Claims: a) Notice of Claim-Jeremy Denton v Walworth County; b) Summons and Complaint for Certiorari and Writ of Certiorari-Tower View Mobile Court, Inc. v. Walworth County Board of Adjustment; c) Notice of Intent to Sue-Margaret Stroot v Walworth County Health & Human Services; d) Theodore J. Hawver vs Walworth County Jail, were referred to the Executive Committee.
3. Walworth County Resolution Supporting Increased State Support to Counties for Circuit Court Operations was referred to the Executive Committee.
4. Vilas County Resolution 2007-30 – Wisconsin Department of Natural Resources Fishing Tournament Regulations and Fees was referred to the Executive Committee.
5. Communication from Supervisor Jerry Grant regarding a meeting of the WCA Judicial & Public Safety Committee was referred to the Executive Committee.
6. Communication from David Bretl, County Administrator, regarding regularly scheduled, monthly Committee of the Whole meetings was referred to the Executive Committee.
7. Communication from Thomas H. Buestrin, Chairman, SEWRPC and SEWRPC Planning Report No. 51, A Wireless Antenna Siting and Related Infrastructure Plan for Southeastern Wisconsin (The letter was referred to the County Zoning Agency. The Plan is on file in the County Clerk's office.)
8. Correspondence from Supervisor Robert Arnold requesting the DARE program be re-established with funds from the undesignated general fund and letters from Michelle Alberth,

- Maria Klesmith, Michelle Hildebran, Chadd and Kathryn Hartwig, and Annie Isham regarding reinstating the DARE program to be referred to the Finance Committee)
9. Letter of appreciation from the County Mutual Insurance Corporation concerning liability insurance coverage was referred to the Finance Committee.
 10. Communication from Ron Kuehn, Chair, Groundwater Advisory Committee, State of Wisconsin and the 2006 Report to the Legislature on Groundwater Management Areas (The letter and report was referred to the Land Conservation Committee. The complete report is on file in the County Clerk's office.)
 11. Adopted Resolutions to Participate in Preparation of a Cooperative Boundary Plan from the Town of Rochester, Village of Rochester, and Town of Spring Prairie was placed on file.
 12. Agricultural Impact Statement – Delavan-Darien Reliability Project, Phase 2, Walworth County, Published January 18, 2007 was placed on file. The complete statement is available for review in the Land Use & Resource Management Department and the County Clerk's Office.
 13. Correspondence from Nicki Andersen, Deputy County Administrator-Finance regarding a revised 2005 Levy Limit Calculation for the 2007 Adopted Tax Levy was placed on file.
 14. Communication from Dale Jensen and George Wood with documents showing opposition of the annexation into the Whitewater/Rice Lake Management District and letter from John and Marilynne Albrecht was placed on file. (The above documents are included as Attachment B and C, Res. No. 50-02/07, which will be considered at the February 13, 2007 County Board meeting.)
 15. Email communication from Evan Wynn, Whitewater, regarding support of Ann Lohrmann was placed on file.
 16. Correspondence from Supervisor Arnold requesting suspension of the County Board Procedural Rules pursuant to section 2-62 and reconsideration of Resolution 48-01/07 Approving an Agreement in Concept by and between Walworth County and Intersport Regarding a Lease and Sale of County Land was referred to the Public Works Committee. (It is possible that the Board may suspend its rules, pursuant to section 2-62 of the Code of Ordinances, to take action on this item)
 17. Report of the County Clerk Concerning Communications Received by the Board and Recommended to be Placed on File was mailed with the agenda packet.
 18. Report of County Clerk Concerning Communications Received by the Board After the Agenda Mailing – The following items were placed on the Supervisors' desks:
 - 2007 Summons and Complaint – Betsy M. Ruffing vs. American Service Insurance, Kimberly Savaglio, Allstate Property and Casualty Insurance Company, State of Wisconsin Department of Health and Family Services, Division of Health, and Walworth County was referred to the Executive Committee
 - Vilas County Resolution 2007-1-Wisconsin Counties Association Committee Membership and Voting; and Vilas County Resolution 2006-58-Wisconsin Counties Association Voting Procedures was referred to the Executive Committee
 - Communication from Shane Crawford, Deputy County Administrator, Director of Public Works and Intergovernmental Relations, regarding Potential Economic Impact of Intersport Proposal was placed on file
 - Communication from Shane Crawford, Deputy County Administrator, Director of Public Works and Intergovernmental Relations, regarding Intersport Proposal, class of soils and estimated value of property was placed on file
 - 2nd Edition of the *Wisconsin County Official's Handbook* was placed on file.
 - *Walworth County Senior Review*, February 2007 was placed on file.

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

- Patricia and Evelyn McIntyre, Town of Richmond, C-4 to R-1
- Henry Schmitt and Loretta Schmitt Trust, Town of Sugar Creek, A-1 to A-5
- Kathy K. Brown Zamora, Town of Whitewater, B-2 to R-1
- Ralph and Laurie Giorno, Town of Whitewater, M-3 to A-1
- Marvin V. Drays and Kevin C. Drays, Town of Whitewater, A-1 to A-2
- Amendment to Section 26, Article VI, Non-Metallic Mining Reclamation Ordinance, Walworth County Code of Ordinances
- Amendment to Walworth County Subdivision Ordinance, Section 58-1.1.1 & 58-3.3.1(3)
- Amendment to Walworth County Zoning and Shoreland Zoning Ordinance, Section 74-38/74-163, 74-39/74-164, 74-131/74-263

On motion by Supervisor Arnold, seconded by Supervisor Downing, item 8, Correspondence from Supervisor Robert Arnold requesting the DARE program be re-established with funds from the undesignated general fund and letters from Michelle Alberth, Maria Klesmith, Michelle Hildebran, Chadd and Kathryn Hartwig, and Annie Isham regarding reinstating the DARE program, was placed on file, as it was previously considered by the Board.

Supervisor Arnold offered a motion, seconded by Supervisor Guido, to suspend the rules of the County Board to allow the reconsideration of 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. Discussion ensued.

Administrator Bretl said that the resolution passed last month required that the contract come back to the Board for approval and he also wanted to explain that there is not a tax-exempt provision in the proposal.

Bretl responded to the legal concerns of the Supervisors. Bretl said that the County has retained outside counsel to draft a contract, as it is very complicated. He said that we as staff proceeded on the basis that this resolution was passed. We also informed the tenant farmer that there was a possibility of the Intersport Complex and the lease of this land so that he would know before he planted his crops.

Chair Lohrmann asked Vice-Chair Stacey to take the Chair. She addressed the issue of reconsideration. Lohrmann said that the Board has made a decision and we should not be back-pedaling. She said that Intersport did say that they wanted the community to embrace them but she does not think this is happening. She said it concerns her that there is not support at this time in Elkhorn.

Supervisor Arnold said his reasons for bringing this up were the five reasons he wrote in a memorandum, which was mailed with the County Board agenda packet. He said he introduced an amendment to the resolution in January to protect the County and it passed and he voted yes because of that. The final vote was 14 ayes and 11 noes. He is concerned about land-locking the other County buildings at the complex. Arnold said once we get the deed, Walworth County is out of the picture, and if the complex does not succeed, then Walworth County will be stuck with the property. He said he thinks we should take another look at this in consideration of the constituents.

Bretl explained that there is an ordinance that requires a 2/3 vote (17) to suspend the rules of the County Board.

After much discussion, on motion by Supervisor Hilbelink, seconded by Supervisor Grant, the question was called on suspension of the rules.

A motion was offered by Supervisor Guido, seconded by Supervisor Russell, to suspend the rules to not use the voting system for the next vote. A roll call vote was held. Total vote: 25; Ayes: 3 – Guido, Lein, Lightfield; Noes: 20 – Arnold, Burwell, Downing, Grant, Hilbelink, Ketchpaw, Kilkenny, Kuhnke, Kupsik, Morrison, Muzatko, Parker, Polyock, Russell, Schaefer, Stacey, Van Dreser, Wagie-Troemel, Weber, Lohrmann; Absent: 2 – Hawkins, Ingersoll. Motion failed.

A roll call vote was held on the motion to suspend the rules to reconsider Resolution No. 48-01/07. Lohrmann said that this also required a 2/3 vote or 17 for passage. Total vote: 25; Ayes: 13 – Arnold, Guido, Ketchpaw, Kilkenny, Kuhnke, Lein, Lightfield, Morrison, Muzatko, Russell, Schaefer, Van Dreser, Weber; Noes: 10 – Burwell, Downing, Grant, Hilbelink, Kupsik, Parker, Polyock, Stacey, Wagie-Troemel, Lohrmann; Absent: 2 – Hawkins, Ingersoll. Motion failed.

Unfinished Business

New Business

Land Conservation Committee

1. Resolution No. 50-02/07 – Adopting a Report of the Land Conservation Committee Recommending Denial of the Petition for Attachment to the Whitewater/Rice Lake Management District Boundaries (Recommended by the Land Conservation Committee 6-0)

On motion by Supervisor Muzatko, seconded by Supervisor Kuhnke, **Resolution No. 50-02/07** was approved by voice vote. Supervisor Kilkenny abstained because of a conflict.

Reports of Standing Committees

County Zoning Agency Report of Proposed Zoning Amendments

1. Richmond Cemetery Association, Town of Richmond, Rezone .4 acres of A-1 to P-2, approved 7-0 (1-18-07 pubic hearing)
2. AIK Softball Holdings, LLC (Nathaniel M. Turner, App.), Town of Richmond, Rezone 3 acres of A-1 to C-2, approved 6-1 (1-18-07 public hearing)

A motion was offered by Supervisor Schaefer, seconded by Supervisor Downing, to concur with the items of the Report of the County Zoning Agency. Supervisor Kilkenny stated that he would abstain from voting on item #1 because of a conflict. The zoning amendments were voted on separately.

Item #1, Richmond Cemetery Association, Town of Richmond, was approved by voice vote. Supervisor Kilkenny abstained from voting on item #1 because of a conflict of interest.

Item #2, AIK Softball Holdings, LLC (Nathaniel M. Turner, App.), Town of Richmond, was approved by voice vote.

Finance Committee

1. Ordinance No. 412-02/07 – Amending Sections 1-2, 30-35 and 30-36 of the Walworth County Code of Ordinances Relative to Budget and Creating Section 30-172 Relative to Capital Projects Fund (Recommended by the Finance Committee 6-0)

On motion by Supervisor Stacey, seconded by Supervisor Grant, **Ordinance No. 412-02/07** was approved by voice vote.

Human Resources

1. Ordinance No. 411-02/07 – Amending Section 15-17 of the Walworth County Code of Ordinances Relating to a Correction to the Number of Mechanic and Welder Positions (Recommended by the Human Resources Committee 4-0)

2. Ordinance No. 413-02/07 – Amending Section 15-17 of Chapter 15 of the Walworth County Code of Ordinances Relating to the Creation and Elimination of Certain Health & Human Services Management Positions (Recommended by the Health and Human Services Board 7-0 and the Human Resources Committee 4-0)

3. Resolution No. 52-02/07 – Approving an Employment Agreement By and Between Walworth County and Linda Seemeyer as Director of Health and Human Services (Recommended by the Health and Human Services Board 7-0 and Human Resources Committee 4-0)

On motion by Supervisor Parker, seconded by Supervisor Schaefer, **Ordinance No. 411-02/07**, **Ordinance No. 413-02/07**, and **Resolution No. 52-02/07** were approved by voice vote.

Reports of Special Committees

There were no Reports of Special Committees.

On motion by Supervisor Russell, seconded by Supervisor Burwell, item #10, Communications and Matters to be Referred, Communication from Ron Kuehn, Chair, Groundwater Advisory Committee, State of Wisconsin and the 2006 Report to the Legislature on Groundwater Management Areas, was referred to the Smart Growth Technical Advisory Committee as well as the Land Conservation Committee.

Chairperson's Report

There was none.

Adjournment

On motion by Supervisor Schaefer, seconded by Supervisor Muzatko, the meeting was adjourned at 7:52 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 February 13, 2007 meeting.

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