

THE MAY 9, 2006 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.

County Board Supervisor Sandra Wagie-Troemel, District # 5, delivered the invocation.

**Roll Call**

Roll call was read and all Supervisors were present except Supervisor Hawkins.

**Amendments and Withdrawals From Agenda, if any**

On motion by Supervisor Kuhnke, seconded by Supervisor Burwell, the agenda was amended as follows: County Zoning Agency, item #7, Lawrence and Patricia Redlin, should be “denied 6-0” not approved.

**Approval of the Agenda**

On motion by Supervisor Downing, seconded by Supervisor Muzatko, the agenda was approved as amended.

**Approval of the Minutes**

There were none.

**Comment Period by Members of the Public**

Ken Micheloni, N8457 Hwy 12, Elkhorn, asked that the building committee members tour Lakeland School. He said he does not like the location of the site of the new school out by the new Judicial Center as he feels the students may wander off.

Chris Perren, 629 N. Church Street, Elkhorn, requested to speak regarding a letter from the Attorney General addressing public comment period. Ms. Perren distributed the letter to the Supervisors. Ms. Perren began to speak about an additional topic that she was not permitted to address on the County Board floor. Chair Lohrmann repeatedly requested that she stop. Ms. Perren continued to speak and Chair Lohrmann requested that the Sheriff and Undersheriff remove Ms. Perren from the meeting.

Julie Rice, 1919 S. Shore Drive, Delavan, spoke regarding the fact-finding report regarding New Chance. She said she is still questioning where the numbers came from. She said she would like to put to rest unfounded allegations of poor record keeping. She said she put together a chart and showed it to the Supervisors. She said that the fact-finder’s numbers were not correct and verified that by a comparison between her actual 1099 and the numbers on the fact-finder’s report.

## **Special Order of Business**

### **- Discussion/Possible Action with Respect to 2007 Budget Guidance**

Chair Lohrmann turned the discussion regarding the 2007 budget over to County Administrator David Bretl. Bretl said that the Finance Committee typically considers this item in February, March, and April and gives the Board some guidance as to where they would like the tax levy to come in for the next year. The Finance Committee has recommended that this subject go to the full Board for additional guidance. Bretl said that a memorandum with various budget scenarios for 2007 was distributed earlier to the Supervisors. He said that the purpose of the special order tonight is to get opinions from the County Board as to where the Board would like to see the budget for 2007, and possibly take action. Bretl's memo listed four suggestions as to how to proceed: 1) Remain with our self-imposed cap; 2) Choose an arbitrary tax limit in 2007; 3) Continue all programs in 2007; and 4) Adopt a new budget methodology based on current (statutory) budget caps. Bretl explained each of the suggestions. Bretl said that the balance of the memo talks about the evaluation of the departments in the past budget years and his assessment of the probability of any significant reductions without any program changes. Discussion ensued. Supervisor Wagie-Troemel pointed out that in dollar amounts, a 10% increase for 2007 means that on a \$100,000 house the County taxes will go up by \$8.15; on a \$200,000 house the taxes will go up by \$16.29.

Supervisor Van Dreser offered a motion, seconded by Supervisor Parker, to recommend a 9% increase for the 2007 budget. Discussion ensued.

On motion by Supervisor Hilbelink, seconded by Supervisor Polyock, the question was called on the motion to approve a 9% increase. A roll call vote was held. Total vote: 25; Ayes: 10 – Burwell, Guido, Kuhnke, Lein, Lightfield, Morrison, Polyock, Stacey, Van Dreser, Lohrmann; Noes: 14 – Arnold, Downing, Grant, Hilbelink, Ingersoll, Ketchpaw, Kilkenny, Kupsik, Muzatko, Parker, Russell, Schaefer, Wagie-Troemel, Weber; Absent: 1 – Hawkins. Roll call vote failed to increase the 2007 budget by 9%.

Supervisor Kupsik offered a motion, seconded by Supervisor Wagie-Troemel, to recommend a 10% increase in the tax levy for the 2007 budget. Discussion ensued.

A roll call vote was held on a 10% increase. Total vote: 25; Ayes: 17 – Burwell, Downing, Grant, Hilbelink, Ingersoll, Ketchpaw, Kilkenny, Kupsik, Lein, Morrison, Muzatko, Parker, Russell, Schaefer, Van Dreser, Wagie-Troemel, Weber; Noes: 7 – Arnold, Guido, Kuhnke, Lightfield, Polyock, Stacey, Lohrmann; Absent: 1 – Hawkins. The roll call vote approved the recommendation for a 10% increase in the levy for 2007.

## **Appointments**

There were none.

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

1. Claims Received After the Agenda Mailing – There were none.
2. Claims – There were no other claims.
3. Communication from Loren Waite, Chairman, Town of Sugar Creek, regarding an ordinance to regulate construction on unimproved roads in the Town was referred to the County Zoning Agency.
4. Communication from Supervisors Stacey, Ketchpaw, Muzatko, and Burwell regarding the use of PDR programs (Purchase of Development Rights) and TDR programs (Transfer of Development Rights) for the purpose of protecting our county's A-1 agricultural land was referred to the County Zoning Agency.
5. Communication from Supervisor Daniel Kilkenny regarding Tax Incremental Financing (TIF) Districts in Walworth County and the effect of current and proposed TIF districts on county revenues was referred to the Finance Committee.
6. Anonymous letter with attachments from a Walworth County Taxpayer regarding the Board's decision to demolish the Lakeland Nursing Home was placed on file.
7. Report of the County Clerk Concerning Communications Received by the Board and Recommended to be Placed on File. There were none.
8. Report of the County Clerk Concerning Communications Received by the Board After the Agenda Mailing – Clerk Bushey read the list, which was placed on Supervisors' desks and follows:
  - Letter from Timothy L. Buchheit regarding his resignation from the Wisconsin River Rail Transit Commission was referred to the Executive Committee.
  - Memorandum from WCA Executive Director Mark O'Connell regarding county advisory resolutions for WCA conference consideration was referred to the Executive Committee.
  - Letter from County Board Supervisor Margaret Downing regarding fact-finding report and the New Chance School Program was referred to the Finance Committee and the Health & Human Services Board.
  - Letter from County Board Chairperson Ann Lohrmann and Vice-Chairperson Rick Stacey regarding an audit of New Chance's records was referred to the Finance Committee.
  - Ruckert/Mielke 2006 Community Development and Impact Fee Survey was referred to the Park Committee.
  - Letter from County Board Supervisor Nancy Russell regarding recent behavior was placed on file.
  - 2006 Wisconsin Counties Association Brochure was placed on file.

Also placed on desks was a communication from Chair Ann Lohrmann regarding Board downsizing and Lakeland School. The communication was referred to the Public Works Committee.

9. Report of County Clerk Concerning Zoning Petitions was referred to the County Zoning Agency, was included in the agenda packet, and is as follows:
  - Duane and Linda Newman, Town of Lafayette, .28 acres from A-4 to A-1 & .11 acres from A-1 to A-4
  - Steven A. Schultz, Town of Geneva, C-3 to A-4
  - Peter Mainka (Gene Kovacs, RSV Engineering, Inc., App.), Town of East Troy, A-1, A-2 & C-2 to M-3, A-1 & C-2

- Regina H. Jarosz/Christine E. Schmidt (Charles Kopp, App.), Town of Bloomfield, A-2 & C-1 to B-4, C-1 & A-2
- Rick Stacey, Town of Whitewater, A-3 to R-3
- Leonard Matthews (Atty. John Hotvedt, App.), Town of Lyons, A-2 to C-2
- Michael and Anita Schumacher, Town of Lafayette, R-1 to A-2
- Lynne Fosbinder (Warren Hansen, App.), Town of Geneva, R-1 to R-2
- Town of Delavan, Town of Delavan, R-2 to R-2A
- Daniel E. McLean (Peter S. Gordon, App.), Town of Bloomfield, A-2 to C-2
- Ordinance Amendment to Walworth County Code of Ordinances, Section 74-52, 74-55, 74-62, 74-64, 74-131 zoning and 74-179, 74-182, 74-189, 74-191, 74-263 Shoreland

Chair Lohrmann said that the anonymous letter, item # 6, Communications and Matters to be Referred, was sent to the Board so that it could be referred to a committee if the Board so desired. Bretl said that Supervisors have been receiving calls regarding the nursing home, and the anonymous letter seemed like a good opportunity to put the item back on the agenda. The Supervisors expressed concern about discussing a letter that is not signed.

Supervisor Grant offered a motion, seconded by Supervisor Downing, to suspend the rules to discuss item # 6. A roll call vote was held to suspend the rules. Ayes: 14 – Burwell, Downing, Grant, Guido, Ingersoll, Ketchpaw, Kilkenny, Kupsik, Lein, Muzatko, Parker, Schaefer, Wagie-Troemel, Weber; Noes: 9 – Arnold, Hilbelink, Kuhnke, Lightfield, Morrison, Russell, Stacey, Van Dreser, Lohrmann; Abstention: 1 – Polyock; Absent: 1 – Hawkins. It was noted that there was one abstention and that the County Board rules do not permit this unless announced before the vote. However, there was not a sufficient quantity of yes votes to achieve the required number of votes to suspend the rules. A 2/3 vote is required to suspend the rules. Motion failed.

Supervisor Polyock offered a motion, seconded by Supervisor Schaefer, to refer item # 6 to the Public Works Committee. Discussion ensued. Motion failed to refer item # 6 to the Public Works Committee.

### **Unfinished Business**

There was none.

### **New Business**

### **Reports of Standing Committees**

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

1. Potter's Self Storage, LLC, Leo C. Potter, Representative (Warren E. Hansen, App.), Town of Bloomfield, Rezone .98 acres of A-2 to R-1 & 5.45 acres of A-2 to B-4 – approved 6 – 0 (4-25-06 public hearing)
2. Vance Mather (Chapman Holdings, LLC, App.), Town of Delavan, Rezone 11 acres of A-1 to A-4 – approved (4-25-06 public hearing)
3. Jerald W. Smith and Eleanor B. Smith Revocable Trust dated 7-03-2001 (David R. and JoAnne Anderson, App.), Town of Delavan – approved 6 – 0
4. Susie F. Zeiser, Town of Delavan, Rezone 1.6 acres of C-2 to R-2 – approved 6 – 0 (4-25-06 public hearing)

5. D & H Investments, Inc., Town of Richmond, Rezone 5.3 acres of A-1 to A-5 – approved 6 – 0 (4-25-06 public hearing)
6. Floyd Slater, Town of Sugar Creek, Rezone 24.98 acres of A-1 to C-2 & C-1 – approved 6 – 0 (4-25-06 public hearing). The agenda was amended earlier to show that this rezone was denied 6-0 by the County Zoning Agency.
7. Lawrence and Patricia Redlin, Town of Troy, Rezone 2.20 acres of A-1 to A-5 – approved 6 – 0 (4-25-06 public hearing). The agenda was amended earlier to record that this item was not approved at committee but rather denied 6-0.
8. Kocourek Property Holdings, LLC (Kathleen Kocourek, App.), Town of Walworth, Rezone .3 acres of B-1 to A-1 – approved 6 – 0 (4-25-06 public hearing)
9. Harold Leasure (Jim Kreuter, East Troy Enterprise, LLC, App.), Town of East Troy, Rezone 84.57 acres of A-1, M-3 & A-5 to R-1 & C-1 – modified 6 – 0 to reflect a rezone from A-1, M-3 & A-5 to R-1 & C-4 (3-16-06 public hearing and referred back to Zoning Agency from the 4-20-06 County Board meeting)

A motion was offered by Supervisor Kupsik, seconded by Supervisor Kuhnke, to concur with the Report of the County Zoning Agency.

On motion by Supervisor Russell, seconded by Supervisor Stacey, an amendment was made to change the vote totals on all items as follows: except for item # 9, items # 1 through 6 should be approved 7-0 and item # 7 should be denied 7-0 as there were 7 people present at the meeting. Items # 1, 3, 4, 5, 7, 8 and 9 of the County Zoning Agency Report as amended were approved by voice vote.

Supervisor Van Dreser asked to see the rezones for items # 2 and # 6.

Michael Cotter, Director, Land Use & Resource Management, displayed the rezone for item # 2, Vance Mather, Town of Delavan, on the screen. Item # 2 was approved by voice vote. Cotter then displayed the rezone for item # 6, Floyd Slater, Town of Sugar Creek, for the Supervisors. Item # 6 was approved after discussion by voice vote.

### **Human Resources Committee**

1. Ordinance No. 361-05/06 – Amending Section 15-17 of the Walworth County Code of Ordinances Pertaining to Authorized Positions by Department, Regarding Health & Human Services (Recommended by the Human Resources Committee 4 - 0)
2. Ordinance No. 362-05/06 – Amending Section 15-17 of the Walworth County Code of Ordinances Pertaining to Authorized Positions by Department, Regarding Lakeland Health Care Center (Recommended by the Human Resources Committee 4-0)
3. Resolution No. 10-05/06 – Establishing 2007 Wage Increase for Certain Management Positions (Recommended by the Human Resources Committee 5 - 0)
4. Resolution No. 11-05/06 – Establishing an Additional Topic for County Board Committee of the Whole Meeting for June 13, 2006 (Recommended by the Human Resources Committee 4 – 0)

Supervisor Guido requested that item # 1 be voted on separately. Supervisor Downing offered a motion, seconded by Supervisor Schaefer, to approve items # 2 through # 4. Discussion ensued. Supervisor Guido requested that item #3 be voted on separately. Item # 2, **Ordinance No. 362-05/06**, and item # 4, **Resolution No. 11-05/06**, were approved by voice vote.

Discussion ensued on item # 3. Chair Lohrmann asked Vice-Chair Stacey to take the chair. Supervisor Lohrmann addressed the Board and said that she supports Resolution No. 10-05/06. She said that she believes we have the best department heads we have ever had. She said she wants management to continue working for Walworth County and in order to do that we have to pay them a fair salary. Chair Lohrmann returned to the chair. Discussion ensued.

On motion by Supervisor Hilbelink, seconded by Supervisor Kupsik, the question was called. Supervisor Guido voted No. **Resolution No. 10-05/06** was approved by voice vote.

Discussion ensued on item #1, Ordinance No. 361-05/06. Supervisor Guido said he placed an article from the February 2006 Newsweek on the Supervisors' desks. He said that the article states that a psychiatrist is the most important person in the department on the recovery of a patient. He said he is concerned that the elimination of that position would jeopardize the State certification of our medical clinic.

On motion by Supervisor Downing, seconded by Supervisor Hilbelink, the question was called. Supervisor Guido voted No.

**Ordinance No. 361-05/06** was approved by voice vote. Supervisor Guido requested that his vote be recorded as No.

### **Reports of Special Committees**

There were none.

### **Chairperson's Report**

There was none.

### **Adjournment**

On motion by Supervisor Downing, seconded by Supervisor Schaefer, the meeting was adjourned at 7:45 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 May 9, 2006 meeting.

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