

THE OCTOBER 10, 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.

Reverend Ann Grady, St. John's in the Wilderness Episcopal Church, Elkhorn, delivered the invocation.

**Roll Call**

Roll call was conducted and all Supervisors were present except Supervisors Arnold, Ketchpaw, Kuhnke, Kupsik, and Lightfield.

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

There were none.

**Approval of the Agenda**

On motion by Supervisor Muzatko, seconded by Supervisor Weber, the agenda was approved.

**Approval of the Minutes**

On motion by Supervisor Stacey, seconded by Supervisor Grant, the minutes of the September 7, 2006 Walworth County Board of Supervisors meeting were approved by voice vote.

**Comment Period by Members of the Public**

Jim Stemper, 1931 Fremont Street, East Troy, said he was there to talk about the budget. Mr. Stemper said he moved to East Troy to get away from the city, politics, and get into the country life and common sense. He believes 25 County Board Supervisors is too many for a county the size of Walworth County. Mr. Stemper said he also believes the proposed tax rate increase of 9.7% is too high. He said the Board was elected by the people to express their will and to protect the County. Mr. Stemper asked that the Supervisors recall tonight's invocation to serve the least, the last, and the most needy. He asked that, during the budget negotiations, the Supervisors keep in mind that they are working for the taxpayers.

**Appointments**

1. County Zoning Agency
  - Ben Bourdo
  - William Jacques – Term to begin upon appointment and end on June 30, 2008(The Executive Committee recommended the appointment of William Jacques 5-0.)

On motion by Supervisor Downing, seconded by Supervisor Ingersoll, the Executive Committee's recommendation of William Jacques for citizen appointment to the County Zoning Agency was referred to the County Zoning Agency. Supervisors Grant, Guido, and Parker requested that their votes be recorded as No.

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

1. Claims Received After the Agenda Mailing – There were none.
2. Claims: Del-Prairie Stock Farm – Crop Damage to Corn Field on July 21, 2006 at Mound Road and HWY I-43 was referred to the Executive Committee.
3. Communication from Fred Burkhardt, Executive Vice President, Walworth County Economic Development Alliance, regarding the 2016 Summer Olympics was referred to the Executive Committee.
4. Communication from the Whitewater Town Board regarding the proposed 10% tax increase was referred to the Finance Committee.
5. Correspondence from Jim Thometz regarding proposed tax levy increase was referred to the Finance Committee.
6. Communication from Pepin County-Resolution No. 21-06 regarding changing the Clean Sweep Grant funding to a per capita formula and streamlining the Clean Sweep Grant application process was referred to the Public Works Committee.
7. Thank you from Supervisor Stan Muzatko was placed on file.
8. Report of the County Clerk Concerning Communications Received by the Board and Recommended to be placed on file. This was sent in the agenda packet and was placed on file.
9. 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:
  - Correspondence from Daniel G. McCann, Town of Troy, regarding an appeal to the Walworth County Board to overturn the County Zoning Agency's recommendation to deny the ordinance to change Section 74-103(3) and 74-232(3) was referred to the County Zoning Agency
  - 2007 Tree Program and Order Form was placed on file
  - Wisconsin County Mutual Insurance Corporation Summer 2006 *The Mutual Effort* was placed on file
  - *Walworth County Senior Review*, October 2006 was placed on file
10. Report of County Clerk Concerning Zoning Petitions was referred to the County Zoning Agency, was included in the agenda packet and an amended Report was placed on Supervisors' desks prior to the meeting, and is as follows:
  - a. Rita M. Yadon Trust (Rita M. Yadon, App.), Town of Delavan, A-1 & C-4 to C-2
  - b. Tower View Mobile Court, Inc. (Atty. Anthony A. Coletti, App.), Towns of Geneva & Lyons, C-2 & M-3 to B-5
  - c. Michael and Anita Schumacher, Town of Lafayette, R-1 to A-2
  - d. Meadow View Estates, LLC (James Howe, App.), Town of Linn, C-4 to R-5
  - e. Gary V. Soukup, Town of Spring Prairie, A-1 & R-1 to B-1
  - f. Walter Kraayvanger (Walworth County Board Supervisor Ann Lohrmann, App.), Town of Troy, B-2 to C-2
  - g. Walworth County Land Use and Resource Management Department & Wisconsin DNR, Towns of Geneva-Docket #70 & Linn-Docket #71, Navigation Corrections

## **Unfinished Business**

There was none.

## **New Business**

### **Reports of Standing Committees**

Supervisor Burwell was excused from the meeting at 6:30 p.m.

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

1. **Ordinance No. 391-10/06** – Amending Sections 74-39 and 74-164 of the Walworth County Code of Ordinances Relating to Site Regulations (Recommended by the County Zoning Agency 6-0) Ordinance Amendment to Walworth County Code of Ordinances, Sections 74-39 Zoning and 74-164 Shoreland – approved 6 – 0 (8-17-06 public hearing)
2. **Ordinance No. 392-10/06** – Amending Sections 74-103(3) and 74-232(3) of the Walworth County Code of Ordinances Relating to Residential Fences (Denied by the County Zoning Agency 3-2) Ordinance Amendment to Walworth County Code of Ordinances, Sections 74-103(3) Zoning and 74-232(3) Shoreland – denied 3 – 2 (8-17-06 public hearing)
3. Joseph D. Moos, Town of Bloomfield, Rezone R-2 to R-3 – approved 5 – 0 (7-20-06 public hearing)
4. Willow Springs Orchard LLC – Thomas G. Dunlap, Town of Darien, Rezone 1.35 acres of C-2 to A-4 – approved 6 – 0 (9-21-06 public hearing)
5. Peter DiBrito, Town of Bloomfield, Rezone .6 acres of C-1 to B-4 – approved 6 – 0 (9-21-06 public hearing)
6. Otto Jacobs Company, LLC, Town of Bloomfield, Rezone 4.4 acres from C-1 to C-2, .59 acres from A-1 to C-1, 1.6 acres from C-1 to B-2, 4.89 acres from A-1 to B-2, 2.69 acres from A-2 to B-2 for a total of 22.27 acres – approved 6 – 0 (9-21-06 public hearing)
7. Otto Jacobs Company, LLC, Town of Bloomfield, Rezone 15.96 acres of A-2 to B-4 and 15.13 acres of A-2, M-3, C-1, & P-2 to M-1 – approved 6 – 0 (9-21-06 public hearing)
8. Centerville Development Company (Atty. John L. Maier, Jr., App.), Town of Delavan, Rezone 151 and 6.17 acres of A-1 to R-2 & B-2 – approved 6 – 0 (9-21-06 public hearing)
9. Dorothy Heffernan Trust, Town of Geneva, Rezone 5.31 acres of A-2 to A-1 – approved 6 – 0 (9-21-06 public hearing)
10. Bonnie Stone (Walworth County Land Use and Resource Management Department, App.), Town of Lyons, Rezone .05 acres of C-4 to C-2 – approved 6 - 0 (9-21-06 public hearing)

Supervisor Russell offered a motion, seconded by Supervisor Downing, to approve the Report of the County Zoning Agency. Supervisor Hilbelink requested that item 2 be pulled out for discussion and Supervisor Van Dreser requested that item 8 be discussed separately. Items 1, 3, 4, 5, 6, 7, 9 and 10 were approved by voice vote.

Discussion ensued on item 2. Supervisor Hilbelink asked that the Board deny the recommendation of the County Zoning Agency and approve an amendment to add the 6-foot fence in Ordinance No. 392-10/06. Supervisor Van Dreser asked for a roll call vote on item 2 and item 8. Clerk Bushey said that a No vote would be a vote against the recommendation of the County Zoning Agency. County Administrator Bretl explained that a yes vote would be to concur with the Report of the County Zoning Agency, which was to deny the ordinance. A roll call vote was held. Total vote: 25: Ayes: 8 – Downing, Ingersoll, Lein, Morrison, Russell,

Schaefer, Weber, Lohrmann; Noes: 11 – Grant, Guido, Hawkins, Hilbelink, Kilkenny, Muzatko, Parker, Polyock, Stacey, Van Dreser, Wagie-Troemel; Absent: 6 – Arnold, Burwell, Ketchpaw, Kuhnke, Kupsik, Lightfield. The roll call vote failed. A motion was offered by Supervisor Polyock, seconded by Supervisor Stacey, to refer Ordinance No. 392-10/06 back to the County Zoning Agency. Discussion ensued. Supervisors Polyock and Stacey withdrew the motion. On motion by Supervisor Polyock, seconded by Supervisor Grant, Ordinance No. 392-10/06 was reconsidered. Supervisor Grant offered a motion, seconded by Supervisor Muzatko, to approve the ordinance, which states, “Residential Fences...shall not exceed a height of six feet in the street yard.” A roll call vote was held. Total vote: 25: Ayes: 13 – Grant, Guido, Hawkins, Hilbelink, Kilkenny, Lein, Muzatko, Parker, Polyock, Schaefer, Stacey, Van Dreser, Wagie-Troemel; Noes: 6 – Downing, Ingersoll, Morrison, Russell, Weber, Lohrmann; Absent: 6 – Arnold, Burwell, Ketchpaw, Kuhnke, Kupsik, Lightfield. **Ordinance No. 392-10/06** – Amending Sections 74-103(3) ad 74-232(3) of the Walworth County Code of Ordinances Relating to Residential Fences, was approved.

Discussion ensued on item 8, Centerville Development Company (Atty. John L. Maier, Jr., App.), Town of Delavan, Rezone 151 and 6.17 acres of A-1 to R-2 & B-2 – approved 6 – 0 (9-21-06 public hearing). Michael Cotter, Director of Land Use & Resource Management, explained the rezone. He said the acreage was intended to attach to a subdivision and was planned in the 2020 Plan as a planned urban service area. Cotter said that the acreage is 90 percent class one prime farmland and 10 percent class two. A roll call vote was held. Total vote 25: Ayes: 4 – Hawkins, Schaefer, Stacey, Weber; Noes: 15 – Downing, Grant, Guido, Hilbelink, Ingersoll, Kilkenny, Lein, Morrison, Muzatko, Parker, Polyock, Russell, Van Dreser, Wagie-Troemel, Lohrmann; Absent: 6 – Arnold, Burwell, Ketchpaw, Kuhnke, Kupsik, Lightfield. Roll call vote failed.

On motion by Supervisor Van Dreser, seconded by Supervisor Morrison, item 8, Centerville Development Company (Atty. John L. Maier, Jr., App.), Town of Delavan, was referred back to the County Zoning Agency. Supervisor Guido requested that his vote be recorded as No.

### **Executive Committee**

1. Resolution No. 33-10/06 – Approving an Agreement by and Between Walworth County and the Lakeland Animal Welfare Society, Inc. (Recommended by the Executive Committee 5-0)

On motion by Supervisor Russell, seconded by Supervisor Grant, **Resolution No. 33-10/06** was approved by voice vote.

Chair Lohrmann moved the Closed Session item on the agenda to the end of the meeting.

### **Human Resources**

1. Ordinance No. 390-10/06 – Amending Chapter 15 of the Walworth County Code of Ordinances Relating to Termination of Employment (Recommended by Human Resources 5-0)

2. Resolution No. 35-10/06 – Approving a Collective Bargaining Agreement By and Between Walworth County and the Lakeland Education Association for the Period of July 1, 2005 through June 30, 2007 (The Human Resources and Finance Committees will consider at a special joint meeting with the Children with Disabilities Education Board prior to the October 10, 2006 County Board meeting.)

3. Resolution No. 36-10/06 – Approving a Memorandum of Understanding (MOU) By and between Walworth County and the Association of Human Services Professionals Regarding Community Support Program (CSP) Policies (The Human Resources Committee will consider at a special meeting prior to the October 10, 2006 County Board meeting.)
4. Resolution No. 37-10/06 - Approving a Memorandum of Understanding By and between Walworth County and the Association of Human Services Professionals Regarding Psychiatric Nurse (RN) Salaries (The Human Resources Committee will consider at a special meeting prior to the October 10, 2006 County Board Meeting)

Supervisor Weber offered a motion, seconded by Supervisor Downing, to approved items 1 through 4 of the Human Resources Committee. Discussion ensued. Supervisor Guido requested that items 2, 3, and 4 be voted on separately. Item 1, **Ordinance No. 390-10/06** – Amending Chapter 15 of the Walworth County Code of Ordinances Relating to Termination of Employment was approved by voice vote.

Item 2, Resolution No. 35-10/06 – Approving a Collective Bargaining Agreement By and Between Walworth County and the Lakeland Education Association for the Period of July 1, 2005 through June 30, 2007, required a 2/3 vote because it required a transfer from the Contingency Fund. A roll call vote was held. Total vote 25: Ayes: 18 – Downing, Grant, Guido, Hawkins, Hilbelink, Ingersoll, Kilkenny, Lein, Morrison, Muzatko, Parker, Russell, Schaefer, Stacey, Van Dreser, Wagie-Troemel, Weber, Lohrmann; Noes: 1 – Polyock; Absent: 6 – Arnold, Burwell, Ketchpaw, Kuhnke, Kupsik, Lightfield. Item 2, **Resolution No. 35-10/06**, was approved.

Item 3, **Resolution No. 36-10/06** – Approving a Memorandum of Understanding (MOU) By and between Walworth County and the Association of Human Services Professionals Regarding Community Support Program (CSP) Policies, was approved by voice vote. Supervisor Guido requested that his vote be recorded as No.

Item 4, **Resolution No. 37-10/06** - Approving a Memorandum of Understanding By and between Walworth County and the Association of Human Services Professionals Regarding Psychiatric Nurse (RN) Salaries, was approved by voice vote. Supervisor Guido requested that his vote be recorded as No.

### **Public Works**

1. Resolution No. 32-10/06 – Accepting the Jurisdictional Transfer of a Segment of County Highway BB from Walworth County to Town of Linn (Recommended by the Public Works Committee 5-0)

Supervisor Polyock offered a motion, seconded by Supervisor Van Dreser, to approve Resolution No. 32-10/06. Supervisor Polyock noted that due to a scrivener’s error, “B” should be added to page 1, line 24, of the resolution, page 57 of the packet. Line 24 should read as follows: “...for that segment of County Highway BB from Academy Road and County B east to South Shore Drive (old 120).” **Resolution No. 32-10/06** was approved by voice vote.

### **Closed Session**

It is anticipated the Board will convene in closed session pursuant to § 19.85 (1) (g) Wis. Stats., for the purpose of conferring with legal counsel for the governmental body who is rendering oral

or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.

- Motion and roll call to convene in closed session to discuss Resolution No. 34-10/06 – Approving a Settlement Agreement By and Between Walworth County and R.W. Miller (Recommended by the Executive Committee 5-0)
- Reconvene in open session and take possible action on Resolution No. 34-10/06

Supervisor Morrison offered a motion, seconded by Supervisor Schaefer, to convene in closed session. A roll call vote was held. Total vote 25: Ayes: 19 – Downing, Grant, Guido, Hawkins, Hilbelink, Ingersoll, Kilkenny, Lein, Morrison, Muzatko, Parker, Polyock, Russell, Schaefer, Stacey, Van Dreser, Wagie-Troemel, Weber, Lohrmann; Noes: 0; Absent: 6 – Arnold, Burwell, Ketchpaw, Kuhnke, Kupsik, Lightfield.

On motion by Supervisor Van Dreser, seconded by Supervisor Ingersoll, the Board reconvened in open session.

A motion offered by Supervisor Muzatko, seconded by Supervisor Hilbelink, to approve **Resolution 34-10/06** – Approving a Settlement Agreement by and between Walworth County and R W. Miller, as discussed in closed session, was approved by voice vote.

### **Reports of Special Committees**

There were none.

### **Chairperson's Report**

There was none.

### **Adjournment**

On motion by Supervisor Van Dreser, seconded by Supervisor Wagie-Troemel, the meeting was adjourned at 8:20 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 October 10, 2006 meeting.

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