

THE JUNE 12, 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.

Reverend Lyle Heinitz, Millard Community Church, delivered the invocation.

All Supervisors were present except Supervisor Hawkins. A quorum was established.

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

On motion by Supervisor Lightfield, seconded by Supervisor Weber, the agenda was approved by voice vote.

**Approval of the Minutes**

Supervisor Morrison offered a motion, seconded by Supervisor Schaefer, to approve the minutes of the May 8, 2007 Walworth County Board Meeting.

Supervisor Burwell offered a motion, seconded by Supervisor Hilbelink, to amend the Minutes of the May 8, 2007 County Board Meeting, page one, paragraph three to show that Supervisor Kuhnke was not in attendance; and, page one, Approval of the Minutes, April 17, 2007 Committee of the Whole should be April 17, 2007 Walworth County Board Meeting. Motion approved by voice vote.

The minutes of the May 8, 2007 County Board Meeting were approved as amended by voice vote.

**Comment Period by Members of the Public Concerning Items on the Agenda**

There was no Public Comment at this time.

**Appointments**

1. WalCoMet Commission
  - Brandon Johnson – Term to begin upon appointment and end February 28, 2012 (Recommended by the Executive Committee 5-0)
2. Wisconsin River Rail Transit Commission
  - County Board Supervisor Jerry Grant – Term to begin upon reappointment and end April 30, 2010 (Recommended by the Executive Committee 4-0)
3. Commission on Aging
  - Marie Garwood – Term: July 1, 2007 – June 30, 2010 (Recommended by the Executive Committee 5-0)
4. Treasurer
  - (The Executive Committee will be meeting prior to the County Board meeting to finalize its nomination)

On motion by Supervisor Schaefer, seconded by Supervisor Kuhnke, Brandon Johnson was appointed to the WalCoMet Commission, term to begin upon appointment and end February 28, 2012; Supervisor Jerry Grant was reappointed to the Wisconsin River Rail Transit Commission, term to begin upon appointment and end April 30, 2010; and Marie Garwood was appointed to the Commission on Aging, term to begin July 1, 2007 and end June 30, 2010, as recommended by the Executive Committee.

Supervisor Weber said that the Executive Committee met prior to the County Board Meeting and recommended Mr. James Goetz to fill the vacancy of the Treasurer. Supervisor Weber introduced Mr. Goetz.

On motion by Supervisor Weber, seconded by Supervisor Grant, James Goetz was appointed as Treasurer for Walworth County by voice vote.

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

1. Claims Received After Agenda Mailing
2. Claims: a) Summons-Del-Prairie Stock Farm, Inc. vs Walworth County; b) Notice of Service and Summons-Terrance McGowan, et al. v. Walworth County Employee Health Benefit Plan were referred to the Executive Committee.
3. Communication from Richard L. Sallmann protesting the ordinance, which requires that a private firm pump private septic systems was referred to the County Zoning Agency.
4. Communication from Thomas M. Sullivan Sr. requesting review of Sections 74-37 and 74-38 of the Walworth County Code of Ordinances and requesting a time extension for compliance was referred to the County Zoning Agency.
5. Eau Claire County Resolution Opposing AB 207/SB 107, Video Franchise Legislation Without Amendment to Preserve Community Television was referred to the Executive Committee.
6. Communication from Bryan D. Albrecht, President, Gateway, regarding important events that are taking place at Gateway Technical College was referred to the Executive Committee.
7. Marathon County Resolution in support of SB-122 – to close unanticipated property tax loopholes for major corporations in Wisconsin was referred to the Executive Committee.
8. Communication from Supervisor Joyce Ketchpaw regarding a program for eliminating repeat OWI offenses was referred to the Executive Committee and the Health & Human Services Board.
9. Communication from the Government Finance Officers Association regarding the GFOA Distinguished Budget Presentation Award for Fiscal Year 2007 was referred to the Finance Committee.
10. Communication from U.S. Senator Russ Feingold regarding reauthorization of farms and rural programs was placed on file.
11. Report of the County Clerk Concerning Communications Received by the Board and Recommended to be Placed on File – Mailed with packet
12. Report of the County Clerk Concerning Communications Received by the Board After the Agenda Mailing – placed on Supervisors' desks
  - Communication from Frank R. Lettenberger regarding Sign Ordinance was referred to the County Zoning Agency

- Communication from Attorney Terrance L. Kallenbach with a Protest and Objection to Town of LaGrange Petition to Rezone Camp Singing Hills was placed on file (The rezone referenced in the Protest is an item under the County Zoning Agency Report of Proposed Zoning Amendments which will be considered by the Board at tonight's meeting)
  - Walworth County Sheriff's Department Annual Report 2006 was placed on file
  - Wisconsin County Mutual Insurance Corporation's Spring 2007 *The Mutual Effort* was placed on file
  - *Walworth County Senior Review*, June 2007 was placed on file
13. Report of County Clerk Concerning Zoning Petitions was referred to the County Zoning Agency. The list was mailed with the agenda packet and follows.
- Daniel and Carolyn Gifford, Town of Bloomfield, A-1 to B-4
  - Equestrian Trails Farm, LLC (Elkhorn Veterinary Clinic, Ltd., Godfrey Law Office, App.), Town of Lafayette, A-1 to A-2
  - S. Terry Woods, Ltd., Inc., Town of Linn, A-5 to A-4
  - Gregory W. Zito (Atty. Monika K. Schmieden, Barrett Law Office, App.), Town of Sugar Creek, 1.81 Acres A-1 to A-4 and 5 Acres A-1 to C-2
  - Dennis Klumb, Town of Troy, A-1 to A-4
  - Robert and Mary Ann Zelenski, Town of East Troy, C-2 to A-5
  - Jay Savignac, Town of Whitewater, C-3 to A-5

## **Unfinished Business**

## **New Business**

## **Reports of Standing Committees**

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

1. Jon Kasnick, Town of Delavan, Rezone .5 acres of B-1 to B-2 – approved 7 – 0 (5-17-07 public hearing)
2. Henry Kawalec, Town of Bloomfield, Rezone 11 acres of A-2 & C-1 to C-1 & A-2 – approved 7 – 0 (5-17-07 public hearing)
3. Honey Creek Estates, LLC, East Troy Sod Farms, Inc., Ken and Diane Kannard (Honey Creek Estates, LLC, App.), Town of East Troy, Rezone 296.43 acres of A-1 to A-2 – approved 4 – 2 (Supervisor Stacey abstained) (5-17-07 public hearing)
4. Donald Barker (Adam Friemoth, App.), Town of Lafayette, Rezone 20.15 acres from A-1 to A-2 – approved 7 – 0 (5-17-07 public hearing)
5. Joe Leedle (Joseph Walter Leedle, App.), Town of Linn, Rezone 5.95 acres of A-1 to C-2 – approved 7 – 0 (5-17-07 public hearing)
6. James O. Jacobson Trust, Town of Richmond, Rezone 9.95 acres of C-2 to A-5 & A-1 – approved (5-17-07 public hearing)
7. Town of LaGrange Mass Rezones as follows:
  - a. Girl Scouts of Racine County, Sections 23 & 26, Town of LaGrange, Rezone C-2 to A-1 – denied 4 – 2 (4-19-07 public hearing)
  - b. Russell D. Keske, Section 13, Town of LaGrange, Rezone C-2 to A-1 – denied 5 – 1 (4-19-07 public hearing)
  - c. Borchardt Loving Trust, Section 21, Town of LaGrange, Rezone C-2 to A-1 – denied 5 – 1 (4-19-07 public hearing)

- d. William J. Lawton Trust ½, Fred and Cynthia Lawton Trust, Gary Lawton and Kathryn Sellin, Section 21, Town of LaGrange, Rezone C-2 to A-1 – denied 4 – 2 (4-19-07 public hearing)
- e. Esther E. Thayer, Section 21, Town of LaGrange, Rezone C-2 to A-1 – denied 4 – 2 (4-19-07 public hearing)
- f. Esther E. Thayer, Section 22, Town of LaGrange, Rezone C-2 to A-1 – denied 4 – 2 (4-19-07 public hearing)

Supervisor Stacey asked that he be excused from the vote on item 3, Honey Creek Estates.

On motion by Supervisor Kuhnke, seconded by Supervisor Ketchpaw, items 1, 2, 4, 5, and 6 of the County Zoning Agency Report of Proposed Zoning Amendments were approved by voice vote.

On motion by Supervisor Russell, seconded by Supervisor Downing, item 3, Honey Creek Estates, LLC, East Troy Sod Farms, Inc., Ken and Diane Kannard (Honey Creek Estates, LLC, App.), was approved by voice vote. Supervisor Stacey abstained.

Supervisor Hilbelink offered a motion, seconded by Supervisor Kupsik, to approve item 7. Chair Lohrmann asked Michael Cotter to address the Board regarding item 7, Town of LaGrange Mass Rezones. Michael Cotter said that the County and the Town both have to agree on any rezones. If the Board goes against the Committee, the rezone is normally sent back to the Committee.

The County Board approved the recommendation of the County Zoning Agency, which was to deny item 7, Town of LaGrange Mass Rezones, by voice vote.

### **County Zoning Agency**

1. Resolution No. 24-06/07 – Funding the County Zoning Agency’s Petition to Rezone Two Properties in the Town of Darien from M – 3 to A – 1 (Recommended by the County Zoning Agency 4-0)

A motion was offered by Supervisor Kupsik, seconded by Supervisor Russell, to approve Resolution No. 24-06/07. A roll call vote was held. Total vote: 25; Ayes: 23 – Arnold, Burwell, Downing, Grant, Guido, Hilbelink, Ingersoll, Ketchpaw, Kuhnke, Kupsik, Lein, Lightfield, Morrison, Muzatko, Parker, Polyock, Russell, Schaefer, Stacey, Van Dreser, Wagie-Troemel, Weber, Lohrmann; Noes: 0; Absent: 1 – Hawkins. Supervisor Kilkenny abstained. **Resolution No. 24-06/07** was approved.

### **Executive Committee**

1. Resolution No. 26-06/07 – Recommending Inclusion of Advisory Resolutions on the Wisconsin Counties Association Platform (Recommended by the Executive Committee 5-0)

On motion by Supervisor Parker, seconded by Supervisor Downing, **Resolution No. 26-06/07** was approved by voice vote. Supervisors Lohrmann and Stacey requested that their votes be recorded as No.

## Finance Committee

1. Resolution No. 21-06/07 – Affirming that Walworth County Buildings and Property Be Insured in the Local Government Property Insurance Fund (Recommended by the Finance Committee 7-0)
2. Resolution No. 27-06/07 – Authorizing the County of Walworth to Become a Member of the Wisconsin Municipal Mutual Insurance Company and Authorizing County Officials to Notify the Wisconsin County Mutual Insurance Corporation of Its Intent to Terminate Insurance Coverage at the End of Fiscal Year 2007 (Recommended by the Finance Committee 7-0)

On motion by Supervisor Stacey, seconded by Supervisor Arnold, item 1, **Resolution No. 21-06/07** was approved by voice vote.

Supervisor Stacey offered a motion, seconded by Supervisor Russell, to approve item 2, Resolution 27-06/07. Discussion ensued.

Supervisor Morrison voiced his concern and asked for a 30-day layover to allow the Wisconsin County Mutual Insurance Company to defend their position. Supervisor Muzatko seconded Supervisor Morrison's recommendation. Supervisor Muzatko asked that Brian Knee, representing Wisconsin County Mutual Insurance Corporation (WCMIC), be allowed to address the Board.

Brian Knee urged the Board to deny the resolution or at least postpone its approval for 30 days. Mr. Knee said he would like to have the opportunity to explain the differences in the policies of WCMIC and WMMIC and explain the benefits of their policy.

Supervisor Russell said that the issue of insurance was discussed at length the last time the policy came up for renewal. She said that the policy was renewed with the understanding that we receive better service.

Supervisor Russell asked Jessica Lanser, Walworth County Comptroller, to give the Board further information. Ms. Lanser asked Kevin Murphy, Executive Director of the Wisconsin Municipal Mutual Insurance Company (WMMIC) to address the Board. Mr. Murphy said WMMIC is celebrating their 20<sup>th</sup> anniversary this year. He outlined some of the differences in the two companies. Jessica Lanser then addressed the Board regarding the policy limits.

County Administrator Bretl explained the process of reviewing the County's liability insurance over the last five years. He said that the June 30<sup>th</sup> deadline is the County Mutual's deadline and if we hold the decision for 30 days, then perhaps the Board would miss the chance to get out for another year.

Brian Knee, WCMIC, again addressed the Board. He commented about the differences in deductibles and other information. Mr. Knee said that he has returned phone calls from Supervisor Polyock and County Administrator Bretl and there have been no complaints logged by his company.

On motion by Supervisor Van Dreser, seconded by Supervisor Hilbelink, the question was called on Supervisor Morrison's motion to postpone the decision for 30 days. Supervisors Morrison and Lightfield voted no on calling the question.

A roll call vote was held on Supervisor Morrison's motion to postpone for 30 days. Total vote: 25: Ayes: 5 – Guido, Lightfield, Morrison, Muzatko, Schaefer; Noes: 19 – Arnold, Burwell, Downing, Grant, Hilbelink, Ingersoll, Ketchpaw, Kilkenny, Kuhnke, Kupsik, Lein, Parker, Polyock, Russell, Stacey, Van Dreser, Wagie-Troemel, Weber, Lohrmann; Absent: 1 – Hawkins. Motion failed.

On motion by Supervisor Van Dreser, seconded by Supervisor Stacey, the question was called on the original motion to approve Resolution No. 27-06/07. Motion carried. A roll call vote was held. Total vote: 25; Ayes: 21 – Arnold, Burwell, Downing, Grant, Hilbelink, Ingersoll, Ketchpaw, Kilkenny, Kuhnke, Kupsik, Lein, Lightfield, Parker, Polyock, Russell, Schaefer, Stacey, Van Dreser, Wagie-Troemel, Weber, Lohrmann; Noes: 3 – Guido, Morrison, Muzatko; Absent: 1 – Hawkins. **Resolution No. 27-06/07** was approved.

## **Human Resources**

1. Ordinance No. 437-06/07 – Amending Section 15-17 of Chapter 15 of the Walworth County Code of Ordinances Relating to the Reclassification of the Quality Improvement/Nurse Services Manager Position at Lakeland Health Care Center (Recommended by the Lakeland Nursing Board of Trustees 8-0 and the Human Resources Committee 4-0)
2. Ordinance No. 438-06/07 – Amending Section 15-17 of Chapter 15 of the Walworth County Code of Ordinances Relating to the Transfer of Janitor Positions from Health & Human Services to Public Works (Recommended by the Human Resources Committee 4-0)
3. Ordinance No. 439-06/07 – Amending Section 15-17 of Chapter 15 of the Walworth County Code of Ordinances Relating to the Reclassification of the RN Supervisor – MH/AODA/CSP in Health & Human Services (Recommended by the Health & Human Services Board 6-0 and the Human Resources Committee 4-0)
4. Ordinance No. 440-06/07 – Amending Section 15-14 of the Walworth County Code of Ordinances Relating to Position Changes (Recommended by the Human Resources Committee 4-0)
5. Ordinance No. 441-06/07 – Amending Chapter 15 of the Walworth County Code of Ordinances Relating to a Reorganization of the Departments of Administration, Finance and Public Works and Position and Budget Changes Associated with Said Reorganization (The Human Resources Committee will consider at a special meeting prior to the June 12, 2007 County Board meeting)
6. Resolution No. 23-06/07 – Approving an Affirmative Action Plan for Walworth County for Plan Year July 1, 2007 to June 30, 2009 (Recommended by Human Resources Committee 5-0)
7. Resolution No. 25-06/07 – Establishing 2008 Wage Increase for Certain Management Positions (Recommended by the Human Resources Committee 4-0)

On motion by Supervisor Downing, seconded by Supervisor Schaefer, item 1, **Ordinance No. 437-06/07**, item 3, **Ordinance No. 439-06/07**, item 4, **Ordinance No. 440-06/07**, item 6, **Resolution No. 23-06/07**, and item 7, **Resolution No. 25-06/07** were approved by voice vote.

Supervisor Ketchpaw offered a motion, seconded by Supervisor Wagie-Troemel, to approve item 2, Ordinance No. 438-06/07. On motion by Supervisor Ketchpaw, seconded by Supervisor

Grant, lines 8 and 9 of Ordinance No. 438-06/07 were amended to correct the number of FTEs to 164.12. **Ordinance No. 438-06/07 was approved as amended** by voice vote.

Supervisor Ketchpaw offered a motion, seconded by Supervisor Downing, to approve item 5, Ordinance No. 441-06/07. Supervisor Ketchpaw offered a motion, seconded by Supervisor Wagie-Troemel, to amend Ordinance No. 441-06/07 as follows; “No title or classification changes shall be authorized in the finance department, with the exception of the three positions, which shall be transferred from administration to finance, two positions at AS-10 and one at MX 4. All changes shall be implemented when directed by the county administrator, but under no circumstances later than July 15, 2007. A three-month review of the final reorganization shall be presented to the Human Resources Committee at the September 2007 meeting.” The amendment was approved by voice vote.

Supervisor Van Dreser offered a motion, seconded by Supervisor Hilbelink, for unanimous consent. Supervisor Guido voted No. A roll call vote was held. Total vote: 25: Ayes: 22 – Arnold, Burwell, Downing, Grant, Ingersoll, Ketchpaw, Kilkenny, Kuhnke, Kupsik, Lein, Lightfield, Morrison, Muzatko, Parker, Polyock, Russell, Schaefer, Stacey, Van Dreser, Wagie-Troemel, Weber, Lohrmann; Noes: 1 – Guido; Absent: 1 – Hawkins; Abstention: 1 – Hilbelink. **Ordinance No. 441-06/07 was approved as amended.** Supervisor Hilbelink said that he accidentally abstained and said he wanted to vote yes. County Administrator Bretl said that according to the Rules of the County Board, Supervisor Hilbelink’s vote shall be counted as an abstention.

## **Public Works**

1. Resolution No. 22-06/07 - Endorsing the Year 2035 Regional Transportation System Plan for Southeastern Wisconsin (Forwarded by the Public Works Committee 5-0 without a recommendation)

On motion by Supervisor Polyock, seconded by Supervisor Arnold, Resolution No. 22-06/07 was placed on file.

## **Reports of Special Committees**

There were none.

## **Chairperson’s Report**

### **Comment Period by Members of the Public Concerning Items Not on the Agenda**

Jim Simons, N6292 Paradise Drive, gave an overview of financial statistics for Spring Prairie. He said that most of Spring Prairie no longer pays for CDEB. He said that Spring Prairie’s school levy went up 37%.

Paula McGowen, W5064 Middle Lake Drive, Elkhorn, addressed the Board regarding the Attorney General response letter. She said the letter is about removing the County Board Chairperson. She asked the Board to please move on, be fiscally responsible, and be aware that their position on the County Board is at the discretion of the voters.

The Board took a five-minute break.

**Closed Session**

- Bargaining strategy for successor collective bargaining agreements

The Board may discuss this topic in open session. The Board may convene in closed session pursuant to the exemption contained in Section 19.85 (1)(e) of the Wisconsin Statutes, “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.”

In the event the Board convenes in closed session, the Board will reconvene in open session and may discuss and/or take action on the agenda item.

On motion by Supervisor Polyock, seconded by Supervisor Stacey, the Board convened in closed session by roll call vote. Total vote: 25; Ayes: 24 – Arnold, Burwell, Downing, Grant, Guido, Hilbelink, Ingersoll, Ketchpaw, Kilkenny, Kuhnke, Kupsik, Lein, Lightfield, Morrison, Muzatko, Parker, Polyock, Russell, Schaefer, Stacey, Van Dreser, Wagie-Troemel, Weber, Lohrmann; Noes: 0; Absent: 1 – Hawkins.

On motion by Supervisor Polyock, seconded by Supervisor Stacey, the Board reconvened in open session.

**Adjournment**

On motion by Supervisor Muzatko, seconded by Supervisor Morrison, the meeting was adjourned at 9:00 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 June 12, 2007 meeting.