

**OCTOBER 9, 2007**  
**WALWORTH COUNTY BOARD OF SUPERVISORS**  
**MEETING**

The Walworth County Board of Supervisors meeting was called to order by Chair Russell at 6:13 p.m. in the County Board Room at the Walworth County Government Center, 100 W. Walworth Street, Elkhorn, Wisconsin.

All Supervisors were present except Supervisor Kuhnke and a quorum was established.

Supervisor Robert Arnold, County Board Supervisor, District # 9, delivered the invocation.

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

On motion by Supervisor Lohrmann, seconded by Supervisor Hilbelink, the evening's agenda was approved as amended, moving Executive Committee, item 1, Resolution 47-10/07 – Recognizing the Walworth County Emergency Management Division for “Salute to Government” Award, to directly before the Special Order of Business.

**Approval of the Minutes**

On motion by Supervisor Schaefer, seconded by Supervisor Downing, the minutes of the September 11, 2007 Public Hearing and regular Monthly Meeting were approved by voice vote.

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

There were none.

On motion by Supervisor Weber, seconded by Supervisor Wagie-Troemel, **Resolution No. 47-10/07** – Recognizing the Walworth County Emergency Management Division for “Salute to Government” Award, was approved by voice vote.

**Special Order of Business**

- Recognizing the Walworth County Emergency Management Division for “Salute to Government” Award
  - Presentation by Lt. Kevin Williams, Emergency Government Director

Chair Russell asked Lt. Kevin Williams to step forward to accept the award. She read the inscription on the Salute to Government award and presented it to Lt. Williams. Williams gave an overview of what had to be accomplished to get this award. He said after Hurricane Katrina, Governor Doyle asked most of the major cities within the State of Wisconsin to take a look at evacuation plans. Milwaukee County took the lead on this major task, which affected all regional areas. Williams said that this award is for the creation of a regional evacuation plan, developed for the Southeastern Region of Wisconsin, which can be applied to our County.

## **Appointments**

1. Workforce Development Board/W-2 Community Steering Committee
  - Saul Arteaga
  - Fred Burkhardt
  - Joe Cardiff
  - Charles Colman
  - Lisa Furseth
  - Thomas Lothian
  - Marilyn Putz
  - Ron Sellnau
  - Cindy Simonsen
  - Greg Trunk

(Recommended by the Executive Committee 5-0)

On motion by Supervisor Ketchpaw, seconded by Supervisor Morrison, the Workforce Development Board/W-2 Community Steering Committee appointments were approved by voice vote.

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

1. Claims Received After Agenda Mailing: There were none.
2. Claims: There were none.
3. Communication from Walworth County Treasurer James Goetz regarding Sunshine Fund (It is anticipated that the County Board will vote to take action on this item at tonight's meeting, which may include a motion to approve a payroll deduction to replenish the fund.)
4. Communication from Congressman Paul Ryan acknowledging receipt of Walworth County Resolution No. 35-08/07 regarding the restoration of clean water was placed on file.
5. Communication from City of Burlington regarding Resolution Number 4151(46) "A Resolution Regarding the Possible Expansion of the Wastewater Treatment Facility" and the Relocation Order Regarding Solid Waste Disposal Facility referred to as Attachment "A" was placed on file.
6. Communication from City of Burlington regarding Resolution No. 4161(56) Notice of Intent to Participate in Cooperative Plan Process was placed on file.
7. Communication from the City of Whitewater regarding proposed County funding for Walworth County Economic Development Alliance 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 in the agenda packet.
9. Report of County Clerk Concerning Communications Received by the Board After the Agenda Mailing. The following items were placed on Supervisors' desks:
  - Brown County Resolution in Support of Enacting Legislation Delegating Statutory Authority to County Government to Regulate the Employment of Undocumented Workers in Businesses and attached ordinance was referred to the Executive Committee.
  - Ozaukee County Resolution No. 07-34 – Alternate Method for Exemption from the County Library Tax was referred to the Finance Committee.

- Communication from the Walco Civil Air Patrol regarding long-term use of County-owned space by Walco Composite Squadron, CAP was referred to the Public Works Committee.
- Ozaukee County Resolution No. 07-31 – Resolution Supporting Change for Returning Federal Funds from Certified Public Expenditures of County Nursing Homes was previously referred and was placed on file.
- Brown County Resolution Requesting Federal Action to Enforce Existing Immigration Legislation was previously referred and was placed on file.
- *Walworth County Senior Review*, October 2007 was placed on file

11. Report of County Clerk Concerning Zoning Petitions was referred to the County Zoning Agency.

- Fairfield Grange Trust (Daniel S. Finet, App.), Town of Darien, A-1 & P-2 to A-5
- Mann Bros., Inc., Town of Sugar Creek, M-3 & A-2 to M-1 & C-1
- Amendment to Walworth County Code of Ordinances, Section 74-39 Zoning Ordinance and Section 74-164 Shoreland Ordinance (Navigable Stream Divides Property Removal)

On motion by Supervisor Weber, seconded by Supervisor Downing, to take action on item #3, Communication from Walworth County Treasurer James Goetz regarding Sunshine Fund carried unanimously by voice vote. A motion offered by Supervisor Lohrmann, seconded by Supervisor Grant, to approve a payroll deduction of \$10.00 from each County Board Supervisor’s next available payroll check to replenish the County Board Sunshine fund, was approved by voice vote.

On motion by Supervisor Grant, seconded by Supervisor Wagie-Troemel, item #7, Communication from the City of Whitewater regarding proposed County funding for the Walworth County Economic Development Alliance, was referred to the Finance Committee for consideration.

**Unfinished Business**

There was none.

**New Business**

**Reports of Standing Committees**

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

1. Ordinance No. 462-10/07 – Amending Sections 74-51, 74-63, 74-178 and 74-190 of the Walworth County Code of Ordinances Relating to Conditional Uses-*Vote required: Majority* (Recommended by the County Zoning Agency 5-0) Amendments to Walworth County Code of Ordinances, Sections 74-51 and 74-63 Zoning Ordinance and 74-178/74-190 Shoreland Zoning Ordinance regarding Planned Residential Developments – approved 5 – 0 (8-16-07 public hearing)

2. Ordinance No. 463-10/07 – Amending Chapter 26 of the Walworth County Code of Ordinances Relating to the Environment-*Vote required: Majority* (Recommended by the County Zoning Agency 5-0) Amendments to Section 26, Walworth County Code of Ordinances, creating Article I, and amending Article II and Article III – approved 5 – 0 (8-16-07 public hearing)
3. Henry F. Schmitt, Town of Sugar Creek, Rezone 2.45 acres of A-5 to A-1 – approved 7 – 0 (9-20-07 public hearing)
4. Kristi Cowles, Town of Lyons, Rezone .4 acres of B-6 to R-1 – approved 7 – 0 (9-20-07 public hearing)
5. Doris Cliffgard (Andrew Cliffgard, App.), Town of East Troy, Rezone 36.82 acres of A-1 to A-5, C-2 & A-2 – approved 6 – 1 (9-20-07 public hearing)
6. Ronald L. Condroski, Town of LaGrange, Rezone 34.61 acres of A-2 to C-2 – approved 7 – 0 (9-20-07 public hearing)
7. Dale Albrecht, Larry Albrecht and Beverly Rauch, Town of Sharon, Rezone 5.27 acres of A-1 to C-2 – approved 5 – 2 (9-20-07 public hearing)

Supervisor Downing offered a motion, seconded by Supervisor Van Dreser, to approve the Report of the County Zoning Agency, Proposed Zoning Amendments. Supervisor Polyock requested that item # 2 be pulled out for discussion and Supervisor Ketchpaw requested that item # 7 be pulled out for discussion.

Chair Russell distributed a summary sheet on item # 2, amending Chapter 26, to the Supervisors. She said that the Land Conservation Committee foresaw that the Board might want to have the summary sheet for discussion. Discussion ensued. Michael Cotter addressed the Board and said that text changes to the zoning ordinance are determined in the following ways: the County Board members have ideas for text changes or suggestions, the State mandates us to do different programs and changes are necessary, staff finds improvements to the ordinance and brings them to the County Zoning Agency, and citizens also suggest changes to the zoning code. Cotter said that all of the zoning changes that have occurred since 2003 have been done to make things easier and have lessened restrictions. He said that, except for a couple more amendments with the pipeline, he has requested that the County Zoning Agency put a freeze on the text amendments until we go through the Smart Growth process and rewrite the zoning code.

Supervisor Lohrmann said she thought that the Land Conservation Committee should have considered the ordinance and not the County Zoning Agency. Supervisor Lohrmann offered a motion, seconded by Supervisor Polyock, to send item # 2, Ordinance No. 463-10/07, back to the Land Conservation Committee. Supervisor Burwell said that the Land Conservation Committee did consider the ordinance. Chair Russell said that the ordinance was considered by both committees but neither committee saw it in this precise format.

Michael Cotter explained that no additional staff would be needed to carry out this ordinance. He said that Walworth County and other counties are already following this ordinance. County Administrator Bretl said that the ordinance, reviewed by both committees, was in a different format. He said that the Administrator's office put the information into ordinance format for Codification.

Supervisor Van Dreser offered a motion, seconded by Supervisor Grant, to call the question. A roll call vote was held on calling the question to refer Ordinance No. 463-10/07 back to the Land Conservation Committee. Total vote: 25; Ayes: 22 – Arnold, Downing, Grant, Guido, Hawkins, Hilbelink, Ingersoll, Ketchpaw, Kupsik, Lein, Lightfield, Lohrmann, Morrison, Muzatko, Parker, Polyock, Schaefer, Stacey, Van Dreser, Wagie-Troemel, Weber, Russell; Noes: 2 – Burwell, Kilkenny; Absent: 1 – Kuhnke. The motion carried and the question was called.

A roll call vote was held on the motion to refer Ordinance No. 463-10/07 back to the Land Conservation Committee. Total votes: 25; Ayes: 7 – Guido, Ingersoll, Kilkenny, Lein, Lohrmann, Polyock, Schaefer; Noes: 17 – Arnold, Burwell, Downing, Grant, Hawkins, Hilbelink, Ketchpaw, Kupsik, Lightfield, Morrison, Muzatko, Parker, Stacey, Van Dreser, Wagie-Troemel, Weber, Russell; Absent: 1 - Kuhnke. Motion failed.

Supervisor Burwell offered a motion, seconded by Supervisor Wagie-Troemel, to approve the correction of scrivener's errors she found in Ordinance No. 463-10/07 and to include those scrivener's errors with the ordinance. She said that the scrivener's errors do not change the meaning of the ordinance. Discussion ensued.

Supervisor Kilkenny said that these ordinance amendments are imposed by State statute and we are just following the statutes, but if time is not of the essence, he would like to table the ordinance until next month to have more time for review. Supervisor Kilkenny offered a motion, seconded by Supervisor Lohrmann, to table Ordinance No. 463-10/17 for a month. A roll call vote was held on the motion to table the ordinance. Total vote: 25; Ayes: 10 – Hawkins, Ingersoll, Kilkenny, Kupsik, Lein, Lohrmann, Muzatko, Polyock, Schaefer, Stacey; Noes: 14 – Arnold, Burwell, Downing, Grant, Guido, Hilbelink, Ketchpaw, Lightfield, Morrison, Parker, Van Dreser, Wagie-Troemel, Weber, Russell; Absent: 1 – Kuhnke. Motion to table failed.

The motion to amend the ordinance carried by voice vote.

Bretl said that the vote on the main motion to approve Ordinance No. 463-10/07 with the amendments would require a majority vote. If not approved tonight, the ordinance would stay the same as it is now. This ordinance is to comply with State law. Discussion ensued. On motion by Supervisor Wagie-Troemel, seconded by Supervisor Downing, the question was called. A roll call vote was held to approve Ordinance No. 463-10/07, with scrivener's errors amended, which will be submitted to the County Clerk's office. Total vote: 25; Ayes: 20 – Arnold, Burwell, Downing, Grant, Hawkins, Hilbelink, Ingersoll, Ketchpaw, Kilkenny, Kupsik, Lein, Lightfield, Morrison, Muzatko, Parker, Stacey, Van Dreser, Wagie-Troemel, Weber, Russell; Noes: 4 – Guido, Lohrmann, Polyock, Schaefer; Absent: 1 – Kuhnke. **Ordinance No. 463-10/07 was approved as amended.**

Supervisor Ketchpaw withdrew her request to discuss item # 7. Items 1, 3, 4, 5, 6, and 7 were approved as recommended by the County Zoning Agency by voice vote.

## Executive Committee

1. Resolution No. 47-10/07 – Recognizing the Walworth County Emergency Management Division for “Salute to Government” Award-*Vote required: Majority* (Recommended by the Executive Committee 5-0)
2. Resolution No. 50-10/07 – Supporting LRB 1588/1-*Vote required: Majority* (Recommended by the Executive Committee 5-0)
3. Resolution No. 52-10/07 – Setting the Annual Salary for the County Board Elected in 2008-*Vote required: 2/3* (Recommended by the Executive Committee 5-0)
4. Resolution No. 53-10/07 – Denying the Claim of AT&T-*Vote required: Majority* (Recommended by the Executive Committee 5-0)

Item # 1 was approved earlier in the meeting.

On motion by Supervisor Ketchpaw, seconded by Supervisor Kupsik, item # 2, **Resolution No. 50-10/07** and # 4, **Resolution No. 53-10/07** were approved by voice vote.

Supervisor Grant offered a motion, seconded by Supervisor Downing, to approve item # 3, Resolution No. 52-10/07 by unanimous consent. Unanimous consent failed. Discussion ensued. Supervisor Polyock offered a motion, seconded by Supervisor Guido, to amend the resolution to set the salary of the County Board Supervisors to \$100 a month and \$250 a month for the Chair. Amendment failed. Supervisors Polyock and Guido requested that their votes be recorded as “Yes.”

Discussion ensued regarding Supervisors’ salaries. On motion by Supervisor Muzatko, seconded by Supervisor Grant, the question was called. A roll call vote was held on Resolution No. 52-10/07 as presented. Total vote: 25; Ayes: 18 – Arnold, Burwell, Downing, Grant, Ingersoll, Ketchpaw, Kilkenny, Kupsik, Lein, Lightfield, Lohrmann, Morrison, Parker, Stacey, Van Dreser, Wagie-Troemel, Weber, Russell; Noes: 6 – Guido, Hawkins, Hilbelink, Muzatko, Polyock Schaefer; Absent: 1 – Kuhnke. **Resolution No. 52-10/07** was approved.

## Finance Committee

1. Resolution No. 54-10/07 – Initial Resolution Authorizing the Issuance and Providing for the Sale of \$3,325,000 General Obligation Refunding Bonds-*Vote required: Majority* (Recommended by the Finance Committee 7-0)
2. Resolution No. 55-10/07 – Authorizing the Closure of the Government Center West Wing Remodel Project and Lapsing Funds to the Undesignated Reserve - *Vote required: 2/3* (Recommended by the Finance Committee 5-0 and the Public Works Committee 6-0)

Supervisor Lohrmann offered a motion, seconded by Supervisor Stacey, to approve Resolution No. 54-10/07. A roll call vote was held. Total vote: 25; Ayes: 24 – Arnold, Burwell, Downing, Grant, Guido, Hawkins, Hilbelink, Ingersoll, Ketchpaw, Kilkenny, Kupsik, Lein, Lightfield, Lohrmann, Morrison, Muzatko, Parker, Polyock, Schaefer, Stacey, Van Dreser, Wagie-Troemel, Weber, Russell; Noes: 0; Absent: 1 – Kuhnke. **Resolution No. 54-10/07** was approved.

Supervisor Van Dreser offered a motion, seconded by Supervisor Parker, to approve Resolution No. 55-10/07. On motion by Supervisor Van Dreser, seconded by Supervisor Grant, **Resolution No. 55-10/07** was approved by unanimous consent.

### **Health & Human Services Board**

1. Resolution No. 57-10/07 – Retention of the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) Within the Wisconsin Department of Health Services-*Vote required: Majority* (Recommended by the Health & Human Services Board 8-0)

On motion by Supervisor Parker, seconded by Supervisor Wagie-Troemel, **Resolution No. 57-10/07** was approved by voice vote.

### **Human Resources**

1. Ordinance No. 460-10/07 – Amending Sections 15-152 and 15-810 of the Walworth County Code of Ordinances Relative to Required Medical Examinations and Drug or Alcohol Testing - *Vote required: Majority* (Recommended by the Human Resources Committee 4 - 0)

2. Ordinance No. 461-10/07 – Amending Section 15-810 of the Walworth County Code of Ordinances Relative to Random Drug or Alcohol Testing - *Vote required: Majority* (Recommended by the Human Resources Committee 5-0)

On motion by Supervisor Ketchpaw, seconded by Supervisor Ingersoll, item # 1, **Ordinance No. 460-10/07** and item # 2, **Ordinance No. 461-10/07** were approved by voice vote.

### **Lakeland Health Care Center Board of Trustees**

1. Resolution No. 51-10/07 – Supporting Change for Returning Federal Funds from Certified Public Expenditures of County Nursing Homes-*Vote required: Majority* (Recommended by the Lakeland Health Care Center Board of Trustees 7-0)

On motion by Supervisor Ketchpaw, seconded by Supervisor Grant, **Resolution No. 51-10/07** was approved by voice vote.

### **Land Conservation**

1. Resolution No. 48-10/07 – Supporting State Legislation Banning the Sale and Use of Lawn Fertilizer Containing Phosphorous-*Vote required: Majority* (Recommended by the Land Conservation Committee 7-0)

2. Resolution No. 49-10/07 – Opposing the Release of Aquatic Invasive Species from Ocean Going Ships in the Great Lakes-*Vote required: Majority* (Recommended by the Land Conservation Committee 7-0)

On motion by Supervisor Lightfield, seconded by Supervisor Muzatko, **Resolution No. 48-10/07** and **Resolution No. 49-10/07** were approved by voice vote.

## **Public Works**

1. Resolution No. 56-10/07 – Declaring Lakeland School of Walworth County Surplus and Authorizing Appropriate County Staff to Request Proposals for its Disposition– *Vote required: Majority* (Recommended by the Public Works Committee 5-0)

Supervisor Polyock offered a motion, seconded by Supervisor Morrison, to approve Resolution No. 56-10/07. Discussion ensued. Administrator Bretl said this resolution declares Lakeland School surplus and then it authorizes staff to prepare a request for proposals. The Public Works Committee will consider the proposals and then the full Board will approve of its disposition. Supervisor Guido is concerned about the on-going lawsuit that is currently pending regarding the Lakeland School. Supervisor Van Dreser said this is not a commitment to sell but a commitment to explore what the options are. Supervisor Kilkenny said that the idea is to give the market as much time as possible and we should start now. On motion by Supervisor Lohrmann, seconded by Supervisor Polyock, the question was called. **Resolution No. 56-10/07** was approved by voice vote. Supervisor Guido requested that his vote be recorded as “No.”

## **Reports of Special Committees**

There were none.

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

Jim Stemper, 1931 Fremont Street, East Troy, addressed the Board regarding the cost of the recall election. He quoted Supervisor Ketchpaw from a statement in the *East Troy News* regarding the cost of the recall election. He said that the quote was a cost of \$9,500 to \$11,500. He also quoted the Village of East Troy clerk, who said that the cost for the Village would be \$2,000 to \$3,000. Mr. Stemper also said that the article quoted the Town Clerk and she said the cost of the election for the Town would be about \$1,000. Mr. Stemper said that when the Supervisors bloat the true cost of running the government they are doing a disservice to the public.

Supervisor Grant responded by saying that the cost of the recall election does not stop with the town or the village; we also have county staff involved in the recall.

## **Chairperson’s Report**

Chair Russell announced that the budget hearing is scheduled for October 25, 2007 at 6:00 p.m. in the County Board Room.

Chair Russell also said that a school band from the Christian-Rauch School in Bad Arolsen, Germany, the “Smoke Revival Orchestra,” would be performing at the Star Center Elementary School in the Town of Bloomfield. Bad Arolsen is located in our sister county of Waldeck-Frankenberg. The 35-member band will be visiting Walworth County as part of their current tour in the United States. They have toured internationally since 1988 and in 1995 recorded the first of three CDs. The Smoke Revival Orchestra was scheduled to perform on Thursday,

October 11, 2007 at 10:00 a.m. The Chair encouraged Supervisors to attend if they were available. Chair Russell said that there were nominal costs associated with this visit that we do not have in the budget. She asked if any Supervisors who would like to donate, to please contact her.

**Adjournment**

On motion by Supervisor Downing, seconded by Supervisor Morrison, the meeting was adjourned at 7:30 p.m.

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 9, 2007 meeting.

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