

MARCH 10, 2009
WALWORTH COUNTY BOARD OF SUPERVISORS
MEETING

The Walworth County Board of Supervisors meeting was called to order by Chair Russell at 6:00 p.m. in the County Board Room at the Walworth County Government Center, 100 W. Walworth Street, Elkhorn, Wisconsin.

Roll call was conducted and all Supervisors were present.

Daniel G. Kilkenny, Walworth County Board of Supervisors, District # 8, delivered the invocation.

Amendments, Withdrawals, and Approval of Agenda

A motion was offered by Supervisor Stacey, seconded by Supervisor Van Dreser, to approve the agenda.

Approval of the Minutes

On motion by Supervisor Bromley, seconded by Supervisor Hawkins, the minutes of the February 10, 2009 Walworth County Board of Supervisors meeting were approved by voice vote.

On motion by Supervisor Hawkins, seconded by Supervisor Weber, Executive Committee item 3, Resolution No. 73-03/09 – Recognizing Sheila Reiff, Clerk of Circuit Court, for Forty Years of Service, and item 4, Resolution No. 74-03/09 – Recognizing James Carlson, Branch II Circuit Court Judge, for Thirty Years of Service, were considered at this time.

On motion by Supervisor Weber, seconded by Supervisor Ingersoll, **Resolution No. 73-03/09** – Recognizing Sheila Reiff, Clerk of Circuit Court, for Forty Years of Service, was approved by voice vote. Chair Russell presented the resolution. Neal Kedzie, State Senator, and State Representative Steve Nass, also presented a Special Citation from the State of Wisconsin to Ms. Reiff in recognition of her 40 years of public service for Walworth County. Representative Nass said that Sheila was born and raised in the military. Her father was a fighter pilot and he was at Pearl Harbor at the time of the attack. He presented a flag to Sheila, which a fighter pilot had carried with him on December 7, 2004 on a combat mission. Ms. Reiff said she called Bill Cummings who was the Sheriff at the time and thanked him for hiring her 40 years ago. Ms. Reiff thanked the County Board, Judges, State Representatives, family and friends, all the staff and everyone who supported her over the years.

On motion by Supervisor Weber, seconded by Supervisor Van Dreser, **Resolution No. 74-03/09** – Recognizing James Carlson, Branch II Circuit Court Judge, for Thirty Years of Services, was approved by voice vote. Chair Russell presented the resolution. Representative Nass said Judge Carlson has earned the respect of people, rendering difficult and fair judgments over the years. Senator Kedzie presented Judge Carlson a Special Citation from the State of Wisconsin,

congratulating him on his 30 years of service to Walworth County. The Citation was endorsed by Senator Kedzie, Representative Nass, and Representative Lothian.

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

There were none.

Special Order of Business

- Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting for Fiscal Year 2007, presented by Jeffrey L. Esser, Executive Director, CEO, Government Finance Officers Association

Jeffrey Esser introduced himself to the Board and said that the Government Finance Officers Association has been around for 103 years and the award for 69 years. This award recognizes outstanding achievement for financial reporting. He said that the County's Financial Statements have been audited by an independent CPA firm and that the audit is clean. A clean audit shows that there is a top-notch professional staff and that they adhere to the highest standards in financial reporting. Mr. Esser congratulated the staff and the County and presented the Excellence in Achievement award to Chair Russell. Chair Russell recognized Nicki Andersen, Deputy County Administrator, Finance, and Andersen acknowledged Andy Lamping, Amanda Lagle, and Jessica Lanser. Andersen thanked the staff, the departments, County Board, and County Administrator David Bretl for their support.

Appointments/Elections

1. Health & Human Services Board

- Supervisor Jerry Grant – Three-year term to end on January 5, 2012
- Supervisor Kathy Ingersoll – Three-year term to end on January 5, 2012

(Recommended for nomination by the Executive Committee 5-0)

2. Lakeshores Library System Board

- Royce DeBow – Three-year term to begin upon re-appointment and end on December 31, 2011

- Jay Karow – Three-year term to begin upon re-appointment and end on December 31, 2011

(Recommended by the Executive Committee 5-0)

3. Southeastern Wisconsin Regional Planning Commission (SEWRPC)

- Allen Morrison
- Greg Holden

(The Executive Committee recommended a list containing the names of both candidates to be forwarded to Governor Doyle 5-0)

4. U. W. Extension Community Partner Advisory Group (CPAG)

- James Stowell
- Mary Bub
- Kathleen Papcke

(Recommended by the Executive Committee 5-0)

On motion by Supervisor Schaefer, seconded by Supervisor Weber, the appointments were approved by voice vote as recommended by the Executive Committee.

Communications and Matters to Be Referred

Chair Russell announced that unless there was a request for an individual communication to be discussed, the Clerk would dispense with the reading of each title and the Chair would direct that all communications be referred or placed on file as indicated on the agenda.

1. Claims Received After Agenda Mailing – See Report of The County Clerk concerning Communications Received by the Board After the Agenda Mailing.
2. Claims: a) Celine Haydam and Leon Haydam and Walworth County Employee Benefit Plan vs City of Lake Geneva; b) Declaratory Judgment and Petition for Writ of Certiorari-Daniel E. McLean vs Board of Adjustment and Land Use & Resource Management Department; c) Gregory N. Epping, Michael J. Michalek, Edward J. McLernon, Michael A. Veley, Mary G. Schneider, Dean A. Abel, Peggy J. Moran, Marc A. Dennison, Constance M. Machi, Michael A. Maltese vs Village of Darien, Chief of Police Steve DeVoy, and Walworth County Sheriff's Department; d) Foreclosure of Mortgage-Deutsche Bank National Trust Company vs John F. Hayes and Diane L. Hayes, et al and Walworth County were referred to the Executive Committee.
3. Communication from Stuart and Janet Hersh requesting action to properly regulate the surface water flow on the property at N7613 East Lakeshore Drive, Whitewater was referred to the Board of Adjustment.
4. Communication from the Town of LaGrange Board and Plan and Zone Commission requesting a review of zoning section 74-263 to allow for up to eight rentable rooms for a bed and breakfast was referred to the County Zoning Agency.
5. Communication from Ken & Marilyn Hessler, Barrington, IL, protesting the increase in the 2008 taxes on the property located at Abbey Springs in Fontana was referred to the Finance Committee.
6. County Clerk Report – Summary of 2008 Dog Licenses Sold and Licensing Statistics was placed on file.
7. Report of the County Clerk Concerning Communications Received by the Board and Recommended to be Placed on File
8. Report of County Clerk Concerning Communications Received by the Board After the Agenda Mailing. The following items were placed on Supervisors' desks and referred or placed on file as indicated:
 - Notice of Claim for Damages – EMC Insurance Companies v Walworth County Public Works – To be referred to the Executive Committee
 - Notice of Claim for Damages – Robert R. Metzner vs Village of Darien, Village of Darien Chief of Police Steve DeVoy and Walworth County Sheriff's Department – To be referred to the Executive Committee
 - Communication from Governor Jim Doyle awarding Walworth County a Drug Task Force grant for \$197,237 to be used by law enforcement agencies from multiple jurisdictions to conduct counterdrug operations – To be referred to the Executive Committee

- Kewaunee County Resolution No. 40-02-09 – A Resolution Supporting Standard Enforcement of Seatbelt Law – To be referred to the Executive Committee
 - Waukesha County Ordinance Adopting the Waukesha County Comprehensive Development Plan-2035 and 2009 Comprehensive Development Plan Amendments – Ordinance and CD with copy of the Plan to be referred to the Smart Growth Committee
 - Communication from Wassel, Harvey & Schuk, LLP –N2440 County Road H, Town of Bloomfield, MB 600011 – Raze Order – To be placed on file
 - *Walworth County Senior Review*, March 2009 – To be placed on file
9. Report of County Clerk Concerning Zoning Petitions was referred to the County Zoning Agency.
- Delsie J. Everett (James Peterson Sons, Inc., app.), Town of Lyons, A-1 & C-2 to M-3
 - Belvidere Park Association (Audrey Emanuel, App.), Town of Delavan, R-2A & C-2 to R-4
 - Sugar Creek Lutheran Church Cemetery, Town of Sugar Creek, P-1 to P-2
 - Paulo Huerta, Town of Sugar Creek, A-1 to A-4
 - Thomas & Nancy Horter and Robert Mueller, Town of East Troy, C-4 to R-1
 - Linn Presbyterian Church, Town of Linn, A-1 to P-2
 - Dennis G. Klumb (Atty. Lowell E. Sweet, App.), Town of Troy, A-4 to A-1
 - Amendment to Shoreland & Wetland Boundary for navigable Waterways Adjacent to Pell Lake, Town of Bloomfield, C-1 to C-4
 - Create Chapter 65, Walworth County Code of Ordinances, Large Wind Energy System Ordinance
 - Create Chapter 65.20, Walworth County Code of Ordinances, Small Wind Energy
 - Create Chapter 65.40, Walworth County Code of Ordinance, Solar Energy System Ordinance

Unfinished Business

New Business

Reports of Standing Committees

County Zoning Agency Report of Proposed Zoning Amendments

1. Etheleen Haak, Town of Geneva, Rezone 4.29 acres of A-1 & A-2 to A-5 – approved 6-0 (2-19-09 public hearing)
2. Debra Zachow, Town of East Troy, Rezone .1 acre of C-1 to R-1 – approved 6-0 (2-19-09 public hearing)
3. Theresa Hoekstra (Michael and Linda Hoekstra, App.), Town of Darien, Rezone 8.1 acres of A-1, M-3 & C-2 to A-1 & C-2 – denied 6-0 (pending since 4-25-06)

On motion by Supervisor Stacey, seconded by Supervisor Van Dreser, the Report of Proposed Zoning Amendments was approved as recommended by the County Zoning Agency.

Executive Committee

1. Resolution No. 71-03/09 – Appointing the Walworth County Executive Committee as the Citizen Participation Committee for a Community Block Grant – Emergency Assistance Program Application-*Vote required: Majority* (Recommended by the Executive Committee 5-0)
2. Resolution No. 72-03/09 – Supporting Participation in the United States 2010 Census and Designating the Intergovernmental Cooperation Council (ICC) As Walworth County’s Complete Count Committee-*Vote required: Majority* (Recommended by the Executive Committee 5-0)
3. Resolution No. 73-03/09 – Recognizing Sheila Reiff, Clerk of Circuit Court, for Forty Years of Service-*Vote required: Majority* (Recommended by the Executive Committee 5-0)
4. Resolution No. 74-03/09 – Recognizing James Carlson, Branch II Circuit Court Judge, for Thirty Years of Service-*Vote required: Majority* (Recommended by the Executive Committee 5-0)

On motion by Supervisor Weber, seconded by Supervisor Ingersoll, item 1, **Resolution No. 71-03/09**, and item 2, **Resolution No. 72-03/09**, were approved by voice vote. Items 3 and 4 were approved earlier in the meeting.

Finance Committee

1. Ordinance No. 534-03/09 – Amending Section 30-224 of the Walworth County Code of Ordinances Relating to Signature Authority Related to Investment Activities-*Vote required: Majority* (Recommended by the Finance Committee 5-0)
2. Ordinance No. 535-03/09 – Amending Section 30-173(c) of the Walworth County Code of Ordinances Relating to Capital Projects Fund-*Vote required: Majority* (Recommended by the Finance Committee 5-0)
3. Ordinance No. 536-03/09 – Amending Section 30-156(d)(7) of the Walworth County Code of Ordinances Relating to UW-Extension Acceptance and Use of Donations-*Vote required: Majority* (Recommended by the Finance Committee 5-0)
4. Resolution No. 69-03/09 – Authorizing the Closure of Completed Capital Projects for which Final Payment Has Been Authorized and the Transfer of Surplus Funds to the Undesignated General Fund Reserves-*Vote required: Two-thirds* (Recommended by the Public Works Committee 5-0 and the Finance Committee 5-0)
5. Resolution No. 70-03/09 – Initial Resolution Authorizing Not to Exceed \$5,300,000 General Obligation Promissory Notes for Highway Projects-*Vote required: Three-fourths* (Recommended by the Finance Committee 5-0)

On motion by Supervisor Bromley, seconded by Supervisor Stacey, item 1, **Ordinance No. 534-03/09**, item 2, **Ordinance No. 535-03/09**, and item 3, **Ordinance No. 536-03/09**, were approved by voice vote.

Supervisor Grant offered a motion, seconded by Supervisor Weber, to approve item 4. The resolution required a two-thirds vote. On motion by Van Dreser, seconded by Supervisor Stacey, item 4, **Resolution No. 69-03/09**, was approved by unanimous consent.

A motion was offered by Supervisor Grant, seconded by Supervisor Weber, to approve item 5. The resolution required a three-fourths vote and a roll call vote was taken. Total vote; 11; Ayes: 11 – Bromley, Grant, Hawkins, Holst, Ingersoll, Kilkenny, Schaefer, Stacey, Van Dreser, Weber, Russell; Noes: 0; Absent: 0. **Resolution No. 70-03/09** – Initial Resolution Authorizing Not to Exceed \$5,300,000 General Obligation Promissory Notes for Highway Projects was approved.

Human Resources Committee

1. Ordinance No. 537-03/09 – Amending Sections 15-4, 15-63 and 15-333 of the Walworth County Code of Ordinances Relating to Definitions, Probationary Periods and Pay Plan Administration-*Vote required: Majority* (Recommended by the Human Resources Committee 4-1)
2. Ordinance No. 538-03/09 – Amending Sections 15-6 of the Walworth County Code of Ordinances Relating to Health Insurance Stipend for At-Will Employment-*Vote required: Majority* (Recommended by the Human Resources Committee 5-0)
3. Ordinance No. 539-03/09 – Amending Sections 15-513 and 15-514 of the Walworth County Code of Ordinances Relating to Vacation and Sick Leave Schedules-*Vote required: Majority* (Recommended by the Human Resources Committee 5-0)
4. Ordinance No. 540-03/09 – Amending Section 15-9 of the Walworth County Code of Ordinances Relating to Volunteers-*Vote required: Majority* (Recommended by the Human Resources Committee 5-0)
5. Ordinance No. 541-03/09 – Amending Chapter 15 of the Walworth County Code of Ordinances Relating to a Clerical Eligibility List-*Vote required: Majority* (Recommended by the Human Resources Committee 5-0)
6. Resolution No. 75-03/09 – Authorizing Adoption of Restated BESTflex Plan Document-*Vote required: Majority* (Recommended by the Human Resources Committee 5-0)
7. Resolution No. 76-03/09 – Establishing 2010 Wage Increase for Certain Management Positions-*Vote required: Majority* (Recommended by the Human Resources Committee 5-0)

On motion by Supervisor Weber, seconded by Supervisor Bromley, item 1, **Ordinance No. 537-03/09**, item 2, **Ordinance No. 538-03/09**, item 3, **Ordinance No. 539-03/09**, item 4, **Ordinance No. 540-03/09**, item 6, **Resolution No. 75-03/09**, and item 7, **Resolution No. 76-03/09**, were approved by voice vote.

Supervisor Weber offered a motion, seconded by Supervisor Grant, to approve item 5, Ordinance No. 541-03/09 – Amending Chapter 15 of the Walworth County Code of Ordinances Relating to a Clerical Eligibility List. Discussion ensued. County Administrator Bretl gave an explanation of why there should be an eligibility list for clerical positions. He said it is an incredible responsibility to process all the applications for a particular position and the idea is to create a list to save for six months. He said that oftentimes a position is filled from within and that opens up another position. Bretl said he would like to make the language more clear by amending the ordinance as follows: Line 7, ... “may establish ~~an~~ eligibility lists”; Line 8, ...”for one or more job classifications, rather than begin a new recruitment process for each opening ~~with the in~~ said”; Line 9, ~~same~~ job classifications.” Line 10, “being established and the duration of the list. Any eligibility list established for a clerical job” “a” is deleted; Line 11, “classifications shall extend for a period of six months.” The letter “s” was added to the word “classification.”

Section 15-54. Selection process, would read as follows:

(b) Eligibility list. The director may establish eligibility lists of qualified applicants for one or more job classifications rather than begin a new recruitment process for each opening in said job classifications. Recruitment documents shall normally disclose that an eligibility list is being established and the duration of the list. Any eligibility list established for clerical job classifications shall extend for a period of six months. The director may extend a current eligibility list until the new list is completed.

On motion by Supervisor Bromley, seconded by Supervisor Van Dreser, the amendment to the ordinance was approved by voice vote. On motion by Supervisor Weber, seconded by Supervisor Grant, **Ordinance No. 541-03/09** was approved **as amended** by voice vote.

Reports of Special Committees

There were none.

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

Chairman's Report

Adjournment

On motion by Supervisor Stacey, seconded by Supervisor Weber, the meeting was adjourned at 6: 39 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 March 10, 2009 meeting.

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