

MAY 13, 2008
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.

All Supervisors were present.

David A. Bretl, County Administrator, delivered the invocation.

Chair Russell announced that an amended agenda for this evening's meeting had been placed on the Supervisors' desks.

Amendments, Withdrawals, and Approval of Agenda

On motion by Supervisor Ingersoll, seconded by Supervisor Van Dreser, Health and Human Services Board Resolution No. 14-05/08 was withdrawn from the amended agenda. On motion by Supervisor Weber, seconded by Supervisor Schaefer, the agenda was approved as amended.

Approval of the Minutes

On motion by Supervisor Hawkins, seconded by Supervisor Bromley, the minutes of the April 15, 2008 Walworth County Board Meeting and April 17, 2008 Walworth County Board Meeting were approved by voice vote.

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

There were none at this time.

Appointments

1. Wisconsin River Rail Transit Commission
 - Richard Kuhnke – Term to continue upon re-appointment and end April 30, 2011
(Recommended by the Executive Committee 5-0)

On motion by Supervisor Grant, seconded by Supervisor Schaefer, Richard Kuhnke was re-appointed to the Wisconsin River Rail Transit Commission.

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: There were none.
2. Claims: There were none.
3. Correspondence from Marguerite Schutten requesting a change in Chapter 74, Walworth County Code of Ordinances, to allow pole mounted solar panels to be erected and electricity to be sold to local utility for buy back purposes without a conditional use permit was referred to the County Zoning Agency.
4. Communication from Ramaker and Associates, Inc. – Invitation to Comment Under Section 106 – Proposed Verizon Wireless Tower, Hwy 14 and 11, N4692 State Road 89, Darien Township was referred to the County Zoning Agency.
5. Communication from Supervisor Randy Hawkins regarding topics for the Committee of the Whole and Board Member Compensation was referred to the Executive Committee.
6. Brown County Resolution Requesting Placement of Wireless Emergency 911 Surcharges into the Budget Repair Bill was referred to the Executive Committee.
7. Florence County Resolution No. 08-17 Relating to the opposition of S. 1870 and H.R. 2421, a bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States was referred to the Land Conservation Committee.
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:
 - Amended May 13, 2008 Walworth County Board of Supervisors Meeting Agenda – Amended May 12, 2008
 - Report of County Clerk Concerning Zoning Petitions was referred to the County Zoning Agency
 - Communication from Supervisor Randy Hawkins regarding Topics for Committee of the Whole – This item was listed on the agenda but was omitted from the agenda packet was referred to the Executive Committee
 - Communication from the Government Finance Officers Association regarding the Distinguished Budget Presentation Award was referred to the Finance Committee
 - Communication from Guardian Pipeline regarding a letter to update landowners who own property on the approved Guardian Pipeline route was referred to the Land Conservation Committee
 - Communication from Wassel, Harvey & Schuk, LLP regarding a Raze Order in the matter of Town of Bloomfield v. Thomas Granat and Francis Granat was placed on file
 - *Walworth County Senior Review*, May 2008 was placed on file
 Also placed on Supervisors' desks but not attached to the coversheet:
 - Communication from the Wisconsin Counties Association with a variety of publications produced by WCA was placed on file
10. Report of County Clerk Concerning Zoning Petitions was referred to the County Zoning Agency.
 - Tower View Mobile Court, Inc. (Atty. Dale L. Thorpe, App.), Town of Darien, R-6 to R-2; A-1 to C-1; & A-1 to R-6
 - Steven L. and Darlene F. Pinnow, Town of Richmond, A-1 to A-4
 - James (Jake) A. and Kathleen A. Ferry, Town of East Troy, A-1 to M-1
 - David A. and Jennifer Overbeek Trust, Town of Richmond, A-1 to C-2

- Estate of Michael Calkins (Atty. Brian Schuk, App.), Town of Sharon, A-1 & C-4 to A-1, C-1, & C-4
- Joseph DeLuca and Francine M. DeLuca Trust (Atty. Ken Conell, App.), Town of Walworth, A-1 to C-2 & C-1
- Dorothy Goes Gray Trust, Town of Walworth, A-1 to A-2
- Jerry and Ellen Dean, Town of Walworth, M-1 to A-5
- Ken and Ellen Lea (Ron Deschner, App.), Town of Whitewater, B-2 to R-1

Unfinished Business

There was none.

New Business

Reports of Standing Committees

County Zoning Agency Report of Proposed Zoning Amendments

1. G & S Unique Properties LLC (Greg Gray and Ray Sims, App.), Town of Darien, Rezone 1.05 acres of A-3 to M-1 – approved 6 – 0 (4-24-08 public hearing)
2. Tuscany Developers LLC (Allan Church, App.), Town Walworth, Rezone 9.19 acres of A-3 to A-5 – approved 7 – 0 (4-24-08 public hearing)
3. Patrick H. and Diane L. Read, Town of Geneva, Rezone 2.74 acres of A-1 to C-1 and 14.94 acres of A-1 to C-2 – approved 7 – 0 (4-24-08 public hearing)
4. Michael Lazzaroni Investment Trust (John Engermann, App.), Town of Linn, Rezone .44 acres of R-4 to R-1 – approved 7 – 0 (4-24-08 public hearing)

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

Executive Committee

1. Ordinance No. 493-05/08 – Amending Section 2-31 of the Walworth County Code of Ordinances Relating to Membership-*Vote required: 2/3* (Recommended by the Executive Committee 5-0)
2. Ordinance No. 494-05/08 – Amending Section 2-45 of the Walworth County Code of Ordinances Relating to County Board Supervisor Compensation-*Vote required: 2/3* (Recommended by the Executive Committee 5-0)
3. Resolution No. 16-05/08 – Extending the Employment Contract of County Administrator David A. Bretl for Thirty Days-*Vote required: Majority* (The Executive Committee will consider at a special meeting at 4:45 p.m., May 13, 2008, prior to the County Board meeting)

Supervisor Weber offered a motion, seconded by Supervisor Bromley, to approve item 1, Ordinance No. 493-05/08. On motion by Supervisor Van Dreser, seconded by Supervisor Grant, **Ordinance No. 493-05/08** was approved by unanimous consent.

Supervisor Grant offered a motion, seconded by Supervisor Weber, to approve item 2, Ordinance No. 494-05/08. Administrator Bretl commented that the title is misleading relating to supervisor compensation. This ordinance does not increase supervisor compensation and is just an ordinance to clean up wording. On motion by Supervisor Van Dreser, seconded by Supervisor Weber, **Ordinance No. 494-05/08** was approved by unanimous consent.

Chair Russell said that the Executive Committee unanimously approved item 3, Resolution No. 16-05/08 at the special meeting which was held prior to the County Board meeting. On motion by Supervisor Stacey, seconded by Supervisor Ingersoll, **Resolution No. 16-05/08** was approved by voice vote.

Finance Committee

1. Ordinance No. 490-05/08 – Amending Section 30-410 of the Walworth County Code of Ordinances Relating to Direct Deposit Policy-*Vote required: Majority* (Recommended by the Finance Committee 4-0)
2. Ordinance No. 491-05/08 – Amending Section 30-182(c) of the Walworth County Code of Ordinances Relating to Fund Balance and Net Asset Policies-*Vote required: Majority* (Recommended by the Finance Committee 4-0)
3. Ordinance No. 492-05/08 – Amending Section 30-171(b) of the Walworth County Code of Ordinances Relating to General Fund Reservations for Third Party Restricted Programs-*Vote required: Majority* (Recommended by the Finance Committee 4-0)
4. Resolution No. 08-05/08 – Closing Fiscal Year 2007-*Vote required: 2/3* (Recommended by the Finance Committee 4-0)
5. Resolution No. 09-05/08 – Authorizing Write Off of 2005 Personal Property Taxes Uncollectible in 2006-*Vote required: 2/3* (Recommended by the Finance Committee 4-0)
6. Resolution No. 10-05/08 – Establishing 2009 Budget Guidance-*Vote required: Majority* (Recommended by the Finance Committee 3-1)
7. Resolution No. 15-05/08 – Authorizing the Transfer of \$250,000 from the Contingency Fund to Offset a Shortfall in Investment Income-*Vote Required: 2/3* (Recommended by the Finance Committee 3-0)

Supervisor Weber offered a motion, seconded by Supervisor Grant, to approve item 1, Ordinance No. 490-05/08, item 2, Ordinance No. 491-05/08, item 3, Ordinance No. 492-05/08, and item 6, Resolution No. 10-05/08. It was decided to consider items 4, 5, and 7 at this time, as these items each required a 2/3 vote.

A motion offered by Supervisor Bromley, seconded by Supervisor Grant, to approve item 4, **Resolution No. 08-05/08**, carried by unanimous voice vote. There were no “No” votes heard.

A motion was offered by Supervisor Schaefer, seconded by Supervisor Ingersoll, to approve item 5, Resolution No. 09-05/08. Supervisor Hawkins offered a motion, seconded by Supervisor Grant, to amend the resolution to include publishing the names of the businesses. Bretl said that although we are writing off this debt, we are still free to collect but often it is hard to recover the cost of collecting as the costs become more than what we recover. Treasurer Goetz said that statutorily the alternative is to file a civil action to collect. Goetz said that the County does send

letters in an attempt to collect but a civil suit would have to be filed if the letters to collect do not work. Supervisor Bromley said that he would have a concern with publication unless we verify that these non-payers are outside of bankruptcy. Bretl said he concurred with Supervisor Bromley. Goetz said that municipalities have a right to withhold licenses if businesses are not paying their taxes. After discussion, Supervisors Hawkins and Grant withdrew the motion to amend the resolution. On motion by Supervisor Van Dreser, seconded by Supervisor Stacey, **Resolution No. 09-05/08** was approved by unanimous consent.

Supervisor Stacey offered a motion, seconded by Supervisor Grant, to approve item 7, Resolution No. 15-05/08. On motion by Supervisor Van Dreser, seconded by Supervisor Weber, **Resolution No. 15-05/08** was approved by unanimous consent.

Discussion ensued on item 6, Resolution No. 10-05/08 – Establishing 2009 Budget Guidance. Bretl said that staff has already begun some planning and the Finance Committee is asking for guidance from the full Board. Bretl said that under the statutes, it is his responsibility to produce the first draft of the budget, and although he could do that without the guidance of the County Board, he would prefer to get the opinion of the Board.

Bretl said that this year the Finance Committee has set a limit for the County's overall tax levy increase to 4.9% or less. The County's self-imposed levy cap, which is based on a formula that incorporates increases in the consumer price index together with the increase in the equalized value due to new construction in the County, yielded a permissible levy increase of 4.921% this year. He advised that if this formula is not what the Supervisors want, they are free to make modifications but he would encourage the Board to find a different methodology rather than just picking a figure out of the air. He said the budget he is proposing would require some reduction of the base budget spending. Approximately \$400,000 to \$700,000 has to be removed from the base budget. Bretl said that every year it has become harder to make modifications as more and more programs are consolidated or removed.

Michael Cotter, Director of Land Use & Resource Management, said we have seen a decrease in new home starts over the past four years. Bretl said that he would be surprised if equalized value did not increase to at least as much as the levy increase we are requesting. He said that the Department of Revenue gives us the equalized value sometime in August.

Chair Russell relinquished the chair to Vice-Chair Grant. Supervisor Russell said speaking as the Chair of the Finance Committee and the Chair of the Board, she thinks we should respect the recommendation of the Administrator. She said that we have a formula and we should stick with it or we will lose credibility.

Chair Russell resumed the chair. Bretl said that often times other counties don't put out their rates until October so it is hard to compare with other counties. After discussion regarding bonding for road construction and the effect on the budget, Nicki Andersen said the County has a plan to issue bonds every other year for road construction, which will reduce the cost of bond issuance because we can combine the bonds, and we can get better rates if we have more roads to repair at a time.

The question was called and a roll call vote was held on the motion to approve item 6, Resolution No. 10-05/08 – Establishing 2009 Budget Guidance. Total vote: 11; Ayes: 8 – Bromley, Grant, Ingersoll, Kilkenny, Schaefer, Van Dreser, Weber, Russell; Noes: 3 – Hawkins, Holst, Stacey; Absent: 0. **Resolution No. 10-05/08** was approved.

Item 1, **Ordinance No. 490-05/08**, item 2, **Ordinance No. 491-05/08**, and item 3, **Ordinance No. 492-05/08** were approved by voice vote.

Human Resources Committee

1. Ordinance No. 495-05/08 – Amending Section 15-533 of the Walworth County Code of Ordinances Relating to Premium Contributions-*Vote required: Majority* (Recommended by the Human Resources Committee 4-0)
2. Ordinance No. 496-05/08 – Amending Section 15-17 of the Walworth County Code of Ordinances Relating to Janitor II Position at Lakeland Health Care Center-*Vote required: Majority* (Recommended by the Human Resources Committee 4-0)
3. Ordinance No. 497-05/08 – Amending Section 15-587 of the Walworth County Code of Ordinances Relating to Employee Wellness Groups-*Vote required: Majority* (Recommended by the Human Resources Committee 4-0)
4. Resolution No. 11-05/08 – Approving Side Letter Agreement between Walworth County & Highway Employees' Union 1925-*Vote required: Majority* (Recommended by the Public Works Committee 5-0 and the Human Resources Committee 4-0)
5. Resolution No. 12-05/08 – Establishing 2009 Wage Increase for Certain Management Positions-*Vote required: Majority* (Recommended by the Human Resources Committee 4-0)
6. Resolution No. 13-05/08 – Approving a Second Revised Amendment to the Employment Contract of Michael Cotter for Performing the Duties of Deputy Corporation Counsel-*Vote required: 2/3* (Recommended by the Executive Committee 5-0 and the Human Resources Committee 4-0)
7. Resolution No. 14-05/08 – Approving a Memorandum of Understanding (MOU) by and between Walworth County and AFSCME Locals 1925A and 1925B Regarding the Transfer of Janitor Positions-*Vote required: Majority* (Recommended by the Human Resources Committee 4-0)

Resolution No. 14-05/08 was withdrawn from the agenda earlier in the meeting.

Supervisor Grant offered a motion, seconded by Supervisor Schaefer, to approve item 6. On motion by Supervisor Van Dreser, seconded by Supervisor Grant, **Resolution No. 13-05/08** was approved by unanimous consent.

On motion by Supervisor Van Dreser, seconded by Supervisor Ingersoll, item 1, **Ordinance No. 495-05/08**, item 2, **Ordinance No. 496-05/08**; item 3, **Ordinance No. 497-05/08**; item 4, **Resolution No. 11-05/08**, and item 5, **Resolution No. 12-05/08** were approved by voice vote.

Reports of Special Committees

There were none.

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

There were none.

Chairperson's Report

Adjournment

On motion by Supervisor Weber, seconded by Supervisor Schaefer, the meeting was adjourned at 7:00 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 May 13, 2008 meeting.

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