

SEPTEMBER 4, 2008
WALWORTH COUNTY BOARD OF SUPERVISORS
MEETING

The Walworth County Board of Supervisors meeting was called to order by Chair Russell at 6:15 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.

F. Mark Bromley, Walworth County Board Supervisor, District # 3, delivered the invocation.

Amendments, Withdrawals, and Approval of Agenda

Chair Russell requested that Executive Committee item 1, Resolution No. 35-09/08, and item 5, Resolution No. 39-09/08, be considered immediately following Comment Period by Members of the Public Concerning Items on the Agenda.

Supervisor Grant requested that Communications and Matters to Be Referred, item # 2. a) Notice of Claim and Circumstances Giving Rise to Claim Pursuant to Wis. Stat. 893.80-Maybelle Brethauer, be placed on file rather than referred to the Executive Committee as indicated on the agenda.

On motion by Supervisor Weber, seconded by Supervisor Schaefer, the evening's agenda was approved as amended by voice vote.

Approval of the Minutes

On motion by Supervisor Grant, seconded by Supervisor Stacey, the minutes of the August 5, 2008 Walworth County Board of Supervisors 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 Bromley, **Resolution No. 35-09/08** – Recognizing and Commending Michelle Snead, Assistant Corporation Counsel, for Her Successful Appearance before the Wisconsin State Supreme Court in Regard to Case 2007AP8, a Termination of Parental Rights Matter, was approved by voice vote.

Michael Cotter, Deputy Corporation Counsel, congratulated Michelle Snead. He said that Michelle won a case before the Wisconsin Supreme Court in regard to termination of parental rights and that this was one of the most difficult jury cases to win. He said Michelle is an expert in this field. He said that Walworth County has outside counsel quite often but the people we have in our Corporation Counsel's office are experts and are the best in these cases. Chair Russell said that she was proud to present Ms. Snead with a copy of the resolution on behalf of

the County Board. Cotter also thanked Chery Mohr, Legal Secretary, for assisting Michelle throughout the entire case. Ms. Snead thanked the Board for the recognition and said that this type of case is generally a closed hearing so what she does is largely unknown. She thanked Michael Cotter, Dave Bretl, and Chery Mohr for their help.

On motion by Supervisor Weber, seconded by Supervisor Grant, **Resolution No. 39-09/08** – Recognizing Allen L. Morrison for Twenty-Six Years of Service as Walworth County’s Representative on the Southeastern Wisconsin Regional Planning Commission was approved by voice vote. Former Supervisor Allen Morrison came forward and Chair Russell read the resolution. Morrison said that the SEWRPC directors are and have been great people who surrounded themselves with extremely professional people and that is why the organization is so strong and why the Commission does such a good job. He said that Nancy Russell has been appointed to serve on that Board and he believes she will do a tremendous job as liaison.

Appointments

1. County Zoning Agency

- Greg Holden – Two-year term to begin upon re-appointment and end June 30, 2010
- Rich Kuhnke – To fill the unexpired two-year term of Ed Sokolowski whose term is scheduled to end June 30, 2009

(Recommended by the Executive Committee 4-0)

2. Lake Geneva Library Board

- Fritz Oppenlander – Three-year term to begin upon re-appointment and end July 30, 2011

(Recommended by the Executive Committee 4-0)

3. Park Committee

- Mike Hurlburt – Two-year term to begin upon re-appointment and end on June 30, 2010
- Mariette Nowak – Two-year term to begin upon re-appointment and end on June 30, 2010

(Recommended by the Executive Committee 4-0)

4. Walworth County Lake Districts

- Lake Benedict/Tombeau – Rosemary Badame

(Recommended by the Land Conservation Committee 5-0)

On motion by Supervisor Van Dreser, seconded by Supervisor Schaefer, items 1 through 4 were approved by voice vote.

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: a) Notice of Claim and Circumstances Giving Rise to Claim Pursuant to Wis. Stat. 893.80 – Maybelle Brethauer was placed on file; b) Summons & Complaint-Foreclosure-U.S. Bank, National Association vs. Tim Dubinsky and Jane Doe Dubinsky and Walworth County was referred to the Executive Committee.

3. Communication from Wisconsin Department of Administration regarding the 2008 preliminary population estimate for Walworth County and Official Population Estimate Challenge Form was referred to the Executive Committee.
4. Communication from Gene German of the Wisconsin Patriots requesting adoption of a resolution pertaining to the right to keep and bear arms was referred to the Executive Committee.
5. Clark County Resolution # 23-6-08 – Allowing Application for Homeland Security Interoperability Equipment Grant was referred to the Executive Committee.
6. Correspondence from Forest County Board Chair Erhard Huettl with resolution regarding Opposition to the Forest-Wide Travel Management Project Plan in the Chequamegon-Nicolet National Forest as Proposed by the United States Forest Service; Oconto County Resolution #55-08-Opposition to the Forest-Wide Travel Management Project Plan in the Chequamegon-Nicolet National Forest as Proposed by the United States Forest Service; and WCA correspondence from Erhard Huettl, North Central ITBEC Board Chair, with sample advisory resolution on same topic was referred to the Land Conservation Committee.
7. Communication from Gathering Waters Conservancy and Milwaukee Area Land Conservancy requesting support for the Great Lake Gatherings 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
9. Report of County Clerk Concerning Communications Received by the Board After the Agenda Mailing
10. Report of County Clerk Concerning Zoning Petitions (To be referred to the County Zoning Agency)
 - Fred L. Haines III, Town of Delavan, B-3 to R-2A
 - Alan D. & Bonnie R. Cornue, Town of Linn, A-1 to A-2, A-5 & C-1
 - Michael C. & Rosemary L. Martin, Town of Troy, C-2 to C-3

Unfinished Business

There was none.

New Business

Reports of Standing Committees

County Zoning Agency Report of Proposed Zoning Amendments

1. Aurora University (William B. Gage, App.), Town of Walworth, Rezone 65.76 acres of A-1 to A-2, A-4 & B-4 – approved 6-0 (8-21-08 public hearing)
2. James (Jake) A. and Kathleen W. Ferry, Town of East Troy, Rezone 2.5 acres of A-1 to M-2 – approved 6-0 (8-21-08 public hearing)
3. Guardian Pipeline, LLC (Thomas Lueker c/o Land Service Company, App.), Town of LaGrange, Rezone 21.9 acres of P-1 to A-2 – approved 6-0 (8-21-08 public hearing)
4. Anthony E. and Diane K. Urlakis (Atty. Timothy P. Swatek, App.), Town of Linn, Rezone 4.76 acres of C-2 to C-3 – approved 6-0 (8-21-08 public hearing)

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

Children With Disabilities Education Board

1. Ordinance No. 510-09/08 – Amending Chapter 9 of the Walworth County Code of Ordinances Relating to Enrollment of Non-Resident Students and Tuition-*Vote required: Majority* (Recommended by the Children with Disabilities Education Board 3-0)

Administrative Bretl said that this ordinance amends an ordinance we already have on the books regarding students who do not live in the CDEB district. It establishes criteria for admission or non-admission and provides a mechanism for the district sending the child to us to pay for the full cost of educating that child. Bretl said that Supervisor Weber is also offering an amendment, which tightens up the admission criteria to Lakeland School in instances where a child has been expelled from another school district.

Supervisor Weber offered a motion, seconded by Supervisor Schaefer, to approve Ordinance No. 510-09/08. On motion by Supervisor Weber, seconded by Supervisor Bromley, Ordinance No. 510-09/08 was amended as follows: under Sec. 9-52(b)(1) a, strikethrough “by means of explosives” (line 37); under Sec. 9-52(b)(1)c, strikethrough “at school or under the supervision of a school authority or of any employee of the school district or member of the school board” (lines 44-45); under Sec. 9-52(b)(1)d, strike through “while at school or while under the supervision of a school authority” (lines 2-3). On motion by Supervisor Kilkenny, seconded by Supervisor Van Dreser, Ordinance No. 510-09/08 was amended further by inserting the word “current” on line 19, page 3, before the words “tuition agreement.” **Ordinance No. 510-09/08** was approved **as amended** by voice vote.

Executive Committee

1. Resolution No. 35-09/08 – Recognizing and Commending Michelle Snead, Assistant Corporation Counsel, for Her Successful Appearance before the Wisconsin State Supreme Court in Regard to Case 2007AP8, a Termination of Parental Rights Matter-*Vote required: Majority* (Recommended by the Executive Committee 4-0)
2. Resolution No. 36-09/08 – Supporting a Change in State Legislation Permitting Register of Deeds Recording Fees To Be Changed from a Per Page Fee to a Flat Fee-*Vote required: Majority* (Recommended by the Executive Committee 4-0)
3. Resolution No. 37-09/08 – Recognizing September as Wisconsin Juror Appreciation Month-*Vote required: Majority* (Recommended by the Executive Committee 4-0)
4. Resolution No. 38-09/08 – Recognizing September 10 through October 10, 2008 as Voter Registration Month in Walworth County-*Vote required: Majority* (Recommended by the Executive Committee 4-0)
5. Resolution No. 39-09/08 – Recognizing Allen L. Morrison for Twenty-Six Years of Service as Walworth County’s Representative on the Southeastern Wisconsin Regional Planning Commission-*Vote required: Majority* (Recommended by the Executive Committee 4-0)

6. Resolution No. 40-09/08 – Denying the Claim of Maybelle Brethauer-*Vote required: Majority* (Recommended by the Executive Committee 4-0)
7. Resolution No. 41-09/08 – Establishing Dates and Topics for Future County Board Committee of the Whole Meetings and Canceling the October 14, 2008 Committee of the Whole Meeting-*Vote required: Majority* (Recommended by the Executive Committee 4-0)

Resolution No. 35-09/08 and Resolution No. 39-09/08 were approved earlier in the meeting.

Clerk Kim Bushey said she wanted to encourage everyone to get out and register to vote before the November election. She said that voter registration was actually not required for the smaller communities until 2006, which means people who routinely voted in Presidential elections only may not be registered to vote even though they voted at the same polling place at the last Presidential election. She said that right now there are approximately 14,000 people of voting age in Walworth County who are not currently registered to vote and the concern is that they will all show up and have to register at the polls before they vote in the November election causing significant delays.

On motion by Supervisor Weber, seconded by Supervisor Grant, item 2, **Resolution No. 36-09/08**, item 3, **Resolution No. 37-09/08**, item 4, **Resolution No. 38-09/08**, item 6, **Resolution No. 40-09/08**, and item 7, **Resolution No. 41-09/08**, were approved by voice vote.

Human Resources

1. Ordinance No. 507-09/08 – Amending Section 15-4 of the Walworth County Code of Ordinances Relating to Definitions-*Vote required: Majority* (Recommended by the Human Resources Committee 4-0)
2. Ordinance No. 508-09/08 – Amending Chapter 15 of the Walworth County Code of Ordinances Relating to Employee Use of County and Personal Vehicles-*Vote required: Majority* (Recommended by the Human Resources Committee 4-0)
3. Ordinance No. 509-09/08 – Amending Section 15-17(j) of the Walworth County Code of Ordinances Relating to the Reclassification of an HS Specialist I-*Vote required: Majority* (Recommended by the Human Resources Committee 4-0)

On motion by Supervisor Ingersoll, seconded by Supervisor Van Dreser, **Ordinance No. 507-09/08**, **Ordinance No. 508-09/08**, and **Ordinance No. 509-09/08** 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

Lee Ann Cali, W5626 Lost Nation Road, addressed the Board regarding COP funding for the elderly. Ms. Cali said that she owns a large Community Based Residential Facility (CBRF) in Delavan. She said that a majority of her residents are in wheelchairs and require more care than they can get in a smaller facility. Ms. Cali said that the State came out with a new ruling that

