

**NOVEMBER 12, 2008  
WALWORTH COUNTY BOARD OF SUPERVISORS  
MEETING**

The Walworth County Board of Supervisors meeting was called to order by Chair Russell at 6:02 p.m. in the County Board Room at the Walworth County Government Center, 100 W. Walworth Street, Elkhorn, Wisconsin.

Chair Russell said that since yesterday was Veterans Day, she asked everyone to remember our Veterans in all wars and in peacetime for the great sacrifice that they have made for all of us.

Roll call was conducted and all Supervisors were present.

Rick Stacey, Walworth County Board Supervisor, District # 1, delivered the invocation.

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

On motion by Supervisor Stacey, seconded by Supervisor Grant, the evening's agenda was approved by voice vote.

**Approval of the Minutes**

On motion by Supervisor Grant, seconded by Supervisor Schaefer, the minutes of the October 14, 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.

**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 County Clerk Regarding Communications Received After the Agenda Mailing.
2. Claims: a) James H. Connors v. Deputy Andrew Makar and the Walworth County Sheriff's Department was referred to the Executive Committee.
3. Communication from Town and Country Resource Conservation & Development Board Member, SEWISC, forwarding information about the Southeastern Wisconsin Invasive Species Cooperative and sample resolution was referred to the Land Conservation Committee.
4. Communications from the Hampton Inn Elkhorn, Staller Vineyard and Winery, and Whitewater Tourism Council regarding Walworth County's continuing support of the

Walworth County Visitor's Bureau. (Sent to County Administrator for budget consideration and was placed on file)

5. Communication from Wisconsin Counties Association concerning Walworth County's withdrawal of membership in the Association was placed on file.
6. Communication from Wisconsin County Executive and Administrators Association requesting reconsideration of Walworth County's termination of membership in the Wisconsin Counties Association was placed on file.
7. Communication from the Wisconsin Library Association expressing appreciation for Walworth County's past support of library and information services for all Wisconsin residents and a summary of highlights of an economic study showing the return on investment in library services was placed on file.
8. Communication from U. S. Senator Herb Kohl acknowledging receipt of Walworth County's Resolution No. 31-08/08 – Supporting Enactment of Federal Legislation to Reinstate Passport Acceptance Fees to \$30 was placed on file.
9. Report of the County Clerk Concerning Communications Received by the Board and Recommended to be Placed on File
10. Report of County Clerk Concerning Communications Received by the Board After the Agenda Mailing – The following items were placed on Supervisors' desks:
  - Writ of Certiorari-Snowcrest, LLC and Steve Snow vs. Walworth County Board of Adjustment – To be referred to the Executive Committee
  - Communication from the City of Elkhorn regarding a request for removal of a contaminated property from the County's delinquent property for sale list – To be referred to the Finance Committee
  - Communication from Supervisor Kathy Ingersoll regarding correspondence from Edward Strege concerning property taxes – To be referred to the Finance Committee
  - Communication from the Wisconsin Department of Tourism in support of the Walworth County Visitors Bureau – To be placed on file
  - Walworth County's Statement of Support for the Guard and Reserve – To be placed on file
  - *Walworth County Senior Review*, November 2008 – To be placed on file
11. Report of County Clerk Concerning Zoning Petitions was referred to the County Zoning Agency.
  - Etheleen Haak, Town of Geneva, A-1 & A-2 to A-5
  - Craig A. DeYoung & York Trust, Town of Linn, A-1 & A-4 to B-4
  - Kelly D. & Debra A. Elliott (Atty. Larry Steen, App.), Town of Linn, A-1 to A-4
  - Town of Lyons Sanitary District No. 2 (Wayne Karlovich, Applied Technologies, Inc., App.), Town of Lyons, A-3 to P-2
  - McHa, a Limited Liability Company (Atty. Anthony A. Coletti, App.), Town of Darien, M-3 to A-2 & C-4
  - Dean Kincaid, Inc. (Gary Kincaid, App.), Town of Delavan, A-1 to R-1
  - S & E Property Management, LLC (Susan & Eric Meinel, App.) Town of Geneva, R-2 to R-3
  - Roger & Gloria Wutke, Town of Whitewater, A-1 to C-2
  - Mann Bros., Inc., Town of Sugar Creek, C-1 to M-1

## **Unfinished Business**

There was none.

## **New Business**

### **Reports of Standing Committees**

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

1. Tena Stopple (Mary Jordan, App.), Town of Walworth, Rezone 2 acres of A-1 to A-5 – approved 6 – 0 (10-16-08 public hearing)
2. Evelyn Pearson, Town of Richmond, Rezone 1.17 acres of C-2 to A-5 – approved 5 – 0 (10-16-08 public hearing)

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

### **Executive Committee**

1. Resolution No. 45-11/08 – Recognizing Philip Evenson, Executive Director of Southeastern Wisconsin Regional Planning Commission (SEWRPC) for His Work on the Commission-*Vote required: Majority* (Recommended by the Executive Committee 5-0)

On motion by Supervisor Schaefer, seconded by Supervisor Weber, **Resolution No. 45-11/08** was approved by voice vote.

### **Finance Committee**

1. Ordinance No. 518-11/08 – Amending Section 30-286 of the Walworth County Code of Ordinances Relative to Fees-*Vote required: Majority* (Recommended by the Finance Committee 5-0)
2. Resolution No. 46-11/08 – Establishing Official County Bond Amounts for Walworth County Constitutional Officers for 2009-2010 and 2009-2012-*Vote required: Majority* (Recommended by the Finance Committee 5-0)
3. Resolution No. 47-11/08 – Resolution Authorizing the Redemption of General Obligation Promissory Notes, Series 2001A, Dated February 1, 2001-*Vote required: Majority* (Recommended by the Finance Committee 5-0)
4. Resolution No. 48-11/08 – Adopting the 2009 Appropriation of the Walworth County Budget and CIP Plan-*Vote required: Majority* (Recommended by the Finance Committee 4-1)
5. Resolution No. 49-11/08 – Establishing the Tax Levy to Support the 2009 Budget Appropriation-*Vote required: Majority* (Recommended by the Finance Committee 4-1)

Chair Russell asked that the vote on item 1, Ordinance No. 518-11/08, be held. On motion by Supervisor Grant, seconded by Supervisor Weber, item 2, **Resolution No. 46-11/08**, and item 3, **Resolution No. 47-11/08**, were approved by voice vote. There were no No votes heard.

A motion was offered by Supervisor Van Dreser, seconded by Supervisor Weber, to approve item 4, Resolution No. 48-11/08 – Adopting the 2009 Appropriation of the Walworth County Budget and CIP Plan. Discussion ensued with consideration of the Budget Amendments.

A motion was offered by Supervisor Kilkenny, seconded by Supervisor Bromley, to move Budget Amendments B and I to the end of the Amendments for consideration. Supervisor Kilkenny said that these two items have multiple components and they also share a particular line item. The motion was amended to add item D to be considered at the end and that items D, I, and B, be considered in that order. The motion was approved as amended by voice vote.

Supervisor Schaefer offered a motion to make an amendment to the budget to eliminate the ½ time horticulturist upgrade and he said he would like more information before he votes on the budget amendments. He said he would wait until the end of the Budget Amendments.

Budget Amendment A – PW & LHCC Buyout Adjustments: On motion by Supervisor Stacey, seconded by Supervisor Bromley, Budget Amendment A was approved by voice vote.

Budget Amendment C – Elim Fin/CDEB Accountant Position: A motion was offered by Supervisor Hawkins, seconded by Supervisor Van Dreser, to approve Budget Amendment C. After discussion a voice vote was taken and the motion failed. Supervisor Hawkins requested that his vote be recorded as “Aye.”

Budget Amendment E – Elim LURM Scanner Replacement: Supervisor Hawkins offered a motion, seconded by Supervisor Kilkenny, to approve Budget Amendment E. Discussion ensued. A voice vote was taken and the motion failed by voice vote. Supervisor Hawkins requested that his vote be recorded as “Aye.”

Budget Amendment F – Elim Remod Gov Ctr 2<sup>nd</sup> Flr Mtg Rm: Supervisor Hawkins offered a motion, seconded by Supervisor Weber, to approve Budget Amendment F. Discussion ensued. Supervisor Hawkins offered a motion, seconded by Supervisor Schaefer, to amend Budget Amendment F to include oversight by the Public Works Committee and Finance Committee. A voice vote on the amendment to include the Public Works Committee and the Finance Committee failed. A vote to approve Budget Amendment F also failed.

Budget Amendment G – Visitors Bureau Requirements: Supervisor Hawkins offered a motion, seconded by Supervisor Bromley, to approve Budget Amendment G. After discussion, a voice vote was held and the motion failed.

Budget Amendment H – Elim Mass Transit Program: Supervisor Hawkins offered a motion, seconded by Supervisor Ingersoll, to approve Budget Amendment H. Discussion ensued. On motion by Supervisor Grant, seconded by Supervisor Weber, the question was called. A roll call vote was held to approve Budget Amendment H, to Eliminate the \$30,000 Mass Transit Program. Total vote: 11; Ayes: 3 – Hawkins, Kilkenny, Van Dreser; Noes: 8 – Bromley, Grant, Holst, Ingersoll, Schaefer, Stacey, Weber, Russell. Roll call vote failed.

Budget Amendment J – Parks Lock Box-\$50,000-2008 Funds: Supervisor Kilkenny offered a motion, seconded by Supervisor Weber, to approve Budget Amendment J. Supervisor Kilkenny clarified that the amendment was passed by both the Public Works and Finance Committees and because of the nature of the amendment was not incorporated into the Finance budget so would have to be considered tonight. Supervisor Kilkenny said that the Parks Lock Box was approved by the County Board before he was on the Board. Supervisor Stacey offered an amendment to Budget Amendment J, seconded by Supervisor Holst, to require that the question on whether money should be put into a Parks Lock Box be put to a public referendum prior to putting the money in the lockbox and let the voters decide if this should be on the levy. Discussion ensued. On motion by Supervisor Van Dreser, seconded by Supervisor Weber, the question was called. Supervisor Stacey's amendment to Budget Amendment J failed by voice vote. A vote was held on the motion to approve Budget Amendment J as originally presented, to contribute \$50,000 to the Parks Lock Box only if the General Fund closes 2008 with greater than the self-imposed minimum ending fund balance. Motion carried.

Budget Amendment K – Elim Dec 31 Sales Tax/Decr Conting: Supervisor Stacey offered a motion, seconded by Supervisor Hawkins, to approve Budget Amendment K to eliminate the sales tax for one day on December 31, 2009. After discussion, a vote on the motion to approve Budget Amendment K failed by voice vote.

Budget Amendment D – Elim LURM Permit Mgmt System: Supervisor Hawkins offered a motion to approve Budget Amendment D and the motion died for lack of a second.

Budget Amendment I – Elim. Fee/Adj Permit Software: Chair Russell said that this amendment eliminates the \$10 maintenance fee for sending out septic pumping cards, eliminates the budget for consultant services for the LURM Permit Management System, and provides funding to purchase computer programming to automate the pumping card system with LURM to bring their final proposal for automation to the County Board for approval. Supervisor Stacey offered a motion, seconded by Supervisor Kilkenny, to approve Budget Amendment I. Discussion ensued.

Supervisor Hawkins offered an amendment to Budget Amendment I, seconded by Supervisor Bromley, to leave the \$10 maintenance fee in the 2009 budget by striking the first paragraph of Budget Amendment I. Chair Russell said that this is a State mandated program and pumping is a benefit to the whole County. She is in favor of this amendment to remove the pumping card fee and automate the pumping card system. A roll call vote was held on the motion by Supervisors Hawkins and Bromley to amend Budget Amendment I by striking the first paragraph, which would restore the fee. Total vote: 11; Ayes: 4 – Bromley, Hawkins, Schaefer, Weber; Noes: 7 – Grant, Holst, Ingersoll, Kilkenny, Stacey, Van Dreser, Russell. The Hawkins/Bromley amendment to Budget Amendment I failed. Budget Amendment I was approved by voice vote as originally presented.

Budget Amendment B – LURM Reinstate Admin Sup Position – Supervisor Hawkins' motion to approve Budget Amendment B died for lack of a second.

Budget amendment to remove the ½ time position in the Horticulturist – Motion by Supervisor Schaefer, seconded by Supervisor Hawkins to eliminate the upgrade of a ½ time position which would amount to \$24,319. Administrator Bretl explained the purpose of upgrade, which was to try to get more involvement in volunteerism. If we take the upgrade out of the budget there would be a savings but temporary help would have to be hired. Supervisor Schaefer withdrew the motion.

Nicki Andersen said that the tax levy as presented does not change with the amendments; however, Exhibit B, Capital Improvement Funding Summary, All Other Capital Requests should be reduced by \$50,000 and should be \$1,377,079, to allow for the reduction in the LURM software package, and the Total should be \$8,939,079. To offset that amount in the second box of Exhibit B, the Tax Levy line should be reduced by \$50,000 and should be \$598,964. On motion by Supervisor Ingersoll, seconded by Supervisor Schaefer, the CIP plan was amended as stated to reflect the Budget Amendments. Supervisor Hawkins requested that his vote be recorded as “No.”

**Resolution No. 48-11/08** – Adopting the 2009 Appropriation of the Walworth County Budget and CIP Plan, **as amended** with the budget amendments, was approved by voice vote. Supervisors Hawkins and Stacey requested that their votes be recorded as “No.”

The Board took a break at 7:52 p.m. and reconvened at 8:00 p.m.

On motion by Supervisor Schaefer, seconded by Supervisor Weber, item 5, **Resolution No. 49-11/08** – Establishing the Tax Levy to Support the 2009 Budget Appropriation was approved by voice vote. Supervisors Hawkins and Stacey requested that their votes be recorded as “No.”

## **Human Resources**

1. Ordinance No. 519-11/08 - Amending Sections 15-552 and 15-742 Through 15-744 of the Walworth County Code of Ordinances Relating to Military Leave-*Vote required: Majority* (Recommended by the Human Resources Committee 5-0)
2. Ordinance No. 520-11/08 - Amending Section 15-17 of Chapter 15 of the Walworth County Code of Ordinances Relating to Authorized Positions by Department Based on the 2009 Budget-*Vote required: Majority* (Recommended by the Human Resources Committee 5-0)
3. Ordinance No. 521-11/08 - Amending Section 15-554 of the Walworth County Code of Ordinances Relating to Tax Sheltered Annuities-*Vote required: Majority* (Recommended by the Human Resources Committee 5-0)
4. Resolution No. 50-11/08 - Implementing Changes in Wages and Benefits for Non-Represented Employees-*Vote required: Majority* (Recommended by the Human Resources Committee 5-0)
5. Resolution No. 53-11/08 – Approving an Employment Agreement By and Between Walworth County and John Orr as Director of Information Systems-*Vote required: Majority* (Recommended by the Human Resources Committee 4-0)

Items 2 and 5 were pulled and discussed separately.

A motion offered by Supervisor Weber, seconded by Supervisor Grant, to approve item 1, **Ordinance No. 519-11/08**, item 3, **Ordinance No. 521-11/08**, and item 4, **Resolution No. 50-11/08** was approved by voice vote.

A motion was offered by Supervisor Ingersoll, seconded by Supervisor Van Dreser, to amend Ordinance No. 520-11/08 to correctly include the budget amendments approved tonight as follows: page 8, line 36 should be increased from 49.00 to 50.00 FTEs and line 38 should be reduced from 5.00 to 4.00 FTEs. Page 9, line 22, should be changed from 865.62 to 866.62 to reflect a typographical error. Also, on Page 11, the Fiscal Note, the last line in Part II should reflect the correction of the total of FTEs and should be changed to 866.62. The amendment was approved by voice vote.

On motion by Supervisor Weber, seconded by Supervisor Kilkenny, **Ordinance No. 520-11/08** was approved **as amended**. Supervisor Hawkins voted “No.”

A motion was offered by Supervisor Grant, seconded by Supervisor Weber, to approve item 5, Resolution No. 53-11/08 – Approving an Employment Agreement By and Between Walworth County and John Orr. Administrator Bretl introduced John Orr saying that he was pleased to promote one of our own and that John Orr brings a good relationship with the department heads. **Resolution No. 53-11/08** was approved by voice vote.

### **Public Works Committee**

1. Resolution No. 51-11/08 – Accepting the Jurisdictional Transfers of a Segment of County Highway H from Walworth County to the Town of Bloomfield and the City of Lake Geneva-*Vote required: Majority* (Recommended by the Public Works Committee 4-0)
2. Resolution No. 52-11/08 – Accepting the Jurisdictional Transfer of a Segment of County Highway BB from Walworth County to the City of Lake Geneva-*Vote required: Majority* (Recommended by the Public Works Committee 4-0)

On motion by Supervisor Van Dreser, seconded by Supervisor Weber, Resolution No. 51-11/08 and Resolution No. 52-11/08 were referred back to the Public Works Committee.

Finance Committee item 1, Ordinance No. 518-11/08 – Amending Section 30-286 of the Walworth County Code of Ordinances Relative to Fees was considered at this time. Supervisor Grant offered a motion, seconded by Supervisor Weber, to approve Ordinance No. 518-11/08. On motion by Supervisor Van Dreser, seconded by Supervisor Stacey, Ordinance No. 518-11/08 was amended to reflect the budget amendments by deleting the Sanitation Pumping Card Fee on page 22. Supervisor Hawkins requested that his vote be recorded as “No.” **Ordinance No. 518-11/08, as amended**, was approved. Supervisor Hawkins requested that his vote be recorded as “No.”

### **Reports of Special Committees**

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

There are none.

**Chairman's Report**

**Adjournment**

On motion by Supervisor Stacey, seconded by Supervisor Weber, the meeting was adjourned at 8: 14 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 November 12, 2008 meeting.