

**MAY 12, 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 the following Supervisors were present: F. Mark Bromley, Vice-Chair Jerry A. Grant, Randy D. Hawkins, Claudia J. Holst, Kathy Ingersoll, Daniel G. Kilkenny, Joseph H. Schaefer, Rick Stacey, Jim Van Dreser, David A. Weber, and Chair Nancy Russell.  
Absent: None.

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

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

On motion by Supervisor Stacey, seconded by Supervisor Weber, the agenda was approved by voice vote.

**Approval of the Minutes**

On motion by Supervisor Schaefer, seconded by Supervisor Grant, the minutes of the April 21, 2009 Committee of the Whole and the April 21, 2009 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.

**Appointments/Elections**

1. Walworth County Metropolitan Sewerage District Commission
  - Harold Shortenhaus – Five-year term to begin upon appointment and end February 28, 2014 (Recommended by the Executive Committee 4-0)

On motion by Supervisor Schaefer, seconded by Supervisor Weber, Harold Shortenhaus was appointed to the Walworth County Metropolitan Sewerage District 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. Communication from the Wisconsin Counties Association encouraging counties to adopt a resolution opposing proposed changes to insurance laws and 2009 Senate Bill 20 was referred to the Executive Committee.
4. Advisory resolutions from Forest, Jackson, and Juneau Counties Opposing the Governor's Proposed Changes to Insurance Laws and 2009 Senate Bill 20 was referred to the Executive Committee.
5. Communication from Governor Jim Doyle regarding an award of a Homeland Security grant for \$20,000 for Walworth County was referred to the Executive Committee.
6. Communication from the Town of Bristol, Kenosha County, with a Notice of Petition Filing for Incorporation as a Village 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:
  - Communication from the Delavan Lake Improvement Association – To be referred to the Land Conservation Committee
  - Correspondence from State Representative Kim Hixson acknowledging receipt of Walworth County advisory resolutions – To be placed on file
  - Chippewa County Resolution 9-09-Requesting that the State of Wisconsin Department of Corrections Increase Reimbursement Payments for State Probation and Parole Prisoners Held in the Chippewa County Jail – Previously referred and will be placed on file
  - *Walworth County Senior Review*, May 2009 – To be placed on file
9. Report of County Clerk Concerning Zoning Petitions was referred to the County Zoning Agency.
  - Dale C. and Sue Healey, Town of East Troy, A-3 to B-4
  - Martin J. Brunner, Town of Richmond, A-1, A-4, & R-1 to R-1, B-1 & B-2
  - Gus and Vanessa Tipps, Town of Walworth, A-5 to M-1
  - Eugene and Teresa Madaj (William P. Brown, App.), Town of Bloomfield, R-2 to R-3
  - Mark and Susan Sheldrup, Town of Delavan, A-2 to C-2
  - Walworth County (DPW), Town of Geneva, A-1 to P-2
  - Raymond Anderson, Pat Boivin, Marcus Gasser, Robert L. Ramsey and Mark Gruber, Town of Spring Prairie, B-5 & C-2 to R-5
  - Amendment to Shoreland & Wetland Boundary for Navigable Waterways Adjacent to Pell Lake re MB 1500003, Town of Bloomfield, C-1 to C-4

### **Unfinished Business**

Establishing guidance/parameters for negotiations with Unions for 2010-2011 contract years (After consideration at the April 21, 2009 County Board meeting, the Board voted to continue discussion at the May 12, 2009 County Board meeting in closed session. The Closed Session will immediately precede Reports of Special Committees.)

### **New Business**

## Reports of Standing Committees

### County Zoning Agency Report of Proposed Zoning Amendments

1. Ordinance No. 550-05/09 – Creating Section 65-20 of the Walworth County Code of Ordinances Relating to Small Wind Energy Systems-*Vote required: Majority* (Recommended by the County Zoning Agency 6-0) Amendment to Walworth County Code of Ordinances, Walworth County, Wisconsin, creating Chapter 65-20 Small Wind Energy System Ordinance – approved 6 – 0 (3-19-09 public hearing)
2. Ordinance No. 551-05/09 – Creating Section 65-40 of the Walworth County Code of Ordinances Relating to Solar Energy Systems-*Vote required: Majority* (Recommended by the County Zoning Agency 6-0) Amendment to Walworth County Code of Ordinances, Walworth County, Wisconsin, creating Chapter 65-40, Solar Energy System Ordinance – approved 6 – 0 (3-19-09 public hearing)
3. Gordon Polyock Family Trust (Jeanette H. Polyock, Trustee) (Jacob Polyock, App.), Town of Linn, Rezone 17.45 acres of A-1 to A-4 & M-2 – approved 6 – 0 (4-16-09 public hearing)
4. Lost Nation Farms, LLC (Cindy Balestrieri, App.), Town of Sugar Creek, Rezone 33.07 acres of A-2 & A-4 to A-4 & C-2 – approved 6 – 0 (4-16-09 public hearing)
5. Estate of Tena Stopples (David Stopples, App.), Town of Linn, Rezone 1.46 acres of A-1 to A-5 – approved 6 – 0 (4-16-09 public hearing)
6. Devora Budnick, Town of Linn, Rezone .3 acres of C-4 to R-1 – approved 6 – 0 (4-16-09 public hearing)
7. Matthew T. and Deborah L. Shinkus, Town of Sharon, Rezone 32 acres of A-1 to A-2 – approved 6 – 0 (4-16-09 public hearing)
8. Robert A. Pearce Farms, Town of Walworth, Rezone 2.93 acres of A-1 to A-4 – approved 6 – 0 (4-16-09 public hearing)

Draft copies of Ordinance No. 550-05/09 and Ordinance No. 551-05/09 were enclosed with the amended agenda and final copies were distributed to the Supervisors before the meeting.

On motion by Supervisor Stacey, seconded by Supervisor Van Dreser, items 1 through 8 of the Report of Proposed Zoning Amendments were approved as recommended by the County Zoning Agency.

### Executive Committee

1. Ordinance No. 552-05/09 – Amending Section 2-144 of the Walworth County Code of Ordinances Relating to the Regular Monthly Meeting Time of the Executive Committee-*Vote required: Two-thirds* (Recommended by the Executive Committee 4-0)
2. Resolution No. 13-05/09 – Opposition to S. 149 “Weekend Voting Act” And “2009 Assembly Joint Resolution 2”-*Vote required: Majority* (Recommended by the Executive Committee 4-0)
3. Resolution No. 14-05/09 – Opposing Proposed Changes to Wisconsin's Prevailing Wage Law-*Vote required: Majority* (Recommended by the Executive Committee 4-0)
4. Resolution No. 15-05/09 – Authorizing Acceptance of Community Development Block Grant - Emergency Assistance Program and Authorizing the Executive Committee to Execute Contract

#EAP 08-13 between the State of Wisconsin Department of Commerce and Walworth County-  
*Vote required: Majority* (Recommended by the Executive Committee 4-0)

On motion by Supervisor Weber, seconded by Supervisor Grant, item 2, **Resolution No. 13-05/09**, item 3, **Resolution No. 14-05/09**, and item 4, **Resolution No. 15-05/09**, were approved by voice vote.

Supervisor Bromley offered a motion, seconded by Supervisor Grant, to approve item 1, Ordinance No. 552-05/09. On motion by Supervisor Van Dreser, seconded by Supervisor Stacey, **Ordinance No. 552-05/09** was approved by unanimous consent.

### **Finance Committee**

1. Ordinance No. 554-05/09 – Amending Section 30-224 of the Walworth County Code of Ordinances Relating to Investment Delegation of Authority-*Vote Required: Majority* (Recommended by the Finance Committee 5-0)
2. Ordinance No. 555-05/09 – Amending Sections 30-228(a) and 30-229(a) of the Walworth County Code of Ordinances Relating to Eligible Investments-*Vote Required: Majority* (Recommended by the Finance Committee 5-0)
3. Resolution No. 17-05/09 – Authorizing the Return of Funds from the Government Center West Wing Renovation Account to the 2009 Contingency Fund Due to a Change in Project Scope-*Vote required: Two-thirds* (Recommended by the Public Works Committee 5-0 and the Finance Committee 5-0)
4. Resolution No. 18-05/09 – Requesting a Transfer from the 2009 Contingency Fund to the Appropriate Public Works Department Account for the Purpose of Renovating Portions of the East Wing of the Government Center-*Vote required: Two-thirds* (Recommended by the Public Works Committee 5-0 and the Finance Committee 5-0)
5. Resolution No. 19-05/09 – Closing Fiscal Year 2008-*Vote required: Two-thirds* (Recommended by the Finance Committee 5-0)
6. Resolution No. 20-05/09 – Authorizing Write Off of 2006 Personal Property Taxes Uncollectible in 2007-*Vote required: Majority* (Recommended by the Finance Committee 5-0)
7. Resolution No. 21-05/09 – Establishing 2010 Budget Guidance-*Vote required: Majority* (Recommended by the Finance Committee 5-0)

On motion by Supervisor Stacey, seconded by Supervisor Weber, item 1, **Ordinance No. 554-05/09**, item 2, **Ordinance No. 555-05/09**, and item 6, **Resolution No. 20-05/09** were approved by voice vote.

Supervisor Stacey offered a motion, seconded by Supervisor Van Dreser, to approve item 3. On motion by Supervisor Van Dreser, seconded by Supervisor Stacey, **Resolution No. 17-05/09** was approved by unanimous consent.

Supervisor Grant offered a motion, seconded by Supervisor Weber, to approve item 4. On motion by Supervisor Van Dreser, seconded by Supervisor Ingersoll, **Resolution No. 18-05/09** was approved by unanimous consent.

Supervisor Van Dreser offered a motion, seconded by Ingersoll, to approve item 5. On motion by Supervisor Van Dreser, seconded by Supervisor Weber, **Resolution No. 19-05/09** was approved by unanimous consent.

Discussion ensued regarding item 7, Resolution No. 21-05/09. Administrator Bretl stated that discussion was held at the Finance Committee which included history of the budget and where we are at this time. Bretl discussed a worksheet he had given to the Supervisors in a Report and Update, which outlined different budget scenarios. He said if the Board continued to follow the self-imposed levy cap with status quo programs and the same number of full-time equivalent (FTE) employees, the total tax levy would rise by 4.6%. Bretl said that he recommended a 2.9% levy increase and the Finance Committee seemed to be concur, given some of the economic conditions not only in the County but in the State. He said that a tax levy increase of 2.9 percent would mean a \$957,284 reduction in the base budget. He said that the rough estimate to reduce the base budget would mean, among other cuts, a reduction of ten FTEs between now and mid-2010. He said he believes we can stay beneath the 2.9 percent target without major program cuts. Bretl said if the State has not adopted its budget prior to September, we will be obliged to comply with a State mandated cap. He said that this statutory cap, as it presently exists, would require us to eliminate \$1,576,166 from the base budget; however, given Democratic control of both the executive and legislative branches in Madison, he expects the Governor's budget to pass, largely intact. He said this would have the effect of "loosening" the cap considerably and it would still necessitate a cut of \$246,166 from our base budget and would mean a smaller reduction of cuts than would be required under the 2.9 percent scenario.

Supervisor Bromley suggested they table item 7 until after the Closed Session. Bretl said that he doesn't think there would be a material change. Supervisor Weber offered a motion, seconded by Supervisor Stacey, to approve item 7, Resolution No. 21-05/09.

Supervisor Kilkenny suggested a 2.4 percent increase, which is half-way between 1.9 that the State suggested and 2.9 that the Finance Committee is recommending.

Chair Russell relinquished the chair to Vice Chair Grant. Chair Russell addressed the Board, stating that we are all thinking about the taxpayers and this is a difficult decision to make. She said that at 2.9 percent increase levy we are able to make budget but lower than that may not be enough. We are also going to get a lot less money from the State. She said investments are getting lower interest and Health and Human Services will be getting considerably less from the State. Chair Russell said that we have two programs that the people in this County have supported, Lakeland School and Lakeland Health Care Center, and that makes us different than other counties. We need to continue to support those programs. Discussion continued.

On motion by Supervisor Grant, seconded by Supervisor Weber, the question was called. **Resolution No. 21-05/09** was approved by voice vote. Supervisor Kilkenny requested that his vote be recorded as No.

## **Human Resources Committee**

1. Resolution No. 16-05/09 – Reauthorization of Self-Insurance for Worker’s Compensation-  
*Vote required: Majority* (The Human Resources Committee will meet on May 12, 2009 prior to the County Board meeting to forward its recommendation to the Board)

The Human Resources Committee recommended that the resolution be forwarded to the Board for approval 5-0.

On motion by Supervisor Ingersoll, seconded by Supervisor Weber, item 1, **Resolution No. 16-05/09**, was approved by voice vote.

## **Public Works**

1. Ordinance No. 553-05/09 – Amending Chapter 16 of the Walworth County Code of Ordinances to Create Paragraph (k) Therefore Relative to Use of County Office Space by Volunteer Groups-*Vote required: Majority* (Recommended by the Public Works Committee 5-0)
2. Resolution No. 22-05/09 – Approving Intergovernmental Agreement By and Between Walworth County and the City of Elkhorn Concerning the County Government Center-*Vote required: Two-thirds* (The Public Works Committee will consider this resolution at a special meeting prior to the County Board meeting on May 12, 2009.)

The Public Works Committee met prior to the Board meeting and recommended that Resolution No. 22-05/09 be forwarded to the Board for approval 5-0.

Supervisor Weber offered a motion, seconded by Supervisor Stacey, to approve Ordinance No. 553-05/09. Bretl said that if this ordinance is approved it would approve use of office space for certain volunteer groups with offices. The space is the old committee room and nothing beyond that. Bretl said there would be two slots plus a slot for Colleen Lesniak, Volunteer Coordinator, and a conference room. **Ordinance No. 553-05/09** was approved by voice vote.

Bretl addressed item 2, Resolution No. 22-05/09 and gave a short history of events with the City of Elkhorn. He said that in order to build the Judicial Center on County land, the City annexed the property with the original agreement for the City to put their police department in the first floor of the west wing of the Government Center. After much consideration and looking at other alternate locations for the police department, the City has now said that they would like to be here but they asked for more space. The City asked for ½ of the second floor. Shane Crawford, Deputy County Administrator – Central Services, met with the City to draft a new agreement to allow the City to move ahead with the police department. Bretl said that an advantage of the new agreement is that the County does not have to remodel the second floor nor pay \$150,000 for renovations. He outlined the points and changes asked for by the City in the draft of the agreement. The Public Works Committee met and made a few changes to this draft. The first item addressed was the parking lot map, Exhibit D, which the Supervisors had not received.

The City is requesting a change in language in Article VIII pertaining to its right of first refusal to purchase the Government Center. This is a clarification of right of first refusal and adds a time limit. Bretl said he would be comfortable approving this agreement with the changes.

Supervisor Van Dreser offered a motion, seconded by Weber, to amend the agreement with the change of the word “accepts” to “receives” in section 8.01 (a) and the other changes in Bretl’s May 12 memorandum, which were approved by the Public Works Committee. Supervisor Bromley suggested that the change should read “receives and desires to accept.” The motion and second agreed to the change in the amendment and the motion carried by voice vote.

A motion was offered by Supervisor Van Dreser, seconded by Supervisor Weber, to approve Resolution No. 22-05/09 and the attached agreement with the changes suggested by Supervisor Bromley and the changes in Bretl’s memorandum of May 12, 2009 as approved by the Public Works Committee. On motion by Supervisor Van Dreser, seconded by Supervisor Stacey, **Resolution No. 22-05/09 and the attached Intergovernmental Agreement as amended**, was approved by unanimous consent.

### **Closed Session**

The Board convened in closed session pursuant to the exemption contained in Section 19.85 (1)(e) of the Wisconsin Statutes, “Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.”

In closed session, the Board discussed the following item:

- Establishing guidance/parameters for negotiations with Unions for 2010-2011 contract years

On motion by Supervisor Grant, seconded by Supervisor Weber, the Board convened in closed session at 7:00 p.m. A roll call vote was held. Total vote: 11; Ayes: 11 – Bromley, Grant, Hawkins, Holst, Ingersoll, Kilkenny, Schaefer, Stacey, Van Dreser, Weber, and Russell; Noes: 0.

On motion by Supervisor Van Dreser, seconded by Supervisor Grant, the Board reconvened in open session. On motion by Supervisor Grant, seconded by Supervisor Weber, the Board approved action to be taken as directed in Closed Session.

### **Reports of Special Committees**

There were none.

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

There were none.

### **Chairman’s Report**

There was none.

### **Adjournment**

On motion by Supervisor Stacey, seconded by Supervisor Weber, the meeting was adjourned at 7:35 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 12, 2009 meeting.