

**AUGUST 11, 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.

Christine Regester, Horticulture Educator, delivered the invocation.

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

A motion was offered by Supervisor Hawkins, seconded by Supervisor Grant, to approve the agenda.

On motion by Supervisor Weber, seconded by Supervisor Stacey, Communications and Matters to be Referred, item 10, communication from Ed Sokolowski, Walworth County Fair President, was moved up on the agenda to enable Laura Lauderdale, 2008 Fairest of the Fair, to address the Supervisors at this time.

The amended agenda was approved by voice vote.

Laura Lauderdale said she had just taken a trip to State Fair for Fairest of the Fair Reunion Day. She said the State Fair is celebrating its 158th year and the Walworth County Fair is celebrating their 160th year. She said one of the reasons our Fair has gone on for so many years is because of the Walworth County Board's generous donations which are used for premiums. Ms. Lauderdale said premiums draw 4-H kids who continue to do projects. She said 4-H played a vital role in her childhood and prompted her to run for Fairest of the Fair. She said she wanted to thank the Board for their generous contributions to the Fair and she hopes they will continue to contribute for another 160 years.

**Approval of the Minutes**

On motion by Supervisor Stacey, seconded by Supervisor Van Dreser, the minutes of the July 14, 2009 Committee of the Whole Meeting and the July 14, 2009 Walworth County Board Meeting were approved by voice vote.

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

There were none.

## **Appointments/Elections**

### 1. East Troy Lions Library Board

- Signe Emmerich – Term to begin upon reappointment and end June 30, 2012
- Philip Taugher, M.D. – Term to begin upon appointment to fill unexpired term of Maxine Hough. Term to end on June 30, 2011)

(Recommended by the Executive Committee 5-0)

### 2. Walworth County Housing Authority

- Jon Kachel – Term to begin upon appointment and end on June 30, 2014

(Recommended by the Executive Committee 5-0)

On motion by Supervisor Bromley, seconded by Supervisor Grant, Signe Emmerich and Philip Taugher were appointed to the East Troy Lions Library Board and Jon Kachel was appointed to the Walworth County Housing Authority 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 – See the Report of County Clerk Concerning Communications Received After the Agenda Mailing.
2. Claims:
3. La Crosse County Resolution # 28-7/09-Urging Immediate Passage of Comprehensive Federal Health Reform Legislation (To be referred to the Executive Committee)
4. Communication from Wassel, Harvey & Schuk, LLP, regarding a raze order for the property at 216 Martin Street, Sharon, Wisconsin (To be placed on file)
5. Communication from Walworth County Metropolitan Sewerage District with a copy of the Year 2008 Annual Report (The report is on file in the County Clerk's office)
6. Communication from State of Wisconsin\Government Accountability Board recognizing County Clerk Kimberly Bushey's former service as President of Wisconsin County Clerks Association (To be referred to the Executive Committee)
7. Communication from John M. Anderson, Esquire, and Karen Fulbright-Anderson, Ph.D., thanking the Board and requesting reconsideration of ordinance on Bed & Breakfast driveway width (To be referred to the County Zoning Agency)
8. Communication from U.S. Department of Homeland Security regarding the floodplain management measures (To be referred to the County Zoning Agency)
9. Communication from Wisconsin Department of Transportation regarding the Draft of SAFETEA-LU 6002, Impact Analysis Methodology, US 14/WIS 11 Corridor Study, Janesville to I-43, Rock and Walworth Counties, WI, WisDOT Project I.D. 1706-05-00 (To be referred to Public Works)
10. Communication from Edward Sokolowski, President Walworth County Fair, requesting a 5-minute presentation presented by the Fairest of the Fair, Laura Lauderdale. (To be placed on file) (It is anticipated that the County Board will suspend its rules and consider the request

and permit the Fairest of the Fair to make a short presentation at tonight's meeting) This item was moved up on the agenda so that the Fairest of the Fair could speak.

11. Report of the County Clerk Concerning Communications Received by the Board and Recommended to be Placed on File
12. 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 Damage to 18 Pair Buried Verizon Cable and Pedestal at State Hwy 120 and County Hwy B, Walworth, WI – 072409 – Public Works Department – To be referred to the Executive Committee
  - Summons and Complaint – Walworth State Bank vs Walworth County Judicial Center, et al – To be referred to the Executive Committee
  - Communication from Wisconsin Department of Administration: 2009 preliminary population estimate for Walworth County; Official Population Estimate Challenge Form; and DOA Local Government Report – To be referred to the Executive Committee
  - Communication from Supervisor Dan Kilkenny regarding Fred Burkhardt, Executive V.P. of WCEDA and political activities of the People 4 Good Government – To be referred to the Executive Committee
  - Communication from Wisconsin Council 40 AFSCME regarding Notice of Intent for the Purpose of Negotiating Successor Labor Agreements – To be referred to the Human Resources Committee
  - Communication from Governor Jim Doyle awarding Walworth County a Homeland Security grant in the amount of \$28,000 – To be placed on file
  - Racine County Resolution No. 2009-30 – Resolution by the Finance and Human Resources Committee Authorizing the Acceptance of \$104,175.00 from the Waukesha-Ozaukee-Washington Workforce Development Board, Authorizing the Transfer of Funds within the Human Services Department's 2009 Budget and Authorizing Contracts – To be placed on file
  - *Walworth County Senior Review*, August 2009 – To be placed on file
13. Report of County Clerk Concerning Zoning Petitions was referred to the County Zoning Agency.
  - Cash Bar Enterprises Inc. (Daren Michalch) (Mike Senft, App.), Town of East Troy, C-4 to B-3
  - Deborah J. Holt, Town of Richmond, A-1 & B-2 to P-2 & A-1
  - Julie Cyra, Town of Troy, A-1 to A-2
  - JMO Properties Ltd., Town of Walworth, A-1 to A-4
  - Kenneth and Charlene Zess, Town of East Troy, A-1 to A-2
  - Duane Newman, Town of Lafayette, A-5 to A-1
  - Guardian Pipeline LLC (Thomas J. Lueker, Agt., App.), Town of LaGrange, A-1 to P-2
  - Russell Keske of Keske Living Trust, Town of Troy, Sec. 7, A-1 to C-2 & A-1 to A-2
  - Russell Keske of Keske Living Trust, Town of Troy, Sec. 12, A-2 to C-2
  - Russell Keske of Keske Living Trust, Town of Troy, Sec. 14, A-1 & C-2 to A-2
  - Amendment to Walworth County Code of Ordinances, Shoreland Zoning, Section 74-167

### **Unfinished Business**

1. Ordinance No. 566-07/09 – Amending Chapter 2 of the Walworth County Code of Ordinances to Establish Staggered Terms of Office for County Board Supervisors Following the 2010 Election-*Vote required: Two-thirds* (Recommended by the Executive Committee 4-0) (This ordinance was tabled for consideration at the August County Board meeting.)

Supervisor Grant offered a motion, seconded by Supervisor Weber, to approve Ordinance No. 56-07/09. Discussion ensued. Supervisor Kilkenny said that he does not think the current system we have is unstable. He pointed out that we have had death, resignations, recall, etc., and still have maintained the County's stability. He said he respectfully requests that the current system remains.

Supervisor Grant said that before the Board was downsized, everything was worked out in advance so there wasn't any confusion and everything went fine. He believes this does have to be passed tonight and if concerns cannot be worked out it can be brought back. Grant said just because something has worked well in the past, doesn't mean it cannot be changed or improved. Supervisor Van Dreser said he sees no reason to change what we have now because it has worked very well for a long time and he would urge fellow members to vote no. Supervisor Stacey asked if other counties use staggered terms. Clerk Kim Bushey said she did a survey and of those that responded there were no counties that had Supervisors with staggered terms. Supervisor Weber said he thinks that the level of value this change would bring is adequate for us to give it serious consideration. A roll call vote was held. Clerk Bushey said this would need 8 votes to pass. Total vote: 11; Ayes: 4 – Bromley, Grant, Weber, Russell; Noes: 7 – Hawkins, Holst, Ingersoll, Kilkenny, Schaefer, Stacey, Van Dreser. **Roll call vote failed.**

## **New Business**

### **Reports of Standing Committees**

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

1. John Pounder, Town of Darien, Rezone 34.78 acres of A-1 to C-2 and 8.93 acres of A-2 to C-2 & C-4 – approved 6 – 1 (7-16-09 public hearing)
2. Jennifer Leischner Litowitz Trust, Town of Delavan, Rezone .44 acres of R-2A to C-4 – approved 7 – 0 (7-16-09 public hearing)
3. Donald Kehl (Kurtis Price, App.), Town of Troy, Rezone 14.15 acres of A-2 & C-4 to R-1 & A-4 – approved 7 – 0 (7-16-09 public hearing)
4. Time Warner (Steven Peterman, TWP Architecture, App.), Town of Geneva, Rezone 2.45 acres of R-1 & R-2 to P-2 – approved 7 – 0 (7-16-09 public hearing)

Supervisor Kilkenny requested that item 1 of the Proposed Zoning Amendments be voted on separately. On motion by Supervisor Schaefer, seconded by Supervisor Van Dreser, items 2 through 4 were approved as recommended by the County Zoning Agency. On motion by Supervisor Stacey, seconded by Supervisor Van Dreser, item 1, was approved by voice vote. Supervisor Kilkenny abstained.

## **Executive Committee**

1. Resolution No. 38-08/09 – Designating Walworth County Humane Officers-*Vote required: Majority* (Recommended by the Executive Committee 5-0)
2. Resolution No. 39-08/09 – Establishing the Date and Topic of the December 2009 Committee of the Whole Meeting-*Vote required: Majority* (Recommended by the Executive Committee 5-0)

On motion by Supervisor Bromley, seconded by Supervisor Stacey, item 1, **Resolution No. 38-08/09** and item 2, **Resolution No. 39-08/09** were approved by voice vote.

### **Finance Committee**

1. Ordinance No. 567-08/09 – Amending Section 30-286 of the Walworth County Code of Ordinances Relative to Dog License Fees-*Vote required: Majority* (Recommended by the Finance Committee 3-2)
2. Ordinance No. 568-08/09 – Amending Section 30-412 of the Walworth County Code of Ordinances Relating to Timekeeping Requirements for Employees-*Vote required: Majority* (Recommended by the Finance Committee 5-0)
3. Ordinance No. 569-08/09 – Amending Section 30-286 of the Walworth County Code of Ordinances Relative to County Clerk and Register of Deeds Fees Required for Domestic Partnership and Termination of Domestic Partnership Documents-*Vote required: Majority* (Recommended by the Finance Committee 5-0)
4. Ordinance No. 570-08/09 – Creating Chapter 47 of the Walworth County Code of Ordinances Relating to the Office of the Coroner-*Vote required: Majority* (Recommended by the Finance Committee 5-0)
5. Resolution No. 37-08/09 – Accepting a \$10,000 Donation in Memorial of Sheridan and Lucille Ellsworth from Shirl Scharine to Support Educational Programs at Lakeland School-*Vote required: Majority* (Recommended by the Finance Committee 5-0)
6. Resolution No. 40-08/09 – Regarding Signature Authority Related to Bank Contracts-*Vote required: Majority* (Recommended by the Finance Committee 5-0)
7. Resolution No. 43-08/09 – Approving an Agreement by and between Walworth County and the Lakeland Animal Welfare Society, Inc. for Contract Term 2010 to 2014-*Vote required: Majority* (Recommended by the Finance Committee 3-2)

On motion by Supervisor Weber, seconded by Supervisor Grant, **Ordinance No. 567-08/09**, **Ordinance No. 568-08/09**, **Ordinance No. 569-08/09**, **Ordinance No. 570-08/09**, **Resolution No. 37-08/09**, **Resolution No. 40-08/09**, **Resolution No. 43-08/09** were approved by voice vote.

### **Human Resources**

1. Ordinance No. 571-08/09 – Amending Section 15-17 of the Walworth County Code of Ordinances Relating to Special Education Aide Positions with the Children with Disabilities Education Board-*Vote required: Majority* (The Human Resources Committee will consider at a special meeting prior to the County Board Meeting)
2. Ordinance No. 572-08/09 – Amending Section 15-17 of the Walworth County Code of Ordinances Relating to the Elimination and Creation of Various Administrative Positions at Lakeland Health Care Center-*Vote required: Majority* (The Human Resources Committee will consider at a special meeting prior to the County Board Meeting)

3. Resolution No. 41-08/09 – Approving a Collective Bargaining Agreement by and between Walworth County and the Deputy Sheriffs Association for the Period of January 1, 2010 to December 31, 2010-*Vote required: Majority* (The Human Resources Committee will consider at a special meeting prior to the County Board Meeting)

Administrator Bretl said that the Human Resources Committee recommended approval of all three actions unanimously.

Supervisor Ingersoll requested a separate vote on item 3, Resolution No. 41-08/09. Supervisor Van Dreser offered a motion, seconded by Supervisor Weber, to approve item 3, Resolution No. 41-08/09. Supervisor Ingersoll offered a motion, seconded by Supervisor Bromley, to amend the Policy and Fiscal Note, Part III, Budget and Fiscal Impact as follows: “The increase in wages for 2010 will be factored into the 2010 budget. The cost (\$7200) of a life insurance policy providing a line of duty death benefit to deputies will also be factored into the 2010 budget. The uniform allowance increase (\$3,750) will be absorbed in the 2010 Sheriff’s Department budget.” Suzi Hagstrom distributed a hard copy of the amended Policy and Fiscal Note. Bretl said that the amendment reflects some last minute costing that had to be done, most notably the insurance premium for the line of duty death policy that was received today. **Resolution No. 41-08/09** was approved as amended by voice vote.

On motion by Supervisor Stacey, seconded by Supervisor Ingersoll, item 1, **Ordinance No. 571-08/09** and item 2, **Ordinance No. 572-08/09** were approved by voice vote.

### **Public Works**

1. Resolution No. 42-08/09 – Opposing the Closure of the North Road Railroad Crossing-*Vote required: Majority* (Recommended by the Public Works Committee 5-0)

On motion by Supervisor Stacey, seconded by Supervisor Schaefer, **Resolution No. 42-08/09** was approved by voice vote.

Supervisor Kilkenny requested that the Clerk send a copy of the resolution to the Town of Darien as well as the Public Works Department.

### **Reports of Special Committees**

There were none.

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

Joshua Clements, 1327 Spaight Street, Madison, WI, introduced himself as the newly hired U.W. Extension Community, Natural Resources & Economic Development Educator. He said he hopes to talk each of the Supervisors about the vision for his position to encourage local economic development in the County. Chair Russell and Board welcomed Joshua.

## **Chairman's Report**

Chair Russell said that on September 8, at 5:00 p.m., there will be a budget workshop and budget presentation by the Administrator followed by the regular meeting at 6:00 p.m. She encouraged the Supervisors to attend.

## **Adjournment**

On motion by Supervisor Bromley, seconded by Supervisor Stacey, the meeting was adjourned at 6:27 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 August 11, 2009 meeting.

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