

SEPTEMBER 8, 2009
WALWORTH COUNTY BOARD OF SUPERVISORS
MEETING

The Walworth County Board of Supervisors meeting was called to order by Chair Russell at 6:05 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.

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

Amendments, Withdrawals, and Approval of Agenda

On motion by Supervisor Grant, seconded by Supervisor Weber, the agenda was amended by moving Executive Committee item 1, Resolution No. 44-09/09, for consideration immediately following Comment Period by Members of the Public Concerning Items on the Agenda. The agenda was approved as amended by voice vote.

Approval of the Minutes

On motion by Supervisor Stacey, seconded by Supervisor Weber, the minutes of the August 11, 2009 Walworth County Board Meeting were approved by voice vote.

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

Clerk Bushey said that five public comment cards were received regarding a zoning matter which was on the evening's agenda. The requests for Public Comment were from: Stan Strzykalski, Laurie Lawlor, Jamee Bornstein, Jack Boeing, and Kathleen Tober. Administrator Bretl said that State law for public hearings does not allow comment on zoning items that have previously been subjects of a public hearing.

Resolution No. 44-09/09 – Recognizing and Commending County Clerk Kimberly Bushey for Her Leadership and Contributions While Serving as President of the Wisconsin County Clerks Association, was considered at this time. On motion by Supervisor Weber, seconded by Supervisor Ingersoll, **Resolution No. 44-09/09** was approved by voice vote.

Chair Russell read the resolution congratulating Clerk Kim Bushey for her exemplary leadership as President of the Wisconsin County Clerks Association (WCCA), which improved and strengthened relations with the State and County. Russell noted that the Government Accountability Board has recognized and congratulated County Clerk Bushey on her strength,

intelligence, sensibility, compassion and style while serving as WCCA President. Clerk Bushey thanked the Board, the WCCA, and also her husband.

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
2. Claims: Notice of Circumstances-Potential Claim of Audrey Milliette v Health & Human Services; b) Summons and Complaint-Tina Ruddy and Timothy Szpek v Board of Adjustment; c) Notice of Damages-AT&T v Public Works; d) Notice of Claim-Sheila M. Stirmel v Health & Human Services; d) Statement of Relief-Dan Jongetjes v Public Works were referred to the Executive Committee.
3. Communication from Neal Frauenfelder, Walworth County Land Use and Resource Management, and Bill Stauber, SEWRPC, with the Draft Multi-Jurisdictional Comprehensive Plan for Walworth County: 2035 (The complete Plan is on file in the County Clerk's Office). The Memorandum was referred to the County Zoning Agency.
4. Communication from John Anderson and Karen Fulbright-Anderson regarding Bed and Breakfast definitions and drive-way size was referred to the County Zoning Agency.
5. Communication from Dorothy Burwell, Town of Delavan Chairperson, regarding a resolution to protect Walworth County's lakes from runoff from roads was referred to the Land Conservation and Public Works committees.
6. Communication from Lindsay Resenhoefft regarding parking and traffic at Alpine Valley was referred to the Public Works Committee.
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 Kenneth and Cynthia Balestrieri regarding US Highway 12 Redline Route Petition – A photocopy of the petition was submitted to the County Clerk's Office. The communication and a copy of the complete petition will be forwarded to the Public Works Committee
 - Communication from Wisconsin Department of Transportation regarding an information meeting to discuss proposed improvements to the USH 12 and CTH A intersection – To be placed on file
 - *Walworth County Senior Review*, September 2009 – To be placed on file
9. Report of County Clerk Concerning Zoning Petitions was referred to the County Zoning Agency.
 - Lawrence Norem Family (Geneva Show Productions LLC), Town of Lyons, A-1 to A-2 & A-1 to P-1
 - JMO Properties Ltd., Town of Walworth, A-1 to A-4
 - John & Joan Ehlen and Adams Family Ltd Partnership (Payne & Dolan, Clint Weninger, App.), Town of Bloomfield, M-3 to A-1

- Don P. LoVerde (Atty. Dale Thorpe, App.), Town of Geneva, R-2 to R-3
- Duane Newman, Town of Lafayette, A-5 to A-1
- Geneva Lake Development Corporation, Town of Linn, M-3 to C-2
- George J. Held Life Estate (David J. Held, App.), Town of Lyons, C-4 & R-2 to R-2 & C-4
- Shodeen Family Property Co., Town of Walworth, A-1 & C-4 to A-4, C-4, & A-1
- Amendment to Walworth County, Wisconsin, Chapter 26, Article II, Construction Site Erosion and Sediment Control, Conservation Standards for Vegetation Removal, Pond Construction and Retaining Wall Construction

Unfinished Business

There was none.

New Business

Reports of Standing Committees

County Zoning Agency Report of Proposed Zoning Amendments

1. Ordinance No. 575-09/09 – Amending Chapter 74 of the Walworth County Code of Ordinances Relating to Mandatory Floodplain Modernization-*Vote required: Majority* (Recommended by the County Zoning Agency 7-0) Amendment to Walworth County Code of Ordinances, Zoning and Shoreland Zoning Ordinances, Walworth County, Wisconsin, affecting Sections 74-152, 74-155, 74-31/74-156, 74-157, 74-159, 74-161, 74-162, 74-165, 74-166, 74-50, 74-177, 74-179, 74-187, 74-198, 74-218, 74-222, 74-111/74-240, 74-238, 74-240(4), 74-241, 74-243, 74-246, 74-247, 74-119/74-248, 74-250, 74-251, 74-255, 74-258, 74-259, and 74-131/74-263 pertaining to mandatory floodplain modernization – approved 7 – 0 (7-16-09 public hearing)
2. Mareta Hale, Town of LaGrange, Rezone 1.27 acres of B-2 to A-5 – approved 7 – 0 (7-16-09 public hearing) (This item was omitted from the list for the August 11, 2009 County Board meeting.)
3. Jennifer Leischner Litowitz Trust, Town of Delavan, Rezone .44 acres of R-2A to C-4 – approved 7 – 0 (July 16, 2009 public hearing) (correction to show .44 acres of the parcels rezoned and not the total area of the parcels – from 8-11-09 County Board)
4. Cash Bar Enterprises Inc. (Darren Michalch) (Mike Senft, App.), Town of East Troy, Rezone .3 acres of C-4 to B-3 – approved 7 – 0 (8-20-09 public hearing)
5. Deborah J. Holt, Town of Richmond, Rezone .49 acres of A-1 & B-2 to P-2 & A-1 – approved 7 – 0 (8-20-09 public hearing)
6. Kenneth and Charlene Zess, Town of East Troy, Rezone 1.1 acres of A-1 to A-2 – approved 7 – 0 (8-20-09 public hearing)
7. Guardian Pipeline LLC (Thomas J. Lueker, Agt., App.), Town of LaGrange, Rezone 20.59 acres of A-1 to P-2 – approved 7 – 0 (8-20-09 public hearing)
8. Russell Keske of Keske Living Trust, Section 7, Town of Troy, Rezone 9.64 acres of A-1 to C-2 and .77 acres of A-1 to A-2 – modified and approved 7 – 0 to rezone 4.34 acres of A-1 to C-2 and .77 acres of A-1 to A-2 (8-20-09 public hearing)

9. Russell Keske of Keske Living Trust, Section 12, Town of Troy, Rezone 29.64 acres of A-2 to C-2 – denied 6 – 1 (8-20-09 public hearing)
10. Russell Keske of Keske Living Trust, Section 14, Town of Troy, Rezone 13.92 acres of A-1 and 7.15 acres of C-2 to A-2 – denied 7 – 0 (8-20-09 public hearing)
11. 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 Stacey requested that item 9 be considered separately. On motion by Supervisor Stacey, seconded by Supervisor Weber, the Report of the County Zoning Agency, item 1, **Ordinance No. 575-09/09**, item 1 through item 8 and items 10 and 11, were approved as recommended by the County Zoning Agency. On motion by Supervisor Stacey, seconded by Supervisor Schaefer, item 9, Russell Keske of Keske Living Trust, Section 12, was referred back to the County Zoning Agency for further review.

Executive Committee

1. Resolution No. 44-09/09 – Recognizing and Commending County Clerk Kimberly Bushey for Her Leadership and Contributions While Serving as President of the Wisconsin County Clerks Association-*Vote required: Majority* (Recommended by the Executive Committee 5-0)
2. Resolution No. 46-09/09 – Authorizing Publication of Election Notices-*Vote required: Majority* (Recommended by the Executive Committee 5-0)
3. Resolution No. 50-09/09 – Requesting the Southeastern Wisconsin Regional Planning Commission (SEWRPC) To Prepare a Redistricting Plan for Walworth County Following the 2010 United States Census-*Vote required: Majority* (Recommended by the Executive Committee 5-0)

Resolution No. 44-09/09 was approved earlier in the meeting.

On motion by Supervisor Weber, seconded by Supervisor Bromley, item 2, **Resolution No. 46-09/09** and item 3, **Resolution No. 50-09/09** were approved by voice vote.

Finance Committee

1. Ordinance No. 573-09/09 – Repealing and Recreating Sections 30-170 Through Section 30-182 of the Walworth County Code of Ordinances Relating to Net Assets, Fund Balances, and Fund Definitions-*Vote required: Majority* (Recommended by the Finance Committee 3-0)
2. Resolution No. 45-09/09 – Accepting a \$10,000 Donation from Kikkoman Foods Foundation, Inc. to Support Educational Programs for Students with Autism and Other Students at Lakeland School Who Need Sensory Breaks-*Vote required: Majority* (Recommended by the Finance Committee 3-0)
3. Resolution No. 47-09/09 – Authorizing Application for Clean Sweep Grant Funding-*Vote required: Majority* (The Finance and Public Works committees will consider at a special joint meeting on September 8, 2009 prior to the County Board meeting.)
4. Resolution No. 48-09/09 – Authorizing Caterpillar Excavator Unit 179 to be Declared Surplus and Authorizing Staff to Dispose of the Asset in the Manner Most Advantageous to the

County-Vote required: Majority (The Finance and Public Works committees will consider at a special joint meeting on September 8, 2009 prior to the County Board meeting.

Clerk Bushey stated that the Finance and Public Works committees considered items 3 and 4 at a special joint meeting prior to the County Board meeting and recommended unanimous approval of both resolutions.

On motion by Supervisor Stacey, seconded by Supervisor Schaefer, items 1, **Ordinance No. 573-09/09**, item 2, **Resolution No. 45-09/09**, item 3, **Resolution No. 47-09/09**, and item 4, **Resolution No. 48-09/09**, were approved by voice vote.

Supervisor Weber requested that there be some kind of ceremonial recognition of the Kikkoman Foods Foundation donation. Bretl said that there could be a ceremonial resolution acknowledging the donation and it could be presented at a Board meeting. Supervisor Weber said they would discuss it at a Children with Disabilities Education Board meeting.

Human Resources

1. Ordinance No. 574-09/09 – Amending Section 15-17 of the Walworth County Code of Ordinances Relating to the Elimination of Various Positions in the Public Works Department-*Vote required: Majority* (Recommended by the Human Resources Committee 5-0)
2. Resolution No. 49-09/09 – Authorizing a Change in Worker's Compensation Third Party Administrators-*Vote required: Majority* (Recommended by the Human Resources Committee 5-0)

On motion by Supervisor Bromley, seconded by Supervisor Van Dreser, item 1, **Ordinance No. 574-09/09** and item 2, **Resolution No. 49-09/09** 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.

Chairman's Report

Chair Russell announced that appeals to the 2010 Administrator's Budget Capital projects would be as follows: Capital Project Appeals - Public Works Committee, Monday, September 14, 2009 at 4:00 p.m., Personnel Appeals – Human Resources Committee, Wednesday, September 16, 2009, 3:00 p.m., and all non-capital and non-personnel Appeals – Finance Committee, Thursday, September 24, 2009, 9:30 a.m. where the Preliminary Budget is set. Finance Department staff will be available to help with appeals.

