

**NOVEMBER 10, 2009**  
**WALWORTH COUNTY BOARD OF SUPERVISORS**  
**MEETING**

The Walworth County Board of Supervisors meeting was called to order by Chair Russell at 6:03 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.

Claudia Holst, Walworth County Board Supervisor, District # 5, delivered the invocation.

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

On motion by Supervisor Grant, seconded by Supervisor Hawkins, the agenda was approved by voice vote. Supervisor Grant requested that Executive Committee item #1 be considered immediately after approval of the minutes.

**Approval of the Minutes**

On motion by Supervisor Van Dreser, seconded by Supervisor Weber, the minutes of the October 13, 2009 Walworth County Board Meeting were approved by voice vote.

Resolution No. 57-11/09 – Recognizing Carol Burgess for Forty Years of Service was considered at this time. On motion by Supervisor Bromley, seconded by Supervisor Weber, **Resolution No. 57-11/09** was approved by voice vote.

Representative Steve Nass addressed the Board to present Carol Burgess an award from the Wisconsin State Legislature recognizing her 40 years of service to the County. Representative Nass read the Citation to the Board which was signed by him, State Representative Tom Lothian, and State Senator Neal Kedzie. Chair Russell read the resolution presented by the County Board commending Ms. Burgess. Carol Burgess thanked the County Board for this recognition and Joe Breidenbach, former County Clerk, for hiring her 40 years ago.

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

Chair Russell announced that all comments would be taken at this time.

William S. Radwell, Jr., W814 Hyacinth Road, addressed the County regarding the foreclosure of his land. Mr. Radwell said he has been working with the County to get the land back. He said he fell back on the taxes because he felt he was being taxed unfairly and wants to get this resolved. Mr. Radwell said he would appreciate any help the County can give him.

Tammy Dunn, Walworth County Visitors Bureau, 203 E. Walworth, Elkhorn, said that she is Group Services Manager of the Visitors Bureau. She addressed the budget amendment regarding reducing the Visitors Bureau budget by \$8,000. She said she recognizes the fragile state that our economy is in but she feels she is in a position to help. She said the \$8,000 will help get the Visitors Bureau to the trade shows which is a tool that their competitors are aggressively using especially more now in this bad economy.

Kim Howarth, 508 Laurel Heights Drive, Delavan, addressed the Board regarding the proposed budget amendment for the Walworth County Economic Development Alliance (WCEDA). He said he is the President of the Walworth County Economic Development Alliance. Mr. Howarth said it has been a privilege getting to know the County Board members. He said he has a problem with the amendment proposing audits of WCEDA from 2006 to 2009. He said they have solicited bids for audits and the cost would be \$10,000 for one year. He said they would welcome an audit but is concerned with the perception that an audit creates as well as the cost of the audits. Mr. Howarth said that WCEDA wants to be partners with Walworth County. Mr. Howarth asked on behalf of WCEDA that if the Board is still going to consider an audit that it look forward for 2009 and 2010, and to please leave the \$40,000 on the table or WCEDA cannot go forward.

### **Appointments**

#### 1. Health & Human Services Board

- Ella Pious – Term retroactive to April 30, 2009 and ending on April 30, 2012  
(Recommended for reappointment by the Executive Committee 5-0)

On motion by Supervisor Van Dreser, seconded by Supervisor Weber, Ella Pious was reappointed to the Health and Human Services Board 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
2. Claims: Claim for Vehicle Damages and Estimate-Julia Squires was referred to the Executive Committee.
3. Communications concerning intergovernmental agreements and special education from the Walworth County School Districts: Fontana Joint #8; Traver School-Linn Joint #4; Sharon Community School Joint # 11; Walworth Joint District #1 was referred to the Children with Disabilities Education Board.
4. Communication from Wisconsin Department of Administration regarding the final estimate of the January 1, 2009 population for Walworth County was placed on file.
5. Communication from the Office of Justice Assistance regarding the grant awarded from STOP Violence Against Women Act Program was placed on file.

6. Report of the County Clerk Concerning Communications Received by the Board and Recommended to be Placed on File
7. 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:
  - Writ of Certiorari – Thomas A. Good and Angela M. Good vs. County of Walworth, Walworth County Board of Adjustment and Walworth County Land Use and Resource Management Department, Zoning Division – To be referred to the Executive Committee
  - Communications concerning intergovernmental agreements and special education for the Walworth County School Districts: Fontana School District Joint #8; Woods School-Geneva Joint #4; Elkhorn Area School District; Delavan-Darien School District; Genoa City/Bloomfield Joint School District #2; Lake Geneva-Genoa City Union High School District; Lake Geneva Joint #1; Linn Joint #6 School District; Whitewater Unified School District; Williams Bay Public Schools; Big Foot High School; East Troy Community School District – To be referred to the Children with Disabilities Education Board
  - Communications concerning intergovernmental agreements by and between Walworth County and the School Districts regarding Special Education from Tracy Moate, Director of Special Education – To be referred to the Children with Disabilities Education Board
  - Communication from Jim Doyle, Governor, regarding the grant awarded from STOP Violence Against Woman Act Program – To be referred to Executive Committee
  - Outagamie Resolution No. 47-2009-10 requesting that any new entity with taxing authority shall be composed of elected individuals representing that taxing jurisdiction – To be referred to the Executive Committee
  - Outagamie Resolution No. 68-2009-10 opposing pending legislation that would provide an enhanced penalty for certain crimes if the person committing the crime intentionally selects the victim based on his or her belief or perception of the victim's gender – To be referred to the Executive Committee
  - Outagamie Resolution No. 69-2009-10 to support maintaining current law regarding jurisdictional amounts and court fees in small claims actions – To be referred to the Executive Committee
  - Communication from Caryn Standal, MoonStar Farm, regarding Motor Coach services through Walworth County Visitors Bureau – To be placed on file
  - Communication from Mary Bub, Coordinator, Fall Farm Tour, MoonStar Farm, regarding the Harvest Fest and Fall Farm Tour through Walworth County Visitors Bureau – To be placed on file
  - Communication from Ellen A. Burling, Lake Geneva Cruise Line/Gage Marine Corporation, requesting reconsideration of the recently proposed \$8,000 reduction in funding to the Walworth County Visitors Bureau – To be placed on file
  - *Walworth County Senior Review*, November, 2009 – To be placed on file
8. Report of County Clerk Concerning Zoning Petitions was referred to the County Zoning Agency.
  - Pioneer Estates of Lake Geneva LLC (Dan Daniels, App.), Town of Bloomfield, R-6, B-2 & A-2 to R-3, R-6 & R-6
  - Willard Cesar, Town of Troy, C-2 to A-5
  - JMO Properties Ltd., Town of Walworth, A-1 to A-4
  - R. Stewart Properties LLC, Town of Walworth, A-1 to A-4

- Walworth County Metropolitan Sewerage District, Town of Darien, C-1 to P-1
- Joseph T. and Anne M. Curti, Town of East Troy, R-1 & C-1 to C-2
- Honey Creek Estates LLC (Brian Godfrey, App.), Town of East Troy, A-2 to C-2
- CobbleCreek Farms LLC (Ron Amann, App.), Town of Lyons, M-3 to A-1
- Nicholas T. Cook LLC, Town of Richmond, A-2 & A-4 to M-1

### **Unfinished Business**

There was none.

### **New Business**

### **Reports of Standing Committees**

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

1. Ordinance No. 585-11/09 – Amending Chapter 26 of the Walworth County Code of Ordinances Relating to Retaining Walls-*Vote required: Majority* (Recommended by County Zoning Agency 6-0) Amendment to Walworth County Code of Ordinances, Chapter 26, Article II, Construction Site Erosion and Sediment Control, Conservation Standards for Vegetation Removal, Pond Construction and Retaining Wall Construction – approved 6 – 0 (9-17-09 public hearing)
2. Isidro and Carmen Huerta, Town of Lafayette, Rezone .76 acres of A-1 to A-4 – approved 6 – 0 (10-15-09 public hearing)
3. Matthew and Mary Polyock, Town of Linn, Rezone 4.86 acres of A-1 to A-4 – approved 6 – 0 (10-15-09 public hearing)
4. Steven and Jodi Scott, Town of Richmond, Rezone 2.11 acres of A-1 to A-4 – approved 6 – 0 (10-15-09 public hearing)
5. Julie Cyra, Town of Troy, Rezone .5 acres of A-1 to A-4 & 34.6 acres of A-1 to A-2 – approved 6 – 0 (10-15-09 public hearing)
6. Robert Schnick (Cindy Knutson-Lyholat, App.), Town of East Troy, Rezone .12 acres of C-4 to R-1 – approved 6 – 0 (10-15-09 public hearing)
7. Andrew J. Cider, Town of Spring Prairie, Rezone 5.76 acres of B-6 to C-2 – approved 6 – 0 (10-15-09 public hearing)
8. Geneva Lake Development Corporation, Town of Linn, Rezone .50 acres of M-3 to C-2 approved 6 – 0 (9-17-09 public hearing)

On motion by Supervisor Stacey, seconded by Supervisor Bromley, item 1, **Ordinance No. 585-11/09**, and items 2 through 8 of the Report of the County Zoning Agency were approved as recommended by the County Zoning Agency.

### **County Zoning Agency**

1. Ordinance No. 581-11/09 – Creating Article IV of Chapter 74 of the Walworth County Code of Ordinances Relating to the Walworth County Comprehensive Plan-*Vote required: Two-thirds* (Recommended by County Zoning Agency 5-0 with one abstention)

2. Resolution No. 62-11/09 – Approving the Walworth County Multi-Jurisdictional Comprehensive Plan-*Vote required: Majority* (Recommended by County Zoning Agency 5-0 with one abstention)

Supervisor Van Dreser offered a motion, seconded by Supervisor Weber, to approve Ordinance No. 581-11/09. On motion by Supervisor Van Dreser, seconded by Supervisor Weber, **Ordinance No. 581-11/09** was approved by unanimous consent.

Supervisor Bromley offered a motion, seconded by Supervisor Van Dreser, to approve Resolution No. 62-11/09.

Supervisor Kilkenny stated that he was the Chair of the Smart Growth Committee, and a representative from the Town of Spring Prairie had requested that a small remnant of a bike trail in the southeast corner of the Town of Spring Prairie be removed. He said that the Smart Growth Committee did not have an objection. On motion by Supervisor Kilkenny, seconded by Supervisor Bromley, Resolution No. 62-11/09 was amended as follows: a small remnant of a bike trail in the southeast corner of the Town of Spring Prairie be removed. **Resolution No. 62-11/09** was approved as amended by voice vote.

### **Executive Committee**

1. Resolution No. 57-11/09 – Recognizing Carol Burgess for Forty Years of Service-*Vote required: Majority* (Recommended by the Executive Committee 5-0)
2. Resolution No. 58-11/09 – Authorizing Disbursement of Community Development Block Grant (CDBG) Emergency Assistance Program Funds for 2008 Flooding Property Damage-*Vote required: Majority* (Recommended by the Executive Committee 5-0)
3. Resolution No. 59-11/09 – Denying the Claim of Sheila Stirmel-*Vote required: Majority* (Recommended by the Executive Committee 5-0)
4. Resolution No. 60-11/09 – Denying AT & T Claim No. 25200909-50-0004 for Damage to a Buried Cable-*Vote required: Majority* (Recommended by the Executive Committee 5-0)
5. Resolution No. 61-11/09 – Denying the Claim of Justin Anderson-*Vote required: Majority* (Recommended by the Executive Committee 5-0)

**Resolution No. 57-11/09** was considered and approved earlier in the meeting.

On motion by Supervisor Schaefer, seconded by Supervisor Weber, item 2, **Resolution No. 58-11/09**, item 3, **Resolution No. 59-11/09**, item 4, **Resolution No. 60-11/09**, and item 5, **Resolution No. 61-11/09** were approved by voice vote.

### **Finance Committee**

1. Ordinance No. 582-11/09 – Amending Section 30-182 of the Walworth County Code of Ordinances Relating to Health Insurance Net Asset Commitments-*Vote required: Majority* (Recommended by the Finance Committee 4-0)

2. Ordinance No. 583-11/09 – Amending Section 30-156 of the Walworth County Code of Ordinances Relating to Acceptance and Use of Donations-*Vote required: Majority* (Recommended by the Finance Committee 4-0)
3. Ordinance No. 584-11/09 – Amending Section 30-286 of the Walworth County Code of Ordinances Relative to Fees-*Vote required: Majority* (Recommended by the Finance Committee 4-0)
4. Resolution No. 63-11/09 – Adopting the 2010 Appropriation of the Walworth County Budget and CIP Plan-*Vote required: Majority* (Recommended by the Finance Committee 4-0)
5. Resolution No. 64-11/09 – Establishing the County Tax Levy to Support the 2010 Budget Appropriation-*Vote required: Majority* (Recommended by the Finance Committee 4-0)

A motion was offered by Supervisor Ingersoll, seconded by Supervisor Van Dreser, to approve items 1 through 5. Item 1, **Ordinance No. 582-11/09**, item 2, **Ordinance No. 583-11/09**, and item 3, **Ordinance No. 584-11/09**, were approved by voice vote.

The proposed budget amendments to Resolution No. 63-11/09 – Adopting the 2010 Appropriation of the Walworth County Budget were considered at this time.

Budget Amendment A – Reduce Visitor’s Bureau contribution – (\$8,000). Supervisor Kilkenny offered a motion, seconded by Supervisor Hawkins to approve Budget Amendment A. Discussion ensued.

Supervisor Kilkenny said he wanted to state that he is not opposed to tourism or those involved in that business nor is he opposed to motor coaches or motor coach businesses. He said the purpose of this amendment is that the Visitors Bureau had been given an increase of more than 2.9% this year and there have been sizable increases every year as well as a sizable increase this year. He said if we are sending a message to County departments and taxpayers and holding the line with our County departments, then we should also do so with those outside our County departments. The amount we receive back in sales tax is only ½ of one percent and the payback isn’t there. He said he would ask for approval of the budget amendment.

Supervisor Grant said that by going to the trade shows and seminars they can advertise our County and our departments cannot because they don’t have the opportunity. The tourism group can also help WCEDA by attracting business. Supervisor Grant offered a motion, seconded by Supervisor Weber, to call the question. Motion to call the question failed for lack of a two-thirds vote. The vote was conducted by hand count. There were 7 ayes and 4 no votes. Discussion continued.

Supervisor Van Dreser said he thinks tourism is helping to fill the void for the businesses that have left the County. He said the benefits are jobs as well as sales tax.

Supervisor Hawkins said that he agrees with Supervisor Kilkenny’s comments and that in this bad economy he is asking them to do more with less as we are with the other programs in the County. We are not saying that tourism does not benefit the County nor are we saying the County should stop funding the Tourism Council, but if the Tourism members benefit this much from the program, then the Tourism Council should then go to those members and ask for more

support instead of going back to the taxpayers. Supervisor Kilkenny said he agrees tourism generates jobs, etc., but all other businesses can also give that argument. If they sell \$1,000,000 the County would get \$5,000 in sales tax.

Supervisor Bromley said he agrees with Supervisor Kilkenny that it would be better if Government doesn't fund the Tourism Bureau and private businesses could fund it. However, the current economy has made that difficult. He thinks what we have in the budget is the best way to try to compete at this time and for that reason he opposes the budget amendment.

A roll call vote was held on Budget Amendment A. Total vote: 11; Ayes: 2 – Daniel G. Kilkenny, Randy D. Hawkins; Noes: 9 – F. Mark Bromley, Vice-Chair Jerry A. Grant, Claudia J. Holst, Kathy Ingersoll, Joseph H. Schaefer, Rick Stacey, Jim Van Dreser, David A. Weber, and Chair Nancy Russell; Absent: 0. Budget amendment A failed.

Budget Amendment B – Condition WCEDA contribution – Conditioned upon receipt by the Executive Committee of an independent GAAS audit performed by a CPA acceptable to the Executive Committee. Audit shall be for the period of 2006 to 2009 inclusive. The Executive Committee is authorized to pay costs of the audit from the 2010 award to facilitate performance of the audit. Supervisor Hawkins offered a motion, seconded by Supervisor Kilkenny, to approve Budget Amendment B. Discussion ensued.

Supervisor Weber said he is concerned that WCEDA's budget will fail if not supported tonight. He said that WCEDA has received new proposals and grants to help businesses and is making a difference. He said he doesn't have a problem with an audit in 2010.

Supervisor Bromley concurred with Supervisor Weber's comments. He said this next audit will be mandated by the grants already received. If this audit is clean and if there are no significant problems then we should not spend money auditing prior years. If this audit indicates problems then they should look back at the other years. WCEDA needs to move forward and he is opposed to the budget amendment.

Supervisor Hawkins said WCEDA has been operating at an approximately \$72,000 deficit and we have very little accountability without an audit and he thinks it is very irresponsible to allocate tax money without knowing how things have been handled in the past before we proceed in the same manner.

Supervisor Grant said he received a phone call from Kevin Brunner, City Manager of Whitewater, who is also on the Board of WCEDA. He said that this deficit is because of timing of the payments that they have coming in.

Supervisor Kilkenny said he has talked to CPAs and the numbers were a lot less than the quote of \$10,000 a year for audits.

Supervisor Kilkenny offered a motion, seconded by Supervisor Van Dreser, to amend Budget Amendment B, to allow the Executive Committee to eliminate or modify audit requirements for

any year after receiving costs on the audit. Administrator Bretl said it would not change the budget but would change how the allocation was used.

A roll call vote was held on the amendment to Budget Amendment B. Total vote: 11; Ayes: 5 - F. Mark Bromley, Randy D. Hawkins, Claudia J. Holst, Daniel G. Kilkenny, Jim Van Dreser; Noes: 6 – Vice-Chair Jerry A. Grant, Kathy Ingersoll, Joseph H. Schaefer, Rick Stacey, David A. Weber, and Chair Nancy Russell. The amendment to Budget Amendment B failed.

A roll call vote was held on Budget Amendment B. Total vote: 11; Ayes: 2 – Daniel G. Kilkenny, Randy D. Hawkins; Noes: 9 – F. Mark Bromley, Vice-Chair Jerry A. Grant, Claudia J. Holst, Kathy Ingersoll, Joseph H. Schaefer, Rick Stacey, Jim Van Dreser, David A. Weber, and Chair Nancy Russell; Absent: 0. Budget Amendment B failed.

A vote was taken on the motion to approve Resolution No. 63-11/09 – Adopting the 2010 Appropriation of the Walworth County Budget and CIP Plan. **Resolution No. 63-11/09** was approved by voice vote. Supervisor Hawkins requested that his vote be recorded as No.

A vote was taken on the motion to approve Resolution No. 64-11/09 – Establishing the County Tax Levy to Support the 2010 Budget Appropriation. **Resolution No. 64-11/09** was approved by voice vote. Supervisor Hawkins requested that his vote be recorded as No.

## **Human Resources**

1. Ordinance No. 586-11/09 – Amending Chapter 15 of the Walworth County Code of Ordinances Relating to Benefits for Sworn Officers-*Vote required: Majority* (Recommended by Human Resources Committee 5-0)
2. Ordinance No. 587-11/09 – Amending Section 15-17 of Chapter 15 of the Walworth County Code of Ordinances Relating to Authorized Positions by Department Based on the 2010 Budget-*Vote required: Majority* (Recommended by Human Resources Committee 5-0)
3. Resolution No. 65-11/09 – Approving an Affirmative Action Plan for Walworth County for Plan Year July 1, 2009 to June 30, 2011-*Vote required: Majority* (Recommended by Human Resources Committee 5-0)
4. Resolution No. 66-11/09 – Approving the Updated Walworth County Health Plan Document-*Vote required: Majority* (Recommended by Human Resources Committee 5-0)

On motion by Supervisor Ingersoll , seconded by Supervisor Weber, item 1, **Ordinance No. 586-11/09**, item 2, **Ordinance No. 587-11/09**, item 3, **Resolution No. 65-11/09**, and item 4, **Resolution No. 66-11/09**, 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**

Comments were presented earlier in the meeting.

