

DECEMBER 15, 2009
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.

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.

Nancy Russell, Walworth County Board Supervisor, District # 11, delivered the invocation.

Amendments, Withdrawals, and Approval of Agenda

On motion by Supervisor Hawkins, seconded by Supervisor Grant, the agenda was approved by voice vote.

Approval of the Minutes

On motion by Supervisor Schaefer, seconded by Supervisor Weber, the minutes of the November 3, 2009 Public Budget Hearing were approved. On motion by Supervisor Weber, seconded by Supervisor Grant, the November 10, 2009 Walworth County Board Meeting minutes were approved by voice vote.

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

Kim Howarth, President of WCEDA, Delavan, WI. Howarth said as President of WCEDA he said he believes it is his job to evaluate his employees based upon their performance as an employee. He said his Executive Director should be judged on his performance. Howarth described the grants received by WCEDA. He said they are building an organization that will support the business community. Howarth said WCEDA needs Walworth County as a strategic partner. He said that the matter on the agenda is an attack on the organization. Howarth said that if Mr. Burkhart has personal problems, those will be addressed in due course. He requested that the communication on the agenda not be sent back to the Executive Committee.

Clerk Bushey said the only other comment card regarding items on the agenda could not be heard because it was regarding a County zoning matter and had previously been to public hearing.

Appointments

1. Civil Service Board

- Gene Krauklis – Term to begin retroactive to December 31, 2008 and end December 31, 2013 (Recommended for reappointment by the Executive Committee 5-0)
- Thomas Cotter – Term to begin December 31, 2009 and end December 31, 2014 (Recommended for reappointment by the Executive Committee 5-0)

On motion by Supervisor Weber, seconded by Supervisor Van Dreser, Gene Krauklis and Thomas Cotter were reappointed to the Civil Service 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 - Summons and Complaint – Lauderdale Lakes Lake Management District vs. Walworth County Board of Adjustment was referred to the Executive Committee.
2. Claims:
3. Outagamie Resolution No. 84-2009-10 – Opposition to AB 403 as it is written was referred to the Executive Committee.
4. Communication from Supervisor Randy Hawkins regarding recent WCEDA information (To be referred to the Executive Committee) This item was removed and placed on file.
5. Communication from County Administrator Bretl requesting the County Board pass a resolution commemorating the retirement of Helmut Eichenlaub, Landrat of Waldeck-Frankenberg, Walworth County’s sister county in Germany – Res. No. 73-12/09 – Commemorating the Retirement of Helmut Eichenlaub, Landrat of Waldeck-Frankenberg, Walworth County’s Sister County in Germany-*Vote required: Majority* (The Administrator's request is to suspend the rules to pass the resolution at the December 8, 2009 meeting.)
6. V.I.P. Services letter regarding application to the Wisconsin Department of Transportation for a federal transportation grant; and, request to discuss transportation issues with appropriate County staff relative to enhancing coordination of transportation services was referred to the Health and Human Services Board.
7. Communication from Kettle Moraine Land Trust, Ltd., regarding the Delavan Watershed Initiative 2030 was referred to the Land Conservation Committee.
8. Office of Justice Assistance communication to Captain Dana Nigbor regarding STOPVAWA/Multi-Jurisdictional Sexual Assault Response Team OJA Grant 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 and referred or placed on file as indicated:
 - Claim – Notice of Injury – Marjorie L. Geiger v Walworth County Public Works Department – To be referred to the Executive Committee

- Outagamie County Resolution No. 99-2009-10 – In support of maintaining current law regarding when elections are held for Supreme Court Justices and the State Superintendent of Public Instruction – To be referred to the Executive Committee
- Outagamie County Resolution No. 103-2009-10 – Oppose making protective retirement a mandatory subject of collective bargaining – To be referred to the Executive Committee
- Outagamie County Resolution No. 105-2009-10 – Oppose establishing a presumption for infectious diseases in proceedings regarding the benefits for a fire fighter, law enforcement officer or correctional officer – To be referred to the Executive Committee
- Communication from Supervisor Jerry Grant regarding reply to letter of November 24, 2009 from Supervisor Dan Kilkenny – To be referred to the Executive Committee
- Communication from Governor Jim Doyle regarding an award of a Walworth County Homeland Security grant (#7440) for \$52,019 – To be placed on file
- Communication from Southeastern Wisconsin Regional Planning Commission regarding the Commission's *2008 Annual Report* (The complete report is on file in the County Clerk's Office) – To be placed on file
- *Walworth County Senior Review*, December, 2009 – To be placed on file

11. Report of County Clerk Concerning Zoning Petitions was referred to the County Zoning Agency.

- Lynn Lein, Town of Spring Prairie, A-1 to B-1 or B-4
- Frederick Enterprises LLC, Town of Delavan, A-2 & A-4 to C-2 & A-5
- JMO Properties Ltd, Town of Walworth, A-1 to A-4
- Joseph T. and Anne M. Curti, Town of East Troy, R-1 & C-1 to C-2
- Mikrut Builders, Inc. (John S. Mikrut, App.), Town of Geneva, R-2 to B-2
- CobbleCreek Farms LLC (Ron Amann, App.), Town of Lyons, M-3 to A-1
- Buddy R. Short (Scott Dawson, App.), Town of Spring Prairie, A-1, M-3, & C-4 to C-2 & C-4

Supervisor Bromley requested that item 4, Communications and Matters to be Referred, be pulled for discussion.

Supervisor Bromley offered a motion, seconded by Supervisor Weber, to receive item 4 for the record, and place the item on file, rather than refer it to the Executive Committee as indicated on the agenda. Discussion ensued.

Supervisor Hawkins said he would see Supervisor Bromley's motion as an attempt to curtail any discussion on the new information. Supervisor Bromley said that he would like to leave employer and employee relationships between WCEDA and its employees. Supervisor Grant said he thinks this communication should be placed on file and he thinks anyone that has a problem with that should direct their questions to the WCEDA Board. Supervisor Kilkenny said he thinks it is more appropriate that this discussion be held at the Executive Committee. A vote was taken on the motion to place item # 4 on file rather than refer it to the Executive Committee. Motion approved. Supervisors Hawkins and Kilkenny requested that their votes be recorded as No.

A motion was offered by Supervisor Van Dreser, seconded by Supervisor Schaefer, to suspend the rules to discuss and vote on item 5 under Communications and Matters to be Referred, Resolution No. 73-12/09. On motion by Supervisor Van Dreser, seconded by Supervisor Weber, the motion to suspend the rules was approved by unanimous consent. On motion by Supervisor Bromley, seconded by Supervisor Stacey, **Resolution No. 73-12/09** was approved by voice vote.

Unfinished Business

There was none.

New Business

Reports of Standing Committees

County Zoning Agency Report of Proposed Zoning Amendments

1. Ordinance No. 591-12/09– Amending Chapter 74 of the Walworth County Code of Ordinances Relating to Zoning and Shoreland Zoning-*Vote required: Majority* (Recommended by the County Zoning Agency 7-0) Amendment to Walworth County Code of Ordinances, Walworth County, Wisconsin as follows:
Zoning: 74-37, 74-38, 74-39, 74-41, 74-43, 74-43.1, 74-43.2, 74-44, 74-45, 74-47, 74-51, 74-52, 74-53, 74-54, 74-55, 74-56, 74-59, 74-61, 74-62, 74-63, 74-64, 74-65, 74-66, 74-74, 74-92, 74-103, 74-110, 74-111, 74-114, 74-118, 74-131
Shoreland Zoning: 74-154, 74-162, 74-163, 74-164, 74-167, 74-168, 74-169, 74-170, 74-171, 74-172, 74-174, 74-178, 74-179, 74-180, 74-181, 74-182, 74-183, 74-186, 74-187, 74-188, 74-189, 74-190, 74-191, 74-192, 74-193, 74-203, 74-221, 74-232, 74-239, 74-240, 74-243, 74-247, 74-263 – approved 7 – 0 (10-15-09 public hearing)
2. Willard Cesar, Town of Troy, Rezone 4.33 acres of C-2 to A-5 – approved 7 – 0 (11-19-09 public hearing)
3. R. Stewart Properties LLC, Town of Walworth, Rezone 1.17 acres of A-1 to A-4 – approved 7 – 0 (11-19-09 public hearing)
4. Walworth County Metropolitan Sewerage District, Town of Darien, Rezone 1.84 acres of C-1 to P-1 – approved 7 – 0 (11-19-09 public hearing)
5. Honey Creek Estates, LLC (Brian Godfrey, App.), Town of East Troy, Rezone 14 acres of A-2 to C-2 – approved 5 – 1 and 1 abstain (11-19-09 public hearing)
6. Nicholas T. Cook LLC, Town of Richmond, Rezone 4.94 acres of A-2 & A-4 to M-1 – approved 7 – 0 (11-19-09 public hearing)

Supervisor Stacey requested that items 1 and 5 be considered separately.

On motion by Supervisor Schaefer, seconded by Supervisor Van Dreser, items 2, 3, 4, and 6 were approved as recommended by the County Zoning Agency by voice vote.

A motion was offered by Supervisor Van Dreser, seconded by Supervisor Stacey, to approve item 1, Ordinance No. 591-12/09. Supervisor Stacey requested that Michael Cotter explain this ordinance. Mr. Cotter said that this is a comprehensive revision to the zoning code. He said

pursuant to Section 59.69, sub. 5d, the existing zoning ordinance that we have in effect right now in the Townships will remain in effect for a period of one year or until the new comprehensive revision is adopted by the Town Board. The Towns also have an opportunity to adopt their own zoning with the County Board's approval. Cotter said that there are three things that can happen: Towns can now have their own zoning with Board approval, they can adopt the new zoning going into effect tonight, or they can wait for a period of up to a year. If the Town Board fails to approve the comprehensive plan within a year, neither the existing ordinance as it is right now nor the comprehensive revision will be in place in the township. If the Towns fail to do anything by December 15, 2010, there will be no zoning in that Township. Cotter said that if this Plan is adopted tonight, we will send a memo to all Townships tomorrow giving them a sample resolution to adopt so that they can sign back on to the new comprehensive zoning. Cotter said that suggestions were solicited from each Township and this has been in the works since 2004. The Smart Growth Committee was also involved in these changes. **Ordinance No. 591-12/09** was approved by voice vote.

Supervisor Stacey requested to be excused from the vote on item 5 because of personal interest. Supervisor Stacey left the room during the vote on item 5. On motion by Supervisor Van Dreser, seconded by Supervisor Bromley, item 5 was approved as recommended by the County Zoning Agency by voice vote with one abstention.

Supervisor Stacey returned to the Board floor.

Children with Disabilities Education Board

1. Resolution No. 72-12/09 – Amending the Walworth County Special Education Plan, Exhibit D-*Vote required: Majority* (Recommended by the Children with Disabilities Education Board 5-0) Final resolution was attached to the amended packet.

On motion by Supervisor Weber, seconded by Supervisor Grant, **Resolution No. 72-12/09** was approved by voice vote.

Executive Committee

1. Ordinance No. 588-12/09 – Amending Section 2-166 of the Walworth County Code of Ordinances Relating to Compensation of Citizen Members-*Vote required: Two-thirds* (Recommended by the Executive Committee 5-0)
2. Ordinance No. 589-12/09 – Amending Section 2-132 of the Walworth County Code of Ordinances Pertaining to Membership of the Walworth County Community Partner Advisory Group-*Vote required: Two-thirds* (Recommended by the Executive Committee 5-0)
3. Ordinance No. 590-12/09 – Amending Sections 2-41 and 2-144 of Chapter 2 of the Walworth County Code of Ordinances Relating to Standing Committee Assignments and Procedures-*Vote required: Two-thirds* (Recommended by the Executive Committee 5-0)

A motion was offered by Supervisor Bromley, seconded by Supervisor Weber, to approve item 1. On motion by Supervisor Van Dreser, seconded by Supervisor Grant, **Ordinance No. 588-12/09** was approved by unanimous consent.

A motion was offered by Supervisor Bromley, seconded by Supervisor Weber, to approve item 2. On motion by Supervisor Van Dreser, seconded by Supervisor Weber, **Ordinance No. 589-12/09** was approved by unanimous consent.

A motion was offered by Supervisor Bromley, seconded by Supervisor Grant, to approve item 3. On motion by Supervisor Van Dreser, seconded by Supervisor Bromley, **Ordinance No. 590-12/09** was approved by unanimous consent.

Finance Committee

1. Resolution No. 67-12/09 – Authorizing the Closing of the CTH ES Roadwork Project and Transferring Remaining Project Funds to the Appropriate Public Works Account for the CTH J Roadwork Project-*Vote required: Majority* (Recommended by the Finance Committee 5-0 and the Public Works Committee 5-0)
2. Resolution No. 68-12/09 – Requesting a Transfer From the 2009 Contingency Fund to Offset Anticipated Shortfall in County Sales Tax Revenue-*Vote required: Two-thirds* (Recommended by the Finance Committee 5-0)
3. Resolution No. 69-12/09 – Resolution Authorizing the Partial Redemption of General Obligation Promissory Notes, Dated July 1, 2002-*Vote required: Majority* (Recommended by the Finance Committee 5-0)

A motion was offered by Supervisor Stacey, seconded by Supervisor Ingersoll, to approve item 2. On motion by Supervisor Van Dreser, seconded by Supervisor Weber, **Resolution No. 68-12/09** was approved by unanimous consent.

On motion by Supervisor Stacey, seconded by Supervisor Bromley, item 1, **Resolution No. 67-12/09** and item 2, **Resolution No. 69-12/09** were approved by voice vote.

Health and Human Services Board

1. Ordinance No. 592-12/09 – Amending Section 50-2 and Creating Section 50-6 of the Walworth County Code of Ordinances Regarding the Walworth County Children’s Advocacy Center-*Vote required: Majority* (Recommended by the Health & Human Services Board 8-0)

On motion by Supervisor Bromley, seconded by Supervisor Grant, **Ordinance No. 592-12/09** was approved by voice vote.

Human Resources

1. Resolution No. 70-12/09 – Implementing Changes in Wages for Non-Represented Employees for 2010-*Vote required: Majority* (Recommended by Human Resources Committee 5-0)

On motion by Supervisor Bromley, seconded by Supervisor Ingersoll, **Resolution No. 70-12/09** was approved by voice vote.

Public Works Committee

1. Resolution No. 71-12/09 – Supporting the State of Wisconsin’s Energy Independence Goals-
Vote required: Majority (Recommended by the Public Works Committee 5-0)

On motion by Supervisor Stacey, seconded by Supervisor Weber, **Resolution No. 71-12/09** was approved by voice vote.

Reports of Special Committees

There were none.

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

William Radwell thanked the Board for letting him speak again. He said he thought he had been working with the County on his problem. He said he doesn’t know who to approach to solve his problem. He thought he could come to the Board as they are over the townships. He said the Board has to work with the people that are losing their property and he has been trying to get this money. He is trying to get the money by tomorrow. He feels that the Board is willing to take a low bid rather than work with him. He said he hopes the Board can work with him. Mr. Radwell said he wants to keep his property and he wants to give the County a fair amount.

Chairman’s Report

Chair Russell said she was pleased to announce that the County Board received an award from the Walworth County Arts Council for helping to create arts in the County. She said we received this award for displaying the various art projects in the Government Center lobby.

Clerk Bushey said that for those Supervisors who have not come in to file papers for County Board Supervisor, the deadline is January 5, 2010. The deadline for filing non-candidacy has been extended to December 28, 2009.

Adjournment

On motion by Supervisor Stacey, seconded by Supervisor Kilkenny, the meeting was adjourned at 6:39 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 December 15, 2009 meeting.

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