



August 10, 2010 – Walworth County Board Meeting

**Report of the County Clerk Regarding
Communications Received After the Agenda Mailing**

County Clerk

The following items were placed on Supervisors' desks and are attached to this cover sheet:

Kimberly S. Bushey
County Clerk

- Notice of Claim – Luther Bell – Letter from Attorney regarding Notice of Claim filed on May 28, 2010 and request for payment for damages – To be referred to the Executive Committee
- Correspondence from Mary Beth Peranteau, Attorney, for Daniel and Mary Adams, Dr. Thomas V. Powell and Diana Briley Powell in opposition to the Dean Chudy Application for Rezone of 5.58 Acres, Town of Bloomfield (Powers Lake) and the District of Powers Lake Board Commissioners – To be placed on file
- Ozaukee County Resolution No. 10-20 – Repeal of 2009 Wisconsin Act 28 with Regard to Prevailing Wage Requirements – Previously referred and will be placed on file
- Correspondence from Steve Fettig, CFO, Tankcraft & Plasticraft Corporations, Darien, WI, regarding funding of WCEDA with taxpayer monies – To be placed on file
- *Walworth County Senior Review*, August, 2010 – To be placed on file

RECEIVED
WALWORTH COUNTY CLERK

2010 AUG 10 AM 9:43

Thomas J. Erickson
Attorney at Law
The Loyalty Building
611 N. Broadway, Ste. 200
Milwaukee, WI 53202
(414) 271-0678
Fax: (414) 271-6339

August 9, 2010

Ms. Kim Bushey
Walworth County Clerk
PO Box 1001
Elkhorn, WI 53121-1001

Re: Demand of Luther Bell

Dear Madame Clerk:

On behalf of Luther Bell and in regard to the Notice of Claim filed on May 28, 2010, we demand \$50,000 as payment from Walworth County for the damages incurred by Mr. Bell.

Please send back a stamped copy of this letter in the SASE.

Very truly yours,



Thomas J. Erickson

TJE/ms

cc: David A. Bretl, Corporation Counsel
Kimmer Price

RECEIVED
WALWORTH COUNTY CLERK

WHEELER, VAN SICKLE & ANDERSON, S.C.
a Wisconsin Service Corporation

ATTORNEYS AT LAW

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2010 AUG -6 AM 9:16

OF COUNSEL

CHARLES S. VAN SICKLE
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FLOYD E. WHEELER
(1905 - 1995)

NILES BERMAN
JEFFREY L. LANDSMAN
THOMAS J. ZAREMBA*
STUART G. MONDSCHNEIN†
COURT COMMISSIONER
WILLIAM PRAY O'CONNOR
DENIS R. VOGEL**
RHEA A. MYERS
JANET L. KELLY
MARY BETH PERANTEAU
JAY DONALD JERDE**
JUSTIN W. CHASCO

* ALSO ADMITTED IN MICHIGAN

**ALSO ADMITTED IN MINNESOTA

† Certified Civil Trial Advocate, National Board of Trial Advocacy

August 5, 2010

Ms. Nancy Russell, Chair
and Members of the
Walworth County Board of Supervisors
100 West Walworth Street
Elkhorn, Wisconsin 53121

Re: Dean Chudy Application for Rezone of 5.58 acres
Town of Bloomfield (Powers Lake)

Dear Ms. Russell and Board Members:

We represent Daniel and Mary Adams, Dr. Thomas V. Powell and Diana Briley Powell in opposition to the above-referenced application to amend the County zoning ordinance to rezone property in the shoreland of Powers Lake from R-1 residential to M-1 manufacturing. This property is directly west of a group of warehouses housing Mr. Chudy's business, Golf Gifts & Gallery. Mr. Chudy's application seeks to rezone this parcel for an expansion of the adjacent business to include a 60,000 square foot industrial warehouse and operations building with associated docks to accommodate truck traffic to the site.

From our review of the records maintained by Land Use and Resource Management, as well as the Town of Bloomfield proceedings, we conclude that the Board cannot lawfully rezone this property without violating the mandatory requirements of State zoning law.

Section 66.1001(3)(j) and (q) of the Wisconsin Statutes explicitly require amendments to the zoning ordinance to be consistent with the comprehensive plan. The rezone petition is clearly inconsistent with the County's 2035 Comprehensive Plan in several respects, and the rezoning would therefore be in violation of the smart growth law. An amendment to the Comprehensive Plan would be required prior to the amendment of the shoreland zoning ordinance. Further, the proposed use of the property requires permanent conditions and restrictions to protect the uses and values of neighboring property.

I. **The Proposed Rezone is Inconsistent with Walworth County's Comprehensive Plan 2035.**

Walworth County's Comprehensive Plan includes a land use planning map which classifies the recommended pattern of land use in the unincorporated areas of Walworth County through the year 2035. Plan, at IX-4. This map (see Exhibit A) shows an isolated industrial area surrounded by areas designated for residential and agricultural use, primary environmental corridor and conservation. The Plan identifies the subject parcel and much of the surrounding area as urban density residential (less than 5.0 acres per dwelling), as illustrated in the attached Exhibit A. A 10-acre shallow marsh/wetland meadow conservation area is located directly to the north, and established lakeshore residential neighborhoods lie directly to the south and east.

Contrary to representations made at the public hearing, the parcel sought to be rezoned is not an "island" in the R-1 district. Rather, it is the existing M-1 parcel owned by Mr. Chudy that is an island, surrounded by agricultural, lakeshore residential, open space and conservation uses. (See Exhibit B, a GIS-generated map showing existing land uses and County zoning designations.) The R-1 zoning district designation was established "to provide locations for and maintain values of low density single-family development only." The Plan does not propose any change in the use of this area through 2035.

One of the specific objectives of the Plan provides that "much of the new urban density *residential development* would occur as infill in areas already committed to such use as well as adjacent to similar existing development." Plan, at IX-4, 5. Residential development of the subject parcel would be consistent with the Plan and the vast majority of the shoreland surrounding Powers Lake. Based on the applicant's testimony at the public hearing, the proximity of this parcel to the existing business should not pose an insurmountable obstacle to residential development. The Zoning Agency was advised that there is relatively little noise and activity at the existing site, and the applicant is able to screen the operation with trees and berms.

The Comprehensive Plan also contains transportation goals and objectives, including "the development of local access and collector streets that are efficient, safe, and convenient," and the "provision of safe opportunities for bicycling and walking as an alternative to vehicular travel and to promote a healthy lifestyle." However, testimony at the public hearing establishes that the proposed industrial rezone would be contrary to each of these objectives. The truck traffic associated with an expanded industrial site poses a significant safety hazard in light of the size and uses of the adjacent roadway. Powers Lake Road is a narrow Class B town road having no sidewalks or curbs that is frequented by pedestrians and bicyclists. 18-wheel semis make numerous daily trips in and out of the existing site, a practice that will presumably increase with the expansion of the business. In

addition to the safety hazards this poses, the transportation infrastructure in this area is limited. It does not have the capacity for and was not intended to sustain heavy truck use. The frequency of heavy truck traffic also creates road maintenance issues, and is placing heavy stress on a culvert underneath the road where the lake outlets.

II. The Proposed Rezone is Inconsistent with Shoreland Zoning Objectives and SEWRPC's Management Plan for Powers Lake.

Under s. 59.692(1m) of the Statutes, Wisconsin counties are required to zone all shorelands within unincorporated areas under an ordinance that meets minimum standards promulgated by DNR. Although a county may enact more restrictive provisions, it is legally obligated to enact and enforce a shoreland zoning ordinance that meets state shoreland standards and to submit any proposed amendment to Wisconsin DNR for review and approval. The purposes that lie at the foundation of shoreland zoning are set forth in Section 281.31, Stats., the navigable waters protection law, "to prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses and reserve shore cover and natural beauty."

Walworth County's Zoning Ordinance recognizes these and additional purposes of shoreland zoning including, among other things, to:

- Further the appropriate use of land and conservation of natural resources;
- Stabilize and protect the natural beauty and property values of the county;
- Lessen congestion in and promote the safety and efficiency of the streets and highways;
- Implement those municipal, county, watershed, or regional comprehensive plans or their components adopted by the county; and
- To provide buffering between residential development and non-residential uses.

Zoning Ordinance, § 74-154.

The rezoning of property in the shoreland of Powers Lake from R-1, one of the most restrictive development districts, to M-1, one of the highest-impact land use districts, conflicts with each of the above-stated purposes. By all appearances, the rezoning would be primarily if not exclusively for the benefit of the owner, which is the hallmark of illegal spot zoning. *See Step Now Citizens Group v. Town of Utica*, 2003 WI App 109 ¶ 30. The rezoning is also contrary to SEWRPC's study entitled "A Lake Management Plan for Powers Lake," adopted by the District of Powers Lake, the special purpose government established for the benefit of the lake's environment, the water quality, shoreline, and the surrounding watershed of Powers Lake. The Lake Management Plan notes that the land uses in the direct drainage area of the lake [within which this parcel is situated] are important considerations in lake water quality management. The study recommends no significant new urban development for the Powers Lake drainage area other than limited infilling on existing platted lots.

III. Approval of the Rezoning Requires an Amendment to the Walworth County Comprehensive Plan.

The public hearing on the Chudy rezoning petition was largely concerned with features of the proposed expansion of Chudy's existing operation, including stormwater control and retention, proposed buffer areas, and the like. It appears that the Zoning Agency may have failed to grasp that Chudy is not applying for a conditional use permit, but rather for a rezoning that would permit the proposed use, as one of many¹, as a matter of right. If approved, the Agency's recommendation will result in a map amendment to the County Zoning Ordinance, which will allow the development of any land use designated as "permitted" in the M-1 district without further oversight. Given the manifest conflict

¹ Permitted uses in the M-1 district under Section 74-183 of the Shoreland Zoning Ordinance include:

- a. Automotive upholstery.
- b. Cleaning, pressing, and dyeing.
- c. Commercial bakeries.
- d. Commercial greenhouses.
- e. Distributors.
- f. Food locker plants.
- g. Printing.
- h. Publishing.
- i. Trade and contractor offices.
- j. Warehousing.
- k. Wholesaling.
- l. Proving grounds.
- m. Retail sales and service facilities, such as retail-outlet stores, surplus goods stores, and restaurants and food service facilities, when established in conjunction with a permitted manufacturing or processing facility.
- n. Manufacture, fabrication, processing or packaging of food, but not including, because of noxious odors, cabbage, fish and fish products, meat and meat products, pea vining and commercial egg production.

between this outcome and the goals and objectives stated in the Comprehensive Plan, the Shoreland Zoning Ordinance, and related watershed management plan, it is astonishing that the Agency could have concluded that the requested rezone is something that was contemplated by the Plan.

As you know, the Town of Bloomfield opted out of the County's general zoning ordinance in late 2009. The Chudy rezone petition was filed in Walworth County because it affects shorelands, as to which the County retains exclusive jurisdiction. However, the Town concluded in this case that a comprehensive plan amendment was necessary in order to recommend the rezone to the County. The Town developed its smart growth plan separately from the County's multi-jurisdictional Comprehensive Plan. The attached Exhibit C is the Town's former land use map (incorporated into the County Plan in Appendix B-1), which shows the recommended use of the subject parcel as "suburban density residential." This land use classification is identical to the County's current designation "urban density residential."

The County's Plan indicates that "the land use plan maps included in [the non-participating towns'] comprehensive plans were incorporated into the countywide land use map." This is touted in the Plan as its "grass-roots" approach. In order to incorporate the Town of Bloomfield's comprehensive plan, as required for compliance with Section 59.69(3) of the Statutes and as expressly stated in the goals and policies of the County's Plan, the County must follow the Town's lead and propose amendments to the Plan to accommodate the proposed rezone.

IV. The Expansion of an Industrial Use Surrounded by Agricultural and Residential Uses in the Shoreland of Powers Lake Does Not Constitute "Infill."

The Comprehensive Plan provides at page IX-5 that "[n]ew industrial development would generally be limited to relatively small *currently zoned industrial areas* and *small-scale infill of areas already in such use.*" County Planner Matt Weidensee advised Zoning Agency members that the Chudy rezone application would require a Plan amendment unless they could find that the development was "infill" of an area already in such use, within the meaning of the Plan.

It appears, based on a review of the record of the public hearing record, that the Zoning Agency may have misunderstood the pattern of existing development in concluding the rezone would result in "infill" development. As a planning strategy, infill development "is designed to stimulate housing or other development on vacant or under-utilized parcels within urban areas." Rathkopf's Law of Zoning and Planning, at 15-108 (4th ed. 2009).

This concept has absolutely no relevance as applied to industrial development in an unincorporated, largely rural area that is unsewered and has limited transportation access. “Infill” does not result from the expansion of an isolated, misconceived land use that is wholly inconsistent with neighboring land uses, the natural resource base and proximity to Powers Lake.

Mr. Chudy was compelled to apply for a rezone several years ago to develop his Golf Gifts operation on the parcel immediately east of the parcel for which he is now seeking another rezone. That earlier spot zoning, which occurred prior to the effective date of the Smart Growth law, should not now be used to validate the expansion of manufacturing uses in the residential and agricultural areas within the shoreland of Powers Lake. By this logic, the entire concept of comprehensive planning may be defeated by the extension of inappropriate uses, based solely on the fact that “they were there before the smart growth law.”

Industrial infill should be reserved for redevelopment of existing urban areas. As the Comprehensive Plan explains: “The greatest opportunities for redevelopment in the County are older urban centers served by existing infrastructure—primarily, the older central areas of the County’s cities and villages. . . . Within towns, opportunities for redevelopment consist, for the most part, of the potential re-use of vacant or underutilized buildings in their smaller-scale urban centers and in cross-road communities.” Plan, at IX-11.

The Zoning Agency’s misplaced focus on the “infill” provisions of the Plan resulted in an end-run around the Plan amendment process, which is carefully laid out in the Implementation Element of the Plan. Such amendments require a two-thirds majority vote by the County Board and a finding that the amendment is required by extraordinary circumstances for reasons affecting the public welfare. The characterization of this rezone as “infill” is essentially a negation of comprehensive planning and is inconsistent with Wisconsin’s Smart Growth law.

The goals of the County’s Comprehensive Plan should not be stretched to accommodate piecemeal development that was clearly not contemplated by the Plan. Two important objectives of the smart growth law were to provide ample opportunities for, and to incorporate public input² and to utilize sound planning principles to eliminate such *ad hoc* development. We urge the County Board to refer this application back to the Zoning

² Wis. Stat. § 66.1001(4) provides that the governing body “shall adopt written procedures that are designed to foster public participation, including open discussion, communication programs, information services and public meetings for which advance notice has been provided, in every stage of the preparation of a comprehensive plan,” and “shall provide an opportunity for written comments on the plan to be submitted by members of the public.”

Walworth County Board
August 5, 2010
Page 7 of 7

Agency for a public hearing on whether “extraordinary circumstances” exist to amend the Comprehensive Plan in a manner that would accommodate the proposed rezone.

Finally, whether or not the Plan is amended, any rezone of this parcel must incorporate conditions and restrictions to ensure that the adjacent R-1 residential areas are buffered from high-impact uses, and to reduce the impact of development on Town and County resources and infrastructure. Wisconsin courts have recognized that rezoning with site-specific conditions is a permissible exercise of the zoning power, as long as such action does not constitute otherwise illegal spot zoning. *See, e.g., Konkel v. City of Delafield*, 68 Wis. 2d 574, 229 N.W.2d 606 (1976); *Howard v. Village of Elm Grove*, 80 Wis. 2d 33, 257 N.W.2d 850 (1977). While this practice imposes restrictions not applicable to other land within the same zoning district, conditions and restrictions can be imposed to mitigate externalities and protect existing use values. *See* 3 Rathkopf’s Law of Zoning and Planning, at 44-5. Accordingly, at minimum, we request that the Board refer this matter to the Zoning Agency for consideration of appropriate, enforceable conditions to protect and buffer adjacent land uses.

We appreciate the Board’s careful attention to this matter and thank you for your consideration.

Very truly yours,

WHEELER, VAN SICKLE & ANDERSON, S.C.


Mary Beth Peranteau

Attachments

- Exhibit A: GIS-Generated Land Use Plan Map
- Exhibit B: GIS-Generated Parcel Map Showing Uses and Zoning Designations
- Exhibit C: Town of Bloomfield Land Use Plan 2025 Map

cc: Kimberly S. Bushey, Walworth County Clerk
Michael Cotter, LURM Director
Matt Weidensee, Site Planner
Pam Schense, Wisconsin Department of Natural Resources



WALWORTH COUNTY, WISCONSIN

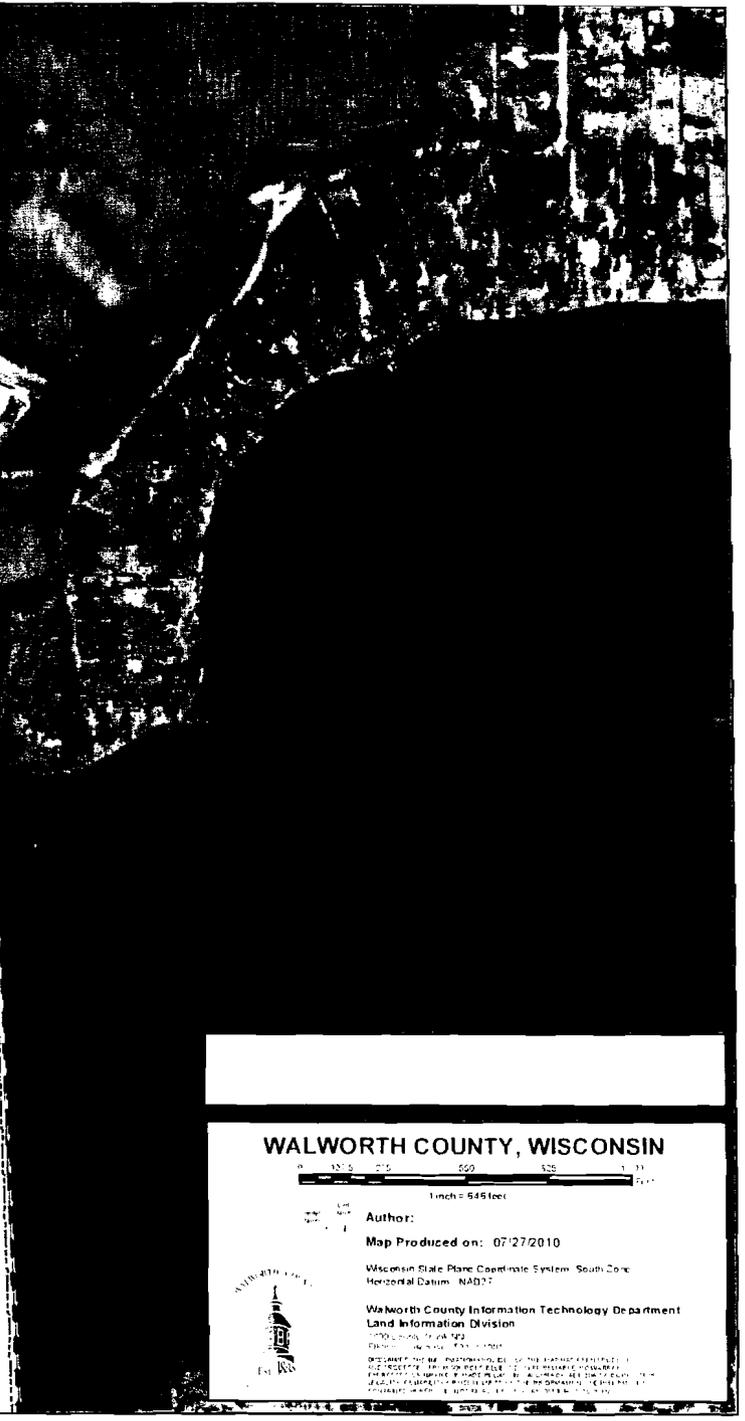
0 225 450 900 1350 2250 Feet
 1 inch = 1,292 feet

Author:
 Map Produced on: 07/27/2010

Wisconsin State Plane Coordinate System - South Zone
 Horizontal Datum - NAD27

Walworth County Information Technology Department
 Land Information Division

Walworth County Information Technology Department
 Land Information Division
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WALWORTH COUNTY, WISCONSIN

1 inch = 545 feet

Author:
Map Produced on: 07/27/2010

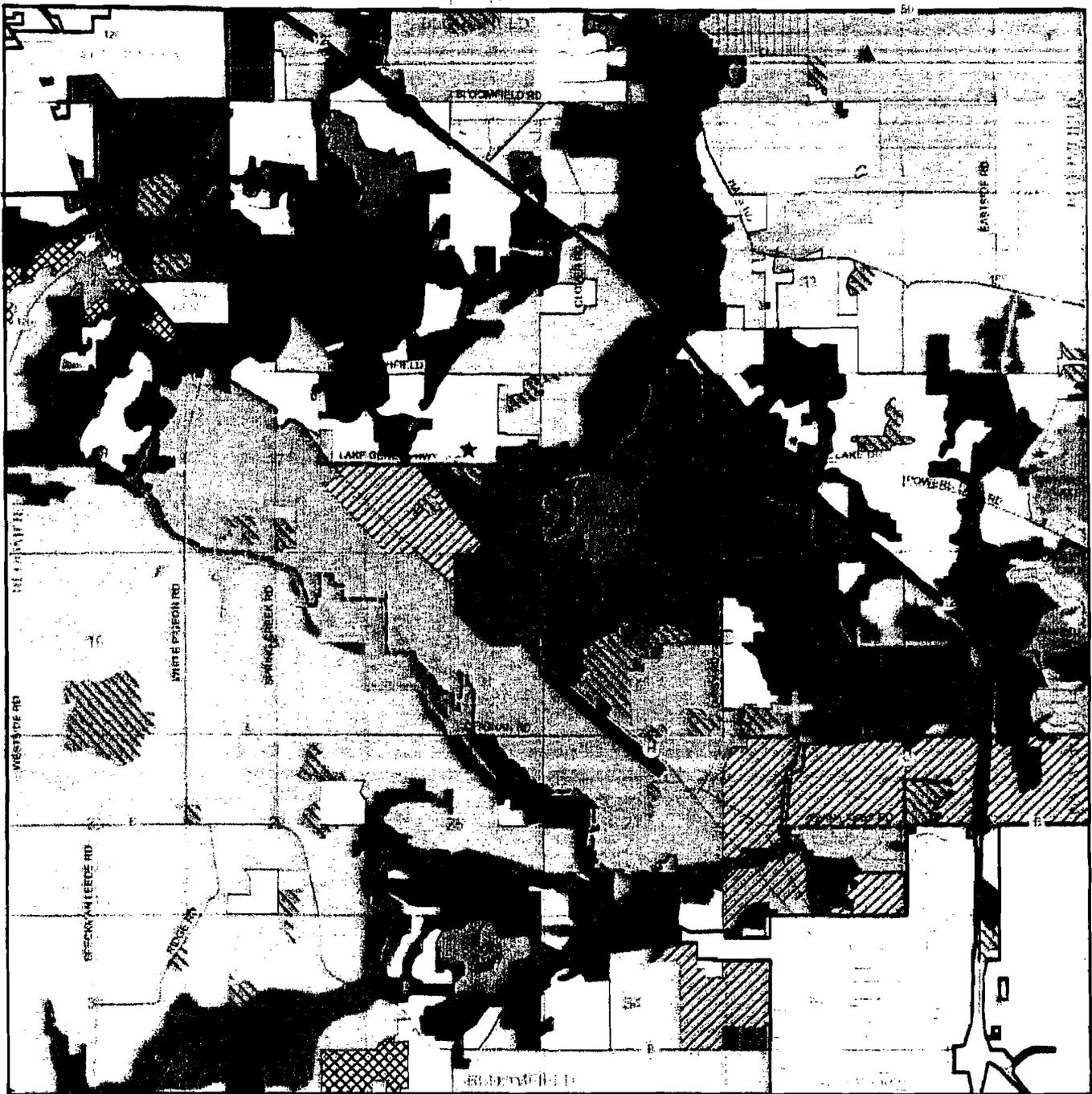
Wisconsin State Plane Coordinate System - South Zone
Horizontal Datum - NAD83

Walworth County Information Technology Department
Land Information Division

Walworth County Information Technology Department
Land Information Division
1000 1st St
Eau Claire, WI 54601
Phone: 715.833.1000
Fax: 715.833.1001
WWW.WALWORTHCOUNTY.WI.GOV

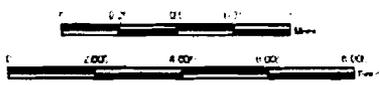
MAP B-1

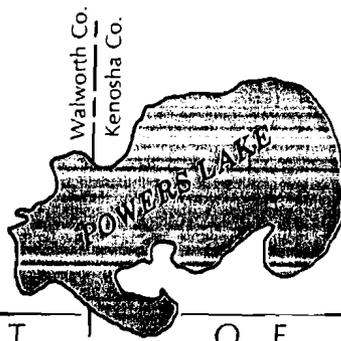
TOWN OF BLOOMFIELD LAND USE PLAN



RECOMMENDED LAND USE PLAN FOR THE TOWN OF BLOOMFIELD: 2025

- Existing Medium Density Residential (6,200 to 14,999 square feet/dwelling unit)
- Future Medium Density Residential (7,500 to 14,999 square feet/dwelling unit)
- Low Density Residential (15,000 to 62,300 square feet/dwelling unit)
- Suburban Density Residential (62,300 square feet to 4.9 acres/dwelling unit)
- Commercial
- Industrial
- Governmental and Institutional
- Transportation, Communication, and Utility
- Urban Reserve
- Recreational
- Urban Land Holding Area
- Farmland Preservation Area
- Other Agricultural, Rural Residential, and Open Land
- Extractive
- Primary Environmental Corridor
- Secondary Environmental Corridor
- Isolated Natural Resource Area
- Surface Water
- Proposed Sewer Service Area Addition
- ★ Proposed Government Facility and Park
- Proposed Highway Interchange
- ▲ Proposed Park





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2010 AUG -9 PM 1:00

T H E D I S T R I C T | O F P O W E R S L A K E

P.O. Box 462
Powers Lake, Wisconsin 53159

August 9, 2010

Ms. Nancy Russell, Chair
And Members of the Walworth County Board of Supervisors
100 West Walworth Street
Elkhorn, Wisconsin 53121

Re: Dean Chudy Application for Rezone of 5.83 acres, Town of Bloomfield, Powers Lake

The District of Powers Lake recently learned that Mr. Dean Chudy has applied to rezone a parcel adjacent to his Golf Gifts & Gallery from R 1 to M 1. We have experienced a groundswell of negative feedback from our District members on this issue. The annual meeting of the District of Powers Lake was conducted on August 6, 2010. At that meeting, members asked to be heard relative to Mr. Chudy's application to rezone. While it was not on the agenda, our Chairman opened the floor to discussion on an advisory basis. Many seriously concerned members expressed distress over the following:

1. Resident safety is jeopardized by the current use of the Golf Gifts & Gallery distribution facility. Currently, eighteen wheel tractor trailers currently traverse our narrow Class B county roads. These winding residential roads have no shoulders or curbs. There is simply no room for the long trailers to take the sharp turns without crossing both lanes and/or endangering those using the roads for recreation. Neither the roads nor our culvert for the lake's outlet is built for these heavy trucks.
2. The District of Powers Lake was not consulted about the possible short term and long term impact to the water quality of Powers Lake.
3. We believe that this rezone is inconsistent with the County's 2035 Comprehensive Plan and SEWRPC's Management Plan for Powers Lake.
4. Therefore, it appears that this rezoning is a violation of the State's Smart Growth Law.
5. An amendment to the Comprehensive Plan appears to be required.

The annual meeting of the District of Powers Lake unanimously approved an advisory resolution in opposition to the application to rezone. Further, they urged Walworth County Board of Supervisors to consider the legality of their actions in granting a rezone. We are asking you, in our advisory capacity at this point, to conduct a hearing on the issues raised above. We believe our District can be of assistance to you relative to this effort.

Thank you for your consideration.

The District of Powers Lake Board Commissioners:

Jim Michels, Chairman
Brooke Jensen, Treasurer
Nancy Michael, Secretary
Colleen Keating

Neal Kuhn
Judy Jooss, Kenosha County (appointed)
Mark Halvey, Randall Township (appointed)

RESOLUTION NO. 10-20

REPEAL OF 2009 WISCONSIN ACT 28 WITH REGARD TO PREVAILING WAGE REQUIREMENTS

WHEREAS, under the current prevailing wage law, certain laborers, workers, mechanics and truck drivers employed on a state or local public works project must be paid at the rate paid for a majority of the hours worked in the person's trade or occupation in the county in which the project is located, as determined by the Department of Workforce Development (DWD), and may not be required or permitted to work a greater number of hours per day and per week than the prevailing hours of labor, that is no more than 10 hours per day and 40 hours per week, unless they are paid 1.5 times their basic rate of pay (overtime pay) for all hours worked in excess of the prevailing hours of labor; and

WHEREAS, 2009 Wisconsin Act 28 made various changes to the prevailing wage law including: 1) expanding the applicability of that law to cover publicly funded private construction projects and projects of public works contracted by regional transit authorities; 2) lowering the threshold for applicability of that law to a project of public works; 3) requiring contractors to submit payroll records to DWD; 4) requiring DWD to charge a requester for the cost of inspecting payroll records only if the request is frivolous and 5) permitting DWD to order back pay and liquidate damages for a violation of that law; and

WHEREAS, proposed legislation suggested by the Wisconsin County Highway Association would eliminate those recently enacted changes to the prevailing wage regulations and restore language of prior law.

NOW, THEREFORE, BE IT RESOLVED, that the Ozaukee County Board of Supervisors supports proposed legislative changes to eliminate coverage of publicly funded private construction projects under the prevailing wage law so that only projects of public works are covered under the prevailing wage law and in addition

- Delete language including regional transit authorities in the definition of "local governmental unit"
- Restore prior thresholds for applicability of the prevailing wage law and the authority of the Department of Workforce Development to adjust the threshold based on changes in construction costs
- Eliminate the requirement of monthly payroll record submission to the Department of Workforce Development
- Delete the requirement of the Department of Workforce Development to charge for the cost of inspecting a contractor's payroll records if the contractor is found to be in compliance with the prevailing wage law, whether or not the request is frivolous
- Eliminate the authority of the Department of Workforce Development to order a contractor who failed to pay the prevailing wage rate to pay any affected employee the amount of unpaid wages due and restores prior law to permit only a court to order that payment.

FURTHER RESOLVED, by the Ozaukee County Board of Supervisors that the County Clerk shall forward a copy of this resolution to the Governor of the State of Wisconsin, Ozaukee County's Legislative Representatives, to the Wisconsin Counties Association and to all Wisconsin Counties.

Dated at Port Washington, Wisconsin, this 4th day of August, 2010.

PUBLIC WORKS COMMITTEE				SUPERVISOR
<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>	
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	James H. Uselding
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	John C. Grosklaus
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Patrick Marchese
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Alan P. Kletti
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Rose Hass Leider

TO WHOM IT MAY CONCERN:

I, Julianne B. Winkelhorst, County Clerk for Ozaukee County, Wisconsin, hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Ozaukee County Board of Supervisors on August 4, 2010.

(S E A L)

s/ Julianne B. Winkelhorst

Julianne B. Winkelhorst
County Clerk

Adopted Vote: Ayes – 30
Nays – 0
Absent – 1

Aug. 9, 2010

Dear Fellow Citizens and County Board Members,

I would like to voice our opposition to continued funding of WCEDA by taxpayer monies from Walworth County. After attending the meeting of July 19th on the current status of WCEDA and listening to the arguments for continued support of the organization, my opposition to the ongoing waste of taxpayer Dollars could not be more emphatic.

Unfortunately, my personal opinions were not made clear during the meeting, as I was pleasantly surprised by the one (sole) business owner who showed up to tell the committee about his positive experiences with WCEDA. The commentary in a local Elkhorn paper was misleading. I will be clear in this letter: I don't see how the board can continue to provide funding to WCEDA considering the continuing lack of success and clear mismanagement of funds they have shown.

I ask you: if you were asked to fund the ongoing operations of WCEDA out of your own pockets, would you do so (and why)? Why would anyone continue to spend money on a program that has shown and admitted itself to have been wasteful of previously provided moneys? If five years is not a good measure of the failure of WCEDA to live up to its promise to bring businesses to Walworth County, what time frame do you use to measure the success or failure of a project?

A colleague of mine, Matthew Olson, owner of Signalfire in Delavan, put it best (referring to WCEDA): "Government is not nor should not be a safety net for business. Good businesses prosper and poor businesses fail. Historically, this economic Darwinism is what keeps our economy evolving, growing, and, in the end, benefiting us all. WCEDA's role seems to have shifted from being a new business incubator to a life support system for failing businesses."

As a business owner, I have a simple comment: if WCEDA were truly interested in gaining the support and respect of the community, it wouldn't spend lavishly on salaries (how many people in Walworth County make over \$85,000/year?) for a public service engagement and it would get the monetary support of the community it pretends to support. We know this is a difficult thing to do, but if WCEDA is interested in showing its ability to teach entrepreneurs how to succeed, the first thing it would have done is to get its financial affairs in order and make sure they were offering a product the community actually needed and was willing to pay for voluntarily.

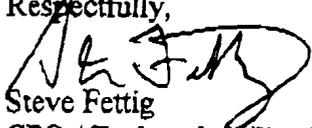
The charade needs to end and I request you withdraw your support from WCEDA.

Finally, I request you also pay close attention to the research Mr. Kilkenny has committed to this issue. His opinion and commentary is not only poignant, but correct.

"I don't know the key to success, but the key to failure is trying to please everybody."

Bill Cosby

Respectfully,


Steve Fettig

CFO / Tankcraft & Plasticraft Corporations / Darien, WI