

MARCH 8, 2011
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: Richard Brandl, Jerry A. Grant, Randy Hawkins, Vice-Chair Daniel G. Kilkenny, Carl Redenius, Joe Schaefer, Rick Stacey, Russ Wardle, David A. Weber, and Chair Nancy Russell. All Supervisors were present except Kathy Ingersoll. A quorum was established.

Reverend Jerry Dean delivered the invocation.

Amendments, Withdrawals, and Approval of Agenda

Supervisor Schaefer offered a motion, seconded by Supervisor Grant, to approve the agenda. On motion by Supervisor Grant, seconded by Supervisor Kilkenny, the agenda was amended by moving Executive Committee item 2, Resolution No. 76-03/11 – Recognizing the UW-Whitewater Warhawks Football Team on the Occasion of Their Third NCAA Division III National Championship, and Land Conservation Committee item 1, Resolution No. 80-03/11 – Recognizing Rich Colbert and Louise Olson on Being Awarded the Wisconsin Land Information Association’s “Local Government Achievement” Award, to be considered prior to the first public comment period.

The agenda, as amended, was approved by voice vote.

Special Order of Business

Resolution No. 76-03/11 was considered at this time. On motion by Supervisor Weber, seconded by Supervisor Stacey, **Resolution No. 76-03/11** was approved by voice vote.

- Recognizing the UW-Whitewater Warhawks Football Team on the Occasion of Their Third NCAA Division III National Championship

Chair Russell read the Resolution congratulating the UW-Whitewater Warhawks football team on the occasion of their third national football championship title in four years. Athletics Director Dr. Paul Plinske, Head Coach Lance Leipold, and former Supervisor Art Lein came forward. Coach Leipold also introduced Co-Captain and Center Mark Garanski, All Conference and All American, All Conference Punter Chris Rosholt, and Director of Football Operations Lou Groth. Coach Leipold said they were deeply honored and appreciated the recognition of the Walworth County Board. He said he hoped that they played a small but significant part of promoting Walworth County and Southern Wisconsin. Art Lein said it has been a great pleasure

to be able to be present for this award. He said Paul Plinske is a great Athletic Director; Lance Leipold has been at Whitewater for 4 years and his record is 57-3. He congratulated Coach Leipold and the team.

Resolution No. 80-03/11 was considered at this time. On motion by Supervisor Weber, seconded by Supervisor Grant, **Resolution No. 80-03/11** was approved by voice vote.

- Recognizing Rich Colbert and Louise Olson on Being Awarded the Wisconsin Land Information Association's "Local Government Achievement" Award

Chair Russell asked Louise Olson, Deputy Director, Land Used and Resource Management, and Rich Colbert, Applications Supervisor, to come forward as she read the resolution congratulating them for being awarded the Wisconsin Land Information Association's Local Government Achievement Award for their cooperative efforts in developing a web application for NR151 Compliance Tracking. Lou Olson described the project for the Board. She said they started a couple of years ago and now they are going live in less than a month. John Orr, IT Director, thanked them for their hard work. Michael Cotter said he knows of no other employee with such passion and dedication as Lou Olson and this is the end result of Lou's passion and service to the public.

Approval of the Minutes

On motion by Supervisor Hawkins, seconded by Supervisor Weber, the minutes of the February 8, 2011 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

1. Health and Human Services Board

- Pauline Parker – To complete the current vacant citizen term through April 30, 2011 and an additional 3-year term of service from April 30, 2011 through April 30, 2014
(Recommended by the Executive Committee 5-0)

2. Potters Lake Rehabilitation District

- Roy Lightfield – Citizen Member
(Recommended by the Land Conservation Committee 4-0)

On motion by Supervisor Schaefer, seconded by Supervisor Stacey, Pauline Parker was appointed to the Health and Human Services Board to complete a vacant citizen term through April 30, 2011 and an additional 3-year term of service from April 30, 2011 through April 30, 2014; Roy Lightfield was appointed to the Potters Lake Rehabilitation District.

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 – There were none.
2. Claims: a) Third-Party Summons and Third-Party Complaint: Lake Delavan Land Owners v. Town of Delavan; Delavan-Darien School District, Walworth Joint School District #1, and Fontana Joint 8 School District; Walworth County; GTC; and Delavan Lake Sanitary District was placed on file.
3. Communication from Charles Speer, Speer Law Firm regarding opposition to construction and operation of Dairy CAFO by Todd Tuls was referred to the County Zoning Agency)
4. Vernon County Resolution 2011-12 – Rescinding Changes Made to Prevailing Wage Laws was referred to the Executive Committee.
5. County Clerk Report – Summary of 2010 Dog Licenses Sold and Licensing Statistics was placed on file.
6. Communication from SEWRPC with the Adopted Comprehensive Plan for the Town of East Troy – The Comprehensive Plan is on file in the County Clerk’s office and the communication was placed on file.
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:
 - Ozaukee County Resolution No. 10-66 – Supporting Governor Walker’s 2010-11 Budget Repair Bill – To be referred to the Executive Committee
 - Communication from Nicki Andersen, Deputy County Administrator-Finance and Dean Wilson, Payroll/Benefits Manager regarding draft ordinance: Amending Section 15-338 of the Walworth County Code of Ordinances Relating to Severance Pay Upon Layoff or Termination – To be referred to the Human Resources Committee
 - Walworth County Board of Adjustment Annual Report 2010
 - *Walworth County Aging & Disability Resource Center News*, March 2011 – To be placed on file
9. Report of County Clerk Concerning Zoning Petitions was referred to the County Zoning Agency.
 - Dwayne Deakins, Town of Lafayette, A-5 to A-1

On motion by Supervisor Weber, seconded by Supervisor Stacey, item 2 under Communications and Matters to be Referred was placed on file as the item had already been considered by Executive Committee.

Unfinished Business

New Business

Reports of Standing Committees

County Zoning Agency Report of Proposed Zoning Amendments

1. Ordinance No. 673-03/11 – Amending Sections 74-51, 74-61, 74-131, 74-178, 74-188 and 74-263 of the Walworth County Code of Ordinance Relating to Farm Food Service (Recommended by the County Zoning Agency 5-0) Amendment to Walworth County Code of Ordinances, Walworth County, Wisconsin, Chapter 74-51, 74-61, and 74-131 of the Zoning Ordinance and Chapter 74-178, 74-188 and 74-263 of the Shoreland Zoning Ordinance – approved 5 – 0 (1-20-11 public hearing)
2. Kelly and Debra Elliott, Town of Linn, Rezone .24 acres of A-1 to A-4 – approved 5 – 0 (2-17-11 public hearing)

On motion by Supervisor Brandl, seconded by Supervisor Weber, the County Zoning Agency Report of Proposed Zoning Amendments, item 1, **Ordinance No. 673-03/11**, and item 2, Kelly and Debra Elliott, Town of Linn, was approved as recommended by the County Zoning Agency.

County Zoning Agency

1. Resolution No. 79-03/11 – Supporting an Amendment to the Wisconsin Statutes Granting Townships Veto Authority Over Conditional Use Permits-*Vote required: Majority* (Recommended by the County Zoning Agency 3-2)

Supervisor Weber offered a motion, seconded by Supervisor Kilkenny, to approve Resolution No. 79-03/11. Discussion ensued. Chair Russell said this amendment would give the Townships more voice and they would be able to veto a conditional use. Supervisor Wardle said he disagreed with the resolution because in our judicial system, an individual can always appeal to a higher authority, but with this resolution the people would not have an opportunity to go to a higher authority for appeal. Supervisor Kilkenny said this is making it consistent with current zoning as the towns already have the veto authority over zoning changes at the County level. The townships were polled and the majority of the townships supported it. Supervisor Stacey said he received a call from the Town of East Troy and they were opposed because the Town Board could be litigated against. Michael Cotter said if this resolution is approved, and the Wisconsin Legislature amends the Wisconsin Statutes, the matter would not get to the County. If a conditional use is denied by the Town Board there would be no appeal rights to the County. The appeal would be through litigation with the Town. Supervisor Kilkenny said this is a supporting resolution only at this time. Cotter said that all towns did not respond but the poll results were 8 for the amendment and 2 against with 6 not reporting.

A roll call vote was held. Total vote: 11; Ayes: 7 – Brandl, Hawkins, Kilkenny, Redenius, Russell, Schaefer, Weber; Noes: 3 – Grant, Stacey, Wardle; Absent: 1 – Ingersoll. **Resolution No. 79-03/11** was approved by roll call vote.

Executive Committee

1. Ordinance No. 671-03/11 – Amending Division 3 of Chapter 2 of the Walworth County Code of Ordinances Pertaining to Intergovernmental Cooperation-*Vote required: Two-thirds* (Recommended by the Executive Committee 5-0)
2. Resolution No. 76-03/11 – Recognizing the UW-Whitewater Warhawks Football Team on the Occasion of Their Third NCAA Division III National Championship-*Vote required: Majority* (Recommended by the Executive Committee 5-0)
3. Resolution No. 77-03/11 – Denying the Claim of Marjorie L. Geiger-*Vote required: Majority* (Recommended by the Executive Committee 5-0)
4. Resolution No. 78-03/11 – Inviting Governor Walker to Attend a Committee of the Whole Meeting of the Walworth County Board to Explain the State's Economic Development Strategies in Support of Wisconsin Being Open for Business-*Vote required: Majority* (Recommended by the Executive Committee 5-0)

Supervisor Weber offered a motion, seconded by Supervisor Brandl, to approve item 1, Ordinance No. 671-03/11. On motion by Supervisor Grant seconded by Supervisor Weber, **Ordinance No. 671-03/11** was approved by unanimous consent.

Item 2, Resolution No. 76-03/11 was approved earlier in the meeting.

On motion by Supervisor Weber, seconded by Supervisor Stacey, item 3, **Resolution No. 77-03/11**, and item 4, **Resolution No. 78-03/11**, were approved by voice vote.

Finance Committee

1. Ordinance No. 670-03/11 – Amending Section 30-286 of the Walworth County Code of Ordinances Relative to Land Use and Resource Management Fees Related to Campgrounds-*Vote required: Majority* (Recommended by the Finance Committee 4-0)

On motion by Supervisor Grant, seconded by Supervisor Brandl, **Ordinance No. 670-03/11** was approved by voice vote.

Land Conservation Committee

1. Resolution No. 80-03/11 – Recognizing Rich Colbert and Louise Olson on Being Awarded the Wisconsin Land Information Association's "Local Government Achievement" Award-*Vote required: Majority* (Recommended by the Land Conservation Committee 4-0)

Resolution No. 80-03/11 was approved earlier in the meeting.

