

MAY 11, 2010
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, Kathy Ingersoll, Vice-Chair Daniel G. Kilkenny, Carl Redenius, Joe Schaefer, Rick Stacey, Russ Wardle, David A. Weber, and Chair Nancy Russell. Absent: 0.

Jerry Grant, Walworth County Board Supervisor, District # 4, delivered the invocation.

Amendments, Withdrawals, and Approval of Agenda

On motion by Supervisor Kilkenny, seconded by Supervisor Hawkins, the agenda was amended by moving Executive Committee items 3 and 4 to immediately after Comment Period by Members of the Public Concerning Items on the Agenda.

On motion by Supervisor Kilkenny, seconded by Supervisor Weber, the evening's agenda was approved as amended.

Approval of the Minutes

On motion by Supervisor Schaefer, seconded by Supervisor Grant, the minutes of the April 20, 2010 Walworth County Board Meeting were approved by voice vote. On motion by Supervisor Stacey, seconded by Supervisor Brandl, the minutes of the April 22, 2010 Walworth County Board Meeting were approved by voice vote.

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

There were none.

On motion by Supervisor Weber, seconded by Supervisor Grant, **Resolution No. 14-05/10** – Recognizing May 16 through May 22, 2010 as National Medical Services (EMS) Week and Celebrating EMS Responders was approved by voice vote. Chair Russell read the resolution which recognizes National Emergency Medical Services Week and celebrates EMS professionals and volunteers who give their time and expertise in service of their communities.

Pat Grove, Public Health Nurse, came forward to acknowledge those who were present at the meeting. She said that the County needed medical support at the H1N1 clinics and she contacted Kevin Kennedy, Mercy-Walworth EMS Director and Tom Smith, Regional EMS Director for Aurora, for help in coordinating the support. She said that sixteen volunteers came forward to

help during the H1N1 emergency. Ms. Grove also thanked Supervisor Kathy Ingersoll who volunteered at the clinics but not as an EMS provider.

On Motion by Supervisor Schaefer, seconded by Supervisor Ingersoll, **Resolution No. 15-05/10** – Recognizing Thomas Lothian for His Years of Service to the State of Wisconsin and Walworth County was approved by voice vote.

Chair Russell read the resolution recognizing Tom Lothian for his years of service to the State of Wisconsin and Walworth County. She said that Lothian served as a Walworth County Board Supervisor from 1992 to 2003. Chair Russell said she appreciated the help he gave her personally when she was elected to the Board. Tom Lothian has represented Walworth County in the State Assembly since 2002. In addition to serving at the State, County, and local levels of Government, Lothian has been a member of many organizations throughout the State and many civic and service organizations in the Williams Bay area.

Representative Lothian addressed the Board and said it has been a long ride and he has enjoyed it all. He said it is humbling to receive appreciation for what he has enjoyed doing all these years. He thanked the Board for the honor.

Appointments

1. Wisconsin River Rail Transit Commission
 - Jerry Grant – Term to begin retroactive to May 1, 2010 and end April 30, 2013 (Recommended for reappointment by the Executive Committee 4-0)

On motion by Supervisor Kilkenny, seconded by Supervisor Weber, Jerry Grant was reappointed to the Wisconsin River Rail Transit Commission, term to begin retroactive to May 1, 2010 and end April 30, 2013.

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: a) There were none.
3. Florence County Resolution No. 2010-21, Langlade County Resolution # 41-2010, and Trempealeau County Resolution – Opposing the Wisconsin Department of Natural Resources Decision to Eliminate the Review of Wetland Delineation Reports and Concurrence Letters for Individual Wetland Boundary Determinations was placed on file.
4. Town of East Troy Resolution No. 201-05 Approving Comprehensive Revision of the Walworth County Zoning Ordinance was placed on file.
5. Report of the County Clerk Concerning Communications Received by the Board and Recommended to be Placed on File

6. Report of County Clerk Concerning Communications Received by the Board After the Agenda Mailing - Items were placed on Supervisors' desks and are as follows:
 - Communication – Email from Abbey Provident Venture, LLC regarding consideration of an ordinance amendment-Massage Establishment Provisions, Chapter 10, Article III of the Walworth County Code of Ordinances – To be referred to the Executive Committee
 - Douglas County Resolution #28-10 – Request for State Law Change Allowing Counties the Use of Design-Build Construction Method– Previously referred and will be placed on file
 - *Walworth County Senior Review*, May, 2010 – To be placed on file
7. Report of County Clerk Concerning Zoning Petitions (To be referred to the County Zoning Agency)
 - Glen and Becky Feltham, Town of Walworth, A-2 to A-4
 - Mefit Dauti, Town of Geneva, C-1, B-2, B-3, & C-4 to A-5, B-3, C-4, & C-1

Unfinished Business

New Business

Reports of Standing Committees

County Zoning Agency Report of Proposed Zoning Amendments

1. Amendment to Walworth County Code of Ordinances, Walworth County, Wisconsin, Sections 74-38/74-163, 74-59/74-186, 74-90/74-219 and Division 10 Board of Adjustment 74-111/74-240-modified & approved 6 – 0 (3-18-10 public hearing) Ordinance No. 613-05/10 – Amending Sections 74-38, 74-59, 74-90, 74-111, 74-163, 74-186, 74-219 and 74-240 of the Walworth County Code of Ordinances Relating to Substandard Structures and Rezones-*Vote required: Majority* (Recommended by the County Zoning Agency 6-0)
2. Donald C. and Judith A. Filipp, Bonnie Deutsch Revocable Trust, and Bonnie Brea Condominiums, LLC, Town of Linn, Rezone 3 acres of C-2 to R-3 – approved 6 – 0 (4-27-10 public hearing)

On motion by Supervisor Stacey, seconded by Supervisor Weber, item 1, **Ordinance No. 613-05/10**, and item 2, Donald C. and Judith A. Filipp, Bonnie Deutsch Revocable Trust, and Bonnie Brea Condominiums, LLC, were approved by voice vote, as recommended by the County Zoning Agency.

County Zoning Agency

1. Resolution No. 16-05/10 – Supporting the Town of Sugar Creek's Ordinance Regulating Construction on Unimproved Roads-*Vote required: Majority* (Recommended by the County Zoning Agency 6-0)

On motion by Supervisor Stacey, seconded by Supervisor Brandl, **Resolution No. 16-05/10** was approved by voice vote.

Executive Committee

1. Ordinance No. 607-05/10 – Amending Chapter 2 of the Walworth County Code of Ordinances Relating to Record Retention-*Vote required: Two-thirds* (Recommended by the Executive Committee 4-0)
2. Ordinance No. 608-05/10 – Amending Section 10-28(D) of the Walworth County Code of Ordinances Relating to Recovery of Expenses Incurred for Providing Extraordinary Governmental Services-*Vote required: Majority* (Recommended by the Executive Committee 4-0)
3. Resolution No. 14-05/10 – Recognizing May 16 through May 22, 2010 as National Emergency Medical Services (EMS) Week and Celebrating EMS Responders-*Vote required: Majority* (Recommended by the Executive Committee 4-0)
4. Resolution No. 15-05/10 – Recognizing Thomas Lothian for His Years of Service to the State of Wisconsin and Walworth County-*Vote required: Majority* (Recommended by the Executive Committee 4-0)
5. Resolution No. 24-05/10 – Denying Claim of Leeann Ridout-*Vote required: Majority* (Recommended by the Executive Committee 4-0)

Supervisor Stacey offered a motion, seconded by Supervisor Grant, to approve Ordinance No. 607-05/10. On motion by Supervisor Grant, seconded by Supervisor Weber, **Ordinance No. 607-05/10 was approved by unanimous consent.**

On motion by Supervisor Weber, seconded by Supervisor Grant, item 2, **Ordinance No. 608-05/10** was approved by voice vote. Items 3 & 4 were approved earlier in the meeting. On motion by Supervisor Weber, seconded by Supervisor Brandl, item 5, **Resolution No. 24-05/10** was approved by voice vote.

Finance Committee

1. Ordinance No. 616-05/10 – Amending Chapter 30 Sections 228 through 231 of the Walworth County Code of Ordinances Relating to Allowable Investments-*Vote Required: Majority* (Recommended by the Finance Committee 5-0 / 4-0*)
*Supervisor Grant was excused from the meeting after voting on the addition of the National Credit Union Administration and was unavailable for the remainder of the discussion.
2. Resolution No. 18-05/10 – Authorizing Children with Disabilities Education Board (CDEB) Fund Balance Commitments and Use of Fund Balance for 2010 Purpose-*Vote Required: Two-thirds* (Recommended by the Children with Disabilities Education Board 3-0 and Finance Committee 5-0)
3. Resolution No. 19-05/10 – Accepting the Donation from the Geneva National LEO Foundation of One (1) Keifer Wave Eater Reel for Use at the Lakeland School Aquatic Center-*Vote Required: Majority* (Recommended by the Children with Disabilities Education Board 3-0 and the Finance Committee 5-0)
4. Resolution No. 20-05/10 – Requesting a Transfer From the 2010 Contingency Fund to the Appropriate Public Works Department Account to Replace the Government Center West Wing Roof-*Vote Required: Two-thirds* (Recommended by the Public Works Committee 4-0 and the Finance Committee 5-0)

5. Resolution No. 21-05/10 – Closing Fiscal Year 2009-*Vote Required: Two-thirds*
(Recommended by the Finance Committee 5-0)

On motion by Supervisor Schaefer, seconded by Supervisor Stacey, item 1, **Ordinance No. 616-05/10** was approved by voice vote.

Supervisor Weber offered a motion, seconded by Supervisor Grant, to approve item 2, Resolution No. 18-05/10. On motion by Supervisor Stacey, seconded by Supervisor Ingersoll, **Resolution No. 18-05/10** was approved by unanimous consent.

On motion by Supervisor Weber, seconded by Supervisor Stacey, item 3, **Resolution No. 19-05/10** was approved by voice vote.

Supervisor Weber offered a motion, seconded by Supervisor Ingersoll, to approve item 4, Resolution No. 20-05/10. On motion by Supervisor Wardle, seconded by Supervisor Stacey, lines 13 and 16 of Resolution No. 20-05/10 and the Policy and Fiscal note were amended by changing \$110,000 to \$140,000. On motion by Supervisor Stacey, seconded by Supervisor Weber, **Resolution No. 20-05/10** was approved as amended by unanimous consent.

Supervisor Stacey offered a motion, seconded by Supervisor Brandl, to approved item 5. On motion by Supervisor Grant, seconded by Supervisor Weber, item 5, **Resolution No. 21-05/10** was approved by unanimous consent.

Health and Human Services Board

1. Ordinance No. 614-05/10 – Creating Section 50-7 of the Walworth County Code of Ordinances Relating to Health and Human Services Department Participation in Multidisciplinary Team Child Abuse and Neglect Investigations-*Vote required: Majority* (Recommended by the Health and Human Services Board 6-0)
2. Ordinance No. 615-05/10 – Creating Section 50-8 of the Walworth County Code of Ordinances Relating to Residential Services-*Vote required: Majority* (Recommended by the Health and Human Services Board 5-1)
3. Resolution No. 23-05/10 – Requesting that the State Department of Health Services Address Problems Arising from Family Care Participants Being Placed in the Institutes of Mental Disease-*Vote required: Majority* (Recommended by the Health and Human Services Board 6-0)

On motion by Supervisor Grant, seconded by Supervisor Weber, item 1, **Ordinance No. 614-05/10**, item 2, **Ordinance No. 615-05/10**, and item 3, **Resolution No. 23-05/10**, were approved by voice vote.

Human Resources Committee

1. Ordinance No. 609-05/10 – Amending Section 15-17 of the Walworth County Code of Ordinances Relating to Economic Support Positions in the Health and Human Services Department-*Vote required: Majority* (Recommended by the Health and Human Services Board 6-0 and Human Resources Committee 4-0)

2. Ordinance No. 610-05/10 – Amending Section 15-743 of the Walworth County Code of Ordinances Relating to Benefits During Military Leave-*Vote required: Majority* (The Human Resources Committee will consider at a Special Meeting on May 11, 2010 prior to the County Board Meeting)
3. Ordinance No. 611-05/10 – Amending Section 15-339 of the Walworth County Code of Ordinances Relating to Conversion of Other Leave-*Vote required: Majority* (Recommended by the Human Resources Committee 4-0)
4. Ordinance No. 612-05/10 – Creating Sections 15-539 and 15-547 of the Walworth County Code of Ordinances Relating to Benefits for Certain Non-Represented CDEB Employees-*Vote required: Majority* (Recommended by the Children with Disabilities Education Board 3-0 and Human Resources Committee 4-0)
5. Resolution No. 17-05/10 – Approving a Collective Bargaining Agreement by and between Walworth County and the Health and Human Service Professionals for the Period of January 1, 2010 to December 31, 2010-*Vote required: Majority* (Recommended by the Human Resources Committee 4-0)

Chair Russell reported that item 2, Ordinance No. 610-05/10 was approved by the Human Resources Committee at a special meeting prior to the County Board meeting.

On motion by Supervisor Wardle, seconded by Supervisor Ingersoll, item 1, **Ordinance No. 609-05/10**, item 2, **Ordinance No. 610-05/10**, item 3, **Ordinance No. 611-05/10**, item 4, **Ordinance No. 612-05/10**, and item 5, **Resolution No. 17-05/10**, were approved by voice vote.

Land Conservation Committee

1. Resolution No. 13-05/10 – Supporting Aggressive Action to Prevent Asian Carp From Entering the Lake Michigan and Great Lakes Watersheds-*Vote required: Majority* (Recommended by the Land Conservation Committee 4-0)
2. Resolution No. 25-05/10 – Authorizing the Walworth County Conservationist to Act as the Walworth County Representative for the Administration of the Wisconsin Department of Natural Resources Targeted Runoff Management Grant Program- *Vote required: Majority* (The Land Conservation Committee will consider at a special meeting on Monday, May 10, 2010.)

The Clerk reported that Resolution No. 25-05/10 was considered at a special meeting prior to the County Board meeting and was approved by the Land Conservation Committee 4-0.

On motion by Supervisor Weber, seconded by Supervisor Hawkins, **Resolution No. 13-05/10** and **Resolution No. 25-05/10** were approved by voice vote.

Public Works Committee

1. Resolution No. 22-05/10 – Approving an Agreement with Open Range Communications, Inc. Concerning a Lease of Space for Equipment on County-Owned Communications Tower-*Vote required: Majority* (Recommended by Public Works Committee 4-0)

Supervisor Schaefer offered a motion, seconded by Supervisor Weber, to approved Resolution No. 22-05/10.

County Administrator David Bretl explained that this agreement involves space for equipment on the County’s tower. He said that after several months of negotiations, the County recently received changes that the company was asking for and the Agreement would have to be amended to include those changes. Bretl explained that the changes did not materially change the agreement.

On motion by Supervisor Stacey, seconded by Supervisor Schaefer, the resolution was amended to authorize the proper County staff to execute the lease agreement contract in substantially the same form as the contract in Supervisors’ packets. **Resolution No. 22-05/10 was approved as amended by voice vote.**

Reports of Special Committees

There were none.

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

Paula McGowen addressed the Supervisors regarding Drug Court and DUI Court. She said she believes that the jail system needs to be studied by a professional organization with no personal stake in the outcome. She said she thinks it is time to have a Drug Court and DUI Court. She thinks a Mental Health Court could eventually follow.

Chairman’s Report

There was none.

Adjournment

On motion by Supervisor Stacey, seconded by Supervisor Schaefer, the meeting was adjourned at 6: 40 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 May 11, 2010 meeting.