

**SEPTEMBER 9, 2010
WALWORTH COUNTY BOARD OF SUPERVISORS
MEETING**

The Walworth County Board of Supervisors meeting was called to order by Chair Russell at 6:05 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. All members were present.

Richard Brandl, Walworth County Board Supervisor, District # 9, delivered the invocation.

Amendments, Withdrawals, and Approval of Agenda

On motion by Supervisor Brandl, seconded by Supervisor Weber, the evening's agenda was approved.

Approval of the Minutes

On motion by Supervisor Stacey, seconded by Supervisor Schaefer, the minutes of the August 10, 2010 Walworth County Board Meeting were approved by voice vote.

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

Dennis Jordan, City of Lake Geneva City Administrator, spoke regarding the TIF District ordinance. He said their feelings are that this is taken care of in the State statutes. He said in reading the ordinance, he asked that the Board just leave it as it is or leave it as it is in the State statute. He thinks that this sends a message of anti-development. He would prefer to have it pass as it is here tonight and if not, make it like the State statutes as the rules were set there.

Doug Saubert, Finance Director, City of Whitewater. He said he was addressing the Board on behalf of the City Administrator. He said the Lake Geneva City Administrator stated it well. He said we think that the reporting requirements are stated well in the Statutes. He said that the City of Whitewater has closed our three TID districts and all of them early. He said they completely comply with the reporting regulated by State Statutes and generate the reports required by the State Statutes and distribute them to all taxing authorities.

Appointments

1. Community Action, Inc. of Rock and Walworth Counties
 - Royce Debow – Term to begin upon appointment and end June 30, 2012
(Recommended by the Executive Committee 5-0)

On motion by Supervisor Weber, seconded by Supervisor Brandl, Royce Debow was appointed to Community Action, Inc. of Rock and Walworth Counties 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: a) Summons & Complaint-Blackhawk Community Credit Union vs. Juan M. Avila, Rocio M. Avila and County of Walworth was referred to the Executive Committee.
3. Communication from Mary Beth Gibbons-Adams, Daughter and Legal Guardian for Virginia Gibbons, concerning the new state mandate regarding the fee on A-1 rezones was referred to the County Zoning Agency.
4. Communication from Governor Jim Doyle regarding a Homeland Security grant award totaling \$38,600 for a WISCOM radio in the law enforcement command vehicle was referred to the Executive Committee.
5. Communication from the Wisconsin Department of Administration with the 2010 Preliminary Population Estimate for Walworth County, Official Population Estimate Challenge Form, and DOA Local Government Report was referred to the Executive Committee.
6. Forest County Resolution 24-2010 requesting that Section 79.07 of the Wisconsin Statutes be repealed so that it restores the authority of local elected officials in setting spending priorities for their city, village, town or county was referred to the Executive Committee.
7. Letter of resignation received from Joyce Ketchpaw from the Health and Human Services Board was referred to the Health and Human Services Board.
8. Monroe County Resolution No. 08-10-03-Authorizing Financial Support of Local Public Health by the State of Wisconsin was referred to the Health and Human Services Board.
9. Price County Resolution No. 37-10-Supporting the Legislative Council Study on Managed Forest Land Program was referred to the Land Conservation Committee.
10. Communication from Wassel, Harvey & Schuk, LLP regarding a raze order for the property at 198 Martin Street, Sharon, Tax Key No. UWS 00009 was placed on file.
11. Communication from City of Whitewater with Public Hearing Draft and City of Whitewater Comprehensive Plan 2030 Amendment was placed on file.
12. Town of Richmond Resolution Approving the Comprehensive Revision of the Walworth County Zoning Ordinance Adopted by the Walworth County Board of Supervisors on December 15, 2009 was placed on file.
13. Town of Darien Resolution Approving the Comprehensive Revision of the Walworth County Zoning Ordinance Adopted by the Walworth County Board of Supervisors on December 15, 2009 was placed on file.
14. Report of the County Clerk Concerning Communications Received by the Board and Recommended to be Placed on File
15. Report of County Clerk Concerning Communications Received by the Board After the Agenda Mailing-The following items were placed on Supervisors' desks:

- Communication from John Dickman, Powers Lake, Randall Township, Kenosha County, regarding Golf Gifts & Gallery Rezoning Request – To be referred to the County Zoning Agency
 - Communication from DeWitt Ross & Stevens S.C., Law Firm, representing Veolia ES Mallard Ridge Landfill, Inc., regarding Notice of Intent to Acquire Facilities (Replacement Guaranty, Certificate of Incumbency of Republic Services, Inc., Consolidated Financial Statements, and Veolia Environmental Services informational brochure are on file in the County Clerk’s Office) – To be referred to the Pubic Works Committee
 - Communication from Supervisor Randy Hawkins, District # 10, with concerns regarding funding for WCEDA – To be placed on file
 - *Walworth County Senior Review*, September, 2010 – To be placed on file
 - Res. No. 44-09/10 – Extending the Employment Contract of County Administrator David A. Bretl-*Vote required: Two-thirds* (Recommended by the Executive Committee 5-0) – Not available for agenda packet/will be considered at meeting
 - Res. No. 45-09/10 – Approving a Fourth Revised Amendment to the Employment Contract of Michael Cotter for Performing the Duties of Deputy Corporation Counsel-*Vote required: Two-thirds* (Recommended by the Executive Committee 5-0) – Not available for agenda packet/will be considered at meeting
16. Report of County Clerk Concerning Zoning Petitions (To be referred to the County Zoning Agency)
- B & S Land Development (Jamie Stilling-Stepp and James Braun, App.), Town of Lafayette, A-1 to A-4
 - Shaw Partners LP, Town of Richmond, C-2 to B-5
 - Greg Andros, Town of Bloomfield, R-1 & C-4 to C-4 & R-1
 - Ordinance Amendment to Walworth County Code of Ordinances – Subdivisions, Secs. 58-1.1 Definitions; 58-3.2 Compliance; 58-3.2 (5) Compliance

Unfinished Business

New Business

Reports of Standing Committees

County Zoning Agency Report of Proposed Zoning Amendments

1. Frandolig Family Loving Trust dated April 11, 1991 (John E. Frandolig, Trustee) (Tom Svansson, App.), Town of Linn, Rezone 1.46 acres from A-3 to R-1 – approved 6 – 0 (8-19-10 public hearing)
2. Department of Natural Resources c/o Walworth County, Town of Geneva, Creation of a shoreland area on an unnamed stream to Como Lake based on DNR navigability determination – approved 6 – 0 (8-19-10 public hearing)

On motion by Supervisor Stacey, seconded by Supervisor Weber, the County Zoning Agency Report of Proposed Zoning Amendments was approved as recommended by the County Zoning Agency.

Executive Committee

1. Ordinance No 634-09/10 – Amending Section 15-811 of the Walworth County Code of Ordinances Relating to Smoking Prohibitions in the Workplace-*Vote required: Majority* (Recommended by the Executive Committee 5-0)
2. Ordinance No. 635-09/10 – Amending Chapter 38 of the Walworth County Code of Ordinances Relating to Wisconsin’s Indoor Smoking Ban-*Vote required: Majority* (Recommended by the Executive Committee 5-0)
3. Resolution No. 44-09/10 – Extending the Employment Contract of County Administrator David A. Bretl-*Vote required: Two-thirds* (Recommended by the Executive Committee 5-0)
4. Resolution No. 45-09/10 - Approving a Fourth Revised Amendment to the Employment Contract of Michael Cotter for Performing the Duties of Deputy Corporation Counsel-*Vote required: Two-thirds* (Recommended by the Executive Committee 5-0)

On motion Supervisor Brandl, seconded by Supervisor Weber, item 1, **Ordinance No. 634-09/10** and item 2, **Ordinance No. 635-09/10** were approved by voice vote.

Bretl said that he has an obvious conflict of interest for items 3 and 4 so he would suggest moving these items to the end of the meeting. On motion by Supervisor Kilkenny, seconded by Supervisor Stacey, items 3 and 4 of the Executive Committee were moved to end of agenda.

Finance Committee

1. Ordinance No. 637-09/10 – Amending Section 62-104 of the Walworth County Code of Ordinances Relating to Tax Incremental Financing Districts (TID) Annual Reports-*Vote required: Majority* (Recommended by the Finance Committee 5-0)
2. Ordinance No. 638-09/10 – Amending Section 17-32 of the Walworth County Code of Ordinances Relating to Award of Bids and Proposals-*Vote required: Majority* (Recommended by the Finance Committee 5-0)
3. Ordinance No. 639-09/10 – Amending Section 30-286 of the Walworth County Code of Ordinances Relative to Register to Deeds Fees-*Vote required: Majority* (Recommended by the Finance Committee 5-0)
4. Resolution No. 47-09/10 – Authorizing General Fund Use of Undesignated Fund Balance/Net Assets to Replace the Center and East Wing Sections of the Government Center Roof-*Vote required: Two-thirds* (The resolution will be considered prior to the September 9, 2010 County Board meeting at a special joint meeting of the Finance and Public Works Committees)

On motion by Supervisor Grant, seconded by Supervisor Weber, item 2, **Ordinance No. 638-09/10** and item 3, **Ordinance No. 639-09/10** were approved by voice vote.

Supervisor Grant offered a motion, seconded by Supervisor Weber, to approve item 1, Ordinance No. 637-09/10 as amended by the Finance Committee and further amending as follows: Page 1:
1. In line 17 insert the word “expected” prior to the phrase “economic benefits of the TID;” 2. In line 21, insert word “expected” prior to the phrase “benefits of the proposal;” and, 3. Delete lines 25-36 and replace them with the following language: “(2) Has the entity creating or amending the TID kept the county apprised of activities of the proposed TID or TIDS by timely

filing relevant reports and statements as well as an annual report in the format set forth in the state TIF Manual?" Discussion ensued.

Supervisor Kilkenny said he finds this proposed amendment disturbing. He said they had a proposal before the Finance Committee which had several provisions which outlined what the Finance Department thought would be useful in examining TIF documents and making decisions that we had to make as part of the Joint Review Board. He said when there are amendments or creation of a TIF the four taxing bodies need to approve them, and that would be the school district, the municipality, the County, and Gateway. He said that proposed amendment, which he thought was a good idea, allowed transparency and accountability and the memo from the Finance Department said that they recommend passing the TIF district ordinances as attached with no suggested any changes. At the Finance Committee there was a proposal to essentially eliminate all of the changes that the Finance Department had proposed. He said rather than doing what the Finance Department who reviews these matters suggested, it was suggested that they all be deleted. He said if Supervisors don't understand the TIF law, they need to go on line and read the Wisconsin TIF Manual. One of the original recommendations would be to have a uniform method of reporting. He said one of things originally proposed was to provide us with a balance sheet. He said he thinks voting for this ordinance is wrong. Supervisor Kilkenny said he would like to table this for a month so that people that are not on the Finance Committee can look at what the original TIF district ordinance was and compare it with Mr. Grant's amendment. Supervisor Kilkenny offered a motion to postpone to a date certain which would be the next Board meeting, seconded by Supervisor Hawkins.

Supervisor Grant asked if there could be discussion on the motion to postpone to a date certain. It was determined that a motion to postpone to a date certain is debatable and discussion ensued. Supervisor Grant does not think postponing would accomplish a thing.

Supervisor Wardle said he would appreciate some time to understand the situation. Chair Russell said that the ordinance as it came to the Finance Committee was different than the one that we are seeing but the Finance Committee did approve the ordinance as it appears tonight.

Supervisor Hawkins asked if we postponed, would the Board be provided the original information that staff put together. Chair Russell said yes. Supervisor Kilkenny said he does not think the Board has before it all the information so they can inform themselves.

Supervisor Schaefer called the question on discussion to postpone, seconded by Supervisor Grant. Motion carried unanimously. A roll call vote was held on the motion to postpone to a date certain, which would be the next County Board meeting. A roll call vote was taken. Total vote: 11; Ayes: 5 – Brandl, Hawkins, Kilkenny, Redenius, Wardle; Noes: 6 – Grant, Ingersoll, Schaefer, Stacey, Weber, Russell; Absent: 0. Postponement of Ordinance No. 637-09/10 failed.

Discussion ensued on Supervisor Grant's amendment. Supervisor Grant said he is part of the Finance Committee that passed this as is in the packet however after reading it again he wanted to change it. He said we need to make this ordinance compliance friendly with our municipalities within the City's. He said if we make it too complicated there would be no

economic development within the County. He said not all of our municipalities were aware that they had to report their TIF results to us and they are now aware. He said he thinks we need to agree to disagree and as long as the State's requirements are fulfilled the reporting should be uniform.

Supervisor Kilkenny said the issue is proper accounting not anti-business or anti-development. He said we are just requiring them to tell us if they say they will spend money on X and then spend it on Y instead, we need to know that so that we can answer to our constituents. On motion by Supervisor Stacey, seconded by Supervisor Schaefer, the question was called with a unanimous vote. A roll call vote was held on the motion to approve substitute Ordinance No. 637-09/10 as amended. Total vote: 11; Ayes: 6 – Grant, Ingersoll, Schaefer, Stacey, Weber, Russell; Noes: 5 – Brandl, Hawkins, Kilkenny, Redenius, Wardle. **Substitute Ordinance No. 637-09/10 was approved as amended.**

Supervisor Schaefer offered a motion, seconded by Supervisor Wardle, to approve, item 4 of the Executive Committee. Chair Russell stated that this resolution was approved by both committees at the joint meeting prior to the County Board meeting. On motion by Supervisor Stacey, seconded by Supervisor Wardle, **Resolution No. 47-09/10 was approved by unanimous consent.**

Human Resources

1. Ordinance No. 636-09/10 – Amending Section 15-17 of the Walworth County Code of Ordinances Relating to a Public Health Nursing Position in the Health and Human Services Department-*Vote required: Majority* (Recommended by the Health and Human Services Board 7-0 and Human Resources Committee 5-0)

On motion by Supervisor Ingersoll, seconded by Supervisor Weber, **Ordinance No. 636-09/10** was approved by voice vote.

Lakeland Health Care Center Board

1. Resolution No. 46-09/10 – Requesting that the State Address Issues Relating to County Nursing Home Funding in the 2011-2013 Budget Deliberations-*Vote required: Majority* (Recommended by the Lakeland Health Care Center Board of Trustees 5-0)

On motion by Supervisor Weber, seconded by Supervisor Grant, **Resolution No. 46-09/10** was approved by voice vote.

Bretl said, regarding Executive Committee, items 3 and 4, the resolutions were drafted by outside counsel as they deal with extension of employment contracts. He said because we did not draft this and outside counsel is not present, they can be reached by telephone if there are any questions. Administrator Bretl and Michael Cotter excused themselves from the room. There were no requests to call outside counsel.

Chair Russell said that these resolutions reflect the intent of the Executive Committee in Closed Session.

Supervisor Ingersoll offered a motion, seconded by Supervisor Weber, to approve Resolution No. 44-09/10. On motion by Supervisor Stacey, seconded by Supervisor Brandl, **Resolution No. 44-09/10** was approved by unanimous consent.

Supervisor Grant offered a motion, seconded by Supervisor Stacey, to approve **Resolution No. 45-09/19** by unanimous consent.

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

There were none.

Closed Session

The Board will convene in closed session pursuant to the exemption contained in Section 19.85 (1)(g) of the Wisconsin Statutes, "Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved."

In closed session, the Board will discuss the following items:

- Provisions of a severance agreement by and between Walworth County and an employee of the Sheriff's Office

The Board will reconvene in open session and may take action on the closed session items.

Supervisor Ingersoll asked to be excused because of a conflict of interest.

On motion by Supervisor Brandl, seconded by Supervisor Ingersoll, a roll call vote was taken to convene in closed session. Total vote: 11; Ayes: 10 – 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; Noes: 0; Absent: 1 - Ingersoll. The Board convened into closed session at 6:47 p.m.

The Board convened in open session on motion by Supervisor Stacey, seconded by Supervisor Kilkenny at 6:58 p.m.

A motion by Supervisor Kilkenny, seconded by Supervisor Schaefer, to approve provisions of a severance agreement by and between Walworth County and an employee of the Sheriff's Office, as stated in closed session was approved by voice vote.

Reports of Special Committees

There were none.

Chairperson's Report

There was none.

Adjournment

On motion by Supervisor Stacey, seconded by Supervisor Brandl, the meeting was adjourned at 7:00 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 September 9, 2010 meeting.

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