

**AUGUST 9, 2011  
WALWORTH COUNTY BOARD OF SUPERVIORS  
PUBLIC HEARING**

**2011 REDISTRICTING PLAN  
FOR WALWORTH COUNTY**

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.

**Presentation of Final 2011 Redistricting Plan for Walworth County**

Ken Yunker, Executive Director of the Southeastern Wisconsin Regional Planning Commission, gave a presentation of the Final Redistricting Plan. Mr. Yunker stated the development of the redistricting plan was guided by 14 specific criteria specified by the County Board. A tentative Walworth County Redistricting Plan was presented at the May 10, 2011 Public Hearing and County Board meeting. The tentative plan, with the inclusion of a small recent annexation by the City of Delavan, effective in April 2011, was approved by the board on May 10, 2011. The next phase of the redistricting process was the creation of ward plans for each municipality. The municipalities used an internet mapping application, Wisconsin Shapefile Editor for Local Redistricting, supplied by the State of Wisconsin that helps municipalities create their wards by identifying the population in each census block with the assistance of commission staff. The deadline for completion of the ward plans was July 21, 2011 and all municipal ward plans were provided to the County Clerk as of that date. The final phase of the process is adoption of a final County Supervisory Redistricting Plan. Mr. Yunker noted that the City of Elkhorn proposed and included a planned annexation of a portion of the Town of Lafayette. The boundary of the tentative redistricting plan, approved in May 2011, has been modified to accommodate the request by the City of Elkhorn. The annexed area does not include any residents so the population variation of the supervisory districts is not affected. The County Board must adopt a plan by September 21, 2011 and the County Board Chairperson must file a copy of the final plan with the Secretary of State by October 1, 2011. The state created the Senate, Assembly and Congressional districts. There are some Districts that do not follow the municipal ward boundaries so there will be a need for some of the municipalities to adjust their ward plans. The State Legislative Reference staff is still trying to develop guidance on this and will be advising those municipalities with regard to any changes in wards that will need to be made. There may be changes in the Town of East Troy, Town of Whitewater, City of Elkhorn and City of Delavan; these will not affect the County Supervisory District Plan.

**Public Comment Regarding the Proposed Redistricting Plan**

There was no public comment at this time.

Discussion ensued. Supervisor Weber stated that he would be in favor of the alternative plans that were presented at the May meeting with minor land changes in District 7 and 8. Chair Russell stated that counsel advised that the board take this up at the adoption of the plan. Clerk Bushey asked if the districts will change by setting the map and annexations back to April 1, 2011. Mr. Yunker responded that State law requires that the municipalities will have to reflect

their boundaries as of April 1<sup>st</sup>, adopt it; and then change their ward plan again to reflect the annexations that have occurred.

On motion by Supervisor Grant, seconded by Supervisor Schaefer, the Public Hearing was closed at 6:21 p.m.

**THE AUGUST 9, 2011 SESSION  
OF THE  
WALWORTH COUNTY BOARD OF SUPERVISORS**

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

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

**Amendments, Withdrawals, and Approval of Agenda**

On motion by Supervisor Grant, seconded by Supervisor Ingersoll, the August 9, 2011 agenda was approved by voice vote.

Supervisor Weber stated that the vote under Appointments/Elections, Item #1, should be 4-0 with one abstention. Supervisor Weber said he abstained.

On motion by Supervisor Grant, seconded by Supervisor Ingersoll, the agenda was amended as follows: Communications and Matters to be Referred, item 8, Presentation by the Fairest of the Fair, Hannah Eucker, to immediately follow approval of the minutes; New Business, item 1, Resolution No. 42-08/11 – Supporting a Supervisory District Plan for Walworth County, to be moved prior to Unfinished Business.

**Approval of the Minutes**

On motion by Supervisor Schaefer seconded by Supervisor Brandl, the minutes of the July 12, 2011 Walworth County Board of Supervisors meeting was approved by voice vote.

On motion by Supervisor Grant, seconded by Supervisor Schaefer, the minutes of the July 20, 2011 Special County Board meeting was approved by voice vote.

On motion by Supervisor Grant, seconded by Supervisor Weber, the request to suspend the rules and consider the request to permit the Fairest of the Fair to make a short presentation was approved by unanimous consent.

Hannah Eucker, Walworth County Fairest of the Fair, thanked the County Board for suspending the rules and allowing her to speak. She invited everyone to the 162<sup>nd</sup> Walworth County Fair and

said she felt privileged to be a part of that tradition. The theme for the fair this year is “It’s a Boat Load of Fun, Don’t Miss the Boat”. This year there will be a children’s pedal tractor pull, and the Walworth County Fair Historical Documentary will be released on Thursday, September 1<sup>st</sup>. This document will show history from the beginning of the fair to the present. Also, Nancy Russell will be honored this year as one of our Outstanding Senior Citizens; the ceremony is on Thursday, September 1<sup>st</sup> at 2:00 p.m. in the park. There are several exciting acts for this year: the Doobie Bros., Rodney Atkins and Montgomery Gentry. She thanked the County Board for all of their continued years of support.

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

There were none

### **Special Order of Business**

- Government Finance Officers Association (GFOA) Distinguished Budget Presentation Award for Fiscal Year 2011

Chair Russell requested that Jessica Lanser and Stacey Johnson come forward. Dave Ellinger, Wisconsin Government Finance Officers Association (WGFOA), summarized the GFOA’s purpose and presented the GFOA Distinguished Budget Presentation Award to Walworth County for the seventh consecutive year. He thanked Nicki Andersen, Jessica Lanser, Stacey Johnson and the Finance Department staff for their continued efforts in participating in the program and leadership in their profession. Mr. Bretl expressed his appreciation to the Finance staff and stated that Walworth County departments, employees and County Board members also deserve recognition for their efforts.

### **Appointments/Elections**

1. Children with Disabilities Education Board (CDEB) – Dave Weber - Re-election to serve a three year term to begin retroactive to April 19, 2011 and end on April 19, 2014. (Recommended by the Executive Committee 5-0). The vote is reflected incorrectly and should be reflected as 4-0 with one abstention.
2. East Troy Lions Community Library - Philip Taugher – Three year term to begin upon Board reappointment and end on June 30, 2014 (Recommended by the Executive Committee 5-0)
3. Honey Lake Management District - Robert McIndoe – Term to begin upon Board appointment and continue until a successor is named. (Recommended by the Land Conservation Committee 4-0)
4. Southeastern Wisconsin Regional Planning Commission (SEWRPC)
  - Allen Morrison
  - Charles Colman

(The Executive Committee voted unanimously to forward the list of both candidates to Governor Walker)

Supervisor Grant offered a motion, seconded by Supervisor Ingersoll to nominate Dave Weber to the Children with Disabilities Education Board (CDEB). Hearing no other nominations, a motion was made to close nominations by Supervisor Grant, seconded by Supervisor Ingersoll and to cast a unanimous vote for Dave Weber. Dave Weber was re-elected to serve a 3-year term, retroactive to April 19, 2011 and ending on April 19, 2014.

On motion by Supervisor Schaefer, seconded by Supervisor Weber, Philip Taugher was reappointed to the East Troy Lions Community Library board; Robert McIndoe was appointed to the Honey Lake Management District; and Allen Morrison and Charles Colman were recommended to the Southeastern Wisconsin Regional Planning Commission (SEWRPC).

### **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, with the exception of item eight which was previously heard.

1. Claims Received After Agenda Mailing – there were none.
2. Communication from the University of Wisconsin Colleges/University of Wisconsin-Extension thanking the board for supporting Res. No. 29-06/11, in support of the Wisconsin Idea Partnership was placed on file
3. Correspondence from the Wisconsin Historical Society regarding the Elkhorn Band Shell in Sunset Park being nominated to the Wisconsin State Register of Historic Places and National Register of Historic Places was placed on file
4. Correspondence from the Wisconsin Historical Society regarding the Elkhorn Municipal Building located at 9 South Broad Street in Elkhorn, WI being nominated to the Wisconsin State Register of Historic Places and National Register of Historic Places was placed on file
5. Correspondence from the Wisconsin Department of Natural Resources Approving the Amendment to the Regional Water Quality Management Plan for the Sanitary Sewer Service Area for the Walworth County Metropolitan Sewerage District – City of Elkhorn was placed on file
6. Correspondence from Gene Pulera, Town of Richmond, Proposal re: Public Health and the Use of Spray Irrigation for Liquid Manure Disposal, including Center Pivots was referred to the County Zoning Agency
7. Town of Richmond Resolution No. 7/19/2011 – Resolution Concerning Center Pivot Manure and Manure By-Product Application was referred to the County Zoning Agency
8. Communication from David A. Bretl, County Administrator, regarding a 5-minute presentation by the Fairest of the Fair, Hannah Eucker.(It is anticipated that the County Board will suspend its rules and consider the request and permit the Fairest of the Fair to make a short presentation at tonight's meeting)
9. Outagamie County Resolution 27--2011-12 – Opposing State of Wisconsin 2011 Assembly Bill 173 was referred to the Executive Committee
10. Correspondence from Bruce T. Block, Reinhart Attorneys at Law, regarding the proposed HUD Section 108 Financing for Senior Housing Project in the Town of Geneva, Wisconsin was referred to the Finance Committee
11. Correspondence from Brian A. Schuk, Wassel, Harvey & Schuk, LLP, regarding the Town of Bloomfield, Farmland Preservation was referred to the Land Conservation Committee
12. Report of the County Clerk Concerning Communications Received by the Board and Recommended to be Placed on File
13. Report of County Clerk Concerning Communications Received by the Board After the Agenda Mailing
  - Corrected re-election notice for Supervisor Dave Weber to serve on the Children with Disabilities Education Board
  - *Walworth County Aging & Disability Resource Center News*, August 2011 was placed on file

14. Report of County Clerk Concerning Zoning Petitions were referred to the County Zoning Agency

- KHD Investments, LLC; Kevin & Heidi Dawson, Town of Lafayette, approximately 17 acres A-2 to A-4
- Susan K. & Warren E. Miller, Town of Richmond, approximately .18 acres, A-3 to A-4
- John & Kristine Kendall, Town of Troy, approximately 3.09 acres, C-3 to A-5
- Mario Deluca, Town of Lafayette, approximately 2.51 acres, A-1 to A-4
- Gary & Donan M. Johnson, Town of Troy, approximately 3.02 acres, C-3 to A-5
- Matthew Polyock, Town of Linn, approximately .18 acres, A-1 to A-4

### **New Business**

1. Res. No. 42-08/11 – Supporting a Supervisory District Plan for Walworth County-*Vote required: Majority*

A motion was made by Supervisor Schaefer, seconded by Supervisor Grant to approve **Resolution No. 42-08/11.**

Supervisor Weber made a motion to amend Resolution No. 42-08/11, seconded by Supervisor Ingersoll, as follows: insert on line 28, WHEREAS, the County Board has determined that further changes to the Redistricting Plan are desirable.; on lines 32-34, strike out “Walworth County Redistricting Plan: August 2011 September 2011”; and, add Alternative Walworth County Redistricting Plan August 2011; and, on line 37, add Towns of Darien and Delavan with a request to them to modify their ward plans to accommodate the new map, after supervisory district plan to the; and strike out, State of Wisconsin and all municipalities and townships in Walworth County. On page 2 add, BE IT FURTHER RESOLVED that the County Clerk be authorized and directed to take the necessary actions to notice this matter for a public hearing and, if necessary, circulate a petition for a special County Board meeting no later than September 21, 2011.

Discussion ensued. Supervisor Weber stated that he is requesting minor changes in District 7 & 8. Supervisor Kilkenny commented that these items were discussed in a previous meeting and were voted down.

Mr. Yunker stated that it isn't provided for in the legislation to go back and have the municipality change the ward plan as the county moves from a tentative to a final supervisory district plan. But it doesn't say it's not permitted either.

Mr. Bretl stated that if you want to approve this alternative version, the County Board would have to ask the Towns' of Delavan and Darien to make those minor adjustments to their recently adopted ward plans. According to the legislative analyst once the ward lines are established they shall remain unchanged. If the town chooses to make those adjustment there would need to be a County public hearing in September.

Mr. Bretl asked the County Clerk to send correspondence to the Town of Delavan and the Town of Darien requesting these changes and send a notice for county public hearing.

Supervisor Weber asked the board to give fair consideration to the amendment to the resolution and called the question. Mr. Bretl requested a change be made on Line 33, the caption on the

map should read, Alternative Walworth County Redistricting Plan: August 2011 and remove Walworth County Redistricting Plan: August 2011 September 2011.

Supervisor Weber amended the resolution to include Alternative Walworth County Redistricting Plan August 2011, seconded by Supervisor Ingersoll.

Supervisor Russell recommended a roll call vote on the amendment to Resolution No. 42-08/11, including the Alternative Walworth County Redistricting Plan August 2011. A roll call vote was conducted. Total vote: 11; Ayes: 7 – Kathy Ingersoll, Vice-Chair Daniel G. Kilkenny, Carl Redenius, Joe Schaefer, Russ Wardle, David A. Weber and Chair Nancy Russell; Noes: 2 – Richard Brandl and Jerry A. Grant; Absent: 2 – Randy Hawkins and Rick Stacey. The amendment to **Resolution No. 42-08/11** was approved. Motion carried.

Supervisor Russell recommended a roll call vote on Resolution No. 42-08/11 as amended. A roll call vote was conducted. Total vote: 11; Ayes: 8 – Jerry A. Grant, Kathy Ingersoll, Vice-Chair Daniel G. Kilkenny, Carl Redenius, Joe Schaefer, Russ Wardle, David A. Weber and Chair Nancy Russell; Noes: 1 – Richard Brandl; Absent: 2 – Randy Hawkins and Rick Stacey. **Resolution No. 42-08/11** was approved as amended. Motion carried.

Chair Russell thanked SEWRPC for their help with the redistricting plan.

Supervisor Schaefer left at 7:20 pm

### **Unfinished Business**

1. Res. No. 35-07/11 - Directing the Treasurer To Reject Settlement of a Special Assessment in the City of Whitewater Relative to Tax Incremental Financing (TIF) District No. 4 – *Vote Required: Majority* (Recommended by the Finance Committee 4 - 0) – Tabled from July 12, 2011 County Board meeting.

On motion by Supervisor Weber, seconded by Supervisor Grant, **Resolution No. 35-07/11** was approved. Motion carried.

Supervisor Grant stated that the City of Whitewater officials, the County Administrator and Finance Department met to work out an agreement with the county to accept this special assessment.

Supervisor Grant made a motion to amend **Resolution No. 35-07/11**, seconded by Supervisor Russell as follows: delete lines 20 thru 25; add on line 27 thru 38 on page 1, WHEREAS, subsequent to the Finance Committee's recommendation, County staff met with Whitewater City staff; and, WHEREAS, a draft agreement was prepared that will hold the County harmless from financial loss as a result of settling with the City for the special assessment. NOW, THEREFORE, BE IT RESOLVED that the proper County officials be authorized to executed the attached agreement provided the City of Whitewater executed the agreement on or before August 18, 2011. BE IT FURTHER RESOLVED that if the Agreement is executed by both parties, the County Treasurer be directed to settle the above-stated special assessment with the City of Whitewater. Add page 2; BE IF FURTHER RESOLVED that if the Agreement is not executed by both parties in the manner set forth above, the County Treasurer be directed to reject settlement of said special assessment.

Discussion ensued. Mr. Bretl summarized the process under the State Statutes pertaining to special assessments and gave an overview of the history and implications of the agreement. Kevin Brunner, City of Whitewater Administrator, thanked Chair Russell, County Administrator Dave Bretl, Nicki Andersen and Jessica Lanser for working with them on this. The City will indemnify the County for any special charge payments and fully intend on collecting these special charges. Supervisor Kilkenny felt the agreement adequately protects the County and does not set a precedent. Mr. Bretl recommended approval of the amended resolution.

The amendment to **Resolution No. 35-07/11** was approved by voice vote. Motion carried.

**Resolution No. 35-07/11** was approved as amended by voice vote. Motion carried.

## **Reports of Standing Committees**

### **County Zoning Agency Report of Proposed Zoning Amendments**

1. Ord. No. 684-08/11 - Amending Sections 74-28, 74-131, 74-153 and 74-263 of the Walworth County Code of Ordinances Relating to Environmental Corridors - *Vote required: Majority* (Recommended County Zoning Agency 6-0 ) Amendment to Walworth County Code of Ordinances, Walworth County, Wisconsin, Chapter 74-28 and 74-131 of the Zoning Ordinance and Chapter 74-153 and 74-263 of the Shoreland Zoning Ordinance – approved 6-0 (June 16, 2011 public hearing)
2. Ord. No. 685-08/11 - Amending Sections 74-53, 74-55, 74-56, 74-64, 74-65, 74-66, 74-74, 74-180, 74-182, 74-183, 74-191, 74-192, 74-193, 74-203 of the Walworth County Code of Ordinances Relating to Shared Parking - *Vote required: Majority* (Recommended County Zoning Agency 6-0 ) Amendment to Walworth County Code of Ordinances, Walworth County, Wisconsin, Chapter 74-53, 74-55, 74-56, 74-64, 74-65, 74-66, 74-74 of the Zoning Ordinance and Chapter 74-180, 74-182, 74-183, 74-191, 74-192, 74-193, 74-203 of the Shoreland Zoning Ordinance – approved 6-0 (June 16, 2011 public hearing)
3. Ord. No. 686-08/11 - Amending Sections 74-38 and 74-163 of the Walworth County Code of Ordinances Relating to Accessory Structures - *Vote required: Majority* (Recommended County Zoning Agency 6-0 ) Amendment to Walworth County Code of Ordinances, Walworth County, Wisconsin, Chapter 74-38 of the Zoning Ordinance and Chapter 74-163 of the Shoreland Zoning Ordinance – approved 6-0 (June 16, 2011 public hearing)
4. Clayton & Mary French, Town of Lafayette, Rezone approximately 5.99 acres of the parcel from A-1 Prime Agricultural to C-2 Upland Conservation District for creation of a separate lot for an existing residence - approved 6-0 (July 21, 2011 County Zoning Agency public hearing)
5. Fairwyn Trading Company, LLC, Bloomfield Township, Rezone approximately 54 acres of shoreland area from A-1 Prime Agricultural to R-1 Single Family Residential and C-4 Land Resource Conservation District (Shoreland Wetland) for the creation of a residential subdivision. The request includes designation of shoreland area for a navigable stream - approved 6-0 (July 21, 2011 County Zoning Agency public hearing)
6. Joe and Wendy Staller, Richmond Township, Rezone A-1 Prime Agricultural District to A-4 Agricultural Related Manufacturing, Warehousing and Marketing District area, approximately 1.93 acres for an existing winery - approved 6-0 (July 21, 2011 County Zoning Agency public hearing)

On motion by Supervisor Weber, seconded by Supervisor Grant, item 1, **Ordinance No. 684-08/11**; item 2, **Ordinance No. 685-08/11**, item 3, **Ordinance No. 686-08/11**; item 4, Clayton & Mary French, Town of Lafayette; item 5, Fairwyn Trading Company, LLC, Town of Bloomfield; and item 6, Joe & Wendy Staller, Richmond Township, were approved by voice vote as recommended by the County Zoning Agency.

Chair Russell call for a recess at 7:38 p.m.

The Board reconvened at 7:50 p.m.

#### **Executive Committee**

1. Res. No. 40-08/11 - Denying the Claim of Aaron M. Blum – *Vote Required: Majority* (Recommended by the Executive Committee 5–0)

On motion by Supervisor Weber, seconded by Supervisor Grant, **Resolution No. 40-08/11** was approved by voice vote.

#### **Land Conservation Committee**

1. Res. No. 39-08/11 – Adopting a Report of the Land Conservation Committee Recommending Approval of the Petition for Attachment to the Lake Beulah Management District Boundaries – *Vote Required: Majority* (Recommended by the Land Conservation Committee 4-0)

On motion by Supervisor Grant, seconded by Supervisor Brandl, **Resolution No. 39-08/11** was approved by voice vote.

#### **Public Works Committee**

1. Res. No. 41-08/11 - Rescinding Resolution No. 73-01/11 Relative to a Lease Agreement between Walworth County and the Children’s Service Society of Wisconsin - *Vote required: Majority* (Recommended by the Public Works Committee 5-0)

On motion by Supervisor Ingersoll, seconded by Supervisor Wardle, **Resolution No. 41-08/11** 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**

There were none.

#### **Closed Session**

The Board will convene in closed session pursuant to the exemption contained in Section 19.85 (1)(e) of the Wisconsin Statutes, “Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.”

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

- Establishing guidance/parameters for negotiations with Unions

On motion by Supervisor Weber, seconded by Supervisor Grant, the Board convened into closed session at 7:54 p.m. A roll call vote was taken. Total vote: 11; Ayes: 8 – Richard Brandl, Jerry A. Grant, Kathy Ingersoll, Vice-Chair Daniel G. Kilkenny, Carl Redenius, Russ Wardle, David A. Weber and Chair Nancy Russell; Noes: 0; Absent: 3 – Randy Hawkins, Joe Schaefer and Rick Stacey.

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

On motion by Supervisor Grant, seconded by Supervisor Kilkenny, the Board convened in open session at 9:12 p.m. Motion carried.

On motion by Supervisor Wardle, seconded by Supervisor Brandl, it was recommended to proceed as discussed in closed session. Motion carried.

### **Chairperson's Report**

There was none.

### **Adjournment**

On motion by Supervisor Brandl, seconded by Supervisor Grant, the meeting was adjourned at 9:15 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 August 9, 2011 meeting.