

**County Zoning Agency**  
**MINUTES**  
November 17, 2011 – 4:00 p.m.  
100 West Walworth Street  
Elkhorn, Wisconsin

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Chair Rick Stacey called the meeting to order at 4:00 p.m.

Roll call – Committee members present were Chair Rick Stacey, Vice-Chair Dave Weber, Supervisors Rich Brandl and Carl Redenius and Citizen Member Jim Van Dreser. A quorum was present.

County Staff present – Land Use and Resource Management Department Director Michael P. Cotter and Associate Planner Matt Weidensee. Also present for the 4:00 p.m. portion of the meeting were County Administrator David Bretl, and from the Land Use and Resource Management Department, Deputy Director Louise Olson, Senior Zoning Officer Debora Grube and Code Enforcement Officer Nancy Welch.

A “sign-in” sheet listing attendees on November 17, 2011, is kept on file as a matter of record.

Details of the November 17, 2011, meeting are on a recorded disc which is on file and available to the public upon request.

**Rich Brandl motioned to approve the agenda as amended to remove Item 8.d.2.) Heritage Swine Genetics LLC (Arthur Mueller – Applicant) / conditional use / Sugar Creek Township. Second by Dave Weber. Motion carried. 5-favor 0-oppose**

**Rich Brandl motioned to approve the October 20, 2011, Minutes. Second by Dave Weber. Motion carried. 5-favor 0-oppose**

Zoning / Sanitation / Land Conservation Enforcement – Michael Cotter / Disc JR1 Count #:55 – 24:55

Subdivision Items – Old Business - None

Subdivision Items – New Business - None

Old Business - None

**New Business – Discussion Items**

Discussion and Possible Action – Septic Maintenance Reporting Fee. Michael Cotter (enclosures) / Disc JR1 Count #24:56 – 1:02:50

**Rich Brandl motioned to table this item to the December 2011 County Zoning Agency agenda. Second by Dave Weber. Motion carried. 5-favor 0-oppose**

Chair Rick Stacey requested Discussion Item #8.a.4. be heard next. There were no objections.

Discussion and Possible Action – Amend of conditional use to allow a backup electrical generator for a telecommunications tower. Allen C. Guthrie, property owner / ATT Mobility – American Tower, applicant. Tax Parcel H LG3200002. / Disc JR1 Count #1:02:51 – 1:05:45

**Jim Van Dreser motioned to approve the amendment of the conditional use. Second by Rich Brandl. Motion carried. 5-favor 0-oppose**

**Amended 11/17/11**

NAME: ~~Russell D. Keske~~ **Allen C. Guthrie** (Ameritech Mobile Communications, **ATT Mobility/American Tower, Appl.**)

TOWN: La Grange

A conditional use permit to locate an unmanned cellular telephone facility consisting of a 250' lattice tower with a 17' antenna for a total height of 267' together with an unmanned electronic telephone equipment shelter with approximate dimensions of 11.25' x 26' x 10' high **and amended to allow a backup electrical** generator as specified in Section 4.0 of the Zoning Ordinance, Walworth County, Wisconsin on lands zoned A-1 Prime Agricultural Land District and described as follows:

Part of Tax Parcel #H LG3200002. LEASE SITE. Part of the Northwest ¼ of the Northeast ¼ of Section 32, Township 4 North, Range 16 East and part of the Westerly 239 feet of the Northeast ¼ of said ¼ Section lying North of Territorial Road (fka Milwaukee and Janesville Road), all in the Town of La Grange, Walworth County, Wisconsin, more particularly described as follows:

Commencing at a concrete monument found marking the Northwest corner of said ¼ Section; thence North 89° - 09' - 04" East along the North line of said ¼ Section 1350.55 feet; thence South 00° - 50' - 00" East 100.00 feet to Point "A"; thence South 60° - 08' - 00" West 100.00 feet; thence North 29° - 52' - 00" West 100.00 feet; thence North 60° - 08' - 00" East 100.00 feet to the point of beginning.

ACCESS AND UTILITY EASEMENT. An access and utility easement 20.00 feet in width being a part of the Westerly 239 feet of the Northeast ¼ of the Northeast ¼ of Section 32 lying North of Territorial Road (fka Milwaukee and Janesville Road), in Township 4 North, Range 16 East in the Town of La Grange, Walworth County, Wisconsin; the centerline of said easement being described as follows:

Commencing at Point "A" in the heretofore described Lease Site; thence South 60° - 08' - 00" West along the Southeast line of said Site 60.00 feet to the point of beginning of the centerline to be described; thence South 29° - 52' - 00" East 170.00 feet to the Northwestern line of Territorial Road (fka Milwaukee and Janesville Road) and the point of termination; the sidelines of said easement to be shortened or extended to meet at the Southeasterly line of the heretofore described Lease Site and the Northwestern line of Territorial Road.

has been APPROVED subject to the following conditions:

1. Request is approved per plans submitted **and amended 11/17/2011 for an emergency back up generator at the public hearing.**
2. The building is to be of an earth tone or neutral color
3. Evergreen vegetative screening around the building is required.
4. Any outside lighting used shall be shielded so as not to go beyond the property lines
5. The use of a flashing light at the top of the tower is required
6. If technically feasible, the tower shall be shared with others.
7. Applicant must meet all Federal, State, County and local requirements.
8. **If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.**
9. **Failure to actively exercise this conditional use within three years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the conditional use. A time extension for actively exercising the conditional use must be requested in writing during the original three year period. Any extension requested during the three year active exercise period greater than one year beyond the original three year period shall require additional Town and County committee approvals.**

Discussion and Possible Action – Regarding violation process. Michael Cotter / Disc JR1 Count #1:05:46 – 1:19:51

**Jim Van Dreser motioned to table this item to the December 2011 County Zoning Agency agenda. Second by Rich Brandl. Motion carried. 5-favor 0-oppose**

Discussion and Possible Action – Reading letters during the public hearing. Michael Cotter. / Disc JR1 Count #1:19:52 – 1:23:35

**Jim Van Dreser made a motion to no longer read letters during the meetings and those letters be made available on-line and that there would be mention at the hearing of how many letters were in favor and how many letters were opposed. Second by Rich Brandl. Motion carried. 5-favor 0-oppose**

**Dave Weber motioned to recess before the public hearing portion of the meeting. Second by Rich Brandl. Motion carried. 5-favor 0-oppose**

### **Public Hearing:**

Chair Rick Stacey called the meeting to order at 5:35 p.m.

### **Ordinance Amendments / Disc JR2 Count #2:58 – 10:56**

Amendment to Section(s) 74-44, 74-51 and 74-52 of the Zoning Ordinance and to Section(s) 74-171, 74-178 and 74-179 of the Shoreland Zoning Ordinance, Walworth County Code of Ordinances relative to agricultural street yard, rear yard and side yard setbacks.

This item will be placed on the December 15, 2011, County Zoning Agency agenda at 4:00 p.m.

### **Rezones**

Gregory G. & Annette M. Walbrandt / Nancy C. Walbrandt, Section 22, Lafayette Township. Applicant is requesting to rezone .361 acres of land in the A-5 Agricultural-Rural Residential District to the A-1 Prime Agricultural Land District and to rezone .733 acres of land in the A-1 Prime Agricultural Land District to the A-5 Agricultural-Rural Residential District to complete a lot line adjustment. Part of Tax Parcel K LF2200001B and part of Tax Parcel K LF2200007 / Disc JR2 Count #10:57 – 16:18

**Dave Weber motioned to approve the rezone request. Second by Rich Brandl. Motion carried. 5-favor 0-oppose**

The rezone request will go before the Walworth County Board on December 13, 2011, for possible action.

Community Action, Inc. of Rock and Walworth Counties, Section 7, Darien Township. Applicant is requesting to rezone approximately 2.22 acres of B-4 Highway Business and

A-1 Prime Agricultural Districts to P-2 Institutional Park District to bring an existing homeless shelter into compliance with the County Zoning Ordinance. The parcel is located on the south side of Highway 14 approximately 350 feet east of the intersection of Highway 14 and Highway M and C and is identified as Tax Parcel B D 700003A / Disc JR2 Count #16:19 – 24:20

**Rich Brandl motioned to approve the rezone request. Second by Jim Van Dreser. Motion carried. 5-favor 0-oppose**

The rezone request will go before the Walworth County Board on December 13, 2011, for possible action.

**Conditional Uses**

Berg Construction Inc. (Cheryl Berg, owner / Marty Kern, Axel Brynelson LLP, representatives). Section 1, East Troy Township. Applicants are requesting a conditional use to allow for a contractors storage yard and caretakers residence on the property. Part of Tax Parcel P ET 100003F / Disc JR2 Count #24:21 – 30:22

**Jim Van Dreser motioned to approve the conditional use request with Condition #18 extended from 30 days to 60 days. Second by Dave Weber. Motion carried. 5-favor 0-oppose**

A conditional use permit to allow for a contractor’s storage yard and caretaker’s residence on the portion of the property to be zoned A-4 (rezone approved by County Board November 8, 2011), and described as follows:

Tax Parcel #P ET 100003F

Has been APPROVED subject to the following conditions:

General:

1. Approved as per plan submitted for a contractor storage yard and caretaker’s residence with all additional conditions.
2. Storage limited to material and goods directly associated with business. Outside storage shall be limited and located as identified on the plan of operations. No outside storage areas including displays of goods shall be allowed in the required setback areas.
3. On site hours of operation shall be from 6:00 a.m. to 6:00 p.m. Monday through Saturday with hours after 6:00 p.m. for off premise work and returning of equipment to the premises seven days a week.

4. Must meet all applicable Federal, State, County and local regulations.
5. Outside lighting shall be shielded and directed on site.
6. The applicant must obtain all required zoning permit approvals including a sign permit.
7. No fill, debris, branches or leaves may be brought back and disposed of on site. No burning of waste materials shall occur on site.
8. The applicant shall be required to obtain an approved Sanitary Permit from the County prior to construction of the caretaker's residence.
9. Use of the residence shall be limited to use by a caretaker's and shall be removed from premises at the time it is no longer needed in connection with the operation.
10. If the residence is no longer used for housing a caretaker, the applicant must notify the Walworth County Zoning Office.
11. The applicant must obtain the required County zoning permit prior to construction of the caretaker's residence.
12. The applicant must obtain a County Land Disturbance Erosion Control and Stormwater Management Permit from the County Conservation Office. The applicant must submit and obtain approval of a landscaping plan from the County Conservation Office.
13. All parking and access to the site shall meet County requirements. All parking shall be installed according to County requirements within 60 days of this approval.
14. The project site must be kept neat, clean, and mowed.
15. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.

Specific conditions:

16. Failure to actively exercise this conditional use within three years of the approval date shall result in automatic dismissal without prejudice.

The property owner may request a time extension for actively exercising the conditional use. A time extension for actively exercising the conditional use must be requested in writing during the original three year period. Any extension requested during the three year active exercise period greater than one year beyond the original three year period shall require additional Town and County committee approvals.

17. The buildings shall be used as a maintenance shop/office and storage area for the proposed business as specified. No business activities (including industrial activities) may be conducted from out of the storage facilities.
18. The parcel is subject to an approved County Reclamation Plan and permit. The Reclamation Plan and Permit covering the parcel must be amended to reflect the proposed post mining land use as a contractor storage yard and caretaker's residence. The Reclamation Plan and permit must be transferred by submittal of the attached transfer application. **The Reclamation Plan and permit must be transferred within 30 60 days of the title change for the property.** The transfer application must be accompanied by a grading plan or stormwater management plan.
19. The applicant must install a 24 foot wide commercial drive to the site or use the existing driveways to and from the site as one way and provide directional signs on the property.

Heritage Swine Genetics LLC, (Arthur Mueller – Applicant), Section 33, Sugar Creek Township. Applicant is requesting conditional use approval to expand an existing swine farm operation from 420 animal unites to 644 animal units by construction of a new swine housing building with a manure storage structure below the building. Tax Parcel GA3952-1A.

**This item was tabled.**

Adjournment

**A motion was made by Rich Brandl to adjourn. Second by Dave Weber. Motion carried. 5-favor 0-oppose**

The meeting was adjourned at 6:07 p.m.

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Submitted by Wendy Boettcher, Recording Secretary.

Minutes are not final until approved by the committee at its next meeting.



**Walworth County Board Finance Committee  
MEETING MINUTES  
Thursday, November 17, 2011**

Walworth County Government Center  
County Board Room 114  
100 West Walworth, Elkhorn, WI

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The meeting was called to order by Chair Russell at 9:32 a.m.

**Roll call** — Finance Committee members present included Supervisors Jerry Grant, Daniel Kilkenny, Nancy Russell, Joseph Schaefer, and Rick Stacey. A quorum was declared.

**Board members present:** Kathy Ingersoll.

**County staff present:** David Bretl-County Administration/Corporation Counsel; Nicki Andersen, Jessica Lanser, Todd Paprocki, Dale Wilson-Finance; Linda Seemeyer-Health & Human Services; Bernie Janiszewski-Lakeland Health Care Center; Tracy Moate-Lakeland School; Michael Cotterland Land Use & Resource Management/Corporation Counsel; Larry Price, Peggy Watson-Public Works; Kathy Du Bois-Treasurer's Office.

**Public in attendance:** Matt Boray, M3, Waukesha, WI; Mack Landinois; Doug & Jeff Liepins; Bernadette LeBel; Jerry & Susan Sjoberg; Dale Thorpe; Sharon Weston.

**Agenda withdrawals** — There were no agenda withdrawals. **Motion by Supervisors Grant and Schaefer to approve the agenda with Item 8B4 Award Sale(s) of Tax Foreclosure Property moved to follow Unfinished Business; carried 5-0.**

**Approval of minutes of last meeting(s)** — October 20, 2011 — **Supervisors Grant and Schaefer moved approval; carried 5-0.**

**Public comment period** — There were no comments from members of the public.

**Unfinished business** — There was no unfinished business.

**Bids/contracts**

- Award sale(s) of tax foreclosure property
  - Report regarding outstanding taxes on units at Lake Lawn Resort — Kilkenny thanked Du Bois for the report. Are we beginning the process to foreclose on the 2008 delinquencies? Du Bois affirmed. Title searches have been ordered.
  - City of Delavan Parcel XLRR 01607 — This item was tabled from the October 20, 2011 meeting. Du Bois reported that the former owner paid all the taxes, interest, penalties and fees in full yesterday. The total amount was \$26,426.53. We also received a separate check of \$30 for the recording fee. **Supervisor Schaefer moved to return**

**the earnest money submitted by the prevailing bidder. Supervisor Grant seconded the motion.** Russell asked if anyone in the audience wished to speak regarding this agenda item. Jeff Liepins asked if the former owner paid the delinquent taxes before the allotted time. Du Bois affirmed. By county ordinance, a former owner has until 5 p.m. on the day before the bid is awarded to redeem property. Although the bid was presented to the committee at the October meeting, this item was tabled and therefore not awarded at that meeting. Bretl added that the preference under State law is to try to keep people in properties that they own. **Motion carried 5-0.**

- City of Delavan Parcel XWUP 00078 — This item was tabled from the September 22, 2011 meeting. Du Bois said that the brother of the property owners came forward and submitted payment in full. Doing so falls under the county ordinance, therefore no action is necessary.
- Village of Fontana Parcel STFV 00205 — The former owner and the prevailing bidder were in attendance at the meeting, according to Du Bois. She reported that Mr. Sjoberg, who was awarded the bid, was in contact w former owner. His request is for the committee to allow him to back off from his purchase, allow the former owner to redeem the property, and return his earnest money. Kilkenny asked what taxes are owed. Du Bois responded that \$30,094.89 would be needed to pay in full.

Although sympathetic to the former owner, Kilkenny expressed concern with regard to simply accepting peoples' stories in situations such as this one. The economic reality is that it may create an inducement for people to buy up property amongst themselves, now that the issue is out there. Russell asked the former owner, Sharon Weston, and the prevailing bidder, Jerry Sjoberg, to explain their circumstances to the committee. Sjoberg built the home for Weston. When the property was foreclosed, he submitted a bid, which was awarded to him. He didn't know Weston's situation and should have contacted her sooner. Weston knew she hadn't paid taxes but said she didn't know about the foreclosure because someone else had signed for the notification letters sent by the county. Although he would love to have the house, Sjoberg doesn't feel this situation is fair, and that's why he would like to step down in Weston's favor. He built the house about 4 years ago. Once it was weather tight, Weston and her family started working on the inside. The house does not have an occupancy permit because there is no kitchen, but everything else is done. Weston is now concentrating on the kitchen.

Weston stated she wasn't aware of the foreclosure. She doesn't live on the property. Since she hadn't updated her address with the county, she did not receive the notices. If she had known, she would have been here before the bid was awarded to pay the delinquent taxes. She assured the committee this wasn't a scheme between herself and Sjoberg. She appreciates him offering to let her reclaim her property. Kilkenny asked Bretl if we could require both parties to sign an affidavit stating their purpose and affirming there was no prior agreement or collusion involved. Stating he did not want to impugn anyone's motives, Bretl asked Weston and Sjoberg if there was any

such agreement between them. Sjoberg said there was not; it was just a misunderstanding. Weston agreed and assured the committee this will never happen again. Bretl asked if they would be willing to sign an affidavit. Both agreed. Cotter added that there are no liens on the property so Weston would be taking a huge loss. She put a lot of sweat equity into the house. For her to reclaim the property by paying the back taxes and then turning around and selling the property to Sjoberg would mean she'd be down around \$200,000. Kilkenny said he understands and doesn't believe there was collusion. However, once a situation like this occurs, we need to worry about precedent. Having the parties sign an affidavit under oath that this was a straight-up deal would satisfy him. **Supervisor Stacey moved to return Solberg's earnest money and allow Weston to redeem her property, having heard an explanation from the parties involved, finding said explanation credible, that there was no collusion or attempt to be deceptive, and with the provision that the parties involved will sign an affidavit to that effect. Supervisor Grant seconded the motion; carried 5-0.**

- Other tax foreclosure properties — Russell asked if bids had been received on any of the other parcels. There were none, according to Du Bois. She advised the committee that a bid of \$100 had been submitted on a parcel in Lake Como. We received subsequent notice from that individual that they no longer wish to purchase the property. The earnest money submitted with the bid was \$20.00. The county will keep that money and the property will be included in the next sale.

**Consent items** — Russell requested agenda item 8B3, countywide stop loss insurance, be pulled for separate discussion. Kilkenny asked for separate discussion of agenda item 8C1, report on TIF districts. Andersen reminded the committee that she was asked to move reports from the end of the agenda to the consent items section so staff could return to their departments. **Supervisors Stacey and Kilkenny moved to approve the remainder of the consent items; carried 5-0.**

#### **Budget amendments**

##### Finance

- FN003 — Offset shortfall in investment income
- FN004 — Offset shortfall in health insurance fund

##### Health & Human Services (HHS)

- HS009 — Redistribute grant revenue to reflect AODA services

##### Lakeland Health Care Center (LHCC)

- LHCC03 — Increase food service budget for outsourcing of dietary functions

#### **Bids/contracts**

- Award proposal for food products and supplies for Lakeland Health Care Center (LHCC)
- Award proposal for countywide janitorial cleaning services

- Award contract for countywide stop loss insurance — Andersen stated we received 16 proposals which were narrowed down to 2. One is from our current vendor, Sun Life, and the second is from RMTS/Gerber Life. The RMTS bid came in \$350,000 less than Sun Life's. Andersen introduced Matt Boray from M3, the county's health consultant. Borah reviewed considerations to keep in mind when selecting the vendor to be awarded the contract, which the committee discussed at length.

The incumbent carrier, Sun Life, is a direct writer. They do their own marketing, underwriting of risk, and pay claims when presented to them. M3 has worked with Sun Life for a number of years. RMTS is a managing general underwriter (MGU). They do the marketing and underwriting but don't assume the risk nor pay claims. They contract with Gerber Life. RMTS has been in business about 15 years. Auxiant is in their first year of working with RMTS/Gerber Life. None of the 8 groups they have with RMTS have yet renewed. Sun Life is a paid contract. RMTS is 24/12, i.e., when determining eligibility, RMTS looks back for claims incurred 12 months prior to the effective date. Sun Life goes back to the point of inception of our coverage with them. Boray said both are very good contracts.

Russell asked why Sun Life's initial renewal increase was initially 21%. Based on the competitive market for our stop loss renewal, they were asked for relief, according to Boray. Their proposed increase is now down to 13.5. Grant asked how next year's premium might be affected if we have an attractive rate this year. Boray said we don't know at this point. Most self-funded groups attempt to partner with a stop loss carrier on a go-forward basis but don't continue the relationship year after year if the cost is significantly higher. He added that we ensured vendors knew all the terms, the conditions in the group, and the risks. Bretl said this is a difficult decision with many pros and cons. Russell asked Wilson if he sees a downside to working with an MGU. He replied that doesn't seem to be the case, from an administration standpoint. Auxiant's experience with RMTS thusfar has been that they pay on a timely basis.

Bretl commented that the committee has all of the information available to staff. Andersen said staff will work with whichever decision the committee makes. There are unknowns and considerations to be aware of as to the differences between the vendors, but if staff were not comfortable with either option, she would not have brought them to the committee as finalists. Boray added that, if RMTS does what the terms of their condition are, Walworth County would be paying \$350,000 less for stop loss. Bretl said the risk of Sun Life vs RMTS is "6 of one/half dozen of another." There may be a little bit of an edge with Sun Life but, as was pointed out during discussion, that didn't prevent them from increasing our premium 21%. On the other hand, if we say no to RMTS, they might not bid again. Russell would be more uncomfortable if RMTS was new, but the firm does have a history which sounds favorable. Andersen added that we were the first one with ING when they moved into the area. They gave us favorable rates and we

ended up being with them for 3 years. **Supervisors Grant and Stacie moved and seconded to award the contract for stop loss insurance to RMTS/Gerber Life; carried 5-0.**

### **Reports**

- Update on tax incremental financing (TIF) district(s) — Kilkenny noted that the City of Delavan's TIF #4 decreased in equalized value by approximately \$63,000,000. He believes the Lake Lawn condominiums may have played a large part in that management fees take most of the room rental, which reduces the value of the units. Bretl said it may depend on the technique for assessing the units but he is not familiar with that process. Lanser reported that we have received the financial statements for the Village of East Troy TIF and now are just waiting for Lake Geneva's reports.
- Quarterly investment report – 3rd Quarter 2011 — The committee had no questions.

### **New business**

**Discussion and possible action regarding proposed gas tax to cover expenses for county roadwork** — Bretl said this proposal may have been made due to a misconception. State statute actually prohibits counties imposing a gas tax. That being the case, Grant recommended putting the letter on file. Andersen said there had been questions as to our annual cost for road maintenance. The report provided by the Public Works department summarizes costs budgeted in 2011 and 2012 for road maintenance procedures. Price explained the various procedures. Supervisors Schaefer and Grant expressed their hope to do away with bonding to rebuild roads and put all roadwork on the tax levy. **Supervisors Stacey and Grant moved to place this item on file; carried 5-0.**

**Correspondence** — There was no correspondence presented.

### **Confirmation of next Finance Committee meeting:**

- The next Finance Committee meeting was confirmed for Thursday, December 22 at 9:30 a.m. in County Board Room 114 at the Government Center

### **Adjournment of Finance Committee**

**Upon motion and second by Supervisors Grant and Stacey, Chair Russell adjourned the meeting at approximately 10:59 a.m.; carried 5-0.**

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Submitted by Kate Willett, recording secretary. Minutes are not final until approved by the Finance Committee at its next regularly scheduled meeting.

NOTE: Items distributed at the Finance Committee meeting may be reviewed in the County Clerk's Office.

## HONEY LAKE PROTECTION AND REHABILITATION DISTRICT

### BOARD OF COMMISSIONERS

**JOHN LUTZ: CHAIRMAN; (re-elected for 3-year term, 8/22/10.)**

**JUDITH CORRELL: SECRETARY; (re-elected for 3-year term, 8/28/11.)**

**GERALD SCHWARTEN: TREASURER; (re-elected for 3-year term, 8/23/09.)**

**MICHAEL WEINKAUF: ROCHESTER VILLAGE TRUSTEE REPRESENTATIVE**

**DONALD TRIMBERGER: SPRING PRAIRIE TOWN SUPERVISOR AS OF APRIL 2011**

**ROBERT E. McINDOE: REP. OF WALWORTH COUNTY CONSERVATION AS OF 8/15/11**

### NOV.15, 2011 MONTHLY MEETING:

**Present: Lutz, Correll, Schwarten, McIndoe, Trimberger, Weinkauf**

**Meeting was called to order at 7:00 p.m. Secretary Correll read the minutes of the October 18, 2011 meeting which were subsequently approved. Treasurer Schwarten read the October, 2011 Treasurer's report which was subsequently approved. (copies of these minutes and Treasurer's report are attached, along with the agenda for this meeting.**

### Old Business:

**Chaulklin property on Crescent Place: Chairman Lutz read a 10/25/11 letter from Att'y Dubis to the Chaulkins advising them that, if all of the impediments which they have planted and placed along the roadside have not been removed or moved back within their property line by 11/20/11, he will initiate legal action on behalf of the District Board. No response from the Chaulkins as of 11/15/11.**

**Dam & dike survey and inspection: Chairman Lutz gave each Board member a copy of the report by Ayres Associates which indicates corrective steps which need to be taken during 2012 – 2015. (copy of the summary page attached) There is nothing in the report which is felt to be "uncorrectable". Drainage boards are planned to be replaced in the next year or so (in spite of the report) at a cost of approx. \$8,000. About the only item on the report with which the District does not agree is the requirement that the dikes be kept mowed to a low level. This is a requirement of the DNR "dam people"; while the District and another division of the DNR prefer to leave the grass higher to prevent erosion and provide for habitat shelter.**

### New Business:

**The previously-reported large dead tree at the intersection of Beach Road and Casa Loma Drive has been removed.**

Brush trimming along the Rochester (Racine County) side of Honey lake has been completed; trimming along the Spring Prairie (Walworth County) side will begin on 11/16/11.

Road crack sealing on the Walworth County side has been completed at a cost of \$5,790 and on the Racine County side at a cost of \$10,208.

Employers mutual has advised the District that they are discontinuing "workman's compensation" coverage. Chairman Lutz will contact our insurance agent to find replacement coverage.

Dam boards will be raised partially on 11/16/11 to begin the Fall lowering of the lake with further raising to be done on 11/17/11 or 11/18/11.

The Racine County Deputy Sheriff reported that there were no problems with the Halloween celebration in the District. There were some problems with a tenant who had been evicted and with the "mess" left behind. He also advised the Board that he is being promoted to the position of Detective and will be replaced by year's end, quite possibly by someone from the Honey Lake or Rochester area.

Pending bills were approved for payment.

Meeting was adjourned shortly before 8:00 p.m.

Respectfully submitted,



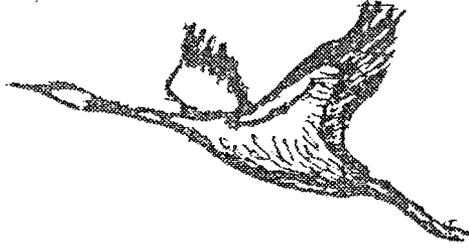
Robert E. McIndoe 11/16/11

# **HONEY LAKE**

Protection and  
Rehabilitation District

P.O. Box 565

Burlington, WI 53105



COMMISSIONER'S MEETING

ROCHESTER PUBLIC LIBRARY

November 15, 2011 -- 7:00 P.M.

## **AGENDA**

Call the Meeting to Order

Secretary's Report: October 18, 2011

Treasurer's Report: October 2011

## **OLD BUSINESS**

1. Reports

2. Lake Project

## **NEW BUSINESS**

1. Discussion and Action on Dam Inspection

2. Monthly Bills

## **ADJOURN**

**Walworth County Board of Adjustment**  
MINUTES

November 9, 2011 - Hearing – 8:00 AM  
November 10, 2011 – Meeting – 8:00 AM  
County Board Room  
Government Center – Elkhorn, Wisconsin

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A hearing and decision meeting of the Walworth County Board of Adjustment was held on November 9 & 10, 2011, in the County Board Room of the Government Center in Elkhorn, Wisconsin. Those present on November 9, 2011, were Chair John Roth, Vice-Chair Gregory E. Guidry and Secretary Ann Seaver. Deb Grube, Senior Zoning Officer, and Wendy Boettcher, recording secretary of the Land Use & Resource Management Department were in attendance. Those present on November 10, 2011, were Chair John Roth, Vice-Chair Gregory E. Guidry and Secretary Ann Seaver. Deb Grube, Senior Zoning Officer, and Wendy Boettcher, recording secretary of the Land Use & Resource Management Department were in attendance. “Sign-in” sheets listing attendees on November 9, 2011, and November 10, 2011, are kept on file as a matter of record.

The November 9, 2011, hearing was called to order by Chair John Roth at 8:00 A.M. Wendy Boettcher conducted roll call and verified that there was a quorum. Those present were same as listed above. **Ann Seaver motioned to approve the October 12 & 13, 2011, Minutes and dispense with the reading. Seconded by Gregory E. Guidry. Motion carried. 3-favor, 0-oppose. After testimony of all cases, Ann Seaver motioned to recess until 8:00 A.M. on Thursday, November 10, 2011. Seconded by Gregory E. Guidry. Motion carried. 3-favor, 0-oppose.** The November 9, 2011, hearing went into recess at approximately 10:30 A.M.

On November 10, 2011, at 8:00 A.M., Chair John Roth called the decision meeting to order. Wendy Boettcher conducted roll call and verified that there was a quorum. Those present were same as listed above. **Gregory E. Guidry motioned to approve the agenda as adjusted to move item #6B ahead of item #5. Seconded by Ann Seaver. Motion carried. 3-favor, 0-oppose. After the decisions were completed, Gregory E. Guidry motioned to adjourn until the December 14, 2011, hearing at 8:00 A.M. Seconded by Ann Seaver. Motion carried. 3-favor, 0-oppose.** The November 10, 2011, decision meeting adjourned at approximately 9:12 A.M.

Five variance hearings and one special exception request were scheduled and details of the November 9, 2011, hearings and the November 10, 2011, decisions are on audio recorded discs which are on file and available to the public upon request / video to view on our website: [www.co.walworth.wi.us](http://www.co.walworth.wi.us).

**New Business – Variance Petitions**

Disc #1 Hearing - Count #9:07:16 – 9:24:24 / Disc #2 Decision – Count #8:10:45 – 8:15:13  
**The First Hearing** was Dean A. & Kathryn L. Forde, owners – Section(s) 31 – Delavan Township

Applicants are requesting a variance from Section(s) 74-38 / 74-54 / 74-92 of Walworth County’s Code of Ordinances – Zoning to permit the location of a garage.

**REQUIRED BY ORDINANCE:** The Ordinance requires a 25' street yard setback and a 25' rear yard setback.

**VARIANCE REQUEST:** The applicants are requesting an 11.7' street yard setback and an 18.21' rear yard setback. The request is a variance from Section(s) 74-38 / 74-54 / 74-92 of Walworth County's Code of Ordinances – Zoning to permit the location of a garage.

**BOARD OF ADJUSTMENT DECISION:** The Walworth County Board of Adjustment, during the meeting on November 9 & 10, 2011, for the petition of Dean A. & Kathryn L. Forde, owners, voted to **APPROVE** the request for an 11.7' street yard setback and an 18.21' rear yard setback.

**A motion was made by to Gregory E. Guidry to approve the variance request. Seconded by Ann Seaver. Motion carried. 2-favor 1-oppose (John Roth)**

**BOARD OF ADJUSTMENT FINDINGS:**

The Board found the size and depth of the narrow corner lot to be unique property limitations. The Board found the hardship was not self-created as the garage was not built as permitted with the 1993 variance approval before purchase of the property by the current owners. The Board found the placement of sewer and gas lines and the existence of two street yards limit the options for placement of the garage on the property. The Board found the current owners did try to bring the garage more into compliance by moving the garage back two feet. The Board found no harm to public interests. There was one letter of support from the Town of Delavan. There was no opposition.

Disc #1 Hearing – Count #9:24:25 – 9:41:29 / Disc #2 Decision – Count #8:15:14 – 8:21:08  
The Second Hearing was Russell E. White, Sr., Joan M. White, Russell E. White, Jr., owners / Russel White, applicant – Section(s) 28 – Geneva Township

Applicants are requesting a variance from Section(s) 74-163 / 74-181 of Walworth County's Code of Ordinances – Shoreland Zoning to construct an accessory structure (garage).

**REQUIRED BY ORDINANCE:** The Ordinance requires accessory structures to be located in the side and rear yards. Unless located in the rear yard, the accessory structure is required to maintain a 25' rear yard setback.

**VARIANCE REQUEST:** The applicants are requesting an accessory structure in the street yard and a 20' rear yard setback. The request is a variance from Section(s) 74-163 / 74-181 of Walworth County's Code of Ordinances – Shoreland Zoning to construct an accessory structure (garage).

**BOARD OF ADJUSTMENT DECISION:** The Walworth County Board of Adjustment, during the meeting on November 9 & 10, 2011, for the petition of Russell E. White, Sr., Joan M. White, Russell E. White, Jr., owners / Russel White, applicant, voted to **TABLE** the request for an accessory structure in the street yard and a 20' rear yard setback, per the Town of Geneva request (via 10-22-11 correspondence).

**A motion was made by Gregory E. Guidry to table the variance request per the Town of Geneva's request. Seconded by Ann Seaver. Motion carried. 3-favor 0-oppose**

**BOARD OF ADJUSTMENT FINDINGS:** The Board found to table the variance request to the December 15, 2011, Board of Adjustment meeting would allow the Geneva Town Board to review the variance request at their November 14, 2011, meeting, and allow the Geneva Plan Commission and Geneva Town Board to submit a letter of recommendation to the County. The Board also found the applicant may submit a letter in response to the Town of Geneva letter. The Board found to table the variance request in no way guarantees denial and / or approval of the variance request.

Disc #1 Hearing – Count #9:41:42 – 9:58:48 / Disc #2 Decision – Count #8:21:09 – 8:27:41  
The Third Hearing was Community Action Inc. of Rock & Walworth Counties, owner / Lisa Furseth, Community Action Inc. of Rock & Walworth Counties, applicant – Section(s) 7 – Darien Township

Applicants are requesting a special exception in accordance with Section(s) 74-38(7b) and 74-111(7b) of the Walworth County Code of Ordinances – Zoning for the substitution in the use of an existing structure that is substandard because it does not conform with the required yards.

**REQUIRED BY ORDINANCE:** The existing substandard structures are located 11' and 11.3' from the side property lines and are required to maintain a 25' side yard setback in the proposed P-2 District.

**APPLICANT REQUEST:** The applicants are requesting a special exception in accordance with Section(s) 74-38(7b) / 74-111(7b) of the Walworth County Code of Ordinances – Zoning for the substitution in the use of an existing structure that is substandard because it does not conform with the required yards.

**BOARD OF ADJUSTMENT DECISION:** The Walworth County Board of Adjustment, during the meeting on November 9 & 10, 2011, for the petition of Community Action Inc. of Rock & Walworth Counties, owner / Lisa Furseth, Community Action Inc. of Rock & Walworth Counties, applicant, voted to **APPROVE** the special exception request for the substitution in the use of an existing structure that is substandard because it does not conform with the required yards, subject to approval of a rezone request to the P-2 district.

**A motion was made by Gregory E. Guidry to approve the request as presented. Seconded by Ann Seaver. Motion carried. 3-favor 0-oppose**

**BOARD OF ADJUSTMENT FINDINGS:** The Board found the applicants request to change from the B-4 / A-1 district to the P-2 district is changing to a district that allows generally less intense uses. The Board found the request is changing to a zoning district (P-2) that requires a lesser or equal side yard setback requirement than the existing zoning district (B-4 / A-1). The Board found the existing structures and the approval of the special exception request does meet the purpose and intent of the zoning ordinance. The special exception is for the existing buildings only and subject to rezone approval of the Town and the County. There was a letter of support from the Town of Darien. There was no opposition.

Disc #1 Hearing – Count #9:58:49 – 10:55:40 / Disc #2 Decision – Count #8:27:42 – 8:48:38  
The Fourth Hearing was Gary L. & Nancy J. Esterling, owners - Section(s) 1 – Sugar Creek Township

Applicants are requesting a variance from Section(s) 74-164 / 74-181 of Walworth County's Code of Ordinances – Shoreland Zoning to create a buildable parcel.

**REQUIRED BY ORDINANCE:** The Ordinance requires all lots to abut upon a public street or other officially approved way for a frontage of at least 50'.

**VARIANCE REQUEST:** The applicants are requesting a parcel with 34.60' of frontage to be buildable. The request is a variance from Section(s) 74-164 / 74-181 of Walworth County's Code of Ordinances – Shoreland Zoning to create a buildable parcel.

**BOARD OF ADJUSTMENT DECISION:** The Walworth County Board of Adjustment, during the meeting on November 9 & 10, 2011, for the petition of Gary L. & Nancy J. Esterling, owners, voted to **DENY** the request for a parcel with 34.60' of frontage to be buildable.

**A motion was made by Gregory E. Guidry to approve. Seconded by Ann Seaver for discussion. Motion failed. 1-favor 2-oppose (John Roth / Ann Seaver)**

**BOARD OF ADJUSTMENT FINDINGS:** The Board found that while the lot was created before countywide zoning went into effect, the 50' frontage requirement was in place at the time of purchase by the current owners. The Board found the variance request to be large increment of relief. The Board found record of previous variance denials for this parcel. The Board found no new information or testimony to support the granting of a variance. There was one letter of support from the Town of Sugar Creek. One person spoke in support. One neighboring property owner spoke in opposition.

Disc #1 Hearing – Count #10:56:09 – 11:16:44 / Disc #2 Decision – Count #8:48:39 – 8:57:00  
The Fifth Hearing was Stephens Family Ltd Part, owner / Charles Pearce, applicant – Section(s) 33 – Delavan Township

Applicants are requesting a variance from Section(s) 74-178 of Walworth County's Code of Ordinances – Shoreland Zoning to create a 10 acre farm separation parcel.

**REQUIRED BY ORDINANCE:** The Ordinance limits a farm separation parcel to a maximum of 5 acres or the acreage necessary to maintain the minimum yards.

**VARIANCE REQUEST:** The applicants are requesting a farm separation parcel approximately 10.41 acres in size. The request is a variance from Section(s) 74-178 of Walworth County's Code of Ordinances – Shoreland Zoning to create a 10 acre farm separation parcel.

**BOARD OF ADJUSTMENT DECISION:** The Walworth County Board of Adjustment, during the meeting on November 9 & 10, 2011, for the petition of Stephens Family Ltd Part, owner / Charles Pearce, applicant, voted to **DENY** the request for a farm separation parcel approximately 10.41 acres in size.

**A motion was made by Ann Seaver to approve. Seconded by John Roth . Motion failed. 0-favor 3-oppose (John Roth / Gregory E. Guidry / Ann Seaver)**

**BOARD OF ADJUSTMENT FINDINGS:** The Board found no exceptional or unique circumstances to the property rather than considerations personal to the property owner. The Board found that the owners have options other than variance approval to create a land division. The Board found no unnecessary hardship. The Board found to approve the variance request would affect the property, the neighborhood, the entire community and the general public. The Board found to approve the variance request would undermine the purpose and intent of the zoning ordinance. There was one letter of support from the Town of Delavan. There was no opposition.

Disc #1 Hearing – Count #11:27:54 – 11:29:35 / Disc #2 Decision – Count #8:57:01 – 9:07:15  
The Sixth Hearing was Dorcas Kosche, owner – Section(s) 9 – Delavan Township

Applicant is requesting a variance from Section(s) 74-44 / 74-51 of Walworth County’s Code of Ordinances – Zoning to construct a lean-to for horses.

**REQUIRED BY ORDINANCE:** The Ordinance requires a 100’ setback to all property for any building that houses animals.

**VARIANCE REQUEST:** The applicant is requesting an approximate 89’ side yard setback. The request is a variance from Section(s) 74-44 / 74-51 of Walworth County’s Code of Ordinances – Zoning to construct a lean-to for horses.

**BOARD OF ADJUSTMENT DECISION:** The Walworth County Board of Adjustment, during the meeting on November 9 & November 10, 2011, for the petition of Dorcas Kosche, owner, voted to **APPROVE** the request for an approximate 89’ side yard setback.

**A motion was made by John Roth to approve. Seconded by Gregory E. Guidry. Motion carried. 2 favor 1-oppose (Ann Seaver)**

**BOARD OF ADJUSTMENT FINDINGS:** The Board found the unusual configuration of the parcel to be a unique property limitation. The Board found the owner made an attempt but was unable to add land to the parcel to meet the 100’ setback requirement. The Board found it would be an unnecessary hardship to be unable to provide food storage and shelter for the animals. The Board found the small dimensions of the lean-to would cause no harm to public interests. There was one letter of support from the Town of Delavan. There was no opposition.

## **Other**

- A. Discussion / possible action on status of Board of Adjustment alternate member  
Board members were advised no new information is available at this time.
- B. Discussion / possible action on Town of Troy correspondence regarding timing of Town recommendations.

John Kendall, Chair, Town of Troy, and the Board of Adjustment members discussed ways to improve communication between applicants, the Towns and Board of Adjustment members. Board members agreed any input from the Towns is taken seriously and is much appreciated.

### **Staff Reports**

- A. Court cases update – none
- B. Distribution of reports, handouts and correspondence
  - 1. Board members were given copies of the new procedure changing the start time to 8:30 A.M. in 2012
  - 2. Board members were given copies of the 2012 Board of Adjustment hearing / meeting schedule

### **Proposed discussion for next agenda**

The following items were requested to be put on the December 2011 agenda, if applicable:

- A. Discussion / possible action re: White / Geneva Township decision
- B. Discussion / possible action on status of Board of Adjustment alternate member
- C. Discussion / possible action on township correspondence
- D. Court cases update
- E. Distribution of reports, handouts and correspondence

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ANN SEAVER  
WALWORTH COUNTY BOARD OF ADJUSTMENT

These minutes are not final until approved by the Board of Adjustment at the next scheduled hearing date.





County Board Executive Committee  
Tuesday, November 8, 2011  
5:30 PM  
County Board Room 114  
Walworth County Government Center  
100 W. Walworth St., Elkhorn, Wisconsin  
*Draft Minutes*

Chairman Weber called the meeting to order at 5:30 PM.

A quorum of Executive Committee members was in attendance, including Chairman Weber, Vice Chairman Kilkenny and Supervisors Russell, Hawkins and Brandl.

Others in attendance included Marilyn Putz, Director, Walworth County Job Center; Supervisors Grant and Redenius; Dave Bretl, County Administrator; Deputy County Administrator-Central Services Shane Crawford; Public Works Director of Operations Larry Price; Assistant Public Works Superintendent John Miller; Office/Purchasing Manager Peggy Watson; Deputy County Administrator-Finance Nicki Andersen; Deputy Corporation Counsel/LURM Director Michael Cotter; Lakeland School Director of Special Education Tracy Moate; and, Bob Arnold.

Agenda approval was moved and seconded by Supervisors Brandl and Hawkins. The motion carried 5 – 0.

There was no comment during the public comment period.

*Resolution No. 70-11/11 Reaffirming the Southeastern Wisconsin Tri-County Consortium Workforce Investment Act Agreement was reviewed by the committee.* County Administrator Bretl indicated that Chair Russell had brought to his attention the need to reaffirm the WIA agreement. The resolution was also on the November 8 Board agenda. Supervisor Russell explained that an agreement needs to be signed within last 90 days for the 2012 workforce development plan to be submitted to the state. The original agreement 1999 agreement has no end date. Marilyn Putz said this resolution reaffirms the original agreement, which remains in force until there is some change. By May 2012, the agreement will be reviewed and individual county allotments may be changed. The 2003 amendment to the agreement indicated the administrative agent could be changed. The Workforce Investment Act is a federal program that funds local efforts to bring jobs into the area. Walworth County shares in an agreement in the tri-county area with Kenosha and Racine. Funds are given to each workforce development area to disburse as they deem appropriate. Funding has remained at the levels originally approved in the 1999 tri-county agreement, Ms. Putz said. Kenosha and Racine officials agreed reviewing the agreement was advisable as well as stating that the current agreement will remain in effect until May 31, 2012. Supervisors Hawkins and Russell moved support of adopting the resolution. The motion carried 5 – 0.

Chairperson Weber had no reports or announcements.

The next meeting was confirmed for November 14, 2011 at 10 AM.

Chairman Weber adjourned the meeting at 5:35 PM on motion/second by Supervisors Brandl and Hawkins.

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Submitted by Suzanne Harrington, administrative assistant to the County Administrator. Minutes are subject to committee approval.

**Walworth County Health and Human Services Committee**

**MINUTES**

October 19, 2011 Meeting – 1:15 p.m.

Walworth County Board Room  
Government Center – Elkhorn, Wisconsin

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The meeting was called to order by Chairman Grant at 2:03 p.m.

Roll call – Committee members present included Supervisors Grant, Hawkins, Ingersoll, Schaefer and Redenius; and Citizen Members Pious and Wagie-Troemel. Citizen Representative Seegers was excused. A quorum was declared.

Others present – Linda Seemeyer, Director of Health and Human Services/Lakeland Health Care Center Superintendent; Carlo Nevicosi, Health and Human Services Manager; Liza Drake, Health and Human Services Supervisor, Juliet Young, Health and Human Services; Nancy Russell, County Board Chair and David Bretl, County Administrator

Public in attendance – There were three members of the public in attendance.

There were no agenda withdrawals. **Motion and second made by Supervisor Schaefer/Citizen Representative Pious to approve the agenda as amended on October 17, 2011. Motion carried 7-0.**

The Health and Human Services minutes from the September 21, 2011 meeting were approved. **Motion and second made by Supervisors Hawkins/Schaefer to approve the minutes. Motion carried 7-0.**

Public comment – There were no comments from the public.

Unfinished business –

*Discussion on Grant Approval* – Ms. Seemeyer reminded the Board that due to short timetables there may be occasions where DHHS would have to apply for a grant that has not gone before this Board. She stated management at DHHS has an internal procedure for reviewing grants and that grant opportunities must meet a list a requirements. Ms. Seemeyer is asking that if a grant meets these requirements and is approved by Mr. Bretl that DHHS can apply for the grant and then bring it to this Board for approval after it is submitted.

Both Citizen Representatives Wagie-Troemel and Pious stated they were fine with this arrangement. Supervisor Ingersoll asked when would this Board deny a grant. Mr. Bretl stated that sometimes grants have obligations within them that may be difficult for HHS to comply or a grant could cause constituents to not agree with a course of action that the grant dictates.

**Motion and second made by Supervisor Hawkins/Citizen Representative Wagie-Troemel to approve applying grants with short timetables before Board approval. Motion carried 7-0.**

Supervisor Russell reminded the Board to read the fine print of grants and consider commitments that could be difficult to keep.

New Business –

*Seven Challenges Program* – Ms. Seemeyer asked Carlo Nevicosi to describe this new DHHS program. Mr. Nevicosi explained the Seven Challenges Program is an alcohol and other drug abuse program for adolescents. Traditional approaches have had low success rates and this program has shown better results. There are currently six consumers in this program and DHHS is looking to increase this to serve 25 to 30 a year.

*Screening, Brief Intervention, Referral and Treatment (SBIRT) Grant* – Ms. Seemeyer had Liza Drake explain this new grant opportunity. Ms. Drake stated that DHHS had a work group look into Protective Custodies (PC). The group noticed the numbers for PCs has been increasing and the same people have been repeat offenders due to their resistant to treatment. The SBIRT grant will pay for training DHHS staff in a short-term, evidence-based practice that motivates them to get into treatment. This is a one-time training and there are no ongoing commitments with this grant.

Supervisor Grant hopes that DHHS would take advantage of future trainings and asked who the target population for this treatment. Ms. Drake stated it was for local alcoholics. Supervisor Grant asked about OWI assessments. DHHS does them per guidelines for the Department of Transportation and does approximately 600 a year.

**Motion and second made by Supervisor Hawkins/Citizen Representative Wagie-Troemel to accept the SBIRT grant. Motion carried 7-0.**

*Urban/Rural Women's AODA Grant* – Ms. Seemeyer stated this is a grant that DHHS has not applied for at this time. There is a maximum award of \$250,000 a year for three years. DHHS would use these funds to add a position on the AODA department. The position could be sustained through medical billing if it is decided to keep the position after the three years. Ms. Seemeyer stated this is a competitive grant and DHHS needs to add to the current AODA services.

Supervisor Hawkins stated the enclosure states “provides up to \$500,000 per year for three years.” Mr. Nevicosi explained that \$500,00 is the maximum and that DHHS is probably going to receive \$250,000.

Supervisor Ingersoll asked if DHHS can apply again after three years. It is not known at this time.

Supervisor Russell asked if there was any commitment to keep this program or position after the three year. Mr. Nevicosi stated the grant does not include this commitment.

Supervisor Ingersoll asked why DHHS hasn't applied for this before. Ms. Seemeyer stated that the changes in Human Resources starting in 2012 makes this possible because DHHS does not need to continue the position.

**Motion and second made by Supervisor Hawkins/Citizen Representative Wagie-Troemel to approve the Urban/Rural Women's AODA Grant. Motion carried 6-1 with Schaefer dissenting.**

*Ordinance Amending Chapter 16 of the Walworth County Code of Ordinances Relating to Prohibition of Firearms* – Ms. Seemeyer stated signs prohibiting firearms will be posted once it is passed by the County Board. She feels it would be dangerous to allow firearms due to population DHHS serves. Ms. Seemeyer stated that DHHS is working on other security measures such as alarm buttons wired directly to the Sheriff's Department and internal security doors. Due to budget reasons improvements to make the security doors up to code will be in next year's budget.

Citizen Representative Wagie-Troemel agrees that she does not want firearms in DHHS. She asked for an update on the alarm buttons at the next meeting.

Supervisor Hawkins does not want firearms in the DHHS he is opposing the amendment because he feels it is not strong enough ordinance. He is suggesting the addition of metal detectors not just signs on the doors.

**Motion and second made by Citizen Representatives Wagie-Troemel/Pious to recommend the County Board approve the Ordinance Amending Chapter 16 of the Walworth County Code of Ordinances Relating to Prohibition of Firearms. Motion carried 5-2 with Supervisors Hawkins and Redenius dissenting.**

#### Reports -

*Income Maintenance Update* – Ms. Seemeyer stated that DHHS is currently waiting for the Wisconsin Counties Human Services Association (WCHSA) to finish the Memorandum of Understanding and the contract with the state.

Supervisor Schaefer asked clarification on the association. Walworth County is not a member of the Wisconsin Counties Association but DHHS is a member of the Wisconsin Counties Human Services Association.

Supervisor Grant asked if the law took place on October 1<sup>st</sup>. Ms. Seemeyer stated November 1<sup>st</sup> is the date for the transfer of state cases to the counties. The plan is to start on January 1, 2012 to have time to get the technology in place.

Supervisor Grant asked about the transferred cases. Ms. Seemeyer stated they are cases from the state call center and that Walworth County will have more of the caseload.

*LogistiCare September Report* – Ms. Seemeyer reviewed the enclosure and stated so far in September there have only been two reported complaints.

Supervisor Grant asked if the complaints had been forwarded to anyone. Ms. Seemeyer stated all complaints are forwarded to the Greater Wisconsin Agency on Aging Resources (GWAAR) and then they forward those concerns to the legislature.

Supervisor Grant asked about a task force. Ms. Seemeyer said there is one working on issues.

*Closing of Pell Lake Senior Dining Center* – Ms. Seemeyer explained that due to the low participation at this site and that there are viable alternatives available to save on costs the Pell Lake Senior Dining Center will be closed in January 2012. This action was approved by both GWAAR and the ADRC Governing board.

**Motion and second made by Supervisors Schaefer/Hawkins to approve the closing of the Pell Lake Dining Center. Motion carried 7-0.**

Correspondence – There were no correspondence.

Announcements –

*Operating While Intoxicated (OWI) Court Grant* - Ms. Seemeyer announced that the grant was approved that DHHS will receive \$50,000 in funds to help pay for current staff.

Supervisor Grant asked if the OWI Court was in effect. Ms. Seemeyer stated it started yesterday.

*Holiday Care Schedule for 2011* – Ms. Seemeyer stated that the Board was given a timetable for their information on the Holiday Care Program.

Supervisor Ingersoll expressed concern about the finances for this year's program. Ms. Seemeyer stated a major funding source, the Walworth County Sheriff Department's golf outing, received about half the funds as in years past. DHHS is looking into alternative funding sources.

Supervisor Hawkins asked if there would be a press release for funds. Ms. Seemeyer stated there would be one.

Supervisor Ingersoll asked if there would be a DHHS committee donation. It was decided that committee members can donate independently.

*Friends of NAMI Award* – Ms. Seemeyer was proud to announce that DHHS received an award from the National Alliance on Mental Illness.

**Motion and second made by Citizen Representative Wagie-Troemel/Supervisor Ingersoll to have the Friends of NAMI award presented at the County Board. Motion carried 7-0.**

Next Meeting Date – The next meeting is scheduled for November 16, 2011 at tentatively 1:15 p.m. following the Lakeland Health Care Board of Trustees meeting

Adjournment – **On motion and second by Supervisor Hawkins/Citizen Representative Wagie-Troemel, Chair Grant adjourned the Health and Human Services meeting at approximately 2:50 p.m. Motion carried 7-0.**

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Submitted by Juliet Young, Recorder. Meeting minutes are not considered final until approved by the committee at the next regularly scheduled meeting.

**Walworth County Lakeland Health Care Center Board of Trustees**

**MINUTES**

October 19, 2011 Meeting – 1:00 p.m.

Walworth County Meeting Room 111  
Government Center – Elkhorn, Wisconsin

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The meeting was called to order by Chairman Grant at 1:00 p.m.

Roll call – Committee members present included Chairman Grant, Supervisors Ingersoll, Hawkins, Schaefer and Redenius. A quorum was declared.

Others present – Linda Seemeyer, Director of Health and Human Services/Lakeland Health Care Center Superintendent; Juliet Young, Health and Human Services; Bernadette Janiszewski, Lakeland Health Care Center Administrator; Sandy Wagie-Troemel, Citizen Representative Health and Human Services; Ella Eva Pious, Citizen Representative Health and Human Services; Suzi Hagstrom, Labor/Employee Relations Director; Carlo Nevicosi, Health and Human Services Manager; Liza Drake, Health and Human Services Supervisor; Nancy Russell, County Board Chair; Michael Cotter, Corporation Counsel; and David Bretl, County Administrator

Public in attendance – There were five members of the public in attendance.

There were no agenda withdrawals. **Supervisor(s) Schaefer/Hawkins moved to approve the agenda. Motion carried 5–0.**

The Lakeland Health Care Center Board of Trustees committee minutes of the September 21, 2011 meeting were approved. **Motion and second made by Supervisor(s) Ingersoll/Schaefer to approve the minutes. Motion carried 5–0.**

Public Comment –

Karen Boss, Certified Nursing Assistance (CAN) at LHCC in Memory Care unit addressed the Board on behalf of the proposed staffing changes. Ms. Boss does not approve of combining CNA duties with dietary duties and is concerned for the residents at LHCC. She gave examples supporting her concerns and invited the Trustees to visit her while at work to see what her job entails.

Mary Price also employed at LHCC distributed a packet containing suggestions and petitions collected from a group of LHCC staff. She asked that this Board and representatives of the LHCC union meet to discuss the items in the packet. Ms. Price also invited the Board to tour the LHCC facility.

Unfinished Business –

*2012 Staffing Considerations including review of 2007 Schoeneck Report* – Ms. Janiszewski discussed the enclosure of a report done by Brian Schoeneck regarding staffing considerations at LHCC. Some changes the changes are due to state and federal

mandates and will need to happen with or without staff reorganization. The goal of transitioning to consistent assignment is to have less frustrated residents.

Ms. Janiszewski explained the financial aspects of LHCC's ten year strategic plan. Currently the focus is on expenses in which the majority is the staff changes. Staff members were included on the committee to discuss the changes. Ms. Janiszewski wanted to emphasize the need for teamwork with these changes and to clarify that not all food service worker positions have been eliminated.

Supervisor Ingersoll gave a personal experience when she worked as nurse on the importance of teamwork and feels the reorganization with worth a try. Her feeling is that it will help with the overall atmosphere for both staff and residents.

Ms. Janiszewski has started a new committee to work on changes to work rules per a request from Human Resources. The committee has stated they want to work peer-to-peer.

Mr. Bretl stated his concern is keeping LHCC as a county entity and not go to privatization. He feels this plan is proactive to save money for the future years due to the tax freeze.

Supervisor Grant gave a personal example of a family member who is a CNA and stated everyone is being asked to do more. He feels the LHCC needs to try the reorganization recommendation.

#### New Business –

*Ordinance Amending Chapter 16 of the Walworth County Code of Ordinances Relating to Prohibition of Firearms* – Ms. Janiszewski stated LHCC will post signs prohibiting firearms once it is passed by the County Board. She feels it would dangerous to allow firearms due to the nature of the residents especially those residing the memory care unit.

Supervisor Hawkins does not want firearms in the LHCC he is opposing the amendment because he feels it is not strong enough ordinance. He is suggesting the addition of metal detectors not just signs on the doors.

Supervisor Grant stated there is not budget for security guards and metal detectors.

Supervisor Schaefer asked what was the vote in Executive Committee for this ordinance. The vote was 4-1 in favor of recommending it to the County Board. Supervisor Schaefer asked what the other seventy-one counties in Wisconsin are doing in response to the concealed carry law. Since Walworth County is not part of the Wisconsin Counties Association there has been little communication. Supervisor Schaefer asked how much it would cost to have metal detectors and security guards. This will have to be looked into.

**Motion and second made by Supervisor(s) Ingersoll/Schaefer to recommend the County Board approve the Ordinance Amending Chapter 16 of the Walworth**

**County Code of Ordinances Relating to Prohibition of Firearms. Motion carried 3-2 with Supervisors Hawkins and Redenius dissenting.**

Reports –

*LHCC Administrator's Report and Financial Update* – Ms. Janiszewski reported that the LHCC is on track with regard to budget and handed out the September 2011 income statement. Ms. Janiszewski stated that workers' compensation was down.

Supervisor Ingersoll asked if there was an increase in private pay residents. Ms. Janiszewski stated there has been increase.

Correspondence – The members of the LHCC Board received materials from representation for the LHCC union staff regarding the proposed changes in the 2012 budget.

Announcements – There were no announcements.

Next Meeting Date – The next meeting is tentatively scheduled for November 16, 2011 at 1:00 p.m.

Adjournment – **On motion and second by Supervisor(s) Schaefer/Hawkins, Chair Grant adjourned the meeting at approximately 1:58PM. Motion carried 5-0.**

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Submitted by Juliet Young, Recorder. Meeting minutes are not considered final until approved by the committee at the next regularly scheduled meeting.

# Wisconsin River Rail Transit Commission

X-Committee – Friday, 07 October 2011 @ 10am • Dane Co. Hwy, 2302 Fish Hatchery Rd, Madison, WI

1. Karl Nilson, Chair, called the meeting to order at 10:00 a.m.
2. Those present for all or part of the meeting:

Crawford	Tom Cornford	X- Committee	X
	Rocky Rocksvold		
	Vacant		
Dane	Gene Gray	Treasurer	X
	Jim Haefs-Fleming		
	Forrest Van Schwartz	Advocate	X
Grant	Ivan Farness		
	Margaret Ruf	Secretary	X
	Robert Scallon	2nd Vice Chair	X
Iowa	Charles Anderson	X- Committee	X
	Gerald Dorscheid	Vice Treasurer	X
	Robert Zinck		

Rock	Ben Coopman	Alternate	
	Wayne Gustina		X
	Alan Sweeney	Vice Chair	
	Terry Thomas		X
Sauk	Joel Gaalswijk		
	Rob Sinclair	Assistant Secretary	X
	Scott Alexander		X
Walworth	Marty Krueger	Alternate	
	Jerry Grant		
	Richard Kuhnke	X- Committee	
Waukesha	Allan Polyock		
	Karl Nilson	Chair	X
	Richard Manke		X
	Fritz Ruf		

## Others present for all or part of the meeting:

Amy Seebth (SWWRPC / WRRTC Administrator); Frank Huntington and Sheri Walz (WisDOT); Ken Lucht (WSOR); Eilen Brownlee (WRRTC Attorney, Kraemer and Brownlee); Jim Matzinger (WRRTC Accountant / Dane County); Alan Anderson (Pink Lady RTC); Chris James and Kevin Connors (Dane County Staff).

3. Motion accepting Seebth's certification of Public Notice. *Dorscheid / Cornford- passed unanimously.*
4. Motion accepting the Agenda prepared by Seebth. *M. Ruf / Thomas - passed unanimously with this amendment.*
5. Motion approving the draft September Minutes. *Dorscheid / Scallon – passed unanimously.*
6. Public Comment – None
7. Correspondence & Communications – Van Schwartz provided the Commissioners with a rail-related news article for their review. Huntington reminded the Commissioners that the WDOT is hosting their 2011 WisDOT Freight Rail Conference on Nov. 2<sup>nd</sup> and all Commissioners are invited to attend.

## REPORTS & COMMISSION BUSINESS

8. WRRTC Financial Report– Jim Matzinger, Dane County CPA / WRRTC Accountant provided Commissioners with a copy of the treasurer's report.
  - Motion accepting the treasurer's report for June, July, August and September. – *Anderson / Sinclair – passed unanimously*
  - Motion accepting the payment of bills. – *Dorscheid / M. Ruf – passed unanimously*
9. Consideration and approval of 2010 Draft WRRTC Audit by Johnson Block (moved from item 15 on agenda). (*Chair Nilson had to step out for this item; Scallon chaired this item*).
  - Motion approving the draft 2010 audit – *Thomas / Gustina– passed unanimously*
10. Wisconsin & Southern Railroad's Report on Operations – Ken Lucht, WSOR, presented on the following:
 

*Update on Monthly Maintenance Activities* – WSOR is currently working on crossing replacements on the Madison Sub. Next week Monday and Tuesday they will be rebuilding two crossings on County B in Stoughton. They are going to be rebuilding the Breatly St. crossing in Madison next week. They have bridge outages on Madison Sub near Door Creak road. Finally, they are tallying production totals for 2011 and have a preliminary spreadsheet right now. Once maintenance crews are done with this they will report on these results.

*Update on 2010 & 2011 Capital Projects-* 2010 projects: welders are still on site between Milton and Stoughton, will be still working on this through next year. They are working on a crossing project between Slinger and Milwaukee. For 2011 projects, Stoughton to Madison is being installed with welded rail to Broom Street; this should be done in the next couple of weeks and they will still need to weld the joints after that. They also will be installing 1.2 miles of welded rail in Waukesha. DOT announced 2012 grant awards last week: one is a system-wide bridge study. Lucht said he will keep the Commission posted on these once they begin.

*Continuing Issues / Topics-* Lucht reported that WSOR has an electronic company looking for a site in Whitewater or Watertown who will hopefully make a decision in next couple of months. In Avalon a grain company has just purchased more land and would like to bring more corn and grain through their facility, which will result in an increase in rail traffic. The WSOR newsletter is coming out in next couple of weeks- Lucht said Commissioners should let him know if they do not receive it. Finally, WSOR is working on deciding on a day to have the Commission come out and watch rail inspection (Madison to Avalon train ride) and they should be able to give a date out at November meeting. Any other county folks are welcome to attend as well.

11. **WRRTC Administrator's Report** – Seeboth updated the Commission on some crossing permits that she is working on and discussed future events with them.
12. **WDOT Update** – Frank Huntington, WDOT, reminded the Commission about the freight rail conference. He also said that an announcement has been made for rail grants and loans on the projects that they have made a decision on. Marinette Marine received funding, there are a couple other projects in the western part of state that they have not made a decision on yet- they are awaiting need STB concurrence in order to do this.
13. **Consideration and possible approval of Sauk City request to acquire or lessen the Rail Road right-of-way for property located at Block 18 of the Original Plat, parcel numbers 181-0156, 181-0150 and 181-0155, Lots 7 through 12.** The DOT received this request from the Village and because of the lease agreement between the DOT and WRRTC, WRRTC has the first right to purchase this property; thus this request is being brought before the Commission for their consideration.
  - **Motion to not acquire the property and concur with the DOT proposal – Anderson / Sinklair– passed unanimously**
14. **Consideration and possible action on the refining the terms of a private crossing permit for Scot Forge in Spring Grove, IL.** After the Commission's initial review of this crossing request, it became clear that Scot Forge had a slightly different intent for the crossing than initially thought. Seeboth and Lucht explained the conditions of the crossing as discussed with Scot Forge. The Commission verbally agreed to proceed with the permit as understood and approved of by WSOR.
15. **Discussion and possible action on development of local match for UP line to Reedsburg in coordination with the Pink Lady RTC and other partners.** Alan Anderson from Pink Lady RTC had requested that this item be placed on the agenda. Huntington explained that WI DOT has been working with WSOR and the UP to get an appraisal of UP line from Madison to Reedsburg. Once this line is appraised many questions will arise, including whether the RTC will pay for the local match on the purchase of this line and how they will find the funds to do this. Anderson reported that Sauk County is fairly aware of the issue but they still have to figure out how much they are willing/able to pay and if they are going to do it. Anderson said that he was not sure where Dane County stands on this issue. He is wondering how Dane County can be engaged in this conversation. Van Schwartz said he and Commissioner Gray will continue working on this. Anderson said that Pink Lady would certainly like to see this purchase happen, but understand that there are budget realities.
16. **Consideration and possible action on promoting the continuous welded rail project in McFarland to local representatives and interested parties.** This item was added to the agenda because Van Schwartz requested that Seeboth forward a video of the project to Seeboth asking her to forward it onto the local representatives of the Commission.
  - **Motion to distribute the welded rail video to commission that uses email and to the county clerks to the wrrtc counties – Van Schwartz / Manke– passed unanimously**
17. **Discussion and possible action regarding the planned Lower Yahara River Trail between McFarland and Madison.** Chris James from Dane County Parks and Kevin Connors, Director for Dane County Land and Water Resources were present to explain their recently funded bike/ped project that will possibly make use of WRRTC corridor in Madison. The County has been working with WSOR / WI DOT / Madison and McFarland since 2007 on this project. They have a committee that has been meeting for the last three years to develop conceptual plans for this path and have had public information meetings for a while about this, too. The County is working on a four party agreement with WI

DOT/WSOR/WRRTC/and Dane County to share corridor in two areas. In 2010, Dane County received \$3 million in transportation funds and County is putting in \$800 for this project. The County wanted to keep the WRRTC updated on the project but need no action at this time; they said they will be coming back in the next couple of months for Commission consideration. The DOT Staff added that that this project fits within dot experience and policy.

**18. Motion adjourning the meeting at 11:13a.m. – M. Ruf / Cornford - passed unanimously.**

# Wisconsin River Rail Transit Commission

X-Committee – Friday, 09 September 2011 @ 10am • Dane Co. Hwy, 2302 Fish Hatchery Rd, Madison, WI

1. Karl Nilson, Chair, called the meeting to order at 10:00 a.m.
2. Those present for all or part of the meeting:

Crawford	Tom Cornford	X- Committee	X
	Rocky Rocksvold		X
	Vacant		
Dane	Gene Gray	Treasurer	X
	Jim Haefs-Fleming		
	Forrest Van Schwartz	Advocate	X
Grant	Ivan Farness		
	Margaret Ruf	Secretary	X
	Robert Scallon	2nd Vice Chair	X
Iowa	Charles Anderson	X- Committee	X
	Gerald Dorscheid	Vice Treasurer	X
	Robert Zinck		

Rock	Ben Coopman	Alternate	
	Wayne Gustina (arrived at 10:08)		X
	Alan Sweeney	Vice Chair	
	Terry Thomas		
Sauk	Joel Gaalswijk		
	Rob Sinklair	Assistant Secretary	X
	Scott Alexander		
Walworth	Marty Krueger	Alternate	
	Jerry Grant		
	Richard Kuhnke	X- Committee	X
Waukesha	Allan Polyock		
	Karl Nilson	Chair	X
	Richard Manke		
	Fritz Ruf		

## Others present for all or part of the meeting:

Amy Seeboth (SWWRPC / WRRTC Administrator); Tim Streitz (SWWRPC); Frank Huntington and Roger Larson (WisDOT); Ken Lucht (WSOR).

3. Motion accepting Seeboth's certification of Public Notice. Cornford / Van Schwartz - passed unanimously.
4. Motion accepting the Agenda prepared by Seeboth. Items 15 and 16 were removed. Kuhnke / Gray - passed unanimously with this amendment.
5. Motion approving the draft August Minutes. M. Ruf / Van Schwartz – passed unanimously.
6. Public Comment – The WDOT is hosting their 2011 WisDOT Freight Rail Conference on Nov. 2<sup>nd</sup> and all Commissioners are invited to attend, they will receive official notice shortly. Seeboth introduced her co-worker, Tim Streitz, who is attending today to learn more about the Commission.
7. Correspondence & Communications – Van Schwartz provided a series of rail-related news articles for the Commissioners to review, Alan Anderson from Pink Lady was unable to attend but wanted to send the message to the Commission that Pink Lady would like WRRTC to begin thinking about developing a local match for the purchase of the UP Line to Reedsburg.

## REPORTS & COMMISSION BUSINESS

8. WRRTC Financial Report– Jim Matzinger, Dane County CPA / WRRTC Accountant, was not present but left copies of the treasurer's report for each Commissioner.
  - Motion accepting the treasurer's report for August and payment of bills. – Kuhnke / Sinklair – passed unanimously
9. Wisconsin & Southern Railroad's Report on Operations – Ken Lucht, WSOR, presented on the following:
 

*Update on Monthly Operations-* Lucht said that during the last couple of months, WSOR has been installing maintenance ties between Milton and Waukesha as well as doing a realignment in Waukesha. They are waiting for the rail to be delivered for this realignment project. They also recently had the rail detector test car on the Waukesha sub where they found over 200 defects. They are working on weed and brush spraying as well. They recently removed a bridge on the Monroe Sub near Brodhead and replaced it with a culvert. In the past couple of months they have replaced three major crossings. They have ordered a fourth welded-rail train to continue the

installation from McFarland to Madison. They will be inviting the Commission out to watch this installation at some time in the near future. In the next 12-18 months they plan to re-build 13 public at-grade crossings.

11. **WRRTC Administrator's Report** – Seeboth updated the Commission on the status of the crossing request in Sauk City that was removed from this agenda. She also update the Commission on their website, encouraging them to visit and make us of it ([www.wrrtc.org](http://www.wrrtc.org)). Finally, she told the Commissioners about recent transportation conference she attended (MN/WI regional transportation planners).
12. **WDOT Update** – Frank Huntington, WDOT, reported that the WDOT will be announcing their FY2012 projects very soon. He said that WSOR will likely be getting money for a couple of projects including the bridge study and the Plymouth project. He also updated the Commission on a project in Madison- the WDOT has been working with the City and DNR for a few years now on a proposed trail near Lake Waukbesa and the project was recently funded through a federal grant. A portion of this proposed trail runs along the corridor. WDOT typically does not permit this, but there are no other places that the trail can go here so they are looking into an agreement on this where the Commission will be a party. The WDOT will bring this issue before the Commission in the future. Huntington also updated the Commission on the Reedsburg acquisition, saying that the corridor is being appraised right now and once the appraisal is complete, they will report to the Commission.

**The Commission recessed for a 10 minute break at 10:58**

13. **Update, Discussion and Possible Action regarding an Agreement between WRRTC/WIDOT/WDNR for use of the BAAP rail corridor for interim trail purposes.** Huntington reported that the DNR is working on signing this agreement; they requested a few changes to it, that were reviewed by the Commission's attorney (Eileen Brownlee) and deemed okay by her. Among changes, they made the permit a lease. Once the DNR signs it, the Commission will sign it.
14. **Consideration and approval of private crossing request for Scot Forge near Spring Grove, IL.** The Commission received a private crossing request for a manufacturing business in IL, where the business owned parcels on either side of the corridor and would like to cross the corridor for their work with light utility vehicles. WSOR has reviewed this request and is in favor of it. Scot Forge has paid the Commission the necessary application fee of \$500.
  - **Motion to approve a private crossing to Scot Forge in Spring Grove, IL with limited use and pending final approval by WSOR and WRRTC Legal Council, Brownlee– Sweeney / Anderson – passed unanimously**
15. **Consideration and possible approval of utility permit for Scot Forge near Spring Grove, IL.** While improving the crossing above, Scot Forge would like to run a horizontally drilled data line under their corridor. It will be installed below an existing utility and will comply with WI Trans. 29. Scot Forge paid the necessary utility fee (\$300)
  - **Motion to grant a utility permit to Scot Forge in Spring Grove, IL for the installation of a data line under the corridor at their property, in compliance with WI Trans. 29 – Kuhnke / Sinklair – passed unanimously**
16. **Motion adjourning the meeting at 11:32 a.m. – Scallon / Rocksvold - passed unanimously.**