

**FEBRUARY 12, 2013
WALWORTH COUNTY BOARD OF SUPERVISORS
MEETING**

The Walworth County Board of Supervisors meeting was called to order by Chair Russell at 6:07 p.m. in the County Board Room at the Walworth County Government Center, 100 W. Walworth Street, Elkhorn, Wisconsin.

Roll call was conducted and the following Supervisors were present: Richard Brandl, Tim Brellenthin, Vice-Chair Jerry A. Grant, Daniel G. Kilkenny, Kenneth H. Monroe, Carl Redenius, Joe Schaefer, Rick Stacey, David A. Weber, and Chair Nancy Russell. Tim Schiefelbein was absent. A quorum was established.

Nancy Russell, Walworth County Board Supervisor, District #11, delivered the invocation.

Amendments, Withdrawals, and Approval of Agenda

On motion by Supervisor Brandl, seconded by Vice-Chair Grant, the agenda was approved by voice vote, with no withdrawals.

Approval of the Minutes

On motion by Supervisor Schaefer, seconded by Supervisor Weber, the January 8, 2013 County Board Meeting Minutes were approved by voice vote.

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

Mariette Nowak, Member of Park Committee. Ms. Nowak spoke to the board in support of the acquisition of the park land being discussed later in the meeting. She stated the board will also find that the public will be in support of this acquisition based on previous survey results. She also stated she is in favor of a public meeting to assess public interest since many feel these survey results may be too old. She said that in comparison to the other counties, Walworth County is lacking when it comes to parks.

Appointments/Elections

1. Health and Human Services Board
 - Joseph Schaefer – Three-year term to begin upon confirmation and end on January 7, 2016
 - Tim Brellenthin – Three-year term to begin upon confirmation and end on January 7, 2016
 - Ella Pious – Three-year term to begin upon confirmation and end on April 30, 2015(Recommended by the Executive Committee 4-0)

On motion by Supervisor Weber, seconded by Vice-Chair Grant, the appointments of Joseph Schaefer, Tim Brellenthin, and Ella Pious to the Health and Human Services Board were approved by voice vote.

Communications and Matters to Be Referred

Chair Russell announced that unless there was a request for an individual communication to be discussed, the Clerk would dispense with the reading of each title and the Chair would direct that all communications be referred or placed on file as indicated on the agenda.

1. Claims Received After Agenda Mailing
2. Claims: a) Notice of Claim for Vehicle Damage – Melody Burch vs. Walworth County; b) Written Notice of Circumstances of Claim Pursuant to Wisconsin Statute Sec. 893.80 (1)(a) filed by Daniel

- White, Claimant, against Walworth County Sheriff's Department; c) Notice of Lien Claim received from Wanasek, Scholze, Ludwig, Ekes & Iselin, S.C. on behalf of their client, George Schroeder Trucking, Inc., for subcontractor trucking services provided to B.R. Amon & Sons, Inc. for the Hwy D project; d) Notice of Lien Claim received from Wanasek, Scholze, Ludwig, Ekes & Iselin, S.C. on behalf of their client, George Schroeder Trucking, Inc., for subcontractor trucking services provided to B.R. Amon & Sons, Inc. for the Human Services project; e) Amended Notice of Lien Claim received from Wanasek, Scholze, Ludwig, Ekes & Iselin, S.C. on behalf of their client, George Schroeder Trucking, Inc., for subcontractor trucking services provided to B.R. Amon & Sons, Inc. for the Hwy D project; f) Notice of Claim for Vehicle Damage received from Daniel John Vaara; g) Statement of Relief Sought received from Carrie Carlsen for damage sustained to her vehicle; h) Notice of Stipulation as to Amount Due for Claim for Public Improvement Lien for Walworth County Project No. 12027 – Rock Road Companies, Inc./B.R. Amon & Sons, Inc. (To be referred to the Executive Committee)
3. Rusk County Resolution Supporting Same Day Voter Registration (To be referred to the Executive Committee)
 4. Notice of Complaint – Charge of Discrimination – Mr. Enoch L. Wilson vs. Walworth County (Sheriff's Office) (To be referred to the Executive Committee and the Human Resources Committee)
 5. Correspondence received from Mark C. Getka, co-owner of Straight Edge Concrete LLC, in regard to B.R. Amon & Sons and County Hwy D project payouts to subcontractors (To be referred to the Public Works Committee)
 6. Wisconsin River Rail Transit Commission 2011 Audit Report (The complete report can be viewed in the County Clerk's office) (To be placed on file)
 7. Correspondence from Wisconsin Counties Association (WCA) in regard to 2013 WCA Regional Legislative Meetings (To be referred to the Executive Committee)
 8. Report of the County Clerk Concerning Communications Received by the Board and Recommended to be Placed on File
 - There were none.
 9. Report of the County Clerk Concerning Communications Received by the Board After the Agenda Mailing
 - Ordinance No. 763-02/13 – Amending Sections 15-333 and 15-359 of the Walworth County Code of Ordinances Relating to Pay Plan Administration and Special Pay Premiums for Public Works Employees – *Vote Required: Majority* (The Human Resources Committee will consider this item at a special meeting prior to the February 12, 2013 County Board meeting)
 - Resolution No. 69-02/13 – Approving an Off-Schedule Step Increase for the Machine Operator Position – *Vote Required: Majority* (The Human Resources Committee will consider this item at a special meeting prior to the February 12, 2013 County Board meeting)
 - Correspondence received from Reesman's Excavating & Grading, Inc. in regard to the Boss Property – To be referred to the County Zoning Agency
 - Statement of Relief Sought received from Carrie Carlsen for damage sustained to her vehicle – To be referred to the Executive Committee
 - Rusk County Resolution Supporting Same Day Voter Registration – To be referred to the Executive Committee
 - Notice of Complaint – Charge of Discrimination – Mr. Enoch L. Wilson vs. Walworth County (Sheriff's Office) – To be referred to the Executive Committee and the Human Resources Committee
 - Notice of Stipulation as to Amount Due for Claim for Public Improvement Lien received for Walworth County Project No. 12027 – Rock Road Companies, Inc./B.R. Amon & Sons, Inc. – To be referred to the Executive Committee
 - *Walworth County Aging & Disability Resource Center News*, February 2013 – To be placed on file

10. Report of the County Clerk Concerning Zoning Petitions (To be referred to the County Zoning Agency)

- Prairie Land Ventures, LLC, Paul Demehenko, Rep., Sugar Creek Township. Rezone approx. 36 acres of A-1 Prime Agricultural District to 30 acres of C-2 Upland Resource Conservation and 6 acres of C-1 Lowland Resource Conservation Districts
- Willow Bend Park Home Owner’s Association, Inc., Christopher Welch, Pres., Geneva Township. Rezone approx. .605 acres of A-2 Agricultural District to .59 acres of C-4 (Shoreland) and .015 acres of C-1 (Non-Shoreland) Lowland Resource Conservation Districts
- Walworth County as mandated by the Wisconsin Department of Natural Resources, Town of Geneva Section 28, Lake Como Beach Subdivision. Removal of shoreland zoning designation from a stream determined to be non-navigable by the DNR from the intersection of Uranus and Longfellow to Lake Como
- Walworth County as mandated by the Wisconsin Department of Natural Resources, Town of Geneva Section 22, Lake Como Beach Subdivision. Removal of shoreland zoning designation from a stream determined to be non-navigable by the DNR from the intersection of Rosewood Rd. and Park Dr. to Lake Como

Unfinished Business

New Business

1. Discussion and possible action regarding establishment of a date to conduct a public information meeting concerning the potential acquisition of park property in the Town of Lyons – Vote Required: Majority

On motion by Supervisor Weber, seconded by Supervisor Kilkenny, Item 1 was deferred to after the Closed Session of tonight’s meeting per the recommendation of Administrator Bretl.

Reports of Standing Committees

County Zoning Agency Report of Proposed Zoning Amendments

1. Mt. Zion Christian Temple, Inc., Lyons Township. Rezone of 15 acres of A-1 to P-2 – Approved: 7-0 (January 17, 2013 County Zoning Agency Public Hearing)
2. David & Deborah Vanderwerff, Spring Prairie Township. Rezone of 2.04 acres of A-1 and A-2 to C-2 – Approved: 7-0 (January 17, 2013 County Zoning Agency Public Hearing)

On motion by Supervisor Schaefer, seconded by Supervisor Stacey, the County Zoning Agency Report of Proposed Zoning Amendments, Items 1 and 2, were approved as recommended by the County Zoning Agency.

Executive Committee

1. Ord. No. 759-02/13 – Creating Section 38-9 of the Walworth County Code of Ordinances Relating to Alcohol Licensing Violations – *Vote Required: Majority* (Recommended by the Executive Committee 4-0)
2. Res. No. 60-02/13 – Establishing a Committee of the Whole Date for a Presentation by The Wisconsin & Southern Railroad – *Vote Required: Majority* (Recommended by the Executive Committee 4-0)
3. Res. No. 61-02/13 – Requesting the State Legislature to Restore Circuit Court Funding for Guardian ad Litem and Court Support Programs – *Vote Required: Majority* (Recommended by the Executive Committee 4-0)

4. Res. No. 62-02/13 – Requesting the State Legislature to Eliminate Antiquated Tax Rate Limits for Counties – *Vote Required: Majority* (Recommended by the Executive Committee 4-0)
5. Res. No. 63-02/13 – Requesting the State to Enhance Cell Phone Emergency Response Funding – *Vote Required: Majority* (Recommended by the Executive Committee 4-0)
6. Res. No. 64-02/13 – Requesting the State to Amend Wisconsin’s Open Records Law – *Vote Required: Majority* (Recommended by the Executive Committee 4-0)
7. Res. No. 65-02/13 – Requesting That the State Restore Base-level Funding As Supported by The Wisconsin Counties Association (WCA) and the Wisconsin Farm Bureau – *Vote Required: Majority* (Recommended by the Executive Committee 4-0)
8. Res. No. 66-02/13 – Denying the Claim of Lee Fleming on Behalf of Pamela Bockelmann – *Vote Required: Majority* (Recommended by the Executive Committee 4-0)

On motion by Supervisor Weber, seconded by Supervisor Brandl, Item 1, **Ordinance No. 759-02/13**; Item 2, **Resolution No. 60-02/13**; Item 3, **Resolution No. 61-02/13**; Item 4, **Resolution No. 62-02/13**; Item 5, **Resolution No. 63-02/13**; Item 6, **Resolution No. 64-02/13**; Item 7, **Resolution No. 65-02/13**; and Item 8, **Resolution No. 66-02/13**; were approved by voice vote.

Finance Committee

1. Res. No. 67-02/13 – Authorizing Addition of Intoxicated Driver Program (IDP) Enhancement Grant and Children First Grant to Pre-approved Recurring Grants List – *Vote Required: Majority* (Recommended by the Finance Committee 4-0)

On motion by Supervisor Stacey, seconded by Vice-Chair Grant, **Resolution No. 67-02/13** was approved by voice vote.

Human Resources Committee

1. Ord. No. 760-02/13 – Amending Section 15-17 of the Walworth County Code of Ordinances Relating to a Reorganization in the Land Use & Resource Management Department – *Vote Required: Two-thirds* (Recommended by the Human Resources Committee 5-0)
2. Ord. No. 761-02/13 – Amending Section 15-17 of the Walworth County Code of Ordinances Relating to the Creation of a Clerk III Position in UW-Extension – *Vote Required: Two-thirds* (Recommended by the Human Resources Committee 5-0)
3. Ord. No. 762-02/13 – Amending Section 15-531 of the Walworth County Code of Ordinances Relating to Eligibility and Exclusions of the Group Health and Dental Insurance Benefits – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
4. Ord. No. 763-02/13 – Amending Sections 15-333 and 15-359 of the Walworth County Code of Ordinances Relating to Pay Plan Administration and Special Pay Premiums for Public Works Employees – *Vote Required: Majority* (The Human Resources Committee considered this item at a special meeting prior to the February 12, 2013 County Board meeting and was recommended 5-0)
5. Res. No. 68-02/13 – Establishing March 12, 2013 as a Committee of the Whole Date for a Presentation on the County’s Current Health Plan and a Comparison to the State Health Plan and Fully-Insured Health Plans – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
6. Res. No. 69-02/13 – Approving an Off-Schedule Step Increase for the Machine Operator Position – *Vote Required: Majority* (The Human Resources Committee considered this item at a special meeting prior to the February 12, 2013 County Board meeting and was recommended 5-0)

Supervisor Brandl offered a motion, seconded by Vice-Chair Grant, to approve Item 1, Ordinance No. 760-02/13. On my motion by Vice-Chair Grant, seconded by Supervisor Weber, **Ordinance No. 760-02/13** was approved by unanimous consent.

Supervisor Weber offered a motion, seconded by Vice-Chair Grant, to approve Item 2, Ordinance No. 761-02/13. On motion by Vice-Chair Grant, seconded by Supervisor Weber, **Ordinance No. 761-02/13** was approved by unanimous consent.

On motion by Supervisor Weber, seconded by Supervisor Brandl, Item 3, **Ordinance No. 762-02/13**; Item 4, **Ordinance No. 763-02/13**; Item 5, **Resolution No. 68-02/13**; and Item 6, **Resolution No. 69-02/13**; were approved by voice vote. Administrator Bretl stated Ordinance No. 763-02/13 and Resolution No. 69-02/13 were passed unanimously at the Human Resources Committee. He also stated that Deputy County Administrator Nicki Andersen was not available to sign the fiscal notes for these items; however, Jessica Lanser, Comptroller, reviewed them and the figures appear to be accurate.

Public Works Committee

1. Ord. No. 764-02/13 – Amending Section 16-2 and Creating Section 16-24 of the Walworth County Code of Ordinances Relating to the Maintenance and Improvement of County Trunk Highways – *Vote Required: Majority* (Recommended by the Public Works Committee 5-0)

On motion by Supervisor Stacey, seconded by Supervisor Redenius, **Ordinance No. 764-02/13** was approved by voice vote.

Report of Special Committees

There were none.

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

There was 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:

- Option to purchase land for the purpose of a park in the Town of Lyons

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

On motion by Supervisor Brandl, seconded by Supervisor Weber, the board convened into closed session at 6:23 p.m. A roll call vote was taken. Total votes: 10. Ayes: 10 – Brandl, Brellenthin, Grant, Kilkenny, Monroe, Redenius, Schaefer, Stacey, Weber, and Russell; Noes: 0; Absent: 1 - Schiefelbein.

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

On motion by Supervisor Weber, seconded by Vice-Chair Grant, the board convened into open session at 7:19 p.m. Motion carried.

Supervisor Weber offered a motion, seconded by Vice-Chair Grant, to instruct Kevin Brunner, Director – Central Services, to return to Mr. Clark to negotiate an option for six months at a cost of \$5,000 with a

