

APRIL 19, 2012
WALWORTH COUNTY BOARD OF SUPERVISORS
MEETING

The Walworth County Board of Supervisors meeting was called to order by Chair Russell at 6:00 p.m. in the County Board Room at the Walworth County Government Center, 100 W. Walworth Street, Elkhorn, Wisconsin.

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

Daniel G. Kilkenny, Walworth County Board Supervisor, District #8, delivered the invocation.

Administrator Bretl said this will be an interesting meeting for new Supervisors. He stated the recommendations coming before the Board tonight are from committee meetings held in March. He said that if any Supervisor has questions or needs the Board to slow down the process, there is nothing wrong with doing that. He also said that since the new Supervisors were not present for these committee meetings, some items can be referred back to committee. Supervisors will be informed if an item is time sensitive.

Amendments, Withdrawals, and Approval of Agenda

On motion by Supervisor Schaefer, seconded by Vice-Chair Grant, the agenda was approved by voice vote with no withdrawals. On motion by Vice-Chair Grant, seconded by Supervisor Stacey, the agenda was amended by moving Executive Committee Item #2 to immediately before Special Order of Business and moving Executive Committee Item #3 to immediately after Comment Period by Members of the Public Concerning Items Not on the Agenda. Motion carried.

Approval of the Minutes

On motion by Supervisor Stacey, seconded by Supervisor Weber, the March 13, 2012 County Board Meeting minutes were approved by voice vote.

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

There were none.

Executive Committee

2. Res. No. 02-04/12 – Proclaiming April 15 - April 20, 2012 Volunteer Week in Walworth County and Recognizing Walworth County Volunteers – *Vote Required: Majority* (Recommended by the Executive Committee 5-0)

On motion by Supervisor Weber, seconded by Vice-Chair Grant, **Resolution No. 02-04/12** was approved by voice vote.

Special Order of Business

- Proclaiming April 15 – April 20, 2012 Volunteer Week in Walworth County and Recognizing Walworth County Volunteers

Chair Russell read the resolution being presented to those volunteers being recognized. Chair Russell asked Volunteer Services Coordinator Colleen Lesniak to introduce the volunteers being recognized. Lesniak introduced the volunteers. Volunteers recognized were: Kathleen Rohleder-Griebel, Clerical Volunteer – Clerk of Circuit Courts; Suzanne Stoneburner, Guardian – Health and Human Services Department; Patricia Moering, Clerical Volunteer – Health and Human Services Department; Deborah Bluett, Clerical Volunteer – Health and Human Services Public Health Division; Rita Case, Meals on Wheels Volunteer – Health and Human Services Department; William Kaul, Volunteer Entertainer – Lakeland Health Care Center; Frank Licary, Volunteer Entertainer – Lakeland Health Care Center; Letha Kuecker, Clerical Volunteer – Sheriff’s Jail Administration; and Cynthia Koetterhagen, Senior Visitor – Volunteer Services.

Public comment:

Clerk Bushey said that a public comment request was received after the public comment period was called. She also said this public comment request does pertain to an item on the county board meeting agenda. Chair Russell asked the individual to address the board at this time.

Ron Piening, N4917 County Road M, spoke to the board in regards to a complaint he has filed with Land Use and Resource Management against Dan Boss. Mr. Piening alleges that Mr. Boss is not in compliance with a conditional use permit. He said he thought this was a serious issue and asked for a special investigation as the zoning office has not followed up.

Bretl stated the complaint has been submitted and it will be forwarded to the County Zoning Agency. This item will be on the County Zoning Agency’s meeting agenda for their Tuesday, April 24, 2012 meeting. He said that Mr. Piening can be contacted to inform him of the time that the zoning agency will take this matter up for discussion. Mr. Piening stated he will wait for that phone call.

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: None.
3. Correspondence from Supervisor Russell Urging Adoption of Ordinance No. 723-04/12 – Amending Section 15-17 of the Walworth County Code of Ordinances Relating to the Reclassification of the Food Service Manager Position at Lakeland Health Care Center – *Vote Required: Majority* (It is anticipated that the County Board will suspend its rules to take action on the ordinance at the April 19, 2012 County Board Meeting)
4. Land Use and Resource Management Department Complaint received from Ronald Piening, Complainant, in regard to alleged violation(s) by Dan Boss, Property Owner (To be referred to the County Zoning Agency)
5. Outagamie County Resolution No. 124-2011-12 – Resolution opposing language that holds the county financially responsible for services that are already paid for by other entities (To be referred to the Executive Committee)
6. Stipulation for Dismissal Between the United States and Joseph A. Caravette and Kristin S. Caravette – United States of America v. Joseph A. Caravette, et al. (To be placed on file)
7. United States Motion to Dismiss Walworth County, Wisconsin and Daddy’s Home/Business Improvement – United States of America, Plaintiff v. Joseph A. Caravette; Kristin S. Caravette a/k/a Kristin Ulanowski Caravette; Walworth County, Wisconsin; and Daddy’s Home/Business Improvement, Defendants (To be placed on file)

8. Communication received from Jefferson County Zoning and Sanitation Department in regard to Adopted Agricultural and Land Use Plan for Jefferson County – Comprehensive Plan Amendment (To be placed on file) (The disk containing the plan can be viewed in the County Clerk’s Office)
9. Correspondence from UW-Extension Local Government Center in regard to 2012 County Officials Workshop (To be placed on file)
10. Communication received from State Representative David Craig in regard to the Department of Agriculture, Trade and Consumer Protection’s (DATCP) proposal to lapse \$1,100,400 from aids to county land and water conservation departments for staffing costs (To be placed on file)
11. Report of the County Clerk Concerning Communications Received by the Board and Recommended to be Placed on File
 - There were none.
12. Report of the County Clerk Concerning Communications Received by the Board After Agenda Mailing
 - Ord. No. 724-04/12 – Amending Section 2-41 of the Walworth County Code of Ordinance Regarding Assignment of Supervisors to Standing Committees – Vote Required: Two-Thirds (The Nominating Committee’s recommendation for adoption of Res. No. 04-04/12 requires adoption of this ordinance)
 - Res. No. 04-04/12 – Nominating Members to the Various Committees of the County Board – Majority (The Nominating Committee will meet on April 18, 2012 to make recommendations and forward a final resolution to the County Board for consideration)
 - Res. No. 06-04/12 – Extending the Employment Contract of County Administrator David A. Bretl – Vote Required: Two-Thirds (Recommended by the Executive Committee 5-0)
 - Res. No. 07-04/12 – Extending the Employment Contract of Michael Cotter for Performing the Duties of Deputy Corporation Counsel – *Vote Required: Two-Thirds* (Recommended by the Executive Committee 5-0)
 - Summons and Complaint – Jess Dynek, Linda Dynek, Victor Stepaniuk, and Barbara Stepaniuk, Plaintiffs v. Walworth County and Estate of Odilia Zelinski, Defendants – To be referred to the Executive Committee
 - Claim for Public Improvement Lien received from Three T’s Trucking, Inc. d/b/a Jung Bros. Trucking – To be referred to the Executive Committee
 - Claim for Public Improvement Lien received from Hall Trucking – To be referred to the Executive Committee
 - Correspondence received from Wisconsin Counties Association (WCA) in regard to 2012 WCA District Meetings to be distributed to County Supervisors – To be placed on file
 - *Walworth County Aging & Disability Resource Center News*, April 2012 – To be placed on file
13. Report of the County Clerk Concerning Zoning Petitions (To be referred to the County Zoning Agency)
 - Amendment to Sec. 74-264 Floodplain appendix of the Walworth County Code of Ordinances, Shoreland Zoning
 - Brick Church Cemetery Association, Walworth Township, Rezone approx. .57 acres of A-1 Prime Agricultural to the Industrial Park District
 - Jeanne Myers Allis, Linn Township, Rezone approx. 1.5 acres of C-2 Upland Resource Conservation to the R-1 Single Family Residential District
 - Benjamin & Megan McFarland, Lyons Township, Rezone approx. 5.1 acres of C-3 Conservancy Residential to C-2 Upland Resource Conservation District
 - Jeffery Gunderson & Margie Schoenberg, Lyons Township, Rezone approx. 2 acres of A-1 Prime Agricultural to C-2 Upland Resource Conservation District

Vice-Chair Grant offered a motion, seconded by Supervisor Weber, to address Item #3 under Communications and Matters to be Referred. This was passed unanimously by voice vote and no “No”

votes were heard. Motion carried. On motion by Supervisor Stacey, seconded by Supervisor Weber, Item 3, **Ordinance No. 723-04/12 – Amending Section 15-17 of the Walworth County Code of Ordinances Relating to the Reclassification of the Food Service Manager Position at Lakeland Health Care Center** was approved by voice vote. Bretl stated this item is time sensitive and it calls for downgrading the position so the county can fill it. He said the fiscal note indicates the financial impact on the county and the county savings for 2012 needs to be corrected. The county savings for 2012 are \$12,561 rather than \$15,561 as initially presented in the ordinance. Motion carried.

Unfinished Business

New Business

Reports of Standing Committees

Agriculture and Extension Education Committee

1. Res. No. 01-04/12 – Commemorating the 100th Anniversary of Cooperative Extension, a Division of the University of Wisconsin-Extension – *Vote Required: Majority* (Recommended by the Agriculture and Extension Education Committee 8-0)

On motion by Supervisor Stacey, seconded by Vice-Chair Grant, **Resolution No. 01-04/12** was approved by voice vote.

County Zoning Agency Report of Proposed Zoning Amendments

1. Delavan Lake Enterprises, LLC, Delavan Township. Rezone approximately .88 acres of M-2 to B-4 – Approved: 7-0 (March 15, 2012 County Zoning Agency Public Hearing)
2. Lael Vandenburg, Linn Township. Rezone approximately 2.5 acres of C-2 to R-1 – Approved: 7-0 (March 15, 2012 County Zoning Agency Public Hearing)
3. R. Stewart Properties LLC, Walworth Township. Rezone approximately 2 acres of A-1 and A-4 to A-4 and A-1 – Approved: 7-0 (March 15, 2012 County Zoning Agency Public Hearing)

On motion by Supervisor Brandl, seconded by Supervisor Weber, the County Zoning Agency Report of Proposed Zoning Amendments, Item 1, Delavan Lake Enterprises, LLC, Delavan Township; Item 2, Lael Vandenburg, Linn Township; and Item 3, R. Stewart Properties LLC, Walworth Township, were approved as recommended by the County Zoning Agency.

Executive Committee

1. Approval of 2012-2013 County Board Meeting Schedule – *Vote Required: Majority* (Recommended by the Finance Committee 5-0 and the Executive Committee 5-0)
2. Res. No. 02-04/12 – Proclaiming April 15 - April 20, 2012 Volunteer Week in Walworth County and Recognizing Walworth County Volunteers – *Vote Required: Majority* (Recommended by the Executive Committee 5-0)
3. Res. No. 06-04/12 – Extending the Employment Contract of County Administrator David A. Bretl – *Vote Required: Two-Thirds* (Recommended by the Executive Committee 5-0)
4. Res. No. 07-04/12 – Extending the Employment Contract of Michael Cotter for Performing the Duties of Deputy Corporation Counsel – *Vote Required: Two-Thirds* (Recommended by the Executive Committee 5-0)

Supervisor Weber offered a motion, seconded by Vice-Chair Grant, to approve Item 1, Approval of 2012-2013 County Board Meeting Schedule was approved by voice vote. Chair Russell stated there needs to be a change to the May County Board meeting and she asked Bretl to speak about this. Bretl stated the recall

primary election is May 8, 2012 and it would be impossible for the Clerk's office to staff the County Board meeting and conduct the election. He stated that he strongly recommends changing the date and/or time for the May meeting. He asked for some consideration as the Clerk's office will be working late already on Tuesday, May 8th for the election. He said some options are moving the meeting to Monday, May 7, 2012 in the evening or to committee week. Chair Russell stated a suggestion at the Executive Committee meeting was to move the meeting to Monday, May 7th at 5:00 p.m. Supervisors Monroe and Kilkenny both stated that their respective village and town boards meet on that date at 7:00 p.m. Supervisors agreed that they should be able to make those meetings if the county board meeting was started at 5:00 p.m. On motion by Supervisor Weber, seconded by Supervisor Schaefer, the 2012-2013 County Board Meeting Schedule was amended by rescheduling the Tuesday, May 8, 2012 County Board meeting to Monday, May 7, 2012 at 5:00 p.m. Motion carried. On motion by Supervisor Schaefer, seconded by Supervisor Monroe, the 2012-2013 County Board Meeting Schedule was approved as amended. Motion carried.

Item 2, Resolution No. 02-04/12 was discussed earlier in the meeting.

Item 3, Resolution No. 06-04/12 was discussed later in the meeting.

Supervisor Schaefer offered a motion, seconded by Supervisor Stacey to approve Item 4, Resolution No. 07-04/12. On motion by Vice-Chair Grant, seconded by Supervisor Stacey, **Resolution No. 07-04/12** was approved by unanimous consent.

Finance Committee

1. Res. No. 03-04/12 – Authorizing General Fund Use of Assigned Fund Balance/Net Assets to Fund the Health and Human Services Boiler Equipment Replacement and Installation – *Vote Required: Two-Thirds* (Recommended by the Finance Committee 5-0)
2. Res. No. 05-04/12 – Authorizing the Waiver of Interest and Penalties on Tax Key No. YU SW 00053A – *Vote Required: Majority* (Recommended by the Finance Committee 5-0)

Supervisor Weber offered a motion, seconded by Supervisor Brandl, to approve Item 1, Resolution No. 03-04/12. **Resolution No. 03-04/12** was approved unanimously by voice vote and no "No" votes were heard.

On motion by Vice-Chair Grant, seconded by Supervisor Weber, Item 2, **Resolution No. 05-04/12** was approved by voice vote.

Public Works Committee

1. Ord. No. 722-04/12 – Amending Section 17-37 of the Walworth County Code of Ordinances Relative to the Procurement of Certain Highway Equipment through Group Purchasing Contracts – *Vote Required: Majority* (Recommended by the Public Works Committee 4-0)

On motion by Supervisor Schaefer, seconded by Supervisor Brellenthin, Item 1, **Ordinance No. 722-04/12**, was approved by voice vote.

Reports of Special Committees

1. Ord. No. 724-04/12 – Amending Section 2-41 of the Walworth County Code of Ordinances Regarding Assignment of Supervisors to Standing Committees – *Vote Required: Two-Thirds* (The Nominating Committee's recommendation for adoption of Res. No. 04-04/12 requires the adoption of this ordinance)

2. Res. No. 04-04/12 – Nominating Members to the Various Committees of the County Board – *Vote Required: Majority* (The Nominating Committee will meet on April 18, 2012 to make recommendations and forward a final resolution to the County Board for consideration)
3. Elections of Committee Members for Health and Human Services Board, Lakeland Health Care Center Board of Trustees, and Children with Disabilities Education Board (The Nominating Committee will meet on April 18, 2012 to make recommendations)

Supervisor Stacey offered a motion, seconded by Vice-Chair Grant, to approve Item 1, Ord. No. 724-04/12. Bretl stated that Supervisors are assigned to serve on committees during their two-year term and there is a change in the ordinance that sets up those assignments. He said the Nominating Committee encountered a problem in trying to accommodate the preferences of Supervisors. He also said this ordinance change switches the assignments of Supervisors B and C. He stated this was done to accommodate Supervisor Weber who was elected as Executive Committee Chairperson; therefore, he must serve on the Executive Committee. And this also helps Supervisor Schaefer's ability to be on the committees that he has served on for a number of years. He also stated this ordinance must be passed before assigning Supervisors to committees. On motion by Vice-Chair Grant, seconded by Supervisor Stacey, **Ordinance No. 724-04/12** was approved by unanimous consent.

On motion by Vice-Chair Grant, seconded by Supervisor Weber, Item 2, **Resolution No. 04-04/12** was approved by voice vote.

Supervisor Kilkenny offered a motion, seconded by Supervisor Weber, to nominate Supervisors to Health and Human Services Board (HHS), Lakeland Health Care Center Board of Trustees (LHCC), and Children with Disabilities Education Board (CDEB) as reflected in Resolution No. 04-04/12. On motion by Supervisor Kilkenny, seconded by Supervisor Weber, nominations for HHS, LHCC, and CDEB were closed and members were elected as recommended by the Nominating Committee in Resolution No. 04-04/12. Motion carried.

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

There were none.

Executive Committee

3. Res. No. 06-04/12 – Extending the Employment Contract of County Administrator David A. Bretl – *Vote Required: Two-Thirds* (Recommended by the Executive Committee 5-0)

Bretl stated that Chair Russell worked with outside counsel on drafting this contract as he cannot advise on his own contract. Administrator Bretl exited the meeting at this time. Supervisor Weber offered a motion, seconded by Supervisor Schaefer, to approve Resolution No. 06-04/12. Supervisor Weber stated that he has a tremendous amount of support for Administrator Bretl and he hopes that the board supports Bretl in this contract extension. On motion by Vice-Chair Grant, seconded by Supervisor Stacey, **Resolution No. 06-04/12** was approved by unanimous consent.

Chairperson's Report

Chair Russell stated that County Clerk Kim Bushey's mother passed away last Friday. Visitation is Friday, April 20, 2012 in the evening and the funeral service is Saturday in Verona, Wisconsin. The County Board extended their sympathies to Clerk Bushey.

Adjournment

On motion by Supervisor Brandl, seconded by Supervisor Weber, the meeting was adjourned at 6:49 p.m.

STATE OF WISCONSIN)
)SS
COUNTY OF WALWORTH)

I, Kimberly S. Bushey, County Clerk in and for the County aforesaid, do hereby certify that the foregoing is a true and correct copy of the proceedings of the County Board of Supervisors for the April 19, 2012 meeting.