

**SEPTEMBER 6, 2012  
WALWORTH COUNTY BOARD OF SUPERVISORS  
MEETING**

The Walworth County Board of Supervisors meeting was called to order by Chair Russell at 6:33 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.

David A. Weber, Walworth County Board Supervisor, District #7, 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 Brandl, the July 10, 1012 Committee of the Whole Minutes and the July 10, 2012 County Board Meeting Minutes were approved by voice vote.

On motion by Vice-Chair Grant, seconded by Supervisor Stacey, the August 16, 2012 Special County Board Meeting Minutes were approved by voice vote.

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

There were none.

**Special Order of Business**

- Government Finance Officers Association (GFOA) Distinguished Budget Presentation Award for Fiscal Year 2012

Chair Russell introduced Jeffrey Esser, who is the Executive Director and CEO of GFOA. Mr. Esser stated he was delighted to be able to be here tonight. He said the award being presented tonight is for distinguished budget presentation and Walworth County has received this award for eight consecutive years. Mr. Esser recognized Administrator David Bretl, Deputy County Administrator-Finance Nicki Andersen, Comptroller Jessica Lanser, and Budget Analyst Stacie Johnson. Chair Russell asked those individuals to come forward to receive recognition. Mr. Esser presented the award to Chair Russell. Bretl thanked Mr. Esser for his presentation and he stated he was pleased that Mr. Esser could be present at tonight's meeting.

**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  
 Claims: a) Summons and Complaint – Travis Jack, Plaintiff vs. Chaim Dovid Sachs, Asset Acceptance LLC, State of Wisconsin, and Walworth County, Defendants; b) Claim for Damage to Boat – Robert Sivek and Progressive Universal Insurance Co. vs. Walworth County Sheriff's Department; c) Notice of Claim – Jeffrey S. Akright, Claimant vs. Sheriff David Graves, Respondent (To be referred to the Executive Committee)
2. Correspondence from Wisconsin Department of Administration in regard to Walworth County's Community Development Block Grant Emergency Assistance Program Contract #EAP 08-13 (To be referred to the Executive Committee)
3. Wisconsin Department of Administration Preliminary Estimate of January 1, 2012 Walworth County Population (To be referred to the Executive Committee)
4. Correspondence from Town of Delavan regarding Assessment Trial-WIMP No. 210020201 (To be referred to the Executive Committee and Finance Committee)
5. Notice of Public Hearing relating to the City of Delavan proposed creation of Tax Incremental District No. 5 and proposed amendment of the Project Plan for Tax Incremental District No. 4 (To be referred to the Finance Committee)
6. Correspondence from Keith Clayton regarding bereavement ordinance (To be referred to the Human Resources Committee)
7. Communication from Walworth County Treasurer Kathy Du Bois regarding the County Board Sunshine Fund (It is anticipated that the County Board will vote to take action on this item at tonight's meeting, which may include a motion to suspend the rules and approve a payroll deduction to replenish the fund.)
8. Correspondence from Wisconsin Historical Society in regard to Whitewater Passenger Depot being considered for nomination to the Wisconsin State Register of Historic Places and National Register of Historic Places (To be placed on file)
9. Correspondence from Wisconsin Department of Transportation in regard to a local officials meeting on September 12, 2012 at Delavan-Darien High School to discuss future improvements to WIS 11 (To be placed on file)
10. Correspondence from Wisconsin Department of Transportation in regard to a public information meeting being held on October 10, 2012 at Delavan-Darien High School to discuss the rehabilitation of WIS 11 between US 14 and Turtle Creek Drive (To be placed on file)
11. Correspondence from the Wisconsin Historical Society in regard to the Elkhorn Municipal Building and the Elkhorn Band Shell being entered in the National Register of Historic Places and listed in the State Register of Historic Places (To be placed on file)
12. Correspondence received from Trina Adams, Government Liaison Officer – Greater Milwaukee Chapter of the American Payroll Association in regard to National Payroll Week (To be placed on file)
13. Report of the County Clerk Concerning Communications Received by the Board and Recommended to be Placed on File
  - Vilas County Finance Committee Resolution, Florence County Resolution #2012-16, Forest County Resolution No. 30-2012, Pepin County Resolution #29-2012, and Monroe County Resolution No. 06-12-05 – To support funding allocation methodology for IM consortia that reduces no consortia greater than the overall statewide percentage reduction
  - Wood County Resolution #12-7-3 and Price County Resolution #26-12 – Requesting that the Department of Health Services incentivize more effective regional collaboration, cost savings and efficiency in Income Maintenance (IM) administration by bringing more equity to calendar year 2013 consortia funding allocations
14. Report of the County Clerk Concerning Communications Received by the Board After the Agenda Mailing.

- Correspondence from Wisconsin River Rail Transit Commission (WRRTC) in regard to 2013-2015 Biennial Budget Support Letter – To be referred to the Executive Committee
- Walworth County Aging & Disability Resource Center News, August 2012 – To be placed on file
- Walworth County Aging & Disability Resource Center News, September 2012 – To be placed on file

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

- John Stoss (West Rod Cottage Industries), Town of East Troy. Rezone approx. .37 acres of C-4 Lowland Resource Conservation District (Shoreland) to C-2 Upland Resource Conservation District
- Thanks Giving Properties LLC, Town of Geneva. Rezone approx. .78 acres of B-2 General Business to R-2
- Catherine Schmalfeldt/Jeffrey L. Schmalfeldt, Town of Lyons. Rezone approx. 9 acres of A-1 Prime Agricultural to C-2 Upland Resource Conservation District and approx. 1.2 acres of A-1 to C-1 Lowland Resource Conservation District (non-shoreland)
- Hard Rock Farms LLC, Jim Bolton, Town of Spring Prairie. Rezone approx. 41 acres of C-2 Upland Resource Conservation and 11.63 acres of A-1 Prime Agricultural to M-3 Mineral Extraction District and 3.47 acres of C-2 to C-1

Supervisor Stacey offered a motion, seconded by Supervisor Weber, to suspend the rules in order for the Supervisors to address Item 8. This was passed unanimously by voice vote and no “No” votes were heard. Motion carried. On motion by Vice-Chair Grant, seconded by Supervisor Stacey, a \$20 deduction from County Board Payroll for the County Board Sunshine Fund was approved by voice vote.

**Unfinished Business**

There was none.

**New Business**

There was none.

**Reports of Standing Committees**

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

1. Ord. No. 740-09/12 – Amending Chapter 74 of the Walworth County Code of Ordinances Relating to Zoning and Shoreland Zoning – *Vote Required: Majority* (Recommended by the County Zoning Agency 7-0)  
Ordinance amendment to various sections of the zoning/shoreland zoning ordinance: Sections 74-44, 74-51, 74-52, 74-54, 74-55, 74-56, 74-57, 74-58, 74-59, 74-61, 74-62, 74-64, 74-67, 74-74, 74-83, 74-90, 74-92, 74-104, 74-125, and 74-131 of the Walworth County Code of Ordinances – Zoning and Sections 74-166, 74-167, 74-171, 74-178, 74-179, 74-181, 74-182, 74-184, 74-185, 74-186, 74-188, 74-191, 74-194, 74-203, 74-212, 74-219, 74-221, 74-233, 74-257 and 74-263 of the Walworth County Code of Ordinances – Shoreland Zoning – Approved: 7-0 (August 16, 2012 Walworth County Zoning Agency Meeting)
2. Eva N. Raufman, Whitewater Township. Rezone approximately 2.07 acres of A-1 to A-5 – Approved: 7-0 (August 16, 2012 County Zoning Agency Meeting)
3. James Friemoth, Lafayette Township. Rezone approximately 1.84 acres of M-3 to A-5 – Approved: 7-0 (August 16, 2012 County Zoning Agency Public Hearing)

4. KMR Properties LLC, Whitewater Township. Rezone approximately 2.85 acres from A-1 and A-4 to B-2 – Approved: 7-0 (August 16, 2012 County Zoning Agency Public Hearing)
5. DEG Music Products, Geneva Township. Rezone approximately .7 acres of R-1 to M-1 and approximately 2.15 acres of R-1 to B-2 – Approved: 7-0 (August 16, 2012 County Zoning Agency Public Hearing)

On motion by Supervisor Stacey, seconded by Supervisor Weber, the County Zoning Agency Report of Proposed Zoning Amendments, Items 1 thru 5, were approved as recommended by the County Zoning Agency.

### **Executive Committee**

1. Ord. No. 739-09/12 – Creating Division 6 of Article II, Chapter 2 of the Walworth County Code of Ordinances Relating to the Walworth County Metropolitan Sewerage District – *Vote Required: Two-thirds* (The Executive Committee considered this item at a special meeting prior to the September 6, 2012 County Board Meeting and it was recommended 4-1)
2. Res. No. 32-09/12 – Establishing a Committee of the Whole Date for a Presentation by the Finance Department Regarding the Status of the County’s Health Fund and Wellness Center Option – *Vote Required: Majority* (The Executive Committee considered this item at a special meeting prior to the September 6, 2012 County Board Meeting and it was recommended 5-0)

Chair Russell stated Item 1, Ordinance No. 739-09/12, was approved at the Executive Committee by a vote of 4-1. She also stated it was amended at the Executive Committee meeting to remove the last sentence “The county will give consideration to appointing a local elected official to WalCoMet”, which appeared on Lines 13-14 of the ordinance. Supervisor Kilkenny offered a motion, seconded by Supervisor Weber, to approve Item 1, Ordinance No. 739-09/12. On motion by Supervisor Stacey, seconded by Vice-Chair Grant, **Ordinance No. 739-09/12** was approved by unanimous consent.

On motion by Supervisor Weber, seconded by Supervisor Brandl, **Resolution No. 32-09/12** was approved by voice vote.

### **Human Resources Committee**

1. Ord. No. 736-09/12 – Amending Sections 15-531, 15-533 and 15-536 of the Walworth County Code of Ordinances Relating to Health Insurance Eligibility – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
2. Ord. No. 737-09/12 – Amending Section 15-532 of the Walworth County Code of Ordinances Relating to Insurance Plans for Retirees – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
3. Ord. No. 738-09/12 – Amending Section 15-324 of the Walworth County Code of Ordinances Relating to Performance Based Pay – *Vote Required: Majority* (The Human Resources Committee considered this item at a special meeting prior to the September 6, 2012 County Board Meeting and it was recommended 5-0)

On motion by Supervisor Schaefer, seconded by Supervisor Weber, **Ordinance No. 736-09/12** and **Ordinance No. 737-09/12** were approved by voice vote.

Bretl stated that Item 3, Ordinance No. 738-09/12, was approved unanimously at the committee with revisions and he outlined those revisions. Bretl stated the ordinance needs to be amended by deleting “and the result of any appeal pursuant to (9) b”, which appears on page 3 line 21. On motion by Supervisor Kilkenny, seconded by Supervisor Stacey, **Ordinance No. 738-09/12** was approved by voice vote to include the amendment as stated by Administrator Bretl. Motion carried.

### **Land Conservation Committee**

1. Ord. No. 735-09/12 – Amending Chapter 26 of the Walworth County Code of Ordinances Relative to Conservation – *Vote Required: Majority* (Recommended by the Land Conservation Committee 4-0)

On motion by Vice-Chair Grant, seconded by Supervisor Stacey, **Ordinance No. 735-09/12** was approved by voice vote.

### **Public Works Committee**

1. Res. No. 33-09/12 – Amending the Jurisdictional Highway System Plan For Walworth County: 2035 to Include the Widening of STH 50 between CTH F (north) and STH 67 – *Vote Required: Majority* (Recommended by the Public Works Committee 5-0)

Supervisor Weber offered a motion, seconded by Vice-Chair Grant, to approve Resolution No. 33-09/12. Supervisor Weber offered a motion to amend the resolution to include an attachment he distributed to those present. Supervisor Weber outlined the items on the attachment. He stated the proposed value of this project is \$37 million and the work put into this study would be lost if the resolution is rejected. He asked the Board to consider these amendments, which are listed as follows:

#### Attachment to Resolution No. 33-09/12

Before final plans are approved:

1. The number of lanes to be re-evaluated based on actual “Hose Counts” to consider:
  - a. Two plus turn lanes.
  - b. Three divided, including turn lanes.
  - c. Four divided, with reduced width of median to save as much property frontage as possible.
  - d. All of the above as needed.
2. Roundabouts be eliminated and replaced with light signals. (NOTE: A combination of roundabouts and light signals will confuse drivers.
3. Issues be resolved concerning water management, especially in the inlet area by use of retention ponds and barriers. (NOTE: Delavan Lake has one of the largest watersheds in this area.)
4. An opportunity be provided for involvement by the Walworth County Public Works Department should be made. Their long-term responsibility for the care and maintenance should be considered in the design.

Chair Russell confirmed with Supervisor Weber that the items outlined in his amendment would be done after the environmental study but before construction would start. Supervisor Kilkenny stated he is opposed to this resolution and he felt it would send a stronger signal by rejecting this resolution. He also said he felt that the trouble spots can be addressed without such a massive project. Vice-Chair Grant seconded the amendment proposed by Supervisor Weber.

Chair Russell invited representatives from Department of Transportation (DOT) or Southeastern Wisconsin Regional Planning Commission (SEWRPC) to speak on the issue. Robert Elkin, Planning Supervisor, addressed the board. Mr. Elkin stated they cannot change the need for four lanes. He said the

intersection design, such as roundabouts or traffic signals, will be looked at as they go through the design process. He stated in order to provide safe and adequate transportation, they need to widen the road. Supervisor Schaefer asked Mr. Elkin if this project would include widening the road from the former Interlaken Resort to State Highway 67. Elkin stated this project does not include this section of road; however, they are looking at that area as a separate project. Supervisor Weber stated there was resistance to the idea of widening the road in this area due to the Kishwaukee Nature Conservancy. Ken Yunker, representative from SEWRPC, stated they address improvement of roadways by segments. He said this action is amending the county highway plan to show four lanes from CTH F North to STH 67. He also said the jurisdictional plan does show the ultimate need for four lanes from STH 67 to the east, which is the area Supervisor Schaefer is concerned about. Ryan Simons, Town of Delavan Chair, addressed the board. Mr. Simons stated the town has looked at this project a number of times and they were educated on the traffic levels and what the service levels need to be. He said this stretch of highway needs to be four lanes in order for it to be safe. He also said the town looked at this project with 3 objectives – save lives, save businesses, and save the lake. He stated the Town of Delavan looked at a number of options and with input from its citizens, they thoroughly support this option.

Chair Russell relinquished the chair to Vice-Chair Grant to address the board. Chair Russell stated she serves on SEWRPC and the Jurisdictional Highway Committee. She said the plan was approved by the Jurisdictional Highway Committee. She also said they have always given respect to the local people where these plans are going to be implemented. She stated the Town of Delavan knows the traffic patterns and needs better than anybody else and she wants to respect their wishes in this case. She said if this is not approved, all the funds and the environmental study will be lost and it will be many years before this is looked at again. She also said that if this is approved, it will be several years before the project is implemented. She asked the board to give a positive vote on this resolution. Schaefer asked Chair Russell why the Jurisdictional Highway Committee does not have the four lanes from the former Interlaken Resort to STH 67 in the plan. Chair Russell stated that the plan is that it should be four lanes from the west end of Lake Geneva to Interstate 43.

A roll call vote was conducted on the amendment to the resolution. Total votes: 11. Ayes: 11 – Brandl, Brellenthin, Grant, Kilkenny, Monroe, Redenius, Schaefer, Schiefelbein, Stacey, Weber, and Russell. Noes: 0. Absent: 0. The amendment to Resolution No. 33-09/12 was approved by roll call vote.

A roll call vote was conducted on Resolution No. 33-09/12 as amended. Total Votes: 11. Ayes: 10 – Brandl, Brellenthin, Grant, Monroe, Redenius, Schaefer, Schiefelbein, Stacey, Weber, and Russell. Noes: 1 – Kilkenny. Absent: 0. **Resolution No. 33-09/12** was approved as amended by roll call vote.

### **Reports of Special Committees**

There were none.

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

There were none.

### **Chairperson's Report**

Chair Russell reminded Supervisors of the Committee of the Whole meeting being held on Wednesday, September 19, 2012 at 10:30 a.m.

**Adjournment**

On motion by Supervisor Kilkenny, seconded by Supervisor Brandl, the meeting was adjourned at 7:47 p.m.

STATE OF WISCONSIN     )  
  )SS  
COUNTY OF WALWORTH)

I, Kimberly S. Bushey, County Clerk in and for the County aforesaid, do hereby certify that the foregoing is a true and correct copy of the proceedings of the County Board of Supervisors for the September 6, 2012 meeting.