

**JANUARY 14, 2014**  
**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, 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.

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

On motion by Vice-Chair Grant, seconded by Supervisor Weber, the agenda was approved by voice vote with the amendment of moving Park Committee Items #3 and #2, respectively, to immediately after Comment Period by Members of the Public Concerning Items on the Agenda.

**Approval of the Minutes**

On motion by Supervisor Brandl, seconded by Supervisor Schaefer, the December 10, 2013 County Board Meeting minutes were approved by voice vote.

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

There was none.

**Park Committee**

3. Res. No. 66-01/14 – Recognizing Robert Biersack of Biersack Well Service for his Contribution to Price Park – *Vote Required: Majority* (Recommended by the Park Committee 3-0)

On motion by Supervisor Weber, seconded by Supervisor Brellenthin, **Resolution No. 66-01/14** was approved by voice vote. Chair Russell asked Mr. Biersack to come forward to be recognized. Chair Russell read the resolution.

**Park Committee**

2. Res. No. 65-01/14 – Recognizing Vendor Support in Promoting the White River State Trail – *Vote Required: Majority* (Recommended by the Park Committee 3-0)

On motion by Supervisor Weber, seconded by Vice-Chair Grant, **Resolution No. 65-01/14** was approved by voice vote. Chair Russell asked representatives that were present from the following businesses to come forward to be recognized: Bob's Pedal Pusher, Walworth County Boots and Saddle Club, Elkhorn Chamber of Commerce, Lyons Grocery, Pedal and Cup, Walworth County Visitors Bureau and White River Cycle Club. Chair Russell read the resolution.

**Appointments/Elections**

1. Agriculture & Extension Education Committee

- Kelly Pickel – Term to begin upon confirmation and end on December 30, 2015 (Recommended by the Executive Committee 3-0)
2. Veterans Service Commission
- Les Allen – Three-year term to begin upon confirmation and end on December 31, 2016 (Recommended by the Executive Committee 3-0)

On motion by Supervisor Brandl, seconded by Supervisor Weber, the appointments to the Agriculture & Extension Education Committee and Veterans Service Commission 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 Receiver’s Motion – In re: B.R. Amon & Sons, Inc. 13-CV-363; Amon & Sons, Inc. 13-CV-365; Amon Land Company, LLC 13-CV-364; Lake Mills Blacktop, Inc. 13-CV-366; b) Notice of Claim for Vehicle Damage – Shahid A. Muqaddim (To be referred to the Executive Committee)
3. Outagamie Co. Resolution No. 114-2013-14 – Support legislation in which a person may not be prosecuted for possessing naloxone or for administering or delivering naloxone to another person if acting with the good faith belief to save another person’s life from an overdose or adverse reaction to a controlled substance (To be referred to the Executive Committee)
4. Outagamie Co. Resolution No. 115-2013-14 – Support legislation updating state criminal law and state regulatory provisions concerning prescription drugs and controlled substances to facilitate and encourage the operation of community drug disposal programs (To be referred to the Executive Committee)
5. Outagamie Co. Resolution No. 116-2013-14 – Support legislation allowing all levels of EMT’s and first responders to be trained to administer naloxone (To be referred to the Executive Committee)
6. Outagamie Co. Resolution No. 117-2013-14 – Support legislation which would require individuals to show proper identification when picking up Schedule II or III narcotic/opiate prescription medication (To be referred to the Executive Committee)
7. Adams County Resolution #122-2013 – Resolution to Support Wisconsin 2013 Assembly Bill 308 (To be referred to the Executive Committee)
8. Correspondence from State of Wisconsin Division of Emergency Management in regard to their review of the half-year progress reports submitted by County Directors of Emergency Management for the period of April 1, 2013 through September 30, 2013 (To be referred to the Executive Committee)
9. Communication from Southeastern Wisconsin Regional Planning Commission with the Commission’s *2012 Annual Report* (To be placed on file) (The complete report can be viewed in the County Clerk’s office)
10. Report of the County Clerk Regarding Communications Received by the Board and Recommended to be Placed on File
  - There were none.
11. Report of the County Clerk Regarding Communications Received by the Board After the Agenda Mailing
  - Ordinance No. 828-01/14 – Amending Section 15-17 of the Walworth County Code of Ordinances Relating to Changes to the Maintenance Positions at Public Works
  - Ordinance No. 829-01/14 – Repealing and Recreating Sections of Chapter 65 of the Walworth County Code of Ordinances Relating to Renewable Energy

- Resolution No. 69-01/14 – Authorizing the Proper County Officials to Purchase Parkland in the Town of Lyons, Consisting of Approximately 195 Acres
  - Notice of Claim – Allan Biesterveld – To be referred to the Executive Committee
  - Notice of Claim – Geneva National Community Association, Inc. and Geneva National Condominium Master Association, Inc. – Unit No. 17-02 for damages from the County of Walworth – To be referred to the Executive Committee
  - Notice of Injury – Geneva National Community Association, Inc. and Geneva National Condominium Master Association, Inc. – Unit No. 17-02 – To be referred to the Executive Committee
  - Correspondence from County Clerk Kimberly Bushey sent to Governor Scott Walker regarding the official Notice of Vacancy for the office of Walworth County Coroner – To be placed on file
  - Correspondence from Raquel Guadian-Harris with signed petitions from Walworth County residents in regard to the placement of the Nativity Scene at the Courthouse Square – To be placed on file (The signed petitions can be viewed in the County Clerk’s office)
  - Correspondence from the City of Whitewater regarding an amendment to the City of Whitewater Comprehensive Plan – To be placed on file (The amendment can be viewed in the County Clerk’s office)
  - *Walworth County Aging & Disability Resource Center News*, January 2014 – To be placed on file
12. Report of the County Clerk Regarding Zoning Petitions (To be referred to the County Zoning Agency)
- Timothy A. Lightfield, Spring Prairie Township. Rezone approx. 3.27 acres of A-1 Agricultural District to C-2 Upland Resource Conservation District

**Unfinished Business**

**New Business**

**Reports of Standing Committees**

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

1. Reek Elementary School – Ryan Southwick (Treasurer of School Board), Section 16, Linn Township. Rezone the C-2 and C-4 zoned property to P-1 Park and C-4 Shoreland Wetlands Districts in order to make the upland area of the school all P-1 zoned – Approved: 7-0 (December 19, 2013 County Zoning Agency Public Hearing)
2. Walworth County/Wisconsin Department of Natural Resources, Sections 4 and 5, East Troy Township. The Wisconsin Department of Natural Resources has mandated amendments to the Walworth County Shoreland Floodplain Ordinance requiring a larger flood hazard area below the Lake Beulah Dam. The amendments are based on DNR submittal of a new flood hazard map. The larger flood hazard area below Lake Beulah Dam was DNR approved as a result of the assignment of the High Hazard rating for the Lake Beulah Dam, field file 64.05 dated December 1, 2004, and adopted by Walworth County on September 7, 2006 – Approved: 7-0 (December 19, 2013 County Zoning Agency Public Hearing)
3. Margie A. Schoenberg, Wisconsin Department of Natural Resources and Walworth County, Michael P. Schoenberg – Applicant, Section 10, Lyons Township. Rezone approximately 18 acres of C-1 and C-4 to A-1 – Approved: 7-0 (December 19, 2013 County Zoning Agency Public Hearing)
4. Theresa and Peter Hoekstra, Michael and Linda Hoekstra – Applicant, Section 2, Darien Township. Rezone approximately 4.5 acres of C-2 and 1.33 acres of M-3 to A-1 – Approved: 7-0 (December 19, 2013 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 through 4, was approved as recommended by the County Zoning Agency.

### **County Zoning Agency**

1. Ord. No. 829-01/14 – Repealing and Recreating Sections of Chapter 65 of the Walworth County Code of Ordinances Relating to Renewable Energy – *Vote Required: Majority* (Recommended by the County Zoning Agency 7-0)

On motion by Supervisor Stacey, seconded by Supervisor Brellenthin, **Ordinance No. 829-01/14** was approved by voice vote.

### **Executive Committee**

1. Ord. No. 824-01/14 – Amending Chapter 38 of the Walworth County Code of Ordinances Relating to Alcohol Licensing Violations – *Vote Required: Majority* (Recommended by the Executive Committee 3-0)

On motion by Supervisor Weber, seconded by Supervisor Brandl, **Ordinance No. 824-01/14** was approved by voice vote. Sheriff Graves stated it reduces the violation to a county ordinance violation versus going through the District Attorney's office for a state charge.

### **Finance Committee**

1. Res. No. 67-01/14 – Authorizing the Transfer of \$25,000 from the 2014 Contingency Fund to Complete Underground Fuel Tank Remediation Plan – *Vote Required: Two-thirds* (Recommended by the Finance Committee 4-0)

Supervisor Weber offered a motion, seconded by Vice-Chair Grant, to approve Resolution No. 67-01/14. On motion by Vice-Chair Grant, seconded by Supervisor Stacey, **Resolution No. 67-01/14** was approved by unanimous consent.

### **Health & Human Services Board**

1. Ord. No. 830-01/14 – Amending Sections 50-2 and 50-5 of the Walworth County Code of Ordinances Relating to Prioritizing Prevention Services through the Department of Health & Human Services – *Vote Required: Majority* (Recommended by the Health & Human Services Board 7-0)

On motion by Supervisor Monroe, seconded by Vice-Chair Grant, **Ordinance No. 830-01/14** was approved by voice vote.

### **Human Resources Committee**

1. Ord. No. 827-01/14 – Amending Section 15-17 of the Walworth County Code of Ordinances Relating to a Title Change to the Grounds Supervisor Position at Public Works – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
2. Ord. No. 828-01/14 – Amending Section 15-17 of the Walworth County Code of Ordinances Relating to Changes to the Maintenance Positions at Public Works – *Vote Required: Majority* (Recommended by the Human Resources Committee 4-1)
3. Res. No. 68-01/14 – Extending the Employment Contract of Michael Cotter for Performing the Duties of Deputy Corporation Counsel – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)

On motion by Vice-Chair Grant, seconded by Supervisor Weber, Item 1, **Ordinance No. 827-01/14**; Item 2, **Ordinance No. 828-01/14**; and Item 3, **Resolution No. 68-01/14**; were approved by voice vote.

### **Park Committee**

1. Ord. No. 826-01/14 – Amending Section 30-156 of the Walworth County Code of Ordinances Relating to Acceptance and Use of Donations and Creating Section 42-10 of the Code Relating to the Naming of Parks – *Vote Required: Majority* (Recommended by the Park Committee 3-0)
2. Res. No. 65-01/14 – Recognizing Vendor Support in Promoting the White River State Trail – *Vote Required: Majority* (Recommended by the Park Committee 3-0)
3. Res. No. 66-01/14 – Recognizing Robert Biersack of Biersack Well Service for his Contribution to Price Park – *Vote Required: Majority* (Recommended by the Park Committee 3-0)
4. Res. No. 69-01/14 – Authorizing the Proper County Officials to Purchase Parkland in the Town of Lyons, Consisting of Approximately 195 Acres – *Vote Required: Majority* (Recommended by the Park Committee 3-0)

On motion by Vice-Chair Grant, seconded by Supervisor Brandl, Item 1, **Ordinance No. 826-01/14** was approved by voice vote.

Item 2, Resolution No. 65-01/14, was acted upon earlier in the meeting.

Item 3, Resolution No. 66-01/14, was acted upon earlier in the meeting.

On motion by Supervisor Kilkenny, seconded by Supervisor Weber, Item 4, **Resolution No. 69-01/14** was approved by voice vote. Supervisor Schaefer asked if the house is going to be separate from the park. Chair Russell stated that the house and five acres were not included in the stewardship grant. Supervisor Schaefer asked when the current owner will vacate the house. Bretl stated there is no provision in the option to allow the current owner to stay past closing. He said the county has to exercise the option by the end of January and then close within 60 days. (See additional comments under Chairperson's Report.)

### **Public Works Committee**

1. Ord. No. 825-01/14 – Amending Chapter 54 of the Walworth County Code of Ordinances Relating to Streets, Sidewalks and Certain Other Public Places – *Vote Required: Majority* (Recommended by the Public Works Committee 5-0)

Supervisor Stacey offered a motion, seconded by Supervisor Weber, to approve Ordinance No. 825-01/14. Vice-Chair Grant asked Sheriff Graves how much of taxpayer funds were used to pay the Sheriff's Office for staffing organized events in 2013. Sheriff Graves gave an example of a bike race and how they plan to staff the event. He stated they determine how many stations will be required for the event and what the hourly wage would be in order to calculate the cost of staffing an event. He said this amount is sent to the entity and he stated they have not had a problem getting paid for their services. He stated the Sheriff's Office is essentially contracted for the event and is paid for their services. Vice-Chair Grant expressed concern regarding the county charging for this service when most events are hosted by non-profit organizations. Chair Russell stated there was a complaint from a citizen about traffic being blocked by a private party and this was a safety hazard. Sheriff Graves said under state statues, they cannot have civilians directing traffic.

Bretl stated there are two components concerning this ordinance, which are the process for applying for the event and cost recovery. He asked for consideration of the process for applying for these events and giving the county the basis to deny an event. He stated it sets up a framework and would formalize the

process. Sheriff Graves stated if the event is in the city or village, it does not affect the county. Vice-Chair Grant asked about the requirement of a deposit when applying for the event and asked what they collect now. Sheriff Graves stated they currently do not collect a deposit. Michael Cotter, Deputy Corporation Counsel, stated he was involved in recouping costs for a bike race where the Sheriff's Office incurred huge costs and a deposit up front would have been helpful. Supervisor Stacey asked how events at Elegant Farmer are handled when they close down Highway ES. Cotter stated it was illegal for them to close the road, and later, a cross walk was put in. Sheriff Graves stated that Mukwonago Police Department has to have a program in place and has to train an individual to handle such events. John Miller, Public Works, stated the Sheriff's Office has always had a plan and has coordinated these events. He said Public Works had an incident occur where they were in the middle of a chip sealing project and they had to stop the project due to a bike race coming through that area. He stated that Public Works was never notified of the event. He said they want to establish a system where Public Works is notified along with the Sheriff's Office. **Ordinance No. 825-01/14** was approved by voice vote.

### **Report of Special Committees**

There was none.

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

There was none.

### **Chairperson's Report**

Chair Russell read a Thank You card from the family of Tim Schiefelbein.

Bretl clarified that the county must exercise the option to purchase for the Clark property before January 31, 2014 and closing before April 1, 2014. He stated there is no reservation of a life estate on the property.

### **Adjournment**

On motion by Supervisor Weber, seconded by Supervisor Brandl, the meeting was adjourned at 6:45 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 January 14, 2014 meeting.