

JULY 9, 2013
WALWORTH COUNTY BOARD OF SUPERVISORS
MEETING

The Walworth County Board of Supervisors meeting was called to order by Chair Russell at 6:12 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, David A. Weber, and Chair Nancy Russell. Rick Stacey was absent. 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 following amendments: 1) To suspend the rules and move Item #5 under Communications and Matters to be Referred to follow Approval of the Minutes to permit Abigail Jensen, Walworth County Fairest of the Fair, to give a brief presentation; and 2) Move Executive Committee Item #6 and Park Committee Item #1 to immediately follow Ms. Jensen's presentation.

Approval of the Minutes

On motion by Supervisor Weber, seconded by Supervisor Schaefer, the June 11, 2013 Committee of the Whole and June 11, 2013 County Board Meeting minutes were approved by voice vote.

Walworth County Fairest of the Fair Abigail Jensen delivered a brief presentation regarding the upcoming fair.

Supervisor Rick Stacey arrived at 6:16 p.m.

Executive Committee

6. Res. No. 39-07/13 – Recognizing Marilyn Putz for Her Service to Walworth County – *Vote Required: Majority* (Recommended by the Executive Committee 5-0)

On motion by Supervisor Brandl, seconded by Supervisor Weber, **Resolution No. 39-07/13** was approved by voice vote. Chair Russell asked Marilyn Putz to come forward. Chair Russell read the resolution. Ms. Putz thanked the board for their support.

Park Committee

1. Res. No. 35-07/13 – Recognizing and Commending Jacob Dertz on his Completion of an Eagle Scout Service Project at Natureland Park – *Vote Required: Majority* (Recommended by the Park Committee 5-0)

On motion by Supervisor Weber, seconded by Supervisor Brandl, **Resolution No. 35-07/13** was approved by voice vote. Chair Russell asked Jacob Dertz to come forward. Chair Russell read the resolution. Mr. Dertz thanked the county for their support.

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

Clerk Bushey stated correspondence was received from Thomas Benson and Ronald Benson regarding a zoning matter that was the subject of a public hearing. We are not permitted to read it at tonight's meeting due to the public hearing already being held. Clerk Bushey wanted the record to show that the correspondence was received.

Kenneth Baumeister, 2831 Berndt Road, Lyons Township, addressed the board regarding the county's health insurance plan. He stated he spoke to the board some time ago and requested that the county have bids done for the health insurance plan. He also expressed concern regarding part-time employees not having health insurance as many employers do not offer health insurance to part-time employees.

Administrator Bretl stated the board will be discussing health insurance later in the meeting. He said the board has been studying health insurance for the past nine months, which involved receiving quotes from private plans and the state plan, considering modifications to the county's current health plan, and studying a clinic option. He stated that with Federal Health Care Reform, employees who work 75% or more have to be provided with affordable health care coverage and this will also be discussed later in the meeting as there are some positions being upgraded to full-time.

Appointments/Elections

1. Board of Adjustment
 - Gregory Guidry – Three-year term to begin upon confirmation and end on June 30, 2016
(Recommended by the Executive Committee 5-0)
2. Civil Service Board
 - John Marra – Five-year term to begin upon confirmation and end on July 30, 2017
 - James Nerud – Term to begin upon confirmation and end on December 31, 2015
(Recommended by the Executive Committee 5-0)

On motion by Supervisor Brandl, seconded by Supervisor Weber, the appointments to the Board of Adjustment and the Civil Service 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) Summons and Complaint – Winston Revocable Trust, Bear Cave Irrevocable Trust, and Bear Cave Residence Trust, Plaintiffs, v. Walworth County Board of Adjustment and Walworth County Department of Land Use and Resource Management, Defendants; b) Notice of Claim received from Missy Frautschy; c) Notice of Claim received from Howard Thiel; d) Notice of Claim received from Sandra Walter (To be referred to the Executive Committee)
3. Correspondence from County Administrator regarding an extension of the County's option to purchase the Clark property in the Town of Lyons for the purpose of establishing a park. (It is anticipated that a motion will be made pursuant to Section 2-65(c)(1) of the Code of Ordinances and that the resolution attached to the above-stated correspondence will be acted on immediately.)
4. Request for a Public Hearing in regard to the potential revocation of conditional use permit approvals for Units 11 and 174 of the Willow Run Condominium Association (To be referred to the County Zoning Agency)
5. Correspondence received from the Walworth County Fair Office regarding a request for the Fairest of the Fair Abigail Jensen to make a presentation to the County Board (To be placed on file) (It is

anticipated that the County Board will suspend its rules and consider the request and permit the Fairest of the Fair to make a short presentation at tonight's meeting)

6. Eau Claire County Resolution No. 13-14/038 – Support of Clean Energy Choice for Wisconsin (To be referred to the Executive Committee)
7. Brown County Resolution In Favor of Freezing Renewable Energy Requirements at the 2011 Level (To be referred to the Executive Committee)
8. Correspondence from Southeastern Wisconsin Regional Planning Commission in regard to their Calendar Year 2014 Budget (To be referred to the Finance Committee)
9. Correspondence from the Wisconsin Historical Society in regard to the Whitewater Passenger Depot being entered in the National Register of Historic Places and the State Register of Historic Places (To be placed on file)
10. Correspondence from State Representative Andy Jorgensen acknowledging receipt of Walworth County resolutions (To be placed on file)
11. Report of the County Clerk Regarding Communications Received by the Board and Recommended to be Placed on File
 - There was none.
12. Report of the County Clerk Regarding Communications Received by the Board After the Agenda Mailing
 - Correspondence from County Administrator regarding an extension of the County's option to purchase the Clark property in the Town of Lyons for the purpose of establishing a park (It is anticipated that a motion will be made pursuant to Section 2-65(c)(1) of the Code of Ordinances and that the resolution attached to the above-stated correspondence will be acted on immediately.)
 - Ordinance No. 791-07/13 – Amending Section 15-17 of the Walworth County Code of Ordinances Relating to the Creation of a Treatment Court Coordinator Position in the Clerk of Courts Office – *Vote Required: Two-thirds* (Recommended by the Human Resources Committee 5-0)
 - Ordinance No. 796-07/13 – Amending Section 15-17 of the Walworth County Code of Ordinances Relating to the 2013-14 Lakeland School Staffing Plan – *Vote Required: Majority* (The Human Resources Committee and the Children with Disabilities Education Board will each consider this item at a special meeting prior to the July 9, 2013 County Board meeting.)
 - Ordinance No. 797-07/13 – Amending Section 15-17 of the Walworth County Code of Ordinances Relating to Staffing Changes at the Lakeland Health Care Center – *Vote Required: Majority* (The Human Resources Committee will consider this item at a special meeting prior to the July 9, 2013 County Board meeting.)
 - Resolution No. 36-07/13 – Opposing Legislative Efforts to Remove Local Control of the Statewide 911 System – *Vote Required: Majority* (Recommended by the Executive Committee 5-0)
 - Resolution No. 40-07/13 – Endorsing the Regional Housing Plan for the Year 2035 as Set Forth in SEWRPC Planning Report No. 54 – *Vote Required: Majority* (Recommended by the Executive Committee 4-1)
 - Resolution No. 41-07/13 – Accepting the Wisconsin Trauma Project Grant – *Vote Required: Majority* (Recommended by the Health and Human Services Board 7-1)
 - Resolution No. 42-07/13 – Approving Modifications to Walworth County's Self-Funded Health Insurance Plan – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
 - Resolution No. 43-07/13 – Adopting 2014 Pay Ranges for Certain Hourly Employees and Salaried Exempt Employees – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
 - Notice of Claim received from Joe Marcin – To be referred to the Executive Committee
 - Barron County Resolution No. 2013-29 – Resolution Supporting Annual WCA Convention in the Wisconsin Dells – To be referred to the Executive Committee

- Winnebago County Resolution No. 22-52013 – Support an Amendment to § 706.05, Wis. Stats, to Require Recording of Mortgage Assignments (was previously referred to the Executive Committee) – To be placed on file
 - *Walworth County Aging & Disability Resource Center News*, July 2013
13. Report of the County Clerk Regarding Zoning Petitions (To be referred to the County Zoning Agency)
- Citizens Bank of Mukwonago, Douglas R. Bruins – President, Lafayette Township. Rezone 3.07 acres of B-5 Planned Commercial Recreational Business District to A-5 Agricultural Rural Residential District
 - William M. & Lorraine A. Norem, Lafayette Township. Rezone 10.5 acres of R-5 Planned Residential Development District and A-2 Agricultural District to A-5 Agricultural Rural Residential District
 - Mark & Kathy Gorecki, Sugar Creek Township. Rezone 1.48 acres of A-1 Prime Agricultural District and A-5 Agricultural Rural Residential District to A-4 Agricultural Related Manufacturing, Warehousing and Marketing District
 - J&J Fabricating Real Estate LLC, Jeff Reed – Owner/Applicant, Linn Township. Rezone .65 acres of R-1 Single Family Residential District to M-1 Industrial District
 - Eugene & Donna Frodl, Whitewater Township. Rezone 40.33 acres of M-3 Mineral Extraction District to 34.90 acres of A-1 Prime Agricultural District and 5.43 acres of A-5 Agricultural Rural Residential District

Vice-Chair Grant stated that with regard to Item 3, Correspondence from County Administrator regarding an extension of the County’s option to purchase the Clark property in the Town of Lyons for the purpose of establishing a park, he made a motion pursuant to Section 2-65(c)(1) of the Code of Ordinances that Resolution No. 44-07/13 attached to said correspondence be acted on immediately. Seconded by Supervisor Weber. Motion carried. Vice-Chair Grant offered a motion, seconded by Supervisor Weber, to approve Resolution No. 44-07/13. Bretl stated the option to purchase will expire in August and there has been no indication from the State of Wisconsin Department of Natural Resources regarding the stewardship grant. He also stated they are short of the vote necessary to acquire the property even if received the stewardship grant as it is an unbudgeted item and requires a two-thirds vote. He said this resolution authorizes staff to obtain an extension of the option under the original terms for the time stated. Supervisor Kilkenny stated the option price has already been paid and there is no additional consideration. Supervisor Redenius asked if the money for the park will be put in the 2014 budget. Bretl stated it is the county board’s decision as to what is put in the 2014 budget and there is a different vote requirement for the budget. A roll call vote was taken. Total votes: 11. Ayes: 7 – Brellenthin, Grant, Kilkenny, Schaefer, Schiefelbein, Weber, and Russell; Noes: 4 – Brandl, Monroe, Redenius, and Stacey; Absent: 0. **Resolution No. 44-07/13** was approved by roll call vote.

Unfinished Business

New Business

Reports of Standing Committees

County Zoning Agency Report of Proposed Zoning Amendments

1. David A. Hernandez and Tereasa Surratt (Anthony Colletti – Applicant), Section 2, Sugar Creek Township. Rezone 3.12 acres of R-1 to P-1 – Approved: 7-0 (June 20, 2013 County Zoning Agency Public Hearing)
2. Adam Friemoth and Donald Barker, Section 12, Lafayette Township. Rezone 5.28 acres of A-2 to A-1 and 5.28 acres of A-1 to A-2 – Approved: 7-0 (June 20, 2013 County Zoning Agency Public Hearing)

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

Executive Committee

1. Ord. No. 794-07/13 – Amending Section 2-200 of the Walworth County Code of Ordinances Relating to Establishing Terms for Certain Members of the Land Information Advisory Council – *Vote Required: Two-thirds* (Recommended by the Executive Committee 5-0)
2. Ord. No. 795-07/13 – Amending Sections 2-32 and 2-154 of the Walworth County Code of Ordinances Relating to Duties and Responsibilities of the County Board – *Vote Required: Two-thirds* (Recommended by the Executive Committee 5-0)
3. Res. No. 36-07/13 – Opposing Legislative Efforts to Remove Local Control of the Statewide 911 System – *Vote Required: Majority* (Recommended by the Executive Committee 5-0)
4. Res. No. 37-07/13 – Supporting an Amendment to State Law to Permit a Multi-Vendor Student Information System for Wisconsin School Districts – *Vote Required: Majority* (Recommended by the Executive Committee 5-0)
5. Res. No. 38-07/13 – Supporting Efforts to Maintain the Tax-Exempt Status of Municipal Bonds – *Vote Required: Majority* (Recommended by the Executive Committee 5-0)
6. Res. No. 39-07/13 – Recognizing Marilyn Putz for Her Service to Walworth County – *Vote Required: Majority* (Recommended by the Executive Committee 5-0)
7. Res. No. 40-07/13 – Endorsing the Regional Housing Plan for the Year 2035 as Set Forth in SEWRPC Planning Report No. 54 – *Vote Required: Majority* (Recommended by the Executive Committee 4-1)

Supervisor Weber offered a motion, seconded by Supervisor Brandl, to approve Item 1, Ordinance No. 794-07/13. On motion by Vice-Chair Grant, seconded by Supervisor Weber, **Ordinance No. 794-07/13** was approved by unanimous consent.

Supervisor Weber offered a motion, seconded by Vice-Chair Grant, to approve Item 2, Ordinance No. 795-07/13. On motion by Vice-Chair Grant, seconded by Supervisor Weber, **Ordinance No. 795-07/13** was approved by unanimous consent.

On motion by Supervisor Weber, seconded by Supervisor Brandl, Item 3, **Resolution No. 36-07/13**; Item 4, **Resolution No. 37-07/13**; Item 5, **Resolution No. 38-07/13**; and Item 7, **Resolution No. 40-07/13**; were approved by voice vote. Supervisor Schiefelbein requested his vote to be recorded as “No” for Item #7, Resolution No. 40-07/13.

Item 6, Resolution No. 39-07/13, was acted on earlier in the meeting.

Health and Human Services Board

1. Res. No. 41-07/13 – Accepting the Wisconsin Trauma Project Grant – *Vote Required: Majority* (Recommended by the Health and Human Services Board 7-1)

On motion by Vice-Chair Grant, seconded by Supervisor Brandl, **Resolution No. 41-07/13** was approved by voice vote.

Human Resources Committee

1. Ord. No. 787-07/13 – Amending Section 15-17 of the Walworth County Code of Ordinances Relating to the Elimination of Contracts and the Creation of Positions in Health & Human Services – *Vote Required: Two-thirds* (Recommended by the Human Resources Committee 5-0)

2. Ord. No. 788-07/13 – Amending Section 15-359 of the Walworth County Code of Ordinances Relating to Special Pay Premiums for Certain LHCC Employees – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
3. Ord. No. 789-07/13 – Amending Section 15-337 of the Walworth County Code of Ordinances Relating to Reinstatement of Pay and Benefits for Employees Reinstated from Layoff – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
4. Ord. No. 790-07/13 – Amending Section 15-17 of the Walworth County Code of Ordinances Relating to the Reclassification of a Property Tax Specialist to an Account Clerk IV in the Treasurer’s Office – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
5. Ord. No. 791-07/13 – Amending Section 15-17 of the Walworth County Code of Ordinances Relating to the Creation of a Treatment Court Coordinator Position in the Clerk of Courts Office – *Vote Required: Two-thirds* (Recommended by the Human Resources Committee 5-0)
6. Ord. No. 792-07/13 – Amending Section 15-324 of the Walworth County Code of Ordinances Relating to the Family Court Commissioner Salary – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
7. Ord. No. 793-07/13 – Amending Sections 15-6 and 15-810 of the Walworth County Code of Ordinances Relating to Position Titles in Information Technology – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
8. Ord. No. 796-07/13 – Amending Section 15-17 of the Walworth County Code of Ordinances Relating to the 2013-14 Lakeland School Staffing Plan – *Vote Required: Majority* (The Human Resources Committee and the Children with Disabilities Education Board each considered this item at a special meeting prior to the July 9, 2013 County Board meeting and it was recommended by the Human Resources Committee 5-0 and the Children with Disabilities Education Board 5-0)
9. Ord. No. 797-07/13 – Amending Section 15-17 of the Walworth County Code of Ordinances Relating to Staffing Changes at the Lakeland Health Care Center – *Vote Required: Majority* (The Human Resources Committee considered this item at a special meeting prior to the July 9, 2013 County Board meeting and it was recommended 5-0)
10. Res. No. 42-07/13 – Approving Modifications to Walworth County’s Self-Funded Health Insurance Plan – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
11. Res. No. 43-07/13 – Adopting 2014 Pay Ranges for Certain Hourly Employees and Salaried Exempt Employees – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)

Vice-Chair Grant offered a motion, seconded by Supervisor Weber, to approve Item 1, Ordinance No. 787-07/13. On motion by Vice-Chair Grant, seconded by Supervisor Weber, **Ordinance No. 787-07/13** was approved by unanimous consent.

On motion by Supervisor Monroe, seconded by Supervisor Brandl, Item 2, **Ordinance No. 788-07/13**; Item 3, **Ordinance No. 789-07/13**; and Item 4, **Ordinance No. 790-07/13**; were approved by voice vote.

Vice-Chair Grant offered a motion, seconded by Supervisor Brandl, to approve Item 5, Ordinance No. 791-07/13. On motion by Vice-Chair Grant, seconded by Supervisor Weber, **Ordinance No. 791-07/13** was approved by unanimous consent.

On motion by Supervisor Brandl, seconded by Supervisor Monroe, Item 6, **Ordinance No. 792-07/13**; Item 7, **Ordinance No. 793-07/13**; and Item 8, **Ordinance No. 796-07/13**; were approved by voice vote. Tracy Moate, Director of Special Education, stated they have five .80 FTE positions and one .50 FTE position that are being upgraded to 1.0 FTE and they will now have health care coverage provided to them. She said this has been done with a costs savings due to two district positions retiring.

On motion by Supervisor Weber, seconded by Vice-Chair Grant, Item 9, **Ordinance No. 797-07/13**, was approved by voice vote. Bernadette Janiszewski, Nursing Home Administrator, stated the Affordable Care Act affects their facility as an employer and as a health care provider. She said that long term care nursing homes now only admit residents of high acuity level and the federal government wants them to employ more RNs and fewer LPNs. She stated they have two employees that are retiring, which is allowing them to take two .50 positions and create 1.0 FTE. She said they also have an LPN that will be retiring, and they will turn that into an RN position. She stated this does not change their total FTE and has a savings of approximately \$24,000 for this year. She said it adds an additional expense of approximately \$14,000 for 2014; however, this money is made up because they have increased their Medicare Part A admissions, which is their biggest source of revenue. Supervisor Schiefelbein asked if there is an incentive to employ more RNs and fewer LPNs. Ms. Janiszewski said they can continue to admit the rehab patients to the Medicare Unit and that requires more RN coverage, which is their biggest source of revenue. She also said it would hurt to lose their five-star rating as a nursing home. She stated for the last two calendar quarters they have received a two-star rating in RN coverage and they would like to bring this up before the end of the year.

Vice-Chair Grant offered a substitute motion, seconded by Supervisor Redenius, to apply for the State Health Insurance Plan rather than approving Resolution No. 42-07/13. Vice-Chair Grant stated that by moving to the State Health Plan, it would save over \$3 million in county health insurance premiums. A roll call vote was taken. Total votes: 11. Ayes: 3 – Grant, Redenius, and Stacey; Noes: 8 – Brandl, Brellenthin, Kilkenny, Monroe, Schaefer, Schiefelbein, Weber, and Russell; Absent: 0. Motion failed.

Chair Russell stated that Resolution No. 42-07/13 was modified at the Human Resources Committee and Exhibit 2 was approved by the Human Resources Committee. Bretl referred to Exhibit 2 attached to Resolution No. 42-07/13. He said Tier 2 applies to deputies and new hires, and Tier 1 applies to employees hired prior to January 1, 2012. He stated this resolution makes modifications to both tiers of the county's health plan, which includes significant changes to the deductibles and out of pocket maximums. He also stated Tier 2 becomes an HSA eligible plan. He said the purpose is to assist the county in achieving its third year of a tax levy freeze as mandated by the state. He stated he thought employees have largely been responsible for meeting that freeze with the majority of the workforce paying into their Wisconsin retirement. He said this plan modification looks to another group to assist in the county's goal and that group being those employees who do not contribute to the Wisconsin Retirement System (WRS). He stated the employees who do not pay the employee share towards WRS will be in Tier 2 and there would be no county contribution to the HSA. He said the employees who are paying the employee share of their pension or for those who do not participate in WRS, which includes county board supervisors whom are eligible to participate in the county's health plan, are able to choose between Tier 1 and Tier 2. He said if those employees select Tier 2, the county would make an annual contribution to their HSA, which consists of \$750 for single and \$1500 for family. This county contribution would be done on a pro-rated basis so the individual would not have an incentive to take the money and then leave county employment. He also said these employees would have the opportunity to move back and forth between the plans during open enrollment. He stated the overall savings for 2014 is \$998,021. He said that since the mid-1990s, county board supervisors have paid the full premium as there is no county subsidy for their participation in the county's health plan. Supervisor Kilkenny commended Vice-Chair Grant for bringing forward the information for the board to examine as it gave them the opportunity to look at all options. On motion by Supervisor Brandl, seconded by Supervisor Weber, Item 11, **Resolution No. 42-07/13** was approved by voice vote. Supervisors Grant, Redenius, and Stacey requested that their votes be recorded as "No".

On motion by Supervisor Brandl, seconded by Vice-Chair Grant, Item 11, **Resolution No. 43-07/13**, was approved by voice vote.

Park Committee

- 1. Res. No. 35-07/13 – Recognizing and Commending Jacob Dertz on his Completion of an Eagle Scout Service Project at Natureland Park – *Vote Required: Majority* (Recommended by the Park Committee 5-0)

Resolution No. 35-07/13 was acted on earlier in the meeting.

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 stated that Suzi Hagstrom, Labor/Employee Relations Director, has accepted a new position in the state of Washington, and wished her well. Bretl stated they are trying to not have a regular county board meeting or committee meetings in August. He said the plan is to have a quick county board meeting prior to the August 15, 2013 County Zoning Agency meeting. He also said they are trying to limit the meeting to zoning items and they will need a quorum for the meeting. He encouraged Supervisors to take advantage of the break. Chair Russell reminded Supervisors of the next regular county board meeting, which is scheduled for Thursday, September 5, 2013.

Adjournment

On motion by Supervisor Weber, seconded by Supervisor Kilkenny, the meeting was adjourned at 7:10 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 July 9, 2013 meeting.