

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

The Walworth County Board of Supervisors meeting was called to order by Chair Russell at 6:05 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.

David A. Weber, Walworth County Board Supervisor, District #7, delivered the invocation.

Amendments, Withdrawals, and Approval of Agenda

On motion by Vice-Chair Grant, seconded by Supervisor Kilkenny, the agenda was approved by voice vote with the amendment of moving Unfinished Business Item 2 to prior to Comment Period by Members of the Public Concerning Items on the Agenda.

Approval of the Minutes

On motion by Supervisor Stacey, seconded by Supervisor Weber, the October 8, 2013 County Board Meeting minutes were approved by voice vote.

On motion by Supervisor Brandl, seconded by Vice-Chair Grant, the October 29, 2013 Public Budget Hearing minutes were approved by voice vote.

Unfinished Business

2. Res. No. 47-10/13 – Recognizing Virginia Hall for Her Contribution to the History of Walworth County Departments Volume II – *Vote Required: Majority* (Recommended by the Executive Committee 5-0)

On motion by Supervisor Weber, seconded by Vice-Chair Grant, **Resolution No. 47-10/13** was approved by voice vote. Chair Russell read the resolution and presented Ms. Hall with copies of the History of Walworth County Departments Volume II and Walworth County History – Excerpts of the Walworth County Proceedings (1839-1962).

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

Michael Hurlburt, N7242 Countryside Lane, addressed the Board regarding the ordinance for the new county park. Mr. Hurlburt stated he is a member of the Park Committee. He said he has listened to the pros and cons of the park, and he does not want to see the county lose this opportunity.

James Houck, 6590 Hospital Road, Burlington, addressed the Board regarding the county park. He said that hunting and trapping must be allowed due to the stewardship grant. He also said the property needs to be something that everyone can use. He stated he does not believe this property is what the county is looking for.

Appointments/Elections

1. 911 Governing Board
 - Jean Froggatt – Two-year term to begin upon County Board confirmation and end on May 8, 2015 (Recommended by the Executive Committee 4-0)
 - Melody Lentz – Two-year term to begin upon County Board confirmation and end on May 8, 2015 (Recommended by the Executive Committee 4-0)
 - Timothy O’Neill – Two-year term to begin upon County Board confirmation and end on May 8, 2015 (Recommended by the Executive Committee 4-0)
2. Aging & Disability Resource Center Governing Board
 - Janet Kelly – Term to begin upon County Board confirmation and end on June 30, 2015 (Recommended by the Executive Committee 4-0)
3. Local Emergency Planning Committee
 - John Ennis
 - Kevin Kennedy
 - Michael Katzenberg
 - Senator Neal Kedzie
 - Michael Ciardo
 - David Fladten
 - Jim Obligato
 - Elizabeth Walsh
 - David Thompson
 - Richard Kuhnke
 - David Graves
 - Nancy Russell
 - Mark Ruosch
 - Kevin Brunner
 - Daniel Plutchak
 - Eric Hudson
 - David Bretl

(Recommended by the Executive Committee 3-0)

On motion by Supervisor Schaefer, seconded by Supervisor Weber, the appointments to the 911 Governing Board, Aging & Disability Resource Center Governing Board, and Local Emergency Planning Committee 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 – General Beverage Sales Co.; b) Notice of Receiver’s Motion, Motion, and Order – In re: B. R. Amon & Sons, Inc. – 13CV00363, Amon & Sons, Inc. – 13CV00365, Amon Land Company, LLC – 13CV00364, Lake Mills Blacktop, Inc. – 13CV00366 (To be referred to the Executive Committee)
3. Wood County Resolution #13-10-2 – To create a new nonpartisan procedure for the preparation of legislative and congressional redistricting plans (To be referred to the Executive Committee)
4. Columbia County Resolution No. 26-13 – Funding for Victim Witness Coordinator Program (To be referred to the Executive Committee)
5. Correspondence from Dave Saalsaa, President of Downtown Whitewater, Inc., in regard to the County Board’s decision not to fund the UW-Extension Walworth County Community & Economic Development Educator position in 2014 (To be placed on file)
6. Correspondence from the Wisconsin Historical Society in regard to Phoenix Hall, located in Delavan, Wisconsin, being considered for removal from the Wisconsin State Register of Historic Places and the National Register of Historic Places (To be placed on file)
7. Correspondence from U.S. Senator Tammy Baldwin in regard to federal tax treatment of municipal bonds (To be placed on file)
8. Correspondence from State of Wisconsin Department of Natural Resources in regard to the Knowles-Nelson Stewardship Program (To be placed on file)

9. Report of the County Clerk Regarding Communications Received by the Board and Recommended to be Placed on File
 - Polk County Resolution No. 35-13 – Resolution in Support of Clean Energy Choice for Wisconsin (was previously referred to the Executive Committee)
 - Winnebago County Resolution No. 236-72013 – Support Legislative Changes So As to Reduce the Number of Non-Violent Offenders Sentenced to Jail or Prison for Alcohol and/or Other Drug Issues (was previously referred to the Executive Committee)
10. Report of the County Clerk Regarding Communications Received by the Board After the Agenda Mailing
 - Ord. No. 810-10/13 – Amending Chapter 42 of the Walworth County Code of Ordinances Relating to Hunting, Fishing and Trapping in County Parks – *Vote Required: Majority* (Recommended by the Park Committee 4-0)
 - Ord. No. 813-11/13 – Amending Section 30-286 of the Walworth County Code of Ordinances Relative to Fees – *Vote Required: Majority* (Recommended by the Finance Committee 4-0)
 - Ord. No. 817-11/13 – Amending Section 15-6 of the Walworth County Code of Ordinances Relating to At-Will Employment – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
 - Res. No. 57-11/13 – Authorizing the Use of the County Cupola Mark by Health & Human Services – *Vote Required: Majority* (Recommended by the Health & Human Services Board 6-0)
 - Outagamie Co. Resolution No. 73—2013-14 – Supports legislation changing the method a municipality may collect the costs of razing a building from a special tax to a special charge and would not require the county to pay a municipality’s costs – To be referred to the Executive Committee
 - Outagamie Co. Resolution No. 74—2013-14 – Supports legislation requiring any person officiating a marriage be at least 18 years old and eliminates the requirements of a sponsorship letter – To be referred to the Executive Committee
 - Outagamie Co. Resolution No. 76—2013-14 – Supports legislation to increase the petitioner fee for an election recount from \$5 to \$25 for each ward the petitioner requests a ballot recount or from \$5 to \$25 for each municipality the petitioner requests a recount where no wards exist – To be referred to the Executive Committee
 - *Walworth County Aging & Disability Resource Center News*, November 2013
11. Report of the County Clerk Regarding Zoning Petitions (To be referred to the County Zoning Agency)
 - David Flitcroft and Randy Smith, Linn Township. Rezone approx. 3.44 acres of B-4 Highway Business District to 1.60 acres of A-5 Agricultural-Rural Residential District and 1.84 acres of R-3 Two-Family Residence District (unsewered)
 - Walworth County Land Use and Resource Management Department, All Townships. Ordinance Repealing and Recreating Article I and Article II of Chapter 65 – Renewable Energy, Wind Energy Systems of the Walworth County Code of Ordinances, in compliance with PSC 128
 - Walworth County Land Use and Resource Management Department, All Townships. Ordinance Repealing and Recreating Article II of Chapter 64 – Telecommunications, Mobile Tower Siting Ordinance, Walworth County Code of Ordinances, in compliance with Wisconsin Act 20

Unfinished Business

1. Ord. No. 810-10/13 – Amending Chapter 42 of the Walworth County Code of Ordinances Relating to Hunting, Fishing and Trapping in County Parks – *Vote Required: Majority* (Recommended by the Park Committee 4-0)
2. Res. No. 47-10/13 – Recognizing Virginia Hall for Her Contribution to the History of Walworth County Departments Volume II – *Vote Required: Majority* (Recommended by the Executive Committee 5-0)

3. Res. No. 51-10/13 – Accepting the Wisconsin Knowles-Nelson Stewardship Program Grants for the White River Park Acquisition and Development – *Vote Required: Majority* (Recommended by the Park Committee 5-0)

Supervisor Kilkenny offered a motion, seconded by Supervisor Weber, to approve Item 1, Ordinance No. 810-10/13. Supervisor Kilkenny offered a motion, seconded by Supervisor Weber, to amend Ordinance No. 810-10/13 as follows: 1) Line 9 of Page 1 shall be amended to read, “Except as provided in (d)(9)...”, 2) Lines 24-40 on Page 3 [(9)a-e] shall be removed, and 3) Line 42 on Page 3 shall be renumbered as follows: “~~(40)~~ (9)”. Supervisor Kilkenny stated the reason for the amendment is to ensure the county is in compliance with the grant requirements. He said that if there are problems in the future, the county cannot change things unilaterally, but there is a process to go through the Wisconsin Department of Natural Resources (DNR) to make amendments or changes. Chair Russell stated that Dan Kaemmerer from DNR was present to answer any questions regarding the ordinance or the stewardship grant. Supervisor Schaefer asked if the county revises the ordinance in the future, if the DNR would ask for the grant money back. Mr. Kaemmerer stated if there is some kind of conflict in the future that is not in accordance with intended DNR policy, they would not ask for the money back, but it would be their full intent to problem solve and determine how to proceed that would be mutually agreeable to both sides. He also said that both the DNR and the county are under a grant contract.

Supervisor Redenius questioned how many permits will be available to the public. Kevin Brunner, Director – Central Services, stated a permitting system would have to be developed with the DNR. Mr. Kaemmerer stated the permitting system will give Walworth County the control of the property with respect to the number of people hunting and trapping in the park at any one time. He said this would be done in cooperation with the DNR to ensure it does not present any hardship or is restrictive with respect to public access for hunting and trapping activities.

Supervisor Kilkenny added another amendment to his original motion, which is as follows: Line 38 of Page 1 should read “Except as provided in ~~(e)~~ (d)(8)...”. This was acceptable to Supervisor Weber, who seconded Supervisor Kilkenny’s original motion. Chair Russell relinquished the chair to Vice-Chair Grant in order to address the Board. Chair Russell stated there was a newspaper article which referenced comments she made at the last Park Committee meeting. She said that she has changed her position on this since the last Park Committee meeting and since it was published in the newspaper, she felt she should be clear about this. She stated she does not want to give up this opportunity and the DNR has been willing to allow the county to make changes in order to protect the public. Chair Russell resumed the chair. Supervisor Schaefer clarified that rifle hunting will be not allowed for safety purposes, only shotgun hunting will be allowed.

A roll call vote was conducted on Supervisor Kilkenny’s amendment to Ordinance No. 810-10/13. Total votes: 10. Ayes: 9 – Brandl, Brellenthin, Grant, Kilkenny, Monroe, Schaefer, Stacey, Weber, and Russell; Noes: 1 – Redenius; Absent: 1 – Schiefelbein. The amendment to Ordinance No. 810-10/13 was approved by roll call vote.

A roll call vote was conducted on Ordinance No. 810-10/13 as amended. Total votes: 10. Ayes: 9 – Brandl, Brellenthin, Grant, Kilkenny, Monroe, Schaefer, Stacey, Weber, and Russell; Noes: 1 – Redenius; Absent: 1 – Schiefelbein. **Ordinance No. 810-10/13** as amended was approved by roll call vote.

Item 2, Resolution No. 47-10/13, was acted upon earlier in the meeting.

Supervisor Kilkenny offered a motion, seconded by Supervisor Weber, to approve Item 3, Resolution No. 51-10/13. Supervisor Stacey asked for clarification if the fuel tanks were dug up at the location. Bretl stated the fuel tanks were dug up as they wanted them removed before the ground froze. Brunner stated this will be credited to the county at closing and assessment of the tanks determined that the site was clean. A roll call vote was conducted on Resolution No. 51-10/13. Total votes: 10. Ayes: 8 – Brellenthin, Grant, Kilkenny, Monroe, Schaefer, Stacey, Weber, and Russell; Noes: 2 – Brandl and Redenius; Absent: 1 – Schiefelbein. **Resolution No. 51-10/13** was approved by roll call vote.

New Business

Reports of Standing Committees

County Zoning Agency Report of Proposed Zoning Amendments

1. Justin and Jodi Ehrhardt (Town of Sugar Creek – Applicant), Section 34, Town of Sugar Creek. Request to amend the 2035 Land Use Plan Map (approximately 16.05 acres) from Prime Agricultural Land to 14.73 acres Other Agricultural, Rural Residential Land Use Category and 1.32 acres Isolated Natural Resource Area for future residential development – Approved: 4-3 (October 17, 2013 County Zoning Agency Public Hearing)
2. Melvin Helms and Constance Glatz-Helms, Section 23, LaGrange Township. Rezone 10.27 acres of A-2 to A-5 – Approved: 5-2 (October 17, 2013 County Zoning Agency Public Hearing)
3. Walter F. (Rick) and Lynn C. Lottig, Section 27, Linn Township. Rezone 4.35 acres of wooded A-1 to A-5 and add the rezone property to the owner’s existing 1.7 acre A-5 lot – Approved: 7-0 (October 17, 2013 County Zoning Agency Public Hearing)

On motion by Supervisor Stacey, seconded by Supervisor Brandl, the County Zoning Agency Report of Proposed Zoning Amendments, Items 1 thru 3, was approved as recommended by the County Zoning Agency.

Executive Committee

1. Res. No. 53-11/13 – Denying the Claim of Raymond L. Franklin – *Vote Required: Majority* (Recommended by the Executive Committee 4-0)

On motion by Supervisor Weber, seconded by Supervisor Brandl, **Resolution No. 53-11/13** was approved by voice vote.

Finance Committee

1. Ord. No. 811-11/13 – Amending Section 30-173 of the Walworth County Code of Ordinances Relating to Health & Human Services Fund Balance Policy – *Vote Required: Majority* (Recommended by the Health & Human Services Board 6-0 and the Finance Committee 4-0)
2. Ord. No. 812-11/13 – Amending Section 30-181 of the Walworth County Code of Ordinances Relating to Enterprise Funds Net Position – *Vote Required: Majority* (Recommended by the Public Works Committee 5-0, Lakeland Health Care Center Board of Trustees 4-0, and Finance Committee 4-0)
3. Ord. No. 813-11/13 – Amending Section 30-286 of the Walworth County Code of Ordinances Relative to Fees – *Vote Required: Majority* (Recommended by the Finance Committee 4-0)
4. Res. No. 54-11/13 – Committing General Fund Balances for Future Building/Equipment – *Vote Required: Two-thirds* (Recommended by the Finance Committee 4-0)
5. Res. No. 55-11/13 – Adopting the 2014 Appropriation of the Walworth County Budget and CIP Plan – *Vote Required: Majority* (Recommended by the Finance Committee 4-0)

6. Res. No. 56-11/13 – Establishing the County Tax Levy to Support the 2014 Budget Appropriation –
Vote Required: Majority (Recommended by the Finance Committee 4-0)

On motion by Supervisor Brandl, seconded by Supervisor Stacey, Item 1, **Ordinance No. 811-11/13**; and Item 2, **Ordinance No. 812-11/13**; were approved by voice vote.

Vice-Chair Grant offered a motion, seconded by Supervisor Weber, to approve Item 3, Ordinance No. 813-11/13. Bretl stated the Board could address Supervisor Redenius’s Budget Amendment E at this time, which is creating a new permit to remove invasive species only with no fee. Supervisor Kilkenny offered a motion, seconded by Supervisor Redenius, to amend the fee schedule with the following:

Description	Fee	Effective Date	Authority
Land Use and Resource Management			
Waterfront zoning permit - Vegetation removal/shoreland - removal and replacement of invasive species only	No fee (General Permit)	Jan-14	Wis. Stats. § 59.69; Code ch. 74

Supervisor Kilkenny clarified that this would create a new waterfront zoning permit, but a general permit would still be required. The amendment to Ordinance No. 813-11/13 was approved by voice vote. **Ordinance No. 813-11/13** as amended was approved by voice vote.

Supervisor Schaefer offered a motion, seconded by Vice-Chair Grant, to approve Item 4, Resolution No. 54-11/13. On motion by Supervisor Stacey, seconded by Supervisor Weber, **Resolution No. 54-11/13** was approved by unanimous consent.

Vice-Chair Grant offered a motion, seconded by Supervisor Stacey, to approve Item 5, Resolution No. 55-11/13. The budget amendments (BA) were discussed at this time.

BA-A: Bretl stated this amendment takes an increase in transportation aids of \$200,000 and utilizes an additional \$78,516 of the tax levy to provide a sufficient fund for workers compensation. On motion by Supervisor Brandl, seconded by Supervisor Kilkenny, Budget Amendment A was approved by voice vote.

BA-B: Russell stated this amendment is to increase the CIP request for single axle plow trucks from two to three as a result of the Wisconsin Department of Transportation requesting the county to increase its level of service for highway maintenance. She also said that Public Works would like to keep trucks #56 and #91 as reserves rather than retiring them. She stated the net budget impact is zero and the funding source will be Public Works equipment replacement funds. On motion by Supervisor Schaefer, seconded by Vice-Chair Grant, Budget Amendment B was approved by voice vote.

BA-C: Supervisor Redenius offered a motion, seconded by Supervisor Brandl, to approve Budget Amendment C, which is to remove funding for the acquisition of the White River Park. Supervisor Redenius stated that he feels that the property is overvalued. He said the county’s offer is approximately \$10,000 per acre. He questioned how the money will be paid back to the general fund and stated that this purchase will cost the taxpayers. Budget Amendment C failed.

BA-D: Supervisor Stacey offered a motion, seconded by Supervisor Redenius, to approve Budget Amendment D, which is to remove funding for the second Ag agent. If passed, this amendment would result in a reduction to the levy in the amount of \$63,000. Chrissy Wen, UW-Extension, stated she appreciates the county’s willingness to add another Ag agent as the Farm Technology Days is a huge undertaking for the department. Supervisor Kilkenny stated they do not want the current Ag agent

stretched too thin while working on the Farm Technology Days so that she cannot perform her normal duties. Supervisor Redenius stated the reason he proposed this budget amendment is because the department did not ask for the second Ag agent and the current Ag agent gave him the impression that she did not need the help. Supervisor Weber stated this is a huge project and if we deny the availability of additional manpower to get the planning done upfront, he fears that the county may come up short. Chair Russell stated this is not adding an additional person in UW-Extension as the CNRED agent position is being eliminated. Bretl said the state was funding the CNRED agent position 60%; however, the state will not do the same for the additional Ag agent. Jim Stowell, Executive Committee Chairperson for the Farm Technology Days, stated more information will be provided in the future regarding the upcoming Farm Technology Days. He said they expect 800 exhibitors at the event, which Walworth County will be hosting in 2016, and they are in the process of raising funds for the event. He also said that Peg Reedy, Ag Agent, is working very hard and he would support the extra help. Budget Amendment D failed.

BA-E: Chair Russell stated this budget amendment was addressed earlier in the meeting with the amendment to the fee schedule (Ordinance No. 813-11/13).

Item 5, **Resolution No. 55-11/13** as amended with approved budget amendments A, B, and E was approved by voice vote.

The Board took a 5-minute recess at 7:20 p.m.

The Board resumed the meeting at 7:26 p.m. Supervisor Schaefer was excused at that time.

Nicki Andersen, Deputy County Administrator – Finance, distributed a revised Resolution No. 56-11/13 to reflect changes from the approved budget amendments. Andersen stated with the budget as amended, the 2014 levy is currently \$2,003 less than last year's levy, which is equivalent to a 0% levy change. She said there is a 3.37% increase in the mill rate, which is due to declining equalized value. On motion by Vice-Chair Grant, seconded by Supervisor Stacey, Item 6, **Resolution No. 56-11/13**, was approved by voice vote.

Health & Human Services Board

1. Res. No. 57-11/13 – Authorizing the Use of the County Cupola Mark by Health and Human Services – *Vote Required: Majority* (Recommended by the Health & Human Services Board 6-0)

Vice-Chair Grant offered a motion, seconded by Supervisor Monroe, to approve Resolution No. 57-11/13. On motion by Vice-Chair Grant, seconded by Supervisor Monroe, Resolution No. 57-11/13 was amended to include language that there be a contract explaining or describing the use of the county cupola mark/logo. **Resolution No. 57-11/13** as amended was approved by voice vote.

Human Resources Committee

1. Ord. No. 814-11/13 – Amending Section 15-17 of the Walworth County Code of Ordinances Relating to Authorized Positions by Department Based on the 2014 Budget – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
2. Ord. No. 815-11/13 – Amending Sections 15-359, 15-1045 and 15-1048 of the Walworth County Code of Ordinances Relating to Compensation for Certain CDEB Employees – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
3. Ord. No. 816-11/13 – Amending Sections 15-4, 15-6, 50-2 and 50-3 of the Walworth County Code of Ordinances Relating to the LHCC Administrator Position – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)

