

**OCTOBER 8, 2013
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. Tim Schiefelbein was absent. A quorum was established.

Jerry A. Grant, Walworth County Board Supervisor, District #4, delivered the invocation.

Amendments, Withdrawals, and Approval of Agenda

On motion by Supervisor Schaefer, seconded by Supervisor Stacey, the agenda was approved by voice vote with no withdrawals.

Approval of the Minutes

On motion by Supervisor Brandl, seconded by Supervisor Schaefer, the September 5, 2013 Committee of the Whole and September 5, 2013 County Board Meeting minutes were approved by voice vote.

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

Clayton Kruse of Perfection Auto Body, 700 S. Pine Street, Burlington, addressed the board in regard to the repair of police cars. He stated it is good business to allow competition.

Appointments/Elections

1. Williams Bay Barrett Memorial Library Board
 - Edgar "Skip" Mosshamer – Three-year term to begin upon County Board confirmation and end on October 8, 2016 (Recommended by the Executive Committee 5-0)
2. Walworth County Housing Authority Board of Commissioners
 - Richard Kuchenbecker – Five-year term to begin upon County Board confirmation and end on June 30, 2018 (Recommended by the Executive Committee 5-0)
3. Southeastern Wisconsin Regional Planning Commission (SEWRPC)
 - Nancy Russell – Six-year term to begin upon County Board confirmation and extend through September 15, 2018 (Recommended by the Executive Committee 4-0)
4. Walworth County Transportation Coordinating Committee
 - Jeni Hallat – Three-year term to begin upon County Board confirmation and end on October 8, 2016 (Recommended by the Executive Committee 5-0)
5. Walworth County Workforce Development Board (WDB)
 - Joe Cardiff
 - Grace Eckland
 - Lisa Furseth
 - Brianna Fox
 - Michael O'Donnell
 - Cindy Simonsen
 - Mike Van Den Bosch
 - Eric Wentz
 - Michelle Blanchard
 - Jason Kelly

- Nancy Russell
 - Toni White
- (Recommended by the Executive Committee 5-0)

6. Public Health Officer

- Janis Ellefsen (Recommended by the Health & Human Services Board 8-0)

On motion by Supervisor Weber, seconded by Supervisor Brandl, the appointments to the Williams Bay Barrett Memorial Library Board, Walworth County Housing Authority Board of Commissioners, Walworth County Transportation Coordinating Committee, and Public Health Officer were approved by voice vote.

On motion by Supervisor Weber, seconded by Supervisor Brandl, the appointment of Nancy Russell to the Southeastern Wisconsin Regional Planning Commission was approved by voice vote. Chair Russell abstained.

On motion by Supervisor Stacey, seconded by Vice-Chair Grant, the appointments to the Walworth County Workforce Development Board were approved by voice vote. Chair Russell abstained.

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. Communication received from the Town of Lafayette in regard to reviewing descriptions and issues for A-5 zoning (To be referred to the County Zoning Agency)
4. Communication received from Tamara Brodnicki, Executive Director of Downtown Whitewater, Inc., requesting to be placed on the October 14, 2013 Executive Committee Agenda to present information regarding the Main Street program (To be referred to the Executive Committee)
5. Correspondence from the Wisconsin Historical Society in regard to the Downtown Darien Historic District being entered in the National Register of Historic Places and the State Register of Historic Places (To be placed on file)
6. Communications received from the Town and Village of Bloomfield and the Town of LaGrange in regard to settlement of special assessments and charges (To be placed on file)
7. Report of the County Clerk Regarding Communications Received by the Board and Recommended to be Placed on File
 - There were none.
8. Report of the County Clerk Regarding Communications Received by the Board After the Agenda Mailing
 - Ord. No. 804-10/13 – Creating Section 30-315 of the Walworth County Code of Ordinances Relating to Grant Report Requirements – Vote Required: Majority (Recommended by the Finance Committee 5-0)
 - Ord. No. 808-10/13 – Amending Section 15-17 of the Walworth County Code of Ordinances Relating to a Reorganization in Public Works and Administration – Vote Required: Two-thirds (Recommended by the Human Resources Committee 5-0)
 - Ord. No. 809-10/13 – Amending Chapter 15 of the Walworth County Code of Ordinances Relating to the Position of Human Resources Director – Vote Required: Majority (Recommended by the Human Resources Committee 5-0)
 - Res. No. 50-10/13 – Committing to Settle Special Assessments with Local Taxation Units in 2014 – Vote Required: Two-thirds (Recommended by the Finance Committee 4-1)

- 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)
 - Correspondence from Supervisor Dan Kilkenny in regard to the Darien Town Plan Commission’s recommendation for the county to amend its ordinance (Sec 74-44) in order to allow chickens in residential districts and in areas zoned Agricultural and Conservation with minimal restrictions – To be referred to the County Zoning Agency
 - Wisconsin Department of Administration Final Estimate of January 1, 2013 Population for Walworth County – To be referred to the Executive Committee
 - Notice of Claim – John McDaniels – To be referred to the Executive Committee
 - Notice of Receiver’s Motion, Motion, and proposed Order – Re: Cases: 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
 - *Walworth County Aging & Disability Resource Center News*, October 2013
9. Report of the County Clerk Regarding Zoning Petitions (To be referred to the County Zoning Agency)
- Mevin Helms & Constance Glatz-Helms, LaGrange Township. Rezone approx. 10.27 acres of A-2 Agricultural District to A-5 Agricultural-Rural Residential District
 - Walter F. (Rick) & Lynn C. Lottig, Linn Township. Rezone approx. 4.35 acres of A-1 Prime Agricultural District to A-5 Agricultural-Rural Residential District
 - Reek Elementary School, Ryan Southwick, Treasurer of School Board – Applicant, Linn Township. Rezone approx. 8.21 acres of C-2 Upland Resource Conservation District to P-1 Park District
 - Justin & Jodi Ehrhardt, Sugar Creek Township. Amend the 2035 Land Use Plan Map (approximately 16.05 acres) from (AP) Prime Agricultural Land to 14.73 acres (AG1) Other Agricultural, Rural Residential and 1.32 acres (INRA) Isolated Natural Resource Area land use categories
 - Walworth County Zoning Agency (CZA). Amend Section 74-59/74-186, Section 74.63/74-190, Section 74-74/74-203 and Section 74-131/74-263 of the County Zoning and Shoreland Zoning Ordinances

Unfinished Business

New Business

Reports of Standing Committees

County Zoning Agency Report of Proposed Zoning Amendments

1. Zoning Ordinance for Town of Bloomfield. Town of Bloomfield proposed Ordinance change concerning rezone of portion of MB2600002, Town of Bloomfield, per petition filed with the Town of Bloomfield by Daniel and Alexander Gifford (Recommended by the County Zoning Agency 7-0) (September 19, 2013 County Zoning Agency Public Hearing)
2. Citizens Bank of Mukwonago – Douglas R. Bruins/President, Section 1, Lafayette Township. Rezone 3.07 acres of B-5 to A-5 – Approved: 7-0 (September 19, 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 and 2, was approved as recommended by the County Zoning Agency.

Executive Committee

1. Ord. No. 800-10/13 – Amending Section 2-454 of the Walworth County Code of Ordinances Relating to Record Retention – *Vote Required: Two-thirds* (Recommended by the Executive Committee 4-0)
2. Ord. No. 801-10/13 – Amending Section 2-235 of the Walworth County Code of Ordinances Relating to Transportation Coordinating Committee Appointment Terms – *Vote Required: Two-thirds* (Recommended by the Executive Committee 4-0 and the Health & Human Services Board 8-0)
3. 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)

Supervisor Brandl offered a motion, seconded by Supervisor Weber, to approve Ordinance No. 800-10/13. On motion by Supervisor Stacey, seconded by Vice-Chair Grant, **Ordinance No. 800-10/13** was approved by unanimous consent.

Vice-Chair Grant offered a motion, seconded by Supervisor Weber, to approve Ordinance No. 801-10/13. On motion by Supervisor Stacey, seconded by Vice-Chair Grant, **Ordinance No. 801-10/13** was approved by unanimous consent.

On motion by Supervisor Weber, seconded by Supervisor Stacey, Resolution No. 47-10/13 was tabled until the November 12, 2013 County Board meeting.

Finance Committee

1. Ord. No. 802-10/13 – Amending Section 62-104 and Creating Sections 62-105 and 62-106 of the Walworth County Code of Ordinances Relating to Tax Incremental Financing Districts – *Vote Required: Majority* (Recommended by the Finance Committee 5-0)
2. Ord. No. 803-10/13 – Amending Sections 30-457 Through 30-464 of the Walworth County Code of Ordinances Relating to Volunteer Meal and Mileage Expense Reimbursement – *Vote Required: Majority* (Recommended by the Health & Human Services Board 8-0 and by the Finance Committee 5-0)
3. Ord. No. 804-10/13 – Creating Section 30-315 of the Walworth County Code of Ordinances Relating to Grant Report Requirements – *Vote Required: Majority* (Recommended by the Finance Committee 5-0)
4. Ord. No. 805-10/13 – Creating Section 30-157 of the Walworth County Code of Ordinances Relating to Purchase and Use of Gift Cards – *Vote Required: Majority* (Recommended by the Finance Committee 5-0)
5. Res. No. 50-10/13 – Committing to Settle Special Assessments with Local Taxation Units in 2014 – *Vote Required: Two-thirds* (Recommended by the Finance Committee 4-1)

On motion by Supervisor Stacey, seconded by Supervisor Weber, Item 1, **Ordinance No. 802-10/13**; Item 2, **Ordinance No. 803-10/13**; Item 3, **Ordinance No. 804-10/13**; and Item 4, **Ordinance No. 805-10/13**; were approved by voice vote.

Supervisor Schaefer offered a motion, seconded by Vice-Chair Grant, to approve Item 5, Resolution No. 50-10/13. Supervisor Kilkenny stated that in reviewing the Finance Committee minutes, he thought there was some confusion by the local clerks. He said the county settles delinquent taxes and special assessments with the municipalities in August if they haven't been paid. He stated that he thought that the local clerks were under the impression that the county would no longer have the special assessments on the property tax bill. He said that the special assessments will still appear on property tax bills. He stated the bigger concern is inappropriate use of special assessments by some municipalities. Supervisor Kilkenny offered a motion, seconded by Supervisor Stacey, to refer Resolution No. 50-10/13 back to the

Finance Committee for further review and clarification from the Treasurer and legal analysis from Administrator Bretl. Vice-Chair Grant stated he would not support the motion to refer this resolution back to the Finance Committee as this has been discussed quite a bit. He also stated that under current law, the county cannot pick and choose which special assessments it will settle with the municipalities. He said that he believed if all of the municipalities joined forces, then maybe something can be done to change the law to allow the county the ability to pick and choose which special assessments it settles. He stated with this resolution, the county would still settle special assessments in 2014, but would stop in 2015. He said this gives ample notice to the municipalities. Supervisor Kilkenny stated the only issue here is if there are delinquent special assessments and people do not pay their property taxes, the county, in essence, currently lends that money to the municipalities until such time as the county forecloses. He said he is not convinced that it is a real problem or a real high number. He said the special assessments will still appear on property tax bills and if the taxes are paid, the municipality would receive the money for the special assessments.

Administrator Bretl stated there was a fair amount of confusion on this topic and he thought that some were under the impression that the special assessments would not appear on the property tax bill and they would be strictly on their own to collect them. He also stated those that understood the proposed changes have expressed their preference for the county to continue in its current role with settling special assessments. He said the concern is the special assessments that are used to secure developer agreements. He said, for example, a developer is required under an agreement to create a certain amount of equalized value in an area and if the developer falls short of that, it becomes a special assessment on the property. He stated these are the ones that cause the most concern for the Finance Committee. Supervisor Kilkenny asked if the county would continue to settle the special assessments if this resolution was not adopted. Bretl stated the county would still settle the special assessments as they have in the past under the authority of Resolution No. 94-12/86, and the county retains the ability to rescind.

A roll call vote was taken on Supervisor Kilkenny's motion of referring Resolution No. 50-10/13 back to the Finance Committee. Total votes: 10; Ayes: 2 – Kilkenny and Stacey; Noes: 8 – Brandl, Brellenthin, Grant, Monroe, Redenius, Schaefer, Weber, and Russell; Absent: 1 – Schiefelbein. Motion failed.

A roll call vote was conducted on Resolution No. 50-10/13. Total votes: 10; Ayes: 7 – Brandl, Brellenthin, Grant, Redenius, Schaefer, Weber, and Russell; Noes: 3 – Kilkenny, Monroe, and Stacey; Absent: 1 – Schiefelbein. Resolution No. 50-10/13 failed as the resolution required a two-thirds vote for passage.

Human Resources Committee

1. Ord. No. 807-10/13 – Amending Section 15-808 of the Walworth County Code of Ordinances Relating to Personal Liability – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
2. Ord. No. 808-10/13 – Amending Section 15-17 of the Walworth County Code of Ordinances Relating to a Reorganization in Public Works and Administration – *Vote Required: Two-thirds* (Recommended by the Human Resources Committee 5-0)
3. Ord. No. 809-10/13 – Amending Chapter 15 of the Walworth County Code of Ordinances Relating to the Position of Human Resources Director – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
4. Res. No. 49-10/13 – Approving an Affirmative Action Plan for Walworth County for Plan Year July 1, 2013 to June 30, 2015 – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)

On motion by Supervisor Weber, seconded by Supervisor Brandl, Item 1, **Ordinance No. 807-10/13**, was approved by voice vote.

Supervisor Stacey offered a motion, seconded by Vice-Chair Grant, to approve Item 2, Ordinance No. 808-10/13. On motion by Vice-Chair Grant, seconded by Supervisor Brandl, **Ordinance No. 808-10/13** was approved by unanimous consent.

On motion by Supervisor Brandl, seconded by Supervisor Stacey, Item 3, **Ordinance No. 809-10/13**, and Item 4, **Resolution No. 49-10/13**, were approved by voice vote.

Park Committee

1. Ord. No. 810-10/13 – Amending Section 42-1 of the Walworth County Code of Ordinances Relating to Hunting, Trapping and Fishing in County Parks – *Vote Required: Majority* (Recommended by the Park Committee 5-0)
2. 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)
3. Res. No. 52-10/13 – Authorizing the County Board Chair to Sign a Letter of Support for a Multi-Use Trail in Connection with American Transmission Company’s Spring Valley-North Lake Geneva Project – *Vote Required: Majority* (Recommended by the Park Committee 5-0)

Supervisor Kilkenny offered a motion, seconded by Vice-Chair Grant, to approve Item 1, Ordinance No. 810-10/13. Bretl stated the county needs to permit five activities in a park that would be acquired through stewardship grants. Those five activities are cross country skiing, hiking, hunting, fishing, and trapping. He said the county needs to change its ordinance as hunting, fishing, and trapping are currently not allowed in the two parks that the county owns. He referred to items “(d)” and “(e)” of the proposed ordinance, which states that hunting, fishing and trapping will be allowed in the White River Park. He said the Park Committee came up with criteria, which includes state laws and regulations must be observed at all times; hunting would only be permitted in areas posted by the Director of Central Services and would be no closer than 300 feet from a building used for human occupancy; target shooting is not permitted; and personal property, such as tree stands, are not permitted to remain unattended. He stated this ordinance has been forwarded to the Wisconsin Department of Natural Resources (DNR) to ensure it meets their requirements in order to obtain the stewardship grant. He said the park hours as stated in (d)(6) of the proposed ordinance need to be discussed, which may cause the Board to hold and obtain additional clarification from the DNR. He stated that according to the counsel for the DNR, as a condition of the stewardship grant, the county cannot place more restrictive hours on hunting. He also stated that per the DNR, park hours do not apply to persons who are lawfully engaged in hunting and trapping. He said if this is the final position of the DNR, someone could be hunting in the park in the middle of the night hunting raccoons and the county would have to allow it. He also said the county would have to waive the park hours for game animals that can be hunted 24 hours/day 7 days/week. He stated this may be a concern to the area property owners.

Supervisor Kilkenny stated there was a presentation at the Park Committee meeting from an individual from Waukesha County and Waukesha County’s ordinance mirrors the ordinance being proposed. He said that Waukesha County has not had any issues in their parks that allow hunting. He stated he thought that they should move this along and presume they will not have any issues. Chair Russell relinquished the chair to Vice-Chair Grant in order to address the board. Chair Russell stated that at the Park Committee meeting, she suggested park hours to be one hour before sunrise to one hour after sunset. She said that in her opinion, they have made a commitment to the people who surround the park that there would be no activity in the park at night. She said knowing that Waukesha County has not had any issues

does not ensure that Walworth County will not have a problem. She stated she is very concerned about this and encouraged the Board to refer this ordinance back to the Park Committee. Chair Russell resumed the chair. Supervisor Kilkenny offered a motion, seconded by Supervisor Stacey, to refer Ordinance No. 810-10/13 back to the Park Committee.

Supervisor Stacey suggested notifying neighbors that this will be discussed at the next Park Committee meeting. Vice-Chair Grant asked if the current owner allows hunting on the property. Kevin Brunner, Director of Central Services, stated the current owner has allowed hunting on the property for many years. Vice-Chair Grant stated that since the current owner has allowed hunting on the property, it should be no change to the neighbors; therefore, there is no reason to send this back to the committee. Supervisor Stacey stated the current owner probably selects a few people that he allows to hunt and fish. He said with the park being public, anyone would be able to hunt there. He stated the Board owes due diligence to notify the direct neighbors and to get their opinions.

Supervisor Schaefer asked what the traffic pattern for the park will be and if there will be signage going to the park. Brunner stated that access to the park would be off of Sheridan Springs Road and they are looking to develop two small parking lots. He said he thought the majority of the traffic would be off Highway 36 to Short Road then over to the park. Supervisor Redenius asked if sending this back to the Park Committee will change the DNR's mind about allowing hunting 24 hours/day 7 days/week. He also asked that if the neighbors do not want hunting allowed at night if the county would not accept the grant nor purchase the property. Supervisor Kilkenny stated the Park Committee can discuss this further to get clarification. He said he didn't think this would be a popular hunting ground. Brunner stated the Board can still limit the hours of the park but the signage would say hunting and trapping in accordance with Wisconsin Department of Natural Resources regulations. He said that to his knowledge, only coyotes and raccoons can be hunted at night.

A roll call vote was taken on Supervisor Kilkenny's motion of referring Ordinance No. 810-10/13 back to the Park Committee. Total votes: 10; Ayes: 8 – Brandl, Brellenthin, Kilkenny, Monroe, Schaefer, Stacey, Weber, and Russell; Noes: 2 – Grant and Redenius; Absent: 1 – Schiefelbein. Motion carried.

Michael Cotter, Land Use and Resource Management Director, stated the county's GIS program can be used to obtain mailing labels for adjacent property owners or any given radius around the park. Bretl stated they can send notices to the adjoining neighbors and the town clerk. Supervisor Stacey suggested sending the letters certified mail to obtain confirmation that the letters are received.

On motion by Supervisor Stacey, seconded by Supervisor Weber, Resolution No. 51-10/13 was tabled until the November 12, 2013 County Board meeting. Motion carried.

On motion by Supervisor Weber, seconded by Vice-Chair Grant, Item 3, **Resolution No. 52-10/13**, was approved by voice vote.

Public Works Committee

1. Ord. No. 806-10/13 – Amending Section 17-35 of the Walworth County Code of Ordinances Relating to Sole Source Procurements – *Vote Required: Majority* (Recommended by the Public Works Committee 4-0)
2. Res. No. 48-10/13 – Adopting the Revised Parking Lot Map for the Sheriff's Office Created by Section 66-156(2) of the Walworth County Code of Ordinances – *Vote Required: Majority* (Recommended by the Public Works Committee 4-0)

