

**MARCH 10, 2015**  
**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, Daniel G. Kilkenny, Kenneth H. Monroe, Joe Schaefer, Vice Chair Rick Stacey, Charlene Staples, David A. Weber, Paul Yvarra, and Chair Nancy Russell. Kathy Ingersoll was absent. A quorum was established.

Paul Yvarra, Walworth County Board Supervisor, District #4, delivered the invocation.

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

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

**Approval of the Minutes**

On motion by Supervisor Brandl, seconded by Supervisor Stacey, the February 10, 2015 County Board Meeting minutes were approved by voice vote.

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

David Bretl, County Administrator, provided an overview of the public comment process. Bretl stated the Board will not be making a decision tonight regarding short term rentals; they will be discussing a process on how to move forward with this issue.

Dick Malmin, N1991 South Lake Shore, Lake Geneva, spoke to the board regarding the closure of TIF District #4. He spoke in opposition of the City of Lake Geneva using the TIF money for the re-route of South Lake Shore Drive, and he encouraged the Board to close TIF District #4 in Lake Geneva and to return the monies to the appropriate public entities.

Kenneth L. Etten, President of the Friends of the Geneva Theater, 1109 Wisconsin St., Lake Geneva, addressed the Board regarding the Friends of the Geneva Theater and TIF Review Board. If the City of Lake Geneva considers purchasing the building, he asked the support of the County Board to consider working with the City to restore the theater for a multi-use community arts center.

Sarah Hill, 1024 George St., Lake Geneva, City of Lake Geneva Alderman, addressed the Board regarding the Lake Geneva TIF #4. She stated the City will be holding a TIF workshop on Saturday. She respectfully asked the Board to continue this item under the Finance Committee agenda.

Bill Huntress, 1015 Pleasant Street, Lake Geneva, addressed the Board regarding the City of Lake Geneva TIF. He stated the TIF is wasteful, and it is time for the TIF district to be closed.

Neal Siegel, N7932 West Shore Drive, Elkhorn, addressed the Board regarding short term rentals. He spoke in favor of short term rentals. He asked the Board to consider modifying the less than 30-day rental restriction.

Merilee Holst, former owner of 2504 North Shore Drive, Town of Delavan, addressed the Board regarding short term rentals. She spoke in opposition of short term rentals.

Richard Peterson, 2223 Sheridan Springs Road, Burlington, addressed the Board regarding the TIF closure. He said tax dollars have been wasted for years, and if the TIF is kept open, money will continue to be wasted.

Gene Decker, W4159 Hemlock Drive, Lake Geneva, chose not to address the Board when his name was called.

Ryan Simons, 2601 North Shore Drive, Delavan, Town of Delavan Chair. Mr. Simons addressed the Board regarding short term rentals. He asked the Board to look at a way to change the ordinance in order to allow short term rentals by requiring some type of registration or conditional use.

Don Henningfeld, W2300 Hwy 11, Elkhorn, chose not to address the Board when his name was called.

Joe Kopecky, W3127 MacLean Road, Chairman for the Town of Geneva. Mr. Kopecky addressed the Board regarding short term rentals. He asked the Board to put any action on hold in order to see how this works out, and to not allow short term rentals.

Doug Wheaton, 5 S. Ridgway Court, Elkhorn. He spoke on behalf of Lakes Area Realtors Association, and addressed the Board regarding short term rentals. He said in researching the complaints about short term rentals, he found there have been complaints about five properties that the County Land Use Department has had to work on within the past three years.

Andy Schmidt, N2591 Sunset Blvd., Lake Geneva. Mr. Schmidt stated he was representing Sunset Hills Homeowners Association, and he spoke in opposition to short term rentals.

Steve Beers, 454 N. Lakeshore, Fontana, addressed the Board regarding short term rentals. He said the County is in a unique position where they can create something and look to see what other people are doing in order to create a workable solution to this.

Gary Duffy, W4086 Lake Shore Drive, Lake Geneva, addressed the Board regarding short term rentals. He spoke in opposition of short term rentals.

Martin Murphy, W4110 W. End Road, Lake Geneva, addressed the Board regarding the short term rentals. He spoke in favor of short term rentals.

Ed Yaeger, 421 Water Street, Lake Geneva, addressed the Board regarding TIF district. He asked the Board to urge the City of Lake Geneva to close the TIF district. He said spoke in favor of the County Board urging the City of Lake Geneva to close the TIF district.

Cassandra Kordecki, W3437 Royal Glen Ct., addressed the Board regarding short term rentals. She spoke in favor of short term rentals.

Maureen Duffy, N3063 Uranus Road, addressed the Board regarding short term rentals. She spoke in opposition to short term rentals.

John Rees, 121 Clover St., Williams Bay, addressed the Board regarding short term rentals. He said he works for TLC Cleaning Company and they do cleaning for short term rentals, which represents a significant portion of their income. He said this would have direct impact on income and hiring going forward.

### **Appointments/Elections**

1. Local Emergency Planning Committee
  - Elizabeth Aldred, Director of Health and Human Services
  - Steve Olson, Police Chief – Village of Fontana
  - Kurt Picknell, Walworth County Sheriff  
(Recommended by the Executive Committee 5-0)
2. Community Action, Inc.
  - Alan Kupsik – Term to begin upon confirmation and end on June 30, 2016 (Recommended by the Executive Committee 5-0)

On motion by Supervisor Brandl, seconded by Supervisor Weber, the appointments to the Local Emergency Planning Committee and Community Action, Inc. 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 – West Suburban Bank v. County of Walworth, Glenn Sullens, DCN, LLC, and Knight Barry Title, Inc. (To be referred to the Executive Committee)
3. Correspondence received from David and Cheryl Starks, Town of Whitewater, requesting that Joy Baptist Camp Association, Inc.'s (a/k/a Camp Joy) conditional use be revoked (To be referred to the County Zoning Agency)
4. Correspondence received from Neal Siegel regarding the short term rental ordinance (To be referred to the County Zoning Agency)
5. Correspondence received from Supervisor David A. Weber regarding short term rentals (To be referred to the County Zoning Agency) (It is anticipated that the County Board will move, pursuant to Section 2-65 of the Code of Ordinances, to discuss this letter at the meeting and may take action to request the scheduling of a Committee of the Whole Meeting.)
6. Correspondence received from Kenneth L. Etten, President of The Friends of the Geneva Theater, requesting the Walworth County Board consider working with the City of Lake Geneva and the TIF Review Board to allocate TIF funds toward the purchase of the Geneva Theater Building (To be referred to the Finance Committee)
7. Correspondence received from Gardiner Appraisal Service, LLC regarding countywide assessments (To be referred to the Finance Committee)
8. County Clerk Report – Summary of 2014 Dog Licenses Sold and Licensing Statistics (To be placed on file)
9. Outagamie Co. Res. No. 108-2014-15 – Supporting proposed legislation prohibiting the manufacture, sale and distribution of a personal care product containing microbeads (To be placed on file)
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

- Correspondence received from Ken and Christine Boeschen regarding short term rentals – To be referred to the County Zoning Agency
  - Correspondence received from Steve Sokolik, Legal Committee Chairperson of Sunset Hills Homeowners Association, regarding short term rentals – To be referred to the County Zoning Agency
  - Correspondence received from Andy Schmidt, President of Sunset Hills Homeowners Association, regarding short term rentals – To be referred to the County Zoning Agency
  - Correspondence received from Phil Stopa regarding short term rentals – To be referred to the County Zoning Agency
  - Correspondence received from Tim Freund regarding short term rentals – To be referred to the County Zoning Agency
  - Correspondence received from Carey L. Rothbardt regarding short term rentals – To be referred to the County Zoning Agency
  - Correspondence from Joseph F. Kopecky, Town of Geneva Chairman, regarding short term rentals – To be referred to the County Zoning Agency
  - Report of Non-employee Accident or Injury received from Kenneth D. Lyons – To be referred to the Executive Committee
  - Correspondence from American Family Insurance regarding the Claim of Kenneth D. Lyons – To be referred to the Executive Committee
  - *Walworth County Aging & Disability Resource Center News*, March 2015 – To be placed on file
12. Report of the County Clerk Regarding Zoning Petitions (To be referred to the County Zoning Agency)
- Andrew C. Terpstra Trust, Andrew C. Terpstra – Trustee, Ezekiel Terpstra – Applicant, Darien Township. Rezone approx. 1.83 acres of A-1 Prime Agricultural land to the A-5 Agricultural-Rural Residential district.

Supervisor Kilkenny offered a motion, seconded by Supervisor Weber, to permit discussion of Item #5 under Communications and Matters to be Referred for discussion. Motion carried by voice vote.

Supervisor Kilkenny offered a motion, seconded by Supervisor Monroe, to refer this item to the County Zoning Agency (CZA) and further that a public hearing would not be scheduled until a Committee of the Whole meeting is conducted. Bretl stated zoning ordinances are special cases under State statutes so there are special rules at the committee level. He said CZA does not have public comment, but they conduct a public hearing when there is an ordinance amendment in front of the committee and a notice has to be published for the public hearing. After the public hearing is closed, public comment on the subject is not permitted. Concern was expressed that ample opportunity be provided for public comment and input regarding short term rentals. After much discussion, Supervisor Kilkenny withdrew his motion; Supervisor Monroe withdrew his second. Vice Chair Stacey offered a motion, seconded by Supervisor Kilkenny, to refer this to the CZA. Bretl clarified that the Board is not requesting to hold a Committee of the Whole meeting. He said this topic is being referred to CZA and the committee can begin its work. He also said there will not be public comment at CZA. He stated if there would be an ordinance amendment, there would be a noticed public hearing. Cotter stated the public is welcome to attend, but they will not be given the opportunity to speak. The motion by Vice Chair Stacey to refer this to CZA was approved by voice vote.

## **Unfinished Business**

## **New Business**

## **Reports of Standing Committees**

## County Zoning Agency Report of Proposed Zoning Amendments

1. Jodi A. Buckett, Section 21, Lafayette Township. Rezone 35 acres of A-1 to 22 acres of A-2 and 13 acres of A-5 – Approved: 6-0 (February 19, 2015 Zoning Agency Hearing)
2. YMCA of Elgin/Golden Corridor Family YMCA, Sections 8, 9 & 16, East Troy Township. Rezone recreational camp parcels from A-3, C-2 and C-4 (Shoreland Wetlands) to P-1 and C-1 (Non-Shoreland Wetlands) – Approved: 6-0 (February 19, 2015 Zoning Agency Public Hearing)
3. Richard H. Kraus Jr. Trust – Owner, Town of Whitewater & Walworth County – Applicant, Section 20, Whitewater Township. Rezone approx. 59.97 acres of M-3 to A-1 – Approved: 6-0 (February 19, 2015 Zoning Agency Public Hearing)
4. Douglas Ridge – Owner, Town of Whitewater & Walworth County – Applicant, Section 9, Whitewater Township. Rezone approx. 21.7 acres of M-3 to A-3 – Approved: 6-0 (February 19, 2015 Zoning Agency Public Hearing)
5. Robin C. Goessling – Owner, Town of Whitewater & Walworth County – Applicant, Section 7, Whitewater Township. Rezone approx. 28.39 acres of M-3 to A-1 – Approved: 6-0 (February 19, 2015 Zoning Agency Public Hearing)

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

## Executive Committee

1. Ord. No. 915-03/15 – Amending Section 2-32 of the Walworth County Code of Ordinances Pertaining to the Term of the Chairperson and Vice-Chairperson – *Vote Required: Two-thirds* (Recommended by the Executive Committee 4-0)
2. Ord. No. 919-03/15 – Amending Section 2-167 of the Walworth County Code of Ordinances Relative to County Members of the Wisconsin River Rail Transit Commission – *Vote Required: Two-thirds* (Recommended by the Executive Committee 5-0)
3. Res. No. 71-03/15 – Proclaiming April 12-18, 2015 Volunteer Week in Walworth County and Recognizing Walworth County Volunteers – *Vote Required: Majority* (Recommended by the Executive Committee 5-0)
4. Res. No. 73-03/15 – Approving an Amendment to an Antenna Site Agreement by and between Hard Rock Farms LLC, Milwaukee Tower Holdings and Walworth County – *Vote Required: Majority* (Recommended by the Executive Committee 5-0)

Chair Russell relinquished the chair to Vice Chair Stacey and excused herself from the meeting during discussion and voting on Item #1, Ordinance No. 915-03/15. Supervisor Brandl offered a motion, seconded by Supervisor Weber, to approve Item 1, Ordinance No. 915-03/15. Bretl stated the term limit was put into place several years ago, and this ordinance amendment would eliminate the term limit. Supervisor Kilkenny stated he raised concerns at the Executive Committee meeting about changing the ordinances to require a secret ballot when electing the County Board Chair and no longer allow election by unanimous consent. He asked if that could be referred back to the Executive Committee. Bretl stated it was the consensus of the Executive Committee to move forward with this ordinance amendment. He said mandating County Board Chair election by secret ballot can be discussed at a future meeting. On motion by Supervisor Kilkenny, seconded by Supervisor Weber, **Ordinance No. 915-03/15** was approved by unanimous consent of those present.

Chair Russell returned to the meeting and resumed the chair.

Supervisor Kilkenny offered a motion, seconded by Supervisor Brandl, to approve Item 2, Ordinance No. 919-03/15. On motion by Supervisor Stacey, seconded by Supervisor Weber, **Ordinance No. 919-03/15** was approved by unanimous consent.

On motion by Supervisor Brandl, seconded by Supervisor Staples, Item 3, **Resolution No. 71-03/15** was approved by voice vote. Chair Russell acknowledged Colleen Lesniak, Volunteer Services Coordinator, her work. Lesniak thanked the Board for recognizing the volunteers. She noted that in 2014, they had an outstanding number of volunteer hours that were given. She stated she is grateful for the volunteers and the support of the County. Chair Russell stated they had over \$700,000 worth of volunteer work in one year. She said it is very important to the community to be able to run a varied menu of programming.

On motion by Supervisor Weber, seconded by Supervisor Brandl, Item 4, **Resolution No. 73-03/15** was approved by voice vote.

### **Finance Committee**

1. Res. No. 72-03/15 – Urging the City of Lake Geneva to Close Tax Incremental Financing District 4 – *Vote Required: Majority* (Recommended by the Finance Committee 5-0)

Bretl distributed a letter from City of Lake Geneva Mayor Connors relative to this issue. The letter is requesting that the resolution be tabled until the April 21, 2015 County Board meeting. Bretl read the letter as well as an e-mail from City of Lake Geneva Common Council President Alan Kupsik. Chair Russell asked when the State has to be notified that the TIF is closing. Bretl stated he believes it is May 15, 2015. He said the County does not close the TIF but they are making a recommendation to close it. Supervisor Kilkenny offered a motion, seconded by Supervisor Monroe, to approve Resolution No. 72-03/15. Supervisor Schaefer offered a motion, seconded by Supervisor Staples, to lay the resolution over until the April meeting. Supervisor Kilkenny stated this resolution urges the City of Lake Geneva to close the TIF District; the county does not have the authority to close it. He said he feels the TIF is upside down and they need to urge the City to close it. Staples recommended waiting until the City of Lake Geneva holds their meeting about the TIF. Chair Russell relinquished the chair to Vice Chair Stacey in order to address the board. She stated she didn't think it would make a difference if the Board waited until after the City has their meeting. Chair Russell resumed the Chair. Supervisor Yvarra stated he doesn't see why the Board would have to delay this as it is their wish to express their intent of wanting the TIF closed. Vice Chair Stacey called the question. Supervisor Schaefer stated it would not hurt to wait to take action on this resolution.

A roll call vote was conducted on Supervisor Schaefer's motion to lay this item over until the April meeting. Total votes: 10 – Ayes: 3 (Schaefer, Staples, and Russell); Noes: 7 (Brandl, Brellenthin, Kilkenny, Monroe, Stacey, Weber, and Yvarra); Absent: 1 (Ingersoll). Motion failed. **Resolution No. 72-03/15** was approved by voice vote. Supervisor Schaefer requested his vote be recorded as "No".

### **Human Resources Committee**

1. Ord. No. 916-03/15 – Amending Section 15-1512 of the Walworth County Code of Ordinances Relating to a Shift Differential for Certain Health and Human Services Employees – *Vote Required: Majority* (Recommended by the Human Resources Committee 4-0)
2. Ord. No. 917-03/15 – Amending Sections of Chapter 15 of the Walworth County Code of Ordinances Relating to Salary and Step Advancement for Certain CDEB Employees – *Vote Required: Majority* (Recommended by the Human Resources Committee 4-0 and the Children with Disabilities Education Board 3-0)

