

**JUNE 10, 2014**  
**WALWORTH COUNTY BOARD OF SUPERVISORS**  
**MEETING**

The Walworth County Board of Supervisors meeting was called to order by Chair Russell at 6:02 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, Kathy Ingersoll, Daniel G. Kilkenny, Kenneth H. Monroe, Joe Schaefer, Rick Stacey, Charlene Staples, David A. Weber, Paul Yvarra, and Chair Nancy Russell. A quorum was established.

Richard Brandl, Walworth County Board Supervisor, District #9, delivered the invocation.

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

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

**Approval of the Minutes**

On motion by Supervisor Brandl, seconded by Supervisor Weber, the May 13, 2014 County Board Meeting minutes were approved by voice vote.

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

There was none.

**Special Order of Business**

- Payne & Dolan, Inc. to present the County Board with a plaque, “Larry H. Lemon Award”, for their work on the STH 36 reconstruction project

Kevin Brunner, Director of Central Services, introduced Matt Gregg, Project Manager from Payne & Dolan, Inc. Mr. Gregg stated this award is given by the National Asphalt Pavement Association to the top ten projects in the nation that are under 50,000 tons and this was the only one given in Wisconsin. Mr. Gregg thanked the County for their support and presented the award to Chair Russell.

**Appointments/Elections**

1. Walworth County Lake Districts
  - Benedict-Tombeau Lakes – Supervisor Ken Monroe
  - Beulah Lake – Supervisor Rick Stacey
  - Booth Lake – Stanley Muzatko – Citizen Member
  - Comus Lake – Supervisor Dan Kilkenny
  - Honey Lake – Robert McIndoe – Citizen Member
  - Lauderdale Lakes – Richard Callaway – Citizen Member
  - Pleasant Lake – Robert Arnold – Citizen Member
  - Potters Lake – Joyce Reed – Citizen Member
  - Whitewater-Rice Lakes – Jerry Grant – Citizen Member
2. 911 Governing Board

- Nancy Russell – Two-year term to begin upon confirmation and end on May 8, 2016  
(Recommended by the Executive Committee 5-0)
- 3. Civil Service Board
  - Gene Krauklis – Five-year term to begin upon confirmation and end on December 31, 2018  
(Recommended by the Executive Committee 5-0)
- 4. Land Conservation Committee
  - Rosemary Badame – Two-year term to begin upon confirmation and end on July 30, 2016  
(Recommended by the Executive Committee 5-0)
- 5. Park Committee
  - Mariette Nowak – Two-year term to begin upon confirmation and end on June 30, 2016
  - Mike Hurlburt – Two-year term to begin upon confirmation and end on June 30, 2016  
(Recommended by the Executive Committee 5-0)

On motion by Supervisor Weber, seconded by Supervisor Brandl, the appointments to the Walworth County Lake Districts, 911 Governing Board, Civil Service Board, Land Conservation Committee and Park 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: None.
3. Eau Claire County Resolution Opposing Actions by the Wisconsin State Legislature which Abrogate or Significantly Modify or Decrease Local Authority and Control by Counties, Towns and Municipalities (To be referred to the Executive Committee)
4. Correspondence from the State of Wisconsin Department of Natural Resources regarding the ordinance adoption process for the National Flood Insurance Program (NFIP) (To be referred to the Land Conservation Committee) (The CD included with this correspondence can be viewed in the County Clerk’s office)
5. Correspondence from the State of Wisconsin Department of Natural Resources regarding the proposed state purchase of 17.04 acres of land for the Stream Bank Protection Fee Program in the Town of East Troy (To be referred to the Land Conservation Committee)
6. Raze Order for property located at 1411 Clover Road, Village of Bloomfield (To be placed on file)
7. Correspondence from State Representative David Craig acknowledging receipt of Walworth County Resolution No. 11-05/14 regarding support of legislation requiring the Wisconsin Department of Corrections to develop a graduated sanctions system (To be placed on file)
8. Report of the County Clerk Regarding Communications Received by the Board and Recommended to be Placed on File
  - There were none.
9. Report of the County Clerk Regarding Communications Received by the Board After the Agenda Mailing
  - Claim for Vehicle Damage – Connie Rudolph – To be referred to the Executive Committee
  - Correspondence from State Senator Tim Cullen acknowledging receipt of Walworth County resolution in support of a graduated sanctions system – To be placed on file
  - Correspondence from Waukesha County regarding Year 2014 Approval of Amendment to the Comprehensive Development Plan for Waukesha County – To be placed on file (The comprehensive plan amendments can be viewed in the County Clerk’s office)
  - *Walworth County Aging & Disability Resource Center News*, June 2014 – To be placed on file
10. Report of the County Clerk Regarding Zoning Petitions (To be referred to the County Zoning Agency)

- Walworth County Land Use and Resource Management Department, All Townships. Amendment to Section(s) 74-131 of the Zoning Ordinance and Section(s) 74-166, 74-174, 74-187, 74-218, 74-222, 74-248, 74-250, 74-259, 74-263 and 74-264 of the Shoreland Zoning Ordinance, Walworth County Code of Ordinances relative to permitting Floodplain Regulations.

On motion by Vice-Chair Stacey, seconded by Supervisor Brandl, the correspondence listed in Item 4 under Communications and Matters to be Referred was referred to the County Zoning Agency instead of the Land Conservation Committee.

## **Unfinished Business**

## **New Business**

## **Reports of Standing Committees**

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

1. Citizens Bank of Mukwonago – Owner, Scott Hatchell – Applicant, Section 21, Troy Township. Rezone 1.22 acres of A-1 to A-4 – Approved: 6-0 (May 15, 2014 County Zoning Agency Public Hearing)
2. Cody L. Piester, Section 32, Lyons Township. Rezone .7 acres of C-4 and C-1 to A-5 – Approved: 6-0 (May 15, 2014 County Zoning Agency Public Hearing)

On motion by Vice-Chair Stacey, seconded by Supervisor Schaefer, 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. Res. No. 13-06/14 – Submitting Certain Advisory Resolutions to the Wisconsin Counties Association to be Included in its Platform – *Vote Required: Majority* (Recommended by the Executive Committee 5-0)

On motion by Supervisor Weber, seconded by Supervisor Brandl, **Resolution No. 13-06/14** was approved by voice vote.

### **Finance Committee**

1. Ord. No. 863-06/14 – Amending Sections 30-157 and 30-172 of the Walworth County Code of Ordinances Regarding Use of Ignition Interlock Surcharge Fees – *Vote Required: Majority* (Recommended by the Finance Committee 5-0)
2. Ord. No. 864-06/14 – Amending Section 30-286 of the Walworth County Code of Ordinances Relative to Lakeland Health Care Center Fees – *Vote Required: Majority* (Recommended by the Finance Committee 5-0)
3. Ord. No. 865-06/14 – Amending Section 2-133 of the Walworth County Code of Ordinances Relating to Duties of the Finance Committee – *Vote Required: Majority* (Recommended by the Finance Committee 4-0)
4. Res. No. 12-06/14 – Authorizing Write Off of 2011 Personal Property Taxes Uncollectible in 2012 – *Vote Required: Majority* (Recommended by the Finance Committee 4-0)
5. Res. No. 14-06/14 – Repealing Resolution No. 94-12/86 Relative to Settlement of Special Assessments and Charges – *Vote Required: Majority* (Recommended by the Finance Committee 5-0)

On motion by Supervisor Ingersoll, seconded by Supervisor Weber, Item 1, **Ordinance No. 863-06/14**; Item 2, **Ordinance No. 864-06/14**; and Item 3, **Ordinance No. 865-06/14**; were approved by voice vote.

Clerk Bushey stated that Item 4, Resolution No. 12-06/14, requires a two-thirds vote, which is indicated on the resolution included in the agenda packet. Supervisor Weber offered a motion, seconded by Vice-Chair Stacey, to approve Item 4, Resolution No. 12-06/14. On motion by Vice-Chair Stacey, seconded by Supervisor Monroe, **Resolution No. 12-06/14** was approved by unanimous consent.

Administrator Bretl stated the issue revolves around the settlement of special assessments and special charges. He gave an example of when a property owner does not mow their lawn; a municipality can place a special charge on the property tax bill for mowing the lawn. He said the county has been settling with municipalities for unpaid special assessments under a continuing resolution since the late 1980s. He stated if the property becomes tax delinquent and the county acquires the property through the in rem process and sells the property, the proceeds are applied to the specials that had been settled with the municipality. He also stated a problem that the county has encountered is related to developer agreements and tax incremental districts which can tie very substantial amounts of money to special assessments. He said the county had a case in the City of Whitewater where it was hundreds of thousands of dollars. He said that state statutes indicate that the county can settle on all of the special assessments or none of them.

Bretl stated it was the recommendation of the Finance Committee to repeal this continuing authority. He said there was a fair amount of misunderstanding among municipalities when this was discussed last year. He stated that the special assessments do not go away, but it is more of a timing issue for the municipalities as the county would no longer settle and the special assessments would continue to accrue. He said when the property becomes tax delinquent and is sold by the county, the special assessments have first priority in the settlement and the municipalities would receive their money at that time. He stated there is also a technological issue with this because people could pay in installments and the new tax software takes care of that problem. He said that the effect of making whole on large developer agreements is that you are taking the money from taxpayers in other municipalities. He stated they had petitioned the state legislature to change the statutes to give the county the ability to settle on smaller special assessments or non-developer ones.

Valerie Etzel, Walworth County Treasurer, stated as the county collects the special assessments with the property taxes, the special assessments are paid out first and on a monthly basis to the municipalities. She said the timing is different for the municipalities as it is dependent upon when the Treasurer's office receives the money, but the county will continue to collect the special assessments and turn the money over to the municipalities along with any interest. She stated the county will keep the penalty. On motion by Supervisor Kilkenny, seconded by Supervisor Weber, Item 5, **Resolution No. 14-06/14**, was approved by voice vote.

### **Human Resources Committee**

1. Ord. No. 866-06/14 – Amending Chapter 15 of the Walworth County Code of Ordinances Relating to the Decertification of the Lakeland Education Association – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)

On motion by Supervisor Monroe, seconded by Supervisor Brandl, **Ordinance No. 866-06/14** was approved by voice vote.

### **Report of Special Committees**

There were none.

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

There was none.

**Chairperson’s Report**

Chair Russell read a “Thank You” card from Volunteer Connections.

**Adjournment**

On motion by Supervisor Weber, seconded by Supervisor Brandl, the meeting was adjourned at 6:22 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 June 10, 2014 meeting.