

**OCTOBER 14, 2014
WALWORTH COUNTY BOARD OF SUPERVISORS
MEETING**

The Walworth County Board of Supervisors meeting was called to order by Chair Russell at 6:20 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, Vice-Chair Rick Stacey, Charlene Staples, David A. Weber, Paul Yvarra, and Chair Nancy Russell. A quorum was established.

Nancy Russell, Walworth County Board Supervisor, District #11, delivered the invocation.

Amendments, Withdrawals, and Approval of Agenda

Vice-Chair Stacey offered a motion, seconded by Supervisor Brandl, to approve the agenda with two amendments: 1) move Appointments/Elections prior to Comment Period by Members of the Public Concerning Items on the Agenda; and 2) suspend the rules in order to discuss Item #3 under Communications and Matters to be Referred. Motion carried.

Approval of the Minutes

On motion by Supervisor Schaefer, seconded by Supervisor Weber, the September 4, 2014 Committee of the Whole and September 4, 2014 County Board meeting minutes were approved by voice vote.

Appointments/Elections

1. Director of Health and Human Services
 - Elizabeth Aldred – To succeed Linda Seemeyer (Recommended by the Health and Human Services Board 9-0 and the Executive Committee 5-0)
2. Walworth County Medical Examiner
 - Dr. Lynda Biedrzycki (Recommended by the Executive Committee 5-0)
3. Local Emergency Planning Committee
 - John Ennis
 - Kevin Kennedy
 - Michael Katzenberg
 - David Fladten
 - Jim Obligato
 - Elizabeth Walsh
 - David Thompson
 - Richard Kuhnke
 - David Graves
 - Nancy Russell
 - Mark Ruosch
 - Kevin Brunner
 - Daniel Plutchak
 - Daniel Nickels
 - Eric Hudson
 - David Bretl

(Recommended by the Executive Committee 5-0)
4. Southeastern Wisconsin Regional Planning Commission (SEWRPC)
 - Charles Colman (Recommended by the Executive Committee 5-0)

(The County Board's recommendation and Mr. Colman's background information will be forwarded to Governor Walker for consideration and action.)
5. Walworth County Workforce Development Board
 - Derek D'Auria (Recommended by the Executive Committee 5-0)

On motion by Supervisor Schaefer, seconded by Supervisor Weber, the appointments for Director of Health and Human Services, Walworth County Medical Examiner, Local Emergency Planning Committee, SEWRPC, and Walworth County Workforce Development Board were approved by voice.

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

Shaun Serediak, Sr. PQ Advisor – Enbridge, 1408 Hammond Ave., Superior, WI, addressed the board regarding the Enbridge Line 61 upgrade and provided an overview of the products transported in the pipeline.

Becky Haase, Enbridge, 1408 Hammond Ave., Superior, WI, addressed the board regarding the Enbridge Line 61 upgrade. Ms. Haase urged the board to reject the proposed resolution as the pipeline project does not affect Walworth County.

John Schwarz, Technical Supervisor – Enbridge, W5867 Hedrick Dr., Fort Atkinson, WI, addressed the board regarding the Enbridge Line 61 expansion. He asked the Board to carefully consider the proposed resolution as the Line 61 project does not affect through Walworth County.

Mary Burpee, 609 W. Walworth St., Elkhorn, spoke in favor of the pipeline resolution. She stated human error can happen with any business product or service. She stated she thought that Enbridge and the County Board would be supportive of an environmental impact statement to protect citizens.

Ellen M. Holly, W5108 Wandawega Dr., Elkhorn, spoke in favor of the pipeline resolution. She said Walworth County citizens deserve a full environmental impact statement and she would like to see public hearings held on this subject.

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 Supply received from Super Mix of Wisconsin Inc. regarding furnished labor/materials for various county road projects; b) Claim for Vehicle Damage – Jeremy A. Behrens; c) Intervenor’s Notice of Motion and Motion for Leave to Sue the Receiver – In re: B.R. Amon & Sons, Inc., Amon & Sons, Inc., Amon Land Company, LLC, Lake Mills Blacktop, Inc., Assignors (To be referred to the Executive Committee)
3. Correspondence from Wisconsin Healthy Workplace Advocates regarding “Freedom from Workplace Bullies Week” (It is anticipated that the County Board will move, pursuant to Section 2-62 of the Walworth County Code of Ordinances, to suspend its rules in order to take action on this item)
4. Correspondence from Attorney John L. Maier, Jr. in regard to the Mound Road Estates Subdivision / The Shores of Delavan Lake Subdivision and requesting the County Zoning Agency refund an equitable portion of application fees to the applicant in the event that the Shodeen Project is rejected (To be referred to the County Zoning Agency)
5. Outagamie Co. Res. No. 26-2014-15 – Supporting legislation to allow escrow accounts and irrevocable trusts used by landfill owners to demonstrate proof of financial responsibility (To be referred to the Executive Committee)
6. Correspondence from Vice-Chair Rick Stacey in regard to providing cameras to the Sheriff’s Office in order to record interaction between law enforcement and citizens (To be referred to the Executive Committee)

7. Correspondence from Vice-Chair Rick Stacey in regard to the interest rate charged on delinquent taxes (To be referred to the Finance Committee)
8. Correspondence from State Rep. Andy Jorgensen acknowledging receipt of Walworth County resolutions regarding funding for county 911 services and the circuit court system (To be placed on file)
9. Report of the County Clerk Regarding Communications Received by the Board and Recommended to be Placed on File
 - There were none.
10. Report of the County Clerk Regarding Communications Received by the Board After the Agenda Mailing
 - Resolution No. 36-10/14 – Supporting Center-based Programming for People with Disabilities – *Vote Required: Majority* (Recommended by the Executive Committee 5-0, Children with Disabilities Education Board 4-0, and Health and Human Services Board 8-0)
 - Correspondence from Tom Laughlin regarding opposition to short term rentals – To be referred to the County Zoning Agency
 - Correspondence from Larry Kulik regarding opposition to short term rentals – To be referred to the County Zoning Agency
 - Summons and Complaint – U.S. Bank National Association, as Trustee for Structured Asset Investment Loan Trust Mortgage Pass-Through Certificates, Series 2006-2 c/o Ocwen Loan Servicing, LLC, Plaintiff, vs. Joseph J. Hogan, Sara M. Hogan a/k/a Sara M. Boehmer, Lake Como Beach Property Owners Association, Inc., Thorpe & Christian, S.C., County of Walworth, State of Wisconsin, Defendants – To be referred to the Executive Committee
 - Wisconsin Department of Administration Final Estimate of January 1, 2014 Population of Walworth County – To be referred to the Executive Committee
 - Correspondence from the State of Wisconsin Department of Natural Resources in regard to the Amendment to the Regional Water Quality Management Plan – City of Burlington, Walworth County – To be placed on file
 - *Walworth County Aging & Disability Resource Center News*, October 2014 – To be placed on file
11. Report of the County Clerk Regarding Zoning Petitions (To be referred to the County Zoning Agency)
 - ML Group, LLC – Cindy Lychotet, Applicant, Sugar Creek Township. Rezone approx. 10.78 acres of A-1 Agricultural and B-2 Highway Business Districts to C-4 and C-1 Lowland Resource Conservation Districts (shoreland and non-shoreland wetlands); rezone approx. .26 acres of A-2 Agricultural District to B-2 Highway Business District
 - Grand Geneva, LLC – Mark McDonald, Applicant, Lyons Township. Rezone approximately 12 acres of A-2 Agricultural District and C-1 Lowland Resource Conservation District to B-5 Planned Commercial Recreational Business District, approximately 3.3 acres of A-2 District to C-4 and C-2 Districts (shoreland and non-shoreland wetlands) and approximately 9.25 acres of B-5 District to C-4 District
 - Mukwonago Baptist Church Inc., Rhon L. Roberts – Agent, East Troy Township. Amend the 2035 Land Use Plan Map from approximately 20.12 acres of (RR) Rural Density Residential (at least 5 acres per dwelling) land use category to the (I) Governmental and Institutional land use category
 - Jodi Buckett Vanwormer – owner, LaFayette Township. Amending the 2035 Land Use Plan Map from approximately 35 acres of (AP) Prime Agricultural land use category to the (AG1) Other Agricultural Rural Residential and Other Open Lands (5 to 34 acres per dwelling) land use category

Supervisor Monroe offered a motion, seconded by Vice-Chair Stacey, to approve Item #3 – Correspondence from Wisconsin Healthy Workplace Advocates regarding “Freedom from Workplace

Bullies Week” and proclaimed October 19-25, 2014 as “Freedom from Workplace Bullies Week”.
Motion carried.

Unfinished Business

1. Res. No. 26-09/14 – Supporting a Full Environmental Impact Statement for Enbridge Energy Line 61 Expansion and Needed Public Input – *Vote Required: Majority* (Recommended by the Land Conservation Committee 4-1)

On motion by Supervisor Kilkenny, seconded by Supervisor Staples, **Resolution No. 26-09/14** was approved by voice vote. Vice-Chair Stacey and Supervisor Brandl requested that their votes be recorded as “No”.

New Business

Reports of Standing Committees

County Zoning Agency Report of Proposed Zoning Amendments

1. Joanne Beck, Mark Anders, Paul Anders, and Kristin Sleeth, Section 9, East Troy Township. Rezone approximately .12 acres of C-4 to R-1 – Approved: 6-0 (September 18, 2014 County Zoning Agency Public Hearing)
2. Christian League for the Handicapped, Inspiration Ministries c/o Richard Hall, Robert Pearce – Applicant, Section 2, Walworth Township. Rezone approximately 7.49 acres of A-1 and P-2 to A-1, P-2 and C-2 – Approved: 6-0 (September 18, 2014 County Zoning Agency Public Hearing)
3. Fort Community Credit Union c/o Jim Simdon (Vice President), Section 11, LaGrange Township. Rezone approximately 1.5 acres of C-2 to A-5 – Approved: 6-0 (September 18, 2014 County Zoning Agency)

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

Executive Committee

1. Ord. No. 890-10/14 – Amending Chapter 6 and Chapter 14 of the Walworth County Code of Ordinances Relative to Powers of the County Humane Officer – *Vote Required: Majority* (Recommended by the Executive Committee 5-0 and the Finance Committee 4-0)
2. Ord. No. 891-10/14 – Amending Section 2-144 of Chapter 2 of the Walworth County Code of Ordinances Relating to Committee Procedure (CDEB Meeting Time) – *Vote Required: Two-thirds* (Recommended by the Executive Committee 5-0)
3. Res. No. 35-10/14 – Designating Cindy Wrobel as the Walworth County Humane Officer – *Vote Required: Majority* (Recommended by the Executive Committee 5-0)
4. Res. No. 36-10/14 – Supporting Center-based Programming for People with Learning Disabilities – *Vote Required: Majority* (Recommended by the Executive Committee 5-0, Children with Disabilities Education Board 4-0, and Health and Human Services Board 8-0)
5. Res. No. 40-10/14 – Regarding the Claim of Myron Paddock – *Vote Required: Majority* (Recommended by the Executive Committee 3-2)

On motion by Supervisor Brandl, seconded by Supervisor Staples, Item 1, **Ordinance No. 890-10/14**; Item 3, **Resolution No. 35-10/14**; and Item 4, **Resolution No. 36-10/14** were approved by voice vote.

Supervisor Ingersoll offered a motion, seconded by Supervisor Schaefer, to approve Item 2, Ordinance No. 891-10/14. On motion by Vice-Chair Stacey, seconded by Supervisor Monroe, **Ordinance No. 891-10/14** was approved by unanimous consent.

Regarding Item 5, Resolution No. 40-11/14, County Clerk Bushey stated the Executive Committee voted 3-2 to disallow the claim based on the recommendation of the county's insurance company. Supervisor Brandl offered a motion, seconded by Supervisor Weber, to deny the claim of Myron Paddock. Supervisors Kilkenny, Staples, Ingersoll, and Brellenthin requested that their votes be recorded as "No". Motion carried.

Finance Committee

1. Ord. No. 880-10/14 – Amending Section 30-150 of the Walworth County Code of Ordinances Relating to Write-off of Receivables – *Vote Required: Majority* (Recommended by the Finance Committee 4-0)
2. Ord. No. 881-10/14 – Amending Section 30-185 of the Walworth County Code of Ordinances Relating to Establishment of Agency Funds – *Vote Required: Majority* (Recommended by the Finance Committee 4-0)
3. Ord. No. 882-10/14 – Amending Section 30-414 of the Walworth County Code of Ordinances Relating to Correction of Errors – *Vote Required: Majority* (Recommended by the Finance Committee 4-0)
4. Res. No. 28-10/14 – Approving an Agreement by and between Walworth County and the Lakeland Animal Welfare Society, Inc. for Contract Term 2015 to 2019 – *Vote Required: Two-thirds* (Recommended by the Finance Committee 4-0)
5. Res. No. 29-10/14 – Internally Designating Lakeland Health Care Center 2014 Net Position for Future Building/Equipment – *Vote Required: Two-thirds* (Recommended by the Lakeland Health Care Center Board of Trustees 5-0 and the Finance Committee 4-0)
6. Res. No. 30-10/14 – Committing General Fund Balances for Future Building/ Equipment – *Vote Required: Two-thirds* (Recommended by the Finance Committee 4-0)
7. Res. No. 31-10/14 – Authorizing Additions to Previously Established Pre-Approved Recurring Grants List – *Vote Required: Majority* (Recommended by the Finance Committee 4-0)
8. Res. No. 33-10/14 – Approving Intergovernmental Cooperation Agreement between Waukesha County and Walworth County Regarding the Provision of Medical Examiner Services to Walworth County – *Vote Required: Two-thirds* (Recommended by the Finance Committee 4-0)
9. Res. No. 34-10/14 – Approving Intergovernmental Cooperation Agreement between Waukesha County and Walworth County Regarding the Provision of Transition Services to Medical Examiner System – *Vote Required: Majority* (Recommended by the Finance Committee 4-0)

On motion by Supervisor Brandl, seconded by Supervisor Weber, Item 1, **Ordinance No. 880-10/14**; Item 2, **Ordinance No. 881-10/14**; and Item 3, **Ordinance No. 882-10/14**; were approved by voice vote.

Supervisor Brandl offered a motion, seconded by Supervisor Staples, to approve Item 4, Resolution No. 28-10/14. On motion by Vice-Chair Stacey, seconded by Supervisor Weber, **Resolution No. 28-10/14** was approved by unanimous consent.

Supervisor Ingersoll offered a motion, seconded by Supervisor Weber, to approve Item 5, Resolution No. 29-10/14. On motion by Vice-Chair Stacey, seconded by Supervisor Brandl, **Resolution No. 29-10/14** was approved by unanimous consent.

Supervisor Weber offered a motion, seconded by Supervisor Yvarra, to approve Item 6, Resolution No. 30-10/14. On motion by Vice-Chair Stacey, seconded by Supervisor Brandl, **Resolution No. 30-10/14** was approved by unanimous consent.

On motion by Supervisor Weber, seconded by Supervisor Yvarra, Item 7, **Resolution No. 31-10/14**, and Item 9, **Resolution No. 34-10/14**; were approved by voice vote.

Supervisor Brandl offered a motion, seconded by Supervisor Weber, to approve Item 8, Resolution No. 33-10/14. On motion by Vice-Chair Stacey, seconded by Supervisor Brandl, **Resolution No. 33-10/14** was approved by unanimous consent.

Human Resources Committee

1. Ord. No. 883-10/14 – Amending Sections 15-6 and 15-17 of the Walworth County Code of Ordinances Relating to the Reclassification of the HS Supervisor-Administration – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
2. Ord. No. 884-10/14 – Amending Section 15-17 of the Walworth County Code of Ordinances Relating to the Reclassification of a Unit Clerk and an RN-Unit Supervisor – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
3. Ord. No. 885-10/14 – Amending Section 15-359 of the Walworth County Code of Ordinances Relating to Special Pay Premiums for the Extended School Year – *Vote Required: Majority* (Recommended by the Children with Disabilities Education Board 4-0 and the Human Resources Committee 5-0)
4. Ord. No. 886-10/14 – Creating Section 15-366 of the Walworth County Code of Ordinances Relating to Safety Shoe Stipend for Certain LHCC Employees – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
5. Ord. No. 887-10/14 – Amending Sections 15-154 and 15-601 of the Walworth County Code of Ordinances Relating to Safety – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
6. Ord. No. 888-10/14 – Amending Section 15-333 of the Walworth County Code of Ordinances Relating to Step Increase Dates for CDEB Management Staff – *Vote Required: Majority* (Recommended by the Children with Disabilities Education Board 4-0 and the Human Resources Committee 5-0)
7. Ord. No. 889-10/14 – Creating Sections 15-540 and 15-549 of the Walworth County Code of Ordinances Relating to Special Benefit Provisions for CDEB Professional Employees – *Vote Required: Majority* (Recommended by the Children with Disabilities Education Board 4-0 and the Human Resources Committee 5-0)
8. Res. No. 32-10/14 – Approving a Collective Bargaining Agreement by and between Walworth County and the Health and Human Services Professionals for the Period of January 1, 2014 to December 31, 2014 – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)

On motion by Supervisor Monroe, seconded by Supervisor Weber, Item 1, **Ordinance No. 883-10/14**; Item 2, **Ordinance No. 884-10/14**; Item 3, **Ordinance No. 885-10/14**; Item 4, **Ordinance No. 886-10/14**; Item 5, **Ordinance No. 887-10/14**; Item 6, **Ordinance No. 888-10/14**; Item 7, **Ordinance No. 889-10/14**; and Item 8, **Resolution No. 32-10/14**; were approved by voice vote.

Park Committee

1. Res. No. 38-10/14 – Authorizing County Conservation Aids Program – *Vote Required: Majority* (Recommended by the Park Committee 4-0)

2. Res. No. 39-10/14 – Approving Memorandum of Understanding (MOU) with Rock County on Maintenance and Development of the Pelishek-Tiffany Trail – *Vote Required: Majority* (Recommended by the Park Committee 4-0)
3. Res. No. 41-10/14 – Authorizing County Officials to Enter into a Lease Agreement for Rental of the Residence Located in the White River County Park – *Vote Required: Majority* (No formal vote was taken at the September 15, 2014 Park Committee meeting.)

On motion by Supervisor Staples, seconded by Supervisor Brandl, Item 1, **Resolution No. 38-10/14**; and Item 2, **Resolution No. 39-10/14**; were approved by voice vote.

Administrator Bretl began discussion on Item 3, Resolution No. 41-10/14. He said this was being held at Park Committee to develop a draft lease and it is important to obtain direction from the County Board due to the upcoming cold weather season. He stated the house requires \$11,000 in repairs in order to prepare it for rental. Nicki Andersen, Deputy County Administrator-Finance, stated this resolution will require a two-thirds vote due to transferring funds from the contingency fund. Supervisor Schaefer offered a motion, seconded by Supervisor Weber to approve Item 3, Resolution No. 41-10/14. Kevin Brunner, Director of Central Services, provided an overview of the current condition of the home. He said the house was excluded from the stewardship grant; therefore, the county is able to sell the home.

Discussion ensued as to whether the county should make repairs in order to lease the home. Supervisor Kilkenny said it would be advantageous to have someone on site at the park and it was the consensus of the Park Committee was to move forward with this resolution. Supervisor Weber suggested moving forward with restoration to prepare for occupancy. He said there is no way for the county to rent to an occupant that would not have duties to oversee the property, and this would narrow the field for prospective renters. He said the duties and responsibilities of the occupant need to be determined and suggested having the Park Committee determine a profile of an occupant. Vice-Chair Stacey and Supervisors Yvarra and Monroe expressed concern regarding the liability issues of renting the home. Chair Russell relinquished the chair to Vice-Chair Stacey in order to address the board. Chair Russell expressed her concerns over renting the home. She stated she is reluctant because she would like to have someone on site but she stated the disadvantages outweigh the advantages. Chair Russell resumed the chair. Brunner stated the original intent was to lease the home when the county purchased the park. He said he does not believe it is prudent to preserve the home.

A roll call vote was conducted on Item 3, Resolution No. 41-10/14. Total votes: 11. Ayes: 4 – Kilkenny, Schaefer, Staples, and Weber; Noes: 7 – Brandl, Brellenthin, Ingersoll, Monroe, Stacey, Yvarra, and Russell; Absent: 0. Resolution No. 41-10/14 failed.

Brunner stated it should not cost much to winterize the home. Bretl stated they would request bids demolishing the home and another vote will be needed to transfer funds in order to demolish the home. Vice-Chair Stacey offered a motion, seconded by Supervisor Brandl, to winterize the home, obtain bids to demolish the home and return back to the Board.

Supervisor Ingersoll asked if there was any other reason to restore the home other than renting it out. Brunner stated the house is not in great shape, but in some people's eyes, the home could be preserved. Chair Russell stated she thought they had ruled out selling the home due to the county having less control. Supervisor Schaefer asked the amount of fire insurance on the property. Brunner stated he believes the insured value is approximately \$90,000. He said when the property was appraised, they included an appraised value of the home at \$28,000 if the home was moved from the property.

