

NOVEMBER 12, 2014
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, 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.

Kathy Ingersoll, Walworth County Board Supervisor, District #6, delivered the invocation.

Amendments, Withdrawals, and Approval of Agenda

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

Approval of the Minutes

On motion by Supervisor Brandl, seconded by Supervisor Yvarra, the October 14, 2014 County Board Meeting minutes were approved by voice vote.

On motion by Supervisor Ingersoll, seconded Supervisor Weber, the October 30, 2014 Public Budget Hearing minutes were approved by voice vote.

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

Ted Peters, Director of the Geneva Lake Environmental Agency (GLEA) and resident of Town of Linn, addressed the board regarding the use of soy salt brine as an additive for de-icing roads. He stated he addressed the Public Works Committee expressing his concern regarding the use of this product and its impact on the lakes. He said the GLEA does not have a problem with the Kikkoman Corporation, and they were a strong supporter of Kikkoman pursuing their green tier designation. He encouraged the Board to deny the acceptance of the tank and use of the soy salt brine as an additive.

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 Auction and Auction Terms and Bid Procedures – In re: B.R. Amon & Sons, Inc., Amon & Sons, Inc., Amon Land Company, LLC, Lake Mills Blacktop, Inc., Assignors; b) Writ of Certiorari and Petition for Writ of Certiorari – James E. Siffermann, Petitioner, vs. Walworth County Board of Adjustment, Respondent; c) Receiver Ronald M. Carlson, Esq., Forseti Consulting, LLC, and Southwind RAS' Response to Plaintiff-Intervenor's Motion for Leave to Sue the Receiver, or, in the alternative, for Leave to Intervene in the Receivership Trust Pursuant to Wis. Stat. § 803.09(1) – In re: B.R. Amon & Sons, Inc., Amon & Sons, Inc., Amon Land Company, LLC, Lake Mills Blacktop, Inc., Assignors; d) Notice of Motion to Allow Environmental Testing Upon

- Receivership Property – 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 the Government Finance Officers Association (GFOA) regarding Walworth County being awarded the Certificate of Achievement for Excellence in Financial Reporting (To be referred to the Finance Committee)
 4. Press Release from Brown County Citizens for Responsible Wind Energy in regard to Duke Energy’s Shirley Wind Turbines Declared a “Human Health Hazard” (To be placed on file)
 5. Correspondence from the State of Wisconsin Department of Natural Resources acknowledging receipt of Walworth County Resolution No. 26-09/14 regarding the Enbridge Energy Line 61 expansion (To be placed on file)
 6. Notice of Public Hearing and Order for Publication – In the Matter of West Shore Ventures, LLC’s Application to Place a Pier on the Bed of Lake Beulah in the Town of East Troy (To be placed on file)
 7. Southeastern Wisconsin Regional Planning Commission’s 2013 Annual Report (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
 - Correspondence from Maureen Duffy in regard to short-term rentals – To be referred to the County Zoning Agency
 - Milwaukee Co. Resolution No. 14-669 Requesting that the Wisconsin Department of Health Services (DHS) respond to the questions posed by the Milwaukee County Aging and Disability Resource Center Governing Board in the form of a presentation and in writing – To be referred to the Health and Human Services Board
 - *Walworth County Aging & Disability Resource Center News*, November 2014 – To be placed on file
 10. Report of the County Clerk Regarding Zoning Petitions (To be referred to the County Zoning Agency)
 - James Stowell, Spring Prairie Township. Rezone approx. 2.66 acres of A-4 Agricultural Related Manufacturing, Warehousing and Marketing District to A-5 Agricultural-Rural Residential District

Unfinished Business

New Business

Reports of Standing Committees

County Zoning Agency Report of Proposed Zoning Amendments

1. Mukwonago Baptist Church Inc., Rhon L. Roberts – Agent, Section 2, East Troy Township. Requests to 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 (G) Governmental and Institutional land use category – Approved: 7-0 (October 16, 2014 County Zoning Agency Public Hearing)
2. Jodi Buckett Vanwormer – owner, Section 21, LaFayette Township. Requests to amend the 2035 Land Use Plan Map from approximately 35 acres of (AP) Prime Agricultural land use category to (AG1) Other Agricultural Rural Residential and Other Open Lands (5 to 34 acres per dwelling) land use category – Approved: 5-2 (October 16, 2014 County Zoning Agency Public Hearing)
3. Grand Geneva, LLC, Mark McDonald – Applicant, Sections 29 and 32, Lyons Township. Rezone approximately 12 acres of A-2 and C-1 to B-5, approximately 3.3 acres of A-2 to C-4 and C-1 (shoreland and non-shoreland wetlands), and approximately 9.25 acres of B-5 to C-4 – Approved: 7-0 (October 16, 2014 County Zoning Agency Public Hearing)

On motion by Supervisor Schaefer, seconded by Supervisor Weber, Items 1 and 3 of the County Zoning Agency Report of Proposed Zoning Amendments were approved as recommended by the County Zoning Agency.

Supervisor Weber offered a motion, seconded by Vice-Chair Stacey, to approve Item 2 of the County Zoning Agency Report of the Proposed Zoning Amendments. Chair Russell relinquished the chair to Vice-Chair Stacey in order to address the board. Chair Russell referred to Page 82 of the meeting packet where it states "The land use plan map amendment would not be in conformance with the Walworth County Land Use Plan 2035 on an individual parcel review basis as the property contains over 95% prime farm soils and has been historically farmed and does not have slopes prohibiting normal farming operations". Chair Russell stated that she cannot see any reason why this property should be zoned for Other Agricultural Rural Residential and Other Open Lands. Chair Russell resumed the chair. Supervisor Kilkenny stated they spent several years on the plan and citizens had plenty of time to provide input, and there was language which provides flexibility in special cases. He said that this item does not appear to be a special case and he does not want to set a precedent. He recommended following Chair Russell's lead and voting no on this item. Vice-Chair Stacey stated to be fair since there was no one present from Land Use and Resource Management, he asked if this item could be referred back to committee or postponed. Supervisor Kilkenny offered a motion, seconded by Vice-Chair Stacey, to refer Item 2 back to the County Zoning Agency. Motion carried.

Executive Committee

1. Res. No. 46-11/14 – Honoring the Service of Bob and Lavonne Webster and the Support the Troops Committee – *Vote Required: Majority* (Recommended by the Executive Committee 5-0)

On motion by Supervisor Weber, seconded by Supervisor Schaefer, **Resolution No. 46-11/14** was approved by voice vote. Chair Russell stated a memorial dedication for the Iraq and Afghanistan troops will follow the last Support the Troops Rally on November 24, 2014. She encouraged everyone to attend.

Finance Committee

1. Ord. No. 893-11/14 – Amending Section 30-181 of the Walworth County Code of Ordinances Relating to Public Works State Performance Bid Net Position Carryforward – *Vote Required: Majority* (Recommended by the Public Works Committee 5-0 and the Finance Committee 5-0)
2. Ord. No. 894-11/14 – Amending Section 30-286 of the Walworth County Code of Ordinances Relative to Fees – *Vote Required: Majority* (Recommended by the Finance Committee 5-0)
3. Ord. No. 895-11/14 – Amending Sections 62-104 and 62-105 of the Walworth County Code of Ordinances Relating to Tax Incremental Financing Districts – *Vote Required: Majority* (Recommended by the Finance Committee 5-0)
4. Res. No. 42-11/14 – Authorizing the Sheriff's Office to Accept OWI Task Force Grant Funds in the Amount of \$40,000 to Monitor and Enforce OWI Traffic Laws and Authorizing Addition to the Previously Established Pre-approved Recurring Grants List – *Vote Required: Majority* (Recommended by the Finance Committee 5-0)
5. Res. No. 43-11/14 – Accepting the Donation of Twenty-five (25) Apple iPads and Cases from the Geneva National Foundation for Use at Lakeland School – *Vote Required: Majority* (Recommended by the Children with Disabilities Education Board 5-0 and the Finance Committee 5-0)
6. Res. No. 44-11/14 – Adopting the 2015 Appropriation of the Walworth County Budget and CIP Plan – *Vote Required: Majority* (Recommended by the Finance Committee 4-1)
7. Res. No. 45-11/14 – Establishing the County Tax Levy to Support the 2015 Budget Appropriation – *Vote Required: Majority* (Recommended by the Finance Committee 5-0)

8. Res. No. 48-11/14 – Approving a Negotiated Agreement by and between Walworth County and the Internal Revenue Service – *Vote Required: Two-thirds* (Recommended by the Finance Committee 3-0 and the Human Resources Committee 5-0)

On motion by Supervisor Weber, seconded by Supervisor Monroe, Item 1, **Ordinance No. 893-11/14**; Item 2, **Ordinance No. 894-11/14**; Item 3, **Ordinance No. 895-11/14**; Item 4, **Resolution No. 42-11/14**; and Item 5, **Resolution No. 43-11/14**; were approved by voice vote.

Supervisor Schaefer offered a motion, seconded by Supervisor Weber, to approve Item 6, Resolution No. 44-11/14. The budget amendments were discussed at this time. Supervisors had previously received the proposed budget amendments (BA) from the Finance Department.

BA-A: Public Works – Supervisor Weber offered a motion, seconded by Supervisor Brandl, to approve Budget Amendment A, which is to eliminate the request for CTH NN Pedestrian/Bicycle Trail in 2016 of the Capital Improvement Plan (CIP). The county is responsible for the design costs of the project and for 20% of the construction costs. The project design costs have been included as part of the CTH NN road construction costs and the estimated 20% of construction costs are included in the current year CIP. Current budgets will be carried forward, as appropriate, to complete the Pedestrian/Bicycle Trail project. Budget Amendment A was approved by voice vote. Net levy impact: 0.

On motion by Supervisor Weber, seconded by Vice-Chair Stacey, Item 6, **Resolution No. 44-11/14 as amended with the approved budget amendment**, was approved by voice vote. Supervisor Kilkenny requested that his vote be recorded as “No”.

On motion by Supervisor Brandl, seconded by Supervisor Weber, Item 7, **Resolution No. 45-11/14**, was approved by voice vote.

Administrator Bretl stated this is a resolution that would settle an audit for three tax years with the IRS. He said it would be his recommendation that this is a reasonable settlement of the claims going forward. Supervisor Weber offered a motion, seconded by Supervisor Ingersoll, to approve Item 8, Resolution No. 48-11/14. On motion by Supervisor Stacey, seconded by Supervisor Brandl, **Resolution No. 48-11/14** was approved by unanimous consent.

Human Resources Committee

1. Ord. No. 896-11/14 – Amending Section 15-187 of the Walworth County Code of Ordinances Relating to Residency Requirements for Deputies – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
2. Ord. No. 897-11/14 – Amending Section 15-52 of the Walworth County Code of Ordinances Relating to Requests to Waive Recruitment – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
3. Ord. No. 898-11/14 – Amending Section 15-17 of the Walworth County Code of Ordinances Relating to Authorized Positions by Department Based on the 2015 Budget – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
4. Ord. No. 899-11/14 – Amending Chapter 15 of the Walworth County Code of Ordinances Relating to the Creation of the Office of Medical Examiner – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
5. Ord. No. 900-11/14 – Amending Chapter 15 of the Walworth County Code of Ordinances Relating to Updates to Various Position Titles – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)

6. Ord. No. 901-11/14 – Amending Section 15-810 of the Walworth County Code of Ordinances Relating to Drug or Alcohol Testing – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
7. Ord. No. 902-11/14 – Amending Section 15-142 of the Walworth County Code of Ordinances Relating to Temporary Staffing Agencies – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)

On motion by Supervisor Monroe, seconded by Supervisor Stacey, Item, **Ordinance No. 896-11/14**; Item, 2, **Ordinance No. 897-11/14**; Item 3, **Ordinance No. 898-11/14**; Item 4, **Ordinance No. 899-11/14**; Item 5, **Ordinance No. 900-11/14**; Item 6, **Ordinance No. 901-11/14**; and Item 7, **Ordinance No. 902-11/14** were approved by voice vote.

Land Conservation Committee

1. Ord. No. 892-11/14 – Amending Section 26-301 of the Walworth County Code of Ordinances Relating to Nonmetallic Mining Reclamation – *Vote Required: Majority* (Recommended by the Land Conservation Committee 5-0)

On motion by Supervisor Weber, seconded by Supervisor Staples, **Ordinance No. 892-11/14** was approved by voice vote.

Public Works Committee

1. Res. No. 47-11/14 – Rescinding Resolution No. 27-09/14 Which Accepted a Donation from the Kikkoman Corporation of an 11,000 Gallon Storage Tank for the Purpose of Applying Waste Salt Brine to County Roads – *Vote Required: Majority* (Recommended by the Public Works Committee 3-2)

Supervisor Stacey offered a motion, seconded by Supervisor Staples, to approve Resolution No. 47-11/14. Supervisor Weber stated he received the correspondence from Ted Peters of the GLEA. He questioned how much of an impact the waste salt brine will have on lakes, rivers, and streams, and if the Public Works department is capable of using the waste salt brine in a guarded manner such as in areas away from waterways. He suggested using the product on a trial basis and asked Mr. Peters to report the impact in a couple of years. Joe Kroll, County Engineer, stated from a Public Works standpoint, it would be difficult to use a product in one place and not in another. He expressed concern regarding the ability to measure the impact of the product as they would probably put more resources into it than would be beneficial. He said the Wisconsin Department of Natural Resources (DNR) approved a permit from the Kikkoman Corporation for low hazard waste for five years to recycle this product, and Kikkoman approached the county about the use of this product. Chair Russell stated to her recollection the cost savings of using this product would \$2,000-\$3,000 per year. Supervisor Staples stated when they toured WalCoMet, they were informed that it is difficult for them to get the phosphorous out of the water. Vice-Chair Stacey asked if this waste product was going to be added to the other chemicals used on the roads. Bretl said salt has to be added to the waste brine in order to prevent it from freezing. He said this proposal is based on a report from the DNR and their recommendation, and the county does not have to accept the recommendation.

A roll call vote was conducted. Total votes: 11. Ayes: 6 – Brellenthin, Kilkenny, Stacey, Staples, Yvarra, and Russell; Noes: 5 – Brandl, Ingersoll, Monroe, Schaefer, and Weber; Absent: 0. **Resolution No. 47-11/14** was approved by roll call vote.

Report of Special Committees

There were none.

