

**NOVEMBER 10, 2015  
WALWORTH COUNTY BOARD OF SUPERVISORS  
MEETING**

The Walworth County Board of Supervisors meeting was called to order by Chair Russell at 6:03 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.

Charlene Staples, Walworth County Board Supervisor, District #5, delivered the invocation.

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

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

**Approval of the Minutes**

On motion by Supervisor Brandl, second by Supervisor Weber, the October 13, 2015 County Board Meeting minutes were approved by voice vote.

On motion by Supervisor Stacey, second by Supervisor Staples, the October 29, 2015 Public Budget Hearing 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**

1. Government Finance Officers Association (GFOA) Distinguished Budget Presentation Award for Fiscal Year 2015

Chair Russell presented the GFOA Distinguished Budget Presentation Award for Fiscal Year 2015 to Nicki Andersen, Deputy County Administrator-Finance, Jessica Conley, Comptroller, and Stacie Johnson, Finance Manager-Budget.

**Appointments/Elections**

1. Agriculture and Extension Education Committee
  - Kelly Pickel – Two-year term to begin upon confirmation and end on December 31, 2017 (Recommended by the Executive Committee 5-0)
2. Director of Central Services
  - Eric Nitschke (Recommended by the Public Works Committee 5-0 and the Human Resources Committee 5-0)

On motion by Supervisor Schaefer, second by Supervisor Weber, the appointments to the Agriculture and Extension Education Committee and Director of Central Services were approved by voice vote. Nancy Russell introduced and welcomed Mr. Nitschke.

**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 Receiver's Motions for Entry of an Order Approving Seventh Extension of Financing Agreement, Order Authorizing Receiver to Borrow Funds or Use Cash Collateral and to Grant Additional Liens and Security Interests, and Final Order Authorizing Receiver to Borrow Funds or Use Cash Collateral and to Grant Additional Liens and Security Interests, and for Entry of an Order Extending Time for the Receiver to File the Settlement of Receiver's Accounts – B. R. Amon & Sons, Inc., Amon & Sons, Inc., Amon Land Company, LLC, Lake Mills Blacktop, Inc.; b) Scheduling Questionnaire – LSCG Fund 17, LLC vs Mann Bros., et al (To be referred to the Executive Committee)
3. Sawyer County Resolution #10-2015 – Resolution to Repeal Statutory Provisions Enacted in the State of Wisconsin 2015-2017 Budget Concerning Shoreland Zoning Standards (Act 55)(To be referred to County Zoning Agency)
4. Waushara County Resolution No. 30-10-15 – Resolution to Repeal Statutory Provisions in the State of Wisconsin 2015-2017 Budget Relating to Shoreland Zoning Standards (Sections 1922AM-1922L of 2015 Wisconsin Act 55) and the attached Resolution 23-06-15 (To be referred to County Zoning Agency)
5. Kewaunee County Resolution No. 10-10-15 – Resolution Urging Amendment to §43.12 County Payment for Library Services (To be referred to the Executive Committee)
6. Winnebago County Resolution No. 214-102015 – Urge the Wisconsin Legislature to Transfer Jurisdiction of 17-Year-Old Delinquent Offenders Back into the Juvenile Justice System from the Adult Corrections System (To be referred to the Executive Committee)
7. Wood County Resolution 15-10-7 – Resolution to encourage legislature to update the Public Records law by amending §19.36 (To be referred to the Executive Committee)
8. Outagamie County Resolution No. 49-2015-16 – Supporting proposed legislation requiring the Department of Agriculture, Trade and Consumer Protection (DATCP) to promulgate rules requiring special packaging, as defined under current law, for liquid nicotine (To be referred to the Health and Human Services Board)
9. Outagamie County Resolution No. 48-2015-16 – Opposing proposed legislation prohibiting any employer, including state and local governments, from demoting, suspending, discharging, or otherwise discriminating against an employee or contractor, intern or volunteer, for refusing to be vaccinated against seasonal influenza (To be referred to the Human Resources Committee)
10. Correspondence from Michael Hurlburt – Resignation from the Walworth County Park Committee. (To be referred to the Executive Committee)
11. Report of the County Clerk Regarding Communications Received by the Board and Recommended to be Placed on File.
  - Price County Resolution 56-15 – Supporting the Funding of Pay Progression for Assistant District Attorneys and Creation and Funding of Additional Assistant District Attorney Positions (To be placed on file)
  - Communication from Public Service Commission of Wisconsin regarding Application of American Transmission Company LLC to Build and Place in Service a New 138 kV Transmission Line Between the Spring Valley Substation in Kenosha County and the North Lake Geneva Substation in Walworth County, Wisconsin, to Build a New 138/69 kV Substation in Kenosha County, Wisconsin, and to Build or Rebuild Other Lines and Facilities in the Project Area (To be placed on file)
12. Report of the County Clerk Regarding Communications Received by the Board After the Agenda Mailing
  - Res. No. 53-11/15 – Approving an Employment Agreement By and Between Walworth County and Eric Nitschke as Director of Central Services – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
  - Notice of Claim and Claim for Damages – Alexei Strelchenko (To be referred to the Executive Committee)
  - Town of Bloomfield Ordinance No. 2015-O-1114 – Ordinance Amending the Zoning Ordinance of the Town of Bloomfield Tax Key MB 3600009, N199 Williams Road (To be referred to the County Zoning Agency)
  - Town of Bloomfield Resolution No. 2015-R-12 – Conditional Use Permit, American Fireworks, N199 Williams Road, Genoa City, WI (To be referred to the County Zoning Agency)
  - Oconto County Resolution #98-15 – Resolution Supporting the Repeal of Statutory Provisions Enacted in the State of Wisconsin 2015-2017 Budget Sections 1922B-1922L, 2015 Act 55 Concerning the Zoning of Shorelands on Navigable Waters (To be referred to the County Zoning Agency)
  - Washburn County Resolution No. 76-15 – Resolution to Repeal the Requirements of Act 55 Related to Shoreland Zoning (To be referred to the County Zoning Agency)

- Langlade County Resolution #62-2015 – Support Efforts to Repeal or Amend Changes to Shoreland Zoning Standards as Contained in the 2015-2017 State Budget (Act 55) (To be referred to the County Zoning Agency)
  - Correspondence from Brian A. Schuk of Wassel, Harvey & Schuk, LLP regarding Willow Run Condominium Association (To be referred to the County Zoning Agency)
  - Outagamie County Resolution No. 62-2015-16 – Resolution to oppose any legislation expanding the subpoena process (To be referred to the Executive Committee)
  - St. Croix County Emergency Resolution – Resolution Opposing 2015 Senate Bill 294, Dismantling the Government Accountability Board (To be placed on file)
  - Communication from Christine Lidbury, Wisconsin Women’s Council, State of Wisconsin – Human Trafficking in Wisconsin Building Resources for Hope Film Screening & Program (To be placed on file)
  - October 29, 2015 Walworth County Board of Supervisors Public Budget Hearing Minutes
  - *Walworth County Aging & Disability Resource Center News*, November 2015 (To be placed on file)
13. Report of the County Clerk Regarding Zoning Petitions (To be referred to the County Zoning Agency)
- Lakeland Community Church – Owner, Pastor Josh Amstutz – Applicant, Delavan Township. Rezone approximately 26.17 acres of A-2 Agricultural Land District to P-1 Recreational Park District
  - Mark R. Uttech – Owner – Spring Prairie Township. Rezone approximately 19 acres of A-2 Agricultural Land District to approximately 14.5 acres C-2 Upland Resource Conservation District and approximately 4.5 acres of C-1 Lowland Resource Conservation District

**Unfinished Business**

**New Business**

**Reports of Standing Committees**

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

1. Robert C. and Gail A. Hanson Trust – Owner, Robert C. and Gail A. Hanson trustees – Applicant, Section 21, Darien Township. Amend the 2035 Land Use Plan Map to change 5.39 acres from AP to C – Approved 6-0 (October 15, 2015 Zoning Agency Hearing)
2. Richard J. Stacey, Jr. – Owner, Section 36, Troy Township. Amend the 2035 Land Use Plan Map to change 19.97 acres from AG3 to AG2 – Approved 5-0 (Rick Stacey abstained)(October 15, 2015 Zoning Agency Hearing)
3. John P. Bashaw, Corinne G. Lorian – Owners, Section 26, Troy Township. Amend the 2035 Land Use Plan Map to change 19.35 acres from AG3 and RU to AG2 – Approved 6-0 (October 15, 2015 Zoning Agency Hearing)
4. Lakeland Community Church, Inc. – Owner, Pastor Josh Amstutz – Applicant, Section 25, Delavan Township. Amend the 2035 Land Use Map to change 26.17 acres from AG3 to G – Approved 6-0 (October 15, 2015 Zoning Agency Hearing)
5. Northwestern University Settlement Association – Owner, Section 31, Delavan Township. Amend the 2035 Land Use Plan Map to change .44 acres and .56 acres from RU to P – Approved 6-0 (October 15, 2015 Zoning Agency Hearing)
6. Hilltop Securities, LLC, Steve Waddell WW Trucking – Owner, Warren Hansen – Applicant/Engineer, Section 33, Darien Township. Rezone 10.36 acres from A-4 to M-2 – Approved 6-0 (October 15, 2015 Zoning Agency Hearing)
7. Eric and Keri Schmidt – Owners, Section 1, Sugar Creek Township. Rezone approximately .5 acres from A-2, C-1 and C-4 to A-2, C-1 and C-4 – Approved 6-0 (October 15, 2015 Zoning Agency Hearing)

Supervisor Stacey requested that, Item #2, Richard J. Stacey, Jr., be voted on separately.

On motion by Supervisor Brandl, second by Supervisor Schaefer, Item #2 of the County Zoning Agency Report of Proposed Zoning Amendments, was approved as recommended by the County Zoning Agency by voice vote. (Supervisor Rick Stacey abstained)

On motion by Supervisor Stacey, second by Supervisor Weber, Items #1, #3, #4, #5, #6 and #7 of the County Zoning Agency Report of Proposed Zoning Amendments, were approved as recommended by the County Zoning Agency by voice vote.

#### **Executive Committee**

1. Ord. No. 952-11/15 – Amending Section 2-45 of the Walworth County Code of Ordinances Relating to County Board Supervisor Compensation for Supervisors Elected in 2016 – *Vote Required: Two-thirds* (Recommended by the Executive Committee 3-1)
2. Res. No. 44-11/15 – Endorsing the Comprehensive Economic Development Strategy (CEDS) for Southeastern Wisconsin: 2015-2020 – *Vote Required: Majority* (Recommended by the Executive Committee 5-0)
3. Res. No. 45-11/15 – Establishing a Committee of the Whole Meeting Date to Discuss Information Technology Issues – *Vote Required: Majority* (Recommended by the Executive Committee 5-0)
4. Res. No. 52-11/15 - Approving a Settlement Agreement in the Matter of *Michael P. Scholl and Christine L. Scholl v. Walworth County, et al.* – *Vote Required: Majority* (Bretl stated the resolution was recommended unanimously by the Executive Committee)

Supervisor Weber offered a motion, second by Supervisor Ingersoll, to approve, Item #1, Ord. No. 952-11/15. On motion by Supervisor Stacey, second by Supervisor Weber, **Ord. No. 952-11/15** was approved by unanimous consent.

On motion by Supervisor Weber, second by Supervisor Yvarra, Item #2, **Res. No. 44-11/15**; Item #3, **Res. No. 45-11/15**; Item #4, **Res. No. 52-11/15** were approved by voice vote.

#### **Finance Committee**

1. Ord. No. 955-11/15 – Amending Section 30-156 of the Walworth County Code of Ordinances Relating to Acceptance of Donations to the UW-Extension Department – *Vote Required: Two-thirds* (Recommended by the Finance Committee 5-0)
2. Ord. No. 956-11/15 – Amending Section 30-150 of the Walworth County Code of Ordinances Relating to the Collection of Debt – *Vote Required: Majority* (Recommended by the Finance Committee 5-0)
3. Ord. No. 957-11/15 – Amending Section 30-286 of the Walworth County Code of Ordinances Relative to Fees – *Vote Required: Majority* (Recommended by the Finance Committee 5-0)
4. Ord. No. 958-11/15 – Amending Section 30-172(c)(2) of the Walworth County Code of Ordinances Relating to Committed Fund Balance Severance Payout – *Vote Required: Majority* (Recommended by the Finance Committee 4-0)
5. Res. No. 46-11/15 – Accepting the Donation of \$525 from the Elkhorn Fund to UW-Extension to Support the Parenting 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Year Newsletter Project – *Vote Required: Majority* (Recommended by the Finance Committee 5-0)
6. Res. No. 47-11/15 – Authorizing a Contract with the Wisconsin Department of Revenue for the Collection of Debt – *Vote Required: Majority* (Recommended by the Finance Committee 5-0)
7. Res. No. 48-11/15 – Authorizing Addition to Previously Established Pre-Approved Recurring Grants List Relative to the State of Wisconsin Strategic Initiative Grant – *Vote Required: Majority* (Recommended by the Finance Committee 5-0)
8. Res. No. 49-11/15 – Adopting the 2016 Appropriation of the Walworth County Budget and CIP Plan – *Vote Required: Majority* (Recommended by the Finance Committee 5-0)
9. Res. No. 50-11/15 – Establishing the County Tax Levy to Support the 2016 Budget Appropriation – *Vote Required: Majority* (Recommended by the Finance Committee 5-0)

Supervisor Ingersoll offered a motion, second by Supervisor Weber, to approve, Item #1, Ord. No. 955-11/15. On motion by Supervisor Stacey, second by Supervisor Brandl, **Ord. No. 955-11/15** was approved by unanimous consent.

On motion by Supervisor Brandl, second by Supervisor Weber, Item #2, **Ord. No. 956-11/15**; Item #3, **Ord. No. 957-11/15**; Item #4, **Ord. No. 958-11/15**; Item #5, **Res. No. 46-11/15**; Item #6, **Res. No. 47-11/15**; and, Item #7, **Res. No. 48-11/15** were approved by voice vote.

Bretl gave a brief explanation of the procedures to follow relative to Item #8, Res. No. 49/11/15.

Supervisor Weber offered a motion, second by Supervisor Schaefer, to approve, Item #8, Res. No. 49-11/15.

Supervisors had previously received the proposed budget amendments from the Finance Department.

Budget Amendment A: County Board – Supervisor Weber offered a motion, second by Supervisor Staples, to approve Budget Amendment A, to increase the County Board Chair’s compensation by \$2,300 for fiscal year 2016. The increase will be offset by a reduction in training, mileage and office supplies, resulting in a \$0 net levy impact. Discussion focused on clarification of the duties expected of the Chair for the additional compensation. Budget Amendment A was approved by voice vote. Net levy impact: 0.

Budget Amendment B: District Attorney – Supervisor Yvarra offered a motion, second by Supervisor Brandl to approve Budget Amendment B, to remove payment to the State for the Assistant District Attorney position and return the salary savings for the administrative position. The net levy impact of this amendment is \$0. Bretl stated this amendment would eliminate payment to the State of Wisconsin for the Assistant District Attorney’s position. The preliminary budget includes the deletion of an administrative support position allowing said funding to be used to fund an Assistant District Attorney position. Bretl stated this amendment would reverse the preliminary budget change.

District Attorney Daniel A. Necci spoke relative to the financial needs for the District Attorney’s Office. Discussion focused on the increase of population within Walworth County, volume of prosecutions, increase in crime, the addition of law enforcement, budget constraints at the county and state level, and concern that the County would be setting a precedent by providing funding for a position that is the State’s responsibility. Supervisor Schaefer requested a roll call vote.

A roll call vote was conducted. Total votes: 11. Ayes: 6 – Brandl, Brellenthin, Monroe, Stacey, Weber, and Russell; Noes: 5 – Kilkenny, Ingersoll, Schaefer, Staples, Yvarra; Absent: 0. Budget Amendment B was approved by roll call vote. Net levy impact: 0. There were no amendments from the floor.

Item #8, **Res. No. 49-11/15 as amended by budget amendments A & B**, was approved by voice vote.

On motion by Supervisor Weber, second by Supervisor Monroe, Item #9, **Res. No. 50-11/15** was approved by voice vote.

### **Human Resources Committee**

1. Ord. No. 953-11/15 – Amending Section 15-17 of the Walworth County Code of Ordinances Relating to Authorized Positions By Department Based on the 2016 Budget – *Vote Required: Majority* (Recommended by the Human Resources Committee 4-0)
2. Ord. No. 954-11/15 – Amending Section 15-4 of the Walworth County Code of Ordinances Relating to the Definition of Non-Productive Time and Productive Time – *Vote Required: Majority* (Recommended by the Human Resources Committee 4-0)
3. Res. No. 51-11/15 – Approving Wage Rate for Limited Term Pre-Trial Diversion Coordinator – *Vote required: Majority* (Recommended by the Human Resources Committee 5-0)
4. Res. No. 53-11/15 – Approving an Employment Agreement By and Between Walworth County and Eric Nitschke as Director of Central Services – *Vote required: Majority* (Recommended by the Human Resources Committee 5-0)

On motion by Supervisor Brandl, second by Supervisor Monroe, Item #1, **Ord. No. 953-11/15**; Item #2, **Ord. No. 954-11/15**; Item #3, **Res. No. 51-11/15**; and, Item #4, **Res. No. 53-11/15** were approved by voice vote.

