

THE OCTOBER 14, 2003 SESSION  
OF THE  
WALWORTH COUNTY BOARD OF SUPERVISORS

The Walworth County Board of Supervisors was called to order by Chairman Norem at 6:00 p.m. at the Walworth County Courthouse, 100 W. Walworth St., Elkhorn, Wisconsin.

Reverend Cory Braatz, Como Community Church, gave the invocation.

Roll call was read with all Supervisors present except Supervisors Peterson who had been excused. There was one vacant seat. A quorum was established.

On motion by Supervisor Lohrmann, seconded by Supervisor Grant, the agenda was approved.

#### Approval of the Minutes

A motion was offered by Supervisor Scharine, seconded by Supervisor Schaefer, to approve the minutes of the September 9, 2003 County Board meeting.

#### Comment Period by Members of the Public

Jim Dowling, 1483 Valley View Road, Town of Spring Prairie, requested that the Board assign an investigative committee to review the procedures used to issue conditional use permits and authorize certain uses of special exception permits. Mr. Dowling said that he distributed a packet of correspondence containing letters from: the East Troy Fire Chief; Spring Prairie Town Board; an attorney's letter to Michael Cotter, Director of Land Use and Resource Management; a letter from concerned citizens; and a petition. The correspondence in the packet referred to concerns regarding Camp Dewan.

Betty Landreth, 11816 – 60<sup>th</sup> Street, Kenosha, expressed concerns as to the manner in which the Dorothy Sinette case was handled. Ms. Landreth said she was at the restitution hearing and it took two days and we still have not heard the outcome. She said it took the District Attorney's office three months to file the charges. She said that the horses were boarded at Fantasy Hills and she objects to the conditions under which the horses were kept as well as the other animals at the Humane Society. Ms. Landreth said that she would be back again next month.

Randy Hawkins, Lake Geneva, said he was present to address a letter that recently appeared in local papers. Mr. Hawkins said that the letter wrongly accused Mr. Norem of not supporting Lakeland School and special education. He said that he did not write the letter but he does know the family and they now deeply regret writing the letter. Mr. Hawkins said he is here on behalf of Mr. Norem. Norem does not support the closing of



Supervisor Grant stated that the Executive Committee met earlier this evening and recommended the appointment of Rob Twyning to Walworth County Supervisory District No. 23. The Executive Committee vote was 6 – 1. Supervisor Gigante offered a motion, seconded by Supervisor Hilbelink, to approve the appointment of Rob Twyning as Supervisor for Walworth County District No. 23. Discussion ensued. Supervisor Gigante asked for a roll call vote. On motion by Supervisor Gigante, seconded by Supervisor Lohrmann, the motion to approve the appointment of Rob Twyning as Walworth County Supervisor for District No. 23 was withdrawn and will be placed on the November agenda.

#### Communications and Matters to be Referred

The Clerk read the following Communications and Matters to be Referred.

1. The claim of First Banking Center-Burlington v. James J. Hirschboeck et al., was received after the agenda mailing and will be referred to the Executive Committee.
2. Claim: David E. Johnson v. John and Tom Kaznick, et al. will be referred to the Executive Committee.
3. A letter from Supervisor Ann Lohrmann will be referred to the County Zoning Agency.
4. A letter from Walworth County Land Conservancy will be referred to the Land Conservation Committee.
5. Adams County Res. No. 72-2003 regarding protecting and managing groundwater resources will be referred to the Land Conservation Committee.
6. Correspondence regarding Walworth County advisory resolutions from: Senators Herb Kohl and Russell Feingold; Representatives Paul Ryan and Tammy Baldwin will be placed on file.
7. Report of County Clerk Concerning Communications  
Received by the Board and Recommended to be Placed on File will be placed on file.

The Clerk noted that the following correspondence was received after the agenda deadline and was distributed to the Supervisors this evening:

- The claim of First Banking Center-Burlington v. James J. Hirschboeck et al., previously mentioned, will be referred to the Executive Committee.
- A letter from Supervisor Dell Gigante referencing Res. No. 66-10/03 to establish an advisory committee to review the admissions policy for Lakeland School.
- Walworth County 2004 Preliminary Budget
- Application of Rob Twyning
- Packet of correspondence regarding the Town of Spring Prairie
- Exhibits A through C for the \$9,205,000 Promissory Notes and the final pricing summary.

8. The following Reports of Zoning Gone into Effect were read and placed on file:

- Patrick B. Blair, Town of East Troy
- New Life Community Church (Jay Campbell, App.), Town of East Troy
- Southern Lakes Evangelical Free Church, Town of Lafayette

9. Report of Zoning Petitions Referred to the County Zoning Agency:

TO: The County Board of Walworth County

The undersigned County Clerk hereby reports that the following petitions for rezone of land in Walworth County were referred to the County Zoning Agency for public hearing:

- Ralph and Robin Goessling, Town of Whitewater, A-1 to M-1
- Ralph and Robin Goessling (Mann Bros., Inc., App.), Town of Whitewater, A-1 to M-3
- George Kasnick, Town of Sugar Creek, C-4 to R-1
- Glen Von Bergen, Town of Linn, M-1 to R-3
- Waukau Storage Yard, LLP (Paul M. Kolosso, Owner), Town of Lyons, A-1 to P-2

10. Res. No. 66-10/03 – Forming an Advisory Committee for the Lakeland School to Recommend an Admissions Freeze - Sponsored by Supervisor Dell Gigante to be referred to the Children With Disabilities Education Board (It is anticipated that the Supervisor will request suspension of the rules for immediate consideration of this resolution at the County Board meeting.)

A motion was made by Supervisor Lohrmann, seconded by Supervisor Guido, to suspend the rules and take action on Resolution No. 66-10/03 – Forming An Advisory Committee for the Lakeland School to Recommend an Admissions Freeze, at tonight's meeting. The motion was approved by voice vote. Supervisor Gigante made a motion, seconded by Supervisor Guido, to approve Resolution No. 66-10/03. Supervisor Gigante made a motion, seconded by Supervisor Guido, to amend the resolution to state that the County Board recommend to the Children with Disabilities Education Board to freeze admissions temporarily so that the enrollment criteria and the mainstream criteria that we are presently operating under can be properly reviewed. Supervisor Gigante asked that this amendment be put on Line 12 of the resolution after "the Lakeland School." Supervisor Gigante said that he has been advised that the school is very full and he thinks that we have to closely look at this so that we do not short-change the students that are there; and to see if there is anything that has to be done to accommodate this population.

Administrator Bretl introduced Mari Nahn, Deputy Corporation Counsel. Nahn said that the Children with Disabilities Education Board does have the right to freeze enrollment if needs cannot be met; however, if it has been previously determined as part of the student's plan that his/her needs have to be met in an environment comparable to that of Lakeland School, that could eventually cost Walworth County more. Discussion ensued.

Bretl said there is a study of Lakeland School by Schenck and Associates in process and that study should be out soon. Tracy Moate, Director of Special Education, said that there are 260 students enrolled at this time and we are not filled to capacity. On motion by Supervisor Scharine, seconded by Supervisor Palzkill, the resolution was tabled until after the Schenck study is complete.

Resolution No. 66-10/03  
Forming an Advisory Committee for the Lakeland School to Recommend  
an Admissions Freeze

**TABLED**

WHEREAS, the Lakeland School can accommodate only a limited number of students in the present facility; and,

WHEREAS, an admissions freeze has been put in place at the Lakeland Health Care Center and the county board should consider a similar freeze on admissions at the Lakeland School;

NOW, THEREFORE, BE IT RESOLVED that the Walworth County Board of Supervisors hereby establishes a committee of three county board supervisors and three members of the public to make a recommendation to the full board concerning the advisability of an admissions freeze at the Lakeland School.

BE IT FURTHER RESOLVED that no per diem or mileage reimbursement will be paid to the committee members.

William M. Norem	Date	Kimberly S. Bushey	Date
County Board Chairman		County Clerk	

County Board Meeting Date:      October 14, 2003

Action Required:    Majority Vote   X   Two-thirds Vote \_\_\_\_\_ Other \_\_\_\_\_

Policy and Fiscal Note is attached.  
Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

David A. Bretl	10/9/03	N. Andersen	10/9/03
County Administrator/ Corporation Counsel	Date	Finance Director	Date

If unsigned, exceptions shall be so noted by the County Administrator.

Policy and Fiscal Note  
Resolution No. 66-10/03

- I. Title: Forming an Advisory Committee for the Lakeland School to Recommend an Admissions Freeze
- II. Purpose and Policy Impact Statement: The purpose of this resolution is to form a committee in order to review the possibility of enacting an admissions freeze at the Lakeland School.
- III. Budget and Fiscal Impact: Passage of this resolution will merely establish the committee to study this issue and, therefore, will not have any fiscal impact on the current 2003 county budget. An admissions freeze would likely impact the county budget. The extent of that impact is unknown at this time. No per diem or mileage reimbursement will be paid to committee members.
- IV. Referred to the following standing committees for consideration and date of referral:

Committee: Meeting Date:

Vote:

County Board Meeting Date: October 14, 2003

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

David A. Bretl  
County Administrator/  
Corporation Counsel

10/9/03

N. Andersen  
Finance Director

10/9/03

Unfinished Business

New Business

Reports of Standing Committees

County Zoning Agency

A motion was offered by Supervisor Kuhnke, seconded by Supervisor Lothian, to concur with the County Zoning Agency's recommendation of the following Report of Proposed Zoning Amendments. Motion approved.

REPORT OF COUNTY ZONING AGENCY  
TO COUNTY BOARD ON HEARING ON PETITION

TO AMEND THE WALWORTH COUNTY ZONING ORDINANCE

TO THE COUNTY BOARD OF WALWORTH COUNTY:

The County Zoning Agency, having considered the petitions to amend the Walworth County Zoning Ordinance and Shoreland Zoning Ordinance; and having held public hearings thereon, pursuant to Section 59.69(5)(e) Wisconsin Statutes, notice thereof having been given as provided by law, and being duly informed of the facts pertinent to the changes proposed and duly advised of the wishes of the people in the area affected, hereby recommends as follows:

1. Land Conservation Committee, Text Amendment – filed a petition on the 9th day of July, 2003, to amend said Walworth County Code of Ordinances – Zoning and Shoreland – Chapter 74, Division 6, Signs, all Sections and Division 13.

Recommendation: Said petition be modified and approved.

2. Evergreen Holdings, LLC (Gary P Welsh, App.), Town of Lafayette – filed a petition on the 4<sup>th</sup> day of June, 2003, to amend said zoning maps from R-1 Single-Family Residence District (Unsewered) to B-4 Highway Business District.

Recommendation: Said petition be approved.

3. Accolade Enterprises, LLP, Town of Bloomfield – filed a petition on the 3<sup>rd</sup> day of June, 2003, to amend said zoning maps from B-1 Local Business District to R-2 Single-Family Residence District (Sewered).

Recommendation: Said petition be approved

4. James D. Geister, Town of Linn – filed a petition on the 9<sup>th</sup> day of July, 2003, to amend said zoning maps from A-3 Agricultural Land Holding District & C-4 Lowland Resource Conservation District (Shoreland) to R-1 Single-Family Residence District, C-1 Lowland Resource Conservation District & C-4 Lowland Resource Conservation District (Shoreland).

Recommendation: Said petition be approved.

5. Big Toy Storage (Bob Nolan), Town of Bloomfield – filed a petition on the 7<sup>th</sup> day of July, 2003, to amend said zoning maps from C-1 Lowland Resource Conservation District to B-4 Highway Business District.

Recommendation: Said petition be approved.

6. Town of Delavan (Mound Rd. wetland) – filed a petition on the 9<sup>th</sup> day of July, 2003, to amend said zoning maps from A-1 Prime Agricultural Land District to C-4 Lowland Resource Conservation District (Shoreland).

Recommendation: Said petition be approved after the appropriate findings were made as required by State Farmland Preservation Program S91.77(1) Wis. Stats.  
This area had been converted to a wetland.

7. Regency Hills Development Corp., Town of Lafayette – filed a petition on the 16<sup>th</sup> day of June, 2003, to amend said zoning maps from A-1 Prime Agricultural Land District to R-5 Planned Residential Development District.

Recommendation: Said petition be approved after the appropriate findings were made as required by State Farmland Preservation Program S91.77(1) Wis. Stats.

The 2020 Comprehensive Plan was amended from Prime Agricultural Land to Other Urban Lands.

8. Lester Horlacher (Colin Horlacher, App.), Town of East Troy – filed a petition on the 8<sup>th</sup> day of July, 2003, to amend said zoning maps from A-1 Prime Agricultural Land District to C-2 Upland Resource Conservation District.

Recommendation: Said petition be approved after the appropriate findings were made as required by State Farmland Preservation Program S91.77(1) Wis. Stats.

The land is hilly, has 40 percent poor soils, is 50 percent wooded and it is a pasture area.

9. Marietta Voss, Town of LaGrange – filed a petition on the 8<sup>th</sup> day of July, 2003, to amend said zoning maps from A-1 Prime Agricultural Land District to C-2 Upland Resource Conservation District.

Recommendation: Said petition be modified and approved after the appropriate findings were made as required by State Farmland Preservation Program S91.77(1) Wis. Stats.

Fifty-five percent of the soils on the site are designated as 6 to 12 percent slopes and are highly eroded.

10. Rose Jacobsen Life Estate, Joyce Reiter, Kenneth Jacobsen (Mann Bros., Inc., App.) – Town of Sugar Creek – filed a petition on the 2<sup>nd</sup> day of July, 2003, to amend said zoning maps from M-3 Mineral Extraction District to A-2 Agricultural Land District.

Recommendation: Said petition be approved.

11. John and Sarah Giorno, Town of Sugar Creek – filed a petition on the 9<sup>th</sup> day of July, 2003, to amend said zoning maps from A-1 Prime Agricultural Land District to A-5 Agricultural-Rural Residential District.

Recommendation: Said petition be approved after the appropriate findings were made as required by State Farmland Preservation Program S91.77(1) Wis. Stats.

ORDINANCE AMENDING  
WALWORTH COUNTY ZONING ORDINANCE

WHEREAS, the Walworth County Board of Supervisors has heretofore been petitioned to amend the Walworth County Zoning Ordinance; and

WHEREAS, the petitions have been referred to the Walworth County Zoning Agency for public hearing; and

WHEREAS, the Walworth County Zoning Agency on due notice conducted public hearings on the proposed amendments and filed their recommendations with the board; and

WHEREAS, the proposed amendments have been given due consideration by the Board in open session.

NOW, THEREFORE, the County Board of Supervisors of the County of Walworth do ordain as follows:

The Zoning Ordinance of Walworth County and Shoreland Zoning Ordinance (and accompanying Zoning Map) is amended in the following respects:

1. Land Conservation Committee, Text Amendment – filed a petition on the 9th day of July, 2003, to amend said Walworth County Code of Ordinances – Zoning and Shoreland – Chapter 74, Division 6, Signs, all Sections and Division 13 as follows:

PART I: THAT Article II, Division 6 of the Walworth County Code of Ordinances be repealed in its entirety and recreated to read as follows:

"DIVISION 6 SIGNS

Sec. 74-77. And Sec. 74-206 Purpose.

Depending on their size, number and character, signs either provide useful information or detract from the quality of life for residents and attractiveness of the County. Large and tall signs threaten scenic beauty and distract motorists. Therefore, the purpose of this division is to protect public health, safety and welfare and specifically to promote the safety of public travel on roads. In addition, it is the intent of Walworth County to limit the size, type and location of signs in order to minimize their distracting effect on drivers and thereby improve traffic safety. This division is authorized, in part, by Section 59.70(22) of the Wisconsin statutes.

Sec. 74-78. And Section 74-207 General Requirements

- a) All signs are prohibited in any zoning district except as provided in sections 74-82 (74-211), 74-83 (74-212), 74-84 (74-213) 74-85 (74-214) and 74-86 (74-215) Shoreland (74-217).
- b) Back-to-back signs shall constitute one sign within the meaning of this division.
- c) All parts of a sign shall meet the setbacks as provided herein,
- d) All signs are prohibited from being illuminated except those specifically provided for in sections 74-82 (74-211), 74-85 (74-214) and 74-86 (74-215),
- e) No sign shall contain, include or be illuminated by a flashing or moving light or be illuminated by other than white lights or be composed of any animated part.
- f) Illuminated signs shall be effectively shielded so as to prevent beams of light from being directed on any adjoining property or portion of a street or road or to impair the vision of any motorist. All such signs shall conform to the electrical code. Any illuminated sign located within five hundred (500) feet of a residential zone shall be extinguished at the close of business conducted within the building or upon the premises to which the sign is attached or located, or at 11:00 p.m., whichever is earlier.
- g) No sign shall resemble, imitate or approximate the shape, size, form or color of traffic or railroad signs, signals or devices. No sign shall be placed so as to obstruct or interfere with traffic visibility.
- h) No sign shall be erected, relocated or maintained so as to prevent free ingress or egress from any door, window or fire escape.
- i) No sign shall encroach in any street or highway right-of-way.
- j) In the case of signage not enumerated, the provision governing a sign that is similar shall apply.
- k) Billboards are prohibited except as provided in section 74-85 (74-214) and are further prohibited within 2000 feet of any Wisconsin designated Rustic Road.
- l) The owner of any sign shall keep it in sound condition, well maintained and in good appearance and repair and shall maintain the premises on which the sign is located in a clean, sanitary and inoffensive condition, free and clear of all obnoxious substances, rubbish, refuse, debris and weeds.
- m) Abandoned signs shall be promptly removed by the owner of the property upon which said abandoned sign is located.

n) Where state or federal law governing signs contains more restrictive conditions, such state or federal law conditions shall apply. Signs shall be subject to any restrictions lawfully enacted by any town, city or village. Where such ordinance provides more restrictive conditions, such conditions shall apply.

Sec. 74-79. And Section 74-208. Facing.

Only those signs enumerated in sections 74-82 (74-211), 74-83 (74-212), 74-84 (74-213), 74-85 (74-214), 74-86 (74-215) and (74-217) but not including off-premise signs, shall be permitted to face a R-1, R-2, R-2A, R-3, R-4, R-5, R-6, R-8, A-5, C-2 and C-3 district within 100 feet of such district boundary.

Sec. 74-80. And Section 74-209. Existing signs.

Signs lawfully existing at the time of the adoption or amendment of this ordinance may be continued although the use, size or location does not conform with the provisions of this Ordinance. Such signs shall, however, be deemed a non-conforming use or structure and the provisions of Division 7 shall apply.

Sec. 74-81. And Section 74-210. Permit required.

No person shall locate, erect, move, reconstruct, extend, enlarge, convert or structurally alter a sign without first obtaining a zoning permit, except as provided herein, and without being in conformity with the provisions of this article.

Sec. 74-82. And Section 74-211. Signs permitted in all zoning districts.

The following signs may be erected, placed, posted or exhibited in any zoning district without a permit and subject to the conditions herein specified: and shall not be included in the determination of type, number or area of signs allowed in any zoning district:

- a) Name, occupation and warning signs not over two square feet in area, provided the same is limited to one for each premises and the same is located at least five (5) feet from the outer limit of the street or highway right-of-way;
- b) Real estate signs, single or double faced, not over 9 square feet in area and six (6) feet in height on property in residential zones and thirty-two (32) square feet or less and six (6) feet in height on property in non-residential zones, provided there is no more than one sign for each premise and it is located at least five (5) feet from the street or highway right-of-way, ten (10) feet from the side property lines and fifty (50) feet from any intersection.
- c) Directional signs not over 2 square feet in area provided such sign is located at least fifty (50) feet from any intersection and five (5) feet from the street or highway right of way. Each institution erecting such signs shall be limited to 3 in number;

- d) "No Hunting" and "No Trespassing" signs, provided the sign does not exceed 2 square feet in area;
- e) Memorial signs, tablets, names of buildings and the date of erection when cut into any masonry, surface or when constructed of metal and affixed flat against a structure;
- f) Recreational signs within a municipal park not over nine (9) square feet in area, six (6) feet in height and located at least five (5) feet from the street or highway right of way and ten (10) feet from any intersection;
- g) Any Federal, State or Local government sign, without limitation;
- h) Official signs such as traffic control, parking restrictions, warning, information and notices as required by law;
- i) Window signs placed on the inside of commercial buildings provided such sign does not exceed 25 percent (25%) of the glass pane upon which the sign is displayed. Such signs may be illuminated when the building is open for business.
- j) A sign appurtenant to a home occupation or daycare, limited to one sign per parcel and provided said sign does not exceed nine (9) square feet in area and six (6) feet in height, is located at least five (5) feet from the street and highway right-of-way at least ten (10) feet from a side property line, and fifty (50) feet from any intersection .
- k) A sign appurtenant to a bed and breakfast establishment limited to one sign per parcel and provided that said sign does not exceed nine (9) square feet in area and six (6) feet in height, is located at least five (5) feet from the street and highway right-of-way, at least ten (10) feet from a side property line, and fifty (50) feet from any intersection.
- l) A sign appurtenant to a community-based residential facility limited to one sign per parcel and provided that said sign does not exceed nine (9) square feet in area and six (6) feet in height, is located at least five (5) feet from the road and highway right-of-way, at least ten (10) feet from a side property line, and fifty (50) feet from any intersection.
- m) Rummage/Garage Sale Signs. Rummage or garage sale signs not to exceed nine (9) square feet in area and six (6) feet in height, provided that such signs are limited to seventy-two (72) hours per sale. A maximum of three (3) such signs shall be allowed off-premises.
- n) Except as may be necessary to ensure traffic or pedestrian safety, the provisions of this division do not apply to signs containing political messages erected on property during election campaign periods. Such signs shall not be located within fifty feet of

an intersection. The person or organization responsible for the erection or distribution of any such sign and the owner of the property upon which the sign is located, shall cause the same to be removed within 72 hours following the election campaign period.

Sec. 74-83. And Section 74-212. Signs permitted in all agricultural, conservation and parks districts.

The following on-premise ground signs may be erected, placed or posted in all A-1, A-2, A-3, A-4, A-5, C-2, C-3, P-1 and P-2 districts without a permit and subject to the conditions herein specified:

- a) Agricultural signs pertaining to the sale of products actually grown on a farm or to membership in agricultural or agricultural-related organizations which shall not exceed ~~nine (9)~~ twenty-four (24) square feet in area for any one sign, provided that no more than 2 signs are permitted on any one farm, shall not exceed six (6) feet in height, such signs are located at least five (5) feet from the street or highway right-of-way, are at least ten (10) feet from a side property line, such signs are more than fifty (50) feet from any intersection and are located on the same premises as the products for sale.
- b) A sign appurtenant to an approved conditional use limited to one sign per parcel and does not exceed nine (9) square feet in area, is located at least five (5) feet from the road right of way, at least 10 feet from a side property line and shall not exceed six (6) feet in height and shall be located at least fifty (50) feet from any intersection.
- c) Seasonal Signs not to exceed nine (9) square feet in area. Such signs shall be located at least five (5) feet from the road right of way, at least ten (10) feet from a side property line, shall not exceed six (6) feet in height and shall be located at least fifty (50) feet from any intersection.

Sec. 74-84. And Section 74-213. Temporary signs or Banners.

The following signs may be placed, posted or exhibited in any zoning district without a zoning permit and subject to the conditions herein specified:

- a) Construction announcement signs not to exceed 32 square feet in area and six feet in height which announce new subdivisions, new industrial parks and similar facilities, provided the sign is located on the premises where the new facility is located, one sign is permitted per facility and the sign is located at least five (5) feet from the outer limits of the street or highway right-of-way and at least fifty (50) feet from any intersection. For the purposes of this provision, a temporary construction announcement sign is one that will be used for no more than one year;
- b) A sign pertaining to drives or events of civic, philanthropic, educational, religious, or non-profit organizations of not more than twelve (12) square feet and six (6) feet in

height may be erected, placed, posted or exhibited in any district provided the sign is located at least five (5) feet from the street or highway right of way and at least seventy-five (75) feet from any intersection. For the purposes of this provision, a temporary drive or event sign is one that will be used for no more than thirty (30) days and not more than four events per calendar year shall be allowed; events may not be consecutive and at least thirty days shall have elapsed between events.

#### 74-85 and 74-214 SIGNS PERMITTED IN ALL ZONING DISTRICTS

The following on-premise signs may be erected, placed or posted in all districts with a permit and subject to the conditions herein specified:

- a) Churches or schools
  - 1) Signs shall not exceed twenty-five (25) square feet in area,
  - 2) Signs shall be setback a minimum of five feet from all property lines,
  - 3) Signs shall be located at least fifty (50) from any intersection,
  - 4) Signs shall not exceed six feet in height,
  - 5) Changeable copy panels are permitted,
  - 6) Only two permanent signs are permitted per church or school, only one of which may be a monument style sign and only one of which may be wall or awning style sign This wall sign may only display the name of the church or school,
  - 7) May be illuminated but shall be extinguished by 11:00 p.m.,
  - 8) Score boards do not require permits and may only be illuminated during game times.
  
- b) Permanent Subdivision or Development Signs
  - 1) Signs shall not exceed twenty-five (25) square feet in area,
  - 2) Signs shall be setback a minimum of five (5) feet from all property lines,
  - 3) Signs shall be located at least fifty (50) from any intersection,
  - 4) Signs shall not exceed six (6) feet in height,
  - 5) Only one sign which may be a monument style sign is permitted,
  - 6) Such sign shall only be used to identify the subdivision name.
  
- c) Non-conforming Business Signs over show windows or doors of a non-conforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed 2 feet in height and 10 feet in length. Such signs may be illuminated only when the building is open for business.

Sec. 74-86. And Sec. 74-215. Signs permitted in certain business, industrial and park districts except as subject to conditions stated in Section 74-217 Shoreland Signs.

- a) The following illuminated on-premise signs may be erected, placed or posted in all B-1, B-2, B-3, B-4, B-5, M-1, M-2, M-3, M-4, P-1 and P-2 districts with a permit and subject to the conditions herein specified:
  - 1) Wall signs not exceeding 200 square feet in display area for any one premises,

2) Projecting signs not exceeding 100 square feet in display area on all sides for any one premises. Projecting signs shall be located not less than 10 feet from all lot lines; shall not extend more than 6 feet in any required yard and shall not exceed 20 feet in height.

3) Freestanding signs, limited to one sign per parcel, provided the height of sign does not exceed 30 feet and further provided said sign is located no closer than 25 five (5) feet from a right-of-way, is no closer than 10 feet from a side lot line, fifty (50) feet from any intersection and does not exceed 100 square feet in display area on any one side nor 200 square feet in display area on all sides.

b) The following off-premise/billboard signs may be erected, placed or posted in all B-1, B-2, B-4, M-1 and M-2 districts, with a permit, and subject to the conditions specified herein. ~~Billboards shall comply with all applicable state laws and regulations. Where state or Federal law provides more restrictive conditions, such state or Federal law shall apply. Off premise signs shall be subject to any restrictions lawfully enacted by any town, city or village. Where this ordinance provides more restrictive conditions, this ordinance shall apply.~~ No billboard shall:

1) Be located within 50 feet of the existing or proposed right-of-way of any Federal, State or County trunk highway or any town road or any street measured horizontally along a line normal or perpendicular to the center of the highway,

2) Be located within a 2,000 foot radius of any other off-premises sign, within 2,000 feet of any intersection, within 2,000 feet of the property line of any airport, airfield or landing strip, within 2,000 feet of any Wisconsin designated Rustic Road or within 2000 feet of an allowable district boundary,

3) Exceed 15 feet in height above the mean centerline street grade and not exceed 32 square feet on one, nor 64 square feet on all sides of any one sign.

c) Notwithstanding the foregoing, In no case shall the total square footage of signage on any parcel exceed 400 square feet.

Sec. 74-87. And Sec. 74-216 Enforcement and Penalties.

In addition to any penalty provided in this code, the zoning administrator shall have the authority to order the painting, repair, or alteration or removal of any signs that become dilapidated, abandoned or a physical hazard to the public safety.

The Zoning Administrator shall also have the authority to immediately abate any sign of a physical hazard to public safety at the expense of the sign owner.

Sec. 74-88. Reserved. And Section 74-217. Shoreland Signs.

The following on-premise Shoreland Signs may be erected, placed or posted in all districts with a permit and subject to the conditions herein specified:

- a) Signs visible to stream or lake users at anytime of the year shall not exceed twelve (12) square feet in area on one side nor twenty-four (24) square feet in area on all side for any one premise,
- b) Signs shall not exceed a height of ten (10) feet,
- c) Signs shall not be located closer than fifty (50) feet to any side lot line or any intersection,
- d) Signs shall not be located within seventy-five (75) feet of the ordinary high water mark of any navigable body of water,
- e) Signs shall not contain, include, or be illuminated by a flashing light or be composed of any animated parts.

74-131 and 74-263

Part II. THAT Division 13 of the Walworth County Code of Ordinances is hereby amended so as to repeal the definitions of "committee" and "signs" and to create the following definition:

**Committee** That commission, also known as the Walworth County Zoning Agency, created and designated by the Walworth County Board under section 59.69 of the Wisconsin Statutes to act in matters pertaining to county planning and zoning.

74-131 and 74-263

Part III. THAT Division 13 of the Walworth County Code of Ordinances is hereby amended so as to create the following definitions:

**Abandoned sign:** Any sign located on a property which becomes vacant and is unoccupied for a period of 30 days or more; any sign which pertains to a time, event or purpose which no longer applies; or a sign which no longer directs attention to a business activity, service or product sold on the premises.

**Banner:** Any sign intended to be hung either with or without frames, possessing characters, letters, illustrations or ornamentation applied to paper, plastic or fabric of any kind. Flags, shall not be considered banners for the purpose of this chapter.

**Billboard:** Any off-premises sign, except political signage, exceeding 12 square feet in area.

**Changeable copy sign:** A sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or the surface of the sign. Such sign shall not contain, include or be illuminated by a flashing or moving light or be illuminated by other than white lights or be composed of any animated part.

**Construction sign:** Any sign giving the name or names of principal contractors, architects and lending institutions responsible for construction on the site where the sign is placed, together with other pertinent information included thereon.

**Directional Sign:** A sign which designates entrances, exits, parking areas and similar functions without advertising.

**Election Campaign Period:** A sign which shall have the meaning as set forth in Section 12.04, Wisconsin State Statute.

**Election sign:** A temporary sign supporting a candidate for office or urging action on any other matter on the ballot of a primary, general or special election.

**Freestanding sign:** Any sign which is attached to or part of a completely self-supporting structure other than a building that has a structural base of less than 75 percent of the width of the area of the sign.

**Height of sign:** The overall height of a sign or sign structure as measured from the adjacent ground surface to the highest point of the sign. In the case where a sign is to be located on a berm, the grade shall be determined by the average of the grades measured at the toes of slope at the front and back of the berm.

**Monument sign:** Any sign independent from any building that has a structural base of not less than 75 percent of the width of the sign.

**Off premise sign:** Any sign which is not appurtenant to the use of the property where the sign is located, or to a product sold or a service offered upon the property where the sign is located and which does not identify the place of business where the sign is located as a purveyor of the merchandise or services advertised upon the sign.

**On Premise sign:** Any sign that is not an off premise sign.

**Permanent sign:** Any sign which is intended to be and is so constructed as to be of lasting and enduring condition, remaining unchanged in character, condition (beyond normal wear ) and position, and in permanent manner affixed to the ground, wall or building.

**Projecting sign:** Any sign other than a wall sign affixed to any building or wall, whose leading edge extends beyond such building or wall.

**Real Estate Signs:** A sign pertaining to the lease, hire or sale of land, building or part thereof upon which the sign is located.

**Seasonal Signs:** A sign used to identify seasonal commercial establishments, including but not limited to Christmas tree lots, fruit and vegetable stands, and crop signs.

**Sign:** Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trade marks by which anything is made known which is used or is intended to attract attention of the public and which is visible from any public street or

highway but does not include legal notices required to be posted by municipal, state or federal law and highway and traffic signs authorized by municipal, state or federal law. The term sign shall not include flags.

Wall sign: Any on-premise sign painted or attached to and erected parallel to the face of or erected and confined within the limits of the outside wall of any building and supported by such wall or building and which displays only one advertising surface."

2. Evergreen Holdings, LLC (Gary P Welsh, App.), Town of Lafayette – filed a petition on the 4<sup>th</sup> day of June, 2003, to amend said zoning maps from R-1 Single-Family Residence District (Unsewered) to B-4 Highway Business District on the following described lands:

Part of Tax Parcel #K LF1800007

Located in the Southwest ¼ of Section 18, Town 3 North, Range 17 East, Town of Lafayette, Walworth County, Wisconsin, described as follows: Commence at the West ¼ Corner of said Section 18; thence North 89°09'06" East 33.00 feet to a point on the East line of United States Highway 12/State Trunk Highway 67; thence South 0°49'54" East along said East line, 214.34 feet to a point on the South line of Oak Court; thence North 89°13'16" East, along said South line, 216.95 feet to the Point of Beginning; thence continue North 89°13'16" East, along said South line of Oak Court and the South line of Lot 128 of Evergreen Estates, 304.09 feet; thence South 11°18'00" West 518.00 feet; thence South 39°26'00" West to the Southeast Corner of an existing B-4 zoning area; thence North 0°49'54" West, along said B-4 zoning line, 210.00 feet; thence South 89°10'06" West, along said B-4 zoning line, 337.00 feet to said East line of United States Highway 12/State Trunk Highway 67; thence North 0°49'54" West, along said East line, 210.00 feet to an existing B-4 zoning line; thence North 89°10'06" East, along said B-4 zoning line, 217.00 feet; thence North 0°49'54" West, along said B-4 zoning line, 175.53 feet to the Point of Beginning. Intending to rezone 3.692 acres (160,848 sq. ft.) of land, more or less.

3. Accolade Enterprises, LLP, Town of Bloomfield – filed a petition on the 3rd day of June, 2003, to amend said zoning maps from B-1 Local Business District to R-2 Single-Family Residence District (Sewered) on the following described lands:

Tax Parcel #MPL 01960

Lots 9548 – 9553 and 9666-9671, Block 212 of Section 7 of Pell Lake Subdivision, located in T1N, R18E, Walworth County, Wisconsin

4. James D. Geister, Town of Linn – filed a petition on the 9<sup>th</sup> day of July, 2003, to amend said zoning maps from A-3 Agricultural Land Holding District & C-4 Lowland Resource Conservation District (Shoreland) to R-1 Single-Family Residence District, C-

1 Lowland Resource Conservation District & C-4 Lowland Resource Conservation District (Shoreland) on the following described lands:  
Tax Parcel #I L 1600008

Parcel 1, A-3 & C-4 to R-1

Located in part of the Northeast  $\frac{1}{4}$  of Section 16, Town 1 North, Range 17 East, Walworth County, Wisconsin, more particularly described as follows: Beginning at the North  $\frac{1}{4}$  corner of said Section 16; thence S 89DEG 59MIN 12SEC E, 1320.26 feet; thence S 00DEG 25MIN 14SEC E, 1329.78 feet; thence N 89DEG 54MIN 24SEC E, 650.39 feet; thence S 00DEG 36MIN 30SEC E, 990.02 feet; thence S 89DEG 38MIN 34SEC W, 6.34 feet; thence S 00DEG 06MIN 23SEC E, 338.54 feet; thence S 89DEG 47MIN 57SEC W, 977.20 feet; thence N 00DEG 49MIN 41SEC W, 425.61 feet; thence S 89DEG 47MIN 57SEC W, 32.49 feet; thence N 66DEG 24MIN 06SEC W, 47.81 feet; thence N 40DEG 24MIN 42SEC W, 50.72 feet; thence S 89DEG 49MIN 50SEC W, 385.16 feet; thence S 00DEG 49MIN 41SEC E, 483.85 feet; thence S 89DEG 47MIN 57SEC W, 257.72 feet; thence N 00DEG 49MIN 41SEC W, 483.99 Feet; thence S 89DEG 49MIN 50SEC W, 224.94 feet; thence N 00DEG 39MIN 13SEC W, 2180.46 feet to the Point of Beginning. Excepting therefrom lands described below as Rezone Parcel 2, Rezone Parcel 3, and Rezone Parcel 4, containing 3,637,156 square feet (83.50 acres) of land, more of less. End of legal description.

Parcel 2, A-3 to C-4

Located in part of the Northeast  $\frac{1}{4}$  of Section 16, Town 1 North, Range 17 East, Walworth County, Wisconsin, more particularly described as follows: Commencing at the North  $\frac{1}{4}$  corner of said Section 16; thence S 89DEG 59MIN 12SEC E, 1320.26 feet; thence S 00DEG 25MIN 14SEC E, 1329.78 feet; thence N 89DEG 54MIN 24SEC E, 650.39 feet; thence S 00DEG 36MIN 30SEC E, 651.91feet to the Point of Beginning; thence continue S 00DEG 36MIN 30SEC E, 141.49 feet; thence S 36DEG 22MIN 38SEC W, 580.57 feet; thence S 82DEG 37MIN 09SEC W, 143.60 feet; thence N 07DEG 22MIN 51SEC W, 12.59 feet; thence N 82DEG 37MIN 09SEC E, 98.31 feet; thence N 35DEG 16MIN 45SEC E, 194.36 feet; thence N 40DEG 15MIN 57SEC E, 251.44 feet; thence N 20DEG 24MIN 57SEC E, 146.43 feet; thence N 39DEG 02MIN 09SEC E, 89.35 feet; thence N 09DEG 07MIN 41SEC E, 45.66 feet to the Point of Beginning. Containing 29,586 square feet (0.68 acres) of land, more or less. (End of legal description)

Parcel 3, A-3 to C-1

Located in part of the Northeast  $\frac{1}{4}$  of Section 16, Town 1 North, Range 17 East, Walworth County, Wisconsin, more particularly described as follows: Commencing at the North  $\frac{1}{4}$  corner of said Section 16; thence S 89DEG 59MIN 12SEC E, 1320.26 feet; thence S 00DEG 25MIN 14SEC E, 1329.78 feet; thence N 89DEG 54MIN 24SEC E, 650.39 feet; thence S 00DEG 36MIN 30SEC E, 990.02 feet; thence S 89DEG 38MIN

34SEC W, 6.34 feet; thence S 00DEG 06MIN 23SEC E, 338.54 feet; thence S 89DEG 47MIN 57SEC W, 977.20 feet; thence N 00DEG 49MIN 41SEC W, 425.61 feet to the Point of Beginning; thence S 89DEG 47MIN 57SEC W, 32.49 feet; thence N 66DEG 24MIN 06SEC W, 47.81 feet; thence N 40DEG 24MIN 42SEC W, 50.72 feet; thence N 22DEG 34MIN 34SEC E, 57.20 feet; thence S 72DEG 38MIN 42SEC E, 39.18 feet;; thence S 43DEG 31MIN 55SEC E, 74.50 feet; thence S 01DEG 53MIN 54SEC W, 44.78 feet to the Point of Beginning. Containing 7,734 square feet (0.18) acres of land, more or less. (End of legal description.)

#### Parcel 4, A-3 to C-4

Located in part of the Northeast  $\frac{1}{4}$  of Section 16, Town 1 North, Range 17 East, Walworth County, Wisconsin, more particularly described as follows: Beginning at the North  $\frac{1}{4}$  corner of said Section 16; thence S 89DEG 59MIN 12SEC E, 909.68 feet; thence S 56DEG 22MIN 08SEC W, 148.21 feet; thence S 50DEG 55MIN 08SEC W, 145.51 feet; thence S 74DEG 22MIN 17SEC W, 373.84 feet; thence S 08DEG 16MIN 04SEC W, 123.97 feet; thence S 52DEG 57MIN 17SEC E, 83.31 feet;; thence S 22DEG 58MIN 05SEC W, 184.74 feet; thence S 33DEG 11MIN 32SEC W, 269.05 feet; thence S 52DEG 36MIN 46SEC W, 165.91 feet; thence 00DEG 39MIN 13SEC W, 943.66 feet to the Point of Beginning. Containing 346,943 square feet (7.96 acres) of land, more or less. (End of legal description.)

5. Big Toy Storage (Bob Nolan), Town of Bloomfield – filed a petition on the 7<sup>th</sup> day of July, 2003, to amend said zoning maps from C-1 Lowland Resource Conservation District to B-4 Highway Business District on the following described lands:

Part of Tax Parcel #MB 1400003J

Located in the Northwest  $\frac{1}{4}$  of Section 14, Town 1 North, Range 18 East, Walworth County, Wisconsin, located approximately .14 acre Southwest of legal description of wetland line as delineated on the platted survey.

6. Town of Delavan (Mound Rd. wetland) – filed a petition on the 9<sup>th</sup> day of July, 2003, to amend said zoning maps from A-1 Prime Agricultural Land District to C-4 Lowland Resource Conservation District (Shoreland) on the following described lands:

Part of Tax Parcel #FA220400001

Description of property situated in County of Walworth, State of Wisconsin: All that part of the Southeast  $\frac{1}{4}$  of Section 11 and the Southwest  $\frac{1}{4}$  of Section 12, Town 2 North, Range 16 East, Town of Delavan, Walworth County, Wisconsin, described as follows: Beginning at the Southwest corner of said Section 12; thence North 99 deg 19' 20" East 1332.43 feet along the South line of said Southwest  $\frac{1}{4}$ ; thence North 1 deg 23' 05" West 531.29 feet along the North-South 1/16 line of said Southwest  $\frac{1}{4}$ ; thence North 63 deg. 46' 21" East 182.22 feet; thence North 88 deg. 19' 20" East 1167.35 feet parallel with

the South line of said Southwest ¼ to a point on the East line of said Southwest ¼; thence North 01 deg. 21' 28" West 2033.57 feet to the center of said Section 12; thence South 88 deg. 22' 29" West 1254.72 feet along the Northerly line of said Southwest ¼ to a point on the Southeasterly right-of-way line of Interstate Highway 43; thence South 55 deg. 17' 27" West 579.17 feet along said Southeasterly line; thence Southwesterly 1483.07 feet along the arc of a curve concave to the Northwest radius of which is 5889.58 feet and the long cord of which bears South 62 deg. 30' 16" West 1479.14 feet; thence South 01 deg. 24' 42" East 1678.05 feet along a line parallel with the Westerly line of said Southwest ¼ of said Section 11; thence North 89 deg. 00' 17" East 400.00 feet to the Southwest corner of said Section 12 and the point of beginning and end of this description.

Excepting therefrom that portion which lies in Mound Road right-of-way.

The area had been converted to a wetland.

7. Regency Hills Development Corp., Town of Lafayette – filed a petition on the 16<sup>th</sup> day of June, 2003, to amend said zoning maps from A-1 Prime Agricultural Land District to R-5 Planned Residential Development District on the following described lands:

Part of Tax Parcel #K LF1900001

All that part of the SW1/4 of the NE1/4 of Section 19, T1N, R17E, in the Town of Lafayette, Walworth County, Wisconsin, bounded and described as follows: Commencing at the Northwest corner of said NE ¼; thence S 89°01'45" E along the North line of said NE ¼, 1328.58 feet to a point on the centerline of Cobb Road; thence S 0°00'30" E along said centerline, 1396.67 feet to a point; thence Due West, 672.52 feet to the place of beginning of the lands to be described; thence continuing Due West, 45.90 feet to a point; thence S 0°38'13" W, 339.57 feet to a point; thence Due East, 45.90 feet to a point; thence N 0°38'13" E, 339.57 feet to the place of beginning. Said lands containing 15,585 sq. ft. (0.36 ac.).

The 2020 Comprehensive Plan was amended from Prime Agricultural Land to Other Urban Lands.

8. Lester Horlacher (Colin Horlacher, App.), Town of East Troy – filed a petition on the 8<sup>th</sup> day of July, 2003, to amend said zoning maps from A-1 Prime Agricultural Land District to C-2 Upland Resource Conservation District on the following described lands:

Part of Tax Parcel #P ET 100006

Being part of the SW1/4 of the SE1/4 of Section 1, Town 4 North, Range 18 East, Town of East Troy, Walworth County, Wisconsin being more completely described as follows: Commencing at the SE corner of said Section; thence with the South line of said SE1/4 S89°49'24" W, a distance of 1795.34' to the Point of Beginning; thence continuing

S89°49'24"W, a distance of 825.35' to a point; thence N00°26'32"W, a distance of 300.00 ' to a point; thence N89°49'24"E, a distance of 792.13' to a point; thence S00°26'32"E, a distance of 200.79' to a point; thence S46°55'12"E, a distance of 101.58' to a point on the Northerly ROW of C.T.H. "L"; thence S53°31'43"W along said ROW, a distance of 50.00' to the Point of Beginning. Said parcel contains 5.55 acres more or less.

The land is hilly, has 40 percent poor soils, is 50 percent wooded and it is a pasture area.

9. Marietta Voss, Town of LaGrange – filed a petition on the 8<sup>th</sup> day of July, 2003, to amend said zoning maps from A-1 Prime Agricultural Land District to C-2 Upland Resource Conservation District on the following described lands:

Part of Tax Parcel #H LG2700003

Lot 2 - Commencing at the Northwest corner of Section 27, Town 4 North, Range 16 East, Town of LaGrange, Walworth County, Wisconsin; thence N 88°03'38" E, along the North line of the Northwest ¼ of said Section 27, a distance of 1315.12 feet to the Point of Beginning; thence S 00°05'25" W, to the center line of Territorial Road, a distance of 2030.24 feet; thence N 57°57'41" E, along said centerline, a distance of 59.04 feet; thence N 00°05'25" E, a distance of 1504.82 feet; thence N 88°37'26" E, a distance of 617.55 feet; thence N 70°03'34" E, a distance of 292.64 feet; thence N 19°00'32" W, a distance of 430.00 feet; thence S 88°03'54" W, a distance of 802.09 feet to the Point of Beginning; said described tract containing 505,298.8 square feet (11.6 Acres), more or less. Above description to exclude the area of the driveway, resulting in a rezone consisting of approximately 9.9 acres.

Fifty-five percent of the soils on the site are designated as 6 to 12 percent slopes and are highly eroded.

10. Rose Jacobsen Life Estate, Joyce Reiter, Kenneth Jacobsen (Mann Bros., Inc., App.) – Town of Sugar Creek – filed a petition on the 2<sup>nd</sup> day of July, 2003, to amend said zoning maps from M-3 Mineral Extraction District to A-2 Agricultural Land District on the following described lands:

Part of Tax Parcel #G SC1900005

Being part of the Southeast ¼ of Section 19, Township 3 North, Range 16 East, and more particularly described as follows: Commencing at the Northeast corner of the Southeast ¼ of said Section 19; thence South with the East line of said Section 19, 278.00 feet to the point of beginning; thence continuing South along said East line, 1100.00 feet; thence West, 925.00 feet; thence North, 575.00 feet; thence North 02°41' West, 350.30 feet; thence North 55°00' East, 305.00 feet; thence East, 690.00 feet to the point of beginning.

11. John and Sarah Giorno, Town of Sugar Creek – filed a petition on the 9<sup>th</sup> day of July, 2003, to amend said zoning maps from A-1 Prime Agricultural Land District to A-5 Agricultural-Rural Residential District on the following described lands:

Part of Tax Parcel #G SC2900009A

A proposed rezone of a parcel of land located in the Northeast ¼ of the Southwest ¼ of Section 29, T3N, R16E, Walworth County, Wisconsin and described as follows:  
Commencing at the South ¼ corner of said Section 29; thence N 0°25'48" E along the East line of said Southwest ¼, 1547.51 feet to the Northeast Corner of Lot 1 of Certified Survey No. 613 and the Place of Beginning; thence N 88°38'00" W along the North lines of Lots 1 and 2 of said Certified Survey, 401.43 feet; thence N 0°26'53" E 82.85 feet to the most Northerly Northeast Corner of said Lot 2; thence continue N 0°26'53" E 130.02 feet; thence S 88°38'00" E 401.36' to the East line of said Southwest ¼; thence S 0°25'48" W along said East line, 212.87 feet to the Place of Beginning. Containing 1.96 acres of land, more or less. Including road R.O.W.

ATTEST this 14<sup>th</sup> day of October, 2003.  
William M. Norem  
County Board Chairman

ATTEST this 14<sup>th</sup> day of October, 2003.  
Kimberly S. Bushey  
County Clerk

Executive Committee

A motion was offered by Supervisor Ketchpaw, seconded by Supervisor Parker, to approve Ordinance No. 244-09/03 – Amending Chapter 2 of the Walworth County Code of Ordinances So As To Combine the Highway and Public Property Committees Into a Public Works Committee and to Change Certain Other Committee Membership Requirements. Supervisor Gigante made a motion to send Ordinance No. 244-09/03 back to the Executive Committee, second by Supervisor Guido. Discussion ensued. The vote failed to send Ordinance No. 244-09/03 back to the Executive Committee. Ordinance No. 244-09/03 was approved by roll call vote. Total vote: 24; Ayes: 18 – Arnold, Grant, Hilbelink, Ketchpaw, Kuhnke, Lightfield, Lohrmann, Miles, Morrison, Palzkill, Parker, Polyock, Russell, Schaefer, Scharine, Shroble, Wenglowsky, Norem; Noes: 5 – Burwell, Felten, Gigante, Guido, Lothian; Absent: 1 – Peterson; Vacant: 1.

ORDINANCE NO. 244 – 09/03

AMENDING CHAPTER 2 OF THE WALWORTH COUNTY CODE OF ORDINANCES  
SO AS TO COMBINE THE HIGHWAY AND PUBLIC PROPERTY COMMITTEES INTO  
A PUBLIC WORKS COMMITTEE AND TO CHANGE CERTAIN OTHER COMMITTEE  
MEMBERSHIP REQUIREMENTS

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

PART I: That Section 2-41 of Chapter 2 of the Walworth County Code of Ordinances is hereby amended to read as follows (deleted language is shown by strike-out; new language is shown by underline):

“SUPERVISOR ASSIGNMENTS AND COMPENSATION

Sec. 2-41. Committee assignments.

Standing committees of the board shall consist of the committee of the whole and those committees, boards and commissions set forth in section 2-121. Each standing committee shall be chaired by a supervisor. Supervisors shall be elected or assigned to the standing committees as follows:

- (1) Elected board membership. The board shall elect supervisors to the following boards and committees as the terms expire or vacancies occur:
  - a. Children with disabilities education board;
  - b. Lakeland Health Care Center board of trustees;
  - c. Such members of the nominating committee as may be required pursuant to section 2-131(b).
  
- (2) Appointed membership. The board shall appoint members of the following committees, boards and commissions:
  - a. Executive committee;
  - b. Finance committee;
  - c. Human resources committee;
  - d. Public ~~property~~ works committee;
  - e. Agriculture and extension education committee;
  - f. Health and human services board;
  - ~~g. Highway committee;~~
  - ~~h. g.~~ Land conservation committee; and
  - i. h. County zoning agency.
  
- (3) Committee leadership. Except in the case of the committee of the whole where the board chairperson shall serve as chairperson, each standing committee shall elect a committee chairperson and vice-chairperson from its membership. Members of the county board shall not chair more than one committee concurrently.

- (4) Six-year limit on service. No supervisor may serve more than six consecutive years on the same standing committee. April 20, 2000 shall be considered the starting date for purposes of calculating time of service under this section.
- (5) Assignments
  - a. Except as provided in b., each supervisor shall serve on two of the standing committees enumerated in paragraphs (1)a. and b. and (2), one of which shall be a committee listed in (2)a through d.
  - b. Notwithstanding paragraph a., the county board chairperson shall serve on the executive finance, CDEB and nominating committees and one other committee ~~enumerated in 2-41(1)b or 2.e. through h.~~ Those three supervisors appointed to the agriculture and extension education committee shall also serve on the land conservation committee.
- (6) Committee of the whole. Notwithstanding paragraph (5), each supervisor shall serve on the committee of the whole.”

PART II: That Section 2-121 of Chapter 2 of the Walworth County Code of Ordinances is hereby amended to read as follows (deleted language is shown by strike-out; new language is shown by underline):

“Sec. 2-121. Creation.

The following committees, boards, and commissions of the county board are hereby created:

- (1) Executive committee;
- (2) Agriculture and extension education committee;
- (3) Committee of the whole;
- (4) Land conservation committee
- (5) Finance committee
- (6) Children with disabilities education board;
- (7) Health and human services board;
- ~~(8) Highway committee;~~
- ~~(9)~~ (8) Human resources committee;
- ~~(10)~~ (9) Lakeland Health Care Center board of trustees;
- (11) (10) Nominating committee;
- ~~(12)~~ (11) County zoning agency; and
- ~~(13)~~ (12) Public ~~property~~ works committee.”

PART III: That Section 2-139 of Chapter 2 of the Walworth County Code of Ordinances is hereby amended to read as follows (deleted language is shown by strike-out; new language is shown by underline):

"Sec. 2-139. County zoning agency.

- (a) Purpose. The county zoning agency shall exercise those powers relative to planning and zoning as set forth in Wis. Stats § 59.69.
- (b) Membership. Unless otherwise designated by the board, the county zoning agency shall consist of ~~five~~ seven members including ~~three~~ five county board supervisors and two community representatives."

PART IV: That Section 2-140 of Chapter 2 of the Walworth County Code of Ordinances is hereby amended to read as follows (deleted language is shown by strike-out; new language is shown by underline):

"Sec. 2-140. Public ~~pr~~roperty works committee.

- (a) Purpose. In addition to any other duty presented by this Code, the public ~~pr~~roperty works committee shall have the following duties:
  - (1) Advise the county board with respect to all resolutions and ordinances concerning the use, construction and maintenance of county-owned facilities and public works projects, ~~except including~~ including county highways.
  - (2) With respect to all highway and non-highway construction projects contained in the annual budget:
    - a. Approve plans and specifications;
    - b. Authorize advertisements for bids;
    - c. Award bids;
    - d. Approve change orders and partial payments; and
    - e. Authorize final payment.
  - (3) Serve as the county highway committee pursuant to section 83.015 of the Wisconsin Statutes and in such capacity:
    - d. Serve as a policy-making body relative to county highways and transportation issues.
    - e. Determine broad outlines and principles governing administration of county highways.
- (b) Membership. The public ~~pr~~roperty works committee shall consist of ~~five~~ eight members of the county board. Four additional community members shall be appointed by the board and serve only at those times when the committee sits as the solid waste management board pursuant to Wis. Stats § 59.70(2).

- (c) Terms of office. The terms of office for the solid waste management shall be three years, but of the members first appointed, at least one-third shall be appointed for one year; at least one-third for two years; and the remainder for three years."

PART V: That Section 2-142 of Chapter 2 of the Walworth County Code of Ordinances is hereby amended to read as follows (deleted language is shown by strike-out; new language is shown by underline):

~~"Sec. 2-142. Highway committee.~~

~~(a) Purpose. The highway committee shall have the following duties:~~

- ~~(1) Serve as a policy-making body relative to county highways and transportation issues.~~
- ~~(2) Determine broad outlines and principles governing administration of county highways.~~

~~(b) Membership. The highway committee shall consist of five members of the county board."~~

PART VI: BE IT FURTHER ORDAINED by the Walworth County Board of Supervisors that this Ordinance shall become effective upon passage and publication.

PASSED and ADOPTED by the Walworth County Board of Supervisors this 14<sup>9</sup> day of October ~~September~~, 2003.

William M. Norem	10/20/03	Kimberly S. Bushey	
County Board Chairman	Date	County Clerk	Date

County Board Meeting Date: ~~September 9, 2003~~ October 14, 2003

Action Required: Majority Vote \_\_\_\_\_ Two-thirds Vote XX Other \_\_\_\_\_

Policy and Fiscal Note is attached.  
Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

David A. Bretl	10/6/03	_____	_____
County Administrator/ Corporation Counsel		Nicole Andersen Finance Director	Date

If unsigned, exceptions shall be so noted by the County Administrator.

Ordinance No. 244-09/03  
Fiscal Note and Policy Impact Statement

- I. Title Ordinance No. 244 – 09/03 Amending Chapter 2 Of The Walworth County Code of Ordinances So As To Combine The Highway And Public Property Committees Into A Public Works Committee And To Change Certain Other Committee Membership Requirements.
- II. Purpose and Policy Impact Statement: The purpose of this ordinance amendment is to make certain changes to the county's board's rules, including consolidation of the public property and highway committees into one public works committee, amending Chapter 2 of the Code of Ordinances. This ordinance amendment to the board's rules will accomplish those changes and permit consolidation of the two committees.

With respect to the ordinance amendment, the following policy changes are noted:

Part 1 - The name of the public property committee is changed to the public works committee. All references to the highway committee are deleted.

Part 2 – Create a public works committee and delete the highway committee.

Part 3 – Membership on the county zoning agency is increased from five to seven members consisting of five county board supervisors and two community members.

Part 4 – Amended sec. 2-140 to rename the combined public property and highway committees “public works committee” and increased membership from five to eight members.

Part 5 – Sec. 2-142 which described the highway committee is deleted.

- III. Budget and Fiscal Impact: Passage of this ordinance will have no impact on the 2003 budget.
- IV. Referred to the following standing committee(s) for consideration and date of referral:

Committee: Executive

Vote: 6 – 0

Date: October 6, 2003

County Board Meeting Date: October 14, 2003

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

David A. Bretl  
County Administrator/  
Corporation Counsel

10/6/03  
Date

Nicki Andersen (pw)  
Finance Director

10/7/03  
Date

Finance Committee

Supervisor Lohrmann offered a motion, seconded by Supervisor Grant, to approve Ordinance No. 246-10/03 – Amending Section 30-286 of the Walworth County Code of Ordinances Relative to Fees. Discussion ensued. The ordinance was approved by voice vote.

Ordinance No. 246-10/03

Amending Section 30-286 of the Walworth County Code of Ordinances Relative to Fees.

NOW THEREFORE, THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

PART 1: THAT Sec. 30-286 of the Walworth County Code of Ordinances is amended to include new fees as stated under the following descriptions:

County Clerk

County Directory (Person Outside Normal Distribution or Replacements)

Hand Delivered	\$1.00
Mailed	\$2.00

Health and Human Services

Public Health-Child Under Age 3	\$5.00/child
Public Health-Pregnancy Test	\$5.00/test

Treasurer

Plat Book	\$25.00
Non-taxable Plat Book	\$23.70

PART 2: THAT Sec. 30-286 of the Walworth County Code of Ordinances is amended to revise fees as stated under the following descriptions:

	<u>Current</u>	<u>Revised Fee</u>
Clerk of Courts		
Appeal-Court of Appeals	\$15.00	\$15.00 Plus Postage
NSF Fee per Check	\$15.00	\$28.00
GAL Fees	\$50.00/hr	\$60.00/hr \$500.00 Up Front Charge
Register of Deeds		
Federal Tax Liens-Searches	\$2.00/ taxpayer name	\$15.00/taxpayer name

Health and Human Services

Public Health-Flu Shot	\$15.00/shot	\$20.00/shot
Public Health-Pneumonia	\$25.00/shot	\$30.00/shot

PART 3: THAT Sec. 30-286 of the Walworth County Code of Ordinances is amended to include the following statement:

Fees for photocopies, not listed separately within the Consolidated Fee Schedule, will be \$ .10 per copy.

PART 4: BE IT FURTHER ORDAINED THAT the effective date of this ordinance shall be January 1, 2004.

PASSED and ADOPTED by the Board of Supervisors of Walworth County Wisconsin this 14<sup>th</sup> day of ~~November~~ October, 2003.

County Board Meeting Date: October 14, 2003

Action Required: Majority Vote XX Two-thirds Vote \_\_\_\_\_ Other \_\_\_\_\_

William M. Norem  
County Board Chairman

Kimberly S. Bushey  
County Clerk

Policy and Fiscal Note is attached.

Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

David A. Bretl	10/1/03	Nicole Andersen	10/2/03
County Administrator/ Corporation Counsel	Date	Finance Director	Date

If unsigned, exceptions shall be so noted by the County Administrator.

Policy and Fiscal Note  
Ordinance No. 246-10/03

- I. Title: Amending Section 30-286 of the Walworth County Code of Ordinances Relative to Fees.
- II. Purpose and Policy Impact Statement: In conjunction with compilation of the annual budget, departments have reviewed fees charged for services. Based upon that review departments have recommended implementation of new fees or revisions to existing fees. The new fees and revised fees have been detailed in the body of the amendment to section 30-286.
- III. Is this a budgeted item and what is its fiscal impact? The fiscal impact

associated with passage of this ordinance has been incorporated into the Administrator's 2004 budget.

IV. Referred to the following standing committees for consideration and date of referral:

Committee: Finance Committee  
Vote: 4 - 0

Date: September 25, 2003

County Board Meeting Date: October 14, 2003

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached ordinance.

David A. Bretl	10/1/03	N. Andersen	10/2/03
County Administrator/ Corporation Counsel	Date	Finance Director	Date

Supervisor Grant offered a motion, seconded by Supervisor Palzkill, to approve Resolution No. 60-10/03 - Resolution Authorizing the Sale of \$9,205,000 General Obligation Promissory Notes. Bretl introduced Walworth County's Financial Advisor, Keith Kolb, Baird and Associates. Kolb presented the bid statistics to the Supervisors. Kolb said that the best bid was from Harris Trust and Savings Bank at a rate of 2.9913%. Kolb said that this is the lowest rate Walworth County has ever received on long-term financing and is well under what we had budgeted. The rate is fixed for the 10-year term of the loan. Discussion ensued. Andersen explained the use of the bond money: \$6.7 million dollars is for the Courthouse Facility and approximately \$2.3 million dollars for road construction. She said this resolution has nothing to do with the Lakeland Health Care Center proposal, which will follow. A vote was taken and Resolution No. 60-10/03 was approved by voice vote.

Resolution No. 60-10/03  
RESOLUTION AUTHORIZING THE SALE OF \$9,205,000  
GENERAL OBLIGATION PROMISSORY NOTES

Moved/Sponsored by: Finance Committee

WHEREAS, on March 12, 2002, the County Board of Supervisors of Walworth County, Wisconsin (the "County") adopted Resolution No. 88-02/02 authorizing the issuance of general obligation bonds or promissory notes pursuant to Ch. 67, Wis. Stats., in an amount not to exceed \$11,230,000 for the public purpose of financing the construction and equipping of a new court facility (the "Court Facility Resolution"); and;

WHEREAS, on July 1, 2002, the County issued \$1,810,000 of the promissory notes authorized by the Court Facility Resolution as part of its \$7,320,000 General Obligation Promissory Notes dated July 1, 2002; and,

WHEREAS, on September 9, 2003, the County Board of Supervisors adopted Resolution No. 54-09/03 authorizing the issuance of general obligation promissory notes pursuant to Ch. 67, Wis. Stats., in an amount not to exceed \$2,760,000 for the public purpose of financing the construction and improvement of highways (the "Highway Projects Resolution"); and,

WHEREAS, the County Board of Supervisors deems it necessary and in the best interest of the County that monies in the amount of \$6,750,000 for the purpose authorized in the Court Facility Resolution and in the amount of \$2,455,000 for the purpose authorized in the Highway Projects Resolution now be borrowed by issuing a single issue of general obligation promissory notes in the aggregate principal amount of \$9,205,000, upon the terms and conditions hereinafter provided; and,

WHEREAS, the County has duly received bids for its proposed issue of \$9,205,000 General Obligation Promissory Notes (the "Notes") as described on the bid tabulation attached hereto as Exhibit A and incorporated herein by this reference; and,

WHEREAS, it has been determined that the best bid received was that submitted by the bidder (the "Purchaser") whose bid is attached hereto as Exhibit B and incorporated herein by this reference (the "Proposal"); and,

NOW, THEREFORE, BE IT RESOLVED by the Walworth County Board of Supervisors that

Section 1. Award. The bid of the Purchaser for the purchase price set forth in the Proposal be and it hereby is accepted and the Chairperson and County Clerk are authorized and directed to execute an acceptance of the offer of said successful bidder on behalf of the County. The good faith deposit of the Purchaser shall be retained by the County Treasurer until the closing of the note issue, and any good faith deposits submitted by unsuccessful bidders shall be promptly returned.

Section 2. The Notes. The Chairperson and County Clerk shall make, execute and deliver the Notes to the Purchaser, for and on behalf of the County. The Notes shall be negotiable, general obligation promissory notes of the County, registered as to both principal and interest, in the denomination of Five Thousand Dollars (\$5,000) each or whole multiples thereof, numbered from R-1 upward and dated November 1, 2003. The Notes shall bear interest at the rates per annum set forth in the Proposal and shall mature on April 1 of each year, in the years and principal amounts set forth in the debt service schedule attached hereto as Exhibit C and incorporated herein by this reference (the "Schedule").

Interest on the Notes shall be payable on April 1 and October 1 of each year, commencing April 1, 2004.

Notes maturing in the years 2012 and 2013 shall be subject to call and prior payment at the option of the County in whole or from time to time in part on April 1,

2011 or on any date thereafter at the price of par plus accrued interest to the date of redemption. The amounts and maturities of the Notes to be redeemed shall be selected by the County. If less than the entire principal amount of any maturity is to be redeemed, the Notes of that maturity which are to be redeemed shall be selected by lot.

Section 3. Form of Notes. The Notes shall be in substantially the form attached hereto as Exhibit D and incorporated herein by this reference.

Section 4. Tax Provisions.

(A) Direct, Annual Irrepealable Tax. For the purpose of paying the principal of and interest on the Notes as the same become due, the full faith, credit and resources of the County are hereby irrevocably pledged and there be and there hereby is levied on all the taxable property in the County a direct, annual, irrepealable tax in the years 2003 through 2012 for payment of principal of and interest on the Notes in the years 2004 through 2013 in the amounts set forth in the Schedule.

(B) Tax Collection. The County shall be and continue without power to repeal such levy or obstruct the collection of said tax until all such payments have been made or provided for. After the issuance of the Notes, said tax shall be, from year to year, carried into the tax rolls of the County and collected as other taxes are collected, provided that the amount of tax carried into said tax rolls may be reduced in any year by the amount of any surplus money in the Debt Service Account created in Section 5(A) hereof.

(C) Additional Funds. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said Notes when due, the requisite amounts shall be paid from other funds of the County then available, which sums shall be replaced upon the collection of the taxes herein levied.

Section 5. Debt Service Fund and Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the County, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Sinking funds established for obligations previously issued by the County may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there be and there hereby is established a separate and distinct account designated as the "Debt Service Account for \$9,205,000 'General Obligation Promissory Notes' dated November 1, 2003" (the "Debt Service Account") and such account shall be maintained until the indebtedness evidenced by the Notes is fully paid or otherwise extinguished. The County Treasurer shall deposit in such Debt

Service Account (i) all accrued interest received by the County at the time of delivery of and payment for the Notes; (ii) the taxes herein levied for the specific purpose of meeting principal of and interest on the Notes when due; (iii) such other sums as may be necessary at any time to pay principal of and interest on the Notes when due; (iv) any premium which may be received by the County above the par value of the Notes and accrued interest thereon; (v) surplus monies in the Borrowed Money Fund as specified in Section 6 hereof; and (vi) such further deposits as may be required by Sec. 67.11, Wis. Stats.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Account and appropriated for any purpose other than the payment of principal of and interest on the Notes until all such principal and interest has been paid in full and canceled; provided (i) the funds to provide for each payment of principal of and interest on the Notes prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Notes may be used to reduce the next succeeding tax levy, or may, at the option of the County, be invested by purchasing the Notes as permitted by and subject to Section 67.11(2)(a), Wis. Stats., in interest-bearing obligations of the United States of America, in other obligations of the County or in other investments permitted by law, which investments shall continue to be a part of the Debt Service Account.

(C) Remaining Monies. When all of the Notes have been paid in full and canceled, and all permitted investments disposed of, any money remaining in the Debt Service Account shall be deposited in the general fund of the County, unless the County Board of Supervisors directs otherwise.

Section 6. Proceeds of the Notes. All monies received by the County upon the delivery of the Notes to the purchaser thereof, except for accrued interest and premium, if any, shall be deposited by the County Treasurer into a special fund (the "Borrowed Money Fund") which shall be maintained separate and distinct from all other funds of the County and shall be used for no purpose other than the purposes for which the Notes are issued. In no event shall monies in the Borrowed Money Fund be used to fund operating expenses of the general fund of the County or of any special revenue fund of the County that is supported by property taxes. Monies in the Borrowed Money Fund may be temporarily invested as provided in Section 66.0603(1m), Wis. Stats. Any monies, including any income from permitted investments, remaining in the Borrowed Money Fund after the purposes for which the Notes have been issued have been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purposes shall be deposited in the Debt Service Account.

Section 7. No Arbitrage. All investments permitted by this resolution shall be legal investments, but no such investment shall be made in such a manner as would

cause the Notes to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), or the Regulations of the Commissioner of Internal Revenue thereunder (the "Regulations"); and an officer of the County, charged with the responsibility for issuing the Notes, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of closing which will permit the conclusion that the Notes are not "arbitrage bonds," within the meaning of the Code or Regulations.

Section 8. Fiscal Agent. The County will enter into a contract with Associated Trust Company, National Association, Green Bay, Wisconsin (the "Fiscal Agent") to serve as its fiscal agent with respect to the Notes pursuant to Wis. Stats. Sec. 67.10(2), which contract shall be in substantially the form attached hereto as Exhibit E and incorporated herein by this reference. The Chairperson and County Clerk are hereby authorized and directed to enter into such contract on the County's behalf. Such contract may provide, among other things, for the performance by the Fiscal Agent of the functions listed in Wis. Stats. Sec. 67.10(2)(a) to (j), where applicable, with respect to the Notes.

Section 9. Persons Treated as Owners; Transfer of Notes. The County shall cause books for the registration and for the transfer of the Notes to be kept by the Fiscal Agent. The person in whose name any Note shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Note shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid.

Any Note may be transferred by the registered owner thereof by surrender of the Note at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Fiscal Agent shall deliver in the name of the transferee or transferees a new Note or Notes of a like aggregate principal amount, series and maturity and shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Note surrendered for transfer.

The County shall cooperate in any such transfer, and the Chairperson and County Clerk are authorized to execute any new Note or Notes necessary to effect any such transfer.

The fifteenth day of each calendar month next preceding each interest payment date shall be the record dates for the Notes. Payment of interest on the Notes on any interest payment date shall be made to the registered owners of the Notes as they appear on the registration book of the Fiscal Agent at the close of business on the corresponding record date.

Section 10. Compliance with Federal Tax Laws. (a) The County represents and covenants that the projects financed by the Notes and their ownership, management and use will not cause the Notes to be "private activity bonds" within the meaning of Section 141 of the Code. The County further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the Notes including, if applicable, the rebate requirements of Section 148(f) of the Code. The County further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Notes) if taking, permitting or omitting to take such action would cause any of the Notes to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Notes to be included in the gross income of the recipients thereof for federal income tax purposes. The County Clerk or other officer of the County charged with the responsibility of issuing the Notes shall provide an appropriate certificate of the County certifying that the County can and covenanting that it will comply with the provisions of the Code and Regulations.

(b) The County also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Notes provided that in meeting such requirements the County will do so only to the extent consistent with the proceedings authorizing the Notes and the laws of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

Section 11. Designation as Qualified Tax-Exempt Obligations. The Notes are hereby designated as "qualified tax-exempt obligations" for purposes of Section 265 of the Internal Revenue Code of 1986, as amended, relating to the ability of financial institutions to deduct from income for federal income tax purposes, interest expense that is allocable to carrying and acquiring tax-exempt obligations.

Section 12. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Notes eligible for the services provided by The Depository Trust Company, New York, New York, the County agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the County and on file in the County Clerk's office.

Section 13. Undertaking to Provide Continuing Disclosure. The County covenants and agrees, for the benefit of the holders of the Notes, to enter into a written undertaking (the "Undertaking") required by SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule") to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the holders of the Notes or by the original purchaser(s) of the Notes on behalf of such holders (provided that the rights of the holders and the purchaser(s) to enforce the Undertaking shall be limited to a right to

obtain specific performance of the obligations thereunder and any failure by the County to comply with the provisions of the Undertaking shall not be an event of default with respect to the Notes).

The County Clerk, or other officer of the County charged with the responsibility for issuing the Notes, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the County's Undertaking.

Section 14. Records. The County Clerk shall provide and keep a separate record book and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing these Notes.

Section 15. Bond Insurance. If the purchaser of the Notes determines to obtain municipal bond insurance with respect to the Notes, the officers of the County are authorized to take all actions necessary to obtain such municipal bond insurance. The Chairperson and County Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the Chairperson and County Clerk including provisions regarding restrictions on investment of Note proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Notes by the bond insurer and notices to be given to the bond insurer. In addition, appropriate reference to the municipal bond insurance policy shall be made in the form of Note provided herein.

Section 16. Closing. The Chairperson and County Clerk of the County are hereby authorized and directed to execute and deliver the Notes to the purchaser thereof upon receipt of the borrowed funds, accrued interest to date of delivery and premium, if any. The Chairperson and County Clerk may execute the Notes by manual or facsimile signature, but at least one of said officers shall sign the Notes manually.

The officers of the County are hereby directed and authorized to take all steps necessary or convenient to close this issue as soon as practicable hereafter, in accordance with the terms of sale thereof; and said officers are hereby authorized and directed to execute and deliver such documents, certificates and acknowledgments as may be necessary or convenient in accordance therewith.

William M. Norem	10/20/03	Kimberly S. Bushey	
County Board Chairman	Date	County Clerk	Date

County Board Meeting Date: October 14, 2003

Action Required: Majority of a quorum  Two-thirds Vote  Other

Policy and Fiscal Note is attached.

Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

David A. Bretl	10/5/03	N. Andersen	10/7/03
County Administrator/ Corporation Counsel	Date	Finance Director	Date

If unsigned, exceptions shall be so noted by the County Administrator.

EXHIBIT A

BID TABULATION

(SEE ATTACHED)

EXHIBIT B

PURCHASE PROPOSAL

(SEE ATTACHED)

EXHIBIT C

DEBT SERVICE SCHEDULE AND IRREPEALABLE TAX LEVIES

(SEE ATTACHED)

EXHIBIT D

UNITED STATES OF AMERICA  
STATE OF WISCONSIN  
WALWORTH COUNTY

GENERAL OBLIGATION PROMISSORY NOTE

<u>Number</u>	<u>Rate</u>	<u>Date of Maturity Date</u>	<u>Original Issue</u>	<u>Amount</u>	<u>CUSIP</u>
R-	%		November 1, 2003	\$	

FOR VALUE RECEIVED, Walworth County, Wisconsin, promises to pay to \_\_\_\_\_, or registered assigns, the principal amount of \_\_\_\_\_ DOLLARS (\$ \_\_\_\_\_) on the maturity date specified above, together with interest thereon from November 1, 2003 or the most recent payment date to which interest has been paid, unless the date of registration of this Note is after the 15th day of the calendar month immediately preceding an interest payment date, in which case interest will be paid from such interest payment date, at the rate per annum specified above, such interest being payable on April 1 and

# Walworth County

## Results of Competitive Bids

\$9,205,000 General Obligation Promissory Notes  
Bids Taken at 10:00 A.M. CT  
Tuesday, October 14, 2003

Rank	Bidder	Purchase Price	Net Interest Cost	True Interest Rate
1	<i>Harris Trust &amp; Savings Bank</i>	<i>\$9,301,821.00</i>	<i>\$1,429,879.42</i>	<i>2.9913%</i>
2	Legg Mason Wood Walker, Inc.	9,441,239.15	1,453,972.52	3.0266
3	A.G. Edwards & Sons, Inc.	9,259,652.45	1,461,699.63	3.0635
4	US Bancorp Piper Jaffray	9,238,642.46	1,475,244.21	3.0948
5	Griffin, Kubik, Stephens & Thompson, Inc.	9,343,578.95	1,505,632.72	3.1370
6	Stephens Inc.	9,261,749.10	1,511,342.57	3.1678
7	UBS Financial Services (formerly PaineWebber)	9,174,057.90	1,530,548.35	3.2162
8	Stone & Youngberg LLC	9,193,720.84	1,539,157.08	3.2333
	Morgan Keegan		PASSED	

October 14, 2003

**BID FORM  
WALWORTH COUNTY, WISCONSIN  
\$9,205,000 General Obligation Promissory Notes**

William Norem, Chairperson  
Members of the County Board  
WALWORTH COUNTY  
100 West Walworth  
Elkhorn, Wisconsin 53121

Dear Mr. Norem and Members of the County Board:

For all but no part of your issue of \$9,205,000 General Obligation Promissory Notes, said bid being no less than \$9,135,962.50 (99.25% of Par) we offer to pay a price of \$9,301,821.00 plus accrued interest from November 1, 2003, the dated date, to the date of delivery. The Notes shall bear interest as follows:

April 1, 2004 <u>1.00</u> %	April 1, 2009 <u>3.25</u> %
April 1, 2005 <u>3.00</u> %	April 1, 2010 <u>3.00</u> %
April 1, 2006 <u>3.00</u> %	April 1, 2011 <u>3.20</u> %
April 1, 2007 <u>3.00</u> %	April 1, 2012 <u>3.30</u> %
April 1, 2008 <u>3.25</u> %	April 1, 2013 <u>3.40</u> %

This bid is made subject to all the terms and conditions of the Official Notice of Sale heretofore received and the Notice of Sale heretofore published, all terms and conditions which are made a part hereof as fully as though set forth in full in this bid.

There is enclosed herewith a certified or cashier's check for \$184,100 payable to the County Treasurer: OR: a Financial Surety Bond in the amount of \$184,100 has been provided for and evidence of same will be delivered on the sale date to accompany this bid form.

**Harris Trust & Savings Bank**

Managing Underwriter

Direct Contact and Phone Number:

By: Carrie J. Moreland

- Please attach a list of account members -

For your information, but not as a condition of this bid, the above interest rates result in:

Net Interest Cost \$1,429,879.42

True Interest Rate 2.9913 %

The foregoing offer is hereby accepted this 14<sup>th</sup> day of October 2003 by the Members of the County Board and in recognition therefore is signed by the Officers empowered and authorized to make such acceptance.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
County Clerk

B

**Walworth County**  
**\$9,205,000 - Final**  
**General Obligation Promissory Notes**  
**Dated: November 1, 2003 Close: November 4, 2003**  
**DEBT SERVICE SCHEDULE**

Date	Principal	Coupon	Interest	Total P+I	Calendar Total
11/04/2003	-	-	-	-	-
4/01/2004	570,000.00	1.000%	116,460.42	686,460.42	-
10/01/2004	-	-	136,902.50	136,902.50	823,362.92
4/01/2005	1,000,000.00	3.000%	136,902.50	1,136,902.50	-
10/01/2005	-	-	121,902.50	121,902.50	1,258,805.00
4/01/2006	1,000,000.00	3.000%	121,902.50	1,121,902.50	-
10/01/2006	-	-	106,902.50	106,902.50	1,228,805.00
4/01/2007	1,000,000.00	3.000%	106,902.50	1,106,902.50	-
10/01/2007	-	-	91,902.50	91,902.50	1,198,805.00
4/01/2008	1,000,000.00	3.250%	91,902.50	1,091,902.50	-
10/01/2008	-	-	75,652.50	75,652.50	1,167,555.00
4/01/2009	1,000,000.00	3.250%	75,652.50	1,075,652.50	-
10/01/2009	-	-	59,402.50	59,402.50	1,135,055.00
4/01/2010	600,000.00	3.000%	59,402.50	659,402.50	-
10/01/2010	-	-	50,402.50	50,402.50	709,805.00
4/01/2011	600,000.00	3.200%	50,402.50	650,402.50	-
10/01/2011	-	-	40,802.50	40,802.50	691,205.00
4/01/2012	1,185,000.00	3.300%	40,802.50	1,225,802.50	-
10/01/2012	-	-	21,250.00	21,250.00	1,247,052.50
4/01/2013	1,250,000.00	3.400%	21,250.00	1,271,250.00	-
10/01/2013	-	-	-	-	1,271,250.00
<b>Total</b>	<b>9,205,000.00</b>	<b>-</b>	<b>1,526,700.42</b>	<b>10,731,700.42</b>	<b>-</b>

**YIELD STATISTICS**

Accrued Interest from 11/01/2003 to 11/04/2003.....	2,329.21
Bond Year Dollars.....	\$47,365.42
Average Life.....	5.146 Years
Average Coupon.....	3.2232387%
Net Interest Cost (NIC).....	3.0188258%
True Interest Cost (TIC).....	2.9913237%
Bond Yield for Arbitrage Purposes.....	2.9066429%
All Inclusive Cost (AIC).....	3.0706296%
<b>IRS FORM 8038</b>	
Net Interest Cost.....	2.9209851%
Weighted Average Maturity.....	5.100 Years

October 1 of each year, with the first interest on this issue being payable on April 1, 2004.

Notes of this issue maturing in the years 2012 and 2013 shall be subject to call and prior payment at the option of the County in whole or from time to time in part on April 1, 2011 or on any date thereafter at the price of par plus accrued interest to the date of redemption. The amounts and maturities of the Notes to be redeemed shall be selected by the County. If less than the entire principal amount of any maturity is to be redeemed, the Notes of that maturity which are to be redeemed shall be selected by lot. Notice of such call shall be given by sending a notice thereof by registered or certified mail, facsimile transmission or overnight express delivery at least thirty (30) days prior to the date fixed for redemption to the registered owner of each Note to be redeemed at the address shown on the registration books.

Both principal hereof and interest hereon are hereby made payable to the registered owner in lawful money of the United States of America, and for the prompt payment of this Note with interest thereon as aforesaid, and the levying and collection of taxes sufficient for that purpose, the full faith, credit and resources of Walworth County, Wisconsin, are hereby irrevocably pledged. The principal of this Note shall be payable only upon presentation and surrender of this Note at the principal office of Associated Trust Company, National Association, Green Bay, Wisconsin, the Fiscal Agent, or any successor thereto. Interest hereon shall be payable by check or draft dated as of the applicable interest payment date and mailed from the office of the Fiscal Agent to the person in whose name this Note is registered at the close of business on the fifteenth day of the calendar month next preceding each interest payment date.

This Note is transferable only upon the books of the County kept for that purpose at the principal office of the Fiscal Agent, or any successor thereto, by the registered owner in person or his duly authorized attorney, upon surrender of this Note together with a written instrument of transfer (which may be endorsed hereon) satisfactory to the Fiscal Agent duly executed by the registered owner or his duly authorized attorney. Thereupon a new Note or Notes of the same aggregate principal amount, series and maturity shall be issued to the transferee in exchange therefor. The County and Fiscal Agent may deem and treat the person in whose name this Note is registered as the absolute owner hereof for the purpose of receiving payment of or on account of the principal or interest hereof and for all other purposes. The Notes are issuable solely as negotiable, fully-registered Notes without coupons in authorized denominations of \$5,000 or any whole multiple thereof.

This Note is issued pursuant to the provisions of Section 67.12(12), Wisconsin Statutes, for public purposes, including paying part of the costs of construction and equipping of a new court facility (\$6,750,000) and construction and improvement of highways (\$2,455,000), and is authorized by resolutions of the County Board of Supervisors of the County, duly adopted by said County Board of Supervisors at meetings duly convened on March 12, 2002 and September 9, 2003, which resolutions are recorded in the official book of its minutes for said dates.

This Note has been designated by the County as a "qualified tax-exempt obligation" for purposes of Section 265 of the Internal Revenue Code of 1986, as amended.

It is hereby certified and recited that all conditions, things and acts required by law to exist or to be done prior to and in connection with the issuance of this Note have been done, have existed and have been performed in due form and time; that the aggregate indebtedness of the County, including this Note and others authorized simultaneously herewith, does not exceed any limitation imposed by law or the Constitution of the State of Wisconsin; and that the County has levied a direct, annual irrepealable tax sufficient to pay this Note, together with interest thereon when and as payable.

No delay or omission on the part of the owner hereof to exercise any right hereunder shall impair such right or be considered as a waiver thereof or as a waiver of or acquiescence in any default hereunder.

IN WITNESS WHEREOF, the County Board of Supervisors of Walworth County, Wisconsin, has caused this Note to be signed on behalf of said County by its duly qualified and acting Chairperson and County Clerk, and its corporate seal to be impressed hereon, all as of the date of original issue specified above.

(SEAL)

WALWORTH COUNTY, WISCONSIN

By \_\_\_\_\_  
County Clerk

By \_\_\_\_\_  
Chairperson

(Form of Assignment)

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto \_\_\_\_\_

(Please print or typewrite name and address, including zip code, of Assignee)

Please insert Social Security or other identifying number of Assignee

\_\_\_\_\_

the within Note, and all rights thereunder, hereby irrevocably constituting and appointing

\_\_\_\_\_  
Attorney to transfer said Note on the books kept for the registration thereof with full power of substitution in the premises.

Dated:

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within Note in every particular, without alteration or enlargement or any change whatever.

Signature(s) guaranteed by:

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EXHIBIT E

FISCAL AGENT AGREEMENT

(ON FILE IN COUNTY CLERK'S OFFICE)

Policy and Fiscal Note  
Resolution No. 60-10/03

- I. Title: Initial Resolution Authorizing the Sale of \$9,205,000 General Obligation Promissory Notes
- II. Purpose and Policy Impact Statement: The purpose of the resolution is to authorize the sale of general obligation promissory notes to finance capital projects authorized in the 2003 budget. The issuance continues the county's ongoing practice of issuing less than \$10 million of general obligation debt, thereby qualifying it as "bank qualified". The debt is scheduled to be paid off over 10 years.
- III. Budget and Fiscal Impact: The 5-year Capital Improvement Plan, adopted November 4, 2002 by the Walworth County Board of Supervisors, includes \$9,900,00 in bond proceeds necessary to fund portions of the Capital Budget. This amount was revised to \$9,400,000 in April 2003 by Resolution 06-04/03. The approved projects were the New Court Facility in the amount of \$6,750,000 and Highway Road Construction projects in the amount of \$2,650,000. Bond funds remaining from previous issues in the amount of \$300,000 will be used to reduce the amount of this bond sale for road construction projects to \$2,350,000. Issuance costs are estimated to be \$105,000

The \$6,750,000 issuance is only a portion of the total budget adopted for the New Court Facility project. Total debt issued for the New Court Facility may not exceed \$11,230,000. \$1,810,000 was previously issued as part of the

\$7,320,000 general obligation promissory notes dated July 1, 2002. The remaining balance of \$2,670,000 will be issued in 2004.

IV. Referred to the following standing committees for consideration and date of referral:

Committee: Finance

Meeting Date: September 25, 2003

Vote: 4 - 1

County Board Meeting Date: October 14, 2003

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

David A. Bretl  
County Administrator/  
Corporation Counsel

10/6/03  
Date

N. Andersen  
Finance Director

10/7/03  
Date

Supervisor Russell offered a motion, seconded by Supervisor Ketchpaw, to approve Resolution No. 61-10/03 - Initial Resolution Authorizing Not to Exceed \$9,930,000 General Obligation Bonds or Promissory Notes for Nursing Home Facility. Discussion ensued. Supervisor Gigante made a motion, seconded by Supervisor Felten, to amend the resolution to include after Line 5, "and/or the renovation and equipping of the County's present facility known as the 1978 building" and also adding the same amendment after Line 13.

Supervisor Felten said that she cannot vote on a new facility of 120 beds today because the Board does not have an estimate on how much remodeling the 1978 building would cost. There are 128 beds in the 1978 building.

Much discussion ensued. Supervisor Kuhnke presented 198 signatures of citizens supporting a 150-bed facility. The signatures will be placed on file.

Supervisor Lothian expressed concern about the comfort and safety of the residents during the remodeling, as they would have to be moved out while remodeling.

Bretl gave an explanation of the history of the problems with the nursing home. Bretl said that last year we learned about the anticipated loss of IGT revenue. That coupled with inadequate reimbursement rates from the Federal government for residents at Lakeland gave us a projected tax dilemma that would occur in 2005. Last year we levied more taxes than needed to operate the facility to build up some equity so that we had time to come up with a new operation. We retained Schenck and Associates to do a study and they provided the County with four different scenarios. At last month's meeting the Board approved a 120-bed new facility.

Supervisor Gigante would like Walworth County to look at Washington County's nursing home. They are operating in the black with 238 beds. Bretl said that one significant difference between Walworth County and Washington County is a higher employee benefit cost in Walworth County and Washington County has more private pay residents.

Chairman Norem asked for comments from the public on the nursing home issue.

Ralph Krause, Town of Troy, spoke in favor of remodeling the present facility. Mr. Krause said he does not think it was right that the Board made the citizens wait so long to speak tonight. He thinks the local contractors in Walworth County should be contacted and he offered to do the plumbing drawings for free if the present nursing home is remodeled.

Linda Noltze, 5102 Mound Road, Elkhorn, Co-chair of We Care For Our Own Coalition spoke to the Board. Ms. Noltze said that home health care is very expensive and not reliable. Noltze said that private sector nursing home does fill a void in the health care industry but does not believe that the care they receive does not compare with the care the residents receive at Lakeland Health Care Center. The Coalition supports a new health care facility either in its entirely or newly repaired or rebuilt facility for 150 beds or more.

Supervisor Guido offered a motion to allow Linda Noltze to speak for another three minutes, seconded by Supervisor Gigante. Motion carried.

Linda Noltze continued on to say that the Coalition distributed pledge cards in various supervisory districts and delivered the completed pledge cards to the Supervisors of the impacted districts. These citizens want a nursing home of 150-beds.

Supervisor Gigante asked that the 176 cards he received from District #1 in favor of 150-bed facility be made a part of the record. Supervisor Ketchpaw said that she received 206 cards in favor of a 150-bed facility from District #2; however, she does not believe the citizens knew the Coalition was asking for a facility as large as 150 beds.

Alex Smith, Town of Geneva, former County Board Supervisor, said he has parents in two different nursing homes right now. They are on private pay. Mr. Smith said we will need more than 120 beds in the future and he is in favor of keeping the old nursing home and remodeling.

Paul Nelson, Walworth County Taxpayers' Alliance, stated the Alliance's position on the Lakeland Nursing Home. Nelson said the Taxpayers' Alliance believes that if someone else can provide this service than the County should not provide it. However, if there are not enough votes on this Board to follow through on privatization proposals then they would back the proposal presented by Supervisor Felten to remodel the present

nursing home. Mr. Nelson asks for support for either Supervisor Felten to remodel or Supervisor Arnold to privatize.

Ralph Williams, Town of Sugar Creek, addressed the Board. Mr. Williams talked about the decisions by the County to sell the hospital and Lakeland Ag Complex. He said those were the correct decisions. Mr. Williams said that the costs of operating nursing home are escalating and he wants Walworth County to get out of the nursing home care and privatize.

Mary Burpee, 609 W. Walworth Street, Elkhorn, addressed the Board. Ms. Burpee said that she works for AFSCME Council 40, which represents health care workers. Many counties have debated whether to get out of the health care business but right now in the state no one is considering it. She feels private entities are not interested because they cannot make a profit.

On motion by Supervisor Schaefer, seconded by Supervisor Felten, Linda Noltze was permitted to respond to Supervisor Ketchpaw's statement that the Coalition did not make it clear that they were supporting 150 beds. Ms. Noltze said that Ketchpaw's statement was not true and they even read many of the cards to people and emphasized they were asking for 150 beds or more. Ms. Noltze said she resented the statement and felt it was a direct attack on her integrity.

Supervisor Burwell suggested that everyone in the room should contact State Department of Health and Human Services to show their support of nursing homes.

Supervisor Guido said that he wanted to commend the employees of Lakeland Nursing Home for their outstanding work.

Bretl stated that the text of the amendment would be inserted at Line 5 and also Line 13 of the resolution: "and/or the renovation and equipping of the county's present facility known as the 1978 building." Bretl said that approval of the text of the amendment would require a majority vote and then  $\frac{3}{4}$  vote would be required to approve the bonding.

On motion by Supervisor Scharine, seconded by Supervisor Hilbelink, the question was called. A roll call vote was held to add the words "and/or the renovation and equipping of the County's present facility known as the 1978 building" after line 5 and line 13 . The roll call vote was on the amendment only. Total vote: 24; Ayes: 11 – Burwell, Felten, Gigante, Guido, Kuhnke, Lightfield, Lothian, Parker, Schaefer, Scharine, Wenglowksy; Noes: 12 – Arnold, Grant, Hilbelink, Ketchpaw, Lohrmann, Miles, Morrison, Palzkill, Polyock, Russell, Shroble, Norem; Absent: 1 – Peterson; Vacant: 1. Amendment failed.

Supervisor Felten made a motion, seconded by Supervisor Guido, for a new amendment to Resolution 61-10/03. The amended resolution was distributed to the

Supervisors. Chairman Norem announced a 5-minute break so that the Supervisors could read Supervisor Felten's new amendment.

The meeting resumed at 8:55 p.m.

Clerk Bushey announced that the written comments submitted by citizens would be made a part of the record of tonight's meeting. The written comments are as follows:

Mary Lehner, N6522 Hwy 67, Elkhorn, asked if the County chooses privatization, will the agency be for profit or non-profit. She was also concerned about the high statistics for elder abuse in the private sector and whether that private sector agency would be Medicaid certified.

Mary Ann Bromeland, 323 West Court Street, Elkhorn, wrote that the Walworth County Supervisors were elected to act on behalf of the Walworth County residents and that the citizens expected the Board to act with humanity. She also wrote that she was shocked to hear that the Supervisors are willing to attack our most vulnerable County citizens – our seniors and some that are severely disabled.

Jane M. Hagen, W4959 Paddock Drive, Elkhorn, wrote that she was concerned about privatizing the nursing home and asked if anything would be in place to prevent that private concern from moving or closing the facility.

Deborah Baker, 601 N. Sandy Lane, Elkhorn, wrote that the Supervisors themselves should be concerned about where they will go when they can no longer live at home because there is no one who can care for them.

Janet O'Neil, 47 Elm Street, Williams Bay, wrote that she opposes the closing of Lakeland Health Care Center and she is worried about her husband who is presently a resident. She also wrote that she is in favor of upgrading the present facility since a great deal of money had just been spent on the entrance.

Pat Hering, N2020 County Road H, Lake Geneva, wrote that since the County Board had previously approved building a new nursing home with 120 beds, she did not understand why this was being brought back again to the County Board. She said that the Board was not being fair or honest with the taxpayers of the County. Ms. Hering also wrote that her husband is presently a resident of Lakeland Health Care Center and she opposes privatization.

Charlene Staples, W7898 Creek Road, Delavan, wrote that she is a life-long taxpayer of Walworth County and that the Board should not only govern but also care for the people of Walworth County. She wrote that Walworth County should take care of its own residents whether they are young or old.

Robin M. Emerson, 515 Herman Street, Delavan, wrote that each Supervisor should do their duty and listen to the people of Walworth County. She also said that the Supervisors should know what they are voting for and ask questions before they vote, not after they vote. Ms. Emerson wrote that she is in favor of a new nursing home.

To explain the new amendment to Resolution No. 61-10/03, Mr. Bretl said that this amendment authorizes the issuance of \$9.9 million in debt and gives the County the flexibility to explore new construction or remodeling or both. This amendment places an outer limit on what the end result will be. The first resolution as amended said that you could spend \$9.9 million but did not place a restriction on the number of beds that could result or the operating cost of the facility. Line 21 states that the final decision on whether the County would use the debt proceeds for construction or remodeling would come back to the County Board for a majority vote. Line 25 states that debt would only be issued upon receipt by the County of a report from Schenck Business Solutions. The report would estimate that the levy impact of the resulting operation could not exceed \$3.5 million dollars for its first full year of operation and that would be your guarantee that you will be able to control operating costs. The intent of the resolution is to provide the maximum number of nursing home beds, but not less than 120 beds, and also that the levy impact will not exceed \$3.5 million. Line 36 states that in the event the Report is not received on or before February 10, 2004, or final approval of the Board is not granted on or before February 10, 2004, the authority to issue debt expires. In answer to Supervisor Gigante's question on Line 17 of the resolution, Bretl said that Lines 17 through 19 are "boiler plate" or verbiage that is seen in all borrowing resolutions. It is stating to the bondholders that we will guarantee to levy enough tax to pay back the bondholders. Bretl also said that Nicki Andersen spoke with bond counsel and they had indicated that this would be acceptable.

Supervisor Felten said that her amendment includes working with the 1978 building and does not include the 1962 building. Bretl also said that the Schenck study would not include the cost of disruption of the nursing home residents. Bretl said the first study by Schenck was going to cost \$15,000. Schenck's portion of the cost for this study would be significantly less but there would also be a large expense involved for entering into a contract with an architect.

Chairman Norem asked Vice Chair Grant to take over the chair so that he could address the Board. Norem stated that he wanted to make it clear to the Supervisors that there are additional issues and expenses to consider when remodeling. When remodeling, the entire building has to be brought up to code. Norem stated a list of other things to keep in mind, which will also add to Walworth County's costs in the future. After the new courthouse is completed, departments will be moved into the old courthouse from the Annex building. We are now trying to get rid of the old steam plant out there and we will then have the cost of an entire new plant to consider. Chairman Norem then resumed as chairman.

Supervisor Arnold wanted to inform the Supervisors that the Lakeland Health Care Center Trustees rejected remodeling.

On motion by Supervisor Hilbelink, seconded by Supervisor Polyock, the question was called on Felten's amendment.

Supervisor Lothian asked if the amendment to the resolution, as submitted by Supervisor Felten, also amends the policy and fiscal note or is the original policy and fiscal still pertinent. Bretl said that we do not have a current policy and fiscal note to go along with the amendment. The construction of a new 120-bed facility is included in the original policy and fiscal note as well as authorization of \$9.9 in long-term debt. Bretl said that the cost of the remodeling option is not included on the original policy and fiscal note. Supervisor Parker asked if this amendment to the resolution could change our bond rating. Bretl said that there is nothing in this resolution that would suggest a change in our bond rating.

A roll call vote was held on the new amendment to Resolution 61-10/03 – Initial Resolution Authorizing Not to Exceed \$9,930,000 General Obligation Bonds or Promissory Notes for Nursing Home Facility, as presented by Supervisor Felten. Total vote: 24; Ayes: 13 – Burwell, Felten, Gigante, Guido, Ketchpaw, Kuhnke, Lightfield, Morrison, Parker, Russell, Schaefer, Scharine, Wenglowisky; Noes: 10 – Arnold, Grant, Hilbelink, Lohrmann, Lothian, Miles, Palzkill, Polyock, Shroble, Norem; Absent: 1 – Peterson; Vacant: 1. The amendment was approved.

On motion by Supervisor Guido, seconded by Supervisor Felten, the following technical changes for Resolution No. 61-10/03 were approved: Line 22 – “r” in the word “renovation” would be capitalized, Line 36 – the word “even” would be amended to “event”, Line 37 – February “19” will be changed to February “10”.

A motion offered by Supervisor Palzkill, seconded by Supervisor Grant for unanimous consent of Resolution No. 61-10/03, as amended with technical changes, failed. A roll call vote was then taken. Bretl said that a  $\frac{3}{4}$  vote was required. Total vote: 24; Ayes: 19 – Burwell, Felten, Gigante, Grant, Guido, Ketchpaw, Kuhnke, Lightfield, Lohrmann, Lothian, Miles, Morrison, Palzkill, Parker, Russell, Schaefer, Scharine, Wenglowisky, Norem; Noes: 4 – Arnold, Hilbelink, Polyock, Shroble; Absent: 1 – Peterson; Vacant: 1. Resolution No. 61-10/03 as amended with technical changes was approved.

Resolution No. 61-10/03  
Initial Resolution Authorizing Not To Exceed \$9,930,000  
General Obligation Bonds or Promissory Notes for Nursing Home Facility

**AMENDED**

Moved/Sponsored by: Finance Department

WHEREAS, Walworth County, Wisconsin (hereinafter "County"), is in need of an amount not to exceed \$9,930,000 for the public purpose of financing the construction and equipping of a new nursing home facility (hereinafter "Construction") and/or the renovation and equipping of that portion of the county's present nursing home facility known as the 1978 building (hereinafter "Renovation"); and,

WHEREAS, it is desirable to authorize the issuance of general obligation bonds or promissory notes (hereinafter "Debt") for such purpose pursuant to Chapter 67 of the Wisconsin Statutes;

NOW, THEREFORE, BE IT RESOLVED by the Walworth County Board of Supervisors that the County borrow an amount not to exceed \$9,930,000 by issuing ~~its general obligation bonds or promissory notes~~ Debt for the public purpose of financing the ~~Construction and equipping of a nursing home facility and/or Renovation.~~

BE IT FURTHER RESOLVED that there be and there hereby is levied on all the taxable property in the County a direct, annual tax in such years and in such amounts as are sufficient to pay when due the principal and interest on such ~~bonds or notes~~ Debt.

BE IT FURTHER RESOLVED that the final decision as to whether the county will use the Debt proceeds for Construction or Renovation shall be determined by a majority vote of the county board of supervisors (hereinafter "Final Approval");

BE IT FURTHER RESOLVED that Debt may only be issued upon receipt by the county of a report from Schenck Business Solutions (hereinafter "Report"), which Report shall apply the same methodology utilized in its report to the county dated February, 2003, estimating the tax levy of the resulting operation, either from Construction or Renovation, will not exceed \$3.5 million in its first full year of operation. The county's receipt of the report shall be certified by the county clerk, which certification shall satisfy this condition.

BE IT FURTHER RESOLVED that it is the intent of this resolution to provide the maximum number of nursing home beds, but in no event less than 120, that can be operated during its first full year with a levy impact not to exceed \$3.5 million.

BE IT FURTHER RESOLVED that in the event the Report is not received on or before February 10, 2004, or Final Approval is not granted on or before February 10, 2004, the authority to issue Debt granted by this resolution shall expire.

William M. Norem                      10/20/03                      Kimberly S. Bushey  
County Board Chairman      Date                      County Clerk                      Date

County Board Meeting Date:      October 14, 2003

Action Required:      Majority Vote \_\_\_\_\_      Two-thirds Vote \_\_\_\_\_      Other 3/4 Vote

Policy and Fiscal Note is attached.  
Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

_____ David A. Bretl County Administrator/Corporation Counsel	_____ Date	_____ Nicole Andersen Finance Director	_____ Date
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If unsigned, exceptions shall be so noted by the County Administrator.

Policy and Fiscal Note  
Resolution No. 61-10/03

- I. Title: Initial Resolution Authorizing Not To Exceed \$9,930,000 General Obligation Bonds or Promissory Notes for Nursing Home Facility
- II. Purpose and Policy Impact Statement: Walworth County has established the necessity for a new Health Care Center. Currently, the estimated cost for construction of the new 120-bed facility is \$10,648,300. Proposed funding for this project is \$215,000 from Lakeland Health Care Center's existing funds and \$503,300 from the Undesignated General Fund. Based upon the estimated life expectancy of the facility, it is recommended that the remaining budget balance of \$9,930,000 be funded through the issuance of long-term debt.

State statutes stipulate that the authorization of long-term debt requires a vote of  $\frac{3}{4}$  of the members elected to the County Board of Supervisors to allow its exclusion from the 1992 mill rate freeze. Upon authorization, it is anticipated that these securities will be issued in multiple series in order to meet spend down requirements of the project and minimize the overall cost to the county. The size and timing of these issues will be based on the recommendation of the Finance Committee, in conjunction with the county's financial advisor. The County Board must approve the future sale of each individual issue, not to exceed \$9,930,000 in the aggregate, with a majority vote.

- III. Budget and Fiscal Impact: The county has authorized the expenditure of \$20,000 for planning a new facility and has expended \$17,485 to date. The proposed 2004 Capital Improvement Plan includes a project budget not to exceed \$10,648,300 for a new health care facility. This estimate is for the construction of a 120-bed facility. The proposed funding is \$215,000 from Lakeland Health Care Center's existing funds and \$503,300 from the Undesignated General Fund and \$9,930,000 from debt funding. This resolution will authorize the issuance of \$9,930,000 in long-term debt. It is anticipated that the debt will be repaid over a period not to exceed ten years. The annual impact on the levy will be determined by the size and timing of the individual issues.

The County Administrator verbally discussed the financial impact of the amendment with the board.

IV. Referred to the following standing committees for consideration and date of referral:

Committee: Finance

Meeting Date: September 25, 2003

Vote: 4-1

County Board Meeting Date: October 14, 2003

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

David A. Bretl  
County Administrator/  
Corporation Counsel

10/5/03  
Date

N. Andersen  
Finance Director

10/7/03  
Date

Supervisor Grant offered a motion, seconded by Supervisor Guido, to deny approval of Resolution No. 65-10/03 – Recommending the Expenditure of Funds From the Undesignated General Fund for the Purpose of Facilitating a Public/Private Relationship with Carriage Health Care Systems to Operate a Nursing Home. Motion to deny was approved by unanimous consent of the members present.

Resolution No. 65-10/03

**DEFEATED**

Recommending the Expenditure of Funds From the Undesignated General Fund for the Purpose of Facilitating a Public/Private Relationship with Carriage Health Care systems to Operate a Nursing Home

Moved/Sponsored by: Finance Committee

WHEREAS, as part of the long-range study of the future of the Lakeland Health Care Center ("LHCC"), proposals were solicited from private-sector nursing homes for the purpose of inducing one or more private-sector nursing homes to increase the number of skilled nursing home beds in Walworth County; and,

WHEREAS, Carriage Healthcare Companies, Inc. ("CHC") has proposed constructing and operating an 85-bed skilled nursing facility in exchange for a one-time subsidy from the county in the amount of \$5.1 million; and,

WHEREAS, Resolution No. 61-10/03, which would have provided funding for the construction of a new 120-bed county-owned nursing home, failed to pass; and

WHEREAS, it is imperative that the county make a decision regarding the future of the Lakeland Health Care Center; and,

WHEREAS, the loss of millions of dollars of state and federal revenue will require a doubling of the county's tax levy in 2006 in the event a new direction is not provided for the nursing home in a timely manner; and,

WHEREAS, increasing the number of skilled nursing care beds in the county serves an important public purpose;

NOW, THEREFORE, BE IT RESOLVED by the Walworth County Board of Supervisors that the sum of \$5.1 million be in the same is hereby transferred from the undesignated general fund to the appropriate operating accounts for the purpose of entering into a public-private partnership with CHC and that the proper county staff be directed to enter into negotiations with CHC for the purpose of finalizing an agreement by and between said CHC and the county, subject to final approval by the County Board of Supervisors.

_____ William M. Norem County Board Chairman	_____ Date	_____ Kimberly S. Bushey County Clerk	_____ Date
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County Board Meeting Date:      October 14, 2003

Action Required:    Majority Vote \_\_\_\_\_ Two-thirds Vote   X      Other \_\_\_\_\_

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

David A. Bretl County Administrator/ Corporation Counsel	10/6/03 Date	Nicki Andersen (pw) Finance Director	10/7/03 Date
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If unsigned, exceptions shall be so noted by the County Administrator.

Policy and Fiscal Note  
Resolution No. 65-10/03

- I. Title: Recommending the Expenditure of Funds From the Undesignated General Fund for the Purpose of Facilitating a Public/Private Relationship with Carriage Health Care Systems to Operate a Nursing Home
- II. Purpose and Policy Impact Statement: Passage of this resolution directs a one-time expenditure of \$5.1 million from the undesignated general fund. The county will use these funds to enter into an agreement with Carriage Health Care Systems ("CHC") to induce CHC to build and operate a skilled nursing facility.
- III. Budget and Fiscal Impact: Use of the fund balance for the purpose of terminating a county service is authorized. Resolution 85-02/99 defines the minimum undesignated general fund balance to be 15-20% of the general fund revenues, plus the property tax revenue allocated to each county fund, as

reported in the most recent audited financial statements. The Walworth County finance committee has recommended maintaining the undesignated general fund balance near the 20% level of general fund revenues due to the relatively low level of delinquent taxes. Approval of this resolution would reduce the general fund balance to 15% of the general fund revenues.

IV. Referred to the following standing committees for consideration and date of referral:

Committee: Finance Meeting Date: September 25, 2003

Vote: 4 - 1  
County Board Meeting Date: October 14, 2003

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

David A. Bretl	10/6/03	Nicki Andersen (pw)	10/7/03
County Administrator/ Corporation Counsel	Date	Finance Director	Date

On motion by Supervisor Schaefer, seconded by Supervisor Palzkill, Resolution No. 62-10/03 – Resolution Updating List of Financial Depositories and Investment Firms for County Funds, was approved by voice vote.

Resolution No. 62-10/03  
Resolution Updating List Of Financial Depositories And Investment Firms For County Funds

Moved/Sponsored by: Finance Committee

WHEREAS, Section 59.61 (2), Wisconsin Statutes, requires that the County Board designate one or more credit unions, banks, savings banks, savings and loan associations, or trust companies organized and doing business under the laws of this state or federal law, located in this state, as county depositories. In addition to the depositories specified above, the local government-pooled investment fund may be designated as a depository for investment purposes; and,

WHEREAS, Section 66.0603 (2), Wisconsin Statutes, allows the investment of County funds not immediately needed in certain institutions and/or securities;

NOW THEREFORE BE IT RESOLVED, by the Walworth County Board of Supervisors that the following financial institutions:

AnchorBank, FSB  
Associated Bank, N.A.

Bank One, Wisconsin  
Citizens Bank of Mukwonago, East Troy  
Commercial Bank, Whitewater  
Community Bank of Delavan  
F & M Bank - Wisconsin  
First Banking Center  
First Citizens State Bank  
First National Bank and Trust  
Fort Community Credit Union  
Mid America Bank  
Peoples Bank  
St. Francis Bank  
U S Bank  
Walworth State Bank

and

Local Government Pooled Investment Fund  
MBIA  
Edward D Jones  
RBC Dain Rauscher  
U S Bancorp Piper Jaffray

qualified as public depositories under Chapter 34 of the Wisconsin Statutes, shall be and are hereby designated until further action, as public depositories for all public monies coming into the hands of the Treasurer and/or the Clerk of Courts of the County of Walworth, State of Wisconsin.

BE IT FURTHER RESOLVED THAT, the County Treasurer and the Clerk of Courts are authorized to invest funds pursuant to the Walworth County Investment Policy in securities authorized by that policy utilizing brokers approved by the County Board.

BE IT FURTHER RESOLVED, that withdrawal or disbursements from any one of the above-named depositories shall be through the use of money transfer techniques, including electronic funds transfers and automated clearinghouse methods.

BE IT FURTHER RESOLVED, that in accordance therewith, all checks shall be signed by the following persons:

William Norem, Chairman  
Kathleen M. Du Bois, Treasurer  
Kimberly S. Bushey, Clerk

or their successors in office.

BE IT FURTHER RESOLVED, that in lieu of their personal signatures, the following facsimile signatures, which have been adopted by them as below shown:

William Norem, COUNTY BOARD CHAIRMAN  
 Kathleen M. Du Bois, TREASURER  
 Kimberly S. Bushey, COUNTY CLERK

may be affixed on such order check(s); that any one of the above-named depositories shall be fully warranted and protected in making payments on any order checks bearing such facsimile(s) notwithstanding that the same may have been placed thereon without the authority of the designated person or persons.

BE IT FURTHER RESOLVED, that for those funds invested and/or deposited by the Clerk of Circuit Court, pursuant to s.59.40, Wis. Stats., that said funds may be withdrawn on order, check or wire transfer upon the signature of the Clerk of Circuit Court, or in lieu of her personal signature, upon the facsimile signature of the Clerk of Circuit Court:

Sheila T. Reiff

BE IT FURTHER RESOLVED, that the following persons are authorized as signatories for the accounts specified:

ACCOUNT DESCRIPTION	AUTHORIZING SIGNATURE(S)
<b>Treasurer:</b>	
Depository	County Board Chair, County Clerk, County Treasurer (by facsimile)
Accounts Payable	County Board Chair, County Clerk, County Treasurer (by facsimile)
Payroll	County Board Chair, County Clerk, County Treasurer (by facsimile)
<b>Clerk of Courts:</b>	
Depository	Clerk of Courts, Courts Office Manager, Register in Probate
General	Clerk of Courts, Courts Office Manager, Register in Probate
CCAP Account (Consolidated Court Automation Program)	Clerk of Courts, Courts Office Manager, Register in Probate
<b>Sheriff:</b>	
Sheriff Trust	Sheriff, Undersheriff, Account Clerk (2)
Civil Process	Sheriff, Undersheriff, Account Clerk (2)
Huber Trust	Sheriff, Undersheriff, Account Clerk (2), Correctional Sergeants (14)
Inmate Trust	Sheriff, Undersheriff, Account Clerk (2), Correctional Sergeants (14)

Lakeland Health Care Center:

Resident Fund Administrator, Resident Accounts Supervisor  
Donated Funds Administrator, Resident Accounts Supervisor  
Resident Council Fund Social Work Supervisor

Lakeland School

Student Council Student Council Advisor, Administrator, School Bookkeeper

Health and Human Services Dept.

Supportive Home Care David L. Scrima, S.C.  
Money Market Ckg. Director, Assistant Director, Protective Payee  
Nutrition Sites (4) County Board Chair, County Clerk, County Treasurer (by facsimile)

BE IT FURTHER RESOLVED, that the aforementioned shall be and are hereby designated as public depositories for all county departments handling public monies.

BE IT FURTHER RESOLVED, that the County Board Chairman, County Clerk, County Administrator, County Treasurer and Clerk of Circuit Court are hereby authorized and directed to sign the appropriate contract and necessary ancillary agreements on behalf of Walworth County.

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be delivered to each of the above-named depositories, and said depositories may rely on this resolution until changed by lawful resolution, and a certified copy of such resolution has been given to the designee of the respective above-named depositories.

BE IT FURTHER RESOLVED, that all previous resolutions relating to authorized depositories are hereby repealed and are no longer in force or effect.

William M Norem 10/20/03 Kimberly S Bushey  
County Board Chairman Date County Clerk Date

County Board Meeting Date: October 14, 2003

Action Required: Majority Vote  X  Two-thirds Vote \_\_\_\_\_ Other \_\_\_\_\_

Policy and Fiscal Note is attached.  
Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

David A. Bretl 10/3/03 N. Andersen 10/6/03  
County Administrator/ Date Finance Director Date  
Corporation Counsel

If unsigned, exceptions shall be so noted by the County Administrator.

Policy and Fiscal Note  
Resolution No. 62-10/03

- I. Title: Updating List of Financial Depositories and Investment Firms for County Funds
- II. Purpose and Policy Impact Statement: This resolution updates resolution 27-07/02 as to list of authorized financial depositories. The authorized financial institutions are subject to ongoing review.

Following is a list of changes to the former resolution:

- Name Change from Amcore Bank, Clinton–Darien to First National Bank & Trust
- Name Change from Anchor Bank, S.S.B. to Anchor Bank, FSB
- Delete Blackhawk Credit Union
- Add Fort Community Credit Union
- Name Change from First Bank to U S Bank
- Delete North Shore Bank (now First Banking Center)
- Delete Southern Lakes Credit Union

Checking account and authorized signatures changes are as follows:

- Lakeland Health Care Center
  - Change Buildings & Furniture account title to Donated Funds
  - Remove title of Finance Manager as authorized signature on Resident Fund and Donated Funds accounts

- Sheriff's Department
  - Huber and Inmate Trust Accounts – Change Correctional Supervisors (9) to Correctional Sergeants (14)

- Clerk of Courts Office
  - CCAP (Consolidated Court Automation Program) – New accounts

- III. Budget and Fiscal Impact: Adoption of this updated resolution helps provide internal controls related to cash and cash handling activities. There is no budget impact.
- IV. Referred to the following standing committees for consideration and date of referral:

Committee: Finance

Meeting Date: September 25, 2003

Vote: 4 - 0

County Board Meeting Date: October 14, 2003

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

David A. Bretl	10/3/03	N. Andersen	10/6/03
County Administrator/ Corporation Counsel	Date	Finance Director	Date

Health and Human Services Board

Supervisor Miles offered a motion, seconded by Supervisor Morrison, to approve Resolution No. 63-10/03 – 2004 Amendment to the Walworth County Aging Plan For Older People 2003-2005. On motion by Supervisor Grant, seconded by Supervisor Scharine, the resolution was approved by unanimous consent of the body present.

Resolution No. 63-10/03

2004 Amendment To The Walworth County Aging Plan For Older People 2003-2005

Moved/Sponsored by: Health and Human Services Board

WHEREAS, Walworth County is required to prepare an annual service plan for older people which contains proposed uses of Federal/State Older Americans Act funds, State Senior Community Service funds, and State Elderly Benefit Service funds; and,

WHEREAS, the Walworth County Commission on Aging and the Walworth County Health and Human Services Board have reviewed the 2004 Amendment to the Walworth County Aging Plan for Older People 2003-2005; and,

WHEREAS, the Health and Human Services board and Commission on Aging have approved the proposed Plan as presented;

NOW, THEREFORE, BE IT RESOLVED by the Walworth County Board of Supervisors that the 2004 Amendment to the Walworth County Plan for Older People 2003-2005 be approved and the programs listed be funded by Federal and State revenues as set forth below:

FEDERAL/STATE OLDER AMERICANS ACT

<u>PROGRAM</u>	<u>REVENUE</u>
Administrative/Fiscal Support	\$13,000
Public Information	\$2,000
Benefit/Legal Assistance	\$14,000
Money Management	\$3,000
Residential Repair	\$2,000

Supportive In-Home Care	\$44,980
Congregate Meals	\$161,645
Home-Delivered Meals	\$50,607
Elder Abuse Services	\$29,546
Preventive Health (Disease Prevention/Health Promotion)	\$5,406
Family Caregiver Support	\$34,985

STATE SENIOR COMMUNITY SERVICE

Home Delivered Meal Delivery	\$9,074
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STATE ELDERLY BENEFIT SERVICE

Benefit/Legal Assistance	\$28,215
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William M. Norem	10/20/04	Kimberly S. Bushey	
County Board Chairman	Date	County Clerk	Date

County Board Meeting Date: October 14, 2003

Action Required: Majority Vote \_\_\_\_\_ Two-thirds Vote XX Other \_\_\_\_\_

Policy and Fiscal Note is attached.

Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

David A. Bretl	10/3/03	N. Andersen	10/6/03
County Administrator/ Corporation Counsel	Date	Finance Director	Date

If unsigned, exceptions shall be so noted by the County Administrator.

Policy and Fiscal Note  
Resolution No. 63-10/03

- I. Title: 2004 Amendment To The Walworth County Aging Plan For Older People 2003-2005
- II. Purpose and Policy Impact Statement: Federal and State regulations require County Board approval of the 2004 Amendment to the Walworth County Aging Plan for Older People 2003-2005. The Plan includes federal and state grant revenues for direct and indirect costs incurred by the county. Approval of this resolution will not impact the tax levy. Expenses will be off-set by revenue.
- III. Budget and Fiscal Impact:

Revenue: \$398,458  
Expenditures: \$398,458

IV. Referred to the following standing committees for consideration and date of referral:

Committee: Health and Human Services Meeting Date: September 23, 2003

Vote: 8 - 0

County Board Meeting Date: October 14, 2003

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

David A. Bretl	10/3/03	N. Andersen	10/6/03
County Administrator/ Corporation Counsel	Date	Finance Director	Date

On motion by Supervisor Lothian, seconded by Supervisor Felten, Resolution No. 64-10/03 - A Resolution Amending the Southeastern Wisconsin Tri-County WIA Consortium Agreement, was approved by voice vote.

Resolution No. 64-10/03  
A Resolution Amending the Southeastern Wisconsin Tri-County WIA Consortium Agreement

Moved/Sponsored by: Health and Human Services

WHEREAS, the County of Kenosha, the County of Walworth and the County of Racine entered into an agreement on September 3, 1999 to form a consortium of 3 counties named the Southeastern Wisconsin Tri-County WIA Consortium (hereafter "Consortium") created to act with the mutual cooperation in the planning and administration of programs under the U.S. Workforce Investments Act of 1998 (hereafter the "Act") to provide a framework for State and local workforce investment activities and systems that increase the employment, retention and earnings of participants, and increase the occupational skill and quality of the workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the Nation; and,

WHEREAS, The Southeastern Wisconsin Consortium (hereafter "Consortium") operates successfully through its system of Consortium Commissioners (consisting of the chief elected officials of the three counties or their designees) and its Bylaws, and by the WIA Boards, approving all Local Plans under Section 118 of the Act, receiving all Federal and State funds which it distributes for the purposes enumerated, and complying with State and Federal policy and regulations; and,

WHEREAS, the Consortium has performed very well to fulfill its duties under the federal law since it was created; further, there is a continuing need for various county services and for the coordination of Federal, State and County resources under the act by residents living in each county due to rising population, rising unemployment in this era, and the increased demands of modern society; and,

WHEREAS, The Bylaws of the Consortium provide for change in the representation of the Counties to reflect a change, from time to time, in the chief elected officials of each county and such by-laws handle other procedural aspects of the Consortium; However, the original Consortium Agreement made no provision for a transition of the Fiscal Agent of the Consortium, or the Chief WIA Manager, and it would be in the best interest of the public to keep the Tri-County Consortium operating efficiently and provide for a smooth transition of such responsibilities in the Bylaws of the Consortium; and,

NOW, THEREFORE, BE IT RESOLVED that the Walworth County Board of Supervisors approves an amendment, a copy of which is attached hereto, of the September 9, 1999, Agreement by the parties of the Southeastern Wisconsin Tri-County Consortium under the Workforce Investment Act to allow a change in the designation of the Fiscal Agent for the Consortium, or a change in the designation of the Chief WIA Manager for the Consortium, as provided in the Bylaws of the Consortium Commissioners, as such Bylaws may be amended from time to time.

William M. Norem	10/20/03	Kimberly S. Bushey	
County Board Chairman	Date	County Clerk	Date

County Board Meeting Date: October 14, 2003

Action Required: Majority Vote XX Two-thirds Vote \_\_\_\_\_ Other \_\_\_\_\_

Policy and Fiscal Note is attached.  
Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

David A. Bretl	10/5/03	N. Andersen	10/7/03
County Administrator/ Corporation Counsel	Date	Finance Director	Date

If unsigned, exceptions shall be so noted by the County Administrator.

Policy and Fiscal Note  
Resolution No. 64-10/03

- I. Title: Amending the Southeastern Wisconsin Tri-County WIA Consortium Agreement

- II. Purpose and Policy Impact Statement: Passage of this resolution will allow the Tri-County WIA Consortium to change fiscal agents and managers in the future without county board approval.
- III. Budget and Fiscal Impact: Adoption of this resolution will have no impact on Walworth County's budget.
- IV. Referred to the following standing committees for consideration and date of referral:

Committee: Health and Human Service Meeting Date: September 23, 2003

Vote: 8 - 0

County Board Meeting Date: October 14, 2003

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

David A. Bretl	10/5/03	N. Andersen	10/7/03
County Administrator/ Corporation Counsel	Date	Finance Director	Date

Reports of Special Committees

Chairman Norem announced that the Public Budget Hearing would be held on Thursday, October 30, 2003, at 6:00 p.m.

On motion by Supervisor Gigante, seconded by Supervisor Morrison, the meeting of the Walworth County Board adjourned at 9:35 p.m.

The next regularly scheduled meeting of the Walworth County Board will be held on Monday, November 10, 2003, at 6:00 p.m.

Kimberly S. Bushey  
County Clerk

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 October 14, 2003 meeting.

WALWORTH COUNTY BOARD OF SUPERVISORS  
PUBLIC BUDGET HEARING  
OCTOBER 30, 2003

The meeting was called to order at 6:00 p.m. by Chairman Norem at the Walworth County Courthouse, 100 W. Walworth St., Elkhorn, Wisconsin. Roll call was read with all Supervisors present except Supervisors Gigante, Palzkill, Shroble, and Wenglowisky. A quorum was established.

The invocation was delivered by Supervisor Larry Hilbelink.

On motion by Supervisor Grant, seconded by Supervisor Schaefer, the agenda was approved as presented.

#### Public Comment

County Clerk Kimberly Bushey explained the process that would be followed for Public Comment. Bushey explained that the Public Comment period is for citizens to speak on any topic not on tonight's agenda. Bushey said that cards were placed on a table outside the Boardroom door. Bushey asked that anyone wishing to speak or make comment should complete a card so that the Chairman could use it as a tool to bring us through this process. The speakers will be allowed three minutes. Bushey also explained that if a citizen did not wish to speak they could write comments on the card and the information would be entered into the record. She said that if a citizen wished to make comment regarding the budget, they would be allowed to do that later in the meeting. The Chairman then took comments from the public on any topics except the budget.

Sally Krause, P. O. Box 508, Delavan, addressed the Board regarding the animal control contract and the request for proposal that had just been submitted to various organizations. Ms. Krause said that she has recently been quoted in the newspaper as saying "when they (the County) compare us (Lakeland Animal Shelter) with other agencies, they will come back to us." Ms. Krause said that she still believes her statement to be true. Ms. Krause said she should have added to her comment "if the County requires the best of services." Ms. Krause explained the different parts of the request for proposal and said she still feels Lakeland Animal Shelter is the best in all categories. Ms. Krause said that LAWS is the best provider, not necessarily the least expensive. She said that the staff at Lakeland Animal Shelter is better trained, more experienced, and more knowledgeable on animal husbandry practices, shelter medicine, and state laws pertaining to the animals.

Paul J. Kukla, 321 Park St., Walworth, said he was at the meeting tonight on behalf of the volunteers, staff and Board of the Lakeland Animal Shelter. Mr. Kukla said that we are all in it for the welfare of the animals. He said he believes

that the County should stay with LAWS for the animal control contract because of the volunteers, fundraising, and networking that the Shelter can provide.

On motion by Supervisor Scharine, seconded by Supervisor Lothian, the Board convened as a "Committee of the Whole." Chairman Norem turned the chair over to Supervisor Lohrmann, Chair of the Finance Committee, and the Finance Department.

Supervisor Lohrmann welcomed everyone to the evening's Public Budget Hearing for the 2004 Budget. Lohrmann gave a brief outline of the procedure that would be followed. Lohrmann said that the purpose of this meeting is to gather information concerning the Preliminary Budget prior to the County Board meeting on November 10. Lohrmann said that the public would have three minutes to speak and there would be no debate on the issues with the Supervisors.

Supervisor Lohrmann said that Nicole Andersen, Finance Director, would answer any simple questions citizens may have regarding the budget. Lohrmann then asked Administrator Bretl to give an overview of the preliminary budget for 2004 that he is presenting to the Board.

Bretl said that he wanted to explain a few of the major themes that underlie the 2004 Budget. Bretl mentioned his budget letter that he had previously distributed to the Supervisors. He gave a history of Walworth County budgeting since 2002. Bretl said that the County Board adopted a resolution in 2002 endorsing long term budget planning. He said that cuts to the 2003 budget were made, as well as positions, but there were no reductions in programs to the public.

Bretl explained the major themes of the 2004 budget. Keeping the nursing home operation viable while continuing quality care is one of the themes. Some of the programs have been reduced but have not been eliminated. During 2003 the Facilities Management and Highway Departments were consolidated into one Department of Public Works. At that time we were projecting approximately \$300,000 in savings for 2003. At this point we are projecting some additional savings as a result of efficiencies in that operation and in this budget you will see that there are approximately \$350,000 worth in positions that we do not anticipate filling.

Bretl said that another merger that is paying dividends in this budget was the merger of Land Conservation and Land Management. At that time it was levy neutral but this year we are proposing to eliminate positions in the amount of \$189,000. Bretl feels that the new department has delivered a better product for less money than in the past. Bretl credits Michael Cotter and Lou Olson for this improvement.

Courthouse renovation is another theme in this budget. Some original projections suggested that we would spend \$6.5 million to renovate this building. Bretl feels, based on some advice from experts, that the renovation can be done at a lesser cost of \$3.15 million over a three-year period. One of the proposals in 2004 is to have a public counter that would combine the offices of County Clerk and Treasurer, maintaining two separate offices with one outlet to the public.

Bretl said that we have tried to maintain programs in this budget. One important theme is sustainability. He said we continue to buy squad cars and trucks and replace outdated computers, and these are all signs of a healthy organization, which will be in business in the future.

Another theme in the 2004 budget is self-insurance. We may see some last-minute changes because of some new proposals from the County Mutual.

Bretl said that another theme of the budget is to operate in a leaner fashion than in the past. Not only does that mean working smarter but also may mean providing less service such as the proposal in the budget for Horticulture. Currently, we have a full-time in-house Horticulturist. The preliminary budget suggests treating that as a Purchased Service, which would reduce the appropriation from \$66,000 to \$22,000. You will not be getting the same level of service; however, it is a more desirable alternative than completely eliminating that service.

Another theme is to try to eliminate levels of management in the County. Bretl said that in tough budget times we are asking more of our department heads and staff and in some cases we are eliminating levels of management.

Bretl said the 2004 preliminary budget has endorsed an economic development program in a small way. Providing the basic structure for economic development is something that will pay dividends for us in the future. We have tried to remove some of the red tape and eliminated the charge-back system where Information Systems and Facilities Management billed departments.

Bretl thinks that this budget positions the County well for the challenges ahead. The levy is higher than some other counties, particularly the counties that have a levy freeze. We have started the process of solving the nursing home issues and we will be working on the school this year. We will begin negotiations for labor contracts next year and that is going to be of the utmost importance as to what the future of this County government will look like. When you look at the slides of the presentation in terms of where the County is going, it is a rational process of stepping down from the days of the very high levy. This budget puts us in a position to reduce future budgets.

Bretl turned the meeting over to Nicki Andersen, Finance Director. Andersen reviewed the budget process and explained what it entails for the County. This

year the Finance Committee directed us to stay within a 6% levy increase. The proposed budget came in at 5.75% increase on the levy. The efforts resulted in a \$45 million property tax levy in Walworth County. There is a 5.69% increase from last year, however, our mill rate will go down about 3% this year.

Andersen explained that the meeting tonight is to allow members of the public to give input on our programs and the budget. It is a hearing and there is no debate tonight. The Supervisors will debate, and any amendments will be forwarded for adoption at the November 10, 2003 Board meeting. A final budget will be adopted on that evening. Andersen then turned the meeting over to Stacie Johnson, Budget Analyst, for a presentation of highlights in the 2004 Budget.

Stacie Johnson, Budget Analyst, presented a Power Point presentation. Johnson said that she believes one of the things that is confusing to taxpayers is their property tax bill. Johnson explained the different components of the property tax bill. She said that the component we are discussing tonight is the County's portion of the tax bill.

Johnson said that the tax levy versus mill rate is another confusing concept. The tax levy is the difference between revenue and expense. The tax levy in conjunction with equalized values establishes a mill rate. Johnson explained the parts of the mill rate and how property tax is calculated by using equalized value and the mill rate. Johnson showed a chart of how the tax levy has changed from 1995 to 2004. She said that in 1997 the departments were given a directive to cut their budgets by 5% and they did. However, in 1998 the budget increased to 12.86% showing how difficult it is to cut budgets and not make any changes. Johnson said we are hoping to stabilize those fluctuations. Johnson explained that cost containment is very difficult and showed, as Mr. Bretl explained, how this was accomplished.

Walworth County is a service organization and leaner operations means staff reduction. Wages and benefits are 47.5% of the total expenditure budget. In 2003 full-time equivalents (FTE) were reduced by 22.09 positions and the 2004 preliminary budget reduces FTE's 12.57, with a further reduction at LHCC effective July 1, 2004. Johnson then showed a chart of the adopted FTE's. Johnson said in spite of these reductions, wages and benefits still went up almost \$2.5 million dollars. The health insurance premiums increased 12%, which is significantly lower than expected due in part to changes in the plan.

Johnson showed a slide of how some of the 2004 budget has been centralized and simplified. Johnson also showed how the consolidation of departments has resulted in many significant changes and reductions in the budget.

Johnson then explained the revenue breakdown and the expenditure breakdown of the 2004 budget. The 2004 revenue consists of Taxes - 41%, Program Income - 34%, Federal/State Aid - 20%, and Other Financing - 5%. The 2004



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 October 30, 2003 Public Budget Hearing.

THE NOVEMBER 10, 2003 SESSION  
OF THE  
WALWORTH COUNTY BOARD OF SUPERVISORS

AMENDED

The Walworth County Board of Supervisors was called to order by Chairman Norem at 6:00 p.m. at the Walworth County Courthouse, 100 W. Walworth St., Elkhorn, Wisconsin.

Roll call was read with all Supervisors present. There was one vacant seat at this time. A quorum was established.

Special Order of Business

Recognition of Veterans

Chairman Norem introduced Grant McMillin and gave a history of Mr. McMillin's outstanding service as a Veteran of the Korean War. Norem recalled some of the battles in which Mr. McMillin participated. Norem said that Mr. McMillin spent 33 months in North Korea as a prisoner of war in unimaginable conditions. Norem asked that tonight our recognition be not only for Mr. McMillin but all Veterans of wars that are missing in action.

Grant McMillin gave a brief history of how the United States came to have Veterans' Day. Mr. McMillin said that after World War I the Armistice was signed on November 11 at 11:00 a.m. In 1926 Congress recognized November 11 as Armistice Day. Mr. McMillin said that since WWI was not the "war to end all wars" the name was changed to Veterans' Day in 1954. Mr. McMillin said that since 1776, 48 million veterans have participated in military action for this country. Of those, 25 million are still alive today. In Wisconsin we have approximately 495,000 Veterans and in Walworth County approximately 84,000. Of the Veterans we still have we are losing about 1,000 a day. Mr. McMillin said that we have very few Veterans' issues in Wisconsin and he attributes that to the work of Walworth County's Veterans' Service Officer, Chris Jordan. Mr. McMillin said that he believes she is the best in the State.

Mr. McMillin talked about the present conflict in Iraq and Afghanistan. He said that we have a unique problem in that the military is being stretched so thin that the National Guard and Reservist are being called up. In the last year, five Wisconsin people were killed in action in Iraq. Mr. McMillin said that the problem with calling up the National Guard and Reservist is that a lot of them are husband and wife. That leaves children without a parent at home. Children are left with grandparents or friends. Mr. McMillin thinks that we need to do something to assure that a husband and wife cannot serve together in Iraq. Mr. McMillin said that through the Veterans' organizations and

government agencies we need to make sure that one parent stays at home with their children.

The Board remained standing for a moment of silence in honor of all Veterans.

#### Presentation to County Board by Wisconsin County Mutual Insurance Corporation

Mark O'Connell, Wisconsin County Mutual Insurance Corporation (WCMIC), addressed the Board. O'Connell said that Walworth County has been a long-time member of the Wisconsin County Mutual Insurance Corporation. O'Connell told the Board that this is your county insurance company to protect you against losses, claims, insure risk management, and protect employees so that there is a good work force on the job at all times with minimum worker's compensation claims. O'Connell said that Walworth County has done an exceptional job throughout the course of the relationship with County Mutual. He said that you have had employees that have cared greatly about their county, their fellow citizens, and their employer as a whole. They have worked hard to insure that you have a quality workforce that is on the job performing well and conscientiously to minimize claims. In recognition of the low number of claims, low number of losses, and success in terms of preventing insurance related activities, O'Connell presented a dividend check to Walworth County in the amount of \$59,408.

O'Connell introduced Jon Hochkammer, Director of Insurance Operations, WCMIC, and John Dirkse of Aegis Corporation. Jon Hochkammer addressed the Board. Hochkammer said that WCMIC was formed in the mid-1980s when there was a crises with liability insurance. Because all of the local units of government need to purchase property insurance as well, earlier this year Senate Bill 176 was introduced. SB176 authorizes municipally owned insurance companies to offer property insurance. SB176 was passed unanimously by the State Senate and just recently passed unanimously by the State Assembly. Hochkammer said that they just received word today that the Governor will be signing the bill into law next week at the WCA offices. Hochkammer thanked Supervisors Scharine, Morrison, and Lothian for their support of the County Mutual over the years. On behalf of the Walworth County Board of Supervisors, Supervisor Scharine thanked the gentlemen for taking the time to come tonight to present this check.

#### Public Comment

Administrator Bretl said that the Public Comment period is for any item not on the agenda. If a citizen wants to speak on the 2004 budget or the substandard lot zoning amendment, etc., they would have to be recognized by a Supervisor during the time the topic comes up on the agenda. The sign-in cards are being used to speed up the public speaking portion of the agenda rather than giving your name and address at the podium. The cards contain a check-off so they can be used if you do not want to speak but have your comments entered into the record. Bretl said, with respect to the Zoning Agency agenda, there are a number of items that have generated a considerable

amount of interest with respect to the rezone of the Goessling parcel. This has generated many calls. A long-standing legal opinion has been to not allow members of the public to speak and discussion is limited to Supervisors because of the due process rights of the public hearing that has been afforded. Those items would not be available for discussion. Those who have a comment on Zoning Agency items #9 and #10, regarding the substandard lot, may speak to these items if recognized by County Board members once we have arrived at that point in the agenda.

#### Amendments and Approval of the Agenda

A motion was offered by Supervisor Schaefer, seconded by Supervisor Lohrmann, to approve the agenda. Supervisor Lohrmann made a motion, seconded by Supervisor Gigante, to amend the agenda by moving item # 1 of the Report of the Finance Committee, Resolution No. 68-11/03 – Adopting the 2004 Appropriation of the Walworth County Budget and CIP Plan, to just after the Report of the County Zoning Agency so that the finance staff could make final adjustments. The agenda as amended was approved with Supervisor Guido recording his vote as “No.”

#### Approval of the Minutes

A motion was offered by Supervisor Gigante, seconded by Supervisor Lohrmann, to approve the minutes of the October 14, 2003 County Board meeting.

#### Comment Period by Members of the Public

Sally Krause, P. O. Box 508, Delavan, addressed the Board. Krause said that you have been provided copies of Statute 173 and a copy of a newspaper article that was in the Janesville Gazette on November 5. Statute 173 deals with provision that deals with an owner of animals taken into custody being required by a court system to post a bond for the cost of care of those animals. She said she has discussed this item with people from the County before and she has hope that maybe this will be addressed somewhere down the line. Ms. Krause then explained Statute 173 – if owner fails to post bond then animals are considered unclaimed. They would then be under the jurisdiction that has asked for this bond or if the animal shelter were under contract at that time, we would take possession of the animals. The animals can be either adopted out or in the case of farm animals, auctioned off. Rock County has just gone into an agreement on just this issue. She would hope that this could also be done in Walworth County.

#### Appointments/Elections

A motion was offered by Supervisor Gigante, seconded by Supervisor Grant, to approve the appointment of Rob Twyning.

Chairman Norem asked Vice Chair Grant to preside over the meeting. Norem addressed the Board. Norem related the process of how Mr. Twyning was selected and







- Letter from Southeastern Wisconsin Regional Planning Commission transmitting documents amending the regional water quality management plan, which pertains to a change in the sanitary sewer service area tributary to the Pell Lake Sanitary District No. 1 sewage treatment plant was referred to the County Zoning Agency.
- Letter from Southeastern Wisconsin Regional Planning Commission transmitting documents amending the regional water quality management plan, which pertains to a change in the sanitary sewer service area tributary to the City of Whitewater sewage treatment plant was referred to the County Zoning Agency.
- Correspondence from Keefe Real Estate, Inc., requesting consideration of a policy that would permit a minimum of 1-week rentals on vacation homes was referred to the County Zoning Agency.
- Walworth County's Res. No. 73-11/03 – Authorizing the Transfer of Funds From the Contingency Fund for the Purpose of Replacing the Lakeland Health Care Center Fire Alarm System. The resolution mailed in your packets did not contain an amount of money to be transferred from the Contingency Fund. It has now been determined that an amount of \$16,000 is needed to be transferred from the Contingency Fund for the purpose of repairing the LHCC fire alarm system.
- Faxed letter from Allen D. Friedman regarding Existing Substandard Lots, items # 9 and 10 of the Report of Proposed Zoning Amendments.
- Letter from Hubert P. Jensen, General Manager, Lake Como Sanitary District No. 1, regarding items #9 and #10 of the Report of Proposed Zoning Amendments.
- Correspondence from Sally Krause, Lakeland Animal Welfare Society, regarding animal neglect.
- Walworth County's Res. No. 71-11/03 – Approving the 2003-2004 Collective Bargaining Agreement with Lakeland Education Association and Authorizing Transfer of Funds from the Contingency Fund for the Same – Item #1 under Report of the Human Resources Committee on tonight's agenda. This item was considered immediately prior to the Board meeting by the Children With Disabilities Education Board and was approved by a vote of 4-0 and the Finance Committee by a vote of 7-0.

The Clerk also noted that a letter from County Administrator Dave Bretl was delivered to the Supervisors via courier on November 8 as well as correspondence which pertains to items that will be discussed at tonight's meeting.

The following advisory resolutions received in the Clerk's office were previously referred to various committees and have been placed on file:

- Washington County resolution opposing modifications to the property tax payment system.
- Brown County resolution requesting reinstatement of funds in the Wisconsin State Budget supporting educational and regulatory administration of state aid to Wisconsin fairs.
- Brown County resolution in support of Senate Bill 15, which creates a joint survey committee on state mandates and funding.

- Brown County resolution in support of Federal legislation to change Medicare inequities between states.

The Clerk read the following list of correspondence received at the Board meeting tonight. The items will be placed on file.

- Correspondence from Chris Goebel expressing interest in serving as County Board Supervisor for District #23.
- Letter from John Kassner, Murphy Desmond Law Firm, Attorney for Ralph and Robin Goessling, with a copy of a letter from Pamela Magee, Assistant Attorney General, State Department of Justice, stating that the WisDOT is taking no position, either in favor or against, on the rezoning sought by the Goesslings, other than asking that the request be expedited.
- Letter from Ron Fero, Chairperson, Town of Whitewater, reiterating the Town's approval of the Goessling rezone.
- Letters in opposition to any change in substandard lots from: J. P. Reichmann, summer resident of Glenwood Springs sub-division, Fontana; Allen D. Friedman, property owner in Walworth County; Cindy Knutson, business owner and property owner in Walworth County; and a letter from Lakeland Builders Association signed by Eric Gostomski, Jon Chamberlain, Bill Binn, Kent Kruzan, Joe McCole, Ron Amann, Scott Engelberger, Eric Heberling, Linda Kuchenberg, Troy Olson, Audrey Boss, Rick Martin, Robert Hoekstra, Robin Macara, Rick Strieter.

7. The following Reports of Zoning Gone into Effect were read and placed on file:

- Big Toy Storage, (Bob Nolan), Town of Bloomfield
- Accolade Enterprises, LLP, Town of Bloomfield
- Town of Delavan (Mound Rd. wetland), Town of Delavan
- Lester Horlacher (Colin Horlacher, App.), Town of East Troy
- Regency Hills Development Corp., Town of Lafayette
- Evergreen Holdings, LLC (Gary P. Welsh, App.), Town of Lafayette
- James D. Geister, Town of Linn
- John and Sarah Giorno, Town of Sugar Creek
- Rose Jacobson Life Estate, Joyce Reiter, Kenneth Jacobsen (Mann Bros., Inc., App.), Town of Sugar Creek

8. Report of Zoning Petitions Referred to the County Zoning Agency:

TO: The County Board of Walworth County

The undersigned County Clerk hereby reports that the following petitions for rezone of land in Walworth County were referred to the County Zoning Agency for public hearing:

- Larry and Grace Payne (Grace Payne, App.), Town of East Troy, A-5 to A-4
- Bradley S. and Elaine D. August, Town of Sugar Creek, A-1 to A-5

- Leonard Matthews (David W. Schiltz, App.), Town of Lyons, A-2 to C-2

Supervisor Guido reported that he had placed a packet of correspondence on the Supervisors' desks. The packet contained letters addressed to the Walworth County Board encouraging the advancement of economic development in Walworth County from the following: Mel Nieuwenhuis, Mayor of Delavan; Clayton O. Montez, Chairman, Town of East Troy; Kenneth Monroe, Chairperson, Town of Bloomfield; Michael Roberts, Mayor of Elkhorn; Ed Vander Veen, Chairman, Town of Sharon; William Loesch, President, Village of East Troy; Cecil Logterman, Chairperson, Town of Darien. The correspondence will be placed on file.

Unfinished Business

New Business

Reports of Standing Committees

County Zoning Agency

Clerk Bushey read the following:

1. Arnold and Marie Sweno (Kevin L. Williams, App.), Town of LaGrange, Rezone 29 acres of A-1 to A-2 and 11.8 acres of A-1 to C-2, approved 4-0 (8-21-03 hearing)
2. Lester and Charlotte West (Gerald J. and Jane D. West, App.), Town of LaGrange, Rezone 8.39 acres of A-1 to C-2, approved 4-0 (8-21-03 hearing)
3. Sylvester and Eileen Cribben (Wisconsin Power and Light Co., App.), Town of Darien, Rezone 4.7 acres of A-1 to P-1, modified and approved 4-0 to rezone 5.7 acres instead (9-18-03 hearing)
4. Ralph and Robin Goessling, Town of Whitewater, Rezone 9.25 acres of A-1 to M-1, approved 4-0 (10-16-03 hearing)
5. Ralph and Robin Goessling, Town of Whitewater, Rezone 37.13 acres of A-1 to M-3, approved 4-0 (10-16-03 hearing)
6. Mary E. Rodriguez, Town of Richmond, Rezone 30 acres of C-2 to A-1, approved 4-0 (9-18-03 hearing)
7. Charles D. Pearce, Town of Delavan, Rezone 13.74 acres of A-1 to C-2, approved 3-1 (9-18-03 hearing)
8. James Friemoth (Kevin Bong, App.), Town of Lafayette, Rezone 2.09 acres of M-3 to A-5, approved 5-0 (3-20-03 hearing)

9. Amendment to Walworth County Code of Ordinances Chapter 74 (74-92 and 74-221 Existing Substandard Lots) October 8, 2003 version, denied 4-0 (8-21-03 hearing)(See enclosures)

10. Amendment to Walworth County Code of Ordinances Chapter 74 (74-92 and 74-221 Existing Substandard Lots) July 21, 2003 version, denied 4-0 (8-21-03 hearing) (The Land Conservation Committee approved this version unanimously at the meeting on July 14, 2003.) (See enclosures)

A motion was offered by Supervisor Kuhnke, seconded by Supervisor Gigante, to concur with the County Zoning Agency's recommendation of the Report of Zoning Amendments for items #2, #3, #5, #6, #7, #8.

Supervisor Russell asked to pull out item #7 and vote on it separately.

The following items on the Report of the County Zoning Agency were approved: Items #2, Lester and Charlotte West (Gerald J. and Jane D. West, App.), Town of LaGrange, Rezone 8.39 acres of A-1 to C-2, approved 4-0 (8-21-03 hearing); #3, Sylvester and Eileen Cribben (Wisconsin Power and Light Co., app.), Town of Darien, Rezone 4.7 acres of A-1 to P-1, modified and approved 4-0 to rezone 5.7 acres instead (9-18-03 hearing); # 5, Ralph and Robin Goessling, Town of Whitewater, Rezone 37.13 acres of A-1 to M-3, approved 4-0 (10-16-03 hearing); #6, Mary E. Rodriguez, Town of Richmond, Rezone 30 acres of C-2 to A-1, approved 4-0 (9-18-03 hearing); and #8, James Friemoth (Kevin Bong, App.), Town of Lafayette, Rezone 2.09 acres of M-3 to A-5, approved 5-0 (3-20-03 hearing).

On motion by Supervisor Kuhnke, seconded by Supervisor Gigante, item #1, Arnold and Marie Sweno (Kevin L. Williams, App.), Town of LaGrange, Report of the County Zoning Agency, was sent back to Committee to be returned to the Town Board because of discrepancies between the Town Board's version and the County Zoning Agency.

A motion was offered by Supervisor Grant, seconded by Supervisor Gigante, to send item #4, on the Report of County Zoning Agency, Ralph and Robin Goessling, Town of Whitewater, Rezone 9.25 acres of A-1 to M-1, approved 4-0 (10-16-03 hearing), back to the Zoning Committee for a public hearing. Supervisor Kuhnke asked for an opinion regarding sending it back for another public hearing. Bretl said that the Supervisors could discuss this item, however, there could be no public comment because of the hearing issue. Bretl asked Mr. Cotter to address the Board.

Cotter said that if the vote is to send it back, either with or without a hearing, it will be placed on the December County Zoning committee agenda and then will be on the January County Board agenda. Regarding the hearing, Cotter said that there has been a great deal of discussion on whether Walworth County properly noticed the meeting. Cotter said that it was published in the Elkhorn Independent Plus twice so it was properly noticed. The City of Whitewater requested (a couple of years ago) to be

notified in writing of any rezone or change that would occur within a two-mile radius of the City of Whitewater. Cotter said it was noticed or checked on our manual "to-do" form but unfortunately notice wasn't given directly by Walworth County to the City of Whitewater. However, they were aware of the situation although we were only able to provide a letter to the committee, which was read at the public hearing. The owner of the immediate adjoining property, which is located within the City, was there as well. Cotter said that we should see what the legal standard is as to whether or not we can send this item back for public hearing. Cotter said that the Town was in favor of this rezoning as well as the County Zoning Agency.

The following submitted comment cards in regard to the proposed zoning amendments for Ralph and Robin Goessling but were not allowed public comment because of the hearing issue: John Hoffmann, N490 Woodward Road, Whitewater; Terry Race, Attorney, P. O. Box 175.

On motion by Supervisor Gigante, seconded by Supervisor Ketchpaw, the question was called. A roll call vote was held on the motion to return item #4, Report of Proposed Zoning Amendments, Ralph and Robin Goessling, Town of Whitewater, Rezone 9.25 acres of A-1 to M-1, to committee and for hearing; and Michael Cotter is directed to determine the legality of sending it back for a hearing. Total vote: 25; Ayes: 15 – Arnold, Burwell, Felten, Gigante, Grant, Hilbelink, Ketchpaw, Lohrmann, Miles, Parker, Russell, Scharine, Twyning, Shroble, Norem; Noes: 10 – Guido, Kuhnke, Lightfield, Lothian, Morrison, Palzkill, Peterson, Polyock, Schaefer, Wenglowisky; Absent: 0.

Discussion was held on item #7, Charles D. Pearce, Town of Delavan, Rezone 13.74 acres of A-1 to C-2, approved 3-1 at the September 18, 2003 hearing. Supervisor Russell said that she was at the meeting and saw the videotapes of the property. It is currently being farmed and it was in corn at the time of the taping. Russell said she believes that rezoning the 13.74 acres would be a violation of the Farmland Preservation Act. There is a small stream or ditch that goes through it but other farmland has ditches and it is farmed successfully. The applicant wanted it rezoned because he has C-2 property behind it that he wants to join with this property to be able to create eight home sites. Russell said that she does not think that is a valid reason to rezone A-1 property.

Supervisor Peterson said that she is on the County Zoning committee and could not be at the meeting. She said that she would have voted to oppose the rezone and wanted to go on record. Matt Weidensee, Land Use & Resource Management, said that there is a drainage way that runs through the farm field but that field was in corn at the time of the video-taping. In response to Supervisor Lohrmann's questions, Weidensee said there are no subdivisions around the property at this time. Weidensee also said that the owner indicated that the acreage is a portion of land that is difficult to farm and would like to rezone it to C-2. Weidensee reported that the soils in the 13 acres are class one and class two soils and are considered prime agricultural soil types. Supervisor Kuhnke said that he voted against it because he felt that it is prime

agricultural land. A roll call vote was held on the motion to concur with the recommendation in the Report of the Zoning Agency and approve item #7. Total vote: 25; Ayes: 10 – Arnold, Felten, Kuhnke, Lothian, Morrison, Palzkill, Polyock, Schaefer, Wenglowky, Norem; Noes: 15 – Burwell, Gigante, Grant, Guido, Hilbelink, Ketchpaw, Lightfield, Lohrmann, Miles, Parker, Peterson, Russell, Scharine, Twyning, Shroble. Motion failed.

On motion by Supervisor Grant, seconded by Supervisor Gigante, item #7, of the Proposed Zoning Amendments, Charles D. Pearce, Town of Delavan, Rezone 13.74 acres of A-1 to C-2, was sent back to the committee.

Supervisor Kuhnke offered a motion, seconded by Supervisor Morrison, to accept the recommendation of denial on the Zoning report on items #9 and #10. Discussion ensued.

Supervisor Lohrmann offered a motion, seconded by Supervisor Gigante, to send items #9 and #10 back to the Land Conservation Committee.

Supervisor Lohrmann said that the Lakeland Builders Association is strongly opposed to the Land Conservation Committee's proposed zoning amendment to Chapter 74 relating to sub-standard lots. Lohrmann said that her motion would be to send items #9 and #10 back to the Land Conservation Committee, the Board in turn would direct the Land Conservation Committee, in coordination with the LURM staff and SEWRPC, to review and improve our zoning ordinance. Upon completion of the task the zoning ordinance will be a clear and easy guide for all citizens that provides for future development that protects Walworth County's environment and maintains our rural character. Supervisor Lohrmann asked Michael Cotter to address the Board.

Cotter said that he would agree with Supervisor Lohrmann and that he has been committed to rewriting the zoning ordinances. Cotter said that he appreciates the suggestion to take another look at the zoning ordinances.

Cotter described the types of lots: standard lot – any lot a developer would build on with at least 40,000 square feet; buildable substandard lot – with a septic system, would be 10,000 square feet in area and 65 feet in width; unbuildable substandard lot – something less than 10,000 square feet in area. The ordinance amendments propose to prevent the combining of unbuildable substandard lots, which were platted prior to 1974 to meet the existing buildable substandard lot requirements.

Cotter said, as an example, the ordinance currently allows the following: A property owner has three unbuildable substandard lots of 2,000 square feet each, on an unsewered property, for a total of 6,000 square feet. That landowner can buy two additional lots at 2,000 square feet each, combine them with the other 6,000 square feet under one tax key number, and then build on the 10,000 square feet. The proposed zoning amendment would not allow that to occur. The landowner would have to have

up to 40,000 square feet, which is the standard. In 1974 the county's zoning said that a standard lot is 40,000 square feet. The buildable substandard is 10,000 square feet or 25% of a standard buildable lot. This ordinance amendment says you would need 40,000 square feet not 10,000 to make a lot buildable. Cotter thinks that the ordinance should not come back until it is all completely amended. Supervisor Gigante said that he thinks the lots should be "grandfathered" in at a certain point.

Chairman Norem asked for Public Comment at this time regarding the proposed zoning amendments.

The following citizens made public comment at this time and spoke against the proposed zoning amendments: Loren Waite, W5490 County Road A; Wayne Redenius, Chair of Town of Richmond; Abraham Brower, W6887 Island Road, Sugar Creek; Ron Fero, Chairman of Town of Whitewater.

The following individuals were also against the proposed zoning amendments and their comments were read: Dana Kratz, W6719 Lake Shore Circle; Linda Friedman, W7772-2C Wisconsin Pk.; Don Jeziorski, N7522 Cardinal Drive; Warren Gilbert, N7182 McCabe Road; Joe Murphy, N7667 E. Lake Shore Drive; A. J. Goldsmith, W5774 North Drive, Elkhorn.

Doug Wheaton, Lakes Area Realty Association, 5 South Ridgeway Court, Elkhorn, addressed the Board. Wheaton said that the Association president and other members are here tonight. Wheaton asked that the Board support the decision of Zoning Agency, which voted against the ordinance changes.

The following individuals also submitted comment cards and were against the proposed zoning amendments: Cathy Grenning, W7165 Territorial Road, Elkhorn; Robert Grenning, W7165 Territorial Road, Elkhorn; Pam Paul, N6568 Anderson Drive; Kurt Harkness, N7706 E. Lakeshore Drive, Whitewater; Robert Hoekstra, 2406 Quiet Lane, Delavan; Pat McIntyre, N6471 Milwaukee Road, Delavan; Terry and Gail Ponder, W6909 W. Lakeshore, Elkhorn.

Chairman Norem asked that Vice-Chair Grant take the Chair so that he could address the Board. Norem indicated that he was not in favor of the proposed zoning amendments and we are here to protect the assets of Walworth County as well as the people. Mr. Norem returned to the Chair.

The question was called on motion by Supervisor Gigante, seconded by Supervisor Ketchpaw, on Supervisor Lohrmann's motion to send items #9 and #10 of the Report of the County Zoning Agency back to the Land Conservation Committee. A roll call vote was held. Total vote: 25: Ayes: 8 – Burwell, Gigante, Hilbelink, Lohrmann, Miles, Parker, Russell, Twynning; Noes: 17 – Arnold, Felten, Grant, Guido, Ketchpaw, Kuhnke, Lightfield, Lothian, Morrison, Palzkill, Peterson, Polyock, Schaefer, Scharine, Shroble,

Wenglowsky, Norem; Absent: 0. Motion to send #9 and #10 back to the Land Conservation failed.

A roll call vote was held on Supervisor Kuhnke's motion to accept the Report of the County Zoning Agency for items #9, Amendment to Walworth County Code of Ordinances Chapter 74 (74-92 and 74-221 Existing Substandard Lots) October 8, 2003 version, denied 4-0 (8-21-03 hearing) and #10, Amendment to Walworth County Code of Ordinances Chapter 74 (74-92 and 74-221 Existing Substandard Lots) July 21, 2003 version, denied 4-0 (8-21-03 hearing). The vote of the County Zoning Agency was to deny. Total vote: 25; Ayes: 20 – Arnold, Burwell, Felten, Grant, Guido, Ketchpaw, Kuhnke, Lightfield, Lothian, Miles, Morrison, Palzkill, Parker, Peterson, Polyock, Schaefer, Scharine, Shroble, Wenglowsky, Norem; Noes: 5 – Gigante, Hilbelink, Lohrmann, Russell, Twyning; Absent: 0. Motion carried to concur with the recommendation of the County Zoning Agency report for items #9 and #10.

REPORT OF COUNTY ZONING AGENCY  
TO COUNTY BOARD ON HEARING ON PETITION  
TO AMEND THE WALWORTH COUNTY ZONING ORDINANCE

TO THE COUNTY BOARD OF WALWORTH COUNTY:

The County Zoning Agency, having considered the petitions to amend the Walworth County Zoning Ordinance and Shoreland Zoning Ordinance; and having held public hearings thereon, pursuant to Section 59.69(5)(e) Wisconsin Statutes, notice thereof having been given as provided by law, and being duly informed of the facts pertinent to the changes proposed and duly advised of the wishes of the people in the area affected, hereby recommends as follows:

1. Lester and Charlotte West (Gerald J. and Jane D. West, App.), Town of LaGrange – filed a petition on the 9th day of July, 2003, to amend said zoning maps from A-1 Prime Agricultural Land District to C-2 Upland Resource Conservation District.

Recommendation: Said petition be approved after the appropriate findings were made as required by State Farmland Preservation Program S91.77(1) Wis. Stats.

It is a small portion of property surrounded by other agricultural rural residential and open land and it is difficult to farm.

2. Sylvester and Eileen Cribben (Wisconsin Power and Light Co., App.), Town of Darien – filed a petition on the 5<sup>th</sup> day of August, 2003, to amend said zoning maps from A-1 Prime Agricultural Land District to P-1 Recreational Park District.

Recommendation: Said petition be modified and approved to reflect a rezone of approximately 5.7 acres after the appropriate findings were made as required by State Farmland Program S91.77(1) Wis. Stats.

Utilities are an allowable use in the A-1 district.

3. Ralph and Robin Goessling (Mann Bros., Inc., App.), Town of Whitewater – filed a petition on the 3<sup>rd</sup> day of September, 2003, to amend said zoning maps from A-1 Prime Agricultural Land District to M-3 Mineral Extraction District.

Recommendation: Said petition be approved after the appropriate findings were made as required by State Farmland Preservation Program S91.77(1) Wis. Stats.

The area is to be restored and rezoned back to A-1.

4. Mary E. Rodriguez, Town of Richmond – filed a petition on the 4<sup>th</sup> day of August, 2003, to amend said zoning maps from C-2 Upland Resource Conservation District to A-1 Prime Agricultural Land District.

Recommendation: Said petition be approved.

5. James Friemoth (Kevin Bong, App.), Town of Lafayette – filed a petition on the 3<sup>rd</sup> day of February, 2003, to amend said zoning maps from M-3 Mineral Extraction District to A-5 Agricultural-Rural Residential District.

Recommendation: Said petition be approved.

6. Land Conservation Committee, Text Amendment to Walworth County Code of Ordinances Chapter 74 (74-92 and 74-221 Existing Substandard Lots) October 8, 2003 version, filed a petition on the 7<sup>th</sup> day of July, 2003, to amend the text of the Walworth County Code of Ordinances- Zoning and/or Shoreland Zoning as follows:

#### 74-92 and 74-221 EXISTING SUBSTANDARD LOTS

In any Residential, Conservation, or Agricultural District, a one-family detached dwelling and its accessory structures may be erected on an existing substandard legal lot or parcel of record in the County Register of Deeds office before the effective date or amendment of this Ordinance, provided such legal lot or parcel meets frontage requirements per Section (74-39) 74-164 and all of the following minimum substandard lot requirements--and further provided that all requirements of the County Sanitary Ordinance are met:

Lot: Width: Minimum 50 Feet (Public Sewerage)  
Minimum 65 Feet (Septic System)

Area: Minimum 7,500 Square Feet (Public Sewerage)  
Minimum 10,000 Square Feet (Septic System)

Yards: Street: Minimum 25 Feet  
Corner Lots shall have two such yards

Minimum 50 feet from State and Federal Road Right  
Of Ways or 110 Feet From the Centerline,  
Whichever is Greater

(sewered) Side: 10 Feet  
(unsewered) Minimum 16% of the Lot Width on Each Side  
But Not Less Than 5 Feet From the Lot Line  
See Section (74-107) 74-236

Yards:Rear: Minimum 25 feet from Lot Line  
Shore:Minimum 75 feet

a) Vacant substandard lots that do not meet the above minimum substandard lot width and/or lot area requirements shall not be suitable for a one-family detached dwelling and its accessory structures until such a lot or parcel is enlarged through the acquisition of adjacent property in compliance with the standard lot area and width requirements of the district.

b) Substandard lots less than 40,000 square feet in lot area, shall not be reduced to be more substandard in size.

c) Substandard lots greater than 40,000 square feet in lot area, shall not be reduced to be less than 40,000 square feet in lot area.

d) Once a substandard lot has been changed or altered so as to comply with the standard provisions of this Ordinance, it shall not revert back to a substandard lot.

Recommendation: Said petition be denied.

7. Land Conservation Committee, Text Amendment to Walworth County Code of Ordinances, Chapter 74 (74-92 and 74-221) (July 11, 2003 version) filed a petition on the 7<sup>th</sup> day of July, 2003 to amend the text of the Walworth County Code of Ordinances – Zoning and/or Shoreland Zoning as follows:

#### 74-92 and 74-221 EXISTING SUBSTANDARD LOTS

In any Residential, Conservation, or Agricultural District, a one-family detached dwelling and its accessory structures may be erected on an existing substandard legal lot or parcel of record in the County Register of Deeds office as such lot or parcel exists without change before the effective date or amendment of this Ordinance, provided such legal lot or parcel meets frontage requirements per Section (74-39) 74-164 and all of the following minimum substandard lot requirements--and further provided that all requirements of the County Sanitary Ordinance are met:

Lot: Width: Minimum 50 Feet (Public Sewerage)  
Minimum 65 Feet (Septic System)

Area: Minimum 7,500 Square Feet (Public Sewerage)  
 Minimum 10,000 Square Feet (Septic System)

Yards: Street: Minimum 25 Feet  
 Corner Lots shall have two such yards

Minimum 50 feet from State and Federal Road Right  
 Of Ways or 110 Feet From the Centerline,  
 Whichever is Greater

(sewered) Side: 10 Feet  
 (unsewered) Minimum 16% of the Lot Width on Each Side  
 But Not Less Than 5 Feet From the Lot Line  
 See Section (74-107) 74-236

Yards: Rear: Minimum 25 feet from Lot Line  
 Shore: Minimum 75 feet

Once a substandard lot has been changed or altered so as to comply with the standard provisions of this Ordinance, it shall not revert back to a substandard lot.

Recommendation: Said petition be denied.

**ORDINANCE AMENDING  
 WALWORTH COUNTY ZONING ORDINANCE**

WHEREAS, the Walworth County Board of Supervisors has heretofore been petitioned to amend the Walworth County Zoning Ordinance; and

WHEREAS, the petitions have been referred to the Walworth County Zoning Agency for public hearing; and

WHEREAS, the Walworth County Zoning Agency on due notice conducted public hearings on the proposed amendments and filed their recommendations with the board; and

WHEREAS, the proposed amendments have been given due consideration by the Board in open session.

NOW, THEREFORE, the County Board of Supervisors of the County of Walworth do ordain as follows:

The Zoning Ordinance of Walworth County and Shoreland Zoning Ordinance (and accompanying Zoning Map) is amended in the following respects:

1. Lester and Charlotte West (Gerald J. and Jane D. West, App.), Town of LaGrange – filed a petition on the 9th day of July, 2003, to amend said zoning maps from A-1 Prime Agricultural Land District to C-2 Upland Resource Conservation District on the following described lands:

Part of Tax Parcel #H LG1500004

A parcel of land located in the Northwest  $\frac{1}{4}$  of Section 15, Town 4 North, Range 16 East, Walworth County, Wisconsin, described as follows: Commence at the North  $\frac{1}{4}$  corner of said Section 15, thence South  $88^{\circ}35'46''$ W along the North line of said Section 15, a distance of 1313.16 feet; thence South  $00^{\circ}27'25''$ West along the west line of the east one half of the Northwest  $\frac{1}{4}$  a distance of 100.00 feet to the point of beginning; thence along a curve to the right having a radius of 207.73 feet a delta of 90 degrees 44 minutes 51 seconds, an arc length 329.02 feet and a chord which bears South  $71^{\circ}37'34''$  East having a chord distance of 295.69 feet to a point; thence South  $05^{\circ}43'24''$  West a distance of 611.55 feet to a Northwest corner of Certified Survey Map No. 2125; thence South  $03^{\circ}46'56''$  West along the westerly line of said Certified Survey Map, a distance of 534.76 feet; thence South  $74^{\circ}02'54''$  West a distance of 202.44 feet; thence S  $88^{\circ}28'47''$  W a distance of 989.76 feet to a point in the easterly line of County Trunk Highway "H"; thence N  $2^{\circ}08'58''$  E along said road line a distance of 66.12 feet to a point in the North line of the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of said section; thence N  $88^{\circ}28'47''$  E along said Section line a distance of 987.81 feet; thence North  $00^{\circ}27'25''$  East, along the west line of the east one half of said Northwest  $\frac{1}{4}$  of Section 15 a distance of 1,224.95 feet to POINT OF BEGINNING, and containing 362,392 square feet or 8.32 acre(s) of land, more or less.

It is a small portion of property surrounded by other agricultural rural residential and open lands and it is difficult to farm.

2. Sylvester and Eileen Cribben (Wisconsin Power and Light Co., App.), Town of Darien – filed a petition on the 5<sup>th</sup> day of August, 2003, to amend said zoning maps from A-1 Prime Agricultural Land District to P-1 Recreational Park District on the following described lands:

Part of Tax Parcel #B D 2400019

Commencing at the Southwest corner of said Section 24; thence N  $01^{\circ}19'25''$ W along the West line of said Southwest Quarter, 906.20 feet to the Point of Beginning; thence continuing N  $01^{\circ}19'25''$ W along said West Line, 261.26 feet to the South right-of-way of the Wisconsin & Southern R.R.; thence N  $60^{\circ}24'52''$ E, along said South right-of-way, 1137.47 feet; thence S  $01^{\circ}19'25''$ E, 591.00 feet; thence S  $88^{\circ}40'35''$ W, 436.00 feet; thence N  $01^{\circ}19'25''$ W, 299.85 feet; thence S  $60^{\circ}24'52''$ W, 567.53 feet; thence S  $01^{\circ}19'25''$ E, 239.97 feet; thence S  $88^{\circ}40'35''$ W, 66.00 feet to the Point of Beginning. Said parcel contains 244,455 square feet or 5.61 acres, more or less, excluding road R/W, and 253,358 square feet or 5.82 acres, more or less, including road R/W.

3. Ralph and Robin Goessling (Mann Bros., Inc., App.), Town of Whitewater – filed a petition on the 3<sup>rd</sup> day of September, 2003, to amend said zoning maps from A-1 Prime Agricultural Land District to M-3 Mineral Extraction District on the following described lands:

Part of Tax Parcel #D W 700004B

Being a parcel of land in the Northeast ¼ of the Northwest ¼ and in the Southeast ¼ of the Northwest ¼ of Section 7, Township 4 North, Range 15 East, in the Town of Whitewater, Walworth County, Wisconsin; bounded and described as follows:

Commencing at the Northeast corner of said Northwest ¼; Thence S 88°18'45" W along the North line of said Northwest ¼, 678.35 feet; Thence S 01°31'12" E, 474.22 feet; Thence S 87°13'45" W, 281.13 feet; Thence S 00°11'14" W, 452.96, to a point on the Southerly right-of-way line of the proposed US Highway "12"; Thence S 54°52'47" E, along the Southerly right-of-way line of the proposed US Highway "12", 316.63 feet to the place of beginning of the lands to be described; Thence S 54°52'47" E, along the Southerly right-of-way line of the proposed US Highway "12", 211.33 feet; Thence S 00°29'53" E, 2585.19 feet; Thence S 89°30'07" W, 665.70 feet; Thence N 00°13'30" E, 2302.54 feet; Thence N 89°40'44" E, 173.74 feet; Thence N 35°06'53" E, 499.94 feet to the place of beginning; Said lands containing 37.13 acres, more or less.

The area is to be restored and rezoned back to A-1.

4. Mary E. Rodriguez, Town of Richmond – filed a petition on the 4<sup>th</sup> day of August, 2003, to amend said zoning maps from C-2 Upland Resource Conservation District to A-1 Prime Agricultural Land District on the following described lands:

Part of Tax Parcel #C R 700006

That portion zoned C-2 of the West ½ of the Southeast ¼ of Section 7, T3N, R15E, of the Fourth Principal Meridian. Excepting therefrom Lot 1 of Certified Survey Map No. 1605 according to the recorded plat thereof, recorded in Volume 7 of Certified Surveys on page 271 as Document No. 149049, located in the SE1/4 of Section 7, T3N, R15E, Walworth County, Wisconsin.

5. James Friemoth (Kevin Bong, App.), Town of Lafayette – filed a petition on the 3<sup>rd</sup> day of February, 2003, to amend said zoning maps from M-3 Mineral Extraction District to A-5 Agricultural-Rural Residential District on the following described lands:

Part of Tax Parcel #K LF 200001

A parcel of land located in the Northeast ¼ of the Northeast ¼ of Section 2, Town 3 North, Range 17 East, Town of Lafayette, Walworth County, Wisconsin, described as follows: Commence at the Northeast Corner of said Section 2; thence South 1°45'16" East, along the East line of the Northeast ¼ of said Section 1, 497.00 feet to the Point of

Beginning; thence continue South 1°45'16" East, along said East line and the centerline of Bowers Road, 365.00 feet; thence South 88°12'00" West 250.00 feet; thence North 1°45'16" West 365.00 feet; thence North 88°12'00" East 250.00 feet to the Point of Beginning.

Intending to rezone 2.09 acres (91,250 sq. ft.) of land, more or less, from M-3 to A-5.

Proposed rezone contains 1.82 acres (79,205 sq. ft.) of land exclusive of the R.O.W. of Bowers Road.

ATTEST this 10<sup>th</sup> day of November, 2003.  
William M. Norem  
County Board Chairman

ATTEST this 10<sup>th</sup> day of November, 2003.  
Kimberly S. Bushey  
County Clerk

The Board took a five-minute break.

Supervisor Lohrmann offered a motion, seconded by Supervisor Ketchpaw, to adopt Resolution No. 68-11/03 – Adopting the 2004 Appropriation of the Walworth County Budget and CIP Plan.

The following Proposed Amendments to 2004 Preliminary Budget were each voted on separately:

- A – Reduction of State Computer Aid/Operating Levy Impact 23,100 – A motion offered by Supervisor Grant, second by Supervisor Lothian was approved by voice vote.
- B – Use of Debt Service Fund equity/Debt Service Levy Impact (25,000) – Motion by Supervisor Lohrmann, seconded by Supervisor Felten to approve carried by voice vote.
- C – Health Insurance Fund Adjustment/Operating Levy Impact 0 – Motion by Supervisor Felten, seconded by Supervisor Morrison was approved by voice vote.
- D – Insurance Proposal/Operating Levy Impact (9,000) – A motion offered by Supervisor Lothian, seconded by Supervisor Kuhnke was approved by voice vote.
- E – Human Resources Committee Proposal/Operating Levy Impact 0 – Motion by Supervisor Morrison, seconded by Supervisor Felten to approve carried by voice vote.
- F – Eliminate unemployment compensation/Operating Levy Impact (8,500) – A motion offered by Supervisor Felten, seconded by Supervisor Miles to approve carried by voice vote.
- G – Contract settlement with Teachers/Operating Levy Impact 17,443 – Motion by Supervisor Lothian, seconded by Supervisor Wenglowsky was approved by voice vote. Supervisor Polyock asked that his vote be recorded as a "No" vote.
- H – Reclassification of 2 sergeants to correctional officers and elimination of the 2 new requested positions/Operating Levy Impact (78,184) – Supervisor Grant made a motion to deny Amendment H, seconded by Supervisor Ketchpaw. Discussion ensued. A

motion was offered by Supervisor Schaefer, seconded by Supervisor Ketchpaw to call the question. The original motion to deny Amendment H was approved by voice vote. I – Eliminate Assistant Jail Administrator/Operating Levy Impact (94,845) – A motion was offered by Supervisor Grant, seconded by Supervisor Polyock to deny Amendment I. Discussion ensued. On motion by Supervisor Schaefer, seconded by Supervisor Grant the question was called. A roll call vote was held. Ayes: 23 – Arnold, Burwell, Felten, Grant, Hilbelink, Ketchpaw, Kuhnke, Lightfield, Lohrmann, Lothian, Miles, Morrison, Palzkill, Parker, Peterson, Polyock, Russell, Schaefer, Scharine, Twyning, Shroble, Wenglowksy, Norem; Noes: 2 – Gigante, Guido; Absent – 0. Motion to deny Amendment I was approved.

J – Add PSAP equipment upgrade for the City of Delavan/Operating Levy Impact 60,000 – Supervisor Lothian offered a motion, seconded by Supervisor Scharine to approve Amendment J. Discussion ensued.

Sheriff Graves read parts of the original resolution, which placed the equipment at Whitewater, Lake Geneva, Delavan, and the Walworth County Sheriff's Department. Graves said that the agreement states that hardware will be placed at the PSAPs, installed and maintained by the vendor for 5 years. It shall be the responsibility of the PSAP (the municipality) to maintain their own equipment at no cost to the County. Graves said that Walworth County is upgrading and the PSAPs have to upgrade theirs. Lake Geneva and Whitewater have budgeted for their upgrades. Supervisor Guido said that Delavan is the backup for the County's 911 System.

Timothy O'Neill, Chief of Police, City of Delavan, Chairman of Walworth County's 911 Governing Board, addressed the Board. O'Neill said that the 911 Governing Board has asked for an equipment upgrade. O'Neill said that Delavan has been the backup for the County's system since May 5, 1955. The City of Delavan assumed the responsibility at no cost to the County with understanding that we have use of the equipment. The maintenance of the equipment was agreed for 5 years. New equipment is now planned. O'Neill said that Delavan is the primary automatic backup for the County after the fourth call. If Delavan goes down then it transfers to Lake Geneva (as the third tier) and then to Whitewater. O'Neill said that there were two major times the 911 system went down in the last 3 years. In the last eight years, the system has not been transferred to Lake Geneva or Whitewater.

Bretl wanted to make it clear that both he and Sheriff Graves think that Chief O'Neill is a great asset to the County in the terms of his service on the 911 Board. Bretl said we did seriously consider the request but we are making cuts in the budget and cutting employees. The equipment is not bondable so we cannot issue debt for it. On motion by Supervisor Hilbelink, seconded by Supervisor Polyock, the question was called.

Chairman Norem asked where the money would come from if approved. Bretl explained that if amendment J were approved we would adding \$60,000 to the tax levy. Roll call vote. Ayes: 5 – Gigante, Guido, Lothian, Peterson, Scharine; Noes: 20 – Arnold, Burwell, Felten, Grant, Hilbelink, Ketchpaw, Kuhnke, Lightfield, Lohrmann,

Miles, Morrison, Palzkill, Parker, Polyock, Russell, Schaefer, Twyning, Shroble, Wenglowsky, Norem. Roll call on the amendment failed.

A vote was then taken on the 2004 budget as amended. The motion was approved by voice vote with Supervisors Guido, Polyock, Palzkill, and Gigante requesting to be recorded as "No" votes.

Resolution No. 68-11/03

Adopting the 2004 Appropriation of the Walworth County Budget and CIP Plan

Moved/Sponsored by: Walworth County Finance Committee

WHEREAS, the Finance Committee submitted a preliminary budget to the Walworth County Board of Supervisors for its review on October 14, 2003, and,

WHEREAS, the County Board has considered the merits of the proposed budget and amendments thereto and is prepared to adopt the final 2004 Walworth County Budget,

NOW, THEREFORE BE IT RESOLVED, that the "2004 Walworth County Preliminary Budget," a copy of which is incorporated herein by reference, and as amended by Exhibit A, attached hereto, is hereby approved and adopted as the 2004 Walworth County Budget.

BE IT FURTHER RESOLVED, that the 2004 budget is adopted and approved at the department level of detail as contained in the budget document.

BE IT FURTHER RESOLVED, that the 5-year Capital Improvement Plan is adopted and approved as presented in Exhibit B, with a funding commitment for year 2004 only, unless authorized by previous County Board resolution.

BE IT FURTHER RESOLVED, that the Finance Director is hereby authorized to make technical corrections to the budget document, which are consistent with the actions of this Board.

William M. Norem  
County Board Chairman

Kimberly S. Bushey  
County Clerk

County Board Meeting Date: November 10, 2003

Action Required: Majority Vote \_\_\_\_\_ Two-thirds Vote  X  Other \_\_\_\_\_

Policy and Fiscal Note is attached.

Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

David A. Bretl  
County Administrator/  
Corporation Counsel

10/31/03  
Date

N. Andersen  
Finance Director

10/31/03  
Date

If unsigned, exceptions shall be so noted by the County Administrator.

Policy and Fiscal Note  
Resolution No. 68-11/03

- I. Title: Adopting the 2004 Appropriation of the Walworth County Budget and CIP Plan
- II. Purpose and Policy Impact Statement: The purpose of this resolution is to adopt the 2004 appropriation to support the Walworth County operating budget for 2004 and 5-year Capital Improvement Plan with a commitment of funding for 2004 only, unless authorized by previous County Board resolution.
- III. Budget and Fiscal Impact: Adoption of this resolution will set the legal budget limits for Walworth County for fiscal year 2004.
- IV. Referred to the following standing committees for consideration and date of referral:

Committee: Finance

Meeting Date: September 25, 2003.

Vote: 5 – 0

County Board Meeting Date: November 10, 2003

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

David A. Bretl  
County Administrator/  
Corporation Counsel

10/31/03  
Date

N. Andersen  
Finance Director

10/31/03  
Date

**WALWORTH COUNTY**  
**AMENDMENTS TO 2004 PRELIMINARY BUDGET**  
For Consideration on November 10, 2003

**Exhibit A**

Equalized Value	\$9,117,161,800	
Library Levy	\$1,016,482	
Debt Service Levy	\$5,267,764	
Operating Levy (includes charitable & penal	\$38,732,929	
Total Levy / Mill Rate	\$45,017,175	4.937630

Proposed Amendments:	Debt Service Levy Impact	Library Levy Impact	Operating Levy Impact	Board Action	Mill Rate Change
A Reduction of State Computer Aid			23,100	Approved	0.002534
B Use of Debt Service Fund equity	(25,000)			Approved	(0.002742)
C Health Insurance Fund adjustment			0	Approved	0.000000
D Insurance Proposal			(9,000)	Approved	(0.000987)
E Human Resource Committee Proposal			0	Approved	0.000000
F Eliminate unemployment compensation			(8,500)	Approved	(0.000932)
G Contract settlement with Teacher's			17,443	Approved	0.001913
H Reclassification of 2 sergeants to correctional officers and elimination of the 2 new requested positions			0	Denied	0.000000
I Eliminate Assistant Jail Administrator			0	Denied	0.000000
J Add PSAP equipment upgrade for the City of Delavan			0	Denied	0.000000
K					0.000000
L					0.000000
M					0.000000
N					0.000000
O					0.000000
P					0.000000
Q					0.000000
R					0.000000
S					0.000000
T					0.000000
U					0.000000
V					0.000000
W					0.000000
X					0.000000
Y					0.000000
Z					0.000000
<b>Total Amendments</b>	<b>(25,000)</b>	<b>0</b>	<b>23,043</b>		<b>(0.000215)</b>

Library Levy	\$1,016,482	0.111491
Debt Service Levy	\$5,242,764	0.575043
Operating Levy	\$38,755,972	4.250881
Total Levy / Mill Rate	\$45,015,218	4.937416

State Tax/Charges	\$1,895,723.08	
Municipal Tax by County	\$0.00	
Total	\$46,910,941.30	

**Walworth County Capital Improvement Funding Summary  
Adopted Budget**

**EXHIBIT B**

Project	2004	2005	2006	2007	2008	Total
New Court Facility (Amt of funding still required)	2,670,000	-	-	-	-	2,670,000
Road Construction	2,200,000	2,300,000	2,400,000	2,500,000	2,500,000	11,900,000
Lakeland Health Care Center	4,385,000	6,263,300	-	-	-	10,648,300
Remodel Existing Courthouse	360,000	2,500,000	290,000	-	-	3,150,000
LEC Communication Upgrade	244,500	500,000	117,110	-	-	861,610
Remodel West Wing Ctise per auth. Agreement	-	150,000	-	-	-	150,000
Sheriff's Evidence Building	-	446,700	-	-	-	446,700
LHCC Demolition	-	-	1,500,000	-	-	1,500,000
Radio Trunking System (Sheriff)	-	-	2,000,000	1,500,000	-	3,500,000
Demolition of County Structures	-	-	-	494,000	-	494,000
All Other Capital Requests	2,282,770	1,830,162	1,372,771	1,798,575	1,271,480	8,555,758
<b>TOTAL</b>	<b>12,142,270</b>	<b>13,990,162</b>	<b>7,679,881</b>	<b>6,292,575</b>	<b>3,771,480</b>	<b>43,876,368</b>

Funding Source	2004	2005	2006	2007	2008	Total
Bond Issuance	8,840,000	9,560,000	3,690,000	3,500,000	2,000,000	27,590,000
Board of Commissioners of Public Lands	-	-	-	-	-	-
Use of General Funds	876,750	1,153,300	1,500,000	-	-	3,530,050
Use of Public Works Funds	700,000	700,000	700,000	700,000	700,000	3,500,000
Jail Assessment - Annual Operations	269,280	50,000	50,000	50,000	50,000	469,280
Information Systems Funds	-	-	-	-	-	-
Land Information Funds	-	-	-	-	-	-
Other Existing Funds	215,000	-	-	-	-	215,000
Grant / Other Financing	101,400	-	-	-	-	101,400
Tax Levy	1,139,840	-	-	-	-	1,139,840
To Be Determined	-	2,526,862	1,739,881	2,042,575	1,021,480	7,330,798
<b>TOTAL</b>	<b>12,142,270</b>	<b>13,990,162</b>	<b>7,679,881</b>	<b>6,292,575</b>	<b>3,771,480</b>	<b>43,876,368</b>

Executive Committee

Supervisor Gigante offered a motion to approve all three items under the Executive Committee, seconded by Supervisor Hilbelink. Supervisor Burwell asked that item #1, Ordinance No. 247-11/03 be acted on separately.

Ordinance No. 248-11/03 – Repealing and Recreating Section 2-45 of the Walworth County Code of Ordinances Relating to County Board Supervisor Compensation and Resolution No. 67-11/03 – Authorizing 2004-2006 County Board Supervisors' Compensation and Citizen Per Diem Rate were approved by voice vote. There were no "No" votes recorded.

ORDINANCE NO. 248 –11/03

REPEALING AND RECREATING SECTION 2-45 OF THE WALWORTH COUNTY  
CODE OF ORDINANCES RELATING TO COUNTY BOARD SUPERVISOR  
COMPENSATION.

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS  
FOLLOWS:

PART I: That Sec. 2-45 of the Walworth County Code of Ordinances is hereby repealed in its entirety and recreated to read as follows:

"Sec. 2-45 County Board Supervisor Compensation.

- (a) The county board shall fix the compensation of the board members to be next elected at its November meeting by a two-thirds vote of all the members. The executive committee shall review issues concerning supervisor compensation and make recommendations to the board.
- (b) Effective April 18, 2000, the compensation for members of the county board shall be as follows:
  - 1. Salary compensation. Each supervisor except the chairperson shall be paid a salary of \$450 per month. The chairperson shall be paid a salary of \$700 per month. In April of the year in which a new chairperson is elected, the monthly salary shall be allocated 50% to the new term.
  - 2. Meeting attendance. Attendance shall be recorded for each day a supervisor attends a county board or assigned standing committee meeting or a meeting of a committee, board or commission to which the supervisor has been appointed to represent the county. A supervisor shall sign the attendance sheet if he/she is a member of the public body that is in session. A non-member supervisor may sign the attendance sheet if

he/she is attending the meeting at the request of the county board, the county board chairperson, or a standing committee.

3. Sub-committees. A standing committee may appoint a sub-committee of its members to perform a specific assignment. Sub-committee members shall sign an attendance sheet for the sub-committee meeting.
4. Travel expense reimbursement. In addition to the mileage allowance under paragraph 3, a supervisor may claim reimbursement for substantiated business travel expenses arising out of official assignments on behalf of the county board or its standing committees, including attendance at conferences, conventions, or seminars, provided the business expense is not otherwise compensated by another organization. The supervisor shall complete a travel expense reimbursement claim form and submit it to the county clerk for processing. The executive committee shall review any unusual claims and make a decision on the appropriateness of reimbursement.
5. Insurance benefits. Within 30 calendar dates of taking the oath of office, each supervisor may elect to enroll in the standard health insurance plan and/or the dental insurance plan by completing an insurance enrolment form. A supervisor must submit a health statement application as a late entrant to apply for coverage after the first 30 calendar days in office. Any supervisor re-elected to a subsequent term may enroll as a new-elected supervisor (within 30 days of being sworn in for the subsequent term) and a health statement will not be required.
6. Premium payment. Each supervisor enrolled in the health and/or dental plan(s) is required to pay the full cost of the monthly premium. Premium payments shall be made by payroll deduction to the extent possible, and any remaining premium due must be paid to the human resources department by the end of the month. A supervisor enrolled in insurance may elect to participate in the premium conversion plan under section 125 of the internal revenue code.
7. Benefits upon termination. Upon termination of county board service, the former county board supervisor may extend health coverage in accordance with COBRA laws.

Any county board supervisor serving prior to January 1, 1990, shall be permitted to remain in the group health insurance plan for an indefinite period after COBRA has elapsed. However, a new spouse or dependents may not be added to the plan after the COBRA period has ended.

A county board supervisor who is age 65 or older, or who has completed a minimum of 20 years of service on the county board at the time of termination of county board service may continue under the health insurance plan for an indefinite period as a "retiree" and shall be subject to the same rules that apply to retired employees."

PART II: BE IT FURTHER ORDAINED that this Ordinance shall become effective upon passage and publication.

PART III: BE IT FURTHER ORDAINED that Chapter 302 of the Personnel Code is hereby repealed.

PASSED and ADOPTED by the Walworth County Board of Supervisors this 10<sup>th</sup> day of November, 2003.

William M. Norem	11/14/03	Kimberly Bushey	
County Board Chairman	Date	County Clerk	Date

County Board Meeting Date: November 10, 2003

Action Required: Majority Vote \_\_\_\_\_ Two-thirds Vote  X  Other \_\_\_\_\_

Policy and Fiscal Note is attached.

Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

David A. Bretl	10/31/03	N. Andersen	10/31/03
County Administrator/ Corporation Counsel	Date	Finance Director	Date

If unsigned, exceptions shall be so noted by the County Administrator.

Ordinance No. 248-11/03  
Fiscal Note and Policy Impact Statement

- I. Title Ordinance No. 248 – 11/03 Repealing And Recreating Section 2-45 of the Walworth County Code of Ordinances Relating to County Board Supervisor Compensation
- II. Purpose and Policy Impact Statement: It is the responsibility of the Walworth County board to review and fix compensation for elected officials at its November meeting. The executive committee reviewed the current compensation for members of the Walworth County board and proposed no change in the 2004 – 2006 compensation package.

III. Budget and Fiscal Impact: The proposed 2004 budget currently contains \$138,000 straight time for county board compensation, \$15,000 for mileage and \$16,200 for citizen per diem payments and \$12,231 in associated county board payroll benefits. Funds have been budgeted for 2004. This ordinance seeks no increase for supervisor compensation.

IV. Referred to the following standing committee(s) for consideration and date of referral:

Committee: Executive

Date: October 23, 2003

Vote: 7 - 0

County Board Meeting Date: November 10, 2003

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

David A. Bretl  
County Administrator/  
Corporation Counsel

11/3/03  
Date

Nicole Andersen  
Finance Director

11/3/03  
Date

Resolution No. 67-11/03  
Authorizing 2004-2006 County Board of Supervisors' Compensation  
and Citizen Per Diem Rate

Moved/Sponsored by: Executive Committee

WHEREAS, the executive committee has reviewed compensation for county board supervisors, and approved the following compensation recommendation to be effective for the newly elected supervisors with terms beginning April 20, 2004.

NOW, THEREFORE, BE IT RESOLVED by the Walworth County Board of Supervisors that effective April 20, 2004, the compensation for the Walworth County board of supervisors will be as follows:

1. A salary of \$450 per month (annual salary - \$5400) to be paid to each supervisor.
2. The chairman of the board would receive an additional \$250 per month for a total monthly salary of \$700 (annual salary - \$8400).
3. Mileage for all board meetings, committee meetings, conventions, seminars, etc. will be paid at the approved county mileage rate.

4. Walworth County will pay expenses for conventions and/or seminars as defined in the travel policy of the Walworth County Code of Ordinances.
5. No per diem will be paid for conventions, seminars, and/or steering committees.
6. Health and dental insurance will be available, with the total premium to be paid by supervisors choosing enrollment in the county's health and dental insurance plan.

BE IT FURTHER RESOLVED that citizen members on county board committees/boards will be paid per diem at \$50 per meeting, plus mileage, as defined by the travel policy of the Walworth County Personnel Code.

BE IT FURTHER RESOLVED that any other ordinance or resolution is hereby rescinded, or amended to comply with this resolution.

William M. Norem  
County Board Chairman

Kimberly S. Bushey  
County Clerk

County Board Meeting Date: November 10, 2003

Action Required: Majority Vote \_\_\_\_\_ Two-thirds Vote  X  Other \_\_\_\_\_

Policy and Fiscal Note is attached.

Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

David A. Bretl  
County Administrator/  
Corporation Counsel

10/31/03  
Date

N. Andersen  
Finance Director

10/31/03  
Date

If unsigned, exceptions shall be so noted by the County Administrator.

Policy and Fiscal Note  
Resolution No. 67-11/03

- I. Title: Authorizing 2004-2006 County Board of Supervisors' Compensation and Citizen Per Diem Rate
- II. Purpose and Policy Impact Statement: It is the responsibility of the Walworth County board to review and fix compensation for elected officials at its November meeting. The executive committee reviewed the current compensation for members of the Walworth County board and proposed no change in the 2004 – 2006 compensation package.

III. Budget and Fiscal Impact: The proposed 2004 budget currently contains \$138,000 straight time for county board compensation, \$15,000 for mileage and \$16,200 for citizen per diem payments and \$12,231 in associated county board payroll benefits. Funds have been budgeted for 2004. This resolution seeks no increase for supervisor compensation.

IV. Referred to the following standing committees for consideration and date of referral:

Committee: Executive Meeting Date: October 23, 2003

Vote: 7-0

County Board Meeting Date: November 10, 2003

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

David A. Bretl	11/1/03	N. Andersen	11/1/03
County Administrator/ Corporation Counsel	Date	Finance Director	Date

Supervisor Burwell offered a motion, seconded by Supervisor Gigante, to amend Ordinance No. 247-11/03 – Amending Chapter 2 of the Walworth County Code of Ordinances Relating to Public Speaking at County Board and Committee Meetings, “Sec. 2-68 Discussion - Members of Public (a) Public comment period, add the following: 7. County board members shall not respond to any speaker except for clarification of a speaker’s statement or facts given by the speaker. Amendment approved by voice vote.

Supervisor Burwell offered a motion, seconded by Supervisor Lightfield, to amend Ordinance No. 247-11/03 to extend the time for public speakers from three to five minutes. On motion by Supervisor Polyock, seconded by Supervisor Ketchpaw the question was called. Supervisors Guido and Burwell requested to be recorded as no votes on calling the question. A vote was taken on Supervisor Burwell’s second amendment and failed.

Supervisor Guido offered a motion, seconded by Supervisor Burwell, to eliminate the following: Sec. 2-68 Discussion – Members of Public (a) 6. Speakers may not “donate” or transfer their time to other speakers. On motion by Supervisor Ketchpaw, seconded by Supervisor Lohrmann, the question was called. Supervisor Guido requested that his vote be recorded as a “No” on calling the question. Supervisor Guido’s amendment failed by voice vote.

A vote was then taken to approve Ordinance No. 247-11/03 – Amending Chapter 2 of the Walworth County Code of Ordinances Relating to Public Speaking at County Board

and Committee Meetings as amended. Motion approved. There were no negative votes recorded.

ORDINANCE NO. 247 –11/03

**AMENDED**

AMENDING CHAPTER 2 OF THE WALWORTH COUNTY CODE OF ORDINANCES  
RELATING TO PUBLIC SPEAKING AT COUNTY BOARD AND COMMITTEE  
MEETINGS

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS  
FOLLOWS:

PART I: That Sec. 2-68 of the Walworth County Code of Ordinances is hereby repealed in its entirety and recreated to read as follows:

“Sec. 2-68 Discussion - Members of Public

- (a) Public comment period.  
Members of the public may speak during the portion of the agenda designated as “public comment period” at meetings of the county board or standing committees subject to the following requirements:
1. The speaker shall not address a topic that is contained on the agenda.
  2. All speakers must register by providing the clerk with their name and address prior to speaking.
  3. Each speaker is limited to three minutes
  4. Speakers shall avoid personalities. Threatening remarks shall cause the speaker to be removed from the meeting room.
  5. Individuals may provide information to the county board by submitting a written communication to the county clerk, in addition to or in lieu of speaking.
  6. Speakers may not “donate” or transfer their time to other speakers.
  7. County board members shall not respond to any speaker except for clarification of a speaker’s statement or facts given by the speaker.
- (b) Public comment on items contained on the agenda.  
Members of the public may speak with regard to any topic contained on the county board agenda or a standing committee agenda, subject to those provisions set forth in 2-68 (a) 2-6 and the following:
1. The speaker must first be recognized by the county board chair or the appropriate committee chair.
  2. Repetition is discouraged and may be stopped by the chair.
  3. Public comment will be ended prior to discussion on the topic by the county board or committee.”

BE IT ORDAINED by the Walworth County Board of Supervisors that this Ordinance shall become effective upon passage and publication.

PASSED and ADOPTED by the Walworth County Board of Supervisors this 10<sup>th</sup> day of November, 2003.

William M. Norem	11/14/03	Kimberly S. Bushey	
County Board Chairman	Date	County Clerk	Date

County Board Meeting Date: November 10, 2003

Action Required: Majority Vote \_\_\_\_\_ Two-thirds Vote  X  Other \_\_\_\_\_

Policy and Fiscal Note is attached.  
Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

David A. Bretl	10/28/03	N. Andersen	10/31/03
County Administrator/ Corporation Counsel	Date	Finance Director	Date

If unsigned, exceptions shall be so noted by the County Administrator.

Ordinance No. 247-11/03  
Fiscal Note and Policy Impact Statement

I. Title Ordinance No. 247 – 11/03 Amending Chapter 2 of the Walworth County Code of Ordinances Relating to Public Speaking at County Board and Committee Meetings.

II. Purpose and Policy Impact Statement:

The purpose of this ordinance is to establish rules governing the conduct of public speaking at county board and committee meetings.

III. Budget and Fiscal Impact:

Passage of this ordinance will have no effect on the current or future budget.

IV. Referred to the following standing committee(s) for consideration and date of referral:

Committee: Executive Date: October 23, 2003

Vote: 7 - 0

County Board Meeting Date: November 10, 2003

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

David A. Bretl  
County Administrator/  
Corporation Counsel

10/28/03  
Date

N. Andersen  
Finance Director

10/31/03  
Date

Supervisor Guido made a motion, seconded by Supervisor Burwell, to challenge the Chairman's ruling to vote on the ordinance as amended without further discussion. The motion failed.

Finance Committee

Supervisor Lohrmann offered a motion, seconded by Supervisor Lothian, to approve Resolution No. 73-11/03 – Authorizing the Transfer of Funds From the Contingency Fund for the Purpose of Replacing the Lakeland Health Care Center Fire Alarm System. The amount of money to be transferred is \$16,000. On motion by Supervisor Morrison, seconded by Supervisor Grant, Resolution No. 73-11/03 was approved by unanimous consent.

Resolution No. 73-11/03

Authorizing the Transfer of Funds From the Contingency Fund for the Purpose of Replacing the Lakeland Health Care Center Fire Alarm System

Moved/Sponsored by:

WHEREAS, the fire alarm system at the Lakeland Health Care Center ("LHCC") failed; and,

WHEREAS, the original system has been used since 1962; and,

WHEREAS, this occurrence was unexpected and a new fire alarm system was not budgeted in 2003; and,

WHEREAS, it was imperative that the fire alarm system be repaired to ensure the safety of LHCC staff and residents.

NOW, THEREFORE, BE IT RESOLVED that the Walworth County Board of Supervisors hereby authorizes the transfer of funds in the amount of \$16,000.00 from the contingency fund for the purpose of repairing the LHCC fire alarm system.

William M. Norem  
County Board Chairman

Kimberly S. Bushey  
County Clerk

County Board Meeting Date: November 10, 2003

Action Required: Majority Vote \_\_\_\_\_ Two-thirds Vote  X  Other \_\_\_\_\_

Policy and Fiscal Note is attached.

Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

David A. Bretl	11/10/03	N. Andersen	11/10/03
County Administrator/ Corporation Counsel	Date	Finance Director	Date

If unsigned, exceptions shall be so noted by the County Administrator.

Policy and Fiscal Note  
Resolution No. 73-11/03

- I. Title: Authorizing the Transfer of Funds From the Contingency Fund for the Purpose of Replacing the Lakeland Health Care Center Fire Alarm System
- II. Purpose and Policy Impact Statement: The purpose of this request is to provide funds in the amount of \$16,000.00 to pay costs incurred in replacing the fire alarm system at Lakeland Health Care Center.
- III. Budget and Fiscal Impact: This request is not a budgeted item and \$16,000.00 would need to be transferred from the contingency fund to cover the costs incurred for installing the new fire alarm system. As of October 31, 2003, the contingency fund contains \$193,587 for undesignated purposes.
- IV. Referred to the following standing committees for consideration and date of referral:

Committee: Finance Meeting Date: November 10, 2003

Vote: 7 - 0

County Board Meeting Date: November 10, 2003

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

David A. Bretl	11/10/03	N. Andersen	11/10/03
County Administrator/ Corporation Counsel	Date	Finance Director	Date

Human Resources

Supervisor Kuhnke offered a motion, seconded by Supervisor Morrison, to approve Resolution No. 71-11/03 – Approving the 2003-2005 Collective Bargaining Agreement with Lakeland Education Association and Authorizing Transfer of Funds from the Contingency Fund for the Same, Resolution No. 74-11/03 – Changes in Wages and Benefits for Non-Represented Employees for 2004, and Resolution No. 75-11/03 – Fix Staffing levels for 2004 with one vote. A motion was offered by Supervisor Grant, seconded by Supervisor Ketchpaw for unanimous consent. Supervisor Polyock voted “No” and unanimous consent failed. The three resolutions were approved by voice vote with Supervisors Gigante and Polyock requesting that their votes be recorded as “No” votes.

Resolution No. 71 –11/03

Approving the 2003-2005 Collective Bargaining Agreement With Lakeland Education Association and Authorizing Transfer of Funds From the Contingency Fund for the Same

WHEREAS, the Children with Disabilities Education Board and representatives of the Lakeland Education Association have reached tentative agreement on a two-year successor agreement to the collective bargaining agreement which expired on June 30, 2003; and,

WHEREAS, the Children with Disabilities Education Board recommends ratification of the tentative agreement, contingent upon final approval and appropriation of funds by the County Board.

NOW, THEREFORE, BE IT RESOLVED that the Walworth County Board of Supervisors ratifies the 2003-2005 collective bargaining agreement with the Lakeland Education Association and authorizes a transfer of funds in the amount of \$59,235 from the contingency fund to the appropriate Children with Disabilities Education Board accounts for the purpose of funding the 2003 portion of the contract.

BE IT FURTHER RESOLVED that the 2004 and 2005 county budgets shall include funds necessary to implement the agreement.

William M. Norem  
County Board Chairman

Kimberly S. Bushey  
County Clerk

County Board meeting date: November 10, 2003

Action Required: Two-thirds Vote

Policy and Fiscal Note is attached.  
Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

David A. Bretl	11/10/03	N. Andersen	11/10/03
County Administrator/ Corporation Counsel	Date	Finance Director	Date

If unsigned, exceptions shall be so noted by the County Administrator.

Policy and Fiscal Note  
Resolution No. 71-11/03

- I. Title: Ratify 2003-2005 Collective Bargaining Agreement With Lakeland Education Association
- II. Purpose and Policy Impact Statement: The bargaining representatives of the parties have reached a tentative agreement on the terms of a 2003-2005 agreement with Lakeland Education Association ("LEA"). The economic settlement with LEA is within the total cost of the settlements ratified by the County Board for other union groups and with other professional employees of the County.
- III. Budget and Fiscal Impact: An additional appropriation of \$59,235 is required for the 2003 budget to fund 2003-2005 salary increases for the period of September 2003 through December 2003. The proposed funding source for September 2003 through December 2003 is the contingency fund. The increased cost of the agreement for January 2004 through December 2004 is \$189,943. The proposed 2004 budget includes an increase of \$160,000 to fund salary and benefit increases for January 2004 through December 2004. An amendment to the 2004 preliminary budget has been proposed to fully fund the January 2004 through December 2004 increase.
- IV. Referred to the following standing committees for consideration and date of referral:

Committee: CDEB	Date: November 10, 2003
Vote: 4 - 0	
Committee: Finance	Date: November 10, 2003
Vote: 7 - 0	

Committee: Human Resources Date: November 5, 2003

Vote: 7 - 0

County Board Meeting Date: November 10, 2003

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

David A. Bretl	11/10/03	N. Andersen	11/10/03
County Administrator/ Corporation Counsel	Date	Finance Director	Date

Resolution No. 74-11/03  
Changes In Wages And Benefits For Non-Represented Employees For 2004

Moved By: Human Resources Committee

WHEREAS, the Human Resources Committee has reviewed the wage and benefit package for non-represented employees and has considered appropriate adjustments therein for calendar year 2004.

NOW, THEREFORE, BE IT RESOLVED by the Walworth County Board of Supervisors that the compensation package for non-represented employees shall be amended as follows:

1. The Management Pay Plan and Administrative Support Pay Plan for non-represented employees shall be increased by 3.0% effective January 1, 2004.
2. Effective for January 2004 coverage, the dental monthly premium caps for non-represented employees shall be increased to the actual rates in effect for 2004.

BE IT FURTHER RESOLVED that the Human Resources Committee, upon recommendation of the County Administrator, shall determine any pay adjustment for red-circled employees which amount may be from zero to not more than the dollar increase in the maximum rate of the assigned pay range; and, any adjustment for a red-circled employee may be in the form of a rate increase, or a bonus amount not added to the base rate.

BE IT FURTHER RESOLVED that funds required to implement this resolution shall be included in the departmental 2004 budgets.

William M. Norem	Kimberly S. Bushey
County Board Chairman	County Clerk

County Board Meeting Date: November 10, 2003

Action Required: Majority Vote  X  Two-thirds Vote \_\_\_\_\_ Other \_\_\_\_\_

Policy and Fiscal Note is attached.

Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

David A. Bretl	11/3/03	N. Andersen	11/3/03
County Administrator/ Corporation Counsel	Date	Finance Director	Date

If unsigned, exceptions shall be so noted by the County Administrator.

Policy and Fiscal Note  
Resolution No. 74-11/03

I. Title: Changes In Wages And Benefits For Non-Represented Employees For 2004

II. Purpose and Policy Impact:

The County Board is required to approve any general increase in pay rates. The recommendation of the Human Resources Committee is consistent with the pattern of increases that were included in the ratified 2002-2004 collective bargaining agreements.

III. Budget and Fiscal Impact:

Funds for the increase in wages and fringe benefit costs are included in the 2004 Preliminary Budget.

IV. Referred to the following standing committees for consideration and date of referral:

Committee: Human Resources Meeting Date: August 20, 2003

Vote: 7 – 0 to recommend

County Board Meeting Date: November 10, 2003

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

David A. Bretl	11/3/03	N. Andersen	11/3/03
County Administrator/ Corporation Counsel	Date	Finance Director	Date

Resolution No. 75-11/03  
Fix Staffing Levels For 2004

Moved by: Human Resources Committee

WHEREAS, the recommended staffing levels for 2004 were included in the preliminary budget for 2004; and,

NOW, THEREFORE, BE IT RESOLVED by the Walworth County Board of Supervisors that the position changes as shown in the 2004 budget are approved for 2004.

BE IT FURTHER RESOLVED that any new positions shall be filled pursuant to the terms of any applicable collective bargaining agreement and county personnel ordinances, policies, and procedures.

BE IT FURTHER RESOLVED that the Walworth County Board of Supervisors hereby declares its commitment to deliver services in 2004 within the level of 1,020.24 FTE's as approved in the 2004 budget.

BE IT FURTHER RESOLVED that staffing shall not exceed this budgeted level and additional new positions shall not be created during 2004, except as provided by the Walworth County Code of Ordinances.

William M. Norem  
County Board Chairman

Kimberly S. Bushey  
County Clerk

County Board Meeting Date: November 10, 2003

Action Required: Majority Vote  Two-thirds Vote \_\_\_\_\_ Other \_\_\_\_\_

Policy and Fiscal Note is attached.

Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

David A. Bretl  
County Administrator/  
Corporation Counsel

11/3/03  
Date

N. Andersen  
Finance Director

11/3/03  
Date

If unsigned, exceptions shall be so noted by the County Administrator.

Policy and Fiscal Note  
Resolution No. 75-11/03

I. Title: Fix Staffing Levels for 2004

- II. Purpose and Policy Impact: Section 59.22 (2) of the Wisconsin Statutes and section 15-13 of the Walworth County Code of Ordinances provide that the County Board establish the number of employees in each department. The County Board does so each year as part of the November budget process and "freezes" staffing levels for the next calendar year at the level as included in the adopted budget. Normally, additional new positions for year 2004 would not be considered after adoption of the 2004 budget. New positions would again be considered in November 2004 for year 2005.

Any new positions requested in the budget are subject to job content evaluation prior to final implementation. The classification and the dollars in the budget for any given position are estimated wage and fringe costs, subject to possible modification after completion of the job evaluation and possible collective bargaining obligations.

- III. Budget and Fiscal Impact: The 2004 preliminary budget reduces FTEs from 1,032.81 in 2003 to 1,020.24 for 2004.
- IV. Referred to the following standing committees for consideration and date of referral:

Committee: Human Resources                      Meeting Date: November 5, 2003

Vote:                      7 - 0

County Board Meeting Date: November 10, 2003

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

David A. Bretl	11/3/03	N. Andersen	11/3/03
County Administrator/ Corporation Counsel	Date	Finance Director	Date

Public Works Committee

On motion by Supervisor Polyock, seconded by Supervisor Hilbelink, Resolution No. 70-11/03 – Removal of the County Highway 'P' Extension from the Walworth County 2010 Jurisdictional Highway System Plan, was approved by voice vote. Supervisor Gigante requested that his vote be recorded as "No."

Resolution No. 70-11/03  
Removal of the County Highway 'P' Extension From the Walworth County 2010  
Jurisdictional Highway System Plan

Moved/Sponsored by: Public Works Committee

WHEREAS, in 1992 the Walworth County Board of Supervisors adopted an amendment to the Walworth County Jurisdictional Highway System Plan – 2010 (“Highway Plan”); and,

WHEREAS, the Highway Plan proposed a new extension of County Highway P from Territorial Road to County Highway A in Richmond Township; and,

WHEREAS, the Walworth County Public Works Department does not have this project included in the Walworth County six year highway improvement plan; and,

WHEREAS, the Walworth County Zoning Agency recently tabled a plat of survey which calls for two homes to be constructed on part of this proposed relocation area; and,

WHEREAS, the County Zoning Agency tabled this plat of survey until Walworth County chose whether or not to proceed with the proposed relocation of County Highway P; and,

WHEREAS, on October 14, 2003 the engineering firm Clark Dietz Inc. submitted a cost estimate to the Public Works Committee to assist the committee in determining the feasibility for this project; and,

WHEREAS, Clark Dietz submitted a total cost estimate of \$1,125,200.00 for the completion of this project which includes: \$1,000,000 for construction costs, \$60,000 for right-of-way acquisition, \$19,500 for surveying services, and \$45,700 for design engineering; and,

WHEREAS, the Public Works Committee recommends removal of the Highway ‘P’ project from the Highway Plan.

NOW, THEREFORE, BE IT RESOLVED by the Walworth County Board of Supervisors that the proposed County Highway ‘P’ Extension from Territorial Road to County Highway A in Richmond Township be removed from the Highway Plan.

BE IT FURTHER RESOLVED that the County Clerk is directed to send a copy of this resolution to the Southeastern Wisconsin Regional Planning Commission.

William M. Norem  
County Board Chairman

Kimberly S. Bushey  
County Clerk

County Board Meeting Date: November 10, 2003

Action Required: Majority Vote   X   Two-thirds Vote \_\_\_\_\_ Other \_\_\_\_\_



Department, County Departments, and to the County Board for making the difficult process of cutting the budget successful. Chairman Norem said we should commend the Administrator, the Finance Department, and the Finance Committee Chair for their hard work in putting the budget together. Supervisor Morrison said that he thinks that we need to thank not only the Finance Department but all departments for working with the Board to reduce the budget. Supervisor Gigante made a motion, seconded by Supervisor Lohrmann, for unanimous consent. Supervisor Polyock voted "No" for unanimous consent. Resolution No. 69-11/03 was approved by voice vote with Supervisor Polyock requesting that his vote be recorded as "No."

Resolution No. 69-11/03  
Establishing the Tax Levy to Support the 2004 Budget Appropriation  
AS AMENDED

Moved/Sponsored by: Finance Committee

WHEREAS, the Walworth County Administrator met with all county departments to review and recommend funding for county programming; and,

WHEREAS, the Walworth County Finance Committee met with the Administrator to review funding for county programming and has prepared the "Walworth County 2004 Preliminary Budget"; and,

WHEREAS, the Finance Committee submitted the proposed budget to the Walworth County Board of Supervisors for its review on October 14, 2003, and the County Board has considered the merits of the proposed budget, and amendments thereto, and is prepared to adopt the final 2004 Walworth County budget; and,

NOW, THEREFORE, BE IT RESOLVED by the Walworth County Board of Supervisors in annual session assembled, that there be and hereby is levied and assessed upon all of the taxable property of Walworth County as state, county, and other taxes (excluding library tax) for 2003, the sum of

\$45,894,459.30; and,

BE IT FURTHER RESOLVED that there be and is hereby levied and assessed upon the taxable property of each non-exempt district the annual appropriation for Lakeshores Library operating expenses in the amount of

\$1,016,482.00; and,

BE IT FURTHER RESOLVED that the same to be apportioned by the County Clerk as by law provided and in accordance with the report of the Finance Committee, subject to such changes or additions as may be certified to the County Clerk by the Department of Taxation of the State of Wisconsin, and the sum so raised is in the amount and for the

purposes specified in the report of the Finance Committee on file and summarized as follows:

County Library Levy	\$1,016,482.00
County Debt Service Levy	\$5,242,764.00
County Operating Levy*	\$38,755,972.22
State Tax/Charges	\$1,895,723.08
Municipal Tax by County	<u>\$0.00</u>
Total	\$46,910,941.30

\*Includes Charitable and Penal

William M. Norem  
County Board Chairman

Kimberly S. Bushey  
County Clerk

County Board Meeting Date: ~~December 9~~, November 10, 2003

Action Required: Majority Vote  Two-thirds Vote \_\_\_\_\_ Other \_\_\_\_\_

Policy and Fiscal Note is attached.

Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

David A. Bretl	11/10/03	N. Andersen	11/10/03
County Administrator/ Corporation Counsel	Date	Finance Director	Date

If unsigned, exceptions shall be so noted by the County Administrator.

Policy and Fiscal Note  
Resolution No. 69-11/03

- I. Title: Establishing the Tax Levy to Support the 2004 Budget Appropriation
- II. Purpose and Policy Impact Statement: The purpose of this resolution is to establish the tax levy in the amount of \$46,910,941.30, which supports the 2004 budget of Walworth County.
- III. Budget and Fiscal Impact: This is the tax levy required to support Walworth County's 2004 operating budget. The tax levy includes the Library, Debt Service, Operating, State Charges and Municipal Tax by County.
- IV. Referred to the following standing committees for consideration and date of referral:

Committee: Finance

Meeting Date: September 25, 2003

Vote: 5 - 0

County Board Meeting Date: November 10, 2003

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

David A. Bretl	11/10/03	Nicole Andersen	11/10/03
County Administrator/ Corporation Counsel	Date	Finance Director	Date

Reports of Special Committees

There were no reports of special committees.

On motion by Supervisor Miles, seconded by Supervisor Hilbelink, the meeting of the Walworth County Board adjourned at 9:50 p.m.

The next regularly scheduled meeting of the Walworth County Board will be held on Tuesday, December 9, 2003, at 6:00 p.m.

Kimberly S. Bushey  
County Clerk

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 November 10, 2003 meeting.

THE DECEMBER 9, 2003 SESSION  
OF THE  
WALWORTH COUNTY BOARD OF SUPERVISORS

The Walworth County Board of Supervisors was called to order by Chairman Norem at 6:00 p.m. at the Walworth County Courthouse, 100 W. Walworth St., Elkhorn, Wisconsin.

Reverend Gerald Petersen, Sugar Creek Lutheran Church, Elkhorn, gave the invocation.

Roll call was read with all Supervisors present. A quorum was established.

Amendments, Withdrawals, and Approval of Agenda

On motion by Supervisor Russell, seconded by Supervisor Guido, the agenda was amended by moving item #3 of the Report of the County Zoning Agency, Charles D. Pearce, Town of Delavan, Rezone 13.74 acres of A-1 to C-2, to immediately preceding the zoning amendments and that this item be discussed and voted on separately. On motion by Supervisor Gigante, seconded by Supervisor Ketchpaw, the agenda was approved as amended.

Approval of the Minutes

County Clerk Kimberly Bushey stated that there was a scrivener's error in the minutes of November 10, 2003, page 13, paragraph one, Amendment B – Use of Debt Service fund equity. The amount of Debt Service Levy Impact was recorded as (35,000) and it should be (25,000).

Supervisor Burwell asked that the minutes of November 10, 2003 be amended on Page 4, paragraph two, by adding: Supervisor Burwell also questioned the process of the new supervisor.

On motion by Supervisor Gigante, seconded by Supervisor Scharine, the minutes of the October 30, 2003 Public Budget Hearing and the amended minutes of the November 10, 2003 County Board meeting were approved.

Comment Period by Members of the Public

Tracy Moate made an announcement regarding the Waffle Breakfast with Santa to be held at Lakeland School on December 13, 2003. She said that she placed a flyer on the Supervisors' desks and encouraged the Supervisors to attend the breakfast.



Said term to expire June 30, 2007  
or until a successor is named

Jorge Mayorga  
Said term to expire June 30, 2006  
or until a successor is named

Dated this 9<sup>th</sup> day of December, 2003.

William M. Norem, Chairman  
Walworth County Board of Supervisors

VETERANS SERVICE COMMISSION

STATE OF WISCONSIN)  
  )SS  
COUNTY OF WALWORTH)

I, the undersigned Chairman of the Walworth County Board of Supervisors do hereby appoint Raymond Mellien to the Veterans Service Commission for a three-year term. Said term to expire December 31, 2006 or until a successor is appointed or named.

Dated this 9<sup>th</sup> day of December, 2003.

William M. Norem, Chairman  
Walworth County Board of Supervisors

COURTHOUSE SECURITY AND FACILITIES COMMITTEE

STATE OF WISCONSIN)  
  )SS  
COUNTY OF WALWORTH)

I, the undersigned Chairman of the Walworth County Board of Supervisors, do hereby appoint Allan Polyock to serve as County Board Representative to the Courthouse Security and Facilities Committee. Said term to expire April 30, 2004, or until a successor is elected or named.

Dated this 9<sup>th</sup> day of December 2003.

William M. Norem, Chairman  
Walworth County Board of Supervisors

Supervisor Guido asked which member of the Executive Committee had cast the "No" vote for the appointment to the Courthouse Security and Facilities Committee. Supervisor Gigante stated that he voted no because of the experience of the nominee and because none of the other supervisors knew that the position was open or that the spot needed to be filled. Supervisor Grant stated that in the past the Chairman of the Public Property Committee has always been part of the Courthouse Security Committee, which is the main reason Supervisor Polyock was selected. A vote was taken and the above appointments were approved by voice vote. Supervisor Gigante requested that his vote be recorded as "No."

#### Communications and Matters to be Referred

The Clerk read the following Communications and Matters to be Referred.

1. Claims – No claims were presented other than those previously referenced in this agenda.
2. Letter from Supervisor Dorothy Burwell regarding rules of Title 2, duties of Vice-Chairman was referred to the Executive Committee.
3. Outagamie County Res. No. 114-2003-04 to support legislation to enable the formation of Municipal Regional Industrial Authority was referred to the Executive Committee.
4. Racine County Res. No. 2003-123S asking Governor James Doyle and the State Legislature to examine and study the entire taxing, fees, and revenue raising activities of the state and local governments was referred to the Finance Committee.
5. Washburn County resolution supporting municipal employment relation reforms – AB598 & 599 was referred to the Human Resources Committee.
6. Letter from Supervisor Larry Hilbelink requesting support of the Ice Age Trail program was referred to the Land Conservation Committee.
7. Letter from Adams County Board of Supervisors regarding protection of groundwater and spring water was referred to the Land Conservation Committee.
8. Report of County Clerk Concerning Communications Received by the Board and Recommended to be Placed on File was placed on file.

The following correspondence was received after the agenda mailing and distributed to the Supervisors prior to tonight's meeting:

- Marinette County Resolution No. 141 – Resolution to Urge Correction of Assessment Practices on Farmland was referred to the Land Conservation Committee.
- Southwest International Business, Trade, and Economic Development Council Resolution Supporting Modernization of the Mississippi River Locks was placed on file.
- A letter addressed to Supervisor Guido from Larry Malsch regarding Enhanced 911 System for Walworth County was placed on file.
- A letter from Chairman Norem regarding Economic Development was referred to the Executive Committee.

Walworth County Res. No. 88-12/03 – Approving a Tri-Partnership Agreement Amongst Walworth County, The Department of Natural Resources, and The Friends of the White River State Trail, Inc., was mailed by the Administrator’s office with the amended agenda. Two pages were not included with the Agreement. The complete Agreement was distributed this evening.

9. The following Reports of Zoning Gone into Effect were read and placed on file:
- Lester and Charlotte West (Gerald J. and Jane D. West, App.), Town of LaGrange
  - Ralph and Robin Goessling (Mann Bros., Inc., App.), Town of Whitewater
  - Mary E. Rodriguez, Town of Richmond
  - James Friemoth (Kevin Bong, App.), Town of Lafayette

10. Report of Zoning Petitions Referred to the County Zoning Agency:

TO: The County Board of Walworth County

The undersigned County Clerk hereby reports that the following petitions for rezone of land in Walworth County were referred to the County Zoning Agency for public hearing:

- Amendment to Walworth County Land Use Plan: 2020 (amending sanitary sewer service area plans for the City of Elkhorn; the Village of Fontana/Village of Walworth; Pell Lake Sanitary District No. 1; the Village of Mukwonago; and the City of Whitewater)
- Amendment to Walworth County Land Use Plan: 2020 (changing the designation of the Rainbow Springs area in Section 6, Town of East Troy from “special sewer service area” to “other agricultural, rural residential and other open lands”)
- Ralph and Robin Goessling, Town of Whitewater, A-1 to M-1
- David M. Helbling, Town of Troy, A-1 & C-1 to A-5 & A-1
- Jahn Fidler, Town of East Troy, A-1 to R-1
- Vivian J. George, Town of Lyons, A-1 to R-1

Unfinished Business

New Business

Reports of Standing Committees

County Zoning Agency

The Clerk read the Report of Proposed Zoning Amendments. Per the amendment to tonight’s agenda, item #3, was considered first.

1. William H. and Mary E. Lehner, Town of Lafayette, Rezone 6.6 acres of A-1 to C-2 & C-1 and Rezone 33.4 acres of A-1 to A-2, approved 7-0 (7-17-03 hearing)
2. Curt and Lisa Ziegler (Gary Ziegler, App.), Town of Lyons, Rezone 3.55 acres of C-1 to C-2, approved 7-0 (9-18-03 hearing)

3. Charles D. Pearce, Town of Delavan, Rezone 13.74 acres of A-1 to C-2, approved 4-2 (9-18-03 hearing-was referred back to committee at 11-10-03 County Board)

Supervisor Russell made a motion, seconded by Supervisor Hilbelink, to deny the rezone of Charles D. Pearce, Town of Delavan, Rezone 13.74 acres of A-1 to C-2. Supervisor Russell said that nothing has changed since the last meeting to warrant an approval. Russell said the staff report on this rezone stated that the County use plan has designated this area as prime agricultural land, the soils are all type one and type two soils, and 100% of the soils located on the site are prime agricultural soil suitability classes. Russell said she believes this rezone would not fill the purpose and intent of our ordinance. Supervisor Kuhnke said this was sent back to committee and another video was taken and reviewed with the same outcome as last time. Michael Cotter said another reason the committee approved the rezone was because there is an intermittent stream running on the property and the land is low. Supervisor Polyock said he drove by the property and the videotape does not show how bad the area really is and it does not look as good as the videotape shows. He thinks the Board should go with the Committee's recommendation to approve. Cotter showed the Supervisors a blow-up map of the area. On motion by Supervisor Gigante, seconded by Supervisor Hilbelink, the question was called. A roll call vote was held. Total vote: 25; Ayes: 10 – Burwell, Gigante, Guido, Hilbelink, Ketchpaw, Lightfield, Lohrmann, Parker, Peterson, Russell; Noes: 14 – Arnold, Felten, Grant, Kuhnke, Lothian, Miles, Morrison, Polyock, Schaefer, Scharine, Shroble, Twyning, Wenglowisky, Norem; Abstention – 1: Palzkill; Absent – 0. Palzkill said he abstained because he did not approve of the manner in which it was brought to the Board. Motion to deny failed.

A motion was offered by Supervisor Kuhnke, seconded by Supervisor Schaefer, to concur with the County Zoning Agency's recommendation of the Report of Proposed Zoning Amendments, items #1, #2, and #3. Motion approved. The following zoning amendments were approved:

REPORT OF COUNTY ZONING AGENCY  
TO COUNTY BOARD ON HEARING ON PETITION  
TO AMEND THE WALWORTH COUNTY ZONING ORDINANCE

TO THE COUNTY BOARD OF WALWORTH COUNTY:

The County Zoning Agency, having considered the petitions to amend the Walworth County Zoning Ordinance and Shoreland Zoning Ordinance; and having held public hearings thereon, pursuant to Section 59.69(5)(e) Wisconsin Statutes, notice thereof having been given as provided by law, and being duly informed of the facts pertinent to the changes proposed and duly advised of the wishes of the people in the area affected, hereby recommends as follows:

1. William H. and Mary E. Lehner, Town of Lafayette – filed a petition on the 4th day of June, 2003, to amend said zoning maps from A-1 Prime Agricultural Land District to C-1

Lowland Resource Conservation District, C-2 Upland Resource Conservation District, and A-2 Agricultural Land District.

Recommendation: Said petition be approved after the appropriate findings were made as required by State Farmland Preservation Program S91.77(1) Wis. Stats.

Eighty percent of the soils in the proposed C-2 area are not prime farm soils and 40 percent of the soils in the proposed A-2 area are not prime farm soils. Also, no new homes are proposed to be built at this time.

2. Curt and Lisa Ziegler (Gary Ziegler, App.), Town of Lyons – filed a petition on the 5<sup>th</sup> day of August, 2003, to amend said zoning maps from C-1 Lowland Resource Conservation District to C-2 Upland Resource Conservation District.

Recommendation: Said petition be approved.

3. Charles D. Pearce, Town of Delavan – filed a petition on the 22<sup>nd</sup> day of July, 2003, to amend said zoning maps from A-1 Prime Agricultural Land District to C-2 Upland Resource Conservation District.

Recommendation: Said petition be approved after the appropriate findings were made as required by State Farmland Preservation Program S91.77(1) Wis. Stats.

The rezone area is difficult to farm, is wet and is split by a stream.

#### ORDINANCE AMENDING WALWORTH COUNTY ZONING ORDINANCE

WHEREAS, the Walworth County Board of Supervisors has heretofore been petitioned to amend the Walworth County Zoning Ordinance; and

WHEREAS, the petitions have been referred to the Walworth County Zoning Agency for public hearing; and

WHEREAS, the Walworth County Zoning Agency on due notice conducted public hearings on the proposed amendments and filed their recommendations with the board; and

WHEREAS, the proposed amendments have been given due consideration by the Board in open session.

NOW, THEREFORE, the County Board of Supervisors of the County of Walworth do ordain as follows:

The Zoning Ordinance of Walworth County and Shoreland Zoning Ordinance (and accompanying Zoning Map) is amended in the following respects:

1. William H. and Mary E. Lehner, Town of Lafayette – filed a petition on the 4th day of June, 2003, to amend said zoning maps from A-1 Prime Agricultural Land District to C-1 Lowland Resource Conservation District, C-2 Upland Resource Conservation District, and A-2 Agricultural Land District on the following described lands:

Tax Parcel #K LF 700004A

A-1 to C-1: A parcel of land located in the Southwest ¼ of Section 7, Town 3 North, Range 17 East, Town of Lafayette, Walworth County, Wisconsin, described as follows: Commence at the Southwest Corner of said Section 7; thence South 89°37'16" East, along the South line of said Southwest ¼ of Section 7, 71.00 feet to a point on the East line of United States Highway 12 and State Trunk Highway 67, said point being the Point of Beginning; thence North 0°27'59" West, along said East line, 297.00 feet; thence South 27°35' East 15.00 feet; thence South 31°52' East 29.00 feet; thence South 47°26' East 26.00 feet; thence South 43°22' East 43.00 feet; thence South 59°21' East 48.00 feet; thence South 54°46' East 59.00 feet;; thence South 63°55' East 44.00 feet; thence South 81°34' East 75.00 feet; thence South 27°25' West 41.00 feet; thence South 42°10' West 51.00 feet; thence South 10°02'25" West 49.31 feet; thence North 89°37'16" West, along the South line of said Southwest ¼ of Section 7, 210.00 feet to the Point of Beginning. Said parcel contains 1.018 acres (44,345 sq. ft.) of land, more or less.

A-1 to C-2: A parcel of land located in the Southwest ¼ of Section 7, Town 3 North, Range 17 East, Town of Lafayette, Walworth County, Wisconsin, described as follows: Commence at the Southwest Corner of said Section 7; thence South 89°37'16" East, along the South line of said Southwest ¼ of Section 7, 71.00 feet to a point on the East line of United States Highway 12 and State Trunk Highway 67; thence North 0°27'59" West, along said East line, 297.00 feet to the Point of Beginning; thence continue North 0°27'59" West, along said East line, 320.15 feet; thence East 538.08 feet; thence South 235.00 feet to an iron rod on the North line of Certified Survey Map No. 2570; thence West, along said North line, 57.00 feet; thence South 15°25'06" West, along the West line of said Certified Survey Map No. 1758, 398.93 feet; thence North 89°37'16" West, along the South line of said Southwest ¼ of Section 7, 160.00 feet; thence North 10°02'25" East 49.31 feet; thence North 42°10' East 51.00 feet; thence North 27°25' East 41.00 feet; thence North 81°34' West 75.00 feet; thence North 63°55' West 44.00 feet; thence North 54°46' West 59.00 feet; thence North 59°21' West 48.00 feet; thence North 43°22' West 53.00 feet; thence North 47°26' West 26.00 feet; thence North 31°52' West 29.00 feet; thence North 27°35' West 15.00 feet to the Point of Beginning. Said parcel contains 5.618 acres (244,703 sq. ft.) of land, more or less.

A-1 to A-2: Part of Lot 1 of Certified Survey Map No. 1758 and lands located in the Southwest ¼ of Section 7, Town 3 North, Range 17 East, Town of Lafayette, Walworth

County, Wisconsin, described as follows: Begin at the West ¼ Corner of said Section 7; thence North 89°53'58" East, along the North line of said Southwest ¼, 929.87 feet; thence South 0°00'13" West 2251.32 feet to an iron rod on the North line of Certified Survey Map No. 2570; thence West, along said North line, 325.68 feet; thence North 235.00 feet; thence West 538.08 feet to the East line of United States Highway 12 and State Trunk Highway 67; thence North 0°27'59" West, along said East line, 526.70 feet; thence East 372.32 feet; thence North 1068.00 feet; thence West 434.00 feet to the West line of said Southwest ¼ of Section 7;; thence North, along said West line, 420.00 feet to the Point of Beginning. Said parcel contains 33.366 acres (1,453,437 sq. ft.) of land, more or less.

Eighty percent of the soils in the proposed C-2 area are not prime farm soils and 40 percent of the soils in the proposed A-2 area are not prime farm soils. Also, no new homes are proposed to be built at this time.

2. Curt and Lisa Ziegler (Gary Ziegler, App.), Town of Lyons – filed a petition on the 5<sup>th</sup> day of August, 2003, to amend said zoning maps from C-1 Lowland Resource Conservation District to C-2 Upland Resource Conservation District on the following described lands:

Part of Tax Parcel #N LY2100001A

A portion of Lot 1 of Certified Survey Map Number 2206, located in part of the Northwest ¼ of the Northeast ¼ of Section 21, Town 2 North, Range 18 East, Town of Lyons, County of Walworth, State of Wisconsin, described as follows: Commence at an Iron Pipe at the Northeast Corner of said Lot 1; thence S 0°47'35" E along the East line of said Lot 1 588.45 feet to an Iron Pipe and the point of beginning; thence continue S 0°47'35" E along the East Line of said Lot 1 453.22 feet to an Iron Pipe; thence S 17°13'40" W along the Southeasterly Line of said Lot 1 292.47 feet to an Iron Pipe; thence N 43°34'45" W along the Southwesterly Line of said Lot 1 240.25 feet to an Iron Pipe; thence N 35°42'05" W along the Southwesterly Line of said Lot 1 252.94 feet to an Iron Pipe; thence N 48°06'19" E 528.75 feet to the point of beginning. Said parcel contains 3.55 acres of land more or less. This lot line adjustment between adjoining land owners does not create additional lots and the original parcels are not reduced below the minimum size required by the Walworth County Zoning Ordinances.

3. Charles D. Pearce, Town of Delavan – filed a petition on the 22<sup>nd</sup> day of July, 2003, to amend said zoning maps from A-1 Prime Agricultural Land District to C-2 Upland Resource Conservation District on the following described lands:

Part of Tax Parcel #F D 3500003

A proposed rezone in part of the Southwest ¼ of the Northwest ¼ of Section 35, Town 2 North, Range 16 East, Town of Delavan, Walworth County, Wisconsin, described as follows: Commence at the West 1/4 corner of said Section 35; Thence N 0°48'1"W

311.55 feet along the West line of the Northwest 1/4 of said Section 35 and the centerline of County Trunk Highway "F" to the Point of Beginning; Thence continue N 0°48'31" W 950.00 feet; Thence N 87°50'34" E 630.00 feet; Thence S 0°48'31" E 950.00 feet; Thence S 87°50'34" W 630.00 feet to the Point of Beginning, and containing 598,333.65 square feet or 13.7359 acres of land, more or less.

The rezone area is difficult to farm, is wet and is split by a stream.

ATTEST this 9<sup>th</sup> day of December, 2003.

William M. Norem  
County Board Chairman

ATTEST this 9<sup>th</sup> day of December, 2003.

Kimberly S. Bushey  
County Clerk

County Zoning Agency

On motion by Supervisor Kuhnke, seconded by Supervisor Miles, Resolution No. 80-12/03 – Supporting the Amendment to the Regional Water Quality Management Plan for the Sanitary Sewer Service Area for the City of Whitewater and Resolution No. 81-12/03 – Supporting the Amendment to the Regional Water Quality Management Plan for the Sanitary Sewer Service Area for the Pell Lake Sanitary District No. 1 were approved by voice vote.

Resolution No. 80-12/03

Supporting the Amendment to the Regional Water Quality Management Plan for the Sanitary Sewer Service Area for the City of Whitewater

WHEREAS, pursuant to Section 66.0309(10) of the Wisconsin Statutes, the Southeastern Wisconsin Regional Planning Commission (SEWRPC), at a meeting held on the 12<sup>th</sup> day of July 1979, duly adopted a regional water quality management plan as documented in the three-volume SEWRPC Planning Report No. 30, A Regional Water Quality Management Plan for Southeastern Wisconsin: 2000; and,

WHEREAS, at a meeting held on the 1<sup>st</sup> day of March 1995, SEWRPC duly adopted an amendment to the regional water quality management plan refining and detailing the Whitewater sanitary sewer service area as documented in the SEWRPC Community Assistance Planning Report No. 94 (2<sup>nd</sup> Edition), Sanitary Sewer Service Area for the City of Whitewater, Walworth County, Wisconsin, March 1995; and,

WHEREAS, by letter dated June 30, 2003 the City of Whitewater requested that SEWRPC amend the Whitewater sanitary sewer service area to remove certain lands from the currently adopted sewer service area, and to add certain lands located outside of the currently adopted sewer service area; and,

WHEREAS, the proposed amendment to the regional water quality management plan is documented in a SEWRPC staff memorandum entitled, "Response to Request by the City of Whitewater to Amend the Whitewater Sanitary Sewer Service Area"; and,

WHEREAS, Section 66.0309(9) of the Wisconsin Statutes authorizes and empowers SEWRPC to amend, extend, or add to the master plan or carry any part or subject thereof into greater detail; and,

WHEREAS, the Walworth County Land Conservation Committee discussed this proposed amendment at their August 18, 2003 regular meeting and made no recommendation on the proposed amendment; and,

WHEREAS, the requested change to the regional water quality management plan as documented in the above-referenced SEWRPC staff memorandum, was the subject of a public hearing held jointly by the City of Whitewater and SEWRPC on August 25, 2003; and

WHEREAS, on September 10, 2003 SEWRPC unanimously adopted the proposed amendment to the regional water quality management plan and the plan has been submitted to the Wisconsin Department of Natural Resources and the Wisconsin Department of Commerce; and

WHEREAS, on November 21, 2003 the Walworth County Zoning Agency unanimously voted to support the proposed amendment to the regional water quality management plan for the sanitary sewer service area for the City of Whitewater.

NOW, THEREFORE, BE IT RESOLVED by the Walworth County Board of Supervisors that Walworth County supports the Amendment to the Regional Water Quality Management Plan for the Sanitary Sewer Service Area for the City of Whitewater.

BE IT FURTHER RESOLVED that the County Clerk is directed to send a copy of this resolution to SEWRPC.

William M. Norem  
County Board Chairman

Kimberly S. Bushey  
County Clerk

County Board Meeting Date: December 9, 2003

Action Required: Majority Vote  X  Two-thirds Vote \_\_\_\_\_ Other \_\_\_\_\_

Policy and Fiscal Note is attached.  
Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

David A. Bretl                      12/1/03                      Nicki Andersen (pw)                      12/1/03  
County Administrator/                      Date                      Finance Director                      Date  
Corporation Counsel

If unsigned, exceptions shall be so noted by the County Administrator.

Policy and Fiscal Note  
Resolution No. 80-12/03

- I. Title: Supporting the Amendment to the Regional Water Quality Management Plan for the Sanitary Sewer Service Area for the City of Whitewater
- II. Purpose and Policy Impact Statement: The purpose is to support the amendment to the regional water quality management plan for the sanitary sewer service area for the City of Whitewater.
- III. Budget and Fiscal Impact: Passage of this resolution will have no fiscal impact on the 2004 county budget.
- IV. Referred to the following standing committees for consideration and date of referral:

Committee: Land Conservation                      Meeting Date: August 18, 2003

Vote:                      No recommendation

Committee: County Zoning Agency                      Meeting Date: November 21, 2003

Vote:                      7 - 0

County Board Meeting Date: December 9, 2003

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

David A. Bretl                      12/1/03                      \_\_\_\_\_                      \_\_\_\_\_  
County Administrator/                      Date                      Nicole Andersen                      Date  
Corporation Counsel                                           Finance Director

Resolution No. 81-12/03  
Supporting the Amendment to the Regional Water Quality Management Plan for the Sanitary Sewer Service Area for the Pell Lake Sanitary District No.1

Moved/Sponsored by: County Zoning Agency

WHEREAS, pursuant to Section 66.0309(10) of the Wisconsin Statutes, the Southeastern Wisconsin Regional Planning Commission (SEWRPC), at a meeting held on the 12<sup>th</sup> day of July 1979, duly adopted a regional water quality management plan as documented in the three-volume SEWRPC Planning Report No. 30, A Regional Water Quality Management Plan for Southeastern Wisconsin: 2000; and

WHEREAS, at a meeting held on the 19<sup>th</sup> day of June 1996, SEWRPC duly adopted an amendment to the regional water quality management plan refining and detailing the Pell Lake sanitary sewer service area as documented in the SEWRPC Community Assistance Planning Report No. 225, Sanitary Sewer Service Area for the Pell Lake Sanitary District No. 1. Walworth County, Wisconsin, June 1996; and

WHEREAS, by letter dated July 14, 2003 the Pell Lake Sanitary District No. 1 requested that SEWRPC amend the Pell Lake sanitary sewer service area to add certain lands located outside of the currently adopted sewer service area; and

WHEREAS, the proposed amendment to the regional water quality management plan is documented in a SEWRPC staff memorandum entitled, "Response to Request by the Pell Lake Sanitary Sewer Service Area"; and

WHEREAS, Section 66.0309(9) of the Wisconsin Statutes authorizes and empowers SEWRPC, to amend, extend, or add to the master plan or carry any part or subject thereof into greater detail; and

WHEREAS, the Walworth County Land Conservation Committee discussed this item at their August 18, 2003 regular meeting and unanimously recommended approval of the proposed amendment; and

WHEREAS, the requested change to the regional water quality management plan as documented in the above-referenced SEWRPC staff memorandum, was the subject of a public hearing held jointly by the Pell Lake Sanitary District No. 1 and SEWRPC on September 3, 2003; and

WHEREAS, on September 10, 2003 SEWRPC unanimously adopted the proposed amendment to the regional water quality management plan and the plan has been submitted to the Wisconsin Department of Natural Resources and the Wisconsin Department of Commerce; and

WHEREAS, on November 21, 2003 the Walworth County Zoning Agency unanimously voted to support the proposed amendment to the regional water quality management plan for the sanitary sewer service area for the Pell Lake Sanitary District No. 1.

NOW, THEREFORE, BE IT RESOLVED by the Walworth County Board of Supervisors that Walworth County supports the Amendment to the Regional Water Quality Management Plan for the Sanitary Sewer Service Area for the Pell Lake Sanitary District No. 1.

BE IT FURTHER RESOLVED that the County Clerk is directed to send a copy of this resolution to SEWRPC.

William M. Norem  
County Board Chairman

Kimberly S. Bushey  
County Clerk

County Board Meeting Date: December 9, 2003

Action Required: Majority Vote  X  Two-thirds Vote \_\_\_\_\_ Other \_\_\_\_\_

Policy and Fiscal Note is attached.  
Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

David A. Bretl	12/1/03	Nicki Andersen (pw)	12/1/03
County Administrator/ Corporation Counsel	Date	Finance Director	Date

If unsigned, exceptions shall be so noted by the County Administrator.

Policy and Fiscal Note  
Resolution No. 81-12/03

- I. Title: Supporting the Amendment to the Regional Water Quality Management Plan for the Sanitary Sewer Service Area for the Pell Lake Sanitary District No.1.
- II. Purpose and Policy Impact Statement: The purpose is to support the amendment to the regional water quality management plan for the sanitary sewer service area for the Pell Lake Sanitary District No. 1.
- III. Budget and Fiscal Impact: Passage of this resolution will have no fiscal impact on the 2004 county budget.
- IV. Referred to the following standing committees for consideration and date of referral:

Committee: Land Conservation Meeting Date: August 18, 2003

Vote: 7 - 0

Committee: County Zoning Agency Meeting Date: November 21, 2003

Vote 7 - 0

County Board Meeting Date: December 9, 2003

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

David A. Bretl	12/1/03	Nicki Andersen (pw)	12/1/03
County Administrator/ Corporation Counsel	Date	Finance Director	Date

Executive Committee

On motion by Supervisor Lothian, seconded by Supervisor Gigante, Resolution No. 76-12/03 – Authorizing Publication of Election Notices and Resolution No. 82-12/03 – Denying Claim of Roberta Christensen were approved by voice vote.

Resolution No. 76-12/03  
Authorizing Publication of Election Notices

WHEREAS, election notices are published to inform the public about election procedures, election dates, polling hours and locations, and to display facsimile ballots; and,

WHEREAS, every attempt should be made to provide voters with this information; and,

WHEREAS, Wis. Statutes 10.04 (2) (a) authorizes the County Board to adopt a resolution to authorize the County Clerk to publish election notices other than in all newspapers that qualify under Chapter 985 of the Wisconsin Statutes.

NOW, THEREFORE, BE IT RESOLVED that the Walworth County Board of Supervisors authorizes the County Clerk to publish election notices in the newspapers listed below as required by the Wisconsin Statutes and, that when publishing deadlines permit, the County Clerk may utilize a Section or tab which would be included as part of the official county newspaper and other county newspapers to more economically place these election notices.

Walworth County Week  
Delavan Enterprise  
East Troy News  
East Troy Times  
Elkhorn Independent  
Lake Geneva Regional News  
Sharon Reporter  
The Times (Walworth, Fontana and Williams Bay)  
Whitewater Register  
\*Burlington Standard Press

\*Notices to the Burlington Standard Press would cover Walworth County election information only, and would not duplicate notices placed by the Racine County Clerk.

BE IT FURTHER RESOLVED, that whenever the County Clerk is required to publish election notices for elections such as primaries which affect only one area of the County, the County Clerk may publish such notices only in the area affected or in the most fiscally responsible manner to reach the electors of that area.

BE IT FURTHER RESOLVED, that any previous inconsistent resolution adopted by the County Board is hereby rescinded.

William M. Norem  
County Board Chairman

Kimberly S. Bushey  
County Clerk

County Board Meeting Date: December 9, 2003

Action Required: Majority Vote  X  Two-thirds Vote \_\_\_\_\_ Other \_\_\_\_\_

Policy and Fiscal Note is attached.

Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

David A. Bretl  
County Administrator/  
Corporation Counsel

11/24/03  
Date

Nicki Andersen (pw)  
Finance Director

11/26/03  
Date

If unsigned, exceptions shall be so noted by the County Administrator.

Policy and Fiscal Note  
Resolution No. 76-12/03

I. Title: Authorizing Publication of Election Notices

II. Purpose and Policy Impact Statement:

The primary objective of this resolution reflects "housekeeping changes" which are required to bring the existing resolution up to date.

One example of these housekeeping changes is specifically citing a "section or tab" as a medium to publish in a group of newspapers. The previous resolution specifically named the Peach Section; currently the section utilized for multiple newspaper publications is called the "Elkhorn Independent Plus." By generally identifying it as the "section or tab," we can avoid changing the resolution each time the section name might change. This will also acknowledge that the law permits the use of a "tab" section for placement of some election notices.

The second housekeeping change is to update the current names of the publications.

III. Budget and Fiscal Impact:

There is a budget for legal advertising for elections, and this resolution has no fiscal impact.

IV. Referred to the following standing committees for consideration and date of referral:

Committee: Executive Committee Meeting Date: November 20, 2003

Vote: 7-0

County Board Meeting Date: December 9, 2003

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

David A. Bretl	11/24/03	Nicki Andersen (pw)	11/26/03
County Administrator/ Corporation Counsel	Date	Finance Director	Date

Resolution No.82-12/03  
Denying Claim of Roberta Christensen

Moved/Sponsored by: Executive Committee

BE IT RESOLVED by the Walworth County Board of Supervisors that the claim of Roberta Christensen be and the same is hereby denied and that the County Clerk be directed to serve a Notice of Disallowance upon the claimant.

William M. Norem	Kimberly S. Bushey
County Board Chairman	County Clerk

County Board Meeting Date: December 9, 2003

Action Required: Majority Vote  X  Two-thirds Vote \_\_\_\_\_ Other \_\_\_\_\_

Policy and Fiscal Note is attached.

Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

David A. Bretl	12/1/03	N. Andersen	12/2/03
County Administrator/ Corporation Counsel	Date	Finance Director	Date

If unsigned, exceptions shall be so noted by the County Administrator.

Policy and Fiscal Note

Resolution No. 82-12/03

- I. Title: Denying Claim of Roberta Christensen
- II. Purpose and Policy Impact Statement: The purpose of this resolution is to authorize the denial of a claim by Roberta Christensen for additional compensation associated with a reduction in force of the nursing management staff at Lakeland Health Care Center.
- III. Budget and Fiscal Impact: Passage of this resolution will have no fiscal impact on the 2003 county budget.
- IV. Referred to the following standing committees for consideration and date of referral:

Committee: Executive

Meeting Date: November 20, 2003

Vote: 7 - 0

County Board Meeting Date: December 9, 2003

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

David A. Bretl  
County Administrator/  
Corporation Counsel

12/1/03  
Date

N. Andersen  
Finance Director

12/2/03  
Date

Supervisor Guido offered a motion, seconded by Supervisor Ketchpaw, to approve Resolution No. 89-12/03 – Approving an Agreement by and Between Walworth County and the Lakeland Animal Welfare Society. Discussion ensued. The resolution was distributed to the Supervisors as well as a memorandum describing a proposed agreement. Bretl explained the background of the resolution and agreement and said that the contract for animal care services will expire December 31, 2003. Mari Nahn, Deputy Corporation Counsel, briefly explained the proposed LAWS Contract for Animal Control Services. Nahn said that we added language in the contract to reassert some control of forfeiture cases on the County's part to avoid a repeat of the Sinette case. Nahn said that we looked at a three-year contract both from the perspective of the County to have certainty in terms of knowing what we would need to budget and from the perspective for LAWS of having some certainty of what their income would be over a period of time. The County will pay \$100,000 to LAWS in quarterly installments in 2004; \$105,000 in 2005, and \$110,250 in 2006. The \$100,000 is the amount currently budgeted for 2004; the 2005 and 2006 numbers reflect 5% increases. The County will designate Cindy Wrobel, Humane Officer for Walworth County. We agreed per the Statute to pay the dog license fees to LAWS with only the deductions permitted under the Statute. Nahn also said, because there have been disputes over payments in the

past, the contract will contain a dispute resolution clause so payments could be made in a timely manner.

Supervisor Guido said that he would like to compliment Mari Nahn, Sally Krause, Cindy Wrobel and Kristen Perry and thank them for the great job that they have done in negotiating this contract and putting it together in such a meaningful and respectable way. Guido said he also wanted to thank the Lakeland Animal Shelter for all that they do for Walworth County.

Supervisor Wenglowsky said he voted against the contract at the Executive Committee meeting because it is for three years and he thinks it should be reviewed every year so that if a problem occurs it can be dealt with at the time.

Supervisor Ketchpaw inquired how much was collected from both the public and private auction of the animals in the Sinette case; Mari Nahn said a total of \$11,000 was collected.

On motion by Supervisor Gigante, seconded by Supervisor Ketchpaw, the question was called.

The motion to approve Resolution No. 89-12/03 was approved by voice vote with Supervisors Morrison, Polyock, and Wenglowsky requesting that their votes be recorded as "No."

Resolution No. 89-12/03

Approving an Agreement by and Between Walworth County and the Lakeland Animal Welfare Society

Moved/Sponsored by: Executive Committee and Finance Committee.

BE IT RESOLVED by the Walworth County Board of Supervisors that the attached memorandum of an agreement by and between Walworth County and the Lakeland Animal Welfare Society be and the same is hereby approved, with the addition of provision for early notification of the County in potential forfeiture cases, cost control for care of seized animals and agreement on qualifications for bidders at any auctions of seized animals.

BE IT FURTHER RESOLVED that the proper county officials be and hereby are authorized to execute any Agreement that incorporates the points stated in the memorandum and this resolution and take such other action as may be appropriate to effectuate the intent of this resolution.

William M. Norem  
County Board Chairman

Kimberly S. Bushey  
County Clerk

County Board Meeting Date: December 9, 2003

Action Required: Majority Vote  X  Two-thirds Vote \_\_\_\_\_ Other \_\_\_\_\_

Policy and Fiscal Note is attached.

Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

David A. Bretl County Administrator/ Corporation Counsel	12/9/03 Date	N. Andersen Finance Director	12/9/03 Date
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If unsigned, exceptions shall be so noted by the County Administrator.

Policy and Fiscal Note  
Resolution No. 89-12/03

- I. Title: Approving an Agreement by and Between Walworth County and the Lakeland Animal Welfare Society
- II. Purpose and Policy Impact Statement: See Deputy Corporation Counsel Mari Nahn's memo dated December 8, 2003.
- III. Budget and Fiscal Impact: The county will pay LAWS \$71,000 in fiscal year 2003 for settlement of the Sinette case and all previous claims. The county will enter into a three-year contract with LAWS to provide animal welfare and humane officer services at a cost of \$100,000 in fiscal year 2004, \$105,000 in fiscal year 2005, and \$110,250 in fiscal year 2006. The 2003 and 2004 budgets contain sufficient funds to implement this contract.
- IV. Referred to the following standing committees for consideration and date of referral:

Committee: Executive (5 – 2 to recommend) Meeting Date: December 9, 2003  
Committee: Finance (7 – 0 to recommend) Meeting Date: December 9, 2003

County Board Meeting Date: December 9, 2003

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

David A. Bretl County Administrator/ Corporation Counsel	12/7/03 Date	N. Andersen Finance Director	12/9/03 Date
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Finance Committee

A motion was offered by Supervisor Lothian, seconded by Supervisor Lohrmann, to approve Resolution No. 83-12/03, Resolution No. 84-12/03, and Resolution No. 85-12/03 with a single vote. Supervisor Gigante asked that Resolution No. 85-12/03 be voted on separately. Resolution No. 83-12/03 – Authorizing Bid for Bank Contract and Resolution No. 84-12/03 – Authorizing Intergovernmental Transfer – Getzen Property to City of Elkhorn were approved by voice vote.

Resolution No. 83-12/03  
Authorizing Bid for Bank Contract

Moved/Sponsored by: Finance Committee

WHEREAS, Section 59.61(2)(a) of the Wisconsin Statutes authorizes the County Board to designate one or more depositories, one or more of which shall be designated as working banks; and,

WHEREAS, Walworth County requires bank services to facilitate ongoing operations of the County; and,

WHEREAS, Walworth County issued a Request for Proposal and evaluated responses to that request; and,

WHEREAS, based upon the evaluation, it was determined that Bank One Corporation will best meet the needs of Walworth County; and,

WHEREAS, the Walworth County Investment Committee has evaluated the proposals and recommends that Bank One Corporation be designated as a depository for Walworth County and that Bank One Corporation be designated as the working bank for Walworth County; and,

WHEREAS, copies of the proposals are on file in the County Clerk's Office; and,

WHEREAS, it is economically advantageous for the County to enter into a multiple year contract.

NOW THEREFORE BE IT RESOLVED by the Walworth County Board of Supervisors that Bank One Corporation be designated as a depository for Walworth County and that Bank One Corporation be designated as the working bank for Walworth County and awarded a contract to provide services to Walworth County for a term of three to five years, effective January 1, 2004. The Finance Committee shall have authority to exercise the option on behalf of the County.

NOW THEREFORE BE IT RESOLVED that the County Administrator, the County Clerk, the County Treasurer and the County Clerk of Circuit Court be authorized and directed to enter into a three year contract with Bank One Corporation, which includes two one-

year options for a total of five years, for the provision of banking services as defined in the proposal dated November 24, 2003.

BE IT FURTHER RESOLVED that all current and future miscellaneous accounts and charge cards, with the exception of the Human Services-Client Trust Fund Account, which will be located at Community Bank of Elkhorn, and any business travel charge cards, are to be included under this working bank contract and that any charges for such services be budgeted for by the user department.

BE IT FURTHER RESOLVED that the signatories for the accounts are listed and authorized in Walworth County Resolution No. 62-10/03.

William M. Norem  
County Board Chairman

Kimberly S. Bushey  
County Clerk

County Board Meeting Date: December 9, 2003

Action Required: Majority Vote  X  Two-thirds Vote \_\_\_\_\_ Other \_\_\_\_\_

Policy and Fiscal Note is attached.  
Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

David A. Bretl	12/1/03	N. Andersen	12/2/03
County Administrator/ Corporation Counsel	Date	Finance Director	Date

If unsigned, exceptions shall be so noted by the County Administrator.

Policy and Fiscal Note  
Resolution No. 83-12/03

- I. Title: Authorizing Bid for Bank Contract
- II. Purpose and Policy Impact Statement: The present banking services contract expires December 31, 2003. Therefore, this action would award the new contract to Bank One Corporation based on calculations that are less in expenses and more in revenue than the other financial institutions that responded to the request for proposal.
- III. Budget and Fiscal Impact: The expense of banking services is a budgeted item and the County is contracting for required services at the estimated lowest cost.
- IV. Referred to the following standing committees for consideration and date of referral:

Committee: Finance

Meeting Date: December 2, 2003

Vote: 6 - 0

County Board Meeting Date: December 9, 2003

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

David A. Bretl	12/2/03	N. Andersen	12/2/03
County Administrator/ Corporation Counsel	Date	Finance Director	Date

Resolution No.84 -12/03

Authorizing Intergovernmental Transfer – Getzen Property to City of Elkhorn

Moved/Sponsored by: Finance

WHEREAS, the City of Elkhorn ("City") has requested that Walworth County file an In Rem foreclosure action to obtain title to real property located at 211 West Centralia Street in Elkhorn, Wisconsin to facilitate environmental remediation and redevelopment of said property; and

WHEREAS, the City is willing to pay twenty-five percent of the amount of back taxes, exclusive of penalty and interest on the property, amounting to approximately fourteen thousand eight hundred eighty two dollars and twenty five cents (\$14,882.25), and the costs of the In Rem proceeding, as well as to indemnify Walworth County against any claims of environmental damage, contamination or remediation; and

WHEREAS, it is in the best interests of Walworth County citizens and taxpayers for a local governmental unit to take title to the property, clean it up and put it to productive use; and

NOW, THEREFORE, BE IT RESOLVED that the Walworth County Board of Supervisors does authorize the transfer of the real property located at 211 West Centralia Street, Elkhorn, Wisconsin to the City of Elkhorn for the purchase price of fourteen thousand eight hundred eighty two dollars and twenty five cents (\$14,882.25), once title has been obtained by the County in an In Rem proceeding.

BE IT FURTHER RESOLVED that the proper county officials be authorized to sign an agreement to effectuate this resolution.

BE IT FURTHER RESOLVED that the County Treasurer is authorized to write off the sum of forty four thousand six hundred forty six dollars and ninety nine cents (\$44,646.99) as uncollectable on the real estate identified above.

William M. Norem  
County Board Chairman

Kimberly S. Bushey  
County Clerk

County Board Meeting Date: December 9, 2003

Action Required: Majority Vote  X  Two-thirds Vote \_\_\_\_\_ Other \_\_\_\_\_

Policy and Fiscal Note is attached.

Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

David A. Bretl	12/1/03	N. Andersen	12/1/03
County Administrator/ Corporation Counsel	Date	Finance Director	Date

If unsigned, exceptions shall be so noted by the County Administrator.

Policy and Fiscal Note  
Resolution No. 84-12/03

- I. Title: Authorizing Intergovernmental Transfer - Getzen Property to City of Elkhorn
- II. Purpose and Policy Impact Statement: The purpose of this resolution is to authorize the transfer of property located at 211 West Centralia Street, Elkhorn, Walworth County, Wisconsin to the City of Elkhorn.
- III. Budget and Fiscal Impact: While taxes, interest and penalties are considered as revenue for Walworth County's accounting purposes, the City of Elkhorn, through this agreement, has agreed to reimburse the County \$14,882.25 for the City's share of the outstanding taxes. The balance of the taxes in the amount of forty-four thousand, six hundred forty-six dollars and ninety-nine cents (\$44,646.99) shall be offset by account number 001-1053-1113, Interest on Delinquent Taxes, which currently exceeds budget and credited to account number 001-0000-0151, Tax Deeds/Real Estate Taxes.
- IV. Referred to the following standing committees for consideration and date of referral:

Committee: Finance Meeting Date: December 2, 2003

Vote: 6 - 0

County Board Meeting Date: December 9, 2003

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

David A. Bretl	12/1/03	N. Andersen	12/2/03
County Administrator/ Corporation Counsel	Date	Finance Director	Date

Discussion ensued on Resolution No. 85-12/03 – Authorizing Intergovernmental Transfer – Village of Sharon Parcels to Village of Sharon. Bretl explained the history of the Village of Sharon parcels. A vote was taken and Resolution No. 85-12/03 was approved by voice vote.

Resolution No. 85-12/03

Authorizing Intergovernmental Transfer – Village of Sharon Parcels to Village of Sharon

Moved/Sponsored by: Finance Committee

WHEREAS, Walworth County has taken title by foreclosure on three properties located in the Village of Sharon, Walworth County, Wisconsin and identified as Tax Key Nos. UOP 00054, UBA 00017 and UBA 00020; and

WHEREAS, the parcels were advertised for sale to the highest bidder and a deadline for bids established as May 16, 2001; and

WHEREAS, no bids on the property were received by the deadline; and

WHEREAS, the Finance Committee at its September 2003 meeting directed that negotiations be undertaken with the Village of Sharon to purchase the property; and

WHEREAS, the Village of Sharon is willing to pay \$5,700 for the parcels and to indemnify Walworth County against claims for environmental damage or remediation of the parcels; and,

NOW, THEREFORE, BE IT RESOLVED that the Walworth County Board of Supervisors does authorize the transfer of the three parcels identified above to the Village of Sharon for the purchase price of five thousand seven hundred dollars (\$5,700).

BE IT FURTHER RESOLVED that the proper county officials be authorized to sign an agreement to effectuate this resolution.

BE IT FURTHER RESOLVED that the County Treasurer is authorized to write off the sum of twelve thousand five hundred seventy five dollars and seventy five cents (\$12,575.75) as uncollectable on the three parcels identified above.

William M. Norem

Kimberly S. Bushey

County Board Chairman

County Clerk

County Board Meeting Date: December 9, 2003

Action Required: Majority Vote  X  Two-thirds Vote \_\_\_\_\_ Other \_\_\_\_\_

Policy and Fiscal Note is attached.

Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

David A. Bretl	12/1/03	N. Andersen	12/1/03
County Administrator/ Corporation Counsel	Date	Finance Director	Date

If unsigned, exceptions shall be so noted by the County Administrator.

Policy and Fiscal Note  
Resolution No. 85-12/03

- I. Title: Authorizing Intergovernmental Transfer – Village of Sharon parcels to Village of Sharon
- II. Purpose and Policy Impact Statement: The purpose of the resolution is to approve the agreement between the Village of Sharon and the County for the transfer in title of three parcels described as parcel numbers UOP 00054, UBA 00017 and UBA 00020. The County took title through In Rem foreclosure January 31, 2000 for back taxes.
- III. Budget and Fiscal Impact: While taxes, interest and penalties are considered as revenue for Walworth County’s accounting purposes, the Village of Sharon, through this agreement, has agreed to reimburse the County \$5,700.00 for the County and Village share of the outstanding taxes and the site inspection to establish environmental issues. The balance of the taxes in the amount of \$12,575.75 shall be offset by account number 001-1051-1116, Farmland Use Penalty, which currently exceeds budget and credited to account number 001-0000-0151, Tax Deeds/Real Estate Taxes.
- IV. Referred to the following standing committees for consideration and date of referral:

Committee: Finance Meeting Date: December 2, 2003

Vote: 6 - 0

County Board Meeting Date: December 9, 2003

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

David A. Bretl	12/1/03	N. Andersen	12/1/03
County Administrator/ Corporation Counsel	Date	Finance Director	Date

Health and Human Services Board

On motion by Supervisor Felten, seconded by Supervisor Morrison, Resolution No. 78-12/03 – Authorizing General Relief Program and Resolution No. 79-12/03 – Authorizing Transportation Grant Application were approved by voice vote.

Resolution No. 78-12/03  
Authorizing General Relief Program

Moved/Sponsored by: Health and Human Services Board

WHEREAS, the Budget Bill (1995 Wisconsin Act 27) significantly revised the statutes regulating the General Relief Program, including giving counties various options to administer the program; and,

WHEREAS, there continue to be persons in the county who have insufficient means of support to meet their living needs and medical expenses; and,

WHEREAS, the Health & Human Services Board has reviewed program options available to the county and recommends adoption of this resolution; and,

WHEREAS, the Health & Human Services Board has authorized expenditures of \$68,958 in the 2004 budget.

NOW, THEREFORE, BE IT RESOLVED by the Walworth County Board of Supervisors that the county elect to operate a medical and non-medical General Relief Program in 2004 with the understanding that non-medical expenditures will be discontinued in April, 2004.

BE IT FURTHER RESOLVED that the Department of Health & Human Services administer the program on behalf of the county and is, therefore, authorized to make application for relief block grant funds as specified in 1995 Wisconsin Act 27.

BE IT FURTHER RESOLVED that the Health & Human Services Board is authorized and directed to establish rules and benefit levels within the authority of the Wisconsin Statutes for the administration and operation of the General Relief Program.

William M. Norem  
County Board Chairman

Kimberly S. Bushey  
County Clerk

County Board Meeting Date: December 9, 2003

Action Required: Majority Vote  Two-thirds Vote \_\_\_\_\_ Other \_\_\_\_\_

Policy and Fiscal Note is attached.  
Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

David A. Bretl	11/26/03	Nicki Andersen (pw)	11/26/03
County Administrator/ Corporation Counsel	Date	Finance Director	Date

If unsigned, exceptions shall be so noted by the County Administrator.

Policy and Fiscal Note  
Resolution No. 78-12/03

- I. Title: Authorizing General Relief Program
- II. Purpose and Policy Impact Statement: The purpose of the resolution is to obtain approval to submit an application to the State of Wisconsin to operate a General Relief Program. Approval of the resolution will provide medical benefits to qualified residents of Walworth County for basic needs, prior-authorized medical care, and funeral expenses. This money has been included in the Preliminary 2004 County Board Budget.
- III. Budget and Fiscal Impact: This resolution will authorize the Health & Human Service Department to expend \$68,958 to operate the General Relief program for eligible county residents.

Reimbursements from the General Relief Block Grant program and General Relief clients offset the county expenditures by approximately \$7,000.

- IV. Referred to the following standing committees for consideration and date of referral:

Committee: Health and Human Services Meeting Date: November 18, 2003

Vote: 8 - 0

Committee: Finance Meeting Date: December 2, 2003

Vote: 6 - 0

County Board Meeting Date: December 9, 2003

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

David A. Bretl	11/26/03	Nicki Andersen (pw)	11/26/03
County Administrator/ Corporation Counsel	Date	Finance Director	Date

Resolution No. 79-12/03  
Authorizing Transportation Grant Application

Moved/Sponsored by: Health and Human Services

WHEREAS, Section 85.21 of the Wisconsin State Statutes authorizes the Wisconsin Department of Transportation to make grants available to the counties of Wisconsin for the purpose of assisting them in providing specialized transportation services to the elderly and the disabled; and,

WHEREAS, the 2004 adopted budget includes \$671,901 for expenses related to the county's transportation program; and,

WHEREAS, these expenses were budgeted to be offset by \$129,617 in transportation aids; and,

WHEREAS, the net cost to the County exceeds the amount required by the transportation grant as a county match; and,

WHEREAS, the state has indicated that \$134,355 is now available for transportation aids; and,

WHEREAS, the additional \$4,718 can be used by the county to support the transportation program; and,

WHEREAS, each grant must be matched with a local share of not less than 20% of the amount of the grant; and,

WHEREAS, this body believes that the provision of specialized transportation services would improve and promote the maintenance of human dignity and self-sufficiency of the elderly and the disabled.

NOW, THEREFORE, BE IT RESOLVED that the Walworth County Board of Supervisors hereby authorizes the Department of Health & Human Services to prepare and submit to the Wisconsin Department of Transportation an application of assistance for the year 2004 under Section 85.21 of the Wisconsin Statutes, and also authorizes

the obligation of county funds in the amount of \$26,867 to provide the required local match.

BE IT FURTHER RESOLVED that the 2004 budget be amended to include \$4,718 of additional transportation aid and \$4,718 of additional purchased services for the transportation program,

BE IT FURTHER RESOLVED that the Board of Supervisors of Walworth County authorizes the Department of Health & Human Services to execute a state aid contract with the Wisconsin Department of Transportation under Section 85.21 of the Wisconsin Statutes on behalf of Walworth County.

William M. Norem  
County Board Chairman

Kirnberly S. Bushey  
County Clerk

County Board Meeting Date: December 9, 2003

Action Required: Majority Vote  X  Two-thirds Vote \_\_\_\_\_ Other \_\_\_\_\_

Policy and Fiscal Note is attached.  
Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

David A. Bretl	11/26/03	Nicki Andersen (pw)	11/26/03
County Administrator/ Corporation Counsel	Date	Finance Director	Date

If unsigned, exceptions shall be so noted by the County Administrator.

Policy and Fiscal Note  
Resolution No. 79-12/03

- I. Title: Authorizing Transportation Grant Application
- II. Purpose and Policy Impact Statement: Authorizes the Department of Health & Human Services to prepare and submit to the Wisconsin Department of Transportation an application for assistance during 2004 under Section 85.21 of the Wis. Statutes, in conformance with the requirements issued by that department and also authorizes the obligation of county funds in an amount up to \$26,867 in order to provide the required local match.

A resolution is required to obtain State funding of \$134,355 for specialized transportation for the disabled and elderly population of Walworth County.

III. Budget and Fiscal Impact: State grant funds in the amount of \$129,617 and matching funds of \$26,867 have been included in the 2004 Department of Health & Human Services budget.

The section 85.21 grant was budgeted in July at the 2003 level or \$129,617. The actual grant received for 2004 was \$134,355. The difference of \$4,718 should be added to the following accounts:

	<u>Old Balance</u>	<u>New Balance</u>
124-3308-6128 (Debit)	\$ 10,000	\$ 14,718
124-3308-1903 (Credit)	\$ 129,617	\$ 134,355

IV. Referred to the following standing committees for consideration and date of referral:

Committee: Health and Human Services      Meeting Date: November 18, 2003

Vote:            8 - 0

Committee: Finance                                      Meeting Date: December 2, 2003

Vote:            6 - 0

County Board Meeting Date: December 9, 2003

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

David A. Bretl	11/26/03	Nicki Andersen (pw)	11/26/03
County Administrator/ Corporation Counsel	Date	Finance Director	Date

#### ISSUE PAPER

DEPARTMENT:            Health & Human Services  
 ISSUE:                    Authorization to submit application  
                                   For Transportation Funding

I.            Decision To Be Made:

Should Walworth County submit an application to the Department of Transportation for funding under Section 85.21 of the Wisconsin Statutes.

II.           Summary of Why This Decision is Before the Board:

To apply for this match grant for transportation services to assist the elderly and disabled, local county board approval is required.

III. Key Information for Developing Options for this Decision:

To operate the transportation department for elderly and disabled citizens of Walworth County, the Health & Human Services Department could apply for a grant that would require 20% local match, therefore saving county dollars.

IV. Options/Recommendations:

It is recommended that the Health & Human Services Department be given the approval to submit an application to the Wisconsin Department of Transportation for \$134,355.

Land Conservation Committee

A motion was offered by Supervisor Burwell, seconded by Supervisor Lightfield, to approve Resolution No. 77-12/03 and Resolution No. 88-12/03.

Discussion ensued on Resolution 77-12/03 – Supporting the Protection of Groundwater Resources. Michael Cotter explained that high capacity wells are being defined as 70 gallons of water per minute. Cotter said that this comes from a bill that was introduced by Representative Black and is pending in the House, which would require a permit for wells that pump 100,000 gallons of water per day or 70 gallons per minute. Resolution No. 77-12/03 supports the protection of groundwater resources. Supervisor Burwell made a motion, seconded by Supervisor Hilbelink, to amend the resolution by adding the words or hydrological analysis. Cotter said that the words or hydrological analysis should be added on line 17, after “or impact statements” to read as follows: “Whereas, environmental assessments or impact statements or hydrological analysis for new high capacity wells would aid in evaluating and managing any potential reduction of groundwater and spring water availability in Walworth County; and...” Supervisor Gigante said that the words should also be added to line 38 as follows: “environmental impact statements or hydrological analysis be prepared...” The amendments were approved by voice vote. Resolution No. 77-12/03 – Supporting the Protection of Groundwater Resources as amended and Resolution No. 88-12/03 – Approving a Tri-Partnership Agreement Amongst Walworth County, the Department of Natural Resources, and the Friends of the White River State Trail, Inc., were approved by voice vote.

Resolution No. 77-12/03  
Supporting the Protection of Groundwater Resources

**AMENDED**

Moved/Sponsored by: Land Conservation Committee

WHEREAS, the citizens of Walworth County are concerned about protecting and managing their groundwater resources for the future of the county; and,

WHEREAS, ample groundwater supplies are crucial for the public health, safety, welfare and economic viability of Walworth County; and,

WHEREAS, Walworth County contains many lakes, rivers, streams, wetlands, and groundwater which are susceptible to loss and degradation and which require special environmental protection; and,

WHEREAS, provision of the Wisconsin Regulations (WEPA- Wisconsin Environmental Policy Act), which regulates environment and impact statements, currently exempts environmental assessments for high capacity wells; and,

WHEREAS, environmental assessments or impact statements or hydrological analysis for new high capacity wells would aid in evaluating and managing any potential reduction of groundwater and spring water availability in Walworth County; and,

WHEREAS, there is a significant impact upon groundwater availability and aquifer levels by removal of ground and spring water using high capacity wells; and,

WHEREAS, the groundwater resources in many other regions of Wisconsin, the United States, and other areas of the world are seriously endangered, both qualitatively and quantitatively; and,

WHEREAS, valuable time will be lost in providing regulation if the state of Wisconsin and the Department of Natural Resources do not take prompt action; and,

WHEREAS, international recognition of the urgency in protecting groundwater resources was recognized by the European Union in Council Resolution 95/C 49/01 (20 February 1995) and the Ramsar Convention on Wetlands, Resolution VIII.40 (Valencia, Spain, 18-26 November 2002).

NOW, THEREFORE, BE IT RESOLVED by the Walworth County Board of Supervisors that the State of Wisconsin and the Department of Natural Resources immediately take steps to require environmental impact statements or hydrological analysis be prepared where high capacity wells withdraw water.

BE IT FURTHER RESOLVED that the County Clerk is directed to send a copy of this resolution to the Governor of the State of Wisconsin, the Secretary of the Department of Natural Resources, and the State Representatives and Senators representing Walworth County.

William M. Norem

Kimberly S. Bushey

County Board Chairman

County Clerk

County Board Meeting Date: December 9, 2003

Action Required: Majority Vote  X  Two-thirds Vote \_\_\_\_\_ Other \_\_\_\_\_

Policy and Fiscal Note is attached.

Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

David A. Bretl	11/24/03	N. Andersen	11/25/03
County Administrator/ Corporation Counsel	Date	Finance Director	Date

If unsigned, exceptions shall be so noted by the County Administrator.

Policy and Fiscal Note  
Resolution No. 77-12/03

- I. Title: Supporting the Protection of Groundwater Resources
- II. Purpose and Policy Impact Statement: The purpose is to support the protection of groundwater resources by requiring that the State of Wisconsin and the Department of Natural Resources immediately take steps to require environmental impact statements be prepared where high capacity wells withdraw water
- III. Budget and Fiscal Impact: Passage of this resolution will have no impact on the 2003 county budget.
- IV. Referred to the following standing committees for consideration and date of referral:

Committee: Land Conservation Committee Meeting Date: November 17, 2003

Vote: 7 - 0

County Board Meeting Date: December 9, 2003

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

David A. Bretl	11/24/03	N. Andersen	11/25/03
County Administrator/ Corporation Counsel	Date	Finance Director	Date

Resolution No. 88-12/03

Approving a Tri-Partnership Agreement Amongst Walworth County, The Department Of Natural Resources, and The Friends of the White River State Trail, Inc.

Moved/Sponsored by: Land Conservation Committee

BE IT RESOLVED by the Walworth County Board of Supervisors that the Tri-Partnership Agreement Amongst Walworth County, the Department of Natural Resources, and The Friends of the White River State Trail, Inc. be and the same is hereby approved.

BE IT FURTHER RESOLVED that the proper county officials be and hereby are authorized to execute the Agreement and take such other action as may be appropriate to effectuate the intent of this resolution.

William M. Norem  
County Board Chairman

Kimberly S. Bushey  
County Clerk

County Board Meeting Date: December 9, 2003

Action Required: Majority Vote  X  Two-thirds Vote \_\_\_\_\_ Other \_\_\_\_\_

Policy and Fiscal Note is attached.

Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

David A. Bretl  
County Administrator/  
Corporation Counsel

12/4/03  
Date

Nicki Andersen (pw)  
Finance Director

12/4/03  
Date

If unsigned, exceptions shall be so noted by the County Administrator.

Policy and Fiscal Note  
Resolution No. 88-12/03

- I. Title: Approving a Tri-Partnership Agreement Amongst Walworth County, The Department Of Natural Resources, and The Friends of the White River State Trail, Inc.
- II. Purpose and Policy Impact Statement: Passage of this agreement will permit The Friends of the White River State Trail to obtain non-profit status. This will permit them to obtain donations and engage in activities to promote the trail.
- III. Budget and Fiscal Impact: Passage of this resolution will have no fiscal impact on the 2003 or 2004 county budget.

IV. Referred to the following standing committees for consideration and date of referral:

Committee: Land Conservation                      Meeting Date: November 17, 2003

Vote: 6 - 0

County Board Meeting Date: December 9, 2003

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

David A. Bretl	12/1/03	Nicki Andersen (pw)	12/4/03
County Administrator/ Corporation Counsel	Date	Finance Director	Date

Public Works Committee

On motion by Supervisor Grant, seconded by Supervisor Polyock, Resolution No. 86-12/03 – Authorizing Wisconsin Electric Power Company Easement was approved by voice vote.

Resolution No. 86-12/03  
Authorizing Wisconsin Electric Power Company Easement

Moved/Sponsored by: Public Works Committee

WHEREAS, the gas main connections used in agricultural operations at the former Walworth County Farm are located in the vicinity of the Walworth County Judicial Center under construction on County Highway N in Walworth County, Wisconsin; and

WHEREAS, rules governing natural gas utilities require that a customer pay for removal of connections for the convenience of the customer; and

WHEREAS, Wisconsin Electric Power Company, doing business as WE Energies, has offered to waive payment by Walworth County for the removal of the former connections in exchange for an easement for natural gas regulator pits, main laterals and service laterals, and other appurtenant facilities or buildings in the southeast corner of the parcel on which the Judicial Center is being constructed; and

WHEREAS, the Public Property Committee at its June 16, 2003, meeting approved the grant of the easement in exchange for the removal of the former connections at no charge; and

WHEREAS, it is in the best interests of the County to avoid payment of the removal charge and secure natural gas for the new Judicial Center,

NOW, THEREFORE, BE IT RESOLVED that the Walworth County Board of Supervisors does authorize the grant of an easement to Wisconsin Electric and Gas Company in the form attached to this resolution;

BE IT FURTHER RESOLVED that the County Board Chairman is authorized to execute the easement and do all things necessary to convey an easement interest to Wisconsin Electric Power Company in the location described in the easement document attached hereto.

William M. Norem  
County Board Chairman

Kimberly S. Bushey  
County Clerk

County Board Meeting Date: December 9, 2003

Action Required: Majority Vote  Two-thirds Vote \_\_\_\_\_ Other \_\_\_\_\_

Policy and Fiscal Note is attached.

Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

David A. Bretl  
County Administrator/  
Corporation Counsel

12/1/03  
Date

N. Andersen  
Finance Director

12/3/03  
Date

If unsigned, exceptions shall be so noted by the County Administrator.

Policy and Fiscal Note  
Resolution No. 86-12/03

- I. Title: Wisconsin Electric Power Company Easement
- II. Purpose and Policy Impact Statement: The purpose of the resolution is to approve an easement for natural gas facilities at the new Judicial Center in lieu of payment for removal of the former natural gas connections to the County Farm.
- III. Budget and Fiscal Impact: Savings of an estimated \$5,000 to remove and relocate natural gas collections. No impact on value of property as easement interest only in undeveloped portion of Judicial Center parcel.
- IV. Referred to the following standing committees for consideration and date of referral:

Committee: Public Property

Meeting Date: June 16, 2003

Vote: 8 - 0

County Board Meeting Date: December 9, 2003

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

David A. Bretl	12/1/03	N. Andersen	12/3/03
County Administrator/ Corporation Counsel	Date	Finance Director	Date

Closed Session

Motion by Supervisor Morrison, seconded by Supervisor Lohrmann, to convene in closed session pursuant to Wis. Stats. 19.85 (1) (g) for the purpose of conferring with legal counsel for the governing body who is rendering oral advice concerning strategy to be adopted with respect to litigation which it is or is likely to become involved and reconvene in open session to take action of the following item:

Kuchenbecker Claim Settlement – Resolution No. 87-12/03 – Authorizing a Settlement Agreement by and Between Walworth County and Cheryl Kuchenbecker

A roll call vote was taken to convene in closed session. Total vote: 25; Ayes: 25 – Arnold, Burwell, Felten, Gigante, Grant, Guido, Hilbelink, Ketchpaw, Kuhnke, Lightfield, Lohrmann, Lothian, Miles, Morrison, Palzkill, Parker, Peterson, Polyock, Russell, Schaefer, Scharine, Shroble, Twyning, Wenglowisky, Norem; Noes: 0; Absent – 0.

Motion by Supervisor Gigante, seconded by Supervisor Ketchpaw to convene in open session.

A motion was offered by Supervisor Grant, seconded by Supervisor Ketchpaw, to approve Resolution 87-12/03. A roll call vote was taken. Supervisor Larry Hilbelink said that he has a conflict and abstained. Total vote: 25; Ayes: 22 – Arnold, Burwell, Felten, Gigante, Grant, Guido, Ketchpaw, Kuhnke, Lightfield, Lohrmann, Miles, Morrison, Palzkill, Parker, Peterson, Polyock, Russell, Schaefer, Scharine, Shroble, Twyning, Norem; Noes: 2 – Lothian, Wenglowisky; Abstention: 1 – Hilbelink; Absent: 0. Resolution No. 87-12/03 was approved.

Resolution No. 87-12/03  
Authorizing a Settlement Agreement by and Between  
Walworth County and Cheryl Kuchenbecker

Moved/Sponsored by: Human Resources Committee

BE IT RESOLVED that the Walworth County Board of Supervisors hereby approves an Agreement by and between Cheryl Kuchenbecker and Walworth County in settlement of her discrimination claim against the Walworth County Sheriff's Office.

BE IT FURTHER RESOLVED that the sum of \$111,960 shall be transferred from the Contingency Fund to the Corrections work center to fund the cost of this agreement.

BE IT FURTHER RESOLVED that the proper county officials be and hereby are authorized to execute the Agreement and take such other action as may be appropriate to effectuate the intent of this resolution.

William M. Norem  
County Board Chairman

Kimberly S. Bushey  
County Clerk

County Board Meeting Date: December 9, 2003

Action Required: Majority Vote \_\_\_\_\_ Two-thirds Vote  Other \_\_\_\_\_

Policy and Fiscal Note is attached.

Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

David A. Bretl  
County Administrator/  
Corporation Counsel

12/9/03  
Date

N. Andersen  
Finance Director

12/9/03  
Date

If unsigned, exceptions shall be so noted by the County Administrator.

Policy and Fiscal Note  
Resolution No. 87-12/03

I. Title: Authorizing a Settlement Agreement Between Walworth County and Cheryl Kuchenbecker

II. Purpose and Policy Impact Statement: The purpose of this resolution is to authorize the payment of back wages and attorneys fees to Cheryl Kuchenbecker to settle a claim of disability discrimination.

III. Budget and Fiscal Impact:

Back wages	\$67,000	001-1541-5611
Wisconsin retirement	7,857	001-1541-5814
FICA/FMI	4,103	001-1541-5815
Claim settlement costs	<u>33,000</u>	001-1541-8701
Total	\$111,960	

IV. Referred to the following standing committees for consideration and date of referral:

Committee: Human Resources

Meeting Date: September 24, 2003

Vote: 5-0

County Board Meeting Date: December 9, 2003

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

David A. Bretl	12/9/03	N. Andersen	12/9/03
County Administrator/ Corporation Counsel	Date	Finance Director	Date

Nicki Andersen, Finance Director, announced that a "Budget in Brief" had been distributed to the Supervisors. Andersen also said that a sheet of paper was placed on each Supervisor's desk to determine whether or not anyone would like a large budget as well as the "Budget in Brief." Andersen said that she would collect the papers after the meeting.

Supervisor Polyock commented that he felt that the courier method of delivering information to Supervisors is a good thing as it gets to the Supervisors ahead of time so they are ready to take action at the Board meetings.

Chairman Norem wished everyone a Merry Christmas and Happy New Year.

Reports of Special Committees

There were no special reports.

On motion by Supervisor Grant, seconded by Supervisor Morrison, the meeting of the Walworth County Board adjourned at 7:40 p.m.

The next regularly scheduled meeting of the Walworth County Board will be held on Tuesday, January 13, 2004, at 6:00 p.m.

Kimberly S. Bushey  
County Clerk

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 December 9, 2003 meeting.