

MARCH 8, 2022
WALWORTH COUNTY BOARD OF SUPERVISORS
MEETING

The Walworth County Board of Supervisors meeting was called to order by Chair Russell at 3:30 p.m. in the County Board Room at the Walworth County Government Center, 100 W. Walworth Street, Elkhorn, Wisconsin.

Roll call was conducted and the following Supervisors were present, either in person or remotely: Vice-Chair Jerry A. Grant, Brian Holt, Kathy Ingersoll, Daniel G. Kilkenny, Kenneth H. Monroe, Susan M. Pruessing, Joseph H. Schaefer, Ryan G. Simons, Rick Stacey, David A. Weber and Chair Nancy Russell. A quorum was established.

Nancy Russell, Walworth County Board Supervisor, District #11, delivered the invocation. Russell concluded by wishing those running for County Board Supervisor in the next election the best of luck and the Supervisors who are retiring a good and healthy life.

Amendments, Withdrawals, and Approval of Agenda

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

Approval of the Minutes

On motion by Supervisor Grant, second by Supervisor Weber, the February 8, 2022 County Board Meeting minutes were approved by voice vote.

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

Kristy Secord, Clerk of Circuit Court/Register in Probate, addressed the Board relative to Human Resources Committee, Item #4, Res. No. 112-03/22 – Setting Salaries for Sheriff and Clerk of Courts for 2023-2026. Secord referred to and briefly explained her Memorandum previously provided to the Human Resources Committee relative to setting the salaries. She stated she strongly believes there needs to be a larger correcting increase in the first year of the Clerk of Courts next term and proposed a 6% increase the first year and 2% each year thereafter.

Appointments/Elections

1. Barrett Memorial Library Board (Williams Bay)
 - Bob Waddell – Three-year term to begin upon County Board confirmation and end on April 30, 2025 (Recommended by the Executive Committee 5-0)

On motion by Supervisor Schaefer, second by Supervisor Monroe, the appointment to the Barrett Memorial Library Board (Williams Bay) was approved by voice vote.

Communications and Matters to Be Referred

Chair Russell announced that unless there was a request for an individual communication to be discussed, the Clerk would dispense with the reading of each title and the Chair would direct that all communications be referred or placed on file as indicated on the agenda.

1. Claims Received After Agenda Mailing
2. Claims: a) United Methodist Church of Delavan – Property Damage; b) William C. Allen – Vehicle Damage (To be referred to the Executive Committee)
3. Vilas County Resolution 2022-15 – Request State to Revise the Current Real Estate Transfer Fees Revenue Sharing Formula (To be referred to the Finance Committee)
4. Correspondence from County Administrator Mark W. Luberdia requesting the Walworth County Board to approve Res. No. 114-03/22; Res. No. 115-03/22; Res. No. 116-03/22; and Res. No. 117-03/22 – Recognizing Nancy Russell, Jerry A. Grant, Daniel G. Kilkenny, and Kimberly S. Bushey for their years of service to Walworth County. (Please note, it is anticipated that the County Board will move pursuant to Section 2-65(c)(1) of the Walworth County Code of Ordinances to take action on the resolutions at this meeting.)
5. Correspondence from Republican Party of Walworth County (RPWC) Chair Christopher Goebel – RPWC Resolution asking Walworth County to adopt an ordinance to secure Walworth County’s elections free of influence from private funds (To be referred to the Executive Committee)
6. Correspondence from Supervisor Brian Holt regarding County Ordinance Sec. 16-11 – Use of County-owned property for private functions and events – (h) Alcohol (To be referred to the Executive Committee)
7. County Clerk Report – Summary of 2021 Dog Licenses Sold and Licensing Statistics (To be placed on file)
8. Report of the County Clerk Regarding Communications Received by the Board and Recommended to be Placed on File
 - CLAIM – U.S. Bankruptcy Court – William Thomas Plant and Lana Sue Plant, Debtors – Notice of Requirement for Response to Interim Application for Compensation and Reimbursement of Attorneys’ Fees and Costs (To be placed on file)
 - Pepin County Resolution No. 04-22 – Resolution to Eliminate the Badger Care Eligibility Cliff (To be placed on file)
 - Correspondence from Mark Peters, P.G., Hydrogeologist, WDNR Waste Management Program Southeast Region – Notice of Proposed Solid Waste Disposal Facility Proposed Mallard Ridge Landfill Western Expansion, Lic#_3244 (To be placed on file)
9. Report of the County Clerk Regarding Communications Received by the Board After Agenda Mailing
 - CLAIMS: a) Arthur Dexter – Notice of Claim for Property Tax Lawsuit; b) Blackhawk Community Credit Union vs. Estate of Linda K. Warn et al – Summons & Complaint (To be referred to the Executive Committee)
 - Polk County Resolution No. 08-22 – Urging State Elected Officials to Use Expected 2021-2023 Budget Surplus to Fund Rural Fire and Ambulance Emergency Services (To be placed on file)
 - Correspondence from Wisconsin Counties Association regarding 2022 WCA District Meetings & Memberships for District Meeting Voting (To be placed on file)
10. Report of the County Clerk Regarding Zoning Petitions (To be referred to the County Zoning Agency)
 - Walworth County, All Townships. Walworth County – Amendment to Section(s) 74-38, 74-55, 74-61, 74-62, 74-64, 74-65, 74-74, 74-114, 74-118, and 74-131 of the Walworth County Code of Ordinances – Zoning and Section(s) 74-165, 74-178, 74-180, 74-181, 74-182, 74-188, 74-189, 74-191, 74-192, 74-203, 74-243, 74-247, and 74-263 of the Walworth County Code of Ordinances – Shoreland Zoning.
 - Jennifer Hahn – Owner, LaFayette Township. Rezone approximately 21.27 acres of the parcel being predominantly 20 plus acres of A-2 Agricultural District and smaller areas of A-5 Agricultural-Rural Residential District and A-1 Prime Agricultural District areas to the C-2 Upland Resource Conservation District.

- Robert Kruger and Kevin Kruger – Owners, Delavan Township. Rezone approximately .9 acres of C-3 Conservancy-Residential District and A-4 Agricultural-Related Manufacturing, Warehousing & Marketing District to the A-4 and C-3 District.
- Net Worth, LLC C/O Chad J. Karl – Owner, Sugar Creek Township. Rezone approximately .37 acres of R-1 Single Family Residential District property to the B-2 General Business District.

Supervisor Weber referred to and gave a brief overview of, Item #4, Correspondence from County Administrator Mark W. Luberda requesting the Walworth County Board to approve Res. No. 114-03/22; Res. No. 115-03/22; Res. No. 116-03/22; and Res. No. 117-03/22 – Recognizing Nancy Russell, Jerry A. Grant, Daniel G. Kilkenny, and Kimberly S. Bushey for their years of service to Walworth County (Page 25 of the Agenda packet.) Supervisor Weber offered a motion, second by Supervisor Monroe, to suspend the rules and allow action to be taken on Res. No. 114-03/22; Res. No. 115-03/22; Res. No. 116-03/22; and Res. No. 117-03/22 at this meeting. Motion was approved by voice vote.

On motion by Supervisor Weber, second by Supervisor Monroe, **Res. No. 114-03/22; Res. No. 115-03/22; Res. No. 116-03/22; and Res. No. 117-03/22**, were approved by voice vote.

Chair Russell expressed her gratitude and appreciation for all of the assistance through the years.

County Administrator Mark W. Luberda presented Vice-Chair Jerry A. Grant, Supervisor Daniel G. Kilkenny, and County Clerk Kimberly S. Bushey with their individual certificate and thanked them for their service.

Vice Chair Grant, Supervisor Kilkenny, and County Clerk Bushey addressed the Board and expressed their gratitude and appreciation for all of the assistance through the years.

Unfinished Business

1. COVID-19 Response, Update, and State & Federal Actions

County Administrator Mark W. Luberda continues to prepare the Friday Report and Update per the Supervisors request. Luberda reported:

- The Administrative Procedures have been updated to reflect the current Centers for Disease Control and Prevention (CDC) guidance rules, as to when masks are required within the various work spaces.
- Finance will provide an update relative to the American Rescue Plan Act (ARPA) funding next week. Walworth County remains on track and continues to implement projects that have been provided for. There is approximately \$720,000 available for appropriation and allocation. One of the items on the Public Works Committee is a road design that is being prepared in case there is a remaining balance in funding.
- Distributed to the Supervisors prior to the meeting was a copy of Recovery Grants Manager Rich Abbott's correspondence regarding Social Service Organization Grants – United Way of Walworth County. This correspondence explains how the United Way, acting as a sub-recipient, distributed their first round of funding to various small non-profit organizations throughout Walworth County.

New Business

Reports of Standing Committees

County Zoning Agency Report of Proposed Zoning Amendments

1. Gerald D. and Michelle L. Morgan – Owners, NW ¼ of Section 32, Sugar Creek Township. Rezone .64 acres of A-1 to A-4 – Approved 7-0 (February 17, 2022 County Zoning Agency Public Hearing)
2. Robert and Brenda Case – Owners, NE ¼ of Section 15, Linn Township. Rezone of their lots from B-6 to R-1 – Approved 7-0 (February 17, 2022 County Zoning Agency Public Hearing)

On motion by Supervisor Stacey, second by Supervisor Simons, Items #1 thru #2 of the County Zoning Agency Report of Proposed Zoning Amendments were approved as recommended by the County Zoning Agency by voice vote.

Executive Committee

1. Res. No. 102-03/22 – Supporting the Need for Statewide Efforts for Enhanced Regulation and Enforcement Prohibiting Puppy Mills – *Vote Required Majority* (Recommended by the Executive Committee 5-0)
2. Res. No. 103-03/22 – Removing Cindy Wrobel as a Walworth County Humane Officer – *Vote Required Majority* (Recommended by the Executive Committee 5-0)
3. Res. No. 113-03/22 – Appointing Susi Pike as the Walworth County Clerk for the Residue of the Unexpired Term Commencing April 2, 2022 – *Vote Required: Majority* (Recommended by the Executive Committee 5-0)

Supervisor Weber offered a motion, second by Supervisor Holt, to approve Item #1, Res. No. 102-03/22; Item #2, Res. No. 103-03/22; and Item #3, Res. No. 113-03/22. Chair Russell referred to Res. No. 103-03/22 and noted there is one other Humane Officer on premise working for Walworth County. **Res. No. 102-03/22; Res. No. 103-03/22; and Res. No. 113-03/22** were approved by voice vote.

Finance Committee

1. Ord. No. 1269-03/22 – Amending Section 62-104 of the Walworth County Code of Ordinances Relating to Tax Incremental Financing Districts – *Vote Required: Majority* (Recommended by the Finance Committee 5-0)
2. Ord. No. 1270-03/22 – Amending Sections 17-3, 17-7, 17-20 and 17-116 of the Walworth County Code of Ordinances Relating to Highway Commissioner Authorities – *Vote Required: Two-Thirds* (Recommended by the Public Works Committee 4-0 and the Finance Committee 5-0)
3. Res. No. 106-03/22 – Accepting a Non-Cash Donation of \$16,000 from the Badger State Sheriff's Association (BSSA) for Gas Mask Replacements/Upgrades for the Sheriff's Office – *Vote Required: Majority* (Recommended by the Finance Committee 5-0)
4. Res. No. 107-03/22 – Accepting Mobilizing Communities for a Just Response Health Strategy 4.1 and Disparities Grant in Wisconsin Funding and Establishing a Budget – *Vote Required: Two-thirds* (Recommended by the Finance Committee 5-0)
5. Res. No. 108-03/22 – Appropriating Lakeland Health Care Center Provider Relief Fund Phase 4 Funding for Crisis Pay Premiums in the Lakeland Health Care Center Fund – *Vote Required: Two-thirds* (Recommended by the Finance Committee 5-0)
6. Res. No. 109-03/22 – Appropriating and Reallocating ARPA SLFRF Funding from the Recovery Grants Fund to Support Personnel Needs for Ease of Administering Federal Requirements – *Vote Required: Two-thirds* (Recommended by the Finance Committee 5-0)

7. Res. No. 110-03/22 – Authorizing a County Board Budget Amendment Increasing CTH ES (West Street to STH 20) Project Construction Budget Appropriation and Increasing Related Reimbursement from the Village of East Troy – *Vote Required: Two-thirds* (Recommended by the Finance Committee 5-0)
8. Res. No. 111-03/22 – Appropriating \$200,000 of ARPA SLCFR Funding from the Recovery Grants Fund for the Purpose of Supporting Nonprofit, Public Mass Transit Driver Premium Pay – *Vote Required: Two-thirds* (Recommended by the Transportation Coordinating Committee 5-0 and the Finance Committee 5-0)

On motion by Supervisor Grant, second by Supervisor Weber, Item #1, **Ord. No. 1269-03/22** was approved by voice vote.

Supervisor Grant offered a motion for unanimous consent, second by Supervisor Weber. Item #2, **Ord. No. 1270-03/22** was approved by unanimous consent.

On motion by Supervisor Grant, second by Supervisor Weber, Item #3, **Res. No. 106-03/22** was approved by voice vote.

Supervisor Grant offered a motion, second by Supervisor Weber, to approve Item #4, Res. No. 107-03/22 by unanimous consent. **Res. No. 107-03/22** was approved by unanimous consent.

Supervisor Grant offered a motion, second by Supervisor Weber, to approve Item #5, Res. No. 108-03/22 by unanimous consent. **Res. No. 108-03/22** was approved by unanimous consent.

Supervisor Grant offered a motion, second by Supervisor Weber, to approve Item #6, Res. No. 109-03/22 by unanimous consent. **Res. No. 109-03/22** was approved by unanimous consent.

Supervisor Grant offered a motion, second by Supervisor Weber, to approve Item #7, Res. No. 110-03/22 by unanimous consent. **Res. No. 110-03/22** was approved by unanimous consent.

Supervisor Grant offered a motion, second by Supervisor Weber, to approve Item #8, Res. No. 111-03/22 by unanimous consent. **Res. No. 111-03/22** was approved by unanimous consent.

Human Resources Committee

1. Ord. No. 1267-03/22 – Amending Section 15-359 of the Walworth County Code of Ordinances Relating to Special Pay Premiums at Lakeland Health Care Center, Creating a Crisis Shift Pay Premium – *Vote Required: Majority* (Recommended by the Lakeland Health Care Center Board of Trustees 5-0 and the Human Resources Committee 5-0)
2. Ord. No. 1268-03/22 – Amending Section 15-359 of the Walworth County Code of Ordinances Relating to Special Pay Premiums for Certain Public Works Employees – *Vote Required: Majority* (Recommended by the Public Works Committee 4-0 and the Human Resources Committee 5-0)
3. Res. No. 105-03/22 Amending Resolution No. 70-11/21 Authorizing a One-Time Premium Payment for Communications and Correction – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
4. Res. No. 112-03/22 – Setting Salaries for Sheriff and Clerk of Courts for 2023-2026 – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)

On motion by Supervisor Pruessing, second by Supervisor Ingersoll, Item #1, **Ord. No. 1267-03/22**; Item #2, **Ord. No. 1268-03/22**; Item #3, **Res. No. 105-03/22**; and Item #4, **Res. No. 112-03/22**, were approved by voice vote.

Public Works Committee

1. Ord. No. 1266-03/22 – Amending Sections 2-140 and 16-3 of the Walworth County Code of Ordinances Relating to Highway Committee Authority and Highway Commissioner Term – *Vote Required: Majority* (Recommended by the Public Works Committee 4-0)
2. Res. No. 104-03/22 – Adopting the Revised Parking Lot Map for the Government Center Created by Section 66-156(2) of the Walworth County Code of Ordinances – *Vote Required: Majority* (Recommended by the Public Works Committee 4-0)

On motion by Supervisor Stacey, second by Supervisor Monroe, Item #1, **Ord. No. 1266-03/22**; and Item #2, **Res. No. 104-03/22**, were approved by voice vote.

Report of Special Committees

There were none.

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

There was none.

Chairperson’s Report

Russell reminded everyone of the appropriate date to submit titles for the Thursday, April 21, 2022 agenda.

County Administrator Luberda announced that next Thursday following the Finance Committee there will be a reception for Supervisors Nancy Russell, Jerry Grant, and Daniel Kilkenny to thank them for their service to Walworth County.

Special Order of Business

The board may discuss the following topic(s) in open session. The board convened in closed session **at approximately 4:07 p.m. on motion and second by Supervisors Weber and Monroe** pursuant to the exemption contained in Section 19.85(1)(b) of the Wisconsin Statutes, “considering dismissal, demotion, licensing or discipline of any public employe or person licensed by a board or commission or the investigation of charges against such person, or considering the grant or denial of tenure for a university faculty member, and the taking of formal action on any such matter; provided that the faculty member or other public employe or person licensed is given actual notice of any evidentiary hearing which may be held prior to final action being taken and of any meeting at which final action may be taken. The notice shall contain a statement that the person has the right to demand that the evidentiary hearing or meeting be held in open session. This paragraph and par. (f) do not apply to any such evidentiary hearing or meeting where the employe or person licensed requests that an open session be held,” relative to the items listed below.

- a) Jake Duller Step 4 Grievance pursuant to Section 15-918 of the Walworth County Code of Ordinances

A roll call vote was conducted and all Supervisors present voted “aye” to enter into closed session. Supervisors Russell and Ingersoll remained on the telephone.

Supervisor Weber offered a motion, second by Supervisor Kilkenny, to have Corporation Counsel Michael Cotter remain in the room during the closed session. The motion was approved by voice vote.

The board reconvened in open session about 4:40 p.m. on motion and second by Supervisors Kilkenny and Monroe.

Supervisor Kilkenny offered a motion, second by Supervisor Weber, to sustain the decision of the Impartial Hearing Officer on the matter of the closed session. The motion was approved by voice vote.

Cotter noted he will prepare the written order for Chair Russell’s review, approval, signature, and distribution.

Adjournment

On motion by Supervisor Monroe, second by Supervisor Kilkenny, the meeting was adjourned at 4:42 p.m.

Prepared By: Patricia Sommers, Administrative Assistant
Submitted By: 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 March 8, 2022 meeting.