

**JULY 13, 2021**  
**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: 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.

Brian Holt, Walworth County Board Supervisor, District #3, delivered the invocation.

**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 Ingersoll, the June 8, 2021 County Board Meeting minutes were approved by voice vote.

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

There was none.

**Special Order of Business**

Presentation by the Fairest of the Fair, Katelyn Gonzalez, regarding the upcoming Walworth County Fair  
Walworth County Fairest of the Fair Katelyn Gonzalez, accompanied by General Manager Larry Gaffey, delivered a brief presentation regarding the upcoming 172<sup>nd</sup> Walworth County Fair.

**Appointments/Elections**

1. Aging & Disability Resource Center Board (ADRC)
  - Doris Frentress – Three-year term to begin upon County Board confirmation and end on June 30, 2024 (Recommended by the Executive Committee 5-0)
  - David Koester – Three-year term to begin upon County Board confirmation and end on June 30, 2024 (Recommended by the Executive Committee 5-0)
2. Board of Adjustment (BOA)
  - Barbara Fischer – Three-year term to begin upon County Board confirmation and end on June 30, 2024 (Recommended by the Executive Committee 5-0)
  - Rose Miller – Term to begin upon County Board confirmation and end on June 30, 2022 (Recommended by the Executive Committee 5-0)
3. Local Emergency Planning Committee (LEPC)
  - Shana Beal – Term to begin upon County Board confirmation and renew annually on September 30<sup>th</sup> (Recommended by the Executive Committee 5-0)
  - Justin Schuenke – Term to begin upon County Board confirmation and renew annually on September 30<sup>th</sup> (Recommended by the Executive Committee 5-0)
4. County Committee on Housing Sexually Violent Persons
  - Carlo Nevicosi, representative from Walworth County Health and Human Services department
  - Lindsay Motl, representative from Walworth County Land Use and Resource Management department
  - Jackie Giller, representative from Walworth County Information Technology departmentTerms to begin upon County Board confirmation and end on December 31, 2022

On motion by Supervisor Weber, second by Supervisor Grant, the appointments to the Aging & Disability Resource Center Board (ADRC), Board of Adjustment (BOA), Local Emergency Planning Committee (LEPC) and the County Committee on Housing Sexually Violent Persons were 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) PURDUE PHARMA L.P., et al – Notice of Hearing to Consider Confirmation of the Fifth Amended Chapter 11 Plan Filed by the Debtors and Related Voting and Objection Deadlines; b) Deutsch Bank National Trust Company vs. David M. O'Brien, et al – Summons and Complaint (To be referred to the Executive Committee)
3. Trempealeau County Resolution No. 2021-06-05 – Opposition to Changes in the Wildlife Damage Abatement and Claims Program (To be referred to the Land Conservation Committee)
4. Brown County Resolution – In Support of Legislative Changes to WIS. STAT. CH. 980 – Supervised Release (To be placed on file)
5. Correspondence from Wisconsin Counties Association – 2021-22 Wisconsin County Officials Directory (To be placed on file)
6. Report of the County Clerk Regarding Communications Received by the Board and Recommended to be Placed on File
  - Kewaunee County Resolution 11-06-2021 in Support of Increased County Child Support Funding (To be placed on file)
  - Chippewa County Resolution No. 20-21 – Request the Wisconsin Counties Association to Address Clean Water Issues as a Matter of Statewide Concern at the 2021 Annual Conference (To be placed on file)
  - Eau Claire County Resolution – Enrolled No. R165-009 – Requesting the State of Wisconsin Decriminalize Recreational Cannabis (To be placed on file)
7. Report of the County Clerk Regarding Communications Received by the Board After Agenda Mailing
  - Correspondence from Mallinckrodt PLC, et al, Debtors – Cover Letter and Recommendation of the Debtors (To be referred to the Executive Committee)(A complete packet of documentation can be reviewed in the County Clerk's Office)
  - Correspondence from Southeastern Wisconsin Regional Planning Commission (SEWRPC) regarding the Comprehensive Economic Development Strategy (CEDS) for Southeastern Wisconsin: 2021-2025 (To be referred to the Executive Committee)
8. Report of the County Clerk Regarding Zoning Petitions (To be referred to the County Zoning Agency)
  - Walworth County, All Townships. Walworth County – Section(s) 74-56, 74-65, 74-102 of the Zoning Ordinance and Section(s) 74-183, 74-192, 74-231 of the Shoreland Zoning Ordinance to allow the County Zoning Agency to consider a high-bay warehouse that uses this oxygen reduction fire prevention technology as a conditional use in the M-2 zone district.
  - Mark E. Wolfram – Owner, LaGrange Township. Rezone .53 acres of A-1 Prime Agricultural Land District land to the A-4 Agricultural Related Manufacturing, Warehousing and Marketing District
  - Wilson Aggregate Trust C/O Scott Wilson and Mary and Robert Skwierawski Trust – Owners, Randy Johnson, Johnson Sand and Gravel, Inc. – Applicant, Spring Prairie Township. Rezone approximately 91.48 acres of A-1 Prime Agricultural Land District property to the M-3 Mineral Extraction District on four different parcels
  - Millard Properties, LLC C/O Sarah M. Cook – Owner, Randy Johnson, Johnson Sand and Gravel, Inc. – Applicant, Sugar Creek Township. Rezone approximately 90.64 acres of A-1 Prime Agricultural Land District to the M-3 Mineral Extraction District
  - Timothy and Todd Fischer – Owners, Lyons Township. Rezone approximately 9.45 acres of A-2 Agricultural Zone District property to the C-2 Upland Resource Conservation District
  - Rosemary F. Crandall Trust C/O Richard Crandall – Owner, Linn Township. Rezone an 11.48-acre area of A-1 Prime Agricultural Land District property of a dual zoned A-1 and C-2 parcel to the C-2 Upland Resource Conservation District

## Unfinished Business

1. COVID-19 Response, Update, and State and Federal Actions  
County Administrator Mark W. Luberda continues to prepare the Friday Report and Update per the Supervisors request; stating items related to COVID-19 will be discussed in the Special Order of Business later in the meeting.

## New Business

### Reports of Standing Committees

#### County Zoning Agency Report of Proposed Zoning Amendments

1. Shea Real Estate, LLC C/O Steven Anderson – Owner, Section 35, Walworth Township. Rezone approximately 9.08 acres of R-1 to C-2 – Approved 7-0 (June 17, 2021 County Zoning Agency Public Hearing)

On motion by Supervisor Simons, second by Supervisor Pruessing, Item #1 of the County Zoning Agency Report of Proposed Zoning Amendments was approved as recommended by the County Zoning Agency by voice vote.

#### Executive Committee

1. Ord. No. 1241-07/21 – Amending Section 2-215 of the Walworth County Code of Ordinances Relating to Library Board Appointments – *Vote Required: Majority* (Recommended by the Executive Committee 5-0)
2. Res. No. 30-07/21 – Denying the Claim of American Family Insurance in Reference to John Mucha – *Vote Required: Majority* (Recommended by the Executive Committee 5-0)
3. Res. No. 31-07/21 – Supporting Legislation to Provide an Increase in Criminal and Ordinance Violation Surcharge Retained by the Clerk of Courts – *Vote Required: Majority* (Recommended by the Executive Committee 5-0)

On motion by Supervisor Weber, second by Supervisor Grant, Item #1, **Ord. No. 1241-07/21**; Item #2, **Res. No. 30-07/21**; and Item #3, **Res. No. 31-07/21** were approved by voice vote.

#### Finance Committee

1. Res. No. 28-07/21 – Revising the Walworth County Plan of Library Service for Plan Years 2019-2021 – *Vote Required: Majority* (Recommended by the Finance Committee 5-0)
2. Res. No. 29-07/21 – Transferring Pandemic Costs and Remaining General Fund Pandemic Reserves and Budgeted Items to the Recovery Grants Fund – *Vote Required: Two-thirds* (Recommended by the Finance Committee 5-0)

On motion by Supervisor Grant, second by Supervisor Ingersoll, Item #1, **Res. No. 28-07/21** was approved by voice vote.

Supervisor Monroe offered a motion, second by Supervisor Stacey, to approve, Item #2, Res. No. 29-07/21. On motion by Supervisor Grant, second by Supervisor Weber, **Res. No. 29-07/21** was approved by unanimous consent.

#### Human Resources Committee

1. Ord. No. 1242-07/21 – Amending Section 15-359 of the Walworth County Code of Ordinances Relating to Special Pay Premiums at Lakeland Health Care Center – *Vote Required: Majority* (Recommended by the Lakeland Health Care Center Board of Trustees 5-0 and Human Resources Committee 5-0)
2. Res. No. 27-07/21 – Authorizing the County Administrator to Execute an Employment Agreement By and Between Walworth County and Carlo Nevicosi as Director – Health and Human Services and Superintendent of County Institutions – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
3. Res. No. 32-07/21 – Revising 2021 Pay Ranges for Certain Casual and Regular Employees at the Lakeland Health Care Center – *Vote Required: Majority* (Recommended by the Lakeland Health Care Center Board of Trustees 5-0 and Human Resources Committee 5-0)

County Clerk Kimberly S. Bushey noted Ord. No. 1242-07/21 and Res. No. 32-07/21 were placed on the Supervisor's desks prior to the meeting.

On motion by Supervisor Holt, second by Supervisor Monroe, Item #1, **Ord. No. 1242-07/21**; Item #2, **Res. No. 27-07/21**; and Item #3, **Res. No. 32-07/21** were approved by voice vote.

Clerk Bushey noted various resolutions in numeric order, were placed on the Supervisor's desks prior to the meeting.

### **Special Order of Business**

- a. Mental Health Support for Students and Schools: A program regarding mental health support for students and schools, which may include a resolution authorizing funding, a memorandum of understanding on partnership with school districts, or other related project design or implementation documents.

Clerk Bushey directed the Supervisors to Res. 37-07/21, Appropriating \$150,000 of ARPA SLCFR Funding from the Recovery Grants Fund for the Purpose of Assisting School Systems Support the Mental Health of Students Returning to In-Person Schooling. A two-thirds vote was required.

Supervisor Grant offered a motion, second by Supervisor Weber, to approve Res. No. 37-07/21. Discussion ensued relative to the Hope Squad program being initiated within Walworth County school districts. Corporation Counsel/Director-Land Use and Resource Management (LURM) Michael Cotter clarified the vote required will be eight. Discussion then focused on the ramifications should the motion to approve fail.

A roll call vote was conducted. Total votes: 11 – Ayes: 7 (Grant, Holt, Ingersoll, Kilkenny, Monroe, Russell, and Weber); Noes: 4 (Pruessing, Schaefer, Simons and Stacey); Absent: 0; Abstain: 0. **Res. No. 37-07/21** failed this item required a two-thirds vote.

With there being some opposition to moving forward with so little known about the Hope Squad program; and whether school districts would be interested or equipped to successfully implement the program, County Administrator Mark W. Luberdia inquired as to whether efforts to move forward would be worthwhile.

Supervisor Grant offered a motion, second by Supervisor Stacey, to refer staff to continue program development and school administrator outreach. It was also requested that background information about the organization itself be provided along with any success and/or failures from other entities utilizing the program. The motion was approved by voice vote.

- b. Broadband Expansion: Wisconsin Public Service Commission ARPA Broadband Access Grants
- i. Wisconsin Public Service Commission ARPA Broadband Access Grant, which may include a resolution authorizing funding and an agreement with Whitewater Wideband LLC, d/b/a Edge Broadband, or other related project design, grant-required, or implementation documents.

Clerk Bushey directed the Supervisors to Res. No. 38-07/21, Appropriating up to \$115,000 of ARPA SLCFR Funding from the Recovery Grants Fund for the Purpose of Partnering with Whitewater Wideband LLC, d/b/a Edge Broadband, a Wisconsin Limited Liability Company, in the Wisconsin Public Service Commission ARPA Broadband Access Grants for Broadband Expansion and Authorizing the Necessary Ancillary Steps. A two-thirds vote was required.

Supervisor Grant offered a motion, second by Supervisor Weber, to approve Res. No. 38-07/21. Luberdia stated the purpose of this resolution is to engage with Edge Broadband to be part of their application for the Wisconsin Public Service Commission's \$100 million broadband expansion grant program. Applications are due by July 27. Luberdia then detailed that he would like to amend the resolution and increase the amount of money Walworth County would be committing, to improve the chance of the application being chosen. Luberdia requested to amend the resolution as follows:

- Replacing any use of ~~\$115,000~~ with \$205,000
- In the second Be it Further Resolved, on Page 2, Item b) at line 5, to change ~~five~~ percent to ten percent
- Item d) at Lines 11-12: “the grant application for the smaller project shall result in or require that no less than half the County ARPA-funded match create an offset to the request PSC contribution below the 50% cap and the grant application for the larger project shall result in or require that no less than three-quarters of the County ARPA-funded match create an offset to the requested PSC contribution below the 50% cap;

Supervisor Grant offered a motion, second by Supervisor Weber, to approve the amendments as proposed by County Administrator Luberda. The amendments were approved by voice vote.

On motion by Supervisor Grant, second by Supervisor Weber, **Res. No. 38-07/21** as amended was approved by unanimous consent.

- ii. Wisconsin Public Service Commission ARPA Broadband Access Grant, which may include a resolution authorizing funding and an agreement with Charter Communications, or an affiliate or broadband construction partner of Charter Communications, or other related project design, grant-required, or implementation documents.

Luberda detailed the amendments necessary for this grant to be increased as well.

Clerk Bushey directed the Supervisors to Res. No. 35-07/21, Appropriating \$250,000 of ARPA SLCFR Funding from the Recovery Grants Fund for the Purpose of Partnering with Charter Communications in the Wisconsin Public Service Commission ARPA Broadband Access Grants for Broadband Expansion and Authorizing the Necessary Ancillary Steps. A two-thirds vote was required.

Supervisor Weber offered a motion, second by Supervisor Monroe, to approve Res. No. 35-07/21.

Luberda requested to amend the resolution as follows:

- Replacing any use of ~~\$250,000~~ with \$500,000
- In the second Be it Further Resolved, on Page 2, Item c) at Line 3, strike ~~forty-five~~ to read as forty percent. (also in the Policy and Fiscal Note Item II)
- Policy and Fiscal Note Item II – at the last line change ~~\$180~~ to \$360

Supervisor Weber offered a motion, second by Supervisor Grant, to approve the amendments as proposed by County Administrator Luberda. The amendments were approved by voice vote.

On motion by Supervisor Grant, second by Supervisor Weber, **Res. No. 35-07/21** as amended was approved by unanimous consent.

- c. Small, Non-Profit Social Service Organization Grants (United Way): Resolution authorizing funding of \$100,000 from American Rescue Plan Act (ARPA) funds to United Way of Walworth County to serve as a grant subrecipient to extend grants to and perform oversight of social service agencies throughout Walworth County and authorize execution of a contract or agreement in a form as determined appropriate by Corporation Counsel and the County Administrator.

Clerk Bushey directed the Supervisors to Res. No. 34-07/21, Appropriating \$100,000 of ARPA SLCFR Funding from the Recovery Grants Fund for the Purpose of Supporting a Grant to the United Way of Walworth County and Authorizing the Execution of a Contract to Administer the Funds to Support Other Non-Profit Agencies. A two-thirds vote was required.

Supervisor Holt offered a motion, second by Supervisor Grant, to approve Res. No. 34-07/21.

Luberda stated the federal guidelines identify the kind of programs toward which the United Way can allocate funds. Any additional future funding is not guaranteed.

Supervisor Grant offered a motion, second by Supervisor Holt, to approve Res. No. 34-07/21 by unanimous consent. Supervisor Simons' vote was recorded as a "Noe" vote. A roll call vote was called.

A roll call vote was conducted. Total votes: 11 – Ayes: 9 (Grant, Holt, Ingersoll, Kilkenny, Monroe, Russell, Schaefer, Stacey and Weber); Noes: 2 (Pruessing and Simons) Absent: 0; Abstain: 0. **Res. No. 34-07/21** was approved.



- d. Open Arms Free Clinic: Resolution authorizing funding of \$100,000 from American Rescue Plan Act (ARPA) funds to Open Arms Free Clinic to provide ARPA allowable health and dental services within Walworth County and authorize execution of a contract or agreement in a form as determined appropriate by Corporation Counsel and the County Administrator.

Clerk Bushey directed the Supervisors to Res. No. 33-07/21, Appropriating \$100,000 of ARPA SLCFR Funding from the Recovery Grants Fund for the Purpose of Supporting a Grant to the Open Arms Free Clinic and Authorizing the Execution of a Contract to Provide Additional Free Clinic Services. A two-thirds vote was required.

Supervisor Holt offered a motion, second by Supervisor Schaefer, to approve Res. No. 33-07/21. Discussion then focused on the addition of a dental hygienist at Open Arms Free Clinic, which was not included in the resolution.

On motion by Supervisor Grant, second by Supervisor Monroe, **Res. No. 33-07/21** was approved by unanimous consent.

- e. Technical Support with ARPA Funding Use and the Revenue Loss Formula for Municipalities: Resolution authorizing funding to implement a program offering professional and technical support and guidance to municipalities within Walworth County related to administration and use of American Rescue Plan Coronavirus State and Local Fiscal Recovery Funds.

Clerk Bushey directed the Supervisors to Res. No. 36-07/21, Appropriating \$120,000 of ARPA SLCFR Funding from the Recovery Grants Fund for the Purpose of Supporting Intergovernmental Cooperation with Municipalities in Walworth County Related to Technical Support on the Administration of Municipal ARPA Grants. A two-thirds vote was required.

Supervisor Grant offered a motion, second by Supervisor Weber, to approve Res. No. 36-07/21.

Luberda stated that at the last Intergovernmental Cooperation Council (ICC) meeting there was significant discussion, as to helping local municipalities manage the Municipal ARPA Grant funds they are receiving. Luberda then detailed the types of services that Baker Tilley would be able to provide. Discussion ensued relative to towns receiving less funds than villages and cities.

Supervisor Simons offered a motion, Second by Supervisor Monroe, to amend Res. No. 36-07/21 to equalize dollar amounts to \$4,000 per municipality.

Supervisor Grant offered a motion, Second by Supervisor Weber, to approve Res. 36-07/21, as amended, by unanimous consent. Supervisor Schaefer requested his vote be recorded as No. A roll call vote was called.

A roll call vote was conducted. Total votes: 11 – Ayes: 10 (Grant, Holt, Ingersoll, Kilkenny, Monroe, Pruessing, Russell, Simons, Stacey and Weber); Noes: 1 (Schaefer); Absent: 0; Abstain: 0. **Res. No. 36-07/21**, as amended, was approved.

### **Reports 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 stated titles for the Tuesday, August 10, 2021 agenda are to be submitted on or before Monday, July 28, 2021.

**Adjournment**

On motion by Supervisor Monroe, second by Supervisor Grant, the meeting was adjourned at 5:57 p.m.

Prepared By: Jennifer Stinnett, 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 July 13, 2021 meeting.