

**SEPTEMBER 14, 2021**  
**WALWORTH COUNTY BOARD OF SUPERVISORS**  
**MEETING**

The Walworth County Board of Supervisors meeting was called to order by Chair Russell at 3:41 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 (departed at 3:56 p.m. due to electronic difficulties), Joseph H. Schaefer, Ryan G. Simons, Rick Stacey, David A. Weber and Chair Nancy Russell. A quorum was established.

Ryan G. Simons, Walworth County Board Supervisor, District #5, delivered the invocation.

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

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

**Public Hearing**

- Walworth County Tentative Supervisory Redistricting Plan

The Walworth County Board of Supervisors Public Hearing was called to order by Chair Russell at 3:51 p.m. on motion and second by Supervisor Stacy and Supervisor Weber.

Chief Surveyor Rob Merry from Southeastern Wisconsin Regional Planning Commission (SEWRPC) gave a presentation entitled: Tentative Supervisory District Plan for Walworth County – 2021 (A complete copy of the presentation is on file at the County Clerk's office.) Merry reviewed redistricting criteria established through Walworth County Res. No. 58-12/20 and highlighted information taken from the 2020 Census data SEWRPC received back in August. He noted there is an anomalous Census Block located within the Village of Fontana that is believed to be an error and explained the proper course of action that needs to be taken in order to correct the error. An overview of the Redistricting in Wisconsin 2020: Legislative Reference Bureau Guidebook was provided. Merry stated a race/ethnicity evaluation was conducted in correlation with the Voting Rights Act and noted a higher concentrated increase in Hispanic population within District 8. A Plan Summary concluded the presentation. Merry distributed a colored copy of the Tentative Supervisory District Plan for Walworth County – 2021 to each Supervisor.

There were no questions from the Supervisors at this time.

Corporation Counsel/Director-Land Use and Resource Management Michael Cotter expressed appreciation toward SEWRPC's efforts and gave a brief overview of current and past impediments that occurred relative to redistricting. Cotter noted any errors found during creation of the 2021 Redistricting Plan would most likely be corrected in 2023.

Chair Russell announced a larger version of the Tentative Supervisory District Plan for Walworth County – 2021 Map will be located in the County Clerk's office for review.

Chair Russell opened the meeting for public comment.

There was none.

On motion by Supervisor Weber, second by Supervisor Stacey, the public hearing was closed.

### **Approval of the Minutes**

On motion by Supervisor Ingersoll, second by Supervisor Grant, the August 10, 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.

### **Appointments/Elections**

#### 1. Local Emergency Planning Committee

- |                        |                   |                    |
|------------------------|-------------------|--------------------|
| - Jason Rowland        | - Richard Kuhnke  | - Michael Anderson |
| - Ashley Vickers       | - Kurt Picknell   | - Brad Wilson      |
| - Senator Stephen Nass | - Melvin Rhodes   | - Nancy Russell    |
| - Joseph Balog         | - Erica Bergstrom | - Nancy Douglass   |
| - Gary Rowland         | - Mark Luberdia   | - Shana Beal       |
| - Carlo Nevicosi       | - Richard Hough   | - Justin Schuenke  |

One-year terms to begin upon County Board confirmation and renew annually on September 30<sup>th</sup>  
(Recommended by the Executive Committee 5-0)

On motion by Supervisor Weber, second by Supervisor Schaefer, the appointments to the Local Emergency Planning Committee 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) Notice of Claim – Estate of Peter J. Cook-Lavariega, Jeffrey Cook, and Socorro Cook (To be referred to the Executive Committee)
3. Wisconsin Department of Administration Preliminary Estimate of January 1, 2021 Population for Walworth County (To be referred to the Executive Committee)
4. Correspondence from Wisconsin Counties Association regarding Resolutions of the Wisconsin Counties Association (Correspondence and the complete packet of resolutions are to be referred to the Executive Committee and can be viewed in the County Clerk’s office)
5. Report of the County Clerk Regarding Communications Received by the Board and Recommended to be Placed on File
  - There were none.
6. Report of the County Clerk Regarding Communications Received by the Board After Agenda Mailing
  - CLAIM: a) Notice of Circumstance of Claim – Wayne M. Blanchard (To be referred to the Executive Committee)
7. Report of the County Clerk Regarding Zoning Petitions (To be referred to the County Zoning Agency)
  - Barbara J. Werhane – Sharon Township. Rezone of 3.84 acres of A-1 Prime Agricultural Land District to the A-4 Agricultural Related Manufacturing, Warehousing and Marketing 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. Luberda reported Walworth County will not take immediate action relative to President Biden's announcement that he will take steps through both executive order and rules promulgated through OSHA to require COVID vaccinations for employees of a broad range of employers. Staff will engage in some preplanning based upon the information currently available to ensure a timely and deliberate response.

Director of Health and Human Services (HHS) Carlo Nevicosi spoke briefly relative to community testing. He noted HHS is working to help coordinate additional public testing through Covenant Harbor and Open Arms at the request of health care partners due to staffing shortages. Further updates will be given at the next HHS meeting. Nevicosi stated it is uncertain at this time whether or not Lakeland Health Care Center and/or HHS will be administering the booster shot.

### **New Business**

1. Res. No. 44-09/21 – Setting Forth a Tentative Supervisory District Plan for Walworth County, *Vote required: Majority*

Administrator Luberda noted the title “Tentative Supervisory District Plan” is required per State Statute, as the Plan still needs to go before the municipalities prior to further presentation to the County Board.

On motion by Supervisor Weber, second by Supervisor Grant, Item #1, **Res. No. 44-09/21** was approved by voice vote.

### **Reports of Standing Committees**

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

1. Ord. No. 1244-09/21 - Amending Section(s) 74-56, 74-65, and 74-102 of the Walworth County Code of Ordinances - Zoning and Section(s) 74-183, 74-192, and 74-231 of the Walworth County Code of Ordinances - Shoreland Zoning - High Bay Warehouses – *Vote Required: Majority* (Recommended by the County Zoning Agency 6-0)  
Amendment to 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 an oxygen reduction fire prevention technology as a conditional use in the M-2 zone district. If approved, the structure(s) could be allowed a district height modification in return for increased property line setbacks.
2. Benjamin J. Buser – Owner, Section 24, Sugar Creek Township. Rezone approximately 1.115 acres of A-1 to A-4 – Approved 6-0 (August 19, 2021 County Zoning Agency Hearing)
3. Timothy and Todd Fisher – Owners, Section 22, Lyons Township. Rezone approximately 9.45 acres of A-2 to C-2 – Approved 6-0 (August 19, 2021 County Zoning Agency Hearing)

Supervisor Kilkenny requested that Item #1, Ord. No. 1244-09/21 be considered separately.

On motion by Supervisor Stacey, second by Supervisor Weber, Items #2 and #3 of the County Zoning Agency Report of Proposed Zoning Amendments were approved as recommended by the County Zoning Agency by voice vote.

Supervisor Kilkenny offered a motion, second by Supervisor Holt, to refer Item #1, Ord. No. 1244-09/21 back to the County Zoning Agency for consideration of possible language changes relating to the conditional use ordinance or to create a different zoning classification with appropriate language. Kilkenny noted he is on the Town of Darien Plan Commission and proceeded to give a brief overview of a facility that recently appeared before the Plan Commission and County Zoning Agency regarding a similar request. On August 23, 2021, the Plan Commission chose to table the applicant's request in order to obtain legal counsel on a technical matter and the Plan Commission's desire to

develop a plan for review by the Town of Darien, Village of Darien, and their citizens. Kilkenny noted the applicant neglected to submit application for a map change relative to the Comprehensive Plan, which was due to Walworth County on or around September 9, 2021. Discussion then focused on the fact that the proposed ordinance changes will be countywide and not specific to one municipality. Also discussed were the procedures necessary to obtain a conditional use.

Supervisor Stacey offered a motion, second by Supervisor Weber, to call the motion, which was approved by voice vote.

A roll call vote was conducted: Total votes: 11 – Ayes: 1 (Kilkenny); Noes: 9 (Grant, Holt, Ingersoll, Monroe, Schaefer, Simons, Stacey, Weber, and Russell); Absent: 1 (Pruessing, due to electronic difficulties). The motion to refer Ord. No. 1244-09/21 back to the County Zoning Agency failed.

Supervisor Stacey offered a motion, second by Supervisor Simons, to approve Ord. No. 1244-09/21. Discussion ensued regarding conditional use procedures. **Ord. No. 1244-09/21** was approved by voice vote. Supervisor Kilkenny requested his vote be recorded as “No.”

**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, October 12, 2021 agenda are to be submitted on or before Wednesday, September 29, 2021.

**Adjournment**

On motion by Supervisor Monroe, second by Supervisor Stacey, the meeting was adjourned at 4:52 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 September 14, 2021 meeting.