

**APRIL 18, 2023**  
**WALWORTH COUNTY BOARD OF SUPERVISORS**

The Walworth County Board of Supervisors meeting was called to order by Chair Rick Stacey 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: Chair Rick Stacey; Vice-Chair Ryan Simons; Brian Holt, Kathy Ingersoll, Dennis G. Karbowski, Joanne Laufenberg, Kenneth H. Monroe, Susan M. Pruessing, Sheila T. Reiff, Joseph H. Schaefer, and Al Stanek. A quorum was established.

Other in attendance: Director-Public Works Richard Hough, Associate Engineer Vincent Simek, Director-Special Education Matthew Huettl, and Director-Health and Human Services/Superintendent of County Institutions Carlo Nevicosi.

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

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

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

**Approval of the Minutes**

On motion by Supervisor Ingersoll, second by Supervisor Pruessing, the March 14, 2023 County Board Meeting, March 14, 2023 Committee of the Whole Meeting, and April 3, 2023 Special 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. Health and Human Services Board
  - Dr. Christopher Tanner – Upon County Board confirmation, Dr. Tanner will be appointed to serve the remainder of a three-year term to end on October 31, 2025 (Recommended by the Executive Committee 5-0)
2. Board of Adjustment
  - Rose Smith-Miller – Upon County Board confirmation, Rose Smith-Miller would be appointed to a regular member position with the remaining three-year term ending on June 30, 2024 (Recommended by the Executive Committee 5-0)
  - Jeff Gepfert – Three-year term to begin upon County Board confirmation and end on June 30, 2025 (Recommended by the Executive Committee 5-0)

On motion by Supervisor Monroe, second by Supervisor Pruessing, the appointment of Dr. Christopher Tanner to the Health and Human Services Board was approved by voice vote. Supervisor Laufenberg requested her vote be recorded as “No”.

On motion by Supervisor Schaefer, second by Supervisor Karbowski, the appointment of Rose Smith-Miller to the Board of Adjustment was approved by voice vote. Supervisor Laufenberg requested her vote be recorded as “No”.

On motion by Vice-Chair Simons, second by Supervisor Schaefer, the appointment of Jeff Gepfert to the Board of Adjustment was approved by voice vote.

### **Communications and Matters to Be Referred**

Chair Stacey 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: None.
3. Columbia County Resolution Number 14-23 – Request State to Revise Solar Energy System Law (To be referred to the County Zoning Agency)
4. Clark County Resolution Number 3-1-23 – Recommending Revision to State Wind Energy Regulations (To be referred to the County Zoning Agency)
5. Washington County 2022 Resolution 63 – Requesting the State of Wisconsin Review and Revise the Compensation Rate for State Public Defenders (To be referred to the Executive Committee)
6. Correspondence from the Wisconsin Historical Society regarding Notice of Entry in the National Register and/or State Register of Historic Places – Heart Prairie Norwegian Methodist Episcopal Church, N7372 County Road P, Town of Richmond, Walworth County, WI (To be placed on file)
7. Report of the County Clerk Regarding Communications Received by the Board and Recommended to be Placed on File
  - Barron County Resolution No. 2023-12 – Requesting the State to Revise the Current Real Estate Transfer Fees Revenue Sharing Formula (To be placed on file)
  - Washington County 2022 Resolution 62 – Requesting the State of Wisconsin Review and Revise the Entry Level Compensation Rate for Assistant District Attorneys (To be placed on file)
  - Shawano County Resolution No. 12-23 – Request State of Wisconsin to use a Portion of the 2023 Budgetary Surplus for the Maintenance, Repair and Replacement of County Trunk Highway System (To be placed on file)
8. Report of the County Clerk Regarding Communications Received by the Board After Agenda Mailing
  - Correspondence from Wisconsin Counties Association (WCA) regarding 2023 WCA Annual Business Meeting Resolutions - Deadline for Submission: 4:30 p.m. on June 19, 2023 (To be referred to the Executive Committee)
  - Correspondence from Walworth County Metropolitan Sewerage District regarding *Delavan Lake Sanitary District v. Walworth County Board of Adjustment* (To be placed on file)
9. Report of the County Clerk Regarding Zoning Petitions (To be referred to the County Zoning Agency)
  - Shodeen Family Property Company, LLC – Owner C/O Craig A. Shodeen, David Patzelt – Applicant, Walworth Township. Rezone approximately 471.24 acres of A-1 Prime Agricultural land to R-1 Single Family Residential (unsewered) District, 62.8 acres of A-2 Agricultural District land to R-1 Single Family Residential (unsewered) District, 18.99 acres of A-1 Prime Agricultural land to C-2 Upland Resource Conservation District, 11.25 acres of A-1 Prime Agricultural land to B-4 Highway Business District, 6.06 acres of A-1 Prime Agricultural land to C-4 Shoreland Wetland District, 7.03 acres of A-1 Prime Agricultural land to C-1 Lowland Resource Conservation District, 6.7 acres of A-5 Agricultural-Rural Residential District to R-1 Single Family Residential (unsewered) District, and .31 acres of C-1 Lowland Resource Conservation District to C-4 Shoreland Wetland District.

- Zan Enterprises, LLC C/O Edmund Doran – Owners, Geneva Township. Rezone approximately .55 acres of R-2 Single Family Residential (sewered) property to the R-3 Two-Family Residence District (sewered).

## Unfinished Business

## New Business

## Reports of Standing Committees

### County Zoning Agency Report of Proposed Zoning Amendments

1. Therese Ann Fritz Trust – Owner C/O Mary Peterson, Trustee, NE ¼ of Section 30, Walworth Township. Rezone 2.019 acres (1.723 exclusive of ROW) from A-1 to A-5 – Approved 6-0 (March 16, 2023 County Zoning Agency Public Hearing)
2. York Trust C/O Mary York – Owner, Section 22, Linn Township. Rezone approximately 5.475 acres of C-1, C-4, and A-1 to C-2 – Approved 6-0 (March 16, 2023 County Zoning Agency Public Hearing)
3. Ross & Alison Brugger – Owners, Section 33, Geneva Township. Rezone approximately .15 acres of C-4 to R-1 – Approved 6-0 (March 16, 2023 County Zoning Agency Public Hearing)

On motion by Supervisor Pruessing, second by Supervisor Karbowski, Items #1 thru #3 of the County Zoning Agency Report of Proposed Zoning Amendments were approved as recommended by the County Zoning Agency by voice vote.

### Executive Committee

1. Ord. No. 1309-04/23 – Amending Chapter 2 of the Walworth County Code of Ordinances Relating to County Board Supervisor Remote Attendance – *Vote Required: Majority* (Recommended by the Executive Committee 5-0)
2. Res. No. 10-04/23 – Authorizing the Appeal of 2022AP289 *Delavan Lake Sanitary District v. Walworth County Board of Adjustment* to the Wisconsin Supreme Court – *Vote Required: Majority* (Recommended by the Executive Committee 4-0)
3. Approval of the 2023-2024 County Board of Supervisors Meeting Schedule – *Vote Required: Majority* (Recommended by the Finance Committee 5-0 and the Executive Committee 4-1)

On motion by Supervisor Schaefer, second by Supervisor Reiff, Item #1, **Ord. No. 1309-04/23** was approved by voice vote.

Cotter briefly summarized the current controversy relative to, Item #2, the Delavan Lake Sanitary District and the construction of a roadway over their easement in the View Crest Subdivision on Delavan Lake. There was a dispute as to whether or not they needed a permit to construct the roadway. The Board of Adjustment (BOA) found in favor of the Land Use and Resource Management (LURM) Department staff. The Delavan Lake Sanitary District appealed the BOA's decision to the Trial Court in Walworth County. Judge Reddy ruled in the County's favor. The Delavan Lake Sanitary District appealed once again to the Court of Appeals. The Court of Appeals in essence overruled the Trial Court and said the roadway was a utility structure and was exempt from County permits. Cotter noted Walworth County would like to appeal the issue as to whether or not a roadway is a utility structure.

Vice-Chair Simons stated in 1979 the Department of Natural Resources (DNR) mandated that a sewer system be put in place around Delavan Lake. The Delavan Lake Sanitary District oversees this sewer system. Simons reported there has been minimal maintenance to the system for about 30 years and the entire system is now aging. He described the soft soil near the lake and stated the sanitary district chose to install a roadway over the easement leading to the sewer system without the proper permits even though

there were other options to potentially maintain the system, such as mats and other ways to bring in heavy equipment.

Discussion then focused on the use of tax dollars to litigate the matter; the detriment of removing the roadway; setting precedence to all future roadways that could be construed as a utility structure; surrounding homeowners who were initially upset with the installed roadway; and that new state laws are being created allowing roadways over easements for utility structures. Cotter stated he is in favor of appealing the decision.

Vice-Chair Simons offered a motion relative to, Item #2, Res. No. 10-04/23, second by Supervisor Schaefer, to not authorize the appeal. A roll call vote was conducted. Total votes: 11; Ayes: 3 – Laufenberg, Schaefer, and Simons; Noes: 7 – Holt, Ingersoll, Karbowski, Monroe, Pruessing, Stacey, and Stanek; Absent: 0; Abstained: 1 – Reiff. Motion failed.

Supervisor Karbowski offered a motion relative to, Item #2, Res. No. 10-04/23, second by Supervisor Pruessing, to approve authorization to appeal the decision. A roll call vote was conducted. Total votes: 11; Ayes: 7 – Holt, Ingersoll, Karbowski, Monroe, Pruessing, Stacey, and Stanek; Noes: 3 – Laufenberg, Schaefer, and Simons; Absent: 0; Abstained: 1 – Reiff. **Res. No. 10-04/23** was approved by roll call vote.

Walworth County Administrator Mark W. Luberda clarified for the record that an abstention does not equal a “No” vote, it may have the same effect as a “No” vote, but it only matters how many voted in favor of a motion and if it meets the required threshold.

Supervisor Reiff offered a motion relative to, Item #3, the 2023-2024 County Board of Supervisors Meeting Schedule, second by Supervisor Karbowski, to change the County Board meeting times from 3:30 p.m. to 5:00 p.m. Discussion then focused on the availability for constituents to attend meetings after work hours; the way in which staff without extended hours would be affected; and past history of public’s attendance.

A motion was offered by Supervisor Karbowski, second by Supervisor Schaefer, to call the question and end debate was approved by voice vote.

Luberda requested clarification on the motion changing the County Board Meeting times from 3:30 p.m. to 5:00 p.m., as there are two other meetings on the schedule 1) 6:00 p.m. Public Budget Hearing; and 2) the 2:30 p.m. Committee of the Whole.

Maker of the motion, Supervisor Reiff, confirmed the 6:00 p.m. Public Budget Hearing would remain at 6:00 p.m. Luberda reiterated the motion is to change the County Board Meetings from 3:30 p.m. to 5:00 p.m. and that the other two meetings are not being changed with this motion.

A roll call vote was conducted. Total votes: 11; Ayes: 6 – Holt, Karbowski, Laufenberg, Pruessing, Reiff, and Schaefer; Noes: 5 – Ingersoll, Monroe, Simons, Stacey, and Stanek; Absent: 0. The motion to approve the 2023-2024 County Board meetings from 3:30 p.m. to 5:00 p.m. was approved by roll call vote.

Supervisor Laufenberg offered a motion to change the November meeting to the Tuesday prior to the election. The motion died, as there is no election in November.

Supervisor Pruessing offered a motion to keep the Tuesday, September 12, 2023 Committee of the Whole – Budget Workshop meeting at 2:30 p.m. Cotter noted there was no need to make a motion to keep the time at 2:30 p.m. The motion died.

Supervisor Laufenberg offered a motion to change the September 12, 2023 Committee of the Whole – Budget Workshop Meeting at 2:30 p.m. to 4:00 p.m. Motion failed due to lack of a second.

Supervisor Schaefer offered a motion, second by Supervisor Reiff, to approve the dates listed on the 2023-2024 County Board of Supervisors Meeting Schedule. The motion was approved by voice vote.

### **Finance Committee**

1. Ord. No. 1312-04/23 – Amending Section 30-286 of the Walworth County Code of Ordinances Relating to Referral Autopsy/Examination Fees – *Vote Required: Majority* (Recommended by the Executive Committee 5-0 and the Finance Committee 5-0)
2. Res. No. 04-04/23 – Authorizing the Closure of the Sheriff’s Office Generator & Transfer Switches Project and Transferring Remaining Funds to the General Fund Building/Equipment Reserve Committed Fund Balance – *Vote Required: Two-thirds* (Recommended by the Public Works Committee 5-0 and the Finance Committee 5-0)
3. Res. No. 05-04/23 – Establishing a Budget for the Medical Examiner’s Department for Forensic Examination Services Offered to Outside Agencies – *Vote Required: Two-thirds* (Recommended by the Executive Committee 5-0 and the Finance Committee 5-0)
4. Res. No. 06-04/23 – Accepting Income Maintenance American Rescue Plan Act Funding – *Vote Required: Majority* (Recommended by the Finance Committee 5-0)
5. Res. No. 07-04/23 – Accepting Income Maintenance Centers for Medicare and Medicaid Services COVID Unwinding Funding and Establishing a Budget – *Vote Required: Two-thirds* (Recommended by the Finance Committee 5-0)
6. Res. No. 08-04/23 – Establishing a Budget for Greater Wisconsin Agency on Aging Resources (GWAAR) American Rescue Plan Act (ARPA) Phase II Grant – *Vote Required: Two-thirds* (Recommended by the Finance Committee 5-0)
7. Res. No. 09-04/23 – Authorizing an Increase to the Budget of the Fueling System Replacement Capital Project by \$300,000 through a Transfer from the Highway Fund Equipment Reserves – *Vote Required: Two-thirds* (Recommended by the Public Works Committee 4-1 and the Finance Committee 4-1)

On motion by Supervisor Reiff, second by Supervisor Karbowski, Item #1, **Ord. 1312-04/23** was approved by voice vote.

Supervisor Schaefer offered a motion, second by Supervisor Stanek, to approve, Item #2, Res. No. 04-04/23. A roll call vote was conducted. Total votes: 11; Ayes: 11 – Holt, Ingersoll, Karbowski, Laufenberg, Monroe, Pruessing, Reiff, Schaefer, Simons, Stacey, and Stanek; Noes: 0; Absent: 0. **Res. No. 04-04/23** was approved by roll call vote.

Supervisor Reiff offered a motion, second by Supervisor Ingersoll, to approve, Item #3, Res. No. 05-04/23. A roll call vote was conducted. Total votes: 11; Ayes: 11 – Holt, Ingersoll, Karbowski, Laufenberg, Monroe, Pruessing, Reiff, Schaefer, Simons, Stacey, and Stanek; Noes: 0; Absent: 0. **Res. No. 05-04/23** was approved by roll call vote.

On motion by Vice-Chair Simons, second by Supervisor Pruessing, Item #4, **Res. No. 06-04/23** was approved by voice vote.

Vice-Chair Simons offered a motion, second by Supervisor Schaefer, to approve, Item #5, Res. No. 07-04/23. At the request of the Board, Director-Health and Human Services/Superintendent of County Institutions Carl Nevicosi provided additional information as to how the Income Maintenance Centers for Medicare and Medicaid Services COVID Unwinding Funding would be utilized. A roll call vote was conducted. Total votes: 11; Ayes: 11 – Holt, Ingersoll, Karbowski, Laufenberg, Monroe, Pruessing, Reiff,

Schaefer, Simons, Stacey, and Stanek; Noes: 0; Absent: 0. **Res. No. 07-04/23** was approved by roll call vote.

Supervisor Monroe offered a motion, second by Vice-Chair Simons, to approve, Item #6, Res. No. 08-04/23. A roll call vote was conducted. Total votes: 11; Ayes: 11 – Holt, Ingersoll, Karbowski, Laufenberg, Monroe, Pruessing, Reiff, Schaefer, Simons, Stacey, and Stanek; Noes: 0; Absent: 0. **Res. No. 08-04/23** was approved by roll call vote.

Supervisor Pruessing offered a motion, second by Supervisor Monroe, to approve, Item #7, Res. No. 09-04/23. Discussion then focused on alternate solutions; tank location safety concerns; utilization of existing facilities, while maintaining the ability to fuel on site; and the ability to monitor the new system for suspicious traffic. A roll call vote was conducted. Total votes: 11; Ayes: 10 – Holt, Ingersoll, Karbowski, Laufenberg, Monroe, Pruessing, Reiff, Simons, Stacey, and Stanek; Noes: 1 – Schaefer; Absent: 0. **Res. No. 09-04/23** was approved by roll call vote.

### **Human Resources Committee**

1. Ord. No. 1310-04/23 – Amending Section 15-515 of the Walworth County Code of Ordinances Relating to Scheduled Time Off (STO)/Vacation Accruals – *Vote Required: Majority* (Recommended by the Human Resources Committee 4-0)
2. Ord. No. 1311-04/23 – Creating Section 15-19 of the Walworth County Code of Ordinances Relating to Hiring Below Authorized FTE – *Vote Required: Majority* (Recommended by the Human Resources Committee 4-0)
3. Res. No. 02-04/23 – Authorizing a One-Time Lakeland School Educator Retention Bonus – *Vote Required: Majority* (Recommended by the Human Resources Committee 4-0 and the Children with Disabilities Education Board 5-0)
4. Res. No. 03-04/23 – Authorizing the Reclassification of a Legal Assistant I Position to a Legal Assistant II Position and the Reclassification of a Vacant Legal Assistant I Position to an Administrative Clerk III Position in the Corporation Counsel Office – *Vote Required: Majority* (Recommended by the Human Resources Committee 4-0)

Vice-Chair Simons offered a motion, second by Supervisor Schaefer, to approve, Item #1, Ord. No. 1310-04/23; Item #2, Ord. No. 1311-04/23; Item #3, Res. No. 02-04/23; and Item #4, Res. No. 03-04/23. At the request of the Board, Director-Special Education Matthew Huettl provided details relative to the proposed retention bonuses and stated they would not be paid out until October 2024. **Ord. No. 1310-04/23; Ord. No. 1311-04/23; Res. No. 02-04/23; and Res. No. 03-04/23** were approved by voice vote.

### **Special Order of Business**

1. Consideration of topics for 2 remaining strategic planning Committee of the Whole meetings to be held during 2023

Luberda distributed and summarized the Walworth County TCC Specific Strategic Planning (SWOT) Analysis dated April 3, 2023. He requested the Board's input to help establish topics for discussion and when they would like to discuss them. Luberda suggested they select one now, one in August, and perhaps one after the 2024 budget has been established. Discussion then focused on maintaining the direction of prolonging Walworth County's ability to go without borrowing money; considering Government Finance Officers Association (GFOA) guidelines, which is focusing on the next four to five year range; continuing long term budget planning; concentrating on housing impacts across the community by utilizing Walworth County Economic Development Alliance (WCEDA); and reviewing affordable housing and homelessness concerns.

Supervisor Pruessing offered a motion, second by Supervisor Karbowski, to plan a Special Order of Business at the next Committee of the Whole Meeting in either June or July, to discuss the overall aspect of housing within Walworth County, whether it is homelessness, affordability, and/or workforce. Luberda indicated he would send out a presentation for review prior to either the June or July proposed Committee of the Whole meeting containing information on economic development and how it would affect the overall housing situation. The motion for a Special Order of Business at the next Committee of the Whole Meeting in either June or July was approved by voice vote.

Supervisor Holt offered a motion, second by Vice-Chair Simons, to delay suggesting a second item for discussion at a subsequent Committee of the Whole Meeting until after the 2024 budget has been established. Motion carried by voice vote.

**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**

There was none.

**Adjournment**

On motion by Supervisor Monroe, second by Supervisor Schaefer, the meeting was adjourned a 5:08 p.m.

Prepared By: Kathleen Aukland, Administrative Assistant  
Submitted By: Susi Pike, County Clerk

STATE OF WISCONSIN     )  
  )  
COUNTY OF WALWORTH    )

I, Susi Pike, 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 April 18, 2023 meeting.