

**Walworth County Board of Supervisors
Executive Committee Meeting Minutes
Monday, November 16, 2020
Walworth County Government Center, County Board Room 114
100 West Walworth Street, Elkhorn, Wisconsin**

Chair David Weber called the meeting to order at 10:00 a.m.

Roll call was conducted and the following members were present, either in person or by remote attendance: Chair David Weber; Vice Chair Daniel Kilkenny; Supervisors Brian Holt, Susan Pruessing and Nancy Russell. A quorum was declared.

Others in Attendance

County Board Supervisors: Ryan Simons.

County staff: County Administrator Mark W. Luberda; Corporation Counsel/Director of Land Use and Resource Management (LURM) Michael Cotter; Sheriff Kurt Picknell; and Director-Public Works Richard Hough.

Members of the Public: DJ Lindfors of Live Nation; and Barb Fischer

On motion by Supervisor Holt, second by Supervisor Russell, the agenda was approved with no withdrawals.

On motion by Supervisor Russell, second by Supervisor Holt, the minutes of the October 19, 2020 Executive Committee Meeting were approved.

Public Comment – There was none.

Consent Items – expense/mileage reimbursement claims submitted by:

7a) Rick Stacey, County Board Supervisor, in the amount of \$31.74

7b) Anna Seaver, citizen member on Board of Adjustment, in the amount of \$28.71

Supervisor Russell offered a motion, second by Supervisor Holt, to approve the expense/mileage reimbursement claims submitted by Rick Stacey and Anna Seaver. Motion carried 5-0.

Appointments

8a) Board of Adjustment – re-appointment of Barbara Fischer from 2nd alternate to regular member.

Chair Weber asked Ms. Fischer a series of questions regarding her qualifications, experience, desire to serve on the Board of Adjustment, and whether she had any conflicts of interest that would prohibit her from serving. **Supervisor Russell offered a motion, second by Supervisor Holt, to re-appoint Barbara Fischer as a regular member to the Board of Adjustment. Motion carried 5-0.** County Administrator Mark W. Luberda noted should the County Board approve Ms. Fischer's appointment, it will create a vacant alternate position. Luberda said he will keep the process moving to fill all positions.

8b) County Zoning Agency – re-appointment of Richard Kuhnke.

Chair Weber requested the interview of Mr. Kuhnke be moved to later in the meeting due to his absence. There were no objections.

8c) Lake Geneva Library Board – re-appointment of Martha Pennington.

Supervisor Russell offered a motion, second by Supervisor Holt, to re-appoint Martha Pennington to the Lake Geneva Library Board. Luberda noted there are numerous Library Board vacancies across the county and stated he will be working with the individual libraries to fill those vacancies. **Motion carried 5-0.**

9. New business

a) Alpine Valley Music Theatre 2021 Business Plan and License Application and 2021 Camping Operational Plan

- Review 2021 Operations Plan
- Set date and time for public hearing on 2021 Alpine Valley business plan and license application

Sheriff Kurt Picknell stated there have been minor edits to the business plans, as seen in previous years, and indicated there are no concerns to be addressed. Supervisor Russell inquired about mask and social distancing requirements. DJ Lindfors of Live Nation stated there is a paragraph within the 2021 Operations Plan for if/when live entertainment is possible indicating they will follow the jurisdictions of the local County, State, and Health Departments, as to what they are advising at that particular time. Discussion ensued. **Supervisor Russell offered a motion, second by Supervisor Holt, to set a Public Hearing for the December 14, 2020 Executive Committee meeting. Motion carried 5-0.**

b) Establishing criteria and process guidelines to be used in developing a Redistricting Plan

Luberda gave a brief overview of the proposed list of criteria and process guidelines to be used in developing a Redistricting Plan and supporting documentation (Pages 71-78). If approved, they will be incorporated into a resolution format for consideration by the County Board. Supervisor Russell noted on Page 71, Item #4, "The 2010 Census" should be "The 2020 Census." Luberda confirmed the error and requested a motion to forward the criteria and process guidelines to the County Board in resolution format. Luberda stated the Administration Office will draft the resolution, obtain approval by Corporation Counsel, and forward it to the County Board. **Supervisor Holt offered a motion, second by Supervisor Russell, to forward the proposed criteria and process guidelines to be used in developing a Redistricting Plan to the County Board in resolution format. Motion carried 5-0.**

c) Ordinance No. xxxx-12/20 Continuing Special Authority for 2021 to Enable Continued Response to and Management of Operations during the Covid-19 Pandemic by Extending Certain Authorization as Approved within the 2020 Resolution for a Declaration of Emergency and Ordinances 1215-06/20 and 1224-09/20

Luberda provided an overview of Res. No. 102-03/20, Declaring a State of Emergency in Walworth County as a Result of the COVID-19 Virus; Ord. No. 1215-06/20; and Ord. No. 1224-09/20, which extended the authorizations provided for in the Emergency Declaration through, generally, 2020. He briefly explained the purpose of the proposed ordinance, the deadline date of July 14, 2021 for certain components, and the effects this will have on the Executive Committee. He reported new computers with improved cameras and headsets will be made available to all committee members along with training to improve the remote presence at meetings. Discussion ensued. Luberda recommended approval to move forward with the proposed ordinance. **Supervisor Holt offered a motion, second by Supervisor Russell, to move forward with the proposed ordinance. Motion carried 5-0.**

Luberda spoke briefly relative to, Item 8b, County Zoning Agency – re-appointment of Richard Kuhnke and recommended forwarding this matter to the December Executive Committee Agenda. There were no objections.

Reports/announcements by Chairperson – There was none.

Confirmation of next meeting date and time: The next meeting was confirmed for Monday, December 14, 2020 at 10:00 a.m.

Claims and Litigation

12. The Committee convened in closed session **at approximately 10:31 a.m. on motion and second by Supervisors Holt and Russell** pursuant to the exemption contained in Section 19.85(1)(g) of the Wisconsin Statutes, “conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved,” relative to the items listed below. A roll call vote was conducted and all members present voted “aye.” County Administrator Mark W. Lubberda and Corporation Counsel/Director of Land Use and Resource Management Michael Cotter remained in closed session. Vice Chair Kilkenny and Supervisor Pruessing remained on the telephone.
- a) Complaint – Tera M. Sedivy v. Walworth County, Christopher Such, Town of Geneva, and Jeffrey P. Spatz
 - b) Summons and Complaint – Mya Janczak v. Julia Patterson, as Independent Administrator of the Estate of Theopolis Owens deceased; Village of Genoa City, and Donald Tyler, individually and as an Agent and/or Employee of Village of Genoa City, and Lee Redlin; Village of Spring Grove; Village of Antioch; Village of Richmond; Village of Fox Lake; Lake County Sheriff’s Office, Lake County; McHenry County Sheriff’s Office, McHenry County; and Walworth County
 - c) Claim for Vehicle Damage – Walter Burkhalter

The Committee reconvened in open session at 10:48 a.m. on motion and second by Supervisors Russell and Holt.

Supervisor Holt offered a motion, second by Supervisor Russell, to proceed as discussed in closed session on item b), above herein, and to deny items a) and c). Motion carried 5-0.

Cotter provided additional comment to Lubberda’s previous comments relative to, Item 9c, employees working from home. He noted the Land Use and Resource Management (LURM) Department has been experiencing a remarkable amount of business and is at 101% of revenue through the month of October. Anything earned during the months of November and December will be above projected revenue. He believes this is attributed to individuals remaining at home and not traveling due to COVID. They are choosing to build outbuildings, decks, pools, etc.

13. Annual evaluation of the County Administrator. The County Administrator will provide the committee with an update of his 2020 goals in open session.
- County Administrator Mark W. Lubberda distributed and gave a brief overview of a Memorandum and Summary of the Administrator’s 2020 Goals. There was a brief discussion relative to the lack of turnover by key personnel during Mr. Lubberda’s service to Walworth County. **Supervisor Russell offered a motion, second by Supervisor Holt, to accept County Administrator Lubberda’s report and to convene in closed session.**

The Committee convened in closed session **at approximately 11:18 a.m.** pursuant to the exemption contained in Section 1985(1)(c) of the Wisconsin Statutes, “Considering employment, promotion, compensation or performance evaluation data of any public employee over which the government body has jurisdiction or exercises responsibility.” A roll call vote was conducted and all members present voted “aye.” Vice Chair Kilkenny and Supervisor Pruessing remained in closed session via telephone.

The Committee reconvened in open session at 11:39 a.m. on motion and second by Vice Chair Kilkenny and Supervisor Holt.

Vice Chair Kilkenny offered a motion, second by Supervisor Holt, that the Executive Committee deems the performance of County Administrator Luberda to be satisfactory under his contract; the County Board Chairman is directed to indicate such in writing to the Finance Director; and to execute the Employment Agreement. Motion carried 5-0.

Chair Weber provided and elaborated on the following comments:

- The Executive Committee would like to see more of an open line of communication between County Administrator Luberda and Corporation Counsel Michael Cotter.
- The Executive Committee would like to see more input at the committee level relative to reviewing proposed policies prior to going to a motion for approval.
- The Executive Committee is pleased with County Administrator Luberda's involvement and communication.

Luberda expressed appreciation for the positive feedback and stated he enjoys his job and looks forward to many years of collaboration.

Adjournment

On motion and second by Vice Chair Kilkenny and Supervisor Russell, Chair Weber adjourned the meeting at 11:46 a.m.

Submitted by Patricia Sommers, Administrative Assistant. Meeting minutes were approved by the Executive Committee at the December 14, 2020 meeting.