

*Kenosha*



*County*

## COUNTY BOARD OF SUPERVISORS

### NOTICE OF MEETING

NOTE: UNDER THE KENOSHA COUNTY BOARD OF RULES OF PROCEDURE ANY REPORT, RESOLUTION, ORDINANCE OR MOTION APPEARING ON THIS AGENDA MAY BE AMENDED, WITHDRAWN, REMOVED FROM THE TABLE, RECONSIDERED OR RESCINDED IN WHOLE OR IN PART AT THIS OR AT FUTURE MEETINGS. NOTICE OF SUCH MOTIONS TO RECONSIDER OR RESCIND AT FUTURE MEETINGS SHALL BE GIVEN IN ACCORDANCE WITH SEC. 210(2) OF THE COUNTY BOARD RULES. FURTHERMORE, ANY MATTER DEEMED BY A MAJORITY OF THE BOARD TO BE GERMANE TO AN AGENDA ITEM MAY BE REFERRED TO THE PROPER COMMITTEE. ANY ITEM SCHEDULED FOR THE FIRST OF TWO READINGS IS SUBJECT TO A MOTION TO SUSPEND THE RULES IN ORDER TO PROCEED DIRECTLY TO DEBATE AND VOTE. ANY PERSON WHO DESIRES THE PRIVILEGE OF THE FLOOR PRIOR TO AN AGENDA ITEM BEING DISCUSSED SHOULD REQUEST A COUNTY BOARD SUPERVISOR TO CALL SUCH REQUEST TO THE ATTENTION OF THE BOARD CHAIRMAN.

**NOTICE IS HEREBY GIVEN** the **Regular County Board Meeting** of the Kenosha County Board of Supervisors will be held on **Tuesday, the 19th of March, 2024 at 7:30 P.M.**, in the County Board Room located in the Kenosha County Administration Building, 1010 56th St, Kenosha, WI. The following will be the agenda for said meeting:

- A. Call To Order By Chairman Nudo
- B. Pledge Of Allegiance
- C. Roll Call Of Supervisors
- D. Citizen Comments

Documents:

[GUIDELINES FOR CITIZEN COMMENTS FOR COUNTY BOARD AND COMMITTEE MEETINGS.PDF](#)

- E. Announcements Of The Chairperson
- F. Supervisor Reports
- G. NEW BUSINESS

Resolution - One Reading

108. From The Finance & Administration Committee An Initial Resolution Authorizing The Issuance Of Not To Exceed \$33,000,000 General Obligation Bonds And/Or Promissory Notes For The Purchase Of The Human Services Building

Documents:

KENOSHA COUNTY - 2024 INITIAL RESOLUTION RE PURCHASE OF  
HUMAN SERVICES BUILDING.PDF

109. From The Human Services Committee - A Resolution To Approve The  
Appointment Of Sheila Siegler To Serve On The Brookside Board Of Trustees

Documents:

SIGNED RESOLUTION SIEGLER BBOT.PDF

110. From The Human Services Committee And The Finance & Administration  
Committee A Resolution Requesting The Purchase Of One Pendar X 10  
Spectrometer And Two TruNarc Analyzers With Opioid Settlement Funds For Use  
By The Kenosha County Sheriff's Department

Documents:

SIGNED RESOLUTION OSA.PDF

111. From The Judiciary & Law Enforcement Committee - A Resolution To Approve  
The Appointment Of James Poltrock To Serve As A Member Of The Local  
Emergency Planning Committee (Group #2 – Hospitals)

Documents:

2024 REAPPOINTMENT JAMES POLTROCK TO LEPC.PDF

112. From The Judiciary & Law Enforcement Committee - A Resolution To Approve  
The Appointment Of Joesph Potente To Serve As A Member Of The Local  
Emergency Planning Committee (Group #3 – Social Media Representative)

Documents:

2024 REAPPOINTMENT JOSEPH POTENTE TO LEPC.PDF

113. From The Judiciary & Law Enforcement Committee - A Resolution To Approve  
The REGULAR CABARET LICENSE - BB's Pub 6215 Green Bay Road Kenosha WI  
53142 (Town Of Somers)

Documents:

2024 BBS PUB REGULAR CABARET LICENSE.PDF

114. From The Judiciary & Law Enforcement Committee - A Resolution To Approve  
The REGULAR CABARET LICENSE - Premier Wine And Spirits 32400 Geneva  
Road Salem WI 53168 Town Of Wheatland

Documents:

2024 PREMIER WINE AND SPIRITS REGULAR CABARET LICENSE.PDF

115. From The Judiciary & Law Enforcement Committee & Finance/Administration  
Committee A Resolution To Increase Civil Process Fees

Documents:

RESOLUTION INCREASE CIVIL PROCESS FEES.PDF

116. From The Judiciary & Law Enforcement Committee & Finance/Administration Committee 2023 Grant Award (FY'23) – Homeland Security – Wisconsin Emergency Management/HS ALERT Bomb Technician Response Equipment 2023

Documents:

[2023 WEM HS ALERT BOMB TECH RESPONSE EQUIPMENT.PDF](#)

117. From The Public Works & Facilities And Finance & Administration Committees A Request For The Approval Of The Plat And Relocation Order For The County Highway (CTH) W Project From Illinois Stateline To County Highway (CTH) C And Authorization For The Highway Commissioner To Acquire The Necessary Highway Right-Of-Way Required For The Project (Town Of Randall And Village Of Salem Lakes)

Documents:

[RES - REQUEST FOR THE APPROVAL OF THE PLAT AND RELOCATION ORDER FOR THE CTH W PROJECT FROM IL TO CTH C AND AUTHROIZATION FOR RIGHT-OF-WAY.PDF](#)

118. From The Public Works & Facilities And Finance & Administration Committees A Resolution Authorizing A Lease Of KC Property At 1301 85th Street To Square Deal Trees, LLC For Two Months For The Sum Of \$250

Documents:

[RES - AUTHORIZING A LEASE TO SQUARE DEAL TREES, LLC.PDF](#)

119. From The Public Works & Facilities And Finance & Administration Committees A Resolution Authorizing The Sale Of A CTH F Project Remnant To Donna Karow

Documents:

[RES - AUTHORIZING THE SALE OF A CTH F PROJECT REMNANT TO DONNA KAROW.PDF](#)

120. From The Public Works & Facilities And Finance & Administration Committees A Resolution Authorizing The Sale Of A CTH F Project Remnant To Lance & Abby Gehring

Documents:

[RES - AUTHORIZING THE SALE OF A CTH F PROJECT REMNANT TO LANCE AND ABBY GEHRING.PDF](#)

121. From The Public Works & Facilities And Finance & Administration Committees A Resolution For Acceptance Expenditure Of LRIP Funds And Re-Appropriation Of Hwy K Funds To Recondition Hwy L Between STH 31 And 30th Avenue

Documents:

[RES - ACCEPTANCE EXPENDITURE OF LRIP FUNDS AND RE-APPROPRIATION OF HWY K FUNDS.PDF](#)

122. From The Public Works & Facilities And Finance & Administration Committees A Resolution For Acceptance Expenditure Of LRIP Funds And Re-Appropriation Of Hwy K Funds To Recondition Hwy L Between STH 31 And 30th Avenue

A Resolution To Approve WE Energies Permanent Easement Request Within Brookside Care Center

Documents:

[RES- WE ENERGIES PERMANENT EASEMENT REQUEST WITHIN BROOKSIDE CARE CENTER.PDF](#)

Ordinance - First Reading, Two Required

12. From The Planning, Development & Extension Education Committee An Ordinance Regarding Proposed Amendments To The Kenosha County General Zoning And Shoreland/Floodplain Zoning Ordinance Adopting The State/FEMA Model Floodplain Zoning Ordinance Including The Adoption Of The New Flood Insurance Rate Maps (FIRMs) And The New Flood Insurance Study (FIS)

Documents:

[ORD REVISIONS CH12 FEMA FLOODPLAIN .PDF](#)

H. COMMUNICATIONS

104. Communication From Andy M. Buehler Regarding Future Items Scheduled Before The Planning, Development & Extension Education Committee

Documents:

[04-10-2024 COMMUNICATIONS.PDF](#)

105. Communication From Public Works - Resolution For Jurisdictional Transfer Of Part Of CTH N

Documents:

[COMMUNICATION - RESOLUTION FOR JURISDICTIONAL TRANSFER OF PART OF CTH N.DOCX](#)  
[IGA TRANSFER HWY N 2024.PDF](#)

I. CLAIMS

20. Darryal Jenkins - Personal Injury

Documents:

[GL-07-24 JENKINS, DARRYAL.PDF](#)

J. Approval Of The March 5, 2024 Regular And Committee Of The Whole Meeting Minutes By Supervisor Stocker

K. Adjourn



## **GUIDELINES FOR “CITIZEN COMMENTS” AT KENOSHA COUNTY BOARD AND COMMITTEE MEETINGS**

Please follow the guidelines for participating in Citizen Comments:

- Any person who wishes to address the county board during the “Citizen Comments” portion of the county board meeting must verbally state their name and residential address for the record.
- Citizens that speak during “Citizen Comments” must list their name and residential address on the sign-in sheet on the podium.
- Citizen Comments portion of the meeting will be for 1 hour, which may be adjusted by the County Board Chair at their discretion, if necessary.
- Each speaker is provided one opportunity to speak up to five (5) minutes in length or as announced by the County Board Chair at the beginning of the meeting. Stay within the time limits provided.
- Citizen comments should pertain to county operations.
- Comments should be made to the Board as a whole, and not to address individual Supervisors.
- Do not ask questions of the Board as a whole, or to individual supervisors, this is a time for public comments, not discussion or debate.
- Citizens must be courteous in their language and deportment and must avoid personalized remarks. Refraining from comments that are rude, obscene, or profane, personally attacking, or which demonstrate a lack of respect for others.
- The County Board Chair will not tolerate abusive language or disruptive behavior. The County Board Chair, for abusiveness or disruptive behavior, may terminate an individual’s public comments. The County Board Chair has the authority to rule speakers out of order for noncompliance with these guidelines and may call a short recess in disorderly situations.
- Citizens in the audience are not to audibly respond to comments being made or to make demonstrations either in support of or in opposition to a speaker or idea. Refraining from derogatory comments, inappropriate gesturing, or applause.

***Kenosha***



***County***

***BOARD OF SUPERVISORS***

**RESOLUTION NO. 2024-\_\_\_\_\_**

Subject:		An Initial Resolution Authorizing the Issuance of Not to Exceed \$33,000,000 General Obligation Bonds and/or Promissory Notes for the Purchase of the Human Services Building	
Original <input checked="" type="checkbox"/>	Corrected <input type="checkbox"/>	2nd Correction <input type="checkbox"/>	Resubmitted <input type="checkbox"/>
Date Submitted: March 14, 2024		Dates Resubmitted:	
Submitted By: Finance/Administration Committee			
County Board Meeting Date: March 19, 2024			
Fiscal Note Attached <input type="checkbox"/>		Legal Note Attached <input type="checkbox"/>	
Prepared By: Foley & Lardner LLP		Signature:	

**COUNTY BOARD OF SUPERVISORS  
OF  
KENOSHA COUNTY, WISCONSIN**

March 19, 2024

Resolution No. 2024-\_\_\_\_\_

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**An Initial Resolution  
Authorizing the Issuance of Not to Exceed  
\$33,000,000 General Obligation Bonds and/or Promissory Notes  
for the Purchase of the Human Services Building**

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BE IT RESOLVED, by the County Board of Supervisors of Kenosha County, Wisconsin (the “**County**”), that under and by virtue of the provisions of Chapter 67 of the Wisconsin Statutes, the County shall issue its negotiable, general obligation bonds and/or promissory notes, on one or more dates and in one or more series, in an aggregate principal amount of not to exceed \$33,000,000 for the purchase of the building in which the County’s Human Services Department will reside, which purchase is expected to occur at the end of the five-year lease term that is currently scheduled to begin in February 2026; *provided, however*, that said bonds or notes shall be sold and issued in whole or in part from time to time in such amount or amounts as shall be within the limits provided by law. In the event this initial resolution lapses prior to the purchase of the building, the County intends to extend this authorization for financing by bringing this resolution before the County Board of Supervisors for reapproval.

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Adopted:      March 19, 2024

\_\_\_\_\_  
County Board Chairperson

\_\_\_\_\_  
County Clerk




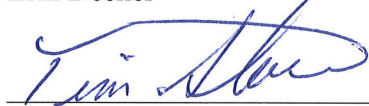

\_\_\_\_\_  
County Executive

Subject:

An Initial Resolution  
Authorizing the Issuance of Not to Exceed  
\$33,000,000 General Obligation Bonds and/or Promissory Notes  
for the Purchase of the Human Services Building

Approved by:

**FINANCE/ADMINISTRATION COMMITTEE:**

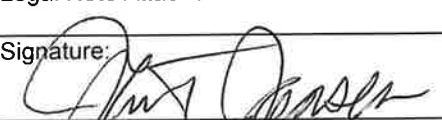
<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Abstain</u>	<u>Excused</u>
 Terry Rose, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 David Geertsens, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 John Poole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Erin Decker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Timothy Stocker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 John Franco	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 William Grady	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



# KENOSHA COUNTY

## BOARD OF SUPERVISORS

RESOLUTION NO. \_\_\_\_\_


Subject: Resolution to approve the appointment of Ms. Sheila Siegler to serve on the Brookside Board of Trustees			
Original <input checked="" type="checkbox"/>	Corrected <input type="checkbox"/>	2nd Correction <input type="checkbox"/>	Resubmitted <input type="checkbox"/>
Date Submitted:		Date Resubmitted:	
Submitted By: Human Services Committee			
Fiscal Note Attached <input type="checkbox"/>		Legal Note Attached <input type="checkbox"/>	
Prepared By: John T. Jansen		Signature: 	

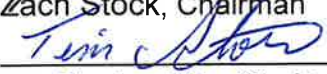
**WHEREAS**, pursuant to County Executive Appointment 2024-12, the County Executive has appointed Ms. Sheila Siegler to serve on the Brookside Board of Trustees, and

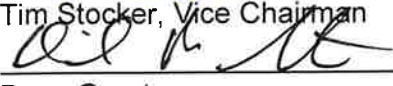
**WHEREAS**, the Human Services Committee has reviewed the request of the County Executive for confirmation of this appointment and is recommending to the County Board the approval of this appointment,

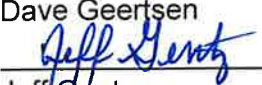
**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of Supervisors confirms the appointment of Ms. Sheila Siegler to the Brookside Board of Trustees. This appointment shall be effective immediately and continue until the 1<sup>st</sup> Day of January 2027, or until a successor is appointed by the County Executive and confirmed by the Kenosha County Board of Supervisors. Ms. Siegler will serve without pay but will receive a per diem. She is succeeding Judy Jensen.


**HUMAN SERVICES COMMITTEE:**

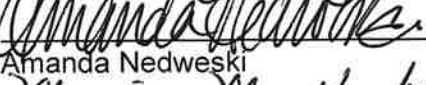
  
 Zach Stock, Chairman

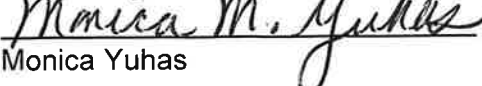
  
 Tim Stocker, Vice Chairman

  
 Dave Geertsen

  
 Jeff Gentz

  
 Ed Kubicki

  
 Amanda Nedweski

  
 Monica Yuhus

Aye    Nay    Abstain    Excused

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



# COUNTY OF KENOSHA

OFFICE OF THE COUNTY EXECUTIVE

Samantha Kerkman, County Executive

1010 – 56<sup>th</sup> Street, Third Floor  
Kenosha, Wisconsin 53140  
(262) 653-2600

## **ADMINISTRATIVE PROPOSAL COUNTY**

### **EXECUTIVE APPOINTMENT 2024-12**

#### **BROOKSIDE BOARD OF TRUSTEES**

TO THE HONORABLE KENOSHA COUNTY BOARD OF SUPERVISORS:

Placing special trust in the judgment and based upon the qualifications thereof, I hereby submit to the Honorable Kenosha County Board of Supervisors for its review and approval the name of

Sheila Siegler  
Wheatland, WI 53144

to serve a three-year term on the Brookside Board of Trustees beginning immediately upon confirmation of the County Board and continuing until the 1<sup>st</sup> day of January, 2027 or until a successor is appointed by the County Executive and confirmed by the Kenosha County Board of Supervisors.

Ms. Siegler will serve without pay but will receive a per diem.

Ms. Siegler will be succeeding Judy Jensen.

Respectfully submitted this 31<sup>st</sup> day of January, 2024.

Samantha Kerkman  
Kenosha County Executive

COUNTY OF KENOSHA  
OFFICE OF THE COUNTY EXECUTIVE  
SAMANTHA KERKMAN

**APPOINTMENT PROFILE**  
**KENOSHA COUNTY COMMISSIONS, COMMITTEES & BOARDS**

(Please type or print)

*Information marked with an \* will be redacted before this form is publicly posted.*

Name: SHEILA M SIEGLER  
First Middle Initial (optional) Last

\*Residence Address: [REDACTED]

Occupation: RETIRED  
Company Title

\*Business Address: [REDACTED]

\*Telephone Number: Residence [REDACTED] \*Business [REDACTED]

\*Daytime Telephone Number: [REDACTED]

\*Email Address: [REDACTED]

Name of the Commission, Committee or Board for which you are applying:

BROOKSIDE BOARD

**Personal Statement:** Please indicate why you believe you would be a valuable addition to the Commission, Committee or Board for which you are applying. If more space is needed, please attach a separate sheet.

I have experience in the "workings" of government, understand the budget process, and am interested in being involved.

Kenosha County Commissions, Committees & Boards  
Appointment Profile - Page 2

Additional Information:

Retired town clerk for the Town of Wheatland. And I do believe, residents of Kenosha County should be willing to serve on these committees if the position is offered.

Nominee's Supervisory District: Erin Decker

Special Interests: Indicate organizations or activities in which you have a special interest but may not have been actively involved.

Do you or have you done business with any part of Kenosha County Government in the past 5 years? Yes ☒ No ☐ If yes, please attach a detailed explanation.

Affiliations: List affiliations in all service groups, public service organizations, social or charitable groups, labor, business or professional organization, and indicate if it was a board or staff affiliation.

None in recent years.

Governmental Services: List services with any governmental unit.

Town Clerk for the Town of Wheatland which is a "jack-of-all-trades" job.

Conflict Of Interest: It would be inappropriate for you, as a current or prospective appointee, to have a member of your immediate family directly involved with any action that may come under the inquiry or advice of the appointed board, commission, or committee. A committee member declared in conflict would be prohibited from voting on any motion where "direct involvement" had been declared and may result in embarrassment to you and/or Kenosha County.

Sheila M. Siegler

Signature of Nominee

01/16/2024

Date


Please Return To: Kenosha County Executive  
1010 – 56th Street  
Kenosha, WI 53140



# KENOSHA COUNTY

## BOARD OF SUPERVISORS

RESOLUTION NO. \_\_\_\_\_

Subject: A Resolution requesting the purchase of one Pendar X 10 spectrometer and two TruNarc Analyzers with Opioid Settlement funds for use by the Kenosha County Sheriff's Department			
Original <input checked="" type="checkbox"/> Corrected <input type="checkbox"/>		2nd Correction <input type="checkbox"/> Resubmitted <input type="checkbox"/>	
Date Submitted:		Date Resubmitted:	
Submitted By: Human Services and Finance/Administration Committees			
Fiscal Note Attached <input type="checkbox"/>		Legal Note Attached <input type="checkbox"/>	
Prepared By: Kari Foss		Signature: 	

**WHEREAS**, Kenosha County is receiving Opioid Settlement funds for the purposes of Opioid abatement, and

**WHEREAS**, These funds are to be used to prevent and treat opioid use disorder, prevent overdose deaths and other harm reductions associated with dangerous and deadly opioids, and

**WHEREAS**, Exhibit E of the settlement agreement; Schedule B Approved Uses; section I. First Responders; 2. Provision of wellness and support services for first responders and others who experience secondary trauma associated with opioid-related emergency events. Provides the allowance of the use of opioid settlement funds for the purposes of this request, and

**WHEREAS**, On January 22, 2024, the Opioid Settlement Advisory Panel unanimously approved the use of Settlement funds to be used for the purchase of two TruNarc Analyzers unit cost of \$36,500 and one Pendar Spectrometer unit cost of \$75,000. Total approved amount of \$148,500, and

**WHEREAS**, The Kenosha County Sheriff's Department reported 8 staff being exposed to fentanyl and other drugs in the field which includes 2 jailers exposed, 1 of which required Narcan and Emergency Department treatment, and

**WHEREAS**, these devices will allow Kenosha County Sheriff's Department staff to identify without directly handling unknown substances and will prevent potentially deadly exposure, and



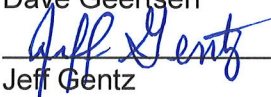
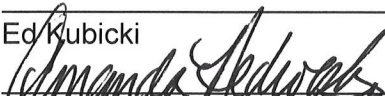
**WHEREAS**, The Pendar X10 design is founded on scientific innovation, and its performance parameters have been proven to hold in real-world scenarios. The Pendar X10 has been extensively tested by the U.S. government (including the US Army and Navy, and the Department of Homeland Security) and is currently in use by multiple US federal, state, and local agencies. When dealing with dangerous materials and substances, and

**WHEREAS** The TruNarc Handheld Narcotics Analyzer can identify fentanyl and several fentanyl variants. The expanded v1.9 library adds field identification capability for many new high priority alarm substances including several fentanyl derivatives. The TruNarc Handheld Narcotics Analyzer enables personnel to scan more than 498 suspected controlled substances in a single, definitive test.

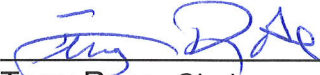
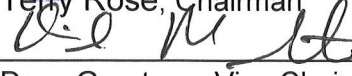
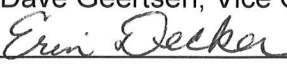


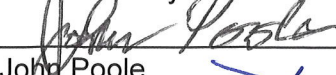
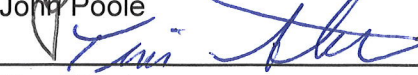
(A Resolution requesting the purchase of one Pendar X 10 spectrometer and two TruNarc Analyzers with Opioid Settlement funds for use by the Kenosha County Sheriff's Department)

**NOW, THEREFORE, BE IT RESOLVED** Kenosha county will approve the use of \$148,500 of opioid settlement funds for the purchase of one Pendar X10 and two TruNarc Analyzers

**HUMAN SERVICES COMMITTEE:**

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Excused</u>
 Zach Stock, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Tim Stocker, Vice Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Dave Geertsen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Jeff Gentz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Ed Kubicki	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
 Amanda Nedweski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Monica Yuhas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**FINANCE/ADMINISTRATION COMMITTEE:**

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Excused</u>
 Terry Rose, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Dave Geertsen, Vice Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Erin Decker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 John Franco	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 William Grady	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
 John Poole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Tim Stocker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**KENOSHA COUNTY EXPENSE/REVENUE BUDGET MODIFICATION FORM**

DOCUMENT # \_\_\_\_\_ G/L DATE \_\_\_\_\_  
 BATCH # \_\_\_\_\_ ENTRY DATE \_\_\_\_\_

DEPT/DIVISION: DADBHS

PURPOSE OF BUDGET MODIFICATION (REQUIRED): Use of Opioid Settlement Dollars for KSD purchase of 1 - PendarX10 and 2 - TruNarc Analyzers

(1) ACCOUNT DESCRIPTION EXPENSES	(2)			BUDGET CHANGE REQUESTED		(5) ADOPTED BUDGET	(6) CURRENT BUDGET	(7) ACTUAL EXPENSES	AFTER TRANSFER	
	FUND	DIVISION	SUB DIVISION	MAIN ACCOUNT	EXPENSE INCREASE (+) EXPENSE DECREASE (-)				REVISED BUDGET	(9) EXPENSE BAL AVAIL
Machine/Equip >\$5,000	210	480	4840	580050	148,500	0	0		148,500	148,500
EXPENSE TOTALS						-	-	-	148,500.00	148,500.00

REVENUES	(2)			MAIN ACCOUNT	REVENUE DECREASE (+) REVENUE INCREASE (-)	ADOPTED BUDGET	CURRENT BUDGET	REVISED BUDGET
	FUND	DIVISION	SUB DIVISION					
Opioid Settlement	210	480	4840	443282	148,500			148,500
REVENUE TOTALS						-	-	148,500.00

**COLUMN TOTALS (EXP TOTAL + REV TOTAL)**

148,500.00	148,500.00
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Please fill in all columns:  
 (1) & (2) Account information as required  
 (3) & (4) Budget change requested  
 (5) Original budget as adopted by the board  
 (6) Current budget (original budget w/past mods.)  
 (7) Actual expenses to date  
 (8) Budget after requested modifications  
 (9) Balance available after transfer (col 8 - col 7).

SEE BACK OF FORM FOR REQUIRED LEVELS OF APPROVAL FOR BUDGET MODIFICATION.

PREPARED BY: Marcy Gilbertson

DIVISION HEAD: [Signature]

DEPARTMENT HEAD: [Signature]

FINANCE DIRECTOR: [Signature]

(required) Date 2/13/2024

Date 2/13/2024

COUNTY EXECUTIVE: [Signature]

Date 2/19/24

# KENOSHA COUNTY BOARD OF SUPERVISORS

RESOLUTION NO. \_\_\_\_\_

<b>Subject:</b> Resolution to Approve the Appointment of James Poltrock to Serve as a Member of the Local Emergency Planning Committee (Group #2 – Hospitals)			
<b>Original</b> <input checked="" type="checkbox"/>	<b>Corrected</b> <input type="checkbox"/>	<b>2nd Correction</b> <input type="checkbox"/>	<b>Resubmitted</b> <input type="checkbox"/>
<b>Date Submitted:</b> March 19, 2024		<b>Date Resubmitted:</b>	
<b>Submitted By:</b> Judiciary & Law Committee			
<b>Fiscal Note Attached</b> <input type="checkbox"/>		<b>Legal Note Attached</b> <input type="checkbox"/>	
<b>Prepared By:</b> Sgt. Christopher Hannah, Director of Emergency Management		<b>Signature:</b>	

WHEREAS, pursuant to County Executive Appointment #2024-11, the County Executive has appointed James Poltrock to serve a three-year term as a member of the Local Emergency Planning Committee, and;

WHEREAS, the Judiciary & Law Committee has reviewed the County Executive's request for review and approval of his appointment of the above named to serve on this Committee and is recommending to the County Board the approval of this appointment, and;

BE IT FURTHER RESOLVED, that the Kenosha County Board of Supervisors approve the appointment of James Poltrock to serve as a member of the Local Emergency Planning Committee immediately upon confirmation of the County Board and continuing until the 30<sup>th</sup> day of April 2027, or until a successor is appointed by the County Executive and confirmed by the Kenosha County Board of Supervisors.

Respectfully submitted,

**Judiciary & Law Committee**

Supervisor Brian Bashaw, Chair

Supervisor Zach Rodriguez, Vice Chair

Supervisor Laura Belsky

Supervisor Mark Nordigian

Supervisor Erin Decker

**Aye**    **No**    **Abstain**

☒    ☐    ☐    ☐

☒    ☐    ☐    ☐

☒    ☐    ☐    ☐

☐    ☐    ☐    ☒ Excused

☒    ☐    ☐    ☐



Supervisor John Franco

*J. Wamboldt*

Supervisor Jeff Wamboldt

☐

☐

☐

☒ Excused

☒

☐

☐

☐

# KENOSHA COUNTY BOARD OF SUPERVISORS

RESOLUTION NO. \_\_\_\_\_

<b>Subject:</b> Resolution to Approve the Appointment of Joseph Potente to Serve as a Member of the Local Emergency Planning Committee (Group #3 – Social Media Representative)			
<b>Original</b> <input checked="" type="checkbox"/>	<b>Corrected</b> <input type="checkbox"/>	<b>2nd Correction</b> <input type="checkbox"/>	<b>Resubmitted</b> <input type="checkbox"/>
<b>Date Submitted:</b> March 19, 2024		<b>Date Resubmitted:</b>	
<b>Submitted By:</b> Judiciary & Law Committee			
<b>Fiscal Note Attached</b> <input type="checkbox"/>		<b>Legal Note Attached</b> <input type="checkbox"/>	
<b>Prepared By:</b> Sgt. Christopher Hannah, Director of Emergency Management		<b>Signature:</b> 	

WHEREAS, pursuant to County Executive Appointment #2024-13, the County Executive has appointed Joseph Potente to serve a three-year term as a member of the Local Emergency Planning Committee, and;

WHEREAS, the Judiciary & Law Committee has reviewed the County Executive's request for review and approval of his appointment of the above named to serve on this Committee and is recommending to the County Board the approval of this appointment, and;

BE IT FURTHER RESOLVED, that the Kenosha County Board of Supervisors approve the appointment of Joseph Potente to serve as a member of the Local Emergency Planning Committee immediately upon confirmation of the County Board and continuing until the 1<sup>st</sup> day of May 2027, or until a successor is appointed by the County Executive and confirmed by the Kenosha County Board of Supervisors.

Respectfully submitted,

**Judiciary & Law Committee**

Supervisor Brian Bashaw, Chair

Supervisor Zach Rodriguez, Vice Chair

Supervisor Laura Belsky

\_\_\_\_\_  
Supervisor Mark Nordigian

Supervisor Erin Decker

**Aye**    **No**    **Abstain**

☒    ☐    ☐    ☐


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☒    ☐    ☐    ☐

☐    ☐    ☐    ☒ Excused

☒    ☐    ☐    ☐

\_\_\_\_\_  
Supervisor John Franco

  
\_\_\_\_\_  
Supervisor Jeff Wamboldt

☐ ☐ ☐ ☒ Excused

☒ ☐ ☐ ☐

# KENOSHA COUNTY BOARD OF SUPERVISORS

## RESOLUTION NO. \_\_\_\_\_

Subject: Resolution to Approve the Regular CABARET LICENSE – BB's Pub 6215 Green Bay Road Kenosha WI 53142 (Town of Somers)			
Original <input checked="" type="checkbox"/>	Corrected <input type="checkbox"/>	2 <sup>nd</sup> Correction <input type="checkbox"/>	Resubmitted <input type="checkbox"/>
Date Submitted: January 23, 2024		Date Resubmitted:	
Submitted By: <b>Judiciary &amp; Law Enforcement Committee</b>			
Fiscal Note Attached <input type="checkbox"/>		Legal Note Attached <input type="checkbox"/>	
Prepared By: <b>Eric Klinkhammer Captain of Field Operations</b>		Signature:  171	

WHEREAS, the application of Christine Cantrell for a probationary cabaret license BB's Pub 6215 Green Bay Road Kenosha WI 53142, in the Town of Somers, was made during the month of July, 2023, was turned over to this office on July 14, 2023, and

WHEREAS, the Kenosha Sheriff's Department has conducted an inspection of the premises, and

WHEREAS, the premises were found to be in conformity with the Cabaret Ordinance Number 8.02, and

WHEREAS, the establishment is found to be in conformity with County Ordinance 8.02 governing it's conduct for the 6 month probationary period. There have been three calls for service/incidents reported to the Sheriff's Department during the probationary period. One call resulted in a police report. The deputy did not take any enforcement action.

NOW, THEREFORE BE IT RESOLVED, that a regular cabaret license, in lieu of the probationary license be granted to Christine Cantrell.

Respectfully Submitted,  
**JUDICIARY AND LAW ENFORCEMENT COMMITTEE**

Supervisor Brian Bashaw, Chair

Supervisor Zach Rodriguez, Vice Chair

Supervisor Laura Belsky

Supervisor Mark Nordigian  
  
Supervisor Erin Decker

Supervisor John Franco  
  
Supervisor Jeff Wamboldt

<u>Aye</u>	<u>No</u>	<u>Abstain</u>	<u>Excused</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



INCIDENT SEARCH

Print Date/Time: 1/23/2024 11:47:44 AM

Incident Number Case Number	Call Date/Time	Officers	Location	Incident Type
2024-00300004	01/01/2024 00:20:23	364 - Matthies, 343 - Dor	6215 GREEN BAY RD, Somers	Drug Violation <i>Report</i>
2023-00349600	12/03/2023 01:27:22	val, 390 - Wipper 301 - Schneider, 235 - Go mez, 402 - Seitz	6215 GREEN BAY RD, Somers	Fight <i>no report</i>
2023-00345137	10/31/2023 08:50:12	351 - Museititf	6215 GREEN BAY RD, Somers	Follow Up Investigation
2023-00344870	10/29/2023 02:04:33	330 - Bissonnette, 301 - Schneider, 290 - Beckstrom , 390 - Wipper	6215 GREEN BAY RD, Somers	Fight <i>no report</i>

Total Rows: 4



## **CLASS "B" FERMENTED MALT BEVERAGE LICENSE & "CLASS B" INTOXICATING LIQUOR LICENSE**

**NO. TN-CB-23-04**

**\$600.00**

**for the sale**

### **FERMENTED MALT BEVERAGES AND INTOXICATING LIQUORS**

**WHEREAS**, the local governing body of the Town of Somers, County of Kenosha, Wisconsin, has, upon application duly made, granted and authorized the issuance of a Retail Class "B" License to **Rogers Investments LLC, Christine Cantrell, Agent**, to sell Fermented Malt Beverages as defined by and pursuant to Section 125.26 of the Statutes of the State of Wisconsin and Local Ordinances and the said applicant has paid to the treasurer the sum of \$100.00 for such Class "B" Retailer's Fermented Malt Beverage License as required by local ordinances,

**AND WHEREAS**, the local governing body has granted and authorized the issuance of a Class "B" intoxicating Liquor License to said applicant to sell intoxicating liquor as defined in and pursuant to Chapter 125.51(3) of the Statutes of the State of Wisconsin and local ordinances and the said applicant has paid to the treasurer the sum of \$500.00 for such Class "B" Intoxicating Liquor License as provided by local ordinances and has complied with all the requirements necessary for obtaining such licenses,

**LICENSES ARE HEREBY ISSUED** to said applicant to sell, deal and traffic in, at retail, Fermented Malt Beverages and Intoxicating Liquors at the following described premises: **6215 Green Bay Road Kenosha, WI 53142. Trade name: BB's Pub.** Alcohol & fermented beverages to be served and consumed inside the interior bar area of the building and the exterior backyard beer garden, and picnic area only. Storage behind the bar and interior secured upper unit storage area only.

**FOR THE PERIOD FROM JULY 1, 2023 to JUNE 30, 2024**



(Corporate Seal)

Given under my hand and the corporate seal  
of the Town of Somers, this 12th day of  
July 2023

  
Brandi Baker, Clerk/Treasurer

This license must be **FRAMED** and **POSTED** IN A **CONSPICUOUS PLACE** in the room where Fermented Malt Beverages and Intoxicating Liquors are sold.

*Kenosha*



*County*

## **MEMORANDUM**

Communication to Kenosha County Board of Supervisors  
(For Informational Purposes Only)

***COMMUNICATION TO APPEAR ON COUNTY BOARD MEETING AGENDA: 02/06/2024***

***SUBJECT: A Resolution to Approve the REGULAR CABARET LICENSE – BB's Pub 6215 Green Bay Road Kenosha WI 53142 (Town of Somers)***

***SUBMITTED BY: Captain Eric Klinkhammer***

***TO BE REFERRED TO A COMMITTEE BY CHAIRMAN***

***ADDITIONAL INFORMATION (optional):***

# KENOSHA COUNTY BOARD OF SUPERVISORS

## RESOLUTION NO. \_\_\_\_\_

**Subject:** Resolution to Approve the REGULAR CABARET LICENSE –  
Premier Wine and Spirits 32400 Geneva Road Salem WI 53168 Town of Wheatland

Original <input checked="" type="checkbox"/>	Corrected <input type="checkbox"/>	2 <sup>nd</sup> Correction <input type="checkbox"/>	Resubmitted <input type="checkbox"/>
Date Submitted: January 23, 2024		Date Resubmitted:	
Submitted By: <b>Judiciary &amp; Law Enforcement Committee</b>			
Fiscal Note Attached <input type="checkbox"/>		Legal Note Attached <input type="checkbox"/>	
Prepared By: <b>Eric Klinkhammer Captain of Field Operations</b>		Signature:	

WHEREAS, the application of Timothy Delimat for a probationary cabaret license Premier Wine and Spirits 32400 Geneva Road Salem WI 53168 Town of Wheatland, was made during the month of June, 2023, was turned over to this office on August 4, 2023, and

WHEREAS, the Kenosha Sheriff's Department has conducted an inspection of the premises, and

WHEREAS, the premises were found to be in conformity with the Cabaret Ordinance Number 8.02, and

WHEREAS, the establishment is found to be in conformity with County Ordinance 8.02 governing it's conduct for the 6 month probationary period. There have been zero calls for service/incidents reported to the Sheriff's Department during the probationary period.

NOW, THEREFORE BE IT RESOLVED, that a regular cabaret license, in lieu of the probationary license be granted to Timothy Delimat for Premier Wine and Spirits.

Respectfully Submitted,  
**JUDICIARY AND LAW ENFORCEMENT COMMITTEE**

	Aye	No	Abstain	Excused
 Supervisor Brian Bashaw, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Supervisor Zach Rodriguez, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Supervisor Laura Belsky	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Supervisor Mark Nordigian	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
 Supervisor Erin Decker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Supervisor John Franco	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
 Supervisor Jeff Wamboldt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## INCIDENT SEARCH

Print Date/Time: 1/23/2024 11:38:25 AM

Incident Number Case Number	Call Date/Time	Officers	Location	Incident Type
2023-00333205	08/07/2023 16:07:56	381 - Souvannasing	32400 GENEVA RD, Wheatland	Service
2023-00333205				
2023-00315989	04/20/2023 12:08:09	226 - Carroll	32400 GENEVA RD, Wheatland	Accident PD
2022-00351574	12/22/2022 18:12:26	378 - Grigsby, 319 - Moro	32400 GENEVA RD, Wheatland	Reckless/Intox Driving
2022-00331717	08/03/2022 12:26:12	186 - Schwerdtfeger	32400 GENEVA RD, Wheatland	Medical Call
2020-00305110	02/02/2020 12:53:19	226 - Carroll	32400 GENEVA RD, Wheatland	911 Investigation
2018-00342012	08/27/2018 05:22:27	294 - Thornton, 317 - Nav ario	32400 GENEVA RD, Wheatland	Suspicious
2018-00333711	07/11/2018 23:54:17	283 - Sanchez	32400 GENEVA RD, Wheatland	Suspicious
2018-00325971	05/29/2018 20:12:22	320 - Moorehouse, 319 - M oro	32400 GENEVA RD, Wheatland	Suspicious

Total Rows: 8

COMBINATION  
FORM

No. 2023/2024 -- 010

**CLASS B RETAILER'S LICENSE**  
for the sale of  
**FERMENTED MALT BEVERAGES and INTOXICATING LIQUORS**

**WHEREAS**, the local governing body of the **TOWN of WHEATLAND**, County of **KENOSHA**, Wisconsin, has, upon application duly made, granted and authorized the issuance of a Retail Class "B" License to **Premier Wine & Spirits LLC, Timothy A. Delimat, Agent** to sell Fermented Malt Beverages as defined by and pursuant to Section 125.26 of the Statutes of the State of Wisconsin and Local Ordinances and the said applicant has paid to the Treasurer the sum of **\$100.00** for such Class "B" Retailer's Fermented Malt Beverage license as required by local ordinances,

**AND WHEREAS**, the local governing body has granted and authorized the issuance of a "Class B" Intoxicating Liquor License to said applicant to sell intoxicating liquor as defined in and pursuant to Chapter 125.51(3) of the Statutes of the State of Wisconsin and local ordinances and the said applicant has paid to the Treasurer the sum of **\$300.00** for such "Class B" Intoxicating Liquor License as provided by local ordinances and has complied with all the requirements necessary for obtaining such licenses,

**LICENSES ARE HEREBY ISSUED** to said applicant to sell, deal and traffic in, at retail, Fermented Malt Beverages and Intoxicating Liquors at the following described premises **"Premier Wine & Spirits" 32400 Geneva Rd, entire wood frame building**

**FOR THE PERIOD** from July 1, 2023 thru June 30, 2024.

Given under my hand and the corporate seal of the

**TOWN of WHEATLAND**

this twentyseventh day of June, 2023

  
Donna M Deuster, Town Clerk

*Kenosha*



*County*

## **MEMORANDUM**

Communication to Kenosha County Board of Supervisors  
(For Informational Purposes Only)

***COMMUNICATION TO APPEAR ON COUNTY BOARD MEETING AGENDA: 02/06/2024***

***SUBJECT: A Resolution to Approve the REGULAR CABARET LICENSE – Premier Wine and Spirits  
32400 Geneva Road Salem WI 53168 Town of Wheatland***

***SUBMITTED BY: Captain Eric Klinkhammer***

***TO BE REFERRED TO A COMMITTEE BY CHAIRMAN***


***ADDITIONAL INFORMATION (optional):***



**BOARD OF SUPERVISORS**

**RESOLUTION NO. \_\_\_\_\_**

**Subject: A Resolution to Increase Civil Process Fees**

Original <input checked="" type="checkbox"/>	Corrected <input type="checkbox"/>	2 <sup>nd</sup> Correction <input type="checkbox"/>	Resubmitted <input type="checkbox"/>
Date Submitted: March 19, 2024		Date Resubmitted	
Submitted By: <b>Judiciary &amp; Law Enf. Committee &amp; Finance/ Admin Committee</b>			
Fiscal Note Attached: X		Legal Note Attached <input type="checkbox"/>	
Prepared By: Cpt. Eric Klinkhammer		Signature: 	

WHEREAS, Section 814.705 (1) (a), Wisconsin Statutes, authorizes the Kenosha County Board of Supervisors to establish fees higher than the level set by state statute for various services performed by the Kenosha County Sheriff's Department.

WHEREAS Section 814.70, Wisconsin Statutes, authorizes the Kenosha County Sheriff's Department necessary expenses incurred with respect to paper service, and Deputy stand-by time with respect to Writs of Restitution, Writs of Assistance, and Writs of Replevin., and

WHEREAS, a new fee schedule for service of process should be established that more closely reflects the actual cost of providing the service due to increasing expenses relating to costs and Deputy Sheriff wages, incurred when evicting tenants for Writs of Restitution and Writs of Assistance, along with seizing property in a Writ of Replevin., and

WHEREAS, the Sheriff's Department proposes to increase the charged fee for paper service from \$40 to \$60, and the stand-by time fee collected for Writ of Restitution, Writ of Assistance, and Writ of Replevin from \$35.60 to \$38.40. This increase will bring the fees for these duties in line with other agencies throughout the state. All other fees in the fee schedule would remain the same as they are currently.

NOW, THEREFORE BE IT RESOLVED, that the Kenosha County Board of Supervisors accept the proposed modified fee schedule.

Subject: A Resolution to Increase Civil Process Fees

Original ☒

Corrected ☐

2<sup>nd</sup> Correction ☐


Resubmitted ☐

Date Submitted: March 19, 2024

Date Resubmitted

Submitted By: **Judiciary & Law Enf.  
Committee & Finance/Admin Committee**


Respectfully Submitted,  
**JUDICIARY AND LAW ENFORCEMENT COMMITTEE**

  
Supervisor Brian Bashaw, Chair

Aye	No	Abstain	Excused
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

  
Supervisor Zach Rodriguez, Vice Chair

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Supervisor Laura Belsky

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Supervisor Mark Nordigian

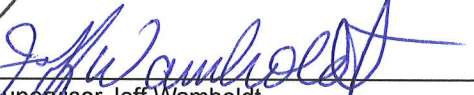
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Supervisor Erin Decker

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Supervisor John Franco

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Supervisor Jeff Wamboldt

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**FINANCE/ADMINISTRATION COMMITTEE**

  
Supervisor Terry Rose, Chair


Aye	No	Abstain	Excused
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

  
Supervisor Dave Geertsen, Vice Chair


<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Supervisor John Poole

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Supervisor Erin Decker

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Supervisor Tim Stocker


<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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John Franco  
Supervisor John Franco

\_\_\_\_\_  
Supervisor Bill Grady

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**KENOSHA COUNTY  
BOARD OF SUPERVISORS  
RESOLUTION NO. 116**

<b>Subject: 2023 Grant Award (FY'23)– Homeland Security – Wisconsin Emergency Management/ HS ALERT Bomb Technician Response Equipment 2023</b>			
Original <input checked="" type="checkbox"/>	Corrected <input type="checkbox"/>	2 <sup>nd</sup> Correction <input type="checkbox"/>	Resubmitted <input type="checkbox"/>
Date Submitted: <u>March 19 2024</u>		Date Resubmitted	
Submitted By: <b>Judiciary &amp; Law Enforcement Committee &amp; Finance/Administration Committee</b>			
Fiscal Note Attached X		Legal Note Attached <input type="checkbox"/>	
Prepared By: <b>Sgt. Colin J. Coultrip, Bomb Squad Commander</b>		Signature: 	

WHEREAS, the Kenosha County Sheriff's Department, as the Agency in charge of the Kenosha County Bomb Squad, has been awarded \$15,000 from the State of Wisconsin Emergency Management through the Homeland Security-WEM/HS ALERT Bomb Technician Response Equipment 2023.

WHEREAS, the Kenosha County Sheriff's Department Bomb Squad is a regional response team that responds to and processes Hazardous Device Incidents in Kenosha County and the Southeast Wisconsin Region (Racine and Walworth Counties), and

WHEREAS, the grant will allow the purchase of specialized bomb technician response equipment.

WHEREAS, the awarding agency is not requiring a hard match for this award, therefore, no additional tax levy dollars are requested to implement this grant award, and

WHEREAS, the project funding period for this grant begins Dec 31<sup>st</sup>, 2023 and expires August 30, 2024.

NOW, THEREFORE BE IT RESOLVED, that the Kenosha County Board of Supervisors accept this grant and approve the revenue and expenditure budget modifications, to the 2023 budget, as per the budget modification form, which is incorporated herein by reference, and

BE IT FURTHER RESOLVED, that any unobligated grant funds remaining available at year end be hereby authorized for carryover to subsequent years until such time as the grant funds are expended in accord with the grant requirements or when the grant period expires.

Note: This resolution requires no funds from the general fund. It increases revenues by \$15,000 and increases expenditures by \$15,000.

Respectfully Submitted,  
JUDICIARY AND LAW ENFORCEMENT COMMITTEE

  
 Supervisor Brian Bashaw, Chair

Aye    No    Abstain    Excused

☒    ☐    ☐    ☐

  
 Supervisor Zach Rodriguez, Vice Chair

☒    ☐    ☐    ☐

  
 Supervisor Laura Belsky

☒    ☐    ☐    ☐

Supervisor Mark Nordigian

☐    ☐    ☐    ☒

  
 Supervisor Erin Decker

☒    ☐    ☐    ☐

  
 Supervisor John Franco

☒    ☐    ☐    ☒

  
 Supervisor Jeff Wamboldt


☒    ☐    ☐    ☐

FINANCE/ADMINISTRATION COMMITTEE

  
 Supervisor Terry Rose, Chair

Aye    No    Abstain    Excused

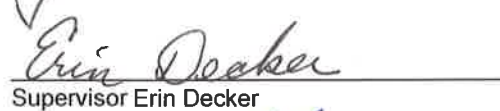
☒    ☐    ☐    ☐

  
 Supervisor Dave Geertsens, Vice Chair

☒    ☐    ☐    ☐

  
 Supervisor John Poole

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 Supervisor Erin Decker

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 Supervisor Tim Stocker

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 Supervisor John Franco

☒    ☐    ☐    ☐

Supervisor Bill Grady

☐    ☐    ☐    ☒



**Kenosha County  
Administrative Proposal Form**

**1. Proposal Overview**

Division: Law Enforcement Department: SHERIFF

Proposal Summary (attach explanation and required documents):

Resolution: To accept \$15,000 of grant funds from the Wisconsin Emergency Management (Fed 97.067) - Homeland Security ALERT Bomb Technician Response Equipment Grant. The awarding agency is not requiring a hard match for this award, therefore, no additional tax levy dollars are requested to implement this grant award.

Dept./Division Head Signature: [Signature] Date: 2/28/24

**2. Department Head Review**

Comments:

Recommendation: Approval ☒ Non-Approval ☐

Department Head Signature: [Signature] Date: 2/28/24

**3. Finance Division Review**

Comments:

Recommendation: Approval ☒ Non-Approval ☐

Finance Signature: [Signature] Date: 2/28/24

**4. County Executive Review**

Comments:

Action: Approval ☒ Non-Approval ☐

Executive Signature: [Signature] [Signature] Date: 2/28/2024

Revised 01/11/2001 (5/10/01)

**DISTRIBUTION**

- Original Returned to Requesting Dept.
- Department attaches the Original to the Resolution to County Board
- Copy to Secretary of Oversight Committee to distribute in packets with Resolution
- Copy to Requesting Department File

**DEPARTMENT OF MILITARY AFFAIRS**  
**Homeland Security Program**  
**Grant Summary Sheet**

Recipient or Unit of Government: **Kenosha County**

Project Name: **Homeland Security - WEM/HS ALERT Bomb Technician Equipment**

Address: **Kenosha County Sheriff's Department, 1000 55th Street, Kenosha, Wisconsin 53140-3794**

Project Director: **Colin Coultrip**

Phone number: **262-605-5100**

Signing Official: **David WZoerner, Sheriff, Kenosha County, 1010 56th Street, Kenosha, Wisconsin 53140-3707**

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Amount of Award: **\$15,000.**

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**SUMMARY OF GRANT:**

This funding will to allow the Kenosha County Bomb Squad to purchase equipment specific to their specialty in bomb recognition and disposal. The equipment will be for bomb squad response for personnel, technician tools, and explosive storage.

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Grant contact: **Rod Stearns 608-381-8010**  
(Email/MS Teams) [Rod.Stearns@widma.gov](mailto:Rod.Stearns@widma.gov)





State of Wisconsin  
Tony Evers, Governor



Department of Military Affairs  
Paul E. Knapp, Adjutant General

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Office of the Adjutant General  
2400 Wright Street · P.O. Box 14587 · Madison, WI 53708-0587

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December 4, 2023

Colin Coultrip, Sergeant  
Kenosha County Sheriff's Department  
1000 55th Street  
Kenosha, WI 53140-3794

**RE: Homeland Security - WEM/HS ALERT Bomb Technician Equipment**

**DMA Grant Number: 2023-HSW-02A-13585**

Dear Sgt Coultrip:

Congratulations! On behalf of Major General Knapp, I have approved a grant award to Kenosha County in the amount of \$15,000. These funds are from DMA's Homeland Security - WEM Program available through the State of Wisconsin. This grant supports the Kenosha County Homeland Security - WEM/HS ALERT Bomb Technician Equipment NOFO.

To accept this award, have the authorized official initial the bottom right corner of Attachments A and B, and sign the *Signatory Page*, *Certified Assurances*, and *OMB Standard Form 424B* (Attachment C). The Project Director should sign the *Acknowledgement Notice*. **Please email a signed and initialed copy back to your WEM grant manager Rodney Stearns** ([Rod.Stearns@widma.gov](mailto:Rod.Stearns@widma.gov)) **and keep a copy for your records.** Funds cannot be released until all signed documents are received.

As Project Director, you will be responsible for all reporting requirements outlined in the grant award and seeing that funds are administered according to the approved application materials and certifications enclosed. We look forward to a collaborative working relationship with you.

Sincerely,

Greg Engle  
Administrator  
Wisconsin Emergency Management



State of Wisconsin  
Tony Evers, Governor



Department of Military Affairs  
Paul E. Knapp, Adjutant General

Office of the Adjutant General  
2400 Wright Street · P.O. Box 14587 · Madison, WI 53708-0587

**FY'23 HOMELAND SECURITY PROGRAM GRANT AWARD**  
**Homeland Security - WEM/HS ALERT Bomb Technician Equipment**  
**2023-HSW-02A-13585**

The Department of Military Affairs (DMA), hereby awards to **Kenosha County**, (hereinafter referred to as the **Recipient**), the amount of **\$15,000.** for programs or projects pursuant to the federal Homeland Security Grant Program.

This grant may be used until for the programs consistent with the budget and general conditions in Attachment A, subject to any limitations or conditions set forth in Attachments B and/or C, if included.

The Recipient shall administer the programs or projects for which this grant is awarded in accordance with the applicable rules, regulations, and conditions of the Department of Military Affairs. The submitted application is hereby incorporated as reference into this award.

*This grant shall become effective, and funds may be obligated (unless otherwise specified in Attachments A and/or B) when the Recipient signs and returns one copy of this grant award to the Department of Military Affairs.*

**PAUL E. KNAPP**  
Major General  
Wisconsin National Guard  
The Adjutant General

BY: 

**GREG ENGLE**  
Administrator  
Wisconsin Emergency Management

12/4/2023

Date

The Recipient, **Kenosha County**, hereby signifies its acceptance of the above-described grant on the terms and conditions set forth above or incorporated by reference therein.

RECIPIENT: **Kenosha County**

BY: 

NAME: **David WZoerner**

TITLE: **Sheriff**

1-10-24  
Date

**DEPARTMENT OF MILITARY AFFAIRS**  
**ATTACHMENT A**

**APPROVED FY'23 HOMELAND SECURITY GRANT PROGRAM BUDGET**

Recipient: **Kenosha County**

Project Title: **Homeland Security - WEM/HS ALERT Bomb Technician Equipment** ALN# **97.067**

Grant Period: From **12/31/2023** To **8/30/2024**

Grant Number: **2023-HSW-02A-13585**

**APPROVED BUDGET**

	<b><u>Federal &amp; Match</u></b>	
Personnel		
Employee Benefits		
Travel (Including Training)		
Equipment		\$15,000.00
Supplies & Operating Expenses		
Consultants		
Other		
Indirect		
<b>FEDERAL TOTAL</b>	\$15,000.00	
<b>LOCAL CASH MATCH</b>		
<b>TOTAL APPROVED BUDGET</b>	<b>\$15,000.00</b>	<b>\$15,000.00</b>

**AWARD GENERAL CONDITIONS**

1. All the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) and corresponding attachments, including DMA/WEM Standard Terms & Conditions under which this grant is awarded are incorporated here by reference in the award terms and conditions. All recipients and subrecipients must comply with any such requirements.
2. Federal funds cannot be used to supplant local funds; they must increase the amount of funds that would otherwise be available from local resources.
3. Allowable grant costs must match the sub-grant's approved application. In addition, all expenses must be incurred, obligated and activity completed during the grant performance period. All expenses must be paid prior to requesting reimbursement in Egrants, and final reimbursement must be requested within 30 days of the grant period end date.
4. Grant funds will be disbursed by WEM upon completion of approved Program Report(s), Fiscal Report(s), and satisfaction of Special Conditions. The Fiscal Report is considered your Request for Reimbursement and must include copies of detailed/itemized vendor invoices, necessary supporting documentation which may include proof of payment and a Reimbursement Request form generated from Egrants and signed by your agency's Project Director and Fiscal Contact as approved in Egrants. Additional information is available in the Egrants Job Aid: Submitting a Fiscal Report available on the WEM website <https://wem.wi.gov/admin-tools/>
5. Recipients and subrecipients shall use their own procurement procedures and regulations, provided that the procurement conforms to applicable Federal law and the standards identified in the Procurement Standards Sections of 2 C.F.R. §§ 200.318-327.
6. Reimbursement for travel (i.e. mileage, meals, and lodging) must represent actual costs incurred and is limited to applicable state rates and timeframes. WEM grant staff is available to answer questions before costs are incurred.
7. All income generated as a direct result of a grant-funded project shall be deemed program income. Program income must be used for the purpose and under the conditions applicable to the award. Program income should be used as earned and must be expended within the grant performance period. All program income must be reported to DMA in the Fiscal Report submitted in Egrants with supporting documentation attached.
8. The recipient agrees that, when practicable, any equipment purchased with grant funding shall be prominently marked as follows: "Purchased with funds provided by the U.S. Department of Homeland Security."
9. To be eligible to receive Federal preparedness funding assistance, applicants must meet NIMS compliance requirements. Information on achieving compliance is available through Wisconsin Emergency Management at <https://wem.wi.gov/>.
10. The recipient agrees that all allocations and use of funds under this grant will be in accordance with the Federal Fiscal Year (FFY) 2023 Homeland Security Grant Program (HSGP) Notice of Funding Opportunity and FFY2023 FEMA Preparedness Grants Manual.
11. The recipient and any sub-recipients must comply with this Grant Award Document and attachments.

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12. The recipient and any sub-recipients must cooperate with the Homeland Security Compliance Monitors.        INITIAL HERE

# WISCONSIN DEPARTMENT OF MILITARY AFFAIRS

## ATTACHMENT C

### ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

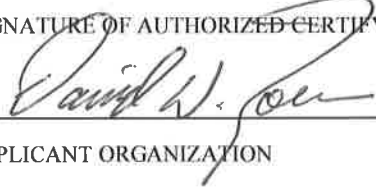
**Note:** Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F)
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681- 1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee- 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application;
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis- Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327- 333), regarding labor standards for federally-assisted construction subagreements
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in

floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
19. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL 		TITLE <b>Sheriff</b>	
APPLICANT ORGANIZATION <b>Kenosha County</b>		DATE SUBMITTED <b>01-10-24</b>	

## ACKNOWLEDGEMENT NOTICE

Date: 01/10/2024

Recipient: Kenosha County

Grant No. 2023-HSW-02A-13585

Project Title: Homeland Security - WEM/HS ALERT Bomb Technician Equipment

The following regulations and obligations (referenced below) apply to your grant award.

☒ **PROGRESS REPORTS** must be submitted on a scheduled basis into the Egrants system. Narrative reports on the status of your project are due on:

<u>Quarterly</u>	<u>Quarterly</u>	<u>Quarterly</u>	<u>Final</u>
<u>1/12/2024</u>	<u>4/12/2024</u>	<u>7/12/2024</u>	<u>9/29/2024</u>

**PROGRESS REPORTS NOTE:** Quarterly Reports due 04/12 include January, February and March program activity.  
Quarterly Reports due 07/12 include April, May and June program activity.  
Quarterly Reports due 10/12 include July, August and September program activity.  
Quarterly Reports due 01/12 include October, November and December program activity.  
**Reimbursements and grant modifications will be held if there are late program reports.**

☒ **FINANCIAL REPORTS** must be submitted on a scheduled basis into the Egrants system. The Egrants job aid "Submitting a Fiscal Report" may be found at <https://dma.wi.gov/DMA/wem/grants/admin-tools>. Financial reports on the status of your project are due in Egrants on:

<u>Final</u>			
<u>9/29/2024</u>			

☒ **INVENTORY REPORT** should reflect final inventory in your records. All equipment purchases must be received, paid for, installed, and deployed before submitting report. Report is due in Egrants on or before:

<u>Final</u>			
<u>9/29/2024</u>			

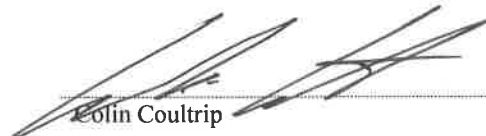
☒ Complete and return a W-9 *Taxpayer Identification Number Verification Form* (enclosed).

☐ OTHER: \_\_\_\_\_

## **ACKNOWLEDGEMENT**

The materials referenced above were received and reviewed by the appropriate members of this organization. I also acknowledge receipt of the Grant Award and any attached Special Conditions. I understand that this grant is awarded subject to our compliance with all Conditions, Regulations, and Obligations described in the above materials.

01/10/2024  
Date

  
Colin Coultrip

, Project Director



# Agreement Articles for Federal Fiscal Year 2023 Homeland Security Awards

## Summary Description of Award

The purpose of the FY 2023 HSGP is to support state and local efforts to prevent terrorism and other catastrophic events and to prepare the Nation for the threats and hazards that pose the greatest risk to the security of the United States. The HSGP provides funding to implement investments that build, sustain, and deliver the 32 core capabilities essential to achieving the National Preparedness Goal of a secure and resilient Nation. Among the five basic homeland security missions noted in the DHS Quadrennial Homeland Security Review, HSGP supports the goal to Strengthen National Preparedness and Resilience. The building, sustainment, and delivery of these core capabilities are not exclusive to any single level of government, organization, or community, but rather, require the combined effort of the whole community. This HSGP award consists of State Homeland Security Program (SHSP) funding under the Authorized Listing Number (ALN) 97.067 in the amount of 4,847,500.00 awarded on 9/1/2023 under the federal award identification number EMW-2023-SS-00041-S01. This grant program funds a range of activities, including planning, organization, equipment purchase, training, exercises, across all core capabilities and mission areas.

## Article I. Applicability of DHS Standard Terms and Conditions

### Section 1.01 Recipients and Subrecipients

The Federal Fiscal Year (FFY) 2023 DHS Standard Terms and Conditions apply to all new federal financial assistance awards funded in FFY 2023. These terms and conditions flow down to subrecipients unless an award term or condition specifically indicates otherwise. The United States, Department of Military Affairs and Wisconsin Emergency Management have the right to seek judicial enforcement of these obligations.

### Section 1.02 Tribes

The DHS Standard Terms and Conditions are a restatement of general requirements imposed upon recipients and flow down to subrecipients as a matter of law, regulation, or executive order. If the requirement does not apply to Indian tribes or there is a federal law or regulation exempting its application to Indian tribes, then the acceptance by Tribes of, or acquiescence to, DHS Standard Terms and Conditions does not change or alter its inapplicability to an Indian tribe. The execution of grant documents is not intended to change, alter, amend, or impose additional liability or responsibility upon the Tribe where it does not already exist.

## Article II. Assurances, Administrative Requirements, Cost Principles, Representations and Certifications

- (a) DHS financial assistance recipients must complete either the Office of Management and Budget (OMB) Standard Form 424B Assurances - Non-Construction Programs, or OMB Standard Form 424D Assurances - Construction Programs, as applicable. Certain assurances in these documents may not be applicable to your program, and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances as instructed by the awarding agency.
- (b) DHS financial assistance recipients and subrecipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at Title 2, Code of Federal Regulations (C.F.R.) Part 200 and adopted by DHS at 2 C.F.R. Part 3002.
- (c) By accepting this agreement, recipients and their executives, as defined in 2 C.F.R. section 170.315, certify that their policies are in accordance with OMB's guidance located at 2 C.F.R. Part 200, all applicable federal laws, and relevant Executive guidance.

## Article III. General Acknowledgements and Assurances

All recipients, subrecipients, successors, transferees, and assignees must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff.

- (a) Recipients must cooperate with any DHS compliance reviews or compliance investigations conducted by DHS.
- (b) Recipients must give DHS access to examine and copy records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities or personnel.
- (c) Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.
- (d) Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law, or detailed in program guidance.

## Article IV. Acknowledgement of Federal Funding from DHS

Recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposal, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

## Article V. Activities Conducted Abroad

Recipients must ensure that project activities performed outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

## Article VI. Age Discrimination Act of 1975

Recipients must comply with the requirements of the Age Discrimination Act of 1975, Public Law 94-135 (1975) (codified as amended at Title 42, U.S. Code, section 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.

## Article VII. Americans with Disabilities Act of 1990

Recipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, Pub. L. 101-336 (1990) {codified as amended at 42 U.S.C. sections 12101 - 12213}, which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.

## Article VIII. Best Practices for Collection and Use of Personally Identifiable Information

Recipients who collect personally identifiable information (PII) are required to have a publicly available privacy policy that describes standards on the usage and maintenance of the PII they collect. DHS defines PII as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy Template as useful resources respectively.

**Article IX. Civil Rights Act of 1964 -Title VI**

Recipients must comply with the requirements of Title VI of the Civil Rights Act of 1964 (codified as amended at 42 U.S.C. section 2000d et seq.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.

**Article X. Civil Rights Act of 1968**

Recipients must comply with Title VIII of the Civil Rights Act of 1968, Pub. L. 90-284, as amended through Pub. L. 113-4, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (see 42 U.S.C. section 3601 et seq.), as implemented by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units - i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators) - be designed and constructed with certain accessible features. (See 24 C.F.R. Part 100, Subpart D.)

**Article XI. Copyright**

Recipients must affix the applicable copyright notices of 17 U.S.C. sections 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.

**Article XII. Debarment and Suspension**

Recipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689, which are at 2 C.F.R. Part 180 as adopted by DHS at 2 C.F.R. Part 3002. These regulations restrict federal financial assistance awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.

**Article XIII. Drug-Free Workplace Regulations**

Recipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 C.F.R. Part 3001, which adopts the Government-wide implementation (2 C.F.R. Part 182) of Sec. 5152-5158 of the Drug-Free Workplace Act of 1988 (41 U.S.C. sections 8101-8106).

**Article XIV. Duplication of Benefits**

Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies; to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions; or for other reasons. However, these prohibitions would not preclude recipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions.

**Article XV. Education Amendments of 1972 (Equal Opportunity in Education Act) - Title IX**

Recipients must comply with the requirements of Title IX of the Education Amendments of 1972, Pub. L. 92-318 (1972) (codified as amended at 20 U.S.C. section 1681 et seq.), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at 6 C.F.R. Part 17 and 44 C.F.R. Part 19.

**Article XVI. Lobbying Prohibitions**

Recipients must comply with 31 U.S.C. section 1352, which provides that none of the funds provided under a federal financial assistance award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification.

**Article XVII. E.O. 14074 – Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety**

Recipient, State, Tribal, local, or territorial law enforcement agencies must comply with the requirements of section 12(c) of E.O. 14074 which prohibits the use of grant funding to purchase certain types of military equipment by state, local, tribal, and territorial law enforcement agencies and to comply with and implement the recommendations stemming from EO 13688, which established prohibited equipment and controlled equipment lists. Recipient State, Tribal, local, or territorial law enforcement agencies are also encouraged to adopt and enforce policies consistent with E.O. 14074 to support safe and effective policing.

**Article XVIII. Energy Policy and Conservation Act**

Recipients must comply with the requirements of the Energy Policy and Conservation Act, Pub. L. 94- 163 (1975) (codified as amended at 42 U.S.C. section 6201 et seq.), which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

**Article XIX. False Claims Act and Program Fraud Civil Remedies**

Recipients must comply with the requirements of the False Claims Act, 31 U.S.C. sections 3729- 3733, which prohibit the submission of false or fraudulent claims for payment to the Federal Government. (See 31 U.S.C. sections 3801-3812, which details the administrative remedies for false claims and statements made.)

**Article XX. Federal Debt Status**

All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129.)

**Article XXI. Federal Leadership on Reducing Text Messaging while Driving**

Recipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in E.O. 13513, including conducting initiatives described in Section 3(a) of the Order when on official government business or when performing any work for or on behalf of the Federal Government.

**Article XXII. Fly America Act of 1974**

Recipients must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under 49 U.S.C.) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974, 49 U.S.C. section 40118, and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.

**Article XXIII. Hotel and Motel Fire Safety Act of 1990**

Recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. section 2225a.

**Article XXIV. John S. McCain National Defense Authorization Act of Fiscal Year 2019**

Recipients, subrecipients, and their contractors and subcontractors are subject to the prohibitions described in section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232 (2018) and 2 C.F.R. sections 200.216, 200.327, 200.471, and Appendix II to 2 C.F.R. Part 200. Beginning August 13, 2020, the statute - as it applies to DHS recipients, subrecipients, and their contractors and subcontractors - prohibits obligating or expending federal award funds on certain telecommunications and video surveillance products and contracting with certain entities for national security reasons.

**Article XXV. Limited English Proficiency (Civil Rights Act of 1964 - Title VI)**

Recipients must comply with Title VI of the Civil Rights Act of 1964, (42 U.S.C. section 2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance: <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.

**Article XXVI. National Environmental Policy Act**

Recipients must comply with the requirements of the National Environmental Policy Act of 1969, (NEPA) Pub. L. 91-190 (1970) (codified as amended at 42 U.S.C. section 4321 et seq.) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which require recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.

**Article XXVII. Nondiscrimination in Matters Pertaining to Faith-Based Organizations**

It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.

**Article XXVIII. Non-Supplanting Requirement**

Recipients receiving federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.

**Article XXIX. Patents and Intellectual Property Rights**

Recipients are subject to the Bayh-Dole Act, 35 U.S.C. section 200 et seq, unless otherwise provided by law. Recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from federal financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. section 401.14.

**Article XXX. Procurement of Recovered Materials**

States, political subdivisions of states, and their contractors must comply with Section 6002 of the Solid Waste Disposal Act, Pub. L. 89-272 (1965), (codified as amended by the Resource Conservation and Recovery Act, 42 U.S.C. section 6962.) The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.

**Article XXXI. Rehabilitation Act of 1973**

Recipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112 (1973) (codified as amended at 29 U.S.C. section 794), which provides that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

**Article XXXII. Reporting of Matters Related to Recipient Integrity and Performance**

If the total value of any currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this federal award, then the recipients must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.

**Article XXXIII. Reporting Subawards and Executive Compensation**

Reporting of first tier subawards. Recipients are required to comply with the requirements set forth in the government-wide award term on Reporting Subawards and Executive Compensation located at 2 C.F.R. Part 170, Appendix A, the full text of which is incorporated here by reference in the award terms and conditions.

**Article XXXIV. SAFECOM**

Recipients receiving federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

**Article XXXV. Required Use of American Iron, Steel, Manufactured Products, and Construction Materials**

Recipients and subrecipients must comply with the Build America, Buy America Act (BABAA), which was enacted as part of the Infrastructure Investment and Jobs Act Sections 70901-70927, Pub. L. No. 117-58 (2021); and Executive Order 14005, Ensuring the Future is Made in All of America by All of America's Workers. See also Office of Management and Budget (OMB), Memorandum M-22-11, Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure.

Recipients and subrecipients of federal financial assistance programs for infrastructure are hereby notified that none of the funds provided under this award may be used for a project for infrastructure unless:

- a) all iron and steel used in the project are produced in the United States--this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
- b) all manufactured products used in the project are produced in the United States--this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and
- c) all construction materials are manufactured in the United States--this means that all manufacturing processes for the construction material occurred in the United States.

The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

**Section 35.01 Waivers**

When necessary, recipients may apply for, and the agency may grant, a waiver from these requirements.

- i) When the federal agency has made a determination that one of the following exceptions applies, the awarding official may waive the application of the domestic content procurement preference in any case in which the agency determines that:
- ii) applying the domestic content procurement preference would be inconsistent with the public interest;
- iii) the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or
- iv) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent.

A request to waive the application of the domestic content procurement preference must be in writing. The agency will provide instructions on the format, contents, and supporting materials required for any waiver request. Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the OMB Made in America Office.

There may be instances where an award qualifies, in whole or in part, for an existing waiver described. For awards by the Federal Emergency Management Agency (FEMA), existing waivers are available and the waiver process is described at "Buy America" Preference in FEMA Financial Assistance Programs for Infrastructure FEMA.gov. For awards by other DHS components, please contact the applicable DHS FAO.

To see whether a particular DHS federal financial assistance program is considered an infrastructure program and thus required to include a Buy America preference, please either contact the applicable DHS FAO, or for FEMA awards, please see Programs and Definitions: Build America, Buy America Act FEMA.gov.

**Article XXXVI. Terrorist Financing**

Recipients must comply with E.O. 13224 and U.S. laws that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws.

**Article XXXVII. Trafficking Victims Protection Act of 2000 (TVPA)**

Trafficking in Persons. Recipients must comply with the requirements of the government-wide financial assistance award term which implements Section 106 (g) of the Trafficking Victims Protection Act of 2000 (TVPA), codified as amended at 22 U.S.C. section 7104. The award term is located at 2 C.F.R. section 175.15, the full text of which is incorporated here by reference.

**Article XXXVIII. Universal Identifier and System of Award Management**

Requirements for System for Award Management and Unique Entity Identifier Recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated here by reference.

**Article XXXIX. USA PATRIOT Act of 2001**

Recipients must comply with requirements of Section 817 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), which amends 18 U.S.C. sections 175-175c.

**Article XL. Use of DHS Seal, Logo and Flags**

Recipients must obtain permission from their DHS FAO prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

**Article XLI. Whistleblower Protection Act**

Recipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C section 2409, 41 U.S.C. section 4712, and 10 U.S.C. section 2324, 41 U.S.C. sections 4304 and 4310.

**Article XLII. Environmental Planning and Historic Preservation (EHP) Review**

DHS/FEMA funded activities that may require an Environmental Planning and Historic Preservation (EHP) review are subject to the FEMA EHP review process. This review does not address all federal, state, and local requirements. Acceptance of funding requires the recipient to comply with all federal, state, and local laws.

DHS/FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by DHS/ FEMA grant funds, through its EHP review process, as mandated by: the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and any other applicable laws and executive orders. To access the FEMA EHP screening form and instructions, go to the DHS/FEMA website. In order to initiate EHP review of your project(s), you must complete all relevant sections of this form and submit it to the Grant Programs Directorate (GPO) along with all other pertinent project information. The EHP review process must be completed before funds are released to carry out the proposed project; otherwise, DHS/FEMA may not be able to fund the project due to noncompliance with EHP laws, executive orders, regulations, and policies.

If ground disturbing activities occur during construction, applicant will monitor ground disturbance, and if any potential archeological resources are discovered the applicant will immediately cease work in that area and notify the pass-through entity, if applicable, and DHS/FEMA.

**Article XLIII. Disposition of Equipment Acquired Under the Federal Award**

For purposes of original or replacement equipment acquired under this award by a non-state subrecipients, when that equipment is no longer needed for the original project or program or for other activities currently or previously supported by a federal award, you must request instructions from WEM to make proper disposition of the equipment pursuant to 2 C.F.R. section 200.313. State recipients and state subrecipients must follow the disposition requirements in accordance with state laws and procedures.

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As the duly authorized representative, I hereby certify that the recipient will comply with the above certifications and conditions.

Recipient Name and Address: Kenosha County, 1010 56th Street, Kenosha, WI 53140-3707

HS ALERT Bomb Technician Equipment

Application Number and Project Name

David Zoerner, Sheriff

Typed Name of Authorized Representative

  
Signature

01-10-24

Date

**NOTE: The original signature of the chief executive is required.  
Substitute signing or stamping is not accepted.**

# Request for Taxpayer Identification Number and Certification

Give Form to the  
requester. Do not  
send to the IRS.

Go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9) for instructions and the latest information.

Print or type.  
See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. <b>Kenosha County</b>	
2 Business name/disregarded entity name, if different from above	
3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only <b>one</b> of the following seven boxes. <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ <b>Note:</b> Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is <b>not</b> disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner. <input checked="" type="checkbox"/> Other (see instructions) ▶ <b>Local Government</b>	
4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) <b>3</b> Exemption from FATCA reporting code (if any) (Applies to accounts maintained outside the U.S.)	
5 Address (number, street, and apt. or suite no.) See instructions. <b>1010 56th Street</b>	Requester's name and address (optional)
6 City, state, and ZIP code <b>Kenosha, WI 53140</b>	
7 List account number(s) here (optional)	

## Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

**Note:** If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number								
			-			-		
or								
Employer identification number								
3	9	-	6	0	0	5	7	0

## Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign  
Here

Signature of  
U.S. person ▶

*Maui Felsing*

Date ▶ 1/10/2024

## General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

**Future developments.** For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9).

## Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
  - Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
  - Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
  - Form 1099-S (proceeds from real estate transactions)
  - Form 1099-K (merchant card and third party network transactions)
  - Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
  - Form 1099-C (canceled debt)
  - Form 1099-A (acquisition or abandonment of secured property)
- Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

**KENOSHA COUNTY EXPENSE/REVENUE BUDGET MODIFICATION FORM**

DEPT/DIVISION: **SHERIFF** **2024**

BRE # \_\_\_\_\_ G/L DATE \_\_\_\_\_

ENTRY DATE \_\_\_\_\_

PURPOSE OF BUDGET MODIFICATION (REQUIRED): Modify 2024 budgets for Revenue and Expenditures to acknowledge the Homeland Security - WEM/HIS ALERT Bomb Technician Response Equipment  
in the amount of \$15,000.

(1) MAIN ACCOUNT DESCRIPTION	(2)				(3)		(4)		(5) ORIGINAL BUDGET	(6) REVISED BUDGET	(7) ACTUAL EXPENSES	(8)		(9) EXPENSE BAL. AVAIL.
	FUND	DIVISION	SUB- DIVISION	MAIN ACCT	PROJECT	SUB- PROJECT	EXPENSE INCREASE (+)	EXPENSE DECREASE (-)				REVISED BUDGET	BAL. AVAIL.	
Bomb Squad - Equipment	100	210	2150	530050	3563	2	15,000		42,127	42,127	6,017	57,127		51,110
EXPENSE TOTALS									42,127	42,127	6,017	57,127		51,110
WI DMA-HLS Program	100	210	2150	442605				15,000						
REVENUE TOTALS									0		0			15,000
COLUMN TOTALS (EXP TOTAL + REV TOTAL)									15,000	15,000				

PREPARED BY: Angela Bracharz

DIVISION HEAD: [Signature] DATE: 3/16/24

DEPARTMENT HEAD: \_\_\_\_\_ DATE: \_\_\_\_\_

FINANCE DIRECTOR: Juliana Merrill DATE: 3/18/2024

DATE: \_\_\_\_\_

COUNTY EXECUTIVE: Sandra Lee DATE: 3/19/2024

SEE BACK OF FORM FOR REQUIRED LEVELS OF APPROVAL FOR BUDGET MODIFICATION.

- Please fill in all columns:
- (1) & (2) Main Account information as required
  - (3) & (4) Budget change requested
  - (5) Original budget as adopted by the board
  - (6) Current budget (original budget w/past mods.)
  - (7) Actual expenses to date
  - (8) Budget after requested modifications
  - (9) Balance available after transfer (col 8 - col 7).



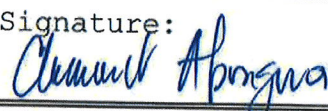
**Kenosha**



**County**

**BOARD OF SUPERVISORS**

**RESOLUTION NO. \_\_\_\_\_**

Subject: Request for the approval of the plat and relocation order for the County Highway (CTH) W project from Illinois Stateline to County Highway (CTH) C and authorization for the highway commissioner to acquire the necessary highway right-of-way required for the project (Town of Randall and Village of Salem Lakes) .	
Original <input checked="" type="checkbox"/> Corrected <input type="checkbox"/> 2 <sup>nd</sup> Correction <input type="checkbox"/> Resubmitted <input type="checkbox"/>	
Date Submitted: February 26, 2024	Date Resubmitted:
Submitted by: <b>Clement Abongwa</b>	
Fiscal Note Attached <input type="checkbox"/>	Legal Note Attached <input type="checkbox"/>
Prepared by: <b>Clement Abongwa</b>	Signature: 

WHEREAS, the design of the reconditioning project along County Highway (CTH) W from Illinois Stateline to CTH C is on schedule to be completed by late Fall of 2024, and

WHEREAS, several sections of private properties have been identified as needed for highway right-of-way to complete the proposed highway improvements along this section of CTH W, and

WHEREAS, the acquisition of said right-of-way should be completed prior to advertising the project for bids in order to prevent delay of the project, and

NOW, THEREFORE BE IT RESOLVED, that the County Board of Supervisors approves the attached plat and relocation order of the CTH W project with limits from Illinois Stateline to CTH C located in the Town of Randall and the Village of Salem Lakes, and also authorize the highway commissioner to acquire the necessary right-of-way required to complete the said project.

2/26/2024  
~~April 22, 2022~~  
Page 2

Respectfully Submitted:

Committee:

Aye      Nay      Abstain      Excused

  
\_\_\_\_\_  
Mark Nordin, Chairperson

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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\_\_\_\_\_  
Zach Stock, Vice Chairperson

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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\_\_\_\_\_  
Supervisor Laura Belsky

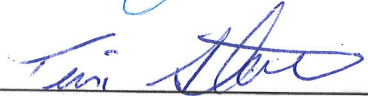
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\_\_\_\_\_  
Supervisor Aaron Karow

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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\_\_\_\_\_  
Supervisor John O'Day

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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\_\_\_\_\_  
Supervisor Tim Stocker

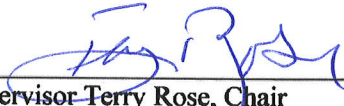
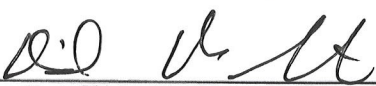



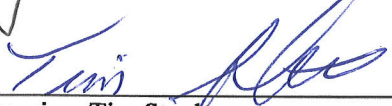
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\_\_\_\_\_  
Supervisor Brian Thomas

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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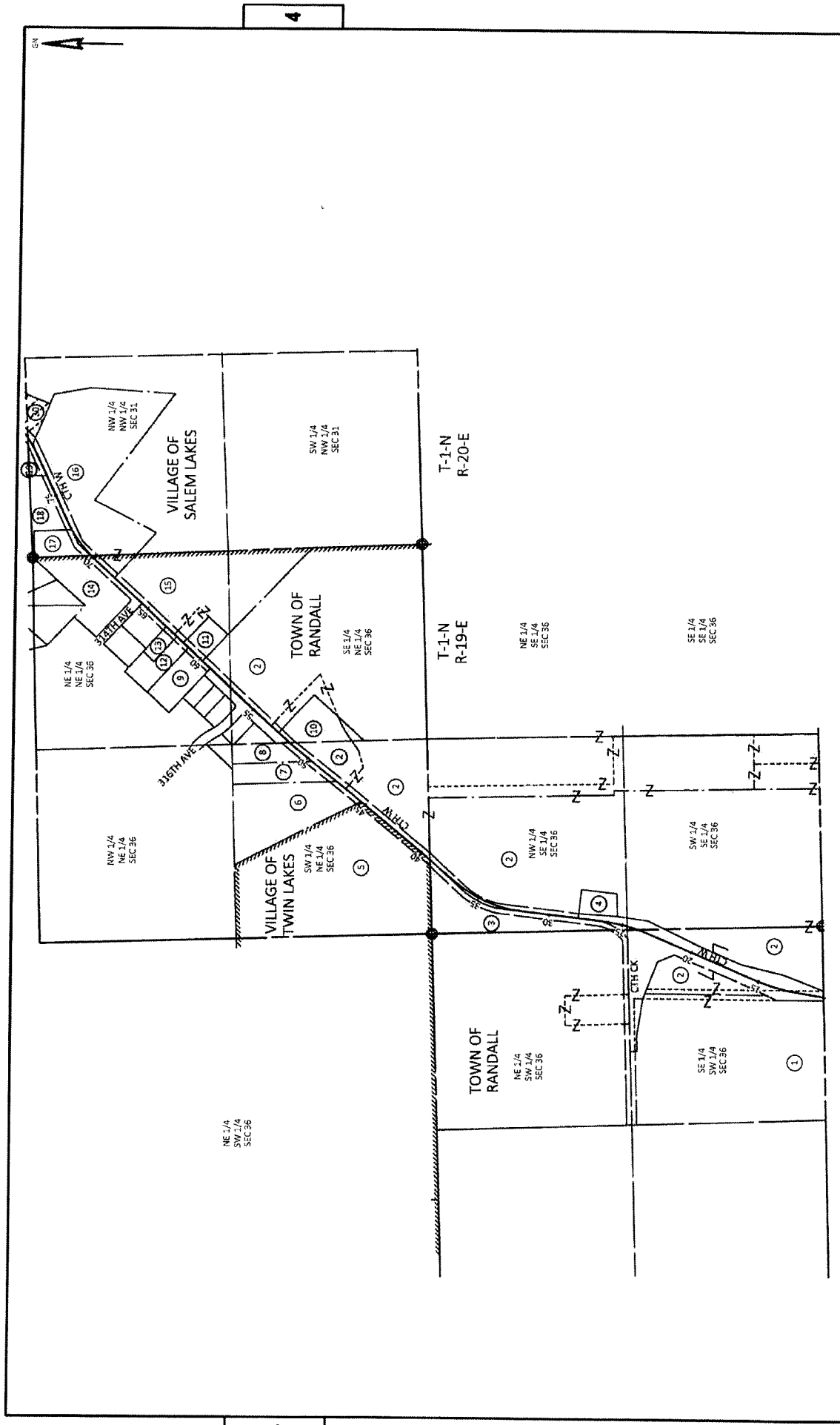
2/26/2024  
~~April 22, 2022~~  
Page 3

FINANCE/ADMINISTRATION COMMITTEE

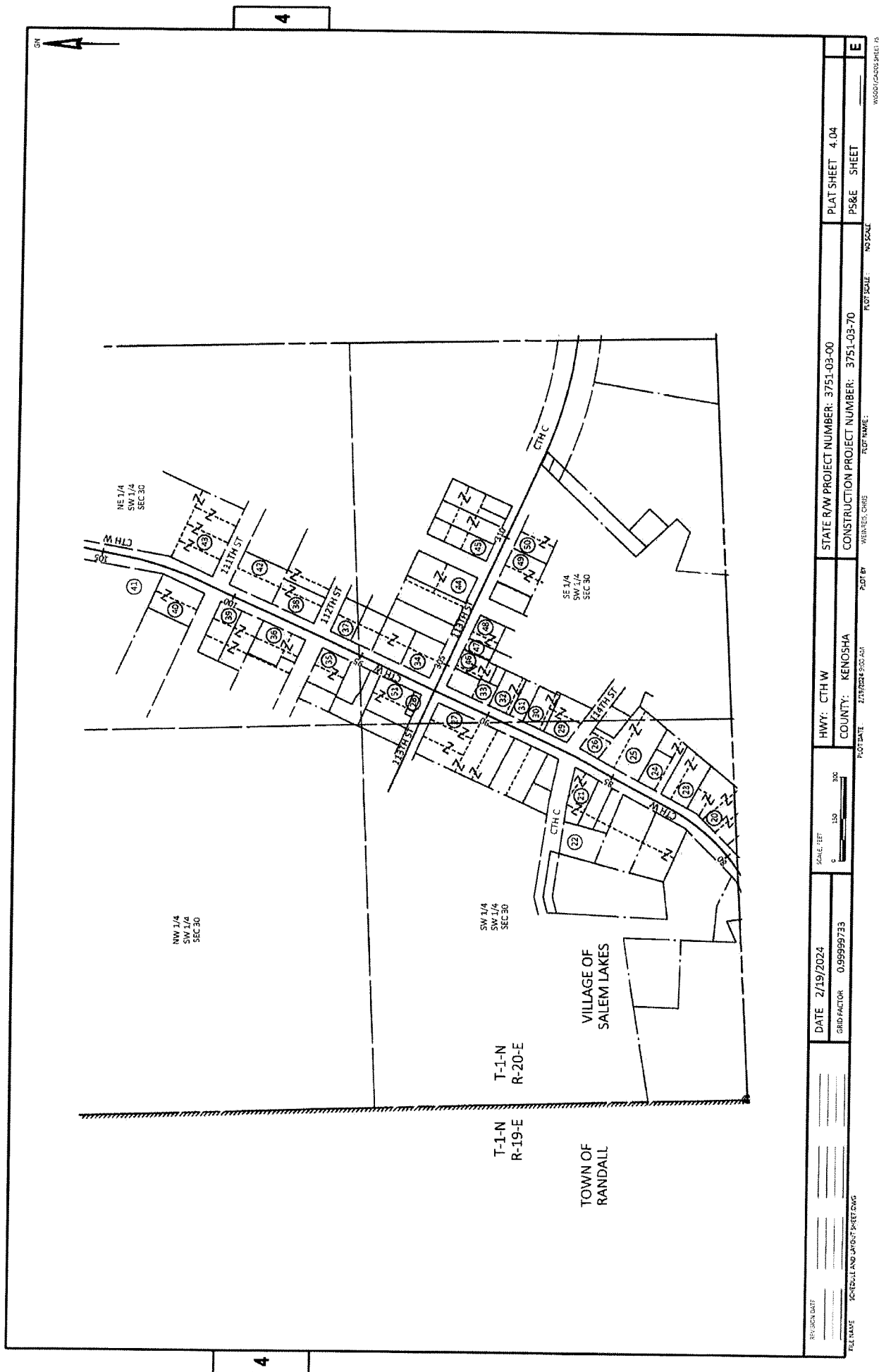
	Aye	Nay	Abstain	Excused
 Supervisor Terry Rose, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Supervisor Dave Geertsen, Vice-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Supervisor John Franco	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Supervisor Erin Decker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Supervisor William Grady	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Supervisor John Poole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Supervisor Tim Stocker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>







SECTION 31	DATE 2/19/2024	SCALE: 1"=100'	HWY: CTH W	STATE R/W PROJECT NUMBER: 3751-03-00	PLAT SHEET 4.03
SECTION 32	GRID FACTOR 0.99999733	0 300 600	COUNTY: KENOSHA	CONSTRUCTION PROJECT NUMBER: 3751-03-70	PS&E SHEET E
FILE NAME: K:\ENR\2024\240219\240219.DWG		PLOT DATE: 2/19/2024 4:39 AM		PLOT BY: WENDEL CHASE	
SHEET NAME: KENOSHA AND LAYOUT SHEET DWG		PLOT SCALE: 1"=100'		SHEET NAME: 3751-03-70	



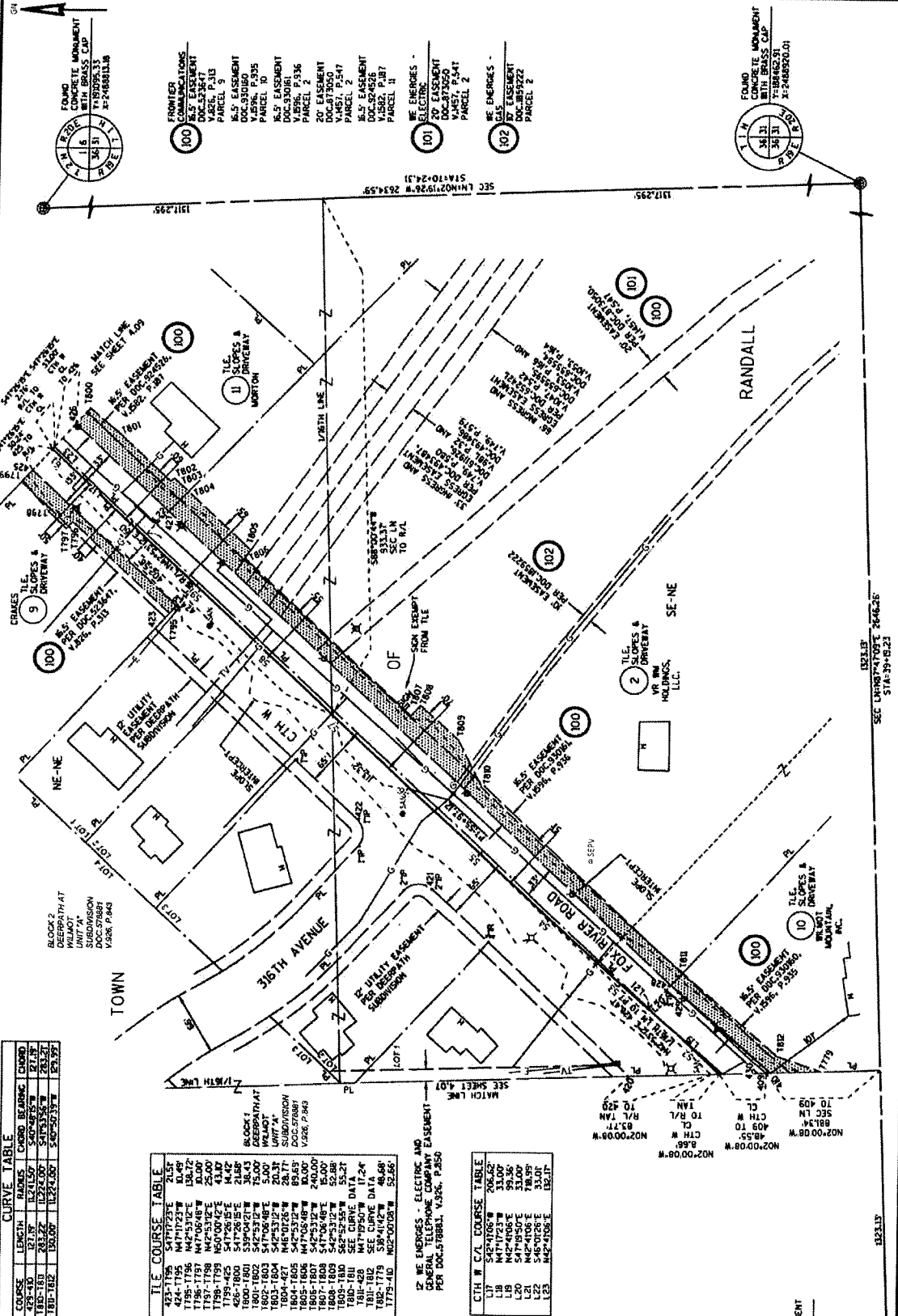












**STATION & OFFSET TABLE**

STATION	OFFSET	BEARING	DISTANCE
420	52+30.06	63.0° LT	10.00
421	52+30.06	63.0° LT	10.00
422	52+30.06	63.0° LT	10.00
423	52+30.06	63.0° LT	10.00
424	52+30.06	63.0° LT	10.00
425	52+30.06	63.0° LT	10.00
426	52+30.06	63.0° LT	10.00
427	52+30.06	63.0° LT	10.00
428	52+30.06	63.0° LT	10.00
429	52+30.06	63.0° LT	10.00
430	52+30.06	63.0° LT	10.00
431	52+30.06	63.0° LT	10.00
432	52+30.06	63.0° LT	10.00
433	52+30.06	63.0° LT	10.00
434	52+30.06	63.0° LT	10.00
435	52+30.06	63.0° LT	10.00
436	52+30.06	63.0° LT	10.00
437	52+30.06	63.0° LT	10.00
438	52+30.06	63.0° LT	10.00
439	52+30.06	63.0° LT	10.00
440	52+30.06	63.0° LT	10.00
441	52+30.06	63.0° LT	10.00
442	52+30.06	63.0° LT	10.00
443	52+30.06	63.0° LT	10.00
444	52+30.06	63.0° LT	10.00
445	52+30.06	63.0° LT	10.00
446	52+30.06	63.0° LT	10.00
447	52+30.06	63.0° LT	10.00
448	52+30.06	63.0° LT	10.00
449	52+30.06	63.0° LT	10.00
450	52+30.06	63.0° LT	10.00

**TILE COURSE TABLE**

STATION	BEARING	DISTANCE
423-1796	S 47° 12' 23" E	21.55
424-1796	S 47° 12' 23" E	21.55
425-1796	S 47° 12' 23" E	21.55
426-1796	S 47° 12' 23" E	21.55
427-1796	S 47° 12' 23" E	21.55
428-1796	S 47° 12' 23" E	21.55
429-1796	S 47° 12' 23" E	21.55
430-1796	S 47° 12' 23" E	21.55
431-1796	S 47° 12' 23" E	21.55
432-1796	S 47° 12' 23" E	21.55
433-1796	S 47° 12' 23" E	21.55
434-1796	S 47° 12' 23" E	21.55
435-1796	S 47° 12' 23" E	21.55
436-1796	S 47° 12' 23" E	21.55
437-1796	S 47° 12' 23" E	21.55
438-1796	S 47° 12' 23" E	21.55
439-1796	S 47° 12' 23" E	21.55
440-1796	S 47° 12' 23" E	21.55
441-1796	S 47° 12' 23" E	21.55
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444-1796	S 47° 12' 23" E	21.55
445-1796	S 47° 12' 23" E	21.55
446-1796	S 47° 12' 23" E	21.55
447-1796	S 47° 12' 23" E	21.55
448-1796	S 47° 12' 23" E	21.55
449-1796	S 47° 12' 23" E	21.55
450-1796	S 47° 12' 23" E	21.55

**CTH W C.A. COURSE TABLE**

STATION	BEARING	DISTANCE
1317	S 42° 10' 06" W	206.62
1318	S 42° 10' 06" W	206.62
1319	S 42° 10' 06" W	206.62
1320	S 42° 10' 06" W	206.62
1321	S 42° 10' 06" W	206.62
1322	S 42° 10' 06" W	206.62
1323	S 42° 10' 06" W	206.62
1324	S 42° 10' 06" W	206.62
1325	S 42° 10' 06" W	206.62
1326	S 42° 10' 06" W	206.62
1327	S 42° 10' 06" W	206.62
1328	S 42° 10' 06" W	206.62
1329	S 42° 10' 06" W	206.62
1330	S 42° 10' 06" W	206.62
1331	S 42° 10' 06" W	206.62
1332	S 42° 10' 06" W	206.62
1333	S 42° 10' 06" W	206.62
1334	S 42° 10' 06" W	206.62
1335	S 42° 10' 06" W	206.62
1336	S 42° 10' 06" W	206.62
1337	S 42° 10' 06" W	206.62
1338	S 42° 10' 06" W	206.62
1339	S 42° 10' 06" W	206.62
1340	S 42° 10' 06" W	206.62

**R/W COURSE TABLE**

STATION	BEARING	DISTANCE
421-422	N 42° 10' 06" E	290.00
422-423	N 42° 10' 06" E	290.00
423-424	N 42° 10' 06" E	290.00
424-425	N 42° 10' 06" E	290.00
425-426	N 42° 10' 06" E	290.00
426-427	N 42° 10' 06" E	290.00
427-428	N 42° 10' 06" E	290.00
428-429	N 42° 10' 06" E	290.00
429-430	N 42° 10' 06" E	290.00
430-431	N 42° 10' 06" E	290.00
431-432	N 42° 10' 06" E	290.00
432-433	N 42° 10' 06" E	290.00
433-434	N 42° 10' 06" E	290.00
434-435	N 42° 10' 06" E	290.00
435-436	N 42° 10' 06" E	290.00
436-437	N 42° 10' 06" E	290.00
437-438	N 42° 10' 06" E	290.00
438-439	N 42° 10' 06" E	290.00
439-440	N 42° 10' 06" E	290.00
440-441	N 42° 10' 06" E	290.00
441-442	N 42° 10' 06" E	290.00
442-443	N 42° 10' 06" E	290.00
443-444	N 42° 10' 06" E	290.00
444-445	N 42° 10' 06" E	290.00
445-446	N 42° 10' 06" E	290.00
446-447	N 42° 10' 06" E	290.00
447-448	N 42° 10' 06" E	290.00
448-449	N 42° 10' 06" E	290.00
449-450	N 42° 10' 06" E	290.00

**OFFSET TABLE**

STATION	OFFSET	BEARING	DISTANCE
1795	59+06.28	40.00° LT	10.00
1796	59+06.28	40.00° LT	10.00
1797	59+06.28	40.00° LT	10.00
1798	59+06.28	40.00° LT	10.00
1799	59+06.28	40.00° LT	10.00
1800	59+06.28	40.00° LT	10.00
1801	59+06.28	40.00° LT	10.00
1802	59+06.28	40.00° LT	10.00
1803	59+06.28	40.00° LT	10.00
1804	59+06.28	40.00° LT	10.00
1805	59+06.28	40.00° LT	10.00
1806	59+06.28	40.00° LT	10.00
1807	59+06.28	40.00° LT	10.00
1808	59+06.28	40.00° LT	10.00
1809	59+06.28	40.00° LT	10.00
1810	59+06.28	40.00° LT	10.00
1811	59+06.28	40.00° LT	10.00
1812	59+06.28	40.00° LT	10.00
1813	59+06.28	40.00° LT	10.00
1814	59+06.28	40.00° LT	10.00
1815	59+06.28	40.00° LT	10.00
1816	59+06.28	40.00° LT	10.00
1817	59+06.28	40.00° LT	10.00
1818	59+06.28	40.00° LT	10.00
1819	59+06.28	40.00° LT	10.00
1820	59+06.28	40.00° LT	10.00

R/L CTH W  
 CURVE DATA  
 PI = 52+41.27  
 X = 189.402.81  
 Y = 246.181.34  
 PC = 52+41.27  
 PTA = 52+41.27  
 DELTA = 0° 31' 04" RT  
 BACK = 53° 16' 08" W  
 AHEAD = N 42° 53' 12" E  
 D = 0° 30' 29" E  
 T = 356.09  
 L = 711.94  
 R = 11275.00

DATE: 2/19/2024  
 SCALE: 1" = 50' (SEE SCALE BAR)  
 HWY: CTH W  
 COUNTY: KENDOSH  
 STATE R/W PROJECT NUMBER: 3751-03-00  
 CONSTRUCTION PROJECT NUMBER: 3751-03-70  
 PLAT SHEET: 4.08  
 SHEET: PS&E  
 E







**PLE STATION & OFFSET TABLE**

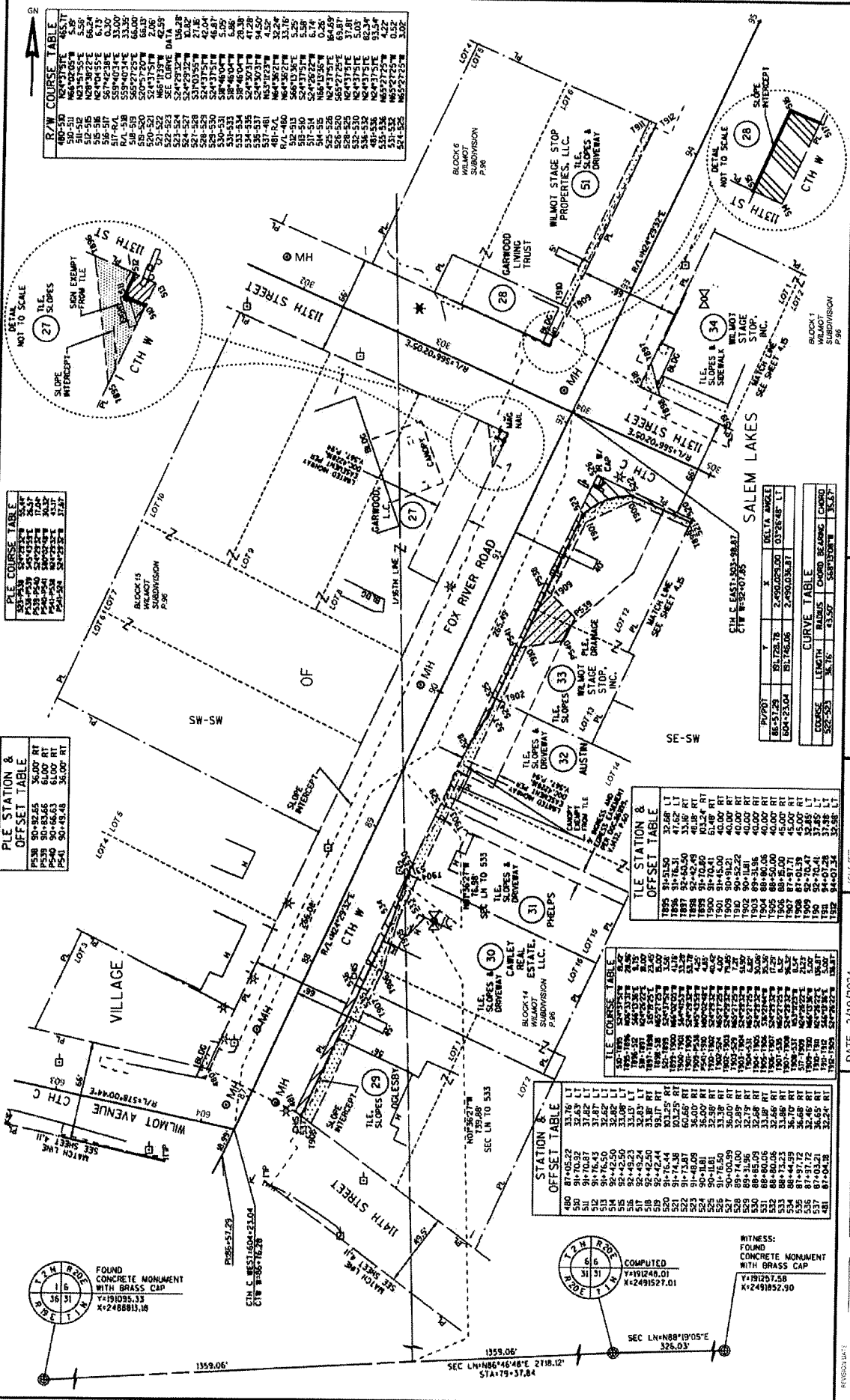
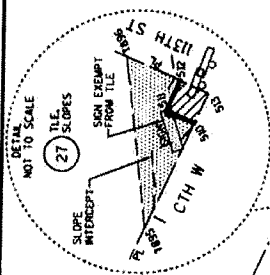
STATION	PLE	RT
1500	30.00	36.00
1510	30.00	36.00
1520	30.00	36.00
1530	30.00	36.00
1540	30.00	36.00
1550	30.00	36.00

**PLE COURSE TABLE**

PLE	RT
1500	30.00
1510	30.00
1520	30.00
1530	30.00
1540	30.00
1550	30.00

**R/W COURSE TABLE**

R/W	RT
1500	30.00
1510	30.00
1520	30.00
1530	30.00
1540	30.00
1550	30.00



**STATION & OFFSET TABLE**

STATION	RT
1500	30.00
1510	30.00
1520	30.00
1530	30.00
1540	30.00
1550	30.00

**PLE COURSE TABLE**

PLE	RT
1500	30.00
1510	30.00
1520	30.00
1530	30.00
1540	30.00
1550	30.00

**TILE STATION & OFFSET TABLE**

TILE	RT
1500	30.00
1510	30.00
1520	30.00
1530	30.00
1540	30.00
1550	30.00

**CURVE TABLE**

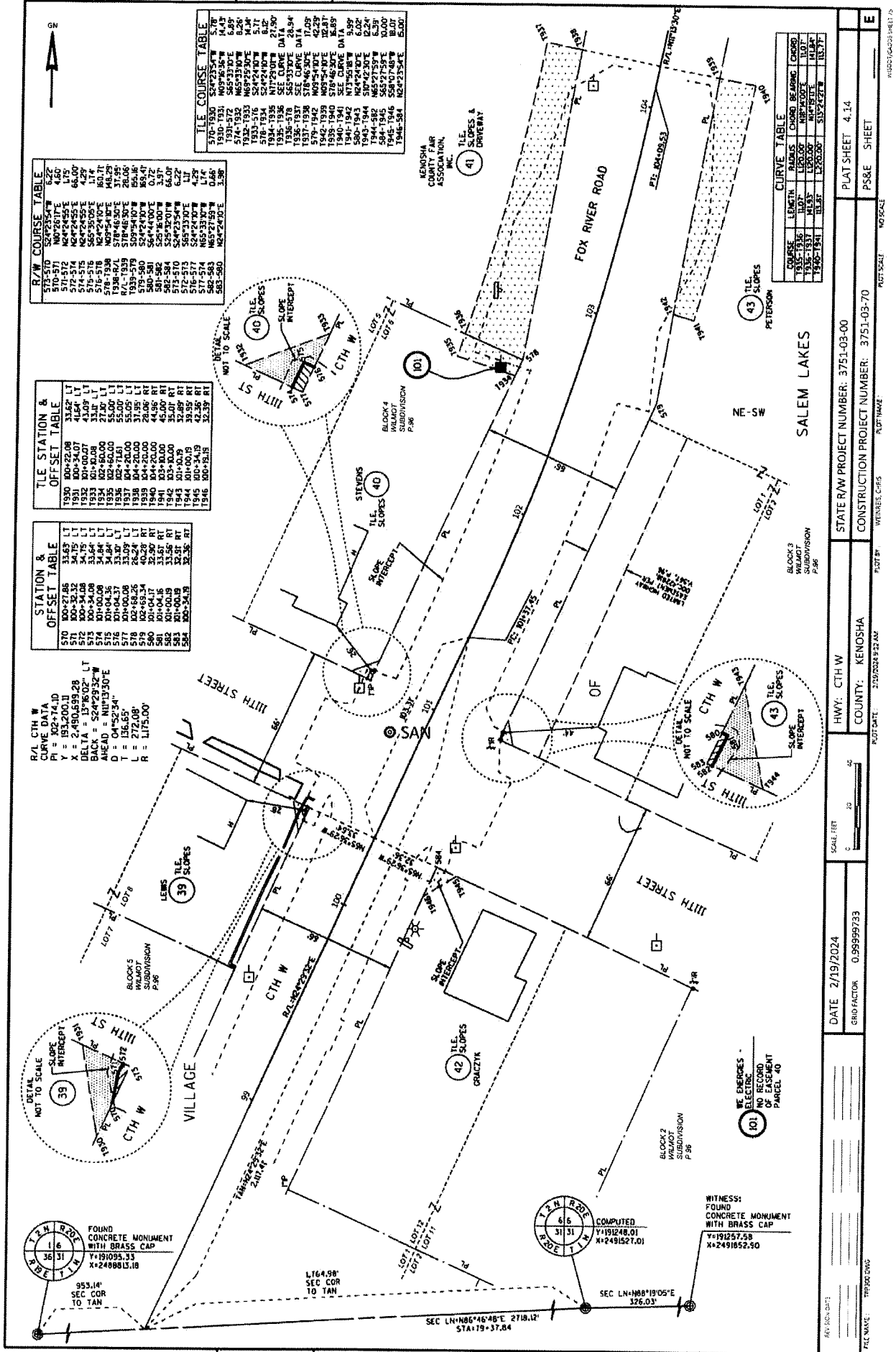
CURVE	RT
1500	30.00
1510	30.00
1520	30.00
1530	30.00
1540	30.00
1550	30.00

DATE: 2/19/2024  
 GRID FACTOR: 0.99999733  
 SCALE: 1"=40.00'  
 STATE R/W PROJECT NUMBER: 3751-03-00  
 CONSTRUCTION PROJECT NUMBER: 3751-03-70  
 COUNTY: KENOSHA  
 HWY: CTH W  
 SHEET: 4.12  
 PS&E SHEET: E

WITNESS:  
 FOUND CONCRETE MONUMENT WITH GRASS CAP  
 Y=1910244.01  
 X=2488813.16









## RELOCATION ORDER

lpa1708 08/2011 (Replaces LPA3006)

Project 3751-03-00	Road name Kenosha - CTH W	Highway CTH W	County Kenosha
Right of way plat date 02/19/2024	Plat sheet number(s) 15	Previously approved Relocation Order date None	

Description of termini of project:

Begin Relocation Order: Station 10+49.69, 12.81 Feet South and 481.14 Feet West of the South  $\frac{1}{4}$  Corner of Section 36, T1N, R19E

And

End Relocation Order: Station 104+17.96, 2,247.08 Feet North and 1,914.34 Feet East of the Southwest Corner of Sec. 30, T1N, R20E

---

To properly establish, lay out, widen, enlarge, extend, construct, reconstruct, improve, or maintain a portion of the highway designated above, it is necessary to relocate or change and acquire certain lands or interests in lands as shown on the right of way plat for the above project.

To effect this change, pursuant to authority granted under Sections 83.07 and 83.08,, Wisconsin Statutes, the orders that:

1. The said road is laid out and established to the lines and widths as shown on the plat.
2. The required lands or interests in lands as shown on the plat shall be acquired by: Kenosha County.
3. This order supersedes and amends any previous order issued by the:

---

Kenosha County Highway Commissioner      Date

Clement Abongwa

**County of Kenosha**  
**Board of Supervisors**  
**Resolution No. \_\_\_\_**

Subject: A RESOLUTION TO LEASE KENOSHA COUNTY PROPERTY LOCATED AT 1301 85 <sup>th</sup> STREET TO SQUARE DEAL TREES LLC FOR TWO MONTHS FOR THE SUM OF \$250			
Original <u>  X  </u>	Corrected <u>      </u>	2 <sup>nd</sup> Correction <u>      </u>	Resubmitted <u>      </u>
Date Submitted: /2024		Date resubmitted:	
Submitted by: The Finance/Administration Committee and the Public Works/Facilities Committee			
Fiscal Note Attached: <u>      </u>		Legal Note Attached: <u>      </u>	
Prepared By: John F. Moyer			

Whereas, Kenosha County recently acquired the property located at 1301 85<sup>th</sup> St., Kenosha, WI 53143, and

Whereas, this lot had been used in November and December as a Christmas tree lot for more than 30 years and Kenosha County was approached by the LLC which has been selling trees there by arrangement with the predecessor owner in order to continue for two more years to sell trees at the lot, and

Whereas, the property is currently vacant and its historic use and community familiarity support use by Square Deal Trees LLC and in the near-term it would be in the County's best interest to enter a short lease with a viable tenant, to assist in covering the on-going maintenance of the property, and

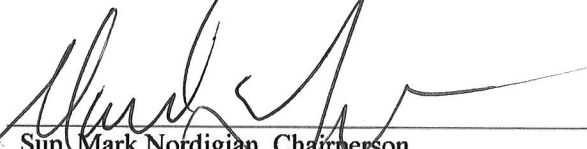



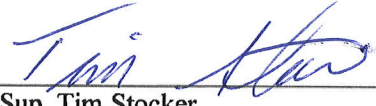
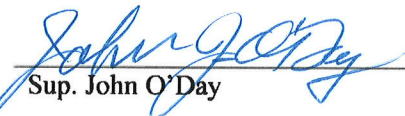
Whereas, the County was asked by Square Deal Trees LLC. to enter into a one-year lease (subject to one equivalent renewal term for 2023) for the vacant grass lot property, for the sum of \$250, to operate a small, private, tree lot for holiday sales between November 1 and December 26, and after those terms were both executed without issues or problems, it became clear that the County would continue to occupy the property in 2024 and 2025, and

Whereas, the proposed use would be consistent with the property's current zoning, offer some short-term financial assistance for the property's maintenance and provide a venue for the continuation of a long-time holiday tree sales opportunity in the community.

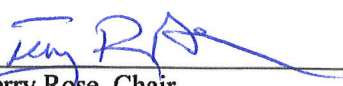
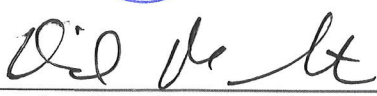
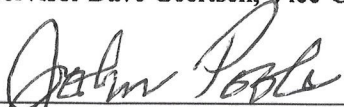
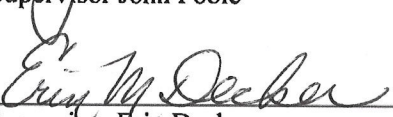
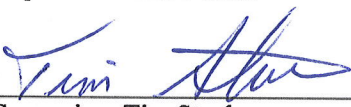

**NOW THEREFORE BE IT RESOLVED**, The County Board of Supervisors approves the lease of the Kenosha County property located at 1301 85<sup>th</sup> St., Kenosha, WI, for \$250 per two month term, and along the terms of the attached lease; and the County Clerk and County Executive are authorized to sign all necessary documents.

Respectfully Submitted:

PUBLIC WORKS/FACILITIES COMMITTEE

	Aye	Nay	Abstain	Excused
 Sup. Mark Nordigian, Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Sup. Zach Stock, Vice Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Sup. Laura Belsky	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Sup. Aaron Karow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Sup. Brian Thomas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Sup. Tim Stocker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Sup. John O'Day	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

FINANCE/ADMINISTRATION COMMITTEE

	Aye	Nay	Abstain	
 Supervisor Terry Rose, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Supervisor Dave Geertsens, Vice-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Supervisor John Poole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Supervisor Erin Decker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Supervisor Tim Stocker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Supervisor John Franco	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Supervisor Bill Grady	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Kenosha County  
Administrative Proposal Form

**1. Proposal Overview**

Division: Planning and Development Department: Public Works

Proposal Summary (attach explanation and required documents):

This Resolution will allow a lease agreement between Kenosha County and Square Deal Trees, LLC for sale of Christmas trees on a vacant lot owned by Kenosha County. Specifically, it allows tree sales on the corner of Sheridan Road and 85th St. where such sales have been occurring for many years through arrangement of a predecessor owner. Due to delay in moving Human Services operations, the lot is available for this purpose in 2024 and, potentially in 2025.

Dept./Division Head Signature: Shelly Billingsley

Print Name: Shelly Billingsley

Date: 1-24-24

**2. Department Head Review**

Comments:

Recommendation: Approval ☐ Non-Approval ☐

Department Head Signature: Shelly Billingsley

Print Name: Shelly Billingsley

Date: 1-24-24

**3. Finance Division Review**

Comments:

The lease was drafted for a rental amount equal to approximately two months of property tax on the subject parcel. The lease was drafted by the office of Corporation Counsel.

Recommendation: Approval ☒ Non-Approval ☐

Finance Signature: Patricia Merrill

Print Name: Patti Merrill

Date: 1/24/24

**4. County Executive Review**

Comments:

Action: Approval ☒ Non-Approval ☐

Executive Signature: Samantha Kerk

Print Name: Samantha Kerk

Date: 1/22/2024

# Commercial Lease Agreement

on  
1301 85<sup>th</sup> Street, Kenosha, Wisconsin, a Vacant Lot  
Tax Parcel 06-123-18-201-001

Between  
County of Kenosha and Square Deal Trees, LLC

This Commercial Lease Agreement (Lease) is entered into on this \_\_\_\_ day of \_\_\_\_\_, 2024, by and between the County of Kenosha, (Landlord), a Wisconsin municipal government whose principal administrative offices are located at 1010 56<sup>th</sup> Street, Kenosha, WI 53140, and Square Deal Trees, LLC, (Tenant), a Wisconsin corporation bearing FEIN, 39-1910500 and whose address is W8444 Trillium Lane, Antigo WI 54409. Landlord is the owner of land whose address is: 1301 85<sup>th</sup> St., Kenosha, Wisconsin 53143, part of which is the property made available for lease, as described herein (Leased Premises, or Premises).

Landlord desires to lease the Leased Premises to Tenant, and Tenant desires to rent the Leased Premises from Landlord for the term, at the rental and upon the provisions set forth herein.

THEREFORE, in consideration of the mutual promises contained herein, and for other good and valuable consideration, it is agreed:

## Term

The Initial Term of the Lease shall begin on the 1st day of November, 2024, and end on the 26th day of December, 2024. Landlord shall use its best efforts to put Tenant in possession of the Leased Premises on the beginning of the Lease term. If Landlord is unable to timely provide the Leased Premises, rent shall abate for the period of delay. Tenant shall make no other claim against Landlord for any such delay.

Tenant may renew the Lease for one extended term as above for 2025 **but only at the offer of the Landlord and contingent on lot availability**. Tenant shall exercise such renewal option, if at all, by providing written notice responsive to Landlord offer of renewal by no later than August 15, 2025. The renewal term shall be as set forth in this Lease and otherwise upon the same covenants, conditions and provisions as contained in this Lease.

## Rent

Tenant shall pay to Landlord during the Initial Term rent of \$250. Payment shall be made to:

Kenosha County Treasurer's Office  
1010 -56<sup>th</sup> Street  
Kenosha, WI 53140

## Space Leased.

This Lease Agreement involves tax parcel 06-123-18-201-001, also known as 1301 85<sup>th</sup> Street, a grassy lot depicted in attached Exhibit One (1). Tenant shall have the right to occupy and use the lot. Tenant shall have the right to use the entire outside yard areas associated with the premises. Tenant may use the



Job Center parking area up to 60 feet contiguous to the lot for parking as it desires. However, the Tenant may only allow customer vehicles to park on the paved drives and paved parking areas, and shall not park customer vehicles on the grass area. Tenant may use any of its own vehicles needed on the grass only as necessary and exercise care not to damage the grass or surface.

#### Personal Property Tax, Real Estate Tax and other Taxes

- A. Kenosha County is a tax exempt Wisconsin municipal corporation. If Tenant is a tax exempt organization, (under US Tax Code Sec. 501c 3 or otherwise) or becomes tax exempt prior to August 1, 2024, then it is believed by the parties that no real estate tax will be due. However, if any real estate taxes are required to be paid, or any other tax is required of Landlord, due to the rental of this property herein, the obligation to pay such tax will be entirely upon the Tenant as a payment in addition to the rent due under this lease. Tenant agrees to notify Landlord within 14 business days of receiving any decision of a taxing authority that such property is subject to a tax. Likewise, Landlord agrees to notify Tenant within 14 business days of receiving any decision of a taxing authority that such property is subject to a tax. Tenant agrees to pay all such taxes before they become delinquent, and to pay any late fees interest or penalties, in the event of failure to pay such taxes in a timely manner.
- B. Landlord may, with a written 20 day notice to Tenant, require a deposit by Tenant to the Landlord of a sum sufficient to pay any real estate tax imposed upon such property. Failure to make such a deposit within 30 days of such notice would constitute a material breach of this agreement.

#### Hours of Operation

For reasons of security Tenant shall provide Landlord with the special hours of operation for premises. For normal operations, the hours will be from 8:30 a.m. to 6 p.m., Monday through Sunday.

#### Prohibited Uses

Notwithstanding the forgoing, Tenant shall not use the Leased Premises for the purposes of storing, manufacturing, selling, using, or giving a teaching lesson using, any explosives, flammables or other inherently dangerous weapon, substance, chemical, item, thing or device. Tenant shall not conduct or permit any illegal activities upon the premises. Tenant shall not obstruct ingress or egress to the Job Center, and shall not allow accumulation of debris. At the end of the lease term, lot shall be left in an undamaged, orderly and clean condition

#### Sublease and Assignment

Tenant shall not have the right without Landlord's consent, to assign this Lease. Tenant shall not sublease all or any part of the Leased Premises, or assign this Lease in whole or in part without Landlord's consent. Landlord, in its sole discretion and judgment, may grant or withhold such consent.

#### Repairs

During the Lease term, Tenant shall make, at Tenant's expense, all repairs to the Leased Premises for repairs caused by the negligence of Tenant, or of Tenant's students or guests. All other necessary repairs shall be made by Landlord at Landlord's expense.

### Alterations and Improvements

Tenant shall not make, nor permit to be made, alterations or improvement to the Premises, unless Tenant obtains the written consent of Landlord. Tenant shall not damage, disturb, remove or alter any trees, bushes, plants, grass, flowers or other vegetation on premises. If Landlord permits Tenant to make any alterations or improvements, Tenant shall make the same with requirements the Landlord considers necessary or desirable. Tenant shall promptly repair any damage to the Premises caused by any such alterations or improvements. Any alterations or improvements to the Premises, except movable office furniture or equipment and trade fixtures, shall become a part of the realty and the property of the Landlord and shall not be removed by the tenant.

### Insurance/ Indemnity

If the Leased Premises is damaged by fire or other casualty resulting from any act of negligence by Tenant or by any of Tenant's agents, employees or invitees, rent shall not be diminished or abated while such damages are under repair, and Tenant shall be responsible for the costs of repair not covered by insurance.

Tenant shall be responsible, at its expense, for fire and extended coverage insurance on all of its personal property, including removable trade fixtures, located in the Leased Premises.

Tenant and Landlord shall, each at its own expense, maintain a policy or policies of comprehensive general liability insurance with respect to the particular activities of each with the premiums thereon fully paid on or before due date. Such insurance policy shall be issued by a Company authorized to do business in Wisconsin and shall afford minimum protection of not less than \$1,000,000 combined single limit coverage of bodily injury, property damage or combination thereof. Upon request, each party shall provide proof of insurance to the other. Neither party shall cancel or amend the terms of such insurance, without providing the other party 30 days advance written notice.

### Signs

Signs shall mean all manner of signs, posters, banners, and display materials of all kinds and description. Tenant shall have the right to place on the Leased Premises, at locations approved by Landlord, signs advertising its purpose which are approved in content by Landlord and permitted by applicable municipal or zoning ordinances, and any private restrictions. No other signs are permitted under this lease. Tenant shall repair all damage to the Leased Premises resulting from the installation or removal of signs installed by Tenant.

Additionally, Tenant shall not post, hang, erect, display or permit any political or campaign sign or message, nor any sign which advertises any private company or commercial product (except its own tree sale business).

### Entry

Landlord shall have the right to enter upon the Leased Premises at reasonable hours and given a 2 working days notice to inspect the same, provided Landlord shall not thereby unreasonably interfere with Tenant's business on the Leased Premises.

#### Notice of Vacate and Joint Inspection before Termination Date.

Tenant shall give written notice to Landlord at least thirty-days (30) prior to vacating the Premises at the end of the Lease Term or should funding cease and shall arrange to meet with landlord for a joint inspection of the Premises prior to vacating. In the event of tenant's failure to give such notice or arrange such joint inspection, Landlord's inspection at or after Tenant's vacating the Premises shall be conclusively deemed correct for purpose of determining Tenants responsibility for repairs and restoration.

#### Building Rules

Landlord shall have the right to create and amend reasonable rules and regulations necessary or desirable to insure the safety, care and cleanliness of the Premises and the preservation of order and safekeeping of the property. Any amendments to rules and regulations shall be set forth in writing, and shall be discussed with Tenant before being placed into effect.

#### Damage and Destruction

If the Leased Premises or any part thereof or any appurtenance thereto is so damaged by fire, casualty or structural defects, such damage or defects not being the result of any act of negligence by Tenant or by any of Tenant's agents, employees or invitees, that the same cannot be used for Tenant's purposes, then Tenant shall have the right within ninety (90) days following damage to elect by notice to Landlord to terminate this Lease as of the date of such damage. In the event of minor damage to any part of the Leased Premises, and if such damage does not render the Leased Premises unusable for Tenant's purposes, Landlord shall promptly repair such damage at the cost of the Landlord. In making the repairs called for in this paragraph, Landlord shall not be liable for any delays resulting from strikes, governmental restrictions, inability to obtain necessary materials or labor or other matters which are beyond the reasonable control of Landlord. Tenant shall be relieved from paying rent and other charges during any portion of the Lease term that the Leased Premises are inoperable or unfit for occupancy, or use, in whole or in part, for Tenant's purposes. Rentals and other charges paid in advance for any such periods shall be credited on the next ensuing payments, if any, but if no further payments are to be made, any such advance payments shall be refunded to Tenant. The provisions of this paragraph extend not only to the matters aforesaid, but also to any occurrence which is beyond Tenant's reasonable control and which renders the Leased Premises, or any appurtenance thereto, inoperable or unfit for occupancy or use, in whole or in part, for Tenant's purposes.

Maintenance Routine maintenance of grounds, including grass cutting, will be performed by Landlord. However, snow and ice removal will be the responsibility of the Tenant. Commercial garbage service will be the responsibility of the Tenant.

#### Quiet Possession

Landlord covenants and warrants that upon performance by Tenant of its obligations hereunder, Landlord will keep and maintain Tenant in exclusive, quiet, peaceable and undisturbed and uninterrupted possession of the Leased Premises during the term of this Lease.

#### INDEPENDENT CONTRACTOR:

Nothing contained in this Lease shall constitute or be construed to create a partnership or joint venture between Kenosha County or its successors or assigns and Tenant or its successors or assigns. In entering into this lease, and in acting in compliance herewith, Tenant is at all times acting and performing as an independent contractor, an independent business, duly authorized to perform the acts required of it hereunder.

#### Notice

Any notice required or permitted under this Lease shall be deemed sufficiently given or served if sent by United States certified mail, return receipt requested, addressed as follows:

Landlord: Kenosha County Director of Public Works, Shelly Billingsley  
19600 – 75<sup>th</sup> Street  
Bristol, WI 53104

For reference- Phone (262) 857-1870

Tenant: James Stanton/Square Deal Trees LLC  
W8444 Trillium Lane  
Antigo, WI 54409

For reference- Phone (262) 496-5284

Landlord and Tenant shall each have the right from time to time to change the place notice is to be given under this paragraph by written notice thereof to the other party.

#### Waiver

No waiver of any default of Landlord or Tenant hereunder shall be implied from any omission to take any action on account of such default if such default persists or is repeated, and no express waiver shall affect any default other than the default specified in the express waiver and that only for the time and to the extent therein stated. One or more waivers by Landlord or Tenant shall not be construed as a waiver of a subsequent breach of the same covenant, term or condition.

#### Headings/Savings Clause

The headings used in this Lease are for convenience of the parties only and shall not be considered in interpreting the meaning of any provision of this Lease. If any part or portion of this agreement is deemed invalid or unenforceable by a court of law, it shall not affect the balance of the agreement, if any reasonable interpretation can be made to give the balance of the agreement lawful effect and enforcement.

#### Successors

The provisions of this Lease shall extend to and be binding upon Landlord and Tenant and their respective legal representatives, successors and assigns.

#### Consent

Landlord shall not unreasonably withhold or delay its consent with respect to any matter for which Landlord's consent is required under this Lease.

Compliance with Law

Tenant and Landlord each shall comply with all federal and State laws, orders, ordinances and other public requirements now or hereafter affecting the Leased Premises. Likewise, Tenant and Landlord each shall comply with all other federal and state laws and administrative rules, orders, and local ordinances.

Final Agreement

This Agreement terminates and supersedes all prior understandings or agreements on the subject matter hereof. This Agreement may be modified only by a further writing that is duly executed by both parties.

IN WITNESS WHEREOF, the parties have executed this Lease as of the day and year written below.

**Square Deal Trees LLC.**

\_\_\_\_\_  
By: Authorized Representative

\_\_\_\_\_  
Date

Name & Title: Mr. James Stanton

**County of Kenosha**

\_\_\_\_\_  
Samantha Kerkman, Kenosha County Executive

\_\_\_\_\_  
Date

\_\_\_\_\_  
Regi Waligora, Kenosha County Clerk

\_\_\_\_\_  
Date

Recommended by:

\_\_\_\_\_  
Shelly Billingsley, Director of Public Works

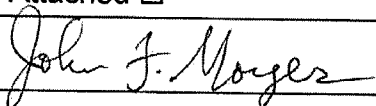
\_\_\_\_\_  
Date

Drafted by:  
Kenosha County Corporation Counsel's Office

# KENOSHA COUNTY

## BOARD OF SUPERVISORS

RESOLUTION NO.

Subject: RESOLUTION AUTHORIZING SALE OF A HIGHWAY F PROJECT REMNANT	
Original X    Corrected    2nd Correction <input type="checkbox"/> Resubmitted <input type="checkbox"/>	
Date Submitted:	Date Resubmitted:
Submitted By: Shelly Billingsley	
Fiscal Note Attached <input type="checkbox"/>	Legal Note Attached <input type="checkbox"/>
Prepared By: John F. Moyer Sr. Asst. Corporation Counsel	Signature: 

WHEREAS, Kenosha County, as a result of the County Trunk Highway F project has a parcel which is of limited value to the County (please see involved parcel in attachment A), and

WHEREAS, Kenosha County had earlier entered into a Memo of Understanding with Donna Karow (see attached MOU dated 12-16-19—Exhibit B), who owns the contiguous parcel and to further the Highway F project had made certain concessions from her property to assist Kenosha County in the highway project, and

WHEREAS, the Memo of Understanding granted Donna Karow a first right of refusal to purchase this remnant, and

WHEREAS, many benefits are derived for the public from the cooperative efforts of the County and area landowners in a highway project, and

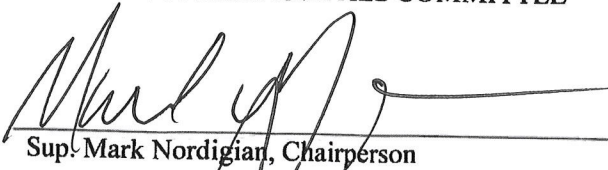
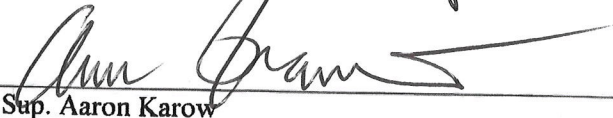
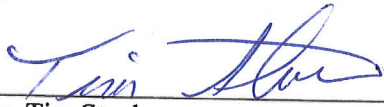
WHEREAS, Kenosha County has benefitted from the completion of the Highway project such that the citizens can enjoy use of the new Highway F, and

WHEREAS, The Kenosha County Board had earlier authorized the transfer of this remnant (see attached Resolution 36, passed July 18, 2023—Exhibit C) at a sale price of \$190,400 and Donna Karow has agreed to this transfer at that price, and

WHEREAS, considerable time and resources have already been expended in coordinating the taking and transfer of these properties.

Respectfully Submitted:

PUBLIC WORKS/FACILITIES COMMITTEE

	Aye	Nay	Abstain	Excused
 Sup. Mark Nordigian, Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Sup. Zach Stock, Vice Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Sup. Laura Belsky	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Sup. Aaron Karow	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sup. Brian Thomas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Sup. Tim Stocker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Sup. John O'Day	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

NOW THEREFORE BE IT RESOLVED that the Kenosha County Board of Supervisors hereby authorizes the transfer by Quitclaim deed of Parcel B on the attached map to Donna Karow pursuant to the Memo of Understanding and earlier approval; and

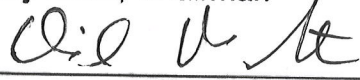
BE IT FURTHER RESOLVED that the sale price of \$190,400 is approved, and

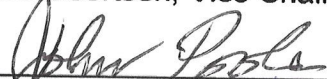
BE IT FURTHER RESOLVED now and in the future that the Kenosha County Executive and County Clerk are hereby authorized to execute the appropriate documents in order to execute this transaction in accordance with law.

Respectfully submitted by:

FINANCE COMMITTEE


  
Terry Rose, Chairman


  
Dave Geertsens, Vice Chair

  
John Poole

  
Tim Stocker

Bill Grady

  
Erin Decker

  
John Franco

Aye   No   Abstain

☒   ☐   ☐

☒   ☐   ☐

☒   ☐   ☐

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☐   ☐   ☐

☒   ☐   ☐

☒   ☐   ☐



Kenosha County  
Administrative Proposal Form

**1. Proposal Overview**

Division: P&Dt

Department: Public Works

Proposal Summary (attach explanation and required documents):

This resolution seeks transfer of a remnant from the Hwy F project to Donna Karow pursuant to a first right of refusal for \$190,400

Dept./Division Head Signature: *Andy M Buehler*

Print Name: Andy Buehler

Date: 1/24/24

**2. Department Head Review**

Comments:

Recommendation: Approval ☐ Non-Approval ☐

Department Head Signature: *Shelly Billingsley*

Print Name: Shelly Billingsley

Date: 1-24-24

**3. Finance Division Review**

Comments:

Recommendation: Approval ☒ Non-Approval ☐

Finance Signature: *Patricia Merrill*

Print Name: Patty Merrill

Date: 1/24/24

**4. County Executive Review**

Comments:

Action: Approval ☒ Non-Approval ☐

Executive Signature: *Samantha Kerkman*

Print Name: Samantha  
Kerkman

Date: 1/22/2024

# Exhibit A

## CERTIFIED SURVEY MAP NO. \_\_\_\_\_

A division of Lot 2 of Certified Survey Map No. 2911, part of Lot 1 of Certified Survey Map No. 2499, part of Lot 1 of Certified Survey Map No. 180, part of Lot 2 of Certified Survey Map No. 2126, and lands, being a part of the Northwest 1/4, Northeast 1/4 and Southeast 1/4 of the Northeast 1/4 of Section 16, all being in Township 1 North, Range 19 East, in the Village of Twin Lakes and the Town of Randall, Kenosha County, Wisconsin.

▲ INDICATES FOUND 3/4" IRON ROD

△ INDICATES SET MAG NAIL

● INDICATES FOUND 1" IRON PIPE

○ INDICATES SET 1.315" O.D. IRON PIPE AT LEAST 18" IN LENGTH, 1.68 LBS. PER LINEAL FOOT.

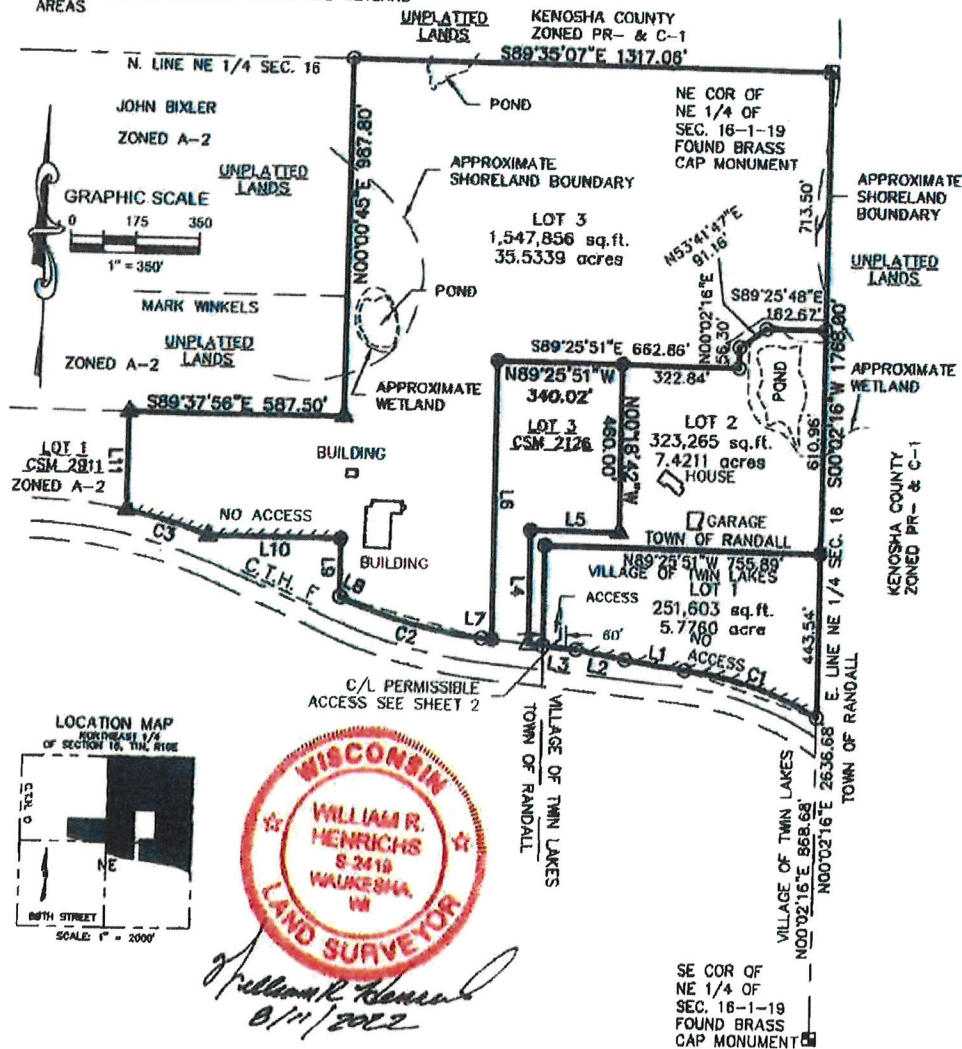
WETLAND SHOWN APPROXIMATE BASED ON WISCONSIN INVENTORY MAP (NO FILLING, EXCAVATION OR BUILDING WITHIN THE WETLAND AREAS)

ALL DIMENSIONS SHOWN ARE MEASURED TO THE NEAREST HUNDREDTH OF A FOOT.  
ALL BEARINGS ARE REFERENCED TO THE EAST LINE OF THE NE 1/4 OF SECTION 16, T 1 N, R 19 E, WHICH BEARS S00°02'16"W. KENOSHA COUNTY COORDINATE SYSTEM.

SEE SHEET 2 AND 3 FOR LOT DETAILS

SEE SHEET 4 FOR LINE AND CURVE TABLE

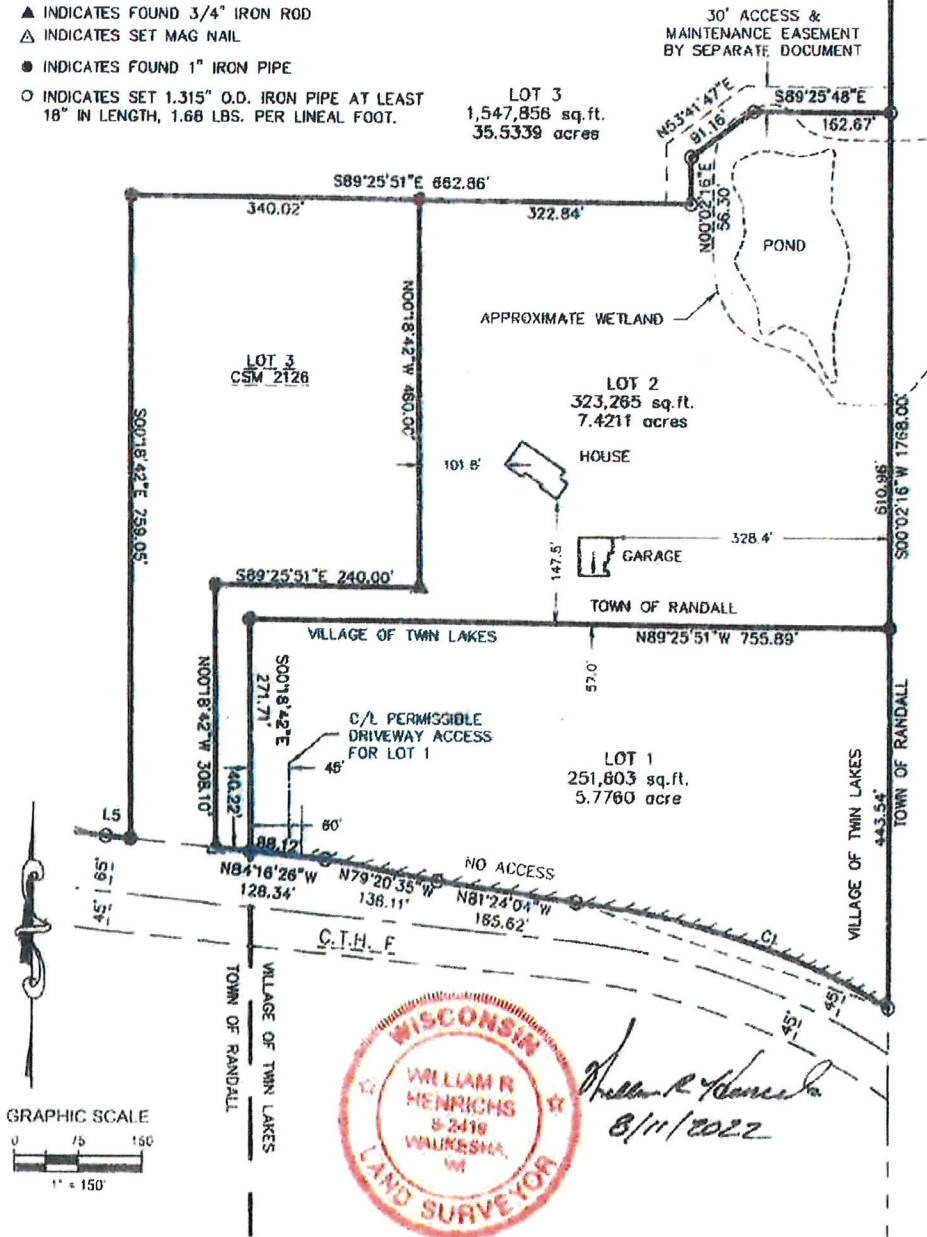
SHORELAND BOUNDARY APPROXIMATE BASED ON KENOSHA COUNTY GIS MAP



# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

A division of Lot 2 of Certified Survey Map No. 2911, part of Lot 1 of Certified Survey Map No. 2499, part of Lot 1 of Certified Survey Map No. 180, part of Lot 2 of Certified Survey Map No. 2126, and lands, being a part of the Northwest 1/4, Northeast 1/4 and Southeast 1/4 of the Northeast 1/4 of Section 18, all being in Township 1 North, Range 19 East, in the Village of Twin Lakes and the Town of Randall, Kenosha County, Wisconsin.

- ▲ INDICATES FOUND 3/4" IRON ROD
- △ INDICATES SET MAG NAIL
- INDICATES FOUND 1" IRON PIPE
- INDICATES SET 1.315" O.D. IRON PIPE AT LEAST 18" IN LENGTH, 1.68 LBS. PER LINEAL FOOT.





# EXHIBIT "A"

Part of 60-4-119-161-0102

85-4-119-161-4215

85-4-119-161-4216

60-4-119-161-0122

Veterans Memorial Park

County Owned Parcels

--- Civil Division Boundary





# Exhibit B

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
KENOSHA COUNTY HIGHWAY DIVISION  
And**

**Donna Karow  
8815 Karow Road  
Twin Lakes, WI 53181**

1. As a result of the CTH F Realignment Project, certain properties will need to be acquired by Kenosha County. Other properties currently owned by Kenosha County will not be used in their entirety.
2. Conditions that will exist after the CTH F Realignment Project is complete will support the County disposing of a number of Project area parcels that will add more value to the community as privately-owned.
3. It seems advisable that those Kenosha County owned properties which will not be required for completion of the Project be first offered to adjacent property owners. In the event the County and adjacent property owner are unable to successfully negotiate a buy/sell agreement, the County will pursue other appropriate means to market/sell the property.
4. Kenosha County intends to acquire the property as described and identified on the attached map (Plat Plan Parcel 19, .362 acres) by purchase at fair market value (FMV) consistent with applicable State statutes and all Project funding requirements as part of the CTH F Realignment Project.
5. Kenosha County intends to sell a .5 acre remnant surrounding the north end of the pond located on parcel #60-4-119-161-0102 to attach to said parcel for the same amount as the purchase price for the Project's Plat Plan Parcel 19. Any transfer and/or transaction costs necessary to facilitate this action will be borne by the County. Final dimensions of the approximate .5 acre remnant will be negotiated to ensure adequate clearance for property maintenance activities around the pond's perimeter.
6. Kenosha County agrees to offer the first option to purchase the entire remnant of parcel #85-4-119-161-4211 to the undersigned owner at FMV as determined by an independent, licensed real estate appraiser.
7. Property owner understands and acknowledges that any sale of County owned property is contingent upon approval by the County Board of Supervisors.

*RAW 11-7-19*

Ray Arbet

Director, Kenosha County Department of Public Works

*Clement Abongwa*

Nov. 7, 2019

Clement Abongwa

Kenosha County Highway Commissioner

*Donna M. Karow*  
12-16-19

Property Owner



# COUNTY OF KENOSHA

Department of Public Works & Development Services  
Shelly Billingsley, Director

Matthew J. Collins  
Director, Division of Parks  
19600 75<sup>th</sup> Street, Suite 122-1  
Bristol, Wisconsin 53104  
Office: (262) 857-1850  
Fax: (262) 857-1885

## Exhibit D Appraisal & Parcel Overview

### Parcel A:

**Description:** Part of Tax Key No. 60-4-119-161-0302 ; .56 acres; Zoned A-2

**Adjacent Parcel Owner:** Donna M Karow, 36210 Bassett Road (Parcel #: 60-4-119-161-0111)

**Pitts Brothers & Associates Valuation:** Based upon the investigations conducted, the analyses made, and our experience as real estate appraisers, we have formed the opinion that, as of February 4, 2022 and subject to the premises, assumptions and limiting conditions set forth in this report, the property has a market value of the fee simple interest in the subject "As-Is" is fairly represented at: \$5,600.

**Recommendation:** Secure Committee and County Board approval to contact adjacent property owner based on signed MOU regarding interest in purchasing the remnant Parcel A. If parcel sale is negotiated, County Board must approve final sale price.

### Parcel B:

**Description:** Tax Key No. 85-4-119-161-4215; 5.77 acres; Zoned: Residential District

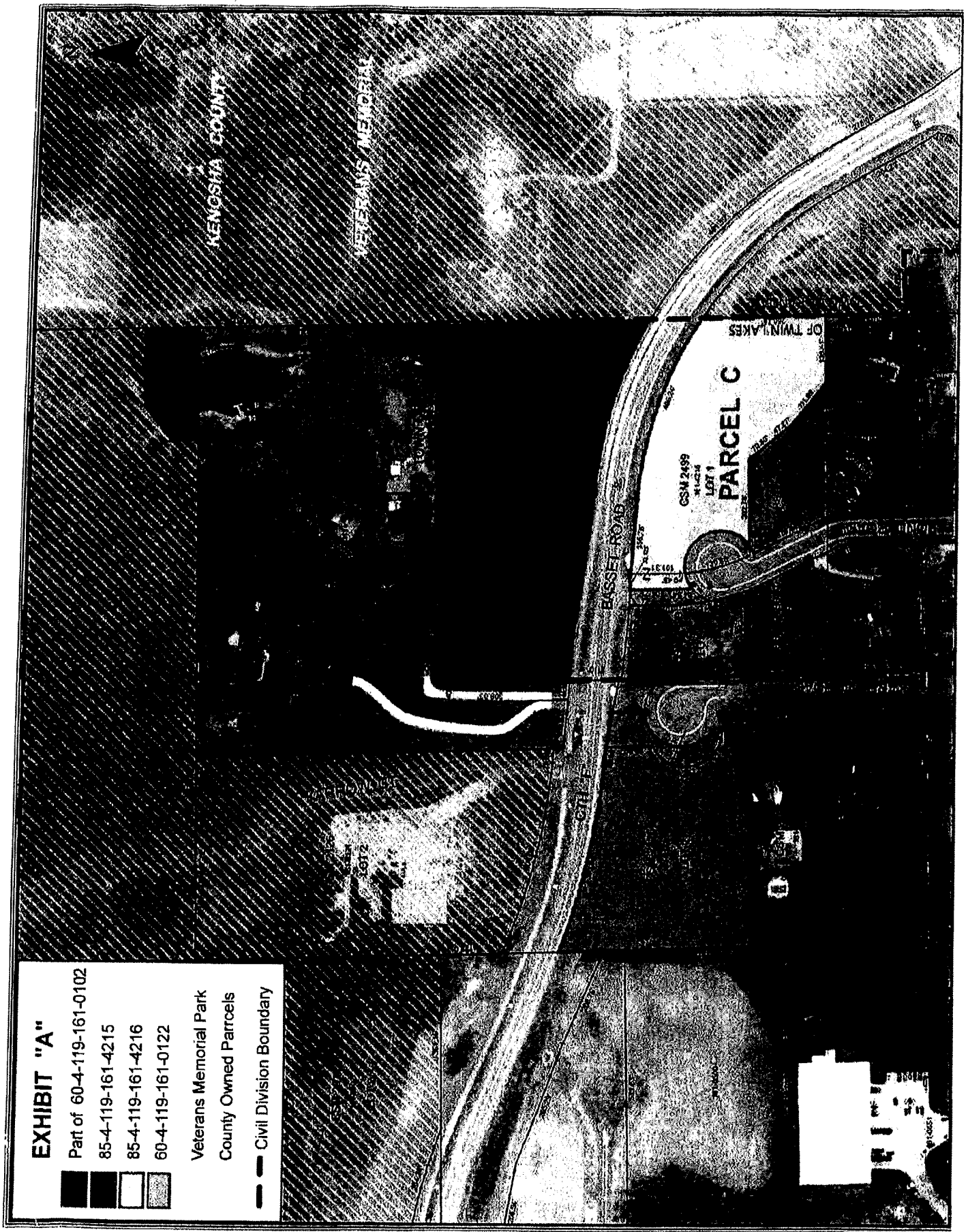
**Adjacent Parcel Owner:** Donna M Karow, 36210 Bassett Road (Parcel #: 60-4-119-161-0111)

**Pitts Brothers & Associates Valuation:** Based upon the investigations conducted, the analyses made, and our experience as real estate appraisers, we have formed the opinion that, as of February 4, 2022 and subject to the premises, assumptions and limiting conditions set forth in this report, the property has a market value of the fee simple interest in the subject "As-Is" is fairly represented at: \$190,400

**Recommendation:** Secure Committee and County Board approval to contact adjacent property owner based on signed MOU regarding interest in purchasing the remnant Parcel B. If parcel sale is negotiated, County Board must approve final sale price.



# Exhibit C

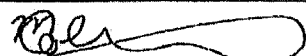




**KENOSHA COUNTY**

**BOARD OF SUPERVISORS**

RESOLUTION NO. 36

Subject: RESOLUTION AUTHORIZING SALE OF HIGHWAY F REMNANT PARCELS	
Original <input type="checkbox"/> Corrected <input type="checkbox"/> 2nd Correction <input checked="" type="checkbox"/> Resubmitted <input type="checkbox"/>	
Date Submitted:	Date Resubmitted: 7/13/2023
Submitted By: Matthew Collins	
Fiscal Note Attached <input type="checkbox"/>	Legal Note Attached <input type="checkbox"/>
Prepared By: John F. Moyer Sr. Asst. Corporation Counsel	Signature: 

WHEREAS, The County Trunk Highway F realignment project within the Village of Twin Lakes and Town of Randall has resulted in the availability for sell of four remnant parcels (Exhibit A), and

WHEREAS, Kenosha County has entered into a Memorandum of Understanding (MOU) (Exhibit B) with neighbors and adjacent property owners to assist Kenosha County in the disposition of Parcel A, Parcel B, Parcel C, and Parcel D, and

WHEREAS, Parcel A and Parcel D were originally acquired with Wisconsin Department of Natural Resources (WDNR) Stewardship grant funds, and if subsequently sold or disposed of by other means, must be replaced with new land approved by the WDNR, and

WHEREAS, Kenosha County received preliminary WDNR approval of the proposed replacement parcels currently owned by Kenosha County that will be recorded as restricted use for parkland and recreational use as shown on Exhibit E, and

WHEREAS, The four parcels have been appraised to determine fair market value as summarized on Exhibit D, and

WHEREAS, Per Kenosha County's Budget Resolution, the proceeds from the sale of any parcels made available from the Highway F project will be placed in the Parkland Development fund, and

WHEREAS, Certified Survey Maps (CSM) for this area (Exhibit C) have been approved by the Village of Twin Lakes and are pending approval from the Town of Randall (where applicable), and

**Sale of Highway F Remnant Parcels  
April 24, 2023**

**NOW THEREFORE BE IT RESOLVED**, that the Kenosha County Board of Supervisors hereby authorizes Administration to begin the process of soliciting the sale of the four parcels at a price approved by the Finance Committee with the understanding that the final sale price must be approved by the Kenosha County Board of Supervisors, and

**BE IT FURTHER RESOLVED**, if the MOU terms of the rights of refusal do not result in an acceptance and transfer of Parcel A, Parcel B, Parcel C, and Parcel D, the Parks Department is authorized to retain a realtor and market the properties, and

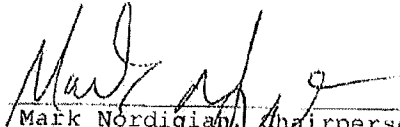
**BE IT FURTHER RESOLVED** that the Kenosha County Executive and County Clerk are hereby authorized to execute the appropriate documents in order to complete these transactions in accordance with law.

Sale of Highway F Remnant Parcels  
April 24, 2023

Respectfully Submitted By:

Public Works Committee:

Aye      Nay      Abstain      Excused

  
Mark Nordigian, Chairperson


<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Zack Stock, Vice Chairperson

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Supervisor Laura Belsky

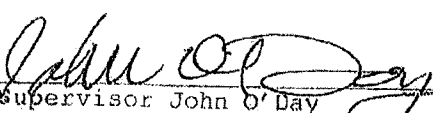
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Supervisor Tim Stocker

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Supervisor Aaron Karow

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Supervisor John O'Day

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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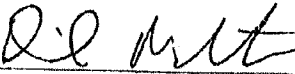
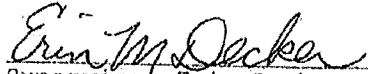
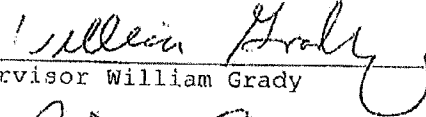
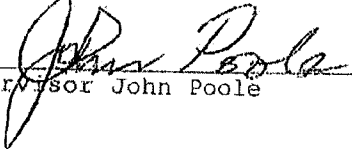
Supervisor Brian Thomas

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Sale of Highway F Remnant Parcels  
April 24, 2023

Respectfully submitted by:

FINANCE/ADMINISTRATION COMMITTEE

	Aye	Nay	Abstain	Excused
 Supervisor Terry Rose, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Supervisor Dave Geertsen, Vice-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Supervisor John Franco	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
 Supervisor Erin Decker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Supervisor William Grady	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Supervisor John Poole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Supervisor Tim Stocker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

# KENOSHA COUNTY

## BOARD OF SUPERVISORS

RESOLUTION NO.

Subject: RESOLUTION AUTHORIZING SALE OF A HIGHWAY F PROJECT REMNANT	
Original X    Corrected    2nd Correction <input type="checkbox"/> Resubmitted <input type="checkbox"/>	
Date Submitted:	Date Resubmitted:
Submitted By: Shelly Billingsley	
Fiscal Note Attached <input type="checkbox"/>	Legal Note Attached <input type="checkbox"/>
Prepared By: John F. Moyer Sr. Asst. Corporation Counsel	Signature:

WHEREAS, Kenosha County, as a result of the County Trunk Highway F project has a parcel which is of limited value to the County (please see involved parcel in attachment A), and

WHEREAS, Kenosha County had earlier entered into a Memo of Understanding with Lance and Abbey Gehring (see attached MOU dated 12-16-19—Exhibit B), who own the contiguous parcel, and

WHEREAS, the Memo of Understanding granted Lance and Abbey Gehring a first right of refusal to purchase this remnant, and

WHEREAS, many benefits are derived for the public from the cooperative efforts of the County and area landowners in a highway project, and

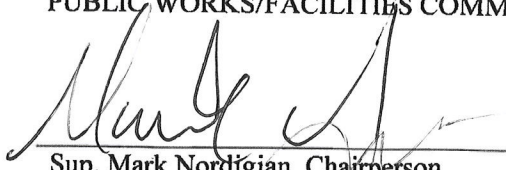
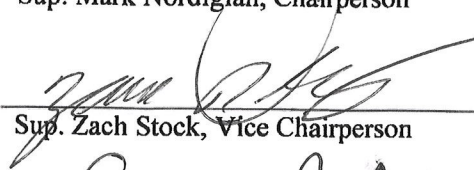
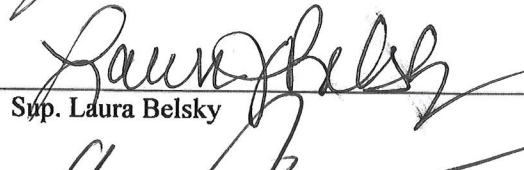
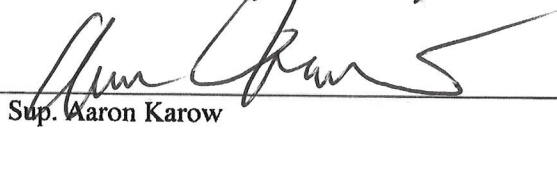
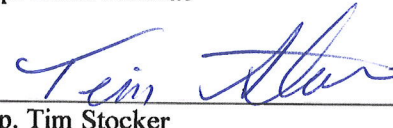
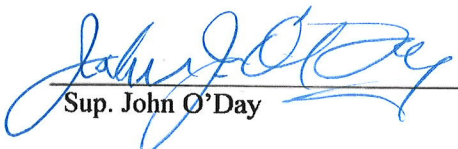
WHEREAS, Kenosha County has benefitted from the completion of the Highway project such that the citizens can enjoy use of the new Highway F, and

WHEREAS, The Kenosha County Board had earlier authorized the transfer of this remnant (see attached Resolution 36, passed July 18, 2023—Exhibit C) at a sale price of \$153,700 per appraisal and Lance and Abbey Gehring have agreed to this transfer at that price, and

WHEREAS, considerable time and resources have already been expended in coordinating the taking and transfer of these properties.

Respectfully Submitted:

PUBLIC WORKS/FACILITIES COMMITTEE

	Aye	Nay	Abstain	Excused
 Sup. Mark Nordigian, Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Sup. Zach Stock, Vice Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Sup. Laura Belsky	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Sup. Aaron Karow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sup. Brian Thomas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Sup. Tim Stocker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Sup. John O'Day	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

NOW THEREFORE BE IT RESOLVED that the Kenosha County Board of Supervisors hereby authorizes the transfer by Quitclaim deed of Parcel D on the attached map to Lance and Abbey Gehring pursuant to the Memo of Understanding and earlier approval; and

BE IT FURTHER RESOLVED that the sale price of \$153,700 is approved, and

BE IT FURTHER RESOLVED now and in the future that the Kenosha County Executive and County Clerk are hereby authorized to execute the appropriate documents in order to execute this transaction in accordance with law.

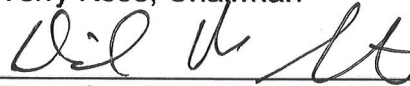
Respectfully submitted by:

FINANCE COMMITTEE


  
Terry Rose, Chairman

Aye   No   Abstain

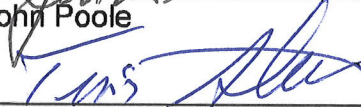
☒   ☐   ☐

  
Dave Geertsens, Vice Chair

☒   ☐   ☐

  
John Poole

☒   ☐   ☐

  
Tim Stocker


☒   ☐   ☐

\_\_\_\_\_  
Bill Grady

☐   ☐   ☐

  
Erin Decker

☒   ☐   ☐

  
John Franco

☒   ☐   ☐

Kenosha County  
Administrative Proposal Form

**1. Proposal Overview**

Division: P&Dt

Department: Public Works

Proposal Summary (attach explanation and required documents):

This resolution seeks transfer of a remnant from the Hwy F project to Lance and Abbey Gehring pursuant to a first right of refusal for \$153,700.

Dept./Division Head Signature: \_\_\_\_\_

Print Name: Andy Buehler

Date: 1/24/24

**2. Department Head Review**

Comments:

Recommendation: Approval ☐ Non-Approval ☐

Department Head Signature: \_\_\_\_\_

Print Name: Shelly Billingsley

Date: 1-24-24

**3. Finance Division Review**

Comments:

Recommendation: Approval ☒ Non-Approval ☐

Finance Signature: \_\_\_\_\_

Print Name: Patty Merrill

Date: 1/24/24

**4. County Executive Review**

Comments:

Action: Approval ☒ Non-Approval ☐

Executive Signature: \_\_\_\_\_

Print Name: Samantha Kerkman

Date: 1/22/2024



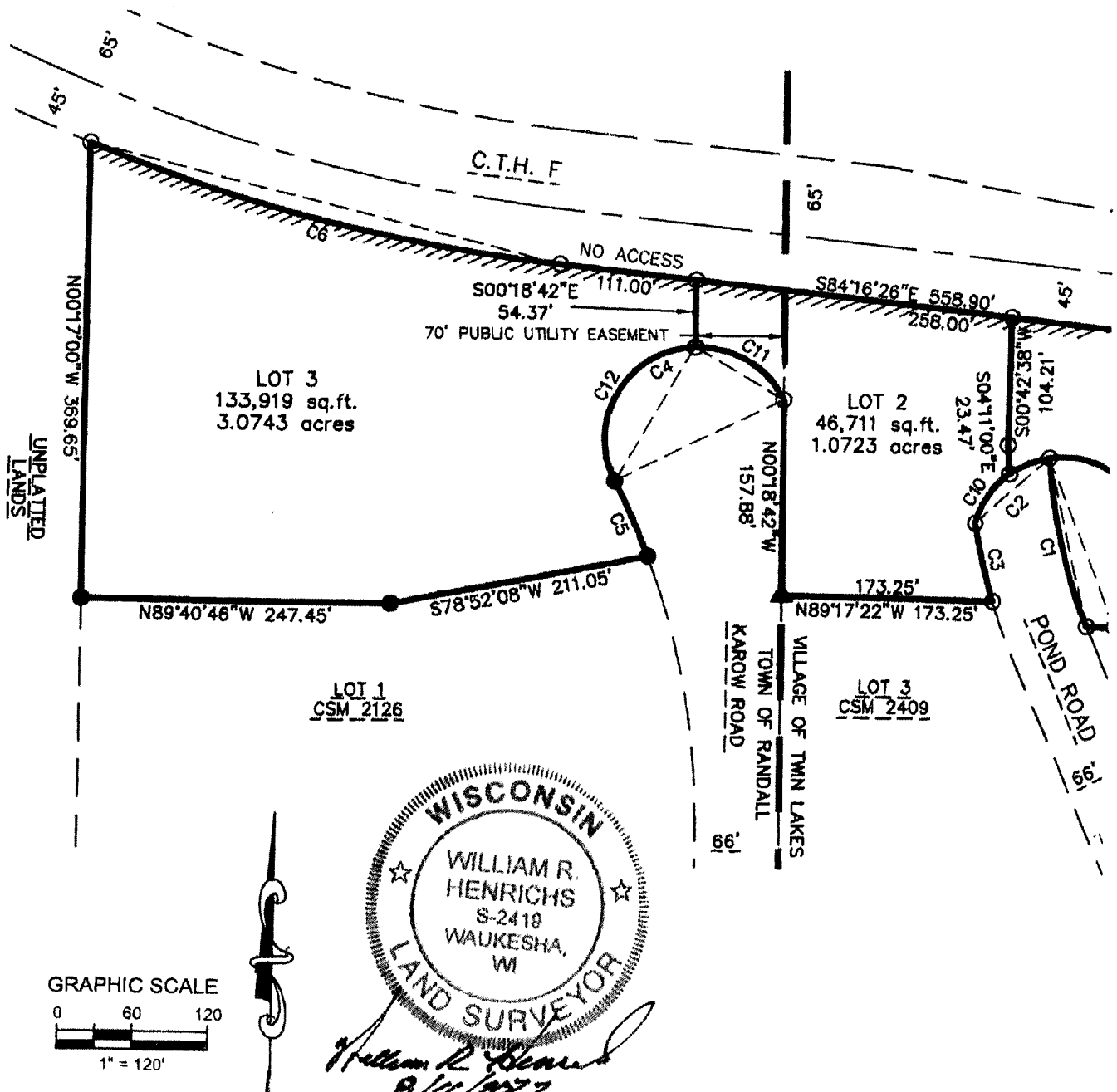
# Exhibit A

## CERTIFIED SURVEY MAP NO. \_\_\_\_\_

A division of a part of Lots 1 and 4 of Certified Survey Map No. 2499 and a part of Lot 2 of Certified Survey Map No. 2126, being a part of the Southeast 1/4 of the Northeast 1/4 of Section 16, all being in Township 1 North, Range 19 East, in the Village of Twin Lakes and the Town of Randall, Kenosha County, Wisconsin.

- ▲ INDICATES FOUND 3/4" IRON ROD
- INDICATES FOUND 1" IRON PIPE
- INDICATES SET 1.315" O.D. IRON PIPE AT LEAST 18" IN LENGTH, 1.68 LBS. PER LINEAL FOOT.

70' PUBLIC UTILITY EASEMENT GRANTED TO THE TOWN OF RANDALL



## EXHIBIT "A"

Part of 60-4-119-161-0102

85-4-119-161-4215

85-4-119-161-4216

60-4-119-161-0122

Veterans Memorial Park

County Owned Parcels

--- Civil Division Boundary

KENOSHA COUNTY

VETERANS MEMORIAL

PARK

RUSSET ROAD

OF TWIN LAKES

PARCEL C

CSM 2499

W-476

LOT 1

Lot 2

60-4-119-161-0122

Exhibit B

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
KENOSHA COUNTY HIGHWAY DIVISION  
And  
Lance & Abbey Gehring  
8820 Karow Road  
Twin Lakes, WI 53181**

1. As a result of the CTH F Realignment Project certain properties owned by Kenosha County will not be used in their entirety.
2. Conditions that will exist after the CTH F Realignment Project is complete will support the County disposing of a number of Project area parcels that will add more value to the community as privately-owned.
3. It seems advisable that those Kenosha County owned properties which will not be required for completion of the Project be first offered to adjacent property owners at independently appraised fair-market value. In the event the County and adjacent property owner are unable to successfully negotiate a buy/sell agreement, the County will pursue other appropriate means to market/sell the property.
4. A single County-owned parcel, 60-4-119-161-0120 is adjacent to your parcel 60-4-119-161-0720. The County parcel will be approximately 2.82 acres and is located on the west side of the "to be constructed" cul-de-sac located at the north end of Karow Road.
5. This MOU is being provided to you to make you aware of the County's intention to sell parcel 60-4-119-161-0120 after the CTH F Realignment project is complete and your signature below would provide an indication that you would like to exercise the County's granted "first right of refusal" to purchase this property at a time appropriate for disposition.
6. Property owner understands and acknowledges that any sale of County owned property is contingent upon approval by the County Board of Supervisors.

Ray Arbet 1-13-20

Ray Arbet

Director, Kenosha County Department of Public Works

Clement Abongwa 1/16/2020

Clement Abongwa

Kenosha County Highway Commissioner

Abbey Gehring - 1-6-20  
Property Owner  
Abbey Gehring 1-6-20

Exhibit B - Appraisal & Parcel Overview

## Parcel C:

**Description:** Tax Key No. 60-4-119-161-0122; 3.06 acres; Zoned: R-2

**Adjacent Parcel Owner:** Walter F Graeber, 817 Hickory Road, Twin Lakes (Parcel #: 85-4-119-161-4212) & Mikki Holms & Michael Roberts, 1404 Pond Road, Twin Lakes (Parcel #: 85-4-119-161-4202)

**Pitts Brothers & Associates Valuation:** Based upon the investigations conducted, the analyses made, and our experience as real estate appraisers, we have formed the opinion that, as of February 4, 2022 and subject to the premises, assumptions and limiting conditions set forth in this report, the property has a market value of the fee simple interest in the subject "As-Is" is fairly represented at: \$153,000

**Recommendation:** Secure Committee and County Board approval to contact adjacent property owner based on signed MOU regarding interest in purchasing the remnant Parcel C. If parcel sale is negotiated, County Board must approve final sale price.

## Parcel D:

**Description:** Tax Key No. 85-4-119-161-4216; 3.27 acres; Zoned: Residential District

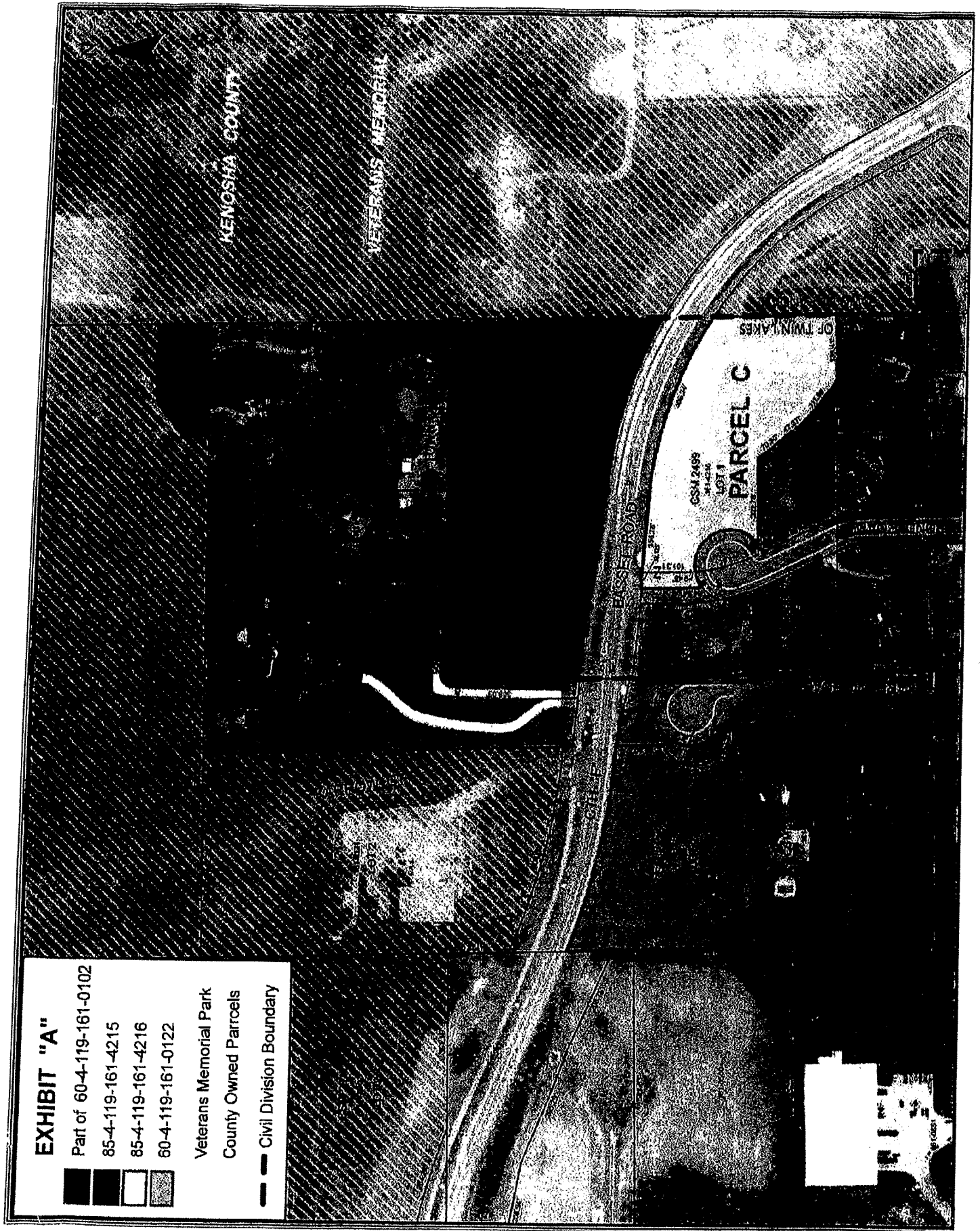
**Adjacent Parcel Owner:** Jack R. Lameer, 1320 Karow Road, Twin Lakes (Parcel #: 85-4-119-161-4201)

**Pitts Brothers & Associates Valuation:** Based upon the investigations conducted, the analyses made, and our experience as real estate appraisers, we have formed the opinion that, as of February 4, 2022 and subject to the premises, assumptions and limiting conditions set forth in this report, the property has a market value of the fee simple interest in the subject "As-Is" is fairly represented at: \$153,700

**Recommendation:** Secure Committee and County Board approval to retain a realtor and market Parcel D. If parcel sale is negotiated, County Board must approve final sale price.

*Full appraisals of Parcel A, Parcel B, Parcel C, and Parcel D are available upon request.*

Exhibit C




✓

**KENOSHA COUNTY**

**BOARD OF SUPERVISORS**

RESOLUTION NO. 36

Subject: RESOLUTION AUTHORIZING SALE OF HIGHWAY F REMNANT PARCELS	
Original <input type="checkbox"/> Corrected <input type="checkbox"/> 2nd Correction <input checked="" type="checkbox"/> Resubmitted <input type="checkbox"/>	
Date Submitted:	Date Resubmitted: 7/13/2023
Submitted By: Matthew Collins	
Fiscal Note Attached <input type="checkbox"/>	Legal Note Attached <input type="checkbox"/>
Prepared By: John F. Moyer Sr. Asst. Corporation Counsel	Signature: 

- WHEREAS, The County Trunk Highway F realignment project within the Village of Twin Lakes and Town of Randall has resulted in the availability for sell of four remnant parcels (Exhibit A), and
- WHEREAS, Kenosha County has entered into a Memorandum of Understanding (MOU) (Exhibit B) with neighbors and adjacent property owners to assist Kenosha County in the disposition of Parcel A, Parcel B, Parcel C, and Parcel D, and
- WHEREAS, Parcel A and Parcel D were originally acquired with Wisconsin Department of Natural Resources (WDNR) Stewardship grant funds, and if subsequently sold or disposed of by other means, must be replaced with new land approved by the WDNR, and
- WHEREAS, Kenosha County received preliminary WDNR approval of the proposed replacement parcels currently owned by Kenosha County that will be recorded as restricted use for parkland and recreational use as shown on Exhibit E, and
- WHEREAS, The four parcels have been appraised to determine fair market value as summarized on Exhibit D, and
- WHEREAS, Per Kenosha County's Budget Resolution, the proceeds from the sale of any parcels made available from the Highway F project will be placed in the Parkland Development fund, and
- WHEREAS, Certified Survey Maps (CSM) for this area (Exhibit C) have been approved by the Village of Twin Lakes and are pending approval from the Town of Randall (where applicable), and

Sale of Highway F Remnant Parcels  
April 24, 2023

NOW THEREFORE BE IT RESOLVED, that the Kenosha County Board of Supervisors hereby authorizes Administration to begin the process of soliciting the sale of the four parcels at a price approved by the Finance Committee with the understanding that the final sale price must be approved by the Kenosha County Board of Supervisors, and

BE IT FURTHER RESOLVED, if the MOU terms of the rights of refusal do not result in an acceptance and transfer of Parcel A, Parcel B, Parcel C, and Parcel D, the Parks Department is authorized to retain a realtor and market the properties, and

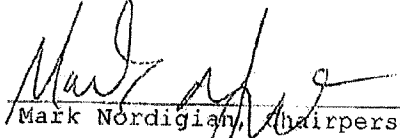
BE IT FURTHER RESOLVED that the Kenosha County Executive and County Clerk are hereby authorized to execute the appropriate documents in order to complete these transactions in accordance with law.

Sale of Highway F Remnant Parcels  
April 24, 2023

Respectfully Submitted By:

Public Works Committee:

Aye      Nay      Abstain      Excused

  
Mark Nordigian, Chairperson

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Zack Stock, Vice Chairperson

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Supervisor Laura Belsky

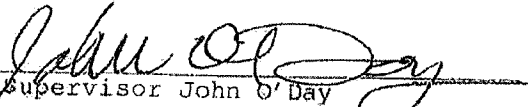
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Supervisor Tim Stocker

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Supervisor Aaron Karow

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Supervisor John O'Day

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Supervisor Brian Thomas




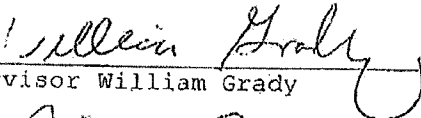

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Sale of Highway F Remnant Parcels  
April 24, 2023

Respectfully submitted by:

FINANCE/ADMINISTRATION COMMITTEE

	Aye	Nay	Abstain	Excused
 Supervisor Terry Rose, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Supervisor Dave Geertsens, Vice-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Supervisor John Franco	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
 Supervisor Erin Decker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Supervisor William Grady	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Supervisor John Poole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Supervisor Tim Stocker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DOCUMENT #	G/L DATE
BATCH #	ENTRY DATE

DEPT/DIVISION: Kenosha County Parks Division

**PURPOSE OF BUDGET MODIFICATION (REQUIRED):**

[illegible]

REVENUES		FUND	DIVISION	SUB DIVISION	MAIN ACCOUNT	REVENUE DECREASE (+)	REVENUE INCREASE (-)	ADOPTED BUDGET	CURRENT BUDGET	REVISED BUDGET
Sale Of Parcel Proceeds		420	760	7860	446560		153,700			
REVENUE TOTALS						-	153,700.00	-	-	-

**COLUMN TOTALS (EXP TOTAL + REV TOTAL)**

Please fill in all columns:

SEE BACK OF FORM FOR REQUIRED LEVELS OF APPROVAL FOR BUDGET MODIFICATION.

- (1) & (2) Account information as required
- (3) & (4) Budget change requested
- (5) Original budget as adopted by the board
- (6) Current budget (original budget w/past mods.)
- (7) Actual expenses to date
- (8) Budget after requested modifications
- (9) Balance available after transfer (col 8 - col 7).

PREPARED BY: Chris Walton

FINANCE DIRECTOR: S. Merrill Date 1/24/24

DIVISION HEAD: Shelly Siegmon Date 1-23-24 (required)

DEPARTMENT HEAD: Shelly B. Brown Date: 1-23-24

COUNTY EXECUTIVE: Sofia Date 11/23/2024

**Kenosha**



**County**

**BOARD OF SUPERVISORS**

**RESOLUTION NO. \_\_\_\_\_**

Subject: Resolution authorizing the acceptance and expenditure of LRIP funding and the re-appropriation of County Highway (CTH) K funds for reconditioning of County Highway (CTH) L between State Highway (STH) 31 and 30 <sup>th</sup> Avenue	
Original <input checked="" type="checkbox"/> Corrected <input type="checkbox"/> 2 <sup>nd</sup> Correction <input type="checkbox"/> Resubmitted <input type="checkbox"/>	
Date Submitted:	Date Resubmitted:
Submitted by: <b>Clement Abongwa</b>	
Fiscal Note Attached <input checked="" type="checkbox"/>	Legal Note Attached <input type="checkbox"/>
Prepared by: <b>Clement Abongwa</b>	Signature: <i>Clement Abongwa</i>

WHEREAS, Kenosha County Highway Division currently has funds appropriated to the reconstruction of CTH K that will not be used in 2024 as federal funding for the second of the three-phase project has not been awarded yet,

WHEREAS, the Wisconsin Department of Transportation has awarded \$971,470 as part of a Local Road Improvement Program (LRIP) to fund the reconditioning project on CTH L between STH 31 and 30<sup>th</sup> Avenue,

WHEREAS, the total estimated funding necessary to complete this project is \$1,900,000, re-appropriating the additional \$928,530 required from the CTH K project until the 2025 budget process where funding needs will be re-evaluated and replenished upon County Board approval,

NOW, THEREFORE BE IT RESOLVED, The County Board of Supervisors authorizes the acceptance and expenditure of \$971,470 from LRIP funding and the re-appropriation of funds from CTH K to CTH L for the reconditioning of CTH L between STH 31 and 30<sup>th</sup> Avenue.

Respectfully Submitted:

Committee:

Aye

Nay

Abstain


Excused

  
\_\_\_\_\_  
Mark Nordigian, Chairperson

☒☐☐☐

  
\_\_\_\_\_  
Zach Stock, Vice Chairperson

☒☐☐☐

  
\_\_\_\_\_  
Supervisor Laura Belsky

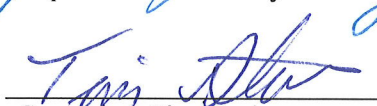
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\_\_\_\_\_  
Supervisor Aaron Karow

☒☐☐☐

  
\_\_\_\_\_  
Supervisor John O'Day

☒☐☐☐



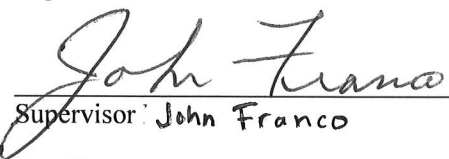
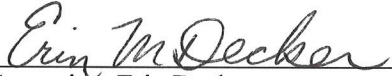


  
\_\_\_\_\_  
Supervisor Tim Stocker

☒☐☐☐

\_\_\_\_\_  
Supervisor Brian Thomas

☐☐☐☐

FINANCE/ADMINISTRATION COMMITTEE

	Aye	Nay	Abstain	Excused
 Supervisor Terry Rose, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Supervisor Dave Geertsens, Vice-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Supervisor John Franco	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Supervisor Erin Decker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Supervisor William Grady	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
 Supervisor John Poole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Supervisor Tim Stocker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Kenosha County  
Administrative Proposal Form

**1. Proposal Overview**

Division: Highways Department: Public Works

Proposal Summary (attach explanation and required documents):

Resolution for Acceptance & Expenditure of LRIP funds and Re-appropriation of Hwy K Funds to Recondition Hwy L between STH 31 and 30<sup>th</sup> Avenue.

Dept./Division Head Signature: Climent Abongwa Date: 2-26-24

**2. Department Head Review**

Comments:

Recommendation: Approval ☒ Non-Approval ☐

Department Head Signature: Shelly Buehrly Date: 2-22-24

**3. Finance Division Review**

Comments:

Recommendation: Approval ☒ Non-Approval ☐

Finance Signature: Patricia Merrill Date: 2/21/24

**4. County Executive Review**

Comments:

Action: Approval ☒ Non-Approval ☐

Executive Signature: Scott W. Date: 2/22/2024

**KENOSHA COUNTY EXPENSE/REVENUE BUDGET MODIFICATION FORM**

DOCUMENT #	G/L DATE
BATCH #	ENTRY DATE

DEPT/DIVISION: Kenosha County Hwy Division

PURPOSE OF BUDGET MODIFICATION (REQUIRED):

[illegible][illegible]

COLUMN TOTALS (EXP TOTAL + REV TOTAL) 1,900,000.00 1,900,000.00

SEE BACK OF FORM FOR REQUIRED LEVELS OF APPROVAL FOR BUDGET MODIFICATION.

PREPARED BY: Chris Walton Charmel Abongwa FINANCE DIRECTOR Christina Mervick Date 2/21/24  
(required) Date 2-26-24

DIVISION HEAD: \_\_\_\_\_ Date 2-23-24

DEPARTMENT HEAD: Shelly Bump Date 2-23-24

COUNTY EXECUTIVE: Sandra Lee Date 2/22/2024

Please fill in all columns:

- (1) & (2) Account information as required
- (3) & (4) Budget change requested
- (5) Original budget as adopted by the board
- (6) Current budget (original budget w/past mods.)
- (7) Actual expenses to date
- (8) Budget after requested modifications
- (9) Balance available after transfer (col 8 - col 7).


# Kenosha



# County

## BOARD OF SUPERVISORS

RESOLUTION NO. \_\_\_\_\_

Subject: We Energies Permanent Easement Request within Brookside Care Center	
Original <input checked="" type="checkbox"/> Corrected <input type="checkbox"/> 2 <sup>nd</sup> Correction <input type="checkbox"/> Resubmitted <input type="checkbox"/>	
Date Submitted:	Date Resubmitted:
Submitted by: Frank Martinelli	
Fiscal Note Attached <input type="checkbox"/>	Legal Note Attached <input type="checkbox"/>
Prepared by: Frank Martinelli	Signature: 

WHEREAS, Kenosha County is in the process of installing a new transformer for the Brookside Care Center, and

WHEREAS, We Energies requests a permanent easement over and across a part of Kenosha County's land described as strips of land 12 feet in width located in the Northwest  $\frac{1}{4}$  of Section 25, Township 2 North, Range 22 East, City of Kenosha, Kenosha County Wisconsin, and

WHEREAS, the location of the easement area with respect to Kenosha County land is shown on the attached drawing, market Exhibit "A", and

WHEREAS, the purpose of this easement is to allow We Energies to construct, install, operate, maintain, repair, replace and extend underground utility facilities together with all necessary and appurtenant equipment under and above ground as deemed necessary to transmit electric energy, and

NOW, THEREFORE BE IT RESOLVED, that the Kenosha County Board of Supervisors authorizes the Public Works Project Manager to execute any contracts, agreements or other documents necessary to complete this transaction.



February 26, 2024  
Page 2

Respectfully Submitted:

Committee:

Aye

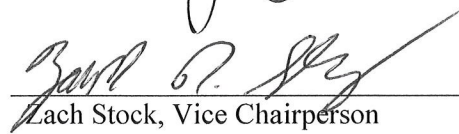
Nay

Abstain

Excused

  
Mark Nordigian, Chairperson

☐☐☐

  
Zach Stock, Vice Chairperson


☐☐☐

  
Supervisor Laura Belsky

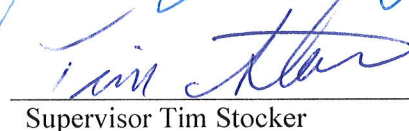
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Supervisor Aaron Karow

☐☐☐

  
Supervisor John O'Day

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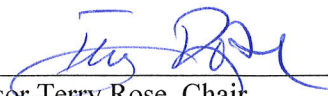



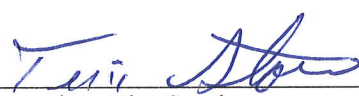
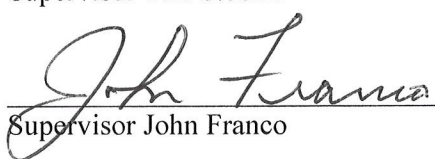
  
Supervisor Tim Stocker

☐☐☐

\_\_\_\_\_  
Supervisor Brian Thomas

☐☐☐☐

FINANCE/ADMINISTRATION COMMITTEE

	Aye	Nay	Abstain	Excused
 Supervisor Terry Rose, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Supervisor Dave Geertsens, Vice-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Supervisor John Poole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Supervisor Erin Decker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Supervisor Tim Stocker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Supervisor John Franco	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Supervisor Bill Grady	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Kenosha County  
Administrative Proposal Form**

**1. Proposal Overview**

Division: Facilities Department: Public Works

Proposal Summary (attach explanation and required documents):

Resolution to apply for We Energies Permanent Easement Request within Brookside Care Center

Dept./Division Head Signature: Shelly Billingsley Date: 2-12-24  
Shelly Billingsley

**2. Department Head Review**

Comments:

Recommendation: Approval ☒ Non-Approval ☐

Department Head Signature: Shelly Billingsley Date: 2-12-24  
Shelly Billingsley

**3. Finance Division Review**

Comments:

Recommendation: Approval ☒ Non-Approval ☐

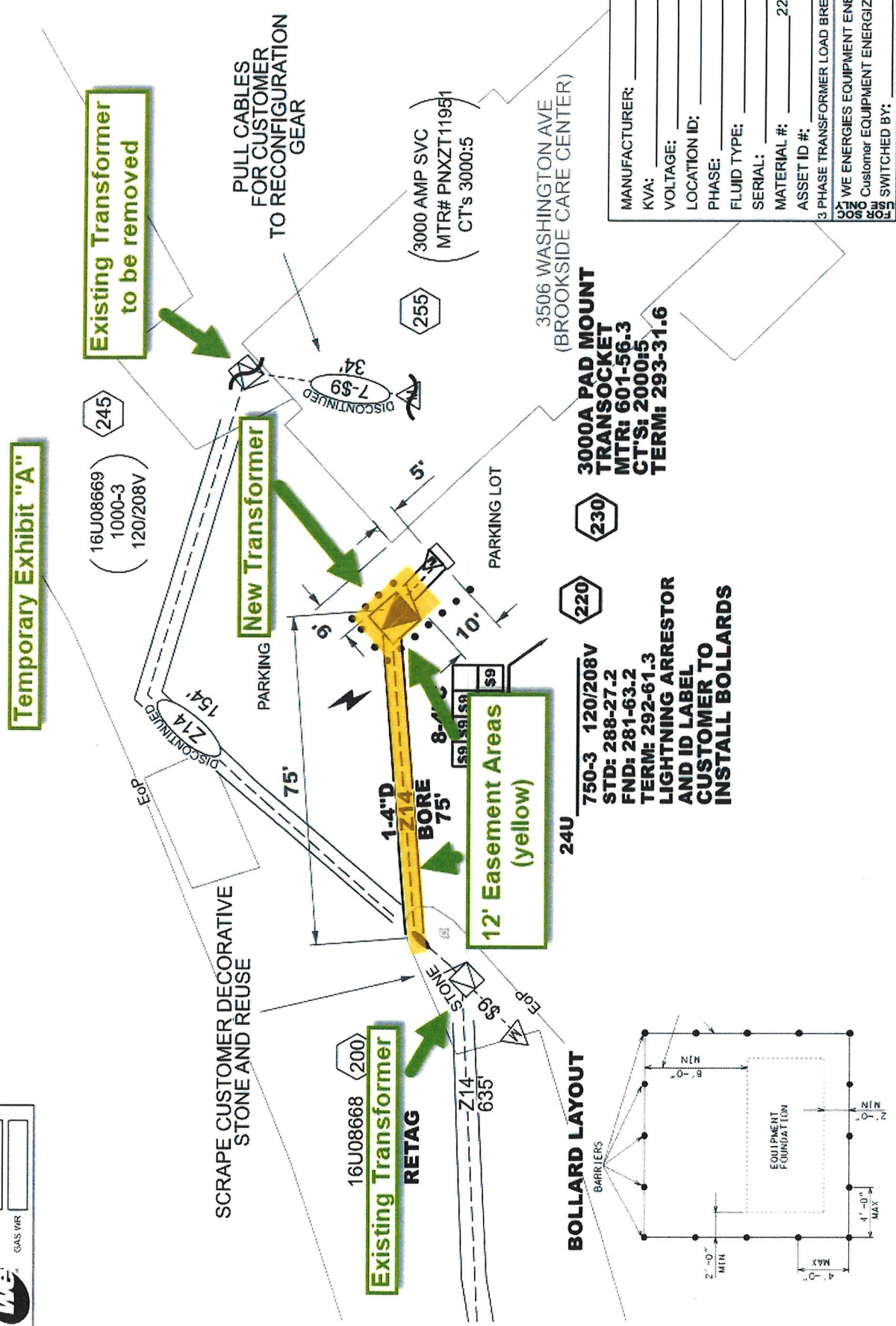
Finance Signature: Chris Walton Date: 2-12-24  
Chris Walton

**4. County Executive Review**

Comments:

Action: Approval ☒ Non-Approval ☐

Executive Signature: Seide Her Date: 2/16/2024



MANUFACTURER: \_\_\_\_\_  
KVA: \_\_\_\_\_  
VOLTAGE: \_\_\_\_\_  
LOCATION ID: \_\_\_\_\_  
PHASE: \_\_\_\_\_  
FLUID TYPE: \_\_\_\_\_ DESIGN IZ: \_\_\_\_\_  
SERIAL: \_\_\_\_\_  
MATERIAL #: \_\_\_\_\_ 227-6585 \_\_\_\_\_  
ASSET ID #: \_\_\_\_\_  
3 PHASE TRANSFORMER LOAD BREAK SWITCHES? ☐ Y ☐ N  
WE ENERGIES EQUIPMENT ENERGIZED ☐ Y ☐ N  
Customer EQUIPMENT ENERGIZED ☐ Y ☐ N EDC: \_\_\_\_\_  
SWITCHED BY: \_\_\_\_\_ DATE/TIME: \_\_\_\_\_

**DISTRIBUTION EASEMENT  
UNDERGROUND**

Document Number

WR NO.      **4901420**

IO NO.      **75665**

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **COUNTY OF KENOSHA**, hereinafter referred to as "Grantor", owner of land, hereby grants and warrants to **WISCONSIN ELECTRIC POWER COMPANY, a Wisconsin corporation doing business as We Energies**, hereinafter referred to as "Grantee", a permanent easement upon, within, beneath, over and across a part of Grantor's land hereinafter referred to as "easement area".

The easement area is described as strips of land 12 feet in width being a part of the Grantor's premises located in the **Northwest 1/4 of Section 25, Township 2 North, Range 22 East**, City of Kenosha, Kenosha County, Wisconsin; said premises being more particularly described in that certain Parcel Combination Affidavit recorded in the office of the Register of Deeds for Kenosha County, Wisconsin as Document No. 1773694.

The location of the easement area with respect to Grantor's land is as shown on the attached drawing, marked Exhibit "A", and made a part of this document.

RETURN TO:  
We Energies  
PROPERTY RIGHTS & INFORMATION GROUP  
231 W. MICHIGAN STREET, ROOM P277  
PO BOX 2046  
MILWAUKEE, WI 53201-2046

07-222-25-251-006  
(Parcel Identification Number)

1. **Purpose:** The purpose of this easement is to construct, install, operate, maintain, repair, replace and extend underground utility facilities, conduit and cables, electric pad-mounted transformers, electric pad-mounted switch-fuse units, electric pad-mounted vacuum fault interrupter, concrete slabs, power pedestals, riser equipment, terminals and markers, together with all necessary and appurtenant equipment under and above ground as deemed necessary by Grantee, all to transmit electric energy, signals, television and telecommunication services, including the customary growth and replacement thereof. Trees, bushes, branches and roots may be trimmed or removed so as not to interfere with Grantee's use of the easement area.
2. **Access:** Grantee or its agents shall have the right to enter and use Grantor's land with full right of ingress and egress over and across the easement area and adjacent lands of Grantor for the purpose of exercising its rights in the easement area.
3. **Buildings or Other Structures:** Grantor agrees that no structures will be erected in the easement area or in such close proximity to Grantee's facilities as to create a violation of all applicable State of Wisconsin electric codes or any amendments thereto.
4. **Elevation:** Grantor agrees that the elevation of the ground surface existing as of the date of the initial installation of Grantee's facilities within the easement area will not be altered by more than 4 inches without the written consent of Grantee.
5. **Restoration:** Grantee agrees to restore or cause to have restored Grantor's land, as nearly as is reasonably possible, to the condition existing prior to such entry by Grantee or its agents. This restoration, however, does not apply to the initial installation of said facilities or to any trees, bushes, branches or roots which may interfere with Grantee's use of the easement area.
6. **Exercise of Rights:** It is agreed that the complete exercise of the rights herein conveyed may be gradual and not fully exercised until sometime in the future, and that none of the rights herein granted shall be lost by non-use.
7. **Binding on Future Parties:** This grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.
8. **Easement Review:** Grantor acknowledges receipt of materials which describe Grantor's rights and options in the easement negotiation process and furthermore acknowledges that Grantor has had at least 5 days to review this easement document or voluntarily waives the five day review period.

**Grantor:**

**COUNTY OF KENOSHA**

By \_\_\_\_\_

(Print name and title): \_\_\_\_\_

By \_\_\_\_\_

(Print name and title): \_\_\_\_\_

Personally came before me in \_\_\_\_\_ County, Wisconsin on \_\_\_\_\_, 2023,  
the above named \_\_\_\_\_, the \_\_\_\_\_  
and \_\_\_\_\_, the \_\_\_\_\_  
of the **COUNTY OF KENOSHA**, pursuant to a Resolution adopted by its County Board on \_\_\_\_\_,  
2023.

\_\_\_\_\_  
Notary Public Signature, State of Wisconsin

\_\_\_\_\_  
Notary Public Name (Typed or Printed)

(NOTARY STAMP/SEAL)

My commission expires \_\_\_\_\_



*Kenosha**County***BOARD OF SUPERVISORS****ORDINANCE NO. \_\_\_\_\_**

Subject: Proposed amendments to the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance adopting the State/FEMA model floodplain zoning ordinance which is compliant with the Code of Federal Regulations Title 44, Chapter I, Section 60 and the Wisconsin Administrative Code Chapter NR 116 including the adoption of the new Flood Insurance Rate Maps (FIRMs) and the new Flood Insurance Study (FIS).

Original ☐      Corrected ☐      2nd Correction ☐      Resubmitted ☐

Date Submitted: April 19, 2024

Date Resubmitted:

Submitted By: Planning Development &  
Extension Education Committee

Fiscal Note Attached ☐

Legal Note Attached ☐

Prepared By: Andy M. Buehler, Director  
Division of Planning & Development

Signature: DocuSigned by:

*Andy M. Buehler*  
6F9A89FDAE5542C...

WHEREAS, Kenosha County proposes to amend Chapter 12 of the “Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance” as set forth in the attached Exhibit “A, pertaining to adopting the State/FEMA model floodplain zoning ordinance as a stand-alone subsection of Chapter 12 superseding existing floodplain language in Chapter 12 and authorizing such pertinent language to be removed. Such model ordinance is compliant with the Code of Federal Regulations Title 44, Chapter I, Section 60 and the Wisconsin Administrative Code Chapter NR 116 including the adoption of the new Flood Insurance Rate Maps (FIRMs) and the new Flood Insurance Study (FIS).

WHEREAS, the Kenosha County Planning, Development & Extension Education Committee held a public hearing on the request February 14, 2024.

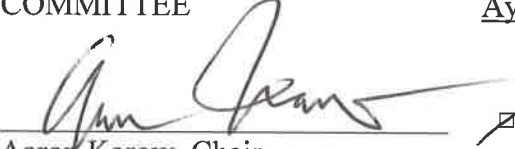
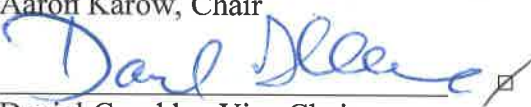

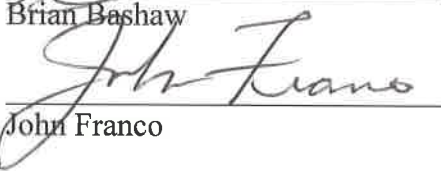
## Amendments - Chapter 12 of the Municipal Code of Kenosha County

Page 2

NOW, THEREFORE BE IT RESOLVED that pursuant to the authority granted by Sections 59.69 and 59.594(2)(a) of the Wisconsin State Statutes, the Kenosha County Board of Supervisors does hereby ordain that Chapter 12 of the Municipal Code of Kenosha County entitled "Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance" be amended, as set forth in the attached Exhibit "A, pertaining to adopting the State/FEMA model floodplain zoning ordinance as a stand-alone subsection of Chapter 12 superseding existing floodplain language in Chapter 12 and authorizing such pertinent language to be removed. Such model ordinance is compliant with the Code of Federal Regulations Title 44, Chapter I, Section 60 and the Wisconsin Administrative Code Chapter NR 116 including the adoption of the new Flood Insurance Rate Maps (FIRMs) and the new Flood Insurance Study (FIS).

Approved by:

PLANNING, DEVELOPMENT  
& EXTENSION EDUCATION  
COMMITTEE

	<u>Aye</u>	<u>No</u>	<u>Abstain</u>	<u>Excused</u>
 Aaron Karow, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Daniel Gaschke, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Brian Bashaw	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 John Franco	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Ed Kubicki	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



**Floodplain Zoning Ordinance**  
**Kenosha County, Wisconsin**  
**Effective ()**

***Please fill in these sections after adoption***

Date of Public Hearing:\_\_\_\_\_ (Requires a Class 2 Hearing Notice of Publication or Posting)

Date of Adoption:\_\_\_\_\_

Dates of Publication or Posting:\_\_\_\_\_ Second/last date must be at least 7 days before hearing,  
see definition, Ch 985 Stats)

Date of Publication or Posting of Notice of Enacted Ordinance \_\_\_\_\_

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**1.0 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE AND GENERAL PROVISIONS**

**1.1 STATUTORY AUTHORIZATION**

This ordinance is adopted pursuant to the authorization in s.59.69, s. 59.692, and s. 59.694. and the requirements in Wis. Stat. s. 87.30, Stats.

**1.2 FINDING OF FACT**

Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare and tax base.

**1.3 STATEMENT OF PURPOSE**

This ordinance is intended to regulate floodplain development to:

- (1) Protect life, health and property;
- (2) Minimize expenditures of public funds for flood control projects;
- (3) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- (4) Minimize business interruptions and other economic disruptions;
- (5) Minimize damage to public facilities in the floodplain;
- (6) Minimize the occurrence of future flood blight areas in the floodplain;
- (7) Discourage the victimization of unwary land and homebuyers;
- (8) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
- (9) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

**1.4 TITLE**

This ordinance shall be known as the Floodplain Zoning Ordinance for Kenosha County, Wisconsin.

**1.5 GENERAL PROVISIONS**

**(1) AREAS TO BE REGULATED**

This ordinance regulates all areas of special flood hazard identified as zones A, AO, AH, A1-30, AE, on the Flood Insurance Rate Map. Additional areas identified on maps approved by the Department of Natural Resources (DNR) and local community may also be regulated under the provisions of this ordinance, where applicable.

**(2) OFFICIAL MAPS & REVISIONS**

Special Flood Hazard Areas (SFHA) are designated as zones A, A1-30, AE, AH, AO, on the Flood Insurance Rate Maps (FIRMs) based on flood hazard analyses summarized in the Flood Insurance Study (FIS) listed in subd. (a) below. Additional flood hazard areas subject to regulation under this ordinance are identified on maps based on studies approved by the DNR and listed in subd. (b) below. These maps and revisions are on file in the Kenosha County Division of Planning and Development, Kenosha County Center, Bristol, WI.

(a) OFFICIAL MAPS: Based on the Flood Insurance Study (FIS):

1. Flood Insurance Rate Map (FIRM), panel numbers 55059C0014D, 55059C0019D, 55059C0036D, 55059C0037D, 55059C0038D, 55059C0039D, 55059C0041D, 55059C0042D, 55059C0043D, 55059C0044D, 55059C0061D, 55059C0062D, 55059C0063D, 55059C0064D, 55059C0088D, 55059C0119D, 55059C0134D, 55059C0138D, 55059C0139D, 55059C0153D, 55059C0154D, 55059C0156D, 55059C0157D, 55059C0158D, 55059C0159D, 55059C0176D, 55059C0177D, 55059C0178D, 55059C0179D, 55059C0181D, 55059C0182D, 55059C0183D, 55059C0201D, 55059C0203D, 55059C0231D, 55059C0232D, 55059C0251D and 55059C0252D dated **06/19/2012**
2. Flood Insurance Rate Map (FIRM), panel number 55059C0184E dated 03/07/2017
3. Flood Insurance Rate Map (FIRM), panel numbers 55059C0012E, 55059C0016E, 55059C0017E, 55059C0018E, 55059C0089E, 55059C0107E, 55059C0109E, 55059C0110E, 55059C0116E, 55059C0117E, 55059C0118E, 55059C0126E, 55059C0127E, 55059C0128E, 55059C0129E, 55059C0131E, 55059C0132E, 55059C0133E, 55059C0136E, 55059C0137E, 55059C0143E, 55059C0151E, 55059C0152E, 55059C0202E, and 55059C0256E, dated 04/11/2024.
4. (Flood Insurance Study (FIS) volumes 55059CV001C, 55059CV002C and 55059CV003C for Kenosha County, dated 04/11/2024

Approved by: The DNR and FEMA

(b) OFFICIAL MAPS: Based on other studies. Any maps referenced in this section must be approved by the DNR and be more restrictive than those based on the FIS at the site of the proposed development.

1. Meyer KD Dam Failure analysis approved by the Department of Natural Resources on August 9, 2002, including:
  - i. Map dated no date and titled ("Inundation Map for Non-Failure, Dam Non-Existent and Dam Failure During the 100 Year flood"). (Use Dam Failure during the 100 Year Flood map).
  - ii. Floodway data table dated no date and titled ("Floodway Data Table for Dam Failure Analysis"). Use Maximum Stage Elevation Column
  - iii. Flood profiles dated no date and titled "Hydraulic Profiles for Failure, No Failure and No Dam Analyses for the 100-yr Flood". Use failure profile.
2. Bong Recreation Area 8 Dam Failure Analysis approved by the Department of Natural Resources on January 7, 2020 including:
  - i. Map dated January 2013, and titled, "Simplified Dam Failure Analysis for Bong Recreational Area Dam No. 8."
  - ii. Floodway data table dated, no date, and titled, "Table 6.1 – Water Surface Comparison", 100-year Flood Dam Failure Peak WSEL column indicates water surface elevations during dam failure.
  - iii. Flood profiles dated, no date, and titled, "Bong Recreational Area Dam No. 8 – Simplified Dam Failure Analysis."

3. Flood Storage Map - Kenosha County and incorporated areas Flood Storage Districts Panel 1 and 6, dated 4/11/2024, approved by the DNR.

(3) ESTABLISHMENT OF FLOODPLAIN ZONING DISTRICTS

The flood hazard areas regulated by this ordinance are divided into districts as follows:

- (a) The Floodway District (FW), is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters, within AE Zones as shown on the FIRM, or within A Zones shown on the FIRM when determined according to s. 5.1(5).
- (b) The Floodfringe District (FF) is that portion of a special flood hazard area outside the floodway within AE Zones on the FIRM, or, when floodway limits have been determined according to s. 5.1(5), within A Zones shown on the FIRM.
- (c) The General Floodplain District (GFP) is those areas that may be covered by floodwater during the regional flood in which a floodway boundary has not been delineated on the FIRM and also includes shallow flooding areas identified as AH and AO zones on the FIRM.
- (d) The Flood Storage District (FSD) is that area of the floodplain where storage of floodwaters is calculated to reduce the regional flood discharge.

(4) LOCATING FLOODPLAIN BOUNDARIES

Discrepancies between the exterior boundaries of zones A1-30, AE, AH, or A on the official floodplain zoning map and actual field conditions may be resolved using the criteria in subd (a) or (b) below. If a significant difference exists, the map shall be amended according to s. 8.0 *Amendments*. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit (zoning or construction permit), whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre- development field conditions and the basis upon which the district boundary was determined. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to s. 7.3(3) and the criteria in (a) and (b) below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to s. 8.0 *Amendments*.

- (a) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
- (b) Where flood profiles do not exist for projects, including any boundary of zone A, AO, the location of the boundary shall be determined by the map scale.

(5) REMOVAL OF LANDS FROM FLOODPLAIN

- (a) Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to s. 8.0 *Amendments*.
- (b) The delineation of any of the Floodplain Districts may be revised by the



community where natural or man-made changes have occurred and/or where more detailed studies have been conducted. However, prior to any such change, approval must be obtained from the Wisconsin Department of Natural Resources and Federal Emergency Management Agency. A completed Letter of Map Revision is a record of this approval. The zoning administrator shall not sign a community acknowledgement form unless all criteria set forth in the following paragraphs are met:

1. The land and/or land around the structure must be filled at least two feet above the regional or base flood elevation;
  2. The fill must be contiguous to land outside the floodplain; Applicant shall obtain a shoreland permit, according to Section 12.09, before applying for a LOMR or LOMR-F;
- (c) Removal of lands from the floodplain may also occur by operation of § 87.30(1)(e), Wis. Stat. if a property owner has obtained a letter of map amendment from the federal emergency management agency under 44 C.F.R. 70.

(6) COMPLIANCE

- (a) No structure or use within areas regulated by this ordinance shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged, or altered without full compliance with the terms of these regulations and all other applicable regulations that apply to uses within the jurisdiction of these regulations.
- (b) Failure to obtain a land use permit (zoning or construction permit) shall be a violation of these regulations and shall be punishable in accordance with s. 9.0.
- (c) Land use permit (zoning or construction permit) issued on the basis of plans and applications approved by the zoning administrator authorize only the use, and arrangement, set forth in such approved plans and applications, or amendments thereto if approved by the zoning administrator. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with s. 9.0.

(7) MUNICIPALITIES AND STATE AGENCIES REGULATED

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if s. 13.48(13), Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when s. 30.2022, Stats., applies. Although exempt from a local zoning permit and permit fees, DOT must provide sufficient project documentation and analysis to ensure that the community is in compliance with Federal, State, and local floodplain standards. If a local transportation project is located within a Zone A floodplain and is not a WisDOT project under s. 30.2022, then the road project design documents (including appropriate detailed plans and profiles) may be sufficient to meet the requirements for issuance of a local floodplain permit if the following apply: The applicant provides documentation to the zoning administrator that the proposed project is a culvert replacement or bridge replacement under 20' span at the same location, the project is exempt from a DNR permit under s. 30.123(6)(d), the capacity is not decreased, the top road grade is not raised, and no floodway data is available from a federal, state, or other source. If floodway

data is available in the impacted area from a federal, state, or other source that existing data must be utilized by the applicant in the analysis of the project site.

(8) **ABROGATION AND GREATER RESTRICTIONS**

- (a) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under s. 59.69, s. 59.692, and 59.694 for counties; or s. 87.30, Stats. which relate to floodplains. A more restrictive ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
- (b) This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

(9) **INTERPRETATION**

In their interpretation and application, the provisions of this ordinance are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this ordinance, required by ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

(10) **WARNING AND DISCLAIMER OF LIABILITY**

The flood protection standards in this ordinance are based on engineering experience and research. Larger floods may occur, or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. This ordinance does not create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

(11) **SEVERABILITY**

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

(12) **ANNEXED AREAS FOR CITIES AND VILLAGES**

The Kenosha County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and 44 CFR 59-72, *National Flood Insurance Program* (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the floodway location.

**2.0 GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS**

The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding and assure that all necessary permits have been received from those governmental agencies whose approval is required by federal or state law.

- (1) No structures of any type shall be allowed, except for a pole sign in business zoning.

- (2) If a subdivision or other proposed new development is in a mapped floodplain area, the community shall assure that:
  - (a) such proposed subdivision or other proposed new development is consistent with the need to minimize flood damage within the flood-prone area;
  - (b) public utilities and facilities such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
  - (c) adequate drainage is provided to reduce exposure to flood hazards.
- (3) All land division proposals (including manufactured home parks), boundary adjustment proposals, and proposals to combine existing parcels shall include regional flood elevation and floodway data and meet all other requirements in s. 7.1(2).

## **2.1 HYDRAULIC AND HYDROLOGIC ANALYSES**

- (1) No floodplain development for a public highway or transportation project shall:
  - (a) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or
  - (b) Cause any increase in the regional flood height due to floodplain storage area lost.
- (2) The zoning administrator shall deny permits for development other than a public highway or transportation project if it is determined the proposed development will obstruct flow or result in the net removal of flood storage capacity within the regulatory floodplain.
- (3) If compensatory storage is created to address the prohibition under s. 2.1(3)(b), the location of the compensatory storage must be outside of and contiguous to the pre-existing regulatory floodplain and the newly-created compensatory storage area shall be included within the regulatory floodplain through an amendment under ss. 1.5(5) and 8.0.

*Note:* Compensatory storage is not required to offset fill placed in the areas that are shown on the floodplain zoning maps as AE or AO for which the elevation was determined based on a coastal analysis if the areas are not also mapped floodplain areas.

## **2.2 WATERCOURSE ALTERATIONS**

No permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices, and required the applicant to secure all necessary state and federal permits. The standards of s. 2.1 must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained.

As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to s. 8.0 *Amendments*, the community shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

## **2.3     CHAPTER 30, 31, WIS. STATS., DEVELOPMENT**

Development which requires a permit from the Department, under chs. 30 and 31, Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodplain zoning ordinance are made according to s. 8.0 *Amendments*.

## **2.4     PUBLIC OR PRIVATE CAMPGROUNDS**

Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

- (1) The campground is approved by the Department of Agriculture, Trade and Consumer Protection;
- (2) A land use permit (zoning or construction permit) for the campground is issued by the zoning administrator;
- (3) The character of the river system and the campground elevation are such that a 72-hour warning of an impending flood can be given to all campground occupants;
- (4) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the floodplain zoning agency or zoning administrator, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;
- (5) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in sub. (4) - to remain in compliance with all applicable regulations, including those of the state Department of Agriculture, Trade and Consumer Protection and all other applicable regulations;
- (6) All mobile recreational vehicles placed on site must meet one of the following:
  - (a) Be fully licensed, if required, and ready for highway use; or
  - (b) Not occupy any site in the campground for more than 180 consecutive days, at which time the recreational vehicle must be removed from the floodplain for a minimum of 24 hours; or
  - (c) Meet the requirements in either s. 3.0, 4.0 or 5.1, for the floodplain district in which the structure is located;

A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.
- (7) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit consistent with 2.4(6) and shall ensure compliance with all the provisions of this section;

- (8) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;
- (9) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued; and
- (10) All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation; and
- (11) Standards for structures in a campground:
  - (a) All structures must comply with section 2.4 or meet the applicable requirements in ss. 3.0, 4.0 or 5.1, for the floodplain district in which the structure is located;
  - (b) Deck / landing-a portable landing may be allowed for a camping unit for each entry provided that the landing is not permanently attached to the ground or camping unit, is no more than 200 square feet in size, shall be portable, contain no walls or roof, and can be removed from the campground by a truck and/or trailer. Sections of such portable landings may be placed together to form a single deck not greater than 200 square feet at one entry point. Provisions for the removal of these temporary landings during flood events must be addressed within the written agreement with the municipality compliant with section 2.4(4). Any such deck/landing structure may be constructed at elevations lower than the flood protection elevation but must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
  - (c) Decks/patios that are constructed completely at grade may be allowed, but must also comply with applicable shoreland zoning standards.
  - (d) Camping equipment and appurtenant equipment in the campground may be allowed provided that the equipment is not permanently attached to the ground or camping unit, is not used as a habitable structure, and must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood. Provisions for the removal of this equipment during flooding events shall be addressed within the written agreement with the municipality compliant with section 2.4(4).
  - (e) Once a flood warning in the written agreement has been issued for the campground, the campground owner or the designated operator shall ensure that all persons, camping units, decks, camping equipment and appurtenant equipment in the campground shall be evacuated within the timelines specified within the written agreement with the municipality compliant with section 2.4(4).
- (12) A land use permit (zoning or construction permit) shall be obtained as provided under 7.1(2) before any development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated.

### **3.0 FLOODWAY AND FLOODFRINGE DISTRICTS (FW; FF)**

#### **3.1 APPLICABILITY**

This section applies to all floodway and floodfringe areas on the floodplain zoning maps and those identified pursuant to s. 5.1(5).

### **3.2 PERMITTED USES**

The following open space uses are allowed in the Floodway and Floodfringe Districts and the floodway and floodfringe areas of the General Floodplain District, if:

- they are not prohibited by any other ordinance;
  - they meet the standards in s. 3.3 and 3.4; and
  - all permits or certificates have been issued according to s. 7.1.
- (1) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.
  - (2) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
  - (3) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of s. 3.3(4).
  - (4) Uses or structures accessory to open space uses or classified as historic structures that comply with s. 3.3 and 3.4.
  - (5) Extraction of sand, gravel or other materials that comply with s. 3.3(4).
  - (6) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30 and 31, Stats.
  - (7) Public utilities, streets and bridges that comply with s. 3.3(3).
  - (8) Portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch. SPS 383, Wis. Adm. Code.
  - (9) Public or private wells used to obtain potable water for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code.
  - (10) Wastewater treatment ponds or facilities permitted under s. NR 110.15(3)(b), Wis. Adm. Code.
  - (11) Sanitary sewer or water supply lines to service existing or proposed development located outside the regulatory floodplain that complies with the regulations for the area occupied.

### **3.3 STANDARDS FOR DEVELOPMENTS IN THE FLOODWAY AND FLOODFRINGE DISTRICTS**

- (1) GENERAL
  - (a) Any development in the floodway or floodfringe shall comply with s. 2.0 and have a low flood damage potential.
  - (b) Applicants shall provide an analysis calculating the effects of the proposal on the regional flood height to determine the effects of the proposal according to

s. 2.1 and 7.1(2)(c). The analysis must be completed by a registered professional engineer in the state of Wisconsin.

- (c) Any encroachment in the regulatory floodway or floodfringe is prohibited unless the data submitted for subd. 3.3(1)(b) above demonstrates that the encroachment will cause no increase in flood elevations in flood events up to the base flood at any location or removes the encroached area from the regulatory floodway as provided in s. 1.5(5).
- (d) Any existing structure in the floodway or floodfringe must meet the requirements of s. 6.0 (Nonconforming Uses).

(2) **STRUCTURES**

Structures accessory to permanent open space uses, including utility and sanitary facilities, or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

- (a) Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage;
- (b) Shall either have the lowest floor elevated to or above the flood protection elevation or shall meet all the following standards:
  - 1. Have the lowest floor elevated to or above the regional flood elevation and be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and completely dry to the flood protection elevation without human intervention during flooding;
  - 2. Have structural components capable of meeting all provisions of Section 3.3(2)(g) and;
  - 3. Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with Section 3.3(2)(g).
- (c) Must be anchored to resist flotation, collapse, and lateral movement;
- (d) Mechanical and utility equipment must be elevated to or above the flood protection elevation; and
- (e) Must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
- (f) For a structure designed to allow the automatic entry of floodwaters below the Regional Flood Elevation, the applicant shall submit a plan that meets s. 3.3(2)(a) through 3.3(2)(e) and meets or exceeds the following standards:
  - 1. The lowest floor must be elevated to or above the regional flood elevation;
  - 2. a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
  - 3. the bottom of all openings shall be no higher than one foot above the



lowest adjacent grade; openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters, otherwise must remain open.

4. The use must be limited to parking, building access or limited storage.

(g) Certification: Whenever floodproofing measures are required, a registered professional engineer or architect shall certify that the following floodproofing measures will be utilized, where appropriate, and are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the regional flood:

1. Reinforcement of floors and walls to resist rupture, collapse, or lateral movement caused by water pressures or debris buildup;
2. Construction of wells, water supply systems and waste treatment systems so as to prevent the entrance of flood waters in such systems and must be in accordance with provisions in Sections 3.4(4) and 3.4(5);
3. Subsurface drainage systems to relieve external pressures on foundation walls and basement floors;
4. Cutoff valves on sewer lines or the elimination of gravity flow basement drains; and
5. Placement of utilities to or above the flood protection elevation.

(3) PUBLIC UTILITIES, STREETS AND BRIDGES

(a) Public utilities, streets and bridges in the floodway may be allowed by permit, if:

1. Adequate floodproofing measures are provided to the flood protection elevation; and
2. Construction meets the development standards of s. 2.1.

(b) All utilities, streets and bridges in the floodfringe shall be designed to be compatible with comprehensive floodplain development plans; and

1. When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with s. 7.5.
2. Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

(4) FILLS OR DEPOSITION OF MATERIALS

Fills or deposition of materials may be allowed by permit, if:

- (a) The requirements of s. 2.1 are met;
- (b) No material is deposited in navigable waters unless a permit is issued by the Department pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and all other requirements have been met;

- (c) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
- (d) The fill is not classified as a solid or hazardous material.

### **3.4 PROHIBITED USES**

All uses not listed as permitted uses in s. 3.2 are prohibited, including the following uses:

- (1) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
- (2) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
- (3) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
- (4) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department- approved campgrounds that meet the applicable provisions of local ordinances and ch. SPS 383, Wis. Adm. Code;
- (5) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code;
- (6) Any solid or hazardous waste disposal sites;
- (7) Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. Code; and
- (8) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

## **5.0 OTHER FLOODPLAIN DISTRICTS**

### **5.1 GENERAL FLOODPLAIN DISTRICT (GFP)**

#### **(1) APPLICABILITY**

The provisions for the General Floodplain District shall apply to development in all floodplains mapped as A, AO, AH, and in AE zones within which a floodway is not delineated on the Flood Insurance Rate Maps identified in s. 1.5(2)(a),

#### **FLOODWAY BOUNDARIES**

For proposed development in a zone A, or in a zone AE within which a floodway is not delineated on the Flood Insurance Rate Map identified in s. 1.5(2)(a), the boundaries of the regulatory floodway shall be determined pursuant to s. 5.1(5). If the development is proposed to encroach upon the regulatory floodway or the regulatory floodfringe, the development is subject to the standards of s 3.0.

#### **(2) PERMITTED USES**

Pursuant to s. 5.1(5) it shall be determined whether the proposed use is located within the floodway or floodfringe. Those uses permitted in the Floodway and Floodfringe Districts (s. 3.2) are allowed within the General Floodplain District, according to the standards of s. 5.1(4) provided that all permits or certificates

required under s. 7.1 have been issued.

(3) STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT  
Section 3.0 applies to floodway and floodfringe areas, determined to pursuant to 5.1(5).

- (a) No new structures allowed except for a pole sign in business.
- (b) In AO/AH zones, provide adequate drainage paths to guide floodwaters around structures.
- (c) All development in zones AO and zone AH shall meet the requirements of s. 4.0.

(4) DETERMINING FLOODWAY AND FLOODFRINGE LIMITS

Upon receiving an application for development within zone A, or within a zone AE where a floodway has not been delineated on the Flood Insurance Rate Maps, the zoning administrator shall:

- (a) Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures; and the flood zone as shown on the FIRM.
- (b) Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries.
- (c) A Hydrologic and Hydraulic Study as specified in s. 7.1(2)(c).
  - 1. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;
  - 2. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

## 5.2 FLOODSTORAGE DISTRICT

The flood storage district delineates that portion of the floodplain where storage of floodwaters has been taken into account and is relied upon to reduce the regional flood discharge. The district protects the flood storage areas and assures that any development in the storage areas will not decrease the effective flood storage capacity which would cause higher flood elevations.

(1) APPLICABILITY

The provisions of this section apply to all areas within the Flood Storage District (FSD), as shown on the official floodplain zoning maps.

(2) PERMITTED USES

Any use or development which occurs in a flood storage district must meet the applicable requirements in s. 4.3.

(3) **STANDARDS FOR DEVELOPMENT IN FLOOD STORAGE DISTRICTS**

- (a) Development in a flood storage district shall not cause an increase equal or greater than 0.00 of a foot in the height of the regional flood.
- (b) No development shall be allowed which removes flood storage volume unless an equal volume of storage as defined by the pre-development ground surface and the regional flood elevation shall be provided in the immediate area of the proposed development to compensate for the volume of storage, which is lost, (compensatory storage). Excavation below the groundwater table is not considered to provide an equal volume of storage.
- (c) If compensatory storage cannot be provided, the area may not be developed unless the entire area zoned as flood storage district – on this waterway – is rezoned to the floodfringe district. This must include a revision to the floodplain study and map done for the waterway to revert to the higher regional flood discharge calculated without floodplain storage, as per s. 8.0 *Amendments* of this ordinance.
- (d) No area may be removed from the flood storage district unless it can be shown that the area has been filled to the flood protection elevation and is contiguous to other lands lying outside of the floodplain.

**6.0 NONCONFORMING USES**

**6.1 GENERAL**

(1) **APPLICABILITY**

- (a) The standards in this section shall apply to all uses and buildings that do not conform to the provisions contained within a floodplain zoning ordinance or with s. 87.30, Stats. and §§ NR 116.12-14, Wis. Adm. Code and 44 CFR 59-72., these standards shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto. A party asserting existence of a lawfully established nonconforming use or structure has the burden of proving that the use or structure was compliant with the floodplain zoning ordinance in effect at the time the use or structure was created.
  - (b) As permit applications are received for, modifications, or substantial improvements to nonconforming buildings in the floodplain, municipalities shall develop a list of those nonconforming buildings, their equalized assessed value and a list of the costs of those activities associated with changes to those buildings.
- (2) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:
- (a) No modifications to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The word "modification" includes, but is not limited to, any alteration, , modification, structural repair, of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance

- (b) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;
  - (c) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;
  - (d) No additions of any type shall be allowed. Modification to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its equalized assessed value, shall not be allowed.
  - (e) Change in roof pitch may be allowed by a land use permit (zoning or construction permit) if the total cost of the work does not equal or exceed 50% of the structure's equalized assessed value, at the time the structure became nonconforming, over the life of the structure.
  - (f) No maintenance on a per event basis to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1). Maintenance to any nonconforming structure, which does not exceed 50% of its present equalized assessed value on a per event basis, does not count against the cumulative calculations over the life of the structure for substantial improvement calculations.
  - (g) If on a per event basis the total value of the work being done under (d) and (f) equals or exceeds 50% of the equalized assessed value the work shall not be permitted.
  - (h) Except as provided in subd. (h), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged by flood, it cannot be replaced, reconstructed or rebuilt.
  - (i) For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall not be permitted.
- (3) A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with s. 3.3 (1), flood resistant materials are used, and construction practices and floodproofing methods that comply with s. 7.5 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of s. 6.1 (2)(h)1 if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.
- (4) Floodproofing which elevates the first floor of a nonconforming structure may be allowed by a land use permit (zoning or construction permit); the entire structure shall be floodproofed by means other than the use of fill, in compliance with the standards set forth in Section 7.5

of this ordinance, to the flood protection elevation, which is 2 feet above the base flood elevation

## **6.2 FLOODWAY DISTRICT**

- (1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:
  - (a) Has been granted a permit or variance which meets all ordinance requirements;
  - (b) Meets the requirements of s. 6.1;
  - (c) Shall not increase the obstruction to flood flows or regional flood height;
  - (d) Any addition to the existing structure shall be floodproofed, pursuant to s. 7.5, by means other than the use of fill, to the flood protection elevation; and
  - (e) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
    1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
    2. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
    3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
    4. The use must be limited to parking, building access or limited storage.
- (2) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, s. 7.5(3) and ch. SPS 383, Wis. Adm. Code.
- (3) No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all municipal ordinances, s. 7.5(3) and chs. NR 811 and NR 812, Wis. Adm. Code.

## **6.3 FLOODFRINGE DISTRICT**

- (1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodfringe District or Coastal AE and AO zones unless such modification or addition has been granted a permit or variance by the municipality and meets the requirements of s. 4.3 except where s. 6.3(2) is applicable.

- (2) Where compliance with the provisions of subd. (1) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Appeals, using the procedures established in s. 7.3, may grant a variance from those provisions of subd. (1) for modifications or additions using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:
  - (a) No floor is allowed below the regional flood elevation for residential or commercial structures;
  - (b) Human lives are not endangered;
  - (c) Public facilities, such as water or sewer, shall not be installed;
  - (d) Flood depths shall not exceed two feet;
  - (e) Flood velocities shall not exceed two feet per second; and
  - (f) The structure shall not be used for storage of materials as described in s. 4.3(5).
- (3) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, s. 7.5 (3) and ch. SPS 383, Wis. Adm. Code.
- (4) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance, s. 7.5 (3) and ch. NR 811 and NR 812, Wis. Adm. Code.
- (5) Any deposited material in the Floodfringe District must meet all the provisions of this ordinance.

#### **6.4 FLOOD STORAGE DISTRICTS**

No modification or additions shall be allowed to any nonconforming structure in a flood storage area unless the standards outlined in 5.2 (3) are met.

#### **7.0 ADMINISTRATION**

Where a zoning administrator, has already been appointed to administer a zoning ordinance adopted under ss. 59.69 or 59.692, Stats., these officials shall also administer this ordinance.

#### **7.1 ZONING ADMINISTRATOR**

##### **(1) DUTIES AND POWERS**

The zoning administrator is authorized to administer this ordinance and shall have the following duties and powers:

- (a) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
- (b) Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate.
- (c) Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.
- (d) Keep records of all official actions such as:

1. All permits issued, inspections made, and work approved;
2. Documentation of certified lowest floor and regional flood elevations;
3. Floodproofing certificates.
4. Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
5. All substantial damage assessment reports for floodplain structures.
6. List of nonconforming structures and uses.

(e) Submit copies of the following items to the Department Regional office:

1. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
2. Copies of case-by-case analyses and other required information.
3. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

(f) Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.

(g) Submit copies of amendments to the FEMA Regional office.

(2) LAND USE PERMIT (ZONING OR CONSTRUCTION PERMIT)

A land use permit (zoning or construction permit) shall be obtained before any development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the zoning administrator shall include:

(a) GENERAL INFORMATION

1. Name and address of the applicant, property owner and contractor;
2. Legal description, proposed use, and whether it is new construction or a modification;

(b) SITE DEVELOPMENT PLAN

A site plan drawn to scale shall be submitted with the permit application form and shall contain:

1. Location, dimensions, area and elevation of the lot;
2. Location of the ordinary highwater mark of any abutting navigable waterways;
3. Location of any structures with distances measured from the lot lines and street center lines;
4. Location of any existing or proposed on-site sewage systems or private water supply systems;
5. Location and elevation of existing or future access roads;
6. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;



7. The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
8. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of s. 3.0 or 4.0 are met; and
9. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to s. 2.1. This may include any of the information noted in s. 3.3(1).

(c) HYDRAULIC AND HYDROLOGIC STUDIES TO ANALYZE DEVELOPMENT

All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department.

1. Zone A floodplains and in AE zones within which a floodway is not delineated.

a. Hydrology

- i. The appropriate method shall be based on the standards in ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.

b. Hydraulic modeling

The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:

- i. determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.
- ii. channel sections must be surveyed.
- iii. minimum four-foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
- iv. a maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.
- v. the most current version of HEC-RAS shall be used.
- vi. a survey of bridge and culvert openings and the top of road is required at each structure.
- vii. additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.
- viii. standard accepted engineering practices shall be used when assigning

parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.

- ix. the model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.

c. Mapping

A work map of the reach studied shall be provided, showing all cross-section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.

- i. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.
- ii. If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

2. Zone AE Floodplains

a. Hydrology

If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.

b. Hydraulic model

The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:

i. Duplicate Effective Model

The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.

ii. Corrected Effective Model.

The Corrected Effective Model shall not include any man-made physical changes since the effective model date but shall import the model into the most current version of HEC-RAS for Department review.

iii. Existing (Pre-Project Conditions) Model.

The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.

iv. Revised (Post-Project Conditions) Model.

The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.

v. All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.

vi. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and top widths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.

c. Mapping

Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:

i. Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.

ii. Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.

iii. Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.

iv. If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.

v. The revised floodplain boundaries shall tie into the effective floodplain boundaries.

vi. All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.

vii. Both the current and proposed floodways shall be shown on the map.

viii. The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

(d) EXPIRATION

All permits issued under the authority of this ordinance shall expire no more than

180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause. If the permitted work has not started within 180 days of the permit date, the development must comply with any regulation, including any revision to the FIRM or FIS, that took effect after the permit date.

(3) CERTIFICATE OF COMPLIANCE

No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the zoning administrator, except where no permit is required, subject to the following provisions:

- (a) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;
- (b) Application for such certificate shall be concurrent with the application for a permit;
- (c) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;
- (d) The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of s. 7.5 are met.
- (e) Where applicable pursuant to s. 5.1(4), the applicant must submit a certification by a registered professional engineer or surveyor of the elevation of the bottom of the lowest horizontal structural member supporting the lowest floor (excluding pilings or columns), and an indication of whether the structure contains a basement.
- (f) Where applicable pursuant to s. 5.1(4), the applicant must submit certifications by a registered professional engineer or architect that the structural design and methods of construction meet accepted standards of practice as required by s. 5.1(4).

(4) OTHER PERMITS

Prior to obtaining a land use permit (zoning or construction permit) the applicant must secure all necessary permits from federal, state, and local agencies, including but not limited to those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

## **7.2 ZONING AGENCY**

(1) The Kenosha County Board of Adjustment shall:

- (a) oversee the administration of this ordinance; and
- (b) review and advise the governing body on all proposed amendments to this ordinance, maps and text.
- (c) publish adequate notice pursuant to Ch. 985, Stats., specifying the date, time, place and subject of the public hearing.

(2) The Kenosha County Board of Adjustment shall not:

- (a) grant variances to the terms of the ordinance in place of action by the Board of

Adjustment; or

- (b) amend the text or zoning maps in place of official action by the governing body.

### **7.3 BOARD OF ADJUSTMENT**

The Board of Appeals created under Wis. Stat. s. 62.23(7)(e) is hereby authorized or shall be appointed to act for the purposes of this ordinance. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The zoning administrator shall not be the secretary of the Board.

#### **(1) POWERS AND DUTIES**

The Board of Adjustment shall:

- (a) Appeals - Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance;

Boundary Disputes - Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map; and

- (b) Variances - Hear and decide, upon appeal, variances from the ordinance standards.

#### **(2) APPEALS TO THE BOARD**

- (a) Appeals to the board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the zoning administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the board all records regarding the matter appealed.

#### **(b) NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES**

- 1. Notice - The board shall:

- a. Fix a reasonable time for the hearing;
- b. Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing; and
- c. Assure that notice shall be mailed to the parties in interest and the Department Regional office at least 10 days in advance of the hearing.

- 2. Hearing - Any party may appear in person or by agent. The board shall:

- a. Resolve boundary disputes according to s. 7.3(3);
- b. Decide variance applications according to s. 7.3(4); and
- c. Decide appeals of permit denials according to s. 7.4.

- (c) DECISION: The final decision regarding the appeal or variance application shall:

- 1. Be made within a reasonable time;
- 2. Be sent to the Department Regional office within 10 days of the decision;
- 3. Be a written determination signed by the chairman or secretary of the Board;

4. State the specific facts which are the basis for the Board's decision;
5. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application; and
6. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

(3) BOUNDARY DISPUTES

The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:

- (a) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary.
- (b) The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and
- (c) If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to s. 8.0 *Amendments*.

(4) VARIANCE

- (a) The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:
  1. Literal enforcement of the ordinance will cause unnecessary hardship;
  2. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
  3. The variance is not contrary to the public interest; and
  4. The variance is consistent with the purpose of this ordinance in s. 1.3.
- (b) In addition to the criteria in subd. (a), to qualify for a variance under FEMA regulations, the Board must find that the following criteria have been met:
  1. The variance shall not cause any increase in the regional flood elevation;
  2. The applicant has shown good and sufficient cause for issuance of the variance;
  3. Failure to grant the variance would result in exceptional hardship;
  4. Granting the variance will not result in additional threats to public safety, extraordinary expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
  5. The variance granted is the minimum necessary, considering the flood hazard, to afford relief.
- (c) A variance shall not:

1. Grant, extend or increase any use prohibited in the zoning district;
  2. Be granted for a hardship based solely on an economic gain or loss;
  3. Be granted for a hardship which is self-created.
  4. Damage the rights or property values of other persons in the area;
  5. Allow actions without the amendments to this ordinance or map(s) required in s. 8.0 *Amendments*; and
  6. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
- (d) When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage. A copy shall be maintained with the variance record.

#### **7.4 TO REVIEW APPEALS OF PERMIT DENIALS**

- (1) The Zoning Agency (s. 7.2) or Board shall review all data related to the appeal. This may include:
  - (a) Permit application data listed in s. 7.1(2);
  - (b) Floodway/floodfringe determination data in s. 5.1(5);
  - (c) Data listed in s. 3.3(1)(b) where the applicant has not submitted this information to the zoning administrator; and
  - (d) Other data submitted with the application or submitted to the Board with the appeal.
- (2) For appeals of all denied permits the Board shall:
  - (a) Follow the procedures of s. 7.3;
  - (b) Consider zoning agency recommendations; and
  - (c) Either uphold the denial or grant the appeal.
- (3) For appeals concerning increases in regional flood elevation the Board shall:
  - (a) Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of s. 8.0 *Amendments*; and
  - (b) Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.

#### **7.5 FLOODPROOFING STANDARDS**

- (1) No permit or variance shall be issued for a principal structure to be floodproofed by means of elevating not on fill and designed to be watertight below the regional flood elevation until the applicant submits a plan meeting the following criteria: Floodproofing is not an alternative to the development standards in ss. 2.0, 3.0, , 5.1, or 5.3. (revisit

when renumbered)

(2) Plan Criteria

- (a) Is certified by a registered professional engineer or architect; and
- (b) Withstands flood pressures depths, velocities, uplift and impact forces and other factors associated with the 100-year recurrence interval flood; and
- (c) Assures protection to an elevation at least two (2) feet above the 100-year recurrence interval flood; and
- (d) Provide anchorage of structures to foundations to resist flotation and lateral movement: and
- (e) Minimize or eliminate infiltration of flood waters; and
- (f) Minimize or eliminate discharge into flood waters; and
- (g) Placement of mechanicals essential utilities above the flood protection elevation; and
- (h) Surface subsurface drainage systems, including pumping facilities, to relieve external foundation wall and basement floor pressures; and
- (i) Cutoff valves on sewer lines and the elimination of gravity flow basement drains; and
- (j) Construction of water supply wells, and waste treatment and collection systems to prevent the infiltration of floodwaters into such systems; and
- (k) Basement foundation use must be limited to parking, building access or limited storage; and
- (l) Foundation located below the flood protection elevation must be constructed of flood-resistant materials; and
- (m) Foundation designed to allow the entry of floodwaters,
  - 1. Having a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
  - 2. The bottom of all openings shall be no higher than one-foot above grade; and
  - 3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

## **7.6 PUBLIC INFORMATION**

- (1) Place marks on structures to show the depth of inundation during the regional flood.
- (2) All maps, engineering data and regulations shall be available and widely distributed.
- (3) Real estate transfers should show what floodplain district any real property is in.

## **8.0 AMENDMENTS**

Obstructions or increases, where not prohibited by this ordinance, may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 8.1.

- (1) In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 8.1. Any such alterations must be reviewed and approved by FEMA and the DNR.
- (2) In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments



are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles, in accordance with s. 8.1.

## **8.1 GENERAL**

The governing body shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in s. 8.2 below. Actions which require an amendment to the ordinance and/ or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:

- (1) Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;
- (2) Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;
- (3) Any changes to any other officially adopted floodplain maps listed in s. 1.5 (2)(b);
- (4) Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;
- (5) Correction of discrepancies between the water surface profiles and floodplain maps;
- (6) Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality; and
- (7) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA; and
- (8) Addition of any compensatory storage area proposed to comply with s. 2.1(3)(b).

## **8.2 PROCEDURES**

Ordinance amendments may be made upon petition of any party according to the provisions of s. 59.69, Stats. The petitions shall include all data required by s. 5.1(5) and 7.1(2). A land use permit (zoning or construction permit) shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.

- (1) The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of s. 59.69, Stats.
- (2) No amendments shall become effective until reviewed and approved by the Department.
- (3) All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, where not prohibited by this ordinance, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

## **9.0 ENFORCEMENT AND PENALTIES**

Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not more than \$50.00 (fifty dollars), together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the

creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to s. 87.30, Stats.

## **10.0 DEFINITIONS**

Unless specifically defined, words and phrases in this ordinance shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and is not discretionary.

1. A ZONES – Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
2. AH ZONE – See “AREA OF SHALLOW FLOODING”.
3. AO ZONE – See “AREA OF SHALLOW FLOODING”.
4. ACCESSORY STRUCTURE OR USE – A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building. An accessory structure shall not be used for human habitation.
5. ALTERATION – An enhancement, upgrade or substantial change or modification other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.
6. AREA OF SHALLOW FLOODING – A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.
7. BASE FLOOD – Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.
8. BASEMENT – Any enclosed area of a building having its floor sub-grade on all sides.
9. BUILDING – See STRUCTURE.
10. BULKHEAD LINE – A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s. 30.11, Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.
11. CAMPGROUND – Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.
12. CAMPING UNIT – Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent that is fully licensed, if required, and ready for highway use.
13. CERTIFICATE OF COMPLIANCE – A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the

provisions of this ordinance.

14. CHANNEL – A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
15. CRAWLWAYS or CRAWL SPACE – An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.
16. DECK – An unenclosed exterior structure that has no roof or sides and has a permeable floor which allows the infiltration of precipitation.
17. DEPARTMENT – The Wisconsin Department of Natural Resources.
18. DEVELOPMENT – Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.
19. DRYLAND ACCESS – A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
20. ENCROACHMENT – Any fill, structure, equipment, use or development in the floodway.
21. EQUALIZED ASSESSED VALUE - The full market value placed upon the structure or lot by the local Assessor as of the date that the nonconformity came into being, May 7, 1983. Such valuation by the local assessor shall be prima facie evidence of the assessed value of the structure or lot.
22. FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) – The federal agency that administers the National Flood Insurance Program.
23. FLOOD INSURANCE RATE MAP (FIRM) – A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.
24. FLOOD or FLOODING – A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:
  - The overflow or rise of inland waters;
  - The rapid accumulation or runoff of surface waters from any source;
  - The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
  - The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
25. FLOOD FREQUENCY – The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent (%) chance of occurring in

any given year.

26. **FLOODFRINGE** – That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.
27. **FLOOD HAZARD BOUNDARY MAP** – A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.
28. **FLOOD INSURANCE STUDY** – A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.
29. **FLOODPLAIN** – Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe and may include other designated floodplain areas for regulatory purposes.
30. **FLOODPLAIN ISLAND** – A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
31. **FLOODPLAIN MANAGEMENT** – Policy and procedures to ensure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
32. **FLOOD PROFILE** – A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.
33. **FLOODPROOFING** – Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.
34. **FLOOD PROTECTION ELEVATION** – An elevation of two feet of freeboard above the Regional Flood Elevation. (Also see: FREEBOARD.)
35. **FLOOD STORAGE** – Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
36. **FLOODWAY** – The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
37. **FREEBOARD** – A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.
38. **HABITABLE STRUCTURE** – Any structure or portion thereof used or designed for human habitation.

39. **HEARING NOTICE** – Publication or posting meeting the requirements of Ch. 985, Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.
40. **HIGH FLOOD DAMAGE POTENTIAL** – Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.
41. **HIGHEST ADJACENT GRADE** – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
42. **HISTORIC STRUCTURE** – Any structure that is either:
- Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  - Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
  - Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.
43. **INCREASE IN REGIONAL FLOOD HEIGHT** – A calculated upward rise in the regional flood elevation greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.
44. **LAND USE** – Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)
45. **LOWEST ADJACENT GRADE** – Elevation of the lowest ground surface that touches any of the exterior walls of a building.
46. **LOWEST FLOOR** – The lowest floor of the lowest enclosed area (including basement).
47. **MAINTENANCE** – The act or process of ordinary upkeep and repairs, including redecorating, refinishing, nonstructural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.
48. **MANUFACTURED HOME** – A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."
49. **MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION** – A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.
50. **MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING** – A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either

final site grading or the pouring of concrete pads.

51. **MOBILE/MANUFACTURED HOME PARK, EXPANSION TO EXISTING** – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.
52. **MOBILE RECREATIONAL VEHICLE** – A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."
53. **MODEL, CORRECTED EFFECTIVE** – A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.
54. **MODEL, DUPLICATE EFFECTIVE** – A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.
55. **MODEL, EFFECTIVE** – The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.
56. **MODEL, EXISTING (PRE-PROJECT)** – A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.
57. **MODEL, REVISED (POST-PROJECT)** – A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.
58. **MUNICIPALITY or MUNICIPAL** – The county, city or village governmental units enacting, administering and enforcing this zoning ordinance.
59. **NAVD or NORTH AMERICAN VERTICAL DATUM** – Elevations referenced to mean sea level datum, 1988 adjustment.
60. **NGVD or NATIONAL GEODETIC VERTICAL DATUM** – Elevations referenced to mean sea level datum, 1929 adjustment.
61. **NEW CONSTRUCTION** – Structures for which the start of construction commenced on or after the effective date of a floodplain zoning regulation adopted by this community and includes any subsequent improvements to such structures.
62. **NON-FLOOD DISASTER** – A fire or an ice storm, tornado, windstorm, mudslide or other destructive act of nature, but excludes a flood.
63. **NONCONFORMING STRUCTURE** – An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the

floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)

- 64. **NONCONFORMING USE** – An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)
- 65. **OBSTRUCTION TO FLOW** – Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.
- 66. **OFFICIAL FLOODPLAIN ZONING MAP** – That map, adopted and made part of this ordinance, as described in s. 1.5(2), which has been approved by the Department and FEMA.
- 67. **OPEN SPACE USE** – Those uses having a relatively low flood damage potential and not involving structures.
- 68. **ORDINARY HIGHWATER MARK** – The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
- 69. **PERSON** – An individual, or group of individuals, corporation, partnership, association, municipality or state agency.
- 70. **PRIVATE SEWAGE SYSTEM** – A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.
- 71. **PUBLIC UTILITIES** – Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.
- 72. **REASONABLY SAFE FROM FLOODING** – Means base flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
- 73. **REGIONAL FLOOD** – A flood determined to be reative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.
- 74. **START OF CONSTRUCTION** – The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not

part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

- 75. **STRUCTURE** – Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
- 76. **SUBDIVISION** – Has the meaning given in s. 236.02(12), Wis. Stats.
- 77. **SUBSTANTIAL DAMAGE** – Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.
- 78. **SUBSTANTIAL IMPROVEMENT** – Any repair, , rehabilitation, or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure as defined by this ordinance.. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.
- 79. **UNNECESSARY HARDSHIP** – Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.
- 80. **VARIANCE** – An authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.
- 81. **VIOLATION** – The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.
- 82. **WATERSHED** – The entire region contributing runoff or surface water to a watercourse or body of water.
- 83. **WATER SURFACE PROFILE** – A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.
- 84. **WELL** – means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.





# COUNTY OF KENOSHA

## Division of Planning & Development

Andy M. Buehler, Director  
Division of Planning & Development  
19600 75<sup>th</sup> Street, Suite 185-3  
Bristol, WI 53104-9772  
(262) 857-1895

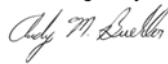
### MEMORANDUM

Communication to Kenosha County Board of Supervisors  
(For Informational Purposes Only)

As required by Section 59.69(2)(e), the following report is being made on the petitions to the **April 10, 2024** Planning, Development & Extension Education Committee meeting that have been filed in the Kenosha County Clerk & Kenosha County Planning & Development Offices for future consideration by the County Board.

1. **Gerald A. & Linda M. Helmert Jt. Rev. Trust**, 21810 31<sup>st</sup> St., Bristol, WI 53104 (Owner), requesting a **rezoning** from A-1 Agricultural Preservation Dist. & C-2 Upland Resource Conservancy Dist. to A-1 Agricultural Preservation Dist., A-2 General Agricultural Dist., C-2 Upland Resource Conservancy Dist. & C-1 Lowland Resource Conservancy Dist. on Tax Parcel #30-4-220-244-0300 & 30-4-220-244-0200, located in the SE ¼ of Section 24, T2N, R20E, Town of **Brighton**.
2. Approval of Minutes
3. Citizens Comments
4. Any Other Business Allowed by Law
5. Adjournment

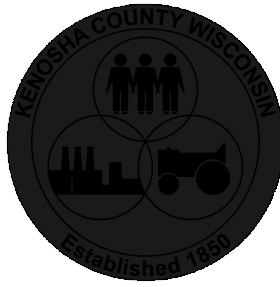
Sincerely,

DocuSigned by:  
  
BF9A89FDAE5542C

ANDY M. BUEHLER, Director  
Division of Planning & Development

AMB:BF:aw

Kenosha



County

## **MEMORANDUM**

Communication to Kenosha County Board of Supervisors  
(For Informational Purposes Only)

***COMMUNICATION TO APPEAR ON COUNTY BOARD MEETING AGENDA: 03/19/2024***

***SUBJECT: Resolution for Jurisdictional Transfer for part of CTH N***

***SUBMITTED BY: Public Works***

***TO BE REFERRED TO A COMMITTEE BY CHAIRMAN***

***ADDITIONAL INFORMATION (optional):***

**Intergovernmental Agreement on Jurisdictional Transfer of Roadway**

**By County of Kenosha, Wisconsin and City of Kenosha, Wisconsin**

**For Part of County Trunk Highway “N”**

**I. Parties, Purpose, Authority, Consideration.**

**A. Parties.**

The County of Kenosha is a municipal corporation and a political subdivision of the State of Wisconsin having its principal offices located at 1010 – 56th Street, Kenosha, Wisconsin. It may be referred to as “the County” or “Kenosha County” hereinafter. The City of Kenosha is a municipal corporation having its principal offices located at 625 – 52nd Street, Kenosha, Wisconsin. It may be referred to as “City” hereinafter. Both parties are created and organized under the laws of the State of Wisconsin.

**B. Purpose.**

The parties enter this agreement to promote highway safety, improve roadway conditions, handle increased commercial truck traffic and encourage future economic development along an east-west corridor connecting the City to a main vehicular highway known as Interstate Highway 94. The parties deem this agreement to be the most expeditious and least expensive approach to restructuring the existing rural roadway into an urban profile roadway suitable of handling substantial commercial truck traffic. The purpose of this agreement is more fully set forth in City Common Council Resolution No. \_\_\_\_\_ passed on \_\_\_\_\_ and in Kenosha County Board of Supervisors Resolution No. -\_\_\_\_, passed on \_\_\_\_\_.

**C. Authority.**

The parties rely upon all the laws of the State of Wisconsin for authority to enter into this agreement, particularly Section 66.0301 of the Wisconsin Statutes on Intergovernmental Cooperation contracts.

**D. Consideration.**

The mutual promises set forth herein, and the benefit bestowed upon the public by this project, constitute the lawful consideration of this contract.

**E. Subject Highway.**

The highway that is the subject of this Intergovernmental Agreement Jurisdictional Transfer of Roadway is that portion of Kenosha County Trunk Highway “N” located between its juncture with 128<sup>th</sup> Avenue to its juncture with the 136<sup>th</sup> Avenue, this highway may be referred to as the “Transferred Highway.” The Transferred Highway is a recorded highway, as that term is used in Subsection 82.01(8) of the Wisconsin Statutes, that has been worked by the County as a public highway in its current roadbed continuously for over sixty years prior to entry into this Intergovernmental Agreement Transfer of Roadway. Transferred Highway includes all interest in the right of way acquired by the County through

expressed dedications and through prescription by action of law. The description of the current roadbed, which is subject to acquisition of interest in the right of way through prescription by action of law, is more particularly described in Exhibit "1" attached hereto and made a part hereof. During the time that the County has worked the Transferred Highway, it has issued permits for others to occupy portions of the right of way, subject to the superior interests of the County in the right of way and subject to conditions that inure to the benefit of the County.

## II. Transfer of CTH "N", Duties and Obligations.

### A. Transfer of "N" and Duties and Obligations of the County of Kenosha.

1. The County of Kenosha hereby gives, devises, grants and transfers ownership, control, authority, and jurisdiction of Transferred Highway, to the City of Kenosha and its successors and assigns forever. This transfer shall include all the legal interests of the County in such land and roadway as those rights exist on the date of this agreement. This transfer includes all rights of any kind relating to such transferred highway and includes all rights to control the location and relocation of utilities and other installations, structures, or facilities within the right of way of the transferred highway, whether the County obtained such rights by statute, regulation, permit, easement, deed, contract, permission or otherwise. In all other respects, the transferred highway is given in its current condition, "as is, with all faults", except as specifically set forth in this agreement.

2. The County of Kenosha will adopt a resolution by the County Board memorializing that the Transferred Highway is a recorded highway, as that term is used in Subsection 82.01(8) of the Wisconsin Statutes, that has been worked by the County as a public highway in its current roadbed continuously for over sixty years.

3. The County warrants that it has no notice or knowledge of any conditions of the Transferred Highway that would subject the City to liability, specifically including, but not limited to, adverse environmental conditions.

### B. Transfer of "N" and Duties and Obligations of the City of Kenosha.

1. The City of Kenosha hereby accepts the transfer of ownership, control, authority, and jurisdiction the Transferred Highway, from the County of Kenosha. Such Transferred Highway is accepted on an "as is, with all faults" basis, except as specifically set forth in this agreement. The City accepts all appurtenant rights, legal interests and responsibilities transferred by the County.

2. The City will perform all necessary maintenance and roadway improvements on the transferred roadway in the future. The City will hereafter be the legal authority to issue right of way permits and otherwise control and approve the location and relocation of utilities and other installations, structures, or facilities within the right of way of the transferred highway. It is the intent of the County and the City that the County is transferring to the City all rights that the County has with respect to relocation of utilities that are existing in the right of way at the time of entry into this Intergovernmental Agreement Jurisdictional Transfer of Roadway.

## III. Obey All Laws; Savings Clause.

The County and the City each agree to abide by all applicable state, federal and local laws and regulations in connection to all acts related to this agreement. If any part of this agreement is deemed to be void or

unenforceable by a court of competent jurisdiction, such part shall be deemed to be severable from the remaining terms of the agreement and shall not affect the validity of the balance of this agreement if such interpretation can reasonably give effect to the main purpose and intent of the parties.

IV. Duplicate Originals; Amendments in Writing.

Duplicate originals shall be signed and an original shall be delivered to each party. Any amendments to this agreement shall be in writing and signed with same formality as the original agreement.

Dated at Kenosha, Wisconsin this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
SAMANTHA KERKMAN, Kenosha County Executive

\_\_\_\_\_  
REGI WALIGORA, Kenosha County Clerk

\_\_\_\_\_  
Kenosha County Highway Commissioner

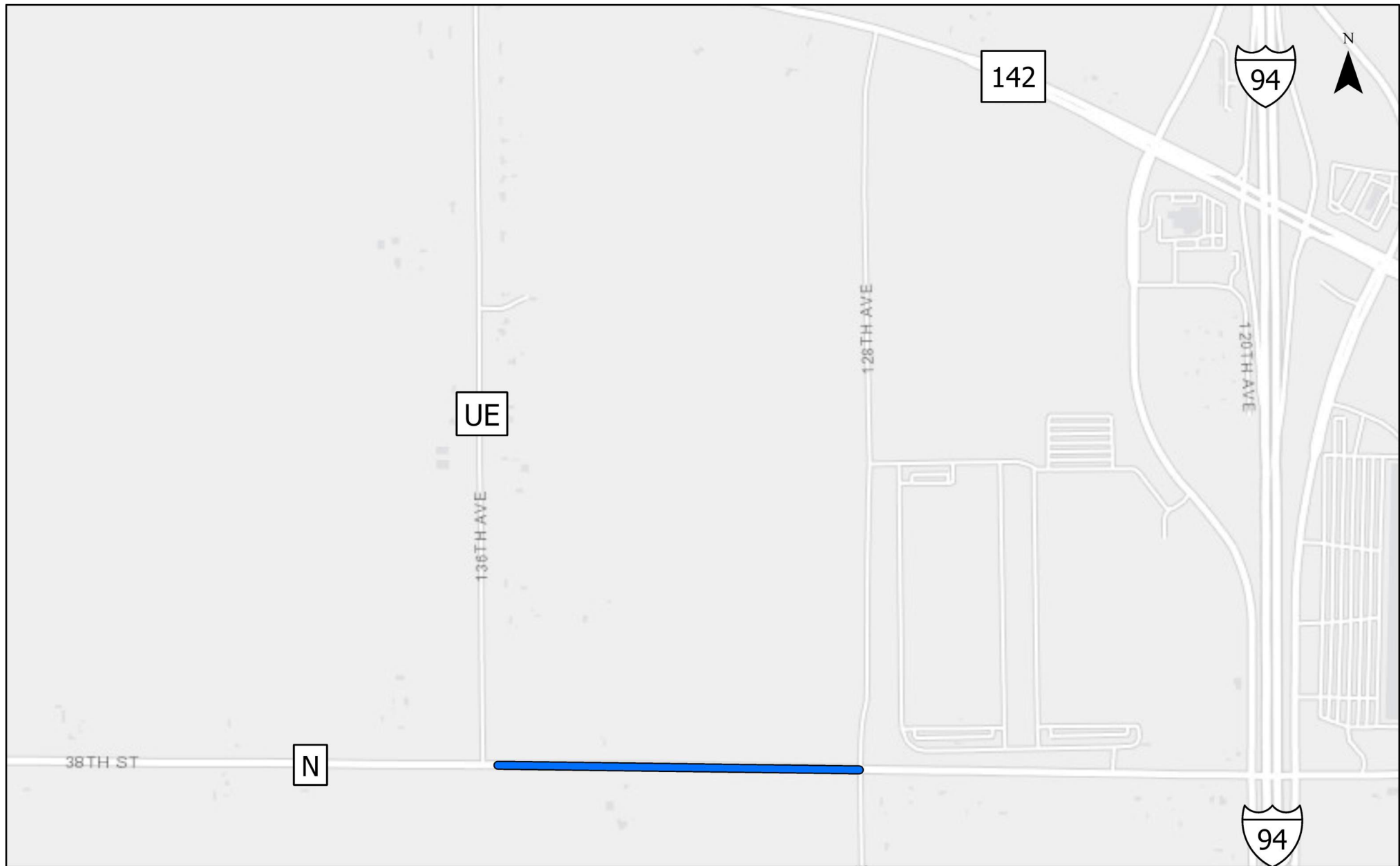
Dated at Kenosha, Wisconsin this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
JOHN ANTARAMIAN, Mayor for the City of Kenosha

\_\_\_\_\_  
MICHELLE NELSON, Kenosha City Clerk/Treasurer

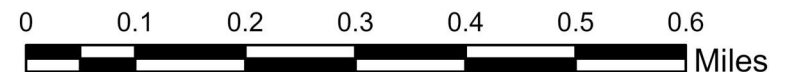
# Intergovernmental Agreement on Jurisdictional Transfer of Roadway

## CTH N - Exhibit 1



### Legend

-  CTH N (38th Street)  
Proposed to be jurisdictionally transferred from Kenosha County to the City of Kenosha  
= 0.5 Miles



GL-07-24

## Notice of Circumstance

Darryal L. Jenkins

Plaintiff

VS

Kenosha County Jail/Sheriff

Defendant

I Darryal L. Jenkins am writing the courts to file this Notice of Circumstance in the matter of a slip and Fall in the Kenosha County Jail med ward #1

On The above date 11-22-23 at the approximately 5:30-6:00pm I Darryal Jenkins was walking to the bathroom as I came out there was water on the floor from a busted pipe or leak from the Shower which caused me to slip and Fall which I was injured by this Fall my injury was "Neck Strain" I was taken to the Hospital and treated for my injuries with x-rays and pain meds then released back into Kenosha County Jail Sheriff I suffered from great pain from my injuries. My accident is on ~~the~~ video at the Kenosha County Jail system

Darryal L. Jenkins

# Notice OF Claims

Darryal L. Jenkins  
Plaintiff

VS

Kenosha County Jail / Sheriff Dept.

I Darryal L. Jenkins am bring suit  
against the above Defendants in the Matter  
of an accident that happen in Kenosha County  
Jail I Hereby ask the courts to hear and  
grant my claim in the amount of \$50,000  
For a injury neck strain and pain and suffering also  
for ~~negligence~~ negligence with all due respect I ask  
the civil courts to grant my claim

Darryal L. Jenkins

2-24-24