

**KENOSHA COUNTY BOARD OF SUPERVISORS
COUNTY BOARD CHAMBERS COUNTY ADMINISTRATION BUILDING
October 20, 2009**

The **Regular Meeting** was called to order by Chairman Clark at 7:30 p.m., in the County Board Room located in the Administration Building. Roll call was taken.

Present: Supervisors Grady, Zerban, Rose, Kessler, Huff, Kubicki, Hallmon, Gentz, Modory, Faraone, Ronald Johnson, Michel, O'Day, Singer, Nudo, Moore, Molinaro, Morton, Jackson, Clark, Noble, Roger Johnson, Breunig, Haas, Elverman, Ekornaas.

Excused: Supervisor Marks, West.

Present: 26. Absent: 2.

CITIZEN COMMENTS

Ron Frederick, 6038 34th Ave., stated he is a Kenosha County retiree and requests that the board eliminates full time health insurance benefits for Kenosha County Supervisors in the 2010 Budget. He feels we are in the worst economic times since the 1930's and the board should lead by example. The county's 251 retirees have made their sacrifice by having the generously subsidized retiree insurance eliminated saving \$722,000 to help fill the \$5 million budget hole. He stated the position of supervisor is part time and government is often challenged to be more businesslike. Where in the private sector do part time employees receive full health coverage for part time work? The current level of premium participation for supervisors is 10% possibly going to 15% in 2010. Premium participation for a 20 hour a week non-rep county employee is 50%. He stated putting the supervisors at that same 50% participation would be a fair deal. He would like the \$286,586 budgeted for the supervisors health insurance be axed and reallocated to Public Safety and/or Human Services where the needs are overwhelming.

Gina Zarletti, 7815 46th Ave., state she is Larry Zarletti's daughter and since he was unable to attend the meeting, she wanted to read a statement he prepared in reference to Resolution 57. He thanked the board and for their consideration of the resolution directed to President Barack Obama supporting his appointment to U.S. Marshall of the Easter District. He is honored to be one of two finalists. If chosen, he will execute the duties assigned to him with the same passion had dedication he did as sheriff.

Louis Rugani, 4526 46th Ave., asked the board to eliminate the quarter of a million dollar allocation for a homeless shelter as the city has already done. He stated that the Bail Park neighborhood is struggling to maintain its property values and individual dignities because it's become a hangout for the homeless. No one really knows how much of a need there is regarding homeless in this community. If someone is burned out in a fire and becomes homeless we should take care of these people. If someone is homeless because they haven't paid their rent because they've squandered their money they shouldn't get help. He stated that before any money is allocated for a homeless shelter a study should be done by an impartial group which should include the Kenosha Police Department, so that we can see if there truly is a problem with homelessness in Kenosha.

ANNOUNCEMENT OF THE CHAIRMAN.

Chairman Clark asked everyone to stand for a moment of silence for Angelo Capriotti who was a 35 year member of this county board and chairman form 1984-86.

Chairman Clark stated he checked with the County Executive and Corporation Counsel regarding the Intergovernmental Agreement. They're down to one issue, the city has indicated that they are going to bring that forward to the common council in January. Chairman Clark reminded the board that the County Board Holiday party will be the second Tuesday in December at the Bristol Oaks. Information will be given at the next meeting.

SUPERVISOR REPORTS

Supervisor O'Day stated the Kenosha Area Business Alliance presented a third quarter 2009 loan fund report. The committee also reviewed the pre-sale report and capitol financing plan for 2009-2014, in which there is a copy on the desks. Mike Harrigan, County Financial Advisor, and Dave Geersten provided an

analysis which contemplated using both Recovery Zone Economic Development Bonds and Build America Bonds and notes as well as traditional tax exempt financing. Due to the currently low interest rates, the county will be doing a dual track bidding option for the bonds in which the county will allow the underwriters to bid on either or both of the taxable Build America Bonds or the tax exempt traditional bonds. The county will reserve the right to award the bonds to the lowest cost proposal. The Finance Committee will be setting the sale date for the 2009 bonds at a meeting in November and the sale of the bonds will occur approximately December 1st. The committee will be meeting on December 2nd to review the 2010 Capitol Financing Plan. A copy of the status of the General Fund was placed on the supervisor's desks. The budget hearings will start October 27th; he recommends all supervisors with questions to submit them on the budget inquiry form that was included in the budget book.

Supervisor Michel stated the Judiciary and Law Committee met before the County board meeting and approved Resolution 60; this is why that resolution was included in the packet unsigned by Judiciary and Law Committee.

Supervisor Noble reported the Public Safety Building is on schedule, they're in the middle of excavation. The Kemper Center roofing project is almost completed and expect to be done by the end of the month. The Administration Building and Human Service Building projects should be done this week.

Supervisor Moore reported non-rep evaluations for the last quarter are as follows; 36 employees reached their anniversary date, 7 are sworn, 14 evaluations were completed, 14 remain outstanding and there was 1 resignation. Relative to the 2009 budget, there is a shortfall of about \$6,000 in the unemployment compensation line of the budget due to golf and information systems reorganization. A larger shortfall is \$350,000-\$400,000 in workman compensation claims. Health insurance budget is under budget by approximately 1.3 million dollars. The committee is recommending a policy to Finance relative to health insurance savings and a policy that would put a percent of health insurance savings into the emergency fund. The administration Committee is recommending a 2% pay matrix adjustment for non-reps effective December 19, 2010 and the level E Health Insurance. Also being recommended to Finance is a freeze on elected official's compensations for the next term for the County Executive, Sheriff and the Clerk of Circuit Court and making whole the 100% premium payment for the health benefits for those positions.

Supervisor Ekornaas stated the Smart Growth Plan will not be completed on schedule as the statute provides but it will be completed sometime next spring. This has been a long and convoluted process, when completed it will comprise of at least a two inch binder. There has been a lot of resistance around the state to do this, but we're on of those who have taken it seriously.

NEW BUSINESS

Ordinance - one reading.

ORDINANCE 19

19. Dale J. Kerkman requesting rezoning from A-1 Agricultural Preservation District and C-1 Lowland Resource Conservancy District to A-2 General Agricultural District and C-1 Lowland Resource Conservancy District in the Town of Brighton.

AN ORDINANCE TO AMEND CHAPTER 12 OF THE MUNICIPAL CODE OF KENOSHA COUNTY, WISCONSIN, WITH REFERENCE TO ZONING

That the map referred to in Section 12.02(a) of the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance be amended as follows:

That Tax Parcel #30-4-220-032-0210 located in the northwest quarter of Section 3, Township 2 North, Range 20 East, Town of Brighton be changed from A-1 Agricultural Preservation District and C-1 Lowland Resource Conservancy District to A-2 General Agricultural District and C-1 Lowland Resource Conservancy District. For informational purposes only, this property is located on the east side of 264th Avenue approximately ½ mile north of the intersection of County Trunk Highway "BB".

This description is intended to extend to the center of all roads.

SUBMITTED BY:

Land Use Committee

Fred Ekornaas

Gabe Nudo

Kimberly Breunig
Gordon West

It was moved by Supervisor Ekornaas to adopt Ordinance 19. Seconded by Supervisor Nudo.
Motion carried.

ORDINANCE 20

20. Frank W. and Hildegard Lumm; and Jacquelin S. Wuttke (Owners) requesting rezoning from C-2 Upland Resource Conservancy District to R-2 Suburban Single-Family Residential District from A-1 Agricultural Preservation District and A-2 General Agricultural District to R-2 Suburban Single-Family Residential District in the Town of Wheatland.

AN ORDINANCE TO AMEND CHAPTER 12 OF THE MUNICIPAL CODE OF
KENOSHA COUNTY, WISCONSIN, WITH REFERENCE TO ZONING

That the map referred to in Section 12.02(a) of the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance be amended as follows:

That part of Tax Parcels #95-4-219-332-0303 and #95-4-219-332-0304 (Lumm) located in the northwest quarter of Section 33, Township 2 North, Range 19 East, Town of Wheatland be changed from C-2 Upland Resource Conservancy District to R-2 Suburban Single-Family Residential District. In addition, Tax Parcel #95-4-219-332-0411 (Wuttke) also located in the northwest quarter of Section 33, Town of Wheatland be changed from A-1 Agricultural Preservation District and A-2 General Agricultural District to R-2 Suburban Single-Family Residential District. For informational purposes only, these properties are located on the east side of 376th Avenue approximately ¾ miles north of the intersection of State Trunk Highway "50".

Frank W. and Hildegard Lumm - Owners (Tax Parcels #95-4-219-332-0303 & #95-4-219-332-0304)

Jacquelin S. Wuttke - Owner (Tax Parcel #95-4-219-332-0411)

This description is intended to extend to the center of all roads.

SUBMITTED BY:

Land Use Committee
Fred Ekornaas
Gabe Nudo
Kimberly Breunig
Gordon West

It was moved by Supervisor Ekornaas to adopt Ordinance 20. Seconded by Supervisor Breunig.
Motion carried

ORDINANCE 21

21. Kenosha Packing Co., Inc.; VMD, Inc. (Owner), Mark Molinaro (Agent) requesting rezoning from A-1 Agricultural Preservation District and A-2 General Agricultural District to M-2 Heavy Manufacturing District in the Town of Paris.

AN ORDINANCE TO AMEND CHAPTER 12 OF THE MUNICIPAL CODE OF
KENOSHA COUNTY, WISCONSIN, WITH REFERENCE TO ZONING

That the map referred to in Section 12.02(a) of the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance be amended as follows:

That part of Tax Parcels #45-4-221-262-0311 and #45-4-221-232-0300 located in the northwest quarter of Section 26 and the west one-half of Section 23, Township 2 North, Range 21 East, Town of Paris be changed from A-1 Agricultural Preservation District and A-2 General Agricultural District to M-2 Heavy Manufacturing District. For informational purposes only, this property is located on the east side of County Trunk Highway "MB" (152nd Avenue) approximately ½ mile north of the intersection with County Trunk Highway "N" (38th Street).

Kenosha Packing Co., Inc. - Owner (Tax Parcel #45-4-221-262-0311)

VMD, Inc. - Owner (Tax Parcel #45-4-221-232-0300)

This description is intended to extend to the center of all roads.

SUBMITTED BY:

Land Use Committee
Fred Ekornaas
Gabe Nudo
Kimberly Breunig
Gordon West

It was moved by Supervisor Ekornaas to adopt Ordinance 21. Seconded by Supervisor Nudo.
Roll call vote.

Ayes: Supervisors Grady, Zerban, Rose, Kessler, Huff, Kubicki, Hallmon, Gentz, Modory, Faraone, Ronald Johnson, Michel, O'Day, Singer, Nudo, Moore, Morton, Jackson, Noble, Roger Johnson, Breunig, Haas, Elverman, Ekornaas.

Nays: 0

Abstain: Supervisors Clark, Molinaro.

Ayes: 24. Nays: 0. Abstain: 2.

Motion carried.

Resolutions - one reading.

RESOLUTION 57

57. From Supervisor Terry Rose a Resolution in Support of Presidential Appointment of Larry Zarletti as U.S. Marshall.

WHEREAS, The President of the United States appoints to the Office of the U.S. Marshal and President Barack Obama receives recommendations for qualified individuals to fill this position; and

WHEREAS, Former Kenosha County Sheriff Larry Zarletti applied for consideration to the position of U.S. Marshal for the Eastern District of Wisconsin and has been selected as 1 of 2 finalists for the position from a field of 20 applicants; Senator Feingold and Senator Kohl have submitted Mr. Zarletti's name to President Obama for appointment; and

WHEREAS, The Kenosha County Community has not received an appointment from its ranks to a federal position for a very long time, if ever, and Kenosha County is long overdue in such recognition of capable and willing members of its community to serve in such appointed positions of trust and leadership; and

WHEREAS, former Sheriff Larry Zarletti has been determined by the Senators' Offices to possess the character, skills, necessary experience and ability to successfully fulfill all of the duties and responsibilities of U.S. Marshal, as those duties, in part, are set forth in the attachment to this resolution; and

WHEREAS, Larry Zarletti provided 30 years of service to Kenosha County with distinction and honor, including 3 terms as elected Sheriff, experience as a jailer, a deputy sheriff on road patrol, and served as the lieutenant of the detective division, and met all of the other requirements for office of U.S. Marshal.

NOW THEREFORE BE IT RESOLVED, That the County Board of Supervisors hereby petitions President Barack Obama to appoint Mr. Larry Zarletti, a man of longstanding public service in the Kenosha County community, to the office of U.S. Marshal for the Eastern District of Wisconsin.

BE IT FURTHER RESOLVED, The County Clerk shall send a certified copy of this resolution to Barack Obama, President of the United States of America.

SUBMITTED BY:

Terry Rose	Douglas J. Noble
Ronald Johnson	Joseph Clark
Dayvin Hallmon	William P. Michel, II
William Grady	Rob Zerban
Richard A. Kessler	Anita M. Faraone
Roger Johnson	James R. Moore
Dennis Elverman	Bob Haas
Mark Molinaro, Jr.	Edward Kubicki
Mark Modory	

It was moved by Supervisor Rose to adopt Resolution 57. Seconded by Supervisor Ron Johnson.

Chairman Clark suspended the rules and allowed the Resolution to acted upon immediately.

Roll call vote.

Ayes: Supervisors Grady, Zerban, Rose, Kessler, Huff, Kubicki, Hallmon, Gentz, Modory, Faraone, Ronald Johnson, Michel, Singer, Moore, Molinaro, Morton, Jackson, Clark, Noble, Roger Johnson, Breunig, Haas, Elverman, Ekornaas.

Nays: Supervisors Nudo.

Abstain: Supervisor O'Day

Ayes: 24. Nays: 1. Abstain: 1

Motion carried.

RESOLUTION 58

58. From Building and Grounds and Finance Committees a Resolution to grant an Electric Power Utility Easement to WE Energies to relocate underground electric lines to allow expansion of Kenosha County Public Safety Building.

WHEREAS, Kenosha County is constructing an addition to its property known as the Public Safety Building at 1000 - 55th Street in Kenosha, Wisconsin and needs to have the existing electric power service lines for the building moved to allow for construction of the Addition to the Building; and

WHEREAS, WE ENERGIES is willing to install the necessary new electric facilities (cables, transformers, pads, switches, etc.) at that location for purposes of transmission of electric power but requires an easement from Kenosha County for such installation and future maintenance of such facilities, all as is more particularly set forth in the enclosed the proposed easement to We Energies marked Attachment 1 and its drawing dated September 21, 2009 bearing no. IDO 2811025 and marked Exhibit "A."

NOW THEREFORE BE IT RESOLVED, That the County Board of Supervisors approves the grant of a permanent limited easement to We Energies on its property located near 1000 - 55th Street, Kenosha, Wisconsin, bearing parcel number 12-223-31-434-009 for the purpose of transmitting utility service near the Kenosha County Public Safety Building located at that address, under the terms as described more particularly in the attached We Energies easement document number WR NO 2811025, for \$1.00 and other valuable consideration, and the Kenosha County Executive and County Clerk are authorized to sign all necessary and related documents.

SUBMITTED BY:

Finance Committee	Building & Grounds Committee
John O'Day	Douglas Noble
Mark Molinaro, Jr.	Mark Molinaro, Jr.
Jeff Gentz	Gabe Nudo
Mark Modory	Roger Johnson
	Rob Zerban

It was moved by Supervisor Noble to adopt Resolution 58. Seconded by Supervisor O'Day.
Motion carried.

RESOLUTION 59

59. From Highway & Parks and Finance Committees a Resolution to authorize the Department of Public Works to apply for Urban Forestry and Community Forestry Projects Grant and to accept the Grant Funds.

WHEREAS, Kenosha County Department of Public Works hereby request financial assistance under s. 20.370, Wis. Stats., Chapter NR 47, Wis. Admin. Code, for the purpose of funding urban and community forestry projects or urban forestry catastrophic storm projects specified in s. 20.370(5)(bw) and (1)(mv), Wis. Stats., and

WHEREAS, the total forestry grant available is in the amount of \$25,000, with \$12,500 reimbursed from the grant program and \$12,500 being the local match, and

WHEREAS, the awards for the grant program would be made in mid-December (after the final approval for the 2010 County Budget) and that the funds would be available for reimbursement in 2010; and

WHEREAS, the Kenosha County Parks is eligible to apply for the forestry grant due to the number of trees to replace or treat with the finding of ash borer within the county.

THEREFORE, BE IT RESOLVED that Kenosha County hereby authorizes the General Manager of Parks Operation to act on its behalf to submit an application to the Department of Natural Resources for financial assistance under s. 20.370, Wis. Stats., Chapter NR 47, Wis. Admin. Code, and

BE IT FURTHER RESOLVED that Kenosha County hereby authorizes the General Manager of Parks Operation to accept the grant funds which could total approximately \$12,500, and

BE IT FURTHER RESOLVED that if the grant is awarded, the appropriation in the 2010 Budget be modified based upon the actual reimbursement amount as determined by the DNR under the Urban and Community Forestry Projects Grant.

SUBMITTED BY:

Highway & Parks Committee	Finance Committee
Dennis Elverman	John O'Day
William Grady	Mark Molinaro, Jr.
Mark Modory	Mark Modory
Gordon West	Jeff Gentz
Douglas Noble	

It was moved by Supervisor Elverman to adopt Resolution 59. Seconded by Supervisor O'Day.
Motion carried.

RESOLUTION 60

60. From Human Services, Finance and Judiciary & Law Committees a Resolution to modify the Department of Human Services, Division of Workforce Development and Circuit Court 2009 Budget for the American Recovery and Reinvestment Act Funding for Child Support Program.

WHEREAS, the Kenosha County Department of Human Services, Division of Workforce Development was additionally approved in the amount of \$55,000 for the American Recovery and Reinvestment Act (ARRA) funding for the Child Support Program, and

WHEREAS, these funds have been allocated through September 30, 2010 to Kenosha County for enhancing and increasing Child Support services, and

WHEREAS, the Department of Human Services, Division of Workforce Development will purchase computers for existing ARRA funded child support staff in the amount of \$15,000, and

WHEREAS, Circuit Court will receive \$40,000 to offset additional costs for increased child support contempt hearings, and

WHEREAS, Circuit Court will allocate funds for additional circuit court staff time, court commissioner and court reporter professional services on an as-needed basis, and

WHEREAS, this budget modification poses no additional levy-funded costs to the County in 2009 and 2010, and

WHEREAS, when the funding for these staff and services ends on or after September 30, 2010 the positions and services will be discontinued, and

NOW, THEREFORE, BE IT RESOLVED that the Kenosha County Department of Human Services budget be modified as follows:

Authorize increase of expenditures of \$55,000 and increase revenues by \$55,000, per the attached budget modification incorporated herein by reference. Any unexpended dollars as of December 31, 2009 will be carried over into the 2010 budget.

SUBMITTED BY:

Human Services Committee	Finance Committee
Edward Kubicki	John O'Day
Terry Rose	Mark Molinaro, Jr.
Richard Kessler	Mark Modory
Jennifer Jackson	Jeffrey Gentz
Jeffrey Gentz	

It was moved by Supervisor O'Day to adopt Resolution 60. Seconded by Supervisor Kubicki.

Roll call vote passed unanimously.

RESOLUTION 61

61. From Judiciary & Law Enforcement Committee regarding Probationary Cabaret License for Mary Rose Piazza.

WHEREAS, the application of Freda Pryga for a probationary cabaret license for the Mary Rose Piazza, 9524 Camp Lake Road, Camp Lake, Wisconsin, in the Town of Salem, was made during the month of August, was turned over to this office on August 18th, 2009, 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

NOW, THEREFORE BE IT RESOLVED, that because this is the initial application by the license holder, a probationary license be granted to Freda Pryga for the Mary Rose Piazza.

It was moved by Supervisor Michel to adopt Resolution 63. Seconded by Supervisor O'Day.

Roll call vote passed unanimously.

RESOLUTION 64

64. From Judiciary & Law and Finance Committees regarding Sheriff Dept. - Staff Development Budget Modification.

WHEREAS, the State of Wisconsin, Department of Justice, Division of Law Enforcement Services, Training and Standards Bureau appropriates funds for law enforcement and correctional staff for both In-Service training and BASIC new recruit training expenses, and

WHEREAS, the fund allowance for law enforcement In-Service is calculated by number of certified officers and a max of \$200 per officer, and

WHEREAS, the fund allowance for Kenosha County Sheriff's Department In-Service for spending period July 1, 2008 through June 30, 2009 was set at \$50,800.00 and this external fund source is outside of the Staff Development budget set locally, and

WHEREAS, historically, the Sheriff would submit invoices for Registration and Lodging expenses, etc. to the DOJ Training/Standards Bureau to pay the vendors utilizing this fund, at the end of the state fiscal year, the Sheriff's Dept. would receive a check for the unspent balance, which historically, was receipted in the Training Reimbursement revenue line to offset our local Staff Development budget, and

WHEREAS, in January the Division of Law Enforcement Services decided to change their policy regarding the In-Service appropriation and request that the law enforcement agencies pay the vendors directly for In-Service costs resulting in the State cutting our department a check for \$24,620.84 representing the unspent allowance, and

WHEREAS, the Sheriff's Department is also expecting \$7,000 as reimbursement from the DOJ Training/Standards Bureau for BASIC recruit training expenses we, the Sheriff had budgeted \$18,000 in Training Reimbursement revenue for incurred, and

WHEREAS, 2009, currently we have receipted \$28,861.61, including the In-Service check from the State, and

WHEREAS, the Sheriff would like to recognize \$17,500 of this to cover In-Service and BASIC training expenses incurred, increasing Staff Training Reimbursement revenue by \$17,500 and Staff Development expense budgets by the same amount.

NOW, THEREFORE BE IT RESOLVED, that the Kenosha County Board of Supervisors accept the \$17,500 adjustment and approve the Revenue and Expenditure line item modifications to the Sheriff's 2009 budget as per the attached budget modification form, which is incorporated herein by reference.

SUBMITTED BY:

Judiciary & Law Committee
James Huff
Roger Johnson
Ronald Johnson

Finance Committee
John O'Day
Mark Molinaro, Jr.
Mark Modory
Jeff Gentz

It was moved by Supervisor Michel to adopt Resolution 64. Seconded by Supervisor O'Day.

Roll call vote passed unanimously.

RESOLUTION 65

65. From Judiciary & Law and Finance Committees regarding Budget Modification to Appropriate Funds from the General Fund for District Attorney's Trial related Expenditures in 2009 Budget.

WHEREAS, by Wisconsin State Statute, Kenosha County is responsible for incurring all expenses related to trials including but not limited to transcripts, paper service, witness/expert witness fees, and prosecution expenditures, and

WHEREAS, high profile cases have generated higher than anticipated expenditure levels in expert witness Fees, and

WHEREAS, certain unexpected transcript expenditures have been incurred, and

WHEREAS, certain other expenditures have been incurred at a higher than anticipated level due to general increased caseload expenses and overall price increases, and

NOW THEREFORE BE IT RESOLVED, that \$44,000 be appropriated from the General Fund and the District Attorney's Office budget modified as per budget modification which is attached and incorporated herein by reference.

SUBMITTED BY:

Judiciary & Law Committee	Finance Committee
James Huff	John O'Day
Roger Johnson	Mark Molinaro, Jr.
Ronald Johnson	Mark Modory
	Jeff Gentz

It was moved by Supervisor Michel to adopt Resolution 65. Seconded by Supervisor O'Day.

Roll call vote passed unanimously.

COMMUNICATION

9. From George E. Melcher Director of the Department of Planning and Development regarding future rezonings.

Chairman Clark referred Communication 9 to Land Use.

CLAIMS

16. ISM and Sally Lavacque - fell in courthouse.

17. Margaret Beinecke - car damaged by rocks thrown by county mower.

Chairman Clark referred Claims 16 & 17 to Corporation Counsel

It was moved by Supervisor Nudo to approve the October 6, 2009 minutes. Seconded by Supervisor Breunig.

Motion carried.

It was moved by Supervisor Hallmon to adjourn. Seconded by Supervisor Michel. Motion carried.

Meeting adjourned at 8:40 p.m.

Prepared by: Edie LaMothe
Deputy Clerk

Submitted by: Mary Schuch-Krebs
County Clerk