

**KENOSHA COUNTY BOARD OF SUPERVISORS**

**COUNTY BOARD CHAMBERS COUNTY ADMINISTRATION BUILDING**

**January 7, 2003**

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

Present: Supervisors Noble, Boyer, Rose, Kessler, Huff, Molinaro, Bergo, Johnson, Pitts, Ruffolo, Montemurro, Larsen, Wisnefski, Kerkman, Elverman, West, Smitz, Faraone, O'Day, Singer, Modory, Gorlinski, Carbone, Clark, Ekornaas, Marrelli, Carey-Mielke.

Excused: Supervisor Boyer.

Present. 26. Excused. 1.

**CITIZEN COMMENTS**

Many citizens spoke regarding the proposals for the purchase of the Kenosha Ice Arena. Some citizens stated that the Nutmeg Investments, Inc. offer to purchase in the amount of \$378,000 was very attractive even though it was not the highest bid. Some citizens stated that the Bryan Slaven offer to purchase in the amount of \$451,000.00 was the way to go even though it was contingent upon buyer obtaining a SBA loan. Some citizens stated that the Ice Arena should not be sold at all. The consensus of opinion from the concerned citizens is to have a Ice Arena no matter what it takes.

**ANNOUNCEMENTS OF THE CHAIRMAN**

Chairman Kessler stated that he received a card from Supervisor O'Day thanking the board for thinking of his father-in-law.

Chairman Kessler stated that he is recommending the appointment of William Grady, O.D. to fill the vacancy on the County Board in Supervisory District #1.

It was moved by Supervisor Elverman to approve the appointment. Seconded by Supervisor Johnson.

Motion carried.

**SUPERVISOR REPORTS**

Supervisor Gorlinski stated that the Regional Water Supply Planning Commission will be studying our water supply. What is taken from Lake Michigan must be returned. In the future he will be asking the board for their opinion on how the study should be paid for. 1. Cost to the 7 Counties. 2. Equal Basis. 3. Water Utilities. This is a very important issue.

Supervisor Larsen stated that the people in Somers are very up-set about the State DOT plans for Highway 32. Our state representatives are not listening.

Supervisor Modory thanked Barbara Rankin for the her work she has done with the disabled.

Supervisor Noble stated that Highway 31 speed limit is back to 55 mph.

Supervisor Rose moved to act on Resolutions 99 and 100 right after County Executive Appointments. Seconded by Supervisor Ruffolo.

Motion carried.

Supervisor Carbone moved to act on Resolution 97 first tonight.

Roll call vote.

Ayes: Supervisors Noble, Boyer, Rose, Kessler, Huff, Molinaro, Bergo, Johnson, Pitts, Ruffolo, Montemurro, Larsen, Wisnefski, Kerkman, West, Smitz, Faraone, O'Day, Singer, Modory, Carbone, Clark, Ekornaas, Marrelli, Carey-Mielke.

Nays: Supervisors Bergo, Gorlinski and Elverman.

Ayes. 23. Nays. 3.

Motion carried.

County Executive Appointments.

39. Paul J. Trombino Jr. to serve on the Kenosha County Civil Service Commission.

40. Louis DeMarco to serve on the Brookside Board of Trustees.

41. Ronald L. Johnson to serve on the Kenosha County Commission on Aging.

42. Anne C. Bergo to serve on the Kenosha County Commission on Aging.

43. Eunice F. Boyer to serve on the Brookside Board of Trustees.

Chairman Kessler referred Appointment 39 to Judiciary & Law Committee and Appointments 40 thru 43 to Human Services Committee.

**RESOLUTION 97**

97. From Finance Committee regarding Awarding the Sale of \$9,065,000 Taxable Note Anticipation Notes.

**WHEREAS**, on December 3, 2002, the County Board of Supervisors of Kenosha County, Wisconsin (the "County") adopted a resolution (the "Authorizing Resolution") authorizing the issuance of note anticipation notes in an amount not to exceed \$9,065,000 for the purpose of paying the cost of financing the County's unfunded prior service liability contributions under the Wisconsin Retirement System (the "Contributions");

**WHEREAS**, the County Board of Supervisors hereby finds and determines that the Contributions are within the County's power to make and therefore serve a "public purpose" as that term is defined in Section 67.04(1)(b) of the Wisconsin Statutes;

**WHEREAS**, counties are authorized by the provisions of Sections 67.04(5)(b)4 and 67.12(12) of the Wisconsin Statutes to borrow money and to issue general obligation promissory notes for such public purposes;

**WHEREAS**, counties are authorized by the provisions of Section 67.12(1)(b) of the Wisconsin Statutes to issue municipal obligations in anticipation of receiving proceeds from bonds or notes the county has authorized or covenanted to issue under Chapter 67 of the Wisconsin Statutes;

**WHEREAS**, pursuant to this Resolution the County Board of Supervisors will authorize and covenant to issue general obligation promissory notes (the "Securities") of the County to provide permanent financing for the Contributions; provided that the County retains the right to retire said note anticipation notes from other funds available to it, including proceeds derived from the issuance of general obligation refunding bonds;

**WHEREAS**, due to certain provisions contained in the Internal Revenue Code of 1986, as amended, it is necessary to issue such note anticipation notes on a taxable rather than tax-exempt basis;

**WHEREAS**, the Securities have not yet been issued or sold; and

**WHEREAS**, it is the finding of the County Board of Supervisors that it is necessary, desirable and in the best interest of the County to provide for the issuance and sale of taxable note anticipation notes pursuant to Section 67.12(1)(b), Wisconsin Statutes, in anticipation of receiving the proceeds from the issuance and sale of the Securities, to provide interim financing to pay the cost of the Contributions, and it is now necessary and desirable to authorize their issuance and sale.

**NOW, THEREFORE, BE IT RESOLVED** by the County Board of Supervisors of the County that:

**Section 1. General Obligation Promissory Notes.** The County hereby declares its intention and covenants to issue and hereby authorizes the issuance of general obligation promissory notes pursuant to the provisions of Chapter 67 of the Wisconsin Statutes, in an amount sufficient to retire any outstanding note anticipation notes issued for the purpose of paying the cost of the Contributions (heretofore and hereinafter, such notes shall be referred to as the "Securities").

**Section 2A. Authorization of the Notes.** For the purpose of paying the cost of the Contributions, there shall be borrowed pursuant to Section 67.12(1)(b) of the Wisconsin Statutes, the principal sum of NINE MILLION SIXTY-FIVE THOUSAND DOLLARS (\$9,065,000) from Bankers' Bank, Madison, Wisconsin (the "Purchaser") in accordance with the terms and conditions of its note purchase proposal (the "Proposal") attached hereto as Exhibit A and incorporated herein by this reference.

Section 2B. Sale of the Notes. To evidence such indebtedness, the Chairperson and County Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the County, note anticipation notes aggregating the principal amount of NINE MILLION SIXTY-FIVE THOUSAND DOLLARS (\$9,065,000) (the "Notes") for the sum set forth on the Proposal, plus accrued interest to the date of delivery.

Section 3. Terms of the Notes. The Notes shall be dated January 24, 2003; shall be in the denomination of \$100,000 or any integral multiple thereof; shall be numbered 1 and upward; shall bear interest at the rate and shall mature on April 24, 2003 as set forth on the debt service schedule attached hereto as Exhibit B (the "Schedule"). Interest is payable at maturity. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board.

Section 4. Redemption Provisions. At the option of the County, the Notes shall be subject to redemption prior to maturity on March 24, 2003 or on any date thereafter. Said Notes shall be redeemable as a whole or in part by lot, at the principal amount thereof, plus accrued interest to the date of redemption.

Section 5. Form of the Notes. The Notes shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit C and incorporated herein by this reference.

Section 6. Security. The Notes shall in no event be a general obligation of the County and do not constitute an indebtedness of the County nor a charge against its general credit or taxing power. No lien is created upon property of the County as a result of the issuance of the Notes. The Notes shall be payable from (a) any proceeds of the Notes set aside for payment of interest on the Notes as it becomes due, and (b) proceeds to be derived from the issuance and sale of the Securities, which proceeds are hereby declared to constitute a Special Trust Fund, hereby created and established, to be held by the County Clerk and expended solely for the payment of the principal of and interest on the Notes. The County hereby agrees that, in the event such monies are not sufficient to pay the principal of and interest on the Notes when due, if necessary, the County will pay such deficiency out of its tax levy or other available funds of the County including proceeds derived from the issuance of general obligation refunding bonds; provided, however, that such payment shall be subject to annual budgetary appropriations therefor; and provided further, that neither this Resolution nor any such payment shall be construed as constituting an obligation of the County to make any such appropriation or any further payment.

Section 7. Covenants of the County. The County hereby covenants with the holders of the Notes as follows:

- (a) It shall issue and sell the Securities as soon as practicable;
- (b) It shall segregate the proceeds derived from the sale of the Securities into a Special Trust Fund created above and constituted as a special trust fund and shall permit such Special Trust Fund to be used for no purpose other than the payment of principal of and interest on the Notes until paid; and,
- (c) It shall maintain a debt limit capacity such that the combined outstanding principal amount of general obligation bonds or notes or certificates of indebtedness of the County and the \$9,065,000 authorized for the issuance of the Securities shall at no time exceed the constitutional debt limit of the County.

Section 8. Segregated Debt Service Fund Account. There is hereby established in the County treasury a fund account separate and distinct from all other funds or accounts of the County designated "Debt Service Fund Account for \$9,065,000 Kenosha County Taxable Note Anticipation Notes, dated January 24, 2003", which fund account shall be used solely for the purpose of paying the principal of and interest on the Notes. There shall be deposited in said fund account (i) all accrued interest paid on the Notes at the time the Notes are delivered to the Purchaser; (ii) any proceeds of the Notes representing capitalized interest on the Notes and deposited in the Borrowed Money Fund (hereinafter created), as needed to pay the interest on the Notes

when due; (iii) proceeds of the Securities (or other obligations of the County issued to pay principal of or interest on the Notes) to the extent necessary to pay principal of or interest on the Notes; (iv) such other sums, including tax monies, as may be necessary at any time to pay principal of and interest on the Notes when due and which are appropriated by the County Board of Supervisors for that purpose; and (v) surplus monies in the Borrowed Money Fund as specified in Section 10 hereof. Said Fund shall be used for the sole purpose of paying the principal of and interest on the Notes and shall be maintained for such purpose until such indebtedness is fully paid or otherwise extinguished.

Section 9. Segregated Borrowed Money Fund; Reimbursement. The proceeds of the Notes (the "Note Proceeds"), other than any premium and accrued interest which must be paid at the time of delivery of the Notes into the Debt Service Fund Account created above, shall be deposited into an account separate and distinct from all other funds and accounts and disbursed solely for the purposes for which borrowed or for the payment of the principal of and interest on the Notes. Said proceeds may be temporarily invested in legal investments in the manner set forth below.

The County declares its reasonable expectation to reimburse itself from the Note Proceeds for expenditures relating to the Contributions which it pays from other funds of the County prior to receipt of the Note Proceeds.

Section 10 Execution of the Notes. The Notes shall be prepared in typewritten or printed form, executed on behalf of the County by the manual or facsimile signatures of the Chairperson and County Clerk, authenticated, if required, by its fiscal agent, if any, sealed with its official or corporate seal, if any, or a facsimile thereof and delivered to the Purchaser upon payment to the County of the purchase price thereof, plus accrued interest to the date of delivery. In the event that either of the officers whose signatures appear on the Notes shall cease to be such officers before the delivery of the Notes, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until such delivery. The aforesaid officers are hereby authorized to do all acts and execute all documents as may be necessary and convenient to effectuate the Closing.

Section 11. Payment of the Notes. The principal of and interest on the Notes shall be paid in lawful money of the United States of America by the County Clerk or County Treasurer.

Section 12. Persons Treated as Owners; Transfer of Notes; Record Date. The County shall keep books for the registration and for the transfer of the Notes. The persons in whose name any Note shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Note shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid.

Any Note may be transferred by the registered owner thereof by surrender of the Note at the office of the County Clerk, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Chairperson and County Clerk shall execute and deliver in the name of the transferee or transferees a new Note or Notes of a like aggregate principal amount, series and maturity and the County Clerk shall record the name of each transferee in the registration book. No registration shall be made to bearer. The County Clerk shall cancel any Note surrendered for transfer.

The County shall cooperate in any such transfer, and the Chairperson and County Clerk are authorized to execute any new Note or Notes necessary to effect any such transfer.

The fifteenth calendar day immediately preceding each interest payment date shall be the record date for the Notes. Payment of interest on the Notes on any interest payment date shall be made to the registered owners of the Notes as they appear on the registration book of the County at the close of business on the corresponding record date.

Section 13. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Notes eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the County agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the County and on file in the County Clerk's office.

Section 14. Continuing Disclosure. The continuing disclosure requirements of SEC Rule 15c2-12, as amended, are not applicable to the Notes because the Notes are a primary offering in authorized denominations of \$100,000 or more and mature in less than nine months.

Section 15. Payment of Issuance Expenses. The County authorizes the Purchaser to forward the amount of the Note Proceeds allocable to the payment of issuance expenses to U.S. Trust Company, Minneapolis, Minnesota on the closing date for further distribution as directed by the County's financial advisor, Ehlers & Associates, Inc.

Section 16. Offering Statement. The County Board of Supervisors hereby approves the Offering Statement with respect to the Notes and deems the Offering Statement as "final" for purposes of SEC Rule 15c2-12. All actions taken by officers of the County in connection with the preparation of such Offering Statement are hereby ratified and approved. In connection with the closing for the Notes, the appropriate County official shall certify the Offering Statement. The County Clerk shall cause copies of the Offering Statement to be distributed to the Purchaser.

Section 17. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the County Board of Supervisors or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted and recorded this 7<sup>th</sup> day of January, 2003.

Richard A. Kessler,  
Chairperson

ATTEST:

Edna R. Highland  
County Clerk

Allan Kehl  
County Executive

Submitted by:

FINANCE COMMITTEE

Robert Carbone

Terry Rose

Gordon West

Robert Pitts

John O'Day

It was moved by Supervisor Carbone to adopt Resolution 97. Seconded by Supervisor Rose.

Roll call vote.

Ayes: Supervisors Noble, Boyer, Rose, Kessler, Huff, Molinaro, Bergo, Johnson, Pitts, Ruffolo, Montemurro, Larsen, Wisnefski, Kerkman, Elverman, West, Smitz, Faraone, O'Day, Singer, Modory, Gorlinski, Carbone, Clark, Ekornaas, Marrelli.

Nays: Supervisor Carey-Mielke.

Aye. 25. Nay. 1.

Motion carried.

#### **RESOLUTION 100**

100. From Finance, Building & Grounds and Highway & Parks Committees regarding Authorizing the Sale of the Kenosha Ice Arena Property.

**WHEREAS**, Kenosha County owns the property known as the Kenosha County Ice Arena located at 7727 - 60<sup>th</sup> Avenue, Kenosha, Wisconsin, consisting of 6 acres, more or less, and improvements thereon, which it acquired in 1973; and

**WHEREAS**, Kenosha County has made efforts over the years to keep the facility open to the Kenosha Community for skating opportunities as a wholesome recreational activity, and has worked extensively with the Kenosha Ice Association, Inc., a long-time tenant, in this regard and has contributed tax levy dollars and has spent substantial staff time on the Ice Arena; and

**WHEREAS**, Budgetary constraints on Kenosha County place a limit on the number of buildings and facilities it may effectively own and maintain; In the Fall of 2002 an RFP was published to invite proposals from the private sector to buy the Ice Arena; and

**WHEREAS**, It would be beneficial to the public if Kenosha County was to sell such property to a buyer who was interested in continuing operation of the property as an ice arena facility that would promote youth hockey, figure skating, and public skating opportunities, and would invest the necessary time, money and talent needed to make such property a lasting community recreational facility; and

**WHEREAS**, Nutmeg Investments, Inc., has presented an Offer to Purchase such property for \$378,000, copy attached, which does not have a financing contingency, and is willing to accept the property subject to the existing lease with the Kenosha Ice Association, and plans to operate this facility as an ice arena providing skating opportunities for the community for the foreseeable future, and is endorsed by the Blue Line Hockey Association.

**NOW THEREFORE BE IT RESOLVED**, That the County of Kenosha approves the sale to Nutmeg Investments, Inc. of real property and related personal property owned by the County of Kenosha known commonly as the Kenosha County Ice Arena, consisting of tax parcel number 03-122-10-176-036, and tax parcel number 03-122-10-176-034, containing approximately 6 acres combined, consisting of two lots of land and buildings located at 7727 - 60<sup>th</sup> Avenue, lying in the City of Kenosha, County of Kenosha, State of Wisconsin, for the sum of \$378,000; and

**BE IT FURTHER RESOLVED**, that the County Clerk and the County Executive are authorized to execute all documents and papers necessary to complete such sale of property.

Submitted by:

FINANCE COMMITTEE

Robert Carbone

Gordon West

Robert Pitts

John O'Day

BUILDING & GROUNDS COMMITTEE

Mark Wisnefski

Anne Bergo

Mark Molinaro, Jr.

Gordon West

Douglas Noble

HIGHWAY & PARKS COMMITTEE

Dennis Elverman

Irving Larsen

Douglas Noble

Robert Pitts

It was moved by Supervisor Elverman to adopt Resolution 100. Seconded by Supervisor Wisnefski.

It was moved by Supervisor Rose to table Resolution 100. Seconded by Supervisor Ruffolo.

Ayes: Supervisors Rose, Marrelli, Johnson, Pitts, Singer, Ruffolo, Montemurro, Carey-Mielke, Clark, Noble, Kerkman, Smitz.

Nays: Supervisors Kessler, Huff, Molinaro, Bergo, Carbone, Modory, Faraone, O'Day, Larsen, Wisnefski, West, Gorlinski, Elverman, Ekornaas.

Ayes. 12. Nays. 14.

Motion lost.

It was moved by Supervisor Clark to refer Resolution 100 to the appropriate committees to evaluate all offers. Seconded by Supervisor Rose.

Roll call vote.

Ayes: Supervisors Rose, Bergo, Singer, Ruffolo, Montemurro, Carey-Mielke, Clark, Noble, Kerkman.

Nays: Supervisors Kessler, Huff, Molinaro, Marrelli, Carbone, Modory, Faraone, Johnson, Pitts, O'Day, Larsen, Wisnefski, West, Gorlinski, Smitz, Elverman, Ekornaas.

Ayes. 9. Nays. 17.

Motion lost.

It was moved by Supervisor Elverman to close debate. Seconded by Supervisor Rose.

Roll call vote.

Ayes: Supervisors Kessler, Rose, Bergo, Carbone, Faraone, Johnson, Pitts, O'Day, Larsen, Wisnefski, Carey-Mielke, West, Kerkman, Smitz, Elverman, Ekornaas.

Nays: Supervisors Huff, Molinaro, Marrelli, Modory, Singer, Ruffolo, Montemurro, Clark, Noble, Gorlinski.

Ayes. 16. Nays. 10.

Motion lost.

Roll call on Resolution 100.

Ayes: Supervisors Kessler, Huff, Molinaro, Marrelli, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, O'Day, Larsen, Wisnefski, West, Smitz, Elverman, Ekornaas.

Nays: Supervisors Rose, Singer, Ruffolo, Montemurro, Carey-Mielke, Clark, Noble, Kerkman, Gorlinski.

Ayes. 17. Nays. 9.

Motion carried.

It was moved by Supervisor Carbone to vote on Resolutions 93 & 94. Seconded by Supervisor Rose.

Motion carried.

#### **RESOLUTION 93**

93. From Finance Committee regarding Bills over \$5,000.00

**WHEREAS**, the Wisconsin State statutes provides that the County board may act on all bills over \$10,000.00 and

**WHEREAS**, the County Resolution requires that the Finance Committee must act on all bills over \$5,000.00 and

**NOW, THEREFORE BE IT RESOLVED**, that the following bills be approved for payment:

KENOSHA COUNTY PAYMENT GROUPS BILLS OVER \$5,000.00

APPROVAL BY FINANCE COMMITTEE AND COUNTY BOARD ARE REQUIRED:

| <u>DIVISIONS</u>            | <u>PAYMENT GROUPS</u> |
|-----------------------------|-----------------------|
| Finance Grouping #1         | \$1,750,446.49        |
| Finance Grouping #2         | \$ 143,949.95         |
| Finance Grouping #3         | \$ 6,203.19           |
| Advances Grouping #1        | \$ 640,008.00         |
| Personnel Grouping #1       | \$ 898,313.08         |
| Disability Grouping #1      | \$ 792,786.63         |
| PAYMENT GROUPS GRAND TOTAL: | \$4,231,707.34        |

Submitted by:

FINANCE COMMITTEE

Robert Carbone

Terry Rose

Robert Pitts

John O'Day

Gordon West

It was moved by Supervisor Carbone to adopt Resolution 93. Seconded by Supervisor Rose. Supervisor Clark abstained on Womens Horizons, Community Impact and Professional Service Group.

Motion carried.

#### **RESOLUTION 94**

94. From Finance Committee regarding Bills over \$5,000.00.

**WHEREAS**, the Wisconsin State statutes provides that the County board may act on all bills over \$10,000.00 and

**WHEREAS**, the County Resolution requires that the Finance Committee must act on all bills over \$5,000.00 and

**NOW, THEREFORE BE IT RESOLVED**, that the following bills be approved for payment:

KENOSHA COUNTY PAYMENT GROUPS BILLS OVER \$5,000.00

APPROVAL BY FINANCE COMMITTEE AND COUNTY BOARD ARE REQUIRED:

| <u>DIVISIONS</u>    | <u>PAYMENT GROUPS</u> |
|---------------------|-----------------------|
| Finance Grouping #1 | \$ 469,686.81         |

Disability Grouping #1                   \$   99,427.93  
PAYMENT GROUPS GRAND TOTAL:         \$ 569,114.74

Submitted by:

FINANCE COMMITTEE

Robert Carbone

Terry Rose

Robert Pitts

John O'Day

Gordon West

It was moved by Supervisor Carbone to adopt Resolution 93. Seconded by Supervisor Rose. Supervisor Clark abstained on Womens Horizons, Community Impact and Professional Service Group.

Motion carried.

It was moved by Supervisor Rose to hold a meeting a week from tonight, Tuesday January 14th at 6:30 p.m. to consider the balance of the agenda so that adequate consideration could be given to other important issues on tonight's agenda. Seconded by Supervisor Noble.

Roll call vote.

Ayes: Supervisors Kessler, Rose, Carbone, Faraone, Johnson, Pitts, O'Day, Ruffolo, Wisnefski, Carey-Mielke, Clark, Noble, Elverman, Ekornaas.

Nays: Supervisors Huff, Molinaro, Marrelli, Bergo, Modory, Singer, Montemurro, Larsen, West, Kerkman, Gorlinski, Smitz.

Ayes. 14. Nays. 12.

Motion carried.

It was moved by Supervisor Wisnefski to adjourn. Seconded by Supervisor Faraone.

Ayes: Supervisors Kessler, Rose, Huff, Carbone, Faraone, Johnson, Pitts, O'Day, Ruffolo, Wisnefski, Carey-Mielke, Noble, West, Kerkman, Smitz, Elverman, Ekornaas.

Nays: Supervisors Molinaro, Marrelli, Bergo, Modory, Singer, Montemurro, Larsen, Clark, Gorlinski.

Ayes. 17. Nays. 9.

Motion carried.

Meeting adjourned at 11:50 p.m.

Prepared by:             Pam Young  
                          Chief Deputy

Submitted by:            Edna R. Highland  
                          County Clerk



**KENOSHA COUNTY BOARD OF SUPERVISORS**

**COUNTY BOARD CHAMBERS COUNTY ADMINISTRATION BUILDING**

**January 14, 2003**

The **Special Meeting** was called to order by Chairman Kessler at 6:30 p.m., in the County Board Room located in the Administration Building. Roll call was taken.

Present: Supervisors Noble, Rose, Kessler, Huff, Molinaro, Bergo, Johnson, Pitts, Montemurro, Larsen, Kerkman, Elverman, Smitz, Faraone, O'Day, Singer, Modory, Gorlinski, Carbone, Clark, Ekornaas, Marrelli, Carey-Mielke.

Excused: Supervisor Boyer, Ruffolo, Wisnefski, West.

Present. 23. Excused. 4.

**ANNOUNCEMENTS OF THE CHAIRMAN**

Chairman Kessler stated that this coming Saturday the Council of Governments will be meeting at the Kenosha County Center at Hwys 45 & 50. Everyone is encouraged to attend this important meeting.

It was moved by Supervisor Molinaro to open up Citizen Comments. Corporation Counsel ruled the motion out of order and the meeting continued.

OLD BUSINESS ON JANUARY 7, 2003 AGENDA

**ORDINANCE 42A**

Ordinance 42A adopted December 3, 2002 regarding Reconsideration of Chapter 16 Revision - Environmental Health/Food Ordinance.

AN ORDINANCE TO REVISE CHAPTER 16 OF THE MUNICIPAL CODE OF KENOSHA COUNTY, WISCONSIN, WITH REFERENCE TO THE ENVIRONMENTAL HEALTH/FOOD CODE

**WHEREAS**, it is deemed expedient and necessary that the Municipal Code of Kenosha County, Wisconsin and specifically the Kenosha County Environmental Health/Food Ordinance be revised, defects be amended, and new ordinances be enacted, and

**WHEREAS**, the Kenosha County Board hereby authorizes the preparation of such a revision of the Kenosha County Environmental Health/Food Ordinance of Kenosha County, Wisconsin, and

**WHEREAS**, a copy of such code has been on file and open for public inspection in the Office of the County Clerk for not less than two weeks as required by section 66.0103 of the Wisconsin Statutes and notice thereof has been given pursuant to a publication in the Kenosha News.

**NOW, THEREFORE**, the Kenosha County Board of Supervisors does ordain as follows:

**Section 1.**

That the code of ordinances in book form entitled Municipal Code of Kenosha County, Wisconsin --- Revised July, 1981, and as subsequently amended, and specifically the Kenosha County Environment Health/Food Ordinance, a copy of which is on file in the Office of the County Clerk for public inspection, shall be and hereby is adopted under the authority granted to the County by sections of the Wisconsin Statutes: Chapters 250, 251, 252, 254 66.0103, 66.0113, and 66.0114. In addition, it is also adopted to all provisions of the Wisconsin Administrative Code: HFS 196, 197, 173, 172, 175, 178, Comm 90, 95, and ATPC 75 and incorporates by reference the powers, duties, responsibilities and authority permitted to be exercised by counties as set forth in the Wisconsin Administrative Code and Wisconsin Statutes and in the rules and regulations adopted pursuant thereto. These rules and regulations shall apply until amended or renumbered and then shall apply as amended and renumbered. Furthermore the existing Kenosha County Environmental Health/Food Ordinance as adopted on February 16, 1999 by the Kenosha County Board of Supervisors shall be repealed effective on the date of enactment of this ordinance. All other County ordinances or parts of ordinances of the Kenosha County Municipal Code that are inconsistent or conflicting with this ordinance to the extent of the consistency only are hereby repealed.

Section 2.

That this ordinance, as it relates to parties under its jurisdiction shall take effect the day after publication of the above ordinance as provided under the authority granted to the County by sections of the Wisconsin Statutes: Chapters 250, 251, 252, 66.0103, 66.0113, and 66.0114. In addition, it is also adopted to all provisions of the Wisconsin Administrative Code: HFS 196, 197, 173, 172, 175, 178, Comm 90, 95, and ATP 75 and incorporates by references the powers, duties, responsibilities and authority permitted to be exercised by counties as set forth in the Wisconsin Administrative Code and Wisconsin Statutes and in the rules and regulations adopted pursuant thereto. These rules and regulations shall apply until amended or renumbered and then shall apply as amended and renumbered.

Submitted by:

HUMAN SERVICES COMMITTEE

Eunice Boyer

Anne Bergo

John O' Day

Don Smitz

It was moved by Supervisor Bergo to adopt Ordinance 42A. Seconded by Supervisor O'Day.

Corporation Counsel explained that Ordinance 42A was a follow-up ordinance to Ordinance 42 that was approved on December 3, 2002. 42A addresses publication of Ordinance 42.

It was moved by Supervisor Bergo to reconsider Ordinance 42. Seconded by Supervisor O'Day.

Roll call vote.

Motion carried unanimously.

It was moved by Supervisor Bergo to substitute Ordinance 42A for Ordinance 42. Seconded by Supervisor O'Day.

Roll call vote.

Motion carried unanimously.

It was moved by Supervisor O'Day to adopt Ordinance 42A. Seconded by Supervisor Johnson.

Motion carried.

**RESOLUTION 81**

Resolution 81 referred to Judiciary & Law Committee on November 13th 2002 regarding Probationary Cabaret License - Club Viper, Inc. (Nytro's)

**WHEREAS**, the applicant Leann J. McCarty received approval by County Board action for a probationary cabaret license for the establishment known as Club Viper, Inc. (Nytro's), and

**WHEREAS**, the application of Leann J. McCarty for a probationary cabaret license for Club Viper, Inc. (Nytro's), 32800 Geneva Road, Hwy "50" and "W", Wheatland, Wisconsin, in the Town of Wheatland, was made during the month of August, was turned over to this office on August 29, 2002, 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 applicant stated through her attorney that she is aware of the terms and conditions of Kenosha County General Ordinance section 8.02 and has been advised by her attorney of their meaning and effect, a copy of which is attached hereto for reference, and

**NOW, THEREFORE BE IT RESOLVED**, that because this is the initial application by the license holder, a probationary license be granted to Leann J. McCarty, for Club Viper, Inc. (Nytro's).

Submitted by:

JUDICIARY & LAW COMMITTEE

James Huff

Brenda Carey-Mielke

Anita Faraone



LAND USE COMMITTEE

Donald Smitz  
Mark Molinaro, Jr.  
Thomas J. Gorlinski  
Gordon West  
Irving Larsen  
Fred R. Ekornaas

It was moved by Supervisor Smitz to adopt Ordinance 43. Seconded by Supervisor Molinaro.

It was moved by Supervisor Rose to amend Ordinance 43 by reducing 18 months to 6 months. Seconded by Supervisor Clark.

It was moved by Supervisor Gorlinski to close debate on the amendment. Seconded by Supervisor Smitz.

Roll call vote.

Ayes: Supervisors Noble, Bergo, Johnson, Pitts, Larsen, Kerkman, Elverman, Smitz, Faraone, O'Day, Singer, Modory, Gorlinski, Carbone, Clark, Ekornaas, Carey-Mielke, Rose, Kessler.

Nays: Supervisors Huff, Molinaro, Marrelli, Montemurro.

Ayes. 19. Nays. 4.

Motion carried.

Roll call vote on the amendment.

Ayes: Supervisors Rose and Kessler.

Nays: Supervisors Noble, Huff, Molinaro, Bergo, Johnson, Pitts, Montemurro, Larsen, Kerkman, Elverman, Smitz, Faraone, O'Day, Singer, Modory, Gorlinski, Carbone, Clark, Ekornaas, Marrelli, Carey-Mielke.

Ayes. 2. Nays. 21.

Motion failed.

Supervisor Noble moved to amend Ordinance 43 by saying that if the 18 month is exercised and the additional training is required the Land Use Committee will be kept abreast. Seconded by Supervisor Rose.

It was moved by Supervisor Pitts to close debate on the amendment. Seconded by Supervisor Johnson.

Roll call vote requested.

Ayes: Supervisors Kessler, Rose, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, O'Day, Singer, Larsen, Carey-Mielke, Noble, Kerkman, Gorlinski, Smitz, Elverman, Ekornaas.

Nays: Supervisors Huff, Molinaro, Marrelli, Montemurro, Clark.

Ayes. 18. Nays. 5.

Motion carried.

Roll call on Ordinance 43 as amended.

Motion carried unanimously.

**ORDINANCE 44**

44. From Judiciary & Law and Finance Committees regarding Amending part of Chapter 7 of the Municipal Code of Kenosha County pertaining to Parking Violations.

The Kenosha County Board of Supervisors does hereby ordain that part of chapter 7 of the Municipal Code of Kenosha County, namely Subsection 7.06(4), be and hereby is, amended as follows:

CHAPTER 7

TRAFFIC AND BOATING LAWS CODE

Subsection (4) of Section 7.06 PENALTY is hereby amended to read as follows:

(4) Parking Violations. The penalty for violation of sec.7.03 shall be \$20.00 if paid within 10 days of the date of issue. If paid after 10 days but within 40 days of issue the penalty shall be \$40.00 If paid after 40 days of issue the penalty shall be \$55.00.

Submitted by:

JUDICIARY & LAW COMMITTEE  
James Huff  
Brenda Carey-Mielke  
Anita Faraone  
Terry Rose  
Joe Montemurro

FINANCE COMMITTEE  
Robert Carbone  
Terry Rose  
John O'Day  
Robert Pitts  
Gordon west

It was moved by Supervisor Huff to adopt Ordinance 44. Seconded by Supervisor Carbone.  
Motion carried.

**ORDINANCE 45**

45. From Judiciary & Law and Finance Committees regarding Amending Section 8.05(9)(a) of the Municipal Code of Kenosha County Entitled Penalties for Repeated False Alarms.

The Kenosha County Board of Supervisors does hereby ordain that section 8.05(9)(a) of the Municipal Code of Kenosha County be, and hereby is, amended to read as follows:

(9) Penalties for Repeated False Alarms.

(a) Persons in possession of alarm systems intended to elicit a response from law enforcement personnel or fire department personnel shall pay to the Joint Services Board a charge per each false alarm responded to by such personnel, according to the following schedule for each calendar year:

|    |  |           |
|----|--|-----------|
| 1. | First 2 false alarms                     | No Charge |
| 2. | Third and fourth false alarms            | \$ 50.00  |
| 3. | Fifth through eighth false alarms        | \$ 75.00  |
| 4. | Ninth and tenth false alarms             | \$100.00  |
| 5. | Eleventh through fifteenth false alarms  | \$200.00  |
| 6. | Sixteenth through twentieth false alarms | \$300.00  |
| 7. | Twenty-first or more false alarms        | \$500.00  |

Submitted by:

JUDICIARY & LAW COMMITTEE

James Huff

Brenda Carey-Mielke

Anita Faraone

Terry Rose

Joe Montemurro

FINANCE COMMITTEE

Robert Carbone

Terry Rose

John O'Day

Robert Pitts

Gordon West

It was moved by Supervisor Huff to adopt Ordinance 45. Seconded by Supervisor Carbone.  
Motion carried.

NEW BUSINESS ON JANUARY 7, 2003

Ordinance - first reading, two required.

**ORDINANCE 52**

52. From Highway & Parks Committee regarding Speed Limits for CTH "D" from STH 142 southerly to a point .70 miles south of its west intersection with STH 142.

Ordinances - one reading.

From Land Use Committee regarding:

**ORDINANCE 53**

53. New Sunrise, LLC (Owner), Mike Doble (Agent), requesting rezoning from PR-1 Park and Recreational District to R-3 Urban Single-Family Residential District in the Town of Salem.

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 #67-4-120-343-0111 located in the southwest and southeast quarters of Section 34, Township 1 North, Range 20 East, Town of Salem be changed from PR-1 Park and Recreational District to R-3 Urban Single-Family Residential District. For informational purposes only, this property is located on the southeast corner of the intersection of Rock Lake Road and 122<sup>nd</sup> Street.

**New Sunrise, LLC - (Owner)**

**Mike Doble - (Agent)**

**Description:** Being a part of the northeast quarter of the southwest quarter of Section 34, Township 1 North, Range 20 East, in the Town of Salem, Kenosha County, Wisconsin bounded and described as follows: Commencing at the northwest corner of said southwest quarter; thence north 88°29'34" east, along the north line of said southwest quarter, 1881.32 feet to the place of beginning; thence north 88°29'34" east, along said north line, 32.70 feet to a meander corner of

Rock Lake marked by a concrete monument with a brass cap; thence north 88°35'13" east, 447.30 feet to a meander line of Rock Lake; thence south 17°21'50" west, along said meander line, 172.68 feet to an angle point; thence south 09°43'29" east, along said meander line, 198.51 feet to an angle point; thence south 39°41'46" east, along said meander line, 506.53 feet; thence south 39°37'55" west, 163.82 feet to the centerline of Rock Lake Road; thence north 50°26'26" west, along said centerline, 285.38 feet to an angle point; thence north 35°01'26" west, along said centerline, 800.00 feet to an angle point; thence north 02°42'54" west, along said centerline, 27.00 feet to the place of beginning. Said lands containing 5.50 acres to the meander line of Rock Lake. Total property contains 6.43 acres, which includes lands up to the high water mark of Rock Lake.

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

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

#### **ORDINANCE 54**

54. Ray and Sara N. Parvinian requesting rezoning from B-2 Community Business District and A-2 General Agricultural District to R-3 Urban Single-Family Residential District and R-2 Suburban Single-family Residential District excluding lands currently zoned C-2 Upland Resource Conservancy District in the Town of Somers.

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 #80-4-222-141-0226 located in the northeast quarter of Section 14, Township 2 North, Range 22 East, Town of Somers be changed from B-2 Community Business District and A-2 General Agricultural District to R-3 Urban Single-Family Residential District and R-2 Suburban Single-Family Residential District excluding lands currently zoned C-2 Upland Resource Conservancy District. For informational purposes only, this property is located on the south side of County Trunk Highway "E" (12<sup>th</sup> Street) and west of 41<sup>st</sup> Avenue.

**Ray and Sara N. Parvinian - (Owners)**

**Descriptions: R-3 Urban Single-Family Residential District:** Part of the northeast quarter of Section 14, Town 2 North, Range 22 East of the Fourth Principal Meridian; lying and being in the Town of Somers, Kenosha County, Wisconsin and being more particularly described as: Commencing at the northeast corner of said quarter section; thence south 89°35'38" west along the north line of said quarter section 990.00 feet; thence south 01°41'21" east 58.01 feet to the point of beginning; thence continue south 01°41'21" east 601.99 feet; thence north 89°35'38" east 330.00 feet; thence south 01°41'21" east 522.31 feet; thence south 89°35'38" west 395.90 feet; thence north 01°41'21" west 470.46 feet; thence south 89°35'38" west 302.28 feet; thence north 01°41'21" west 662.71 feet; thence north 89°35'38" east 368.28 feet to the point of beginning.

**R-2 Suburban Single-Family Residential District:** Commencing at the northeast corner of said quarter section; thence south 89°35'38" west along the north line of said quarter section 990.00 feet; thence south 01°41'21" east 660.00 feet; thence north 89°35'38" east 330.00 feet; thence south 01°41'21" east 522.31 feet to the point of beginning; thence continue south 01°41'21" east 130.85 feet; thence north 89°09'29" east 17.74 feet; thence south 01°44'25" east 294.00 feet; thence north 88°08'24" west 145.25 feet; thence north 25°14'17" west 11.25 feet; thence north 08°29'24" west 137.17 feet; thence north 24°40'39" west 40.29 feet; thence north 49°36'13" west 30.06 feet; thence north 82°22'08" west 75.49 feet; thence north 60°10'10" west 57.44 feet; thence north 59°03'51" west 71.97 feet; thence north 78°03'43" west 26.82 feet; thence north 01°41'21" west 125.00 feet; thence north 89°35'38" east 395.90 feet to the point of beginning.

**In addition:** Commencing at the northeast corner of said quarter section; thence south 89°35'38" west along the north line of said quarter section 1358.28 feet; thence south 01°41'21" east 720.72 feet; thence north 89°35'38" east 302.28 feet; thence south 01°41'21" east 595.46 feet; thence south 89°09'29" west 301.09 feet to the point of beginning; thence south 00°50'31" east 75.46 feet; thence south 18°08'50" west 41.14 feet; thence south 04°07'08" west 27.24 feet; thence south 14°15'33" east 36.47 feet; thence south 23°14'37" east 35.33 feet; thence south 27°27'27" east 51.78 feet; thence south 06°47'05" west 36.88 feet; thence south 00°50'31" east 21.48 feet; thence south 89°09'29" west 413.09 feet; thence north 01°41'21" west 314.00 feet; thence north 89°09'29" east 393.24 feet to the point of beginning. This description excludes lands currently zoned C-2 Upland Resource Conservancy District.

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

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

#### **ORDINANCE 55**

55. Ronald E. and Constance Lester (Owners), Anthony F. Zwilling and Lori A. Lester-Zwilling (Buyers/Agents), requesting rezoning from A-1 Agricultural Preservation 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 Parcel #95-4-119-011-0300 located in the northeast quarter of Section 1, Township 1 North, Range 19 East, Town of Wheatland be changed from A-1 Agricultural Preservation District to R-2 Suburban Single-Family Residential District. For informational purposes only, this property is located on the south side of County Trunk Highway "K" (60<sup>th</sup> Street) approximately 0.3 mile east of the intersection of County Trunk Highway "W."

**Ronald E. and Constance Lester - (Owners)**

**Anthony F. Zwilling and Lori A. Lester-Zwilling - (Buyers/Agents)**

**Description:** Being part of the northeast quarter and the northwest quarter of the northeast quarter of Section 1, Township 1 North, Range 19 East of the Fourth Principal Meridian. In the township of Wheatland, County of Kenosha, State of Wisconsin and being more particularly described as follows: Commence at the north quarter corner of said Section 1; thence north 87°52'54" east (recorded as north 87°53'06" east) along the north line of said northeast quarter section, 966.94 feet to the place of beginning of a parcel of land hereinafter described; thence continue north 87°52'54" east (recorded as north 87°53'06" east) along said north line 699.96 feet; thence south 01°19'06" east (recorded as south 01°18'54" east) 305.00 feet; thence south 87°41'43" west (recorded as south 87°41'55" west) 700.00 feet; thence north 01°19'06" west (recorded as north 01°18'54" west) 307.27 feet to the place of beginning. Containing 4.92 acres of land more or less. Subject to the rights of the public over the north 33 feet thereof for highway purposes (County Trunk Highway "K").

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

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

**ORDINANCE 56**

56. Michael J. and Darlene P. Sanew and Robert Vanderwerff requesting rezoning from A-1 Agricultural Preservation District and R-2 Suburban Single-Family Residential District to R-1 Rural Residential District excluding lands currently zoned C-1 Lowland Resource Conservancy 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 Tax Parcel #95-4-119-061-0283 and part of Tax Parcel #95-4-119-061-0270 located in the northeast quarter of Section 6, Township 1 North, Range 19 East, Town of Wheatland be changed as follows: Tax Parcel #95-4-119-061-0283 be changed from A-1 Agricultural Preservation District and R-2 Suburban Single-Family Residential District to R-1 Rural Residential District excluding lands currently zoned C-1 Lowland Resource Conservancy District (Sanew) and from A-1 Agricultural Preservation District and R-4 Urban Single-Family Residential District to B-2 Community Business District (Vanderwerff). For informational purposes only, these parcels are generally located on the east side of County Trunk Highway "P" (400<sup>th</sup> Avenue) and south of 60<sup>th</sup> Street (Old State Trunk Highway "50").

**Michael J. and Darlene P. Sanew - (Owners of Tax Parcel #95-4-119-061-0283)**

**Robert Vanderwerff - (Owner of Tax Parcel #95-4-119-061-0270)**

**Descriptions: A-1 Agricultural Preservation District and R-2 Suburban Single-Family Residential District to R-1 Rural Residential District excluding lands currently zoned C-1 Lowland Resource Conservancy District:**

Lot 1 of Certified Survey Map No. 1182, being part of the northwest  $\frac{1}{4}$  of the northeast  $\frac{1}{4}$  of Section 6, Township 1 North, Range 19 East of the Fourth Principal Meridian, in the Town of Wheatland, County of Kenosha, and State of Wisconsin.

**Also:** Part of Lot 2 of Certified Survey Map No. 1182, being more particularly described as follows: Commence at the southwest corner of said Lot 2; thence north 01°37'22" west, 349.26 feet to the northeast corner of Lot 1 of said Certified Survey Map No. 1182; thence south 73°19'09" east, 50.83 feet; thence north 88°41'53" east, 50.54 feet; thence north 80°47'45" east, 56.78 feet; thence north 88°10'18" east, 111.77 feet to the east line of said Lot 2; thence south 03°06'33" east along said east line, 340.00 feet to the southeast corner of said Lot 2; thence south 88°10'18" west along the south line of said Lot 2, 275.59 feet to the place of beginning. Containing 2.11 acres of land more or less.

**Also:** Part of the northwest  $\frac{1}{4}$  of the northeast  $\frac{1}{4}$  of Section 6; Township 1 North, Range 19 East of the Fourth Principal Meridian in the Town of Wheatland, County of Kenosha, and State of Wisconsin and being more particularly described as follows: Commence at the southeast corner of Lot 2 of Certified Survey Map No. 1182 and the place of beginning of this description. Thence north 03°06'33" west along the easternmost line of said Lot 2, 340.00 feet; thence north 88°10'18" east, 30.41 feet; thence south 01°58'59" east, 136.04 feet; thence north 88°10'18" east, 149.94 feet; thence south 01°45'40" east, 264.00 feet; thence north 85°27'01" west, 451.22 feet; thence north 01°37'22" west, 10.00 feet to the southwest corner of said Lot 2; thence north 88°10'18" east, along south line of said Lot 2, 275.59 feet to the place of beginning. Containing 1.27 acres of land more or less.

**A-1 Agricultural Preservation District and R-4 Urban Single-Family Residential District to B-2 Community Business District:**

Being part of the northwest quarter of the northeast quarter of Section 6, Township 1 North, Range 19 East of the Fourth Principal Meridian in the Town of Wheatland, County of Kenosha, and State of Wisconsin and being more particularly described as follows: Commence at the northwest corner of the northeast quarter of said Section 6; thence north 88°10'18" east (recorded as north 89°33'30" east) along the north



line of said northeast quarter, 536.25 feet to the place of beginning of a parcel of land hereinafter described; thence continue north 88°10'18" east, 33.57 feet; thence south 01°59'49" east, 162.96 feet; thence south 88°10'18" west (recorded as south 89°33'30" west), 30.41 feet; thence north 03°06'33" west (recorded as north 01°43'20" west), 163.00 feet to the place of beginning. Subject to the rights of the public over the north 33 feet for road purposes (60<sup>th</sup> Street). Said land being in the Town of Wheatland, County of Kenosha and State of Wisconsin.

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

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

It was moved by Supervisor Smitz to adopt Ordinances 53 thru 56.

Seconded by Supervisor Gorlinski.

Motion carried.

Resolutions - one reading.

#### **RESOLUTION 95**

95. From Finance Committee regarding Appointment of Sharon A. Acerbi to the Kenosha County Library Committee.

**WHEREAS**, pursuant to County Executive Appointment 2002/2003-37, the County Executive has appointed Sharon A. Acerbi to serve on the Kenosha County Library Committee, and

**WHEREAS**, the Finance Committee has reviewed the request of the County Executive for confirmation of his appointment of the above named to serve on the Kenosha County Library Committee and is recommending to the County Board the approval of this appointment, and

**NOW, THEREFORE, BE IT RESOLVED**, that the Kenosha County Board of Supervisors confirm the appointment of Sharon A. Acerbi to serve on the Kenosha County Library Committee. Ms. Acerbi's appointment shall be effective immediately upon the confirmation of the County Board and continuing until the 31<sup>st</sup> day of December 2005, or until a successor is appointed by the County Executive and confirmed by the Kenosha County Board of Supervisors. Ms. Acerbi will serve without pay as defined under Resolution 65 (1982-83).

Submitted by:

FINANCE COMMITTEE

Robert Carbone

Terry Rose

Richard Kessler

John O' Day

It was moved by Supervisor Carbone to adopt Resolution 95. Seconded by Supervisor Pitts.

Motion carried.

#### **RESOLUTION 96**

96. From Finance Committee regarding Appointment of Louise M. Gagliano to the Kenosha County Library Committee.

**WHEREAS**, pursuant to County Executive Appointment 2002/2003-35, the County Executive has appointed Louise M. Gagliano to serve on the Kenosha County Library Committee, and

**WHEREAS**, the Finance Committee has reviewed the request of the County Executive for confirmation of his appointment of the above named to serve on the Kenosha County Library Committee and is recommending to the County Board the approval of this appointment, and

**NOW, THEREFORE, BE IT RESOLVED**, that the Kenosha County Board of Supervisors confirm the appointment of Louise M. Gagliano to serve on the Kenosha County Library Committee. Ms. Gagliano's appointment shall be effective immediately upon the confirmation of the County Board and continuing until the 31<sup>st</sup> day of December 2005, or until a successor is appointed by the County Executive and confirmed by the Kenosha County Board of Supervisors. Ms. Gagliano will serve without pay as defined under Resolution 65 (1982-83).

Submitted by:  
FINANCE COMMITTEE  
Robert Carbone  
Terry Rose  
Robert Pitts  
John O'Day  
Gordon West

It was moved by Supervisor Carbone to adopt resolution 96. Seconded by Supervisor Pitts.  
Motion carried.

**RESOLUTION 99**

99 From Finance, Building & Grounds and Highway & Parks Committees regarding Supporting a Youth Sports Complex Community Center along 39th Avenue and a Residential Project to Provide Housing for the Physically Disabled and Authorize Transfer of Property formerly used as the Highway Garage on 60th Street.

**WHEREAS**, Kenosha County has owned the property known as the East End County Highway Garage at 5512 - 60<sup>th</sup> Street in Kenosha since the 1930's for maintenance of county highways by its Highway Department, until a new facility was built in 1993, which now serves all the county highways needs; and Kenosha County no longer uses the old 60<sup>th</sup> Street Garage site and the premises, consisting of approximately 8.4 acres of land, remains vacant except for cold storage, and the buildings and facilities are deteriorating and in need of extensive repair or demolition; however, there is an antenna tower which is presently being used by the Sheriff's Department; and

**WHEREAS**, It is in the public interest to encourage and develop safe, accessible and affordable housing for the physically disabled members of our community and their families; and

**WHEREAS**, It is also in the public interest to develop sports programs and other wholesome activities for youth, and to provide community centers for its citizens of all ages for convenient recreational and social activities; and further, some years ago the County of Kenosha informally endorsed creation of a "Field of Dreams" baseball complex for the youth of the east side of Kenosha County; and

**WHEREAS**, The County of Kenosha and the City of Kenosha have been invited by Equal Access for Affordable Housing, Inc., a nonprofit corporation, and the Kenosha Vision Committee, a large group of benevolent organizations and private citizens, to share in a combined effort to promote these worthy goals as expressed in the attached Letter of Understanding; and

**WHEREAS**, Equal Access for Affordable Housing, Inc. (EAAH) has developed a plan named "Kenosha Commons" to convert the former 60<sup>th</sup> Street Kenosha County Garage property into a residential property with suitable access for the physically disabled, and amenities to allow 48 families to care for a physically disabled child or adult member; and has made plans for design, financing, State tax credits, match grant donations and other sources of revenue; and

**WHEREAS**, The only way the "Kenosha Commons" Plan will come to reality is by the County of Kenosha donating the land for the development; and the donation of such land would be "as is", with EAAH responsible for all site preparation (now budgeted at \$625,000), including demolition and/or environmental clean-up; and further that Kenosha County's only financial commitment would be the donation of such land and no more financial assistance would be requested of the County in years to come; and further, that title to the land and improvements would automatically revert to Kenosha County, if at any time in the next 15 years the property was not used at least 48% as residential housing for the physically disabled.

**NOW THEREFORE BE IT RESOLVED**, That the County of Kenosha approves the concept expressed above and in the attached letter of Understanding for the development of a Youth Sports & Community Center, and a Housing Development for the Disabled, with the land being provided by the County of Kenosha and the City of Kenosha at nominal consideration, as indicated above, and the consortium of nonprofit organizations obtaining the funds necessary for development of such facilities from other sources; That such measures fulfill

Kenosha County's commitment to support a youth sports ballfield in the City of Kenosha; Provided further that the County of Kenosha receive proper recognition for its support of both development projects by appropriate signs and memorial plaques, etc., at each project site, and wherein possible the County desires that both projects proceed in a timely and simultaneous manner; and

**BE IT FURTHER RESOLVED,** That the County of Kenosha shall transfer the real estate known as the former Kenosha County Highway Garage located at 5512 - 60<sup>th</sup> Street, Kenosha, Wisconsin, consisting of approximately 8.4 acres and bearing Tax Parcel No. 08-222-35-355-012 to Equal Access for Affordable Housing, Inc., a nonprofit corporation, for \$1.00, "as is, with all faults", with the grantee liable for all demolition, environmental remediation and site preparation costs, and with a right of reversion for 15 years to have title to the property revert to Kenosha County if the property is not developed and used as planned for at least 48% dwelling space for physically handicapped persons and their families, and reserving a sufficient easement to access, maintain, repair or replace the communications tower used by Kenosha County for law enforcement and rescue purposes; and

**BE IT FURTHER RESOLVED,** That Kenosha Vision and Equal Access for Affordable Housing, Inc. have expressly agreed that the donation of the 8.4 acres of land at 5512 - 60<sup>th</sup> Street is a generous measure of support to the creation of both projects mentioned above and that no further requests for donations or financial support of any kind will be made to Kenosha County with regard to these projects; and

**BE IT FURTHER RESOLVED,** That the County Clerk and the County Executive are authorized to execute all documents and papers necessary to complete such transfer of real estate and related matters.

Submitted by:

FINANCE COMMITTEE

Robert Carbone

Gordon West

John O'Day

Robert Pitts

BUILDING & GROUNDS COMMITTEE

Gordon West

John O'Day

Anne Bergo

Mark Molinaro Jr.

Mark Wisnefski

HIGHWAY & PARKS COMMITTEE

Dennis Elverman

Robert Pitts

Irv Larsen

It was moved by Supervisor Carbone to adopt Resolution 99. Seconded by Supervisor Elverman.

It was moved by Supervisor Noble to refer Resolution 99 back to Building & Grounds and Highway & Parks Committees. Seconded by Supervisor Rose.

It was moved by Supervisor Carbone to close debate. Seconded by Supervisor Rose.

Roll call vote.

Ayes: Supervisors Kessler, Rose, Bergo, Carbone, Faraone, O'Day, Singer, Larsen, Carey-Mielke, Noble, Kerkman, Elverman, Ekornaas.

Nays: Supervisors Huff, Molinaro, Marrelli, Modory, Johnson, Pitts, Montemurro, Clark, Gorlinski, Smitz.

Ayes. 13. Nays. 10.

Motion failed.

Roll call vote on referral.

Ayes: Supervisors Rose, Johnson, Clark, Noble, Kerkman, Gorlinski, Ekornaas.

Nays: Supervisors Kessler, Huff, Molinaro, Marrelli, Bergo, Carbone, Modory, Faraone, Pitts, O'day, Singer, Montemurro, Larsen, Carey-Mielke, Smitz, Elverman.

Ayes. 7. Nays. 16.

Motion failed.

It was moved by Supervisor Carey-Mielke to amend Resolution 99 by amending the second, BE IT FURTHER RESOLVED, (1) 15 years to 29 years, (2) the developers will pay property tax, (3) change \$1.00 to \$36,000.00 and (4) the

resolution will be effective upon the completion of such documentation.  
Seconded by Supervisor Faraone.

It was moved by Supervisor O'Day to close debate on the amendment.  
Seconded by Supervisor Johnson.

Roll call vote.

Ayes: Supervisors Kessler, Huff, Bergo, Carbone, Modory, Faraone, Johnson, O'Day, Singer, Larsen, Carey-Mielke, Noble, Kerkman, Gorlinski, Smits, Elverman, Ekornaas.

Nays: Supervisors Rose, Molinaro, Marrelli, Pitts, Montemurro, Clark.

Ayes. 17. Nays. 6.

Motion carried.

Roll call vote on the amendment.

Ayes: Supervisors Kessler, Huff, Bergo, Carbone, Modory, Faraone, Johnson, O'Day, Singer, Larsen, Carey-Mielke, Noble, Gorlinski, Smits, Elverman, Ekornaas, Molinaro, Marrelli, Pitts, Montemurro, Clark.

Nays: Supervisors Rose, Kerkman.

Ayes. 21. Nays. 2

Motion carried.

Roll call on closing debate on resolution as amended. (2/3 vote required)

Ayes: Supervisors Kessler, Bergo, Carbone, Modory, Faraone, Johnson, O'Day, Singer, Larsen, Carey-Mielke, Smits, Elverman, Ekornaas, Pitts, Kerkman.

Nays: Supervisors Rose, Huff, Molinaro, Marrelli, Montemurro, Clark, Noble, Gorlinski.

Ayes. 15. Nays. 8.

Motion lost.

Supervisor Gorlinski asked Chairman Kessler to instruct the Finance Committee to research and develop a policy for the disposal and acquisition of property to private, public and not-for-profit organizations. Also, the policy to include the acquisition of properties.

It was moved by Supervisor Noble to amend Resolution 99 to read that we incorporate in writing the commitment by the Kenosha Vision Committee that the field will proceed at the same speed as the other development on 60th Street. Phase 1 to be the baseball diamonds and concession together. Seconded by Supervisor Clark.

Roll call vote.

Ayes: Supervisors Kessler, Carbone, Modory, Faraone, Johnson, O'Day, Singer, Larsen, Carey-Mielke, Smits, Elverman, Ekornaas, Pitts, Kerkman, Rose, Huff, Molinaro, Marrelli, Montemurro, Clark, Noble, Gorlinski.

Nays: Supervisor Bergo.

Ayes. 22. Nays. 1

Motion carried.

It was moved by Supervisor Kerkman to close debate. Seconded by Supervisor Carey-Mielke.

Ayes: Supervisors Kessler, Carbone, Modory, Faraone, Johnson, O'Day, Singer, Larsen, Carey-Mielke, Smits, Elverman, Ekornaas, Pitts, Kerkman, Rose, Noble, Gorlinski, Bergo.

Nays: Supervisor Huff, Molinaro, Marrelli, Montemurro, Clark.

Ayes. 18. Nays. 5.

Motion carried.

Roll call vote on resolution 99 as amended.

Ayes: Supervisors Kessler, Carbone, Modory, Faraone, Johnson, O'Day, Singer, Larsen, Carey-Mielke, Smits, Elverman, Ekornaas, Pitts, Rose, Noble, Gorlinski, Bergo, Huff, Molinaro, Marrelli, Montemurro, Clark.

Nays: Supervisor Kerkman.

Ayes. 22. Nays. 1.

Motion carried.

#### **RESOLUTION 101**

101. From Human Services Committee regarding the Re-Appointment of William Lehman to the Kenosha County Commission on Aging.

**WHEREAS**, pursuant to County Executive Appointment 2002/03-38, the County Executive has appointed William Lehman to serve on the Kenosha County Commission on Aging; and

**WHEREAS**, the Human Services Committee has reviewed the request of the County Executive for confirmation of his appointment of the above named to serve on the Kenosha County Commission on Aging 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 William Lehman to the Kenosha County Commission on Aging. Mr. Lehman's appointment shall be effective immediately and continuing until the 31st day of December, 2005 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Mr. Lehman will serve without pay as defined under Resolution 65 (1982-83). Mr. Lehman will be succeeding himself.

Submitted by:

HUMAN SERVICES COMMITTEE

Eunice Boyer

Donald Smitz

Anne Bergo

John O'Day

#### **RESOLUTION 102**

102. From Human Services Committee regarding the Re-Appointment of Eugene Schutz to the Kenosha County Commission on Aging.

**WHEREAS**, pursuant to County Executive Appointment 2002/03-36, the County Executive has appointed Eugene Schutz to serve on the Kenosha County Commission on Aging; and

**WHEREAS**, the Human Services Committee has reviewed the request of the County Executive for confirmation of his appointment of the above named to serve on the Kenosha County Commission on Aging 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 Eugene Schutz to the Kenosha County Commission on Aging. Mr. Schutz' appointment shall be effective immediately and continuing until the 31st day of December, 2005 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Mr. Schutz will serve without pay as defined under Resolution 65 (1982-83) and will be succeeding himself.

Submitted by:

HUMAN SERVICES COMMITTEE

Eunice Boyer

Donald Smitz

Anne Bergo

John O'Day

#### **RESOLUTION 103**

103. From Human Services Committee regarding the Re-Appointment of Colleen Sandt to the Kenosha County Commission on Aging.

**WHEREAS**, pursuant to County Executive Appointment 2002/03-34, the County Executive has appointed Colleen Sandt to serve on the Kenosha County Human Services Board, and

**WHEREAS**, the Human Services Committee has reviewed the request of the County Executive for confirmation of his appointment of the above named to serve on the Kenosha County Human Services Board 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 Colleen Sandt to the Kenosha County Human Services Board. Ms. Sandt's appointment shall be effective immediately and continuing until the 31st day of December, 2005 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Ms. Sandt will serve without pay but will receive mileage reimbursement as defined under Resolution 65 (1982-83), and will be succeeding herself.

Submitted by:

HUMAN SERVICES COMMITTEE

Eunice Boyer

Anne Bergo

Donald Smitz

John O'Day

It was moved by Supervisor Bergo to adopt Resolutions 101 thru 103.  
Seconded by Supervisor Smitz.  
Motion carried.

**RESOLUTION 104**

104. From Land Use Committee regarding Appointment of John F. Lauer to the Voltz Lake District as Kenosha County Representative.

**WHEREAS**, Mr. Michael Borst has been Kenosha County's appointed representative on the Voltz Lake Management Board of Commissioners since 1994 and has tendered his resignation effective June 20, 2002; and

**WHEREAS**, the Voltz Lake Management District recommended the name of John F. Lauer to serve in the vacant position due to his professional background including commercial diving and various civic involvement; and

**WHEREAS**, the Kenosha County Land and Water Conservation Committee reviewed Mr. Lauer's credentials and recommended approval of the appointment at its September 25, 2002 meeting; and

**WHEREAS**, the Kenosha County Land Use Committee recommended approval of the appointment at its December 11, 2002 meeting;

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of Supervisors confirms the appointment of John F. Lauer to the Voltz Lake Management District as a representative of Kenosha County.

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

It was moved by Supervisor Smitz to adopt Resolution 104. Seconded by Supervisor Ekornaas.

Motion carried.

Communications

18. From George E. Melcher, Director of Planning and Development regarding future rezonings.

19. From the Village of Pleasant Prairie regarding annexation from the Town of Bristol.

Chairman Kessler referred Communications 18 & 19 to Land Use Committee.

Claim

31. Arlin Anderson - vehicle damage.

Chairman Kessler referred Claim 31 to Corporation Counsel.

It was moved by Supervisor Rose to approve the December 3rd minutes. Seconded by Supervisor Clark.

Motion carried.

It was moved by Supervisor Johnson to adjourn. Seconded by Supervisor Larsen.

Motion carried.

Meeting adjourned at 10:50 p.m.

Prepared by: Pam Young  
Chief Deputy  
Submitted by: Edna R. Highland  
County Clerk

**KENOSHA COUNTY BOARD OF SUPERVISORS**

**COUNTY BOARD CHAMBERS COUNTY ADMINISTRATION BUILDING**

**January 21, 2003**

The **Regular Meeting** was called to order by Chairman Kessler at 7:30 p.m., in the County Board Room located in the Administration Building. The swearing in of William Grady, appointed to serve as Supervisor for District One took place. Roll call was taken.

Present: Supervisors Grady, Noble, Rose, Kessler, Molinaro, Bergo, Johnson, Pitts, Larsen, Kerkman, Elverman, Smitz, Faraone, O'Day, Singer, Modory, Gorlinski, Carbone, Clark, Ekornaas, Marrelli, Carey-Mielke, Ruffolo.

Excused: Supervisor Boyer, Huff, Montemurro, Wisnefski, West.

Present. 23. Excused. 5.

**ANNOUNCEMENTS OF THE CHAIRMAN**

Chairman Kessler stated that Supervisor Grady will be serving on the Human Services and Highway & Parks Committees.

**SUPERVISOR REPORTS**

Supervisor Noble complimented the whole board for the very productive meeting the week before.

Supervisor Noble asked the Legislative Committee to look at the possibility of having an election for supervisors if there is over a year left in a term. It should be opened for election instead of appointed.

Supervisor Larsen spoke regarding the rebuilding project on Sheridan Road from 7th Avenue north to the County Line Road. The state has not been cooperative in having public meetings. There has been no citizen input at this time. The Town of Somers, himself and several others are going to schedule a Town Hall Meeting to discuss this issue fully. The date will be announced soon.

Supervisor Clark wanted to clarify a comment made by a fellow supervisor about his negotiating and he has clarified it with that supervisor. He does have a back ground in real-estate and everything he did was gone over with Corporation Counsel. If he believes in something he spends time searching the issues coming up so that he can understand them. The last couple weeks the debates were good and everyone was more informed.

Supervisor Ruffolo commented on the article in the paper regarding the appointments of supervisors by the County Board chairman. The article was misleading. The news "slimed" the whole process.

**COUNTY EXECUTIVE APPOINTMENT**

44. Mario B. Maritato to serve on the Kenosha County Board of Health.

Chairman Kessler referred Appointment 44 to the Human Services Committee.

**OLD BUSINESS**

Ordinance - second reading, two required.

52. From Highway & Parks Committee regarding Speed Limits for CTH "D" from STH 142 southerly to a point 0.70 miles south of its west intersection with STH 142.

It was moved by Supervisor Elverman to adopt Ordinance 52. Seconded by Supervisor Larsen.

Motion carried.

**NEW BUSINESS**

Ordinances - one reading.

From Land Use Committee regarding:

**ORDINANCE 57**

57. Jerome E. and Judith M. Ketterhagen, requesting rezoning from A-1 Agricultural Preservation District to A-2 General Agricultural 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 part of Tax Parcel #30-4-220-051-0106 located in the northeast quarter of Section 5, Township 2 North, Range 20 East, Town of Brighton be changed from A-1 Agricultural Preservation District to A-2 General Agricultural District (10.01 acres). For informational purposes only, this property is located on the southeast corner of the intersection of (288<sup>th</sup> Avenue) and County Trunk Highway "KR" (1<sup>st</sup> Street).

**Jerome E. and Judith M. Ketterhagen - (Owners)**

**Description:** That part of the northeast quarter and the southeast quarter of the northeast quarter of Section 5, Township 2 North, Range 20 East of the Fourth Principal Meridian, in the Town of Brighton, County of Kenosha, State of Wisconsin and being more particularly described as follows: commence at the northeast corner of said northeast quarter section; thence south 88°46'04" west along the north line of said northeast quarter section 780.00 feet to the place of beginning of this description; thence south 02°07'14" east 1118.04 feet; thence south 88°46'04" west 390.00 feet; thence north 02°07'14" west 1118.04 feet to a point on the north line of said northeast quarter section; thence north 88°46'04" east along said north line 390.00 feet to the place of beginning. Containing 10.01 acres of land more or less. Subject to rights of the public over the north 33 feet thereof for road purposes (County Line Road).

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

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

#### **ORDINANCE 58**

58. Richard F. and Kathleen M. Frederick Family Trust, requesting rezoning from A-1 Agricultural Preservation District to A-2 General Agricultural 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 Parcel #45-4-221-091-0200 located in the northeast quarter of Section 9, Township 2 North, Range 21 East, Town of Paris be changed from A-1 Agricultural Preservation District to A-2 General Agricultural District (8.01 acres). For informational purposes only, this property is located on the northwest side of County Trunk Highway "A" (180<sup>th</sup> Avenue) at the intersection of County Trunk Highway "D" (172<sup>nd</sup> Avenue).

**Richard F. and Kathleen M. Frederick Family Trust - (Owners)**

**Description:** Being part of the northeast quarter and the northwest quarter of Section 9, Township 2 North, Range 21 East of the Fourth Principal Meridian in the Town of Paris, County of Kenosha, and State of Wisconsin and being more particularly described as follows: Commence at the southwest corner of the northeast quarter of said Section 9; thence north 00°46'02" west along the west line of said northeast quarter, 1373.32 feet to the centerline of County Trunk Highway "A" as traveled; thence north 44°47'42" east along said centerline, 300.00 feet to the place of beginning of a parcel of land hereinafter described; thence north 45°12'18" west, 659.67 feet; thence north 44°43'22" east, 660.00 feet; thence south 45°12'18", 659.67 feet to a point in the centerline of County Trunk Highway "A" as traveled; thence south 44°24'55" west along said centerline, 125.79 feet; thence south 44°47'42" west along said centerline, 80.21 feet; thence north 45°02'19" west (recorded as north 44°56'04" west); 262.35 feet; thence south 46°25'52" west (recorded as south 47°38'32" west), 196.98 feet; thence south 01°18'23" east (recorded as south 01°10'31" east, 371.89 feet to the centerline of County Trunk Highway "A" as traveled and the place of beginning. Containing 8.01 acres of land more or



less. Subject to the rights of the public over the southeasternmost 33 feet for highway purposes (County Trunk Highway "A").

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

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

#### **ORDINANCE 59**

59. Town of Salem (Sponsor)/Lawrence and Ronald Ozog (Owners), requesting rezoning from I-1 Institutional District to R-4 Urban Single-Family Residential District in the Town of Salem.

#### **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 Parcels #67-4-120-303-0995 and #67-4-120-303-1000 located in the southwest quarter of Section 30, Township 1 North, Range 20 East, Town of Salem be changed from I-1 Institutional District to R-4 Urban Single-Family Residential District. For informational purposes only, these properties are located on the east side of 306<sup>th</sup> Court approximately 94 feet south of the intersection of 114<sup>th</sup> Street.

#### **Town of Salem - (Sponsor)**

#### **Lawrence and Ronald Ozog - (Owners)**

**Description:** Part of the southwest quarter of Section 30, Township 1 North, Range 20 East of the Fourth Principal Meridian, and more particularly described as follows: Begin at a point on the easterly line of Mill Street south 26° west, 663.59 feet from the northwest corner of Block 13 of the Village of Wilmot, a subdivision of record; thence south 26° east, along the easterly line of Mill Street, 12.01 feet; thence south 61°07' east, 75.07 feet; thence south 21°53' west, 111.87 feet; thence south 59°28' east, 27 feet, more or less to the bank of Fox River; thence northerly along the bank of Fox River to a point that is south 61°07' east, 109.23 feet from the point of beginning; thence north 61°07' west, 109.23 feet and to the point of beginning, and lying and being in the Town of Salem, County of Kenosha, State of Wisconsin.

**In addition:** Part of the southwest quarter of Section 30, Township 1 North, Range 20 East of the Fourth Principal Meridian, described as follows: Commencing at a point on the easterly line of Mill Street, 675.58 feet south 26° west from the northwest corner of Block 13 of the Village of Wilmot, a subdivision of record, (recorded as 674.50 feet); thence south 61°07' east, 175.07 feet; thence south 21°53' west, 111.87 feet; thence south 59°28' east, 27 feet, more or less, and to the bank of the Fox River; thence southerly along the bank of the Fox River to the northerly line of the part platted in Carey's Riverview Subdivision, a plat of record; thence north 60° west, along Carey's Riverview Subdivision, 126.39 feet, more or less, and to the easterly line of Mill Street; thence north 25°59' east along the easterly line of Mill Street, 159.84 feet and to the point of beginning, and lying and being in the Town of Salem, County of Kenosha, State of Wisconsin.

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

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

It was moved by Supervisor Smitz to adopt Ordinances 57 thru 59. Seconded by Supervisor Gorlinski.

Motion carried.

#### ORDINANCE 60

60. Extending a Moratorium on Consideration and/or issuance of zoning permits, conditional use permits, and zoning approvals for adult entertainment establishments pending a Land Use Committee Study to determine how the Zoning Ordinance should be changed to protect the public health, safety and general welfare in light of recent developments in the law.

**WHEREAS**, studies in other communities indicate that adult establishments and certain activities that frequently occur in or around adult establishments, have tended to further the increase of criminal and other offensive activity, to disrupt the peace and order of communities, to depreciate the value of real property, to harm the economic welfare of communities, to encourage or facilitate the spread of sexually transmitted diseases, and to affect the quality of life of the communities; and

**WHEREAS**, these secondary effects of adult establishments are detrimental to the public health, safety and general welfare of Kenosha County residents, businesses and visitors; and

**WHEREAS**, the Kenosha County Board of Supervisors has previously adopted regulations to limit the secondary effects of adult establishments within the County, including Kenosha County Zoning Ordinance Sections 12.26-3 and 12.29-8(b)2; and

**WHEREAS**, developments in the law subsequent to the adoption of those regulations may have rendered some of those regulations ineffective; and

**WHEREAS**, a moratorium on consideration and/or issuance of zoning permits, Conditional Use Permits, and zoning approvals for adult entertainment establishments is necessary to allow the Kenosha County Land Use Committee to study how the zoning ordinance should be changed to address developments in the law while still protecting the public health, safety and general welfare of Kenosha County residents, businesses and visitors.

**NOW, THEREFORE**, the Kenosha County Board of Supervisors does hereby ordain as follows:

**Sec. 1. -- Declaration of Moratorium.** A moratorium is hereby declared with respect to the acceptance of applications for and the issuance of any of the following:

A. Zoning permits for any Adult Establishment described in Kenosha County Zoning Ordinance Section 12.26-3;

B. Conditional Use Permits required under Kenosha County Zoning Ordinance Sections 12.26-3 or 12.29-8(b)2;

C. Approval of an Adult Entertainment District as provided in Kenosha County Zoning Ordinance Section 12.26-3.

**Sec. 2 -- Duration of Moratorium.** This moratorium shall be in effect for four months following the effective date of this ordinance or until a revised adult establishment ordinance is adopted and takes effect, whichever is earlier.

**Sec. 3 -- Direction to Develop Revised Ordinance.** During the period of this moratorium, the Land Use Committee is directed to draft a revised ordinance providing comprehensive regulation of adult establishments which shall be presented to the Kenosha County Board of Supervisors on the earliest possible date. It is the intention of the Board of Supervisors to adopt a revised ordinance prior to the expiration of this moratorium.

**Sec. 4 -- Subjects for Consideration.** In preparing a revised ordinance, the Land Use Committee shall review and evaluate Kenosha County Zoning Ordinance Sections 12.26-3 and 12.29-8(b)2, consider available studies and information concerning the secondary effects of adult establishments in Kenosha County and elsewhere, consult with legal counsel, solicit input from appropriate county staff, and review any other information the Land Use Committee deems appropriate. The subjects the Land Use Committee may consider include, but are not limited to, the following:

A. The under-inclusiveness or over-inclusiveness of Kenosha County Zoning Ordinance Sections 12.26-3 and 12.29-8(b)2.

B. The appropriateness of current separation requirements between

different adult establishments and between adult establishments and other land uses.

C. The secondary effects of different kinds of adult establishments and the need to treat the establishments differently.

D. The extent to which some kinds of adult establishments may be banned entirely and the extent to which such a ban would reflect community standards.

E. The need for a licensing ordinance governing the ongoing operation of adult establishments.

**Sec. 5 -- Severability.** If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

**Sec. 6 -- Construction.** If the provisions of this ordinance are found to be inconsistent with other provisions of the Kenosha County Code of Ordinances, this ordinance is deemed to control.

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

It was moved by Supervisor Smitz to adopt Ordinance 60. Seconded by Supervisor Ekornaas.

Motion carried.

Resolutions - one reading.

#### **RESOLUTION 105**

105. From Administration and Judiciary & Law Committees regarding Leave of Absence for David G. Beth to hold the Office of Sheriff.

**WHEREAS,** David G. Beth has been elected Sheriff of Kenosha County, effective January 7, 2003, and

**WHEREAS,** David G. Beth held the rank of Deputy with Kenosha County Sheriff's Department before being elected, and

**WHEREAS,** David G. Beth is requesting to seek a leave of absence from the rank of Deputy to hold the Office of Sheriff of Kenosha County, pursuant to Chapter 4 (12)(a)(1),(2) and (3) of the Municipal Code of Kenosha County, and

**WHEREAS,** David G. Beth has requested such leave of absence be granted for the period of time he holds the Office of Sheriff of Kenosha County.

**NOW, THEREFORE BE IT RESOLVED,** that David G. Beth be granted a leave of absence from the Kenosha County Sheriff's Department to assume the Office of Sheriff, Kenosha County, effective January 7, 2003, and

**BE IT FURTHER RESOLVED,** that should his tenure as Sheriff of Kenosha County end, David G. Beth will return to the position of Deputy with the Kenosha County Sheriff's Department, pursuant to Chapter 4 (12)(a)(3) of the Municipal Code of Kenosha County.

Submitted by:

ADMINISTRATION COMMITTEE

David Singer

Mark Modory

Joe Clark

John Ruffolo

Tom Kerkman

JUDICIARY & LAW ENFORCEMENT COMMITTEE

James Huff

Brenda Carey-Mielke,

Anita Faraone

Joe Montemurro

Terry Rose

It was moved by Supervisor Singer to adopt Resolution 105. Seconded by Supervisor Carey-Mielke.

Motion carried.

**RESOLUTION 106**

106. From Finance Committee regarding Bills of \$5,000.00.

**WHEREAS**, the Wisconsin State Statutes provides that the County Board may act on all bills over \$10,000.00 and

**WHEREAS** the County Resolution requires that the Finance Committee must act on all bills over \$5,000.00, and

**NOW, THEREFORE LET IT BE RESOLVED**, that the following bills be approved for payment:

KENOSHA COUNTY PAYMENT GROUPS BILLS OVER \$5,000.00

APPROVAL BY FINANCE COMMITTEE AND COUNTY BOARD ARE REQUIRED:

| <u>DIVISIONS</u>            | <u>PAYMENT GROUPS</u> |
|-----------------------------|-----------------------|
| FINANCE GROUPING # 1        | \$1,934,478.44        |
| FINANCE GROUPING # 2        | \$1,571,472.00        |
| FINANCE GROUPING # 3        | \$ 787,728.87         |
| DISABILITY GROUPING # 1     | \$ 851,767.13         |
| PAYMENT GROUPS GRAND TOTAL: | \$5,145,446.44        |

Submitted by:

FINANCE COMMITTEE

Robert Carbone

John O'Day

Terry Rose

Gordon West

Robert Pitts

It was moved by Supervisor Carbone to adopt Resolution 106. Seconded by Supervisor Rose. Supervisor Clark abstained on Community Impact Programs, Women Horizons and Professional services Group.  
Motion carried.

**RESOLUTION 107**

107. From Finance Committee regarding Approving the Kenosha County 2002 Annual Comprehensive Economic Development Strategy (CEDS) Plan dated July 2002 and authorizing the submission of said report to the United States Department of Commerce Economic Development Administration.

**WHEREAS**, it is necessary for Kenosha County to prepare and submit an Annual CEDS Report to the United States Department of Commerce, Economic Development Administration (EDA) to facilitate the County's continued eligibility for EDA programs funding; and

**WHEREAS**, the adoption of the Annual CEDS Report will also keep the County and the respective Community Development Block Grant (CDBG) non-entitlement governmental units within the County eligible to access other state and federal development program funds; and

**WHEREAS**, Kenosha County has contracted with the Kenosha Area Business Alliance, Inc. (KABA) to provide a comprehensive and coordinated economic and community development program in conjunction with the local units of government within the County; and

**WHEREAS**, Kenosha Area Business Alliance, Inc. (KABA), in conjunction with Southeastern Wisconsin Regional Planning Commission (SEWRPC), has prepared the 2002 Annual CEDS Report covering the period July 1, 2002 through June 30, 2002; and

**WHEREAS**, the KABA Planning/ OEDP Committee, acting as the County's CEDS's Committee reviewed and approved the document including the County's strategy and overall development objectives for the upcoming year; and

**WHEREAS**, the County Board Finance Committee has reviewed the 2002 Annual CEDS Plan;

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board hereby approves the 2002 Annual CEDS Plan; and

**BE IT FURTHER RESOLVED** that the KABA, in conjunction with the County Executive, is hereby authorized and directed to submit the 2002 Annual CEDS Plan to the United States Department of Commerce, Economic Development Administration; and

**BE IT FURTHER RESOLVED** that the KABA is requested to submit the 2002 Annual CEDS Plan, for review and consideration, to all local units of government in Kenosha County.

Submitted by:

FINANCE COMMITTEE

Robert Carbone  
John O'Day  
Robert Pitts  
Terry Rose  
Gordon West

It was moved by Supervisor Carbone to adopt Resolution 107. Seconded by Supervisor O'Day.  
Motion carried.

**RESOLUTION 108**

108. From Finance Committee regarding Sale and Transfer of County Tax Deeded Property to the City of Kenosha.

**WHEREAS**, Kenosha County has acquired Tax Deed and Title to Parcels 05-123-06-302-020, 05-123-06-302-022, 05-123-06-302-023, 12-223-31-386-007, located in the City of Kenosha, County of Kenosha, State of Wisconsin, and

**WHEREAS**, the City of Kenosha has expressed an interest in acquiring title to these properties, which the City of Kenosha Housing Authority is planning on constructing new housing to benefit low to moderate income people and revitalization of the neighborhoods, and

**WHEREAS**, Sections 59.07(1)(c) and 75.69(2) of the Wisconsin Statutes permits sale of this property to a municipality.

**NOW, THEREFORE, BE IT RESOLVED** that Kenosha County execute quit claim deeds on the above parcels to the City of Kenosha for one dollar(\$1.00)each and other good and valuable consideration and on the condition that City of Kenosha waive any and all special assessments that are due and owing on said parcels to utilized for construction of new homes.

Submitted by:

FINANCE COMMITTEE  
Robert Carbone  
Terry Rose  
John O'Day  
Robert Pitts  
Gordon West

It was moved by Supervisor Carbone to adopt Resolution 108. Seconded by Supervisor Pitts.  
Motion carried.

**RESOLUTION 109**

109. From Finance Committee regarding Budget Modification - County Board.

**WHEREAS**, the funds budgeted for publication of County Board proceedings for 2002 will be insufficient to meet the increased costs through December 31, 2002, and

**WHEREAS**, these are required by law to be published, and

**WHEREAS**, there were some unexpected changes in ordinances that required costs that were not included in the budget, and

**WHEREAS**, this will not require any transfer from the General Fund, and

**WHEREAS**, there are sufficient funds within the County Board Budget to cover this shortfall.

**NOW, THEREFORE BE IT RESOLVED**, that funds be transferred as shown on the attached budget modification form which is incorporated by reference.

Submitted by:

FINANCE COMMITTEE  
Robert Carbone  
Terry Rose  
John O'Day  
Robert Pitts  
Gordon West

It was moved by Supervisor Carbone to adopt Resolution 109. Seconded by Supervisor Rose.  
Motion carried unanimously.

**RESOLUTION 110**

110. From Human Services and Finance Committees regarding Increasing 2003 Division of Aging Budget to reflect a Grant from the Eastern Wisconsin Area Health Education Center.

**WHEREAS**, The Kenosha County Department of Human Services Division of Aging Services has received a grant from the Eastern Wisconsin Area Health Education Center for long term care staff training, and

**WHEREAS**, County Levy remains unaffected by this resolution;

**NOW, THEREFORE, BE IT RESOLVED**, that the 2003 budget of the Department of Human Services Division of Aging Services be modified as follows: Expenditures and Revenues increase by \$10,500 as indicated in the attached budget modification form, which is incorporated into this resolution by reference.

Submitted by:

HUMAN SERVICES COMMITTEE  
Eunice Boyer  
Anne Bergo  
Don Smitz  
John O'Day

FINANCE COMMITTEE  
Robert Carbone  
Terry rose  
Robert Pitts  
John O'Day  
Gordon West

It was moved by Supervisor Bergo to adopt resolution 110. Seconded by Supervisor O'Day.  
Motion carried unanimously.

#### **RESOLUTION 111**

111. From Human Services and Finance Committees regarding Modifying the 2002 Division of Aging Budget to reflect increased Direct Service Elder Abuse Grant and a Transfer in Aging Administrative Funds.

**WHEREAS**, The Kenosha County Department of Human Services Division of Aging Services has received an increase in the Elder Abuse Direct Services Grant, and

**WHEREAS**, The Division wishes to transfer \$100 from mileage to equipment rental, and,

**WHEREAS**, County Levy remains unaffected by this resolution;

**NOW, THEREFORE, BE IT RESOLVED**, that the 2002 budget of the Department of Human Services Division of Aging Services be modified as follows: Expenditures and Revenues increase by \$7,000 and \$100 be transferred between line items as indicated in the attached budget modification form, which is incorporated into this resolution by reference.

Submitted by:

HUMAN SERVICES COMMITTEE  
Eunice Boyer  
Anne Bergo  
Don Smitz  
John O'Day

FINANCE COMMITTEE  
Robert Carbone  
Terry rose  
Robert Pitts  
Gordon West  
John O'Day

It was moved by Supervisor Bergo to adopt Resolution 111. Seconded by Supervisor Pitts.  
Motion carried unanimously.

#### **RESOLUTION 112**

112. From Human Services and Finance Committees regarding Increasing the 2003 Division of Aging Budget to reflect increased 2003 State Allocations.

**WHEREAS**, The Kenosha County Department of Human Services Division of Aging Services has received an increase in Resource Center, Elder Abuse, and Community Options Program and a decrease in Alzheimer's Support 2003 allocations, and

**WHEREAS**, County Levy remains unaffected by this resolution;

**NOW, THEREFORE, BE IT RESOLVED**, that the 2003 budget of the Department of Human Services Division of Aging Services be modified as follows: Expenditures and Revenues increase by \$204,218 as indicated in the attached budget modification form, which is incorporated into this resolution by reference.

Submitted by:

HUMAN SERVICES COMMITTEE  
Eunice Boyer  
Don Smitz  
Anne Bergo  
John O'Day

FINANCE COMMITTEE  
Robert Carbone  
Terry Rose  
Robert Pitts  
Gordon West

Gordon West

John O'Day

It was moved by Supervisor Bergo to adopt resolution 112. Seconded by Supervisor O'Day.  
Motion carried unanimously.

**RESOLUTION 113**

113. From Human Services and Finance Committees regarding Kenosha County Division of Workforce Development for 4th quarter Budget Modification for Transfer of Budget Funds from Workforce Development to Information Systems.

**WHEREAS**, the Kenosha County Department of Human Services, Division of Workforce Development developed a 2002 budget based on contract information projected by the State of Wisconsin, and

**WHEREAS**, the Division of Workforce Development is requesting to transfer \$2,177 from Purchased Services to IS Computer Hardware to purchase replacement computers and computer wiring, and

**WHEREAS**, County levy remains unaffected by this resolution;

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

Authorize the transfer of budget for \$2,177, from purchased services to computer hardware, per the attached budget modification incorporated herein by reference.

Submitted by:

HUMAN SERVICES COMMITTEE

Eunice Boyer

Anne Bergo

Don Smitz

John O'Day

FINANCE COMMITTEE

Robert Carbone

Terry Rose

Robert Pitts

Gordon West

John O'Day

It was moved by Supervisor Bergo to adopt resolution 113. Seconded by Supervisor Carbone.  
Motion carried unanimously.

**RESOLUTION 114**

114. From Human Services and Finance Committees regarding Division of Health: Modifying 2002 budget to reflect funding awarded by WI Department of Health and Family Services for the Tri-County Public Health Consortium of Southeastern Wisconsin.

**WHEREAS**, the Kenosha County Department of Human Services, Division of Health has received funding from the Wisconsin Department of Health and Family Services in the amount of \$350,095 for the period of January 1, 2002 through December 31, 2002, and

**WHEREAS**, the Kenosha County Department of Human Services, Division of Health has received these funds for the Tri-County Public Health Consortium of Southeastern Wisconsin. The consortium is a regional partnership including the Local Public Health Departments of Racine, Walworth, and Kenosha counties. The mission of the consortium is to provide a mechanism to respond to a public health event, which may occur throughout the region.

**WHEREAS**, Kenosha County Department of Human Services, Division of Health is acting as the lead agency and fiscal agent for the consortium,

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

**NOW, THEREFORE LET IT BE RESOLVED**, that the Department of Human Services, Division of Health budget be modified, at no cost to the county, as follows:

Revenue increases by \$334,860 and expenditures increase by \$317,254 as indicated in the attached budget modifications which are incorporated into this resolution by reference and any unexpended dollars as of December 31, 2002 should be rolled over into the 2003 budget.

Submitted by:

HUMAN SERVICES COMMITTEE

Eunice Boyer

Anne Bergo

John O'Day

Donald Smitz

FINANCE COMMITTEE

Robert Carbone

Terry Rose

John O'Day

Robert Pitts

Gordon West

It was moved by Supervisor Bergo to adopt Resolution 144. Seconded by Supervisor Carbone.  
Motion carried unanimously.

**RESOLUTION 115**

115. From Judiciary & Law and Finance Committees regarding WMD (Weapons of Mass Destruction) Exercise Funding Grant Award.

**WHEREAS**, Kenosha County Division of Emergency Management has been awarded a Weapons of Mass Destruction Exercise funding Grant totaling \$17,620 from the State of Wisconsin Division of Emergency Management (WEM), and

**WHEREAS**, this grant will be used to hire a consultant to design, coordinate and conduct a table-top and full-scale exercise, and to pay for materials, supplies, and expendable equipment for these exercises, not including County/Municipal wages/salaries, and

**WHEREAS**, these exercises will be conducted in FY03, and

**WHEREAS**, this exercise will bring statewide, regional and federal officials to Kenosha County to observe this unique exercise with Metra Commuter Rail, and

**WHEREAS**, the cost of this grant is 100% funded by WEM, requiring no tax levy, and

**WHEREAS**, the Kenosha County Emergency Management Budget will require a FY03 Budget Modification of \$17,620,

**NOW, THEREFORE BE IT RESOLVED**, that the Kenosha County Board of Supervisors approve that the Emergency Management revenue and expenditure line items be modified, as per the attached budget modification form.

Submitted by:

JUDICIARY & LAW COMMITTEE

James Huff

Brenda Carey-Mielke

Anita Faraone

Joe Montemurro

Terry Rose

FINANCE COMMITTEE

Robert Carbone

Robert Pitts

Gordon West

Terry rose

John O'day

It was moved by Supervisor Carey-Mielke to adopt Resolution 115. Seconded by Supervisor Pitts.  
Motion carried unanimously.

**RESOLUTION 116**

116. From Judiciary & Law and Finance Committees regarding Terrorism/WMD (Weapons of Mass Destruction) Equipment Grants.

**WHEREAS**, Kenosha County Division of Emergency Management has been awarded two Terrorism/Weapons of Mass Destruction grants totaling \$146,440 for FY02 from US Dept of Justice (DOJ) through the State of Wisconsin Division of Emergency Management (WEM), and

**WHEREAS**, these grants are to be used for terrorism related equipment for First Responders as well as to enhance security at Critical Infrastructure Facilities, and

**WHEREAS**, these Terrorism/WMD grants are to be used to pay for personal protective equipment, explosive device mitigation and remediation equipment, WMD technical rescue equipment, interoperable communications equipment, detection equipment, decontamination equipment, physical security enhancement equipment for security of critical infrastructure, general support equipment and medical supplies, and

**WHEREAS**, the cost of these grants are 100% funded by DOJ through WEM, requiring no tax levy, and

**WHEREAS**, these grant dollars will be spent in FY03 and the FY03 Budget already includes \$80,000, which represented the estimated amount of these grants, and

**WHEREAS**, the actual amount of these grants was \$146,440 requiring a FY03 budget modification of \$66,440,

**NOW, THEREFORE BE IT RESOLVED**, that the Kenosha County Board of Supervisors approve that the Emergency Management revenue and expenditure line items be modified, as per the attached budget modification form.

Submitted by:

JUDICIARY & LAW COMMITTEE

James Huff

FINANCE COMMITTEE

Robert Carbone



Brenda Carey-Mielke  
Anita Faraone  
Joe Montemurro  
Terry Rose

Terry Rose  
Robert Pitts  
Gordon West  
John O'Day

It was moved by Supervisor Carey-Mielke to adopt Resolution 116.  
Seconded by Supervisor Carbone.  
Motion carried unanimously.

**RESOLUTION 117**

117. From Judiciary & Law and Finance Committees regarding FY02 Supplemental Terrorism Planning Grant.

**WHEREAS**, Kenosha County Division of Emergency Management has been awarded a FY02 Supplemental Terrorism Planning Grant totaling \$27,088 from the Federal Emergency Management Agency (FEMA) through Wisconsin Emergency Management (WEM), and

**WHEREAS**, the FY02 Supplemental Terrorism Planning Grant is to be used to rewrite the County's Emergency Operations Plan, develop a County Continuity of Operations Plan, conduct various surveys as required by the State and Federal Government, and conduct Critical Facility Assessments, and

**WHEREAS**, the work under this Grant must be completed by December 15, 2003 and if not completed will make Kenosha County and its municipalities ineligible to receive future Terrorism Equipment Grant funding, and

**WHEREAS**, Kenosha County will hire a limited term, non-rep temp for the duration of this Grant and will provide overtime money for Emergency Management staff, and

**WHEREAS**, the cost of this grant will require no tax levy,

**NOW, THEREFORE BE IT RESOLVED**, that the Kenosha County Board of Supervisors approve that the FY02 Emergency Management revenue and expenditure line items be modified, as per the attached budget modification form.

Submitted by:

**JUDICIARY & LAW COMMITTEE**

James Huff  
Brenda Carey-Mielke  
Anita Faraone  
Joe Montemurro  
Terry Rose

**FINANCE COMMITTEE**

Robert Carbone  
Terry Rose  
Robert Pitts  
Gordon West  
John O'Day

It was moved by Supervisor Carey-Mielke to adopt Resolution 117.  
Seconded by Supervisor O'Day.  
Motion carried unanimously.

**RESOLUTION 118**

118. From Judiciary & Law, Administration and Finance Committees regarding Authorized Position Reduction of Captain/Authorized Position Increase of Lieutenant.

**WHEREAS**, the Kenosha County Sheriff's Department has been authorized by the Kenosha County Board of supervisors to maintain 3FTE's of the position of Captain and 8 FTE's of position of Lieutenant, and

**WHEREAS**, on January 7, 1997, the Kenosha County Board of supervisors approved a leave of absence by resolution of then Lieutenant Larry C. Zarletti to hold the position of Sheriff, to be re-instated when he left office, and

**WHEREAS**, one FTE position of Captain would be eliminated, leaving 2 authorized FTE's of captain, and the FTE's of Lieutenant would increase by one to 9, to allow former sheriff Larry Zarletti to return to his position of Lieutenant, and

**WHEREAS**, this will not increase the overall authorized FTE's with in the Sheriff's department of 313.8 for 2003.

**NOW, THEREFORE BE RESOLVED**, that the Kenosha County board of Supervisors approve the reduction of FTE's in position of Captain from 3 to 2, and the increase of FTE's in the position of Lieutenant from 8 to 9.

Submitted by:

**JUDICIARY & LAW COMMITTEE**

James Huff  
Brenda Carey-Mielke  
Anita Faraone  
Joe Montemurro

**FINANCE COMMITTEE**

Robert Carbone  
Terry Rose  
John O'Day  
Robert Pitts

Terry Rose

Gordon West

It was moved by Supervisor Carey-Mielke to adopt Resolution 118.  
Seconded by Supervisor O'Day.  
Motion carried unanimously.

#### COMMUNICATIONS

20. From George E. Melcher, Director of Planning and Development regarding future rezonings.

21. From Jean A. Morgan, City Clerk-Treasurer regarding annexation from the Town of Somers.

Chairman Kessler referred Communications 20 & 21 Land Use committee.

#### CLAIMS

32. Tonya Ebert-Hoffman - fell in parking lot.

33. Chad Held - broken windshield.

Chairman Kessler referred Claims 32 & 33 to Corporation Counsel.

Supervisor Molinaro questioned the January 7th minutes regarding the roll call vote that the Clerk's Office has on file. Supervisor Molinaro wanted the minutes amended to eliminate the recorded roll call vote. Supervisor Rose questioned the reconstruction of a recorded vote. We have a recorded vote count and that should not be amended and the minutes should reflect what actually happened. Supervisor Molinaro questioned if there in fact is a print-out of the vote. Supervisor Molinaro stated that if you are not at your desk for a roll call vote you do not vote after seeing the total. This is inappropriate. Supervisor Noble stated that the January 7th Meeting was adjourned on a voice vote. After much confusion a roll call vote was called for. Supervisor Molinaro questioned the motion to suspend the agenda until January 14 and the chairman did not allow for debate and he did not like the way it was handled. And hopes we will never be in that situation again.

It was moved by Supervisor Singer to adjourn. Seconded by Supervisor Rose.

Roll call vote to adjourn.

Motion carried. 21 -2 (no print-out of the vote)

Meeting adjourned at 9:15 p.m.

Prepared by: Pam Young  
Chief Deputy  
Submitted by: Edna R. Highland  
County Clerk

**KENOSHA COUNTY BOARD OF SUPERVISORS**

**COUNTY BOARD CHAMBERS COUNTY ADMINISTRATION BUILDING**

**February 4, 2003**

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

Roll call was taken.

Present: Supervisors Grady, Boyer, Huff, Montemurro, Wisnefski, West, Noble, Rose, Kessler, Molinaro, Bergo, Pitts, Larsen, Kerkman, Elverman, Smitz, Faraone, O'Day, Singer, Modory, Gorlinski, Carbone, Clark, Ekornaas, Carey-Mielke, Ruffolo.

Excused: Supervisor Johnson, Marrelli.

Present. 26. Excused. 2.

A moment of silence was observed for the seven astronauts who died Saturday.

**ANNOUNCEMENTS OF THE CHAIRMAN**

Chairman Kessler stated that it was requested by several supervisors to move Resolution 120 to the end of the agenda.

Roll call vote requested.

Ayes: Supervisors Kessler, Grady, Boyer, Bergo, Carbone, Faraone, Pitts, Larsen, Wisnefski, Carey-Mielke, Noble, West, Smitz, Elverman.

Nays: Supervisors Rose, Huff, Molinaro, Modory, O'Day, Singer, Ruffolo, Montemurro, Clark, Kerkman, Gorlinski, Ekornaas.

Ayes. 14. Nays: 12.

Motion carried.

Chairman Kessler stated that the next regular County Board Meeting will be held February 25th due to the Spring Primary Election.

Chairman Kessler stated that there will be a Round Table Legislative Meeting of the Southeast District of the Wisconsin Counties Association on Monday, February 24th just outside Milwaukee. All the legislatures from the southeast districts are invited. More information will be coming.

Chairman Kessler stated that he will be attending the first meeting of the Gateway Board Appointment Committee on Monday, February 17th in the Racine County Board Chambers at 5:00 p.m.

**SUPERVISOR REPORTS**

Supervisor Ruffolo asked if there has been thought given to the Workforce Development Committee regarding to shrinking it's size or making some re-appointments so that they can meet more regularly? Chairman Kessler responded by saying that this was going to be a long drawn out process and it was going to take anywhere from three to five years to complete the whole program. As things progress more people will be attending.

Supervisor Elverman reported on the Highway & Parks Committee regarding the retirement of the Director of Parks & Golf. Sometime within the next few weeks the rates for the golf courses will be discussed. He attended the Winter Highway Conference in Stevens Point last week.

Supervisor Gorlinski spoke regarding the SEWRPAC Study having to do with the water supply in this area and he had asked for comments relative to the funding of that study so he could bring comments to the Committee Meeting that will be held March 5th. So far he has received one reply.

Supervisor Gorlinski spoke regarding County Executives Appointments. The back-up information is not attached. Things should be more consistent.

Supervisor Gorlinski asked the Building & Grounds Committee to investigate having handicap doors in this building.

Supervisor Gorlinski spoke regarding the vacated position of Director of Parks. In his district there is a citizens advisee group that meets on a monthly basis. The discussion of a recreational director is needed in this county. The Towns could share the cost with the County. The Highway & Parks should consider this for the future.

Supervisor Larsen reported that the DOT had a meeting to discuss the Highway 32 Project. Ideas were shared. Sometime this month there will be a Town meeting scheduled so that the citizens can share their concerns.

Supervisor Carbone reported that the Register of Deeds reported that they will be returning back to the General Fund a half million dollars in earned income done this past year. The register of Deeds had 53,000 documents that they processed. Total receipts were over three million dollars in which half goes to the State.

Supervisor Carbone stated that on a positive note there is a building being used by youth baseball on 81st Street off of 22nd Avenue that has been going seven days a week. There was about four thousand dollars of astro turf installed and a couple of batting cages that youth baseball is using.

Supervisor Clark reported that the Village of Pleasant Prairie was putting out a newsletter that was talking about the tax inequities and that the village is a donor community and that if you have questions call your County Board Supervisor. The supervisors representing the Village met with the elected officials from the Village and there was a nice discussion. The solution to the tax inequity is really a state solution. There will be a meeting the fifth Monday in March. The place and time has not been determined. Hopefully the Mayor, County Executive and State Representative Steinbrink can all get together to discuss the issue at hand. There should be a communication coming.

Supervisor Pitts stated that he attended the Highway Conference in Stevens Point. 375 people from all over the state attended. The Executive Secretary of the DOT gave a speech regarding the bleak outlook about the finances in the Department of Transportation. Every department is going to be hit with some grave decision making. There will be lay-offs and vacated jobs will not be filled. The message is that there is no money. A resolution regarding seat belts from Rock County failed because the police authorization to stop any car would be an invasion of privacy. Another resolution was to raise the maintenance rates for safer highways. The state is cutting back on maintenance. Be prepared because the highway system is not going to be the same.

#### NEW BUSINESS

Policy Resolution - first reading, two required.

5. Tuition Reimbursement Program.

Resolutions - one reading.

#### RESOLUTION 119

119. From Administration and Finance Committees regarding Transfer of Funds in Personnel/Health Insurance Budget.

**WHEREAS**, Kenosha County must comply with the Health Insurance Portability and Accountability Act (HIPAA) of 1996 on April 14, 2003, and

**WHEREAS**, compliance requires strict adherence to enhanced standards regarding confidential management of employee health information, and

**WHEREAS**, the Division of Personnel Services manages Worker's Compensation, Accident and Sickness Pay Maintenance Plan, Family and Medical Leave, and its self-funded health benefit using employee health information, and

**WHEREAS**, to comply with HIPAA standards, all aspects of exchange and management of employee health information must be conducted in workstations designed to protect the confidential nature of employee health information, and

**WHEREAS**, the Personnel Services Coordinator, manager of the self-funded employee health benefit, does not presently work at a station which permits HIPAA compliance, and

**WHEREAS**, the estimated cost of enclosing a workstation in the Personnel Services area, based on a quotation from Corporate Express, is \$7,560, which expenses are properly charged to object code 580010, Furniture and Fixtures exceeding \$500, and

**WHEREAS**, the estimated cost of a dedicated fax machine for the enclosed workstation, along with miscellaneous costs for moving and wiring the equipment inside the workstation, is \$1,000, which expenses are properly charged to object code 580050, Machinery and Equipment exceeding \$500, and

**WHEREAS**, the 2003 Personnel/Health Insurance budget does not contain funds in these line items, and

**WHEREAS**, the 2003 Personnel/Health Insurance budget contains excess funds in object code 575040, Administration Expense, and

**WHEREAS**, the Administration and Finance Committees have reviewed and approved the requested transfer of funds as summarized below and as shown on the attached budget modification form,

|                           |        |                     |
|---------------------------|--------|---------------------|
| Administration Expense    | 575040 | decrease by \$8,560 |
| Furniture/Fixtures>\$500  | 580010 | increase by \$7,560 |
| Machinery/Equipment>\$500 | 580050 | increase by \$1,000 |

**NOW, THEREFORE, BE IT RESOLVED**, that the Kenosha County Board of Supervisors authorize the transfer of funds within the 2003 Personnel/Health Insurance budget as outlined above.

RESPECTFULLY SUBMITTED,

Administration Committee

David Singer

Thomas Kerkman

Joe Clark

John Ruffolo

Mark Modory

Finance Committee

Robert Carbone

Terry Rose

John O'Day

Robert Pitts

It was moved by Supervisor Singer to approve Resolution 119.

Seconded by Supervisor Carbone.

Roll call vote.

Ayes: Supervisors Grady, Boyer, Huff, Montemurro, Wisniewski, West, Noble, Rose, Kessler, Molinaro, Bergo, Pitts, Larsen, Kerkman, Elverman, Smits, Faraone, O'Day, Singer, Modory, Gorlinski, Carbone, Clark, Ekornaas, Carey-Mielke, Ruffolo.

Nays: Supervisors Molinaro, Faraone, Carey-Mielke.

Ayes. 23. Nays. 3.

Motion carried.

#### **Resolution 121**

121. From Finance Committee regarding Bills over \$5,000.00.

**WHEREAS**, the Wisconsin State Statutes provides that the County Board may act on all bills over \$10,000.00 and

**WHEREAS**, the County Resolution requires that the Finance Committee must act on all bills over \$5,000.00, and

**NOW, THEREFORE, LET IT BE RESOLVED** that the following bills be approved for payment:

**KENOSHA COUNTY PAYMENT GROUPS BILLS OVER \$5,000.00**

**APPROVAL BY FINANCE COMMITTEE AND COUNTY BOARD ARE REQUIRED:**

| <b><u>DIVISIONS</u></b>            | <b><u>PAYMENT GROUPS</u></b> |
|------------------------------------|------------------------------|
| <b>FINANCE GROUPING # 1</b>        | <b>\$ 480,891.73</b>         |
| <b>FINANCE GROUPING # 2</b>        | <b>\$ 304,352.92</b>         |
| <b>PERSONNEL GROUPING # 1</b>      | <b>\$ 157,695.45</b>         |
| <b>DISABILITY GROUPING # 1</b>     | <b>\$ 171,435.03</b>         |
| <b>PAYMENT GROUPS GRAND TOTAL:</b> | <b>\$1,114,375.13</b>        |

Submitted by:

FINANCE COMMITTEE

Robert Carbone

John O'Day

Terry Rose

Gordon West

Robert Pitts

It was moved by Supervisor Carbone to adopt Resolution 121. Seconded by Supervisor Rose. Supervisor Clark abstained from voting on the Spanish Center, Women Horizons and the Shalom Center. Motion carried.

From Human Services Committee regarding Appointments:

122 and 123. Re-Appointments of Louis DeMarco and Eunice Boyer to serve on the Brookside Board of Trustees.

**RESOLUTION 122**

**WHEREAS**, pursuant to County Executive Appointment 2002/03-40, the County Executive has appointed Louis DeMarco 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 his appointment of the above named to serve on the Brookside Board of Trustees 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 Louis DeMarco to the Brookside Board of Trustees. Mr. DeMarco's appointment shall be effective immediately and continuing until the 3rd day of January, 2006 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Mr. DeMarco will serve without pay but will receive per diem as defined under Resolution 65 (1982-83) and is succeeding himself

Submitted by:

HUMAN SERVICES COMMITTEE

Eunice Boyer

Don Smitz

Anne Bergo

William Grady

John O'Day

**RESOLUTION 123**

**WHEREAS**, pursuant to County Executive Appointment 2002/03-43, the County Executive has appointed Supervisor Eunice Boyer 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 his appointment of the above named to serve on the Brookside Board of Trustees 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 Supervisor Eunice Boyer to the Brookside Board of Trustees. Supervisor Boyer's appointment shall be effective immediately and continuing until the 3rd day of January, 2006 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Supervisor Boyer will serve without pay but will receive per diem as per Policy Resolution 65 (1982-83) She will be succeeding herself.

Submitted by:

HUMAN SERVICES COMMITTEE:

Eunice Boyer

Donald Smitz

Anne Bergo

William Grady

John O'Day

It was moved by Supervisor Bergo to adopt Resolutions 122 & 123.

Seconded by Supervisor O'Day.

Motion carried.

124 and 125. Re-Appointments of Ronald Johnson and Anne Bergo to serve on the Kenosha County Commission of Aging.

**RESOLUTION 124**

**WHEREAS**, pursuant to County Executive Appointment 2002/03-41, the County Executive has appointed Supervisor Ronald Johnson to serve on the Kenosha County Commission on Aging; and

**WHEREAS**, the Human Services Committee has reviewed the request of the County Executive for confirmation of his appointment of the above named to serve on the Kenosha County Commission on Aging 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 Supervisor Ronald Johnson to the Kenosha County Commission on Aging. Supervisor Johnson's appointment shall be effective immediately and continuing until the 31st day of December, 2005 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Supervisor Johnson will serve without pay but will receive mileage reimbursement as defined under Resolution 65 (1982-83). Supervisor Johnson will be succeeding himself.

Submitted by:

HUMAN SERVICES COMMITTEE:

Eunice Boyer

Donald Smitz

Anne Bergo

William Grady

John O'Day

#### **RESOLUTION 125**

**WHEREAS**, pursuant to County Executive Appointment 2002/03-42, the County Executive has appointed Supervisor Anne Bergo to serve on the Kenosha County Commission on Aging; and

**WHEREAS**, the Human Services Committee has reviewed the request of the County Executive for confirmation of his appointment of the above named to serve on the Kenosha County Commission on Aging 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 Supervisor Anne Bergo to the Kenosha County Commission on Aging. Supervisor Bergo's appointment shall be effective immediately and continuing until the 31st day of December, 2005 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Supervisor Bergo will serve without pay but will receive mileage reimbursement as defined under Resolution 65 (1982-83). Supervisor Bergo will be succeeding herself.

Submitted by:

HUMAN SERVICES COMMITTEE:

Eunice Boyer

Donald Smitz

Anne Bergo

William Grady

John O'Day

It was moved by Supervisor Boyer to adopt Resolutions 124 & 125.

Seconded by Supervisor Smitz.

Motion carried.

#### **RESOLUTION 126**

126. Re-Appointment of Mario Maritato to serve on the Kenosha County Board of Health.

**WHEREAS**, pursuant to County Executive Appointment 2002/03-44, the County Executive has appointed Mario Maritato, DDS, to serve on the Kenosha County Board of Health, and

**WHEREAS**, the Human Services Committee has reviewed the request of the County Executive for confirmation of his appointment of the above named to serve on the Kenosha County Board of Health 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 Mario Maritato, DDS, to the Kenosha County Board of Health. Dr. Maritato's appointment shall be effective immediately and continuing until the 4th day of February, 2007 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Dr. Maritato will serve without pay and will be succeeding himself.

Submitted by:  
HUMAN SERVICES COMMITTEE  
Eunice Boyer  
Don Smitz  
Anne Bergo  
William Grady  
John O'Day

It was moved by Supervisor Boyer to adopt Resolution 126.  
Seconded by Supervisor Bergo.  
Motion carried.

**RESOLUTION 120**

120. From Administration Committee regarding Approval of the Successor Labor

Agreement between Kenosha County and the Deputy Sheriff's Association.

**WHEREAS**, negotiations for a successor labor agreement between Kenosha County and the Deputy Sheriff's Association were recently concluded, and

**WHEREAS**, the negotiations have culminated in a three-year labor agreement ending on December 31, 2005 which agreement has since been ratified by the union, and

**WHEREAS**, Kenosha County is desirous of maintaining and promoting a sound and stable relationship with its employee organizations, and

**WHEREAS**, the Administration Committee and Finance Committees of the County Board have reviewed said labor agreement, and

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County board of Supervisors approve and adopt said labor agreement, the originals of which are herewith attached and on file in the County Clerk's Office.

**BE IT FURTHER RESOLVED** that the County Executive be directed and empowered for and on behalf of this body to make, sign, and execute all documents necessary to implement this directive.

It was moved by Supervisor Singer to refer Resolution 120 to Finance and Judiciary & Law Committee. Seconded by Supervisor Modory.

It was moved by Supervisor Rose to close debate. Seconded by Supervisor Kerkman.

Roll call vote.

Ayes: Supervisors Kessler, Grady, Boyer, Rose, Bergo, Carbone, Modory, Faraone, Pitts, Larsen, Wisnefski, Carey-Mielke, Clark, Noble, West, Kerkman,  
Gorlinski, Smitz, Elverman, Ekornaas.

Nays: Supervisors Huff, Molinaro, O'Day, Singer, Ruffolo, Montemurro.

Ayes. 20. Nays. 6.

Motion carried.

Roll call to refer Resolution 120.

Ayes: Supervisors Grady, Boyer, Molinaro, Modory, Singer, Ruffolo, Montemurro, Carey-Mielke, Noble, Gorlinski.

Nays: Supervisors Kessler, Rose, Huff, Bergo, Carbone, Faraone, Pitts, O'Day, Larsen, Wisnefski, Clark, West, Kerkman, Smitz, Elverman, Ekornaas.

Motion lost.

It was moved by Supervisor Rose to close debate. Seconded by Supervisor Larsen.

Roll call to close debate on Resolution 120.

Ayes: Supervisors Grady, Boyer, Rose, Bergo, Carbone, Modory, Faraone, Pitts, O'Day, Larsen, Wisnefski, Carey-Mielke, Clark, Noble, West, Kerkman, Gorlinski, Smitz, Ekornaas.

Nays: Supervisors Kessler, Huff, Molinaro, Singer, Ruffolo, Montemurro, Elverman.

Ayes. 19. Nays. 7.

Motion carried.

Roll call vote on Resolution 120.



Ayes: Supervisors Kessler, Grady, Huff, Molinaro, Bergo, Carbone, Modory, Singer, Ruffolo, Montemurro, Noble, West, Kerkman, Gorlinski, Smitz.

Nays: Supervisors Boyer, Rose, Faraone, Pitts, O'Day, Larsen, Wisnefski, Carey-Mielke, Clark, Elverman, Ekornaas.

Ayes. 15. Nays. 11.

Motion carried.

#### COMMUNICATIONS

22. From George E. Melcher, Director of Planning and Development regarding future rezonings.

Chairman Kessler referred Communication 22 to Land Use Committee.

23. From Mayor John Antaramin regarding Creating Ward 44.

Chairman Kessler referred Communication to Corporation Counsel.

#### CLAIMS

34. Michael Newhouse - broken tooth while at Detention Center.

35. Jonathan Rudic - cut on stall door.

Chairman Kessler referred claims 34 & 35 to Corporation Counsel.

Approval of the January 7th, 14th and 21st minutes by Supervisor Huff.

It was moved by Supervisor Huff to approve the January 7th, 14th And 21st minutes.

Supervisor Molinaro opposes to the write-in roll call vote in the January 7th minutes. A recorded vote should not be added to after the vote and the minutes should reflect what actually happened. You can't go to the clerk and verbally tell her your vote. The meeting had already adjourned and then Supervisor Noble's vote was written in.

It was then moved by Supervisor Molinaro to amend the minutes to reflect a 16 to 9 vote to adjourn the January 7th meeting. Seconded by Montemurro.

It was moved by Supervisor O'Day to close debate. Seconded by Supervisor Elverman.

2/3 vote required.

Ayes: Supervisors Kessler, Grady, Boyer, Huff, Molinaro, Bergo, Carbone, Modory, Faraone, O'Day, Ruffolo, Wisnefski, Carey-Mielke, Clark, West, Kerkman, Elverman.

Nays: Supervisors Rose, Pitts, Singer, Montemurro, Larsen, Noble, Gorlinski, Smitz, Ekornaas.

Ayes. 17. Nays. 9.

Motion lost.

Roll call vote to amend the minutes.

Ayes: Supervisors Grady, Huff, Molinaro, Faraone, Singer, Ruffolo, Montemurro, Carey-Mielke, West, Kerkman.

Nays: Supervisors Kessler, Boyer, Rose, Bergo, Carbone, Modory, Pitts, O'Day, Larsen, Wisnefski, Clark, Noble, Gorlinski, Smitz, Elverman, Ekornaas.

Ayes. 10. Nays. 16.

Motion lost.

Roll call vote on the minutes as presented.

Ayes: Supervisors Kessler, Grady, Boyer, Rose, Huff, Bergo, Carbone, Modory, Pitts, O'Day, Larsen, Wisnefski, Clark, Noble, West, Kerkman, Gorlinski, Smitz, Elverman, Ekornaas.

Nays: Supervisors Molinaro, Faraone, Singer, Ruffolo, Montemurro, Carey-Mielke.

Ayes. 20. Nays. 6.

Motion carried.

It was moved by Supervisor Wisnefski to adjourn. Seconded by Supervisor Gorlinski.

Motion carried.

Meeting adjourned at 10:50 p.m.

Prepared by: Pam Young  
Chief Deputy  
Submitted by: Edna R. Highland  
County Clerk



**KENOSHA COUNTY BOARD OF SUPERVISORS**

**COUNTY BOARD CHAMBERS COUNTY ADMINISTRATION BUILDING**

**February 25, 2003**

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

Present: Supervisors Grady, Boyer, Huff, Montemurro, Wisnefski, Noble, Rose, Kessler, Molinaro, Bergo, Pitts, Larsen, Kerkman, Elverman, Smits, Faraone, O'Day, Singer, Modory, Carbone, Clark, Ekornaas, Carey-Mielke, Ruffolo, Johnson, Marrelli.

Excused: Supervisor Gorlinski, West.

Present. 26. Excused. 2.

**ANNOUNCEMENTS OF THE CHAIRMAN**

Chairman Kessler stated that Supervisor West is hospitalized and lets keep him in our thoughts.

Chairman Kessler stated that the April 1, 2003 County board Meeting has been changed to April 8, 2003 due to the Spring Election.

Chairman Kessler stated the County Board Meeting Dates for the 2003-2004 was placed on everyone's desk.

**SUPERVISORS REPORTS**

Supervisor Kerkman wanted it clarified that the two supervisors not here tonight are excused and not absent. This seems to be a critical issue with the Kenosha News. Chairman Kessler stated they are excused.

Supervisor Elverman stated that the Highway & Parks Committee will be meeting March 3, 2003 to set golf rates. Meeting will be at the County Center. Also, Ric Ladine's retirement party will be March 7th at Petrifying Springs Club House from 4:00 P.M. - 7:00 P.M.

Supervisor Noble asked Chairman Kessler to have our Legislative Committee have our State Representatives attend the Legislative Meeting in the near future so questions can be asked regarding the budget and other issues like the mediation/arbitration laws. Senator Wirch meets regularly with the Racine County Board Legislative Committee and it's time for Kenosha to have them attend ours.

Supervisor Boyer stated that Sy Adler former director of human services for Kenosha County, will be honored by the Illinois Academy of Criminology next month. Adler served as president of the academy 1971-72 and won the Morris J. Wexler Award in 1975 and the President's Award in 1997. The annual President's Night Dinner will be March 20th at the Chicago Firehouse Restaurant in Chicago.

Supervisor Kerkman stated that Senator Wirch periodically attend the Council on Governments Meeting and there is one scheduled for April 5th. Also, the smart growth plan adopted by the state and counties is not proceeding fast enough and he is concerned about this due to the number of homes being built throughout the county. The in-word today is development. Smart growth is not happening in this county.

**OLD BUSINESS**

Policy Resolution - second reading.

**POLICY RESOLUTION 5**

5. Tuition Reimbursement Program.

**KENOSHA COUNTY TUITION REIMBURSEMENT PROGRAM**

(Revised 2/26/03)

P-13.11-1 GENERAL GUIDELINES

- (1) Eligible Kenosha County employees may make request for tuition reimbursement under these guidelines. Any employee who has received reimbursement will be required to remain in active service for at least one year after completion of the course or degree; otherwise, he/she will be required to reimburse the County for the cost of any courses taken in the last year of the program.

- (2) Request for tuition reimbursement will not be approved for any employee who has had \$1200 already approved for the calendar year under the tuition reimbursement program. If requests for tuition reimbursement exceed the budgeted monies for the tuition program, no further requests for tuition reimbursement will be accepted for that year. (1/3/95)
- (3) Requests for reimbursement are considered on a first come, first serve basis until tuition program annual funding is depleted. Employees applying for an Associate's Degree, Bachelor's Degree or Master's Degree will be given first consideration for tuition reimbursement over those making course by course requests. Approval of tuition reimbursement for degree programs will only be considered for institutions recognized by the following accrediting bodies: MSA, NASC, NCA, NEASC, SACS, WACS and DETC. (2/26/03)

P-13.11-2

#### COURSE BY COURSE

Permanent full-time and permanent part-time employees who have completed their probationary period who wish to take courses directly related to the employee's position in a division may be entitled to request tuition reimbursement for those courses. The employee must make a request at least 20 days in advance of enrolling in any course on the APPLICATION FOR TUITION REIMBURSEMENT form if he/she wishes the County to reimburse him/her for the cost of the course. The application form needs approval from the employee's direct supervisor, the division or department head, the Personnel Director and the County Executive. (6/15/00) Approval will be based on the employee's job performance, County and departmental needs and the amount of budgeted monies available. With approval and upon successful completion of the course, the County will reimburse 70%, 75% or 80% of the cost for tuition and required books, except in those cases where union contracts provide for full tuition reimbursement, but not to exceed \$1200 per annum per employee.

The level of reimbursement will be based upon the passing grade received for the course. A grade of "C" or "P" (in pass/fail courses) will be reimbursed at 70%; a grade of "B" will be reimbursed at 75%; a grade of "A" will be reimbursed at 80%. Employees must provide copies of grades and receipts for tuition and book expenses before the reimbursement amount can be determined. (6/15/00) Additionally, the employee must remain in active service for at least one year after completion of the course otherwise he/she will be required to reimburse the County for its cost during the last year of the program.

P-13.11-3

#### DEGREE PROGRAM

Permanent full time and part time employees who have completed their probation and wish to pursue an Associate, Bachelor's or Master's Degree program may request reimbursement for the degree program. (6/15/00) Approval of tuition reimbursement for degree programs will only be considered for institutions recognized by the following accrediting bodies: MSA, NASC, NCA, NEASC, SACS, WACS and DETC. (2/26/03)

- (1) For employees who begin a program culminating in a degree or job-related skill training (exclusive of seminars), an APPLICATION FOR TUITION REIMBURSEMENT must be submitted at least 30 days in advance of original registration. Included with the application should be a brief written statement from the employee explaining their intent, interest, and/or the job-relatedness in pursuing the specific degree. (6/15/00) Approval will be based on the job-relatedness of the degree program, budgeted monies available, and the needs of the County and/or the department. The application form needs approval from the employee's direct supervisor, the division

or department head, the Personnel Director and the County Executive. (11/13/02)

Attached to the form must be a copy of the degree requirements, including course names, and number of credit hours needed to complete the degree. Also attached must be a listing of all courses by name, description, and cost that the employee intends to take over the next 12-month period and dates of attendance for each course.

- (2) Should any studies require time off during normal working hours, prior approval of this request must be made at the same time as the request for reimbursement. Arrangements for such time off during working hours must be made in advance with the employee's supervisor and department head.
- (3) With approval of the degree program, the County will pay 70%, 75% or 80%, but not to exceed \$1200 per annum per employee as its share of the cost for the course (tuition and required books) upon successful completion of the course. Reimbursement will be based upon the passing grade received for the course. A grade of "C" or "P" (for pass/fail courses) will receive reimbursement at 70%, a grade of "B" will receive reimbursement at 75%, and a grade of "A" will receive reimbursement at 80%. (1/3/95)  
Employees must provide copies of grades and receipts for tuition and books before the reimbursement amount can be determined. (6/15/00) Upon receiving reimbursement, the employee must remain in active service for at least one year after completion of the degree, otherwise he/she will be required to reimburse the County for its costs. (1/3/95)
- (4) For those employees taking graduate level courses, they must be, and remain, in good standing, maintaining a grade point average of 3.0 (or "B" equivalent) to receive any tuition reimbursement. (1/3/95)

It was moved by Supervisor Singer to adopt Policy Resolution 5. Seconded by Supervisor Ruffolo.

It was moved by Supervisor Rose to refer Policy Resolution 5 back to committee. Seconded by Supervisor Faraone.

It was moved by Supervisor Kerkman to close debate. Seconded by Supervisor Carey-Mielke.

Roll call vote.

Ayes: Supervisors Kessler, Grady, Rose, Bergo, Carbone, Modory, Faraone, Johnson, O'Day, Singer, Larsen, Wisnefski, Carey-Mielke, Clark, Noble, Kerkman, Ekornaas.

Nays: Supervisors Boyer, Huff, Molinaro, Marrelli, Pitts, Ruffolo, Montemurro, Smitz, Elverman.

Ayes. 17. Nays. 9

Motion lost.

It was moved by Supervisor Rose to change his referral to amending Policy Resolution 5 by changing language on P-13.11-1 GENERAL GUIDELINES (3) Approval of tuition reimbursement for degree programs will only be considered for accredited institutions. Seconded by Supervisor Faraone.

Roll call vote.

Ayes: Supervisors Kessler, Boyer, Rose, Huff, Molinaro, Marrelli, Carbone, Faraone, Johnson, O'Day, Singer, Ruffolo, Montemurro, Larsen, Kerkman, Smitz, Elverman, Ekornaas.

Nays: Supervisors Grady, Bergo, Modory, Pitts, Wisnefski, Carey-Mielke, Clark, Noble.

Ayes. 18. Nays. 8.

Motion carried.

Roll call vote on Policy Resolution 5 as amended.

Ayes: Supervisors Kessler, Boyer, Rose, Huff, Molinaro, Marrelli, Carbone, Faraone, Johnson, Pitts, O'Day, Singer, Ruffolo, Montemurro, Larsen, Wisnefski, Carey-Mielke, Kerkman, Smitz, Elverman, Ekornaas.

Nays: Supervisors Grady, Bergo, Modory, Clark, Noble.  
Ayes. 21. Nays. 5.  
Motion carried.  
NEW BUSINESS  
Ordinance - first reading, two required.

**ORDINANCE 61**

61. From Supervisor Rose an Ordinance to Repeal and Recreate Section 3.01 (1)(g) of the Municipal Code of Kenosha County Pertaining to the Filling of Vacancies in the office of Kenosha County Board Supervisor.

Chairman Kessler referred Ordinance 61 to the Legislative Committee.  
Ordinances - one reading.  
From Land Use Committee regarding:

**ORDINANCE 62**

62. Town of Brighton (Sponsor), Peter J. and Shirley Gallo (Owners), requesting rezoning from A-2 General Agricultural District to R-2 Suburban Single-Family Residential 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 #30-4-220-292-0400 located in the northwest quarter of Section 29, Township 2 North, Range 20 East, Town of Brighton be changed from A-2 General Agricultural District to R-2 Suburban Single-Family Residential District. This rezoning is considered a zoning map amendment to bring the existing use into compliance with the County's zoning ordinance. For informational purposes only, this property is located on the west side of County Trunk Highway "B" (288<sup>th</sup> Avenue) approximately ½ mile south of the intersection of County Trunk Highway "JB" (31<sup>st</sup> Street).

**Town of Brighton - (Sponsor)**

**Peter J. and Shirley Gallo - (Owners)**

**Description:** Certified Survey Map #196, Volume 925, Page 653 County of Kenosha. This description is intended to extend to the center of all roads.

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

**ORDINANCE 63**

63. Lorraine A. Oldenburg (Owner), Peter J. and Shirley Gallo (Agents/Buyers), requesting rezoning from A-1 Agricultural Preservation District to R-2 Suburban Single-Family Residential District excluding lands currently zoned 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 part of Tax Parcel #30-4-220-292-0101 located in the northwest quarter of Section 29, Township 2 North, Range 20 East, Town of Brighton be changed from A-1 Agricultural Preservation District to R-2 Suburban Single-Family Residential District excluding lands currently zoned C-1 Lowland Resource Conservancy District. For informational purposes only, this property is located on the west side of County Trunk Highway "B" (288<sup>th</sup> Avenue) approximately ½ mile south of the intersection of County Trunk Highway "JB" (31<sup>st</sup> Street) adjacent to Peterson Creek.

**Lorraine A. Oldenburg - (Owner)**

**Peter J. and Shirley Gallo - (Agents/Buyers)**

**Description:** That part of the southeast quarter of the northwest quarter of Section 29, Township 2 North, Range 20 East of the Fourth Principal Meridian, Town of Brighton, Kenosha County, Wisconsin, described as follows: Commencing at the county monumented southeast corner of the northwest quarter of said Section 29, said point also being the southeast corner of Kenosha County Certified Survey

Map Number 196, according to the recorded plat thereof on file and of record in the office of the Register of Deeds for Kenosha County, Wisconsin; thence south 88°14'32" west, grid bearing from north, Wisconsin Coordinate System, south zone, along the south line of said southeast quarter of the northwest quarter and the south line of said Kenosha County Certified Survey Map Number 196 a distance of 300.41 feet to the southwest corner of said Kenosha County Certified Survey Map Number 196 and the point of beginning of the land to be described; thence south 88°29'57" west along the south line of the southeast quarter of the northwest quarter 428 feet, more or less, to the center line of Peterson Creek; thence in a meandering northerly and easterly direction along the center line of Peterson Creek to the intersection with the south line of Lot 1 of Kenosha County Certified Survey Map Number 2274, according to the recorded plat thereof on file and of record in the office of the Register of Deeds for Kenosha County, Wisconsin; thence north 88°14'32" east along the south line of said Lot 1 a distance of 76.2 feet, more or less, to the northwest corner of said Kenosha County Certified Survey Map Number 196; thence south 01°57'37" east along the west line of said Kenosha County Certified Survey Map Number 196 a distance of 290.00 feet to the point of beginning.

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

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

#### **ORDINANCE 64**

64. Leland and Bernelda Stohr revocable Trust, requesting rezoning from A-1 Agricultural Preservation District to R-2 Suburban Single-Family Residential District in the Town of Randall.

#### **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 #60-4-119-163-1005 located in the southwest quarter of Section 16, and the southeast quarter of Section 17, Township 1 North, Range 19 East, Town of Randall be changed from A-1 Agricultural Preservation District to R-2 Suburban Single-Family Residential District. For informational purposes only, this property is located on the north side of County Trunk Highway "Z" (93<sup>rd</sup> Street) approximately 0.4 miles west of the intersection of County Trunk Highway "O" (368<sup>th</sup> Avenue).

#### **Leland and Bernelda Stohr - (Owners)**

**Description:** The northeast quarter of the southeast quarter of Section 17, Township 1 North, Range 19 East and the West ½ of the southwest quarter of Section 16, Township 1 North, Range 19 East, excepting the east 770 feet of the west ½ of said southwest quarter section, Town of Randall, Kenosha, County, Wisconsin. Containing 74.26 acres of land more or less.

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

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

It was moved by Supervisor Smitz to adopt Ordinances 62 thru 64. Seconded By Supervisor Molinaro.  
Motion carried.

#### **ORDINANCE 65**

65. Pathway Development Corporation, requesting rezoning from R-2 Suburban Single-Family Residential District to B-4 Planned Business District excluding lands currently zoned C-1 Lowland Resource Conservancy District in the Town of Salem.

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 Parcel #67-4-120-351-0311 located in the northeast quarter of Section 35, Township 1 North, Range 20 East, Town of Salem be changed from R-2 Suburban Single-Family Residential District to B-4 Planned Business District excluding lands currently zoned C-1 Lowland Resource Conservancy District. For informational purposes only, this property is located on the east side of State Trunk Highway "83" approximately 435 feet south of the intersection of County Trunk Highway "JF" (119<sup>th</sup> Street).

**Pathway Development Corporation - (Owner)**

**Description:** Lot 1 of Certified Survey Map No. 2316, Document #1277649 a redivision of Lots 3 and 4, CSM #2186, Document #1181059 in the southeast quarter and southwest quarter of the northeast quarter of Section 35, Township 1 North, Range 20 East, Town of Salem (4.32 acres).

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

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

It was moved by Supervisor Smitz to adopt Resolution 65. Seconded by Supervisor Larsen.

Roll call vote.

Ayes: Supervisors Grady, Boyer, Huff, Montemurro, Wisnefski, Noble, Rose, Kessler, Bergo, Pitts, Larsen, Kerkman, Elverman, Smitz, Faraone, O'Day, Singer, Modory, Carbone, Clark, Ekornaas, Carey-Mielke, Ruffolo, Johnson, Marrelli.

Nays: None.

Abstain: Supervisor Molinaro.

Ayes. 25. Nays. 0. Abstain. 1.

Motion carried.

**ORDINANCE 66**

66. Land Use Committee (Sponsor)/William J. and Nancy Girman (Owners), requesting rezoning from C-1 Lowland Resource Conservancy District to R-2 Suburban Single-Family Residential District in the Town of Somers.

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 Parcel #80-4-222-101-0115 located in the northeast quarter of Section 10, Township 2 North, Range 22 East, Town of Somers be changed from C-1 Lowland Resource Conservancy District to R-2 Suburban Single-Family Residential District. This rezoning is considered a zoning map amendment to reflect actual field conditions.

**Land Use Committee - (Sponsor)**

**William J. and Nancy Girman - (Owners)**

**Description:** See exhibit A (attached) identifying C-1 and R-2 zoned areas.

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

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

It was moved by Supervisor Smitz to adopt Ordinance 66. Seconded by Supervisor Ekornaas.

Roll call vote.



Ayes: Supervisors Grady, Boyer, Huff, Montemurro, Wisnefski, Rose, Kessler, Bergo, Pitts, Larsen, Elverman, Smitz, Faraone, O'Day, Singer, Modory, Carbone, Clark, Ekornaas, Carey-Mielke, Ruffolo, Johnson, Marrelli.

Nays: Supervisors Noble, Kerkman.

Ayes. 24. Nays. 2.

Motion carried.

#### **ORDINANCE 67**

67. Patrick H. and Marilyn J. Smith (Owners), Erik R. Bradley and Heather M. Smith (Buyers), requesting rezoning from A-1 Agricultural Preservation District to A-2 General Agricultural District in the Town of Somers.

#### **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 #80-4-222-092-0202 located in the northwest quarter of Section 9, Township 2 North, Range 22 East, Town of Somers be changed from A-1 Agricultural Preservation District to A-2 General Agricultural District. For informational purposes only, this property is located on the southeast corner of the intersection of County Trunk Highway "A" (7<sup>th</sup> Street) and County Trunk Highway "H" (88<sup>th</sup> Avenue).

**Patrick H. and Marilyn J. Smith - (Owners)**

**Erik R. Bradley and Heather M. Smith - (Buyers)**

**Descriptions:** Part of the west half of the northwest quarter of Section 9, Town 2 North, Range 22 East of the Fourth Principal Meridian; lying and being in the Town of Somers, Kenosha County, Wisconsin and being more particularly described as: Beginning at the northwest corner of said quarter section; thence south 89°27'28" east along and upon the north line of said quarter section 1335.49 feet and to the northeast corner of the west half of said quarter section; thence south 01°38'51" east along and upon the east line of the west half of said quarter section 702.37 feet; thence north 89°27'28" west parallel to the north line of said quarter section 1336.13 feet and to the west line of said quarter section; thence north 01°36'44" west along and upon said west line 702.36 feet and to the point of beginning. Subject to County Trunk Highway "A" (7<sup>th</sup> Street), over and across the entire most northerly 33 feet and subject to County Trunk Highway "H" (88<sup>th</sup> Avenue), over and across the entire most westerly 33 feet. Containing 20.00 acres, exclusive of said highways.

**In addition:** Beginning on the west line of said quarter section, at a point south 01°36'44" east 702.36 feet from the northwest corner thereof; thence continue south 01°36'44" east along and upon the west line of said quarter section, 334.50 feet; thence south 89°27'28" east parallel to the north line of said quarter section, 1336.13 feet and to the east line of the west half of said quarter section; thence north 01°38'51" west along and upon said east line, 334.51 feet; thence north 89°27'28" west parallel to the north line of said quarter section, 1335.92 feet and the point of beginning. Subject to County Trunk Highway "A" (7<sup>th</sup> Street), over and across the entire most westerly 33 feet of the above described. Containing 10.00 acres, exclusive of said highway.

**Further including:** Beginning on the west line of said quarter section, at a point south 01°36'44" east 1036.86 feet from the northwest corner thereof; thence continue south 01°36'44" east along and upon the west line of said quarter section, 334.50 feet; thence south 89°27'28" east parallel to the north line of said quarter section, 1336.34 feet and to the east line of the west half of said quarter section; thence north 01°38'51" west along and upon said east line, 334.51 feet; thence north 89°27'28" west parallel to the north line of said quarter section, 1336.13 feet and to the point of beginning. Subject to County Trunk Highway "A" (7<sup>th</sup> Street), over and across the entire most westerly 33 feet of the above described. Containing 10.00 acres, exclusive of said highway. This description is intended to extend to the center of all roads.

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

**ORDINANCE 68**

68. Susan M. Riley (Owner)/Douglas B. Pearson (Agent/Buyer), requesting rezoning from A-1 Agricultural Preservation District to B-2 Community Business 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 Parcel #95-4-119-122-0602 located in the northwest quarter of Section 12, Township 1 North, Range 19 East, Town of Wheatland be changed from A-1 Agricultural Preservation District to B-2 Community Business District (1.11 acres). For informational purposes only, this property is located on the east side of County Trunk Highway "JI" (328<sup>th</sup> Avenue) approximately 331 feet north of the intersection of 80<sup>th</sup> Street.

**Susan M. Riley - (Owner)**

**Douglas B. Pearson - (Agent/Buyer)**

**Description:** Part of the southwest quarter of the northwest quarter of Section 12, Town 1 North, Range 19 East, Town of Wheatland, Kenosha County, Wisconsin and described as follows: Commence at the west quarter corner of said section; thence north 01°52'18" west along the west line of said quarter section, 331.00 feet to the point of beginning; thence continue north 01°52'18" west along said west line, 150.00 feet; thence north 87°42'36" east, parallel to the south line of said quarter section, 323.40 feet; thence south 01°52'18" east parallel to the west line of said quarter section, 150.00 feet; thence south 87°42'36" west parallel to the south line of said quarter section, 323.40 feet to the point of beginning. Containing 1.11 acres of land, subject to the rights of the public over the west side for highway purposes. Containing 1.00 acres of land exclusive of road.

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

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

It was moved by Supervisor Smitz to adopt Ordinances 67 & 68. Seconded by Supervisor Larsen.

Motion carried unanimously.

Resolutions - one reading.

**RESOLUTION 127**

127. From Building & Grounds and Finance Committees regarding Project Close-Out for Kenosha County Center, Kemper Center, Pre-Trial and Kenosha County Detention Center.

**WHEREAS**, The Pre-Trial/Public Safety Building Remodeling, Kemper Center, Kenosha County Center and Civic Center projects are essentially completed and

**WHEREAS**, There are monies remaining in these funds in large part due to interest earned in excess of initial estimates, and

**WHEREAS**, There are a few remaining repairs in the Courthouse, Detention Center, Pre-trial and Corporation Counsel buildings,

**NOW, THEREFORE, BE IT RESOLVED**, that the Kenosha County Board of Supervisors authorize the closing of the Kemper Center, Kenosha County Center, Pre-Trial and Kenosha County Detention Center (Phase I) and place the remaining funds in one fund to be used for the remaining repairs to the buildings mentioned in the above paragraph, per the attached budget modification incorporated herein by reference.

Submitted by:

BUILDING AND GROUNDS COMMITTEE

Mark Wisnefski

Anne Bergo

Doug Noble

Gordon West

FINANCE COMMITTEE

Robert Carbone]

Terry Rose

John O'Day

Robert W. Pitts

It was moved by Supervisor Wisnefski to adopt Resolution 127. Seconded by Supervisor Carbone.  
Roll call vote.

Ayes: Supervisors Grady, Boyer, Huff, Montemurro, Wisnefski, Rose, Kessler, Bergo, Pitts, Larsen, Elverman, Smitz, Faraone, O'Day, Singer, Modory, Carbone, Clark, Ekornaas, Noble, Kerkman, Carey-Mielke, Ruffolo, Johnson.

Nays: Supervisor Marrelli.

Ayes. 25. Nays. 1.

Motion carried.

#### **RESOLUTION 128**

128. From Finance Committee regarding Awarding the Sale of \$9,285,000 Taxable General Obligation refunding Bonds, Series 2003A; Providing the Form of the Bonds; and Levying a Tax in Connection Therewith.

**WHEREAS**, the County Board of Supervisors of Kenosha County, Wisconsin (the "County") hereby finds and determines that it is necessary, desirable and in the best interest of the County to raise funds for the purpose of paying the cost of refunding obligations of the County, including interest on them, to wit: refunding the County's Taxable Note Anticipation Notes dated January 24, 2003 (the "2003 Notes") (hereinafter the refinancing of the County's 2003 Notes shall be referred to as the "Refunding"), and there are insufficient funds on hand to pay said costs;

**WHEREAS**, the 2003 Notes were issued for the purpose of paying the cost of financing the County's unfunded prior service liability contributions under the Wisconsin Retirement System (the "Contributions");

**WHEREAS**, the County Board of Supervisors deems it to be necessary, desirable and in the best interest of the County to refund the 2003 Notes for the purpose of providing permanent financing for the Contributions;

**WHEREAS**, counties are authorized by the provisions of Chapter 67 of the Wisconsin Statutes to borrow money and to issue general obligation refunding bonds to refinance their outstanding obligations;

**WHEREAS**, due to certain provisions contained in the Internal Revenue Code of 1986, as amended, it is necessary to issue such general obligation refunding bonds on a taxable rather than tax-exempt basis;

**WHEREAS**, the County Board of Supervisors heretofore has directed its financial advisor, Ehlers & Associates, Inc., Brookfield, Wisconsin ("Ehlers") to take the steps necessary to sell the taxable general obligation refunding bonds to pay the cost of the Refunding;

**WHEREAS**, Ehlers, in consultation with the officials of the County, prepared a Notice of Sale (a copy of which is attached hereto as Exhibit A and incorporated herein by this reference) setting forth the details of and the bid requirements for the aforesaid taxable general obligation refunding bonds and indicating that the bonds would be offered for public sale on February 25, 2003;

**WHEREAS**, the County Clerk (in consultation with Ehlers) caused the Notice of Sale to be distributed to potential bidders offering the aforesaid taxable general obligation refunding bonds for public sale on February 25, 2003;

**WHEREAS**, the following bids were received:

**WHEREAS**, it has been determined that the bid (the "Bid") submitted by the financial institution listed first on the attached Bid Tabulation fully complies with the bid requirements set forth in the Notice of Sale and is deemed to be the most advantageous to the County. Ehlers has recommended that the County accept the Bid. A copy of said Bid submitted by such institution (the "Purchaser") is attached hereto as Exhibit C and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Supervisors of the County that:

Section 1. Authorization of the Bonds. For the purpose of paying the cost of the Refunding, there shall be borrowed pursuant to Chapter 67 of the Wisconsin Statutes, the principal sum of NINE MILLION TWO HUNDRED EIGHTY-FIVE THOUSAND DOLLARS (\$9,285,000).

Section 1A. Ratification of the Notice of Sale and Offering Materials. The County Board of Supervisors of the County hereby ratifies and approves the details of the Bonds set forth in Exhibit A attached hereto as and for the details of the Bonds. The Notice of Sale and other offering materials prepared and circulated by Ehlers are hereby ratified and approved in all respects. All

actions taken by officers of the County and Ehlers in connection with the preparation and distribution of the Notice of Sale are hereby ratified and approved in all respects.

Section 1B. Award of the Bonds. The Bid of the Purchaser offering to purchase the \$9,285,000 Kenosha County Taxable General Obligation Refunding Bonds, Series 2003A (the "Bonds") for the sum set forth on the Bid, plus accrued interest to the date of delivery, is hereby accepted. The Bonds bear interest at the rates set forth on the Bid.

Section 2. Terms of the Bonds. The Bonds shall be designated "Taxable General Obligation Refunding Bonds, Series 2003A"; shall be dated March 1, 2003; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered 1 and upward; and shall mature on March 1 of each year, in the years and principal amounts set forth on the debt service schedule attached hereto as Exhibit D (the "Schedule"). Interest is payable semi-annually on March 1 and September 1 of each year commencing on September 1, 2003.

Section 3. Redemption Provisions. At the option of the County, the Bonds maturing on March 1, 2013 and thereafter shall be subject to redemption prior to maturity on March 1, 2012 or on any date thereafter. Said Bonds shall be redeemable as a whole or in part, and if in part, from maturities selected by the County and within each maturity by lot, at the principal amount thereof, plus accrued interest to the date of redemption. If the Proposal specifies that any of the Bonds are subject to mandatory redemption, the terms of such mandatory redemption shall be set forth on an attachment hereto as Exhibit MRP (the "Mandatory Redemption Provisions") and incorporated herein by this reference.

Section 4. Form of the Bonds. The Bonds shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit E and incorporated herein by this reference.

Section 5. Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the County are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the County a direct annual irrepealable tax in the years 2003 through 2021 for the payments due in the years 2003 through 2022 in the amounts set forth on the Schedule. The amount of tax levied for the year 2003 shall be the total amount of debt service due on the Bonds in the years 2003 and 2004; provided that the amount of such tax carried onto the tax rolls shall be abated by any amounts appropriated pursuant to the last paragraph of this section which are applied to payment of principal of or interest on the Bonds in the year 2003.

The direct annual irrepealable tax hereby levied shall be carried onto the tax roll and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the County for said years are collected. So long as any part of the principal of or interest on the Bonds remains unpaid, the tax hereinabove levied shall be and continues irrepealable except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus in the Debt Service Fund Account for the Bonds created below.

There be and there hereby is appropriated from funds of the County on hand a sum sufficient to be deposited in the Debt Service Fund Account to meet payments with respect to debt service due on September 1, 2003

Section 6. Segregated Debt Service Fund Account. There is hereby established in the County treasury a fund account separate and distinct from all other funds or accounts of the County designated "Debt Service Fund Account for \$9,285,000 Kenosha County Taxable General Obligation Refunding Bonds, Series 2003A, dated March 1, 2003", which fund account shall be used solely for the purpose of paying the principal of and interest on the Bonds. There shall be deposited in said fund account all accrued interest paid on the Bonds at the time the Bonds are delivered to the Purchaser, any premium, all money raised by taxation pursuant to Section 5 hereof, and all other sums as may be necessary to pay principal of and interest on the Bonds as the same become due. Said fund account shall be used for the sole purpose of paying the principal of and interest on the Bonds, shall be maintained for such purpose until such indebtedness is fully paid or otherwise extinguished, and shall at all times be invested in a manner that conforms with the provisions of the Internal Revenue

Code of 1986, as amended (the "Code"), and any applicable income tax regulations (the "Regulations").

Section 7. Borrowed Money Fund. The proceeds of the Bonds (the "Bond Proceeds") (other than any premium and accrued interest which must be paid at the time of the delivery of the Bonds into the Debt Service Fund Account created above) shall be deposited into an account separate and distinct from all other funds and disbursed solely for the purpose for which borrowed or for the payment for the principal of and the interest on the Bonds.

Section 8. Execution of the Bonds. The Bonds shall be prepared in typewritten or printed form, executed on behalf of the County by the manual or facsimile signatures of the Chairperson and County Clerk, authenticated, if required, by its fiscal agent, if any, sealed with its official or corporate seal, if any, or a facsimile thereof and delivered to the Purchaser upon payment to the County of the purchase price thereof, plus accrued interest to the date of delivery. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the delivery of the Bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until such delivery. The aforesaid officers are hereby authorized to do all acts and execute all documents as may be necessary and convenient for effectuating the Closing.

Section 9. Payment of the Bonds. The principal of and interest on the Bonds shall be paid in lawful money of the United States of America by the County Clerk or County Treasurer.

Section 9A. Persons Treated as Owners; Transfer of Bonds. The County shall keep books for the registration and for the transfer of the Bonds. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of the County Clerk, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Chairperson and County Clerk shall execute and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, series and maturity and the County Clerk shall record the name of each transferee in the registration book. No registration shall be made to bearer. The County Clerk shall cancel any Bond surrendered for transfer.

The County shall cooperate in any such transfer, and the Chairperson and County Clerk are authorized to execute any new Bond or Bonds necessary to effect any such transfer.

The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Bonds. Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the County at the close of business on the corresponding record date.

Section 10. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the County agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the County and on file in the County Clerk's office.

Section 11. Undertaking to Provide Continuing Disclosure. The County hereby covenants and agrees, for the benefit of the holders of the Bonds, to enter into a written undertaking (the "Undertaking") required by SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule") to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the holders of the Bonds or by the Purchaser on behalf of such holders (provided that the rights of the holders and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the

obligations thereunder and any failure by the County to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

The County Clerk, or other officer of the County charged with the responsibility for issuing the Bonds, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the County's Undertaking.

Section 12. Bond Insurance. The Chairperson and County Clerk are authorized to agree to such additional provisions as any municipal bond insurer which makes a commitment accepted by the County to insure the Bonds may reasonably request and which are acceptable to the Chairperson and County Clerk, including provisions regarding restrictions on investment of Bond Proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer and notices to be given to the bond insurer. In addition, appropriate reference to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 13. Redemption of the 2003 Notes. The County Board of Supervisors hereby calls the 2003 Notes, which mature on April 24, 2003, for redemption on March 24, 2003. The County hereby directs its financial advisor, Ehlers & Associates, Inc., to cause a notice of redemption, in substantially the form attached hereto as Exhibit F to be provided at the times, to the parties and in the manner provided thereon.

Section 14. Payment of Issuance Expenses. The County authorizes the Purchaser to forward the amount of the Bond Proceeds allocable to the payment of issuance expenses to U.S. Trust Company, Minneapolis, Minnesota on the closing date for further distribution as directed by the County's financial advisor, Ehlers & Associates, Inc.

Section 15. Official Statement. The County Board of Supervisors hereby approves the Preliminary Official Statement with respect to the Bonds and deems the Preliminary Official Statement as "final" for purposes of SEC Rule 15c2-12. All actions taken by officers of the County in connection with the preparation of such Preliminary Official Statement and addenda to it are hereby ratified and approved. In connection with the closing for the Bonds, the appropriate County official shall certify the Preliminary Official Statement and addenda. The County Clerk shall cause copies of the Preliminary Official Statement and addenda to be distributed to the Purchaser.

Section 16. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the County Board of Supervisors or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted and recorded February 25, 2003.

\_\_\_\_\_  
Richard A. Kessler  
Chairperson

ATTEST:

\_\_\_\_\_  
Edna R. Highland  
County Clerk  
(SEAL)

\_\_\_\_\_  
Allan Kehl  
County Executive

Submitted by:  
FINANCE COMMITTEE  
Robert Carbone  
Robert Pitts  
John O'Day  
Terry Rose

It was moved by Supervisor Carbone to adopt Resolution 128. Seconded by Supervisor Rose.  
Motion carried unanimously.

**RESOLUTION 129**

129. From Finance Committee regarding Bills over \$5,000.00.

**WHEREAS**, the Wisconsin State Statutes provides that the County Board may act On all bills over \$10,000.00 and

**WHEREAS** the County Resolution requires that the Finance Committee must act on all bills over \$5,000.00, and

**NOW, THEREFORE LET IT BE RESOLVED**, that the following bills be approved for payment:

KENOSHA COUNTY PAYMENT GROUPS BILLS OVER \$5,000.00

APPROVAL BY FINANCE COMMITTEE AND COUNTY BOARD ARE REQUIRED:

| <u>DIVISIONS</u>               | <u>PAYMENT GROUPS</u> |
|--------------------------------|-----------------------|
| FINANCE GROUPING # 1,2,3 & 4   | \$1,487,777.03        |
| PERSONNEL GROUPING # 1,2,3 & 4 | \$ 369,791.28         |
| DISABILITY GROUPING # 1        | \$1,371,795.29        |
| PAYMENT GROUPS GRAND TOTAL:    | \$3,229,363.60        |

Re-submit approved Resolution dated 2/04/03, Finance payment group total was \$480,891.73, s/b \$476,691.73. (Sheriff Dept, -\$4,200)

Submitted by:

FINANCE COMMITTEE

Robert Carbone

John O'Day

Terry Rose

Gordon West

Robert PittsIt was moved by Supervisor Carbone to adopt Resolution 129. Seconded by Supervisor Rose. Supervisor Clark abstained from voting on Community Impact, Professional Services, Spanish Center, Shalom Center, Women Horizons. Supervisor Ruffolo was not at his desk to vote.

Motion carried unanimously.

**RESOLUTION 130**

130. From Finance Committee regarding Authorizing Kenosha County's Acceptance of a Donation of Parcel of Land Located in the Fox River Floodplain.

**WHEREAS**, Kenosha County currently participates in the Fox River Flood Mitigation Program in which homes in the 100-year Floodplain of the Fox River in the Towns of Salem and Wheatland and the Village of Silver Lake are purchased and subsequently demolished; and

**WHEREAS**, it is in the best interest of Kenosha County and its residents to reduce the number of homes in the floodplain and thereby reduce the amount of aid and recovery necessary for these home when flooding occurs; and

**WHEREAS**, the property owner of a vacant parcel, known as Lot 14 in Block 4 in Oakwood Shores Subdivision, Town of Wheatland, Kenosha County, Wisconsin, and also known as Tax Parcel Number: 95-4-119-121-0540, has offered to donate their property to Kenosha County; and

**WHEREAS**, a letter report from National Title & Kenosha Closing Services, LLC, that was issued for this parcel of land on November 21, 2002, found the property to be clear of any liens or encumbrances; and

**WHEREAS**, it is in the best interest of Kenosha County to acquire said property at this time so as to avoid the necessity of a future buyout and to prevent future flooding damage.

**NOW, THEREFORE, BE IT RESOLVED**, that the Kenosha County Board of Supervisors

does approve and authorize the acceptance of a donation of a parcel of land located on 77<sup>th</sup> Street in the Town of Wheatland (Tax Parcel Number: 95-4-119-121-0540) with a Warranty Deed and Deed Restriction that prohibits any further development on this parcel.

Submitted by:

FINANCE COMMITTEE

Robert Carbone

Terry Rose

Gordon West

Robert Pitts

John O'Day

Recommended for approval by the Kenosha County Housing Authority this 10th day of February 2003.

By:

\_\_\_\_\_  
Earl W. Hollister, Chairman  
Kenosha County Housing Authority

It was moved by Supervisor Carbone to adopt resolution 130. Seconded by Supervisor O'Day.  
Motion carried unanimously.

**RESOLUTION 131**

131. From Human Services and Finance Committees regarding Modifying 2003 Budget to reflect funding awarded by US Department of Housing and Urban Development (HUD) for the Kenosha Lead Hazard control Program.

**WHEREAS**, the Kenosha County Department of Human Services, Division of Health has received funding from the Wisconsin Department of Health and Family Services in the amount of \$506,567 for the period of February 1, 2003 through December 31, 2003, and

**WHEREAS**, the Kenosha County Department of Human Services, Division of Health has received these funds for the Kenosha Lead Hazard Control Program. This program will be implemented, in cooperation with the Kenosha Housing Authority, Department of City Development, and the University of Wisconsin-Parkside, Center for Community Partnerships (COCF), and

**WHEREAS**, Kenosha County Department of Human Services, Division of Health is acting as the lead agency and fiscal agent for this program,

**WHEREAS**, any grant-funded positions created through the US Department of Housing and Urban Development (HUD) Lead Grant are solely supported by this grant and thus eliminated if the grant funding ceases,

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

**NOW, THEREFORE LET IT BE RESOLVED**, that the Department of Human Services, Division of Health budget be modified, at no cost to the county, as follows:  
Revenue increases by \$506,567 and expenditures increase by \$506,567 as indicated in the attached budget modification, which is incorporated into this resolution by reference and any unexpended dollars as of December 31, 2003 should be rolled over into the 2004 budget.

Submitted by:

HUMAN SERVICES COMMITTEE

Eunice Boyer

Anne Bergo

John O'Day

Donald Smitz

William Grady

FINANCE COMMITTEE

Robert Carbone

Terry rose

John O'Day

Robert Pitts

Gordon West

It was moved by Supervisor Boyer to adopt Resolution 131. Seconded by Supervisor Carbone.  
Motion carried unanimously.

**RESOLUTION 132**

132. From Human Services and Finance Committees regarding Modifying the 2003 Division of Aging Budget to reflect a carry over of Falls Prevention Grant Funds.

**WHEREAS**, The Kenosha County Department of Human Services Division of Aging Services has received approval to carry over \$55,054 of its Falls Prevention Grant allocation, and

**WHEREAS**, County Levy remains unaffected by this resolution;

**NOW, THEREFORE, BE IT RESOLVED**, that the 2003 budget of the Department of Human Services Division of Aging Services be modified as follows:  
Expenditures and Revenues increase by \$55,054 as indicated in the attached budget modification form, which is incorporated into this resolution by reference.

Submitted by:

HUMAN SERVICES COMMITTEE

Eunice Boyer

Anne Bergo

John O'Day

Donald Smitz

William Grady

FINANCE COMMITTEE

Robert Carbone

Terry rose

John O'Day

Robert Pitts

Gordon West



It was moved by Supervisor Boyer to adopt Resolution 132. Seconded by Supervisor Carbone.  
Motion carried unanimously.

**RESOLUTION 133**

133. From Judiciary & Law and Finance Committees regarding Kenosha County Pre-Trial Intensive Supervision Program VI.

**WHEREAS**, the Kenosha County Sheriff's Department has been awarded \$68,503 for a Highway Safety Grant entitled, "Kenosha County Sheriff's Department Intensive Supervision Program VI", for the grant period of January 1, 2003 through December 31, 2003, and

**WHEREAS**, these funds have been made available to the Kenosha County Sheriff's Department through the State of Wisconsin, Department of Transportation, Bureau of Transportation Safety in their effort to improve traffic safety in Wisconsin, and

**WHEREAS**, the project will be facilitated by the Wisconsin Correctional Service (WCS) in conjunction with their Pre-Trial Release Program, and

**WHEREAS**, repeat OMVWI offenders will be screened to receive intensive counseling treatment and supervision in lieu of incarceration and to effectively deter repeat offenses, and

**WHEREAS**, the total operating budget for the Intensive Sanctions program has traditionally been funded by three sources: (1) State DOT grant award, (2) Client Fees collected from participants and (3) Sheriff's Dept. soft match dollars, and

**WHEREAS**, this year's operating budget presented by WCS totals \$137,006 and exceeds the traditional funding sources by \$8,500.00, and

**WHEREAS**, the Sheriff's Department has agreed to provide additional program support through an estimated hard match of \$8,500.00 within it's own budget afforded by the 2003 budget appropriation in Other Professional Services , and

**WHEREAS**, the budget modification will not require any additional tax levy dollars.

**NOW, THEREFORE BE IT RESOLVED**, that the Kenosha County Board of Supervisors accept the grant and approve the revenue and expenditure line items modification, as per the attached budget modification forms, which are incorporated herein by reference.

Note: This resolution requires NO funds from the general fund. It increases revenues by \$68,503 and increases expenditures by \$68,503.

Submitted by:

|                                       |                   |
|---------------------------------------|-------------------|
| JUDICIARY & LAW ENFORCEMENT COMMITTEE | FINANCE COMMITTEE |
| James Huff                            | Robert Carbone    |
| Brenda Carey-Mielke                   | Terry Rose        |
| Anita Faraone                         | John O'Day        |
| Terry Rose                            | Robert Pitts      |
| Joe Montemurro                        | Gordon West       |

It was moved by Supervisor Huff to adopt Resolution 133. Seconded by Supervisor Carbone.

Motion carried unanimously.

**COMMUNICATIONS**

24. From George E. Melcher, Director of Planning and Development regarding future rezonings.

Chairman Kessler referred Communication 24 to the Land Use Committee.

**CLAIMS**

36. Debra L. Heyden - denied medication.

37. Ameritech - cable ran over by county lawn mower.

38. Rochelle Rivelli - fell in Courthouse.

Chairman Kessler referred Claims 36 thru 38 to Corporation Counsel.

It was moved by Supervisor Marrelli to approve the February 4, 2003 minutes. Seconded by Supervisor Ekornaas.

It was moved by Supervisor Wisnefski to adjourn.  
Meeting adjourned at 9:40 P.M.

Prepared by: Pam Young  
Chief Deputy  
Submitted by: Edna R. Highland  
County Clerk

**KENOSHA COUNTY BOARD OF SUPERVISORS**

**COUNTY BOARD CHAMBERS**

**COUNTY ADMINISTRATION BUILDING**

**March 4, 2003**

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

Present: Supervisors Grady, Boyer, Rose, Kessler, Huff, Molinaro, Marrelli, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, Singer, Ruffolo, Montemurro, Larsen, Wisnefski, Carey-Mielke, Clark, Noble, Gorlinski, Smitz, Elverman, Ekornaas.

Excused: Supervisors West, Kerkman, O'Day.

Present. 25. Excused. 3.

**ANNOUNCEMENTS OF THE CHAIRMAN**

Chairman Kessler stated that Supervisor West has been released from the Hospital and is recovering at home. He also announced that there will be a retirement reception for Ric Ladine on Friday at the Petrified Springs Club House.

Chairman Kessler spoke with the Staff of the WCA and they will give a presentation to the board on the State Budget at the end of April or sometime in May.

**SUPERVISOR REPORTS**

Supervisor Larsen stated that on March 24<sup>th</sup> at 6:00 p.m., at the Somers Town Hall the DOT and elected representatives from Madison will be here for a Public Hearing on the Hwy 32 project. He also reported that there will be a Town Meeting in Paris on March 12 at 7:00 p.m., at the Paris Town Hall to discuss the Equalized Tax Situation. He urged everyone who can to attend.

Supervisor Bergo stated that due to prior commitments, she will not be able to attend the Joint Meeting of the Finance, Building & Grounds and Parks on Thursday.

Rose stated that he caused to be left on the desks an attendance record of the members of the Work Force Development Board. It demonstrates why the Work Force Development Board is having difficulty. Since the County Board approved the nominations he thought it was important for everyone to see.

Supervisor Elverman reported that the Highway & Parks Committee met to discuss the golf course rates, promotions, and park fees. The rates for the golf course have increased, also ideas to increase promotions. Anyone who cares to assist the department and the Highway & Parks Committee with any ideas they may have for the golf courses will be appreciated. Lists of promotional ideas that have already been thought of can be obtained at the Highway & Parks Department and the fees are also published.

Supervisor Gorlinski stated he would move the agenda. Seconded by Supervisor Johnson.

Roll Call vote requested.

Ayes: Supervisors Grady, Bergo, Johnson, Singer, Wisnefski, Gorlinski.

Nays: Supervisors Kessler, Boyer, Rose, Huff, Molinaro, Marrelli, Carbone, Modory, Faraone, Pitts, Ruffolo, Montemurro, Larsen, Carey-Mielke, Clark, Noble, Smitz, Elverman, Ekornaas.

Ayes: 6 Nays: 19

Motion failed.

Supervisor Clark reported that the Village of Pleasant Prairie is having a meeting on March 31<sup>st</sup> on the Tax Equity and is supposed to invite members from all municipalities to create a structure or dialog to accept phase two or get ready to discuss consolidation or tax equity.

Supervisor Wisnefski also urged Supervisors to attend the meeting on March 12<sup>th</sup> in Paris.

**NEW BUSINESS**

Resolutions - one reading.

**Resolution 134**

134. From Finance Committee regarding Bills over \$5,000.

**WHEREAS**, the Wisconsin State Statutes provides that the County Board may act On all bills over \$10,000.00 and

**WHEREAS** the County Resolution requires that the Finance Committee must act on all bills over \$5,000.00, and

**NOW, THEREFORE LET IT BE RESOLVED**, that the following bills be approved for payment:

KENOSHA COUNTY PAYMENT GROUPS BILLS OVER \$5,000.00

APPROVAL BY FINANCE COMMITTEE AND COUNTY BOARD ARE REQUIRED:

| <u>DIVISIONS</u>            | <u>PAYMENT GROUPS</u> |
|-----------------------------|-----------------------|
| FINANCE GROUPING # 1        | \$ 332,953.29         |
| PERSONNEL GROUPING #1       | \$ 159,863.21         |
| DISABILITY GROUPING # 1     | \$ 23,083.00          |
| PAYMENT GROUPS GRAND TOTAL: | \$ 515,899.50         |

Submitted by:

FINANCE COMMITTEE

Robert Carbone

John O'Day

Terry Rose

Gordon West

Robert Pitts

It was moved by Supervisor Carbone to adopt Resolution 134. Seconded by Supervisor Rose.

Motion carried unanimously.

**Resolution 135**

135. From Finance Committee regarding requesting a Waiver from State Mandate Administrative Code, Chapter 20 regarding Lottery Tax Credit Processing.

**WHEREAS**, pursuant to Wis. Stat. §66.0143, a political subdivision may file a request with the Department of Revenue for a waiver from a state mandate, except for mandates related to health or safety; and,

**WHEREAS**, pursuant to Wis. Admin. Code Tax §20.15, Counties are mandated to certify Lottery Tax Credit claims against real estate taxes by sending cards to all improved parcels every five years, known as "pre certification years", and this mandate is not related to health or safety; and,

**WHEREAS**, the certification process involves printing and finishing the cards including removing the perforated tractor feed, folding, sealing and mailing the cards, and then entering all the responses in the database, all of which is extremely labor intensive; and,

**WHEREAS**, the State of Wisconsin reimburses counties at the rate of \$.70 per card, but said reimbursement is insufficient to cover county costs involved in processing these cards; and,

**WHEREAS**, Kenosha County has developed an electronic computerized system whereby it maintains and reviews the Lottery Credit Authorization on an annual basis by reviewing and testing each properties for factors that would authorize or disallow lottery credit pursuant to state regulation and guidelines. The method has been in use for 4 tax years with an accuracy percent of over 99.8 percent. Leaving only new property, changed property or property transfers to be maintained manually. This process has been actively used since the 1999 tax year.

**WHEREAS**, the County is confident its system of maintaining records of Lottery Tax Credit claims is accurate based on the number of late claims made each year and the minimal number of charge backs ordered by the State Lottery Credit Audit Committee for errors, and erasing the current files and sending cards to all improved parcels, as the Administrative Code mandates, would likely generate a less than favorable return while increase costs for taxpayers.

**NOW THEREFORE BE IT RESOLVED** by the Kenosha County Board of Supervisors, met in regular session, hereby requests a waiver from the mandate imposed by Wisconsin Admin. Code Tax §20.15 regarding recertification of the Lottery Tax

Credits because the system utilized by Kenosha County is certifiably accurate and will save the County and the State money.

Submitted by:

FINANCE COMMITTEE

Robert Carbone

Terry Rose

John O'Day

Robert Pitts

Fiscal Note: Estimated cost savings to Kenosha County is 700 hours labor plus programming costs at \$40.00 per hour. Cost savings to the State of Wisconsin estimated at \$44,100.00 based on \$.70 per card and approximately 63,000 real properties.

It was moved by Supervisor Carbone to adopt Resolution 135. Seconded by Supervisor Pitts.

Motion carried unanimously.

**Resolution 136**

136. From Finance Committee regarding Cancellation of Interest and Penalties on Taxes for the former Budget Motel.

**WHEREAS**, the County of Kenosha closed the former Budget Motel located at 1800 - 60<sup>th</sup> Street, due to numerous violations of the County's Health Code; and thereafter the City of Kenosha issued a raze order of the building based upon numerous violations of the Building Code; and after litigation commenced on such raze order, the City of Kenosha obtained ownership and legal title to the property; and property taxes have not been paid on said property, identified as Tax Parcel Numbers 12-223-31-358-014 and 12-223-31-358-015; and

**WHEREAS** tax certificates have been issued in 2000 and 2001 on such parcels by the Kenosha County Treasurer, and taxes are owed in the amount of \$34,487.59, plus special assessments are owed in the amount of \$28,233.91, and there are penalties owed on such delinquent charges, if paid as of 2/28/2003, in the amount of \$6560.26 and interest owed on such charges, as of 2/28/2003, in the amount of \$13,120.55; and

**WHEREAS**, the site at this time needs to have hazardous substances (asbestos) removed and to be environmentally restored at a cost of approximately \$135,000 and further needs to be demolished and cleaned for redevelopment at an additional cost of approximately \$150,000; and the City of Kenosha intends to undertake such efforts and pay for such costs; and

**WHEREAS**, a request has been made by the City of Kenosha to the County of Kenosha to waive the penalties and interest on such property, while the City would pay the existing outstanding property taxes, in order to assist in restoring such parcels into productive and safe property for the community, and return the property to the tax rolls; and Section 75.105 permits a county board to cancel all or part of the unpaid taxes, interest and/or penalties associated therewith, if the owner of a contaminated property agrees to clean up such property.

**NOW THEREFORE BE IT RESOLVED**, That the County Board of Supervisors hereby approves the forgiveness and waiver of the interest and penalties on the real estate taxes owed on the property at 1800- 60th Street, Kenosha, Wisconsin, known as Tax Parcel Numbers 12-223-31-358-014 and 12-223-31-358-015, and authorizes the Kenosha County Treasurer to discharge same, upon the condition that the City of Kenosha pays the outstanding property taxes, removes all asbestos and other hazardous materials from the property, demolishes the buildings on site, prepares the property for redevelopment, and an agreement is reached between the City of Kenosha and the County of Kenosha whereby the City agrees that any proceeds received by the City by sale of the subject property, that are above and beyond the costs incurred by the City, will be shared with the County for payment of such interest and penalties incurred prior to the date of this resolution.

Submitted by:

FINANCE COMMITTEE

Robert Carbone

Terry Rose

John O'Day

Robert Pitts

Gordon West

It was moved by Supervisor Carbone to adopt Resolution 136. Seconded by Supervisor Rose.

Roll call vote passed unanimously.

It was moved by Supervisor Bergo to approve the February 25, 2003 minutes. Seconded by Supervisor Gorlinski.

It was moved by Supervisor Wisnefski to adjourn. Seconded by Supervisor Grady.

Meeting adjourned at 8:10 p.m.

Prepared by: Edie LaMothe

Submitted by: Edna R. Highland  
County Clerk

**KENOSHA COUNTY BOARD OF SUPERVISORS**

**COUNTY BOARD CHAMBERS**

**COUNTY ADMINISTRATION BUILDING**

**March 18, 2003**

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

Present: Supervisors Grady, Boyer, Rose, Kessler, Huff, Molinaro, Marrelli, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, Singer, Ruffolo, Montemurro, Larsen, Wisnefski, Carey-Mielke, Clark, Noble, Gorlinski, Smitz, Elverman, Ekornaas, West, Kerkman, O'Day.

Absent: None

Present. 28. Absent. 0.

**CITIZEN COMMENTS**

Terry Hannes, 1st Chair of Local 990, stated that completion of the Job Center is very important. The need to purchase new or used modular furniture to accommodate more employees in a limited space can be difficult. In some divisions there is existing practical functional furniture now being used by employees including herself. The needs of the workers differs greatly. We need to insure that the furniture purchased meets the needs of the workers and that the workers are involved in the decisions. The work stations must be ergonomically designed to prevent future workmen-comp claims.

**ANNOUNCEMENTS OF THE CHAIRMAN**

Chairman Kessler stated that he received a thank-you card from Supervisor West for the flowers he received while hospitalized. Welcome back Supervisor West.

**SUPERVISOR REPORTS**

Supervisor Carbone talked about the Tax Equity Study report put together by Dave Geersten. It answers a number of questions. The information in the Kenosha News was not entirely correct. Also, last Thursday the Emergency Management Director and Aurora Hospital held a Kenosha County Influenza Tabletop Exercise. 64 people took part. It was a good exercise and Ben Schliesman did an excellent job.

Supervisor Larsen stated that on March 24th at 6:00 p.m., at the Somers Town Hall the DOT and elected representatives from Madison will be here for a Public Hearing on the Hwy 32 project.

Supervisor Bergo stated that she had placed on the bulletin board in the back room a map of Devils Elbow. A man killed his wife in 1850 and as a result he was hanged and this was the beginning of the Wisconsin refusal to have capital punishment.

Supervisor West thanked everyone for their thoughts and prayers during his illness. He is glad to be back.

Supervisor Molinaro stated that he will be stepping down from the Kenosha Achievement Center Board of Directors. He spent close to six years on the board and if anyone is interested in filling his position please contact him. This organization's mission is admirable and he would like to see someone from the county board continue in that position. Please call and he will talk through what is required.

Supervisor Noble stated that he is a member of the Des Plaines Watershed Committee and tonight there is a public hearing. At some point in time the plan will be brought before the Land Use Committee and to the County Board for approval.

Supervisor Wisnefski reported about the meeting he attended on the Tax Equity Study. The towns and municipalities are subsidizing the city. When it is all said and done it will probably be a wash.

**NEW BUSINESS**

Ordinances - one reading.

From Land Use Committee regarding:

**ORDINANCE 69**

69. Maurice G. Lake and George G. Gekas, et al., requesting rezoning from A-2 General Agricultural District to R-1 Rural Residential District excluding lands currently zoned C-1 Lowland Resource Conservancy District in the Town of Salem.

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 #67-4-120-313-0300 located in the southwest quarter of Section 31, Township 1 North, Range 20 East, Town of Salem be changed from A-2 General Agricultural District to R-1 Rural Residential District excluding lands currently zoned C-1 Lowland Resource Conservancy District. For informational purposes only, this property is located on the west side of County Trunk Highway "B" (304<sup>th</sup> Avenue) approximately 0.8 miles south of the intersection of County Trunk Highway "C."

**Maurice G. Lake and George G. Gekas, et al. - (Owners)**

**Descriptions:** Part of the south half of Section 31, Town 1 North, Range 20 East of the Fourth Principal Meridian, lying and being in the Town of Salem, Kenosha County, Wisconsin and being more particularly described as: Beginning at a concrete monument at the south quarter corner of Section 31, which corner is on the Wisconsin and Illinois State line; thence north 87°58'38" east along and upon the south line of the southeast quarter of said Section 31, 47.42 feet and to the center line of County Trunk Highway "B" (304<sup>th</sup> Avenue); thence north 04°10'03" east along and upon said center line, 300.27 feet; thence south 87°30'51" west parallel to the south line of the southwest quarter of said Section 31, 1245.23 feet, more or less and to the bank of the Fox River; thence south along and upon said bank, 298.1 feet, more or less and to the south line of said southwest quarter section, which point is south 87°30'51" west 1174.10 feet, more or less, from the south quarter corner of said section; thence north 87°30'51" east 1174.10 feet, more or less and to the point of beginning. Subject to a public highway over and across the most easterly 33.00 feet thereof and containing 8.43 acres, more or less.

**In addition:** Part of the south half of Section 31, Town 1 North, Range 20 East of the Fourth Principal Meridian, lying and being in the Town of Salem, Kenosha County, Wisconsin and being more particularly described as: Beginning at a concrete monument at the south quarter corner of Section 31, which corner is on the Wisconsin and Illinois State line; thence north 87°58'38" east along and upon the south line of the southeast quarter of said Section 31, 47.42 feet and to the center line of County Trunk Highway "B" (304<sup>th</sup> Avenue); thence north 04°10'03" east along and upon said center line, 300.27 feet and to the point of beginning of parcel hereinafter described; thence continue north 04°10'03" east along and upon said center line, 188.24 feet and to an angle point in said highway; thence north 06°01'30" east along and upon said center line, 111.77 feet; thence south 87°30'51" west parallel to the south line of the southwest quarter of said Section 31, 1257.08 feet, more or less and to the bank of the Fox River; thence south along and upon said bank, 299.5 feet, more or less and to a point that is south 87°30'51" west 1245.23 feet, more or less, from the center line of the aforesaid highway; thence north 87°30'51" east parallel to the south line of the southwest quarter of said section, 1245.23 feet more or less and to the point of beginning. Subject to a public highway over and across the most easterly 33.00 feet thereof and containing 8.57 acres, more or less.

**Further including:** Part of the south half of Section 31, Town 1 North, Range 20 East of the Fourth Principal Meridian, lying and being in the Town of Salem, Kenosha County, Wisconsin and being more particularly described as: Beginning at a concrete monument at the south quarter corner of Section 31, which corner is on the Wisconsin and Illinois State line; thence north 87°58'38" east along and upon the south line of the southeast quarter of said Section 31, 47.42 feet and to the center line of County Trunk Highway "B" (304<sup>th</sup> Avenue); thence north 04°10'03" east along and upon said center line, 488.51 feet and to an angle point in said highway; thence north 06°01'30" east along and upon said center line, 111.77 feet and to the point of beginning of parcel hereinafter described; thence continue north 06°01'30" east along and upon said center



line, 307.23 feet and to a point which is north 02°06'00" west 900.55 feet and north 87°58'50" east 156.97 feet from the south quarter corner of the aforesaid Section 31; thence south 87°58'50" west parallel to the south line of the southwest quarter of said Section 31, 1128.06 feet, more or less and to the bank of the Fox River; thence southwesterly along and upon said bank, 362.4 feet, more or less and to a point which is south 87°30'51" west 1257.08 feet, more or less, from the center line of the aforesaid highway; thence north 87°30'51" east parallel to the south line of the southwest quarter of said section, 1257.08 feet more or less and to the point of beginning. Subject to a public highway over and across the most easterly 33.00 feet thereof and containing 8.58 acres, more or less.

Excluded in this rezoning is any lands currently zoned C-1 Lowland Resource Conservancy District.

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

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

#### ORDINANCE 70

70. Richard J. and Susan M. Kraus caring Trust, requesting rezoning from R-2 suburban single Family Residential District to A-1 Agricultural Preservation District in the Town of Somers.

#### 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 #80-4-222-164-0420 located in the southeast quarter of Section 16, Township 2 North, Range 22 East, Town of Somers be changed from R-2 Suburban Single-Family Residential District to A-1 Agricultural Preservation District. For informational purposes only, this property is located on the north side of County Trunk Highway "L" (18<sup>th</sup> Street) approximately 0.16 miles west of the intersection of County Trunk Highway "EA" (72<sup>nd</sup> Avenue).

#### **Richard J. and Susan M. Kraus Caring Trust- (Owners)**

**Description:** Kenosha County Certified Survey Map #1943 - Being a part of the southeast quarter of the southeast quarter of Section 16, Township 2 North, Range 22 East of the Fourth Principal Meridian in the Town of Somers, County of Kenosha and State of Wisconsin more particularly described as: part of the southeast quarter of the southeast quarter of Section 16, Township 2 North, Range 22 East of the Fourth Principal Meridian in the Town of Somers, County of Kenosha, State of Wisconsin and being more particularly described as follows: Commence at the southeast corner of said southeast quarter section; thence south 89°52'10" west along the south line of said southeast quarter section 846.71 feet to the place of beginning of this description; thence continue south 89°52'10" west along said south line 180.00 feet; thence north 01°32'12" west 256.00 feet; thence north 89°52'10" east 180.00 feet; thence south 01°32'12" east 256.00 feet to the place of beginning. Containing 1.05 acres of land more or less.

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

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

It was moved by Supervisor Smitz to adopt Ordinances 69 & 70. Seconded by Supervisor Gorlinski.

Motion carried.

#### ORDINANCE 71

71. Hallmark Development Corporation, requesting rezoning from B-2 Community Business District to R-11 Multiple-Family Residential District in the Town of Somers.

#### 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 #81-4-223-082-0301 located in the northwest quarter of Section 8, Township 2 North, Range 23 East, Town of Somers be changed from B-2 Community Business District to R-11 Multiple-Family Residential District. For informational purposes only, this property is located on the southwest corner of the intersection of State Trunk Highway "32" (Sheridan Road) and County Trunk Highway "A" (7<sup>th</sup> Street).

#### **Hallmark Development Corporation - (Owner)**

**Description:** Certified Survey Map #1513, Volume 1467, Page 864, 1992 1.949 acres excluding highway.

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

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

#### ORDINANCE 72

72. Hallmark Development Corporation, requesting an amendment to a previously approved (September 1991) PUD Planned Unit Development Overlay District to include four nine (9) unit apartment buildings in the Town of Somers.

#### 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 #81-4-223-082-0301 located in the northwest quarter of Section 8, Township 2 North, Range 23 East, Town of Somers have a PUD Planned Unit Development Overlay District amended and applied as presented. The petitioner requests development of four nine (9) unit apartment buildings on a 1.95-acre parcel. For informational purposes only, the property is known as Villa Rosa located on the southwest corner of the intersection of State Trunk Highway "32" (Sheridan Road) and County Trunk Highway "A" (7<sup>th</sup> Street).

#### **Hallmark Development Corporation - (Owner)**

#### **Description:**

The legal description of the property to have the PUD Planned Unit Development Overlay District applied is as follows:

Certified Survey Map #1513, Volume 1467, Page 864 1992, 1.949 acres excluding highway.

The petitioner's application stated that the approval of the PUD Planned Unit Development Overlay District shall be granted only upon the condition that zoning amendments requesting that Tax Parcel #81-4-223-082-0301 be changed from B-2 Community Business District to R-11 Multiple-Family Residential District which application had been contemporaneously submitted, is also approved.

The petitioners would be responsible for compliance with their testimony given at the March 12, 2003 Land Use Committee public hearing, whereby assurances were given, exhibits were presented, information and fact booklets explained and received, all which are now part of the record, along with complying with the application and various site plans previously filed with the County.

In addition, the petitioner is responsible for compliance with conditions as requested by the Department of Planning and Development, which were agreed to by the petitioner at the March 12, 2003 public hearing. These conditions are hereby referenced to as (Exhibit 1), on file in the Department of Planning and Development and are made part of this ordinance.

The petitioner also is responsible for compliance with the PUD Planned Unit Development Overlay District conditions as outlined in Section 12.26-4(a-o) of the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance. A public hearing was held on March 12, 2003 by the Land Use Committee for the purpose of receiving evidence, taking testimony, and reviewing recommendations presented. At that time, a favorable recommendation was given to the zoning request for the application of a PUD Planned Unit Development Overlay District for the Hallmark Development Corporation project by the Land Use Committee on the property as previously described.

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

It was moved by Supervisor Smitz to adopt Ordinances 71 & 72. Seconded by Supervisor Larsen.

Roll call vote.

Ayes: Supervisors Grady, Boyer, Rose, Kessler, Huff, Molinaro, Marrelli, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, Singer, Ruffolo, Larsen, Wisnefski, Carey-Mielke, Clark, Noble, Gorlinski, Smitz, Elverman, Ekornaas, West, Kerkman, O'Day.

Nays: None

Abstain: Supervisor Montemurro.

Ayes. 27. Nays. 0. Abstain 1.

Motion carried.

Resolutions - one reading.

#### **RESOLUTION 137**

137. From Finance Committee regarding Bills over \$5,000.00.

**WHEREAS**, the Wisconsin State Statutes provides that the County Board may act on all bills over \$10,000.00 and

**WHEREAS** the County Resolution requires that the Finance Committee must act on all bills over \$5,000.00, and

**NOW, THEREFORE LET IT BE RESOLVED**, that the following bills be approved for payment:

KENOSHA COUNTY PAYMENT GROUPS BILLS OVER \$5,000.00

APPROVAL BY FINANCE COMMITTEE AND COUNTY BOARD ARE REQUIRED:

| <u>DIVISIONS</u>            | <u>PAYMENT GROUPS</u> |
|-----------------------------|-----------------------|
| FINANCE GROUPING # 1        | \$1,364,219.17        |
| FINANCE GROUPING # 2        | \$ 860,000.00         |
| PERSONNEL GROUPING # 1      | \$ 23,759.50          |
| PERSONNEL GROUPING # 2      | \$ 121,411.78         |
| DISABILITY GROUPING # 1     | \$1,038,399.63        |
| PAYMENT GROUPS GRAND TOTAL: | \$3,407,790.08        |

Submitted by:

FINANCE COMMITTEE

Robert Carbone

John O'Day

Terry Rose

Gordon West

Robert Pitts

It was moved by Supervisor Carbone to adopt Resolution 137. Seconded by Supervisor Rose. Supervisor Clark abstained on Spanish Center, Community Impact Program, Professional Services, Bridges Community Center.

Motion carried.

**RESOLUTION 138**

138. From Finance Committee regarding Authorizing submission of a Milk Volume Production/Community Development Block Grant for Economic Development Application.

A RESOLUTION AUTHORIZING SUBMISSION OF A MILK VOLUME  
PRODUCTION/COMMUNITY DEVELOPMENT  
BLOCK GRANT FOR ECONOMIC DEVELOPMENT APPLICATION

Relating to Kenosha County's participation in the Wisconsin Community Development Block Grant for Economic Development (CDBG-ED) program.

**WHEREAS**, Federal monies are available under the Community Development Block Grant program, administered by the State of Wisconsin, Department of Commerce, for the purpose of economic development, and

**WHEREAS**, after public meeting and due consideration, the Kenosha County Finance Committee has recommended that an application be submitted to the State of Wisconsin for the following project:

A CDBG-ED/MVP grant in an amount not to exceed \$56,000. The grant would be used to provide Joseph Voss with a \$50,000 low-interest loan for the purchase of new equipment. The remaining \$6,000 would be used to pay for expenses incurred by the County in the administration of the CDBG-ED award. In consideration of this request, Mr. Voss has agreed to retain one full-time position and create one new full-time position in the Town of Brighton prior to December 31, 2003.

**WHEREAS**, it is necessary for the Kenosha County Board of Supervisors to approve the preparation and filing of an application for the County to receive funds from this program, and

**WHEREAS**, the County Board has reviewed the need for the proposed project and the benefits to be gained therefrom.

**NOW, THEREFORE, BE IT RESOLVED**, that the Kenosha County Board of Supervisors does approve and authorize the preparation and filing of an application for the above-referenced project, and

**BE IT FURTHER RESOLVED**, that the County Executive and County Clerk are hereby authorized to sign all necessary documents on behalf of the County, and

**BE IT FURTHER RESOLVED**, that authority is hereby granted to the Kenosha Area Business Alliance to take the necessary steps to prepare and file the appropriate application for funds under this program in accordance with this resolution.

Adopted on this \_\_\_\_\_, day of March, 2003.

ATTEST: \_\_\_\_\_

Edna Highland, County Clerk

The above resolution has been authorized by the Kenosha County Board of Supervisors by Resolution No. \_\_\_\_\_, dated March \_\_\_\_, 2003.

\_\_\_\_\_  
Allan K. Kehl, County Executive

Submitted by:

FINANCE COMMITTEE

Robert Carbone

Terry Rose

John O' Day

Robert Pitts

Gordon West

It was moved by Supervisor Carbone to adopt Resolution 138. Seconded by Supervisor O'Day.

Roll call vote.

Ayes: Supervisors Grady, Boyer, Rose, Kessler, Huff, Molinaro, Marrelli, Bergo, Carbone, Modory, Faraone, Johnson, Singer, Ruffolo, Larsen, Wisnefski, Carey-Mielke, Clark, Noble, Gorlinski, Smitz, Elverman, Ekornaas, West, Kerkman, O'Day.

Nays: Supervisor Pitts.

Ayes. 26. Nays. 1.

Motion carried.

**RESOLUTION 139**

139. From Finance Committee regarding 2003 Office of Register of Deeds Budget Modification.

**WHEREAS**, the Office of the Register of Deeds has experience a significant increase in volume of documents to be recorded in January and February of 2003, and

**WHEREAS**, the Office of the Register of Deeds currently has a backlog of over 4,300 documents which are required to be recorded, and

**WHEREAS**, in order to get documents recorded and up-to-date will require the use of temporary help and overtime, and

**WHEREAS**, sufficient revenue will be generated within the Office of the Register of Deeds to cover the cost of relieving the backlog, and

**WHEREAS**, no funding will be required from the General Fund,

**NOW THEREFORE BE IT RESOLVED**, that the 2003 Register of Deeds Office budget be modified in the amount of \$33,300 as the per attached budget modification which is herein incorporated by reference.

**Submitted by:**

FINANCE COMMITTEE

Robert Carbone

Terry Rose

John O' Day

Robert Pitts

Gordon West

It was moved by Supervisor Carbone to adopt Resolution 139. Seconded by Supervisor West.

Roll call vote.

Ayes: Supervisors Grady, Boyer, Rose, Kessler, Huff, Molinaro, Marrelli, Bergo, Carbone, Modory, Faraone, Johnson, Singer, Ruffolo, Larsen, Wisnefski, Carey-Mielke, Clark, Noble, Gorlinski, Smitz, Elverman, Ekornaas, West, Kerkman, O'Day, Pitts.

Nays: None

Ayes. 27. Nays. 0.

Motion carried.

**RESOLUTION 140**

140. From Human Services, Building & Grounds and Finance Committees regarding Project completion of the Job Center Remodeling Project to restore budgeted line items which funds were needed for infrastructure improvements.

**WHEREAS**, the Kenosha County Board of Supervisors authorized the purchase of the Job Center building in calendar year 1999, and

**WHEREAS**, the Kenosha County Board of Supervisors intended the Job Center Building would provide office space for six divisions of the Department of Human Services, and

**WHEREAS**, the Kenosha County Board of Supervisors authorized \$4,400,000 of bonded funds to remodel the former theatre, dentist office, and carpet store as well as an additional second floor for the purpose of moving Divisions of Health, Aging, Disability Services, Veterans and Children & Family Services, and

**WHEREAS**, during the remodeling of the referenced areas, costs were incurred for necessary infrastructure improvements (Roof and Heating Ventilation Air Conditioning), and

**WHEREAS**, the original budget intended that all non remodeled areas and obsolete or non operative furniture, fixture, equipment, carpet and work stations be repaired/or replaced, and

**WHEREAS**, there are available funds in unspent bonding projects and unrestricted funds to restore budgeted line items to accomplish the intent to repair/or replace items referenced herein, and

**NOW, THEREFORE, BE IT RESOLVED**, THAT THE Kenosha County Board of supervisors authorize the use of unspent bond money and unrestricted funds of \$350,000 (total project cost \$4,750,000) to be used for the remaining repairs or replacement as originally intended and referenced herein, per the attached budget modification incorporated herein by reference.

Submitted by:

|                          |                   |                    |
|--------------------------|-------------------|--------------------|
| HUMAN SERVICES COMMITTEE | FINANCE COMMITTEE | BUILDING & GROUNDS |
| Eunice Boyer             | Robert Carbone    | Mark Wisnefski     |
| Anne Bergo               | Robert Pitts      | Anne Bergo         |
| Don Smitz                | Gordon West       | Mark Molinaro      |
| John O'Day               | John O'Day        |                    |

It was moved by Supervisor Wisnefski to adopt Resolution 140. Seconded by Supervisor Boyer.

It was moved by Supervisor Rose to amend Resolution 140 to remove from the resolution the \$100,000.00 contingency fund and \$50,000.00 infrastructure and rough in future growth areas. Seconded by Supervisor Noble.

It was moved by Supervisor Kerkman to close debate. Seconded by Supervisor Rose.

Roll call vote.

Ayes: Supervisors Kessler, Grady, Boyer, Rose, Marrelli, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, O'Day, Larsen, Wisnefski, Carey-Mielke, Clark, Noble, West, Kerkman, Smitz, Ekornaas.

Nays: Supervisors Huff, Molinaro, Singer, Ruffolo, Montemurro, Gorlinski, Elverman.

Ayes. 21. Nays. 7.

Motion carried.

Roll call vote on Supervisors Rose's Amendment.

Ayes: Supervisors Rose, Clark, Noble, Gorlinski, Elverman.

Nays: Supervisors Kessler, Grady, Boyer, Huff, Molinaro, Marrelli, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, O'Day, Singer, Ruffolo, Montemurro, Larsen, Wisnefski, Carey-Mielke, West, Kerkman, Smitz, Ekornaas.

Ayes. 5. Nays. 23.

Motion failed.

It was moved by Supervisor Boyer to close debate on Resolution 140. Seconded by Supervisor Wisnefski.

Roll call vote.

Ayes: Supervisors Kessler, Grady, Boyer, Rose, Marrelli, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, O'Day, Singer, Larsen, Wisnefski, Carey-Mielke, Noble, West, Kerkman, Smitz, Ekornaas.

Nays: Supervisors Huff, Molinaro, Ruffolo, Montemurro, Clark, Gorlinski, Elverman.

Ayes. 21. Nays. 7.

Motion carried.

Roll call vote on Resolution 140.

Ayes: Ayes: Supervisors Kessler, Grady, Boyer, Marrelli, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, O'Day, Singer, Larsen, Wisnefski, Carey-Mielke, West, Kerkman, Smitz, Ekornaas, Huff, Molinaro, Ruffolo, Montemurro, Elverman.

Nays: Supervisors Rose, Clark, Noble, Gorlinski.

Ayes. 24. Nays. 4.

Motion carried.

#### **RESOLUTION 141**

141. From Land Use Committee regarding a Siting Resolution pursuant to Wisconsin Statutes Section 289.33(6)(a), stating the intent of Kenosha County to negotiate and if necessary, arbitrate with waste management, Inc. regarding the proposed northerly expansion of the Pheasant Run recycling and Disposal Facility.

**WHEREAS**, Kenosha County has been notified by Waste Management, Inc. that Waste Management, Inc. intends to pursue northerly expansion of the Pheasant Run Recycling and Disposal Facility in Kenosha County; and

**WHEREAS**, the state law allows Kenosha County to participate on a local Committee that will negotiate with Waste Management, Inc. to establish requirements to protect the legitimate concerns of nearby property owners and residents and affected municipalities, including Kenosha County; and

**WHEREAS**, the ability of Kenosha County to participate on the local committee requires the adoption of this Siting Resolution and the naming of two members to represent Kenosha County on the local committee that will conduct

negotiations regarding the proposed expansion of the Pheasant Run Recycling and Disposal Facility;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of Kenosha County that Kenosha County intends to negotiate and if necessary, arbitrate with Waste Management, Inc. concerning the proposed expansion of the Pheasant Run Recycling and Disposal Facility; and

**BE IF FURTHER RESOLVED**, that the appointment of two members to represent Kenosha County on the local committee, pursuant to Wisconsin Statutes section 289.33(7)(a)1m, will be the Director of Planning & Development and Tom Gorlinski of the Land Use Committee; and

**BE IT FURTHER RESOLVED**, that the County Clerk of designee shall send a certified copy of this Resolution and a copy of documents showing the appointment of two County representatives to the local committee to the State of Wisconsin Waste Facility Siting Board, 201 West Washington Avenue, Madison, Wisconsin 53703, within seven days after the adoption of this Resolution and within seven days after the appointment of the members to represent Kenosha County on the local (negotiating) committee, respectively.

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

It was moved by Supervisor Smitz to adopt Resolution 141. Seconded by Supervisor Ekornaas.

Motion carried.

COMMUNICATION

25. From George E. Melcher, Director of Planning and Development regarding future rezonings.

Chairman Kessler referred Communication 25 to Land Use Committee.

CLAIMS

39. Joanne Robison - stenograph machine damaged.

40. Joan Davidson - damaged windshield.

41. Robert Busche - mailbox damage.

42. Raymond Olszewski - mailbox damage.

43. Joseph Suasas - mailbox damage.

Chairman Kessler referred Claims 39-43 to Corporation Counsel.

It was moved by Supervisor Carbone to approve the March 4, 2003 minutes. Seconded by Supervisor Carey-Mielke.

It was moved by Supervisor Wisnefski to adjourn. Seconded by Supervisor Bergo.

Motion carried.

Meeting adjourned at 9:10 p.m.

Prepared by: Pam Young

Chief Deputy

Submitted by: Edna R. Highland

County Clerk

**KENOSHA COUNTY BOARD OF SUPERVISORS**

**COUNTY BOARD CHAMBERS**

**COUNTY ADMINISTRATION BUILDING**

**April 8, 2003**

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

Present: Supervisors Grady, Boyer, Rose, Kessler, Huff, Molinaro, Marrelli, Bergo, Carbone, Faraone, Johnson, Singer, Montemurro, Larsen, Wisniewski, Carey-Mielke, Clark, Noble, Gorlinski, Smits, Elverman, Ekornaas, West, O'Day.

Excused: Supervisor Modory, Ruffolo, Kerkman.

Absent: Supervisor Pitts.

Present. 24. Excused. 3. Absent. 1.

**ANNOUNCEMENTS OF THE CHAIRMAN**

Chairman Kessler asked for a moment of silence in memory of former County Board Supervisor Charles Huck.

**SUPERVISOR REPORTS**

Supervisor Wisniewski stated that Buildings & Grounds received four proposals for the County Security System.

Supervisor Elverman stated that they are close to closing on the new Parkland. Also, four engineering firms will be interviewed for the new parking structure.

Supervisor Carey-Mielke put an envelope on everyone's desk containing information about the 20th Annual Kenosha Rotary Club Golf Outing & Raffle. All proceeds benefit local charities. Also, anyone interested in mentoring can contact Faye Bryant at the University Extension Office. Youth Quest is for grades 8 thru 12.

**NEW BUSINESS**

Resolutions - one reading.

**RESOLUTION 142**

142. From Finance Committee regarding Bills over \$5,000.00.

WHEREAS, the Wisconsin State Statutes provides that the County Board may Act on all bills over \$10,000.00 and

WHEREAS, the County resolution requires that the Finance Committee must act on all bills over \$5,000.00, and

NOW, THEREFORE, LET IT BE RESOLVED that the following bills be approved for payment:

KENOSHA COUNTY PAYMENT GROUPS BILLS OVER \$5,000.00

APPROVAL BY FINANCE COMMITTEE AND COUNTY BOARD ARE REQUIRED:

| <u>DIVISIONS</u>           | <u>PAYMENT GROUPS</u> |
|----------------------------|-----------------------|
| Finance Grouping #1        | \$887,956.45          |
| Finance Grouping #2        | 8,574.00              |
| Personnel Grouping #1      | 12,362.45             |
| Disability Grouping #1     | 39,840.78             |
| Payment groups Grand Total | \$948,733.68          |

Submitted by:

FINANCE COMMITTEE

Robert Carbone

Terry Rose

Robert Pitts

John O'Day

Gordon West

It was moved by Supervisor Carbone to adopt Resolution 142. Seconded by Supervisor Rose.

Motion carried.



**RESOLUTION 143**

143. From Highway & Parks Committee regarding Kenosha County Public Snowmobile Trail.

Resolution 143 was removed by Supervisor Elverman because Highway & Parks Committee did not meet due to the snow storm.

**RESOLUTION 144**

144. From Legislative Committee regarding Supporting the Mandate Relief Act.

**WHEREAS**, the State of Wisconsin expects local units of government to provide certain services or to administer certain programs, and

**WHEREAS**, the State of Wisconsin has imposed certain mandates on county government throughout the entire state for which the county receives no compensation, and

**WHEREAS**, local units of government have had these additional costs imposed on them and at the same time had restrictions placed on their ability to tax, and **WHEREAS**, legislation has been introduced for mandate relief under the terms of

which a new standing joint legislative committee would be created for the purpose of reviewing proposed and existing programs and services that the state demands of local government, and

**WHEREAS**, under the terms of the proposed Mandate Relief Act, each existing mandate would sunset over a three year period, after which time the committee could decide whether to provide the funding for the program or service or in the alternative drop the mandate;

**NOW, THEREFORE, BE IT RESOLVED** by the Kenosha County Board of Supervisors that

it support the proposed Mandate Relief Act and further that this endorsement by the Kenosha County Board of Supervisors be communicated to the Governor of the State of Wisconsin, to Kenosha County's state legislative delegation and to the State Legislature.

Submitted by:

**LEGISLATIVE COMMITTEE**

Tom Kerkman  
Fred Ekornaas  
Ava Marrelli  
Anita Faraone

It was moved by Supervisor Johnson to adopt Resolution 144. Seconded by Supervisor Larsen.  
Motion carried.

**RESOLUTION 145**

145. From Legislative Committee regarding Authorizing an Appeal for an Exemption from State Mandates Pursuant to section 66.0143, Wisconsin Statutes.

**WHEREAS**, the Legislature recently enacted a provision in 2001 Wisconsin Act 109 authorizing a County to request a waiver with the State Department of Revenue from State mandates that are not related to public health and safety, and

**WHEREAS**, the Legislature has over the years enacted the following State mandates upon counties requiring the expenditure of funds for purposes other than health and safety under the following statutes; Sections 59.14(2), 59.56(1)(b), 59.60(7), 59.60(9)(b), 59.66(2)(a)2., 198.06(1), 198.22(3), which statutes presently require each County in the State to expend funds for those purposes set forth therein as publishing notices and actions, and

**WHEREAS**, Kenosha County has established a website for public internet access to enhance information relative to County government meetings and actions requiring public notice available to residents of Kenosha County and the costs of publication of the same information is duplicative of the costs incurred by the County in providing this public information to the residents of Kenosha County.

**NOW, THEREFORE, BE IT RESOLVED** by the Kenosha County Board of Supervisors that it hereby requests exemption from the Wisconsin Department of Revenue for a waiver from the State mandates as set forth in the statutory provisions referred to herein, and

**BE IT FURTHER RESOLVED** that the appropriate County officials be authorized to submit the necessary documentation for this request for exemption from State mandates.

Submitted by:

LEGISLATIVE COMMITTEE

Thomas Kerkman

Ava Marrelli

Anita Faraone

Fred Ekornaas

It was moved by Supervisor Johnson to adopt Resolution 145. Seconded by Supervisor Ekornaas.

Motion carried.

#### **RESOLUTION 146**

146. From Legislative Committee regarding Support of Federal Legislation Proposed by Senator Russ Feingold and Senator Grassley of Iowa to Change Medicare Payment Inequities Between States.

**WHEREAS**, as health insurance premium rise, it is important to recognize how federal government Medicare program shortfalls contribute to these increases. Medicare underpayments have become a "hidden tax" that inflates the cost of health care paid by consumers and by Wisconsin businesses, local government and school districts. Medicare payment policy also shortchanges senior citizens who do not have access to additional Medicare benefits that are available in other states, and

**WHEREAS**, Medicare reimbursement per beneficiary in Wisconsin ranks well below the national average, despite the fact that Wisconsin citizens pay the exact same tax rates that other states pay, and

**WHEREAS**, benefits available to seniors are not the same, and

**WHEREAS**, overall, Wisconsin is losing \$1 Billion annually, and

**WHEREAS**, because Wisconsin users are more conservative and wiser in using medical services, they are penalized, and

**WHEREAS**, Wisconsin receives \$375 per beneficiary, while other states receive \$750 to \$900 per beneficiary, and

**WHEREAS**, this results in a shifting of the cost to consumers, businesses and local government, and

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of Supervisors does support the federal legislation proposed by Senator Russ Feingold and Senator Grassley to change the Medicare payment formulas to stop inequities in payments among states.

**BE IT FURTHER RESOLVED** that a copy of this Resolution be sent to all members of the Wisconsin Federal legislative delegation, all Wisconsin counties, and the Wisconsin Counties Association, asking their support of this legislation.

Submitted by:

LEGISLATIVE COMMITTEE

Thomas Kerkman

Ava Marrelli

Anita Faraone

Fred Ekornaas

It was moved by Supervisor Johnson to adopt Resolution 146. Seconded by Supervisor Faraone.

Motion carried.

COMMUNICATION

25. From George E. Melcher, Director of Planning and Development regarding future rezonings.

Chairman Kessler referred Communication 25 to the Land Use Committee.

CLAIMS

44. Charles Repinski - mailbox damage.

- 45. Scott Dahl - car hit by snow plow.
- 46. Marietta Mengo - mailbox damage.
- 47. Jaremy Giardi - car accident.
- 48. Kami Giardi - car accident.
- 49. Karen Frank - car damage.

Chairman Kessler referred Claims 44 thru 49 to the Corporation Counsel.  
It was moved by Supervisor Singer to approve the March 18, 2003 minutes.  
Seconded by Supervisor Grady.  
Motion carried.  
It was moved by Supervisor Wisnefski to adjourn. Seconded by Supervisor Carey-Mielke.  
Motion carried.  
Meeting adjourned at 7:45 p.m.

Prepared by: Pam Young  
Chief Deputy  
Submitted by: Edna R. Highland  
County Clerk

**KENOSHA COUNTY BOARD OF SUPERVISORS**

**COUNTY BOARD CHAMBERS**

**COUNTY ADMINISTRATION BUILDING**

**April 15, 2003**

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

Present: Supervisors Boyer, Rose, Kessler, Huff, Molinaro, Marrelli, Bergo, Carbone, Faraone, Johnson, Singer, Montemurro, Larsen, Wisnefski, Clark, Noble, Gorlinski, Smits, Elverman, Ekornaas, West, O'Day, Modory, Kerkman, Pitts.

Excused: Supervisor Grady, Ruffolo, Carey-Mielke.

Present. 25. Excused. 3.

**CITIZEN COMMENTS**

William Phenicie, an attorney with the law firm of Lloyd, Phenicie, Lynch and Kelly. He is representing the owners of various parcels of property adjacent to and located nearby the parcel owned by Michiko Nagai in the Town of Salem. Ms Nagai has petitioned for rezoning from A-1 Agricultural to A-2 Agricultural and B-5 Wholesale Trade and Warehousing classification to allow her tenant to operate a Landscaping Business on the property. This narrow parcel is bordered by horse farms unsuited to the B-5 zoning district. Adopt the Land Use Committee's Resolution to deny the rezoning.

Carole Allgauer, one of the owners of Fireside Farm and adjoins the Nagai property to the east. She hopes the board will support Resolution 152 and deny the rezoning request by Michiko Nagai.

Lisa Froehlig, one of the owners of Silverwood Farm a 103 acre horse farm and adjoins the Nagai property to the west. Please follow the Land Use Committees recommendation and deny the rezoning request.

Tim Voeller, an attorney representing Michiko Nagai. Crane Landscaping began operation since 1997. Under the current A-1 Zoning this is a legal operation. In September of 1999 the Kenosha County Planning Department issued an order to correct conditions on the property. The Planning department went to each of the Landscaping Contractors under county jurisdiction and asked that each operation change their zoning to a B-5 Conditional Use which was a better suited zoning for landscape operations. The Zoning Code was void of a reference to landscape operation. Ms. Nagai was just complying with the order to rezone her property to B-5 so that she could continue the business. She also agreed to certain conditions. One was that it would be rezoned back to A-1 at the termination of the landscaping business. The Town of Salem did approve this. There has been precedence set.

Michiko Nagai, owner of the property stated that this has been a terrible fight. Before this she was friends with her neighbors. Her property should be A-1 Agricultural with Conditional Use not B-5 Wholesale Trade and Warehousing District. She has to fight and she feels like a insignificant mouse pushed into a corner. Now she will fight and bite the big fat cat!

Julie Claeys, Lydia Breul, Corinne Krebs, Art Lukowicz, Bob Livingston Sr., Jerry Hajducey, David Giza, Yvette Livingston and Robert Livingston all spoke in favor of the Landscape Business staying operational.

Carol Allgauer, Carl Habendott and Deborah Habendott live across or adjacent to Michiki Nagai property and are against having a landscape business so close to their horse farms.

**SUPERVISOR REPORTS**

Supervisor Pitts announced that Karen Vincent, Director of Brookside Care Center will be leaving April 30th. She has been so dedicated and she will be going into consulting work.

Supervisor Rose stated that there is a possibility the Barber Shop Headquarters would be leaving this area. This is an important organization for Kenosha. We do not want to lose this business. He asked Chairman Kessler to contact the Executive Director to find out what it will take to keep that organization in Kenosha County.

Supervisor Molinaro stated that the Legislative Committee has been looking at Citizens Comments on the agenda. He is urging the Legislative Committee not to tamper with citizen comments. It is important that the taxpayers of this county the opportunity to speak to this body when they want to and about what they want to.

Supervisor Elverman stated that the Highway & Parks Committee closed the new Parkland. At this time there is a development plan in progress. We will be reaching out to community groups to be involved.

Supervisor Wisniewski stated that a compressor at the 45 & 50 building went out. He does not know what the replacement cost will be. The building is ten years old and things are bound to break down.

Supervisor Gorlinski stated that he is involved with a community group in the Town of Salem. They got the D.O.T. to approve an engineer change on Highway 83 from the state line to Highway 50 relative to pedestrian and bike walkways. The important thing has been communication. One of the most reoccurring comment was - does the County have a Director of Recreation. Given the future of how this county is growing it is important that this county look to the future relative to it's plan for recreation and it's availability to all citizens in Kenosha County.

#### **NEW BUSINESS**

Ordinances - one reading.

#### **ORDINANCE 73**

73. From Land Use Committee regarding Anthony R. Rossi and Sons Partnership (Owner), Randall Rossi (Agent), requesting rezoning from A-1 Agricultural Preservation district to R-2 Suburban Single-Family residential District in the Town of Bristol.

#### **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 Parcel #35-4-121-042-0101 located in the northwest quarter of Section 4, Township 1 North, Range 21 East, Town of Bristol be changed from A-1 Agricultural Preservation District to R-2 Suburban Single-Family Residential District. For informational purposes only, this property is located on the south side of County Trunk Highway "K" (60<sup>th</sup> Street) approximately ¼ mile east of the intersection of County Trunk Highway "D" (184<sup>th</sup> Avenue).

**Anthony R. Rossi and Sons Partnership - (Owners)**

**Randall Rossi - (Agent)**

**Description:** Part of the northeast ¼ of the northwest ¼ of Section 4, Township 1 North, Range 21 East of the Fourth Principal Meridian, in the Town of Bristol, County of Kenosha, State of Wisconsin and being more particularly described as follows: Commence at the north ¼ corner of said Section 4; thence south 88°49'04" west along the north line of said northwest ¼ section 1066.65 feet (recorded as west 1066.46 feet) to the place of beginning of this description; thence south 01°49'29" east 422.02 feet; thence south 88°49'04" west 255.00 feet; thence north 01°49'29" west (recorded as north 00°37'25" west) 422.02 feet to a point on the north line of said northwest ¼ section; thence north 88°49'04" east (recorded as east) along said north line 255.00 feet to the place of beginning. Containing 2.47 acres of land more or less. Subject to rights of the public over the north 40 feet thereof dedicated to the public for public highway purposes (County Trunk Highway "K" a/k/a 60<sup>th</sup> Street). This description is intended to extend to the center of all roads.

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

**ORDINANCE 74**

74. From Land Use Committee regarding Robert W. Bohn (Owner)/Patrick M. Lloyd (Counsel/Agent), requesting rezoning from A-1 Agricultural Preservation District to A-2 General Agricultural District excluding lands currently zoned C-2 Upland Resource Conservancy District in the Town of Bristol.

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 #35-4-121-233-0300 located in the southwest quarter of Section 23, Township 1 North, Range 21 East, Town of Bristol be changed from A-1 Agricultural Preservation District to A-2 General Agricultural District excluding lands currently zoned C-2 Upland Resource Conservancy District. For informational purposes only, this property is located on the north side of County Trunk Highway "Q" (104<sup>th</sup> Street) at the intersection of County Trunk Highway "MB" (152<sup>nd</sup> Street).

**Robert W. Bohn - (Owner)**

**Patrick M. Lloyd - (Counsel/Agent)**

**Description:** Part of the northwest ¼ and the southwest ¼ of the southwest ¼ of Section 23, Township 1 North, Range 21 East of the Fourth Principal Meridian, in the Township of Bristol, County of Kenosha, State of Wisconsin and being more particularly described as follows: Begin at the southwest corner of said southwest ¼ section; thence north 02°09'54" west along the west line of said southwest ¼ section 2640.89 feet to the northwest corner of said southwest ¼ section; thence north 89°24'08" east along the north line of said southwest ¼ section 335.00 feet; thence south 04°05'52" east 677.00 feet; thence north 88°44'08" east 384.90 feet; thence south 05°57'42" east 204.92 feet; thence south 84°55'52" east 220.18 feet; thence south 05°15'52" east 286.41 feet; thence south 87°12'23" east 295.37 feet; thence south 46°15'52" east 18.90 feet; thence south 07°50'14" east 44.35 feet; thence south 70°26'15" east 20.04 feet to a point on the east line of the west ½ of said southwest ¼ section; thence south 02°10'50" east along said east line 1376.12 feet to a point on the south line of said southwest ¼ section; thence south 89°23'31" west along said south line 1321.34 feet to the place of beginning. Containing 59.79 acres of land more or less. Subject to rights of the public over the south 33 feet thereof for highway purposes (County Trunk Highway "Q" a/k/a 104<sup>th</sup> Street) excluding lands currently zoned C-2 Upland Resource Conservancy District.

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

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

It was moved by Supervisor Smitz to adopt Ordinances 73 & 74. Seconded by Supervisor Molinaro.

Motion carried.

Resolutions - one reading.

**RESOLUTION 147**

147. From Finance Committee regarding Bills over \$5,000.00.

**WHEREAS**, the Wisconsin State Statutes provides that the County Board may act On all bills over \$10,000.00 and

**WHEREAS** the County Resolution requires that the Finance Committee must act on all bills over \$5,000.00, and

**NOW, THEREFORE LET IT BE RESOLVED**, that the following bills be approved for payment:

KENOSHA COUNTY PAYMENT GROUPS BILLS OVER \$5,000.00

APPROVAL BY FINANCE COMMITTEE AND COUNTY BOARD ARE REQUIRED:

DIVISIONS

PAYMENT GROUPS

FINANCE GROUPING # 1

\$1,472,036.46

|                             |                |
|-----------------------------|----------------|
| FINANCE GROUPING # 2        | \$ 100,232.20  |
| PERSONNEL GROUPING # 1      | \$1,138,486.38 |
| DISABILITY GROUPING # 1     | \$1,097,065.60 |
| PAYMENT GROUPS GRAND TOTAL: | \$3,807,820.64 |

Re-submit approved Resolution #45, dated 9/17/02, Workman's Compensation settlement was adjusted by order of State of Wisconsin Workman's Compensation Division from \$18,400 to \$17,529.42.

Submitted by:

FINANCE COMMITTEE

Robert Carbone

John O'Day

Terry Rose

Gordon West

Robert Pitts

It was moved by Supervisor Carbone to adopt Resolution 147. Seconded by Supervisor Rose. Supervisor Clark abstained from voting on Community Impact Program, Shalom Center and Professional Services Group.

#### **RESOLUTION 148**

148. Finance Committee regarding 2002 Year End Closeout Resolution.

**WHEREAS**, certain projects were authorized by the County Board in the prior year's budget, and

**WHEREAS**, it is necessary to carryover these funds to complete these projects, and

**WHEREAS**, year-end analysis shows there is a cash deficit of \$629,983 in Golf Course Fund 640, and there are monies available from certain funds that can cover this deficit, and

**WHEREAS**, the following monies can be transferred to Golf Course Fund 640 to cover the deficit: \$335,572 from Highway Fund 700; and \$294,411 from Brookside Care Center Fund 600; and

**WHEREAS**, there are funds available in the Human Services Special Revenue Fund 200 that may be appropriated to cover a projected placement deficit in Disability Services of \$340,000, and

**NOW, THEREFORE, BE IT RESOLVED**, that the appropriate funds be carried over from 2002 to 2003, and that the 2003 budget be adjusted as shown in the attached fiscal notes which are incorporated by reference,

**BE IT FURTHER RESOLVED**, that funds be transferred to the Golf Course Fund 640 for purposes of covering the cash deficit with \$335,572 to be lapsed from the Highway Fund and \$294,411 to be lapsed from Brookside Care Fund. These funds shall not be appropriated but should be lapsed only for covering the Golf Course cash deficit, and

**BE IT FURTHER RESOLVED**, that \$340,000 remain in Social Services Fund 200 and not be lapsed into the General Fund, and be appropriated in the Department of Disability Services as shown in the attached fiscal notes, and

**BE IT FURTHER RESOLVED**, that the attached fiscal notes detail the source and application of funds,

**BE IT FURTHER RESOLVED**, that it is the policy, desire, and intent of the Kenosha County Board that each appropriation unit of this budgetary amendment for which monies have been appropriated be carried out as if adopted by separated resolution and as necessary to carry out the public intent. The funds are made available and, unless amended by law or action by the County Board through budgetary transfers, no monies appropriated for any one purpose in any one appropriation unit can be used for any other purpose in any other appropriation unit without prior approval of the Kenosha County Board. The Finance Committee is authorized to approve transfers not to exceed \$1,000.00.

**BE IT FURTHER RESOLVED**, that all expenditures appropriated are not to exceed funded monies in the budget or this amount without prior approval of the County Board.

Submitted by:

FINANCE COMMITTEE:

Robert Carbone

Gordon West

Terry Rose

John O'Day

Robert Pitts

It was moved by Supervisor Carbone to adopt Resolution 148. Seconded by Supervisor O'Day.

2/3 vote required.

Ayes: Supervisors Kessler, Boyer, Rose, Huff, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, O'Day, Singer, Larsen, Wisnefski, Clark, Noble, West, Kerkman, Gorlinski, Smitz, Elverman, Ekornaas.

Nays: Supervisors Molinaro, Marrelli, Montemurro.

Ayes. 22. Nays. 3.

Motion carried.

#### **RESOLUTION 149**

149. From Human Services and Finance Committees regarding Modifying 2002 budget to reflect additional funding received in the fourth quarter of 2002 for the Wisconsin "WINS" program.

**WHEREAS**, the Kenosha County Department of Human Services, Division of Health has received additional funding from the Wisconsin Department of Health and Family Services in the amount of \$3,008 for the period of January 1, 2002 through December 31, 2002, and

**WHEREAS**, the Kenosha County Department of Human Services, Division of Health has received these funds for the Wisconsin Wins Program for the period of January 1, 2002 through December 31, 2002, and

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

**NOW, THEREFORE LET IT BE RESOLVED**, that the Department of Human Services, Division of Health budget be modified, at no cost to the county, as follows: Revenue increases by \$3,008 and expenditures increase by \$3,008 as indicated in the attached budget modifications that are incorporated into this resolution by reference.

Submitted by:

HUMAN SERVICES COMMITTEE

Eunice Boyer

Anne Bergo

John O'Day

Donald Smitz

William Grady

FINANCE COMMITTEE

Robert Carbone

Terry Rose

John O'Day

Robert Pitts

Gordon West

It was moved by Supervisor Boyer to adopt Resolution 149. Seconded by Supervisor Carbone.

2/3 vote required.

Motion carried unanimously.

#### **RESOLUTION 150**

150. From Human Services Committee regarding Division of Children & Family Services: Resolution for Leave of Absence for an Ongoing Unit Social Worker.

It was moved by Supervisor Boyer to adopt Resolution 150. Seconded by Supervisor Bergo.

Chairman Kessler referred Resolution 150 to the Administration Committee.

#### **RESOLUTION 151**

151. From Judiciary & Law enforcement Committee regarding Probationary Cabaret License - Dianne's Place.

**WHEREAS**, the applicant Dianne M. Anderson received approval by County Board action for a probationary cabaret license for the establishment known as Dianne's Place, and

**WHEREAS**, the application of Dianne M. Anderson for a probationary cabaret license for Dianne's Place, 1543-22nd Avenue, Kenosha, Wisconsin, in the Town of Somers, was made during the month of March, was turned over to this office on March 5, 2003, 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

**NOW, THEREFORE, BE IT RESOLVED**, that because this is the initial application by the license holder, a probationary license be granted to Dianne M. Anderson, for Dianne's Place.

Submitted by:



JUDICIARY & LAW ENFORCEMENT COMMITTEE

James Huff

Brenda Carey-Mielke

Anita Faraone

Joe Montemurro

Terry Rose

It was moved by Supervisor Huff to adopt Resolution 151. Seconded by Supervisor Faraone.

Motion carried.

**RESOLUTION 152**

152. From Land Use Committee regarding Denial of the rezoning request of Michiko Nagai Trustee of Michiko Nagai Revocable Living Trust from A-1 Agricultural Preservation District to A-2 General Agricultural District and B-5 Wholesale Trade and Warehousing District excluding lands currently zoned C-2 Upland Resource Conservancy District in the Town of Salem.

It was moved by Supervisor Smitz to adopt Resolution 152. Seconded by Supervisor Ekornaas.

It was moved by Supervisor Wisnefski to refer Resolution 152 back to Land Use Committee. Seconded by Supervisor Rose.

It was moved by Supervisor Kerkman to amend the amendment to be that Resolution 152 be changed to A2 zoning with a Conditional Use Permit due to the fact that Crane's Landscaping is an existing business. Seconded by Supervisor Faraone.

It was moved by Supervisor Rose to close debate on the amendment to the amendment. Seconded by Supervisor Kerkman.

Roll call vote.

Ayes: Supervisors Kessler, Boyer, Rose, Marrelli, Bergo, Carbone, Modory, Faraone, Johnson, O'Day, Singer, Larsen, Wisnefski, Clark, West, Kerkman, Smitz, Elverman.

Nays: Supervisors Huff, Molinaro, Pitts, Montemurro, Noble, Gorlinski, Ekornaas.

Ayes. 18. Nays. 7.

Motion carried.

Roll call vote on amendment to the amendment.

Ayes: Supervisors Boyer, Rose, Wisnefski, Kerkman.

Nays: Supervisors Kessler, Huff, Molinaro, Marrelli, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, O'Day, Singer, Montemurro, Larsen, Clark, Noble, West, Gorlinski, Smitz, Elverman, Ekornaas.

Ayes. 4. Nays. 21.

Motion failed.

It was moved by Supervisor Pitts to close debate on the amendment. Seconded by Supervisor Rose.

Ayes: Supervisors Boyer, Rose, Bergo, Carbone, Faraone, Johnson, Pitts, O'Day, Wisnefski, Kerkman, Smitz.

Nays: Supervisors Kessler, Huff, Molinaro, Marrelli, Modory, Singer, Montemurro, Larsen, Clark, Noble, West, Gorlinski, Elverman, Ekornaas.

Ayes. 11. Nays. 14.

Motion lost.

It was moved by Supervisor Singer to close debate on the amendment. Seconded by Supervisor Rose.

Ayes: Supervisors Kessler, Boyer, Rose, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, O'Day, Singer, Larsen, Wisnefski, Clark, West, Kerkman, Gorlinski, Smitz, Ekornaas.

Nays: Supervisors Huff, Molinaro, Marrelli, Montemurro, Noble, Elverman.

Ayes. 19. Nays. 6.

Motion carried.

Roll call vote on the referral amendment to refer back to Land Use Committee Resolution 152 with direction to come back to the County board with an Ordinance granting the petition of the petitioner based on the findings in Exhibit "A".

Roll call vote.

Ayes: Supervisors Kessler, Boyer, Rose, Huff, Molinaro, Bergo, Carbone, Modory, Pitts, O'Day, Singer, Montemurro, Wisnefski, Clark, Noble, West, Kerkman, Elverman.

Nays: Supervisors Marrelli, Faraone, Johnson, Larsen, Gorlinski, Smitz, Ekornaas.

Ayes. 18. Nays. 7.

Motion carried.

COMMUNICATION.

26. From George E. Melcher, Director of Planning and Development regarding future rezonings.

Chairman Kessler referred Communication 26 to the Land Use Committee.

It was moved by Supervisor Faraone to approve April 8, 2003 minutes as amended. Seconded Supervisor West.

Motion carried.

It was moved by Supervisor Wisnefski to adjourn sine die. Seconded by Supervisor Marrelli.

Motion carried.

Meeting adjourned at 11:30 p.m.

Prepared by: Pam Young  
Chief Deputy

Submitted by: Edna R. Highland  
County Clerk

**KENOSHA COUNTY BOARD OF SUPERVISORS**

**COUNTY BOARD CHAMBERS**

**COUNTY ADMINISTRATION BUILDING**

**May 6, 2003**

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

Present: Supervisors Boyer, Rose, Kessler, Huff, Molinaro, Bergo, Carbone, Faraone, Johnson, Singer, Montemurro, Larsen, Wisniewski, Clark, Noble, Smitz, Elverman, Ekornaas, West, O'Day, Modory, Kerkman, Pitts, Grady, Carey-Mielke.

Excused: Supervisor Ruffolo, Gorlinski, Marrelli.

Present. 25. Excused. 3.

County Executive, Allen Kehl presented a Proclamation for "Municipal Clerks Week".

**CITIZEN COMMENTS**

Jack Swartz, 555-13th Avenue. He has spoken to the County Board before about land adjoining his on 13th Avenue and Hwy A. This land is being used by a Racine resident as a contractor storage yard. Eighteen inches of top soil was removed from the property and it is now a shallow, stagnant pond. This is a mosquito breeding ground. He is asking the board and Corporation Counsel to have this property returned to its original condition. Put an end to this situation once and for all.

**CHAIRMAN'S ANNOUNCEMENTS**

Chairman Kessler stated that the Barber Shop Headquarters Administrative Board is working with the City of Kenosha and are hoping that they can get a place in Harbor Park. The county will be kept informed.

**SUPERVISOR REPORTS**

Supervisor O'Day introduced Tom Schleif the new Director for the Kenosha History Center. Mr Schleif stated that he moved from Wausau to Kenosha in January. Construction on the Rambler Legacy Gallery started this winter. There is a 1902 Rambler on display. The center has received help from a lot of the unions in the community. They volunteered their time. The gallery will open on Memorial week-end with autos from every decade. This will be an ongoing project into the summer.

Supervisor O'Day reported the status of the Kenosha County Historical Society as it related to the operational budget. The year 2000 we had \$142,000.00, 2001 the budget moved up to \$165,000.00 due to a move. Year 2002 it was \$142,000.00 again. Year 2003 it was \$138,000.00. On April 16th the County Executive met with the Historical Society Board of Directors and informed them that 2004 budget for operations would be cut in half. Last Thursday night at the Finance Meeting the chairman during his comments said that in the 2005 budget would be zero. He does not believe that when the county board that unanimously supported the history center meant not monetarily for operations. The society has two full and two part time employees with all others being volunteers. The Historical Society does not deserve such cuts.

Supervisor Elverman reported on Highway & Parks Committee. Most projects are on track. Highway "A" Pike River Bridge is almost completed with the paving to be done May 7, 2003. Highway "F" is waiting permits. The Golf Courses have become the main topic. The golf rounds are slightly down because of the weather. Some of the promotions are getting positive feed back. The Western Park is on track. We have taken possession of the property. The dam is complete. The firm hired to do the master plan has been set free to start.

Supervisor Larsen stated that he attended the open house at Crane Landscaping and he walked the property for about two hours. In his opinion Ms. Nagai and Mr. Livingston have bent over backwards to do everything they can in their power to resolve the situation.

County Executive Appointments.

1. CoryAnn St. Marie-Carls to serve on the Kenosha County Workforce Investment Board.

2. Dr. Scott R. Pierce to serve on the Kenosha County Workforce Investment Board.

3. Cathryn S. Bothe to serve on the Kenosha County Civil Service Commission.

4. Timothy Thompkins to serve on the Kenosha County Workforce Investment Board.

Chairman Kessler referred Appointments 1,2,4 to Human Services Committee and Appointment 3 to Judiciary & Law Committee

NEW BUSINESS

Resolutions - one reading.

**RESOLUTION 1**

1. From Administration and Human Services Committees regarding Leave of Absence for an Ongoing Unit Social Worker.

**WHEREAS**, Nicholle Humphres, Ongoing Unit Social Worker, has requested a leave of absence for 2 years to pursue her master's degree in social work; and

**WHEREAS**, after graduation, Ms. Humphres plans to return to the Kenosha County area and would like to continue working in the child welfare field and continue employment with the Division of Children & Family Services; and

**WHEREAS**, the Division of Children & Family Services will fill Ms. Humphres' vacant position with a full-time employee; and

**WHEREAS**, the Division of Children & Family Services may rehire Nicholle Humphres if there are any open social work positions when her leave of absence ends;

**NOW, THEREFORE, BE IT RESOLVED**, that the leave of absence for Nicholle Humphres from 2/17/03 through 2/16/05 is approved.

Submitted by:

ADMINISTRATION COMMITTEE

David Singer

Thomas Kerkman

John Ruffolo

Mark Modory

HUMAN SERVICES COMMITTEE

Eunice Boyer

Anne Bergo

Don Smitz

John O'Day

Joe Clark

It was moved by Supervisor Boyer to adopt Resolution 1. Seconded by Supervisor Singer.

Motion carried.

**RESOLUTION 2**

2. From Finance Committee regarding Bills over \$5,000.00.

**WHEREAS**, the Wisconsin State Statutes provides that the County Board may act on all bills over \$10,000.00 and

**WHEREAS**, the County resolution requires that the Finance Committee must act on all bills over \$5,000.00 and

**NOW, THEREFORE LET IT BE RESOLVED**, that the following bills be approved for payment:

KENOSHA COUNTY PAYMENT GROUPS BILLS OVER \$5,000.00

APPROVAL BY FINANCE COMMITTEE AND COUNTY BOARD ARE REQUIRED

**DIVISIONS**

**PAYMENT GROUPS**

Finance Grouping #1 \$ 973,824.21

Personnel Grouping #1 \$ 345,908.20

Personnel Grouping #2 \$ 152,494.77

Disability Grouping #1 \$ 18,156.70

PAYMENT GROUPS GRAND TOTAL \$1,490,383.88

Submitted by:

FINANCE COMMITTEE

Robert Carbone

Terry Rose

Robert Pitts

John O'Day

Gordon West

It was moved by Supervisor Carbone to adopt Resolution 2. Seconded by Supervisor Rose. Supervisor Clark abstained from voting on the Spanish Center.

Motion carried.

**RESOLUTION 3**

3. From Finance Committee regarding Authorizing Sale & Transfer of County Tax Deeded Properties to the Town of Randall.

**WHEREAS**, Kenosha County has acquired tax deed and title to parcels 60-4-119-154-0500, 60-4-119-154-0530, 60-4-119-154-0540, 60-4-119-361-0010 & 60-4-119-361-0020 in the Town of Randall, County of Kenosha, State of Wisconsin, and

**WHEREAS**, the Town of Randall has expressed an interest in acquiring title to these properties, which are to be utilized as Park Recreational and remain green space, and

**WHEREAS**, Sections 59.07(1)(c) and 75.69(2) of the Wisconsin Statutes permits sale of these properties to a municipality.

**NOW, THEREFORE BE IT RESOLVED** that Kenosha County execute a quit claim deed on the above parcels to the Town of Randall for One Dollar (\$1.00) each and other good and valuable consideration and on the condition that these parcels remain as green space to be used as Park Recreational.

Submitted by:

FINANCE COMMITTEE

Robert Carbone

Robert Pitts

John O'Day

Terry Rose

Gordon West

It was moved by Supervisor Carbone to adopt Resolution 3. Seconded by Supervisor Pitts.

Motion carried.

**RESOLUTION 4**

4. From Judiciary & Law and Finance Committees regarding 2003 WI Dept. of Transportation Grant Award for Alcohol Enforcement Project.

**WHEREAS**, the Kenosha County Sheriff's Department has been awarded \$10,000 for a Highway Safety Grant entitled, "Kenosha County Sheriff's Department Alcohol Enforcement", for the grant period of April 1, 2003 through September 30, 2003, and

**WHEREAS**, the grant funds have been approved for use to increase patrol presence to deter alcohol and drug impaired driver behavior in targeted areas and to purchase law enforcement equipment, i.e., an in-car video surveillance system, and

**WHEREAS**, the 25% local match required is met with soft dollars within the current budget and will not require any additional tax levy dollars.

**NOW, THEREFORE BE IT RESOLVED**, that the Kenosha County Board of Supervisors accept the grant and approve that the revenue and expenditure line items be modified, as per the attached budget modification forms, which are incorporated herein by reference.

Note: This resolution requires NO funds from the general fund. It increases revenues by \$10,000 and increases expenditures by \$10,000.

Submitted by:

JUDICIARY & LAW ENFORCEMENT COMMITTEE

James Huff

Brenda Carey-Mielke

Anita Faraone

Joe Montemurro

Terry Rose

FINANCE COMMITTEE

Robert Carbone

Terry Rose

John O'Day

Robert Pitts

Gordon West

It was moved by Supervisor Huff to adopt Resolution 4. Seconded by Supervisor Carbone.

Motion carried unanimously.

**RESOLUTION 5**

5. From Judiciary & Law and Finance Committees regarding 2003 WI Dept. of Transportation Grant Award for Traffic Enforcement Efforts.

**WHEREAS**, the Kenosha County Sheriff's Department has been awarded \$9,000 for a Highway Safety Grant entitled, "Kenosha County Sheriff's Department

Speed, Intersection & Aggressive Driving Behavior Enforcement", for the grant period of April 1, 2003 through September 30, 2003, and

**WHEREAS**, these funds will be used to increase patrol presence to deter speeders; control intersection traffic and aggressive driving behaviors, and

**WHEREAS**, a portion of these funds will be used to purchase a hand-held cordless radar unit and two voice-link upgrades for in-car video surveillance system, and

**WHEREAS**, the 25% local match required will be met with soft dollars within the Sheriff's current adopted budget and will not require any additional tax levy dollars.

**NOW, THEREFORE BE IT RESOLVED**, that the Kenosha County Board of Supervisors accept the grant and approve that the revenue and expenditure line items be modified, as per the attached budget modification forms, which are incorporated herein by reference.

Note: This resolution requires NO funds from the general fund. It increases revenues by \$9,000 and increases expenditures by \$9,000

Submitted by:

|                                       |                   |
|---------------------------------------|-------------------|
| JUDICIARY & LAW ENFORCEMENT COMMITTEE | FINANCE COMMITTEE |
| James Huff                            | Robert Carbone    |
| Brenda Carey-Mielke                   | Terry Rose        |
| Anita Faraone                         | John O'Day        |
| Joe Montemurro                        | Robert Pitts      |
| Terry Rose                            | Gordon West       |

It was moved by Supervisor Huff to adopt Resolution 5. Seconded by Supervisor O'Day.

Roll call vote.

Ayes: Supervisor Kessler, Boyer, Rose, Huff, Molinaro, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, O'Day, Montemurro, Larsen, Wisnefski, Carey-Mielke, West, Kerkman, Smits, Elverman, Ekornaas.

Nays: Supervisor Grady, Clark, Noble,

Ayes. 22. Nays. 3.

Motion carried.

#### CLAIMS

1. James Helton - fell from upper-bunk.
2. Kenneth Abrahamson - car damage.
3. Ryan Redlin - injured while dining in Detention Center Dining Hall.
4. Randal Dieter - house damage from tree in Petrifying Springs.
5. Karen Kastenschmidt - lost cell phone battery in County Detention Center.

Chairman Kessler referred Claims 1 thru 5 to Corporation Counsel.

It was moved by Supervisor Johnson to approve the April 15, 2003 minutes. Seconded by Supervisor Bergo.

Motion carried.

Chairman Kessler declared a five minute recess before going into a closed session.

Prepared by: Pam Young  
Chief Deputy

Submitted by: Edna R. Highland  
County Clerk

KENOSHA COUNTY BOARD OF SUPERVISORS

COUNTY BOARD CHAMBERS

COUNTY ADMINISTRATION BUILDING

May 20, 2003

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

Present: Supervisors Kessler, Grady, Boyer, Rose, Molinaro, Marrelli, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, O'Day, Singer, Montemurro, Larsen, Wisniewski, Carey-Mielke, Clark, West, Kerkman, Gorlinski, Smith, Elverman and Ekornaas.

Excused: Supervisors Huff, Ruffolo and Noble.

Present: 25. Excused: 3.

County Executive, Allen Kehl addressed the County Board in regard to the May 6th closed session meeting and the apparent information that was subsequently shared with the press. County Executive Kehl reminded the Board Members of their position on the board, the reason for "closed session meetings" and made a personal plea that all future closed session meetings be conducted/attended for the reason that they meant to serve.

CITIZEN COMMENTS

Bill Phenicie, Tim Voller, Linda Kelpinski, Michiko Nagai, Lydia Breul and Rueben Mueller, all spoke in regard to Ordinance 12-rezoning request that is before the Board this evening.

SUPERVISOR REPORTS

In response to County Executive Kehl's plea, the following County Board Members indicated his/her position on the issue of May 6TH breach of silence stemming from the closed session meeting: Supervisor Larsen, Gorlinski, Molinaro, Montemurro, Ekornaas, Johnson, Clark, Pitts, and Corporation Counsel-Frank Volpintesta.

Supervisor Molinaro stated that he will not be supporting ordinance number one (1).

Supervisor Wisniewski advised the Board of the County's intent to hold a picnic in celebration of the tenth anniversary of the Kenosha County Center on Monday, June 2ND at 6:00 p.m. Families are welcome and food/beverages will be served.

Clarification on the Civil Service Ordinance was provided by Supervisor Singer.

Supervisor Boyer provided copies of the Racine/Kenosha Spanish Heritage Information Booklet to all Board members. This book was spearheaded by the Community Action Agency, and is full of valuable information. Supervisor Boyer encourages all to take a few moments to look over the book and share with others so that all may benefit from this agency's efforts.

Supervisor Smitz stated that this year alone, 280 deaths have occurred. This figure is up from previous years. Kenosha County Safety Committee's intent to educate the public in the use of seatbelts as it is not only for a persons safety- but it is mandated by law. Local law enforcement agencies will be enforcing the mandatory seatbelt law in an effort for public awareness and safety.

Supervisor Elverman provided an update on the Kenosha County golf courses. He was happy to acknowledge that the County golf courses report revenue of \$50,000 for the previous weekend. If the weather cooperates, the season looks promising.

Supervisor Rose made a motion to move ordinance 12 to number 2. Seconded by Supervisor Kerkman.

Motion carried.

COUNTY EXECUTIVE APPOINTMENT

5. Mark A. Starzyk to serve on the Kenosha County Housing Authority.

Chairman Kessler referred the appointment of Mark A. Starzyk to the Finance Committee.

NEW BUSINESS

Ordinance - first reading, two required

**ORDINANCE 1**

1. From Legislative Committee an Ordinance to Repeal and Recreate Section 2.07(7) of the Municipal Cod of Kenosha County pertaining to County Board Rules of Decorum, Attendance and Rule Enforcement.

Ordinances-one reading

**ORDINANCE 12**

12. From Land Use Committee regarding Michiko Nagai Trustee of Michiko Nagai revocable Living Trust, requesting rezoning from A-1 Agricultural Preservation District to A-2 General Agricultural District and B-5 Wholesale Trade and Warehousing District excluding lands currently zoned C-2 Upland Resource Conservancy District in the Town of Salem.

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 #65-4-120-201-0120 located in the northeast quarter of Section 20, Township 1 North, Range 20 East, Town of Salem be changed from A-1 Agricultural Preservation District to A-2 General Agricultural District and B-5 Wholesale Trade and Warehousing District excluding lands currently zoned C-2 Upland Resource Conservancy District. For informational purposes only, this property is located on the north side of County Trunk Highway "AH" (98<sup>th</sup> Street) approximately ¼ mile west of the intersection of 278<sup>th</sup> Avenue.

**Michiko Nagai - (Owner)**

**Descriptions:**

**A-1 Agricultural Preservation District to B-5 Wholesale Trade and Warehousing District**

The east ½ of the northeast ¼ of Section 20, Township 1 North, Range 20 East of the Fourth Principal Meridian, and being more particularly described as follows: Commencing at the southeast corner of said quarter section; thence south 88 degrees 13 minutes 28 seconds west along the south line of said quarter section 715.94 feet to the point of beginning; thence continue south 88 degrees 13 minutes 28 seconds west along said south line 272.24 feet; thence north 01 degrees 45 minutes 44 seconds west parallel to the west line of the east ½ of said quarter section 781.00 feet; thence north 88 degrees 13 minutes 28 seconds east parallel to the south line of said quarter section 272.24 feet; thence south 01 degrees 45 minutes 44 seconds east parallel to the west line of the east ½ of said quarter section 781.00 feet to the point of beginning. Said land lying and being in the Town of Salem, County of Kenosha and State of Wisconsin.

**A-1 Agricultural Preservation District to A-2 General Agricultural District**

Part of the east ½ of the northeast quarter of Section 20, Township 1 North, Range 20 East, beginning 715.94 feet west of the southeast corner of the northeast quarter; thence west along south line 609.64 feet; thence north along west line of the east ½ 2655.60 feet; thence east along north line 1317.39 feet; thence south along east line 835.62 feet; thence north 59 degrees 33 minutes 28 seconds west along north line railroad 1161.14 feet; thence south parallel to the west line 1662.03 feet; thence east 272.24 feet; thence south 715.94 feet to the point of beginning excluding 100 feet railroad right-of-way 35.9 acres excluding road. Further excepting the above described legal description from A-1 to B-5 and lands currently zoned C-2 Upland Resource Conservancy District.

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

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas



It was moved by Supervisor Rose to amend Ordinance 12 by moving B-5 from the front of property to the rear of the property.

It was moved by Supervisor O'Day to call the question. Seconded by Supervisor Johnson.

Roll call vote on calling the question.

Ayes: Supervisor Kessler, Grady, Boyer, Bergo, Carbone, Modory, Faraone, Johnson, O'Day, Larsen, Wisnefski, Carey-Mielke, West, Kerkman, Smitz, Elverman and Ekornaas.

Nays: Supervisor Rose, Molinaro, Marrelli, Montemurro, Pitts, Singer, Clark and Gorlinski.

Ayes: 17 Nays: 8

Motion carried

Roll call vote on the amendment.

Ayes: Supervisor Rose, Johnson, Gorlinski and Ekornaas.

Nays: Supervisor Kessler, Grady, Boyer, Molinaro, Marrelli, Bergo, Carbone, Modory, Faraone, Pitts, O'Day, Singer, Montemurro, Larsen, Wisnefski, Carey-Mielke, Clark, West, Kerkman, Smitz and Elverman.

Ayes: 4 Nays: 21

Motion failed.

It was moved by Supervisor Singer to call the question. Seconded by Supervisor Wisnefski.

Roll call vote.

Ayes: Supervisor Kessler, Grady, Boyer, Bergo, Carbone, Modory, Faraone, Johnson, O'Day, Singer, Larsen, Wisnefski, Carey-Mielke, West and Gorlinski.

Nays: Supervisor Rose, Molinaro, Marrelli, Pitts, Montemurro, Clark, Kerkman, Smitz, Elverman and Ekornaas.

Ayes: 15 Nays: 10

Motion lost.

It was moved by Supervisor Kerkman to call the question. Seconded by Supervisor Johnson.

Roll call vote.

Ayes: Supervisor Kessler, Grady, Boyer, Rose, Bergo, Carbone, Modory, Faraone, Johnson, O'Day, Singer, Larsen, Wisnefski, Carey-Mielke, West, Kerkman, Gorlinski, and Ekornaas.

Nays: Supervisor Molinaro, Marrelli, Pitts, Montemurro, Clark, Smitz and Elverman.

Ayes: 18 Nays: 7

Motion carried.

Roll call vote on Ordinance 12.

Ayes: Supervisor Kessler, Grady, Boyer, Marrelli, Bergo, Carbone, Modory, Faraone, O'Day, Singer, Montemurro, Larsen, Wisnefski, Carey-Mielke, Clark, West, Gorlinski, Smitz and Elverman.

Nays: Supervisor Rose, Molinaro, Johnson, Pitts, Kerkman and Ekornaas.

Ayes: 19 Nays: 6

## ORDINANCE 2

2. From Land Use Committee regarding Martin Jr. and Mary Gust, requesting rezoning from A-1 Agricultural Preservation District to A-2 General Agricultural District excluding lands currently zoned C-2 Upland 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 Parcels #30-4-220-332-0200 and #30-4-220-283-0410 located in the northwest quarter of Section 33 and the southwest quarter of Section 28, Township 2 North, Range 20 East, Town of Brighton be changed from A-1 Agricultural Preservation District to A-2 General Agricultural District excluding lands currently zoned C-2 Upland Resource Conservancy District (60.2 acres). For informational purposes only, these parcels are located on the south side of 41<sup>st</sup> Street (Town Road) approximately 0.6 miles east of the intersection of County Trunk Highway "B" (280<sup>th</sup> Avenue).

#### **Martin Jr. and Mary Gust - (Owners)**

**Descriptions:** Part of the southwest quarter of Section 28 and part of the northwest quarter of Section 33, in Town 2 North, Range 20 East of the Fourth Principal Meridian and lying and being in the Town of Brighton, Kenosha County,

Wisconsin and being more particularly described as: Part of Tax Key Nos: 30-4-220-283-0410 and 30-4-220-332-0200 east 30 acres: Commencing at the northwest corner of the northwest quarter of said Section 33; which is also the southwest corner of the southwest quarter of said Section 28; thence south 01°37'29" east along the west line of the northwest quarter of said Section 33, 1311.59 feet to the south line of the northwest quarter of the northwest quarter of said Section 33; thence north 87°56'55" east along said south line 661.19 feet to the point of beginning of the parcel to be herein described; thence continue north 87°56'55" east along said south line 661.19 feet; thence north 01°40'18" west 1316.47 feet to the north line of the northwest quarter of said Section 33; which is also the south line of the southwest quarter of said Section 28; thence south 87°44'12" west along said quarter section line 320.00 feet; thence north 01°53'55" west 1324.57 feet to the north line of the southwest quarter of the southwest quarter of said Section 28; thence south 87°43'16" west along said quarter quarter section line 344.19 feet; thence south 01°51'01" east 2638.47 feet to the south line of the northwest quarter of the northwest quarter of said Section 33 and the point of beginning; containing 30.50 acres, more or less; subject to a public road over and across the northerly portion thereof and subject to easements and restrictions of record.

**In addition:** Part of the southwest quarter of Section 28 and part of the northwest quarter of Section 33, in Town 2 North, Range 20 East of the Fourth Principal Meridian and lying and being in the Town of Brighton, Kenosha County, Wisconsin and being more particularly described as: Part of Tax Key Nos: 30-4-220-283-0410 & 30-4-220-332-0200 west 30 acres: Beginning at the southwest corner of the southwest quarter of said Section 28; which is also the northwest corner of the northwest quarter of said Section 33; thence north 87°44'12" east along the south line of said quarter section 314.00 feet; thence north 01°56'36" west 1324.38 feet to the north line of the southwest quarter of the southwest quarter of said Section 28; thence north 87°43'16" east along said quarter quarter section line 344.19 feet; thence south 01°51'01" east 2638.47 feet to the south line of the northwest quarter of the northwest quarter of said Section 33; thence south 87°56'55" west along said quarter quarter section line 661.19 feet to the west line of the northwest quarter of said Section 33; thence north 01°37'29" west along said west line 1311.59 feet to the northwest corner of the northwest quarter of said Section 33; which is also the southwest corner of the southwest quarter of said Section 28 and the point of beginning; containing 30.28 acres, more or less; subject to a public road over and across the northerly portion thereof and subject to easements and restrictions of record.

This rezoning excludes lands currently zoned C-2 Upland Resource Conservancy District. This description is intended to extend to the center of all roads.

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

### **ORDINANCE 3**

3. From Land Use Committee regarding Jerome E. and Judith M. Ketterhagen, requesting rezoning from A-1 Agricultural Preservation District to A-2 General Agricultural 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 part of Tax Parcel #30-4-220-051-0107 located in the northeast quarter of Section 5, Township 2 North, Range 20 East, Town of Brighton be changed from A-1 Agricultural Preservation District to A-2 General Agricultural District (30.03 acres). For informational purposes only, this property is located on the southeast corner of the intersection of County Trunk Highway "KR" (1<sup>st</sup> Street) and County Trunk Highway "B" (288<sup>th</sup> Avenue).

**Jerome E. and Judith M. Ketterhagen - (Owners)**

**Descriptions:** That part of the northeast quarter and the southeast quarter of the northeast quarter of Section 5, Township 2 North, Range 20 East of the Fourth Principal Meridian, in the Town of Brighton, County of Kenosha, State of Wisconsin and being more particularly described as follows; commence at the northeast corner of said northeast quarter section; thence south 88°46'04" west along the north line of said northeast quarter section 1560.00 feet to the place of beginning of this description; thence south 02°07'14" east 1118.04 feet; thence south 88°46'04" west 390.00 feet; thence north 02°07'14" west 1118.04 feet to a point on the north line of said northeast quarter section; thence north 88°46'04" east along said north line 390.00 feet to the place of beginning. Containing 10.01 acres of land more or less. Subject to rights of the public over the north 33 feet thereof for road purposes (County Line Road).

**In addition:** Commence at the northeast corner of said northeast quarter section; thence south 88°46'04" west along the north line of said northeast quarter section 1170.00 feet to the place of beginning of this description; thence south 02°07'14" east 1118.04 feet; thence south 88°46'04" west 390.00 feet; thence north 02°07'14" west 1118.04 feet to a point on the north line of said northeast quarter section; thence north 88°46'04" east along said north line 390.00 feet to the place of beginning. Containing 10.01 acres of land more or less. Subject to rights of the public over the north 33 feet thereof for road purposes (County Line Road).

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

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

#### **ORDINANCE 4**

4. From Land Use Committee regarding Frank J. and Helen A. Andrekus (Owners), Bruce F. and Joanne A. Andrekus (Agents), requesting rezoning from A-1 Agricultural Preservation District to R-1 Rural Residential District excluding lands currently zoned 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 part of Tax Parcel #30-4-220-334-0200 located in the southeast quarter of Section 33, Township 2 North, Range 20 East, Town of Brighton be changed from A-1 Agricultural Preservation District to R-1 Rural Residential District (3.18 acres) excluding lands currently zoned C-1 Lowland Resource Conservancy District. For informational purposes only, this property is located on the south side of County Trunk Highway "NN" (52<sup>nd</sup> Street) approximately 0.9 miles west of the intersection of State Trunk Highway "75."

**Frank J. and Helen A. Andrekus - (Owners)**

**Bruce F. and Joanne A. Andrekus - (Agents)**

**Description:** Part of the southeast quarter of Section 33, Town 2 North, Range 20 East of the Fourth Principal Meridian, and being more particularly described as follows: Commencing at the northwest corner of said southeast quarter; thence north 88°11'54" east along the north line of said quarter section 398.28 feet to the point of beginning; thence continue north 88°11'54" east along said north line 325.00 feet; thence south 01°48'06" east 704.00 feet; thence south 88°11'54" west parallel to the north line of said quarter section 325.00 feet; thence north 01°48'06" west 704.00 feet to the point of beginning. Said land lying and being in the Town of Brighton, County of Kenosha and State of Wisconsin.

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

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

It was moved by Supervisor Smitz to adopt Ordinances 2 thru 4. Seconded by Supervisor Gorlinski.  
Motion carried.

#### ORDINANCE 5

5. From Land Use Committee regarding Bernadine A. Hafferkamp, requesting rezoning from A-2 General Agricultural District to R-2 Suburban Single-Family Residential District and R-3 Urban Single-Family Residential District excluding lands currently zoned C-1 Lowland Resource Conservancy District in the Town of Bristol.

#### 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 #35-4-121-203-0320 located in the southwest quarter of Section 20, Township 1 North, Range 21 East, Town of Bristol be changed from A-2 General Agricultural District to R-2 Suburban Single-Family Residential District and R-3 Urban Single-Family Residential District excluding lands currently zoned C-1 Lowland Resource Conservancy District. For informational purposes only, this property is located on the east side of U.S. Highway "45" and west side of Bristol Road between 101<sup>st</sup> Street and 102<sup>nd</sup> Street.

**Bernadine A. Hafferkamp - (Owner)**

**Descriptions: R-3 Urban Single-Family Residential District:** Being part of the northwest quarter and the southwest quarter of the southwest quarter of Section 20, Township 1 North, Range 21 East, Township of Bristol, County of Kenosha and State of Wisconsin. Commence at the southwest corner of the southwest quarter of said Section 20; thence north 02°00'57" west along the west line of said southwest quarter section, 1498.63 feet (recorded as 1499.00 feet); thence north 88°52'00" east (recorded as north 89°11'00" east), 475.55 feet to the east right-of-way line of the U.S. Highway "45" and the place of beginning of a parcel of land hereinafter described; thence continue north 88°52'00" east (recorded as north 89°11'00" east), 252.57 feet to the west right-of-way line of Bristol Road; thence south 42°30'12" east along said west line, 269.97 feet; thence south 88°58'48" west, 301.08 feet to the east right-of-way line of U.S. Highway "45;" thence north 33°52'47" west along said east line, 240.18 feet to the place of beginning. Containing 1.28 acres of land more or less.

**R-2 Suburban Single-Family Residential District:** (immediately south of the above description) At the place of beginning of the following description; thence north 88°58'48" east, 301.48 feet to the west right-of-way line of Bristol Road; thence south 42°30'12" west along said west right-of-way line, 310.11 feet; thence south 82°50'00" west along zoning line, 66.78 feet; thence south 58°15'00" west along said zoning line, 170.00 feet; thence south 77°26'00" west along said zoning line, 75.00 feet to the east right-of-way line of State Trunk Highway "45;" thence north 33°52'47" west along said right-of-way line, 406.36 feet to the place of beginning. Containing 2.19 acres of land more or less. Excluding any lands currently zoned C-1 Lowland Resource Conservancy District.

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

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

#### ORDINANCE 6

6. From Land Use Committee regarding Louis G. and Cheryl Fowler (Owners)/Tom Werth (Agent/Buyer), requesting rezoning from A-1 Agricultural Preservation District to A-2 General Agricultural District excluding lands currently zoned C-1 Lowland Resource Conservancy District in the Town of Bristol.

#### 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 #35-4-121-041-0200 located in the northeast quarter of Section 4, Township 1 North, Range 21 East, Town of Bristol be changed from A-1 Agricultural Preservation District to A-2 General Agricultural District excluding lands currently zoned C-1 Lowland Resource Conservancy District. For informational purposes only, this property is located on the south side of County Trunk Highway "K" (60<sup>th</sup> Street) approximately 0.6 miles east of the intersection of County Trunk Highway "D" (184<sup>th</sup> Avenue).

**Louis G. and Cheryl Fowler - (Owners)**

**Tom Werth - (Agent/Buyer)**

**Description:** Part of the northeast quarter of Section 4, Town 1 North, Range 21 East of the Fourth Principal Meridian, and being more particularly described as follows: Commencing at the northeast corner of said quarter section; thence south 88°49'02" west along the north line of said quarter section 775.25 feet to the point of beginning; thence south 02°15'32" east parallel to the east line of said quarter section 2807.91 feet to the south line of said quarter section; thence north 89°57'25" west along said south line 604.99 feet; thence north 02°14'19" west, 2794.94 feet to the north line of said quarter section; thence north 88°49'02" east, 603.62 feet to the point of beginning. Subject to the north 33 feet for County Trunk Highway "K" (60<sup>th</sup> Street). Said land lying and being in the Town of Bristol, County of Kenosha and State of Wisconsin, excluding lands currently zoned C-1 Lowland Resource Conservancy District. This description is intended to extend to the center of all roads.

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

#### **ORDINANCE 7**

7. From Land Use Committee regarding David and Sue Rawlins, requesting rezoning from A-1 Agricultural Preservation District to R-1 Rural Residential District in the Town of Randall.

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 Parcel #60-4-119-343-0220 located in the southwest quarter of Section 34, Township 1 North, Range 19 East, Town of Randall be changed from A-1 Agricultural Preservation District to R-1 Rural Residential District (6.5 acres). For informational purposes only, this property is located on the north side of County Trunk Highway "CK" (128<sup>th</sup> Street) approximately 1.2 miles west of the intersection of County Trunk Highway "KD" (336<sup>th</sup> Avenue).

**David and Sue Rawlins - (Owners)**

**Description:** That part of the southwest quarter of the southwest quarter of Section 34, Township 1 North, Range 19 East of the Fourth Principal Meridian, Town of Randall, Kenosha County, Wisconsin, described as follows: Beginning at the southwest corner of said southwest quarter, said corner being designated by a Kenosha County concrete monument with a brass cap; thence north 88°17'04" east, grid bearing from north, Wisconsin Coordinate System, south zone, along the south line of said southwest quarter of the southwest quarter 452.89 feet; thence north 01°46'03" west parallel with the west line of said southwest quarter of the southwest quarter 626.25 feet; thence south 88°17'04" west parallel with the south line of said southwest quarter of the southwest quarter 452.89 feet to the west line of said southwest quarter of the southwest quarter; thence south 01°46'03" east along the west line of said southwest quarter of said southwest quarter 626.25 feet to the point of beginning.

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

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

#### ORDINANCE 8

8. From Land Use Committee regarding John L. Bishop, requesting rezoning from A-1 Agricultural Preservation District to A-2 General Agricultural District in the Town of Somers.

#### 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 Parcel #80-4-222-291-0101 located in the northeast quarter of Section 29, Township 2 North, Range 22 East, Town of Somers be changed from A-1 Agricultural Preservation District to A-2 General Agricultural District (10.93 acres). For informational purposes only, this property is located on the west side of County Trunk Highway "H" (88<sup>th</sup> Avenue) approximately 0.4 miles north of the intersection of County Trunk Highway "S" (38<sup>th</sup> Street).

#### **John L. Bishop - (Owner)**

**Description:** Part of the northeast quarter of Section 29, Town 2 North, Range 22 East of the Fourth Principal Meridian, lying and being in the Town of Somers, Kenosha County, Wisconsin and being more particularly described as follows: Beginning on the east line of said quarter section at a point south 01°26'02" east 295.65 feet from the northeast corner thereof; thence continue south 01°26'02" east along and upon said east line, 349.35 feet and to the northeast corner of Certified Survey Map No. 2333, a plat of record and on file at the Kenosha County Land Registry; thence south 88°33'58" west along and upon the north line of said Certified Survey Map, 314.00 feet and to the northwest corner thereof; thence south 89°48'03" west parallel to the north line of said quarter section, 1025.88 feet and to the west line of the east half of said quarter section thence north 01°34'33" west along and upon said west line, 356.14 feet; thence north 89°48'03" east parallel to the north line of said quarter section, 1340.85 feet and to the point of beginning. Subject to a public highway over and across the most easterly 33.00 feet thereof. This description is intended to extend to the center of all roads.

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

#### ORDINANCE 9

9. From Land Use Committee regarding M. Gerarde Enterprises, Inc./William and Mary Griggs (Owners), requesting rezoning from R-7 Suburban Two-family and Three-Family Residential District to R-4 Urban 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 Tax Parcel #95-4-119-074-0460 located in the southeast quarter of Section 7, Township 1 North, Range 19 East, Town of Wheatland be changed from R-7 Suburban Two-Family and Three-Family Residential District to R-4 Urban Single-Family Residential District. For informational purposes only, this property is located on the north side of County Trunk Highway "F" (Bloomfield Road) approximately 0.3 miles east of the intersection of County Trunk Highway "P" (400<sup>th</sup> Avenue).

#### **M. Gerarde Enterprises, Inc., William and Mary Griggs - (Owners)**

**Descriptions:** Part of the southeast quarter of Section 7, Town 1 North, Range 19 East of the Fourth Principal Meridian and part of the northeast quarter of Section 18, Town 1 North, Range 19 East of the Fourth Principal Meridian, more particularly described as: Beginning at the south quarter corner of Section 7; thence north 88°36'00" east 1030.64 feet to a point; thence north 287.35 feet to a point; thence south 62°46'00" east 200.00 feet to a point; thence south 56°11'52" east 132.00 feet to a point; thence south 55°23'52" east 127.98 feet to a point; thence south 51°41'52" east 50.00 feet to a point; said point marks

the place of beginning of parcel of land hereinafter described; thence south 51°41'52" east 50.00 feet to a point; thence north 41°12'8" east 239.30 feet to a point; thence north 47°44'52" west 50.00 feet to a point; thence south 41°10'8" west 242.80 feet to the place of beginning.

**In addition:** Beginning at the south quarter corner of Section 7 aforesaid; thence north 88°36'00" east 1030.64 feet to a point; thence north 287.35 feet to a point; thence south 62°46'00" east 200.00 feet to a point; thence south 56°11'52" east 132.00 feet to a point; thence south 55°23'52" east 127.98 feet to a point; said point marks the place of beginning of parcel of land hereinafter described; thence south 51°41'52" east 50.00 feet to a point; thence north 41°10'8" east 242.80 feet to a point; thence north 47°44'52" west 50.00 feet to a point; thence south 41°9'8" west 246.15 feet to the place of beginning.

All of said parcels of land lying partly in the Town of Randall and partly in the Town of Wheatland, County of Kenosha and State of Wisconsin.

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

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

#### **ORDINANCE 10**

10. From Land Use Committee regarding Susan M. Riley requesting rezoning from B-2 Community Business District to A-1 Agricultural Preservation 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 Parcel #95-4-119-122-0602 located in the northwest quarter of Section 12, Township 1 North, Range 19 East, Town of Wheatland be changed from B-2 Community Business District to A-1 Agricultural Preservation District (1.11 acres). For informational purposes only, this property is located on the east side of County Trunk Highway "JI" (328<sup>th</sup> Avenue) approximately 0.2 miles north of the intersection of 80<sup>th</sup> Street.

**Susan M. Riley - (Owner)**

**Description:** Part of the southwest quarter of the northwest quarter of Section 12, Town 1 North, Range 19 East, Town of Wheatland, Kenosha County, Wisconsin and described as follows: Commence at the west quarter corner of said section; thence north 01°52'18" west along the west line of said quarter section, 331.00 feet to the point of beginning; thence continue north 01°52'18" west along said west line, 150.00 feet; thence north 87°42'36" east, parallel to the south line of said quarter section, 323.40 feet; thence south 01°52'18" east parallel to the west line of said quarter section, 150.00 feet; thence south 87°42'36" west parallel to the south line of said quarter section, 323.40 feet to the point of beginning. Containing 1.11 acres of land, subject to the rights of the public over the west side for highway purposes. Containing 1.00 acres of land exclusive of road.

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

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

#### **ORDINANCE 11**

11. From Land Use Committee regarding Brian and Janice E. Lilly (Owners), Sharon Smolenski (Agent), requesting rezoning from A-1 Agricultural Preservation 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 Parcel #95-4-219-364-0200 located in the southeast quarter of Section 36, Township 2 North, Range 19 East, Town of Wheatland be changed from A-1 Agricultural Preservation District to R-2 Suburban Single-Family Residential District (9.08 acres). For informational purposes only, this property is located on the north side of County Trunk Highway "K" (60<sup>th</sup> Street) approximately 1/8 mile west of the intersection of County Trunk Highway "NN."

**Brian and Janice E. Lilly - (Owners)**

**Sharon Smolensky - (Agent)**

**Description:** Part of the southeast quarter of the southeast quarter of Section 36, Township 2 North, Range 19 East of the Fourth Principal Meridian, in the Township of Wheatland, County of Kenosha, State of Wisconsin and being more particularly described as follows: Commence at the southeast corner of said Section 36; thence south 87°52'54" west along the south line of said southeast quarter section 666.51 feet to the place of beginning of this description; thence continue south 87°52'54" west along said south line 660.00 feet; thence north 01°34'39" west 600.00 feet; thence north 87°52'54" east 660.00 feet; thence south 01°34'39" east 600.00 to the place of beginning. Containing 9.08 acres of land more or less. Subject to rights of the public over the south 33 feet thereof for public highway purposes (County Trunk Highway "K" a/k/a 60<sup>th</sup> Street).

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

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

It was moved by Supervisor Smitz to adopt Ordinances 5 thru 11. Seconded by Supervisor Molinaro.

Motion carried

Resolutions- one reading.

**RESOLUTION 6**

6. From Administration and Judiciary & Law Approving appointment of Paul Trombino to serve on the Civil Service Commission.

**WHEREAS**, pursuant to County Executive Appointment #2002/03-39 the County Executive has appointed Paul Trombino to serve on the Civil Service Commission.

**WHEREAS**, the Administration and Judiciary & Law Committees have reviewed the County Executive's request for review and approval of his appointment of the above named to serve on this committee and are recommending to the above named to serve on this committee and are recommending to the County Board the approval of this appointment.

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of Supervisors approve the appointment of Paul Trombino to the Civil Service Commission effective immediately upon confirmation by the County Board and continuing until the 31st day of December 2007 or until a successor is appointed by the county executive and confirmed by the County Board. Mr. Trombino shall serve without pay but will receive per diem as defined under Resolution 65 (1982-83). Mr. Trombino will be succeeding himself.

Submitted by:

ADMINISTRATION COMMITTEE

David Singer

Brenda Carey-Mielke

Anita Faraone

Terry Rose

Joe Montemurro

JUDICIARY & LAW COMMITTEE

James Huff

John Ruffolo

Thomas Kerkman

Joe Clark

Mark Modory



**RESOLUTION 7**

7. From Administration and Judiciary & Law approving the appointment of Cathryn Bothe to serve on the Civil Service Commission.

**WHEREAS**, pursuant to County Executive Appointment #2003/04-03 the County Executive has appointed Cathryn Bothe to serve on the Civil Service Commission.

**WHEREAS**, the Administration and Judiciary & Law Committees have reviewed the County Executive's request for review and approval of his appointment of the above named to serve on this committee and are recommending to the above named to serve on this committee and are recommending to the County Board the approval of this appointment.

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of Supervisors approve the appointment of Cathryn Bothe to the Civil Service Commission effective immediately upon confirmation by the County board and continuing until the 31st day of December 2005 or until a successor is appointed by the county executive and confirmed by the County Board. Ms. Bothe shall serve without pay but will receive per diem as defined under Resolution 65 (1982-83). Ms. Bothe will be succeeding Mr. Bernardo Ozuna.

Submitted by:

ADMINISTRATION COMMITTEE

David Singer

Brenda Carey-Mielke

Anita Faraone

Terry Rose

Joe Montemurro

JUDICIARY & LAW COMMITTEE

James Huff

John Ruffolo

Thomas Kerkman

Joe Clark

Mark Modory

It was moved by Supervisor Carey-Mielke to adopt Resolutions 6 & 7. Seconded by Supervisor Singer.

Motion carried.

**RESOLUTION 8**

8. From Finance Committee regarding bills over \$5,000.00.

**WHEREAS**, the Wisconsin State Statutes provides that the County board may act on all bills over \$10,000.00 and

**WHEREAS**, the County Resolution requires that the Finance Committee must act on all bills over \$5,000.00, and

**NOW, THEREFORE, BE IT RESOLVED** that the following bills be approved for payment:

KENOSHA COUNTY PAYMENT GROUPS BILLS OVER \$5,000.00

APPROVAL BY FINANCE COMMITTEE AND COUNTY BOARD ARE REQUIRED:

| <u>DIVISIONS</u>           | <u>PAYMENT GROUPS</u> |
|----------------------------|-----------------------|
| Finance Grouping #1        | \$1,494,290.43        |
| Personnel Grouping #1      | \$ 414,195.87         |
| Personnel Grouping #2      | \$ 76,268.86          |
| Disability Grouping #1     | \$1,143,327.16        |
| PAYMENT GROUPS GRAND TOTAL | \$3,128,082.32        |

Submitted by:

FINANCE COMMITTEE

Robert Carbone

Terry Rose

Robert Pitts

John O'Day

Gordon West

It was moved by Supervisor Carbone to adopt Resolution 8. Seconded by Supervisor Rose. Supervisor Clark abstained from voting on Professional Services Group and Community Impact Programs.

Motion carried.

**RESOLUTION 9**

9. From Highway and Parks Committee supporting the Town of Somers request for a speed limit change on State Trunk Highway "32."

**WHEREAS**, the Wisconsin department of Transportation has scheduled the reconstruction of State Trunk Highway "32" from 7th Avenue to County Trunk Highway "KR" and

**WHEREAS**, the design of the proposed reconstructed highway involves converting the roadway from rural highway to an urban highway; and

**WHEREAS**, the density of residential, business and institutional development is characteristic of an urban environment; and

**WHEREAS**, the safety of the travelling public is impacted by the posted speed limit, and

**WHEREAS**, the Town Board of the Town of Somers, Kenosha County, Wisconsin has by resolution No. 6-03 requested the State of Wisconsin Department of Transportation to limit the maximum speed on State Trunk Highway 32 within the Town of Somers, once reconstructed, to 35 miles per hour, and

**WHEREAS**, attached hereto, for reference is a copy of the Town of Somers Resolution No. 6-03.

**NOW, THEREFORE, BE IT RESOLVED** that in the interest of public safety, the Kenosha County Board of Supervisors, Kenosha County, Wisconsin supports the Town of Somers Resolution No. 6-03 and that a copy of this resolution be forwarded to the Wisconsin department of Transportation.

Submitted by:

HIGHWAY & PARKS COMMITTEE

Dennis Elverman

Robert Pitts

Irv Larsen

Douglas Noble

William Grady

It was moved by Supervisor Elverman to adopt Resolution 9. Seconded by Supervisor Larsen.

Motion carried.

#### **RESOLUTION 10**

10. From Human Services Committee Approving the appointment of Coryann St. Marie-Carls to serve on the Kenosha County Workforce Investment Board.

**WHEREAS**, pursuant to County Executive Appointment #2003/04-01 the County Executive has appointed CoryAnn St. Marie-Carls to serve on the Kenosha County Workforce Investment Board, and

**WHEREAS**, the Human Services Committee has reviewed the County Executive's request for review and approval of his appointment of the above named to serve on the Kenosha County Workforce Investment Board and is recommending to the above named to serve on this committee and are recommending to the County Board the approval of this appointment.

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of Supervisors approve the appointment of CoryAnn St. Marie-Carls to the Workforce Investment Board. Ms. St. Marie-Carls appointment shall be effective immediately upon confirmation by the County board and continuing until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Ms. St. Marie-Carls will serve without pay as defined under Resolution 65 (1982-83) and will be filling a vacancy on this board.

Submitted by:

HUMAN SERVICES COMMITTEE

Eunice Boyer

Anne Bergo

John O'Day

Donald Smitz

William Grady

#### **RESOLUTION 11**

11. From Human Services Committee Approving the appointment of Scott Pierce to serve on the Kenosha County Workforce Investment Board.

**WHEREAS**, pursuant to County Executive Appointment #2003/04-02 the County Executive has appointed Scott Pierce to serve on the Kenosha County Workforce Investment Board, and

**WHEREAS**, the Human Services Committee has reviewed the County Executive's request for review and approval of his appointment of the above named to serve on the Kenosha County Workforce Investment Board and is recommending to the above named to serve on this committee and are recommending to the County Board the approval of this appointment.

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of Supervisors approve the appointment of Scott Pierce to the Workforce Investment Board. Mr. Scott Pierce's appointment shall be effective immediately upon confirmation by the County Board and continuing until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Mr. Pierce will serve without pay as defined under Resolution 65 (1982-83) and will be filling a vacancy on this board.

Submitted by:  
HUMAN SERVICES COMMITTEE  
Eunice Boyer  
Anne Bergo  
John O'Day  
Donald Smitz  
William Grady

**RESOLUTION 12**

12. From Human Services Committee Approving the appointment of Timothy Thompkins to serve on the Kenosha County Workforce Investment Board.

**WHEREAS**, pursuant to County Executive Appointment #2003/04-04 the County Executive has appointed Timothy Thompkins to serve on the Kenosha County Workforce Investment Board, and

**WHEREAS**, the Human Services Committee has reviewed the County Executive's request for review and approval of his appointment of the above named to serve on the Kenosha County Workforce Investment Board and is recommending to the above named to serve on this committee and are recommending to the County Board the approval of this appointment.

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of Supervisors approve the appointment of Scott Pierce to the Workforce Investment Board. Mr. Thompkins appointment shall be effective immediately upon confirmation by the County Board and continuing until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Mr. Thompkins will serve without pay as defined under Resolution 65 (1982-83) and will be filling a vacancy on this board.

Submitted by:  
HUMAN SERVICES COMMITTEE  
Eunice Boyer  
Anne Bergo  
John O'Day  
Donald Smitz  
William Grady

It was moved by Supervisor Boyer to adopt Resolution 10. Seconded by Supervisor Bergo.  
Motion carried.

**RESOLUTION 13**

13. From Judiciary & Law and Finance Committees regarding Citizen Corps Grant.

**WHEREAS**, Kenosha County Division of Emergency Management has been awarded a Citizen Corps Grant totaling \$10,000 from Wisconsin Emergency Management (WEM), and

**WHEREAS**, the Citizen Corps Grant is to be used to establish a Countywide Citizen Corps Council which will encourage citizens to get involved, volunteer, strengthen Municipal/Local Neighborhood Watch Programs, establish a Medical Reserve database, promote volunteers in the law enforcement and fire disciplines, and establish Community Emergency Response Teams, and

**WHEREAS**, the work under this Grant will strengthen the emergency response network throughout Kenosha County and its municipalities and is to be completed by December 15, 2003, and

**WHEREAS**, Kenosha County will hire a limited term, non-rep temp for the duration of this Grant, and

**WHEREAS**, the cost of this grant will require no tax levy,

**NOW, THEREFORE BE IT RESOLVED**, that the Kenosha County Board of Supervisors approve that the FY03 Emergency Management revenue and expenditure line items be modified, as per the attached budget modification form.

Submitted by:  
JUDICIARY & LAW COMMITTEE  
James Huff  
Brenda Carey-Mielke  
Anita Faraone  
Joe Montemurro  
Terry Rose

FINANCE COMMITTEE  
Robert Carbone  
John O'Day  
Gordon West  
Terry Rose  
Robert Pitts

It was moved by Supervisor Carey-Mielke to adopt Resolution 13. Seconded by Supervisor Carbone.

Roll call vote.

Ayes: Supervisor Kessler, Grady , Boyer, Rose, Molinaro, Marrelli, Bergo, Carbone, Modory, Faraone, Johnson, O'Day, Singer, Montemurro, Larsen, Wisnefski, Carey-Mielke, Clark, West, Kerkman, Gorlinski, Smitz, Elverman, and Ekornaas.

Nays: None.

Ayes. 24. Nays. 0.

Motion carried unanimously.

#### **RESOLUTION 14**

14. From Legislative Committee regarding supporting 4-year elected term office.

**WHEREAS**, currently the office of the county clerks, treasurers, clerks of circuit court, register of deeds and district attorneys are elected every two years, and

**WHEREAS**, currently county sheriffs are elected every four years to their office, and

**WHEREAS**, Wisconsin is one of only three states with two year terms, the others being Arkansas and New Hampshire, and

**WHEREAS**, public support already exists for the four year term.

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of supervisors goes on record supporting the elected four-year term of office for all county constitutional officers.

It was moved by Supervisor Johnson to adopt Resolution 14. Seconded by Supervisor Ekornaas.

Roll call vote.

Ayes: Supervisor Kessler, Grady, Boyer, Molinaro, Marrelli, Bergo, Carbone, Modory, Faraone, Johnson, O'Day, Singer, Montemurro, Larsen, Wisnefski, Carey-Mielke, West, Kerkman, Gorlinski, Smitz, Elverman, and Ekornaas.

Nays: Supervisors Rose and Clark.

Ayes. 2. Nays. 2.

Motion carried.

#### **COMMUNICATIONS**

1. From George E. Melcher, Director of Planning and Development regarding future rezoning.

Chairman Kessler referred Communication 1 to the Land Use Committee.

#### **CLAIMS**

1. Karolina Zawissa - car accident
2. Maria Miranda - car accident
3. Patricia Rickey - false imprisonment

Chairman Kessler referred Claims 1 - 3 to Corporation Counsel.

It was moved by Supervisor Faraone to approve the May 6, 2003 minutes. Seconded by Supervisor West.

Motion carried.

It was moved by Supervisor O'Day to adjourn. Seconded by Supervisor Wisnefski. Motion carried.

Meeting adjourned at 10:30 p.m.

Prepared by: Pam Young

Chief Deputy Clerk

Submitted by: Edna R. Highland

County Clerk

KENOSHA COUNTY BOARD OF SUPERVISORS

COUNTY BOARD CHAMBERS

COUNTY ADMINISTRATION BUILDING

June 3, 2003

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

Present: Supervisors Kessler, Grady, Boyer, Rose, Molinaro, Marrelli, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, O'Day, Singer, Montemurro, Wisniewski, Carey-Mielke, Clark, West, Kerkman, Gorlinski, Smith, Elverman, Huff, Ruffolo, Noble and Ekornaas.

Excused: Supervisor Larsen.

Present: 27. Excused: 1.

ANNOUNCEMENTS OF THE CHAIRMAN

Chairman Kessler presented to former County Board Supervisor Darrel Haen a plaque and thanked him for his years of service from April 17, 1990 thru November 30, 2002.

Chairman Kessler stated that Clarence Hintz, Portage County Board chairman passed away Monday evening from cancer.

Chairman Kessler asked John Milisauskas to give an up-date on the Kenosha County Economic Summit.

John Milisauskas, 4518-42nd Street, stated that one of his roles as staff to the Workforce Development Board is to work on Goals and Recommendations for the Kenosha County Economic Summit. The Progress Report as of April 1, 2003 will be in all the supervisors next packets. The report is the update of all the focus group goals. The focus group goals are grouped and prioritized into high, medium and low priorities but no priorities are determined within each group. These priority levels are based on the combined results of surveys from the Kenosha County Workforce Development and Kenosha Area Business Alliance Boards. He will be attending the next County Board Meeting to answer questions.

SUPERVISOR REPORTS

Supervisor Kerkman stated that the Dairy Breakfast will be June 14th from 6:00 a.m. til 10:00 a.m. in the Town of Brighton.

Supervisor Huff spoke regarding the State Patrol stopping radar air enforcement on the interstate. The impact on Kenosha County has been very little. The State Patrol will continue to patrol the interstate for violations along with the Sheriff's Department. The sheriff's department will continue to apply for grants. Financial impact is very little and as far as the safety impact is concerned only time will tell. Because of the budget restraints on the state level the airplane is no longer available.

Supervisor Elverman wanted to remind everyone about the Revolutionary War re-enactors are going to be taking over Fox River Park this week-end. Saturday and Sunday they will set up encampments and have mock battles that are very enjoyable to watch. They have a historic village street that you can walk through. Everything is from that era. This is worth seeing.

Supervisor Gorlinski stated that on May 21st there was a special meeting held by the Southeastern Regional Planning Commission held at State Fair Park having to do with consideration of the proposed amendment to the Regional Transportation Plan that has to do with freeway system modernization, additional freeway lane capacity and freeway recommendations from the state-line to north of Milwaukee at the Saukville interchange and west to Jacksonville interchange. Approximately 127 miles. The plan was approved. He has the report if anyone is interested in reading it.

Supervisor Johnson stated that the Republicans announced today that a consensus has been reached on the tax freeze for county governments and other units of government. We will be seeing lay-offs and cuts in services. He requested that the County Board Chairman write a letter to our area legislators and the Governor telling them that we are opposed to that piece of legislation.

Supervisor Noble stated that when we accept speed enforcement grants a portion of it goes for over-time and contributes to the problem of deputies making more money than sergeants. He would rather not take the over-time and

buy equipment. This is a catch twenty-two. Take the grant, pay over-time and than be told we can't get sergeants because we pay too much over-time.

Supervisor Carbone stated that regarding what Supervisor Johnson reported on he received a recorded call from County Executive Kohl, possibly from Dane County regarding the tax freeze. At the Finance Meeting Dave Geersten stated that for three years there would be a freeze on taxes. He thinks that we should get the hot-line number from Mike Serpe so that everyone could call the state legislators.

Supervisor Wisnefski commented on the interstate as he travels to Milwaukee frequently. At any given time you will encounter between six and as high as 20 squad cars and deputies taking patrol on the I system. We are noted on television as a speed trap. That is not good for tourism. When you come to Wisconsin you are coming to a speed trap. We have ample police protection on the inter-state.

County Executive Appointments.

6. David Geertsens to serve as a representative of Kenosha County on the Joint Review Board.

Chairman Kessler referred Appointment 6 to the Finance Committee.

7. Diane B. Knutson to serve on the Kenosha County Workforce Investment Board.

Chairman Kessler referred Appointment 7 to the Human Services Committee.

8. Dr. Maureen Lavin to serve on the Kenosha County Traffic Safety Commission.

Chairman Kessler referred Appointment 8 to the Judiciary & Law Committee.

OLD BUSINESS

Ordinance - Second reading, two required.

#### ORDINANCE 1

1. From Legislative Committee an Ordinance to Repeal and Recreate Section 2.07(7) of the Municipal Code of Kenosha County pertaining to County Board Rules of Decorum, Attendance and Rule Enforcement.

It was moved by Supervisor Johnson to adopt Ordinance 1. Seconded by Supervisor Kerkman.

It was moved by Supervisor Molinaro to table Ordinance 1. Seconded by Supervisor Ruffolo.

Roll call vote to table.

Ayes: Supervisors Grady, Boyer, Rose, Huff, Molinaro, Marrelli, O'Day, Singer, Ruffolo, Montemurro, Wisnefski, Clark, Noble, Kerkman, Gorlinski.

Nays: Supervisors Kessler, Bergo, Carbone, Modory, Faraone, Johnson Pitts, Carey-Mielke, West, Smits, Elverman, Ekornaas.

Ayes. 15. Nays. 12.

Motion carried.

NEW BUSINESS

Ordinances - First reading, two required.

#### ORDINANCE 13

13. From Judiciary & Law and Administration Committee regarding Civil Service Ordinance.

#### ORDINANCE 14

14. From Legislative Committee regarding Creating Section 2.06 (4) of the Municipal Code of Kenosha County Pertaining to Citizen Comments.

Resolutions - one reading.

#### RESOLUTION 15

15. From Building & Grounds and Finance Committees regarding Revision of the Northern Lot Line on County Property Located at 6300 Third Avenue, Kenosha, Wisconsin.

**WHEREAS**, Allan Edwards, the owner of property located at 6220 3<sup>rd</sup> Ave which is adjacent to County-owned property at 6300 3<sup>rd</sup> Ave. is seeking permission to add an addition onto his adjoining residence, and

**WHEREAS** in order to remain in compliance with City of Kenosha Zoning Ordinances, the above property owner will need eight inches of additional side yard [as shown on the attached Exhibit "A"] from the County in order to accommodate his remodeling project, and

**WHEREAS**, it would be beneficial for the County to acquire by deed or easement additional side yard at the rear of the county's property from said property owner as shown on the attached Exhibit "A",

**NOW, THEREFORE, BE IT RESOLVED THAT** Kenosha County trade land and/or access with the aforementioned property owner as shown on the attached "Exhibit A" upon the following conditions:

1 that all costs for surveying, title insurance, and all costs associated with closing and recording fees including attorney fees be the responsibility of Allan Edwards, and

2 that during construction of the aforementioned remodeling project limited construction access be given to Allan Edwards with the understanding that there will be no limitation as to ingress or egress for Kenosha County and with the further condition Allan Edwards assume liability for any injury or damage which may occur as the result of such construction activity, and

3 that Allan Edwards pay for all costs and fees for improvements agreed to for landscaping and fencing, and

4 that an escrow account in the amount of \$1500 dollars be established with the County to guarantee the above payments.

5 that after deducting all costs incurred in the execution of this document including, but not limited to those set forth herein, the remaining funds be returned to Allan Edwards in a timely manner.

Submitted by:

BUILDING & GROUNDS COMMITTEE

Mark Wisnefski

Anne Bergo

Gordon West

Mark Molinaro

Doug Noble

FINANCE COMMITTEE

Robert Carbone

Terry Rose

John O'Day

Robert Pitts

Gordon West

It was moved by Supervisor Wisnefski to adopt Resolution 15. Seconded by Supervisor Carbone.  
Motion carried.

#### **RESOLUTION 16**

16. From Finance Committee regarding Authorizing the County Treasurer to take the Tax Deed Parcels which have taxes owing on the 2000 Tax Rolls (2001 tax certificates).

**WHEREAS**, Kenosha County is the owner of numerous tax certificates for the year 2001 based on the tax levy of 2000.

**NOW, THEREFORE, BE IT RESOLVED** that the County clerk is herewith instructed to execute for tax deeds, pursuant to Paragraph 75.36 of the Wisconsin Statutes on 2000 certificates based on the 2000 taxes remaining unpaid after 'notices' have been served on the owners of record in the office of the register of Deeds, by the County Treasurer, pursuant to Paragraph 75.12 of the Wisconsin Statutes. Such tax deeds to be executed on behalf of the County of Kenosha.

Submitted by:

FINANCE COMMITTEE

Robert Carbone

John O'Day

Gordon West

Terry Rose

Robert Pitts

It was moved by Supervisor Carbone to adopt Resolution 16. Seconded by Supervisor O'Day.  
Motion carried.

#### **RESOLUTION 17**

17. From Finance Committee regarding Bills over \$5,000.00.

**WHEREAS**, the Wisconsin State Statutes provides that the County Board may act on all bills over \$10,000.00 and

**WHEREAS** the County Resolution requires that the Finance Committee must act on all bills over \$5,000.00, and

**NOW, THEREFORE LET IT BE RESOLVED**, that the following bills be approved for payment:

KENOSHA COUNTY PAYMENT GROUPS BILLS OVER \$5,000.00

APPROVAL BY FINANCE COMMITTEE AND COUNTY BOARD ARE REQUIRED:

DIVISIONS

PAYMENT GROUPS

FINANCE GROUPING # 1

\$ 688,423.98

PERSONNEL GROUPING # 1

\$ 299,068.77

PERSONNEL GROUPING # 2

\$ 22,111.73

DISABILITY GROUPING # 1

\$ 49,778.73

PAYMENT GROUPS GRAND TOTAL:

\$1,059,383.21

Submitted by:

FINANCE COMMITTEE

Robert Carbone

John O'Day

Terry Rose  
Gordon West  
Robert Pitts

It was moved by Supervisor Carbone to adopt Resolution 17. Seconded by Supervisor Rose. Supervisor Clark abstained from voting on the Spanish Center.

**RESOLUTION 18**

18. From Human Services and Finance Committees regarding Kenosha Division of Workforce Development and Children & Family Services for 2nd Quarter Budget Modification.

**WHEREAS**, the Kenosha County Department of Human Services, Division of Workforce Development and Division of Children & Family Services developed a 2003 budget based on contract information projected by the State of Wisconsin, and

**WHEREAS**, the Division of Children & Family Services is receiving additional \$118,856 in State and Federal funds through the Department of Health and Family Services for State Incentive Grant, and

**WHEREAS**, the Division of Workforce Development is requesting to transfer \$2,000 from Equipment Lease/Rental to Machinery/Equipment >\$500 to purchase fax machines, and

**WHEREAS**, the Division of Workforce Development is requesting to transfer \$5,000 from Equipment Lease/Rental to Office Machinery/Equipment Maintenance, and

**WHEREAS**, County levy remains unaffected by this resolution;

**NOW, THEREFORE, BE IT RESOLVED**, that the Kenosha County Department of Human Services, Division of Workforce Development and Children and Family Services budget be modified as follows:

Authorize the increase of expenditures by \$118,856, to increase revenues by \$118,856, transfer of budget for \$2,000, to purchase fax machines, and transfer of budget for \$5,000 to Office Machinery/Equipment Maintenance, per the attached budget modification incorporated herein by reference.

Submitted by:

HUMAN SERVICES COMMITTEE  
Eunice Boyer  
Anne Bergo  
Don Smitz  
John O'Day  
William Grady

FINANCE COMMITTEE  
Robert Carbone  
Terry Rose  
Robert Pitts  
Gordon West  
John O'Day

It was moved by Supervisor Boyer to adopt Resolution 18. Seconded by Supervisor Pitts.

2/3 vote required.

Motion carried unanimously.

It was moved by Supervisor O'Day to approve the May 20, 2003 minutes. Seconded by supervisor Bergo.

It was moved by supervisor Wisnefski to adjourn. Seconded by supervisor Ekornaas.

Motion carried and meeting adjourned at 8:25 p.m.

Prepared by: Pam Young  
Chief Deputy Clerk  
Submitted by: Edna R. Highland  
County Clerk



KENOSHA COUNTY BOARD OF SUPERVISORS

COUNTY BOARD CHAMBERS

COUNTY ADMINISTRATION BUILDING

June 17, 2003

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

Present: Supervisors Kessler, Grady, Boyer, Rose, Molinaro, Bergo, Carbone, Faraone, Johnson, Pitts, O'Day, Singer, Montemurro, Wisnefski, Carey-Mielke, Clark, West, Kerkman, Gorlinski, Smitz, Elverman, Huff, Ruffolo, Noble and Ekornaas.

Excused: Supervisor Larsen, Modory, Marrelli.

Present: 25.

Excused: 3.

CITIZEN COMMENTS

Jon Zielsdorf, 6246-373rd Ave, Town of Wheatland spoke regarding the promotional procedures within the Sheriff's Department. Currently a detective or sergeant can test for the position of lieutenant. The proposed change will eliminate the possibility for detectives to take the test for lieutenant without first being a sergeant. He has been with the Sheriff's Department 23 years and as a detective for 17 years. The proposed change is a slap in the face.

Ken Santelli, a detective with the Sheriff's Department stated that when he took the test to become a detective it was understood that they could take the lieutenant test. To now take that opportunity away would be very upsetting and hinder the Sheriff's Department.

Bob Danbeck, 7626-27th Avenue, Kenosha. He has been attending the Highway & Parks Committee Meetings and he is very disturbed and shocked at the possibility of the golf courses being privatized. The reason the golf courses have lost money is because the administration decided to take the parks department employees and put the entire budget on the golfers. When the golf courses were considered an enterprise there was no problem with the golfers paying for the improvement of the courses. Now, all the parks in the County are the responsibility of the golfers. Does that mean all parks will be privatized? Every supervisor should be on the phone with our state representatives and telling them to let the county refinance one more time. The interest rates are going lower.

ANNOUNCEMENTS OF THE CHAIRMAN

Chairman Kessler stated that Resolution 30 has been pulled from the agenda.

Supervisor Molinaro stated that we are not following the rules, again. There is a protocol for pulling a item from the agenda. The chairman should follow that rule. The chairman of the Legislative Committee should poll his committee.

Supervisor Johnson polled the Legislative Committee to vote on removing Resolution 30 from tonight's agenda. The vote was unanimous.

Chairman Kessler stated that the County Executive will present his State of the County Address on July 1, 2003.

Chairman Kessler stated that everyone had a copy of the Economic Summit Report in their packet. John Milisauskas is here tonight if anyone has questions.

Chairman Kessler reminded everyone that Saturday, June 21st Kenosha County Council of Governments will be meeting at the Kenosha County Center at 8:30 a.m. The state budget is the topic for the meeting and all our legislators will be there. He has also been in contact with the WCA to set up an educational seminar on County Board Rules to be held on July 29th. Supervisor Johnson stated the Legislative Committee was meeting that night due to the County Board Meeting being changed to July 22nd. Chairman Kessler said he will work around it and reschedule.

#### SUPERVISOR REPORTS

Supervisor Huff stated that he has purchased a home in the 5th District and his phone number is 652-2087.

Supervisor Gorlinski stated that tomorrow, the 18th SEWRPC Commissioners will have their quarterly meeting in West Bend. On the agenda is a resolution adopting a Comprehensive Plan for the Des Plaines River Watershed. It consists of two volumes. Copies will be available after tomorrow.

Supervisor Pitts wanted to remind everyone about the Brookside Picnic this coming Friday starting at 10:00 a.m. until 2:00 p.m. Stop by and talk with the residents and have some food.

Supervisor Carbone stated that Dave Geersten put on everyone's desk a document regarding the State Levy Freeze. There is a process available to the county to protect itself if the levy freeze is passed. A number of municipalities have enacted legislation to protect themselves. If interested in the process please contact the Finance Director.

Supervisor Wisnefski stated that he knows that the budget is very tight but could we hire a waterboy? Please have water at the next County Board Meeting.

#### OLD BUSINESS

Ordinances - First reading, two required.

#### ORDINANCE 13

13. From Judiciary & Law and Administration Committee regarding Civil Service Ordinance.

It was moved by Supervisor Carey-Mielke to adopt Ordinance 13. Seconded by Supervisor Singer.

It was moved by Supervisor Noble to amend Ordinance 13 with a grandfather clause stating: on Page 4-15 (b) Eligibility. For Detectives appointed after July 1st, 2003 to be eligible to take any promotional exam for the position of lieutenant the Deputy must have at least five years of service with the Kenosha County Sheriff's Department and the current classification of sergeant. If there are not at least three (3) applicants from the rank of Sergeant, then Deputy sheriffs having at least five (5) years of service with the Kenosha County Sheriff's department and the current classification of Detective may apply. Detectives Appointed prior to July 1, 2003 may apply for a Lieutenant's position.

Roll call vote on the amendment.

Ayes: Supervisors Kessler, Grady, Boyer, Rose, Molinaro, Bergo, Carbone, Faraone, Johnson, Pitts, O'Day, Singer, Montemurro, Wisnefski, Carey-Mielke, Clark, West, Kerkman, Gorlinski, Smith, Elverman, Huff, Ruffolo, Noble and Ekornaas.

Nays: Supervisor Gorlinski

Ayes. 24 Nays: 1.

Motion carried.

Supervisor Molinaro also questioned the residence requirements. Sheriff Beth stated that the day a Deputy is hired he/she must be a resident of Kenosha County. Brooke Koons stated that on Page 4-11, number 7 it states that every appointee shall reside in Kenosha County, and if he/she at any time resides elsewhere thereafter, he/she shall be deemed to have resigned.

Supervisor Molinaro stated that he wanted a time limit of within 40 days added into: 4-12, (d) Proposed Number 1 and Proposed Number 2. A specified time is necessary. Seconded by Supervisor Huff.

It was moved by Supervisor Rose to refer Ordinance 13 as amended back to Judiciary & Law and Administration Committees. Seconded by Supervisor Molinaro.

Roll call vote.

Ayes: Supervisors Grady, Boyer, Rose, Huff, Molinaro, Bergo, Faraone, Johnson, Pitts, O'Day, Montemurro, Wisnefski, Carey-Mielke, Clark, West, Gorlinski, Smitz, Elverman, Ekornaas.

Nays: Supervisors Kessler, Carbone, Singer, Ruffolo, Noble, Kerkman.

Ayes. 19. Nays. 6.

Motion carried.

#### ORDINANCE 14

14. From Legislative Committee regarding Creating Section 2.06 (4) of the Municipal Code of Kenosha County Pertaining to Citizen Comments.

It was moved by Supervisor Johnson to adopt Ordinance 14. Seconded by Supervisor Singer.

It was moved by Supervisor Molinaro to table Ordinance 14. Seconded by Supervisor Ruffolo.

Roll call vote.

Ayes: Supervisors Grady, Boyer, Huff, Molinaro, Bergo, Johnson, Pitts, O'Day, Singer, Ruffolo, Montemurro, Wisnefski, Carey-Mielke, Kerkman, Smitz.

Nays: Supervisors Kessler, Rose, Carbone, Faraone, Clark, Noble, West, Gorlinski, Elverman, Ekornaas.

Ayes. 15. Nays. 10.

Motion carried.

NEW BUSINESS

Ordinances - one reading.

#### **ORDINANCE 15**

15. From Land Use committee regarding Jerome E. and Judith M. Ketterhagen, requesting rezoning from A-1 Agricultural Preservation District to A-2 General Agricultural 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 part of Tax Parcel #30-4-220-051-0107 located in the northeast quarter of Section 5, Township 2 North, Range 20 East, Town of Brighton be changed from A-1 Agricultural Preservation District to A-2 General Agricultural District (30.03 acres). For informational purposes only, this property is located on the southeast corner of the intersection of County Trunk Highway "KR" (1<sup>st</sup> Street) and County Trunk Highway "B" (288<sup>th</sup> Avenue).

#### **Jerome E. and Judith M. Ketterhagen - (Owners)**

**Description:** That part of the northeast quarter and the southeast quarter of the northeast quarter of Section 5, Township 2 North, Range 20 East of the Fourth Principal Meridian, in the Town of Brighton, County of Kenosha, State of Wisconsin and being more particularly described as follows: Commence at the north quarter corner of said Section 5; thence south 01°33'41" east along the west line of said northeast quarter section 1410.20 feet to the place of beginning of this description; thence north 88°25'45" east 761.30 feet; thence south 01°34'53" east 572.48 feet; thence south 88°25'45" west 761.50 feet to a point on the west line of said northeast quarter section; thence north 01°33'41" west along said west line 572.48 feet to the place of beginning. Containing 10.01 acres of land more or less. Subject to rights of the public over the west 33 feet thereof for highway purposes. (County Trunk Highway "B" a/k/a 288<sup>th</sup> Avenue).

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

Submitted by:

LAND USE COMMITTEE

Don Smitz

Tom Gorlinski

Irv Larsen

Mark Molinaro

Fred Ekornaas

#### **ORDINANCE 16**

16. From Land Use Committee regarding Robert D. Jr. and Julia Pringle (Owners), Lon Wienke (Agent), requesting rezoning from A-1 Agricultural Preservation District to R-1 Rural Residential District in the Town of Bristol.

#### **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 Parcel #35-4-121-224-0100 located in the southeast quarter of Section 22, Township 1 North, Range 21 East, Town of Bristol be changed from A-1 Agricultural Preservation District to R-1 Rural Residential District (59.49 acres). For informational purposes only, this property is located on the northeast corner of the intersection of County Trunk Highway "Q" (104<sup>th</sup> Street) and County Trunk Highway "MB" (160<sup>th</sup> Avenue).

#### **Robert D. Jr. and Julia Pringle - (Owners)**

**Lon Wienke - (Agent)**

**Description:** That part of the southwest quarter and the northwest quarter of the southeast quarter of Section 22, Township 1 North, Range 21 East of the Fourth Principal Meridian, Town of Bristol, Kenosha County, Wisconsin, described as follows: Beginning at the southwest corner of the southeast quarter of said Section 22; thence north 01°59'21" west along the west line of said southeast quarter 2640.24 feet to the northwest corner of said southeast quarter; thence north 88°59'17" east along the north line of said southeast quarter 759.25 feet; thence south 01°59'21" east parallel with the west line of said southeast quarter 1200.00 feet; thence north 88°59'17" east parallel with the north line of said southeast quarter 193.75 feet; thence south 01°59'21" east parallel with the west line of said southeast quarter 600.00 feet; thence north 88°59'17" east parallel with the north line of said southeast quarter 366.16 feet to the east line of the southwest quarter of said southeast quarter; thence south 02°04'38" east along the east line of the southwest quarter of said southeast quarter 840.55 feet to the southeast corner of the southwest quarter of said southeast quarter; thence south 88°59'55" west along the south line of the southwest quarter of said southeast quarter 1320.46 feet to the point of beginning. The parcel contains 59.496 acres, more or less. This description is intended to extend to the center of all roads.

Submitted by:

LAND USE COMMITTEE

Don Smitz

Tom Gorlinski

Irv Larsen

Mark Molinaro

Fred Ekornaas

#### ORDINANCE 17

17. From Land Use Committee regarding George J. and Geraldine H. Podlin, requesting rezoning from PR-1 Park Recreational District to R-4 Urban Single-Family Residential in the Town of Salem.

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 Parcel #67-4-120-361-0320 located in the northeast quarter of Section 36, Township 1 North, Range 20 East, Town of Salem be changed from PR-1 Park-Recreational District to R-4 Urban Single-Family Residential District. For informational purposes only, this property is located at 21929 116<sup>th</sup> Street, which is on the south side of County Trunk Highway "V" (116<sup>th</sup> Street) approximately ¼ mile east of the intersection of 224<sup>th</sup> Avenue.

**George J. and Geraldine H. Podlin - (Owners)**

**Description:** Lot C of Certified Survey Map #1272, Volume 1357, Pages 611-612.

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

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

It was moved by Supervisor Smitz to adopt Ordinances 15 thru 17. Seconded by Supervisor Gorlinski.

Motion carried.

Resolutions - one reading.

#### RESOLUTION 19

19. From Administration Committee regarding Reauthorization of Worker's Compensation Self Insurance.

**WHEREAS**, the County of Kenosha, Wisconsin is a qualified political subdivision of the State of Wisconsin, and

**WHEREAS**, the Wisconsin Worker's Compensation Act (Act) provides that employers covered by the Act either insure their liability with worker's compensation insurance carriers authorized to do business in Wisconsin, or to be exempted (self-insured) from insuring liabilities with a carrier and thereby assuming the responsibility for its own worker's compensation risk and payment; and

**WHEREAS**, the State and its political subdivisions may self-insure worker's compensation without a special order from the Department of Workforce Development (Department) if they agree to report faithfully all compensable injuries and agree to comply with the Act and rules of the Department; and

**WHEREAS**, the self-insured Worker's Compensation Plan has consistently performed at a fiscal advantage when compared with commercial worker's compensation premiums; and

**WHEREAS**, the Administration Committee at its (date) meeting and the Finance Committee at its (date) meeting approved the continuation of the self-insured worker's compensation program, in compliance with Wisconsin Administrative Code DWD 80.60(3) which reads in part "any political subdivision or taxing authority of the State electing to self-insure shall notify the (Department of Workforce Development)...every three years after initial notice." and

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Supervisors of the County of Kenosha, Wisconsin does ordain as follows:

- (1) Provide for the continuation of a self-insured worker's compensation program that is currently in effect; and
- (2) Authorize Personnel Analyst, Robert J. Riedl, to forward certified copies of this resolution to the Worker's Compensation Division, Wisconsin Department of Workforce Development.

Submitted by:

ADMINISTRATION COMMITTEE

David Singer

John Ruffolo

Joseph Clark

Thomas Kerkman

Mark Modory

It was moved by Supervisor Singer to adopt Resolution 19. Seconded by Supervisor Ruffolo.

Motion carried.

#### **RESOLUTION 20**

20. From Finance Committee regarding Initial Resolution authorizing the Issuance of General Obligation refunding Bonds in an Amount Not to Exceed \$8,180,000 and Providing for the Sale of the Bonds.

#### **INITIAL RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS IN AN AMOUNT NOT TO EXCEED \$8,180,000 AND PROVIDING FOR THE SALE OF THE BONDS**

**WHEREAS**, the County Board of Supervisors of Kenosha County, Wisconsin (the "County") has determined that the County is in need of an amount not to exceed \$8,180,000 for the public purpose of refunding obligations of the County, including interest on them, to wit: refunding portions of the County's General Obligation Corporate Purpose Bonds, Series 1993B, dated September 1, 1993, General Obligation Corporate Purpose Bonds, Series 1994A, dated February 1, 1994, General Obligation Corporate Purpose Bonds, Series 1994B, dated February 1, 1994 and General Obligation Promissory Notes, Series 1998B, dated October 1, 1998 (hereinafter the refinancing of the County's outstanding obligations shall be referred to as the "Refunding");

**WHEREAS**, counties are authorized by the provisions of Section 67.04 of the Wisconsin Statutes to borrow money and to refund outstanding obligations; and,

**WHEREAS**, the County Board of Supervisors of the County hereby finds and determines that general obligation bonds should be issued in an amount not to exceed \$8,180,000 for the purpose described above; and it is now necessary and desirable to authorize their sale.

**NOW, THEREFORE, BE IT RESOLVED** by the County Board of Supervisors of the County that:

Section 1. Authorization of the Bonds. For the purpose of paying costs of the Refunding, there shall be borrowed pursuant to Section 67.04 of the Wisconsin Statutes, a principal amount not to exceed EIGHT MILLION ONE HUNDRED EIGHTY THOUSAND DOLLARS (\$8,180,000) from a purchaser to be determined by competitive sale (the "Purchaser").

Section 2. Sale of the Bonds. To evidence such indebtedness, the Chairperson and County Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the

name of the County, general obligation bonds aggregating a principal amount not to exceed EIGHT MILLION ONE HUNDRED EIGHTY THOUSAND DOLLARS (\$8,180,000), which bonds shall be designated "General Obligation Refunding Bonds" (the "Bonds"). The County shall offer the Bonds for public sale on or about July 1, 2003.

Section 3. Notices of Sale. The County Clerk (in consultation with the County's financial advisor, Ehlers & Associates, Inc.) shall cause a Notice of Sale to be prepared and distributed and may prepare or cause to be prepared an Official Statement or other form of offering circular setting forth the details of the Bonds.

Section 4. Award of the Bonds. Following receipt of bids for the Bonds, the County Board of Supervisors shall consider taking further action to provide the details of the Bonds; to award the Bonds to the lowest responsible bidder therefor; and to levy a direct annual irrepealable tax sufficient to pay the principal of and interest on the Bonds as the same becomes due as required by law.

Section 5. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the County Board of Supervisors or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted and recorded this 17th day of June, 2002.

Submitted by:

FINANCE COMMITTEE

Robert Carbone

Terry Rose

John O'Day

Robert Pitts

Gordon west

It was moved by Supervisor Carbone to adopt Resolution 20. Seconded by Supervisor Rose.

Roll call vote.

Ayes: Supervisors Kessler, Grady, Boyer, Rose, Molinaro, Bergo, Carbone, Faraone, Johnson, Pitts, O'Day, Singer, Montemurro, Wisniewski, Clark, West, Kerkman, Gorlinski, Smits, Elverman, Huff, Ruffolo, Noble and Ekornaas.

Nays: Supervisor Carey-Mielke.

Ayes. 24. Nays. 1.

Motion carried.

#### **RESOLUTION 21**

21. From Finance Committee regarding Providing for the Sale of Not to Exceed \$5,320,000 general Obligation Promissory Notes.

RESOLUTION PROVIDING FOR THE SALE OF

NOT TO EXCEED \$5,320,000

GENERAL OBLIGATION PROMISSORY NOTES

**WHEREAS**, on November 13, 2002, the County Board of Supervisors of Kenosha County, Wisconsin (the "County") adopted a resolution entitled "Initial Resolution Authorizing the Issuance of General Obligation Promissory Notes in an Amount Not to Exceed \$5,320,000" (the "Initial Resolution") for the public purpose of paying the cost of remodeling, renovating and improving various County buildings and sites, including parks and golf courses; constructing, extending, repairing and improving roads and highways; and acquiring land or interests in land, vehicles, equipment, software, furnishings and fixtures (the "Project");

**WHEREAS**, the County Board of Supervisors hereby finds and determines that the Project is within the County's power to undertake and therefore serves a "public purpose" as that term is defined in Section 67.04(1)(b) of the Wisconsin Statutes;

**WHEREAS**, counties are authorized by the provisions of Section 67.12(12) of the Wisconsin Statutes to borrow money and to issue general obligation promissory notes for such purposes; and,

**WHEREAS**, the County Board of Supervisors of the County hereby finds and determines that general obligation promissory notes in an amount not to exceed

\$5,320,000 for the purpose authorized in the Initial Resolution should be issued, and it is now necessary and desirable to authorize their sale.

**NOW, THEREFORE, BE IT RESOLVED** by the County Board of Supervisors of the County that:

Section 1. Authorization of the Notes. For the purpose of paying costs of the Project, there shall be borrowed pursuant to Section 67.12(12) of the Wisconsin Statutes, a principal amount not to exceed FIVE MILLION THREE HUNDRED TWENTY THOUSAND DOLLARS (\$5,320,000) from a purchaser to be determined by competitive sale (the "Purchaser").

Section 2. Sale of the Notes. To evidence such indebtedness, the Chairperson and County Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the County, general obligation promissory notes aggregating a principal amount not to exceed FIVE MILLION THREE HUNDRED TWENTY THOUSAND DOLLARS (\$5,320,000) (the "Notes"). The County shall offer the Notes for public sale on or about July 1, 2003.

Section 3. Notices of Sale. The County Clerk (in consultation with the County's financial advisor, Ehlers & Associates, Inc.) shall cause a Notice of Sale to be prepared and distributed and may prepare or cause to be prepared an Official Statement or other form of offering circular setting forth the details of the Notes.

Section 4. Award of the Notes. Following receipt of bids for the Notes, the County Board of Supervisors shall consider taking further action to provide the details of the Notes; to award the Notes to the lowest responsible bidder therefor; and to levy a direct annual irrepealable tax sufficient to pay the principal of and interest on the Notes as the same becomes due as required by law.

Section 5. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the County Board of Supervisors or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted and recorded this 17th day of June, 2003.  
Submitted by:

FINANCE COMMITTEE

Robert Carbone

Terry Rose

John O'Day

Robert Pitts

Gordon West

It was moved by Supervisor Carbone to adopt Resolution 21. Seconded by Supervisor O'Day.

Roll call vote.

Ayes: Supervisors Kessler, Grady, Boyer, Rose, Molinaro, Bergo, Carbone, Faraone, Johnson, Pitts, O'Day, Singer, Montemurro, Wisniewski, Clark, West, Kerkman, Gorlinski, Smits, Elverman, Huff, Ruffolo, Noble and Ekornaas.

Nays: Supervisor Carey-Mielke.

Ayes. 24. Nays. 1.

Motion carried.

#### **RESOLUTION 22**

22. From Finance Committee regarding Bills over \$5,000.00.

**WHEREAS**, the Wisconsin State Statutes provides that the County Board may act on all bills over \$10,000.00 and

**WHEREAS** the County Resolution requires that the Finance Committee must act on all bills over \$5,000.00, and

**NOW, THEREFORE LET IT BE RESOLVED**, that the following bills be approved for payment:

KENOSHA COUNTY PAYMENT GROUPS BILLS OVER \$5,000.00

APPROVAL BY FINANCE COMMITTEE AND COUNTY BOARD ARE REQUIRED:

DIVISIONS

FINANCE GROUPING # 1 & 2

PERSONNEL GROUPING # 1

PAYMENT GROUPS

\$1,689,614.16

\$ 347,114.56

|                             |                |
|-----------------------------|----------------|
| PERSONNEL GROUPING # 2      | \$ 63,724.07   |
| DISABILITY GROUPING # 1     | \$1,087,945.18 |
| PAYMENT GROUPS GRAND TOTAL: | \$3,188,397.97 |

Submitted by:

FINANCE COMMITTEE

Robert Carbone

John O'Day

Terry Rose

Gordon West

Robert Pitts

It was moved by Supervisor Carbone to adopt Resolution 22. Seconded by Supervisor Rose. Supervisor Clark abstained from voting on Community Impact Program, Professional Service Group and Bridges Community Center. Motion carried.

#### **RESOLUTION 23**

23. From Finance Committee regarding Appointment of Mark A. Starzyk to the Kenosha County Housing Authority.

**WHEREAS**, pursuant to County Executive Appointment 2003/04-05, the County Executive has appointed Mark A. Starzyk to serve on the Kenosha County Housing Authority, and

**WHEREAS**, the Finance Committee has reviewed the request of the County Executive for confirmation of his appointment of the above named to serve on the Kenosha County Housing Authority and is recommending to the County Board the approval of this appointment, and

**NOW, THEREFORE, BE IT RESOLVED**, that the Kenosha County Board of Supervisors confirm the appointment of Mark A. Starzyk to serve on the Kenosha County Housing Authority. Mr. Starzyk's appointment shall be effective immediately upon the confirmation of the County Board and continuing until the 30<sup>th</sup> day of April, 2008, or until a successor is appointed by the County Executive and confirmed by the Kenosha County Board of Supervisors. Mr. Starzyk will serve without pay as defined under Resolution 65 (1982-83). Mr. Starzyk will be succeeding himself.

Submitted by:

FINANCE COMMITTEE

Robert Carbone

Terry Rose

John O'Day

Gordon West

Robert Pitts

It was moved by Supervisor Carbone to adopt Resolution 23. Seconded Supervisor Pitts. Motion carried.

#### **RESOLUTION 24**

24. From Finance Committee regarding Appointment of David Geertsen to TIF #9 Joint Review Board, Tax Incremental Finance District 9, City of Kenosha.

**WHEREAS**, pursuant to County Executive Appointment 2003/04-06, the County Executive has appointed David Geertsen to serve on the Joint Review Board, for the purpose of reviewing a Project Plan for the creation of a Tax Incremental Finance District 9 for the City of Kenosha, and

**WHEREAS**, the Finance Committee has reviewed the request of the County Executive for confirmation of his appointment of the above named to serve on the Joint Review Board and is recommending to the County Board the approval of this appointment, and

**NOW, THEREFORE, BE IT RESOLVED**, that the Kenosha County Board of Supervisors confirm the appointment of David Geertsen to serve on the Joint Review Board. Mr. Geertsen's appointment shall be effective immediately upon the confirmation of the County Board of Supervisors and continuing until the end of the project or until a successor is appointed by the County Executive and confirmed by the Kenosha County Board of Supervisors. Mr. Geertsen will serve without pay as defined under Resolution 65 (1982-83).

Submitted by:

FINANCE COMMITTEE

Robert Carbone

Terry Rose

John O'Day



Gordon West  
Robert Pitts

It was moved by Supervisor Carbone to adopt Resolution 24. Seconded by Supervisor Pitts.  
Motion carried.

#### **RESOLUTION 25**

25. From Human Services regarding Approval of the Appointment of Diane Knutson to the Kenosha County Workforce Investment Board.

**WHEREAS**, pursuant to County Executive Appointment 2003/04-07, the County Executive has appointed Diane Knutson to serve on the Kenosha County Workforce Investment Board, and

**WHEREAS**, the Human Services Committee has reviewed the request of the County Executive for confirmation of his appointment of the above named to serve on the Kenosha County Workforce Investment Board 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 Diane Knutson to the Kenosha County Workforce Investment Board. Ms. Knutson's appointment shall be effective immediately and continuing until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Ms. Knutson will serve without pay as defined under Resolution 65 (1982-83) and will be filling a vacancy on this Board.

Submitted by:

HUMAN SERVICES COMMITTEE

Eunice Boyer  
Donald Smitz  
Anne Bergo  
William Grady  
John O'Day

It was moved by Supervisor Boyer to adopt Resolution 25. Seconded by Grady.

It was moved by Supervisor Molinaro to refer Resolution 25 back to Human Services Committee. Seconded by Supervisor Rose.  
Roll call vote.

Ayes: Supervisors Rose, Huff, Molinaro, Faraone, Johnson, Pitts, O'Day, Singer, Ruffolo, Montemurro, Wisniewski, Carey-Mielke, Clark, Noble, West, Gorlinski, Elverman, Ekornaas.

Nays: Supervisors Kessler, Grady, Boyer, Bergo, Carbone, Kerkman, Smitz.

Ayes. 18. Nays. 7.

Motion carried.

#### **RESOLUTION 26**

26. From Judiciary & Law and Finance Committees regarding 2003 Traffic Safety Grant-Click It! Why Risk It! Campaign.

**WHEREAS**, the Kenosha County Sheriff's Department had been awarded \$3,500 for a Highway Safety Grant entitled, "Kenosha County Sheriff's Department Click It-Why Risk It?", for a period ending July 31, 2003, and

**WHEREAS**, the funds have been made available through the State of Wisconsin, Department of Transportation, Bureau of Transportation Safety, and

**WHEREAS**, these fund will be used to educate the public on seatbelt safety rules and proper child restraints and cover the cost of increased enforcement efforts in an attempt to influence the use of seat belts and child safety restraints and reduce alcohol related crashes, and

**WHEREAS**, the 25% local match required is met with soft dollars within the current budget and will not require any additional tax levy dollars.

**NOW, THEREFORE BE IT RESOLVED**, that the Kenosha County Board of Supervisors accept the grant and approve that the revenue and expenditure line items be modified, as per the attached budget modification form, which is incorporated herein by reference.

Note: This resolution requires NO dollars from the general fund. It increases revenues by \$3,500.00 and increases expenditures by \$3,500.00.

Submitted by:

JUDICIARY & LAW COMMITTEE  
James Huff  
Brenda Carey-Mielke  
Anita Faraone  
Joe Montemurro  
Terry Rose

FINANCE COMMITTEE  
Robert Carbone  
Terry Rose  
John O'Day  
Robert Pitts  
Gordon West

It was moved by Supervisor Huff to adopt Resolution 26. Seconded by Supervisor O'Day.  
2/3 vote required.  
Motion carried unanimously.

#### **RESOLUTION 27**

27. From Judiciary & Law and Finance Committees regarding Homeland Security Equipment Grants.

**WHEREAS**, Kenosha County Division of Emergency Management has been awarded two Wisconsin Homeland Security Grant (FY03 and FY03 Supplemental) grants totaling \$539,063 for FY03 from the US Dept of Justice (DOJ) through the State of Wisconsin Office of Justice Assistance (OJA), and

**WHEREAS**, these grants are to be used for Local Homeland Security related equipment for First Responders throughout the County, as well as to enhance security at Critical Infrastructure Facilities, and

**WHEREAS**, these Wisconsin Homeland Security Grants are to be used to pay for personal protective equipment, explosive device mitigation and remediation equipment, chemical, biological, radiological, nuclear and explosive (CBRNE) search, logistical and rescue equipment, interoperable communications equipment, detection equipment, decontamination equipment, physical security enhancement equipment, Terrorism Incident Prevention Equipment and medical supplies and pharmaceuticals, and

**WHEREAS**, the cost of these grants are 100% funded by DOJ through OJA, requiring no tax levy, and

**WHEREAS**, this will require a FY03 budget modification of \$539,063,

**NOW, THEREFORE BE IT RESOLVED**, that any unexpended dollars as of December 31, 2003 should be carried over into the 2004 budget and that the Kenosha County Board of Supervisors approve that the Emergency Management revenue and expenditure line items be modified, as per the attached budget modification form, and

**BE IT FURTHER RESOLVED**, that the Administration be authorized to modify the Budget for purposes of capital items for which the County retains possession, and

**BE IT FURTHER RESOLVED**, that the above budget authority shall also apply to Federal/State terrorism grants previously approved by the County Board that were part of the Division of Emergency Management's 2003 budget.

Submitted by:

JUDICIARY & LAW COMMITTEE  
James Huff  
Anita Faraone  
Terry Rose  
Brenda Carey-Mielke  
Joe Montemurro

FINANCE COMMITTEE  
Robert Carbone  
John O'Day  
Gordon West  
Terry Rose  
Robert Pitts

It was moved by Supervisor Huff to adopt Resolution 27. Seconded by Supervisor Pitts.  
2/3 vote required.  
Motion carried unanimously.

#### **RESOLUTION 28**

28. From Land Use Committee regarding Final Plat of Blackhawk Acres Subdivision, Leland and John Stohr (Developers), in the Town of Randall.

**WHEREAS**, at a regularly held public hearing of the Kenosha County Land Use Committee on June 11, 2003 review was given to the Final Plat of Blackhawk Acres Subdivision located on Tax Parcel #60-4-119-163-1005 in the northeast quarter of the southeast quarter of Section 17, and the west half of the southwest quarter of Section 16, Township 1 North, Range 19 East, Town of Randall. For informational purposes only, this property is located on the north side of County Trunk Highway "Z" (93<sup>rd</sup> Street) approximately 0.4 miles west of the intersection of County Trunk Highway "O" (368<sup>th</sup> Avenue); and

**WHEREAS**, the plat was submitted in accordance with the requirements of Chapter 236 of Wisconsin State Statutes and the developer agreed to comply with those land platting laws; and

**WHEREAS**, the plat is in conformance with the Kenosha County Subdivision Control Ordinance and the developer agreed to all county conditions for approval

(Exhibit 1, on file in the Department of Planning and Development); and

**WHEREAS**, the Town of Randall recommended approval of Blackhawk Acres Subdivision subject to the conditions presented in (Exhibit 1, on file in the Department of Planning and Development) and subject to signing the developer's agreement between the developer and the Town; and

**WHEREAS**, the Southeastern Wisconsin Regional Planning Commission (SEWRPC) reviewed the subject plat with regards to stormwater management and erosion control and recommended approval of the plat;

**NOW, THEREFORE, BE IT RESOLVED**, that the Kenosha County Board of Supervisors approve the Final Plat of Blackhawk Acres Subdivision subject to the conditions as approved by the Land Use Committee.

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

It was moved by Supervisor Smitz to adopt Resolution 28. Seconded by Supervisor Ekornaas.

Motion carried.

#### **RESOLUTION 29**

29. From Land Use Committee regarding Final Plat of Prairie View Subdivision, Richard A. Karow (Developer), located in the Town of Wheatland.

**WHEREAS**, at a regularly held public hearing of the Kenosha County Land Use Committee meeting on June 11, 2003 review was given to the Final Plat of Prairie View Subdivision located on Tax Parcel #95-4-119-073-0205 in the northeast quarter and northwest quarter of the southwest quarter of Section 7, Township 1 North, Range 19 East, Town of Wheatland. For informational purposes only, this property is located on the north side of County Trunk Highway "F" (Bloomfield Road) approximately ¼ mile west of the intersection of County Trunk Highway "P" (400<sup>th</sup> Avenue); and

**WHEREAS**, the plat was submitted in accordance with the requirements of Chapter 236 of Wisconsin State Statutes and the developer agreed to comply with those land platting laws; and

**WHEREAS**, the plat is in conformance with the Kenosha County Subdivision Control Ordinance and the developer agreed to all county conditions for approval (Exhibit 1, on file in the Department of Planning and Development); and

**WHEREAS**, the Town of Wheatland recommended approval of Prairie View Subdivision subject to the conditions presented in (Exhibit 1, on file in the Department of Planning and Development) and subject to the signing of the developer's agreement between the developer and the Town; and

**WHEREAS**, the Southeastern Wisconsin Regional Planning Commission (SEWRPC) reviewed the subject plat with regards to stormwater management and erosion control and recommended approval of the plat;

**NOW, THEREFORE, BE IT RESOLVED**, that the Kenosha County Board of Supervisors approve the Final Plat of Prairie View Subdivision subject to the conditions as approved by the Land Use Committee.

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

It was moved by Supervisor Smitz to adopt Resolution 29. Seconded by Supervisor Gorlinski.

Motion carried.

**RESOLUTION 30**

30. From Legislative Committee regarding Opposition to Levy Freeze.  
Removed from agenda.

**RESOLUTION 31**

31. From Supervisor Joseph Clark regarding Advisory 2004 Budget Levy Cap.  
Chairman Kessler referred Resolution 31 to the Finance Committee.

**CLAIMS**

9. Malcolm Byrd - wrongfully arrested.  
10. Michael Kehoe - windshield damage.  
Chairman Kessler referred Claims 9 & 10 to Corporation Counsel.

**COMMUNICATIONS**

2. From Jean A. Morgan, City Clerk-Treasurer regarding Annexation of 10.881 acres of land located south of 60th Street and east of 88th Avenue in the Town of Somers.

3. From George E. Melcher, Director of Planning and Development regarding future rezonings.

Chairman Kessler refereed Communications 2 & 3 to Land Use Committee.

It was moved by Supervisor Singer to adopt the June 3, 2003 minutes as amended. Seconded by Supervisor Montemurro.

It was moved by Supervisor Wisnefski to adjourn. Seconded by Supervisor Bergo.

Motion carried.

Motion carried and meeting adjourned at 9:45 p.m.

Prepared by: Pam Young  
Chief Deputy Clerk  
Submitted by: Edna R. Highland  
County Clerk

KENOSHA COUNTY BOARD OF SUPERVISORS

COUNTY BOARD CHAMBERS

COUNTY ADMINISTRATION BUILDING

July 1, 2003

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

Present: Supervisors Kessler, Grady, Boyer, Rose, Bergo, Carbone, Faraone, Johnson, Pitts, Modory, Singer, Montemurro, Wisnefski, Carey-Mielke, Clark, West, Kerkman, Gorlinski, Smits, Elverman, Huff, Ruffolo, Noble and Ekornaas.

Excused: Supervisor Larsen, O'Day, Marrelli, Molinaro.

Present: 24. Excused: 4.

County Executive Allan K. Kehl presented the State of the County address.

**ANNOUNCEMENTS OF THE CHAIRMAN**

Chairman Kessler stated that a card for Supervisor Larsen was being circulated.

Chairman Kessler stated that the Tax Equity Study Report was just received by the County yesterday. A copy will be mailed to each supervisor.

Chairman Kessler stated that he attended a ribbon cutting at the CATI, Center for Advanced Technology & Innovation located in the Renaissance Business Park in Racine County and is part of Gateway Technical College System.

Chairman Kessler stated that the NACo Conference starts on Friday, July 11th and will finish up on Tuesday, July 15th in Milwaukee.

**SUPERVISORS REPORTS**

Supervisor Pitts stated that the State surveyed Brookside Nursing Home and found only two minor violations. There are over 300 people on the waiting list for Brookside.

Supervisor Gorlinski spoke regarding Resolution 39. He was informed today about a joint air quality study that was completed by the Public Service Commission and the Department of Natural Resources. The study is very technical. SEWRPC has the study in their hands and are reviewing it. He is bringing this to the county board to inform them that SEWRPC is willing to meet with the committee that is assigned and would want to hear their interpretation of the technical aspects of the study.

Supervisor Carbone spoke regarding Resolution 31, referred at the June 17th meeting regarding Advisory 2004 Budget Levy Cap. The Finance Committee met with the supervisors who signed the resolution. There was a great deal of discussion. The resolution went back to Supervisor Clark with some recommendations. Supervisor Clark will be bringing the resolution back to the Finance Committee on July 17th. There was a request of a possible Committee of the Whole to discuss the resolution.

Supervisor Carbone stated that a number of supervisors attended the unveiling of the Vision Park on 39th Avenue. One of the corner stones is a diamond for the physically challenged. There will be installed some kind of artificial turf so that wheel chairs can move on it. It will be the only park in the nation to have two such diamonds. They should be ready for the 2005 season.

Supervisor Wisnefski stated that he has replaced Mark Molinaro on the KAC Board.

**NEW BUSINESS**

Resolutions - one reading.

**RESOLUTION 32**

32. From Extension Education and Finance Committees regarding UW Extension 2003 Budget Modification - NRSA Implementation.

**WHEREAS**, UW-Extension Kenosha County has received a \$45,950 Community Development Block Grant (CDBG) from the City of Kenosha, and

**WHEREAS**, these funds awarded are designated for implementation of the Neighborhood Revitalization Strategies (NRSA) for two Kenosha neighborhoods, and

**WHEREAS**, this budget modification poses no additional levy-funded costs to the County,

**NOW, THEREFORE LET IT BE RESOLVED**, that UW-Extension Kenosha County 2003 budget be modified as follows:

|                               |                  |          |
|-------------------------------|------------------|----------|
| Fund 100 Business Unit# 67300 | UW-CDBG Projects |          |
| Other Professional Services   | 521900           | \$29,450 |
| Mileage & Travel              | 533900           | 1,500    |
| Other Operating Supplies      | 534900           | 15,000   |
| Office Supplies               | 531200           | 0        |
| Printing/Duplication          | 530300           | 0        |
| TOTAL:                        |                  | \$49,450 |

Fund 100 Business Unit# 67300 Revenue: UW-CDBG Projects  
CDBG Economic Dev Prog 442410 \$45,950

Submitted by:

|                               |                   |
|-------------------------------|-------------------|
| EXTENSION EDUCATION COMMITTEE | FINANCE COMMITTEE |
| Mark Modory                   | Robert Carbone    |
| Brenda Carey-Mielke           | Terry Rose        |
| Joe Montemurro                | John O'Day        |
| Ava Marrelli                  | Robert Pitts      |
| Joe Clark                     | Gordon West       |

It was moved by Supervisor Modory to adopt Resolution 32. Seconded by Supervisor Carbone.

2/3 vote required.

Motion carried unanimously.

#### **RESOLUTION 33**

33. From Extension Education and Finance Committees regarding UW Extension 2003 Budget Modification - Youth Quest.

**WHEREAS**, Kenosha County UW-Extension has received a grant from the City of Kenosha Community Development Block Grant Program for Youth Quest, and

**WHEREAS**, Kenosha County UW-Extension has received a grant from the University of Wisconsin Cross Divisional Grant Funds, and

**WHEREAS**, Kenosha County UW-Extension has received a grant from the Greater Kenosha Area Foundation, and

**WHEREAS**, Kenosha County UW-Extension is part of a consortium to implement Youth Quest, a youth mentoring program, and

**WHEREAS**, county levy remains unaffected by this budget amendment,

**NOW, THEREFORE, BE IT RESOLVED** that the 2003 Kenosha County UW-Extension budget be amended as reflected in the attached Expense/Revenue Budget Modification Form incorporated herein by reference, and

**BE IT FURTHER RESOLVED** that the Kenosha County UW-Extension Youth Quest budget may be modified between appropriation units as necessary to reflect grant expenditures, and

**BE IT FURTHER RESOLVED** that the Kenosha County UW-Extension Youth Quest budget may be modified to increase the grant revenues and corresponding expenditures if a grant award comes in higher than expected and any expended dollars as of December 31, 2003, should be rolled over into the 2004 budget.

Submitted by:

|                               |                   |
|-------------------------------|-------------------|
| EXTENSION EDUCATION COMMITTEE | FINANCE COMMITTEE |
| Mark Modory                   | Robert Carbone    |
| Brenda Carey-Mielke           | Terry Rose        |
| Joe Montemurro                | John O'Day        |
| Ava Marrelli                  | Robert Pitts      |
| Joe Clark                     | Gordon West       |

It was moved by Supervisor Modory to adopt Resolution 33. Seconded by Supervisor Pitts.

2/3 vote required.

Motion carried unanimously.

#### **RESOLUTION 34**

34. From Finance Committee regarding Bills over \$5,000.00.

**WHEREAS**, the Wisconsin State Statutes provides that the County Board may act On all bills over \$10,000.00 and

**WHEREAS** the County Resolution requires that the Finance Committee must act

on all bills over \$5,000.00, and

**NOW, THEREFORE LET IT BE RESOLVED**, that the following bills be approved

for payment:

KENOSHA COUNTY PAYMENT GROUPS BILLS OVER \$5,000.00

APPROVAL BY FINANCE COMMITTEE AND COUNTY BOARD ARE REQUIRED:

| <u>DIVISIONS</u>            | <u>PAYMENT GROUPS</u> |
|-----------------------------|-----------------------|
| FINANCE GROUPING # 1        | \$ 577,228.21         |
| PERSONNEL GROUPING # 1      | \$ 249,251.71         |
| HOUSING AUTHORITY #1        | \$ 15,160.00          |
| DISABILITY GROUPING # 1     | \$ 100,505.20         |
| PAYMENT GROUPS GRAND TOTAL: | \$ 942,145.12         |

Submitted by:

FINANCE COMMITTEE

Robert Carbone

John O'Day

Terry Rose

Gordon West

Robert Pitts

It was moved by Supervisor Carbone to adopt Resolution 34. Seconded by Supervisor Rose.

Motion carried.

#### RESOLUTION 35

35. From Human Services and Finance Committees regarding Modifying the 2003 Division of Aging Budget to reflect Federal Allocation Changes and Approval of a Foundation Grant.

**WHEREAS**, the Kenosha County Department of Human Services Division of Aging services has received changes in Older Americans Act allocations, and

**WHEREAS**, the Division of Aging has received a foundation grant of \$14,000 for Alzheimer's group respite, and

**WHEREAS**, County Levy remains unaffected by this resolution;

**NOW, THEREFORE, BE IT RESOLVED**, that the 2003 budget of the Department of Human Services Division of Aging Services be modified as follows:  
Expenditures and Revenues be increased by \$21,121 as indicated in the attached budget modification form, which is incorporated into this resolution by reference.

HUMAN SERVICES COMMITTEE

Eunice Boyer

Anne Bergo

William Grady

Don Smitz

John O'Day

FINANCE COMMITTEE

Robert Carbone

Terry Rose

Robert Pitts

Gordon West

John O'Day

It was moved by Supervisor Boyer to adopt Resolution 35. Seconded by Supervisor Carbone.

2/3 vote required.

Motion carried unanimously.

#### RESOLUTION 36

36. From Finance Committee regarding Awarding the Sale of Approximately \$8,170,000 General Obligation Refunding Bonds, Series 2003B; Providing the Form of the Bonds; and Levying a Tax In Connection Therewith.

**WHEREAS**, pursuant to a resolution adopted on June 17, 2003 (the "Initial Resolution"), the County Board of Supervisors of Kenosha County, Wisconsin (the "County") authorized the issuance of not to exceed \$8,180,000 General Obligation Refunding Bonds for the public purpose of refunding obligations of the County, including interest on them, to wit: refunding portions of the County's General Obligation Corporate Purpose Bonds, Series 1993B, dated September 1, 1993 (the "1993 Bonds"), General Obligation Corporate Purpose Bonds, Series 1994A, dated February 1, 1994 (the "1994A Bonds"), General Obligation Corporate Purpose Bonds, Series 1994B, dated February 1, 1994 (the "1994B Bonds") and General Obligation Promissory Notes, Series 1998B, dated October 1, 1998 (the "1998 Notes") (collectively, the "Prior Issues") (hereinafter the refinancing of the County's outstanding obligations shall be referred to as the "Refunding");

**WHEREAS**, the County Board of Supervisors deems it to be necessary, desirable and in the best interest of the County to refund the Prior Issues for the purpose of achieving debt service cost savings;

**WHEREAS**, counties are authorized by the provisions of Chapter 67 of the Wisconsin Statutes to borrow money and to issue general obligation refunding bonds for the purpose of refinancing their outstanding obligations; and

**WHEREAS**, pursuant to the Initial Resolution, the County Clerk, in consultation with its financial advisor, Ehlers & Associates, Inc., has caused a Notice of Sale (a copy of which is attached hereto as Exhibit A, and incorporated herein by this reference) to be prepared and distributed setting forth the details of and the bid requirements for the County's General Obligation Refunding Bonds, Series 2003B (the "Bonds") and indicating that the Bonds would be offered for public sale;

**WHEREAS**, the following bids were received:

| <u>BIDDER</u> | <u>NET INTEREST COST</u> | <u>TRUE INTEREST RATE</u> |
|---------------|--------------------------|---------------------------|
|               | \$ _____                 | % _____                   |

**(SEE BID TABULATION ATTACHED AS EXHIBIT B)**

**WHEREAS**, it has been determined that the bid (the "Bid") submitted by the institution listed first on the attached Bid Tabulation fully complies with the bid requirements set forth in the Notice of Sale and is deemed to be the most advantageous to the County. Ehlers & Associates, Inc. has recommended that the County accept the Bid. A copy of said Bid submitted by such institution (the "Purchaser") is attached hereto as Exhibit C and incorporated herein by this reference.

**NOW, THEREFORE, BE IT RESOLVED** by the County Board of Supervisors of the County that:

Section 1. Authorization of the Bonds. For the purpose of paying the cost of the Refunding, there shall be borrowed pursuant to Chapter 67 of the Wisconsin Statutes, the principal sum of EIGHT MILLION ONE HUNDRED FORTY THOUSAND DOLLARS (\$8,140,000).

Section 1A. Ratification of the Notice of Sale and Offering Materials. The County Board of Supervisors of the County hereby ratifies and approves the details of the Bonds set forth in Exhibit A attached hereto as and for the details of the Bonds. The Notice of Sale and other offering materials prepared and circulated by Ehlers & Associates, Inc. are hereby ratified and approved in all respects. All actions taken by officers of the County and Ehlers & Associates, Inc. in connection with the preparation and distribution of the Notice of Sale are hereby ratified and approved in all respects.

Section 1B. Award of the Bonds. The Bid of the Purchaser offering to purchase the Bonds for the sum set forth on the Bid, plus accrued interest to the date of delivery, is hereby accepted. The Bonds bear interest at the rates set forth on the Bid.

Section 2. Terms of the Bonds. The Bonds shall be designated "General Obligation Refunding Bonds, Series 2003B"; shall be dated July 1, 2003; shall be issued in the aggregate principal amount of \$8,140,000, in denominations of \$5,000 or any integral multiple thereof; shall be numbered 1 and upward; and shall mature on November 1 of each year, in the years and principal amounts set forth on the debt service schedule attached hereto as Exhibit D (the "Schedule"). Interest is payable semi-annually on May 1 and November 1 of each year commencing on November 1, 2003.

Section 2A. Designation of Maturities. The Bonds of this issue which mature first are designated as being issued to refund the Prior Issues in the order in which the debt evidenced by said obligations were incurred.

Section 3. Redemption Provisions. At the option of the County, the Bonds maturing on November 1, 2012 and thereafter shall be subject to redemption prior to maturity on November 1, 2011 or on any date thereafter. Said Bonds shall be redeemable as a whole or in part, and if in part, from maturities selected by the County and within each maturity by lot, at the principal amount thereof, plus accrued interest to the date of redemption. If the Proposal specifies that any of the Bonds are subject to mandatory redemption, the terms of such mandatory redemption shall be set forth on an attachment hereto as Exhibit MRP (the "Mandatory Redemption Provisions") and incorporated herein by this reference.

Section 4. Form of the Bonds. The Bonds shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit E and incorporated herein by this reference.



Section 5. Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the County are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the County a direct annual irrepealable tax in the years 2003 through 2012 for the payments due in the years 2004 through 2013 in the amounts set forth on the Schedule.

The direct annual irrepealable tax hereby levied shall be carried onto the tax roll and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the County for said years are collected. So long as any part of the principal of or interest on the Bonds remains unpaid, the tax hereinabove levied shall be and continues irrepealable except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus in the Debt Service Fund Account for the Bonds created below.

The County has heretofore levied a direct annual irrepealable tax with respect to the Prior Issues. Upon the Refunding, a sum sufficient shall be transferred from the debt service accounts for the Prior Issues and deposited into the debt service account for the Bonds and used to pay the interest coming due on the Bonds on November 1, 2003.

Section 6. Segregated Debt Service Fund Account. There is hereby established in the County treasury a fund account separate and distinct from all other funds or accounts of the County designated "Debt Service Fund Account for \$8,140,000 Kenosha County General Obligation Refunding Bonds, Series 2003B, dated July 1, 2003", which fund account shall be used solely for the purpose of paying the principal of and interest on the Bonds. There shall be deposited in said fund account all accrued interest paid on the Bonds at the time the Bonds are delivered to the Purchaser, any premium, all money raised by taxation pursuant to Section 5 hereof and all other sums as may be necessary to pay principal of and interest on the Bonds as the same become due. Said fund account shall be used for the sole purpose of paying the principal of and interest on the Bonds, shall be maintained for such purpose until such indebtedness is fully paid or otherwise extinguished, and shall at all times be invested in a manner that conforms with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and any applicable income tax regulations (the "Regulations").

Section 7. Borrowed Money Fund. The proceeds of the Bonds (the "Bond Proceeds") (other than any premium and accrued interest which must be paid at the time of the delivery of the Bonds into the Debt Service Fund Account created above) shall be deposited into an account separate and distinct from all other funds and disbursed solely for the purposes for which borrowed or for the payment for the principal of and the interest on the Bonds.

Section 8. Arbitrage Covenant. The County shall not take any action with respect to the Bond Proceeds which, if said action had been reasonably expected to have been taken, or had been deliberately and intentionally taken on the date of delivery of and payment for the Bonds (the "Closing") would have caused the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code and the Regulations.

The Bond Proceeds may be temporarily invested in legal investments until needed, provided however, that the County hereby covenants and agrees that so long as the Bonds remain outstanding, moneys on deposit in any fund or account created or maintained in connection with the Bonds, whether such moneys were derived from Bond Proceeds or from any other source, will not be used or invested in a manner which would cause the Bonds to be "arbitrage bonds" within the meaning of the Code or Regulations. The County covenants that it will not invest in any obligation if such investment would violate the "prohibited payment" requirement of Section 148 of the Code.

The County Clerk, or other officer of the County charged with responsibility for issuing the Bonds, shall provide an appropriate certificate of the County, for inclusion in the transcript of proceedings, setting forth the reasonable expectations of the County regarding the amount and use of the Bond Proceeds and the facts and estimates on which such expectations are based, all as of the Closing.

Section 9. Additional Tax Covenants Including Rebate; Six Month Expenditure Exemption from Rebate. The County hereby further covenants and agrees that it will take all necessary steps and perform all obligations

required by the Code and Regulations (whether prior to or subsequent to the issuance of the Bonds) to assure that the Bonds are obligations described in Section 103(a) of the Code, the interest on which is excludable from gross income for federal income tax purposes, throughout their term. The County Clerk or other officer of the County charged with the responsibility of issuing the Bonds, shall provide an appropriate certificate of the County as of the Closing, for inclusion in the transcript of proceedings, certifying that it can and covenanting that it will comply with the provisions of the Code and Regulations.

Further, it is the intent of the County to take all reasonable and lawful actions to comply with any new tax laws enacted so that the Bonds will continue to be obligations described in Section 103(a) of the Code, the interest on which is excludable from gross income for federal income tax purposes throughout their term.

The County covenants that it is a governmental unit with general taxing powers and that the Bonds are not "private activity bonds" as defined in Section 141 of the Code.

For purposes of complying with the Regulations, particularly the rebate requirements of the Regulations, the portion of the proceeds of the Bonds that will be used to refund the 1998 Notes and the portion of the proceeds of the Bonds that will be used to refund the 1993 Bonds, the 1994A Bonds and the 1994B Bonds shall be considered proceeds of separate issues, respectively referred to herein as the "Current Refunding Portion" and the "Advance Refunding Portion."

In accordance with Section 148(f)(4)(B) of the Code, the County covenants that ninety-five percent (95%) or more of the net proceeds of the Current Refunding Portion of the Bonds are to be used for local governmental activities of the County and that 100% of the Current Refunding Portion of the proceeds of the Bonds will be expended for the governmental purposes of the issue within six months of the Closing. If for any reason the County did not qualify for the six month exemption from the rebate requirements of the Code with respect to the Current Refunding Portion, the County covenants that it would take all necessary steps to comply with such requirements.

The County does not anticipate that it will qualify for any exemption from the rebate requirements of the Code with respect to the Advance Refunding Portion of the Bonds. Accordingly, the County hereby covenants and agrees that there shall be paid from time to time all amounts to be rebated to the United States pursuant to Section 148(f) of the Code and any applicable Regulations with respect to the Advance Refunding Portion of the Bonds. This covenant and agreement shall survive payment in full or defeasance of the Bonds. In order to fulfill such covenant and agreement, the County is hereby authorized to employ independent accountants, consultants or attorneys to assist in determining the rebate amounts.

Section 9A. Rebate Fund. If necessary, the County shall establish and maintain, so long as the Bonds are outstanding, a separate account to be known as the "Rebate Fund". The County hereby covenants and agrees that it shall pay from the Rebate Fund the rebate amounts calculated pursuant to the provisions of the Code and Regulations to the United States of America.

Amounts held in the Rebate Fund and the investment income therefrom are not pledged as security for the Bonds and may only be used to pay amounts to the United States.

The County shall maintain or cause to be maintained records of such calculations and shall make such records available upon reasonable request therefor.

The County hereby agrees it will disburse all moneys in the Rebate Fund to the United States of America at the times and in the manner set forth in any applicable Regulations proposed or promulgated thereunder.

Section 10. Execution of the Bonds. The Bonds shall be prepared in typewritten or printed form, executed on behalf of the County by the manual or facsimile signatures of the Chairperson and County Clerk, authenticated, if required, by its fiscal agent, if any, sealed with its official or corporate seal, if any, or a facsimile thereof and delivered to the Purchaser upon payment to the County of the purchase price thereof, plus accrued interest to the date of delivery. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the delivery of the Bonds, such signatures shall, nevertheless, be valid and

sufficient for all purposes to the same extent as if they had remained in office until such delivery. The aforesaid officers are hereby authorized to do all acts and execute all documents as may be necessary and convenient for effectuating the Closing.

Section 11. Payment of the Bonds. The principal of and interest on the Bonds shall be paid in lawful money of the United States of America by the County Clerk or County Treasurer.

Section 11A. Persons Treated as Owners; Transfer of Bonds. The County shall keep books for the registration and for the transfer of the Bonds. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of the County Clerk, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Chairperson and County Clerk shall execute and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, series and maturity and the County Clerk shall record the name of each transferee in the registration book. No registration shall be made to bearer. The County Clerk shall cancel any Bond surrendered for transfer.

The County shall cooperate in any such transfer, and the Chairperson and County Clerk are authorized to execute any new Bond or Bonds necessary to effect any such transfer.

The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Bonds. Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the County at the close of business on the corresponding record date.

Section 12. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the County agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the County and on file in the County Clerk's office.

Section 13. Undertaking to Provide Continuing Disclosure. The County hereby covenants and agrees, for the benefit of the holders of the Bonds, to enter into a written undertaking (the "Undertaking") required by SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule") to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the holders of the Bonds or by the Purchaser on behalf of such holders (provided that the rights of the holders and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the County to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

The County Clerk, or other officer of the County charged with the responsibility for issuing the Bonds, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the County's Undertaking.

Section 14. Escrow Agent; Escrow Agreement; Escrow Account. Associated Trust Company, National Association, Green Bay, Wisconsin, is hereby appointed escrow agent for the County, for the purpose of ensuring the payment of the principal of and interest on the callable portions of the Prior Issues (the "Escrow Agent").

The Chairperson and County Clerk are hereby authorized and directed to execute an escrow agreement substantially in the form attached hereto as Exhibit F (the "Escrow Agreement") (such form may be modified by said officers prior to execution, the execution of such agreement by said officers to constitute full approval of the County Board of Supervisors of any such

modifications), with the Escrow Agent, for the purpose of effectuating the provisions of this Resolution.

The Bond Proceeds allocable to refunding the callable portions of the Prior Issues, other than any premium and accrued interest which shall be deposited in the Debt Service Fund Account created above, shall be deposited in a refunding escrow account which is hereby created with the Escrow Agent, pursuant to the Escrow Agreement, for the purpose of retaining the required amount of cash, if any, and acquiring the United States obligations provided for in the Escrow Agreement.

Upon transfer of the Bond Proceeds and any other necessary funds allocable to refunding the callable portion of the Prior Issues to the Escrow Account, the taxes heretofore levied to pay debt service on the callable portion of the Prior Issues shall be abated to the extent such transfer together with investment earnings thereon is sufficient to pay the principal of and interest on the callable portion of the Prior Issues, but such abatement shall not affect the County's pledge of its full faith, credit and resources to make such payments. The refunding escrow account created by the Escrow Agreement shall hereinafter serve as the debt service (or sinking) fund account for the callable portion of the Prior Issues. The Escrow Agent shall serve as custodian of said debt service (or sinking) funds.

Section 15. Bond Insurance. The Chairperson and County Clerk are authorized to agree to such additional provisions as any municipal bond insurer which makes a commitment accepted by the County to insure the Bonds may reasonably request and which are acceptable to the Chairperson and County Clerk, including provisions regarding restrictions on investment of Bond Proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer and notices to be given to the bond insurer. In addition, appropriate reference to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 16. Redemption of the Prior Issues. The County Board of Supervisors hereby calls the 1993 Bonds due on and after September 1, 2005 for redemption on September 1, 2004; the 1994A Bonds and 1994B Bonds due on and after November 1, 2005 for redemption on November 1, 2004; and the 1998 Notes due on and after April 1, 2004 for redemption on September 1, 2003. The Prior Issues are called for redemption at the price of par plus accrued interest to their respective redemption dates. The County hereby directs the Escrow Agent appointed above to cause notices of redemption, in substantially the forms attached to the Escrow Agreement, to be provided at the times and in the manner provided thereon.

Section 17. Official Statement. The County Board of Supervisors hereby approves the Preliminary Official Statement with respect to the Bonds and deems the Preliminary Official Statement as "final" for purposes of SEC Rule 15c2-12. All actions taken by officers of the County in connection with the preparation of such Preliminary Official Statement and addenda to it are hereby ratified and approved. In connection with the closing for the Bonds, the appropriate County official shall certify the Preliminary Official Statement and addenda. The County Clerk shall cause copies of the Preliminary Official Statement and addenda to be distributed to the Purchaser.

Section 20. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the County Board of Supervisors or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.  
Adopted and recorded July 1, 2003.

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Richard A. Kessler  
Chairperson

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Allan Kehl  
County Executive  
Submitted by:

Gordon West

Motion carried.

37. From Finance Committee regarding Awarding the Sale of \$5,320,000 General Obligation Promissory Notes, Series 2003C; Providing the Form of the Notes; and Levying a Tax in Connection Therewith.

WHEREAS, the Initial Resolution was not subject to petition for referendum;

**WHEREAS**, pursuant to the Sale Resolution, the County Clerk, in consultation with its financial advisor, Ehlers & Associates, Inc., has caused a Notice of Sale (a copy of which is attached hereto as Exhibit A and incorporated herein by reference) to be prepared and distributed setting forth the details of and the bid requirements for the Notes and indicating that the Notes would be offered for public sale on July 1, 2003;

(SEE BID TABULATION ATTACHED AS EXHIBIT B)

**WHEREAS**, none of the proceeds of the Notes shall be used to fund operating expenses of the general fund of the County or to fund operating expenses of any special revenue fund of the County that is supported by property taxes;

Section 1. Approval of Offering Documents. The Notice of Sale and other offering materials prepared and circulated by Ehlers & Associates, Inc. are hereby ratified and approved.

Section 3. Terms of the Notes. The Notes shall be designated "General Obligation Promissory Notes, Series 2003C"; shall be dated July 1, 2003; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered 1 and upward; shall bear interest at the rates and shall mature on August 1 of each year, in the years and principal amounts as set forth on the schedule prepared by the Purchaser and attached hereto as Exhibit D (the "Schedule"). Interest is payable semi-annually on February 1 and August 1 of each year commencing on February 1, 2004.

Section 4. Redemption Provisions. At the option of the County, the Notes maturing on August 1, 2010 and thereafter shall be subject to redemption prior to maturity on August 1, 2009 or on any date thereafter. Said Notes shall be redeemable as a whole or in part, and if in part, from maturities selected by the County and within each maturity by lot, at the principal amount thereof, plus accrued interest to the date of redemption. If the Proposal specifies that any of the Notes are subject to mandatory redemption, the terms of such mandatory redemption shall be set forth on an attachment hereto as Exhibit MRP (the "Mandatory Redemption Provisions") and incorporated herein by this reference.

Section 5. Form of the Notes. The Notes shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit E and incorporated herein by this reference.

Section 6. Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Notes as the same becomes due, the full faith, credit and resources of the County are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the County a direct annual irrepealable tax in the years 2003 through 2010 for the payments due in the years 2004 through 2011 in the amounts set forth on the Schedule.

The direct annual irrepealable tax hereby levied shall be carried onto the tax roll and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the County for said years are collected. So long as any part of the principal of or interest on the Notes remains unpaid, the tax hereinabove levied shall be and continues irrepealable except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus in the Debt Service Fund Account created below.

Section 7. Segregated Debt Service Fund Account. There is hereby established in the County treasury a fund account separate and distinct from all other funds or accounts of the County designated "Debt Service Fund Account for \$5,320,000 Kenosha County General Obligation Promissory Notes, Series 2003C, dated July 1, 2003", which fund account shall be used solely for the purpose of paying the principal of and interest on the Notes. There shall be deposited in said fund account all accrued interest paid on the Notes at the time the Notes are delivered to the Purchaser, any premium, all money raised by taxation pursuant to Section 6 hereof and all other sums as may be necessary to pay principal of and interest on the Notes as the same becomes due. Said fund account shall be used for the sole purpose of paying the principal of and interest on the Notes and shall be maintained for such purpose until such indebtedness is fully paid or otherwise extinguished, and shall at all times be invested in a manner that conforms with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and any applicable income tax regulations (the "Regulations").

Section 8. Borrowed Money Fund; Reimbursement. The proceeds of the Notes (the "Note Proceeds") (other than any premium and accrued interest which must be paid at the time of the delivery of the Notes into the Debt Service Fund Account created above) shall be deposited into an account separate and distinct from all other funds and disbursed solely for the purposes for which borrowed or for the payment of the principal of and the interest on the Notes.

The County declares its reasonable expectation to reimburse itself from the Note Proceeds for expenditures relating to the Project which it pays from other funds of the County prior to receipt of the Note Proceeds no more than 60 days prior to the date the Initial Resolution was adopted. The County may also reimburse itself for preliminary expenditures relating to the Project (such as architectural, engineering, surveying, soil testing, costs of issuance and similar costs but not including land acquisition, site preparation and similar costs incident to the commencement of construction) which are in an amount which is less than 20% of the issue price of the Notes. This declaration and the Resolution of which it is a part, shall be publicly available in the official books, records or proceedings of the County Board of Supervisors.

Section 9. Arbitrage Covenant. The County shall not take any action with respect to the Note Proceeds which, if such action had been reasonably expected to have been taken, or had been deliberately and intentionally taken on the date of the delivery of and payment for the Notes (the "Closing"), would

cause the Notes to be "arbitrage bonds" within the meaning of Section 148 of the Code and the Regulations.

The Note Proceeds may be temporarily invested in legal investments until needed, provided however, that the County hereby covenants and agrees that so long as the Notes remain outstanding, moneys on deposit in any fund or account created or maintained in connection with the Notes, whether such moneys were derived from the Note Proceeds or from any other source, will not be used or invested in a manner which would cause the Notes to be "arbitrage bonds" within the meaning of the Code or Regulations. The County covenants that it will not invest in any obligation if such investment would violate the "prohibited payment" requirement of Section 148 of the Code.

The County Clerk, or other officer of the County charged with responsibility for issuing the Notes, shall provide an appropriate certificate of the County, for inclusion in the transcript of proceedings, setting forth the reasonable expectations of the County regarding the amount and use of the Note Proceeds and the facts and estimates on which such expectations are based, all as of the Closing.

Section 10. Additional Tax Covenants; Two Year Expenditure Exemption from Rebate. The County hereby further covenants and agrees that it will take all necessary steps and perform all obligations required by the Code and Regulations (whether prior to or subsequent to the issuance of the Notes) to assure that the Notes are obligations described in Section 103(a) of the Code, the interest on which is excludable from gross income for federal income tax purposes, throughout their term. The County further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Notes) if taking, permitting or omitting to take such action would cause any of the Notes to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Notes to be included in the gross income of the recipients thereof for federal income tax purposes. The County Clerk or other officer of the County charged with the responsibility of issuing the Notes, shall provide an appropriate certificate of the County as of the Closing, for inclusion in the transcript of proceedings, certifying that it can and covenanting that it will comply with the provisions of the Code and Regulations.

Further, it is the intent of the County to take all reasonable and lawful actions to comply with any new tax laws enacted so that the Notes will continue to be obligations described in Section 103(a) of the Code, the interest on which is excludable from gross income for federal income tax purposes throughout their term.

The County covenants that it is a governmental unit with general taxing powers and that the Notes are not "private activity bonds" as defined in Section 141 of the Code.

In accordance with Section 148(f)(4)(C) of the Code, the County covenants that at least 75% of the available construction proceeds of the Notes shall be used for construction expenditures with respect to property owned by the County as provided in Section 148(f)(4)(C)(iv) of the Code. If at least 10% of the available construction proceeds of the Notes (including investment earnings thereon) are expended for the governmental purposes of the issue within six months of the Closing; at least 45% are expended for such purposes within one year; at least 75% are expended for such purposes within eighteen months; and 100% are expended for such purposes within two years, the Notes will qualify for the two year expenditure exception from the rebate requirements of the Code. If for any reason the County did not qualify for the two year expenditure exemption from the rebate requirements of the Code, the County covenants that it would take all necessary steps to comply with such requirements.

Section 11. Execution of the Notes. The Notes shall be issued in typewritten or printed form, executed on behalf of the County by the manual or facsimile signatures of the Chairperson and County Clerk, authenticated, if required, by its fiscal agent, if any, sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the County of the purchase price thereof, plus accrued interest to the date of delivery. In the event that either of the officers whose

signatures appear on the Notes shall cease to be such officers before the delivery of the Notes, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until such delivery. The aforesaid officers are hereby authorized to do all acts and execute and deliver all documents as may be necessary and convenient to effectuate the Closing.

Section 12. Payment of the Notes. The principal of and interest on the Notes shall be paid in lawful money of the United States of America by the County Clerk or County Treasurer.

Section 12A. Persons Treated as Owners; Transfer of Notes. The County shall keep books for the registration and for the transfer of the Notes. The person in whose name any Note shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Note shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid.

Any Note may be transferred by the registered owner thereof by surrender of the Note at the office of the County Clerk, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Chairperson and County Clerk shall execute and deliver in the name of the transferee or transferees a new Note or Notes of a like aggregate principal amount, series and maturity and the County Clerk shall record the name of each transferee in the registration book. No registration shall be made to bearer. The County Clerk shall cancel any Note surrendered for transfer.

The County shall cooperate in any such transfer, and the Chairperson and County Clerk are authorized to execute any new Note or Notes necessary to effect any such transfer.

The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Notes. Payment of interest on the Notes on any interest payment date shall be made to the registered owners of the Notes as they appear on the registration book of the County at the close of business on the corresponding record date.

Section 13. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Notes eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the County agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the County and on file in the County Clerk's office.

Section 14. Payment of Issuance Expenses. The County authorizes the Purchaser to forward the amount of the Note Proceeds allocable to the payment of issuance expenses to U.S. Trust Company, Minneapolis, Minnesota on the closing date for further distribution as directed by the County's financial advisor, Ehlers & Associates, Inc.

Section 15. Official Statement. The County Board of Supervisors hereby approves the Preliminary Official Statement with respect to the Notes and deems the Preliminary Official Statement as "final" for purposes of SEC Rule 15c2-12. All actions taken by officers of the County in connection with the preparation of such Preliminary Official Statement and addenda to it are hereby ratified and approved. In connection with the closing for the Notes, the appropriate County official shall certify the Preliminary Official Statement and addenda. The County Clerk shall cause copies of the Preliminary Official Statement and addenda to be distributed to the Purchaser.

Section 16. Undertaking to Provide Continuing Disclosure. The County hereby covenants and agrees, for the benefit of the holders of the Notes, to enter into a written undertaking (the "Undertaking") required by SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule") to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the holders of the Notes or by the Purchaser on behalf of such holders (provided that the rights of the holders and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by



the County to comply with the provisions of the Undertaking shall not be an event of default with respect to the Notes).

The County Clerk, or other officer of the County charged with the responsibility for issuing the Notes, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the County's Undertaking.

Section 17. Bond Insurance. The Chairperson and County Clerk are authorized to agree to such additional provisions as any municipal bond insurer which makes a commitment accepted by the County to insure the Notes may reasonably request and which are acceptable to the Chairperson and County Clerk, including provisions regarding restrictions on investment of Note Proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Notes by the bond insurer and notices to be given to the bond insurer. In addition, appropriate reference to the municipal bond insurance policy shall be made in the form of Note provided herein.

Section 18. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the County Board of Supervisors or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted and recorded July 1, 2003.

\_\_\_\_\_  
Richard A. Kessler,  
Chairperson

\_\_\_\_\_  
Allan Kehl  
County Executive  
ATTEST:

\_\_\_\_\_  
Submitted by:  
FINANCE COMMITTEE  
Robert Carbone  
Terry Rose  
John O'Day  
Robert Pitts  
Gordon West

It was moved by Supervisor Carbone to adopt Resolution 37. Seconded by Supervisor Pitts.  
Motion carried.

#### **RESOLUTION 38**

38. From Judiciary & Law regarding Activity Control License - Country Thunder 2003.

**WHEREAS**, pursuant to chapter 8.01 of the Municipal Code of Kenosha County, the Sheriff's department received the application of Geneva Jam, Inc. for an Activity Control License for Country Thunder, Randall Wisconsin, in the Town of Randall, made during the month of June 2003 was turned over to this office,

**WHEREAS**, the Sheriff's department has reviewed the documentation of the applicant, and

**WHEREAS**, an actual physical inspection of said property indicates that all items that could be have been complied with pursuant to chapter 8.01 of the Municipal Code of Kenosha County.

**NOW, THEREFORE BE IT RESOLVED**, by the Kenosha County Board of Supervisors that application of an Activity Control License for Country thunder 2003 be granted to Geneva Jam for the dates of July 17, 2003 through July 20, 2003.

It was moved by Supervisor Huff to adopt Resolution 38. Seconded by Supervisor Carey-Mielke.  
Motion carried.

#### **RESOLUTION 39**

39. From Supervisor Terry Rose in Opposition to WE Energies Addition of Coal-Burning Power Plants in Oak Creek.

Chairman Kessler referred Resolution 39 to the Legislative Committee.

CLAIM

11. Jamie Siler - lost items while incarcerated.

Chairman Kessler referred Claim 11 to Corporation Counsel.

It was moved by Supervisor Ruffolo to approve the June 17, 2003 minutes.

Seconded by Supervisor Bergo.

It was moved by Supervisor Wisnefski to adjourn. Seconded by Supervisor Faraone.

Motion carried.

Meeting adjourned at 8:35 P.M.

Prepared by: Pam Young  
Chief Deputy Clerk

Submitted by: Edna R. Highland  
County Clerk

KENOSHA COUNTY BOARD OF SUPERVISORS

COUNTY BOARD CHAMBERS

COUNTY ADMINISTRATION BUILDING

July 22, 2003

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

Present: Supervisors Kessler, Grady, Boyer, Rose, Bergo, Carbone, Faraone, Johnson, Pitts, Modory, Singer, Montemurro, Wisnefski, Carey-Mielke, Clark, West, Kerkman, Gorlinski, Smitz, Elverman, Huff, Ruffolo, Noble and Ekornaas, O'Day, Molinaro.

Excused: Supervisor Larsen, Marrelli.

Present: 26. Excused: 2.

CITIZEN COMMENTS

Virgil Gentz, Chairman for the Town of Paris stated that he is in favor of the denial of the Mark Sunday request for rezoning in the Town of Paris. The Town of Paris has a land Use Plan that is working very nicely. There were a lot of concerns from commissioners and residents over a number of issues. The vote to deny was five to one. The Town Board listened and voted unanimously to deny the petition.

Doug Weaton speaking on behalf of Kenosha realtors Association. Property taxes have a huge impact on housing affordability and government is going through difficult times. High property taxes will kill the dream of home ownership.

Pamela Mundling, 7327-11th Avenue, stated that three percent increase in property tax is very generous with her money.

Kay Johnson spoke on behalf of Local 5061. She is in favor of the agreement and feels that it is fair and equitable.

John Holloway, 15404 Burlington Road, Town of Paris. He serves as Chairman for the Plan Commission for the Town of Paris. He agrees with the Land Use Committee regarding the Denial of the request of Mark S. Sunday to rezone. Too many inconsistencies.

Wayne Coughlin, 131001 1st Street, Town of Paris. He stated that he had submitted a petition to Kenosha County Land Use Committee regarding the rezoning on Hwy KR and the West Frontage Road. The signees of the petition are in opposition to the rezoning of the 17 acres parcel for the purpose of relocating the Military Museum. Issues are traffic, water drainage, lighting and compatability with the existing land uses.

ANNOUNCEMENTS OF THE CHAIRMAN

Chairman Kessler expressed from the Whole County Board sympathy to the Family of Thomas Wasley for the loss of their son-in-law who was defending our Country.

Chairman Kessler was informed by Supervisor Don Smitz that his mother-in-law had died this past week.

Chairman Kessler stated that the tax equity study has to be looked over by the County Administration because information was omitted and other information was inaccurate. When completed each supervisor will receive a copy.

The staff members of the WCA will be coming here from Madison to present a 2-3 hour seminar pertaining to rules of order, decorum and procedure on Tuesday, August 26th starting at 6:30 p.m. This is for the entire County Board of Supervisors.

SUPERVISORS REPORTS

Supervisor Pitts spoke about the closing of Snap-On-Tools. He is very concerned about the 290 people that will be losing their jobs. He is asking the Chairman to set up a meeting with Allan Kehl, John Antaramian, Paul Ryan, all of our state legislatures, managers of Snap-On-Tools and the Union to see if we can save these jobs.

Supervisor Wisniewski stated that in the Courthouse the water coolers were not working properly and now two have been completely rebuilt. The parts are coming in for the rest. The Patio Restaurant at the Job Center has been completely eliminated and rebuilt. About the 14th of August the formal process of moving new people back into the Job Center and by November everyone should be moved in and the building on 52nd Street will go on the market.

Supervisor Elverman reported from Highway & Parks Committee. The ribbon cutting for the New West End Park will be on July 30th, at 6:30 p.m., Highway KD, Randall Township. Also some long awaited projects are finally happening. The paving of 17 miles is going quite well. A culvert in the Town of Bassett that they have been working on for 2 years as far as the engineering and funding is going to begin on August 18th. This type of project will be done before school begins. Highway F is a major highway. The grant was finally approved for 47th Avenue and Washington Road for turn lanes and lights for that intersection. Regarding the Golf Courses the rounds are down but the revenues are up. The new approaches did draw in certain elements like rounds up for non-residents, rounds up on the golf cart use.

Supervisor Montemurro reported that Kenosha Kiwanis sponsors a senior Babe Ruth baseball league and they have a traveling star team and last week the nineteen and under played in Dodgeville and won the State Championship. Great group of kids. Special thanks to the managers.

#### COUNTY EXECUTIVE APPOINTMENT

9. Sandra Hardt to serve as Administrator of the Brookside Care Center.

Chairman Kessler referred Appointment 9 to Human Services Committee.

#### NEW BUSINESS

Ordinance - first reading, two required.

#### ORDINANCE 18

18. From Administration and Judiciary & Law Committees regarding Repealing and Recreating Section 4.01 of the Municipal Code of Kenosha County Entitled "Civil Service Ordinance".

Resolutions - one reading.

#### RESOLUTION 40

40. From Administration and Finance Committees regarding Establishing the County Board Salaries for the Term 2004-2005.

**WHEREAS**, Section 3.01 (1) (b) of the Kenosha County Municipal Code provides that compensation for County Board Supervisors shall be determined via the adoption of a resolution by a majority of the entire board prior to the filing of nomination papers in the year preceding the election of supervisors, and

**WHEREAS**, the Administration and Finance Committees have met and discussed these compensation issues, and

**WHEREAS**, said discussion resulted in the Committees' recommendation of the following compensation rates:

|                          |                          |          |
|--------------------------|--------------------------|----------|
| Effective April 20, 2004 | County Board Supervisors | \$ 6,000 |
|                          | County Board Chairman    | \$12,000 |
| Effective April 19, 2005 | County Board Supervisors | \$ 6,000 |
|                          | County Board Chairman    | \$12,000 |

**NOW, THEREFORE, BE IT RESOLVED** that the compensation rates for the position of County Board be adopted as presented; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that members of the County Board who opt to enroll in the Kenosha County health benefit be enrolled in the "C" level benefit plan.

Submitted by:

ADMINISTRATION COMMITTEE

David Singer

John Ruffolo

Joseph Clark

Thomas Kerkman

Mark Modory

FINANCE COMMITTEE

Robert Carbone

Terry Rose

John O'Day

Robert Pitts

Gordon West

It was moved by Supervisor Singer to adopt Resolution 40. Seconded by Supervisor Carbone.

Motion carried.

**RESOLUTION 41**

41. From Administration and Finance Committees regarding Approval of the Successor Labor Agreement Between the County of Kenosha and Kenosha County Federation of Nurses and Health Professionals, Local 5061.

**WHEREAS**, negotiations for a successor labor agreement between Kenosha County and Local 5061, were recently concluded, and

**WHEREAS**, the negotiations have culminated in a three-year labor agreement ending December 31, 2005, which agreement has since been ratified by the union; and

**WHEREAS**, Kenosha county is desirous of maintaining and promoting a sound and stable relationship with its employee organizations; and

**WHEREAS**, the Administration Committee and Finance Committee have reviewed said labor agreement;

**NOW, THEREFORE BE IT RESOLVED**, that the Kenosha county Board of Supervisors approve and adopt said labor agreement, the originals of which are herewith attached an on file in the County Clerk's Office.

Submitted by:

ADMINISTRATION COMMITTEE

David Singer

John Ruffolo

Joseph Clark

Thomas Kerkman

Mark Modory

FINANCE COMMITTEE

Robert Carbone

Terry Rose

John O'Day

Robert Pitts

Gordon West

It was moved by Supervisor Singer to adopt Resolution 41. Seconded by Supervisor Carbone. Supervisor Noble abstained.  
Motion carried.

**RESOLUTION 42**

42. From Finance Committee regarding Expenditure of Funds for Information Services/KALM project to provide greater public access to housing & land data via the Internet.

**WHEREAS**, the 2001-2003 Wisconsin State Biennial Budget, 2001 Wisconsin Act 16, enacted legislation relating to the recording fees retained by the county. Specifically, s 59.72 (5) (b) 3., Wis Stats., now provides as a condition for retaining those fees, that:

*"The county uses \$4 of each \$5 fee retained under this paragraph to develop, implement, and maintain the county wide plan for land records modernization, and \$1 of each \$5 fee retained under this paragraph to develop and maintain a computerized indexing of the county's land information records relating to housing, including the housing element of the county's land use plan under 66.1001(2)(b) in a manner that would allow for greater public access via the Internet."*, and

**WHEREAS**, the retained fees of \$5.00 which \$1.00 is to develop and maintain a computerized indexing of the county's land information records relating to housing data outlined in the county's land use plan in a manner that would allow for greater public access via the Internet, and

**WHEREAS**, the Kenosha Area Land Management (KALM) committee made up of the Office of Register of Deeds, Office of Treasurer, Office of County Clerk, Division of Land Information, Division of County Development, and Division of Information Services has begun to establish the land records modernization activities with respect to developing and maintaining computerized housing information including the housing element of the county's land use plan and making that data accessible to the public via the Internet, and

**WHEREAS**, \$1.00 of each \$5.00 fee that has been received to date and all future funds received from the State have been and will be set up in a non-lapsing account established for the purpose of funding the project of making data accessible via the Internet, and

**WHEREAS**, the Division of Information Services will be performing activities, contracting for professional services, acquiring software and hardware that are eligible project expenditures (see Exhibit A), and

**WHEREAS**, the Division of Information Services will be acquiring "SOARING" and "E-Record" software which is compatible and will integrate well with our current hardware and software to allow us to fulfill our obligation, and

**WHEREAS**, the Kenosha Area Land Management committee as part of making data accessible via the web recommends adopting the attached Internet Policy (see Exhibit B), and

**WHEREAS**, tax levy dollars will not be required to complete this project, NOW THEREFORE BE IT RESOLVED, that \$118,000 be appropriated for the purposes of completing this project, and

**BE IT FURTHER RESOLVED**, that the county budget be amended as reflected in the attached budget modification form which is hereby incorporated by reference, and

**BE IT FURTHER RESOLVED**, that the County Board hereby appropriate the future \$1 portion of the \$5 revenue received under ss59.72(5)(b) 3, for the purpose as allowed in accordance within the State law as approved by the Kenosha Area Land Management Committee.

Submitted by:

FINANCE COMMITTEE

Robert Carbone

Terry Rose

John O' Day

Robert Pitts

Gordon West

It was moved by Supervisor Carbone to adopt Resolution 42. Seconded by Supervisor Rose.

It was moved by Supervisor Singer to amend Resolution 42 by have the last

**BE IT FURTHER RESOLVED**, that the County Board shall hereby annually appropriate the future \$1 portion of the \$5 revenue received under SS59.72(5)(b) 3, for the purpose as allowed in accordance within the State law as approved by the Kenosha Area Land Management Committee. Seconded by Supervisor Clark.

Roll call vote on the amendment.

Ayes: Supervisors Grady, Boyer, Rose, Huff, Bergo, Modory, Singer, Ruffolo, Montemurro, Wisnefski, Noble, West, Kerkman, Elverman, Ekornaas.

Nays: Supervisors Kessler, Molinaro, Carbone, Faraone, Johnson, Pitts, O'Day, Carey-Mielke, Clark, Gorlinski, Smitz.

Ayes. 15. Nays. 11.

Motion carried.

Roll call vote on Resolution 42 as amended.

Ayes: Supervisors Kessler, Grady, Boyer, Rose, Bergo, Carbone, Faraone, Modory, Singer, Montemurro, Wisnefski, Carey-Mielke, Clark, West, Kerkman, Gorlinski, Smitz, Elverman, Huff, Ruffolo, Noble and Ekornaas, O'Day, Molinaro.

Nays: Supervisors Johnson and Pitts.

Ayes. 24. Nays. 2

Motion carried.

#### **RESOLUTION 43**

43. From Finance Committee regarding Bills over \$5,000.00.

**WHEREAS**, the Wisconsin State Statutes provides that the County Board may act on all bills over \$10,000.00 and

**WHEREAS**, the County Resolution requires that the Finance Committee must act on all bills over \$5,000.00 and

**NOW, THEREFORE, BE IT RESOLVED**, that the following bills be approved for payment:

KENOSHA COUNTY PAYMENT GROUPS BILLS OVER \$5,000.00

APPROVAL BY FINANCE COMMITTEE AND COUNTY BOARD ARE REQUIRED:

| <u>DIVISIONS</u>            | <u>PAYMENT GROUPS</u> |
|-----------------------------|-----------------------|
| FINANCE GROUPING #1         | \$2,350,098.31        |
| PERSONNEL GROUPING #1       | \$ 801,408.92         |
| PERSONNEL GROUPING #2       | \$ 112,349.65         |
| DISABILITY GROUPING #1      | \$1,075,797.35        |
| PAYMENT GROUPS GRANT TOTAL: | \$4,339,654.23        |

Submitted by:

FINANCE COMMITTEE

Robert Carbone

Terry Rose

Robert Pitts

John O'Day

Gordon West

It was moved by Supervisor Carbone to adopt Resolution 43. Seconded by Supervisor Rose. Supervisor Clark abstained from voting on the Spanish Center, Shalom Center, Community Impact Program and Professional Service. Motion carried.

**RESOLUTION 44**

44. From Judiciary & Law Enforcement Committee regarding Probationary Cabaret License for Grizzly Saloon.

**WHEREAS**, the applicant Gerald Sosnoski received approval by County Board action for a probationary cabaret license for the establishment known as the Grizzly Saloon, and

**WHEREAS**, the application of Gerald Sosnoski for a probationary cabaret license for Grizzly Saloon, 12711 Bristol Road, Kenosha, Wisconsin in the Town of Bristol, was made during the month of April, was turned over to this office on April 9, 2003, 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

**NOW, THEREFORE BE IT RESOLVED**, that because this is the initial application by the license holder, a probationary license be granted to Gerald Sosnoski, for the Grizzly Saloon.

Submitted by

JUDICIARY & LAW ENFORCEMENT COMMITTEE

James Huff

Anita Faraone

Terry Rose

Brenda Carey-Mielke

Joe Montemurro

It was moved by Supervisor Huff to adopt Resolution 44. Seconded by Supervisor Carey-Mielke. Motion carried.

**RESOLUTION 45**

45. From Judiciary & Law Enforcement Committee regarding Probationary Cabaret License for El Fracazo, Inc.

**WHEREAS**, the application of Salomon Hernandez for a probationary cabaret license for El Fracazo, Inc., 1778 Sheridan Road, Kenosha, Wisconsin, in the Town of Somers, was made during the month of August 2002, and was approved by County Board action on October 15, 2002, and

**WHEREAS**, the Kenosha Sheriff's Department has maintained a list of all reported incidents at El Fracazo during its probationary period, and

**WHEREAS**, certain violent incidents and underage drinking at the establishment during the probationary period has created a lack of "general good order" and has caused concern over the operations to maintain control.

**NOW, THEREFORE BE IT RESOLVED**, that the request for a regular cabaret be denied and that the probationary license be extended for an additional six months to Salomon Hernandez, for the El Fracazo, Inc.

**BE IT FURTHER RESOLVED**, that the Sheriff's Department continue to monitor and document the establishment's activities and to advise the management how to attempt to reduce the number of problems they incur.

Submitted by

JUDICIARY & LAW ENFORCEMENT COMMITTEE

James Huff

Anita Faraone

Terry Rose

Brenda Carey-Mielke

Joe Montemurro

It was moved by Supervisor Huff to adopt Resolution 45. Seconded by Supervisor Faraone.

Roll call vote on Resolution 45.

Ayes: Supervisor Kessler, Grady, Boyer, Rose, Huff, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, Montemurro, Wisnefski, Carey-Mielke, Clark, Noble, West, Kerkman, Smitz, Elverman, Ekornaas.

Nays: Supervisors Molinaro, O'Day, Singer, Ruffolo, Gorlinski.

Ayes. 21. Nays. 5  
Motion carried.

**RESOLUTION 46**

46. From Judiciary & Law Enforcement Committee regarding Probationary Cabaret License for Club Viper, Inc (Nitro's)

**WHEREAS**, the application of Leann J. McCarty for a probationary cabaret license for Club Viper (Nytro's), 32800 Geneva Road Hwy "50" and "W", Wheatland, Wisconsin, in the Town of Wheatland, was made during the month of August 2002 and was approved by County Board action January 14, 2003, and

**WHEREAS**, the Kenosha Sheriff's Department has maintained a list of all reported incidents at Nitro's during it's probationary period, and

**WHEREAS**, certain violent incidents at the establishment during the probationary period has created a lack of " general good order " and has caused concern over the operations to maintain control.

**NOW, THEREFORE BE IT RESOLVED**, that the request for a regular cabaret be denied and that the probationary license be extended for an additional six months to Leann J. McCarty, for Club Viper Inc. (Nytro's).

**BE IT FURTHER RESOLVED**, that the Sheriff's Department continue to monitor and document the establishment's activities and to advise the management how to attempt to reduce the number of problems they incur.

Submitted by:

JUDICIARY & LAW ENFORCEMENT COMMITTEE

James Huff

Brenda Carey-Mielke

Anita Faraone

Joe Montemurro

Terry Rose

It was moved by Supervisor Huff to adopt Resolution 46. Seconded by Supervisor Montemurro.

It was moved by Supervisor Clark to Call the Question. Seconded by Supervisor Ekornaas.

Roll call vote.

Ayes: Supervisors Kessler, Grady, Boyer, Rose, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, Wisnefski, Carey-Mielke, Noble, Kerkman, Elverman, Ekornaas, O'Day, Clark, West, Gorlinski, Smitz.

Nays: Supervisors Huff, Molinaro, Singer, Ruffolo, Montemurro.

Ayes. 21. Nays. 5.

Motion carried.

Roll call vote on Resolution 46.

Ayes: Supervisors Kessler, Grady, Boyer, Rose, Huff, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, Montemurro, Wisnefski, Carey-Mielke, Noble, Kerkman, Elverman, Ekornaas.

Nays: Supervisors Molinaro, O'Day, Singer, Ruffolo, Clark, West, Gorlinski, Smitz.

Ayes. 18. Nays. 8.

Motion carried.

**RESOLUTION 47**

47. From Land Use Committee regarding the Vertical Expansion of the Pheasant Run Recycling and Disposal Facility.

**WHEREAS**, Kenosha County has been notified by Waste Management Inc. that it intends to pursue a vertical expansion of its Pheasant Run Re-cycling and Disposal Facility, and

**WHEREAS**, the state law allows Kenosha County to participate on a local committee that will negotiate with Waste Management to establish requirements to protect the legitimate concerns of nearby property owners and residents and affected municipalities, including Kenosha County, and

**WHEREAS**, the ability of Kenosha County to participate on the local committee requires the adoption of a Siting Resolution and the naming of two members to represent the county on the local committee that will conduct negotiations regarding the proposed expansion of this facility, and



**WHEREAS**, on July 23, 2002 the Kenosha County Board of Supervisors passed Resolution 31 indicating its intent to negotiate and, if necessary, arbitrate with Waste Management, Inc. concerning the proposed vertical expansion of the Pheasant Run Re-cycling and Disposal Facility and appointed the Director of Planning and Development and Supervisor Tom Gorlinski of the Land Use Committee as members of the negotiating committee, and

**WHEREAS**, an investigation regarding the proposed vertical expansion was conducted by the Office of Planning and Development and whereas this minor expansion may be addressed by amending the current agreement between the County and Waste Management as appears on the attached Exhibit 1 thus resulting in no need for further negotiations, and

**WHEREAS**, a repeal of Resolution 31 would still require a conditional use permit and other pertinent approvals to be issued.

**NOW, THEREFORE, BE IT RESOLVED** by the Kenosha County Board of Supervisors that Resolution 31 passed by the Kenosha County Board on July 23, 2002 be repealed as it relates to the proposed vertical expansion of the Pheasant Run Re-cycling and Disposal Facility, and further that a certified copy of this resolution be sent to the State of Wisconsin Waste Facility Siting Board, 201 West Washington Avenue, Madison, WI 53703.

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

It was moved by Supervisor Smitz to adopt Resolution 47. Seconded by Supervisor Ekornaas.

Motion carried.

#### **RESOLUTION 48**

48. From Land Use Committee regarding the Denial of the request of Mark S. and Joyce Sunday to rezone from A-2 General Agricultural District to I-1 Institutional District in the Town of Paris.

**WHEREAS**, on June 9, 2003 Mark S. Sunday and Joyce Sunday petitioned the Land Use Committee of the Kenosha County Board of Supervisors for a rezoning from A-2 General Agricultural District to I-1 Institutional District on Tax Parcel #45-4-221-011-0100 located in the northeast quarter of Section 1, Township 2 North, range 21 East, Town of Paris. For informational purposes only, this property is located on the southwest corner of the intersection of County Trunk Highway "KR" (1st Street) and 120th Avenue (West Frontage Road of I-94); and

**WHEREAS**, the proposed rezoning and use of the land is not compatible with the existing rural lands surrounding the property in the Town of Paris; and

**WHEREAS**, the proposed rezoning and use of the land is not compatible with the existing rural lands surrounding the property in the Town of Paris; and

**WHEREAS**, the granting of the request would be considered spot zoning; and

**WHEREAS**, the proposed rezoning and requested land use is not compatible with the adopted Town of Paris land use plan; and

**WHEREAS**, the Town of Paris planning board and the Town Board of Paris denied the rezoning request; and

**WHEREAS**, citizens in the area spoke in opposition to the request at the Land Use Committee's public hearing; and

**WHEREAS**, the proposed rezoning and requested land use is not compatible with the Southeastern Wisconsin Regional Planning Commission's Regional Land Use Plan for Southeastern Wisconsin - 2010 which was adopted by the Kenosha County Board of Supervisors via Policy Resolution No. 10 on May 9, 1993; and

**WHEREAS**, at a public hearing held on July 9, 2003 the Land Use Committee recommended denial of the request based on the aforementioned statements.

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of Supervisors hereby denies the request of Mark S. Sunday and Joyce Sunday for rezoning from A-2 General Agricultural District to I-1 Institutional District on Tax Parcel #45-4-221-011-0100 for the aforementioned reasons.

Submitted by:

LAND USE COMMITTEE

Donald Smitz  
Mark Molinaro  
Thomas Gorlinski  
Fred Ekornaas

It was moved by Supervisor Smitz to adopt Resolution 48. Seconded by Supervisor Ekornaas.  
Roll Call vote.

Ayes: Supervisors Kessler, Grady, Boyer, Rose, Huff, Molinaro, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, Singer, Ruffolo, Montemurro, Wisnefski, Carey-Mielke, Noble, Kerkman, Gorlinski, Smitz, Elverman, Ekornaas.

Nays. Supervisors O'Day, West.

Abstain: Supervisor Clark.

Ayes. 23. Nays. 2. Abstain. 1.

Motion carried.

#### **RESOLUTION 49**

49. From Supervisor Joe Clark and Finance Committee regarding Advisory 2004 General Purpose Levy for Operations Cap.

**WHEREAS**, The Governor presented his proposed budget for the next two fiscal years (July 1, 2003 through June 30, 2005) on February 20, 2003.

**WHEREAS**, The Legislature has an approximate four month time frame to analyze the budget and exercise their legislative duty to the citizens of Wisconsin by analyzing and deliberating the budget.

**WHEREAS**, The Kenosha County Executive and the Administration begin preparing their proposed budget during July.

**WHEREAS**, The Kenosha County Executive is required by Kenosha County Municipal Code Ordinance 2.11(2) to present his proposed budget for the next fiscal year to the Kenosha County Board of Supervisors prior to October 15 of each year.

**WHEREAS**, Kenosha County Municipal Code Ordinance 2.11(3) requires that the proposed budget be presented at a public hearing and then shall be adopted by the Kenosha County Board of Supervisors at its annual meeting held each year. Kenosha County Municipal Code Ordinance 2.04(2) requires that the annual meeting be held on the Tuesday next succeeding the second Monday in November.

**WHEREAS**, The current ordinances as outlined above, have time constraints and limit the Kenosha County Board of Supervisors duty to the Citizens of Kenosha County to thoroughly analyze and deliberate the County Executives proposed budget.

**WHEREAS**, The general purpose county levy increased as follows:

|      |      |
|------|------|
| 2001 | 7.5% |
| 2002 | 7.6% |
| 2003 | 7.9% |

**WHEREAS**, The percentage change in the consumer price index from the U. S. Department of Labor and Bureau of Labor Statistics for all items in the Midwest urban area from April 2002 to April 2003 is 1.78%

**WHEREAS**, As compared to 10 Counties in the State of Wisconsin that had a property tax levy of at least \$40 million for 2003, Kenosha County ranked highest in the percent change of levy increase from the prior year with 7.9% and ranked third in per capita spending at \$298.67. (Source Wisconsin Taxpayers Alliance)

| <u>County</u> | <u>Total<br/>Levy</u> | <u>Percent<br/>Change</u> | <u>Rank</u> | <u>Per<br/>Capita</u> | <u>Rank</u> |
|---------------|-----------------------|---------------------------|-------------|-----------------------|-------------|
| Brown         | \$ 67,585,187         | 7.1%                      | 4           | \$ 291.49             | 5           |
| Dane          | \$ 92,948,455         | 3.1%                      | 8           | \$ 211.79             | 10          |
| Kenosha       | \$ 45,699,133         | 7.9%                      | 1           | \$ 298.67             | 3           |
| Milwaukee     | \$220,369,179         | 0.4%                      | 10          | \$ 234.16             | 8           |
| Outagamie     | \$ 45,214,002         | 2.9%                      | 9           | \$ 273.08             | 6           |
| Racine        | \$ 47,002,288         | 6.7%                      | 5           | \$ 246.80             | 7           |
| Rock          | \$ 44,958,576         | 5.9%                      | 6           | \$ 291.94             | 4           |
| Walworth      | \$ 42,594,670         | 7.6%                      | 3           | \$ 450.58             | 1           |
| Waukesha      | \$ 80,580,137         | 3.9%                      | 7           | \$ 218.92             | 9           |
| Winnebago     | \$ 48,443,480         | 7.7%                      | 2           | \$ 304.37             | 2           |

**WHEREAS**, Kenosha County's undesignated unreserved fund balances in the general fund ("general fund") as of December 31, 2001 was \$5,787,752 and is projected to be \$8,100,000 as of December 31, 2002. The Kenosha County Annual Budget Policy Resolution 4 requires the reserves to be at least 10% ten percent of general fund spending or approximately \$4,500,000 as of December 31, 2002.

**WHEREAS**, This resolution is intended to follow Section 59.03(1), Wisconsin Statutes - wherein the administrative home rule is defined. "Every county may exercise any organizational or administrative power, subject to the constitution and to any enactment of the legislature which is of statewide concern and which uniformly affects every county".

**WHEREAS**, Public support exists to slow the growth of government taxation.

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of Supervisors goes on record of advising the County Executive that the 2004 general purpose levy for operations be limited to a 3.0% increase over the 2003 general purpose county levy for operations (estimated increase to be \$1,037,567)

**BE IT FURTHER RESOLVED** that it is not the intent of the Kenosha County Board of Supervisors that this advisory resolution apply to levies for debt service.

**BE IT FURTHER RESOLVED** that it is the intent of the Kenosha County Board of Supervisors that the 2004 budget be balanced without the use of undesignated unreserved fund balances in the general fund ("general fund reserves").

Submitted by:

Joseph D. Clark

Douglas J. Noble

Brenda Carey-Mielke

John J. O'Day

Anita F. Faraone

Terry W. Rose

Calculation of 2004 general purpose levy for operation increase.

#### **2003 General Purpose Levy**

|  |                      |     |
|--|----------------------|-----|
| 2003 General Purpose Levy for Operations | \$ 34,585,550        | (A) |
| 2003 General Purpose Levy for Debt       | <u>\$ 11,111,645</u> |     |
| 2003 Total General Purpose Levy          | <u>\$ 45,697,195</u> |     |

#### **Advisory 2004 General Purpose Levy for Operations Cap**

|  |                   |
|--|-------------------|
| 2003 General Purpose Levy for Operations | (A) \$ 34,585,550 |
|--|-------------------|

Resolution 31 - 3% Advisory General Purpose

|                                  |                     |
|----------------------------------|---------------------|
| Levy for Operations Cap Increase | <u>\$ 1,037,567</u> |
|----------------------------------|---------------------|

|   |                      |
|---|----------------------|
| Advisory 2004 General Purpose Levy for Operations Cap | <u>\$ 35,623,117</u> |
|---|----------------------|

Submitted by:

Joe Clark

Brenda Carey-Mielke

Anita Faraone

Douglas Noble

FINANCE COMMITTEE

Robert Carbone

Terry Rose

Robert Pitts

John O'Day  
Terry Rose

Gordon West

It was moved by Supervisor Clark to adopt Resolution 49. Seconded by Supervisor O'Day.

Roll call vote.

Ayes: Supervisors Kessler, Grady, Boyer, Rose, Huff, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, Singer, Ruffolo, Montemurro, Wisnefski, Carey-Mielke, Noble, Kerkman, Gorlinski, Smitz, Elverman, Ekornaas, O'Day, West.

Nays. Supervisors Molinaro.

Ayes. 25. Nays. 1.

Motion carried.

#### COMMUNICATIONS

4. From George E. Melcher, Director of Planning and Development regarding future rezonings.

Chairman Kessler referred Communication 4 to Land Use Committee.

It was moved by Supervisor Montemurro to approval the July 1, 2003 minutes. Seconded by Supervisor Kerkman.

Motion carried.

It was moved by Supervisor Wisnefski to Adjourn. Seconded by Supervisor Noble.

Motion carried.

Meeting adjourned at 10:20 p.m.

Prepared by: Pam Young  
Chief Deputy Clerk  
Submitted by: Edna R. Highland  
County Clerk

KENOSHA COUNTY BOARD OF SUPERVISORS

COUNTY BOARD CHAMBERS

COUNTY ADMINISTRATION BUILDING

August 5, 2003

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

Present: Supervisors Kessler, Grady, Boyer, Rose, Huff, Molinaro, Marrelli, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, O'Day, Singer, Ruffolo, Montemurro, Wisnefski, Carey-Mielke, Clark, Noble, West, Kerkman, Gorlinski, Smitz, Elverman, and Ekornaas.

Excused: Supervisor Larsen.

Present. 27. Excused. 1.

CITIZEN COMMENTS

Ron Frederick, Director of Disability Services, wanted to personally extend an invitation to a tour on Thursday August 14th from 6-9 p.m., of Services and Facilities people of Kenosha County with Alcohol & Other Drug Problems, Developmental Disabilities and Mental Illness can receive.

ANNOUNCEMENTS OF THE CHAIRMAN

Chairman Kessler spoke regarding the situation with Snap-On. Everybody is diligently trying to come to some sort of resolve on this. It will be a long road.

SUPERVISOR REPORTS

Supervisor O'Day reported that Supervisor Larsen came home from St. Lukes Hospital 1 1/2 weeks ago, and on Friday he went to Kenosha Hospital and is still recovering there.

Supervisor Elverman reported this past week there was a ribbon cutting at the new park now owned by Kenosha County on Hwy KD in the Towns of Randall and Wheatland. He thanked everyone who attended. The next steps are finishing the master plan and community involvement in the final planning. The week of August 25th, Hwy F in the Town of Randall will be closed for bridge reconstruction. It's a main thorough fare and although the closing coincides with the Harley Week, which will bring a lot of traffic to local business, the timing for this project had to be planned around Country Thunder, the County Fair and opening of the schools.

Supervisor Carbone encouraged any supervisors who have never been on the Disability Services tour to take it, they will see tax dollars are really at work. The people who are receiving the benefits could not sustain any type of quality of life without it. Also, on the Supervisor's desks is a report the Finance Committee requested the Finance Director Dave Geersten put together on the veto and budget freeze as to what it will do for County Government.

OLD BUSINESS

Ordinance - second reading, two required.

ORDINANCE 18

18. From Administration and Judiciary & Law Committees regarding Repealing and Recreating Section 4.01 of the Municipal Code of Kenosha County Entitled "Civil Service Ordinance".

The Kenosha County Board of Supervisors does hereby ordain that section 4.01 of the Municipal Code of Kenosha County be, and hereby is, repealed and recreated to read as follows:

CHAPTER 4

KENOSHA COUNTY SHERIFF'S DEPARTMENT

.01 CIVIL SERVICE ORDINANCE

- (1) Purpose. It is the intention and purpose of this ordinance to provide an equitable system of recruitment, selection, promotion, and retention for Kenosha County Sheriff's Department Deputies. It is further intended to provide the necessary guidance for the operation

of the Kenosha County Sheriff's Department in the areas that are applicable.

CURRENT:

- (a) There is established a County Civil Service Commission for the Sheriff's Department, hereinafter referred to as the "Commission", with duties, functions, and authorities as herein set forth, pursuant to section 59.21 and Chapter 63 of the Wisconsin Statutes.

PROPOSED:

- (a) There is established a County Civil Service Commission for the Sheriff's Department, hereinafter referred to as the "Commission", with duties, functions, and authorities as herein set forth, pursuant to Wisconsin Statutes.

CURRENT:

- (b) The Commission shall consist of five (5) members, all legal residents of Kenosha County. Appointments shall be made on the basis of recognized and demonstrated interest in, and knowledge of, problems of civil service. No person holding any elective or appointive public position or office of any sort in said Kenosha County government shall be appointed thereon. No present or former employee of a law enforcement agency in Kenosha County shall be eligible for membership on the Commission.

PROPOSED:

- (b) The Commission shall consist of five (5) members, all legal residents of Kenosha County. Appointments shall be made on the basis of recognized and demonstrated interest in, and knowledge of, problems of civil service. No person holding any elective or appointive public position or office of any sort in said Kenosha County government shall be appointed thereon. No present or former employee of the Kenosha County Sheriff's Department shall be eligible for membership on the Commission.
- (c) The County Executive shall appoint members of the Commission subject to confirmation by the Board of Supervisors. Of the persons appointed, one shall hold office for one (1) year, one for two (2) years, one for three (3) years, one for four (4) years, and one for five (5) years, from January 1 next following such appointment, and until his successor is appointed and qualifies. In December immediately preceding the expiration of the term of office of any such Commissioner, the County Executive shall appoint, subject to confirmation by the Board of Supervisors, one (1) member of such Commission to hold office for five (5) years from January 1 next succeeding his appointment and until his successor is appointed and qualifies. The Office of the Commissioner shall become vacant upon the happening of any of the following:
  - 1. The death of the incumbent.
  - 2. The person's resignation, whether oral or written.
  - 3. The person's removal.
  - 4. The person's ceasing to be a resident of Kenosha County.
  - 5. The person's neglect or refusal to take the official oath and/or file the official bond within thirty (30) days after appointment.Such vacancy shall be filled by appointment of the County Executive at the first meeting of the County Board thirty (30) days after the vacancy occurs, confirmed by a majority of the County Board of Supervisors present.
- (d) The membership and terms of the members of the present Commission shall continue on the same manner as though this section had never been adopted.
- (e) Every person appointed a member of such Commission shall take and file the official oath.

- (f) The members of the Commission shall be entitled to receive compensation from the County for services actually rendered in conducting the authorized business of the Commission, which compensation shall be determined by the Board of Supervisors, plus mileage at the prevailing rate when such services are rendered.
- (g) The Commission shall promptly organize and elect a Chairman whose term of office shall be one year and a Secretary whose term of office shall be one year, each to serve for one year from the date of election until a successor has been duly elected. The Secretary shall approve the minutes of the proceedings of the Commission and said minutes shall be preserved and kept on file. All meetings of the Commission shall be at the call of the Chairperson, or upon written request of any two (2) members directing the Secretary to hold such meeting, and three (3) Commissioners shall constitute a quorum. The Commission shall make such rules and regulations as may be required for the ordinary conduct of its business.
- (h) The Board of Supervisors shall provide offices, furniture, stationery, light, heat, telephone, secretary, and other necessary supplies and conveniences to enable the Commission to perform its duties.

(2) Rules of the Kenosha County Civil Service Commission.

- (a) The Civil Service Commission shall appoint the Director of Personnel to act as chief examiner under its direction. As such, the Director of Personnel shall supervise all examinations. The chief examiner shall be ex-officio secretary to the Commission and shall keep the minutes of its proceedings, preserve all reports made to it, keep a record (for a five-year period) of all examinations held under its direction, and perform such other duties as the Commission shall prescribe.

CURRENT:

- (b) The chief examiner shall certify eligible candidates to the Sheriff or, in the absence of the Sheriff, to the Chief Deputy Sheriff for the positions of Deputy Sheriff, Detective, Sergeant, Lieutenant, Captain, and Chief Deputy Sheriff.

PROPOSED:

- (b) The chief examiner shall certify eligible candidates to the Sheriff or, in the absence or incapacitation of the Sheriff, to the Chief Deputy Sheriff for the positions of Deputy Sheriff, Detective, Sergeant, Lieutenant, Captain, and Chief Deputy Sheriff.

(3) Candidates for Deputy Sheriff.

- (a) Publication. At least two weeks notice shall be given in appropriate media of the acceptance of applications, in order to make all segments of Kenosha County aware of the fact that the Commission is accepting applications for the position of Deputy Sheriff.

CURRENT:

- (b) Applications. Every candidate for the position of Deputy Sheriff shall file a complete written application on the forms provided by the Personnel Department.

PROPOSED:

- (b) Applications. Every candidate for the position of Deputy Sheriff shall submit all application materials required by the Personnel Department.
- (c) Eligibility. No person shall be eligible to apply for or be appointed to the position of Deputy Sheriff unless:

CURRENT:

1. The applicant is a citizen of the United States and a resident of the State of Wisconsin.

ROPOSED:

1. The applicant is a citizen of the United States.

CURRENT:

2. The applicant is and has been a resident of the State of Wisconsin from a date one (1) year immediately preceding the date of the examination and continuing to the date of appointment.

PROPOSED:

Eliminate point 2 and re-number 3 through 7.

CURRENT:

3. The applicant possesses certification by the Wisconsin Law Enforcement Training and Standards Board issued prior to February 1, 1993, a 2-year Associate Degree, or a minimum of 60 fully accredited college level credits; or meets any more stringent standard set in the future by the Wisconsin Law Enforcement Training and Standards Board. Proof of meeting the established standards must be provided with the application. (7/6/93)

PROPOSED:

3. The applicant possesses certification by the Wisconsin Law Enforcement Training and Standards Board issued prior to February 1, 1993, a 2-year Associate Degree from an accredited institution, or a minimum of 60 fully accredited college level credits; or meets any more stringent standard set in the future by the Wisconsin Law Enforcement Training and Standards Board. Proof of meeting the established standards must be provided at the time of oral interview. (7/6/93)

CURRENT:

4. The applicant is not less than twenty-one (21) years of age as evidenced by a certified copy of a birth or naturalization certificate provided with the application. An applicant who is unable to provide one of the above as evidence of age may substitute another such public document acceptable to the Civil Service Commission (such as a baptismal certificate or DD-214); however, upon appointment, the applicant must supply one of the required documents.

PROPOSED:

4. The applicant is not less than twenty-one (21) years of age as evidenced by a certified copy of a birth or naturalization certificate provided with the application.
5. The applicant has not been convicted at any time of a felony, unless the judgment or conviction has been reversed. The applicant must provide proof of such reversal at the time application is made. (7/6/93)

CURRENT:

6. The applicant possesses a valid driver's license recognized by the state of Wisconsin and has not been convicted of any moving violations from a date of six (6) months immediately preceding the date of the examination and continuing to the date of appointment and has accumulated no more than six (6) points from a date three (3) years immediately preceding the date of the examination and continuing to the date of appointment. (3/5/97)

PROPOSED:

6. The applicant possesses a valid driver's license recognized by the state of Wisconsin. Further, from a date three (3) years immediately preceding the date of the examination and continuing to the date of appointment, the applicant has not been convicted of any single violation of more than four (4) points and has accumulated no more than six (6) points. (3/5/97)



7. The applicant has furnished all the information required by the Commission at the time the application is submitted.

CURRENT:

8. The Kenosha County Board of Supervisors places a moratorium on the enforcement of Sec. 4.01(3)(c)2., Municipal Code of Kenosha County, until such time that the residency provision mentioned above and more fully described in Sec. 59.26(8)(a), Stats., is addressed by the Wisconsin Legislature or by a court of competent jurisdiction. (3/5/97)

PROPOSED:

Eliminate point 8.

CURRENT:

(d) Application Review. The application review by the Chief Examiner shall consist of the following:

1. Review to determine that all forms and certificates required were submitted at the time of application.
2. Review to determine that all information required on the application form was provided by the applicant, and that the applicant is eligible to continue with the selection process on the basis of the information provided.

The Commission shall notify those persons found to be ineligible on the basis of the application review by regular first class mail to the address given on the application.

PROPOSED:

Eliminate all of section (d) and re-letter (e) through (g).

(e) Examinations. The Commission shall select and oversee a battery of examinations for the position of Deputy Sheriff. Examinations may include an evaluation of such facets as education, training, capacity, knowledge, manual dexterity, character, and physical and psychological fitness. Tests may be written, oral, physical, demonstration of skill, or an evaluation of training and experience. Examinations may consist of one or more tests in any combination. Applicants shall not be questioned in any manner regarding matters of race, religion, political affiliation, or any other area protected by E.E.O.C. rules. The chief examiner shall recommend to the Commission the testing/selection procedure to be used for the position of Deputy Sheriff. The Commission shall act on the recommendation of the chief examiner prior to the posting of any examination announcement.

CURRENT:

1. Notification. The chief examiner shall notify all candidates of the date, time, and place of all examinations and shall likewise notify all candidates by regular first class mail of the results of all examinations.
2. Veterans. Pursuant to section 63.05 of the Wisconsin Statutes, the Commission shall give preference points in the certification of eligible veterans. Such preference points shall not apply unless the applicant has achieved a passing score on all scored phases of the examination, from which an eligibility list would be constructed.
3. Eligibility List. The chief examiner shall report the final examination results and eligibility lists to the Commission for approval. Candidates shall be placed on the list in order of their relative excellence. The eligibility list shall be valid for twenty-four (24) months from the date it is established, unless exhausted earlier. Recruitment shall begin at six (6) months prior to the expiration of the eligibility list. After approving the eligibility list, the Commission shall direct the chief examiner to proceed with the

qualifying portions of the examination process. Eligible candidates shall be taken in manageable groups through the qualifying portions. The following shall constitute the qualifying portions of the examination and the order of their administration.

4. Multiple Interview Assessment. The chief examiner shall schedule interviews for groups of candidates before a panel consisting of sworn officers holding the rank of Sergeant or higher, a Personnel Department representative, and/or other persons trained and competent in this procedure. Candidates who are considered qualified after the Multiple Interview Assessment shall be subject to the next qualifying examination.
5. Background Investigation. The Commission shall cause to be conducted a thorough background investigation of all Deputy Sheriff candidates passing the Multiple Interview Assessment. The Sheriff's Department shall conduct such investigation to assist the Commission in determining the character, reputation, morality, and general fitness of all candidates.
6. Job Trait Assessment. The Commission shall cause all Deputy Sheriff candidates passing the Multiple Interview Assessment to participate in a job trait assessment to determine such factors as personality integration, relationship to authority, impulse control, control of aggression. (7/6/93)
7. Oral Interviews/Evaluations. Upon successful completion of all scored portions of the Deputy Sheriff examination, along with the successful completion of the qualifying portions, the Commission shall conduct oral interviews/evaluations. These evaluations will consider equally the applicant's written test results, background investigation results, and job trait assessment recommendation. These interviews shall determine the candidate's final eligibility. The Commission may conduct interviews as a whole body or in teams. If the Commission conducts interviews as a whole body, two Sheriff's Department representatives shall also be members of the interview panel. If the Commission selects the option of team interviews, each team shall consist of two Sheriff's Department representatives and at least two Commissioners. In both cases, the representatives of the Sheriff's Department shall hold the rank of Lieutenant or above. The final decision shall be made solely by the Commission. (7/6/93)
8. Medical Examinations. After a conditional offer of employment is made by the Sheriff, the Deputy Sheriff candidate must submit to a medical and physical examination, conducted by such physician or physicians as designated by the County, at County expense. Such physician or physicians must submit to the Personnel Department a complete examination record and statement that the candidate is able to immediately assume, with no conditional releases, the physical duties of Deputy Sheriff. Any candidate receiving a conditional release shall be passed over for certification for appointment until the candidate supplies evidence from two (2) physicians of the condition being eliminated or controlled. (7/6/93)

PROPOSED:

1. Notification. The chief examiner shall notify all candidates of the date, time, and place of all examinations and shall likewise notify all candidates by regular first class mail of the results of all examinations.
2. Multiple Interview Assessment. The chief examiner shall schedule interviews for groups of candidates before a panel consisting of sworn officers holding the rank of Sergeant

or higher, a Personnel Department representative, and/or other persons trained and competent in this procedure. Each candidate's final score will be determined by combining the scores obtained on the written examination and the Multiple Interview Assessment, with the score from the written examination weighted at 70% and the score from the Multiple Interview Assessment weighted at 30%.

3. Veterans. Pursuant to Wisconsin Statutes, the Commission shall give preference points in the certification of eligible veterans. Such preference points shall not apply unless the applicant has achieved a passing score on all scored phases of the examination, from which an eligibility list would be constructed.
4. Eligibility List. The chief examiner shall report the final examination results and eligibility lists to the Commission for approval. Candidates shall be placed on the list in order of their relative excellence. The eligibility list shall be valid for twenty-four (24) months from the date it is established, unless exhausted earlier. Recruitment shall begin at six (6) months prior to the expiration of the eligibility list.

After approving the eligibility list, the Commission shall direct the chief examiner to proceed with the qualifying portions of the examination process. Eligible candidates shall be taken in manageable groups through the qualifying portions. The following shall constitute the qualifying portions of the examination and the order of their administration.

5. Background Investigation. The Commission shall cause to be conducted a thorough background investigation of all Deputy Sheriff candidates on the eligibility list. The Sheriff's Department shall conduct such investigation to assist the Commission in determining the character, reputation, morality, and general fitness of all candidates.
6. Oral Interviews/Evaluations. Upon successful completion of all scored portions of the Deputy Sheriff examination, the Commission shall conduct oral interviews/evaluations. These evaluations will consider the applicant's written test results, Multiple Interview Assessment results, background investigation results, and oral interview. These interviews shall determine the candidate's final eligibility. The Commission may conduct interviews as a whole body or in teams. If the Commission conducts interviews as a whole body, two Sheriff's Department representatives shall also be members of the interview panel. If the Commission selects the option of team interviews, each team shall consist of two Sheriff's Department representatives and at least two Commissioners. In both cases, one representative of the Sheriff's Department shall hold the rank of Lieutenant or above and the other shall hold the rank of Sergeant or above. The final decision shall be made solely by the Commission. Any Commissioner who was not present for a candidate's oral interview shall, prior to voting on that candidate, state on the record that he/she has reviewed the interview report forms completed by the interview panel for that candidate. (7/6/93)
7. Job Trait Assessment. After a conditional offer of employment is made by the Sheriff, the Deputy Sheriff candidate must submit to a job trait assessment to determine such factors as personality integration, relationship to authority, impulse control, control of aggression. (7/6/93)

8. Medical Examinations. If the results of the job trait assessment are deemed satisfactory, the Deputy Sheriff candidate must submit to a medical and physical examination, conducted by such physician or physicians as designated by the County, at County expense. Such physician or physicians must submit to the Personnel Department a complete examination record and statement that the candidate is able to immediately assume, with no conditional releases, the physical duties of Deputy Sheriff. Any candidate receiving a conditional release shall be passed over for certification for appointment until the candidate supplies evidence from two (2) physicians of the condition being eliminated or controlled. (7/6/93)
- (f) Reasons for Disqualification; Notice of Disqualification. The Commission shall refuse to examine a candidate or, after examination, to certify a candidate as eligible, who:
1. Lacks any of the established preliminary requirements for the position for which applied.
  2. Is physically handicapped or otherwise so disabled as to unsatisfactorily perform the essential duties of the position sought. (7/6/93)

CURRENT:

3. Is addicted to the habitual use of intoxicating beverages or controlled substances as defined in Chapter 161 of the Wisconsin Statutes.

PROPOSED:

Eliminate point 3 and re-number 4 through 9.

CURRENT:

4. Has been convicted of a felony or of infamous or immoral crime.

PROPOSED:

4. Has been convicted of a felony.
- Add point 5 as follows and re-number 6 through 9.
5. Has a pending criminal or civil action that is substantially related to the job.
  5. Has used or attempted to use any personal or political influence to further his/her eligibility or appointment.
  6. Has intentionally made a false statement of any fact.
  7. Has practiced or attempted to practice any deception or fraud in the application or examination, or in securing the eligibility of appointment.
  8. Has a prior unsatisfactory work record, such as, but not limited to, excessive absenteeism, tardiness, discipline or discharge for cause, negligence, or violation of work or safety rules.

CURRENT:

9. In the opinion of the Civil Service Commission, after considering the materials in the application file, the results of each of the qualifying portions of the examination procedure, and the oral interview, displays shortcomings which make disqualification necessary. (7/6/93)

PROPOSED:

9. In the opinion of the Civil Service Commission, after considering the materials in the application file, the results of each of the scored portions of the examination procedure, the background investigation, and the oral interview, displays shortcomings which make disqualification necessary. (7/6/93)

If information is received by the Commission concerning an applicant that would preclude the person from consideration as an appointee, the Commission shall forewarn the applicant of

such knowledge in its possession and the applicant may withdraw the application without prejudice.

The Commission shall send a written notice, by certified mail, to all disqualified candidates informing them of the reason for their disqualification. Any candidate receiving such notice may apply in writing to the chief examiner within ten (10) days of receipt of said notice for a review and reconsideration of his/her qualifications.

(g) Appointments. (7/6/93)

CURRENT:

1. Appointments to the position of Deputy Sheriff shall be made by the Sheriff whenever a vacancy occurs. Each appointment shall be made from the list of applicants who are certified as eligible by the Commission. The chief examiner shall certify to the Sheriff the names of all persons with the three (3) highest scores on the examination, and shall provide to the Sheriff a copy of each certified candidate's file, to include application forms and the results of the examinations, M.I.A., background investigation, and job trait assessment. The Sheriff shall make his selection from these names.

PROPOSED:

1. Appointments to the position of Deputy Sheriff shall be made by the Sheriff whenever a vacancy occurs. Each appointment shall be made from the list of applicants who are certified as eligible by the Commission. The chief examiner shall certify to the Sheriff the names of all persons with the three (3) highest scores on the examination, and shall provide to the Sheriff a copy of each certified candidate's file, to include application forms and the results of the examinations, M.I.A., and background investigation. The Sheriff shall make his selection from these names.

CURRENT:

2. Upon notification from the Sheriff of the name of the selected candidate, the chief examiner shall extend a contingent offer of employment, conditional upon the candidate submitting to a pre-employment medical examination. If the results of the medical examination are deemed satisfactory by the Sheriff's Department, the candidate shall be appointed.

PROPOSED:

2. Upon notification from the Sheriff of the name of the selected candidate, the chief examiner shall extend a contingent offer of employment, conditional upon the candidate submitting to a job trait assessment and a pre-employment medical examination. If the results of the job trait assessment and medical examination are deemed satisfactory by the Personnel Department, the candidate shall be appointed. If the results of the job trait assessment or medical examination are deemed unsatisfactory by the Personnel Department, the candidate shall not be appointed.

CURRENT:

3. If the results of the medical examination are deemed unsatisfactory by the Sheriff's Department, or if the Sheriff's Department has valid, job-related objections to the eligibility of a candidate, the Sheriff shall bring such to the attention of the Commission and request that the Commission reconsider the certification of the candidate.

PROPOSED:

3. If the Sheriff's Department has valid, job-related objections to the eligibility of a candidate, the Sheriff shall bring such to the attention of the Commission and request that the Commission reconsider the certification of the candidate.
4. For each candidate the Sheriff has appointed, or for each candidate that the Commission has reconsidered and determined to be unsatisfactory, the chief examiner shall certify the names of all persons with the next highest score on the examination.
5. The Sheriff, in appointing Deputies under this section, shall require a uniform bond of not less than \$25,000.00. The premium on the bond shall be paid by Kenosha County.
6. All Deputies under this section shall be on probation during the first full year next succeeding their appointment, and may be discharged with cause by the Sheriff at any time before the termination of such probationary period.
7. Every appointee shall reside in Kenosha County, and if he/she at any time resides elsewhere thereafter, he/she shall be deemed to have resigned.
8. Deputy Sheriffs appointed in conformity with the provisions of this chapter shall hold office on good behavior and efficiency and shall not be dismissed from such office or suspended except as provided in this section.

(4) Chief Deputy Sheriff. (7/6/93)

- (a) There is created the position of Chief Deputy Sheriff within the Sheriff's Department. Selection of a person to fill such a position shall be made on the basis of competitive examination; and he shall have civil service status in the same manner as other Deputy Sheriffs in the department except as otherwise set forth herein.

CURRENT:

- (b) Publication. Notice of the date, time, and place for examination for such promotion shall be made in writing and posted on the bulletin board of the Sheriff's Department not less than 45 days prior to the date set for such examination. All interested personnel possessing the necessary qualifications must sign their intent to participate in such examination prior to the date the notice is scheduled to be taken down.

PROPOSED:

- (b) Publication. Notice of the date, time, and place for examination for such promotion shall be made in writing and posted on the bulletin board of the Sheriff's Department not less than 30 days prior to the date set for such examination. All interested personnel possessing the necessary qualifications must sign their intent to participate in such examination prior to the date the notice is scheduled to be taken down.

CURRENT:

- (c) Eligibility. Every candidate for the position of Chief Deputy Sheriff shall have not less than ten (10) years of service on the Kenosha County Sheriff's Department, the last five (5) of which have been at a rank above that of Deputy Sheriff, and have held the rank of Lieutenant or Captain for at least two (2) years prior to the opening. Further, candidates must possess a Bachelor of Science degree or a Bachelor of Arts degree from an educational program or institution accredited by one of the organizations recognized by the United States Department of Education as accrediting agencies. Candidates for promotion must provide to the Chief Examiner proof of meeting the educational requirement prior to signing the examination notice for the position of Chief Deputy Sheriff. (11/12/02)

PROPOSED:

- (c) Eligibility. Every candidate for the position of Chief Deputy Sheriff shall have not less than ten (10) years of service on the Kenosha County Sheriff's Department, the last four (4) of which have been at a rank above that of Detective, and the current classification of Lieutenant or Captain, having held that rank for at least one (1) year prior to the opening. Further, candidates must possess a Bachelor of Science degree or a Bachelor of Arts degree from an educational program or institution accredited by one of the organizations recognized by the United States Department of Education as accrediting agencies. Candidates for promotion must provide to the Chief Examiner proof of meeting the educational requirement prior to signing the examination notice for the position of Chief Deputy Sheriff. (11/12/02)

CURRENT:

- (d) Examinations. The Commission shall oversee a written examination which is to be supplied and graded by an independent testing firm with a recognized expertise in such police and administration examinations.

PROPOSED:

- (d) Examinations. The Commission shall oversee an examination process which is to be supplied and graded by an independent testing firm with a recognized expertise in such police and administration examinations. Examinations may include an evaluation of such facets as education, training, capacity, knowledge, manual dexterity, character, and physical and psychological fitness. Tests may be written, oral, physical demonstration of skill, job trait assessment, or an evaluation of training and experience. Examinations may consist of one or more tests in any combination that serves to objectively evaluate the relative skills of the candidates. The Commission shall also oversee an oral examination to be conducted by a panel of Police and Sheriff's Department officials from outside Kenosha County holding a rank equal or superior to that of Chief Deputy Sheriff. Such a panel is to be mutually agreed upon by the Sheriff and the Commission.

CURRENT:

Such oral examination shall be administered no more than five (5) days following the receipt of the results of the written examination. If the number of candidates to be interviewed does not exceed three (3), the oral examination is waived and the three (3) or fewer names successfully completing the written examination shall be certified to the Sheriff.

PROPOSED:

If the number of candidates to be interviewed does not exceed three (3), the oral examination is waived and the three (3) or fewer names successfully completing the balance of the examination process shall be certified to the Sheriff.

CURRENT:

1. Within five (5) working days after receipt of the examination grades, the chief examiner shall certify to the Sheriff the names of all persons passing the promotional examination in the order of their final grade.

PROPOSED:

1. Within fifteen (15) working days after receipt of the examination grades, the chief examiner shall certify to the Sheriff the names of all persons passing the promotional examination in the order of their final grade.

CURRENT:

2. Within ten (10) working days after receiving the certified list of eligible candidates for promotion to Chief Deputy Sheriff, the Sheriff shall promote a candidate who places within the first three (3) highest candidates from the eligibility list, provided an opening exists.

PROPOSED:

2. Within fifteen (15) working days after receiving the certified list of eligible candidates for promotion to Chief Deputy Sheriff, the Sheriff shall promote a candidate who places within the first three (3) highest candidates from the eligibility list, provided an opening exists.
3. The certified list shall be valid for one (1) year from the date of certification.
- (e) The Chief Deputy Sheriff shall hold office in the same manner as other Deputy Sheriffs in the department.
- (f) The Chief Deputy Sheriff shall outrank all other personnel of the department except the Sheriff. In addition to performing other duties of Deputy Sheriff, he shall be head administrative officer.
- (g) The duties and authorities of the Chief Deputy Sheriff shall include, but not be limited to, the following:
  1. Act for the Sheriff in the absence or incapacitation of the Sheriff.
  2. Make complaints for disciplinary purposes to the Grievance Committee as established by the County Board against any Deputy believed to have conducted himself in a manner meriting suspension, demotion, or dismissal under the rules of the department or the provisions of Civil Service Ordinance pertaining to the Sheriff's Department.
  3. Perform such duties and exercise such authorities not specifically enumerated herein which are usually performed or exercised by an undersheriff as set forth in the Wisconsin Statutes.
  4. Provide continuity in law enforcement as it relates to the Sheriff's Department and provide each incoming Sheriff a well organized department and relieve the Sheriff of the details in connection with the responsibilities of the office of Sheriff. All general policy-making authority and final authority shall remain with the Sheriff; and the Chief Deputy Sheriff, under the duties and authorities herein set forth, will furnish the necessary continuity of leadership and administration so as to eliminate problems of morale and provide for a more efficient operation of the department.
  5. The Chief Deputy, or his designee, shall be the law enforcement advisor to the Commission.

CURRENT:

- (h) The Chief Deputy Sheriff may be disciplined, suspended, dismissed, or demoted for all causes specified in the Civil Service Ordinance and section 59.21(8)(b) of the Wisconsin Statutes, and good cause shall also include inefficiency in administrative ability. However, good cause shall not include the fact that the Chief Deputy has made complaint against any other Deputy under the Chief Deputy in cases where the Chief Deputy has good reason to believe that the complaint so made is well founded, even though such complaint is not processed or may later be proven untrue. The procedures for discipline contained in Section 6 of this ordinance shall apply to the employee of the rank of Chief Deputy.

PROPOSED:



- (h) The Chief Deputy Sheriff may be disciplined, suspended, dismissed, or demoted for all causes specified in the Civil Service Ordinance and the Wisconsin Statutes, and good cause shall also include inefficiency in administrative ability. However, good cause shall not include the fact that the Chief Deputy has made complaint against any other Deputy under the Chief Deputy in cases where the Chief Deputy has good reason to believe that the complaint so made is well founded, even though such complaint is not processed or may later be proven untrue. The procedures for discipline contained in Section 6 of this ordinance shall apply to the employee of the rank of Chief Deputy.
- (i) The salary of this position shall be such as may from time to time be fixed by the County Board.

(5) Promotions and Appointments.

CURRENT:

- (a) Publication. Notice of the date, time, and place for examination for such promotion shall be made in writing and posted on the bulletin board of the Sheriff's Department not less than 45 days prior to the date set for such examination. All eligible Deputy Sheriffs must sign their intent to participate in such examination prior to the date the notice is scheduled to be taken down.

PROPOSED:

- (a) Publication. Notice of the date, time, and place for examination for such promotion shall be made in writing and posted on the bulletin board of the Sheriff's Department not less than 30 days prior to the date set for such examination. All eligible Deputy Sheriffs must sign their intent to participate in such examination prior to the date the notice is scheduled to be taken down.

CURRENT:

- (b) Eligibility. A Deputy Sheriff must have at least four (4) years of service as a Deputy Sheriff with the Kenosha County Sheriff's Department in order to be eligible to take any promotional examination for the position of Sergeant or Detective. To be eligible to take any promotional examination for the position of Lieutenant, a Deputy Sheriff must have at least five (5) years of service with the Kenosha County Sheriff's Department and the prior classification of Sergeant or Detective. To be eligible to take any promotional examination for the position of Captain, a Deputy Sheriff must have at least seven (7) years of service with the Kenosha County Sheriff's Department and the prior classification of Lieutenant. To be eligible to take any promotional examination for the position of Captain, the Deputy Sheriff must have successfully completed the probationary period as a Lieutenant. To be eligible to take any promotional examination for the position of Lieutenant, the Deputy Sheriff must have successfully completed the probationary period as a Sergeant or Detective.

Further, candidates must meet the following educational requirements to be eligible to take a promotional examination: for the position of Captain, a Bachelor of Science degree or Bachelor of Arts degree; for the positions of Lieutenant and Sergeant, an Associate Degree; and for the position of Detective, a minimum of 30 college level credits. The required degrees and/or credits for all promotional ranks addressed above must be obtained from an educational program or institution accredited by one of the organizations recognized by the United States Department of Education as accrediting agencies. Candidates for promotion must provide, to the Chief Deputy Sheriff and Chief Examiner, proof of

meeting the educational requirement prior to signing the examination notice for the promotional position. (11/12/02)

PROPOSED:

- (b) Eligibility. A Deputy Sheriff must have at least four (4) years of service as a Deputy Sheriff with the Kenosha County Sheriff's Department in order to be eligible to take any promotional examination for the position of Sergeant or Detective. To be eligible to take any promotional examination for the position of Lieutenant, a Deputy Sheriff must have at least five (5) years of service with the Kenosha County Sheriff's Department and the current classification of Sergeant. For Detectives appointed after July 1, 2003, if there are not at least three (3) applicants from the rank of Sergeant, then Deputy Sheriffs having at least five (5) years of service with the Kenosha County Sheriff's Department and the current classification of Detective may apply. Detectives appointed prior to July 1, 2003, may apply for a Lieutenant's position, provided they have at least five (5) years of service with the Kenosha County Sheriff's Department and the current classification of Detective. To be eligible to take any promotional examination for the position of Captain, a Deputy Sheriff must have at least seven (7) years of service with the Kenosha County Sheriff's Department and the current classification of Lieutenant. To be eligible to take any promotional examination for the position of Captain, the Deputy Sheriff must have successfully completed the probationary period as a Lieutenant. To be eligible to take any promotional examination for the position of Lieutenant, the Deputy Sheriff must have successfully completed the probationary period as a Sergeant or Detective.

Further, candidates must meet the following educational requirements to be eligible to take a promotional examination: for the position of Captain, a Bachelor of Science degree or Bachelor of Arts degree; for the positions of Lieutenant and Sergeant, an Associate Degree; and for the position of Detective, a minimum of 30 college level credits. The required degrees and/or credits for all promotional ranks addressed above must be obtained from an educational program or institution accredited by one of the organizations recognized by the United States Department of Education as accrediting agencies. Candidates for promotion must provide proof of meeting the educational requirement prior to signing the examination notice for the promotional position. An Education Sub-Committee shall be established with responsibility for approving and certifying that the degrees and/or credits provided meet the educational requirement for the promotional position. The Education Sub-Committee, which shall report to the Civil Service Commission, shall consist of five (5) members, as follows:

1. Sheriff
2. Chief Deputy Sheriff
3. Chief Examiner
4. Chairman of Civil Service Commission
5. Secretary of Civil Service Commission. (11/12/02)

- (c) Examinations. The Commission shall select and oversee a battery of examinations for the promotion of Deputy Sheriffs within the Sheriff's Department to a rank above that of a Deputy Sheriff. Examinations may include an evaluation of such facets as education, training, capacity, knowledge, manual dexterity, character, and physical and psychological fitness. Tests may be written, oral, physical demonstration of skill, or an evaluation of training and experience. Examinations may consist of one or more tests in any combination. Deputy Sheriffs shall not be questioned in any manner regarding

matters of race, religion, political affiliation, or any other area protected by E.E.O.C. rules.

The chief examiner shall recommend to the Commission the testing/selection procedure to be used for each promotional rank in the Sheriff's Department. The Commission shall act on the recommendation of the chief examiner prior to the posting of any examination announcement.

CURRENT:

1. Within five (5) working days after receipt of the examination grades, the Chief Examiner of the Commission shall certify to the Sheriff or, in the absence or incapacitation of the Sheriff, to the Chief Deputy Sheriff, the names of all persons passing any promotional examination in the order of their final grade.

PROPOSED:

1. Within fifteen (15) working days after receipt of the examination grades, the Chief Examiner of the Commission shall certify to the Sheriff or, in the absence or incapacitation of the Sheriff, to the Chief Deputy Sheriff, the names of all persons passing any promotional examination in the order of their final grade.

CURRENT:

2. Within ten (10) working days after receiving the certified list of eligible candidates for promotion, the Sheriff or Chief Deputy Sheriff shall promote a candidate who places within the first three (3) highest candidates from the eligibility list to the position for which the examination is given, provided an opening exists.

PROPOSED:

2. Within fifteen (15) working days after receiving the certified list of eligible candidates for promotion, the Sheriff or Chief Deputy Sheriff shall promote a candidate who places within the first three (3) highest candidates from the eligibility list to the position for which the examination is given, provided an opening exists; unless the Sheriff for good cause (budgetary considerations or department reorganization) requests that the position not be filled.
3. The certified list shall be valid for one (1) year from the date of certification.
4. All persons promoted shall hold such position in an "probationary capacity" for a period of one (1) year. At the end of the year, his/her continued service in that rank or classification shall be dependent upon a satisfactory rating by the existing senior administrative staff. If at any time during the year the "probationary appointee" shall be deemed not suited for the classification, the appointment may be terminated with cause by the Sheriff and the appointee shall be returned to the rank previously held. (7/6/93)

CURRENT:

5. Pursuant to section 59.21 of the Wisconsin Statutes, present classified personnel at the time of the enactment of this section shall be "grandfathered" to such position, and subject to all provisions of this section.

PROPOSED:

5. Pursuant to Wisconsin Statutes, present classified personnel at the time of the enactment of this section shall be "grandfathered" to such position, and subject to all provisions of this section.
- (d) Voluntary Reduction in Rank. Any civil service officer ranking higher than a Deputy Sheriff in the Sheriff's Department may exercise departmental seniority and return to a lower rank

previously held by the officer, and upon so doing, that person shall relinquish his/her present rank. Any officer displaced as a result of an officer returning to a lower rank may compete for the opening created by such action provided he/she was eligible to compete for the position prior to his/her displacement.

(6) Suspension, Dismissal, or Other Disciplinary Provisions.

CURRENT:

- (a) Any member of the Sheriff's department may be suspended, demoted, or dismissed in accordance with section 59.21(8)(b) of the Wisconsin Statutes when charged with any of the following offenses:

PROPOSED:

- (a) Any member of the Sheriff's department may be suspended, demoted, or dismissed in accordance with Wisconsin Statutes when charged with any of the following offenses or with any violation of the Kenosha County Uniform Work Rules or Sheriff's Department Work Rules:

CURRENT:

1. Commission of a crime under any law.
2. Reporting for duty under the influence of an intoxicant, intoxication, or the use of an intoxicating liquor or any controlled substance listed in Chapter 161 of the Wisconsin Statutes while on duty.

PROPOSED:

2. Reporting for duty under the influence of an intoxicant, intoxication, or the use of an intoxicating liquor or any controlled substance while on duty.
3. Refusal to submit to a chemical test to determine drug or alcohol content in the blood when there is reason to believe there has been a violation of 4.01(6)(a)2.
4. Insubordination.
5. Neglect or dereliction of duty.
6. Willful neglect or disobedience of any legal order of superior officers or legal departmental rule.
7. Absence from duty without leave.
8. Conduct that adversely affects the morale or efficiency of the Sheriff's Department.
9. Conduct that has a tendency to destroy public respect for law enforcement and/or confidence in the operations of the Sheriff's Department.
10. Conduct that has a tendency to destroy, or distract from the officer's credibility as a witness in court.
11. Failure to maintain established levels of performance.
12. Communicating information on criminal cases outside of the department without permission.
13. Making a false official statement or entry in official records.
14. Willful maltreatment of a prisoner.
15. Sleeping while on active duty.
16. Uncleanliness in person or dress while on active duty.

CURRENT:

17. Destructive criticism of departmental orders.

PROPOSED:

17. Destructive criticism of departmental orders, except in the course of a political discussion or a political campaign for a declared candidate.
18. Refusing to give name and employee number when requested.
19. Failure to report any person known to be engaged in felonious activities.
20. During the hours while on duty, engaging in any form of political activity calculated to favor or improve the chance of any political party or any person seeking or

attempting to hold political office; or engaging in any political activity when not on duty to an extent that results in impaired efficiency during working hours or tardiness or absence from work. Any violation of this paragraph shall be sufficient grounds for dismissal.

21. Any other act or omission contrary to good order and discipline, or constituting a violation of any of the rules and regulations of the department.
  22. Failure to maintain residency within the boundaries of Kenosha County.
- (b) In addition to the reasons listed in (a) of this section, the Sheriff and/or Chief Deputy Sheriff shall have the right to discipline, demote, suspend, or discharge any employee for just cause.

CURRENT:

1. Any supervisor may be dismissed or demoted for all causes specified in the Civil Service Ordinance and section 59.21(8)(b) of the Wisconsin Statutes, and good cause shall also include inefficiency in administrative ability. However, good cause shall not include the fact that the supervisor has made a complaint against any other Deputy under the supervisor in cases where the supervisor has good reason to believe that the complaint so made is well founded, even though such complaint is not processed or may later be proven untrue.

PROPOSED:

1. Any supervisor may be dismissed or demoted for all causes specified in the Civil Service Ordinance and the Wisconsin Statutes, and good cause shall also include inefficiency in administrative ability. However, good cause shall not include the fact that the supervisor has made a complaint against any other Deputy under the supervisor in cases where the supervisor has good reason to believe that the complaint so made is well founded, even though such complaint is not processed or may later be proven untrue.
  2. Notice of discipline, demotion, suspension, or discharge shall be given by personal delivery of the written complaint, if the employee is available at the Sheriff's Department; if, however, the employee is not at once available at the Sheriff's Department, then such report shall be mailed by certified mail to the employee's last known post office address. Such notice shall contain information on the employee's appeal rights.
- (c) Appeal.
1. Any Deputy Sheriff who belongs to a bargaining unit covered by a collective bargaining agreement and who has been disciplined under this section shall appeal that discipline under the terms and conditions of the labor agreement in force at the time of the incident.
  2. If the Deputy Sheriff being disciplined holds the rank of Sergeant or above and is not covered by a collective bargaining agreement, such Deputy Sheriff may appeal such discipline to the Grievance Committee in writing for a formal hearing. Such appeal shall be made within 48 hours exclusive of Saturdays, Sundays, and legal holidays from the effective time of receipt of notice of such discipline by the employee or the right to appeal is waived. If timely appeal is made, the Sheriff and/or Chief Deputy Sheriff shall file written charges with the Grievance Committee and the procedure shall then follow as set forth herein.

3. Whenever the Sheriff and/or Chief Deputy Sheriff or a majority of the members of the Commission believes that a Deputy Sheriff who holds the rank of Sergeant or above has acted in a manner showing incompetence to perform the duties of Deputy Sheriff or to have merited suspension, demotion, or dismissal, the Sheriff or Chief Deputy Sheriff or the Commission shall report in writing to the Grievance Committee setting forth specifically their complaint, and if the party making the complaint is the Sheriff or the Chief Deputy Sheriff, they may suspend, demote, or discharge the Deputy Sheriff at the time such complaint is filed.

CURRENT:

4. The Grievance Committee shall be appointed in conformance with section 59.21 of the Wisconsin Statutes.

PROPOSED:

4. The Grievance Committee shall be the Administration Committee of the County Board.
5. The Grievance Committee shall, if the Deputy Sheriff who holds the rank of Sergeant or above requests a hearing, within five (5) days of such request, appoint a time and place for the hearing of the charges; the time to be within three (3) weeks after filing of such request for a hearing. The Committee shall notify the Sheriff and/or Chief Deputy Sheriff or the Commission, whichever filed the complaint with the Committee, and the accused of the time and place of such hearing. If the accused Deputy Sheriff makes no request to the Committee, the Committee may take whatever action it deems justifiable on the basis of the charges filed and shall issue an order in writing as provided in section 4.01(6)(c)9 of this ordinance. If a hearing is requested, any testimony taken shall be recorded and transcribed. The Chairman of the Committee shall issue subpoenas for the attendance of witnesses as may be requested by the accused. Subpoenas shall be served in the same manner as in a court of record.
6. The employee shall have the right to be present at the hearing of the Grievance Committee personally and by a representative of his choice, who may be an attorney. The employee shall have the right to cross-examine any witness and to testify himself and present other witnesses and evidence on his behalf. The burden of proof shall be on the party filing charges and requesting discipline and the burden shall be proof by a preponderance of the credible evidence adduced at the hearing.
7. The first order of business upon convening the hearing shall be the election of a Chairman and Secretary to preside over the hearing. The hearing will then proceed with the case against the accused officer by the Department Advocate. The accused may personally or through his/her representative cross-examine all witnesses. After each witness has been examined and cross-examined, any member of the Committee may question the witness.

At the conclusion of the department's case, the accused may present witnesses on his/her behalf subject to cross-examination by the Department Advocate and the Committee. All evidence presented must be relevant to the charges as specified. Prior work records shall be admitted to be considered in deciding the appropriateness of the penalty recommended by the Department Advocate.

8. At such hearing, the Chairman of the Committee shall maintain order and enforce obedience, and if any person at the hearing conducts himself in a disorderly manner, and after notice from the Chairman persists therein, the Chairman may order the person to withdraw from the hearing, and on the person's refusal may order the Sheriff, Chief Deputy Sheriff, or other person to take the person into custody until the hearing is adjourned for that day.
9. At the termination of the hearing, the Committee shall issue an order in writing, including their reasons whether or not the charge is well-founded, and shall take such action by way of discipline, suspension, demotion, discharge, or reinstatement as it may deem proper under the circumstances, and file same with the Secretary of the Commission. The Committee shall make a determination as to the loss or reinstatement of back wages when applicable to individual cases. The Committee shall send notice of its determination to the employee along with notice of his appeal rights by certified mail or by personal service.

CURRENT:

10. The Deputy Sheriff may appeal from the order to the Circuit Court by serving written notice thereof on the Secretary of the Committee within ten (10) days after notice of the order of the Committee is served on him. Within five (5) days thereafter, the Committee shall certify to the Clerk of Circuit Court the record of the proceedings, including all documents, testimony, and minutes. The action shall then be at issue and shall have precedence over any other cause of a different nature pending in the Court, which shall always be open to the trial thereof, pursuant to section 59.21(8) of the Wisconsin Statutes.

PROPOSED:

10. The Deputy Sheriff may appeal from the order to the Circuit Court by serving written notice thereof on the Secretary of the Committee within ten (10) days after notice of the order of the Committee is served on him. Within five (5) days thereafter, the Committee shall certify to the Clerk of Circuit Court the record of the proceedings, including all documents, testimony, and minutes. The action shall then be at issue and shall have precedence over any other cause of a different nature pending in the Court, which shall always be open to the trial thereof, pursuant to Wisconsin Statutes. The Court shall, upon application of the Deputy Sheriff or the Grievance Committee, fix a date of trial which shall not be later than fifteen (15) days after such application, except by agreement. The trial shall be by the Court and upon the return of the Committee, except that the Court may require further return of the taking and return of further evidence by the Committee. The question to be determined by the Court shall be "Upon the evidence, was the order of the Committee reasonable?" No costs shall be allowed either party and the Clerk's fees shall be paid by the County. If the order of the Committee is reversed, the Deputy Sheriff shall be reinstated and entitled to such pay as though in continuous service. If the order of the Committee is sustained, it shall be final and conclusive.

(7) General Provisions.

CURRENT:

- (a) The Board of Supervisors shall fix the number of Deputy Sheriffs to be appointed and the salaries to be paid, but the number of Deputy Sheriffs shall not be less than required by section 59.21(1)(a) and (b) of the Wisconsin Statutes.

PROPOSED:

- (a) The Board of Supervisors shall fix the number of Deputy Sheriffs to be appointed and the salaries to be paid, but the number of Deputy Sheriffs shall not be less than required by the Wisconsin Statutes.
  - (b) Should it be determined by the Board of Supervisors, at any time, that the staff of the Sheriff's Department is too large and that a reduction in the number of Deputy Sheriffs is necessary, Deputy Sheriffs may and shall be terminated to bring about such reduction.  
The Deputy Sheriff or Deputy Sheriffs so terminated shall be the youngest in point of service, and shall be re-appointed without examination if the number of personnel is increased or any vacancy occurs within two (2) years after their termination, providing they meet the physical requirements of this ordinance.
  - (c) Temporary vacancies in the department, whether a result of sickness, leave of absence, or any other cause, shall be filled by appointment by the Sheriff of one of the three (3) persons having the highest rating certified as eligible for a position during the year next preceding the occurrence of the vacancy. Temporary increase of the Sheriff's force shall be made in the same manner. Such appointments shall be subject to dismissal without cause at the end of the term for which appointed.
  - (d) The Sheriff and/or Chief Deputy Sheriff shall prepare department rules for the general administration and efficient operation of the Sheriff's Department. Such rules are the department rules and Deputy Sheriffs shall conduct themselves in accordance with such.
- (8) Classifications and Ranks.
- (a) The following classifications and ranks are presently created within the Sheriff's Department and shall be the chain of command of the Sheriff's Department.
    - 1. Sheriff
    - 2. Chief Deputy Sheriff
    - 3. Captains
    - 4. Lieutenants
    - 5. Sergeants
    - 6. Detectives
    - 7. Deputy Sheriffs
  - (b) The duties, responsibilities, and authority of the personnel on the Sheriff's Department shall include but not be limited to the following:
    - 1. Sheriff. The Sheriff is the chief executive officer of the Kenosha County Sheriff's Department pursuant to the constitution and laws of the State of Wisconsin.

CURRENT:

- 2. Chief Deputy Sheriff. The Chief Deputy Sheriff shall outrank all members of the Kenosha County Sheriff's Department except the Sheriff as specified in section 4.01(4)(d) of the Kenosha County Civil Service Ordinance.

PROPOSED:

- 2. Chief Deputy Sheriff. The Chief Deputy Sheriff shall outrank all members of the Kenosha County Sheriff's Department except the Sheriff.
- 3. Captains. The Captains shall outrank all other members of the Kenosha County Sheriff's Department except the Sheriff and the Chief Deputy Sheriff. They shall be



division commanders with all authority necessary to administer their assigned areas of responsibility. The Captains shall also act for the Sheriff in the absence of the Sheriff and Chief Deputy Sheriff.

4. Lieutenants. The Lieutenants shall have that authority necessary to fulfill their responsibility to provide the maximum efficiency and productivity of the personnel and operations under their control consistent with the policies set forth by the Sheriff and the administrative staff of the Sheriff's Department.
5. Sergeants. The Sergeants shall supervise and control their respective shifts or divisions in order to direct the work of the department in accordance with the policies of the Sheriff and the administrative staff. Sergeants shall exercise that authority necessary to insure compliance with the established rules and regulations of the department. Sergeants shall maintain performance records of the personnel assigned to them, to be used as a consideration in making promotions or assignments, or in resolving grievances or disciplinary actions affecting department personnel.
6. Detectives. Detectives shall conduct investigations of criminal offenses within Kenosha County, including but not limited to the detection and arrest of criminal offenders, the location of missing persons, the recovery of stolen and lost property, the handling of juvenile matters, the prevention of crime, the proper conduct of fugitive requisition proceedings, and any other matters requiring their attention as ordered by the commanding officers of the Sheriff's Department.
7. Deputy Sheriffs. Deputy Sheriffs of the Kenosha County Sheriff's Department shall interchangeably carry out all lawful orders and directives issued by or on behalf of the Sheriff.
8. Any member of the Sheriff's Department may be called upon to perform the duties of another or a lower rank when necessary to fulfill the missions of the Sheriff's Department.

(9) Temporary Duty Assignments.

- (a) The Sheriff and/or Chief Deputy Sheriff may announce and request applications for temporary duty assignments from the ranks of Deputy Sheriff, Detective, Sergeant, Lieutenant, and Captain. Selections for temporary duty assignments shall be made by the Sheriff and/or Chief Deputy Sheriff from among the people filing applications and shall be based upon the qualifications of those applying.

CURRENT:

- (b) Examples of temporary duty assignments include, but are not limited to, the following:  
Community Relations Officer  
Special Investigative Unit  
Process Server  
Court Officer  
Property Officer

PROPOSED:

- (b) Examples of temporary duty assignments include, but are not limited to, the following:  
Community Relations Officer    Acting Sergeant  
Special Investigative Unit    Acting Lieutenant  
Process Server    Acting Captain  
Court Officer    Acting Chief Deputy Sheriff  
Property Officer

Drug Unit Investigator  
School Resource Officer

- (c) Temporary duty assignments shall not be part of the standard Civil Service rank/classification structure; however, employees assigned to temporary duty assignments shall not forfeit their Civil Service standing in their current rank/classification. Deputy Sheriffs assigned to temporary duty assignments may be utilized to perform other duties as needed.

CURRENT:

- (d) Temporary duty assignments may be for a period of twelve (12) months or less duration with unlimited renewal, and may be terminated at any time or may not be renewed by the Sheriff and/or Chief Deputy. Employees whose temporary duty assignments have ended shall be returned to their regular work assignments. All temporary duty assignments will be reviewed by the Sheriff and/or Chief Deputy Sheriff every twelve (12) months or sooner to determine the continued need for the assignment.

PROPOSED:

- (d) Temporary duty assignments may be for an initial period of twelve (12) months or less duration with unlimited renewal, and may be terminated at any time or may not be renewed by the Sheriff and/or Chief Deputy. Temporary duty assignments to the positions of Acting Sergeant, Acting Lieutenant, Acting Captain, or Acting Chief Deputy Sheriff may be for a period of twelve (12) months or less duration with no renewal. Employees whose temporary duty assignments have ended shall be returned to their regular work assignments. All temporary duty assignments will be reviewed by the Sheriff and/or Chief Deputy Sheriff every twelve (12) months or sooner to determine the continued need for the assignment.

(10) Rights.

- (a) No person in the Sheriff's Department, nor any person seeking admission thereto, shall be appointed, reduced in pay, removed, demoted, nor in any way favored or discriminated against because of political or religious affiliations, race, sex, or minority classification.
- (b) Rights of a Deputy Sheriff in military service shall be governed by applicable federal and state laws.

CURRENT:

- (c) The Board of Supervisors may repeal this chapter at any time in conformity with the provisions of section 59.21(8)(d) of the Wisconsin Statutes.

PROPOSED:

- (c) The Board of Supervisors may repeal this chapter at any time in conformity with Wisconsin Statutes.

(11) Standards of Efficiency.

- (a) The Sheriff and/or Chief Deputy Sheriff shall maintain a system of efficiency records for Deputy Sheriffs to be based, among other things, upon the quantity and quality of the work performed and the regularity and punctuality of attendance.
- (b) The personnel records of an individual shall be reviewed with the individual upon request, at any time, and at the convenience of the Sheriff and/or Chief Deputy Sheriff.

(12) Leaves of Absence.

- (a) Sheriff Candidates.
  - 1. If a Deputy Sheriff is the Sheriff-Elect, his tenure as a Deputy Sheriff shall terminate upon his executing and filing the official bond and oath as Sheriff unless prior thereto he requests, in writing, to the County Board, a leave of absence for the period he holds the office of Sheriff.

CURRENT:

2. The County Board shall grant such request.
3. Such Deputy Sheriff shall be reinstated with the same rank and position that he held at the time of his written request upon completion of duties as Sheriff. The time spent as Sheriff shall count as tenure as though such Deputy Sheriff had not been on such leave of absence; provided his tenure of the office of Sheriff is not terminated for reasons of conduct unbecoming an officer, or for improperly performing duties as an officer of the law. If his tenure of the office of Sheriff is terminated for such reason, he shall be granted a hearing in the manner provided by section 59.21(8)(b) of the Wisconsin Statutes and shall not be reinstated as a Deputy Sheriff unless so ordered after such hearing.

PROPOSED:

3. Such Deputy Sheriff shall be reinstated with the same rank and position that he held at the time of his written request upon completion of duties as Sheriff. The time spent as Sheriff shall count as tenure as though such Deputy Sheriff had not been on such leave of absence; provided his tenure of the office of Sheriff is not terminated for reasons of conduct unbecoming an officer, or for improperly performing duties as an officer of the law. If his tenure of the office of Sheriff is terminated for such reason, he shall be granted a hearing in the manner provided by the Wisconsin Statutes and shall not be reinstated as a Deputy Sheriff unless so ordered after such hearing.
- (b) Deputy Sheriffs with the Rank of Sergeant or Above.
  1. Request shall be made in writing to the Sheriff and/or Chief Deputy Sheriff, and shall set forth the reasons and desired length of time for such leave of absence.
  2. If the Sheriff and/or Chief Deputy Sheriff approves such request, it shall be referred to the Administration Committee, which Committee may recommend, approve or disapprove.
  3. The Administration Committee shall file its written approval with the County Board of Supervisors for action.
  4. No leaves of absence shall be granted so as to permit the Deputy Sheriff to seek other employment.
  5. The Sheriff may grant a leave of absence without further authority of the County Board for fourteen (14) calendar days or less.
- (13) Duty Assignments.
  - (a) The duties of personnel on each shift shall be left to the discretion of the Sheriff and/or Chief Deputy Sheriff without regard to seniority.
  - (b) Any Deputy Sheriff or commanding officer wishing to change shifts temporarily, not to exceed 90 days within any twelve (12) month period, may do so with the permission of the Sheriff and/or Chief Deputy Sheriff. The Deputy Sheriff or commanding officer having the greatest seniority shall move into the vacancy left by such change, if they are agreeable thereto.
  - (c) Any Deputy Sheriff may be temporarily assigned to another shift for periods not to exceed 120 days during any twelve (12) month period. Such reassignments shall be made only to fill an articulable need of the department or to facilitate the fulfillment of a demonstrable training need.
  - (d) In reducing the number of personnel in any classification or rank, the last person promoted shall be the first person reduced in rank, and the last person reduced in rank shall be

- the first person restored to the rank previously held, should a vacancy occur within two (2) years.
- (e) Any person reduced in rank or classification as the result of a personnel cutback shall return to the rank or classification held prior to his/her last promotion.
  - (f) Time in grade, for the purposes of this section, shall be defined as the length of time in rank or classification presently held by the employee. Time in grade for persons reduced in rank or classification because of a personnel reduction shall be computed from the date of promotion to the rank now held, including the length of service in the higher rank.
- (14) Wages and Fringe Benefits.
- (a) Wages and fringe benefits shall be determined by labor negotiations between the Kenosha County Deputy Sheriff's Association and Kenosha County, and shall be approved by the Kenosha County Board of Supervisors.
  - (b) The salary and fringe benefits of any civil service officer holding a supervisory rank not represented by the Kenosha County Deputy Sheriff's Association shall be determined by the Kenosha County Board. Such salary and fringe benefits shall not be less than those granted to the Kenosha County Deputy Sheriff's Association.
- (15) Rewards, Gifts, and Gratuities.
- (a) Other than their lawful salary, or payment for approved special off-duty or private employment, employees of the Sheriff's Department shall not accept any gifts, gratuities, or rewards in money or other consideration for services rendered in the line of duty to the community or to any person, business or agency.
  - (b) Should any gift, gratuity, or reward come into the possession of any employee, the employee shall not accept, but shall immediately forward same to the office of the Sheriff and/or Chief Deputy Sheriff, together with a written report explaining all the circumstances connected therewith. The Sheriff and/or Chief Deputy Sheriff shall thereupon deposit the gift, gratuity, or reward with the President and Treasurer of the Deputy Sheriff's Association for deposit in their Benevolent Fund for the benefit of all the members of the Kenosha County Sheriff's Department.
- (16) Coverage.  
This civil service chapter shall apply only to such Deputy Sheriffs that are regularly employed full time in the Sheriff's Department.
- (17) Interpretation.  
The provisions of this chapter are hereby declared severable. All provisions or sections which may hereinafter be declared to be illegal or unconstitutional shall be declared repealed and the remainder shall not be affected thereby. This ordinance shall be liberally construed to give full effect to its terms and purposes.
- (18) Conflicts.  
All ordinances or parts of ordinances in conflict with any provision of this chapter are hereby repealed. If any valid terms of a collective bargaining agreement are in conflict with any of the provisions of this ordinance, such valid collective bargaining agreement shall control for the employees who are subject to such agreement.

Submitted by:  
JUDICIARY & LAW COMMITTEE  
James Huff  
Brenda Carey-Mielke  
Anita Faraone  
Terry Rose

ADMINISTRATION COMMITTEE  
David Singer  
Mark Modory  
Joseph Clark  
John Ruffolo

Joe Montemurro

Thomas Kerkman

It was moved by Supervisor Singer to adopt Ordinance 18. Seconded by Supervisor Carey-Mielke.  
Motion Carried.  
Resolution - One Reading

**RESOLUTION 25**

25. From Human Services Committee regarding Approval of the Appointment of Diane Knutson to the Kenosha County Workforce Investment Board.

**WHEREAS**, pursuant to County Executive Appointment 2003/04-07, the County Executive has appointed Diane Knutson to serve on the Kenosha County Workforce Investment Board, and

**WHEREAS**, the Human Services Committee has reviewed the request of the County Executive for confirmation of his appointment of the above named to serve on the Kenosha County Workforce Investment Board 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 Diane Knutson to the Kenosha County Workforce Investment Board. Ms. Knutson's appointment shall be effective immediately and continuing until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Ms. Knutson will serve without pay as defined under Resolution 65 (1982-83) and will be filling a vacancy on this Board.

HUMAN SERVICES COMMITTEE:

Eunice Boyer

Donald Smitz

Anne Bergo

William Grady

John O'Day

It was moved by Supervisor Boyer to adopt Resolution 25. Seconded by Supervisor Bergo.  
Motion Carried.

**NEW BUSINESS**

Ordinance - first reading, two required.

**ORDINANCE 19**

19. From Legislative Committee regarding Amending 2.04(4)(d) of the Municipal Code of Kenosha County Pertaining to Meeting Minutes.  
Resolutions - one reading.

**RESOLUTION 50**

50. From Finance Committee regarding Bills over \$5,000.00.

**WHEREAS**, the Wisconsin State Statutes provides that the County Board may act on all bills over \$10,000.00 and

**WHEREAS**, the County Resolution requires that the Finance Committee must act on all bills over \$5,000.00 and

**NOW, THEREFORE LET IT BE RESOLVED**, that the following bills be approved for payment:

KENOSHA COUNTY PAYMENT GROUPS BILLS OVER \$5,000.00

APPROVAL BY FINANCE COMMITTEE AND COUNTY BOARD ARE REQUIRED:

DIVISIONS

PAYMENT GROUPS

Finance Grouping #1 & 2

\$ 979,814.16

Personnel Grouping #1

\$ 31,169.82

Personnel Grouping #1

\$ 107,680.76

Disability Grouping #1

\$ 29,702.60

PAYMENT GROUPING GRAND TOTAL:

\$1,148,367.34

Submitted by:

FINANCE COMMITTEE

Robert Carbone

Terry Rose

Robert Pitts

John O'Day

Gordon West

It was moved by Supervisor Carbone to adopt Resolution 50. Seconded by Supervisor Rose.  
Motion Carried.

**RESOLUTION 51**

51. From Human Services and Legislative Committees regarding Amending the Southeastern Wisconsin Tri-County WIA Consortium Agreement.

**WHEREAS**, The County of Kenosha, the County of Walworth and the County of Racine entered into an agreement on September 3, 1999 to form a consortium of 3 counties named the **Southeastern Wisconsin Tri-County WIA Consortium** (hereafter "Consortium") created to act with mutual cooperation in the planning and administration of programs under the U.S. Workforce Investment Act of 1998 (hereafter the "Act") to provide a framework for State and local workforce investment activities and systems that increase the employment, retention and earnings of participants, and increase the occupational skill and quality of the workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the Nation; and

**WHEREAS**, the Southeastern Wisconsin WIA Consortium (hereafter Consortium) operates successfully through its system of Consortium Commissioners (consisting of the chief elected officials of the three counties or their designees) and its Bylaws, and by the WIA Boards, approving all Local Plans under Section 118 of the Act, receiving all Federal and State funds which it distributes for the purposes enumerated, and complying with State and Federal policy and regulations; and

**WHEREAS**, The Consortium has performed very well to fulfill its duties under the federal law since it was created; further, there is a continuing need for various county services and for the coordination of Federal, State and County resources under the Act by residents living in each county due to rising population, rising unemployment in this era, and the increased demands of modern society; and

**WHEREAS**, The By-Laws of the Consortium provide for change in representation of the Counties to reflect a change, from time to time, in the chief elected officials of each county and such by-laws handle other procedural aspects of the Consortium; However, the original Consortium Agreement made no provision for a transition of the **Fiscal Agent** of the Consortium, or the **Chief WIA Manager**, and it would be in the best interest of the public to keep the Tri-County Consortium operating efficiently and provide for smooth transition of such responsibilities in the By-Laws of the Consortium.

**NOW THEREFORE BE IT RESOLVED**, That the County Board of Supervisors approves an amendment, a copy of which is attached hereto, of the September 9, 1999 Agreement by the parties on the Southeastern Wisconsin Tri-County Consortium under the Workforce Investment Act to allow a change in the designation of the Fiscal Agent for the Consortium, or a change in the designation of the Chief WIA Manager for the Consortium, as provided in the By-Laws of the Consortium Commissioners, as such

By-Laws may be amended from time to time.

Submitted by:

HUMAN SERVICES COMMITTEE

Eunice Boyer

Don Smitz

William Grady

Anne Bergo

John O'Day

LEGISLATIVE COMMITTEE

Ronald Johnson

Thomas Kerkman

Anita Faraone

Fred Ekornaas

It was moved by Supervisor Boyer to adopt Resolution 51. Seconded by Supervisor Johnson.  
Motion Carried.

**RESOLUTION 52**

52. From Human Services Committee regarding Approval of the Appointment of Sandra Hardt to serve as Administrator of Brookside Care Center.

**WHEREAS**, pursuant to County Executive Appointment #2003/04-09, the County Executive has appointed Sandra Hardt to serve as the Administrator of Brookside Care Center and;

**WHEREAS**, the Human Services Committee has reviewed the County Executive's request for review and approval of his appointment of the above named to serve in this position and is recommending to the County Board the approval of this appointment, and;

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of

Supervisors approve the appointment of Sandra Hardt to serve as the Administrator of Brookside Care Center immediately upon passage of this resolution. Ms. Hardt will be placed in Range J of the Non-Represented Pay Plan at an annual salary of \$80,000 and will be succeeding Karen Vincent.

Submitted by:

HUMAN SERVICES COMMITTEE

Eunice Boyer

Don Smitz

Anne Bergo

William Grady

John O'Day

It was moved by Supervisor Boyer to adopt Resolution 52. Seconded by Supervisor Pitts.

Motion Carried.

It was moved by Supervisor Wisnefski to approve the July 22, 2003 minutes. Seconded by Supervisor Carey-Mielke.

Motion carried.

It was moved by Supervisor O'Day to adjourn. Seconded by Supervisor Grady.

Motion carried.

Meeting adjourned at 8:05 p.m.

Prepared by: Pam Young

Chief Deputy

Submitted by: Edna R. Highland

County Clerk

**KENOSHA COUNTY BOARD OF SUPERVISORS**

**COUNTY BOARD CHAMBERS**

**COUNTY ADMINISTRATION BUILDING**

**August 19, 2003**

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

Present: Supervisors Kessler, Grady, Boyer, Rose, Molinaro, Marrelli, Bergo, Carbone, Faraone, Johnson, Pitts, O'Day, Singer, Montemurro, Wisnefski, Clark, Noble, West, Kerkman, Gorlinski, Smitz, Elverman, and Ekornaas.

Excused: Supervisor Huff, Modory, Ruffolo, Carey-Mielke, Larsen.

Present. 23. Excused. 5.

**CITIZEN COMMENTS**

Bob Danbeck, 7626-27th Avenue, stated we are into tax time and he was disappointed to see that only the supervisors from the 14th and 25th districts were the only ones to show up at the tax rally out at the Brat Stop. The article in the newspaper stated that our county tax is going to go up 3%. If our taxes are going up 3% from the county standpoint does that mean 3% over and above the assessments or 3% period? If my assessment goes up 4% and then the 3% from the county this would mean taxes will go up 7% and that is ridiculous. Last year the county board had a chance to lower the taxes but the board did something that he had never seen before. Where else do you have a part-time job receiving full health care like the County Board does? That is a waste of taxpayers money. It's time the County Board does the proper thing and eliminate receiving full time health benefits. We are in a tax crunch and the people in this county are in a up-roar. We are the third highest taxed state. Lower the mill rate. It can be done.

**ANNOUNCEMENTS OF THE CHAIRMAN**

Chairman Kessler asked everyone to attend a Committee of the Whole on August 26th regarding Parliamentary Procedure.

Chairman Kessler stated that he would like to see a hand count of those who will be attending the Annual Breakfast Meeting of the Wisconsin Counties Utilities Tax Association during the WCA Convention. Eight (8) supervisors raised their hands.

**SUPERVISOR REPORTS**

Supervisor Singer stated that he tried to attend the meeting at the Brat Stop but he was wearing red and was not allowed in the building. He was there to support opposition to a freeze because he believes in local control of local money.

Supervisor Rose stated that the County Board did not authorize a 3% raise in taxes. They authorized no more than 3% increase in the operating budget. They have no control over city or school budgets.

Supervisor Elverman said that at the last meeting he stated that the week of August 25th, Hwy F in the Town of Randall will be closed for bridge reconstruction. This has now been delayed at least a week. There will be a disruption of bus routes in that area.

Supervisor Clark stated that on August 15th the Department of Revenue released the equalized value report for the county. Our equalized value went up by 8%. Our operating levy is as close to a freeze as you can get. The County Board has done the responsible thing and all the citizens screaming about a tax freeze need to go to the different local governments.

**OLD BUSINESS**

Ordinance - second reading, two required.

**ORDINANCE 19**

19. From Legislative Committee regarding Amending 2.04(4)(d) of the Municipal Code of Kenosha County Pertaining to Meeting Minutes.



It was moved by Supervisor Johnson to withdraw Ordinance 19. Members of the Legislative Committee were polled and voted unanimously to withdraw.

NEW BUSINESS

Ordinances - one reading.

From Land Use Committee regarding:

**ORDINANCE 20**

20. William H. Clark, requesting rezoning from A-2 General Agricultural District to R-2 Suburban Single-Family Residential 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 part of Tax Parcels #30-4-220-233-0500 and #30-4-220-233-0600 located in the southwest quarter of Section 23, Township 2 North, Range 20 East, Town of Brighton be changed from A-2 General Agricultural District to R-2 Suburban Single-Family Residential District. For informational purposes only, this property is located on the north side of County Trunk Highway "JB" (31<sup>st</sup> Street) approximately 0.25 miles east of the intersection of 247<sup>th</sup> Avenue.

**William H. Clark - (Owner)**

**Description:** That part of the southwest quarter of the southwest quarter of Section 23, Township 2 North, Range 20 East of the Fourth Principal Meridian, Town of Brighton, Kenosha County, Wisconsin, described as follows: Commencing at the county monumented southeast corner of the southwest quarter of said Section 23; thence south 88°20'08" west, grid bearing from north, Wisconsin Coordinate System, south zone, along the south line of said southwest quarter 1488.75 feet to the point of beginning of the land to be described; thence north 01°33'20" west 340.40 feet; thence south 84°39'49" west 195.42 feet; thence south 01°33'20" east 327.88 feet to the south line of said southwest quarter; thence north 88°20'08" east along the south line of said southwest quarter 195.00 feet to the point of beginning. The parcel contains 1.50 acres; more or less.

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

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Fred R. Ekornaas

**ORDINANCE 21**

21. Michael A. Nelson, requesting rezoning from A-1 Agricultural Preservation District to I-1 Institutional District in the Town of Bristol.

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 Parcel #35-4-121-133-0110 located in the southwest quarter of Section 13, Township 1 North, Range 21 East, Town of Bristol be changed from A-1 Agricultural Preservation District to I-1 Institutional District (1.50 acres). For informational purposes only, this property is located on the north side of County Trunk Highway "C" (Wilmot Road) approximately 0.4 miles east of the intersection of County Trunk Highway "U" (136<sup>th</sup> Avenue).

**Michael A. Nelson - (Owner)**

**Description:** Part of the southwest quarter of Section 13, Town 1 North, Range 21 East of the Fourth Principal Meridian; lying and being in the Town of Bristol, Kenosha County, Wisconsin and being more particularly described as: Commencing at the southeast corner of said quarter section; thence north 02°11'05" west along the east line of said quarter section 1061.99 feet; thence south 74°41'29" west 67.77 feet to the point of beginning of the parcel to be herein described; thence continue south 74°41'29" west 256.70 feet; thence north 02°11'05" west parallel to the east line of said quarter section 292.00 feet; thence north 87°48'55" east 250.00 feet; thence south 02°11'05" east parallel to the east line of said quarter section 233.71 feet to the point of

beginning; containing 1.50 acres, more or less; subject to easements and restrictions of record.

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

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Fred R. Ekornaas

It was moved by Supervisor Smitz to adopt Ordinances 20 and 21. Seconded by Supervisor Gorlinski.  
Motion carried.

#### ORDINANCE 22

22. Stanich Builders, Inc. (Owners), Michael K. and Debra A. Stanich (Agents), requesting rezoning from A-2 General Agricultural District, R-2 Suburban Single-Family Residential District and C-1 Lowland Resource Conservancy District to R-9 Multiple-Family Residential District, B-1 Neighborhood Business District, PR-1 Park and Recreational District and C-1 Lowland Resource Conservancy District in the Town of Bristol. In addition, a PUD Planned Unit Development Overlay District is placed on the entire subject parcel.

#### 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 #35-4-121-082-0150 located in the northwest quarter of Section 8, Township 1 North, Range 21 East, Town of Bristol be changed from A-2 General Agricultural District, R-2 Suburban Single-Family Residential District and C-1 Lowland Resource Conservancy District to R-9 Multiple-Family Residential District, B-1 Neighborhood Business District, PR-1 Park and Recreational District and C-1 Lowland Resource Conservancy District. For informational purposes only, this property is located on the southeast corner of the intersection of U.S. Highway "45" (Bristol Road) and State Trunk Highway "50" (75<sup>th</sup> Street).

**Stanich Builders, Inc. - (Owners)**

**Michael K. and Debra A. Stanich - (Agents)**

#### **Descriptions:**

**(A) - B-1 Neighborhood Business District:** Being a part of the northwest quarter of Section 8, Township 1 North, Range 21 East, in the Town of Bristol, Kenosha County, Wisconsin bounded and described as follows: Commencing at the northwest corner of said northwest  $\frac{1}{4}$ ; thence north 89°18'32" east, along the north line of said northwest  $\frac{1}{4}$ , 1151.56 feet; thence south 18°03'05" west, 68.64 feet; thence south 18°19'17" east 523.34 feet; thence south 29°13'05" west 101.44 feet; thence south 21°15'08" west 177.22 feet; thence south 18°55'31" west 306.96 feet; thence south 26°32'15" west 504.54 feet; thence north 71°05'33" west 33.00 feet; thence south 17°33'00" west 32.64 feet; thence north 89°14'27" east 103.45 feet to the place of beginning of the lands to be described; thence south 09°06'35" west 146.01 feet; thence north 89°09'38" east 80.10 feet; thence south 01°42'29" east 134.11 feet; thence south 89°17'31" west 225.41 feet; thence south 03°57'15" east 1.90 feet; thence south 71°05'33" east 57.10 feet to the arc of a curve; thence easterly, 126.03 feet along the arc of a curve whose center is to the south, whose radius is 311.89 feet and whose chord bears south 59°30'59" east, 125.17 feet; thence south 47°56'26" east 111.97 feet to the arc of a curve; thence easterly, 56.07 feet along the arc of a curve whose center is to the north, whose radius is 88.10 feet and whose chord bears south 66°10'24" east 55.13 feet; thence north 00°42'57" west 462.77 feet; thence south 89°12'47" west 125.39 feet. Said lands containing 1.24 acres.

**(B) - B-1 Neighborhood Business District:** Being a part of the northwest quarter of Section 8, Township 1 North, Range 21 East, in the Town of Bristol, Kenosha County, Wisconsin bounded and described as follows: Commencing at the northwest corner of said northwest  $\frac{1}{4}$ ; thence north 89°18'32" east, along the north line of said northwest  $\frac{1}{4}$ , 1151.56 feet; thence south 18°03'05" west, 68.64 feet; thence south 18°19'17" east 523.34 feet; thence south 29°13'05" west 101.44

feet; thence south 21°15'08" west 177.22 feet; thence south 18°55'31" west 306.96 feet; thence south 26°32'15" west 504.54 feet; thence north 71°05'33" west 33.00 feet; thence south 17°33'00" west 32.64 feet; thence north 89°14'27" east 103.45 feet; thence north 89°12'47" east 124.44 feet; thence south 00°42'57" east 462.77 feet to the arc of a curve; thence easterly, 11.56 feet along the arc of a curve whose center is to the north, whose radius is 88.10 feet and whose chord bears south 88°09'52" east, 11.55 feet; thence north 88°04'40" east 97.58 feet to the arc of a curve; thence southwesterly, 335.10 feet along the arc of a curve whose center is to the southeast, whose radius is 65.00 feet and whose chord bears south 01°44'35" east, 69.49 feet; thence south 88°04'40" west 97.36 feet to the arc of a curve; thence westerly, 10.92 feet along the arc of a curve whose center is to the north, whose radius is 152.81 feet and whose chord bears south 89°24'01" east, 10.91 feet to the place of beginning of the lands to be described; thence westerly, 110.04 feet along the arc of a curve whose center is to the north, whose radius is 157.58 feet and whose chord bears north 67°56'47" west 107.82 feet; thence north 47°56'26" west 78.05 feet to the arc of a curve; thence westerly, 90.39 feet along the arc of a curve whose center is to the south, whose radius is 242.09 feet and whose chord bears north 58°38'11" west 89.86 feet; thence north 70°29'05" west 97.75 feet; thence south 00°50'11" east 55.04 feet; thence south 18°08'33" west 239.69 feet; thence north 89°56'24" east 402.18 feet; thence north 00°50'11" west 55.04 feet. Said lands containing 1.27 acres.

**(C) - B-1 Neighborhood Business District:** Being a part of the northwest quarter of Section 8, Township 1 North, Range 21 East, in the Town of Bristol, Kenosha County, Wisconsin bounded and described as follows: Commencing at the northwest corner of said northwest  $\frac{1}{4}$ ; thence north 89°18'32" east, along the north line of said northwest  $\frac{1}{4}$ , 1151.56 feet; thence south 18°03'05" west, 68.64 feet; thence north 89°19'17" east 214.14 feet; thence south 72°16'11" east 158.12 feet; thence north 89°18'39" east 83.77 feet to the place of beginning of the lands to be described; thence south 00°00'00" west 166.75 feet; thence south 73°27'07" east 285.67 feet; thence north 87°56'49" east 146.62 feet; thence north 02°03'11" west 302.96 feet; thence south 80°13'52" west 348.33 feet; thence south 89°18'39" west 66.23 feet; said lands containing 2.35 acres, excepting areas proposed to be zoned C-1 Lowland Resource Conservancy District.

**(A) - C-1 Lowland Resource Conservancy District:** Being a part of the northwest quarter of Section 8, Township 1 North, Range 21 East, in the Town of Bristol, Kenosha County, Wisconsin bounded and described as follows: Commencing at the northwest corner of said northwest  $\frac{1}{4}$ ; thence north 89°18'32" east, along the north line of said northwest  $\frac{1}{4}$ , 1151.56 feet; thence south 18°03'05" west, 68.64 feet; thence north 89°19'17" east 214.14 feet; thence south 72°16'11" east 147.05 feet to the place of beginning of the lands to be described; thence south 23°30'39" east 88.31 feet; thence south 09°38'35" west 34.25 feet; thence south 42°18'58" west 95.63 feet; thence south 30°53'59" west 79.44 feet; thence south 22°08'16" west 79.52 feet; thence south 18°40'05" west 103.55 feet; thence south 34°33'34" west 106.75 feet; thence south 17°13'32" west 47.35 feet; thence south 31°59'21" west 48.60 feet; thence south 43°47'53" west 63.55 feet; thence south 55°35'51" west 83.44 feet; thence south 28°42'01" west 38.49 feet; thence south 48°51'02" west 175.23 feet; thence south 41°27'38" west 79.91 feet; thence south 20°59'36" west 64.59 feet; thence south 08°57'17" east 81.90 feet; thence north 74°31'52" east 203.37 feet; thence north 71°29'58" east 152.58 feet; thence north 65°11'32" east 56.18 feet; thence north 82°04'40" east 50.84 feet; thence south 88°28'24" east 47.82 feet; thence south 26°09'37" east 39.04 feet; thence south 53°17'32" east 50.09 feet; thence south 45°01'01" west 36.05 feet; thence north 74°48'48" west 53.50 feet; thence south 60°45'56" west 18.26 feet; thence south 12°41'15" east 26.12 feet; thence south 37°21'21" east 77.74 feet; thence south 20°48'58" east 100.64 feet; thence south 47°36'09" east 139.83 feet; thence south 74°08'35" east 62.95 feet; thence south 66°01'49" east 87.01 feet; thence south 57°40'04" east 90.53 feet; thence south 34°02'52" east 118.40 feet; thence south 57°48'15" east 75.33 feet; thence south 14°10'30" east 67.68 feet; thence north 85°49'03" east 26.20 feet; thence north 00°57'29" east 75.37 feet; thence north 01°46'21" west 113.18 feet; thence north 58°35'08" west 123.07 feet; thence south 78°14'18" west 57.22 feet; thence north 63°06'09" west 172.72 feet; thence north 52°26'52"

east 95.68 feet; thence north 11°48'33" east 79.83 feet; thence north 55°38'07" east 26.86 feet; thence north 00°00'00" east 25.66 feet; thence north 45°01'01" east 95.69 feet; thence north 76°49'01" east 76.71 feet; thence north 61°20'28" east 85.11 feet; thence north 87°56'49" east 56.18 feet; thence north 02°03'11" west 733.11 feet; thence north 89°06'03" west 96.76 feet; thence south 48°35'35" west 16.88 feet; thence north 82°23'00" west 106.71 feet; thence north 61°36'22" west 67.31 feet; thence north 68°58'26" west 51.87 feet; thence north 42°59'44" west 22.39 feet; thence north 06°58'30" west 92.50 feet; thence north 10°17'23" east 56.30 feet; thence south 80°13'52" west 14.10 feet; thence south 89°18'39" west 150.00 feet; thence north 72°16'11" west 11.07 feet. Said lands containing 17.65 acres.

**(B) - C-1 Lowland Resource Conservancy District:** Being a part of the northwest quarter of Section 8, Township 1 North, Range 21 East, in the Town of Bristol, Kenosha County, Wisconsin bounded and described as follows: Commencing at the northwest corner of said northwest  $\frac{1}{4}$ ; thence north 89°18'32" east, along the north line of said northwest  $\frac{1}{4}$ ; 1151.56 feet; thence south 18°03'05" west, 68.64 feet; thence south 13°01'49" west, 1163.58 feet to the place of beginning of the lands to be described; thence north 63°26'43" east, 13.15 feet; thence south 49°24'05" east, 7.74 feet; thence south 14°45'04" west, 16.50 feet; thence south 37°53'15" west, 28.72 feet; thence south 41°46'10" west, 31.52 feet; thence south 53°08'33" west, 29.39 feet; thence south 66°23'08" west, 14.66 feet; thence south 02°43'25" east, 35.30 feet; thence south 46°08'15" west, 30.29 feet; thence south 02°47'49" east, 65.34 feet; thence south 69°50'21" west, 105.39 feet; thence north 50°03'28" west, 40.53 feet; thence south 24°37'47" west, 22.16 feet; thence south 08°58'17" east, 16.15 feet; thence south 37°14'52" west, 26.37 feet; thence south 80°32'28" west, 25.54 feet; thence south 20°06'12" west, 73.30 feet; thence south 51°01'06" west, 22.69 feet; thence south 87°36'53" west, 20.17 feet; thence south 85°36'11" west, 10.95 feet; thence north 02°52'00" west, 16.81 feet; thence north 28°27'12" east, 137.50 feet; thence north 28°06'37" east, 98.04 feet; thence north 51°40'02" east, 71.74 feet; thence north 56°37'28" east, 44.25 feet; thence north 74°19'34" east, 49.72 feet; thence north 57°03'41" east, 54.04 feet; thence north 51°21'05" east, 43.02 feet to the place of beginning. Said lands containing 0.74 acres.

**PR-1 Park and Recreational District:** Being a part of the northwest quarter of Section 8, Township 1 North, Range 21 East, in the Town of Bristol, Kenosha County, Wisconsin bounded and described as follows: Commencing at the northwest corner of said northwest  $\frac{1}{4}$ ; thence north 89°18'32" east, along the north line of said northwest  $\frac{1}{4}$ , 1151.56 feet; thence south 18°03'05" west, 68.64 feet to the place of beginning of the lands to be described; thence south 18°19'17" east 523.34 feet; thence south 29°13'05" west 101.44 feet; thence south 21°15'08" west 177.22 feet; thence south 18°55'31" west 306.96 feet; thence south 87°18'32" east 584.16 feet; thence south 30°30'15" east 207.77 feet; thence south 65°13'47" east 233.79 feet; thence south 00°00'00" west 553.19 feet; thence north 89°19'59" east 400.72 feet; thence north 02°03'11" west 1608.12 feet; thence south 87°56'49" west 146.62 feet; thence north 73°27'07" west 285.67 feet; thence north 00°00'00" east 166.75 feet; thence south 89°18'39" west 83.77 feet; thence north 72°16'11" west 158.12 feet; thence south 89°19'17" west 214.14 feet. Said lands containing 32.17 acres.

**R-9 Multiple-Family Residential District:** Being a part of the northwest quarter of Section 8, Township 1 North, Range 21 East, in the Town of Bristol, Kenosha County, Wisconsin bounded and described as follows: Commencing at the northwest corner of said northwest  $\frac{1}{4}$ ; thence north 89°18'32" east, along the north line of said northwest  $\frac{1}{4}$ , 1151.56 feet; thence south 18°03'05" west, 68.64 feet; thence south 18°19'17" east 523.34 feet; thence south 29°13'05" west 101.44 feet; thence south 21°15'08" west 177.22 feet; thence south 18°55'31" west 306.96 feet to the place of beginning of the lands to be described; thence south 26°32'15" west 504.54 feet; thence north 71°05'33" west 33.00 feet; thence south 17°33'00" west 32.64 feet; thence north 89°14'27" east 103.45 feet; thence north 89°12'47" east 124.44 feet; thence south 00°42'57" east 462.77 feet to the arc of a curve; thence easterly, 11.56 feet along the arc of a curve whose center is to the north, whose radius is 88.10 feet and whose chord bears south 88°09'52" east, 11.55 feet; thence north 88°04'40" east 97.58

feet to the arc of a curve; thence southwesterly, 335.10 feet along the arc of a curve whose center is to the southeast, whose radius is 65.00 feet and whose chord bears south 01°44'35" east, 69.49 feet; thence south 88°04'40" west 97.36 feet to the arc of a curve; thence westerly, 10.92 feet along the arc of a curve whose center is to the north, whose radius is 152.81 feet and whose chord bears south 89°24'01" east, 10.91 feet; thence south 00°50'11" east 55.04 feet; thence south 02°23'33" east 487.89 feet; thence north 89°41'20" east 670.59 feet; thence north 02°00'46" west 680.02 feet; thence north 89°19'59" east 263.28 feet; thence north 00°00'00" east 553.19 feet; thence north 65°13'47" west 233.79 feet; thence north 30°30'15" west 207.77 feet; thence north 87°18'32" west 584.16 feet; said lands containing 27.55 acres, excepting those areas proposed to be C-1 Lowland Resource Conservancy District.

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

**The conditions of approval for the Bristol Bay Preliminary Plat and Planned Unit Development are attached with associated exhibits on file in the Department of Planning and Development.**

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Fred R. Ekornaas

It was moved by Supervisor Smitz to adopt Ordinance 22. Seconded by Supervisor Ekornaas.

Roll call vote.

Ayes: Supervisors Kessler, Grady, Boyer, Rose, Molinaro, Marrelli, Bergo, Carbone, Faraone, Johnson, Pitts, O'Day, Singer, Montemurro, Wisnefski, Clark, Noble, West, Kerkman, Gorlinski, Smitz, Elverman, and Ekornaas.

Nays: None

Abstain: Supervisor Molinaro.

Ayes. 22. Nays. 0. Abstain. 1.

Motion carried.

#### **ORDINANCE 23**

23. Joan Leszczynski and Kevin Peterson, requesting rezoning from A-2 General Agricultural District to C-1 Lowland Resource Conservancy District and from C-1 Lowland Resource Conservancy District to A-2 General Agricultural District in the Town of Bristol.

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 Parcel #35-4-121-321-0005 located in the northeast quarter of Section 32, Township 1 North, Range 21 East, Town of Bristol be changed from A-2 General Agricultural District to C-1 Lowland Resource Conservancy District and from C-1 Lowland Resource Conservancy District to A-2 General Agricultural District. This rezoning is based on actual field conditions. For informational purposes only, this property is located on the south side of County Trunk Highway "V" (116<sup>th</sup> Street) approximately 350 feet east of the intersection of 187<sup>th</sup> Avenue.

**Joan Leszczynski and Kevin Peterson - (Owners)**

**Description:** (See Exhibit 1, attached).

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

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Fred R. Ekornaas

#### **ORDINANCE 24**

24. Town of Randall, requesting rezoning from A-1 Agricultural Preservation District to I-1 Institutional District in the Town of Randall.

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 Parcel #60-4-119-231-0300 located in the northeast quarter of Section 23, Township 1 North, Range 19 East, Town of Randall be changed from A-1 Agricultural Preservation District to I-1 Institutional District (12.97 acres). For informational purposes only, this property is located on the southeast corner of the intersection of County Trunk Highway "F" (Bassett Road) and County Trunk Highway "KD" (336<sup>th</sup> Avenue).

**Town of Randall - (Owner)**

**Description:** Part of the northeast quarter of Section 23, Town 1 North, Range 19 East of the Fourth Principal Meridian, lying and being in the Town of Randall, Kenosha County, Wisconsin and being more particularly described as follows: Commencing at the southwest corner of said quarter section; thence north 88°04'45" east along and upon the south line of said quarter section, 33.00 feet and to the east line of County Trunk Highway "KD" (336<sup>th</sup> Avenue); thence north 02°16'21" west along and upon the east line of said Avenue, 972.37 feet and to the point of beginning of the parcel to be herein described; thence continue north 02°16'21" west along and upon said east line, 790.00 feet and to the southeast corner of County Trunk Highway "KD" (336<sup>th</sup> Avenue) and County Trunk Highway "F" (Bassett Road); thence south 74°00'34" east along and upon the south line of said Road, 93.03 feet and to an angle point in said Road; thence north 86°51'51" east along and upon said south line, 642.50 feet; thence south 03°08'09" east 770.61 feet; thence south 87°43'39" west 742.38 feet and to the point of beginning. Containing 12.97 acres, more or less. Subject to easements and restrictions of record.

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

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Fred R. Ekornaas

It was moved by Supervisor Smitz to adopt Ordinances 23 and 24.

Seconded by Supervisor Gorlinski.

Motion carried.

**ORDINANCE 25**

25. Rick P. Bonanno, requesting rezoning from B-3 Highway Business District to R-2 Suburban Single-Family Residential District in the Town of Somers.

**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 #80-4-222-022-0375 located in the northwest quarter of Section 2, Township 2 North, Range 22 East, Town of Somers be changed from B-3 Highway Business District to R-2 Suburban Single-Family Residential District. For informational purposes only, this property is located on the west side of County Trunk Highway "M" (Old Green Bay Road) directly across from the intersection of Corrett Road.

**Rick P. Bonanno - (Owner)**

**Description:** Part of the northwest quarter of Section 2, Town 2 North, Range 22 East, more particularly described as follows: Commencing at a point on the south line of the northwest quarter of said Section 2 located 1103.52 feet east of the southwest corner of said northwest quarter section, said point being the intersection of the south line of said quarter section with the center line of the Racine-Wilmot Plank Road, now State Trunk Highway "31," thence north 58°45' east 934.6 feet to an angle point on the center line of said road; thence north 55°28' east 7.06 feet on the center line of said road to the point of beginning of this description; thence north 55°28' east 380.74 feet, on the center line of said road; thence north 39°16' west 31.00 feet; thence south 89°37' west 217.80 feet; thence north 84°34' west 83.80 feet; thence south 79°26' west 129.04 feet; thence south 31°15' east 261.83 feet to the point of beginning, lying and being in the Town of Somers, Kenosha County, Wisconsin.

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

Submitted by:  
LAND USE COMMITTEE  
Donald Smitz  
Mark Molinaro, Jr.  
Thomas J. Gorlinski  
Fred R. Ekornaas

**ORDINANCE 26**

26. Delores S. Thomas, requesting rezoning from A-1 Agricultural Preservation District to A-2 General Agricultural District in the Town of Somers.

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 Parcel #80-4-222-092-0307 located in the northwest quarter of Section 9, Township 2 North, Range 22 East, Town of Somers be changed from A-1 Agricultural Preservation District to A-2 General Agricultural District (10.47 acres). For informational purposes only, this property is located on the east side of County Trunk Highway "H" (88<sup>th</sup> Avenue) approximately ¼ mile south of the intersection of County Trunk Highway "A" (7<sup>th</sup> Street).

**Delores S. Thomas - (Owner)**

**Description:** Part of the west half of the northwest quarter of Section 9, Town 2 North, Range 22 East of the Fourth Principal Meridian, lying and being in the Town of Somers, Kenosha County, Wisconsin and being more particularly described as: Commencing on the west line of said quarter section at a point north 01°36'44" west 947.75 feet from the southwest corner thereof; thence south 89°27'28" east parallel to the north line of said quarter section, 1336.55 feet and to the east line of the west half of said quarter section; thence north 01°38'51" west along and upon said east line, 350.01 feet; thence north 89°27'28" west parallel to the north line of said quarter section 1336.34 feet and to the west line of said quarter section; thence south 01°36'44" east along and upon said west line, 350.00 feet and to the point of beginning. Subject to County Trunk Highway "H" (88<sup>th</sup> Avenue), over and across the entire most westerly 33 feet. Containing 10.73 acres, more or less.

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

Submitted by:  
LAND USE COMMITTEE  
Donald Smitz  
Mark Molinaro, Jr.  
Thomas J. Gorlinski  
Fred R. Ekornaas

It was moved by Supervisor Smitz to adopt Ordinances 25 and 26. Seconded by Supervisor Molinaro.  
Motion carried.  
Resolutions - one reading.

**RESOLUTION 53**

53. From Finance Committee regarding Bills over \$5,000.00.

**WHEREAS**, the Wisconsin State Statutes provides that the County Board may act on all bills over \$10,000.00 and

**WHEREAS**, the County Resolution requires that the Finance Committee must act on all bills over \$5,000.00.

**NOW, THEREFORE LET IT BE RESOLVED**, that the following bills be approved for payment:

KENOSHA COUNTY PAYMENT GROUPS BILLS OVER \$5,000.00

APPROVAL BY FINANCE COMMITTEE AND COUNTY BOARD ARE REQUIRED:

| <u>DIVISIONS</u>            | <u>PAYMENT GROUPS</u> |
|-----------------------------|-----------------------|
| Finance Grouping #1         | \$1,278,012.71        |
| Finance Grouping #2         | \$ 101,000.00         |
| Personnel Grouping #1       | \$ 48,956.62          |
| Personnel Grouping #2       | \$ 424,581.93         |
| Disability Grouping #1      | \$1,134,687.89        |
| PAYMENT GROUPS GRAND TOTAL: | \$2,987,239.15        |

RE-SUBMIT PV 3003881 previously approved on Resolution #121, on 2-04-03 in the amount of \$90,577.18, now submitted in the amount of \$101,000.00

Submitted by:  
FINANCE COMMITTEE  
Robert Carbone  
Terry Rose  
Robert Pitts  
John O'Day  
Gordon West

It was moved by Supervisor Carbone to adopt Resolution 53. Seconded by Supervisor Rose. Supervisor Clark abstained from voting on Professional Services and Woman's Horizons.  
Motion carried.

**RESOLUTION 54**

54. From Finance Committee Authorizing Sale and Transfer of County Tax Deeded Property to the Village of Twin Lakes.

It was moved by Supervisor Carbone to adopt Resolution 54. Seconded by Supervisor West.

It was moved by Supervisor Gorlinski to table Resolution 54. Seconded by Supervisor Singer.  
Roll call vote.

Ayes: Supervisors Kessler, Grady, Boyer, Molinaro, Marrelli, Bergo, Singer, Montemurro, Wisniewski, Noble, West, Gorlinski, Smitz, Elverman.

Nays: Supervisors Rose, Carbone, Faraone, Johnson, Pitts, O'Day, Clark, Kerkman, Ekornaas.

Ayes. 14. Nays: 9.  
Motion carried.

**RESOLUTION 55**

55. From Human Services and Finance Committees regarding Modifying 2003 Budget to reflect additional funding awarded for the first and second quarters of 2003.

**WHEREAS**, the Kenosha County Department of Human Services, Division of Health has received additional funding in the first (1<sup>st</sup>) and second (2<sup>nd</sup>) quarters in the amount of \$192,718 for the period of January 1, 2003 through December 31, 2003, and

**WHEREAS**, the Kenosha County Department of Human Services, Division of Health has received additional grant funding in the following program areas: Kenosha County WIC Program, Tobacco Control Board Grant, Radon Information Center Grant, Consolidated Contract, the Wisconsin Wins Program, and the Tri-County Public Health Consortium of Southeastern Wisconsin for the period of January 1, 2003 through December 31, 2003, and

**WHEREAS**, Kenosha County Department of Human Services, Division of Health has also received additional funding through the school nursing contract with the Kenosha Unified School District (KUSD) for the Early Head Start Program for the period of September 4, 2003 through December 31, 2003, and

**WHEREAS**, Kenosha County Department of Human Services, Division of Health has also received additional funding through the Wisconsin Well Woman Program for the period of January 1, 2003 through December 31, 2003, and

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

**NOW, THEREFORE LET IT BE RESOLVED**, that the Department of Human Services, Division of Health budget be modified, at no cost to the county, as follows:  
Revenue increases by \$192,718 and expenditures increase by \$192,718 as indicated in the attached budget modifications that are incorporated into this resolution by reference.

Submitted by:  
HUMAN SERVICES COMMITTEE  
Eunice Boyer  
Anne Bergo  
John O'Day  
Donald Smitz  
William Grady

FINANCE COMMITTEE  
Robert Carbone  
Terry Rose  
John O'Day  
Robert Pitts  
Gordon West

It was moved by Supervisor Boyer to adopt Resolution 55. Seconded by Supervisor Carbone.



2/3 vote required.  
Motion carried unanimously.

**RESOLUTION 56**

56. From Judiciary & Law, Building & Grounds and Finance Committees regarding Budget Modification to Increase Revenue and Expenditures in District Attorney's Office for Budget Years 2003-05 due to acquisition of Federal Grant Titled "Community Prosecution and Project Safe Neighborhoods".

**WHEREAS**, the Kenosha County Department of Human Services, Division of Health has received additional funding in the first (1<sup>st</sup>) and second (2<sup>nd</sup>) quarters in the amount of \$192,718 for the period of January 1, 2003 through December 31, 2003, and

**WHEREAS**, the Kenosha County Department of Human Services, Division of Health has received additional grant funding in the following program areas: Kenosha County WIC Program, Tobacco Control Board Grant, Radon Information Center Grant, Consolidated Contract, the Wisconsin Wins Program, and the Tri-County Public Health Consortium of Southeastern Wisconsin for the period of January 1, 2003 through December 31, 2003, and

**WHEREAS**, Kenosha County Department of Human Services, Division of Health has also received additional funding through the school nursing contract with the Kenosha Unified School District (KUSD) for the Early Head Start Program for the period of September 4, 2003 through December 31, 2003, and

**WHEREAS**, Kenosha County Department of Human Services, Division of Health has also received additional funding through the Wisconsin Well Woman Program for the period of January 1, 2003 through December 31, 2003, and

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

**NOW, THEREFORE LET IT BE RESOLVED**, that the Department of Human Services, Division of Health budget be modified, at no cost to the county, as follows: Revenue increases by \$192,718 and expenditures increase by \$192,718 as indicated in the attached budget modifications that are incorporated into this resolution by reference.

Submitted by:

JUDICIARY & LAW  
James Huff  
Anita Faraone  
Joe Montemurro  
Terry Rose

FINANCE  
Robert Carbone  
John O'Day  
Gordon West  
Terry Rose  
Robert Pitts

It was moved by Supervisor Carbone to adopt Resolution 56. Seconded by Supervisor Faraone.

It was moved by Supervisor Carbone to make a friendly amendment to the Budget Modification Form by moving \$250,000 from Column 3 Revenue Decrease to Column 4 Revenue Increase. Seconded by Supervisor Clark.

2/3 vote required.

Resolution 56 as amended.

Motion carried unanimously.

**RESOLUTION 57**

57. From Land Use Committee regarding Final Plat of New Sunrise Properties Subdivision, Richard Dooley (Developer), being part of the northeast quarter of the southwest quarter and part of the northwest quarter of the southeast quarter of Section 34 in the Town of Salem.

**WHEREAS**, at a regularly held meeting of the Kenosha County Land Use Committee on August 13, 2003 review was given to the Final Plat of New Sunrise Properties Subdivision located in part of the northeast quarter of the southwest quarter and part of the northwest quarter of the southeast quarter of Section 34, Town of Salem. For informational purposes only, this property is located on the southeast corner of the intersection of Rock Lake Road and 122<sup>nd</sup> Street.

**WHEREAS**, the plat was submitted in accordance with the requirements of Chapter 236 of Wisconsin State Statutes and the developer agreed to comply with those land platting laws; and

**WHEREAS**, the plat is in conformance with the Kenosha County Subdivision Control Ordinance and the developer agreed to all county conditions for

approval (Exhibit 1, on file in the Department of Planning and Development);  
and

**WHEREAS**, the Town of Salem recommended approval of the Final Plat of New Sunrise Properties Subdivision subject to the conditions presented in (Exhibit 1, on file in the Department of Planning and Development) and the developers agreement being prepared by the Town and the developer. Said agreement will be signed by both parties prior to recording the final plat.

**WHEREAS**, the Southeastern Wisconsin Regional Planning Commission (SEWRPC) reviewed the subject plat with regards to stormwater management and erosion control and recommended approval of the plat;

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of Supervisors approve the Final Plat of New Sunrise Properties Subdivision subject to the conditions as approved by the Land Use Committee.

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Fred R. Ekornaas

It was moved by Supervisor Smitz to adopt Resolution 57. Seconded by Supervisor Molinaro.

Motion carried.

COMMUNICATION

25. From George E. Melcher, Director of Planning & Development regarding future rezonings.

Chairman Kessler referred Communication 25 to the Land Use Committee.

CLAIM

39. David O'Byrne - claims excessive force from police.

Chairman Kessler referred Claim 39 to the Corporation Counsel.

It was moved by Supervisor Elverman to approve the August 5, 2003 minutes.

Seconded by Supervisor West.

Motion carried.

It was moved by Supervisor Wisnefski to adjourn. Seconded by Supervisor Bergo.

Motion carried.

Meeting adjourned at 8:25 p.m.

Prepared by: Pam Young  
Chief Deputy Clerk  
Submitted by: Edna R. Highland  
County Clerk

**KENOSHA COUNTY BOARD OF SUPERVISORS**

**COUNTY BOARD CHAMBERS**

**COUNTY ADMINISTRATION BUILDING**

**September 2, 2003**

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

Present: Supervisors Kessler, Grady, Boyer, Rose, Molinaro, Marrelli, Bergo, Carbone, Faraone, Johnson, Pitts, O'Day, Ruffolo, Montemurro, Wisnefski, Clark, Noble, West, Kerkman, Gorlinski, Smitz, Elverman, Huff, Modory, Carey-Mielke and Ekornaas.

Excused: Supervisors Larsen and Singer.

Present. 26. Excused. 2.

**CITIZEN COMMENTS**

Wayne Koessl, 5208-83rd Street, spoke in opposition to Supervisor Rose's Anti Power of the Future Resolution. WE Energies had made a presentation to the Council of Governments in January showing why WE Energies wants a mix of fuels. Coal, gas and wind power. They have an agreement with the EPA and DNR to reduce the emissions at Oak Creek Power Plant by 50%. Power of the future is coal. It can be stored. Modern coal plants are cleaner and dramatically less expensive. Electricity prices in Wisconsin jumped 18% since 1997 due to high natural gas costs. Give Supervisor Rose's resolution a proper burial.

Tom Terwall, Village of Pleasant Prairie, stated he is in opposition to Resolution 61. This body would be setting a bad precedent by involving itself in matters of another county situated two counties north of Kenosha County. Given a nation-wide shortage of natural gas, coal is the only way to go. It is the most cost effective and readily available.

Jerry Franke, 10411 Corporate Drive, Pleasant Prairie, stated that Lake-View Corporate Park was the result of Wisconsin Electric Power Company's commitment to the community when the Pleasant Prairie Power Plant was approved. WIS Park is the number one real-estate tax payer. Power generation and economic and community development can co-exist. Vote Resolution 61 down.

Steve Mills, 4011-80th Street, stated that he is in opposition to Resolution 61. He has been involved in the business community in Kenosha for 32 years. This community is a far better place today than it was in the 1970's. Our business partners are Lake View Park and WE Energies. He has seen Kenosha when it was a ghost town. As a business community we have grown.

Vicky Talbert, 9205 Lakeshore Drive, Pleasant Prairie stated that not everyone who is supporting Resolution 61 is a NIMBY. There are other reasons, like health and well being of children in our community. She encourages the County board to vote in support of Resolution 61.

Don Cardinali, 6029-60th Avenue, Kenosha, stated that he was there on behalf of the Southeastern Wisconsin Building & Construction Trades Council that represents about every construction worker. They have worked with Wispark and are in opposition to Resolution 61.

Jon Strecker, Jr. 7808-21st Avenue, Kenosha. He strongly feels that it would be a grave mistake to not support a future power plant. You support economic growth by providing safe and reliable energy.

Mike Pollocoff, 5300-86th Place. Village Administrator for Pleasant Prairie. He is against Supervisor Rose's Resolution. Our community has received so much help from WE Energies. There are almost 70 companies in the Corporate Park. This has created a great spin-off. Kenosha County is dealing with 6.5% unemployment. We depend on Wisconsin Energy to live. Consider rejecting Resolution 61.

Bob Danbeck, 7626-27th Avenue, stated that he is bothered about the county even thinking about privatizing the golf courses. The golf course is losing money because the parks department is covered by golf courses. How could the County Board legally allow the Parks Department to be put on the

backs of the golfers? He wanted to thank the two supervisors who answered his questions after the last meeting. Also, regarding Resolution 61. Our most abundance resource in this country is coal. It is the cheapest so why not use it?

Patrick Lawlor, 7840 43rd Avenue, stated that WE Energies is not just a corporation. It's 5,000 people working there and he is one of them. When these new power plants are built they will have the best available control technology. That means that they will be the cleanest and the most advanced in the country. Coal is cheap and abundant. The power plant in Kenosha has brought nothing but great things to our community. We need affordable energy. He lived in California for 6 1/2 years and in 1992 for a two bedroom apartment he had to pay \$150 a month electric bill.

Robert Cooper, 10809-79th Street, stated that not to long ago the County Board adopted a resolution in favor of power of the future. As elected people you should listen to the citizens who have spoke strongly in favor and vote against Resolution 61.

Brian Augustine, 5715-69th Street, stated that Wisconsin is an importer of energy. We do not make enough here for what we use. The fact of life is we are growing and we need more and more energy. Let the Public Service Commission of Wisconsin do their job.

Tim Kemen, 5409-58th Street, stated that he currently works at the Power Plant in Pleasant Prairie. He reminded the board that they have already voted on having a power plant and only one person keeps bringing a resolution opposing it. The facts show that Supervisor Rose is wrong. Gas is for heating our homes not for making base load generation.

Chip Brewer, Director of Government Relations for S.C. Johnson Company located in Racine stated that WE Energies wants to build the 7th largest coal generated plant in the Country in Southeastern Wisconsin where we already generate fuel from coal and he feels that there are better choices available like wind and gas. Coal is the dirtiest of fuel sources. Our air quality here is out of compliance with EPA health based standards. Do we want to add another huge source of pollution? Since the year 2000, 54,000 manufacturing jobs have left the state of Wisconsin.

Gary Rosecrans, 10411 Corporate Drive, stated that this is an area where manufacturing companies can grow and prosper at Lake View Corporate Park and Business Park of Kenosha. In the last 15 years there have been well over 30 companies that have located in this community. That is because of a coal fueled plant in Pleasant Prairie.

#### ANNOUNCEMENTS OF THE CHAIRMAN

Chairman Kessler stated that the meetings in November will be on November 12th for the Public Hearing and Regular Meeting. November 13th will be the adoption of the Budget. Also, the next County Board Meeting will be on September 23rd because of the WCA Conference being held from September 14th thru the 17th. Confirmation for those supervisors who will be attending the conference is on their desk.

Chairman Kessler stated that Supervisor Johnson was re-appointed to the Environment Energy and Land Use Committee for NACo.

#### SUPERVISOR REPORTS

Supervisor Pitts stated that he has been re-appointed to the NACo Transportation Committee. As a member of the Highway & Parks Committee he suggests that we start having public hearings on the process of privatizing the golf courses. We have an obligation to the golfers and the taxpayers. We need to inform everyone why this is happening and why we are losing money. We need to find a solution. He is requesting through the Chairman of the Highway & Parks Committee and the County Board Chairman to organize the meetings and let the public know just what is happening.

Supervisor Modory reported on the Harvest Celebration. Eighty volunteers showed up and harvested 4,080 pounds of food. Planting was in April of 2003 and 12 food pantries received the vegetables. Total number of volunteers is 164 and they have harvested 40,627 pounds of food and there are not done yet. The economic impact so far is \$27, 300.00.

Supervisor Johnson stated that in July the board referred Supervisor Rose's Resolution to the Legislative Committee. The committee met on July 29th and tabled the resolution. They decided not to take it off the table.

Supervisor Kerkman congratulated Heather Daniels, from the Town of Brighton. She was crowned 2003 County Fair Queen. He stated that all the local governments had sent to them a resolution in support of the WE Energies Coal Fired Plant. He spoke at his local town government and requested that the issue not be brought off the table and not be brought before the county board. This issue was also discussed at the Kenosha County Council of Governments. We should have a resolution that is pro-active to bring electricity into our community. This should die for lack of a second.

Supervisor Noble stated that it is the management of the Golf Courses to get the operation within the budget. He has seen where the revenue is up but he has not seen the expense side. If we are not within budget then it's time to cut the expenses. He too is in favor of having a public hearing and get some kind of proposal together for privatization so that we know what our options are. Regarding Resolution 61. He believes we should vote on it and we should send a resolution to our President of the United States and implore him to lead us on a mission for alternatives to fossil fuel. We need an energy program coming out of Washington and he is asking the Legislative Committee to bring forward a resolution.

Supervisor Gorlinski stated that relative to Golf Courses, whatever is done in the future it is imperative that we all have the total story relative to costs. Funds allocated for our state transportation system has been reversed by a gubernatorial veto to fill a gaping hole in the states general fund budget. We have a golf course not making money. Are some of the funds being used to pay certain other areas that are not associated with the golf course. This information has to come forward for discussion. It's imperative to do so. Being on the Southeastern Wisconsin Planning Commission they receive a report every six months from the Federal Planning Commission relative to air quality. The most glaring problem with this report is that it ends at the state line. They never get a report pertaining to what is happening to the south of us. So how much of our air is being affected all the way up to Washington County?

Supervisor Elverman reported on the Golf Operations. It is no secret that we have struggled in the last two years. It's not the fault of our employees that we are in this position. Things just happen over time. We are dealing with weather and competition. It is time to start looking and informing people. The Golf Course Budget and the Parks Budget are totally separate. There is no mixing of those operations. Regarding Resolution 61. He applauds any supervisor who brings a resolution to the board whether he agrees with the resolution or not. Vote it either up or down.

Supervisor Johnson stated that the news is saying that the new Director of the EPA is planning on relaxing the rules on pollution instead of making them stricter.

Supervisor Clark thanked Chairman Kessler for having the Committee of the Whole Meeting to go over the Roberts Rules of Order. He also commends Supervisor Rose for bringing a resolution forward whether you agree or disagree with the resolution it needs to be voted on. As a citizen of Pleasant Prairie he is glad that the power plant is there. The economic development and all the people that have moved in to Pleasant Prairie. If Oak Creek does not want the power plant they can build it in his back yard. He believes that the energy companies are regulated.

Supervisor Ruffolo stated that Senator Joe Andrea had said one thing that sticks out in his mind. Listen to your people. It's not the corporations that elect you. It's the people in your district.

Chairman Kessler stated that he would like to move Resolution 61 up so that it takes place immediately.

#### **RESOLUTION 61**

61. From Supervisor Terry Rose regarding Opposition to WE Energies Addition of Coal-Burning Power Plants in Oak Creek.

It was moved by Supervisor Rose to adopt Resolution 61. Seconded by Supervisor Ruffolo.

Debate took place.

It was moved by Supervisor Kerkman to close debate. Seconded by Supervisor Wisnefski.

Roll call vote.

Ayes: Supervisors Kessler, Boyer, Bergo, Johnson, Pitts, O'Day, Wisnefski, West, Kerkman, Gorlinski, Ekornaas.

Nays: Supervisors Grady, Rose, Huff, Marrelli, Carbone, Modory, Faraone, Ruffolo, Montemurro, Carey-Mielke, Clark, Noble, Smits, Elverman.

Abstain: Supervisor Molinaro.

Ayes. 11. Nays. 14. Abstain. 1

Motion lost.

Debate continued.

It was moved by Supervisor Kerkman to close debate. Seconded by Supervisor Gorlinski.

Roll call vote.

Ayes: Supervisors Kessler, Grady, Boyer, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, O'Day, Wisnefski, Carey-Mielke, Noble, West, Kerkman, Gorlinski, Smits, Elverman, Ekornaas.

Nays: Supervisors Rose, Huff, Marrelli, Ruffolo, Montemurro, Clark.

Abstain: Supervisor Molinaro.

Ayes. 19. Nays. 6. Abstain. 1

Motion carried.

Roll call vote on Resolution 61.

Ayes: Supervisors Grady, Rose, Ruffolo, Kerkman.

Nays: Supervisors Kessler, Boyer, Molinaro, Marrelli, Bergo, Carbone, Faraone, Johnson, Pitts, O'Day, Montemurro, Wisnefski, Clark, Noble, West, Kerkman, Gorlinski, Smits, Elverman, Huff, Modory, Carey-Mielke and Ekornaas.

Abstain: Supervisor Molinaro.

Ayes. 4. Nays. 21. Abstain. 1.

Motion lost.

OLD BUSINESS

Resolution - tabled August 19, 2003.

#### **RESOLUTION 54**

54. From Finance Committee regarding Authorizing the Sale and Transfer of County tax Deeded Property to the Village of Twin Lakes.

**WHEREAS**, Kenosha County has acquired Tax Deed and Title to Parcel 85-4-119-211-3250, located in the Village of Twin Lakes, County of Kenosha, State of Wisconsin, and

**WHEREAS**, the Village of Twin Lakes has expressed an interest in acquiring title to this property to use as green space for a park, and

**WHEREAS**, there is no road to this parcel of land and it would be very expensive to construct a road and provide municipal services to this property, and

**WHEREAS**, Sections 59.07(1)(c) and 75.69 (2) of the Wisconsin Statutes permits sale of this property to a municipality.

**NOW, THEREFORE, BE IT RESOLVED** that Kenosha County execute quit claim deed on the above parcel to the Village of Twin Lakes for One Dollar (\$1.00) and other good and valuable consideration and on the condition that the Village of Twin Lakes waive any and all special assessments that are due and owing on said parcel to be utilized as green space.

Submitted by:

FINANCE COMMITTEE

Robert Carbone

Terry Rose

John O'Day

Robert Pitts

Gordon West

It was moved by Supervisor Gorlinski to remove Resolution 54 from the table. Seconded by Supervisor Faraone.

Roll call vote request by Chairman Kessler.

Ayes: Supervisors Grady, Rose, Kessler, Boyer, Molinaro, Marrelli, Bergo, Carbone, Faraone, Johnson, Pitts, O'Day, Montemurro, Wisnefski, Clark, Noble, West, Gorlinski, Smits, Elverman, Huff, Modory, Carey-Mielke, and Ekornaas.

Nays: Supervisors Ruffolo and Kerkman.

Ayes. 24. Nays. 2.

Motion carried.

It was moved by Supervisor Carbone to adopt Resolution 54. Seconded by Supervisor West.

Motion carried.

NEW BUSINESS

Ordinance - first reading, two required.

#### ORDINANCE 27

27. From Legislative Committee regarding Amending 2.04(4)(d) of the Municipal Code of Kenosha County Pertaining to Meeting Minutes.

Resolutions - one reading.

#### RESOLUTION 58

58. From Finance Committee regarding Bills over \$5,000.00.

**WHEREAS**, the Wisconsin State Statutes provides that the County Board may act on all bills over \$10,000.00 and

**WHEREAS**, the County resolution requires that the Finance Committee must act on all bills over \$5,000.00, and

**NOW, THEREFORE, LET IT BE RESOLVED**, that the following bills be approved for payment:

KENOSHA COUNTY PAYMENT GROUPS BILLS OVER \$5,000.00

APPROVAL BY FINANCE COMMITTEE AND COUNTY BOARD ARE REQUIRED:

| <u>DIVISIONS</u>            | <u>PAYMENT GROUPS</u> |
|-----------------------------|-----------------------|
| Finance Grouping #1 & #2    | \$1,049,383.67        |
| Personnel Grouping #2       | 505,389.63            |
| PAYMENT GROUPS GRAND TOTAL: | \$1,554,773.30        |

FINANCE COMMITTEE

Robert Carbone

Terry Rose

Robert Pitts

John O'Day

Gordon West

It was moved by Supervisor Carbone to adopt Resolution 58. Seconded by Supervisor Rose.

Motion carried.

#### RESOLUTION 59

59. From Finance Committee regarding Support of Committing and Utilizing \$320,850.00 from the General Fund as matching funds for a \$4.4 Million Grant to Construct a Parking garage in the Vicinity of the Kenosha County Civic Center.

It was moved by Supervisor Pitts to adopt Resolution 59. Seconded by Supervisor Rose.

It was moved by Supervisor Kerkman to refer Resolution 59 to Building & Grounds. Seconded by Supervisor Wisnefski.

Roll call vote.

Ayes: Supervisors Kessler, Boyer, Molinaro, Marrelli, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, O'Day, Ruffolo, Wisnefski, Carey-Mielke, Clark, Noble, West, Kerkman, Gorlinski, Smits, Elverman, Ekornaas.

Nays: Supervisors Grady, Rose, Huff, Montemurro.

Ayes. 22. Nays. 4.

Motion carried.

#### RESOLUTION 60

60. From Finance Committee regarding Transfer of Funds to the Information Services-Office Services Budget.

**WHEREAS**, the volume of documents being recorded in the Register of Deeds office has increased over 50%, and

**WHEREAS**, Kenosha County is require to place sufficient postage on and return recorded documents to the submitter, and

**WHEREAS**, there are insufficient funds in the Information Services-Office Services line item titled Postage for the payment of postage, and

**WHEREAS**, the budget modification will not require any additional levy dollars,

**NOW, THEREFORE, BE IT RESOLVED** that a transfer of funds as outlined in the attached Budget Modification Form and Administrative Proposal be and hereby is approved and incorporated by reference. Said transfer requires funds from the Register of Deeds Fees Revenue.

Submitted by:

FINANCE COMMITTEE

Robert Carbone

Terry Rose

John O'Day

Robert Pitts

Gordon West

It was moved by Supervisor Carbone to adopt Resolution 60. Seconded by Supervisor Rose.

Roll Call vote required.

Motion carried unanimously.

#### CLAIMS

40. James Helton - fell from top bunk-bed while inmate at Kenosha County Detention Center.

41. David Petech - windshield damage.

42. Natasha Stiles - hit pothole.

It was moved by Supervisor Clark to approve the August 19, 2003 minutes. Seconded by Supervisor Grady.

It was moved by Supervisor Wisnefski to adjourn. Seconded by Supervisor Boyer.

Prepared by: Pam Young  
Chief Deputy Clerk  
Submitted by: Edna R. Highland  
County Clerk



**KENOSHA COUNTY BOARD OF SUPERVISORS**

**COUNTY BOARD CHAMBERS**

**COUNTY ADMINISTRATION BUILDING**

**September 23, 2003**

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

Present: Supervisors Kessler, Grady, Boyer, Rose, Molinaro, Bergo, Carbone, Faraone, Johnson, Pitts, Ruffolo, Montemurro, Wisnefski, Clark, Noble, West, Gorlinski, Smitz, Elverman, Huff, Modory, Carey-Mielke, Larsen, Singer, Ekornaas.

Excused: Supervisors Marrelli, O'Day, Kerkman.

Present. 25. Excused. 3.

**ANNOUNCEMENTS OF THE CHAIRMAN**

Chairman Kessler stated that Supervisor Pitt's mother-in-law passed away last Wednesday evening so on be-half of the County Board he expressed condolences for Supervisor Pitts and his family.

Chairman Kessler stated that this coming Saturday, September 27th, the Council of Governments meeting will be held at Highway 45 & 50 at 8:30 a.m.

Chairman Kessler stated that Supervisor Carbone was re-appointed to NACo Justice and Public Safety Hearing Committee.

Chairman Kessler stated that Monday, September 29th, at 5:00 p.m. there will be a meeting of all County Board Committee Chairpersons pertaining to the budget. The meeting will be in the County Executive's Office. Department heads are also expected to attend.

**SUPERVISOR REPORTS**

Supervisor Wisnefski stated that this coming Friday will be the final closing on the 60th Street Garage and Silver Lake will be taking the 13 acres that also housed the Highway Department.

Supervisor Elverman reported that the bridge on Hwy F in Bassett, was completed within a four day working period. This was one of the first bridge projects that Kenosha County took on as the general contractor and he was thoroughly impressed. The project at 47th Avenue and Washington Road will be a four-way traffic control and should be completed within a month. Highway K at Waste Management will be closed. A detour will go around the area and this is also a bridge project. Many golfers have been attending the meetings and some of the golfers are involved in keeping things on track. They will keep everyone informed. This Sunday there will be a Packer-Bear promotion at Brighton Dale with a tail-gate party to follow. The promotions have been paying off.

Supervisor Larsen thanked everyone for their kind thoughts, cards and letters. He is doing better.

Supervisor Gorlinski stated that he is so pleased to see Irv back. He has missed Irv's candy drawer! Also, the Kenosha News had a short article regarding a Go Go place in Johnson Creek. The plan to convert the old Gobbler Restaurant into a 1970's Era Gobbler a Go Go. The village panel said "No Go"

Supervisor Smitz stated that he is a member of the Kenosha County Safety Committee and at the last meeting they were informed that there has been 11 deaths in the county for the prior three months. Last year we had 802 deaths in the State. Also, last year at this time we had 545 traffic deaths and this year we have 587 traffic deaths in the State. We are already 42 traffic deaths over last year in the same time period. The safety belt is extremely important. Wisconsin is below average for wearing seat belts.

Supervisor Carey-Mielke stated that she attended a public hearing in Racine regarding the Oak Creek Issue. She picked up three volumns of the presentation made by the Public Service Commission and the Department of Natural Resources. Anyone interested should just let her know.

Supervisor Pitts stated that he did a survey on all the counties in Wisconsin to see what if anything is being done regarding x-raying the mail. Forty-five counties responded back and stated that they do not x-ray any mail. Milwaukee County stated that they had only two instances and nothing really happened so it is low priority for them.

Supervisor Molinaro complemented the Highway & Parks Committee for the ways they are promoting the golf courses.

OLD BUSINESS

Ordinance - second reading, two required.

**ORDINANCE 27**

27. From Legislative Committee regarding Amending 2.04(4)(d) of the Municipal Code of Kenosha County Pertaining to Meeting Minutes.

The Kenosha County Board of Supervisors does hereby ordain that section 2.05(4)(d) of the Municipal Code of Kenosha County be, and hereby is, amended to read as follows:

(d) The Committee Secretary shall keep minutes and transmit a draft copy of meeting minutes to the Division of Information Services for web site posting within five business days from the date of the meeting; final approved minutes and the committee agenda shall be forwarded to the Clerk and Information Services within 5 business days of Committee approval of such minutes for filing by the County Clerk, and posting by Information Services.

The County Clerk shall keep minutes of County Board meetings and shall post a draft of such minutes on the county's web site; final approved minutes and the Board agenda shall be kept on file with the Clerk, be posted on the county's web site and published in the proceedings of the County Board as required by law.

Submitted by:

LEGISLATIVE COMMITTEE

Ronald Johnson

Ava Marrelli

Thomas Kerkman

Anita Faraone

Fred Ekornaas

It was moved by Supervisor Johnson to adopt Ordinance 27. Seconded by Supervisor Ekornaas.

It was moved by Supervisor Molinaro to amend Ordinance 27 by eliminating the posting of draft committee and county board minutes on the web site before being approved. Seconded by Supervisor Noble.

Roll vote on amendment.

Ayes: Supervisors Kessler, Grady, Boyer, Rose, Molinaro, Carbone, Faraone, Pitts, Ruffolo, Montemurro, Wisniewski, Noble, West, Gorlinski, Smits, Elverman, Huff, Modory, Carey-Mielke, Larsen, Singer, Ekornaas.

Nays: Supervisors Bergo, Clark and Johnson.

Ayes. 22. Nays. 3.

Motion carried.

Roll vote on Ordinances 27 as amended.

Ayes: Supervisors Kessler, Grady, Boyer, Rose, Molinaro, Carbone, Faraone, Pitts, Ruffolo, Montemurro, Wisniewski, Noble, West, Gorlinski, Smits, Elverman, Huff, Modory, Carey-Mielke, Larsen, Singer, Ekornaas, Clark.

Nays: Supervisors Bergo and Johnson.

Ayes. 23. Nays. 2.

Motion carried.

Resolution - referred to Building & Grounds on September 2, 2003.

**RESOLUTION 59**

59. Support of Committing and Utilizing \$320,850.00 from the General Fund as Matching Funds for a \$4.4 Million Grant to Construct a Parking Garage in the Vicinity of the Kenosha County Civic Center.

**WHEREAS**, there is a need for additional parking spaces in the vicinity of the Kenosha County Civic Center for County employees as well as the general public, and

**WHEREAS**, Kenosha County has applied for and is eligible for up to \$4.4 Million in federal and state grants to assist in the construction of a parking structure, and

**WHEREAS**, such grants would require that Kenosha County contribute certain dollars toward the construction of such a structure, and

**WHEREAS**, there are sufficient monies in the General Fund to cover such an expense, and whereas the use of such monies from the General Fund would be consistent with the intent and purpose of the General Fund and would reaffirm the County's commitment to construct such a structure.

**NOW, THEREFORE, BE IT RESOLVED** that Kenosha County apply for both Federal and State grants to assist in paying for the costs of construction of a parking structure in the vicinity of the Kenosha County Civic Center, and

**BE IT FURTHER RESOLVED** that Kenosha County, contingent upon receiving the aforementioned grants, contribute up to \$320,850 toward the costs of such construction, with said monies to be taken from the General Fund.

**BE IT FURTHER RESOLVED** that Kenosha County reduce the total CIP budget for calendar year 2004 by the amount of said monies to be taken from the general fund as set forth herein.

Submitted by:

FINANCE COMMITTEE

Robert Carbone

Terry Rose

Robert Pitts

Gordon West

John O'Day

BUILDING AND GROUNDS COMMITTEE

Mark Wisnefski

Mark Molinaro Jr.

Anne Bergo

Douglas Noble

Gordon West

It was moved by Supervisor Carbone to adopt Resolution 59. Seconded by Supervisor Wisnefski.

Motion carried unanimously.

NEW BUSINESS

Ordinances - first reading, two required.

#### **ORDINANCE 28**

28. From Highway and Parks Committee regarding Repealing and Recreating an Ordinance on Parking Regulations Prohibiting Parking on CTH "F" in Powers Lake. Ordinances - one reading.

#### **ORDINANCE 29**

29. From Land Use Committee regarding Frank M. and Irene J. Kratowicz, Trustees of Frank M. and Irene J. Kratowicz Revocable Trust, requesting rezoning from R-1 Rural Residential District to R-2 Suburban Single-Family Residential District in the Town of Bristol.

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 Parcel #35-4-121-144-0431 located in the southeast quarter of Section 14, Township 1 North, Range 21 East, Town of Bristol be changed from R-1 Rural Residential District to R-2 Suburban Single-Family Residential District. For informational purposes only, this property is located on the north side of County Trunk Highway "C" (Wilmot Road) approximately 0.16 miles west of the intersection of County Trunk Highway "U" (136<sup>th</sup> Avenue).

**Frank M. and Irene J. Kratowicz**

**Trustees of Frank M. and Irene J. Kratowicz Revocable Trust- (Owners)**

**Description:** Part of Lot 1 of Certified Survey Map No. 2037, a plat of record; lying and being in part of the southeast quarter of Section 14, Town 1 North, Range 21 East of the Fourth Principal Meridian and lying and being in the Town of Bristol, Kenosha County, Wisconsin and being more particularly described as: Beginning at the southeast corner of said Lot 1; thence south 76°48'30" west along the southerly line of said lot, 172.50 feet; thence north 00°05'10" west parallel to the east line of said lot, 705.18 feet to the north line of said lot; thence south 88°47'54" east along said north line 168.05 feet to the northeast corner of said lot; thence south 00°05'10" east along the east line of said lot, 662.27 feet to the southeast corner of said lot and the point of beginning; containing 114.870 square feet, more or less; subject to easements and restrictions of record.

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

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

#### **ORDINANCE 30**

30. From Land Use Committee regarding Marvin D. and Sharon L. Nevelier, Trustees of Marvin D. and Sharon L. Nevelier Revocable Trust, requesting rezoning from R-3 Urban Single-Family Residential District and A-2 General Agricultural District to R-2 Suburban Single-Family Residential District in the Town of Somers.

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 Parcels #80-4-222-293-0120 and #80-4-222-293-0140 located in the southwest quarter of Section 29, Township 2 North, Range 22 East, Town of Somers be changed from R-3 Urban Single-Family Residential 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 south side of 38<sup>th</sup> Street approximately 200 feet west of the intersection of County Trunk Highway "S" (Burlington Road).

**Marvin D. and Sharon L. Nevelier**

**Trustees of Marvin D. and Sharon L. Nevelier Revocable Trust - (Owners)**

**Descriptions: R-3 Urban Single-Family Residential District to R-2 Suburban Single-Family Residential District:**

Part of the east half of the east half of the west half of Section 29, Town 2 North, Range 22 East of the Fourth Principal Meridian, beginning in the center line of County Trunk Highway "N" at a point of intersection of said center line with the west line of the east half of the east half of the west half of said section and running thence south along and upon the west line of the east half of the east half of the west half of said section 275.41 feet and to the point of beginning of the parcel to be herein described, said point being, also, the southwest corner of parcel No. 3 as described in that certain well agreement recorded in Volume "1016" at page 682; thence running east at right angles to the last described line and along the southerly line of said parcel 3 and the southerly line of parcel No. 1 as set forth in said agreement 120.00 feet; thence south 00°14'49" seconds east 326.70 feet; thence south 89°45'11" west 120.00 feet and to the west line of the east half of the east half of said quarter section; thence northerly on said west line 326.70 feet, more or less, and to the point of beginning, lying and being in the Town of Somers, County of Kenosha and State of Wisconsin.

**A-2 General Agricultural District to R-2 Suburban Single-Family Residential**

**District:** Part of the east half of the east half of the west half of Section 29, Town 2 North, Range 22 East, beginning in the center line of County Trunk Highway "N" at a point which is 100.07 feet east as measured along the center line of said highway, from the intersection of said center line with the west line of the east half of the east half of the west half of Section 29, Town 2 North, Range 22 East, and running thence south, parallel with the west line of the east half of the west half of said section 271.60 feet; thence running east, at right angles to the last described line 100.00 feet; thence running north parallel with the west line of the east half of the east half of the west half of said section 267.81 feet to the center line of County Trunk Highway "N;" thence running west along and upon the center line 100.07 feet to the place of beginning, lying and being in the Town of Somers, County of Kenosha and State of Wisconsin.

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

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski  
Irving Larsen  
Fred R. Ekornaas

It was moved by Supervisor Smitz to adopt Ordinances 29 and 30. Seconded by Supervisor Gorlinski.

Motion carried.

RESOLUTIONS - one reading.

**RESOLUTION 62**

62. From Finance Committee regarding Bills over \$5,000.00.

**WHEREAS**, the Wisconsin state Statutes provides that the County Board may act on all bills over \$10,000.00 and

**WHEREAS**, the County Resolution requires that the Finance Committee must act on all bills over \$5,000.00 and

**NOW, THEREFORE, LET IT BE RESOLVED** that the following bills be approved for payment:

KENOSHA COUNTY PAYMENT GROUPS BILLS OVER \$5,000.00

APPROVAL BY FINANCE COMMITTEE AND COUNTY BOARD ARE REQUIRED:

**DIVISIONS**

**PAYMENT GROUPS**

|                          |                |
|--------------------------|----------------|
| Finance Grouping #1 & #2 | \$1,675,274.60 |
| Personnel Grouping #1    | 42,523.86      |
| Personnel Grouping #2    | 385,931.42     |
| Disability Services      | \$3,289,021.43 |

Submitted by:

FINANCE COMMITTEE

Robert Carbone

Terry Rose

Robert Pitts

John O'Day

Gordon West

It was moved by Supervisor Carbone to adopt Resolution 62. Seconded by Supervisor Rose. Supervisor Clark abstained from voting on Professional Service Group, Spanish Center and Shalom Center.

Motion carried.

**RESOLUTION 63**

63. From Human Services and Finance Committees regarding Modifying the 2003 Division of Aging Budget to reflect allocation changes in the Community Options Program and the Meals Programs.

**WHEREAS**, The Kenosha County Department of Human Services Division of Aging Services has received 2002 carryover and an increased federal matching percentage in the Community Options Program, and

**WHEREAS**, the Division of Aging Services has received a net increase in the NSIP Meals program allocations, and

**WHEREAS**, County Levy remains unaffected by this resolution;

**NOW, THEREFORE, BE IT RESOLVED**, that the 2003 budget of the Department of Human Services Division of Aging Services be modified as follows:

Expenditures and Revenues be increased by \$418,086 as indicated in the attached budget modification form, which is incorporated into this resolution by reference.

Submitted by:

**HUMAN SERVICES COMMITTEE**

**FINANCE COMMITTEE**

Eunice Boyer

Robert Carbone

Don Smitz

Gordon West

Anne Bergo

Terry Rose

John O'Day

John O'Day

William Grady

Robert Pitts

It was moved by Supervisor Boyer to adopt Resolution 63. Seconded by Supervisor Carbone.

2/3 vote required.

Motion carried unanimously.

**RESOLUTION 64**

64. From Human Services and Finance Committees regarding Kenosha County Division of Workforce Development and Children & Family Services for 3rd Quarter Budget Modification.

**WHEREAS**, the Kenosha County Department of Human Services, Division of Workforce Development and Division of Children & Family Services developed a 2003 budget based on contract information projected by the State of Wisconsin, and

**WHEREAS**, the Division of Workforce Development is receiving additional \$1,890,900 in State and Federal funds through the Department of Workforce Development for WIA (Workforce Investment Act) as the Tri-County fiscal agent, and

**WHEREAS**, the Division of Workforce Development is receiving additional \$35,000 in State and Federal funds through the Department of Workforce Development for Child Support Reconciliation Project, and

**WHEREAS**, the Division of Children & Family Services is requesting to transfer \$10,000 from Purchased Services - Administration to Utilities budget, and

**WHEREAS**, the Division of Children & Family Services is requesting to transfer budget of \$165 from Staff Development to Veteran's Staff Development, and

**WHEREAS**, the Division of Children & Family Services is receiving additional \$10,000 in State and Federal funds for the CFSR (Children & Family Service Review), and

**WHEREAS**, County levy remains unaffected by this resolution;

**NOW, THEREFORE, BE IT RESOLVED**, that the Kenosha County Department of Human Services, Division of Workforce Development and Children and Family Services budget be modified as follows:

Authorize the increase of expenditures by \$1,946,065, to increase revenues by \$1,935,900, and transfer of budget expenditures in the amount of \$10,165, per the attached budget modification incorporated herein by reference.

Submitted by:

HUMAN SERVICES COMMITTEE

Eunice Boyer

Anne Bergo

Don Smitz

John O'Day

William Grady

FINANCE COMMITTEE

Robert Carbone

Terry Rose

Robert Pitts

Gordon West

John O'Day

It was moved by Supervisor Boyer to adopt resolution 63. Seconded by Supervisor Carbone.

2/3 vote required.

Motion carried unanimously.

**COMMUNICATION**

26. From George E. Melcher regarding future rezonings.

Chairman Kessler referred Communication 26 to the Land Use Committee.

**CLAIMS**

43. Verizon - damaged cable.

44. Harold Kennedy - car damage.

45. Cornelius Fowler - fell in Courthouse.

Chairman Kessler referred Claims 43 thru 45 to Corporation Counsel.

It was moved by Supervisor Noble to approve the September 2, 2003 minutes. Seconded by Supervisor Grady.

Motion carried.

It was moved by Supervisor Wisnefski to adjourn. Seconded by supervisor Faraone.

Motion carried.

Meeting adjourned at 8:45 p.m.

Prepared by: Pam Young

Chief Deputy Clerk

Submitted by: Edna R. Highland

County Clerk



**KENOSHA COUNTY BOARD OF SUPERVISORS**

**COUNTY BOARD CHAMBERS**

**COUNTY ADMINISTRATION BUILDING**

**October 7, 2003**

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

Present: Supervisors Kessler, Grady, Boyer, Rose, Huff, Molinaro, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, O'Day, Singer, Montemurro, Larsen, Wisnefski, Carey-Mielke, Clark, Noble, West, Kerkman, Gorlinski, Smitz, Elverman, Ekornaas.

Excused: Supervisors Ruffolo and Marrelli.

Present. 26. Excused. 2.

County Executive Allan Kehl presented the 2004 County Budget.

Chairman Kessler referred the 2004 County Budget to the Finance Committee.

**CITIZEN COMMENTS**

Scott Barter, 3106 13th Lane, stated he was glad that the County Executive decided not to privatize the county golf courses and he has about 1100 signatures that would oppose such privatization. He also wanted to make it clear he does not want any tax payer subsidy to cover the golf courses nor does he want people laid off, or to take a pay cut. He was at a meeting and Supervisor Noble had a great idea about two tier pricing, one for Pets and one for Brighton Dale.

Bob Danbeck, 7626 27th Avenue, spoke regarding the golf courses and the wages some employees were making, which should not be on the backs of the golfers. He also spoke about the improvements at Brighton Dale golf course, which should be on the backs of the golfers. He does not want privatization of the golf courses because if that happens, rates will probably double.

**ANNOUNCEMENTS OF THE CHAIRMAN**

Chairman Kessler stated the budget hearings will commence Monday October 20th, starting at 6:00 p.m. Also the public hearing and the first reading of the budget will be held on Wednesday November 12, 2003, and the second reading and adoption of the budget will occur on Thursday, November 13, 2003.

Chairman Kessler stated the sale of the 60<sup>th</sup> Street garage property was finalized last week. RFP's are forth coming in the sale of the Silver Lake property and the old Human Services building on 52<sup>nd</sup> Street.

Chairman Kessler announced the County Board Christmas Party will be held on Tuesday, December 16th at the Italian American Club.

**SUPERVISOR REPORTS**

Supervisor Huff stated that on Saturday, October 11th the Kenosha County Emergency Management will be sponsoring the 3rd Annual Kenosha County Safety Fair. The purpose of the safety fair is to educate citizens, parents and children about what their community's first responders do when they respond to an emergency. He encourages supervisors to attend.

Supervisor Carbone stated there are several papers on the supervisors desks, one is the budget inquiry form, anyone interested in requesting information on the budget from the Finance Director can use this form. He also asked the committee chairs to set up meetings with their departments so they can adequately take a look at the budget, and requested the minutes of those meetings be sent to the Finance Director. Also on the supervisors desks there is a report on the Critical Path with Financial Services and the Department of Administration. Also there is a Corporation Counsel opinion on the Bills over \$5000. One of the recommendations was to streamline the bill paying procedure and someday go to electronic payment, which will come through the budget process and will eliminate one person. Also on the desks are the audits for 2002. Supervisor Carbone gave kudos to Ben Schiesman and Cheryl McCrary for



the table top exercise on terrorist attacks they put together on September 30th.

Supervisor Gorlinski stated he had the opportunity last Sunday to enjoy a visit at Brighton Dale. He was a little miffed that the parking lot was half filled. Usually on Sunday afternoons it's almost like having his own private golf course. In retrospect it was a wonderful thing to see, primarily because of an advertisement printed in a Korean Chicago Newspaper. He gave his compliments to the Highway & Parks Committee, marketing is not the only thing, it's everything, and it showed results. He also commented that golfing there is a bargain compared to other golf courses, and that by charging a few dollars extra isn't of any consequence relative to the value that you get at the county golf courses. He would like to see the Highway & Parks Committee pursue looking at increasing usage through various activities like selling or distribution of treats, beverages or whatever.

Supervisor Gorlinski also stated that Assembly Person Kerkman has been sending him minutes of the committee meetings being held by Shoreland Management Division of Wisconsin Department of Natural Resources. They have been meeting to further a new summary document called NR115 which is tightening up the control on shoreland in unincorporated areas. In tightening up restrictions it is putting more responsibility on counties. He feels that we should all be adhering to the same rules so the cost is equitably distributed. There will be public hearings before this new rule is proposed and anyone who has an interest should make an appearance, there is a lot of resistance from large urban areas.

Supervisor Modory made a fund raising request on behalf of the CYC Cheer and Dance Team. It has been a difficult year for them. This is the first time they have had to ask for funds.

Supervisor Elverman stated that the Highway & Parks Committee meeting will be held on October 13th instead of the usual first Monday of the month because they wanted to wait until the budget was presented. Supervisor Elverman stated that the Kenosha News has printed some very intelligent articles regarding the golf operation, their editors printed a nonsensical editorial, they must not read their own peoples articles. One of their statements was that the County should not sit back and wait for rounds to increase. If they would have paid attention they would have noticed beer sales were instituted totaling more than \$125,000 so far. The deficit from last year has been cut in half. Advertising in the Korean Newspaper tapped a market in the Chicago area. The solution to this problem is to not blame the staff, the solution is the steps the committee has been taking.

Supervisor Wisniewski thanked the volunteers who spend many hours picking up the trash on the county highways. They do a great job.

Supervisor Molinaro asked Chairman Kessler to make certain that Ordinance 27, distribution of meeting minutes, is enacted and strictly adhered to county wide so that draft meeting minutes are not distributed or published.

#### **OLD BUSINESS**

Ordinance - second reading, two required.

#### **ORDINANCE 28**

28. From Highway and Parks Committee regarding Repealing and Recreating an Ordinance on parking Regulations Prohibiting Parking on CTH "F" in Powers Lake. The County Board of Supervisors of Kenosha County, Wisconsin do ordain as follows:

A portion of existing Kenosha County Ordinance, Section 7.03 of Chapter 7 of the Kenosha County Municipal Code is hereby repealed:

#### **SECTION 7.03: PARKING REGULATIONS**

- (x) The parking of trailers or vehicles with trailers on either side of County Trunk Highway "F" beginning at a point 500 feet east of its intersection with 392nd Avenue and proceeding westerly to a point 800 feet east of its intersection with 399th Avenue.

A portion of existing Kenosha County Ordinance, Section 7.03 of Chapter 7 of the Kenosha County Municipal Code is hereby recreated:

#### **SECTION 7.03: PARKING REGULATIONS**

- (x) Either side of County Trunk Highway "F" beginning at a point 500 feet easterly from its intersection with 392nd Avenue and

proceeding westerly to a point 650 feet westerly from its intersection with 392nd Avenue and the parking of trailers or vehicles with trailers on either side of County Trunk Highway "F" beginning at a point 650 feet westerly from its intersection with 392nd Avenue and proceeding westerly to a point 800 feet easterly from its intersection with 399th Avenue.

Submitted by:  
Highway & Parks Committee  
Dennis Elverman  
Robert Pitts  
Douglas Noble  
William Grady

It was moved by Supervisor Elverman to adopt Ordinance 28. Seconded by Supervisor Pitts.  
Motion carried.

**NEW BUSINESS**

Resolutions - one reading.

**RESOLUTION 65**

65. From Finance Committee regarding Bills over \$5,000.00.

**WHEREAS**, the Wisconsin State Statutes provides that the County Board may act on all bills over \$10,000.00 and

**WHEREAS**, the County Resolution requires that the Finance Committee must act on all bills over \$5,000.00 and

**NOW, THEREFORE, LET IT BE RESOLVED** that the following bills be approved for payment:

KENOSHA COUNTY PAYMENT GROUPS BILLS OVER \$5,000.00

APPROVAL BY FINANCE COMMITTEE AND COUNTY BOARD ARE REQUIRED:

| <u>DIVISIONS</u>            | <u>PAYMENT GROUPS</u> |
|-----------------------------|-----------------------|
| FINANCE GROUPING #1 & #2    | \$693,818.49          |
| PERSONNEL GROUPING #1       | \$245,276.03          |
| DISABILITY SERVICES         | \$ 33,056.60          |
| PAYMENT GROUPS GRANT TOTAL: | \$972,151.12          |

Submitted by:  
FINANCE COMMITTEE  
Robert Carbone  
Terry rose  
Robert Pitts  
John O'Day  
Gordon West

It was moved by Supervisor Carbone to adopt Resolution 65. Seconded by Supervisor Rose.  
Motion carried.

**RESOLUTION 66**

66. From Finance Committee regarding Transfer of Funds within the Corporation Counsel's Budget.

**WHEREAS**, Kenosha County, in 2003, has been represented by various lawfirms in zoning, labor, and worker's compensation cases, and

**WHEREAS**, the Corporation Counsel's Office is responsible for payment of bills incurred from such representation, and

**WHEREAS**, there are insufficient funds in the Corporation Counsel's line item entitled Legal Consulting for the payment of outstanding invoices, and

**WHEREAS**, there are sufficient funds within the Corporation Counsel's budget to pay the invoices received to date.

**NOW, THEREFORE, BE IT RESOLVED** that a transfer of funds as outlined on the attached Budget Modification Form and Administrative Proposal be and hereby is approved. Said transfer requires no funds from the general Fund.

It was moved by Supervisor Carbone to adopt Resolution 66. Seconded by Supervisor O'Day.  
2/3 vote required.

Roll all vote passed unanimously.

It was moved by Supervisor West to approve the September 23, 2003 minutes as amended. Seconded by Supervisor Singer.

Motion carried.

It was moved by Supervisor Wisnefski to adjourn. Seconded by Supervisor Larsen.  
Meeting adjourned at 8:25 p.m.

Prepared by: Edie LaMothe  
Submitted by: Edna R. Highland  
County Clerk

**KENOSHA COUNTY BOARD OF SUPERVISORS**

**COUNTY BOARD CHAMBERS**

**COUNTY ADMINISTRATION BUILDING**

**October 21, 2003**

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

Present: Supervisors Kessler, Grady, Boyer, Rose, Huff, Molinaro, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, O'Day, Singer, Montemurro, Larsen, Wisnefski, Clark, Noble, West, Kerkman, Gorlinski, Smitz, Elverman, Ekornaas, Ruffolo, Marrelli.

Excused: Supervisor Carey-Mielke.

Present. 27. Excused. 1.

**CITIZEN COMMENTS**

Gary Groenke, 526-74th Street, Chairman of Kemper Center thanked Kenosha County for the last 27 years of a great partnership with Kemper Center. Kemper has grown into a premier historical recreational and cultural site in Kenosha. The Kemper Board is getting mixed signals from Kenosha County. He re-opened negotiations on the lease and when he thought everything was going well he was called by the Corporation Counsel and was asked if Kemper Center would be interested in purchasing the property back from the County. He informed Corporation Counsel that they donated it to Kenosha County. The Kemper Board does not think this is a good idea. Kemper was receiving \$50,000.00 a year for maintenance from Kenosha County. So far this year, no money.

Steve Nelson, Executive Director of Kemper Center wanted to discuss Resolution 8, adopted by the County Board on May 20, 1998. \$250,000.00 was earmarked to develop the third & fourth floors for rental space. A \$300,000.00 investment in 1977 was assessed at over \$11,000,000.00 in the year 2000.

Bob Danbeck, 7626-27th Avenue, stated that the weather is helping out the golf courses. He does not want to see the golf courses privatized. He was really floored because the Parks Committee washed their hands of the budget as far as what was recommended and brought forth by supervisors not on the Parks Committee. He wanted to thank Supervisors of the 3rd and 14th Districts for their input. The committee did not do their job. Every committee should be doing their job and not rely on the Finance Committee.

**ANNOUNCEMENTS OF THE CHAIRMAN**

Chairman Kessler stated that deliberations are going on for the 2004 budget and the supervisors are urged to attend the meetings.

Chairman Kessler stated the taped County Board Meetings are televised the following Tuesday at 7:00 p.m. on channel 25.

**SUPERVISOR REPORTS**

Supervisor Clark asked for an up-date or a copy of the Tax Equity Phase Two. We are in the midst of the budget and there are probably recommendations and he is afraid that the county and all the various government spent money on and it looks good that we are doing it but we might be getting it too late and not be able to do anything about it. Hopefully by the first meeting in November they could have a copy.

Supervisor Molinaro stated that he did not want to get into a debate on Resolution #8 for Kemper Center but he feels that it should be forwarded to Kemper Center. The resolution does not have any mention in any way the third or fourth floor at Kemper Center. Before any additional dollars are spent there needs to be some coming together of the County Board, the County and Kemper Center to determine what our commitment is.

Supervisor Singer reported that at the last Administrative Committee Meeting the insurance issue for WMMIC was discussed. The county was informed that the premium payment for next year will increase 40%. The Administrative Committee actually raised the amount before the budget and he wanted the

Finance Committee to be aware of it. This was done last night because of some claims with WMMIC. Because of the increase the line item needed to be adjusted.

Supervisor Elverman reported on Highway & Parks Committee. The golf rounds are up due to nice weather. This will help with the deficit. At the Highway & Parks Budget Meeting the budget was tentatively. There was a report from the Golf Division that gave ideas and vision for the up-coming year. They would like the Finance Committee to hear the full story. On Thursday evening there will be a report from the Golf Division along with Highway & Parks Budget.

**NEW BUSINESS**

Ordinances - first reading, two required.

**ORDINANCE 31**

31. From Highway & Parks Committee regarding Repealing and Recreating Ordinance's on Speed Limits for CTH "F" from CTH "O" easterly to a point 0.80 miles East of its West Intersection with CTH "KD".

**ORDINANCE 32**

32. From Highway & Parks Committee regarding Repealing and Recreating Ordinance's on Speed Limits for CTH "K" from 60th Avenue to Interstate Highway 94.

Ordinance - one reading.

**ORDINANCE 33**

33. From Land Use Committee regarding Full Gospel First Church (Owner), Keith Johnson (Agent), requesting rezoning from I-1 Institutional District and C-1 Lowland Resource Conservancy District to R-3 Urban Single-Family Residential District and C-1 Lowland Resource Conservancy District in the Town of Salem.

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 Parcel #67-4-120-353-0100 located in the southwest quarter of Section 35, Township 1 North, Range 20 East, Town of Salem be changed from I-1 Institutional District and C-1 Lowland Resource Conservancy District to R-3 Urban Single-Family Residential District and C-1 Lowland Resource Conservancy District. For informational purposes only, this property is located on the north side of 125<sup>th</sup> Street approximately 215 feet west of the intersection of State Trunk Highway "83" (Antioch Road).

**Full Gospel First Church - (Owner)**

**Keith Johnson - (Agent)**

**Descriptions: R-3 Urban Single-Family Residential District:** Commencing at a concrete monument with brass cap at the northwest corner of the southeast fractional quarter of said Section 35, Township 1 North, Range 20 East of the Fourth Principal Meridian; thence south 01°31'45" east, grid bearing from north, Wisconsin Coordinate System, South Zone, along the west line of said southeast fractional quarter 1204.05 feet to the most westerly northwest corner of R.A. Cepek's Cross Lake Subdivision, according to the recorded plat thereof on file and of record in the office of the Register of Deeds, Kenosha County, Wisconsin, thence north 01°31'45" west along the west line of said southeast fractional quarter 16.00 feet to the point of beginning of the lands to be described; thence north 01°31'45" west along the west line of said southeast fractional quarter 250.00 feet; thence north 88°58'54" east 385.32 feet; thence south 29°22'38" east 96.27 feet; thence south 01°54'05" east 88.92 feet; thence south 39°51'30" east 44.58 feet; thence south 68°35'39" east 26.79 feet; thence north 59°46'19" east 28.14 feet; thence north 25°19'42" east 54.78 feet; thence north 21°06'50" west 52.45 feet; thence north 01°25'56" east 48.77 feet; thence north 33°24'09" east 48.45 feet; thence north 37°39'34" east 22.81 feet; thence north 88°58'54" east 213.13 feet; thence south 00°49'48" east 250.00 feet to the proposed north line of 125<sup>th</sup> Street; thence south 88°58'54" west 769.80 feet to the point of beginning.

**C-1 Lowland Resource Conservancy District:** as presented in Exhibit 1, (attached)

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

Submitted by:

LAND USE COMMITTEE  
Donald Smitz  
Mark Molinaro, Jr.  
Thomas J. Gorlinski  
Irving Larsen  
Fred R. Ekornaas

It was moved by Supervisor Smitz to adopt Ordinance 33. Seconded by Supervisor Gorlinski. Motion carried.

RESOLUTIONS - one reading.

**RESOLUTION 67**

67. From Administration Committee regarding Amending the Flexible Benefits Plan Document.

**WHEREAS**, the County is desirous of amending Health Care Reimbursement Account's (HCRA) definition of "Eligible Medical Expenses" in light of IRS Revenue Ruling 2003-102, which permits the reimbursement of certain over the counter drugs incurred by the participant, spouse or eligible dependent (s) as set forth in the attachment Amendment;

**NOW THEREFORE, BE IT RESOLVED**, that the County Administration be authorized to sign the plan amendment consistent with IRS Ruling 2003-102 and that such amendment be effective September 3, 2003.

**AMENDMENT TO THE**

**FLEXIBLE BENEFITS PLAN DOCUMENT**

This amendment to the Flexible benefits Plan is adopted by Kenosha County (the "Employer"), named below, effective as of the date set forth herein.

**WHEREAS**, the Employer desires to amend the Plan's definition of "Eligible Medical Expenses" in light of IRS Revenue Ruling 2003-102, which permits the reimbursement of certain over the counter drugs;

**NOW, THEREFORE**, effective September 3, 2003, the definition of "Eligible Medical Expenses" in the Plan is replaced with the following definition:

"Eligible Medical Expenses" means those expenses incurred by the Employee, or the Employee's Spouse or Dependents, after the date of the Employee's participation in the Health FSA and during the Plan Year to the extent that the expense satisfies the conditions set forth in the Summary Plan description and are for "medical care" as defined by Code Section 213(d). For purposes of this Plan, the following expenses are not considered "Eligible Medical Expenses" even if they otherwise constitute "medical care" under Code section 213(d).

1. Expenses for qualified long term care services (as defined in Code 7702B); and

2. Expenses for health insurance premiums

For purposes of the Plan, an expense is "incurred" when the Participant or beneficiary is furnished the medical care or services giving rise to the claimed expense, regardless of when the expense is paid.

**IN WITNESS WHEREOF**, and as evidence of the adoption of the amendments set forth herein, the undersigned office of the employer named below has executed this Amendment to the Plan, this 21st day of October 2003.

Submitted by:

ADMINISTRATION COMMITTEE

David Singer

John Ruffolo

Joseph Clark

Tom Kerkman

Mark Modory

It was moved by Supervisor Singer to adopt Resolution 67. Seconded by Supervisor Kerkman. Motion carried.

**RESOLUTION 68**

68. From Finance Committee regarding Bills over \$5,000.00.

**WHEREAS**, the Wisconsin State Statutes provides that the County Board may act on all bills over \$10,000.00 and

**WHEREAS** the County Resolution requires that the Finance Committee must act on all bills over \$5,000.00, and

**NOW, THEREFORE LET IT BE RESOLVED**, that the following bills be approved

for payment:

**KENOSHA COUNTY PAYMENT GROUPS BILLS OVER \$5,000.00**

**APPROVAL BY FINANCE COMMITTEE AND COUNTY BOARD ARE REQUIRED:**

| <u>DIVISIONS</u>            | <u>PAYMENT GROUPS</u> |
|-----------------------------|-----------------------|
| FINANCE GROUPING # 1 & #2   | \$1,610,124.86        |
| PERSONNEL GROUPING #1       | \$ 290,685.44         |
| DISABILITY SERVICES         | \$1,082,731.43        |
| PAYMENT GROUPS GRAND TOTAL: | \$2,983,541.73        |

\*\*\*Housing Authority Grouping from the 7/01/03, Resolution #34, for bills over \$5,000 has been reduced from \$15,160 to \$14,160. The wire transfer that was actually wired on 10/02/03 was actually sent for \$14,160 to Vanguard Bank & Trust Co. for Cheryl Keonig per Housing Authority's request.

Submitted by:

FINANCE COMMITTEE

Robert Carbone

John O'Day

Terry Rose

Gordon West

Robert Pitts

It was moved by Supervisor Carbone to adopt Resolution 68. Seconded by Supervisor Rose. Supervisor Clark abstained from voting on bills for Community Impact, Professional Service Group, Spanish Center and Bridges Community Center.

Motion carried.

**RESOLUTION 69**

69. From Human Services, Building & Grounds, Finance Committees and Brookside Board of Trustees regarding Project Close-Out for 1995 Brookside Care Center.

**WHEREAS**, Brookside Care Center new building project is essentially completed and

**WHEREAS**, There is approximately \$55,000 in unspent bonding monies, in the project fund, in large part due to interest earned and

**WHEREAS**, There are several projects and repairs needed,

**WHEREAS**, county tax levy is unaffected by this resolution,

**NOW THEREFORE BE IT RESOLVED**, that the Kenosha County Board of Supervisors authorize the closing of the funds to be spent as follows: approximately \$12,000 on a pole barn for vehicle and equipment storage, \$27,000 for a Trane Tracer Summit System, approximately \$10,000 for replacement of faulty water valves and approximately \$6,000 for computer and cabling for the Tracer Summit system.

Submitted by:

TRUSTEES

Robert W. Pitts

Robert Carbone

Eunice Boyer

Nancy Principe

Louis DeMarco

BUILDING & GROUNDS COMMITTEE

Mark Wisnefski

Mark Molinaro

Anne Bergo

Gordon West

Doug Noble

HUMAN SERVICES COMMITTEE

Eunice Boyer

Anne Bergo

Don Smitz

John O'Day

William Grady

FINANCE COMMITTEE

Robert Carbone

Terry Rose

Robert W. Pitts

John O'Day

Gordon West

It was moved by Supervisor Boyer to adopt Resolution 69. Seconded by Supervisor Pitts.

Motion carried unanimously.

**RESOLUTION 70**

70. From Human Services and Finance Committees regarding Modifying the 2003 Budget to Reflect Additional Funding for the Family Support Program.

**WHEREAS**, the Kenosha County Dept of Human Services, Division of Disability Services developed a 2003 budget based on projections of receipts for the year 2003, and

**WHEREAS**, the Division of Disability Services is receiving an additional \$14,082 in Family Support Program revenue in the year 2003, and

**WHEREAS**, the above budget modifications require no additional County Levy dollars,

**NOW THEREFORE BE IT RESOLVED**, the Dept of Human Services, Division of Disability Services budget be modified as follows:

Expenditures increase by \$14,082 with revenue increase of \$14,082, as indicated in the attached budget modification which is incorporated into this resolution by reference.

Submitted by:

HUMAN SERVICES COMMITTEE

Eunice Boyer

Anne Bergo

John O'Day

Don Smitz

William Grady

FINANCE COMMITTEE

Robert Carbone

Terry Rose

Darrel Haen

Richard Kessler

John O'Day

It was moved by Supervisor Boyer to adopt Resolution 70. Seconded by Supervisor Carbone.

Motion carried unanimously.

#### **RESOLUTION 71**

71. From Human Services and Finance Committee regarding Modifying the 2003 Budget to reflect Funding for the Newly Created Autism Waiver.

**WHEREAS**, the State of Wisconsin, Bureau of Developmental Disability Services (BDDS) has requested Kenosha County to administer the newly created Autism Waiver by November 2003, and

**WHEREAS**, Kenosha County Division of Disability Services currently administers all other waiver funding (CIP-1A, CIP-1B, BIW) for adults with developmental disabilities, and

**WHEREAS**, the Autism Waiver supports in-home treatment which has been demonstrated to improve the condition for many children, potentially reducing out-of-home placements, and

**WHEREAS**, children with autism already receive services from the County through the Birth to 3 Program, Family Support Program, and the Division of Children & Families, and

**WHEREAS**, the State has made piloting of the Children's Redesign contingent upon County administration of the Autism Waiver, and

**WHEREAS**, the Autism Waiver provides \$96 per day, plus 7% administrative costs for those children at the intensive level of service, and \$30.60 per day including administrative costs for children at the ongoing level of service, and

**WHEREAS**, a total of 39 children in Kenosha County, 22 at the intensive level and 17 at the ongoing level of service, have been identified by the State as initial enrollees with a projected annual revenue of approximately \$1,000,000 for 2004, and one-sixth of that, \$170,000- for November - December 2003

**WHEREAS**, administration of the Autism Waiver will not require additional County tax levy nor County employees,

**NOW, THEREFORE, BE IT RESOLVED**, the Dept of Human Services, Division of Disability Services budget be modified as follows:

Expenditures increase by \$170,000 with revenue increase of \$170,000, as indicated in the attached budget modification which is incorporated into this resolution by reference.

Submitted by:

HUMAN SERVICES COMMITTEE

Eunice Boyer

Anne Bergo

John O'Day

Don Smitz

William Grady

FINANCE COMMITTEE

Robert Carbone

Terry Rose

Darrel Haen

Richard Kessler

John O'Day

It was moved by Supervisor Boyer to adopt Resolution 71. Seconded by Supervisor Carbone.

Motion carried unanimously.

#### **RESOLUTION 72**

72. From Human Services, Judiciary & Law and Finance Committee regarding Transfer budget Authority within the Department of Human Services and IV-E



related State Attorney Expenditures to the Kenosha County District Attorney Budget.

**WHEREAS**, the Kenosha County Department of Human Services, Divisions of Aging, and Health developed a 2003 budget based on completion of Remodeling Project for Kenosha County Human Services Building, and

**WHEREAS**, the Department of Human Services is requesting to transfer \$66,600 between Divisions of Aging, Health, Children and Family Services and Workforce Development to cover occupancy and supply costs due to delayed move to Human Services Building, and

**WHEREAS**, the Division of Children and Family Services is requesting to transfer \$65,000 to the District Attorney's expenditure budget for reimbursement of attorney costs from the State, and

**WHEREAS**, County levy remains unaffected by this resolution;

**NOW, THEREFORE, BE IT RESOLVED**, that the Kenosha County Department of Human Services, Divisions of Workforce Development, Children & Family Services, Aging, Health, and District Attorney's budget be modified as follows:

Authorize the transfer of budget expenditures in the amount of \$66,600 within the Department of Human Services fund 200 and transfer budget expenditures in the amount of \$65,000 to the District Attorney fund 100 budget per the attached budget modification incorporated herein by reference.

Submitted by:

HUMAN SERVICES COMMITTEE

Eunice Boyer

Anne Bergo

Don Smitz

John O'Day

William Grady

JUDICIARY & LAW COMMITTEE

James Huff

Terry Rose

Brenda Carey-Mielke

Joe Montemurro

Anita Faraone

FINANCE COMMITTEE

Robert Carbone

Terry Rose

Robert Pitts

Gordon West

John O'Day

It was moved by Supervisor Boyer to adopt Resolution 72. Seconded by Supervisor Huff.

Motion carried unanimously.

#### **RESOLUTION 73**

73. From Judiciary & Law Enforcement Committee regarding Cabaret License for Dianne's Place.

**WHEREAS**, the application of Dianne M. Anderson for a regular cabaret license for Dianne's Place, 1543 - 22nd Avenue, Kenosha, Wisconsin, in the Town of Somers, was made during the month of September, 2003 was turned over to this office on September 29, 2003, and

**WHEREAS**, the establishment known as Dianne's Place was found to be in compliance with the Cabaret Ordinance Number 8.02 during its probationary period.

**THEREFORE BE IT RESOLVED**, that because this is an application for conversion of an existing probationary cabaret license to a regular cabaret license by the license holder, that a regular cabaret license be granted to Dianne M. Anderson, for Dianne's Place.

Submitted by:

JUDICIARY AND LAW ENFORCEMENT COMMITTEE

James Huff

Brenda Carey-Mielke

Anita Faraone

Joe Montemurro

Terry Rose

It was moved by Supervisor Huff to adopt Resolution 73. Seconded by Supervisor Montemurro.

Motion carried.

**RESOLUTION 74**

74. From Judiciary & Law Enforcement and Finance Committee regarding Local Law Enforcement Block Grant - 2003.

**WHEREAS**, the Kenosha County Sheriff's Department has been awarded \$26,005 for a Law Enforcement Block Grant entitled Local Law Enforcement Block Grant Program, for the period October 01, 2003 through September 30, 2004, and

**WHEREAS**, these funds have been made available to the Kenosha County Sheriff's Department through the U.S. Department of Justice, Bureau of Justice Assistance, and

**WHEREAS**, these funds will be used to purchase additional equipment for the department that has been so designated by the Sheriff for law enforcement purposes, and

**WHEREAS**, this grant will require approximately 10% hard match, or \$2,889 in County funds, that will be drawn from within the Sheriff's 2003 operating budget, and

**WHEREAS**, this budget modification will not require any additional tax levy dollars.

**NOW, THEREFORE BE IT RESOLVED**, that the Kenosha County Board of Supervisors accept the grant and that the revenue and expenditure line items be modified, as per the attached budget modification forms, which are incorporated herein by reference.

Note: This resolution requires NO funds from the general fund. It increases revenues by \$26,005 and increases expenditures by \$26,005.

Submitted by:

Judiciary & Law Enforcement Committee

James Huff

Brenda Carey-Mielke

Anita Faraone

Terry Rose

Joe Montemurro

Finance Committee

Robert Carbone

Terry Rose

John O'Day

Robert Pitts

Gordon West

It was moved by Supervisor Huff to adopt Resolution 74. Seconded by O'Day.

Motion carried unanimously.

**RESOLUTION 75**

75. From Land Use Committee regarding The Kenosha County Land Use Committee recommending that the Kenosha County Board adopt the Comprehensive Plan for the Des Plaines River Watershed.

**WHEREAS**, the Southeastern Wisconsin Regional Planning Commission, which was duly created by the Governor of the State of Wisconsin in accordance with Section 66.0309(2) of the *Wisconsin Statutes* on the 8th day of August 1960, upon petition of the Counties of Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, and Waukesha, has the function and duty of making and adopting a master plan for the physical development of the Region; and

**WHEREAS**, Kenosha and Racine Counties executed an agreement with the Regional Planning Commission on April 13, 1994, for the development of a comprehensive plan for the Des Plaines River watershed leading to recommendations for the development of water-related community facilities in the watershed, including integrated proposals for water pollution abatement, stormwater and floodland management, land and water use, park and public open space reservation, and fisheries management to generally promote the orderly, environmentally sound, and economical development of the Des Plaines River watershed; and

**WHEREAS**, such plan has been completed and the Southeastern Wisconsin Regional Planning Commission did on the 18th day of June 2003, approve a resolution adopting the comprehensive plan for the Des Plaines River watershed and has recommended such plan to the local units of government within the watershed; and

**WHEREAS**, such plan contains recommendations for land use development and regulation; environmental corridor land preservation; park and outdoor recreation land acquisition and development; floodland and stormwater

management; streamflow recordation; point and nonpoint source pollution abatement; fisheries management; and land management practices; and

**WHEREAS**, the aforementioned recommendations, including all studies, data, maps, figures, charts, and tables are set forth in a published report entitled SEWRPC Planning Report No. 44, A Comprehensive Plan for the Des Plaines River Watershed, published in June 2003; and

**WHEREAS**, the Commission has transmitted certified copies of its resolution adopting such comprehensive plan for the Des Plaines River watershed, together with the aforementioned SEWRPC Planning Report No. 44, to the local units of government; and

**WHEREAS**, Kenosha County has supported, participated in the financing of, and generally concurred in the watershed and other regional planning programs undertaken by the Southeastern Wisconsin Regional Planning Commission and believes that the comprehensive plan for the Des Plaines River watershed prepared by the Commission is a valuable guide to the development of not only the watershed, but the community, and that the adoption of such plan by the Kenosha County Board will assure a common understanding by the several governmental levels and agencies concerned and enable these levels and agencies of government to program the necessary areawide and local plan implementation work.

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Land Use Committee on the 8th day of October, 2003, hereby recommends that, pursuant to Section 66.0309(12) of the *Wisconsin Statutes*, the Kenosha County Board of Supervisors adopt the comprehensive plan for the Des Plaines River watershed previously adopted by the Commission as set forth in SEWRPC Planning Report No. 44 as a guide for watershed and community development.

**BE IT FURTHER HEREBY RESOLVED** that the Kenosha County Land Use Committee recommends that the Kenosha County Board of Supervisors direct the County Department of Planning and Development to take the necessary steps to amend the County General Zoning and Shoreland/Floodplain Zoning Ordinance to reflect this report and all accompanying large-scale topographic maps for this watershed an official source for the determination of the floodplain boundary limits within this watershed area of unincorporated portions of Kenosha County.

**BE IT FURTHER HEREBY RESOLVED** that the Kenosha County Land Use Committee recommends that, upon adoption of the comprehensive plan for the Des Plaines River watershed by the Kenosha County Board of Supervisors, the County Clerk transmit certified copies of this resolution to the City of Kenosha; the Villages of Paddock Lake and Pleasant Prairie; and the Towns of Brighton, Bristol, Salem, Somers, and Paris of such adoption.

**BE IT FURTHER HEREBY RESOLVED** that the Kenosha County clerk transmit a certified copy of this resolution to the Southeastern Wisconsin Regional Planning Commission.

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

It was moved by Supervisor Smitz to adopt Resolution 75. Seconded by Supervisor Gorlinski.

Motion carried.

COMMUNICATION

27. From George E. Melcher, Director of Planning and Development regarding future rezonings.

Chairman Kessler referred Communication 27 to the Land Use Committee.

CLAIM

46. Paul A. Seidler - fell out of bunk at the Detention Center.

Chairman Kessler referred Claim 46 to corporation Counsel.

It was moved by Supervisor Kerkman to approve the October 7, 2003 minutes. Seconded by Supervisor Grady.

Motion carried.

It was moved by Supervisor Wisnefski to adjourn. Seconded by Supervisor Faraone.  
Motion carried.  
Meeting adjourned at 9:00 p.m.

Prepared by: Pam Young  
Chief Deputy  
Submitted by: Edna R. Highland  
County Clerk

**KENOSHA COUNTY BOARD OF SUPERVISORS**

**COUNTY BOARD CHAMBERS**

**COUNTY ADMINISTRATION BUILDING**

**November 12, 2003**

The **Public Hearing** was called to order by Chairman Kessler at 7:00 p.m., in the County Board Room located in the Administration Building. Roll call was taken.

Present: Supervisors Kessler, Grady, Boyer, Rose, Huff, Molinaro, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, O'Day, Singer, Montemurro, Larsen, Clark, Noble, West, Kerkman, Gorlinski, Smits, Elverman, Ekornaas, Ruffolo, Marrelli, Carey-Mielke.

Excused: Supervisor Wisnefski.

Present. 27. Excused. 1.

**CITIZEN COMMENTS**

Debra Jacobson, Kenosha County Employee, Division of Workforce Development in Economic Support. Stated there are four part-time employees in the Economic Support Division and could potentially be laid off in January 2004. There has been a significant increase in customer needs. The cuts should be made in contractual positions.

Jack Rice, 1619-21st Street spoke in support of the Funding for the Kemper Center. Kemper Center adds to the quality of life for everyone.

Don Jensen, 5204-70th Street, Kenosha. Spoke as a member of the Board of Directors of the Kenosha County Historical Society. The continued financial support from the County is important.

Grace Kolakowski a volunteer for the Lighthouse and Historical Center for the last 17 years. Stated our Historical Center gives us our heritage and roots.

Tom Schlieff, 5913 1/2 - 6th Avenue, Executive Director of the History Center. Stated The History Center has been in the paper a lot because of all the events going on.

Elizabeth Brown, 6926-2nd Avenue, Kenosha, stated that the Kenosha County Historical Society and its place in the fabric of our lives.

June Pomatto, 581-11th Place, Kenosha, stated she supports funding for Kemper Center. She is an active artist in Kenosha. She had taught art for 25 years. Art in the community is very important.

E.J. Potente, 408-68th Street, Kenosha, supports funding for Kemper Center. His family has been involved in interior design and painting in this community since 1920. Kemper Center enhances Kenosha's image and appeal.

Christine DeYoung, 11358-42nd Avenue, Pleasant Prairie. Stated her daughter wants to get married in Kemper Center. Over 3,000 3rd grade teachers and students are invited every year to share Kemper Center.

Carol Apyan, Chicago. Stated she was born in Kenosha and her family had Apyan Rugs in Kenosha. The value in education that Kemper Center brings is invaluable. Take the tour of The Durkee Mansion.

Menica Phillips, 711-61st Street stated that Kemper Center needs the support from the County. Kemper is a architectural treasurer. In 1976 it received National recognition when it was listed officially on the National Register of Historical Places.

Alice Shelly, 4518-120 Street, President of Kenosha County Historical Society thanks the County Board for all the effort put into the County Budget. Any major cut in their organization will be devastating.

Claudia Volpentesta, Economic Support Specialist for Kenosha County stated that the number of people applying for assistance is increasing and it continues to grow. Eliminating employees is not the answer.

Theresa Hannes, First Unit Chair of Local 990, stated that she is disappointed at the decisions made by this administration and board members to

achieve what they are calling a balanced budget. The total disregard given to the Department of Human Services 35 page document regarding proposed 2004 contractual Services totally thirty million, one hundred thirty-six thousand, five hundred fifteen dollars with a levy cost of one million, seven hundred fifty five thousand, two hundred forth-five dollars. Why is there no scrutiny by this board when it comes to contractual positions? Is there a duplication of services? Are these services mandated and even necessary? And, at whose justification? There is not a scrutiny of each contract.

Bob Danbeck, 7626-27th Avenue, stated that since October 1st there has been a 35% increase in the number of rounds at both Kenosha County Golf Courses. He recommends that a management position should be deleted because it's too top heavy. How can the County Board even consider cutting positions when they are receiving free health insurance paid for by the taxpayers. How much is this costing the taxpayers? Get rid of your health insurance and use the money for Kemper Center, Historical Society and the Kenosha County Golf Courses.

Ray Forgianni, 8731-45th Avenue, stated that as the national economy changes so does our local economy. Days of basic manufacturing supporting local communities is passing. It is being internationalized. The trend in our country is to move towards more service and knowledge based industries and the knowledge is based on the employee and where the employee lives and works. This requires a culture. The cultural parts of our community need to be enhanced. Please subsidize Kemper Center and the Historical Society.

Supervisor Carbone presented the 2004 Budget.

It was moved by Supervisor Bergo to adjourn. Seconded by Supervisor Kerkman.

Motion carried.

The **Organization Meeting** was called to order by Chairman Kessler immediately following the **Public Hearing**.

Roll call was taken.

Present: Supervisors Kessler, Grady, Boyer, Rose, Huff, Molinaro, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, O'Day, Singer, Montemurro, Larsen, Clark, Noble, West, Kerkman, Gorlinski, Smitz, Elverman, Ekornaas, Ruffolo, Marrelli, Carey-Mielke.

Excused: Supervisor Wisnefski.

Present. 27. Excused. 1.

#### ANNOUNCEMENTS OF THE CHAIRMAN

Chairman Kessler stated that as far as the tax equity phase two report is concerned, on Thursday, August 28 the Tax Equity Steering Committee met to discuss the progress of phase two. Many concepts were communicated. A final draft will be drafted soon.

Chairman Kessler stated tomorrows meeting will be starting at 7:00 p.m.

Chairman Kessler stated that Supervisor Carbone has been re-appointed as Vice-Chairman of the WCA Judicial and Public Safety Steering Committee.

Chairman Kessler asked everyone to consider and participate in the United Way.

Chairman Kessler stated that invitations for the Annual Christmas Party are on each one's desk.

Chairman Kessler asked everyone to fill out the mileage forms and return it to the County Clerk's Office.

#### OLD BUSINESS

Ordinances - second reading, two required.

#### ORDINANCE 31

31. From Highway & Parks Committee regarding Repealing and Recreating Ordinance's on Speed Limits for CTH "F" from CTH "O" Easterly to a Point 0.80 Miles East of its West Intersection with CTH "KD".

The County Board of Supervisors of Kenosha County, Wisconsin do ordain as follows:

A portion of existing Kenosha County Ordinance, Section 7.02 on TRAFFIC CONTROLS is hereby repealed:

Section 7.02 Speed Limits

(12) County Trunk Highway "F"

- (a) 35 m.p.h. from its intersection with County Trunk Highway "EM" easterly to a point 0.80 of a mile east of its west intersection with County trunk Highway "KD". (6/5/01)

A portion of existing Kenosha County Ordinance, Section 7.02 on TRAFFIC CONTROLS is hereby recreated:

Section 7.02 Speed Limits

(12) County Trunk Highway "F"

- (a) 35 m.p.h. from its intersection with County Trunk Highway "O" easterly to a point 0.80 of a mile east of its west intersection with County Trunk Highway "KD".

It was moved by Supervisor Elverman to adopt Ordinance 31. Seconded by Supervisor Pitts.

Motion carried.

**ORDINANCE 32**

32. From Highway & Parks Committee regarding Repealing and Recreating Ordinance's on Speed Limits for CTH "K" from 60th Avenue to Interstate Highway 94.

The County Board of Supervisors of Kenosha County, Wisconsin do ordain as follows:

A portion of existing Kenosha County Ordinance, Section 7.02 on TRAFFIC CONTROLS is hereby repealed:

Section 7.02 Speed Limits

(18) County Trunk Highway "K", City of Kenosha.

(C-492) 35 m.p.h. from its intersection with State Trunk Highway 31, easterly to the west corporate limits of the City of Kenosha.

(18.1) County Trunk Highway "K", City of Kenosha.

45 m.p.h. from its intersection with the East Frontage Road of I-94 easterly to its intersection with CTH "HH". (5/15/90)

(19) County Trunk Highway "K", City of Kenosha and Town of Somers.

35 m.p.h. from a point 0.8 of a mile west of its intersection with State Trunk Highway 31, easterly to said intersection. (2/3/98)

A portion of existing Kenosha County Ordinance, Section 7.02 on TRAFFIC CONTROLS is hereby recreated:

Section 7.02 Speed Limits

(18) County Trunk Highway "K"

35 m.p.h. from its intersection with 60<sup>th</sup> Avenue westerly to its intersection with County Trunk Highway "H".

(19) County Trunk Highway "K"

45 m.p.h. from its intersection with County Trunk Highway "H" westerly to its intersection with I-94.

It was moved by Supervisor Elverman to adopt Ordinance 32. Seconded by Supervisor Noble.

Motion carried.

NEW BUSINESS

Resolutions - one reading.

**RESOLUTION 76**

76. From Extension Education and Finance Committees regarding UW-Extension 2003 Budget Modification - Other Operating Supplies Account.

**WHEREAS**, Kenosha County UW-Extension has received a two separate grants from the UW-Extension Cooperative Extension Emerging Ag Markets teams for a virtual farmer's market and a Southeast Wisconsin direct marketing project, and

**WHEREAS**, Kenosha County UW-Extension has received a grant from Head Start for nutrition education programs, and

**WHEREAS**, Kenosha County UW-Extension has received a grant from Next Generation Now for nutrition education programs, and

**WHEREAS**, Kenosha County UW-Extension has received a grant from the Miller Brewing Company Employee fund for the Field of Dreams, and

**WHEREAS**, county levy remains unaffected by this budget amendment,

**NOW, THEREFORE, BE IT RESOLVED** that the 2003 Kenosha County UW-Extension budget be amended as reflected in the attached Expense/Revenue Budget Modification Form incorporated herein by reference, and

**BE IT FURTHER RESOLVED** that the Kenosha County UW-Extension Other Operating Supplies budget may be modified between appropriation units as necessary to reflect grant expenditures, and

**BE IT FURTHER RESOLVED** that the Kenosha County UW-Extension Other Operating Supplies budget may be modified to increase the grant revenues and corresponding expenditures if a grant award comes in higher than expected and any expended dollars as of December 31, 2003, should be rolled over into the 2004 budget.

Submitted by:

EXTENSION EDUCATION COMMITTEE

Mark Modory

Brenda Carey-Mielke

Joe Montemurro

Ava Marrelli

Joe Clark

FINANCE COMMITTEE

Robert Carbone

Terry Rose

John O'Day

Robert Pitts

Gordon West

It was moved by Supervisor Modory to adopt Resolution 76. Seconded by Supervisor Carbone.

2/3 vote required.

Motion carried unanimously.

#### **RESOLUTION 77**

77. From Finance Committee regarding Bills over \$5,000.00.

**WHEREAS**, the Wisconsin State Statutes provides that the County Board may act on all bills over \$10,000.00 and

**WHEREAS**, the County Resolution requires that the Finance Committee must act on all bills over \$5,000.00, and

**NOW, THEREFORE, LET IT BE RESOLVED**, that the following bills be approved for payment:

KENOSHA COUNTY PAYMENT GROUPS BILLS OVER \$5,000.00

APPROVAL BY FINANCE COMMITTEE AND COUNTY BOARD ARE REQUIRED:

#### **DIVISIONS**

#### **PAYMENT GROUPS**

Finance Grouping #1

\$1,210,849.93

Personnel Grouping #1

\$ 475,552.15

Disability Services #1 & #2

\$ 65,629.52

Payment Groups Grand Total:

\$1,752,031.60

RE-SUBMIT PV 3036644 approved on Resolution #53, on 8/19/03 in amount of \$101,000.00 is now submitted on the amount of \$89,814.23.

Submitted by:

FINANCE COMMITTEE

Robert Carbone

Terry Rose

Robert Pitts

John O'Day

It was moved by Supervisor Carbone to adopt Resolution 77. Seconded by Supervisor Rose.

Motion carried.

#### **CLAIMS**

47. Barry Lawler - tire damage.

48. Frank Dunn - encroachment on property.

49. Richard & Sandra Kuchnia - encroachment on property.

50. Jerry Barr - denial of due process.

51. Michael Grossman - county crew cut down trees.

Chairman Kessler referred claims 47 thru 51 to the Corporation Counsel.

It was moved by Supervisor Boyer to approve of the October 21, 2003 minutes. Seconded by Supervisor Clark.

Motion carried.

It was moved by Supervisor Gorlinski to adjourn sine die. Seconded by Supervisor O'Day.

Motion carried.



The **Annual Meeting** was called to order by Chairman Kessler immediately following the **Organizational Meeting**.

Roll call was taken.

Present: Supervisors Kessler, Grady, Boyer, Rose, Huff, Molinaro, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, O'Day, Singer, Montemurro, Larsen, Clark, Noble, West, Kerkman, Gorlinski, Smitz, Elverman, Ekornaas, Ruffolo, Marrelli, Carey-Mielke.

Excused: Supervisor Wisnefski.

Present. 27. Excused. 1.

**NEW BUSINESS**

Policy Resolution - first reading, two required.

**POLICY RESOLUTION 1**

1. From Finance Committee regarding 2004 Kenosha County Budget.

It was moved by Supervisor Singer to adjourn. Seconded by Supervisor Grady.

Meeting adjourned at 8:30 p.m.

Prepared by: Pam Young  
Chief Deputy

Submitted by: Edna R. Highland  
County Clerk

**KENOSHA COUNTY BOARD OF SUPERVISORS**

**COUNTY BOARD CHAMBERS**

**COUNTY ADMINISTRATION BUILDING**

**November 13, 2003**

The **Regular Meeting** was called to order by Chairman Kessler at 7:00 p.m., in the County Board Room located in the Administration Building. Roll call was taken.

Present: Supervisors Kessler, Grady, Boyer, Rose, Bergo, Carbone, Modory, Faraone, Johnson, Singer, Montemurro, Larsen, Carey-Mielke, Clark, Noble, Smitz, Ekornaas, Pitts, Molinaro, West, Gorlinski, Huff, Kerkman, Ruffolo, Elverman, O'Day.

Excused: Supervisors Wisnefski, Marrelli.

Present. 26. Excused. 2.

**CITIZEN COMMENTS.**

Claudia Volpentesta, asked the board to reconsider the budget for Social Services and the layoff of Economic Support Workers. Not a single supervisor has ever asked her how the lay-offs would impact her job.

Keith Gumbinger, 1510-47th, Somers, stated that he has been on the History Center Board for about eight years and he has been involved with the move to the new facility. Since being in the new facility there have been a lot more people coming through the History Center.

Diane Gruber, Economic Support Worker for Kenosha County. Directors can come and go but the Economic Support Workers are still there. Her duties in 1995 involved training to be certified before given a case load. At that time 185 case loads were considered manageable. As of tonight she has 382 cases. They really cannot afford to lose positions.

Barbara Fanderlak, 740, Marioner Drive, Racine. She is the fund development director at Kemper Center. Times have changed in Kenosha. Many companies in Kenosha are still struggling to stay in business. Many have closed or left Kenosha. The Kemper Board has had to come to the County for help to get through this difficult time.

Gary Groenke, 526-74th Street, Chairman of Kemper Center Board stated that as the new chairman there will be a better dialogue with the county and he wants to meet with and every supervisor to explain what is happening at Kemper Center.

Sue Fanning, stated she is the Department of Workforce Development System Support Person. The client load has increased. There is more training, programs, policies and more manuals. The state changes and up-dates policies and programs almost daily.

Terry Hannes, spoke regarding the proposed layoffs in the 2004 budget. It is shameful that county positions are targeted at the same time contracted services within Social Services exceeds 30 million dollars with a cost to a levy of 1.7 million dollars. Who will do the work? Do you even care?

**CHAIRMAN'S ANNOUNCEMENTS**

Chairman Kessler stated that in regards to tonight's meeting every supervisor will have the opportunity to speak on the budget before he will recognize any motion to stop debate. Also, he thanked the Finance Committee, Mr. Geersten and Mr. Swartz. The County Executive and staff and all the supervisors work and input on the 2004 budget.

**SUPERVISORS REPORTS**

Supervisor Ruffolo thanked Chairman Kessler for allowing everyone to speak on the budget.

Supervisor Carey-Mielke stated she had put a copy of a letter she received on everyone's desk regarding the positions being eliminated.

Supervisor Pitts stated that he was asked to look into eliminating a park manager that oversees the two golf courses. The Highway & Parks Committee has

decided to cut \$300,000.00 from the golf budget. \$150,000.00 in revenue and \$150,000.00 in expenses. Then a study will be done on the golf issue.

OLD BUSINESS

Policy Resolution - second reading, two required.

**POLICY RESOLUTION**

1. From Finance Committee regarding the 2004 Budget.

**WHEREAS**, Pursuant to Section 65.90 of the Wisconsin Statutes, Kenosha County is a public body having the power to levy a general property tax and has the responsibility of formulating an annual budget and holding public hearings thereon; and

**WHEREAS**, pursuant to Section 59.17 of the Wisconsin Statutes, the County Executive is charged with the responsibility of annually submitting a proposed budget to the County Board; and

**WHEREAS**, the Executive's budget has been referred to the Finance Committee, and the Finance Committee has met and added its recommendations; and

**WHEREAS**, public notices were issued and public hearings were held in accordance with Wisconsin Statutes, Section 65.90; and

**WHEREAS**, certain accounts, accounting procedures, and fees have been revised in the 2004 budget; and

**WHEREAS**, Section 59.52(6)(c) of the Wisconsin Statutes permits the County Board to direct the County Clerk to sell property on such terms as the County Board approves; and

**WHEREAS**, the Summary of Budgeted Personnel Changes has been incorporated as part of the 2004 budget; and

**WHEREAS**, the Administration and Finance Committees met jointly and determined the appropriate adjustment to the Non-Represented Pay Plan for 2004; and

**WHEREAS**, the levy in the 2004 budget was reduced by \$125,000 using defunding; and

**WHEREAS**, the current bill payment procedure is cumbersome, outdated and time consuming, staff reductions have been included in the budget contemplating that this procedure will be changed, and opinion 2003-12 from the Corporation Counsel has determined that the process is not required by law or policy; and

**WHEREAS**, the County building located at 714 - 52<sup>nd</sup> Street will be vacated in 2004, and it may be the intention of the County to prepare the building for possible sale; and

**WHEREAS**, it may be necessary for the County to fund a portion of the METRA planning costs in the amount of \$70,000 over a two year period; and

**WHEREAS**, it is the desire of the County Board to determine the impact of actions taken by the Board in instances where the Board's action has an impact on the County budget or operations; and

**WHEREAS**, the State of Wisconsin has determined that an error in the determination of equalized value (known as a palpable error) has been made and as a result of the palpable error, the State has ordered under s.74.41 that the County make payments to certain municipalities; and

**WHEREAS**, pursuant to provision of Section 75.22 of the Wisconsin State Statutes the County shall charge back to the local municipalities illegal assessments and cancel the tax certificates; and

**WHEREAS**, certain appropriations in the 2003 and 2004 budget will be encumbered (contractually obligated, but not liquidated) at year end 2003 and 2004; and

**WHEREAS**, Human Services revenue and expenditures are based on State and Federal funding estimates, and

**WHEREAS**, from time to time emergency situations occur which result in immediate action by a Department or Division, and

**WHEREAS**, the state law requires that proceeds from debt issuance be recorded in a separate fund; and

**WHEREAS**, certain capital projects and capital outlay funded with bond proceeds are budgeted within Special Revenue or General Funds, however, it is the desire of the County Board to reflect these as capital projects; and

**WHEREAS**, it is projected that there will be unspent funds at year-end 2003.

**NOW, THEREFORE, BE IT RESOLVED**, by the Kenosha County Board of Supervisors, that the County Executive's budget of October 7, 2003, which is attached hereto and incorporated by reference, be adopted as the County Board's budget as herein amended and a copy of said budget document as certified by the County Clerk as having been brought up for first reading on November 12, 2003 is herewith attached; and

**BE IT FURTHER RESOLVED**, by the Kenosha County Board of Supervisors, that the budget for 2004 be adopted as shown in the Kenosha County Budget Summary which is attached and incorporated as part of this resolution, and

**BE IT FURTHER RESOLVED**, that it is the policy intent, desire, and order of the County Board, that each appropriation unit of the budget's detailed pages for which money has been appropriated be carried out as if adopted by a separate resolution according to the terms and conditions as outlined in the "Establishment Of The Appropriation Unit for the 2004 Budget" which is attached and incorporated by reference; and to the extent necessary to carry out the public intent, the funds hereby appropriated are made available; and that unless provided by law, no monies appropriated for an appropriation unit are to be used for another purpose without prior approval (the Finance Committee is delegated such authority for amounts not to exceed \$1000); and

**BE IT FURTHER RESOLVED**, that all expenditures herein appropriated be and the same are ordered not to exceed the funded monies as detailed in the budget document without prior approval of the County Board; and

**BE IT FURTHER RESOLVED**, that it is the policy of the County Board that the budget is authority for the departments or divisions to act as otherwise provided by law, and that administrative revisions of account identification, but not dollar totals or specific purposes, may take place during the budget year; and

**BE IT FURTHER RESOLVED**, that the sum of \$ 46,238,494 be apportioned to the city and the various towns and villages of Kenosha County for all purposes and expenses for 2004; and

**BE IT FURTHER RESOLVED**, that the sum of \$ 1,166,080 be apportioned to the towns and villages of Brighton, Bristol, Genoa City, Paris, Pleasant Prairie, Somers, and Wheatland for the purpose of library expense for 2004; and

**BE IT FURTHER RESOLVED**, that the sum of \$2,021,336 be apportioned to the city and the various towns and villages of Kenosha County for the State Forestry Tax; and

**BE IT FURTHER RESOLVED**, that \$4,043.57 be appropriated to account 15130.559100 for the purpose of paying to the City of Kenosha, in accordance with State law, as ordered by the State of Wisconsin Department of Revenue. This amount of \$4,043.57 will be funded by property tax levy for collection in 2004 as allowed by the State of Wisconsin. Therefore, this appropriation will not affect the General Fund.

**BE IT FURTHER RESOLVED**, that the County Board hereby authorize disbursement in the amount of \$4,043.57 in 2004 to the appropriate municipalities as set forth by orders of the State of Wisconsin.

**BE IT FURTHER RESOLVED**, that the various towns and villages and the city within the County be charged for the recovery of the illegal assessments on certain parcels on which tax certificates are to be cancelled in whole or in part as shown in the following schedule; and

| TOWN/VILLAGE | DESCRIPTION | YR/TAX | AMOUNT |
|--------------|-------------|--------|--------|
|--------------|-------------|--------|--------|

NONE FOR 2004

**BE IT FURTHER RESOLVED**, that the proceeds from anticipated debt issuance be listed in the budget for informational purposes only and that the proceeds be recorded in a note/bond issuance proceeds account within the capital projects fund after the debt is approved by the County Board and deposited in the County Treasury; and

**BE IT FURTHER RESOLVED**, for purposes of arbitrage, it is the intent that bond proceeds can be applied to any legally allowable capital expenditures, and

**BE IT FURTHER RESOLVED**, that the added positions, eliminated positions, reclassifications, and In-range salary adjustments, as shown in the Summary of Budgeted Personnel Changes, shall be established with the 2004 budget; and

**BE IT FURTHER RESOLVED**, that the Non-Represented Pay Plan be modified as per the attached Non-Represented Employee Wage and Benefit Proposal for 2004, which is attached and incorporated by reference, and

**BE IT FURTHER RESOLVED**, that during the year, the Administration will review levy funded personnel, contracts, supplies, fixed charges, or capital outlay. If it is determined that the expenditure will not be incurred, the department budget will be decreased, and the de-funded expenditure account will be increased. This will be done until the de-funded expenditure account is increased to zero, and

**BE IT FURTHER RESOLVED**, that the County shall continue the Voluntary Reduction in Work Hour Plan which allows an employee to take up to five unpaid (without pay) days in 2004, and

**BE IT FURTHER RESOLVED**, that the current bill payment procedure is hereby amended and replaced by the new procedure which shall be that all bills will be post-audited by the Finance Committee, and that the Division of Financial Services position that was eliminated as part of this budget be restored with levy funding in the event that the new bill payment policy is not approved, and

**BE IT FURTHER RESOLVED**, that expenditures necessary to prepare the 52<sup>nd</sup> Street building for sale, such as appraisal, environmental testing, surveys, site work, demolition, etc, may be charged against future revenue from the sale of the property, and

**BE IT FURTHER RESOLVED**, that the County Board does hereby authorize the appropriation of funding (i.e. grants, donations, in-kind, etc) that may be obtained in the future to fund METRA planning costs, and that in the event that funding is not obtained, that the County Board does hereby authorize these planning costs to be expended from existing Highway Division non-personnel, non-outlay appropriations, and

**BE IT FURTHER RESOLVED**, that appropriations within the Emergency Services budget that are approved by the County Board in 2003 or in the future that are funded by Homeland Security or Bio-terrorism grant funds are hereby authorized for carryover until such time as the approved grant funds are expended in accord with grant requirements, and that the administration shall be authorized to modify these grant funded appropriations for purposes of capital items for which the County retains possession, and

**BE IT FURTHER RESOLVED**, that the Kenosha County Board of Supervisors does approve an appropriation for the Federally required re-disbursement of the Kenosha County Housing Rehabilitation Revolving loan program funds, and that the disbursements of these funds are to never exceed the amount collected from loan repayments; and

**BE IT FURTHER RESOLVED**, that all unspent funds of the Kenosha Housing Authority Rehabilitation Revolving Loan Program and Wisconsin Community Development Block Grant Housing Program remaining at the end of the year be carried over into the subsequent year to be disbursed or re-disbursed in compliance with all Federal regulations of this program and in compliance with generally accepted accounting principles; and

**BE IT FURTHER RESOLVED**, that the accounts and balances for the Kenosha Housing Authority Rehabilitation Revolving Loan Program and Wisconsin Community Development Block Grant Housing Program will continue to be maintained on Kenosha County's books.

**BE IT FURTHER RESOLVED**, that except in the case of specific action by the County Board, all positions included in the budget which are fully or partially grant funded shall be terminated if the grant is terminated and alternate, non-levy funding is not available; and

**BE IT FURTHER RESOLVED**, that year end encumbrances be approved and that appropriations are hereby authorized as necessary to satisfy the contractual obligations of the County; and

**BE IT FURTHER RESOLVED**, that the carryovers and/or reserves shown in the budget be used to offset the County levy; and

**BE IT FURTHER RESOLVED**, that reserves and/or carryovers be listed in the budget for informational purposes only, and that these information accounts not be carried on the books as revenue accounts during 2004; and

**BE IT FURTHER RESOLVED**, that appropriations funded with post-mill rate freeze debt shall not be authorized until such time that a related initial resolution is approved by the County Board; and

**BE IT FURTHER RESOLVED**, that appropriations for costs related to the issuance of Bond/Notes shall be authorized when and if bonds/notes are issued to fund capital projects approved in the 2004 budget; and

**BE IT FURTHER RESOLVED**, that departments be allowed to transfer vehicles and equipment between departments as long as Generally Accepted Accounting Principals are followed and such transfers are properly reflected on the County books; and

**BE IT FURTHER RESOLVED**, that General Fund Undesignated Reserves shall be at least 10% of actual General Fund Expenditures, as measured by comparing undesignated reserves of the General Fund for the most recently completed audit to General Fund expenditures of that same audit year; and

**BE IT FURTHER RESOLVED**, that all fund balances or equity that are not earmarked or otherwise legally obligated shall be lapsed to the General Fund at such a time as it is determined that cash in these funds are available for appropriation.

**BE IT FURTHER RESOLVED**, that in no case shall any expenditure exceed the legal appropriation as established herein except in the case when the expenditure is issued as the result of an emergency (as defined by Webster's Dictionary) in which case the Oversight Committee and Finance Committee may approve the expenditure as soon as reasonably possible after the emergency has occurred. (This shall not supercede County Ordinance Chapter 5 relative to Emergencies).

**BE IT FURTHER RESOLVED**, that appropriations within Capital Projects Funds and Capital Projects within Proprietary Funds unspent at year end be carried forward to future years to complete the designated project(s) unless prior Appropriation is eliminated as part of Budget or other action of the County Board; and

**BE IT FURTHER RESOLVED**, that the property tax levy be allocated by fund on the books of Kenosha County.

Submitted by:

FINANCE COMMITTEE

Robert Carbone

Terry Rose

John O'Day

Gordon West

Robert Pitts

**ESTABLISHMENT OF THE APPROPRIATION UNIT FOR THE 2004 BUDGET**

Section 2.11 of the Municipal Code defines the appropriation unit as the "level of control at which a line item is adopted in the annual budget."

Appropriation units shall be established at the Business Unit level as shown in the budget. The level of budget control shall be defined and established as the following: Personnel appropriations are a grouping of object codes with the same first two digits and are considered an individual appropriation unit. The following object codes (contractual, supplies, fixed charges, grants/contributions) shall be considered one appropriation unit. Capital Outlay appropriations shall be as defined in the chart of accounts. Exceptions to this established level of appropriation are enumerated below.

1. The Kenosha County Chart of Accounts identifies each object code. Certain object codes as identified in the chart of accounts are allocated to Departments or business units for cost accounting purposes only. For budget purposes, all amounts in each said object code are considered as if adopted in one object code.
2. Transfers are allowed between contractual, supplies, fixed charges, and grants/contributions in instances when expenditures are within the established budgetary intent as documented in the budget. Transfers may not be done to create new budgetary intent. Transfer shall be from same grouping of object codes first and other grouping second.

3. The Finance Committee shall have the authority to reestablish the appropriation unit at the object code level for any department that has been found to be abusing the established budget.
4. The following departments/divisions are combined for purposes of establishing the level of appropriation:

- **Executive** - County Executive, Medical Examiner & Corporation Counsel
- **Law Enforcement** - District Attorney, Victim Witness, Circuit Court, Juvenile Intake, & Joint Service
- **Department of Human Services** - Office of the Director, Division of Children and Family Services, Division of Workforce Development, Disability Services, Aging & Veterans
- **Department of Planning and Development** - Office of the Director, Division of County Development and Division of Land Information & UW Extension
- **Administrative Services** - All Divisions
- **Insurance's** - Liability Insurance, Health Insurance & Worker's Compensation
- **Elected Offices/Legislative** - County Clerk, County Treasurer, Register of Deed, KCC - Elected Services and County Board.

5. Highway, Park, and Facilities (excluding safety building and Human Services Building). Transfers between personnel appropriation units are allowed ONLY in instances when staff works for divisions other than the assigned division.

In instances where appropriations are wholly or partially grant or revenue funded, the impact on the General Fund shall be a consideration in determining whether or not to allow a transfer between Business Units.

The Financial Services Division will provide the Finance Committee with reports summarizing all Administrative Budget Modifications. Administrative Budget Modifications are defined as all budget modifications that do not require Finance Committee approval.

Within the Public Works - Highway Division budget, in instances where costs of maintenance on State or Municipal roads exceeds the established appropriation, the Financial Services Director shall be authorized to increase the appropriation in the event that the costs are fully funded by revenues due from the State or a Municipality.

Within Human Services budget, in instances where the intergovernmental revenues exceed the established appropriation, the Financial Services Director shall be authorized to increase the appropriation in the event that the original intent of the services have not changed and are fully funded by the intergovernmental revenues. This shall apply only to types of intergovernmental revenues that are currently approved in the budget, and shall not be used to create a new program.

Within the Golf Division budget, the 2004 budget included a \$150,000 reduction in revenue and expense. \$150,000 reduction was included in the Salaries Appropriation Unit. The Financial Services Director shall have the authority to transfer the appropriation reduction within the Golf Division appropriation units, if necessary to accomplish such reduction.

Within Insurance Internal Service Funds - If any of the insurance costs exceed the appropriation, the Administration shall be authorized to transfer any available funds (to include revenue and expenditure) within and between insurance internal service funds or insurance object code in an amount sufficient to cover any shortfall within the funds.

Circuit Court's budget contains many line items, such as attorney fees, doctor fees, psychological services, interpreters, fees, witness fees, juror fees, transcript fees, etc., which are court ordered obligations. These particular fees are difficult to budget. Past history does not always give an accurate process for budgeting. Because of the difficulty in managing these fees, the Finance Department, and the Circuit Court used the Circuit Court budget as a pilot project in 2002. This pilot project approved by the County

Board will continue in 2004. The pilot project allows the Circuit Court to reduce their expenditure levy dollar amount again for the 2004 budget by \$50,000. In exchange for this reduction, the Circuit Court will have the ability to move money within appropriation units to cover cost overruns with approval of the Financial Services Director. Within the Department budget, the Circuit Court will have the authority to increase expenditures for overruns and increase budgeted revenues to cover the expenditures with the approval of the Financial Services Director. This pilot project will restrict the Circuit Court from adding additional personnel or outlay expenditures to the 2004 budget.

Expenditures shall be charged to object codes as defined in the Kenosha County Chart of Accounts revised May 2003, to be modified by current Budget, unless it is the established past practice that the expenditure be charged to a different account and has been budgeted as such.

The Financial Services Director shall be authorized to reclassify financial transactions and create accounts when this is necessary to ensure that the County Financial Records are maintained in conformity with Generally Accepted Accounting Principals.

| Kenosha County Budget Summary           |                               | County Board | Summary: County Board |                    |
|---|-------------------------------|--------------|-----------------------|--------------------|
| Operating Summary                       | Finance Committee:<br>EXPENSE | amendment    | revised               | Adjustment Totals: |
| Legislative                             | 631,170                       |              | 631,170               |                    |
| Executive                               | 1,308,410                     | 5,000        | 1,313,410             |                    |
| Human Services                          | 76,468,397                    | 2,280        | 76,470,677            |                    |
| Law Enforcement                         | 34,795,798                    |              | 34,795,798            |                    |
| Administrative Services                 | 4,977,125                     | (30,500)     | 4,946,625             |                    |
| Elected Offices                         | 1,328,528                     |              | 1,328,528             |                    |
| Public Works                            | 16,505,502                    | 950          | 16,506,452            |                    |
| Planning & Development                  | 2,547,796                     | 5,000        | 2,552,796             |                    |
| Debt Service - Governmental Funds       | 10,670,394                    |              | 10,670,394            |                    |
| Internal Service Funds/Non-Departmental | 13,757,769                    |              | 13,757,769            |                    |
| Total Operating Budget                  | 162,990,889                   | (17,270)     | 162,973,619           | (17,270)           |
| Less Revenue                            | 116,393,381                   | 1,784        | 116,395,165           | 1,784              |
| Less Carryovers/Reserves                | 425,614                       | (35,000)     | 390,614               | (35,000)           |
| Total Operating Budget Levy             | 46,171,894                    | (33,216)     | 46,187,840            | 15,946             |
| Capital Outlay/Projects Budget          | 6,849,705                     |              | 6,849,705             |                    |
| Less Carryovers                         | 0                             |              | 0                     |                    |
| Less Borrowed Funds                     | 3,100,000                     |              | 3,100,000             |                    |



|   |             |           |             |          |
|---|-------------|-----------|-------------|----------|
| Less Revenue                                  | 3,683,105   | 3,683,105 |             |          |
| Total Capital Outlay/Projects Levy            | 66,600      | 0         | 66,600      | 0        |
| Total Operating Budget Levy                   | 46,171,894  | 15,946    | 46,187,840  |          |
| Total Capital Outlay/Projects Levy            | 66,600      |           | 66,600      |          |
| Total General Purpose Levy                    | 46,238,494  | 15,946    | 46,254,440  | 15,946   |
| <b>Summary:</b>                               |             |           |             |          |
| Total Operating/Capital Outlay Expense        | 169,840,594 | (17,270)  | 169,823,324 | (17,270) |
| Less Total Revenue and Carryovers             | 120,502,100 | (33,216)  | 120,468,884 | (33,216) |
| Less Total Bonded Outlay for Capital Projects | 3,100,000   |           | 3,100,000   | 0        |
| Total General Purpose County Levy             | 46,238,494  | 15,946    | 46,254,440  | 15,946   |

It was moved by Supervisor Carbone to adopt the 2004 Budget. Seconded by Supervisor Rose.

It was moved by Supervisor Clark moved to Divide the Question regarding Bill Paying Procedure. Seconded by Supervisor Faraone.

Roll call vote.

Ayes: Supervisors Huff, Molinaro, Bergo, Faraone, O'Day, Singer, Montemurro, Larsen, Carey-Mielke, Clark, Noble, Gorlinski.

Nays: Supervisors Kessler, Grady, Boyer, Rose, Carbone, Modory, Johnson, Pitts, Ruffolo, West, Kerkman, Smitz, Elverman, Ekornaas.

Ayes. 12. Nays. 14.

Motion failed.

It was moved by Supervisor Carbone to substitute the Finance Committees Budget for the County Executive's Budget. Seconded by Supervisor Elverman.

It was moved by Supervisor Kerkman to close debate. Seconded by Supervisor Rose.

2/3 vote required.

Ayes: Supervisors Kessler, Grady, Boyer, Rose, Bergo, Modory, Faraone, Johnson, O'Day, Singer, Larsen, Carey-Mielke, Clark, Noble, West, Kerkman, Gorlinski, Smitz, Ekornaas.

Nays: Supervisors Huff, Molinaro, Carbone, Pitts, Ruffolo, Montemurro, Elverman.

Ayes. 19. Nays. 7.

Motion carried.

Roll call to substitute the County Executive Budget for the Finance Committees Budget.

Ayes: Supervisors Kessler, Boyer, Huff, Molinaro, Carbone, Modory, Faraone, Johnson, Pitts, Singer, Clark, Noble, Kerkman, Smitz, Elverman, Ekornaas.

Nays: Supervisors Grady, Rose, Bergo, O'Day, Ruffolo, Montemurro, Larsen, Carey-Mielke, West, Gorlinski.

Ayes. 16. Nays. 10.

Motion carried.

It was moved by Supervisor Pitts to reinstate in the County Executive's Budget a \$150,000.00 reduction in revenue and expense. \$150,000.00 reduction was included in the Salaries Appropriation Unit. The Financial Services Director shall have the authority to transfer the appropriation reduction within the Golf division appropriation units, if necessary to accomplish such reduction. Seconded by Supervisor Rose. \$150,000.00 salary account 511100. \$150,000.00 green fees concessions account 446490.

Roll call vote.

Ayes: Supervisors Kessler, Grady, Boyer, Rose, Molinaro, Carbone, Modory, Faraone, Johnson, Pitts, O'Day, Singer, Ruffolo, Larsen, Carey-Mielke, Clark, West, Ekornaas.

Nays: Supervisors Huff, Bergo, Montemurro, Noble, Kerkman, Gorlinski, Smitz, Elverman.

Ayes. 18. Nays. 8.

Motion carried.

It was moved by Supervisor Gorlinski to modify the Medical Line Item, page 20, County Board Medical Insurance, 515400 from the amount of \$325,896.00 to \$162,948.00. And, require that County Board Supervisors that chose Medical Insurance contribute 50% to the premium cost of their selected premium level. Seconded by Supervisor Ruffolo.

It was moved by Supervisor Pitts to close debate. Seconded by Supervisor Carey-Mielke.

Roll call vote.

Ayes: Supervisors Kessler, Grady, Boyer, Rose, Carbone, Modory, Faraone, Johnson, Pitts, Singer, Ruffolo, Larsen, Carey-Mielke, Clark, Noble, Smitz, Elverman, Ekornaas.

Nays: Supervisors Huff, Molinaro, Carbone, O'Day, Montemurro, West, Kerkman, Gorlinski.

Ayes. 18. Nays. 8.

Motion carried.

It was moved by Supervisor Ekornaas to postpone indefinitely. Seconded by Supervisor Singer.

Roll call vote.

Ayes: Supervisors Kessler, Grady, Boyer, Rose, Molinaro, Bergo, Carbone, Modory, Faraone, Johnson, O'Day, Singer, Larsen, Noble, West, Kerkman, Smitz, Elverman, Ekornaas.

Nays: Supervisors Huff, Pitts, Ruffolo, Montemurro, Carey-Mielke, Clark, Gorlinski.

Ayes. 19. Nays. 7.

Motion carried.

It was moved by Supervisor Rose to delete \$31,000.00 from the line item entitled postage in the Information Systems Budget. Specifically the Mail Scan System Contracts. Seconded by Supervisor Grady.

It was moved by Supervisor Rose to close debate. Seconded by Supervisor Montemurro.

Motion carried.

Roll call vote.

Ayes: Supervisors Grady, Boyer, Rose, Molinaro, Bergo, Modory, Faraone, O'Day, Singer, Ruffolo, Montemurro, Larsen, Carey-Mielke, Clark, Kerkman, Ekornaas.

Nays: Supervisors Kessler, Huff, Carbone, Johnson, Pitts, Noble, West, Smitz, Elverman.

Ayes. 16. Nays. 9.

Motion carried.

It was moved by Supervisor Pitts to deny the re-class for the Facility Forman to increase his pay \$3,400.00. Seconded by Supervisor Noble.

It was moved by Supervisor Rose to close debate. Seconded by Supervisor O'Day.

Roll call vote.

Ayes: Supervisors Kessler, Grady, Boyer, Rose, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, O'Day, Singer, Ruffolo, Larsen, Carey-Mielke, Clark, Noble, Kerkman, Gorlinski, Smitz, Elverman, Ekornaas.

Nays: Supervisors Huff, Molinaro, Montemurro, West.

Ayes. 22. Nays. 4.

Motion carried.

Roll call vote on re-class.

Ayes: Supervisors Boyer, Faraone, Pitts, O'Day, Carey-Mielke, Noble.

Nays: Supervisors Kessler, Grady, Rose, Huff, Molinaro, Bergo, Carbone, Modory, Johnson, Singer, Ruffolo, Montemurro, Larsen, Clark, West, Kerkman, Gorlinski, Smitz, Elverman, Ekornaas.

Motion lost.

It was moved by Supervisor Montemurro to reinstate one full time and one part time Economic Support Specialists eliminated positions at Human Services. At a cost of \$67,000 Seconded by Supervisor Huff.

It was moved by Supervisor Rose to close debate. Seconded by Supervisor Modory.

Ayes: Supervisors Kessler, Grady, Boyer, Rose, Bergo, Carbone, Modory, Faraone, Johnson, O'Day, Ruffolo, Larsen, Carey-Mielke, Clark, Noble, West, Kerkman, Gorlinski, Smitz, Elverman, Ekornaas.

Nays: Supervisors Huff, Molinaro, Pitts, Singer, Montemurro.

Ayes. 21. Nays. 5.

Motion carried.

Roll call on reinstating positions.

Ayes: Supervisors Grady, Huff, Johnson, O'Day, Singer, Ruffolo, Montemurro, Carey-Mielke.

Nays: Supervisors Kessler, Boyer, Rose, Molinaro, Bergo, Carbone, Modory, Faraone, Pitts, Larsen, Clark, Noble, West, Kerkman, Gorlinski, Smitz, Elverman, Ekornaas.

Ayes. 8. Nays. 18.

Motion lost.

It was moved by Supervisor Singer to change the classification of the Risk Manager from H to G. Seconded by Supervisor Clark.

Roll call vote requested.

Motion carried unanimously.

It was moved by Supervisor O'Day to restore \$35,000.00 to the History Center Budget Line. Seconded by Supervisor Larsen.

It was moved by Supervisor Pitts to amend the amendment by taking the \$31,000.00 eliminated from the Mail Scanner and move it to the History Center. Seconded by Supervisor Noble.

It was moved by Supervisor Rose to close debate. Seconded by Supervisor Carey-Mielke.

Roll call vote.

Ayes: Supervisors Kessler, Grady, Boyer, Rose, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, O'Day, Ruffolo, Larsen, Carey-Mielke, Clark, Noble, West, Kerkman, Smitz, Elverman, Ekornaas.

Nays: Supervisors Huff, Molinaro, Singer, Montemurro, Gorlinski.

Ayes. 21. Nays. 5.

Motion carried.

Roll call vote on Supervisor Pitts amendment to the amendment. (Prior to closing debate)

Ayes: Supervisors Kessler, Boyer, Modory, Faraone, Johnson, Pitts, O'Day, Singer, Carey-Mielke, Clark, Noble, West, Kerkman, Elverman.

Nays: Supervisors Grady, Rose, Huff, Molinaro, Bergo, Carbone, Ruffolo, Montemurro, Larsen, Gorlinski, Smitz, Ekornaas.

Ayes. 14. Nays. 12.

Motion carried.

It was moved by Supervisor Elverman to close debate. Seconded by Supervisor Rose.

Ayes: Supervisors Kessler, Grady, Boyer, Rose, Bergo, Modory, Faraone, Johnson, Pitts, O'Day, Larsen, Carey-Mielke, Clark, Noble, West, Kerkman, Smitz, Elverman, Ekornaas.

Nays: Supervisors Molinaro, Huff, Carbone, Singer, Ruffolo, Montemurro, Gorlinski.

Ayes. 19. Nays. 7.

Motion carried.

Roll call vote on Supervisor Pitts amendment to the amendment. (After closing debate)

Ayes: Supervisors Kessler, Grady, Boyer, Rose, Huff, Modory, Faraone, Johnson, Pitts, O'Day, Singer, Montemurro, Larsen, Carey-Mielke, Clark, Noble, West, Kerkman, Elverman.

Nays: Supervisors Molinaro, Bergo, Carbone, Ruffolo, Gorlinski, Smitz, Ekornaas.

Ayes. 19. Nays 7.

Motion carried.

It was moved by Supervisor Rose to add \$100,000.00 to the Parks Budget for Kemper Center. Seconded by Supervisor West.

It was moved by Supervisor Kerkman to close debate. Seconded by Supervisor Rose.

Roll call vote.

Ayes: Supervisors Kessler, Grady, Boyer, Rose, Bergo, Faraone, Johnson, O'Day, Larsen, Carey-Mielke, Noble, West, Kerkman, Smitz, Ekornaas, Pitts.

Nays: Supervisors Huff, Molinaro, Carbone, Modory, Singer, Ruffolo, Montemurro, Clark, Gorlinski, Elverman.

Ayes. 16. Nays.

Motion failed.

It was moved by Supervisor Molinaro to amend Supervisor Rose's motion for the \$100,000.00 for Kemper Center to come from Reserves and no check issued until July 1st and only if a long term plan for the County's commitment to Kemper Center is in place. Seconded by Supervisor Gorlinski.

It was moved by Supervisor Rose to stop debate on all issues. Seconded by Supervisor Grady.

Roll call vote on stopping debate.

Ayes: Supervisors Kessler, Grady, Boyer, Rose, Bergo, Modory, Faraone, Johnson, O'Day, Larsen, Carey-Mielke, Clark, Noble, Kerkman, Gorlinski, Smitz, Elverman, Ekornaas.

Nay: Supervisors Huff, Molinaro, Carbone, Pitts, Singer, Ruffolo, Montemurro, West.

Ayes. 18. Nays. 8.

Motion carried.

Roll call vote on Supervisors Molinaro's Amendment.

Ayes: Supervisors Grady, Boyer, Rose, Huff, Molinaro, Bergo, Modory, O'Day, Singer, Ruffolo, Montemurro, Larsen, Carey-Mielke, West, Kerkman, Gorlinski.

Nays: Supervisors Kessler, Carbone, Faraone, Johnson, Pitts, Clark, Noble, Smitz, Elverman, Ekornaas.

Ayes. 16. Nays. 10.

Motion carried.

Roll call vote on Supervisor Rose's amendment as amended.

Ayes: Supervisors Grady, Boyer, Rose, Huff, Molinaro, Bergo, Modory, Johnson, Pitts, O'Day, Ruffolo, Montemurro, Larsen, Carey-Mielke, West, Kerkman, Gorlinski.

Nays: Supervisors Kessler, Carbone, Faraone, Singer, Clark, Noble, Smitz, Elverman, Ekornaas.

Ayes. 17. Nays. 9.

Motion carried.

Roll call vote on the Substitute Budget as amended.

Ayes: Supervisors Grady, Boyer, Rose, Huff, Molinaro, Bergo, Modory, Johnson, Pitts, O'Day, Ruffolo, Larsen, Carey-Mielke, West, Kerkman, Gorlinski, Carbone, Faraone, singer, Clark, Noble, Smitz, Ekornaas.

Nays: Supervisors Kessler, Montemurro, Elverman.

Ayes. 23. Nays. 3.

Motion carried.

NEW BUSINESS

Resolution - one reading.

#### **RESOLUTION 78**

78. From Finance Committee regarding Authorizing the Issuance of General Obligation Promissory Notes in an amount Not to Exceed \$3,100,000.

**BE IT RESOLVED** by the County Board of Supervisors of Kenosha County, Wisconsin that there may be issued, pursuant to section 67.12 (12), Wisconsin Statutes, General Obligation Promissory Notes in an amount not to exceed \$3,100,000 for the public purpose of constructing, improving and renovating various County buildings and sites; constructing, improving and extending highways and roads; and acquiring land and/or interest in land, equipment, vehicles, furnishings and fixtures. There be and there hereby is levied on all the taxable property in the County a direct, annual tax in such years and in

such amounts as are sufficient to pay when due the principal and interest on such Notes.

Adopted and recorded this 13th day of November, 2003

Submitted by:

FINANCE COMMITTEE

Robert Carbone

Terry Rose

Robert Pitts

John O'Day

Gordon West

It was moved by Supervisor Carbone to adopt Resolution 78. Seconded by Supervisor Rose.

Roll call vote.

Motion carried unanimously.

It was moved by Supervisor Noble to adjourn. Seconded by Supervisor Modory.

Motion carried.

Meeting adjourned at 1:30 a.m.

|               |                                  |
|---------------|----------------------------------|
| Prepared by:  | Pam Young<br>Chief Deputy        |
| Submitted by: | Edna R. Highland<br>County Clerk |

**KENOSHA COUNTY BOARD OF SUPERVISORS**

**COUNTY BOARD CHAMBERS**

**COUNTY ADMINISTRATION BUILDING**

**November 18, 2003**

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

Present: Supervisors Kessler, Grady, Boyer, Rose, Bergo, Carbone, Modory, Faraone, Johnson, Singer, Montemurro, Larsen, Carey-Mielke, Clark, Noble, Smitz, Ekornaas, Pitts, Molinaro, West, Gorlinski, Huff, Elverman, O'Day, Wisniewski.

Excused: Supervisors Ruffolo, Kerkman, Marrelli.

Present. 25. Excused. 3.

**CHAIRMAN'S ANNOUNCEMENTS**

Chairman Kessler stated that yesterday he spoke with Gary Groenke, Chairman of Kemper Center Board and he is very anxious to get started with the new long range planning committee. He will be announcing the make-up of the committee on December 2nd and there will be more than five people from the county.

Chairman Kessler reminded everyone about the County Board Christmas Party on December 16th.

**SUPERVISORS REPORTS**

Supervisor Wisniewski stated that there was a Building & Grounds Meeting tonight before the County Board Meeting to discuss the Kemper Center. There will be a joint meeting with Kemper and Highway & Parks after the first of the year.

**NEW BUSINESS**

Resolutions - one reading.

**RESOLUTION 79**

79. From Judiciary & Law Enforcement and Finance Committee regarding Re-Authorizing the Use of Juvenile Secure Detention as an Alternative at the Time of Disposition, as a Short Term Hold and as a Sanction for Habitual School Truants.

**WHEREAS**, in 1996 and 1998, the Wisconsin legislature modified the Juvenile Justice Code to include the use of secure detention for purposes of a disposition or short term hold in delinquency cases and as a sanction in habitual school truancy cases; and

**WHEREAS**, under Section 938.06(5) of the Wisconsin State Statutes, the county board of supervisors of any county, may, by resolution, authorize the Juvenile Court to use the above alternatives; and

**WHEREAS**, under Section 938.34(3)(f) of the Wisconsin State Statutes, if the court adjudges a juvenile delinquent, the court may designate secure detention as a placement for any combination of single or consecutive days totaling not more than 30. The use of placement in a secure detention facility as a disposition is subject to the adoption of a resolution by the county board of supervisors under s.938.06(5); and

**WHEREAS**, under Section 938.355(6m) of the Wisconsin State Statutes, if the court finds by a preponderance of evidence that a juvenile who has been found to be in need of protection and services has violated a condition with which the juvenile was required to comply, the court may place the juvenile in a secure detention facility for not more than 10 days. The use of placement in a secure detention facility as a sanction is subject to the adoption of a resolution by the court board of supervisors under s.938.06(5); and

**WHEREAS**, under Section 938.355(6d) of the Wisconsin State Statutes, if a juvenile who has been adjudged delinquent violates a condition with which the juvenile was required to comply, the caseworker may, without a hearing, take the juvenile into custody and place the juvenile in a secure detention facility

for not more than 72 hours while the alleged violation and the appropriateness of a sanction are being investigated. The use of placement in a secure detention facility as a place of short-term detention is subject to the adoption of a resolution by the court board of supervisors under s.938.06(5).

**NOW THEREFORE BE IT RESOLVED** that the use of secure detention as a condition of disposition, as a short term hold, or as a sanction in habitual school truancy cases, be authorized by the Kenosha County Board of Supervisors pursuant to Section 938.06(5) of the Wisconsin State Statutes; and

**BE IT FURTHER RESOLVED** that such secure detention be accomplished pursuant to the terms of the agreement between Racine and Kenosha for secure detention at the Racine County Juvenile Detention Center; and

**BE IT FURTHER RESOLVED** that it is anticipated Kenosha County will not incur any additional costs over and above the annual adopted budget as a result of placement under the terms of this resolution; and

**BE IT FURTHER RESOLVED** that the provisions of this resolution sunset on the expiration of the Racine Detention Center contract, December 31, 2006.

It was moved by Supervisor Huff to adopt Resolution 79. Seconded by Supervisor Carbone.

Roll call vote.

Ayes: Supervisors Kessler, Grady, Boyer, Rose, Carbone, Modory, Faraone, Johnson, Singer, Montemurro, Carey-Mielke, Clark, Noble, Smits, Ekornaas, Pitts, Molinaro, West, Gorlinski, Huff, Elverman, O'Day, Wisnefski.

Nays: Supervisors Bergo, Larsen.

Ayes. 23. Nays. 2.

Motion carried.

#### **RESOLUTION 80**

80. From Judiciary & Law Enforcement and Finance Committees regarding Accepting and approving the Juvenile Detention Contract with Racine County.

**WHEREAS**, Kenosha County does not own or operate a juvenile detention facility and is, therefore, required to seek housing and provide transportation throughout the State of Wisconsin; and

**WHEREAS**, Racine County has offered Kenosha County a three year contract (from 2004 to 2006), which will allow Kenosha County to house juveniles close in proximity, at the Racine Detention Facility; and

**WHEREAS**, during each contract year, Kenosha County is guaranteed 18 beds, at a daily rate of \$120 in 2004, \$123.50 in 2005 and \$127 in 2006; and

**WHEREAS**, Kenosha County is guaranteeing a minimum annual payment to Racine County of \$788,400 in 2004, \$811,395 in 2005 and \$834,390 in 2006; and

**WHEREAS**, the proposed contract includes new language that offers the negotiation of revised terms in 2005 and 2006, and if such negotiations fail, the agreement may be terminated by Kenosha County in its sole discretion; and

**WHEREAS**, the administration has negotiated and reviewed the attached contract, which terminates on December 31, 2006, and believes it to be in the best interest of the county to enter into such an agreement; and

**WHEREAS**, due to the cost and length of the contract, the administration seeks the concurrence of the Board of Supervisors that it is in the best interest of Kenosha County to enter into such a contract.

**NOW THEREFORE BE IT RESOLVED** that the Kenosha County Board of Supervisors authorizes the County Executive to enter into a contract, which is attached and incorporated herein by reference, with Racine County for housing of Kenosha juveniles in the Racine Juvenile Detention Facility.

Submitted by:

JUDICIARY & LAW COMMITTEE

James Huff

Anita Faraone

Brenda Carey-Mielke

Joe Montemurro

Terry Rose

FINANCE COMMITTEE

Robert Carbone

Terry Rose

John O'Day

Terry Rose

Robert Pitts

It was moved by Supervisor Huff to adopt Resolution 80. Seconded by Supervisor Rose.

It was moved by Supervisor Gorlinski to close debate. Seconded by Supervisor Rose.

Ayes: Supervisors Kessler, Grady, Boyer, Rose, Bergo, Carbone, Modory, Johnson, Pitts, O'Day, Larsen, Wisnefski, Noble, West, Gorlinski, Smitz, Ekornaas.

Nays: Supervisors Huff, Molinaro, Faraone, Singer, Montemurro, Carey-Mielke, Clark, Elverman.

Ayes. 17. Nays. 8.

Motion carried.

Roll call on Resolution 80.

Ayes: Supervisors Kessler, Grady, Boyer, Rose, Bergo, Carbone, Modory, Faraone, Johnson, Singer, Montemurro, Carey-Mielke, Clark, Noble, Smitz, Ekornaas, Pitts, Molinaro, West, Gorlinski, Huff, Elverman, O'Day, Wisnefski.

Nays: Supervisor Larsen.

Ayes. 24. Nays. 1.

Motion carried.

#### CLAIMS

52. Adrianna & Jorge Arelland - Notice of Injury by employee of the Wisconsin Department of Administration.

53. James Sugden - mailbox damage.

54. David Pomerantz - car damage.

Chairman Kessler referred Claims 52 thru 54 to Corporation Counsel.

It was moved by Supervisor Wisnefski to adjourn. Seconded by Supervisor Bergo.

Motion carried.

Meeting adjourned at 8:30 a.m.

|               |                                  |
|---------------|----------------------------------|
| Prepared by:  | Pam Young<br>Chief Deputy        |
| Submitted by: | Edna R, Highland<br>County Clerk |



**KENOSHA COUNTY BOARD OF SUPERVISORS**

**COUNTY BOARD CHAMBERS**

**COUNTY ADMINISTRATION BUILDING**

**December 2, 2003**

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

Present: Supervisors Kessler, Grady, Boyer, Rose, Bergo, Carbone, Modory, Faraone, Johnson, Singer, Montemurro, Larsen, Carey-Mielke, Clark, Noble, Smitz, Ekornaas, Pitts, Molinaro, West, Gorlinski, Huff, Elverman, O'Day, Wisnefski, Ruffolo.

Excused: Supervisors Kerkman.

Absent: Supervisor Marrelli.

Present. 26. Excused. 1. Absent. 1.

Presentation from County Executive, Allan Kehl honoring Jenny Gelden on becoming the first female swimmer in county history to win a title at the Wisconsin Interscholastic Athletic Association Division - 1 State Swimming & Diving Championship on November 15, 2003 and the Westosha Central High School Volleyball Team on their WIAA Division Championship.

**CITIZEN COMMENTS**

Bob Danbeck, 7626-27th Avenue, stated that there was one item in the County Budget that he would have liked to have seen passed and that is the supervisors full time insurance benefits. It's not right. There is no other group that has full health insurance serving on a county board and we are in a budget crunch. We need to down size the county board. Another thing - why are the County Golf Courses closed? This is not right because he and his friends have been golfing at other courses in the county.

Donna Dickenson, 990 Professional Services Union Officer encouraged the board to vote in favor of the tentative agreement. It took several months of hard work to achieve this agreement. Many concessions with the health insurance were made by 990 Professional Unit.

**ANNOUNCEMENTS OF THE CHAIRMAN**

Chairman Kessler stated that he has selected nine supervisors to be on the committee to meet with people from Kemper Center. They are Supervisors Wisnefski, Elverman, Molinaro, Bergo, Carey-Mielke,, Gorlinski, West, Singer and Faraone. These supervisors indicated that they wanted to serve.

Chairman Kessler reminded everyone about the Christmas Party. Please return your checks to the County Clerk.

Chairman Kessler stated that the next 7-County Meeting will be on January 21st at 7:00 p.m. More details will be coming.

Chairman Kessler stated that Pleasant Prairie is still looking at the tax equity study and hopefully reports will be coming in January.

**SUPERVISORS REPORTS**

Supervisor Pitts stated that he has decided not to run for County Board Supervisor for District 13. This was a easy decision and he feels that he has done the best he could. He has enjoyed the staff that he has worked with. Kenosha County has the finest staff providing information to this board. He has the highest respect for all of the supervisors that serve on the County Board. They might not agree on issues all the time but he respects all of them. He plans on continuing with Brookside as a trustee and he might be relocating maybe to Somers. He has a home up north and maybe now he will have an opportunity to fish more. He has enjoyed the six years as a County Board Supervisor and helping people. It's gratifying to know that the conditions of this have improved greatly in the last six years and it is a credit to this board because they have worked as a team.

Supervisor Faraone stated that she is very disturbed about her name being omitted on the inside front cover of the Proceedings Book. When the budget

book was presented her name was misspelled. What we put out should be better proof read.

The County Clerk apologized for the error and stated she will look into it.

Supervisor West thanked everyone for the flowers sent to his wife who is recovering from surgery.

Supervisor Wisniewski stated that Central High Volleyball Team has been ranked nationally.

Supervisor Carbone stated that replacement budget pages were placed on everyone's desk.

#### COUNTY EXECUTIVE APPOINTMENTS

##### APPOINTMENT 10

10. Barbara K. Ford to serve on the Kenosha County Zoning Board.

Chairman Kessler referred Appointment 10 to the Land Use Committee.

##### APPOINTMENT 11

11. George Vujovic to serve as a member of the Kenosha County Veterans Commission.

12. Ronald Johnson to serve a three year term on the Kenosha County Human Services Board.

Chairman Kessler referred Appointments 10 & 11 to Human Services Committee.

#### NEW BUSINESS

Policy Resolutions - first reading, two required.

##### POLICY RESOLUTION 2

2. From Legislative and Finance Committees regarding Establishing a Policy on the Disposition of County Real Estate.

Policy Resolution 2 was removed from the agenda.

Ordinances - one reading required.

From Land Use Committee regarding:

##### ORDINANCE 34

34. Harold Vila, requesting rezoning from A-1 Agricultural Preservation District to R-1 Rural Residential 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 part of Tax Parcel #30-4-220-194-0100 located in the southeast quarter of Section 19, Township 2 North, Range 20 East, Town of Brighton be changed from A-1 Agricultural Preservation District (5.80 acres) to R-1 Rural Residential District on part of Tax Parcel #30-4-220-194-0100. For informational purposes only, this property is located on the northeast corner of the intersection of County Trunk Highway "JB" (31<sup>st</sup> Street) and 296<sup>th</sup> Avenue.

##### **Harold Vila - (Owner)**

**Description:** Part of the southeast quarter of the southeast quarter of Section 19, Township 2 North, Range 20 East of the Fourth Principal Meridian, lying and being in the Town of Brighton, County of Kenosha and State of Wisconsin, more particularly described as follows: Commencing at the southeast corner of Section 19, Town 2 North, Range 20 East; thence south 88°39'42" west along the south line of the southeast quarter of said Section 19, 333.02 feet; thence north 01°55'11" west, parallel with the east line of the southeast quarter of said section, 759.00 feet; thence north 88°39'42" east, parallel with the south line of the southeast quarter of said Section 19, 333.02 feet, to the east line of the southeast quarter of said Section 19; thence south 01°55'11" east along the east line of said Section 19, 759.00 feet to the southeast corner of said Section 19 and the place of beginning; said parcel contains 5.80 acres, more or less.

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

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

**ORDINANCE 35**

35. Jean M. Nelson (Owner)/Glen Nelson (Agent), requesting rezoning from A-2 General Agricultural District to R-1 Rural Residential District in the Town of Bristol.

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 #60-4-119-341-0205 located in the northeast quarter of Section 34, Township 1 North, Range 19 East, Town of Randall be changed from A-1 Agricultural Preservation District (70.33 acres) to A-2 General Agricultural District excluding lands currently zoned C-1 Lowland Resource Conservancy District and C-2 Upland Resource Conservancy District. For informational purposes only, this property is located on the west side of 344<sup>th</sup> Avenue approximately ¼ mile south of the intersection of County Trunk Highway "HM" (116<sup>th</sup> Street).

**The estate of Roger F. and Virginia Sherman - (Owners)**  
**Patrick Sherman - (Agent)**

**Description:** Part of the south ½ of the northeast ¼ of Section 34, Town 1 North, Range 19 East, Town of Randall, Kenosha County, Wisconsin and described as follows: Begin at the east ¼ corner of said Section 34; thence south 88°18'20" west along the south line of said ¼ section, 2651.59 feet to the center of said Section 34; thence north 01°54'36" west along the west line of said ¼ section, 1322.65 feet; thence north 88°16'47" east along the north line of the south ½ of said ¼ section, 1766.76 feet; thence south 02°07'08" east, 500.00 feet; thence north 88°16'47" east 880.00 feet; thence south 02°07'08" east along the east line of said ¼ section, 823.86 feet to the point of beginning. Containing 70.374 acres of land.

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

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

It was moved by Supervisor Smitz to adopt Ordinances 34 & 35. Seconded by supervisor Gorlinski.

Motion carried.

**ORDINANCE 36**

36. The estate of Roger F. and Virginia Sherman (Owners), Patrick Sherman (Agent), requesting rezoning from A-1 Agricultural Preservation District to A-2 General Agricultural District excluding lands currently zoned C-1 Lowland Resource Conservancy District and C-2 Upland Resource Conservancy District in the Town of Randall.

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 #60-4-119-341-0205 located in the northeast quarter of Section 34, Township 1 North, Range 19 East, Town of Randall be changed from A-1 Agricultural Preservation District (70.33 acres) to A-2 General Agricultural District excluding lands currently zoned C-1 Lowland Resource Conservancy District and C-2 Upland Resource Conservancy District. For informational purposes only, this property is located on the west side of 344<sup>th</sup> Avenue approximately ¼ mile south of the intersection of County Trunk Highway "HM" (116<sup>th</sup> Street).

**The estate of Roger F. and Virginia Sherman - (Owners)**  
**Patrick Sherman - (Agent)**

**Description:** Part of the south ½ of the northeast ¼ of Section 34, Town 1 North, Range 19 East, Town of Randall, Kenosha County, Wisconsin and described as follows: Begin at the east ¼ corner of said Section 34; thence south

88°18'20" west along the south line of said ¼ section, 2651.59 feet to the center of said Section 34; thence north 01°54'36" west along the west line of said ¼ section, 1322.65 feet; thence north 88°16'47" east along the north line of the south ½ of said ¼ section, 1766.76 feet; thence south 02°07'08" east, 500.00 feet; thence north 88°16'47" east 880.00 feet; thence south 02°07'08" east along the east line of said ¼ section, 823.86 feet to the point of beginning. Containing 70.374 acres of land.

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

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

#### **ORDINANCE 37**

37. John E. Horak (Owner), Attorney William R. Kuehn (Counsel/Agent), requesting rezoning from A-1 Agricultural Preservation District to A-2 General Agricultural District in the Town of Randall.

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 Parcel #60-4-119-241-0300 be changed from A-1 Agricultural Preservation District (11.64 acres) to A-2 General Agricultural District and Tax Parcel #60-4-119-241-0500 from A-1 Agricultural Preservation District (2.37 acres) to A-2 General Agricultural District excluding lands currently zoned C-2 Upland Resource Conservancy District. For informational purposes only, these properties are located on the south side of County Trunk Highway "F" (Bassett Road) at the intersection of 320<sup>th</sup> Avenue.

**John E. Horak - (Owner)**

**Attorney William R. Kuehn - (Counsel/Agent)**

**Description:** Part of the northeast quarter of Section 24, Town 1 North, Range 19 East of the Fourth Principal Meridian, Township of Randall, Kenosha County, Wisconsin and described as follows: Commence at the north quarter corner of said Section 24, thence south 02°02'32" east along the west line of said northeast quarter section, 611.07 feet to the centerline of County Trunk Highway "F" and the point of beginning; thence north 69°56'28" east along said centerline, 347.00 feet; thence south 02°02'32" east parallel to the west line of said northeast quarter section, 1720.32 feet; thence south 87°25'58" west parallel to the south line of said northeast quarter section 40.00 feet; thence south 65°01'47" west, 314.86 feet to the west line of said northeast quarter section; thence north 02°02'32" west along said west line, 1736.02 feet to the point of beginning.

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

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

#### **ORDINANCE 38**

38. Frank, Jr. and Phyllis M. Kriska (Owners), Lon Wienke (Agent), requesting rezoning from B-2 Community Business District to R-4 Urban Single-Family Residential District in the Town of Salem.

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 #67-4-120-303-0340 and #67-4-120-303-0370 located in the southwest quarter of Section 30, Township 1 North, Range 20 East, Town of Salem be changed from B-2 Community Business District to R-4 Urban Single-

Family Residential District. For informational purposes only, these properties are located on the west side of County Trunk Highway "W" (307<sup>th</sup> Avenue) approximately 115 feet south of the intersection of 112<sup>th</sup> Street.

**Frank, Jr. and Phyllis M. Kriska - (Owners)**

**Lon Wienke - (Agent)**

**Descriptions:** That part of Lot 7 and 10, Block 6 of the Village of Wilmot, according to the recorded plat thereof on file and of record in the Office of Register of Deeds for Kenosha County, Wisconsin, being a subdivision of part of the southwest quarter of Section 30, Township 1 North, Range 20 East of the Fourth Principal Meridian, and described as follows: Commencing at the most easterly corner of Lot 7 of said Block 6; thence south 26° west along the easterly line of Lot 7 a distance of 25.57 feet to the point of beginning of the land to be described; thence continuing south 26° west along the easterly line of Lot 7 a distance of 40.43 feet to the most southerly corner of Lot 7; thence north 64° west along the southerly line of Lot 7 a distance of 198.00 feet to the most westerly corner of Lot 7; thence north 26° east along the westerly line of Lot 7 and Lot 10 a distance of 115.5 feet; thence south 64° east parallel with the north line of Block 6 a distance of 59.53 feet; thence south 26° west 66.66 feet; thence south 64° 54' east 26.50 feet; thence south 50°36' east 38.09 feet; thence south 64° east 75.00 feet to the point of beginning. The parcel contains 12,866 square feet.

**In addition:** That part of Block 6 of the Village of Wilmot, according to the recorded plat thereof on file and of record in the Office of the Register of Deeds for Kenosha County, Wisconsin, being a subdivision of part of the southwest quarter of Section 30, Township 1 North, Range 20 East of the Fourth Principal Meridian, and described as follows: All of Lot 7 and that part of Lots 8, 9 and 10 beginning at the most easterly corner of Lot 7 of said Block 6; thence north 26° east along the easterly line of Lot 8 a distance of 49.5 feet; thence north 64 degrees west parallel with the northerly line of said Block 6 a distance of 198.00 feet to the westerly line of Lot 10; thence south 26° west along the westerly line of Lot 10 a distance of 49.5 feet to the most northerly corner of Lot 7; thence south 64° east along the northerly line of Lot 7 a distance of 198.00 feet to the easterly corner of Lot 7 and the point of beginning. The parcel contains 22,869 square feet.

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

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

It was moved by Supervisor Smitz to adopt Ordinances 36, 37 & 38.

Seconded by Supervisor Larsen.

Motion carried.

#### **ORDINANCE 39**

39. Brian K. Olsen and Tammie Kislia, requesting rezoning from PR-1 Park and Recreational District to R-4 Urban Single-Residential District excluding lands currently zoned C-1 Lowland Resource Conservancy District in the Town of Salem.

#### **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 #66-4-120-284-1300 located in the southeast quarter of Section 28, Township 1 North, Range 20 East, Town of Salem be changed from PR-1 Park and Recreational District to R-4 Urban Single-Family Residential District excluding lands currently zoned C-1 Lowland Resource Conservancy District. For informational purposes only, this property is located on the west side of 269<sup>th</sup> Avenue at the intersection of 110TH Street.

**Brian K. Olsen and Tammie Kislia - (Owners)**

**Description:** Lot 1, Oak Ridge Subdivision also part of Lot 2: Commencing at the southeast corner of Lot 1; thence southwesterly along the southeast side of Lot 2 - 33.00 feet; thence northwesterly parallel to the northeast side of Lot

2 to the northwest side of Lot 2; thence northeasterly to the northwesterly corner of Lot 1; thence southeasterly to the point of beginning excluding lands currently zoned C-1 Lowland Resource Conservancy District.

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

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

#### ORDINANCE 40

40. Dale and Joni Kessler (Owners), Donald C. Schenning (Buyer/Agent), requesting rezoning from A-2 general Agricultural District, and C-1 Lowland Resource Conservancy District to R-1 Rural Residential District, R-2 Suburban Single-Family Residential District and C-1 Lowland Resource Conservancy 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 Tax Parcels #95-4-219-332-0501 and #95-4-219-333-0202 located in the northwest quarter and the southwest quarter of Section 33, Township 2 North, Range 19 East, Town of Wheatland be changed from A-2 General Agricultural District, and C-1 Lowland Resource Conservancy District to R-1 Rural Residential District, R-2 Suburban Single-Family Residential District and C-1 Lowland Resource Conservancy District. For informational purposes only, these properties are located on the east side of 376<sup>th</sup> Avenue approximately ½ mile north of the intersection of State Trunk Highway "50."

**Dale and Joni Kessler - (Owners)**

**Donald C. Schenning - (Buyer/Agent)**

**Descriptions: R-2 Suburban Single-Family Residential District:** Being part of the southwest quarter and southeast quarter of the northwest quarter, and part of the northwest quarter of the southwest quarter of Section 33, Township 2 North, Range 19 East, Town of Wheatland, Kenosha County, Wisconsin, being more particularly described as follows: Beginning at the west quarter corner of said Section 33; thence north 00°57'06" west along the west line of said northwest quarter section 349.64 feet; thence north 88°45'27" east, 233.00 feet; thence north 00°57'06" west, 136.00 feet; thence north 88°45'27" east 22.00 feet; thence north 00°57'06" west 175.00 feet; thence north 88°45'27" east, 1361.52 feet; thence south 01°21'36" east, 659.46 feet to a point on the south line of said northwest quarter section; thence south 88°42'58" west along said south line 298.30 feet; thence south 01°05'45" east, 1319.68 feet; thence south 88°33'18" west, 401.57 feet; thence north 39°19'55" west, 260.00 feet; thence north 01°05'45" west, 1037.06 feet; thence north 46°11'23" west, 111.54 feet; thence south 88°42'58" west, 681.45 feet to the place of beginning. Containing 39.52 acres of land more or less. Subject to the rights of the public over the west 33.00 feet thereof for road purposes (376<sup>th</sup> Avenue).

**R-1 Rural Residential District:** Part of the northwest quarter of the southwest quarter of Section 33, Township 2 North, Range 19 East of the Fourth Principal Meridian, in the Township of Wheatland, County of Kenosha, State of Wisconsin and being more particularly described as follows: Being at the west quarter corner of said Section 33; thence north 88°42'58" east along the north line of said southwest quarter section 681.45 feet; thence south 46°11'23" east 111.54 feet; thence south 01°05'45" east 1037.06 feet; thence north 39°19'54" west 568.83 feet; thence north 01°01'52" west 200.00 feet; thence north 88°33'18" west 509.16 feet to a point on the west line of said southwest quarter section; thence north 01°01'52" west along said west line 354.26 feet to the place of beginning. Containing 10.19 acres of land more or less. Subject to rights of the public over the west 33.00 feet thereof for road purposes (376<sup>th</sup> Avenue).

**C-1 Lowland Resource Conservancy District:** as presented in the attached map presented as Exhibit A.

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

Submitted by:  
LAND USE COMMITTEE  
Donald Smitz  
Mark Molinaro, Jr.  
Thomas J. Gorlinski  
Irving Larsen  
Fred R. Ekornaas

It was moved by Supervisor Smitz to adopt Ordinances 39 & 40. Seconded by Molinaro. Motion carried.  
Resolutions - One reading.

**RESOLUTION 81**

81. From Administration and Finance Committees regarding Approving the Successor Labor Agreement between Kenosha County and AFSCME Local 990 - Professional Employees.

**WHEREAS**, negotiations for a successor labor agreement between Kenosha County and AFSCME Local 990-Professional were recently concluded, and

**WHEREAS**, the negotiations have culminated in a three-year labor agreement ending on December 31, 2005, which agreement has since been ratified by the union, and

**WHEREAS**, Kenosha County is desirous of maintaining and promoting a sound and stable relationship with its employee organizations, and

**WHEREAS**, the Administration and Finance Committees of the County Board have reviewed said labor agreement,

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of supervisors approve and adopt said labor agreement, the originals of which are herewith attached and on file in the County Clerk's Office.

**BE IT FURTHER RESOLVED** that the County Executive be directed and empowered for and on behalf of this body to make, sign and execute all documents necessary to implement this directive.

Submitted by:

ADMINISTRATION COMMITTEE  
David singer  
John Ruffolo  
Tom Kerkman  
Mark Modory

FINANCE COMMITTEE  
Robert Carbone  
Terry rose  
John O'Day  
Robert Pitts  
Gordon West

It was moved by Supervisor Singer to adopt Resolution 81. Seconded by Supervisor Carbone.  
2/3 vote required.

Ayes: Supervisors Kessler, Grady, Boyer, Rose, Huff, Molinaro, Bergo, Carbone, Modory, Johnson, Pitts, O'Day, Singer, Ruffolo, Montemurro, Wisnefski, West, Smitz, Ekornaas.

Nays: Supervisors Faraone, Larsen, Carey-Mielke, Clark, Noble, Gorlinski, Elverman.

Ayes. 19. Nays. 7.

Motion carried.

**RESOLUTION 82**

82. From Human Services and Finance Committee regarding Modifying the 2003 Division of Aging Budget to reflect additional funding for the Nutrition Program.

**WHEREAS**, the Division of Aging Services has received additional funding in the NSIP Meals program allocations, and

**WHEREAS**, County Levy remains unaffected by this resolution;

**NOW, THEREFORE, BE IT RESOLVED**, that the 2003 budget of the Department of Human Services Division of Aging Services be modified as follows:

Expenditures and Revenues be increased by \$3305 as indicated in the attached budget modification form, which is incorporated into this resolution by reference.

Submitted by:

HUMAN SERVICES COMMITTEE  
Eunice Boyer  
Don Smitz  
Anne Bergo

FINANCE COMMITTEE  
Robert Carbone  
Gordon West  
Terry Rose

John O'Day  
William Grady

John O'Day  
Robert Pitts

It was moved by Supervisor Boyer to adopt Resolution 82. Seconded by Supervisor Carbone.  
2/3 vote required.  
Motion carried unanimously.

#### **RESOLUTION 83**

83. From Human Services and Finance Committees and Brookside Trustees regarding Budget Modification to increase Licensed Bed Assessment Expense and Increase Operating Offsetting Revenue.

**WHEREAS**, Brookside Care Center, a Licensed Skilled Nursing Facility, is Medicaid (Title XIX) certified and

**WHEREAS**, The Department of Health and Family Services, Division of Health Care Financing charge a monthly Nursing Home Licensed Bed Assessment and

**WHEREAS**, The Governor's July 1, 2003 budget increased the Monthly Licensed Bed Assessment from \$32 per occupied bed to \$75 per licensed bed and

**WHEREAS**, The Governor's budget also provided for an increase in the daily Medicaid rate by \$3.66 and

**WHEREAS**, due to the current residency mix at Brookside, the increase in bed assessment expense paid to the State of Wisconsin and the increase in operating revenue offset each other and

**WHEREAS**, county tax levy is unaffected by this resolution,

**NOW THEREFORE BE IT RESOLVED**, that the Kenosha County Board of Supervisors approve the 2003 budget modification requesting an increase in expenses and an increase in revenue in the amount of \$49,000.

Submitted by:

|                     |                   |                |
|---------------------|-------------------|----------------|
| BROOKSIDE TRUSTEES: | FINANCE COMMITTEE | HUMAN SERVICES |
| COMMITTEE           |                   |                |
| Robert W. Pitts     | Robert Carbone    | Eunice Boyer   |
| Robert Carbone      | Terry Rose        | Anne Bergo     |
| Eunice Boyer        | Robert W. Pitts   | John O'Day     |
| Nancy Principe      | John O' Day       | Don Smitz      |
| Louis DeMarco       | Gordon West       | William Grady  |

It was moved by Supervisor Boyer to adopt resolution 83. Seconded by Supervisor Pitts.  
2/3 vote required.  
Motion carried unanimously.

#### **RESOLUTION 84**

84. From Judiciary & Law, Finance and Buildings and Grounds Committees regarding Detentions Capital Improvement Project.

**WHEREAS**, the current Department detentions inmate population is now averaging 700 inmates daily due to increased local incarcerations and holding federal inmates, and

**WHEREAS**, there is a serious need to internally expand Pre-Trial cell space by double bunking 52 existing beds to remove inmates from sleeping on the floor, and

**WHEREAS**, there is serious need internally to add an additional number of hard cells, between 80 and 150 beds, in the unused industrial area at the Kenosha County Detention Center to alleviate overcrowding, and

**WHEREAS**, the County of Kenosha has a capital spending fund of \$2,075,113 set in abeyance to be utilized for the purpose of expanding jail bed space at the KCDC, however the federal grant support will not materialize for this build out and the project is abandoned, and

**WHEREAS**, the borrowed funds of \$1,089,000 intended for the build out at KCDC be re-programmed to this bed expansion project, and

**WHEREAS**, the county's bond counsel has confirmed that the monetary fund of \$1,089,000 can be re-programmed to be utilized for such purpose, and

**WHEREAS**, the Federal CAP Revenue be reduced by \$1,000,000 as federal grant dollars are no longer available for supporting local jail expansion projects, and



**WHEREAS**, the additional increase of BICE inmates, coupled with the USMS inmates already being housed, has resulted in an substantial anticipated surplus in revenue within the Sheriff's Department, and

**WHEREAS**, the sale of the county property of the old 52<sup>nd</sup> Street (Human Services Building) will net funds to be allocated to the internal expansion of the KCDC.

**NOW, THEREFORE BE IT RESOLVED**, that the Kenosha County Board of Supervisors accept the attached budget modification, which is incorporated herein by reference, to reallocate designated funds to complete internal expansion of the Pre-Trial and KCDC Detention Facilities as follows:

**\$50,000** from surplus unallocated federal prisoner revenue to the Pre-Trial double bunking expansion project.

**\$1,089,000** be re-directed to the KCDC internal bed expansion project.

**Detentions Capital Improvement Project**

**#2**

**\$250,000** from the sale of the old 52<sup>nd</sup> Street property (Human Services Building).

**\$711,000** from surplus revenue and expenditures in Sheriff's Budget to the KCDC internal expansion project.

**BE IT FURTHER RESOLVED**, that the spending authority for the KCDC and Pre-trial internal expansion projects will not exceed \$2.1 million, that if proceeds from the sale of the Human Services Building and/or Sheriff's budget surplus are less than the budget estimates, the spending authority will be reduced accordingly. Additionally, if the project costs are less than anticipated, then any unspent funds will lapse to the General Fund.

Submitted by:

JUDICIARY & LAW COMMITTEE

FINANCE COMMITTEE

BUILDING & GROUNDS

James Huff

Robert Carbone

Mark Wisnefski

Brenda Carey-Mielke

Terry Rose

Mark Molinaro Jr.

Anita Faraone

John O'Day

Anne Bergo

Terry Rose

Roberts Pitts

Doug Noble

Joe Montemurro

Gordon West

Gordon West

It was moved by Supervisor Huff to adopt Resolution 84. Seconded by Supervisor Wisnefski.

It was moved by Supervisor Molinaro to strike the ninth (9th) Whereas that refers to the sale of the county property of the old 52nd Street building. Strike the \$250,000 from the sale of the 52nd street property and modify the \$711,000 surplus revenue and expenditures in the Sheriff's Budget to \$961,000. Seconded by Supervisor Grady.

It was moved by Supervisor Elverman to refer Resolution 84 to the next meeting and at that meeting we request that someone from the Finance Department and Sheriff's Department attend the meeting to answer questions. Seconded by Supervisor Ruffolo.

It was moved and seconded to Close Debate on the Referral.

Roll call vote.

Ayes: Supervisors Kessler, Grady, Boyer, Rose, Bergo, Carbone, Modory, Johnson, Pitts, O'Day, Larsen, Wisnefski, Clark, West, Smitz, Elverman, Ekornaas.

Nays: Supervisors Huff, Molinaro, Faraone, Singer, Ruffolo, Montemurro, Carey-Mielke, Noble, Gorlinski.

Ayes. 17. Nays. 9.

Motion failed.

It was moved by Supervisor Singer to Amend the Amendment to read that the \$250,000 come from the General Fund and the surplus revenue stay at \$711,000 and the first monies received in revenues be put back into the General Fund. Seconded by Supervisor by Supervisor Wisnefski. Supervisor Molinaro agreed to modify his amendment to read as Supervisor Singer moved.

It was moved by Supervisor O'Day to Close Debate on the referral.

Seconded By Supervisor Johnson.

Roll call vote.

Ayes: Supervisors Kessler, Grady, Boyer, Rose, Huff, Bergo, Modory, Johnson, Pitts, O'Day, Singer, Wisnefski, West, Smitz, Ekornaas, Faraone, Larsen, Carey-Mielke, Clark, Noble, Gorlinski, Elverman.

Nays: Supervisors Molinaro, Carbone, Ruffolo, Montemurro.

Ayes. 22. Nays. 4.

Motion carried.

Roll call vote on the amendment.

Ayes: Supervisors Grady, Huff, Molinaro, Bergo, Faraone, Johnson, O'Day, Singer, Montemurro, Larsen, Carey-Mielke, Noble, West, Gorlinski, Smitz, Ekornaas.

Nays: Supervisors Kessler, Boyer, Rose, Carbone, Modory, Pitts, Ruffolo, Wisnefski, Clark, Elverman.

Ayes. 16. Nays. 10.

Motion carried.

It was moved by Supervisor Johnson to close debate. Seconded by Supervisor Rose.

Roll call vote.

Ayes: Supervisors Kessler, Grady, Boyer, Rose, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, O'Day, Singer, Larsen, Wisnefski, Carey-Mielke, Clark, Noble, West, Smitz, Elverman, Ekornaas.

Nays: Supervisors Huff, Molinaro, Ruffolo, Montemurro, Gorlinski.

Ayes. 21. Nays. 5.

Motion carried.

Roll call vote on Resolution 84 as amended. (2/3 vote required)

Ayes: Supervisors Kessler, Grady, Huff, Molinaro, Bergo, Faraone, O'Day, Singer, Montemurro, Larsen, Carey-Mielke, Noble, West, Gorlinski, Ekornaas.

Nays: Supervisors Boyer, Rose, Carbone, Modory, Johnson, Pitts, Ruffolo, Wisnefski, Clark, Smitz, Elverman.

Ayes. 15. Nays. 11.

Motion lost.

It was moved by Supervisor Rose to adopt Resolution 84 as printed on tonight's Agenda.

Frank Volpintesta, Corporation Counsel said that he will look into Supervisor Rose' motion.

Chairman Kessler stated that they would continue with the agenda until Mr. Volpintesta came back with an answer.

#### **RESOLUTION 85**

85. From Judiciary & Law and Finance Committees regarding BOTS - Traffic Enforcement Grant.

**WHEREAS**, the Kenosha County Sheriff's Department has been awarded \$28,000 from the WI Bureau of Transportation Safety to establish mobilized enforcement efforts between December 1, 2003 and Sept. 30, 2004 to enforce high-risk driver behaviors, and

**WHEREAS**, the grant funds offered must be used to reimburse personnel costs for increased patrol presence to control speeding and alcohol/drug impaired drivers in targeted areas and to purchase law enforcement equipment to use during these patrol efforts, and

**WHEREAS**, the 25% local match required is met with soft dollars within the current budget and will not require any additional tax levy dollars.

**NOW, THEREFORE BE IT RESOLVED**, that the Kenosha County Board of Supervisors accept the grant and approve that the revenue and expenditure line items be modified, as per the attached budget modification forms, which are incorporated herein by reference.

Note: This resolution requires NO funds from the general fund. It increases revenues by \$28,000 and increases expenditures by \$28,000.

Submitted by:

JUDICIARY & LAW ENFORCEMENT COMMITTEE

James Huff

Brenda Carey-Mielke

FINANCE COMMITTEE

Robert Carbone

Terry Rose

Anita Faraone  
Joe Montemurro  
Terry Rose

John O'Day  
Robert Pitts  
Gordon West

It was moved by Supervisor Huff to adopt Resolution 85. Seconded by Supervisor West.

Roll call vote.

Ayes: Supervisors Kessler, Grady, Boyer, Rose, Carbone, Modory, Johnson, Pitts, Ruffolo, Wisniewski, Clark, Smits, Elverman, Huff, Molinaro, Bergo, Faraone, O'Day, Singer, Montemurro, Larsen, Carey-Mielke, Noble, West, Ekornaas.

Nays: Supervisor Gorlinski.

Ayes. 24. Nays: 1.

Motion carried.

#### **RESOLUTION 86**

86. From Judiciary & Law and Finance Committees regarding recognizing Unanticipated Revenue Surplus.

**WHEREAS**, the County of Kenosha did establish in the 2003 Sheriff's Department Budget a revenue line item , 21100 - 445801, for USMS Inmate Housing and,

**WHEREAS**, based upon the anticipated daily maintenance of 38 USMS inmates at a reimbursement rate of \$70.00 per day, a total revenue projection of **\$970,900** was submitted and ,

**WHEREAS**, in the first quarter of 2003 an additional per diem agreement was struck with the Bureau of Immigration to house an overflow of illegal aliens for a reimbursable rate of \$70.00 per day and,

**WHEREAS**, with the additional increase of BICE inmates, coupled with the USMS inmates already being housed, the situation has resulted in an substantial surplus in revenue and,

**WHEREAS**, the Sheriff's projected revenue of **\$970,900** for 2003 from the housing of Federal Inmates had already been met by August , 2003 and ,

**WHEREAS**, the continued housing of Federal Inmates has resulted in additional unanticipated revenue to date in the amount of **\$ 1,000,000 +.**

**NOW, THEREFORE BE IT RESOLVED**, that the Kenosha County Board of Supervisors accept the attached budget modification , which is incorporated herein by reference, to recognize a surplus in federal inmate revenue of **\$110,875** and expenditures increase of **\$110,875.**

**\$30,000** to Detentions Food & Groceries for the ability to make a bulk food purchase before the end of 2003 , to assist in the feeding of the additional federal inmates in 2004.

**\$40,175** to Detentions Medical and Dental to offset a budgeted shortage for inmate medical care due to an unanticipated increase in costs after the 2003 budget had been submitted.

**\$40,700** to Detentions Inmate Medical Services to cover the past 3 years of unknown medical reimbursements to United Hospital Systems.

**Recognizing Unanticipated Revenue Surplus**

**#2**

Submitted by:

JUDICIARY & LAW COMMITTEE

James Huff

Brenda Carey-Mielke

Anita Faraone

Terry Rose

Joe Montemurro

FINANCE COMMITTEE

Robert Carbone

Terry Rose

John O'Day

Roberts Pitts

Gordon West

It was moved by Supervisor Huff to adopt Resolution 86. Seconded by Supervisor Rose.

Motion carried unanimously.

#### **RESOLUTION 87**

87. From Judiciary & Law and Finance Committees regarding a Resolution to transfer funds from the General Fund to the Medical Examiner's Budget.

**WHEREAS**, there was an unforeseen increase in overall case activity in the Medical Examiner's Office, which required additional autopsies, expert consultations, x-rays, toxicology, histology and other diagnostics, and

**WHEREAS**, the Medical Examiner's Office is responsible for payment of bills incurred for such contractual services and,

**WHEREAS**, these were insufficient funds budgeted to cover the cost of the increase in these necessary contractual services,

**NOW, THEREFORE, BE IT RESOLVED**, that the Kenosha County board of Supervisors approve the transfers of fund, as outlined in the attached budget modification form which is incorporated by reference. The budget modification requires a transfer of \$16,500 from the General Fund.

Submitted by:

JUDICIARY & LAW COMMITTEE

James Huff

Anita Faraone

Brenda Carey-Mielke

Joe Montemurro

Terry Rose

FINANCE COMMITTEE

Robert Carbone

Terry Rose

Gordon West

Robert Pitts

John O'Day

It was moved by Supervisor Huff to adopt resolution 87. Seconded by Supervisor O'Day.

Motion carried unanimously.

#### **RESOLUTION 88**

88. From Judiciary & Law Enforcement Committee regarding CCW - Senate Bill 214.

**WHEREAS**, Senate Bill 214, currently being debated by the Wisconsin Legislature, would allow citizens to carry concealed weapons under certain conditions if properly licensed by a County Sheriff; and

**WHEREAS**, Senate Bill 214, as currently written, would require the County Sheriffs to be the licensing authority for applicants for a concealed weapons license which would require that background checks be completed prior to the issuance of a license as well as the revocation of licenses for violation of the license qualifications; and

**WHEREAS**, Senate Bill 214, as currently written, puts the burden of implementing this law on the counties with administrative costs to the Sheriff for licensing and monitoring compliance with license requirements and on the Clerk of Courts to provide notice to the Sheriff of all court proceedings that would require suspension or revocation of a license to carry a concealed weapon; and

**WHEREAS**, it is estimated that between 1% to 2% of the local population will apply for a license, 1,500 to 3,000 people and with many sheriff's department's opting out, applicants could be re-directed to the Kenosha Sheriff's Office to issue, and

**WHEREAS**; the amount of time needed to process background checks within a limited time window (30 days), would necessitate the assigning of a minimum of 2 detectives on a full time basis plus overtime to handle the workload; and

**WHEREAS**, the cost to Kenosha County in equipment, software and processing is estimated at approximately \$32,000; and

**Subject: CCW - Senate Bill 214**

**#2**

**WHEREAS**, Senate Bill 214 allows County Boards to authorize the County Sheriff to "opt out" of the licensing procedure if approved by a two-thirds vote of the members.

**NOW, THEREFORE BE IT RESOLVED**, that the Kenosha County Board of Supervisors hereby authorize the Sheriff to "opt out" of the licensing procedure because of the burdensome administrative costs of providing licensing and the potential liability to Kenosha County if Senate Bill 214 becomes law;

Submitted by:

JUDICIARY & LAW ENFORCEMENT

James Huff

Brenda Carey-Mielke,

Anita Faraone

Joe Montemurro

Terry Rose

It was moved by Supervisor Huff to adopt Resolution 88. Seconded by Supervisor Carey-Mielke.

It was moved by Supervisor Pitts to postpone Resolution 88. Seconded by Supervisor Carey-Mielke.

It was moved by Supervisor O'Day to close debate. Seconded by Supervisor Rose.

Roll call vote.

Ayes: Supervisors Kessler, Grady, Boyer, Rose, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, O'Day, Singer, Larsen, Wisnefski, Carey-Mielke, Clark, Noble, West, Smitz, Elverman, Ekornaas.

Nays: Supervisors Huff, Molinaro, Ruffolo, Montemurro, Gorlinski.

Ayes. 21. Nays. 5.

Motion carried.

Roll call vote on postponing.

Ayes: Supervisors Grady, Boyer, Carbone, Pitts, Larsen, Wisnefski, Clark, Noble, Gorlinski, Ekornaas.

Nays: Supervisors Kessler, Rose, Huff, Molinaro, Bergo, Modory, Faraone, Johnson, O'Day, Singer, Ruffolo, Montemurro, Carey-Mielke, West, Smitz, Elverman.

Ayes. 10. Nays. 16

Motion failed.

Roll call vote on Resolution 88.

Ayes: Supervisors Kessler, Rose, Huff, Molinaro, Bergo, Modory, Faraone, Johnson, Pitts, O'Day, Singer, Montemurro, Larsen, Carey-Mielke, Clark, Noble, West, Smitz, Elverman.

Nays: Supervisors Grady, Boyer, Carbone, Ruffolo, Wisnefski, Gorlinski, Ekornaas.

Ayes. 19. Nays. 7.

Motion carried.

#### **RESOLUTION 89**

89. From Land Use and Finance committee regarding Modifying 2003 County Development Division Budget after applying for and receiving additional State Funds for Land Conservation Purposes.

**WHEREAS**, Kenosha County receives State funds for the purpose of providing a Land and Water Conservation Program for the County of Kenosha as required by State Statutes, and

**WHEREAS**, Kenosha County has a professional services contract with the Southeastern Wisconsin Regional Planning Commission (SEWRPC) for the implementation of Kenosha County's Land and Water Conservation program, and

**WHEREAS**, Kenosha County has applied for and will receive an additional \$35,000 to be used to support its 2003 Land and Water Conservation program, and

**WHEREAS**, the additional \$35,000 in State funds can be used to assure that SEWRPC continues to provide Land Conservation Services given the rapid pace of development currently taking place in Kenosha County, and

**WHEREAS**, these additional State funds will provide additional services to Kenosha County without the use of tax levy dollars.

**NOW, THEREFORE BE IT RESOLVED**, that the County Development Division budget in the Department of Planning and Development be amended per the attached budget modification form.

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

FINANCE COMMITTEE

Robert Carbone

Terry Rose

John O'Day

Robert Pitts

Gordon West

It was moved by Supervisor Smitz to adopt Resolution 89. Seconded by Supervisor Pitts.

Motion carried unanimously.

#### **RESOLUTION 90**

90. From Land Use Committee regarding Final Plat of Hazeldell Estates Subdivision, Robert D., Jr. and Julia Pringle (Owners/Developers), Lon Wienke (Agent), located in the Town of Bristol.

**WHEREAS**, at a regularly held public hearing of the Kenosha County Land Use Committee on November 19, 2003 review was given to the Final Plat of Hazeldell Estates Subdivision located on Tax Parcel #35-4-121-224-0100 in the west half of the southeast quarter of Section 22, Township 1 North, Range 21 East, Town of Bristol. For informational purposes only, this property is located on the northeast corner of the intersection of County Trunk Highway "Q" (104<sup>th</sup> Street) and County Trunk Highway "MB" (160<sup>th</sup> Avenue); and

**WHEREAS**, the plat was submitted in accordance with the requirements of Chapter 236 of Wisconsin State Statutes and the developer agreed to comply with those land platting laws; and

**WHEREAS**, the plat is in conformance with the Kenosha County Subdivision Control Ordinance and the developer agreed to all county conditions for approval (Exhibit 1, on file in the Department of Planning and Development); and

**WHEREAS**, the Town of Bristol recommended approval of Hazeldell Estates Subdivision subject to the conditions presented in (Exhibit 1, on file in the Department of Planning and Development) and subject to signing the developer's agreement between the developer and the Town; and

**WHEREAS**, the Southeastern Wisconsin Regional Planning Commission (SEWRPC) reviewed the subject plat with regards to stormwater management and erosion control and recommended approval of the plat.

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of Supervisors approve the Final Plat of Hazeldell Estates Subdivision subject to the conditions as approved by the Land Use Committee.

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

It was moved by Supervisor Smitz to adopt Resolution 90. Seconded by Supervisor Ekornaas.  
Motion carried.

#### **RESOLUTION 91**

91. From Land Use Committee regarding Final Plat of Falcon Heights Subdivision, Stafford Development, L.L.C. (Owner/Developer), located in the Town of Salem.

**WHEREAS**, at a regularly held public hearing of the Kenosha County Land Use Committee on November 19, 2003 review was given to the Final Plat of Hazeldell Estates Subdivision located on Tax Parcel #35-4-121-224-0100 in the west half of the southeast quarter of Section 22, Township 1 North, Range 21 East, Town of Bristol. For informational purposes only, this property is located on the northeast corner of the intersection of County Trunk Highway "Q" (104<sup>th</sup> Street) and County Trunk Highway "MB" (160<sup>th</sup> Avenue); and

**WHEREAS**, the plat was submitted in accordance with the requirements of Chapter 236 of Wisconsin State Statutes and the developer agreed to comply with those land platting laws; and

**WHEREAS**, the plat is in conformance with the Kenosha County Subdivision Control Ordinance and the developer agreed to all county conditions for approval (Exhibit 1, on file in the Department of Planning and Development); and

**WHEREAS**, the Town of Bristol recommended approval of Hazeldell Estates Subdivision subject to the conditions presented in (Exhibit 1, on file in the Department of Planning and Development) and subject to signing the developer's agreement between the developer and the Town; and

**WHEREAS**, the Southeastern Wisconsin Regional Planning Commission (SEWRPC) reviewed the subject plat with regards to stormwater management and erosion control and recommended approval of the plat.

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of Supervisors approve the Final Plat of Hazeldell Estates Subdivision subject to the conditions as approved by the Land Use Committee.

Submitted by:

LAND USE COMMITTEE  
Donald Smitz  
Mark Molinaro, Jr.  
Thomas J. Gorlinski  
Irving Larsen  
Fred R. Ekornaas

It was moved by Supervisor Smitz to adopt Resolution 91. Seconded by Supervisor Ekornaas.  
Motion carried.

**RESOLUTION 92**

92. From Land Use Committee regarding Final Plat of Oak Forest Estates Subdivision, Ray Parvinian (Developer), located in the Town of Somers.

**WHEREAS**, at a regularly held public hearing of the Kenosha County Land Use Committee on November 19, 2003 review was given to the Final Plat of Oak Forest Estates Subdivision located on Tax Parcel #80-4-222-141-0226 in the northeast quarter of Section 14, Township 2 North, Range 22 East, Town of Somers. For informational purposes only, this property is located on the south side of County Trunk Highway "E" (12<sup>th</sup> Street) and west of 41<sup>st</sup> Avenue; and

**WHEREAS**, the plat was submitted in accordance with the requirements of Chapter 236 of Wisconsin State Statutes and the developer agreed to comply with those land platting laws; and

**WHEREAS**, the plat is in conformance with the Kenosha County Subdivision Control Ordinance and the developer agreed to all county conditions for approval (Exhibit 1, on file in the Department of Planning and Development); and

**WHEREAS**, the Town of Somers recommended approval of Oak Forest Estates Subdivision subject to the conditions presented in (Exhibit 1, on file in the Department of Planning and Development) and subject to signing the developer's agreement between the developer and the Town; and

**WHEREAS**, the Southeastern Wisconsin Regional Planning Commission (SEWRPC) reviewed the subject plat with regards to stormwater management and erosion control and recommended approval of the plat.

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of Supervisors approve the Final Plat of Oak Forest Estates Subdivision subject to the conditions as approved by the Land Use Committee.

Submitted by:

LAND USE COMMITTEE  
Donald Smitz  
Mark Molinaro, Jr.  
Thomas J. Gorlinski  
Irving Larsen  
Fred R. Ekornaas

It was moved by Supervisor Smitz to adopt Resolution 92. Seconded by Supervisor Larsen.  
Motion carried.

**RESOLUTION 93**

93. From Finance Committee regarding Bills over \$5,000.00.

**HEREAS**, the Wisconsin State Statutes provides that the County Board may act on all bills over \$10,000.00 and

**WHEREAS** the County Resolution requires that the Finance Committee must act on all bills over \$5,000.00, and

**NOW, THEREFORE LET IT BE RESOLVED**, that the following bills be approved for payment:

**KENOSHA COUNTY PAYMENT GROUPS BILLS OVER \$5,000.00**

**APPROVAL BY FINANCE COMMITTEE AND COUNTY BOARD ARE REQUIRED:**

| <b><u>DIVISIONS</u></b>                | <b><u>PAYMENT GROUPS</u></b> |
|--|------------------------------|
| <b>FINANCE GROUPING #1 &amp; #2</b>    | <b>\$1,288,959.17</b>        |
| <b>PERSONNEL GROUPING #1 - #4</b>      | <b>\$1,042,587.03</b>        |
| <b>DISABILITY SERVICES #1 &amp; #2</b> | <b>\$1,301,401.09</b>        |
| <b>PAYMENT GROUPS GRAND TOTAL:</b>     | <b>\$3,632,947.29</b>        |

Submitted by:

FINANCE COMMITTEE  
Robert Carbone

John O'Day  
Terry Rose  
Gordon West  
Robert Pitts

It was moved by Supervisor Carbone to adopt Resolution 93. Seconded by Supervisor Rose.

Supervisor Clark abstained from voting on Professional Services, Community Programs. Spanish Center and Shalom Center.  
Motion carried.

It was moved by Supervisor Noble to amend Resolution 84 by making an additional line item that would have \$250,000.00 in anticipated revenue as opposed to the General Fund which would leave \$250,000 intact and the concept of what to do with the Human Services Building on 52nd Street be left alone to another time. Seconded by Supervisor Molinaro.

It was moved by Supervisor Grady to close debate. Seconded by Carey-Mielke.

Roll call vote.

Ayes: Supervisors Kessler, Grady, Boyer, Rose, Huff, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, O'Day, Singer, Larsen, Wisnefski, Carey-Mielke, Clark, Noble, West, Gorlinski, Smitz, Elverman, Ekornaas.

Nays: Supervisors Molinaro, Ruffolo, Montemurro.

Ayes. 23. Nays. 3.

Motion carried.

Roll call on amendment.

Ayes: Supervisors Grady, Boyer, Huff, Bergo, Modory, Faraone, Johnson, Pitts, O'Day, Singer, Larsen, Carey-Mielke, Clark, Noble, Gorlinski, Smitz, Ekornaas, Molinaro, Montemurro.

Nays. Supervisors Kessler, Rose, Carbone, Ruffolo, Wisnefski, West, Elverman.

Ayes. 19. Nays. 7.

Motion carried.

Roll call vote on Resolution 84 as amended.

Ayes: Supervisors Kessler, Grady, Boyer, Huff, Molinaro, Bergo, Modory, Faraone, Johnson, Pitts, O'Day, Singer, Montemurro, Larsen, Carey-Mielke, Clark, Noble, Gorlinski, Smitz, Ekornaas.

Nays: Supervisors Rose, Carbone, Ruffolo, Wisnefski, West, Elverman.

Ayes. 20. Nays. 6.

Motion carried.

#### COMMUNICATION

28. From George E. Melcher, Director of Planning and Development regarding future rezonings.

Chairman Kessler referred Communication 28 to the Corporation Counsel.

#### CLAIMS

55. Kristen Singer - pothole damage.

56. Kristy Borst - miscarriage while incarcerated.

Chairman Kessler referred Claims 55 & 56 to corporation Counsel.

It was moved by Supervisor Rose to approve the November 12th, 13th, 18th 2003 minutes. Seconded by Supervisor West.

Motion carried.

It was moved by Supervisor Rose to adjourn. Seconded by Supervisor Gorlinski.

Roll call vote requested.

Ayes: Boyer, Rose, Pitts, Wisnefski, Smitz.

Nays: Supervisors Kessler, Grady, Huff, Molinaro, Bergo, Carbone, Modory, Faraone, Johnson, O'Day, Singer, Ruffolo, Montemurro, Larsen, Carey-Mielke, Clark, Noble, West, Gorlinski, Elverman, Ekornaas.

Ayes. 5. Nays. 21

Motion failed.

Supervisor Singer moved to go into closed session. Seconded by Supervisor Montemurro.

Motion carried.



Meeting went into CLOSED SESSION PER 1985 (1)(e)of the Wisconsin Statutes, conducting specified public business where competitive or bargaining reasons require a closed session.  
Review status of collective bargaining.  
Meeting went into closed session at 11:50 p.m.

Prepared by: Pam Young  
Chief Deputy  
Submitted by: Edna R, Highland  
County Clerk